



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

AGENDA

Meeting to be Held Electronically

Click here to participate:

<https://zoom.us/j/95438996076>

JANUARY 13, 2021

9:45 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. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way
Request For Deferral to the February 10, 2021 Meeting per Letters from Donald Lunny and John Eubanks.

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B. 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

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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] [The Architectural Review Commission deferred this project to their February 24, 2021 Meeting. Carried 6-1.] **Request For Deferral to the March 10, 2021 Meeting Per Letter from James M. Crowley.**

- b. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-B Commercial The application of LR Palm House LLC (Ian Livingstone, Executive Chairman), Applicant, relative to property located at **160 ROYAL PALM WAY**, legal description on file, is described below. Section 134-1304 (5): Request to modify Site Plan Review # 1-2016 with Special Exception to change the approved use from condo-hotel to hotel; modify the previously approved site plan; and amend the conditions of approval in the Declaration of Use Agreement, as identified in the proposed Third Amendment to the Declaration of Use which is Exhibit "F") of this application. The proposed site modifications being requested as follows: Section 134-1304(5): The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The hotel is 84,495 gross square feet in total. There is an East and West guest wing, and these wings are connected by a central core containing the Main Entrance and other partially completed public functions. A separate conference and events "Function Room" and partial pool deck was also constructed at the south east portion of the property. Section 134-227. 326 & 329 1729(2) (c): (Site Plan Review) The new owner/applicant is proposing new work for the hotel which includes the following site plan modifications: 1) Completion and conversion of guest rooms for

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a total of 79 keys. Two new presidential suites will be constructed within the building core, each with private outdoor balconies. 2) Completion of the lower level for back-of-house, administrative and housekeeping functions for the hotel. The interior modifications for the lower level includes renovation of partially completed areas including kitchen, food storage, housekeeping, staff areas and hotel administrative offices. The owner is requesting an additional 148 SF to provide a new service stair from the lower level to support the Pool Area. Additional areas for renovation include spaces for MEP Infrastructure such as electrical, hot water, and elevator systems. The proposed modifications remove all Hotel Guest program areas from the lower level. The lower level renovation includes restoration of parking area for 60 parking spaces including three accessible parking spaces. Two parking spaces which includes on Van Accessible parking space is located behind the existing function room. All parking will be Valet only per the Declaration of Use Amendment Three. Total on-site parking provided is 62 spaces. 3) A new pool deck will be constructed adjacent to the existing Function Room, with various amenities that include chaise lounges and outdoor seating, shade umbrellas, toilets, a towel/concierge stand, open-air bar with enclosed pantry behind, water features, lush native plantings, and Event Lawn to be used as a pre-function space, or for small wedding and/or overflow sun bathing; 4) The first level lobby and public spaces will be completed to include fine dining and lobby bar, with 88 indoor seats as well as 36 outdoor seating facing the new pool deck. The second floor dining that was previously approved has been eliminated to make room for the reconfigured hotel suites which include the new presidential suites; 5) The Function Room construction will be completed and the seating plan in the Function Room is being revised to add 50 more seats for a total of 200 seats (the total overall number of seats throughout the hotel that was previously approved is being reduced from 336 to 324); 6) A small 556 square foot banquet prep kitchen is proposed to be constructed adjacent to and on the east side of the existing Function Room. 7) Replace a 250 RW generator in the basement with the same size that exists today. - Other exterior Improvements will include new third floor railings, re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors. Addition of a small 61 square foot pool service building; enclosing the 679 square foot function room pre-function space on the west side of the Function Room; addition of 588 square foot restroom for Function Room, addition of 556 square foot prep kitchen for Function Room and addition of 148 square foot stairwell to access Function Room prep kitchen. The following is a list of the proposed special exceptions and variances being requested for the hotel project: 1) Section 134-226 & 229: A

special exception request to modify the approved special exception by converting from a condominium hotel to hotel use and make the site modifications and change to the conditions of approval as identified in this application. 2) Section 134-1305: A special exception request to allow 36 seats for outdoor dining on the first floor on the north side of the pool deck; and 3) Section 134-1308(9): A variance for lot coverage to be 63.8% in lieu of the 62.8% existing and the 50% maximum allowed in the C-B Zoning District; 4) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel above the second floor where only a two story building is allowed in the C-B Zoning District; 5) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel with a height of 31.83 feet in lieu of the 25 foot maximum allowed; 6) Section 134-1669: A variance for the height of the wall enclosing the dumpster located at the southeast corner of the property to be 13.25 feet tall in lieu of the 7 foot maximum height allowed from the neighbor's grade; 7) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with a height of 33.58 feet in lieu of the 25 foot maximum allowed in the C-B Zoning District; 8) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with an overall height of 42 feet in lieu of the 35 foot maximum allowed in the C-B Zoning District; 9) Section 134-1669: A variance for the height of the wall along the rear property line to be 8.5 feet in lieu of the 7 foot maximum allowed from the neighbor's grade; 10) Section 134-1669: A variance for the height of the wall enclosing the existing chiller at the south west corner of the property to be 12 feet tall in lieu of the 7 foot maximum allowed from the neighbor's grade; 11) Section 134-1308(7): A variance for a rear yard setback for the chiller to be 2.25 feet in lieu of the 10 foot minimum required in the C-B Zoning District; 12) Section 134-1308(6): A variance for a west side yard setback for the chiller to be 5.8 feet in lieu of the 10 foot minimum required in the C-B Zoning District.

[Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with a condition relating to the service gate, the doors in the banquet kitchen and that the windows and railings will return to the January 27, 2021 meeting. Carried 6-1.]

- c. **Z-20-00293 SITE PLAN REVIEW WITH VARIANCE(S)**
 Zoning District: R-C Medium Density Residential The application of Elaine Hirsch, Applicant, relative to property located at **130 SUNRISE AVE, SUITE: PH 1**, legal description on file, is

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described below. A site plan modification with variances to allow a 365 square foot fixed awning over the terrace on the seventh floor of a seven story condominium building. The following variances are being requested: 1. Section 134-948(8): To allow the awning at a height of 61.5 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning at an overall height of 63.66 feet in lieu of the 26 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed in the R-C Zoning District. Section 134-948(6): To allow a west side yard setback of 50.1 feet in lieu of the 61.5 foot minimum required. Section 134-948(7): To allow a rear street yard setback of 106.5 feet in lieu of the 123.16 foot minimum required. [Applicant's Representative: Maura Ziska Esq] **Request For Deferral to the February 10, 2021 Meeting per Letter from Maura Ziska.**

- d. **Z-20-00300 SPECIAL EXCEPTION** Zoning District: C-TS Town-Serving Commercial The application of Flagler Holdings North Carolina Inc, Applicant, relative to property located at **223 ROYAL POINCIANA WAY & 227 ROYAL POINCIANA WAY SUITE A**, 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 Main Street by The Breakers, a new retail facility to be located at 223 Royal Poinciana Way. The applicant is also requesting an additional special exception to allow the same type of internally illuminated, backlit business identification sign for Shan, a retail clothing store to be located at 227 Royal Poinciana Way, Suite A. Both of these buildings are located at Via Flagler (221 Royal Poinciana Way) in the C TS zoning district, and the signs will be consistent with the backlit business identification sign that was approved by ARCOM and the Town Council for Henry's. 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] [The Architectural Review Commission approved the project with the condition that the Shan signage is reduced to the same size and scale as the Main Street signage with no illumination. Carried 6-1.]

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2. New Business

- a. **Z-20-00299 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R A Estate Residential The application of 1015 SOUTH OCEAN LLC (MAURA ZISKA, MANAGER), applicant, relative to property located at **1015 S OCEAN BLVD**, legal description on file, is

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described below. 1) Section 134 840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two story residence on a non conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required In the R A Zoning District. 2) Section 134 843(a)(5): A request for a variance to allow a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R A Zoning District. 3) Section 134 843(a)(9): A request for a variance to allow a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R A Zoning District. 4) Section 134 843(a)(6)b: A request for a variance to allow an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R A Zoning District. 5) Section 134 843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two-story element) minimum required by Code in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the January 27, 2021 meeting. Carried 7-0.] **Request For Deferral to the February 10, 2021 Meeting Per Letter Dated January 5, 2021 from Maura Ziska.**

- b. **Z-20-00305 SITE PLAN REVIEW** Zoning District R-B Low Density Residential The application of JAY HORGAN, applicant, relative to property located at **310 CLARKE AVE**, legal description on file, is described below. Section 134 893: Site Plan Review to allow the construction of a 7,256 square foot two story, single family residence on a non conforming platted lot which is 85.08 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project as presented with a condition relating to the windows. Carried 7-0.]

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- c. **Z-20-00306 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of EDITH F. SCHAEFFER TRUST (EDITH F. SCHAEFFER, TRUSTEE), applicant, relative to property located at **1118 N LAKE WAY**, legal description on file, is described below. Section 134 417: The applicant is proposing to construct a 3, 153 square foot, second floor addition onto an existing one story home which will result in a demolition in excess of 50% of its cubic volume. The following variances are being requested: 1) Section 134 843(7): a 9.9 foot south side yard setback in lieu of the 15 foot minimum required In the R B Zoning District; 2) Section 134 843(7): a 10.29 foot north side yard setback in lieu of the 15 foot minimum required in the R B Zoning District. 3) Section 134 895(1): A chimney on the south side of the house with a height of 27.27 feet in lieu of the 19.5 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq]

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[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project as presented with a condition related to the truck logistics plan. Carried 7-0.]

- d. **Z-20-00307 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JOHN MENDELL & MARA RAPHAEL, applicant, relative to property located at **250 QUEENS LN**, legal description on file, is described below. 1) Section 134 229; Section 134 329 and Section 134 893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic on a lot with a width of 77 feet in lieu of the 100 foot minimum required; a depth of 94 feet in lieu of the 100 foot minimum required; and an area of 7,238 square feet in lieu of the 10,000 square foot minimum required in the R B Zoning District. Additionally, the applicant is proposing to construct a 409 square foot one story master bedroom addition and add a cabana and swimming pool. The following variances are being requested: 2) Section 134 893(7): to allow a west side yard setback for the addition and to allow the house to remain non conforming with both having a setback of 5.3 feet in lieu of the 12.5 foot minimum required. 3) Section 134 893(12): to allow the non conforming landscape open space to remain at 28.5% in lieu of the 45% minimum required. 4) Section 134 1757: to allow a swimming pool with a 5.2 foot rear yard setback in lieu of the 10 foot minimum required. 5) Section 134 2179: To eliminate the requirement for the two car garage that is required for a demolition of more than 50% cubic footage of a house on a lot over 75 feet wide. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their January 27, 2021 meeting. Carried 5-2.] **Request for Deferral to the February 10, 2021 Meeting Per Letter from Maura Ziska.**

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- e. **Z-20-00308 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of SAMUEL LEHRMAN REVOCABLE TRUST U/A/D/ JUNE 19, 2008 (SAMUEL LEHRMAN, TRUSTEE), applicant, relative to property located at **355 HIBISCUS AVE**, legal description on file, is described below. 1) Section 134 1729(1): A request for a variance to allow a 38 KW generator to be placed in the street side yard setback (Australian Avenue) at 5.6 feet in lieu of the 25 foot minimum required on a corner lot. 2) Section 134 1667: A request for a variance for the required wing wall for the generator located in the street side yard setback with a height of 8.58 feet above the crown of the road (on Australian Avenue) in lieu of the 6 foot

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maximum allowed. 3) Section 134 1667: A request for a variance for the required wing wall for the generator located in the rear yard setback at a height of 8.46 feet above the neighboring property owner's grade to the east in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to their January 27, 2021 meeting. Carried 7-0.] **Request for Deferral to the February 10, 2021 Meeting per Letter from Maura Ziska.**

- f. **Z-20-00309 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of PHIPPS PLAZA PROPERTIES PARTNERS LLC (JOSHUA LEVY, MANAGER), applicant, relative to property located at **236 PHIPPS PLZ**, legal description on file, is described below. Section 134 942(4): Request for a modification to the existing multi family site plan (4 units) to allow applicant to undertake a renovation of a 3 story nonconforming landmarked multi-family building located in the R C Zoning District in Phipps Plaza. Modifications include: removal of existing 70 SF non conforming bike storage shed; removal of existing exterior stair leading from second floor to third floor; new balconies (3) with corbel and railing details to match existing exterior stair; new infill and enclosure of existing 38 SF second floor covered porch; new infill and enclosure of exiting 134 SF third floor covered porch (variance requested); new spa in existing ground level courtyard ; new spa equipment (1) in housing at ground level (variance requested); new 6' tall ac units (3) at ground level (variance requested); new elevator within existing building footprint; revised interior floor plans. The variances being requested are as follows: 1) Section 134 948(8): To allow the enclosure of a porch on the existing nonconforming third floor of a three story building in lieu of the two story building maximum allowed in the R C Zoning District. 2) 134 1728(a): to allow the three (3) air conditioning units in a required rear setback to be 6 feet in height in lieu of the 4 foot maximum allowed. 3) 134 1728(a): to allow three (3) air conditioning units in a required setback where only maximum of two are allowed. 4) 134 1728(a): to allow the west two (2) air conditioning units to be 9 inches and 3 feet, respectively, from the rear property line in lieu of the 5 foot minimum required. 5) 134 1728(a): to allow the east air conditioning unit and pool equipment to be 1 inch from the east side property line in lieu of the 5 foot minimum required. 6) 134 1728(a): to allow the east air conditioning unit and pool equipment to be 9 inches and 3 feet from the rear property line, respectively, in lieu of the 5 foot minimum required. 7) 134 1729: to allow the proposed spa pump and filter equipment to be 9 inches from the rear property line in lieu of the five foot minimum setback required. 8) 134 1729: to allow the proposed spa pump and filter equipment to be 1 inch from the east property line in lieu of the

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five foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission 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 a condition related to the windows. Carried 7-0.]

- g. **Z-20-00310 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of 310 MEDITERRANEAN RD LLC (JOHN SHAW, MANAGER), applicant, relative to property located at **310 MEDITERRANEAN RD**, legal description on file, is described below. Sections 134-229, 134 329, and 134 843(b): Special Exception and Site Plan Review to allow the renovation of a two story, single family house, including raising the existing house to 7.0 ft NAVD and demolishing more than 50% of the house by cubic square footage, on a non conforming lot, comprised of a portion of platted lots, which is 113.5 feet in depth in lieu of the 150 foot depth required in the R A Zoning District. In connection with the renovation, the following variances are being requested: 1) Section 134 843(a)(5): Request for redevelopment of a single family home with a front yard setback of 26.0 feet in lieu of the 35 foot minimum required. 2) Section 134 1757: Request for installation of a swimming pool with a rear setback of 4.0 feet in lieu of the 10 foot minimum requirement. 3) Section 134 843(a)(7): Request for redevelopment of the house with a building height plane setback ranging from 26.0 to 32.35 feet in lieu of the range of 30.5 to 43.0 feet minimum required. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission deferred the project to their January 27, 2021 meeting. Carried 7-0.] **Request For Deferral to February 10, 2021 per Letter from David Klein.**

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- h. **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at **375 S COUNTY RD**, legal description on file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on site parking spaces in lieu of the 13 parking spaces that are required for the additional 40

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outdoor seats. [Applicant's Representative: Maura Ziska Esq]

- i. **Z-20-00318 REPLAT** Zoning District: R-AA Large Estate Residential The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, relative to property located at **1265 S OCEAN BLVD**, legal description on file, is described below. An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision. [Applicant's Representative: Maura Ziska Esq] Pg. 290
- j. **Z-20-00323 VARIANCE(S)** Zoning District: R-A Estate Residential The application of DESRUISSEAU LAND TRUST U/A/D12/6/19 (ANN DESRUISSEAU AND WILLIAM W. ATTERBURY, CO-TRUSTEES), applicant, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. The applicant is requesting to demolish and rebuild (replicate) the existing landmarked residence in generally the same location. The project includes raising the finished floor elevation of all of the new and existing structures to 9.0 feet NAVD. The new two-story residence is proposed to be 19,812.69 square feet, with a 3,398 square foot guest wing (previously referred to as the boat house) located at the northwest corner of the property. The plan also requests approval to relocate an existing 225 square foot cabana and relocation of the 145 square foot 2-story generator building. The following variances are being requested: 1) Section 134-843(8): a north side yard setback ranging from 5.29 feet to 5.75 feet for the new reconstructed guest wing (previously referred to as the boat house) in lieu of the 30 foot minimum required; 2) Section 134-843(9): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the new reconstructed guest wing; 3) Section 134-843(9): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the new reconstructed main house; 4) Section 134-843(8): a north side yard setback ranging from 21.13 to 21.67 feet for the 2-story generator building in lieu of the 30 foot minimum required; 5) Section 134-843(10): a height in the main residence and guest house to be 26.56 in lieu of the 25 foot maximum allowed; 6) Section 134-843(8): a south side yard setback for the main house addition with a range from 10.79 feet to 15.1 feet In lieu of the 30 foot minimum required. The previously granted variances in Z-20- Pg. 312

00261 for the accessory buildings and structures not associated with the main house, guest wing and generator building remain unchanged and in effect. [Applicant's Representative: Maura Ziska Esq] **Staff requests a deferral to the February 10, 2021 meeting as the project is first required to be considered by the Landmarks Preservation Commission on January 20, 2021.**

C. Time Extensions and Waivers

1. Time Extension Request for 264-270 S. County Road

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VIII. ORDINANCES

A. Second Reading

1. ORDINANCE 11-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Infrastructure Element, As Well As The 10-Year Water Supply Facility Work Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

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A. First Reading

1. ORDINANCE 01-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Amending The Definition Of Supplemental Parking To Allow Supplemental Off-Site Shared Parking In Underground Garages Without The Requirement Of First Meeting All On-Site Required Parking; At Article VI, District Regulations, Sections 134-1107, 134-1157 And 134-1207, Permitted Uses, In The C-TS, C-WA And C-OPI Commercial Zoning District To Allow Supplemental Off-Site Shared Parking In An Underground Parking Garage As A Permitted Use Provided That Said Parking Does Not Exceed 50 Percent Of The Parking Inventory In An Underground Garage And Providing A Sunset Provision For Said Use In Those Districts On March 13, 2024, Unless Extended Or Modified By The Town Council; At Article VI, District Regulations, Sections 134-1109, 134-1159 And 134-1209, Special Exception Uses To Cross Reference The Supplemental Parking Regulations In Sections 134-2177 And 134-2182, At Article IX, Off-Street Parking And Loading; Section 134-2177 Location Of Parking Spaces, And Section 134-2182, Location Of Parking Spaces, By Allowing Off-Site Supplemental Parking In An Underground Parking Garage As A Permitted Use In The C-TS, C-WA And C-OPI Zoning Districts And Sunset The Provisions In This Ordinance On March 13, 2024, Unless Extended Or Modified By The Town Council; Providing For Severability; Providing For Repeal Of Ordinances In Conflict;

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IX. ANY OTHER MATTERS

A. Discussion on Construction Screening

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X. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

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

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Appeals

Agenda Title

ARCOM Appeals of B-063-2020 160 Royal Palm Way

Request For Deferral to the February 10, 2021 Meeting per Letters from Donald Lunny and John Eubanks.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated November 24, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Letter Dated November 6, 2020 from Donald J. Lunny, Jr., Esq.**
- ▣ **Letter Dated November 9, 2020 from John Eubanks**
- ▣ **Letter Dated December 2, 2020 from Donald J. Lunny, Jr., Esq.**
- ▣ **Email Dated December 3, 2020 from John Eubanks**
- ▣ **Letter Dated January 5, 2020 from Donald J. Lunny Jr., Esq.**
- ▣ **Email Dated January 5, 2020 from John Eubanks**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2020

To: Mayor and Town Council

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



Cc: Kirk Blouin, Town Manager

Re: 160 Royal Palm Way – Palm House Hotel. Appeal of Arcom Decision to Approve Additions and Modifications

Date: November 24, 2020

GENERAL INFORMATION

Property owner LR Palm House LLC made an application to Arcom earlier this year to add additions and to modify the existing hotel at 160 Royal Palm Way. The matter was heard at the October 28, 2020 Arcom meeting and was approved, with the exception of the landscape plan, service gate and building paint color, which were scheduled to return to Arcom in November. During the meeting, Attorneys Donald J. Lunny, Jr., representing the owner of 133 Brazilian Ave., and John R. Eubanks, Jr., representing owners at 140, 141 and 149 Brazilian Ave., spoke in opposition to the project. Please see the partial minutes of the Arcom meeting that summarize the discussion and approval.

The appeal of the Arcom decision was filed by Attorney Lunny on November 6, 2020. Attorney Eubanks filed a “joinder” in the appeal of the Arcom decision on November 9, 2020. The filing of the appeal was in compliance with Town Code 18-177, which allows appeals from Arcom decisions to be filed within ten (10) calendar days of the meeting at which the decision of the Commission is rendered.

Attached:

Chapter 18, Section 18-177 – Appeals and Review

Attorney Lunny Appeal Packet, with Cover Letter dated November 6, 2020 Dated November 6, 2020

Attorney Eubanks Joinder Packet, with Letter Dated November 9, 2020

Partial Minutes from the October 28, 2020 Arcom Meeting

Sec. 18-177. - Appeals and review.

An applicant or any interested party may file an appeal to the town council on any ruling by the architectural commission or the director of the planning, zoning and building department or his/her designee made pursuant to this article. The appeal shall take the form of a letter addressed to the town clerk. In the case of an appeal from the architectural commission, the appeals shall be filed or made within ten calendar days of the date of the meeting at which the decision of the commission is rendered. In the case of an appeal from the decision of the director of planning, zoning and building, the appeal shall be filed or made within ten calendar days of the date the director of the planning, zoning and building department or his or her designee renders the decision in writing. 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 of the architectural commission or director of the planning, zoning and building department or his/her designee until the town council has decided the appeal. The town council may review any decision of the architectural commission or the director of the planning, zoning and building department and its disposition of the matter shall be final. In addition to appeals, the town council shall consider major projects as defined in the ARCOM Project Designation Manual at the next regularly scheduled town council meeting, subsequent to the meeting of the commission. The disposition of such matters by the town council 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.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)



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Please reply to Fort Lauderdale

November 6, 2020

Queenester Nieves
Town Clerk
Town of Palm Beach
360 S. County Road
Palm Beach, FL. 33480

Via Federal Express

Re: The Palm House Hotel
160 Royal Palm Way,
Palm Beach, Florida 33480

Dear Town Clerk Nieves:

This Firm Represents Virginia C. Simmons, individually and as Trustee of the Virginia C. Simmons Revocable Trust U/A/D May 4, 2018, the owner of single-family residential property having a street address of 133 Brazilian Avenue, Palm Beach, Florida. Because our client continues to be very concerned with aspects of proposed Palm House Hotel that will likely increase activity and noise in the rear and east of the Hotel, and expand buildings and structures that are already non-conforming, our client is reluctantly constrained to continue to take steps to preserve various positions to challenge such development's approval. Our client hopes that with the changes requested in this correspondence, the Application can be made more acceptable to her and the other adjacent single-family properties which will be affected by the proposed development.

Since the October 28, 2020 Town Architectural Commission ("ARCOM") Meeting was so close in time to the Town's consideration of the proposed development's variances and special exceptions, Part 1 of this letter is an Appeal of the ARCOM October 28, 2020 Decision, Part 2 of this letter is directed towards the Town Commission's November 13, 2020 consideration of the development's variances and special exceptions; Part 3 of this letter is directed at the proposed Third Amendment to Declaration of Use Agreement; and Part 4 of this letter is directed to some remaining aspects of the Site Plan.

Correspondence to Mr. Nieves
Town of Palm Beach Town Clerk
Re: The Palm House Hotel
November 6, 2020
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Part 1.
Appeal of 10/28/2020 ARCOM Decision for Major Project
Application No. B-063-2020 REV 2

Please consider Part 1 of this letter an Appeal of ARCOM's October 28, 2020 decision ("ARCOM Decision") with respect to The Palm House Hotel ("Applicant") Application No. B-063-2020 REV 2 ("Application"). We have enclosed a Trust Account Check made payable to the Town of Palm Beach for the required fee for this Appeal. While the Town has the video recordings of the September 25, 2020 ARCOM Meeting and the October 28, 2020 ARCOM Meeting, Application No. B-063-2020, Application No. B-063-2020 REV 2, our correspondence dated September 23, 2020, and our correspondence of October 26, 2020, it is our view that such entire record of the proceedings may not be needed by the Town Commission for purposes of the Appeal, and so unless the Town Commission otherwise requires such full record, or we direct you to prepare same; we think the Exhibits included in this Part should be sufficient for the Appeal's purposes.

The reasons for the Appeal are as follows:

1. This proposed development should not be reviewed in a "piecemeal fashion."

The ARCOM Decision results in the development being considered in a "piecemeal fashion," and thus the Town Commission's review of the Application will also be "piecemeal" in nature. Specifically, ARCOM has not approved the Application's landscape plans, and is requiring the proposed landscape plans along the southern and east property lines to be returned to ARCOM for further review. Our client raised concerns with the overall feasibility of the Application's landscape plans at the initial ARCOM hearing of September 25, 2020 and asked that the landscape plans be reviewed. When the application was revised and presented to ARCOM on October 28, 2020, our client pointed out that the landscape plans detailing the proposed landscape buffer and screening (See Exhibit 1, Application Plan Sheet A-121) was not drawn to scale. Further, in light of the Survey included with the initial application (see Exhibit "2") the Applicant did not own enough land South and East of the Hotel improvements and within its Property to accommodate the proposed plantings. (See Exhibit "3", Application Plan Sheet A-122). Thus, the Application's illustrated landscape buffers and screening in these areas is not feasible. We believe that this observation motivated ARCOM to require the proposed landscape buffers and screening to be re-evaluated and brought back to ARCOM for consideration.

Landscape buffers and screening are very important to both improve aesthetics and reduce adverse secondary effects that arise from locating a highly intense commercial development adjacent to single-family residential homes. Indeed Sec. 134-129(5) of the Town's Code provides that for a Site Plan to be approved:

"...the [t]own [c]ouncil shall make a finding that the approval of the site plan ... will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have ...been met and that further, satisfactory provision and an arrangement has ...been made concerning the following matters, where applicable....

(5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property's boundaries.
..."

Further, a Project's proposed landscape buffers and screening are often considered in determining whether to grant various development orders such as the variances and special exceptions that are also requested for the overall Project.

We would encourage the Town Commission to vacate the ARCOM Decision, and remand the Application to ARCOM, so that when ARCOM's review of the Application is *entirely* complete, the Town Commission can then consider the Project instead of addressing this important major development in a piecemeal fashion.

2. ARCOM erred in approving the new full-service bar and restroom building.

The Application proposes a new full-service bar and restroom building which is located contiguous to and West of the expanded Function Room. (See Exhibit "4", Application Plan Sheet 1-104). Prior approved plans showed chemical storage and pool equipment area where this new full-service bar and restroom building are proposed (see Plan Sheets A-200 and A201, attached as Composite Exhibit "5"). The Exhibit "4" Application Plan Sheet No. A-104 clearly shows that this Bar/Restroom building is located within the rear yard setback area established by the CB Zoning District regulations. Therefore, its proposed location is contrary to the Town's Code.

Additionally, the expanded Function Room building is non-conforming to the Town's regulations, any addition or expansion of the Function Room must comply with the Town Code's rear yard setback requirements. In relevant part, Subsection 134-416(d) of the Town's Code states as follows:

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Town of Palm Beach Town Clerk
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“(d) It is further the intent that, by the provisions of this chapter or by amendments that may be adopted, there may exist buildings or structures which were lawful before this chapter was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments thereto. It is the intent of this chapter to permit these nonconforming buildings and structures to exist until they are voluntarily removed, removed by abandonment, or otherwise removed as required by this chapter, but not to encourage their survival. Such nonconforming buildings and structures are allowed to be enlarged, expanded or extended, provided that said enlargement, expansion or extension meets all of the lot yard and bulk regulations for the zoning district in which the building or structure is located and provided that said enlargement, expansion or extension is not used as grounds for adding other buildings or structures prohibited elsewhere, in the same district.” (Emph. Suppl).

Further, Sec. 134-417 of the Town’s Code states as follows:

“A building or structure which is nonconforming with any of the lot, yard and bulk, regulations may be enlarged, expanded or extended to occupy a greater area of land provided that the enlargement, expansion or extension complies with all lot, yard and bulk regulations for the zoning district in which the building or structure is located. This section shall not apply to a building or structure which is demolished by more than 50 percent, as provided for in section 134-419(1), in preparation for any proposed enlargement, expansion, or extension of a building or structure.”

In approving the location of the Bar/Restroom Building, it is our client’s contention that ARCOM did not *satisfy* Sec. 18-205 (a) (9) of the Town’s Code which indicates that in order for ARCOM to approve a proposed project, it must determine that:

“(9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.”

Thus, the ARCOM Decision to approve this new Full-Service Bar and Restroom Building should be REVERSED on Appeal.

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3. ARCOM erred in approving other structures in the rear yard setback area.

Other aspects of the proposed development's structure are also in the rear yard setback, such as the pool water fountain feature and the expansion of the Function Room to enclose more interior space.

There was no Town Staff Report prepared for the ARCOM hearing, however, our client learned at the October 28, 2020 ARCOM hearing; that the currently proposed fountain is *smaller* than what was previously approved, and provided this remains the case, our client will no longer object to same; however, if this is not the case, our client will continue to object to same.

Similarly, our client requested that significant efforts to sound-proof the Function Room's enclosed space be included in the Town's approval, and upon receiving a confirmation that this will be required *and provided*, our client will not object to the increase in the Function Room's enclosed space as also being an expansion to a nonconforming building that is prohibited by the Town's Code. The rationale for not objecting to the increase in the Function Room's enclosed space is that, hopefully, the resulting *indoor* activity will become very noise controlled.

Wherefore, our client would respectfully request that the Town Commission reverse or vacate the ARCOM Decision, and remand the Application to ARCOM for proceedings consistent with any instructions in the Town Commission's ruling if any, and further, our client would request any other relief the Town Commission may determine proper and appropriate.

Part 2. Comment on the Requested Variances and Special Exceptions

1. The Variances should be denied because they are "Self Created."

Our review of the Town's variance law would cause an objective reader to doubt whether sufficient grounds for granting a variance are present in this case. The Palm Beach County Property Appraiser records discloses that the applicant, LR Palm House LLC, a Delaware Limited Liability Company, obtained a Debtor in Possession Deed to the site on May 15, 2019, which is *after* the 2016 Town conditional development approvals. A copy of the Deed is attached as Exhibit "6".

The Exhibit "2" Application Survey prepared by Wallace Surveying Corporation discloses that The Palm House Hotel property is uniformly rectangular, having a 300' x

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200' dimension. Thus, the real property on which The Palm House Hotel sits has no irregular contours or shape which would support a variance request. Moreover, the dimensions of the Applicant's Property *more than satisfies* the C-B Zoning District's minimum lot area, lot width, and lot depth requirements (See Sec. 134-1308 (1), (2), (3) Town Code).

Given that the Applicant acquired the development *after* the 2016 Town approvals, and given that the Applicant's real property is not irregular and more than satisfies the Town's C-B District minimum dimensional requirements, any claimed "hardship" for the requested Variances should be viewed as "*self-created*" in as much as a *developed site* was acquired by the Applicant simply put, Application results from the Applicant's desire to change things. A "self-created" hardship cannot be the basis for granting a Zoning Variance. The Variances should be denied.

2. The Town's Zoning Regulations do not authorize the Town Commission to grant a Special Exception for the Palm House Hotel.

The Application states that Special Exceptions are needed for the Site Plan to be approved. Our review of the Town's Special Exception law would cause an objective reader to doubt whether the Town Commission can grant Special Exceptions in this case. Sec. 134-229 (1) of the Town Code reads as follows:

"The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter."

The Town's C-B District Regulations define the applicable Special Exception Use in Section 134-1304 (a) (5) as follows:

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial district are as follows:
 - (5) Hotels at a maximum of 26 units per acre.

Our review of the Application's Survey discloses that The Palm House Hotel property is rectangularly shaped, with dimensions of 300.00' X 200.00 feet. Thus, the Applicant's Property is 60,000 SF in area, or $(60,000 \div 43,560 =) 1.376$ acres in size. The CB Zoning District regulations *as applied to the Applicant's Property* limit the Town Council's authority to grant a Special Exception to a Hotel having a maximum of 36 units. Since

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the Applicant's hotel is not a listed special exception use in the Town's CB Zoning District's regulations, the requested Special Exceptions cannot be granted.

PART III

The Draft 3rd Amendment to Declaration is not sufficient to mitigate potential adverse secondary effects of the Hotel.

1. In 2012, the historical digest received by our client for the zoning application discloses that the Town Commission conditioned its approval of the development orders it then granted to indicate in Condition 4 that *"The pool deck area shall be allowed only background music and light live music with the speaker system directed to the North. There shall be no music on the abutting grass area."* The Amendment to Declaration of Use Agreement recorded in Official Records Book 25694 at page 0633 indicates in Article IV, Paragraph 3 that there will be *no events* on the pool deck, the grass area will remain *"passive,"* and music on the pool deck will be only background or light live music with the speaker system directed to the North. (See Exhibit "7" for the Amendment to Declaration of Use Agreement). The proposed, draft Third Amendment to Declaration and Use Agreement indicates that *"Pre-function events will be allowed on both the pool deck and the grass area"*. While the proposed Third Amendment does not allow music in the grass area, it has no restrictions whatsoever on other forms of amplified sound. Our client would request that the Third Amendment be revised in this regard to:
 - a. Add the words *"noise controlled, passive"* before the words *"pre-function events"* for the grass area;
 - b. Prohibit such *"pre-function events"* on the pool deck;
 - c. Restrict the hours of noise controlled, passive pre-function events in the grass area to reasonable hours (from 10:00 am to 7:00 pm.)
 - d. State that there will be no *outdoor* music (live or recorded), no *outdoor* live entertainment, and no *outdoor* amplified sound permitted anywhere on the Land, with the exception of *background* live or *background* recorded music which will be permitted on the pool deck from 9:am to 7:00 PM. "Background live or recorded music" is defined music having a low enough volume that normal conversation can be held over the music. Background live music shall have speakers for same directed to the North.
2. The Applicant has represented to ARCOM that there will be no rooftop guest access to the Hotel or the Function Room; however, these restrictions have been *removed* from the proposed Third Amendment to Declaration of Use Agreement. Once removed, they will

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no longer be considered a restriction or condition of Project approval. The Declaration of Use Agreement should clearly state: *"No hotel guests, or other social or leisure activity or entertainment of any kind will be permitted on the roofs of the hotel, the function room, or other accessory buildings"*.

3. Generally, the Declaration of Use Agreement refers to a "function area" and our client would request the more precise term "Function Room" be used instead.

Part IV. Other Site Plan Comment

1. Our client objects to the Function Service Building and Bar/Restroom Building.

- A. The Application now includes a "Function Service Building" which is contiguous to a portion of the East building face of the Function Room. (See Exhibit "4," Plan Sheet A-104) Our client objects to this expansion to the Function Building, as it increases the activity of the Site along the East property line. The Function Service Building's supportive activities (especially activities related to cleanup and removal of Function Room Events) will likely be after dark, and both noise and vehicle light will be caused by loading area activities (from vehicles turning in the loading area shown on the Site Plan, or being used to transport equipment, furnishings, food, and beverages into either the Function Room or Function Service Building).
- B. Our client has objected to the Function Room Bar/Restroom Facility Section 1 of this letter as being an expansion to a nonconforming building. We were informed by ARCOM that "use issues" were within the Town Commission's purview. Additional reasons supporting our client's objection to these areas are set forth herein.

The Hotel is currently a non-conforming use, and Sec. 134-387 of the Town's Code provides:

"Sec. 134-387. - Extension or expansion.

No nonconforming use shall be enlarged, increased, intensified, substituted or extended to occupy a greater area than it occupied at the effective date of adoption or amendment of this chapter, except as may be granted by variance under section 134-201. No such nonconforming use shall be relocated in whole or in part to any portion of a lot or parcel except the location occupied by such use at the effective date of adoption or amendment of this chapter."

The Town should not allow the nonconforming use to expand by granting Variances for the Function Service Building or the Function Room Full-Service Bar and Restroom Building, since the hardships are "self-created."

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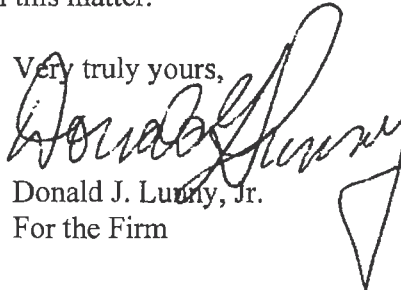
2. Our client shares the Zoning Administrator's concerns as expressed in the Town Staff's 11/2/2020 Staff Report.

- A. The Function Room Seats should remain restricted to 150 dining room seats. Granting additional seating, and removing dining room seating as requested, increases the intensity of the non-conforming use in the rear and eastern portion of the Property. As stated above, our client is very concerned with additional improvements and activity in these areas of the Property.
- B. The more than doubling of outside seating is problematic, as again, this increases the intensity of an existing non-conforming use. Our client would request that the amount of outside seating not exceed prior approvals. In view of the above, our client would request that the Town Commission not approve the Full-Service Bar and Restroom Building, not approve the Function Service Building, and limit outdoor seating as suggested. Additionally, our client would request whatever other relief the Town Commission may deem proper.
- C. Our clients comment in support of Staff's concerning the Declaration and the so called "Pre-function" events are set forth in Part III of this letter above.

Conclusion

Please ensure that a copy of this correspondence and its Exhibits are given promptly to the Mayor and Members of the Town Commission. We wish to thank the Town for its consideration of this matter. Finally, we reserve the right to raise additional objections and legal and factual arguments in connection with these matters should it become appropriate to do so as we continue to learn about and participate in this matter.

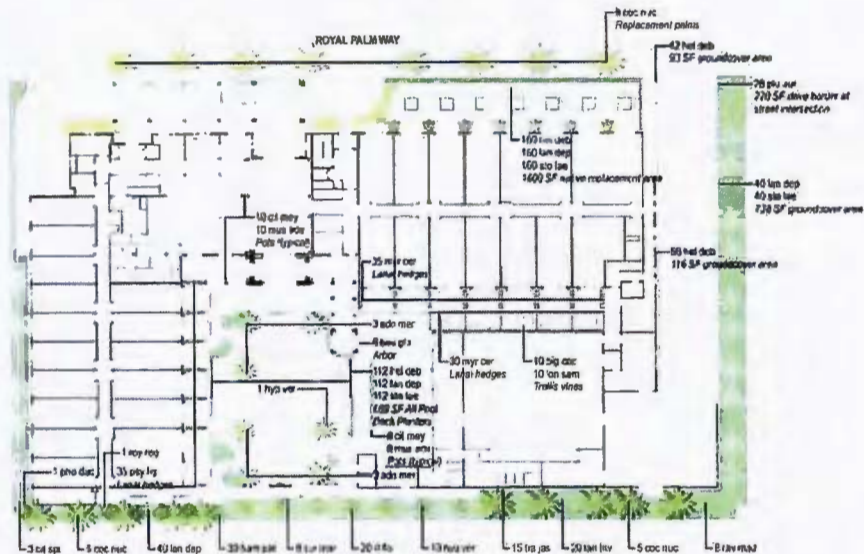
Very truly yours,



Donald J. Lunny, Jr.
For the Firm

Cc w/encl: (Via E-mail):
Mr. Wayne Berman;
John C. Randolph, Esq.
Maura Ziska, Esq.

Area (SF)	Landscape Designation
2,472	Front Yard (East Side)
412	Porch-cochere
97	E Entry Planting Area
173	W Entry Planting Area
733	W Property Line Planting Strip
958	E Property Line Planting Strip
63	New Planter - East Drive (A)
115	New Planter - East Drive (B)
1,697	S Property Line Planting Strip
973	Event Lawn
669	Pool Deck Planters
133	W Lanai Hedges (dividers)
119	E Lanai Hedges (dividers)
85	E Lanai Southern Hedges
85	Vine Area for Trellis
9,815 SF	TOTAL LANDSCAPE AREA



OVERALL SOUTH ELEVATION - WITH PROPOSED LANDSCAPE SCREENING

LANDSCAPE PLANTING PLAN

A121



The Palm House Hotel

166 Royal Palm Way

EXHIBIT 1



COOPER CARRY

License No. AA2600496 8-03-2020
OCTOBER 18TH, 2020 7-10-00189



PLANT SCHEDULE

PALMS

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Ado mer	6	<i>Adonidia merillii</i>	Christmas Palm	25 gallon	5' clear trunk, single	As shown	Non-Native	8 feet	4 feet	25 feet	8 feet	Pool deck planting
Coc nuc	18	<i>Cocos nucifera</i>	Coconut Palm	B&B	10' clear trunk, single	As shown	Non-Native	15 feet	8 feet	60 feet	20 feet	Street planting replacement palms
Hyd ver	14	<i>Hyophorbe verschaffeltii</i>	Spindle Palm	25 gallon	5' clear trunk, single	As shown	Non-Native	7 feet	3 feet	25 feet	8 feet	Pool deck planting
Pho dec	1	<i>Phoenix dactylifera</i>	Date Palm	B&B	8' clear trunk, single	As shown	Non-Native	12 feet	4 feet	70 feet	20 feet	Perimeter plantings
Rav mad	8	<i>Ravenala madagascariensis</i>	Traveler's Palm	25 gallon	3' clear trunk, multi-stem	As shown	Non-Native	8 feet	4 feet	30 feet	18 feet	South border screen planting
Roy reg	1	<i>Roystonea regia</i>	Royal Palm	B&B	10' clear trunk, single	As shown	Native	15 feet	8 feet	60 feet	20 feet	Perimeter plantings

TREES

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Cit spi	3	<i>Citharexylum spinosum</i>	Fiddlewood	3 gallon	24"	As shown	Native	24 inches	18 inches	20 feet	15 feet	Perimeter plantings
Gym luc	3	<i>Gymnanthes lucida</i>	Crabwood	3 gallon	24"	As shown	Native	24 inches	18 inches	20 feet	15 feet	Perimeter plantings

SHRUBS

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Cit meyer	18	<i>Citrus x meyeri</i>	Meyer Lemon	2 quart	12"	As shown	Non-Native	12 inches	8 inches	6 feet	3 feet	For use in pots at pool deck
Ham pal	30	<i>Hamelia patens 'Compacta'</i>	Dwarf Firebush	3 gallon	18"	24" O.C.	Native	18 inches	12 inches	4 feet	3 feet	Perimeter plantings
Ill flo	20	<i>Illicium floridanum</i>	Florida Anise	3 gallon	24"	36" O.C.	Native	24 inches	18 inches	12 feet	8 feet	Perimeter plantings
Lan inv	20	<i>Lantana involucrata</i>	Wild Sage	1 gallon	12"	36" O.C.	Native	12 inches	6 inches	4 feet	3 feet	Pool deck planters
Mus acu	18	<i>Musa acuminata 'Dwarf Cavendish'</i>	Dwarf Banana	1 gallon	12"	As shown	Non-Native	12 inches	8 inches	6 feet	4 feet	For use in pots at pool deck
Myr cer	65	<i>Myrica caribaea</i>	Wax Myrtle	1 gallon	12"	24" O.C.	Native	12 inches	8 inches	6 feet	3 feet	Lanai hedges
Plu aur	28	<i>Plumbago auriculata 'Imperial Blue'</i>	Blue Plumbago	1 gallon	12"	48" O.C.	Non-Native	12 inches	8 inches	6 feet	8 feet	Perimeter plantings
Psy lig	35	<i>Psychotria ligustrifolia</i>	Bahama Coffee	1 gallon	12"	24" O.C.	Native	12 inches	8 inches	4 feet	4 feet	Pool deck planters and Lanai hedges
Sur mar	8	<i>Suriana maritima</i>	Bay Cedar	3 gallon	18"	As shown	Native	18 inches	12 inches	10 feet	8 feet	Perimeter plantings

VINES

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Big cap	10	<i>Bignonia capreolata</i>	Crossvine	1 gallon	12"	12" O.C.	Native	NA	NA	NA	NA	Trellis planting
Bou gla	6	<i>Bougainvillea glabra</i>	Bougainvillea	1 gallon	12"	12" O.C.	Non-Native	NA	NA	NA	NA	Trellis planting
Lon sem	10	<i>Lonicera sempervirens</i>	Coral Honeysuckle	1 gallon	12"	12" O.C.	Native	NA	NA	NA	NA	Trellis planting
Tra jas	15	<i>Trachelospermum jasminoides</i>	Star Jasmine	1 gallon	12"	12" O.C.	Non-Native	NA	NA	NA	NA	South border screen plant

PERENNIALS AND GROUNDCOVERS

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Hel deb	370	<i>Helianthus debilis</i>	Beach Sunflower	1 gallon	6"	24" O.C.	Native	6 inches	6 inches	18 inches	18 inches	For use in groundcover areas
Lan dep	352	<i>Lantana depressa</i>	Weeping Lantana	1 gallon	8"	24" O.C.	Native	8 inches	6 inches	24 inches	48 inches	For use in groundcover areas
Sto lae	312	<i>Stokesia laevis</i>	Stokes Aster	1 gallon	6"	24" O.C.	Native	6 inches	6 inches	18 inches	18 inches	For use in groundcover areas

NATIVE PLANT CALCULATIONS

Landscape Designation	Area (SF)	Native Area (SF)	Plants designated for Native Area
Front Yard (East Side)	2472	1600 - 64%	Hel deb, Lan dep & Sto lae
New Planter - East Drive (A)	93	93 - 100%	Hel deb
New Planter - East Drive (B)	116	116 - 100%	Hel deb
S. Property Line Planting Strip	1697	1018 - 60%	Roy reg, Cit spi, Gym luc, Ham pal, Ill flo, Lan inv, Sur mar, Lan dep
Pool Deck Planters	669	669 - 100%	Hel deb, Lan dep & Sto lae
W. Lanai Hedges (dividers)	133	133 - 100%	Psy lig
E. Lanai Hedges (dividers)	119	119 - 100%	Myr cer
E. Lanai Southern Hedges	85	85 - 100%	Myr cer
Vine Area for Trellis	85	85 - 100%	Big cap & Lon sem

Total Native Area 3918 SF

Total Native Area (3918 SF) is 44% of Total Landscape Area (8815 SF) *see Planting Plan for total landscape area tabulation

LANDSCAPE PLANTING SCHEDULE

A122



The Palm House Hotel

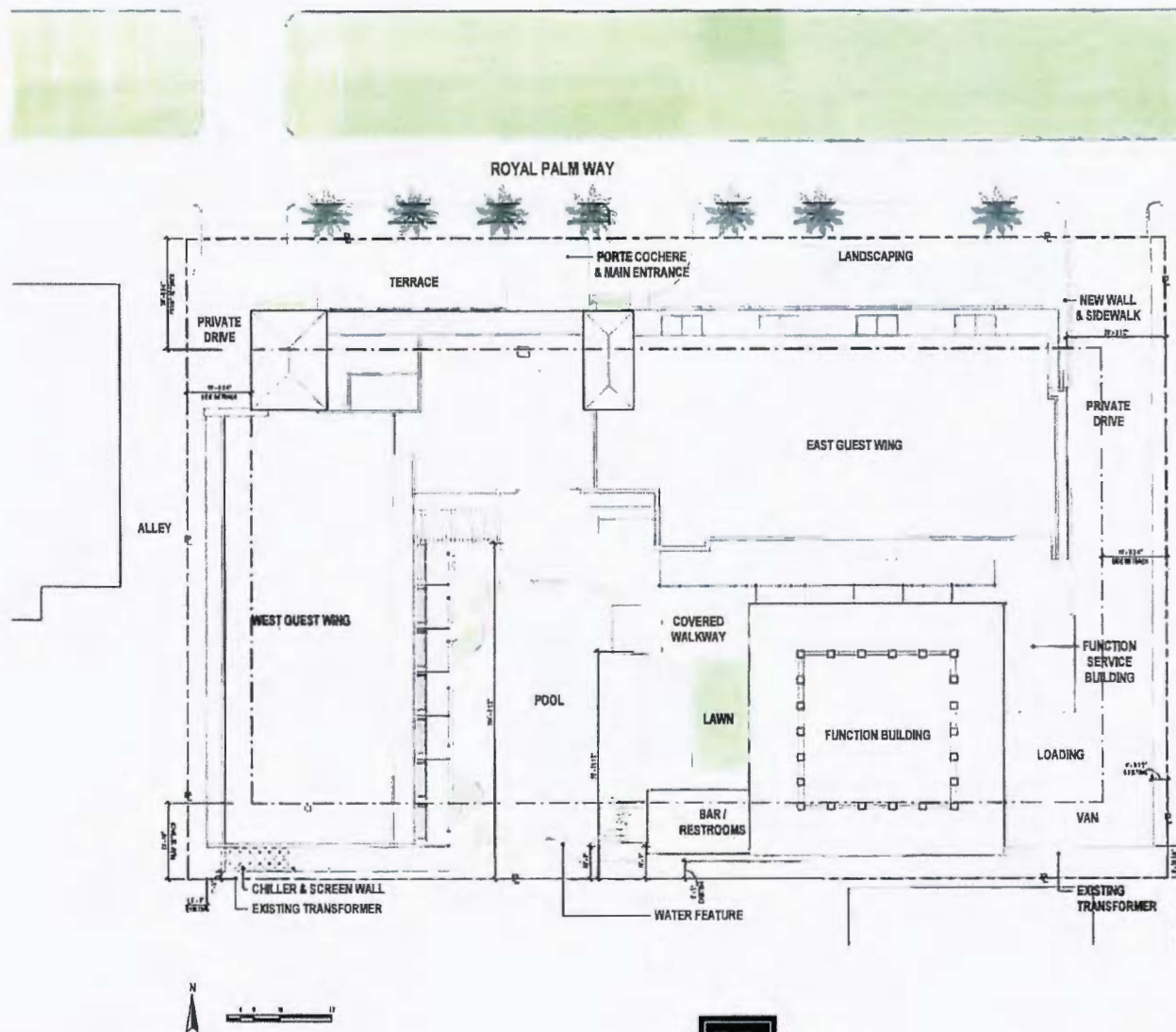
160 Royal Palm Way

EXHIBIT 3



COOPER CARRY

Licenses: N° AA26000496
OCTOBER 28TH, 2020



LEGAL DESCRIPTION		
LOTS 11, 12 AND 13, BLOCK F, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.		
ZONING TABULATIONS: ZONE CB		
REQUIRED	REQUIRED/ALLOWED	PROPOSED
USE	HOTEL	NO CHANGE
LOT AREA	15,000 SF MIN.	NO CHANGE
WIDTH	100 SF MIN.	NO CHANGE
DEPTH	130 SF MIN.	NO CHANGE
DENSITY	25 UPA MAX.	52.7 UPA
GUEST ROOMS	79 GUEST ROOMS	79 GUEST ROOMS
SETBACKS	REQUIRED/ALLOWED	PROPOSED
FRONT YARD	(25 FT + 1 FT / EACH 2 FT OF HEIGHT OVER 15 FT) 34.7 FT	0.7 FT AT PORTE COCHERE 24.7 FT (NO CHANGE)
SIDE YARD	(5 FT + 1 FT / EACH 2 FT OF HEIGHT OVER 15 FT) 11.7 FT	5.7 FT AT WEST 28.8 FT AT EAST (NO CHANGE)
REAR YARD	(15 FT + 1 FT / EACH 2 FT OF HEIGHT OVER 15 FT) 23.8 FT	10 FT (NO CHANGE)
BUILDING	REQUIRED/ALLOWED	PROPOSED
GUEST FLOOR AREA	-	83,777 SF
TOTAL GFA w/ GARAGES	-	106,117 SF
HEIGHT	25 FT / 2 FLOORS	24.61 FT / 3 FLOORS (NO CHANGE)
OVERALL HEIGHT	35 FT AT FLAT ROOF	35.27 FT PARAPET (NO CHANGE)
LOT COVERAGE	35 FT AT OTHER ROOFS	40.27 FT TOWER (NO CHANGE)
LOT COVERAGE	50% (30,000 SF) MAX.	43.8% (28,387 SF)
LENGTH	198 FT	192 CHANGES
LANDSCAPE	REQUIRED/ALLOWED	PROPOSED
LANDSCAPE AREA	30% (45,000 SF) MIN.	14.6% (22,015 SF)
FRONT YARD	30% (45,000 SF) MIN.	25.8% (39,245 SF)
NATIVE VEGETATION	30% (45,000 SF) MIN.	30.0% (45,000 SF)
FEES	REQUIRED/ALLOWED	PROPOSED
FLOOD ZONE	ZONE X - AREA OF SUBSTANTIAL FLOOD HAZARD	
PROPOSED TABULAR DATA		
ITEM	REQUIRED	PROPOSED
GUEST ROOMS	79 ROOMS	79 ROOMS
PARKING (ON SITE)	43 SPACES	43 SPACES
ADA PARKING	-	(INCLUDES 3 ADA, 1 VAN)
100% LEVEL DRIVEWAY	45 SEATS	48 SEATS - INTERIOR
100% LEVEL LOGGIA	-	38 SEATS - EXTERIOR
POOL DECK (POOL AND LOBBY)	-	-
FUNCTION ROOM	150 SEATS	150 SEATS
BAR/RESTROOMS	5,300 SF FOOTPRINT	5,300 SF FOOTPRINT
PREPUNCTION	4,207 SF CONDITIONED	5,073 SF CONDITIONED
RESTROOMS / BAR	-	188 SF CONDITIONED
FINE DINING (2ND LEVEL)	120 SEATS	120 SEATS
DINING ROOM	2,750 SF	2,750 SF
OUTDOOR - II TERRACE	840 SF	840 SF
OUTDOOR - S TERRACE	980 SF	980 SF
UPPER DINING AREA	540 SF	540 SF
UPPER MEET KITCHEN	900 SF	900 SF
TOTAL SEATING	274 SEATS	274 SEATS
APPLICABLE CODES		
BUILDING	2017 Florida Building Code - Building (FBC) (2015 International Building Code with amendments) 2017 Florida Building Code - Energy (FBC-EN) (2015 International Energy Conservation Code with amendments)	
FIRE & LIFE SAFETY	2017 Florida Fire Prevention Code (FFPC) - 2015 NFPA 1 - Fire Code with amendments (FFPC-1) - 2015 NFPA 101 - Life Safety Code with amendments (FFPC-101)	
ENERGY	2017 Florida Building Code - Energy Conservation (FBC-EN) (2015 International Energy Conservation Code with amendments)	
ACCESSIBILITY	2017 Florida Building Code - Accessibility (FBC-ACC) (2010 ADA Standards for Accessible Design - incorporates 28 CFR Part 25 36 CFR Part 36, 2010 ADAAG and 44 CFR Part 37)	
ELECTRICAL	2017 Florida Building Code - Electrical (FBC-E) (2014 NFPA 70 - National Electrical Code (NEC) with amendments)	
MECHANICAL	2017 Florida Building Code - Mechanical (FBC-M) (2015 International Mechanical Code with amendments)	
PLUMBING	2017 Florida Building Code - Plumbing (FBC-P) (2015 International Plumbing Code with amendments)	
ELEVATOR	2017 Florida Building Code - Building (FBC) - Chapter 20 and referenced standards of Chapter 30 - Department of Business and Professional Regulation Chapter 309 - Public Safety Code of the Florida Administrative Code	

SITE PLAN - PROPOSED

A104



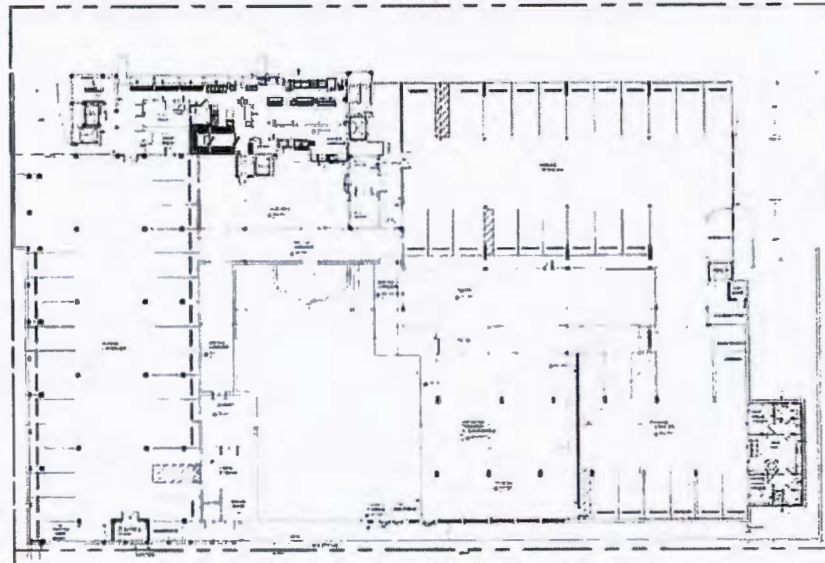
The Palm House Hotel
160 Royal Palm Way

EXHIBIT 4

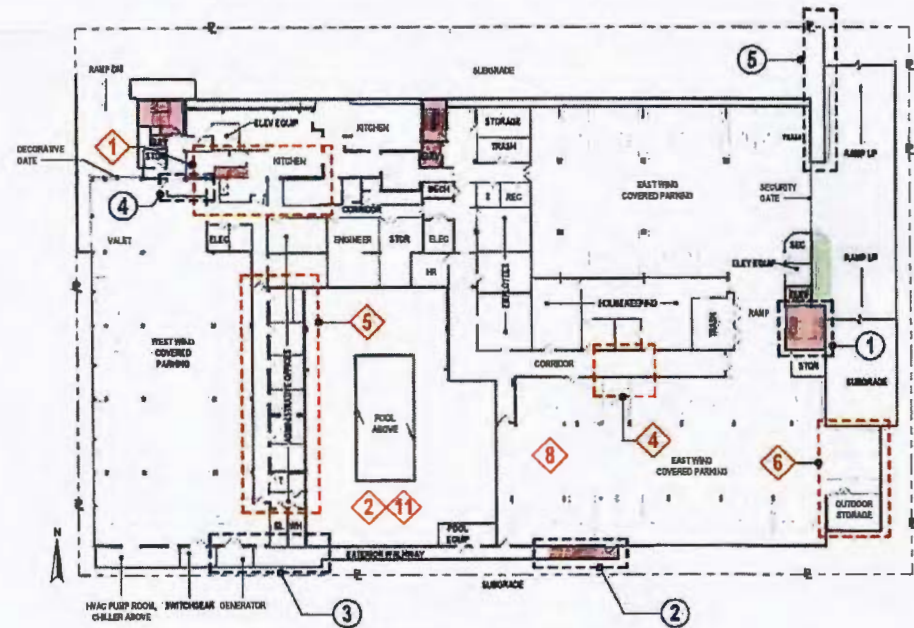


COOPER CARRY

License # AA3660496 | B-603-2020
OCTOBER 28TH 2020 | 2-20-60339



LOWER LEVEL FLOOR PLAN - APPROVED
(SPR SE 001-2016 PREPARED BY DAVID MILLER & ASSOCIATES, P.A.)



LOWER LEVEL FLOOR PLAN - PROPOSED

NON-CONFORMING DEFICIENCIES	PROPOSED CORRECTIONS
1 Demolish partially constructed elevator extension to roof-top above second floor dining room & lobby to the "Sunset" deck.	1 Demolish elevator shaft extension to the north roof deck. Patch roof to match existing. No assembly space at rooftop.
2 Complete construction of Function Room and Pool area consistent with plans previously approved by the Town of Palm Beach.	2 Construct new pool, pool deck and amenities as designed on the proposed improvement plans, for Town of Palm Beach approval.
4 Demolish partially constructed walkway, stairs and elevator access to roof above Function Room.	4 Demolish elevator shaft, elevated stair and walkway. Patch roof to match existing. No assembly space at rooftop.
5 Demolish approximately 1,140 SF of office space in area and restore previously approved service corridor and Laundry space.	5 Retain 1,140 square foot of new office space for hotel staff and administration.
6 Demolish partially constructed enclosure of portions of the Basement Garage on both east and west side of the property and restore 5 required off-street parking spaces.	6 Demolition to restore required parking spaces. Retain small area inaccessible for parking as outdoor storage.
8 Demolish partially constructed wall in basement parking area which was built to expand the basement Function Room Kitchen and restore required parking.	8 Demolition to restore required parking spaces.
11 Eliminate two pool area structures and relocate pool structure which includes service bar to previously approved location. The pool area will be restored as previously approved.	11 Demolish noncompliant pool area structures. Construct new pool support structures as designed on the proposed improvement plans, for Town of Palm Beach approval.

PROPOSED IMPROVEMENTS
1 Extend open-air stair to basement for life safety egress from basement and parking.
2 Extend retaining wall and exterior walkway near south property line for life safety egress and allow for staff access to the pool deck.
3 Replace existing 250KW, 480/277-volt natural gas generator in like size, capacity and location. Construct rated enclosure for required fire separation from parking and egress path of travel overhead.
4 Enclose portion of parking area to provide fire separated egress path from southwest portion of parking and mechanical spaces.
5 Construct new exterior retaining walls, stair and walkway for improved life safety egress path to public way (Royal Palm Way).

LOWER LEVEL FLOOR PLAN

A200



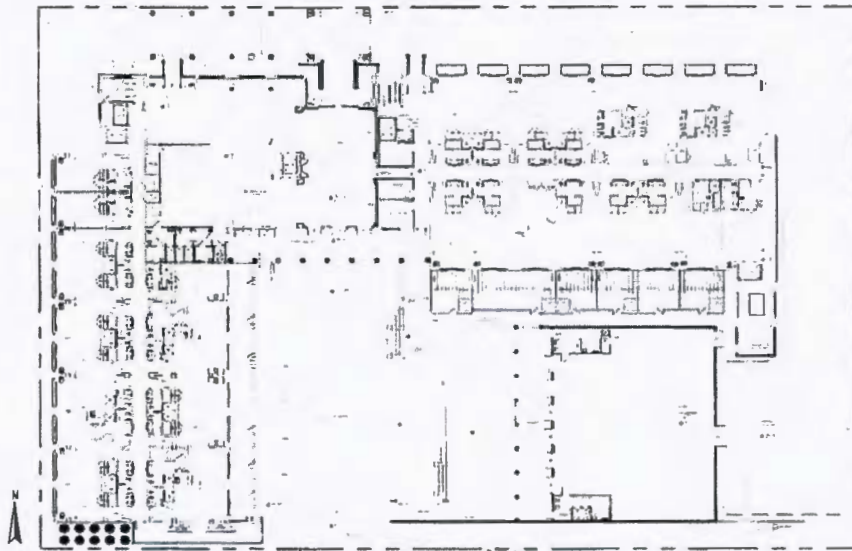
The Palm House Hotel
100 Royal Palm Way

EXHIBIT 5



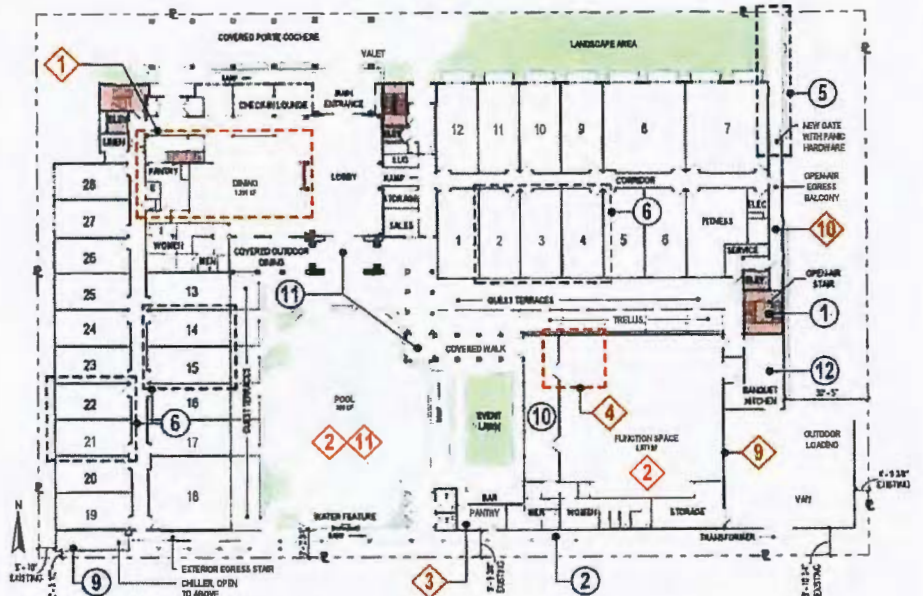
COOPER CARRY

1 License No. AA26000496 B-003-2020
OCTOBER 28TH, 2020 7-20-003199



FIRST LEVEL FLOOR PLAN - APPROVED
(SPR SE 001-2016 PREPARED BY DAVID MILLER & ASSOCIATES, P.A.)

NON-CONFORMING DEFICIENCIES	PROPOSED CORRECTIONS
1. Demolish partially constructed elevator extension to roof-top above second floor dining room & lobby to the "Sunset" deck.	1. Demolish elevator shaft extension to the north roof deck. Patch roof to match existing. No assembly space at rooftop.
2. Complete construction of Function Room and Pool area consistent with plans previously approved by the Town of Palm Beach.	2. Construct new pool, pool deck and amenities as designed on the proposed improvement plans, for Town of Palm Beach approval. Complete construction of Function Room.
3. Demolish partially constructed bathrooms on west side of Function Room and complete construction in area immediately adjacent to the Southwest corner of the Function Room.	3. Demolish bathroom building and construct new single-use toilets for pool, pool service pantry and full-service bar adjacent to new event lawn.
4. Demolish partially constructed walkway, stairs and elevator access to roof above Function Room.	4. Demolish elevator shaft, elevated stair and walkway. Patch roof to match existing. No assembly space at rooftop.
9. Construct opening on the east side of the Function Room wall which was going to be an unauthorized stage.	9. Infill opening at east side of Function Room and finish to match adjacent exterior walls.
10. Remove Infill framing at exterior walkways on east elevation.	10. Enclose existing, partially complete open-air egress balcony with new exterior walls and railings.
11. Eliminate two pool area structures and relocate pool structure which includes service bar to previously approved location. The pool area will be restored as previously approved.	11. Demolish noncompliant pool area structures. Construct new pool support structures as designed on the proposed improvement plans.



FIRST LEVEL FLOOR PLAN - PROPOSED

PROPOSED IMPROVEMENTS
1. Extend existing open-air stair to basement for improved life safety egress from basement spaces and parking.
2. Extend retaining wall and exterior walkway near south property line for life safety egress and allow for staff access to the pool deck.
5. Construct new exterior retaining walls, stair and walkway for improved life safety egress path to public way (Royal Palm Way).
6. Convert existing guest rooms as shown on the proposed improved plans to provide 79 keys total.
9. Replace existing chiller, construct new screen walls to height of new equipment.
10. Enclose existing open-air covered walkway at Function Room to create conditioned Prefunction.
11. Reconfigure exterior facade facing new proposed pool deck. Provide covered walkway from Hotel Lobby to Function Room.
12. Enclose area with new exterior walls and roof for new banquet prep kitchen adjacent to Function Room.

(Exhibit "5" Cont)

FIRST LEVEL FLOOR PLAN

A201.A



The Palm House Hotel

160 Royal Palm Way



COOPER CARRY

License N° AA3200446 10-063-2020
OCTOBER 28TH, 2020 2:30-80189



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Please reply to Fort Lauderdale

November 6, 2020

Queenester Nieves
Town Clerk
Town of Palm Beach
360 S. County Road
Palm Beach, FL. 33480

Via Federal Express

Re: The Palm House Hotel
160 Royal Palm Way,
Palm Beach, Florida 33480

Dear Town Clerk Nieves:

This Firm Represents Virginia C. Simmons, individually and as Trustee of the Virginia C. Simmons Revocable Trust U/A/D May 4, 2018, the owner of single-family residential property having a street address of 133 Brazilian Avenue, Palm Beach, Florida. Because our client continues to be very concerned with aspects of proposed Palm House Hotel that will likely increase activity and noise in the rear and east of the Hotel, and expand buildings and structures that are already non-conforming, our client is reluctantly constrained to continue to take steps to preserve various positions to challenge such development's approval. Our client hopes that with the changes requested in this correspondence, the Application can be made more acceptable to her and the other adjacent single-family properties which will be affected by the proposed development.

Since the October 28, 2020 Town Architectural Commission ("ARCOM") Meeting was so close in time to the Town's consideration of the proposed development's variances and special exceptions, Part 1 of this letter is an Appeal of the ARCOM October 28, 2020 Decision, Part 2 of this letter is directed towards the Town Commission's November 13, 2020 consideration of the development's variances and special exceptions; Part 3 of this letter is directed at the proposed Third Amendment to Declaration of Use Agreement; and Part 4 of this letter is directed to some remaining aspects of the Site Plan.

Part 1.
Appeal of 10/28/2020 ARCOM Decision for Major Project
Application No. B-063-2020 REV 2

Please consider Part 1 of this letter an Appeal of ARCOM's October 28, 2020 decision ("ARCOM Decision") with respect to The Palm House Hotel ("Applicant") Application No. B-063-2020 REV 2 ("Application"). We have enclosed a Trust Account Check made payable to the Town of Palm Beach for the required fee for this Appeal. While the Town has the video recordings of the September 25, 2020 ARCOM Meeting and the October 28, 2020 ARCOM Meeting, Application No. B-063-2020, Application No. B-063-2020 REV 2, our correspondence dated September 23, 2020, and our correspondence of October 26, 2020, it is our view that such entire record of the proceedings may not be needed by the Town Commission for purposes of the Appeal, and so unless the Town Commission otherwise requires such full record, or we direct you to prepare same; we think the Exhibits included in this Part should be sufficient for the Appeal's purposes.

The reasons for the Appeal are as follows:

1. This proposed development should not be reviewed in a "piecemeal fashion."

The ARCOM Decision results in the development being considered in a "piecemeal fashion," and thus the Town Commission's review of the Application will also be "piecemeal" in nature. Specifically, ARCOM has not approved the Application's landscape plans, and is requiring the proposed landscape plans along the southern and east property lines to be returned to ARCOM for further review. Our client raised concerns with the overall feasibility of the Application's landscape plans at the initial ARCOM hearing of September 25, 2020 and asked that the landscape plans be reviewed. When the application was revised and presented to ARCOM on October 28, 2020, our client pointed out that the landscape plans detailing the proposed landscape buffer and screening (See Exhibit 1, Application Plan Sheet A-121) was not drawn to scale. Further, in light of the Survey included with the initial application (see Exhibit "2") the Applicant did not own enough land South and East of the Hotel improvements and within its Property to accommodate the proposed plantings. (See Exhibit "3", Application Plan Sheet A-122). Thus, the Application's illustrated landscape buffers and screening in these areas is not feasible. We believe that this observation motivated ARCOM to require the proposed landscape buffers and screening to be re-evaluated and brought back to ARCOM for consideration.

Landscape buffers and screening are very important to both improve aesthetics and reduce adverse secondary effects that arise from locating a highly intense commercial development adjacent to single-family residential homes. Indeed Sec. 134-129(5) of the Town's Code provides that for a Site Plan to be approved:

"...the [t]own [c]ouncil shall make a finding that the approval of the site plan ... will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have ...been met and that further, satisfactory provision and an arrangement has ...been made concerning the following matters, where applicable....

(5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property's boundaries.
..."

Further, a Project's proposed landscape buffers and screening are often considered in determining whether to grant various development orders such as the variances and special exceptions that are also requested for the overall Project.

We would encourage the Town Commission to vacate the ARCOM Decision, and remand the Application to ARCOM, so that when ARCOM's review of the Application is *entirely* complete, the Town Commission can then consider the Project instead of addressing this important major development in a piecemeal fashion.

2. ARCOM erred in approving the new full-service bar and restroom building.

The Application proposes a new full-service bar and restroom building which is located contiguous to and West of the expanded Function Room. (See Exhibit "4", Application Plan Sheet 1-104). Prior approved plans showed chemical storage and pool equipment area where this new full-service bar and restroom building are proposed (see Plan Sheets A-200 and A201, attached as Composite Exhibit "5"). The Exhibit "4" Application Plan Sheet No. A-104 clearly shows that this Bar/Restroom building is located within the rear yard setback area established by the CB Zoning District regulations. Therefore, its proposed location is contrary to the Town's Code.

Additionally, the expanded Function Room building is non-conforming to the Town's regulations, any addition or expansion of the Function Rom must comply with the Town Code's rear yard setback requirements. In relevant part, Subsection 134-416(d) of the Town's Code states as follows:

“(d) It is further the intent that, by the provisions of this chapter or by amendments that may be adopted, there may exist buildings or structures which were lawful before this chapter was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments thereto. It is the intent of this chapter to permit these nonconforming buildings and structures to exist until they are voluntarily removed, removed by abandonment, or otherwise removed as required by this chapter, but not to encourage their survival. Such nonconforming buildings and structures are allowed to be enlarged, expanded or extended, provided that said enlargement, expansion or extension meets all of the lot yard and bulk regulations for the zoning district in which the building or structure is located and provided that said enlargement, expansion or extension is not used as grounds for adding other buildings or structures prohibited elsewhere, in the same district.” (Emph. Suppl).

Further, Sec. 134-417 of the Town’s Code states as follows:

“A building or structure which is nonconforming with any of the lot, yard and bulk, regulations may be enlarged, expanded or extended to occupy a greater area of land provided that the enlargement, expansion or extension complies with all lot, yard and bulk regulations for the zoning district in which the building or structure is located. This section shall not apply to a building or structure which is demolished by more than 50 percent, as provided for in section 134-419(1), in preparation for any proposed enlargement, expansion, or extension of a building or structure.”

In approving the location of the Bar/Restroom Building, it is our client’s contention that ARCOM did not *satisfy* Sec. 18-205 (a) (9) of the Town’s Code which indicates that in order for ARCOM to approve a proposed project, it must determine that:

“(9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.”

Thus, the ARCOM Decision to approve this new Full-Service Bar and Restroom Building should be REVERSED on Appeal.

3. ARCOM erred in approving other structures in the rear yard setback area.

Other aspects of the proposed development's structure are also in the rear yard setback, such as the pool water fountain feature and the expansion of the Function Room to enclose more interior space.

There was no Town Staff Report prepared for the ARCOM hearing, however, our client learned at the October 28, 2020 ARCOM hearing; that the currently proposed fountain is *smaller* than what was previously approved, and provided this remains the case, our client will no longer object to same; however, if this is not the case, our client will continue to object to same.

Similarly, our client requested that significant efforts to sound-proof the Function Room's enclosed space be included in the Town's approval, and upon receiving a confirmation that this will be required *and provided*, our client will not object to the increase in the Function Room's enclosed space as also being an expansion to a nonconforming building that is prohibited by the Town's Code. The rationale for not objecting to the increase in the Function Room's enclosed space is that, hopefully, the resulting *indoor* activity will become very noise controlled.

Wherefore, our client would respectfully request that the Town Commission reverse or vacate the ARCOM Decision, and remand the Application to ARCOM for proceedings consistent with any instructions in the Town Commission's ruling if any, and further, our client would request any other relief the Town Commission may determine proper and appropriate.

Part 2. Comment on the Requested Variances and Special Exceptions

1. The Variances should be denied because they are "Self Created."

Our review of the Town's variance law would cause an objective reader to doubt whether sufficient grounds for granting a variance are present in this case. The Palm Beach County Property Appraiser records discloses that the applicant, LR Palm House LLC, a Delaware Limited Liability Company, obtained a Debtor in Possession Deed to the site on May 15, 2019, which is *after* the 2016 Town conditional development approvals. A copy of the Deed is attached as Exhibit "6".

The Exhibit "2" Application Survey prepared by Wallace Surveying Corporation discloses that The Palm House Hotel property is uniformly rectangular, having a 300' x

200' dimension. Thus, the real property on which The Palm House Hotel sits has no irregular contours or shape which would support a variance request. Moreover, the dimensions of the Applicant's Property *more than satisfies* the C-B Zoning District's minimum lot area, lot width, and lot depth requirements (*See* Sec. 134-1308 (1), (2), (3) Town Code).

Given that the Applicant acquired the development *after* the 2016 Town approvals, and given that the Applicant's real property is not irregular and more than satisfies the Town's C-B District minimum dimensional requirements, any claimed "hardship" for the requested Variances should be viewed as "*self-created*" in as much as a *developed site* was acquired by the Applicant simply put, Application results from the Applicant's desire to change things. A "self-created" hardship cannot be the basis for granting a Zoning Variance. The Variances should be denied.

2. The Town's Zoning Regulations do not authorize the Town Commission to grant a Special Exception for the Palm House Hotel.

The Application states that Special Exceptions are needed for the Site Plan to be approved. Our review of the Town's Special Exception law would cause an objective reader to doubt whether the Town Commission can grant Special Exceptions in this case. Sec. 134-229 (1) of the Town Code reads as follows:

"The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter."

The Town's C-B District Regulations define the applicable Special Exception Use in Section 134-1304 (a) (5) as follows:

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial district are as follows:
 - (5) Hotels at a maximum of 26 units per acre.

Our review of the Application's Survey discloses that The Palm House Hotel property is rectangularly shaped, with dimensions of 300.00' X 200.00 feet. Thus, the Applicant's Property is 60,000 SF in area, or $(60,000 \div 43,560 =) 1.376$ acres in size. The CB Zoning District regulations *as applied to the Applicant's Property* limit the Town Council's authority to grant a Special Exception to a Hotel having a maximum of 36 units. Since

the Applicant's hotel is not a listed special exception use in the Town's CB Zoning District's regulations, the requested Special Exceptions cannot be granted.

PART III

The Draft 3rd Amendment to Declaration is not sufficient to mitigate potential adverse secondary effects of the Hotel.

1. In 2012, the historical digest received by our client for the zoning application discloses that the Town Commission conditioned its approval of the development orders it then granted to indicate in Condition 4 that *"The pool deck area shall be allowed only background music and light live music with the speaker system directed to the North. There shall be no music on the abutting grass area."* The Amendment to Declaration of Use Agreement recorded in Official Records Book 25694 at page 0633 indicates in Article IV, Paragraph 3 that there will be *no events* on the pool deck, the grass area will remain *"passive,"* and music on the pool deck will be only background or light live music with the speaker system directed to the North. (See Exhibit "7" for the Amendment to Declaration of Use Agreement). The proposed, draft Third Amendment to Declaration and Use Agreement indicates that *"Pre-function events will be allowed on both the pool deck and the grass area"*. While the proposed Third Amendment does not allow music in the grass area, it has no restrictions whatsoever on other forms of amplified sound. Our client would request that the Third Amendment be revised in this regard to:
 - a. Add the words *"noise controlled, passive"* before the words *"pre-function events"* for the grass area;
 - b. Prohibit such *"pre-function events"* on the pool deck;
 - c. Restrict the hours of noise controlled, passive pre-function events in the grass area to reasonable hours (from 10:00 am to 7:00 pm.)
 - d. State that there will be no *outdoor* music (live or recorded), no *outdoor* live entertainment, and no *outdoor* amplified sound permitted anywhere on the Land, with the exception of *background* live or *background* recorded music which will be permitted on the pool deck from 9:am to 7:00 PM. "Background live or recorded music" is defined music having a low enough volume that normal conversation can be held over the music. Background live music shall have speakers for same directed to the North.
2. The Applicant has represented to ARCOM that there will be no rooftop guest access to the Hotel or the Function Room; however, these restrictions have been *removed* from the proposed Third Amendment to Declaration of Use Agreement. Once removed, they will

no longer be considered a restriction or condition of Project approval. The Declaration of Use Agreement should clearly state: *“No hotel guests, or other social or leisure activity or entertainment of any kind will be permitted on the roofs of the hotel, the function room, or other accessory buildings”*.

3. Generally, the Declaration of Use Agreement refers to a “function area” and our client would request the more precise term “Function Room” be used instead.

Part IV. Other Site Plan Comment

1. Our client objects to the Function Service Building and Bar/Restroom Building.

- A. The Application now includes a “Function Service Building” which is contiguous to a portion of the East building face of the Function Room. (See Exhibit “4,” Plan Sheet A-104) Our client objects to this expansion to the Function Building, as it increases the activity of the Site along the East property line. The Function Service Building’s supportive activities (especially activities related to cleanup and removal of Function Room Events) will likely be after dark, and both noise and vehicle light will be caused by loading area activities (from vehicles turning in the loading area shown on the Site Plan, or being used to transport equipment, furnishings, food, and beverages into either the Function Room or Function Service Building).
- B. Our client has objected to the Function Room Bar/Restroom Facility Section 1 of this letter as being an expansion to a nonconforming building. We were informed by ARCOM that “use issues” were within the Town Commission’s purview. Additional reasons supporting our client’s objection to these areas are set forth herein.

The Hotel is currently a non-conforming *use*, and Sec. 134-387 of the Town’s Code provides:

“Sec. 134-387. - Extension or expansion.

No nonconforming use shall be enlarged, increased, intensified, substituted or extended to occupy a greater area than it occupied at the effective date of adoption or amendment of this chapter, except as may be granted by variance under section 134-201. No such nonconforming use shall be relocated in whole or in part to any portion of a lot or parcel except the location occupied by such use at the effective date of adoption or amendment of this chapter.”

The Town should not allow the nonconforming use to expand by granting Variances for the Function Service Building or the Function Room Full-Service Bar and Restroom Building, since the hardships are “self-created.”

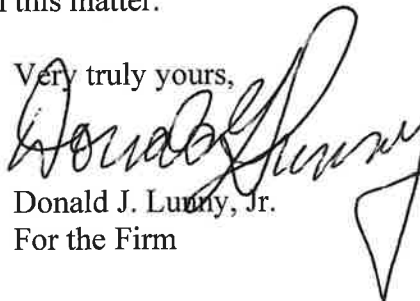
Correspondence to Mr. Nieves
Town of Palm Beach Town Clerk
Re: The Palm House Hotel
November 6, 2020
Page 9 of 9

2. Our client shares the Zoning Administrator's concerns as expressed in the Town Staff's 11/2/2020 Staff Report.
 - A. The Function Room Seats should remain restricted to 150 dining room seats. Granting additional seating, and removing dining room seating as requested, increases the intensity of the non-conforming use in the rear and eastern portion of the Property. As stated above, our client is very concerned with additional improvements and activity in these areas of the Property.
 - B. The more than doubling of outside seating is problematic, as again, this increases the intensity of an existing non-conforming use. Our client would request that the amount of outside seating not exceed prior approvals. In view of the above, our client would request that the Town Commission not approve the Full-Service Bar and Restroom Building, not approve the Function Service Building, and limit outdoor seating as suggested. Additionally, our client would request whatever other relief the Town Commission may deem proper.
 - C. Our clients comment in support of Staff's concerning the Declaration and the so called "Pre-function" events are set forth in Part III of this letter above.

Conclusion

Please ensure that a copy of this correspondence and its Exhibits are given promptly to the Mayor and Members of the Town Commission. We wish to thank the Town for its consideration of this matter. Finally, we reserve the right to raise additional objections and legal and factual arguments in connection with these matters should it become appropriate to do so as we continue to learn about and participate in this matter.

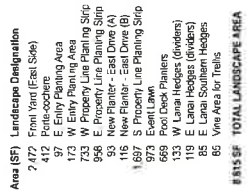
Very truly yours,

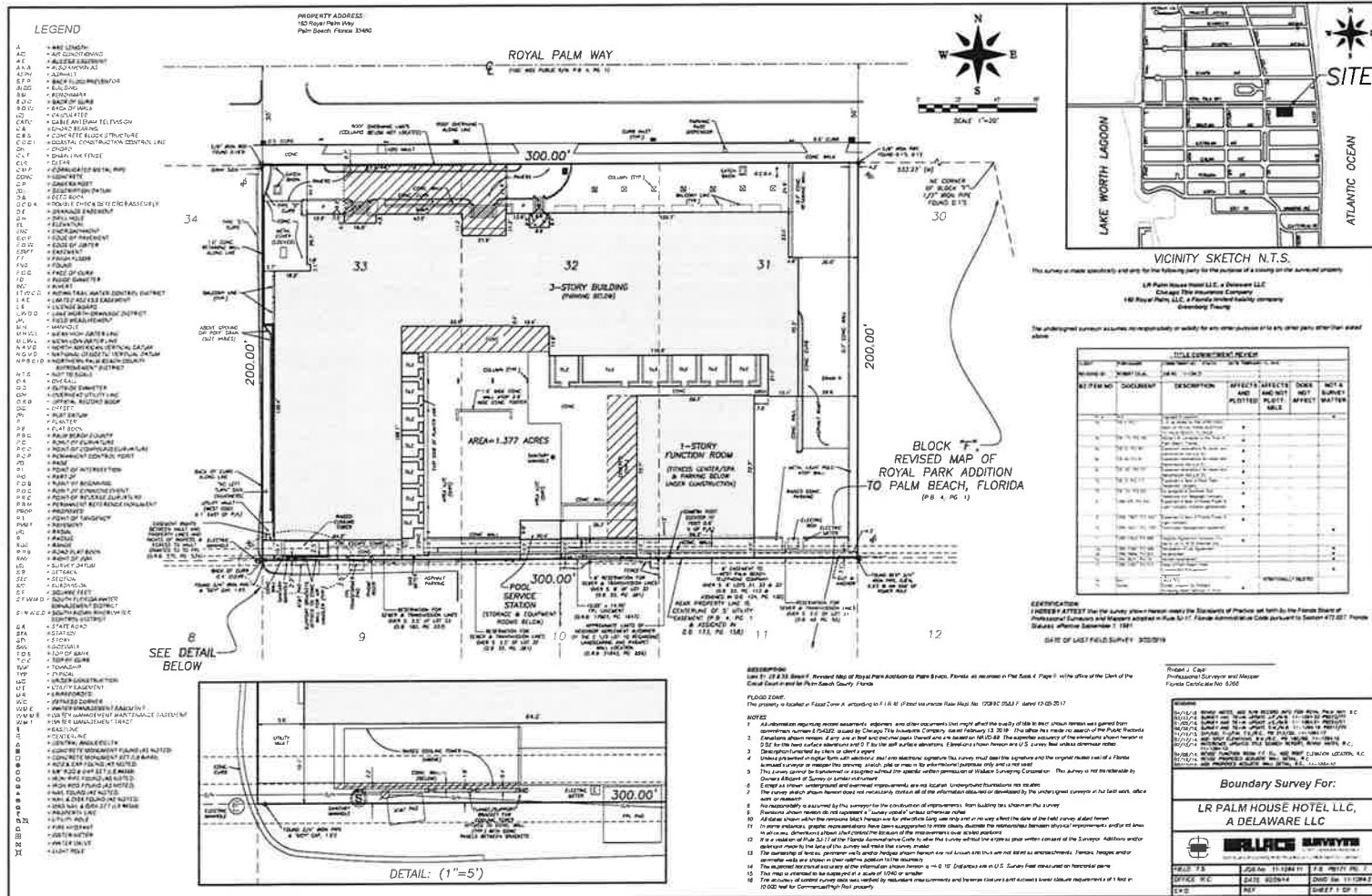


Donald J. Lunny, Jr.
For the Firm

Cc w/encl: (Via E-mail):
Mr. Wayne Berman;
John C. Randolph, Esq.
Maura Ziska, Esq.

PLANTING PLAN





PLANT SCHEDULE PALMS

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-Native	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Ado mer	6	<i>Adontia neri</i>	Christmas Palm	25 gallon	5' clear trunk, single	As shown	Non-Native	8 feet	4 feet	25 feet	8 feet	Pool deck planting
Coc nuc	18	<i>Cocos nucifera</i>	Coconut Palm	B&B	10' clear trunk, single	As shown	Non-Native	15 feet	8 feet	60 feet	20 feet	Street planting replacement palms
Hyd ver	14	<i>Hyophorbe verschaffeltii</i>	Spindle Palm	25 gallon	5' clear trunk, single	As shown	Non-Native	7 feet	3 feet	25 feet	8 feet	Pool deck planting
Pho dec	1	<i>Phoenix dactylifera</i>	Date Palm	B&B	8' clear trunk, single	As shown	Non-Native	12 feet	4 feet	70 feet	20 feet	Perimeter plantings
Rav mad	8	<i>Ravenea madagascariensis</i>	Traveler's Palm	25 gallon	3' clear trunk, multi-stem	As shown	Non-Native	6 feet	4 feet	30 feet	18 feet	South border screen planting
Roy reg	1	<i>Roystonea regia</i>	Royal Palm	B&B	10' clear trunk, single	As shown	Native	15 feet	8 feet	60 feet	20 feet	Perimeter plantings

TREES

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-Native	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Cit spi	3	<i>Citharexylum spinosum</i>	Fiddlewood	3 gallon	24"	As shown	Native	24 inches	18 inches	20 feet	15 feet	Perimeter plantings
Gym luc	3	<i>Gymnanthes lucida</i>	Crabwood	3 gallon	24"	As shown	Native	24 inches	18 inches	20 feet	15 feet	Perimeter plantings

SHRUBS

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-Native	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Cit mey	18	<i>Citrus x meyeri</i>	Meyer Lemon	2 quart	12"	As shown	Non-Native	12 inches	8 inches	6 feet	3 feet	For use in pots at pool deck
Ham pat	30	<i>Hamelia patens 'Compacta'</i>	Dwarf Firebush	3 gallon	18"	24" O.C.	Native	18 inches	12 inches	4 feet	3 feet	Perimeter plantings
Ill flo	20	<i>Illicium floridanum</i>	Florida Anise	3 gallon	24"	36" O.C.	Native	24 inches	18 inches	12 feet	8 feet	Perimeter plantings
Lan inv	20	<i>Lantana involucrata</i>	Wild Sage	1 gallon	12"	36" O.C.	Native	12 inches	6 inches	4 feet	3 feet	Pool deck planters
Mus acu	18	<i>Musa acuminata 'Dwarf Cavendish'</i>	Dwarf Banana	1 gallon	12"	As shown	Non-Native	12 inches	8 inches	6 feet	4 feet	For use in pots at pool deck
Myr cer	65	<i>Myrica cerifera</i>	Wax Myrtle	1 gallon	12"	24" O.C.	Native	12 inches	8 inches	6 feet	3 feet	Lanai hedges
Plu aur	28	<i>Plumbago auriculata 'Imperial Blue'</i>	Blue Plumbago	1 gallon	12"	48" O.C.	Non-Native	12 inches	8 inches	6 feet	8 feet	Perimeter plantings
Psy lig	35	<i>Psychotria ligustrifolia</i>	Bahama Coffee	1 gallon	12"	24" O.C.	Native	12 inches	8 inches	4 feet	4 feet	Pool deck planters and Lanai hedges
Sur mar	8	<i>Suriana maritima</i>	Bay Cedar	3 gallon	18"	As shown	Native	18 inches	12 inches	10 feet	8 feet	Perimeter plantings

VINES

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-Native	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Big cap	10	<i>Bignonia capreolata</i>	Crossvine	1 gallon	12"	12" O.C.	Native	NA	NA	NA	NA	Trellis planting
Bou gla	6	<i>Bougainvillea glabra</i>	Bougainvillea	1 gallon	12"	12" O.C.	Non-Native	NA	NA	NA	NA	Trellis planting
Lon sem	10	<i>Lonchocarpus sempervirens</i>	Coral Honeysuckle	1 gallon	12"	12" O.C.	Native	NA	NA	NA	NA	Trellis planting
Tra jas	15	<i>Trachelospermum jasminoides</i>	Star Jasmine	1 gallon	12"	12" O.C.	Non-Native	NA	NA	NA	NA	South border screen plant

PERENNIALS AND GROUNDCOVERS

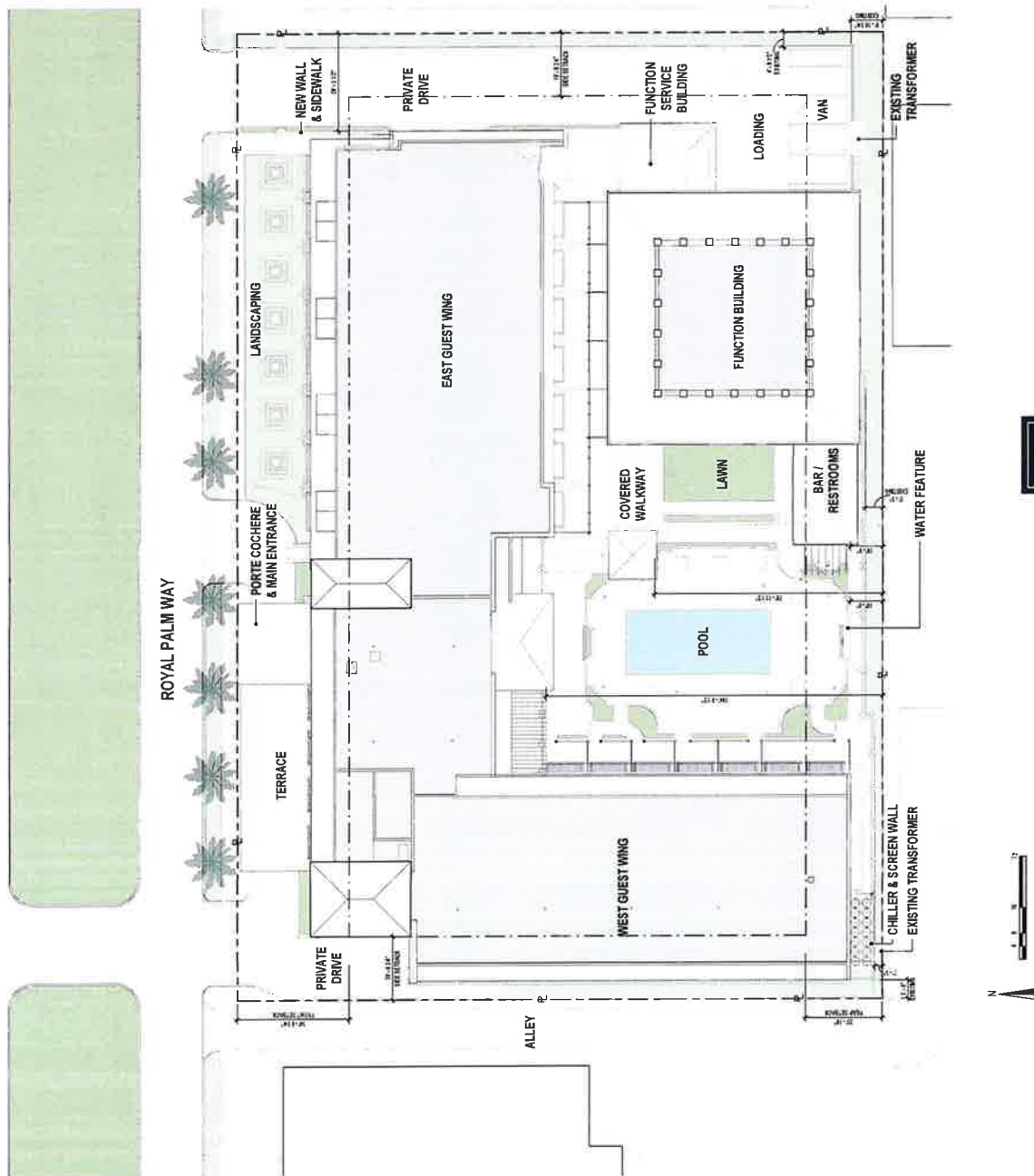
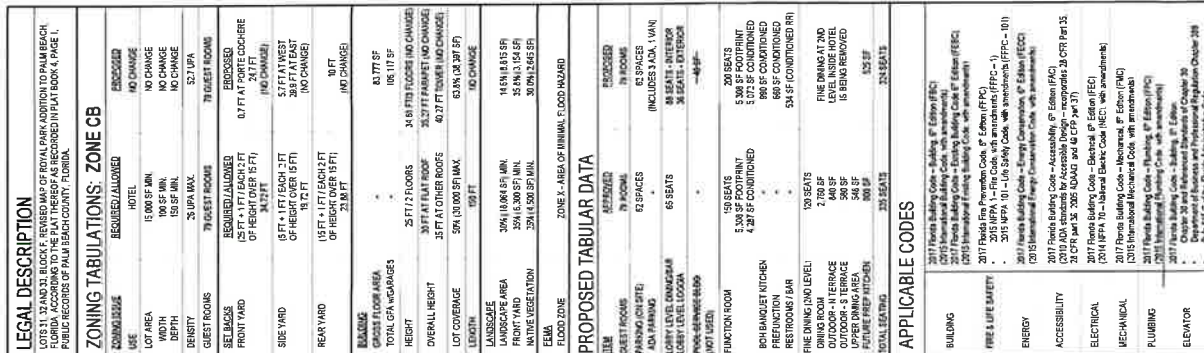
Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-Native	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Hel deb	370	<i>Helianthus debilis</i>	Beach Sunflower	1 gallon	6"	24" O.C.	Native	6 inches	6 inches	18 inches	18 inches	For use in groundcover areas
Lan dep	352	<i>Lantana depressa</i>	Weeping Lantana	1 gallon	8"	24" O.C.	Native	8 inches	6 inches	24 inches	48 inches	For use in groundcover areas
Sto lae	312	<i>Stokesia laevis</i>	Stokes Aster	1 gallon	6"	24" O.C.	Native	6 inches	6 inches	18 inches	18 inches	For use in groundcover areas

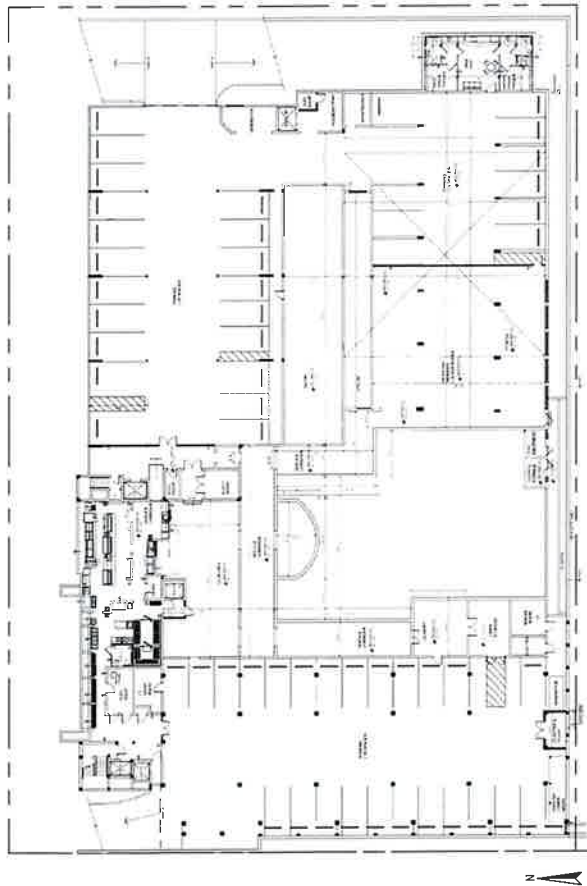
NATIVE PLANT CALCULATIONS

Landscape Designation	Area (SF)	Native Area (SF)	Plants designated for Native Area
Front Yard (East Side)	2472	1600 - 64%	Hel deb, Lan dep & Sto lae
New Planter - East Drive (A)	93	93 - 100%	Hel deb
New Planter - East Drive (B)	116	116 - 100%	Hel deb
S. Property Line Planting Strip	1697	1018 - 60%	Roy reg, Cit spi, Gym luc, Ham pat, Ill flo, Lan inv, Sur mar, Lan dep
Pool Deck Planters	669	669 - 100%	Hel deb, Lan dep & Sto lae
W. Lanai Hedges (dividers)	133	133 - 100%	Psy lig
E. Lanai Hedges (dividers)	119	119 - 100%	Myr cer
E. Lanai Southern Hedges	85	85 - 100%	Myr cer
Vine Area for Trellis	85	85 - 100%	Big cap & Lon sem
Total Native Area		3918 SF	

Total Native Area (3918 SF) is 44% of Total Landscape Area (8815 SF)*see Planting Plan for total landscape area tabulation

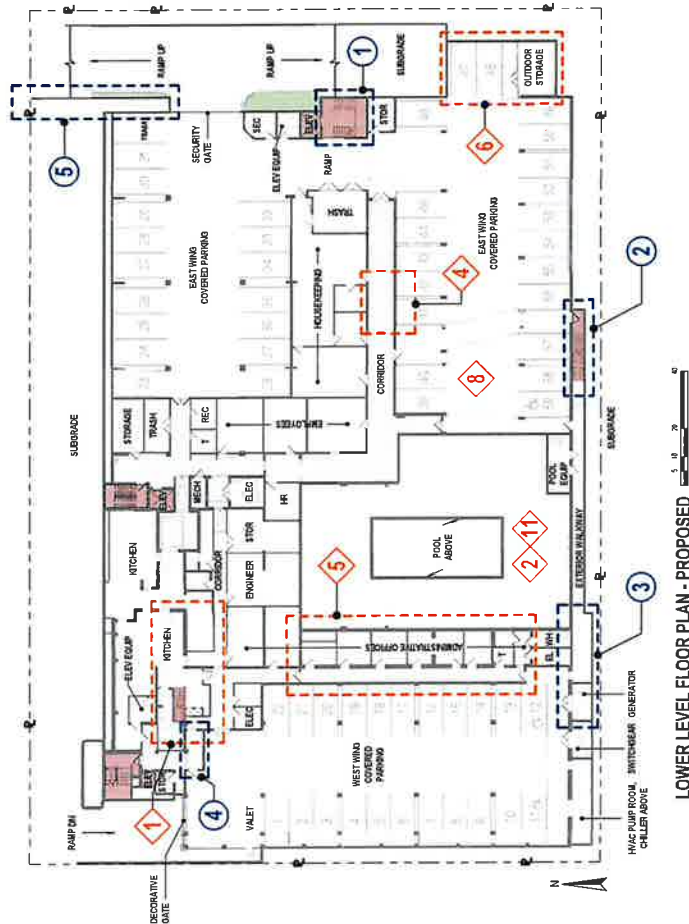






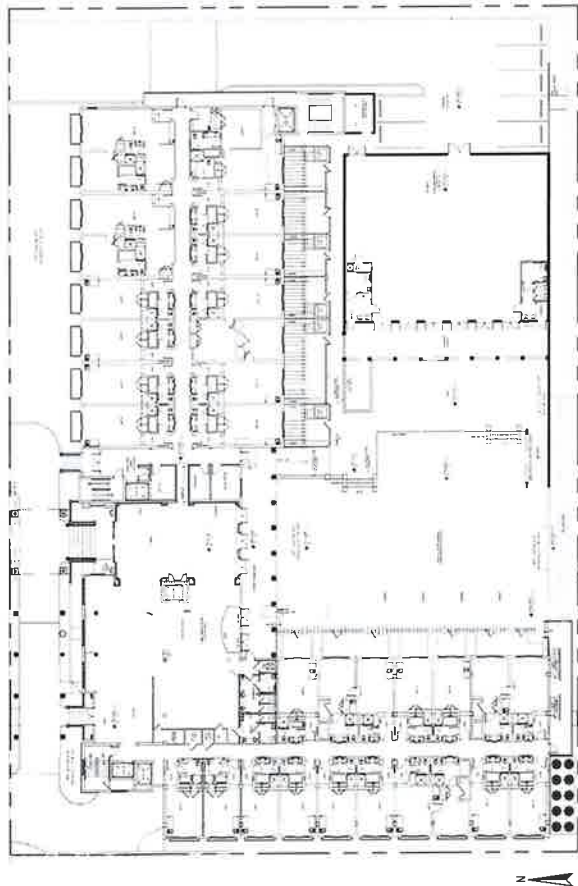
LOWER LEVEL FLOOR PLAN - APPROVED
(SPR SE 001-2016 PREPARED BY DAVID MILLER & ASSOCIATES, P.A.)

NON-CONFORMING DEFICIENCIES	PROPOSED CORRECTIONS
1 Demolish partially constructed elevator extension to roof-top above second floor dining room & lobby to the "Sunset" deck.	1 Demolish elevator shaft extension to the north roof deck. Patch roof to match existing. No assembly space at rooftop.
2 Complete construction of Function Room and Pool area consistent with plans previously approved by the Town of Palm Beach.	2 Construct new pool, pool deck and amenities as designed on the proposed improvement plans, for Town of Palm Beach approval.
4 Demolish partially constructed walkway, stairs and elevator access to roof above Function Room.	4 Demolish elevator shaft, elevated stair and walkway. Patch roof to match existing. No assembly space at rooftop.
5 Demolish approximately 1,140 SF of office space in area and restore previously approved service corridor and laundry space.	5 Retain 1,140 square foot of new office space for hotel staff and administration.
6 Demolish partially constructed enclosure of portions of the Basement Garage on both east and west side of the property and restore 5 required off-sheet parking spaces.	6 Demolition to restore required parking spaces. Retain small area inaccessible for parking as outdoor storage.
8 Demolish partially constructed wall in basement parking area which was built to expand the basement Function Room Kitchen and restore required parking.	8 Demolition to restore required parking spaces.
11 Eliminate two pool area structures and relocate pool structure which includes service bar to previously approved location. The pool area will be restored as previously approved.	11 Demolish noncompliant pool area structures. Construct new pool support structures as designed on the proposed improvement plans, for Town of Palm Beach approval.

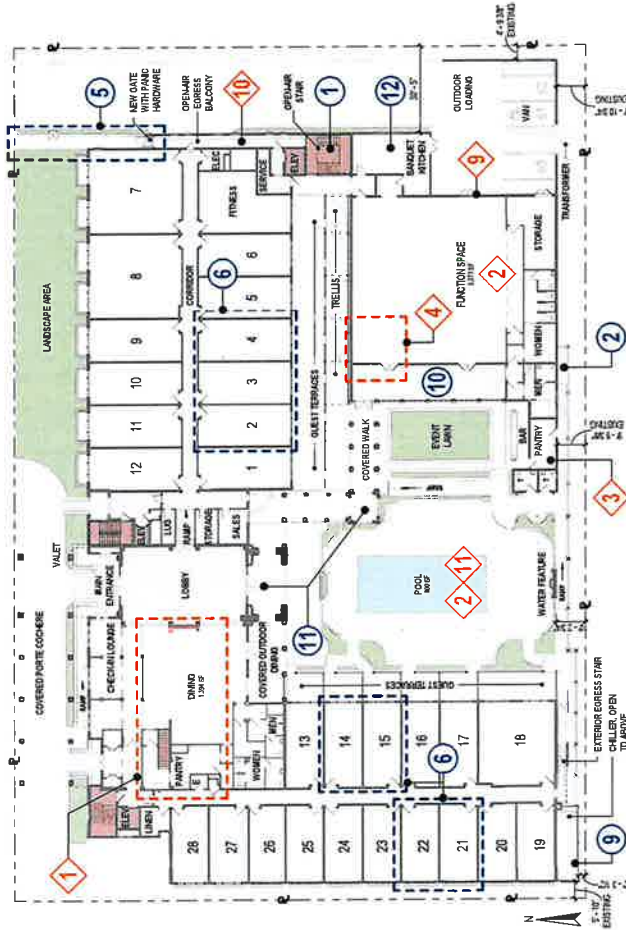


LOWER LEVEL FLOOR PLAN - PROPOSED

PROPOSED IMPROVEMENTS
1 Extend open-air stair to basement for life safety egress from basement and parking.
2 Extend retaining wall and exterior walkway near south property line for life safety egress and allow for staff access to the pool deck.
3 Replace existing 250KW 480/277 volt natural gas generator in like size, capacity and location. Construct raised enclosure for required fire separation from parking and egress path of travel overhead.
4 Enclose portion of parking area to provide fire separated egress path from southwest portion of parking and mechanical spaces.
5 Construct new exterior retaining walls, stair and walkway for improved life safety egress path to public way (Royal Palm Way).



FIRST LEVEL FLOOR PLAN - APPROVED
(SPR SE 001-2016 PREPARED BY DAVID MILLER & ASSOCIATES, P.A.)



FIRST LEVEL FLOOR PLAN - PROPOSED

NON-CONFORMING DEFICIENCIES	PROPOSED CORRECTIONS
1 Demolish partially constructed elevator extension to rooftop above second floor dining room & lobby to the "Sunset" Deck.	1 Demolish elevator shaft extension to the north roof deck. Patch roof to match existing. No assembly space at rooftop.
2 Complete construction of Function Room and Pool area consistent with plans previously approved by the Town of Palm Beach.	2 Construct new pool, pool deck and amenities as designed on the proposed improvement plans, for Town of Palm Beach approval. Complete construction of Function Room.
3 Demolish partially constructed bathrooms on west side of Function Room and complete construction in area immediately adjacent to the Southwest corner of the Function Room.	3 Demolish bathroom building and construct new single-use toilets for pool, pool service party and full-service bar adjacent to new event lawn.
4 Demolish partially constructed walkway, stairs and elevator access to roof above Function Room.	4 Demolish elevator shaft, elevated stair and walkway. Patch roof to match existing. No assembly space at rooftop.
9 Construct opening on the east side of the Function Room wall which was going to be an unauthorized stage.	9 Infill opening at east side of Function Room and finish to match adjacent exterior walls.
10 Remove infill framing at exterior walkways on east elevation.	10 Enclose existing, partially complete open-air egress balcony with new exterior walls and railings.
11 Eliminate two pool area structures and relocate pool structure which includes service bar to previously approved location. The pool area will be restored as previously approved.	11 Demolish noncompliant pool area structures. Construct new pool support structures as designed on the proposed improvement plans.

PROPOSED IMPROVEMENTS		
1 Extend existing open-air stair to basement for improved life safety egress from basement spaces and parking.	9 Replace existing chiller, construct new screen walls to height of new equipment.	
2 Extend retaining wall and exterior walkway near south property line for life safety egress and allow for staff access to the pool deck.	10 Enclose existing open-air covered walkway at Function Room to create conditioned prefunction.	
5 Construct new exterior retaining walls, stair and walkway for improved life safety egress path to public way (Royal Palm Way).	11 Reconfigure exterior facade facing new proposed pool deck. Provide covered walkway from Hotel Lobby to Function Room.	
6 Convert existing guest rooms as shown on the proposed improved plans to provide 79 keys total.	12 Enclose area with new exterior walls and roof for new banquet prep kitchen adjacent to Function Room.	

(Exhibit "5")
Cont



The Palm House Hotel
160 Royal Palm Way



COOPER CARRY
License No. A32606666 | P-603-2020
OCTOBER 28TH 2020 | 7:20-60389

Prepared by, Record and Return To:
Marcia H. Langley, Esq.
Greenberg Traurig, P.A.
5100 Town Center Circle, Suite 400
Boca Raton, FL 33486

Property Tax Folio No.: 50-43-43-23-05-026-0310

306554332AMNC

DEBTOR-IN-POSSESSION DEED

THIS DEBTOR-IN-POSSESSION DEED is made on May 15, 2019, by **160 ROYAL PALM LLC**, a Florida limited liability company (the "Grantor"), whose address is 1118 Waterway Lane, Delray Beach, FL 33483, and **LR PALM HOUSE LLC**, a Delaware limited liability company (the "Grantee"), whose address is 185 W. Broadway, Suite 101, Jackson, WY 83001.

(Whenever used herein the terms "Grantor" and "Grantee" shall be construed to include all parties to this instrument and their successors and assigns and shall include singular, plural, masculine, feminine, or neuter as required by context.)

WITNESSETH:

Grantor, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, remise and quit-claim to Grantee forever, all the right, title, interest, claim and demand which Grantor has in and to the following described land and all improvements located thereon, situated in Palm Beach County, Florida (the "Property"):

Lots 31, 32, and 33, Block F, Revised Map of Royal Park Addition to Palm Beach, Florida, according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida;

TO HAVE AND TO HOLD the same together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, IN Aequity and claim whatsoever of Grantor, either in law or equity, to the use and benefit of Grantee forever.

SUBJECT TO taxes for the year 2019 and thereafter not yet due and payable, and all matters of record in the Official Records of Palm Beach County, Florida, without reimposing same.

This Debtor-in-Possession Deed is being executed in accordance with the Order: (I) *Granting Expedited Motion Seeking Approval of Procedures for Amended Sale Process and* (II) *Scheduling Final Hearing to Consider Approval of Sale of Assets Free and Clear of Liens, Claims and Encumbrances* (the "Procedures Order") (Document No. 619) and *Order Approving*

Sale of Assets to LR U.S. Hotels Holdings LLC Free and Clear of All Liens, Claims and Encumbrances (the "Sale Order") (Document No. 651) entered on March 12, 2019 in Case 18-19441-EPK in the United States Bankruptcy Court for the Southern District of Florida, West Palm Beach Division. The Grantee is a wholly-owned assignee of LR U.S. Hotels Holdings LLC. Pursuant to paragraph 9 of the Sale Order, the Grantor has satisfied the requirements under 11 U.S.C. § 363(f) for transferring the Property. The undersigned signatory for Grantor is executing this Debtor-in-Possession Deed solely as the court appointed manager of Grantor, and not individually.

IN WITNESS WHEREOF, Grantor has executed this Debtor-in-Possession Deed as of the date above.

Signed, sealed and delivered in the presence of:

Print Name: MARUA L. [Signature]
Print Name: DOLORES C. [Signature]

GRANTOR:

160 ROYAL PALM, LLC, a Florida limited liability company

By: [Signature]
Cary D. Glickstein, Manager

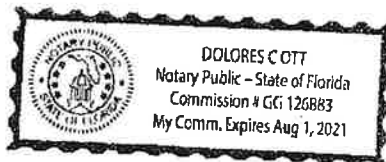
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 14th day of May, 2019, by Cary D. Glickstein, as Manager of 160 ROYAL PALM, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me or produced FL DRIVER'S LICENSE for identification.

[NOTARIAL SEAL]

Notary: [Signature]
Print Name: DOLORES C. COTT
Notary Public, State of Florida
My commission expires: _____

ACTIVE 42404854v1





CFN 20130005174
OR BK 25694 PG 0633
RECORDED 01/04/2013 12:30:48
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0633 - 641; (9pgs)

Prepared by and return to:
Maura Ziska
Kochman & Ziska, PLC
222 Lakeview Ave., Suite 1500
West Palm Beach, FL 33401

AMENDMENT TO DECLARATION OF USE AGREEMENT
by
THE TOWN OF PALM BEACH
and
160 ROYAL PALM LLC (F/K/A ROYAL 160, LLC)

Dated: December, 2012

AMENDMENT OF DECLARATION OF USE AGREEMENT

THIS AMENDMENT TO DECLARATION OF USE AGREEMENT ("Amendment") is made and entered into this 28th day of December, 2012 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter the "Town"); and 160 ROYAL PALM LLC, formerly known as ROYAL 160, LLC, 160 Royal Palm Way, Palm Beach, Florida 33480 hereinafter the ("Owner"), which terms "Town" and "Owner" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the Town and Owner heretofore entered into a Declaration of Use Agreement made on July 30, 2007 and recorded in Official Records Book 21987, Page 499, of the Public Records of Palm Beach County ("Agreement");

WHEREAS the land described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as "Land") is located within the municipal limits of the Town;

WHEREAS, title to all of the Land is held by the Owner;

WHEREAS, the Palm House Hotel (hereinafter referred to as the "Hotel") is located and operated on the Land at 160 Royal Palm Way in the Town;

WHEREAS, the Town Council on July 11, 2012, approved the special exception portion of the Site Plan Review #6-2012 with Special Exceptions and Variances, which allowed the new Owner to operate the Hotel subject to a condition that the south perimeter landscaping having to be completely installed by September 30, 2012;

WHEREAS, the Town Council on August 15, 2012 granted conditional approval of Site Plan Review #6-2012 with Special Exception and Variances which amended Site Plan Review No. 2-2007 with Special Exceptions and Variances on the Land;

WHEREAS, the conditions of approval are set forth herein and the approval of this Agreement on the basis of the Owner's application and the testimony on behalf of the Owner;

WHEREAS, the Town made specific findings that the Owner met all applicable provisions of the Town Code governing site plan review, special exceptions, and variance requests;

WHEREAS, in approving the amendment to the Site Plan Review with Special Exceptions and Variances, the conditions of approval reflected herein are imposed in order to regulate the use, mitigate any adverse impacts of the use, and insure that said use shall not be adverse to the public interest;

WHEREAS, all of the representations made herein are true and accurate and the approval of the amended Site Plan with Special Exception and Variances are conditioned upon the representations made herein and all of the conditions herein imposed; and,

WHEREAS, in granting the approval, the Town Council relied upon the oral and written representations of the property Owner/applicant both on the record and as part of the application process.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, and in consideration of other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it is agreed that the Agreement is hereby amended and modified as follows:

ARTICLE I **RECITALS**

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II **REPRESENTATION OF OWNERSHIP**

Owner has full right to enter into this amendment to the 2007 Agreement and to bind the Land, Hotel and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Hotel and Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Amendment to the 2007 Agreement, nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which Owner or the Land are subject.

ARTICLE III **CONDOMINIUM HOTEL USES**

The use of the Land shall be for hotel uses and accessory uses in compliance with all of the information and exhibits not inconsistent with the terms and conditions set forth herein, set forth in the application submitted to the TOWN for Site Plan Review No. 2-2007 with Special Exception and Variances, as amended and approved by Town Council on May 7, 2007, and as amended by Site Plan Review #6-2012 with Special Exceptions and Variances, as amended and approved by the Town Council on July 11, 2012 and August 15, 2012(hereinafter referred to as the "Approval"). The Town's approval of the Application is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon new application to and approval by the Town Council. Any additional uses of the Land shall be subject to approval by the applicable governmental authority including but not limited to the Town Council of the Town, the Architectural Commission of the Town, Palm Beach County, the State of Florida, the United States Government, and/or any agencies under any of the foregoing governmental authorities.

ARTICLE IV
ADDITIONAL CONDITIONS OF APPROVAL

The following new conditions are imposed as conditions of granting approval of the Site Plan Review with Special Exceptions and Variances and are required to be met as conditions of the continued operation of the Hotel.

1. The proposed 14 foot tall parapet wall between the proposed function room and the proposed employee pool service building shall have a water feature that runs the length of the wall. Said water feature shall be operational between the hours of 9:00 a.m. and midnight (12:00 a.m.).
2. The employee pool service building shall be only for the use of the Hotel staff and will not be used by Hotel guests to order or consume food and/or beverages. There shall be no chairs for hotel guests at the employee pool service building.
3. There shall be no events in the pool deck and grass area between the pool deck and Function Room. Those areas shall remain passive. The pool deck area shall be allowed only background music and light live music with the speaker system directed towards the hotel to the north. There shall be no music played on the abutting grass area. The pool deck hours and hours for music shall be as identified in the Agreement.
4. The air conditioning equipment on the roof of the Function Room shall be screened from the neighbors by a solid parapet wall on the three exterior sides.
5. Except for emergencies, the Function Room elevator and stairwells shall not be accessible to the sundeck from 7:00 p.m. to 9:00 a.m. so as not to allow hotel guests and employees on the Function Room roof during those hours. Fire-rescue accessibility shall be provided by knox-boxes and an elevator override system. The access points to the stairs leading to the sun deck on the Function Room shall be designed to be completely isolated from the ground floor with a full door and other separation to ensure that when they are locked there is no access to the sundeck.
6. Additional landscape material to completely screen the back of the Hotel from the neighbors shall be required and maintained on the south perimeter of the subject property in perpetuity. The landscaping of the entire property shall be approved by the Architectural Commission.
7. All construction must be completed by February 14, 2013 with the exception of the function room, spa/fitness area and second floor dining room above the lobby which shall be required to only have the shells (drywall, all life safety features, minimum electric and floor slab) completed by February 14, 2013. Any elements of the Hotel or Land not completed by February 14, 2013, including the function room, spa/fitness area and second floor dining room shall be required to obtain new approvals and permits.

ARTICLE V
PROVISIONS FOR NOTICE

For the issuance of any notice regarding the terms of the Agreement and this Amendment, notice shall be provided.

To the Town Manager:

The Town of Palm Beach, Town Hall
360 S. County Road
Palm Beach, FL 33480

To the Owner:

c/o Glenn F. Straub,
160 Royal Palm Way
Palm Beach, FL 33480

ARTICLE VI
PROVISIONS TO RUN WITH LAND/RECORDING

This Amendment shall run with the Land and shall be binding upon the Owner and its respective legal representatives and successors and assigns. This Amendment shall be recorded by the Owner in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Amendment shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

ARTICLE VII
ENTIRE AGREEMENT

This Amendment, as identified herein, only represents the modifications to the Agreement, as recorded in Official Records Book 21987, Page 499, of the Public Records of Palm Beach between the parties and may not be amended except by written agreement executed by both parties. All other provisions and conditions in the Agreement, as recorded in Official Records Book 21987, Page 499, of the Public Records of Palm Beach County, remain in full force and effect.

ARTICLE VIII
MISCELLANEOUS

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities. This Amendment may not be amended except by written instrument signed by all parties hereto. Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this

reference made a part hereof. This Agreement shall be binding upon the parties hereto and upon their successors and assigns. In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

Boyle-Gordon
Karen Temme

Boyle-Gordon
Karen Temme

Boyle-Gordon
Karen Temme

Maria Zisna
Cane Hole

TOWN OF PALM BEACH

By: Gail L. Coniglio
Gail Coniglio

By: David Rosow
David Rosow, President
Town Council

By: Peter Elwell
Peter Elwell
Town Manager

160 ROYAL PALM LLC

By: [Signature]
Its: Manager/Member

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 21st day of December 2012, by Gail Coniglio, Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me ~~or has produced~~ as identification.



(SEAL)

Patricia Gayle-Gordon

Notary Public-State of Florida
Commission Number: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 21 day of December 2012, by David Rosow, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me ~~or has produced~~ as identification.



(SEAL)

Patricia Gayle-Gordon

Notary Public-State of Florida
Commission Number: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 28th day of December, 2012, by Peter Elwell, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me ~~or has produced~~ as identification.



(SEAL)

Patricia Gayle-Gordon

Notary Public-State of Florida
Commission Number: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 5 day of November, 2012, by Glenn F. Straub on behalf of the company. He is personally known to me or has produced as identification.



(SEAL)

Maura Ziska

Notary Public-State of Florida
Commission Number: _____

RECOMMEND APPROVAL:

11/13/12
Paul Castro
Paul Castro, AICP
Zoning Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

John C. Randolph
John C. Randolph
Town Attorney

Exhibit "A"

Legal Description of the Land:

Being Lots 31, 32 and 33, Block F, Royal Park Addition, a subdivision in the Town of Palm Beach, Palm Beach County, Florida, as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida.

This is not a certified copy

SNIFFEN & SPELLMAN, P.A.

Sender's Direct Line: (561) 721-4002
Email: jeubanks@sniffenlaw.com

Via E-mail

November 9, 2020

Queenester Nieves,
Town Clerk, Town of Palm Beach
360 South County Road
Palm Beach, Florida 33408

**Re: Joinder in Appeal of the October 28, 2020 ARCOM Decision in favor of
160 Royal Palm Way, Palm House Hotel (Application B-063-2020) ("Application")**

Dear Town Clerk:

Our office represents Thomas O. McCarthy, who resides at 140 Brazilian Avenue, as well as Timothy and Gayle DeVries, the owners of 141 and 149 Brazilian Avenue which back up to the Palm House Hotel ("Hotel") located at 160 Royal Palm Way. In that capacity, we are in receipt of a copy of that correspondence dated November 6, 2020 submitted by Donald Lunny, Jr., Esq. on behalf of his client the Simmons Trust, the owner of 133 Brazilian Avenue which includes an Appeal of the Architectural Commission ("ARCOM") approval of the approval of Application B-063-2020 ("Simmons Appeal").

Please be advised that our office, on behalf of our clients, hereby joins in the Simmons Appeal and adopts the issues and arguments set forth therein, along with any and all exhibits attached thereto. In addition our office incorporates any and all documents submitted by LR Palm House LLC ("Applicant") in support of its Application as well as any and all other public records regarding the Application in the possession of the Town of Palm Beach ("Town"). We would further add the following arguments.

A. Consideration of Appeal is Premature

In addition to the issues raised in the Simmons Appeal that the proposed development at the Hotel is being reviewed in a "piecemeal fashion,"¹ we would note that under the present circumstances an appeal would appear to be premature until the decision regarding the Applicant's Landscape Plan has been addressed and approved by ARCOM. As set forth in that correspondence from our office to the Town Council of today's date (a copy of which is attached as Exhibit "A") under the Town Code the Applicant cannot obtain a Special Exception with Site Plan until such time as a recommendation and approval of the Site Plan is complete. A Site Plan is required to have not only the location of the buildings, but also consider the location of screening of the property, along with a landscaping plan, including types, sizes, and locations of vegetation and decorative shrubbery, and showing provisions for irrigation and maintenance. *See*, Section 134-327(b)(4) and (11) The Town has tasked ARCOM with the obligation to review applications for Site Plan approval and make a recommendation, including any landscaping plan. As such, until such recommendation of a landscaping plan has been completed, any required Site Plan is incomplete for consideration by the Town Council. Therefore, ARCOM's decision as to the

¹ Such a "piecemeal fashion" review would further require any party opposing the Site Plan approval to file two separate Appeals, pay two separate fees for doing so, and pay for counsel to appear at two separate hearings.

REPLY TO:

605 NORTH OLIVE AVENUE, 2ND FLOOR
WEST PALM BEACH, FL • 33401
PHONE: 561.721.4000
FAX: 561.721.4001

WWW.SNIFFENLAW.COM

123 NORTH MONROE STREET
TALLAHASSEE, FL • 32301
PHONE: 850.205.1096
FAX: 850.205.3004

Application is not final (and therefore not appealable) until it has considered and made a recommendation on all parts of the Site Plan, including the Landscape Plan. This is especially true in the present case given the potential inability to install the landscape where indicated, which may well cause the need to make further changes in the Site Plan itself. As a result, in the present case ARCOM should be permitted to review and make recommendations as to the proposed Landscape Plan, prior to our clients or Mr. Lunny's clients being required to address or argue any appeal. Therefore, we would request that this Appeal be deferred until the consideration of the Landscape Plan is complete and there is a final Site Plan to be appealed.

B. ARCOM Erred in Approving New Non-Complying Buildings and Uses

In addition to being premature, our clients further assert that ARCOM's decision to approve all of the proposed buildings, structures and architecture within the Application was in error, in that several of the new buildings constitute the expansion of a non-conforming use and/or structure. As noted in the Simmons Appeal, under Section 18-305(a)(9) of the Code, ARCOM is required to ensure that the "proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the **location and appearance of the buildings and structures are involved.**" (emphasis added) In the present case, at least two structures were permitted to be constructed and located on the Site Plan in violation of the Town Code, namely the new full-service bar and single use outdoor restroom area and the new Function Room Prep-Kitchen, which is part of and housed in the "Function Services Building" to be attached to the east side of the Function Room.

The new full service bar and single use restroom building² will be placed in the rear setback area in contradiction to the Town Code. As such, it constitutes the expansion of a non-conforming structure under Section 134-416(d) and Section 134-417 of the Town Code, which does not permit such an expansion unless it meets all of the lot, yard and bulk regulations. The new full service bar and single use restrooms, however, extend into an area not previously occupied under the 2016 Approved Plans and will be located in the rear yard setback. Adding a new use such as a full service bar and single use restrooms to the pool deck further constitutes the improper expansion of a non-conforming use in the form of the Hotel itself, which is not a permitted (or even special exception) use as it has 79 rooms on only 1.377 acres which equates to only 36 permitted rooms. *See*, Section 134-1304(a)(4);³ *see also*, Section 134-387 and 134-386(d).⁴ As

² While the Applicant has stated under oath that there previously existed a bar in the pool deck area, such is not the case. Instead, the Survey attached to the Applicant's initial presentation clearly shows a "Pool Service Station" with Storage and Equipment Rooms Below. Similarly, within is presentation, the Applicant has referred to the area as a "new single use toilets for the pool, pool service pantry and full service bar adjacent to new event lawn." (emphasis added) Nowhere in the Site Plan Review of Section Exception #1-2016 is there mention of an outdoor full service (indicating the inclusion of alcohol and hard liquor) bar area or single use toilets, nor do such items appear on the 2016 Approved Plans by the Town Council.

³ Hotels are only permitted in the C-B Commercial district as a special exception "at a maximum rate of 26 units per acre." As such, today the Hotel could only be permitted as a variance.

⁴ Under Section 134-387 "non-conforming uses shall not be enlarged upon, expanded, intensified or extended, or to be used as grounds for adding other uses prohibited elsewhere in the same district." Similarly, under Section 134-387 states "[n]o nonconforming use shall be enlarged, increased, intensified, substituted or extended to occupy a greater area than it occupied ... except as may be granted by a variance under section 134-201."

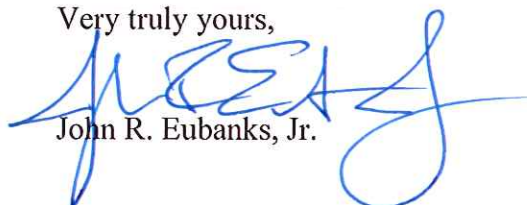
such, the approval and location of the new full service bar and single use restroom building was in error and should be reversed.

Similarly, the proposal to create a new Function Services Building (including a Function Room Prep-Kitchen), which is attached to and will become part of the Function Room, also constitutes the expansion of the non-conforming Function Room, which is located in the rear yard set back. Likewise, again, the creation of a new Function Service Room Pre-Kitchen constitutes the expansion of the non-conforming use of the Hotel. Therefore, ARCOM's decision to allow and approve of the location of such a new building, should be reversed as it would be in violation of the Town Code.

In light of the above, ARCOM's decision was not only legally improper, for failure to comply with the essential elements of the Town Code, but also not supported by competent, substantial evidence. Instead, the only evidence presented was by the Appellants that the above buildings and uses were improper expansions under the Town Code. As such, ARCOM's decision should be reversed.

Wherefore, as set forth herein and in the Simmons Appeal, our clients respectfully request that the Town Council reverse or vacate ARCOM's decision and remand the Application for further proceedings in accordance with the Town Council's ruling and instructions.

Very truly yours,



John R. Eubanks, Jr.

cc: Wayne Bergman, Director Planning, Zoning & Building
John Randolph, Esquire, Town Attorney
Kelly Churney, Administrative Specialist
Mayor and Town Council
Tim and Gayle DeVries
Thomas O. McCarthy

SNIFFEN & SPELLMAN, P.A.

Sender's Direct Line: (561) 721-4002
Email: jeubanks@sniffenlaw.com

Via E-mail

Mayor and Town Council
c/o Maggie Zeidman, President
Town Council of the Town of Palm Beach
360 South County Road
Palm Beach, Florida 33408

Re: Consideration of Zoning Application for 160 Royal Palm Way, Palm House Hotel (Zoning Application Z-20-00289) by Town Council is Premature

Dear Mayor and Town Council Members:

Our office represents Thomas O. McCarthy, who resides at 140 Brazilian Avenue, as well as Timothy and Gayle DeVries, the owners of 141 and 149 Brazilian Avenue which back up to the Palm House Hotel. In that capacity, we understand that the Town Council is scheduled to consider Zoning Application Z-20-00289 ("Application") by LR Palm House LLC ("Applicant") for the Palm House Hotel at its November 13, 2020 meeting. Please be advised that it is our clients' position that any such consideration would be premature given that ARCOM did not approve the Applicant's Landscape Plan at its October 28, 2020 meeting.¹

As you are aware, the Application includes a Special Exception **with Site Plan Review**, along with requests for a number of variances. Because the hotel is at best a special exception use² under Section 134-1304 (a)(5) of the Code, any special exception **"require[s] a site plan review** as provided in article III of this chapter." As a result, the Council cannot approve the Special Exception in the Application without having a proper, completed Site Plan at the time of approval.

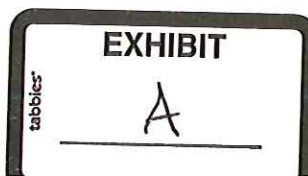
Under Section 134-326 of the Town Code "[t]he **primary purpose of the site plan review process is to examine for potential adverse impact on the adjacent area, neighborhood or town**, those uses having characteristics as possessing the potential for negative impact **and to ensure such uses are located, sited and designed that they result in a positive contribution to the area, neighborhood and town.**" (emphasis added) To do so, under Section 134-327(b) of the Code all Site Plan reviews must include a series of detailed filings, including, but not limited to, not only architectural elevations and buildings under subsection (b)(9), but also the location of **"all screens and buffers"** under subsection (b)(4)(f) and under subsection (b)(11) a **"[l]andscaping plan, including types, sizes and locations of vegetation and decorative shrubbery, and showing provisions for irrigation and maintenance."** (emphasis added) The Town has tasked ARCOM (or Landmarks if the structures are historic) with the obligation to review applications for a Site Plan approval, including any Landscape Plans, and make a recommendation to the Town

¹ There is also a pending appeal of ARCOM's October 28, 2020 decision, to which our clients have are filing a joinder, which would likewise make it premature for the Town Council to consider the Application.

² The hotel is a non-conforming use as it has 79 rooms on only 1.377 acres of property (as shown on the Survey submitted by the Applicant) which would only allow for 36 rooms, or less than half of the existing rooms on the property under Section 134-1304(a) (5) which allows for a hotel use "at a maximum of 26 units per acre."

REPLY TO:

605 NORTH OLIVE AVENUE, 2ND FLOOR
WEST PALM BEACH, FL • 33401
PHONE: 561.721.4000
FAX: 561.721.4001



123 NORTH MONROE STREET
TALLAHASSEE, FL • 32301
PHONE: 850.262.0451
FAX: 850.205.3004

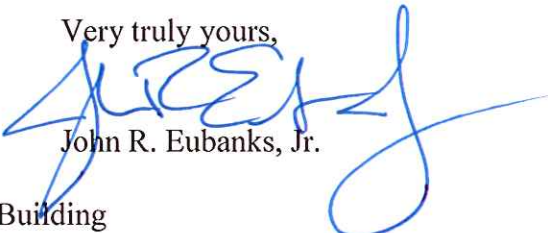
Council prior to any final approval of the Site Plan required for a Special Exception with Site Plan.

In the present case, while ARCOM considered the Site Plan of the Applicant and made a positive recommendation on the bulk of the architectural drawings and elevations, it specifically did not approve the Landscaping Plan presented by the Applicant. To the contrary, after both our firm on behalf of Mr. McCarthy and the DeVries, as well as Donald Lunny, Esq. on behalf of the Simmons (the owners of 133 Brazilian Ave.) raised significant issues of the ability of the Applicant to actually implement its proposed Landscape Plan, which included tall trees and "lush native plantings," in an easement as small as 2.5 feet, the issue was deferred for further consideration to the November 29, 2020 ARCOM Meeting.³ As a result, absent a demonstration that the proposed Landscape Plan is designed to protect the surrounding neighbors and is actually feasible, the Site Plan application is incomplete and does not meet the standards or purpose of Section 134-326. This will be especially true if there in fact is not enough room for landscaping and the Applicant has to relocate its proposed landscape to inside its own property within its Site Plan.

Therefore, until such time as ARCOM has been presented with, approved and recommended a Landscape Plan (a mandatory element of a Site Plan) which it confirms can actually be installed it would be improper for the Town Council to move forward with the consideration of the Special Exception with Site Plan. To the extent the Town Council nevertheless considers the Special Exception without ARCOM's further investigation and Site Plan approval, outside of opening the Town to a due process and failure to follow the essential requirements of the law argument, it will have established a dangerous precedent that any applicant can merely design a landscape plan that looks good on paper, but may not work in the real world, and yet take it directly to the Town Council for a Special Exception with Site Plan approval.

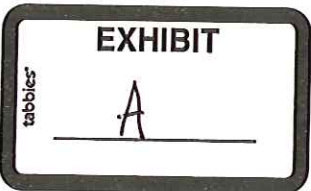
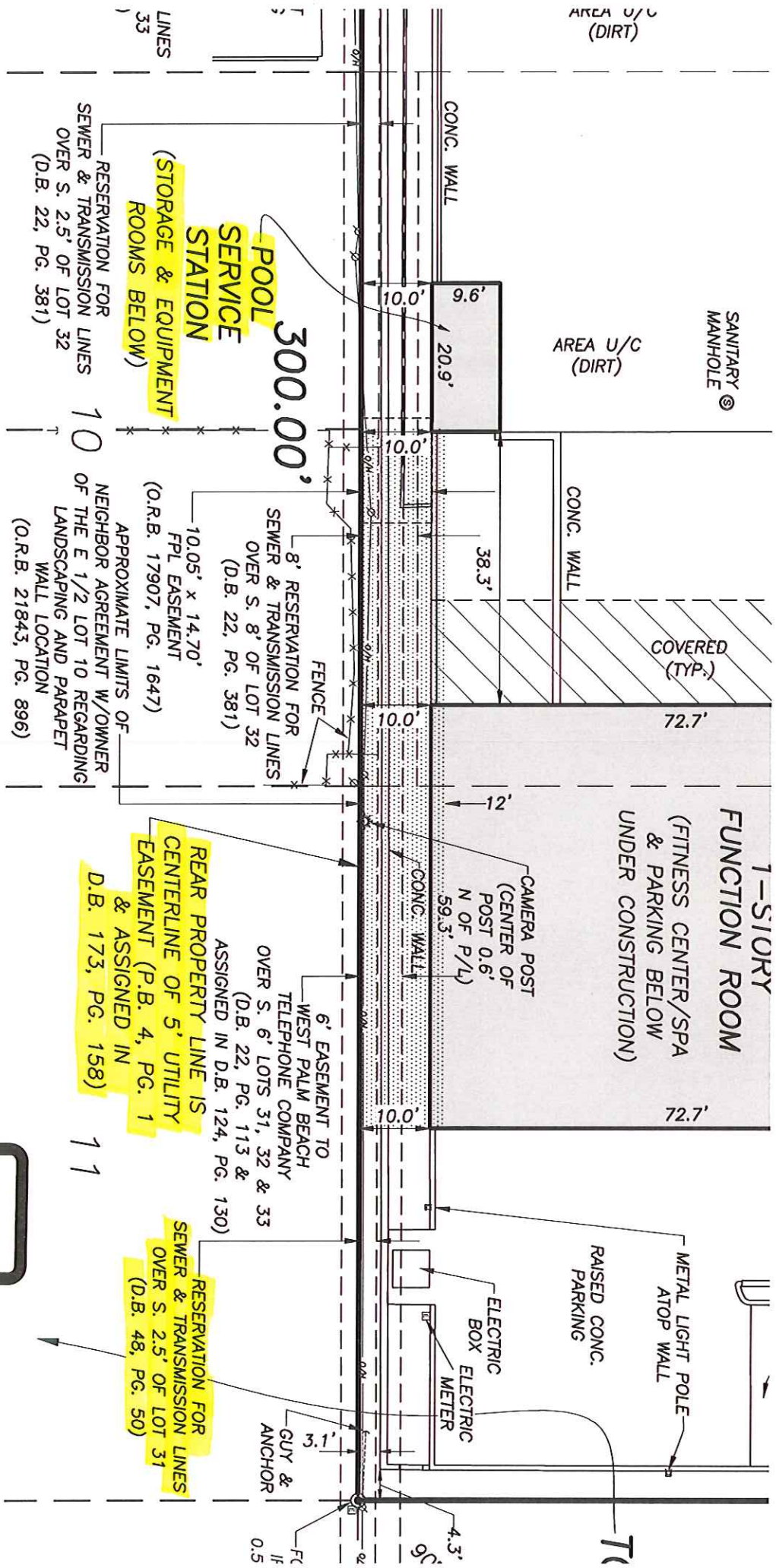
In light of the above, our clients request that the Town Council defer any consideration of the Application at its November 13, 2020 meeting.

Very truly yours,


John R. Eubanks, Jr.

cc: Wayne Bergman, Director Planning, Zoning & Building
John Randolph, Esquire, Town Attorney
Kelly Churney, Administrative Specialist
Town Clerk, Town of Palm Beach
Tim and Gayle DeVries
Thomas O. McCarthy

³ The Applicant's Survey by Wallace Surveying dated 2/5/2014 included in the record shows that the property line between the Hotel and its neighbors is located in the middle of a 5 foot utility easement for gas and water as well as an easement of 2.5 ft. (or less than a yard stick) to the south of the property line for sewer and transmission lines. As a result, there is little if any room for landscaping. An expanded copy of the Survey as well as pictures of the limited area available for landscaping are attached hereto as Exhibit "A" and Composite Exhibit "B" respectively.





EXHIBIT

tabbles

Camp B









Donald J. Lunny, Jr., Esq.
donald.lunny@brinkleymorgan.com

One Financial Plaza
100 SE 3rd Avenue, 23rd Floor
Fort Lauderdale, Florida 33394
(954) 522-2200
(954) 522-9123 Facsimile

2255 Glades Road, Suite 414E
Boca Raton, FL 33431
(561) 241-3113
(561) 241-3226 Facsimile

www.brinkleymorgan.com

Please reply to Fort Lauderdale

December 2, 2020

Queenester Nieves
Town Clerk
Town of Palm Beach
360 S. County Road
Palm Beach, FL. 33480

Via E-Mail

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

Re: Request for Continuance, Extension of Time, and
Confirmation of Hearing Schedule
Simmons Appeal of October 28, 2020 ARCOM Decision
The Palm House Hotel
160 Royal Palm Way,
Palm Beach, Florida 33480

Dear Mr. Nieves and Mr. Bergman:

As you may recall, this Firm Represents Virginia C. Simmons, individually and as Trustee of the Virginia C. Simmons Revocable Trust U/A/D May 4, 2018, the owner of single-family residential property having a street address of 133 Brazilian Avenue, Palm Beach, Florida.

In accordance with Mr. Bergman's E-mail to me of November 10, 2020, our client's Appeal of the October 28, 2020 Town Architectural Commission ("ARCOM") Meeting is presently scheduled for the Town Commission's consideration at its Meeting of December 9, 2020. I write to advise the Town that my client has been engaged in productive settlement discussions with the Applicant which are not yet fully completed, however, these settlement discussions have resulted in some revisions to the Site Plan and some additional variance and special exception requests that will need to be presented to ARCOM at its Meeting of December 18, 2020. As you may recall, the Applicant was scheduled to return to ARCOM on December 18, 2020 for a supplemental Landscape Plans review.

The Applicant has advised that after Mr. Bergman's E-Mail to me of November 10, 2020, the Applicant requested the Town to schedule its Site Plan, Variances, and Special Exception for consideration by the Town Commission on January 13, 2021 (with the desire that the Project in its entirety would be reviewed by ARCOM prior to any Town Commission Review). Thus, the Applicant is of the view that its Site Plan, Variances, and Special Exceptions will not be heard by the Town Commission on December 9, 2020 as was previously the schedule.

Correspondence to Mr. Nieves
Town of Palm Beach Town Clerk
Re: The Palm House Hotel
December 2, 2020
Page 2 of 2

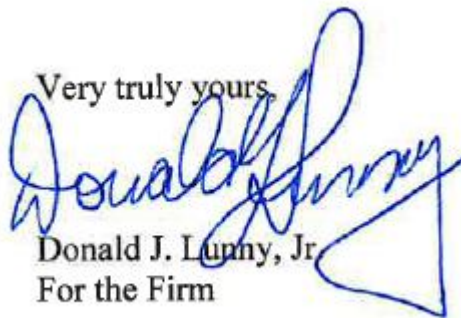
In order to have an efficient hearing schedule for The Palm House Hotel Project, and in order to allow the productive settlement effort to continue, my client is requesting an extension of time for the hearing on its Appeal of the ARCOM Meeting of October 28, 2020 and its objections to the Variances and Special Exceptions needed for the Project to whatever is the date the Town Commission considers the Project Site Plan, Special Exceptions, and Variances. It is everyone's understanding that this date is presently scheduled for January 13, 2021. In accordance with Sec. 18-177, this will advise that the Applicant has consented to this continuance and extension of time for my client's Appeal of the ARCOM decision. I have sent Maura Ziska, Esq. a copy of this letter by E-mail below.

It is my understanding that Mr. Eubanks will be submitting to you both a similar letter requesting a continuance or extension for his client's Appeal of the October 28, 2020 ARCOM Decision (also previously scheduled for December 9, 2020 as per Mr. Bergman's November 10, 2020 E-Mail).

I would respectfully request that the Town confirm for Maura Ziska, Esq., John Eubanks, Esq., and me that the hearing schedule has been changed as has been requested.

If Settlement can be achieved, the Appeal will be withdrawn, my client will be able to indicate to the Town her support for most aspects of the Project *as revised*, and will be able to indicate to the Town her lack of objection to the remaining aspects of the Project *as revised*.

Thank you both for your consideration of this important matter.

Very truly yours,

Donald J. Lunny, Jr.
For the Firm

cc. Maura Ziska, Esq. Counsel for the Applicant
John Eubanks, Esq.
John "Skip" Randolph, Esq. Town Attorney

From: [John Eubanks Jr](#)
To: [Wayne Bergman](#); [Donald Lunny](#); [Queenester Nieves](#)
Cc: [John \(Skip\) C. Randolph](#); [Maura Ziska](#); [Legal](#); [Town Attorney](#); [Paul Castro](#); [Kelly Churney](#); [Laura Groves van Onna](#); [Bradley Falco](#)
Subject: RE: Request for Extension of Time and Continuance : Simmons Appeal of ARCOM Decision of October 28, 2020 and Request for Confirmation of Hearing Schedule The Palm House Hotel
Date: Thursday, December 03, 2020 10:36:41 AM
Attachments: [160 Royal Palm Way - Deferral to January \(00045601xB6458\).pdf](#)

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Wayne:

As a follow up to Mr. Lunny's letter, our office would also request a deferral of the consideration of its Appeal of the ARCOM Decision of October 28, 2020 from the December 9, 2020 Town Council Meeting to the January 13, 2020 meeting in light of productive ongoing settlement negotiations. As noted by Mr. Lunny, the Applicant has agreed to this continuance. By separate letter dated November 23, 2020, the Applicant has already requested that consideration of the Application be deferred to the January 13, 2020 Town Council meeting, a copy of which is attached.

Thank you.

John R Eubanks, Jr.

SNIFFEN & SPELLMAN, P.A.

605 North Olive Avenue, 2nd Floor
West Palm Beach, Florida 33401
T (561) 721-4000 / F (561) 721-4001 / D (561) 721-4002
E-mail: jeubanks@sniffenlaw.com
Website: www.sniffenlaw.com / Twitter: @Sniffenlaw

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From: Wayne Bergman [mailto:wbergman@TownOfPalmBeach.com]

Sent: Thursday, December 03, 2020 9:28 AM

To: Donald Lunny <Donald.Lunny@brinkleymorgan.com>; Queenester Nieves <qnieves@TownOfPalmBeach.com>

Cc: John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Maura Ziska <MZiska@floridawills.com>; John Eubanks Jr <jeubanks@sniffenlaw.com>; Legal <Legal@TownOfPalmBeach.com>; Town Attorney <townattorney@TownOfPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Kelly Churney <KChurney@TownofPalmBeach.com>; Laura Groves van Onna <lvanonna@TownOfPalmBeach.com>; Bradley Falco <bfalco@TownOfPalmBeach.com>

Subject: RE: Request for Extension of Time and Continuance : Simmons Appeal of ARCOM Decision of October 28, 2020 and Request for Confirmation of Hearing Schedule The Palm House Hotel

Don – assuming you want your cake and also the ability to eat it, is the request to defer BOTH the joined appeals AND the Special Exception / Site Plan / Variance applications to the January 13, 2021 Town Council meeting? Is your request for additional time limited to the proposed meeting schedule, or would you need to amend your request to a certain length of time?

Please further confirm that the changes to the Special Exceptions / Site Plan / Variances will be presented at this month's Arcom meeting, scheduled for December 17 and 18, 2020. Maura Ziska is to return at that meeting to present the landscape plan, security gate and paint color, as these three items were deferred at the October Arcom meeting..

This seems like a great path to resolution. Please let me know what Town staff can do to assist beyond the rescheduling of the meetings.

Thank you.

Wayne Bergman, MCP, LEED-AP
Director
Town of Palm Beach

Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
www.townofpalmbeach.com

[P.S. Your exterior project may require ARCOM approvals. Click here for more info.](#)

From: Donald Lunny <Donald.Lunny@brinkleymorgan.com>
Sent: Wednesday, December 02, 2020 5:03 PM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Queenester Nieves <qnieves@TownOfPalmBeach.com>
Cc: John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Maura Ziska <MZiska@floridawills.com>; John Eubanks Jr <jeubanks@sniffenlaw.com>
Subject: Request for Extension of Time and Continuance : Simmons Appeal of ARCOM Decision of October 28, 2020 and Request for Confirmation of Hearing Schedule The Palm House Hotel
Importance: High

*****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 Mr. Nieves and Mr. Bergman.

Please see the attached correspondence. You should be receiving similar correspondence from the other Appellant soon.

Please note that the adjustments to the hearing schedule have been agreed to amongst the parties, and we all ask that the same be confirmed.

Please also note that I've spoken to Mr. Randolph this morning and have advised him that this request would likely be made today, and he indicated that a letter request to the Town should be sufficient for this purpose. I have copied him with the letter and this E-mail.

If there is anything further that is needed, please let me, Ms. Ziska, and Mr. Eubanks all know.

Thank you.

DONALD J. LUNNY, JR. | PARTNER
Board Certified City, County & Local Government Lawyer

100 SE Third Ave., 23rd Floor, Ft. Lauderdale, FL 33394

Main: 954.522.2200 | Fax: 954.522.9123

2255 Glades Road, Suite 414E, Boca Raton, FL 33431

Main: 561.241.3113 | Fax: 561.241.3226

501 North Federal Highway, Lake Park, FL 33403

Main: 561.863.5400 | Fax: 561.863.3420

donald.lunny@brinkleymorgan.com | www.brinkleymorgan.com



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KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

*also admitted in NY

VIA EMAIL

November 23, 2020

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00289
160 Royal Palm Way, Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **December 9, 2020** Town Council meeting to the **January 13, 2021** Town Council meeting. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

maz/jc
cc: Client

A Florida Professional Limited Liability Company Including Professional Associations



Donald J. Lunny, Jr., Esq.
donald.lunny@brinkleymorgan.com

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100 SE 3rd Avenue, 23rd Floor
Fort Lauderdale, Florida 33394
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(954) 522-9123 Facsimile

2255 Glades Road, Suite 414E
Boca Raton, FL 33431
(561) 241-3113
(561) 241-3226 Facsimile

www.brinkleymorgan.com

Please reply to Fort Lauderdale

January 5, 2020

Queenester Nieves
Town Clerk
Town of Palm Beach
360 S. County Road
Palm Beach, FL. 33480

Via E-Mail

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

Re: Request for Continuance, Extension of Time, and
Confirmation of Hearing Schedule
Simmons Appeal of October 28, 2020 ARCOM Decision
The Palm House Hotel
160 Royal Palm Way,
Palm Beach, Florida 33480

Dear Mr. Nieves and Mr. Bergman:

As you may recall, this Firm Represents Virginia C. Simmons, individually and as Trustee of the Virginia C. Simmons Revocable Trust U/A/D May 4, 2018, the owner of single-family residential property having a street address of 133 Brazilian Avenue, Palm Beach, Florida.

As you may know, while the Town's ARCOM Commission approved the revised plans for The Palm House Hotel which are part of the Settlement by and between the parties (the "Revised Plans"), it was unable to approve all of the variances and special exceptions that need to be approved for such Revised Plans since Town Staff advised that some of them were not advertised for the last ARCOM Meeting. Thus, The Palm House Hotel will be returning to ARCOM at its January 2021 Meeting for ARCOM's recommendations on these last few matters. It is hoped that if ARCOM recommends approval of these last few variances and special exceptions, the Town Council will be able to consider the Revised Plans, necessary variances and special exceptions, and Declaration of Use Agreement at its February 2021 Meeting (which I believe is February 10, 2021).

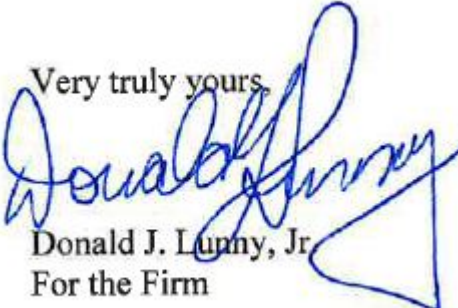
You may remember when we previously thought the Town Council would be able to consider all aspects of the Palm House Hotel Project on January 13, 2021, we asked that the Town Schedule our client's Appeal of the ARCOM decision for January 13, 2021, with the thought that if the Town Council approved all aspects of the Project that have been revised as part of the Settlement, the Appeal would be withdrawn. Given that it does not look at if all aspects of the Project will be considered by the Town

Correspondence to Mr. Nieves
Town of Palm Beach Town Clerk
Re: The Palm House Hotel
January 5, 2021
Page 2 of 2

Council until February 10, 2021, our client is requesting an extension of time for the hearing on its Appeal of the ARCOM Meeting of October 28, 2020 and its objections to the Variances and Special Exceptions needed for the Project to February 10, 2021 (the Town Council's February Development Review Meeting). **The Applicant has agreed to this extension.** Again, if the Town Council approved the Project as revised for the Settlement, the Appeal will be withdrawn.

It is my understanding that Mr. Eubanks will be submitting to you both a similar letter requesting a continuance or extension for his client's Appeal of the October 28, 2020 ARCOM Decision.

Thank you both for your consideration of this important matter.

Very truly yours,

Donald J. Lunny, Jr.
For the Firm

cc. Maura Ziska, Esq. Counsel for the Applicant
John Eubanks, Esq.
John "Skip" Randolph, Esq. Town Attorney

From: [John Eubanks Jr](#)
To: [Donald Lunny](#); [Wayne Bergman](#); [Queenester Nieves](#)
Cc: [Maura Ziska](#); [John \(Skip\) C. Randolph](#); [Kelly Churney](#)
Subject: RE: Simmons, Virginia/Zoning Matter - The Palm Hotel:
Date: Tuesday, January 05, 2021 1:44:33 PM

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Wayne:

As a follow up to Mr. Lunny's letter, on behalf of our clients Tim and Gayle DeVries the owners of 141 and 149 Brazilian Avenue, our office would also request a deferral of the consideration of its Appeal of the ARCOM Decision of October 28, 2020 from the January 13, 2021 Town Council Meeting to the February 10, 2021 meeting. Despite the parties' efforts, ARCOM was unable to consider and make recommendations on all of the variances and special exceptions, the remainder of which will need to be taken up at this month's ARCOM meeting. Hopefully, after ARCOM's consideration and recommendation the parties will be able to move forward with finalizing their Settlement and the Appeal will be withdrawn.

As noted by Mr. Lunny the Applicant has agreed to this extension. As always, please do not hesitate to contact me if you require any additional information. Thank you.

John R Eubanks, Jr.

SNIFFEN & SPELLMAN, P.A.

605 North Olive Avenue, 2nd Floor
West Palm Beach, Florida 33401
T (561) 721-4000 / F (561) 721-4001 / D (561) 721-4002
E-mail: jeubanks@sniffenlaw.com
Website: www.sniffenlaw.com / Twitter: @Sniffenlaw

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From: Donald Lunny [mailto:Donald.Lunny@brinkleymorgan.com]

Sent: Tuesday, January 05, 2021 1:16 PM

To: Wayne Bergman <wbergman@townofpalmbeach.com>; Queenester Nieves <qnieves@townofpalmbeach.com>

Cc: John Eubanks Jr <jeubanks@sniffenlaw.com>; Maura Ziska <MZiska@floridawills.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Kelly Churney <KChurney@TownofPalmBeach.com>

Subject: Simmons, Virginia/Zoning Matter - The Palm Hotel:

Dear Mr. Bergman and Mr. Nieves:

Please see the attached letter which asks that our client's Appeal of the ARCOM decision be continued from the January 13, 2021 Town Council Meeting and extended to the February 10, 2021 Town Council Meeting. The reason for the extension a change to the overall project hearing schedule caused by the need to go back to ARCOM for some additional advertised variances and special exceptions needed to approve the revised Project as per the Settlement between the parties. The Applicant has agreed to this request. Please let me know if there is anything else you need.

(Skip: you are being copied to be kept in the loop). Thank you all.

DONALD J. LUNNY, JR. | PARTNER

Board Certified City, County & Local Government Lawyer

100 SE Third Ave., 23rd Floor, Ft. Lauderdale, FL 33394

Main: 954.522.2200 | Fax: 954.522.9123

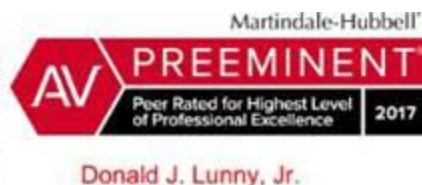
2255 Glades Road, Suite 414E, Boca Raton, FL 33431

Main: 561.241.3113 | Fax: 561.241.3226

501 North Federal Highway, Lake Park, FL 33403

Main: 561.863.5400 | Fax: 561.863.3420

donald.lunny@brinkleymorgan.com | www.brinkleymorgan.com



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TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

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] [The Architectural Review Commission deferred this project to their February 24, 2021 Meeting. Carried 6-1.] **Request For Deferral to the March 10, 2021 Meeting Per Letter from James M. Crowley.**

Presenter

ATTACHMENTS:

- ▣ **Letter Dated January 4, 2021 from James M. Crowley**
- ▣ **Kimley Horn Shared Parking Study**



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 48395.00001
Writer's Direct Dial Number: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

January 4, 2021

VIA E-MAIL

Paul Castro, Zoning Manager
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Z-19-00232 - 125 Worth Avenue

Dear Paul:

As you know, this project was deferred at the December 18th ARCOM meeting until the February 24, 2021 ARCOM meeting. Therefore, on behalf of our client, 125 Worth Partners, LLC, I request to defer this matter from the January 13, 2021 Town Council meeting to the March 10, 2021 Town Council meeting.

Thank you for your assistance.

Sincerely,

James M. Crowley, Esq.

JMC/op
Enclosures

cc:

Kelly Churney, Administrative Specialist
Robert Frisbie (*via email*)

ACTIVE:12852822.1



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:

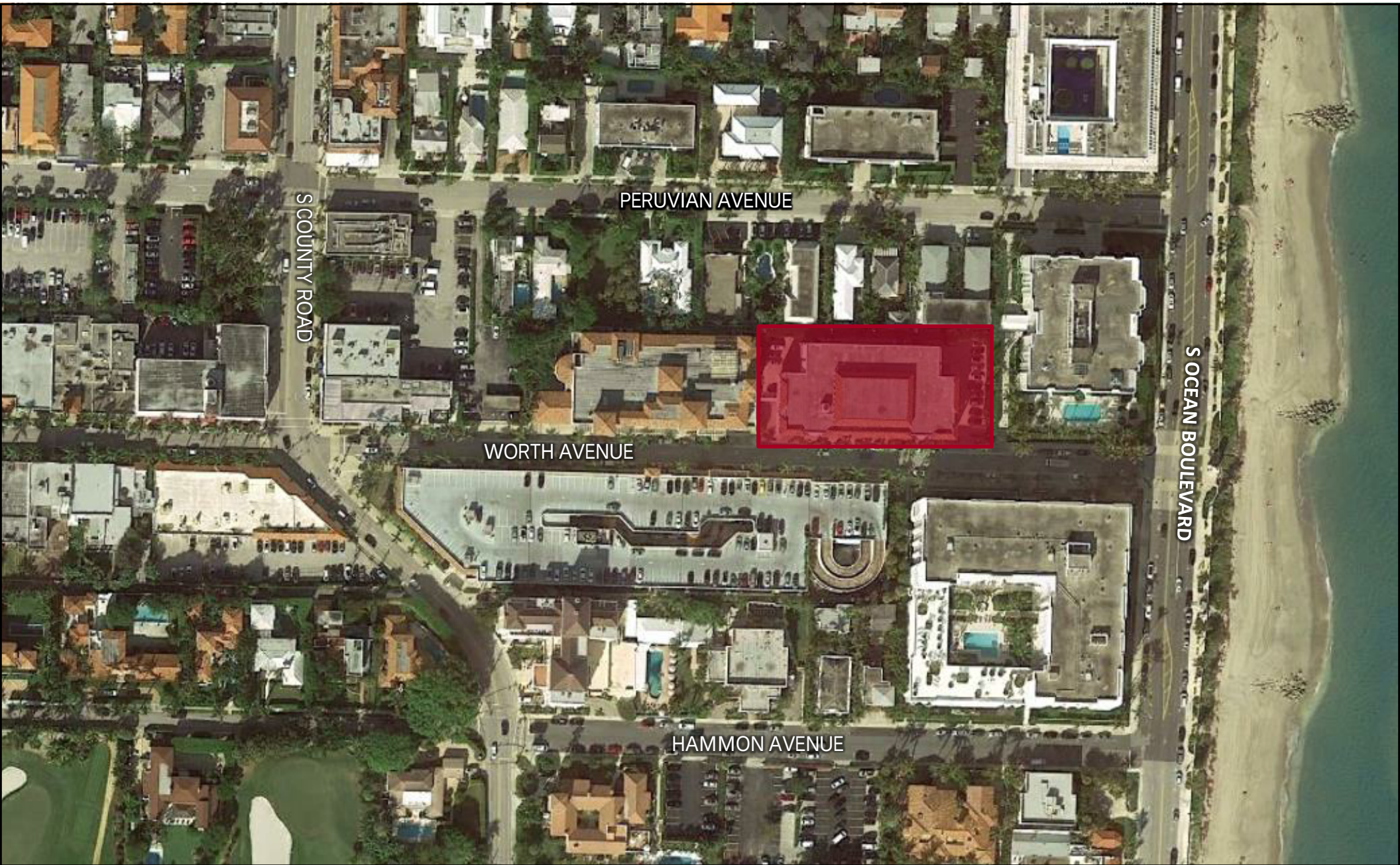
Kimley-Horn and Associates, Inc. has undertaken the following review and analysis to evaluate the overall parking supply requirements for the proposed modification of the development program at the 125 Worth Ave site, which is located on the north side of Worth Avenue between South Ocean Boulevard and 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

				Weekday																			
				AM						PM													
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical				25																			
Customer	2.90		56% /kGSF		0	2	6	14	26	34	38	40	38	36	36	38	38	38	32	20	12	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%	95%	95%	95%	90%	75%	40%	15%	0%
Residential				4																			
Customer	0.15		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				40																			
Visitor	0.29		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	121	166	190	193	180	186	204	195	179	126	92	72	61	41	26	13	7
				Excess	122	83	13	-32	-56	-59	-46	-52	-70	-61	-45	8	42	62	73	93	108	121	127
Weekday Peak				204																			
Weekend Peak				73																			
Average Weekday Excess				23																			
Average Weekend Excess				89																			
Note:																							

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January

		Weekend																		
		AM						PM												
Use	Hour Ratio	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	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%	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		8	13	25	42	54	63	69	72	73	70	65	62	55	52	47	39	29	16	7
Weekday 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

				Weekday																			
				AM							PM												
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical				25																			
Customer	2.90		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%	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				4																			
Customer	0.15		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				40																			
Visitor	0.29		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	121	166	190	193	181	186	204	196	179	126	92	72	61	42	26	13	7
				Excess	122	83	13	-32	-56	-59	-47	-52	-70	-62	-45	8	42	62	73	92	108	121	127
Weekday Peak				204																			
Weekend Peak				74																			
Average Weekday Excess				22																			
Average Weekend Excess				88																			

Note:

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February

		Weekend																		
		AM						PM												
Use	Hour Ratio	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	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%
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%	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		8	13	25	42	54	63	69	72	74	71	66	62	56	53	48	40	30	16	7
Weekday Peak		126	121	109	92	80	71	65	62	60	63	68	72	78	81	86	94	104	118	127
Weekend Peak																				
Average Weekday Excess																				
Average Weekend Excess																				
Note:																				
K:\WPB_TPTO\1406\140616000 - 125																				



March

				Weekday																			
				AM							PM												
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical				25																			
Customer	2.90		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				4																			
Customer	0.15		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				40																			
Visitor	0.29		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	194	198	185	191	209	200	184	131	97	77	65	44	28	14	7
				Excess	122	83	12	-34	-60	-64	-51	-57	-75	-66	-50	3	37	57	69	90	106	120	127
Weekday Peak				209																			
Weekend Peak				79																			
Average Weekday Excess				19																			
Average Weekend Excess				85																			

Note:

K:\WPB_TPTO\1406\140616000 - 125 Worth Avenue\Parking\2019-11-4 Shared Parking 125 Worth Ave.xlsx\March

March

		Weekend																		
		AM						PM												
Use	Hour Ratio	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%	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		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:																				
K:\WPB_TPTO\1406\140616000 - 125																				



April

				Weekday																			
				AM						PM													
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical				25																			
Customer	2.90		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%	95%	95%	95%	90%	75%	40%	15%	0%
Residential				4																			
Customer	0.15		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				40																			
Visitor	0.29		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	167	193	197	185	191	208	200	183	130	96	76	65	44	27	13	7
				Excess	122	83	12	-33	-59	-63	-51	-57	-74	-66	-49	4	38	58	69	90	107	121	127
Weekday Peak				208																			
Weekend Peak				79																			
Average Weekday Excess				20																			
Average Weekend Excess				86																			

Note:

K:\WPB_TPTO\1406\140616000 - 125 Worth Avenue\Parking\2019-11-4 Shared Parking 125 Worth Ave.xlsx\April

April

		Weekend																		
		AM						PM												
Use	Hour Ratio	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	0	2	5	15	25	32	40	45	50	50	47	45	40	37	32	25	17	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%	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		8	14	26	44	56	67	73	77	79	76	71	67	60	57	51	42	31	17	7
		126	120	108	90	78	67	61	57	55	58	63	67	74	77	83	92	103	117	127
Weekday Peak																				
Weekend Peak																				
Average Weekday Excess																				
Average Weekend Excess																				
Note:																				
K:\WPB_TPTO\1406\140616000 - 125																				



May

				Weekday																			
				AM						PM													
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical				25																			
Customer	2.90		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				4																			
Customer	0.15		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				40																			
Visitor	0.29		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:

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May

Use	Hour Ratio	Weekend																		
		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	5	16	26	34	41	47	52	52	49	47	41	39	34	26	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%	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		8	14	26	44	58	68	75	79	81	78	73	69	62	58	52	43	32	17	7
Weekday Peak		126	120	108	90	76	66	59	55	53	56	61	65	72	76	82	91	102	117	127
Weekend Peak																				
Average Weekday Excess																				
Average Weekend Excess																				
Note:																				
K:\WPB_TPTO\1406\140616000 - 125																				



June

				Weekday																			
				AM						PM													
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical				25																			
Customer	2.90		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				4																			
Customer	0.15		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				40																			
Visitor	0.29		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	194	211	202	186	133	99	79	67	45	28	14	7
				Excess	122	83	12	-34	-61	-65	-53	-60	-77	-68	-52	1	35	55	67	89	106	120	127
Weekday Peak				211																			
Weekend Peak				82																			
Average Weekday Excess				18																			
Average Weekend Excess				84																			

Note:

K:\WPB_TPTO\1406\140616000 - 125 Worth Avenue\Parking\2019-11-4 Shared Parking 125 Worth Ave.xlsx\June

June

		Weekend																		
		AM						PM												
Use	Hour Ratio	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	16	26	34	42	47	53	53	50	47	42	39	34	26	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%	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		8	14	26	45	58	69	75	80	82	79	74	69	62	59	53	43	32	17	7
Weekday Peak		126	120	108	89	76	65	59	54	52	55	60	65	72	75	81	91	102	117	127
Weekend Peak																				
Average Weekday Excess																				
Average Weekend Excess																				
Note:																				
K:\WPB_TPTO\1406\140616000 - 125																				



July

				Weekday																			
				AM							PM												
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical				25																			
Customer	2.90		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				4																			
Customer	0.15		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				40																			
Visitor	0.29		95% /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		95% /kGSF		4	39	97	123	129	129	116	116	129	129	116	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%
Total Needed					12	49	117	161	186	190	179	185	202	193	178	128	95	76	65	44	27	14	7
				Excess	122	85	17	-27	-52	-56	-45	-51	-68	-59	-44	6	39	58	69	90	107	120	127
Weekday Peak				202																			
Weekend Peak				79																			
Average Weekday Excess				23																			
Average Weekend Excess				85																			

Note:

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July

		Weekend																		
		AM						PM												
Use	Hour Ratio	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%	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	10	12	13	12	10	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	25	43	56	66	73	77	79	76	71	67	60	57	51	42	32	17	7
Weekday Peak		126	120	109	91	78	68	61	57	55	58	63	67	74	77	83	92	102	117	127
Weekend Peak																				
Average Weekday Excess																				
Average Weekend Excess																				
Note:																				
K:\WPB_TPTO\1406\140616000 - 125																				



August

				Weekday																				
				AM									PM											
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight	
Shopping Center - Typical				25																				
Customer	2.90		69% /kGSF		0	2	7	17	32	42	47	49	47	44	44	47	47	47	39	25	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%	
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				4																				
Customer	0.15		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				40																				
Visitor	0.29		95% /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		95% /kGSF		4	39	97	123	129	129	116	116	129	129	116	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%	
Total Needed					12	49	117	162	189	193	183	189	205	197	181	131	99	80	68	46	29	14	7	
				Excess	122	85	17	-28	-55	-59	-49	-55	-71	-63	-47	3	35	54	66	88	105	120	127	
Weekday Peak				205																				
Weekend Peak				83																				
Average Weekday Excess				21																				
Average Weekend Excess				83																				

Note:

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August

		Weekend																		
		AM						PM												
Use	Hour Ratio	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	16	27	35	43	49	54	54	52	49	43	41	35	27	19	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%	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	10	12	13	12	10	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	26	45	58	69	76	80	83	80	75	71	64	60	54	44	33	17	7
Weekday Peak		125	120	108	89	76	65	58	54	51	54	59	63	70	74	80	90	101	117	127
Weekend Peak																				
Average Weekday Excess																				
Average Weekend Excess																				
Note:																				
K:\WPB_TPTO\1406\140616000 - 125																				



September

				Weekday																			
				AM							PM												
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical				25																			
Customer	2.90		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				4																			
Customer	0.15		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				40																			
Visitor	0.29		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	194	198	185	191	209	200	184	131	97	77	65	44	28	14	7
				Excess	122	83	12	-34	-60	-64	-51	-57	-75	-66	-50	3	37	57	69	90	106	120	127
Weekday Peak				209																			
Weekend Peak				79																			
Average Weekday Excess				19																			
Average Weekend Excess				85																			

Note:

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September

		Weekend																		
		AM						PM												
Use	Hour Ratio	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%	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		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:																				
K:\WPB_TPTO\1406\140616000 - 125																				



October

				Weekday																			
				AM						PM													
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical				25																			
Customer	2.90		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				4																			
Customer	0.15		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				40																			
Visitor	0.29		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:

K:\WPB_TPTO\1406\140616000 - 125 Worth Avenue\Parking\2019-11-4 Shared Parking 125 Worth Ave.xlsx\October

October

		Weekend																		
		AM						PM												
Use	Hour Ratio	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	16	26	34	41	47	52	52	49	47	41	39	34	26	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%	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		8	14	26	44	58	68	75	79	81	78	73	69	62	58	52	43	32	17	7
Weekday Peak		126	120	108	90	76	66	59	55	53	56	61	65	72	76	82	91	102	117	127
Weekend Peak																				
Average Weekday Excess																				
Average Weekend Excess																				
Note:																				
K:\WPB_TPTO\1406\140616000 - 125																				



November

				Weekday																			
				AM						PM													
Use	Ratio	Unit	Monthly Factor	Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical				25																			
Customer	2.90		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%
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%
Residential				4																			
Customer	0.15		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				40																			
Visitor	0.29		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					13	52	124	171	199	204	193	199	216	207	191	138	104	84	71	48	30	14	7
				Excess	121	82	10	-37	-65	-70	-59	-65	-82	-73	-57	-4	30	50	63	86	104	120	127
Weekday Peak				216																			
Weekend Peak				88																			
Average Weekday Excess				15																			
Average Weekend Excess				80																			
Note:																							

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November

		Weekend																		
		AM						PM												
Use	Hour Ratio	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	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%	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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Peak December

				Weekday																			
				AM							PM												
			Hour	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight	
Use	Ratio	Unit	Monthly Factor																				
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%	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				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:																							

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Peak December

		Weekend																		
		AM						PM												
Use	Hour Ratio	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	4	8	24	39	51	63	71	79	79	75	71	63	59	51	39	28	12	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	8	15	17	19	20	20	20	20	20	19	17	16	15	13	9	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	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%	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	16	30	55	74	89	100	107	112	109	102	97	86	81	73	59	43	22	7
Weekday Peak		125	118	104	79	60	45	34	27	22	25	32	37	48	53	61	75	91	112	127
Weekend Peak																				
Average Weekday Excess																				
Average Weekend Excess																				
Note:																				
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TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - Old Business

Agenda Title

Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Zoning District: C-B Commercial The application of LR Palm House LLC (Ian Livingstone, Executive Chairman), Applicant, relative to property located at **160 ROYAL PALM WAY**, legal description on file, is described below. Section 134-1304 (5): Request to modify Site Plan Review # 1-2016 with Special Exception to change the approved use from condo-hotel to hotel; modify the previously approved site plan; and amend the conditions of approval in the Declaration of Use Agreement, as identified in the proposed Third Amendment to the Declaration of Use which is Exhibit "F") of this application. The proposed site modifications being requested as follows: Section 134-1304(5): The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The hotel is 84,495 gross square feet in total. There is an East and West guest wing, and these wings are connected by a central core containing the Main Entrance and other partially completed public functions. A separate conference and events "Function Room" and partial pool deck was also constructed at the south east portion of the property. Section 134-227. 326 & 329 1729(2)(c): (Site Plan Review) The new owner/applicant is proposing new work for the hotel which includes the following site plan modifications: 1) Completion and conversion of guest rooms for a total of 79 keys. Two new presidential suites will be constructed within the building core, each with private outdoor balconies. 2) Completion of the lower level for back-of-house, administrative and housekeeping functions for the hotel. The interior modifications for the lower level includes renovation of partially completed areas including kitchen, food storage, housekeeping, staff areas and hotel administrative offices. The owner is requesting an additional 148 SF to provide a new service stair form the lower level to support the Pool Area. Additional areas for renovation include spaces for MEP Infrastructure such as electrical, hot water, and elevator systems. The proposed modifications remove all Hotel Guest program areas from the lower level. The lower level renovation includes restoration of parking area for 60 parking spaces including three accessible

parking spaces. Two parking spaces which includes on Van Accessible parking space is located behind the existing function room. All parking will be Valet only per the Declaration of Use Amendment Three. Total on-site parking provided is 62 spaces. 3) A new pool deck will be constructed adjacent to the existing Function Room, with various amenities that include chaise lounges and outdoor seating, shade umbrellas, toilets, a towel/concierge stand, open-air bar with enclosed pantry behind, water features, lush native plantings, and Event Lawn to be used as a pre-function space, or for small wedding and/or overflow sun bathing; 4) The first level lobby and public spaces will be completed to include fine dining and lobby bar, with 88 indoor seats as well as 36 outdoor seating facing the new pool deck. The second floor dining that was previously approved has been eliminated to make room for the reconfigured hotel suites which include the new presidential suites; 5) The Function Room construction will be completed and the seating plan in the Function Room is being revised to add 50 more seats for a total of 200 seats (the total overall number of seats throughout the hotel that was previously approved is being reduced from 336 to 324); 6) A small 556 square foot banquet prep kitchen is proposed to be constructed adjacent to and on the east side of the existing Function Room. 7) Replace a 250 RW generator in the basement with the same size that exists today. - Other exterior Improvements will include new third floor railings, re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors. Addition of a small 61 square foot pool service building; enclosing the 679 square foot function room pre-function space on the west side of the Function Room; addition of 588 square foot restroom for Function Room, addition of 556 square foot prep kitchen for Function Room and addition of 148 square foot stairwell to access Function Room prep kitchen. The following is a list of the proposed special exceptions and variances being requested for the hotel project: 1) Section 134-226 & 229: A special exception request to modify the approved special exception by converting from a condominium hotel to hotel use and make the site modifications and change to the conditions of approval as identified in this application. 2) Section 134-1305: A special exception request to allow 36 seats for outdoor dining on the first floor on the north side of the pool deck; and 3) Section 134-1308(9): A variance for lot coverage to be 63.8% in lieu of the 62.8% existing and the 50% maximum allowed in the C-B Zoning District; 4) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel above the second floor where only a two story building is allowed in the C-B Zoning District; 5) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel with a height of 31.83 feet in lieu of the 25 foot maximum allowed; 6) Section 134-1669: A variance for the height of the wall enclosing the dumpster located at the southeast corner of the property to be 13.25 feet tall in lieu of the 7 foot maximum height

allowed from the neighbor's grade; 7) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with a height of 33.58 feet in lieu of the 25 foot maximum allowed in the C-B Zoning District; 8) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with an overall height of 42 feet in lieu of the 35 foot maximum allowed in the C-B Zoning District; 9) Section 134-1669: A variance for the height of the wall along the rear property line to be 8.5 feet in lieu of the 7 foot maximum allowed from the neighbor's grade; 10) Section 134-1669: A variance for the height of the wall enclosing the existing chiller at the south west corner of the property to be 12 feet tall in lieu of the 7 foot maximum allowed from the neighbor's grade; 11) Section 134-1308(7): A variance for a rear yard setback for the chiller to be 2.25 feet in lieu of the 10 foot minimum required in the C-B Zoning District; 12) Section 134-1308(6): A variance for a west side yard setback for the chiller to be 5.8 feet in lieu of the 10 foot minimum required in the C-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with a condition relating to the service gate, the doors in the banquet kitchen and that the windows and railings will return to the January 27, 2021 meeting. Carried 6-1.]

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**
- ▢ **2007 Declaration of Use Agreement**
- ▢ **2012 Amendment to the Declaration of Use Agreement**
- ▢ **2013 Amendment to the Declaration of Use Agreement**
- ▢ **Email Dated September 18, 2020 from Jorge Sanchez**
- ▢ **Letter Dated September 21, 2020 from Donald Lunny**
- ▢ **Letter Dated September 22, 2020 from John Eubanks**
- ▢ **Letter Dated October 26, 2020 from Donald Lunny**
- ▢ **Letter Dated October 26, 2020 from John Eubanks**
- ▢ **Letter Dated November 9, 2020 from John Eubanks**
- ▢ **Letter Dated December 16, 2020 from Donald Lunny**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 14, 2020

To: Mayor and Town Council

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

Subject: **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARI/**
160 ROYAL PALM WAY

Date: January 04, 2021

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-1304 (5): Request to modify Site Plan Review # 1-2016 with Special Exception to change the approved use from condo-hotel to hotel; modify the previously approved site plan; and amend the conditions of approval in the Declaration of Use Agreement, as identified in the proposed Third Amendment to the Declaration of Use which is Exhibit "F") of this application. The proposed site modifications being requested as follows: Section 134-1304(5): The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The hotel is 84,495 gross square feet in total. There is an East and West guest wing, and these wings are connected by a central core containing the Main Entrance and other partially completed public functions. A separate conference and events "Function Room" and partial pool deck was also constructed at the south east portion of the property. Section 134-227. 326 & 329 1729(2)(c): (Site Plan Review) The new owner/applicant is proposing new work for the hotel which includes the following site plan modifications: 1) Completion and conversion of guest rooms for a total of 79 keys. Two new presidential suites will be constructed within the building core, each with private outdoor balconies. 2) Completion of the lower level for back-of-house, administrative and housekeeping functions for the hotel. The interior modifications for the lower level includes renovation of partially completed areas Including kitchen, food storage, housekeeping, staff areas and hotel administrative offices. The owner is requesting an additional 148 SF to provide a new service stair form the lower level to support the Pool Area. Additional areas for renovation include spaces for MEP Infrastructure such as electrical, hot water, and elevator systems. The proposed modifications remove all Hotel Guest program areas from the lower level. The lower level renovation includes restoration of parking area for 60 parking spaces including three accessible parking spaces. Two parking spaces which includes on Van Accessible parking space is located behind the existing function room. All parking will be Valet only per the Declaration of Use Amendment Three. Total on-site parking provided is 62 spaces. 3) A new pool deck will be constructed adjacent to the existing Function Room, with various amenities that include chaise lounges and outdoor seating, shade umbrellas, toilets, a towel/concierge stand, open-air bar with enclosed pantry behind, water features, lush native plantings, and Event Lawn to be used as a pre-function space, or for small wedding and/or overflow sun bathing; 4) The first level lobby and public spaces will be completed to include fine dining and lobby bar, with 88 indoor seats as well as 36 outdoor seating facing the new pool deck. The second floor dining that was previously approved has been eliminated to make room for the reconfigured hotel suites which include the new presidential suites; 5) The Function Room construction will be completed and the seating plan in the Function Room is being revised to add 50 more seats for a total of 200 seats (the total overall number of seats throughout the hotel that was previously approved is being reduced from 336 to 324); 6) A small 556 square foot banquet prep kitchen is proposed to be constructed adjacent to and on the east side of the existing Function Room. 7) Replace a 250 RW generator in the basement with the same size that exists today. - Other exterior Improvements will include new third floor railings, re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. fenestration requiring replacement will be replaced with similar windows and doors. Addition of a small 61 square foot pool service building; enclosing the

679 square foot function room pre-function space on the west side of the Function Room; addition of 588 square foot restroom for Function Room, addition of 556 square foot prep kitchen for Function Room and addition of 148 square foot stairwell to access Function Room prep kitchen.

The following is a list of the proposed special exceptions and variances being requested for the hotel project: 1) Section 134-226 & 229: A special exception request to modify the approved special exception by converting from a condominium hotel to hotel use and make the site modifications and change to the conditions of approval as identified in this application. 2) Section 134-1305: A special exception request to allow 36 seats for outdoor dining on the first floor on the north side of the pool deck; and

3) Section 134-1308(9): A variance for lot coverage to be 63.8% in lieu of the 62.8% existing and the 50% maximum allowed in the C-B Zoning District; 4) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel above the second floor where only a two story building is allowed in the C-B Zoning District; 5) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel with a height of 31.83 feet in lieu of the 25 foot maximum allowed; 6) Section 134-1669: A variance for the height of the wall enclosing the dumpster located at the southeast corner of the property to be 13.25 feet tall in lieu of the 7 foot maximum height allowed from the neighbor's grade; 7) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with a height of 33.58 feet in lieu of the 25 foot maximum allowed in the C-B Zoning District;

8) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with an overall height of 42 feet in lieu of the 35 foot maximum allowed in the C-B Zoning District; 9) Section 134-1669: A variance for the height of the wall along the rear property line to be 8.5 feet in lieu of the 7 foot maximum allowed from the neighbor's grade; 10) Section 134-1669: A variance for the height of the wall enclosing the existing chiller at the south west corner of the property to be 12 feet tall in lieu of the 7 foot maximum allowed from the neighbor's grade; 11) Section 134-1308(7): A variance for a rear yard setback for the chiller to be 2.25 feet in lieu of the 10 foot minimum required in the C-B Zoning District; 12) Section 134-1308(6): A variance for a west side yard setback for the chiller to be 5.8 feet in lieu of the 10 foot minimum required in the C-B Zoning District.

ADDRESS: 160 ROYAL PALM WAY

OWNER: 160 ROYAL PALM LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-23-05-026-0310

ZONING DISTRICT: C-B Commercial

LEGAL DESCRIPTION: ROYAL PARK ADD LTS 31 TO 33 INC
BLK F

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: 8/21/20

APPLICATION NO.: Z-20-00289 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)
ADDRESS: 160 ROYAL PALM WAY **TENANT:**THE PALM HOUSE



PLANNING, ZONING AND BUILDING DEPARTMENT

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/21/20

DESCRIPTION:

Section 134-1304 (5): Request to modify Site Plan Review # 1-2016 with Special Exception to change the approved use from condo-hotel to hotel; modify the previously approved site plan; and amend the conditions of approval in the Declaration of Use Agreement, as identified in the proposed Third Amendment to the Declaration of Use which is Exhibit "F") of this application. The proposed site modifications being requested as follows: Section 134-1304(5): The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The hotel is 84,495 gross square feet in total. There is an East and West guest wing, and these wings are connected by a central core containing the Main Entrance and other partially completed public functions. A separate conference and events "Function Room" and partial pool deck was also constructed at the south east portion of the property. Section 134-227. 326 & 329 1729(2)(c): (Site Plan Review) The new owner/applicant is proposing new work for the hotel which includes the following site plan modifications: 1) Completion and conversion of guest rooms for a total of 79 keys. Two new presidential suites will be constructed within the building core, each with private outdoor balconies. 2) Completion of the lower level for back-of-house, administrative and housekeeping functions for the hotel. The interior modifications for the lower level includes renovation of partially completed areas including kitchen, food storage, housekeeping, staff areas and hotel administrative offices. The owner is requesting an additional 148 SF to provide a new service stair form the lower level to support the Pool Area. Additional areas for renovation include spaces for MEP Infrastructure such as electrical, hot water, and elevator systems. The proposed modifications remove all Hotel Guest program areas from the lower level. The lower level renovation includes restoration of parking area for 60 parking spaces including three accessible parking spaces. Two parking spaces which includes on Van Accessible parking space is located behind the existing function room. All parking will be Valet only per the Declaration of Use Amendment Three. Total on-site parking provided is 62 spaces. 3) A new pool deck will be constructed adjacent to the existing Function Room, with various amenities that include chaise lounges and outdoor seating, shade umbrellas, toilets, a towel/concierge stand, open-air bar with enclosed pantry behind, water features, lush native plantings, and Event Lawn to be used as a pre-function space, or for small wedding and/or overflow sun bathing; 4) The first level lobby and public spaces will be completed to include fine dining and lobby bar, with 88 indoor seats as well as 36 outdoor seating facing the new pool deck. The second floor dining that was previously approved has been eliminated to make room for the reconfigured hotel suites which include the new presidential suites; 5) The Function Room construction will be completed and the seating plan in the Function Room is being revised to add 50 more seats for a total of 200 seats (the total overall number of seats throughout the hotel that was previously approved is being reduced from 336 to 324); 6) A small 556 square foot banquet prep kitchen is proposed to be constructed adjacent to and on the east side of the existing Function Room. 7) Replace a 250 RW generator in the basement with the same size that exists today. - Other exterior Improvements will include new third floor railings, re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. fenestration requiring replacement will be replaced with similar windows and doors. Addition of a small 61 square foot pool service building; enclosing the 679 square foot function room pre-function space on the west side of the Function Room; addition of 588 square foot restroom for Function Room, addition of 556 square foot prep kitchen for Function Room and addition of 148 square foot stairwell to access Function Room prep kitchen.

The following is a list of the proposed special exceptions and variances being requested for the hotel project: 1) Section 134-226 & 229: A special exception request to modify the approved special exception by converting from a condominium hotel to hotel use and make the site modifications and change to the conditions of approval as identified in this application. 2) Section 134-1305: A special exception request to allow 36 seats for outdoor dining on the first floor on the north side of the pool deck; and 3) Section 134-1308(9): A variance for lot coverage to be 63.8% in lieu of the 62.8% existing and the 50% maximum allowed in the C-B Zoning District; 4) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel above the second floor where only a two story building is allowed in the C-B Zoning District; 5) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel with a height of 31.83 feet in lieu of the 25 foot maximum allowed; 6) Section 134-1669: A variance for the height of the wall enclosing the dumpster located at the southeast corner of the property to be 13.25 feet tall in lieu of the 7 foot maximum height allowed from the neighbor's grade; 7) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first



PLANNING, ZONING AND BUILDING DEPARTMENT

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/21/20

floor with a height of 33.58 feet in lieu of the 25 foot maximum allowed in the C-B Zoning District; 8) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with an overall height of 42 feet in lieu of the 35 foot maximum allowed in the C-B Zoning District; 9) Section 134-1669: A variance for the height of the wall along the rear property line to be 8.5 feet in lieu of the 7 foot maximum allowed from the neighbor's grade; 10) Section 134-1669: A variance for the height of the wall enclosing the existing chiller at the south west corner of the property to be 12 feet tall in lieu of the 7 foot maximum allowed from the neighbor's grade; 11) Section 134-1308(7): A variance for a rear yard setback for the chiller to be 2.25 feet in lieu of the 10 foot minimum required in the C-B Zoning District; 12) Section 134-1308(6): A variance for a west side yard setback for the chiller to be 5.8 feet in lieu of the 10 foot minimum required in the C-B Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	8/28/2020	No Comment
PUBLIC WORKS DEPARTMENT			No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/3/2020	. This use is not in conflict with the adopted fire code. There will be code concerns going forward since the building has a lot of fire code violations left in place from the previous construction work. This building was fully sprinkled and is required to remain protected with a sprinkler system. The code requires this system to be restored as soon as they begin their work. We agreed with the court appointed legal representative to hold off on fines in order to get the legal concerns resolved. This is a building that needs to restore the designed life safety features that were built into the building and are required to be maintained throughout the life of the building.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	8/28/2020	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: 8/21/20

PZB - ZONING

Paul Castro, Zoning
Administrator

11/2/2020

The conversion from a cond-hotel to a more transient hotel use may lessen the parking demand for the hotel. In addition, many of the proposed changes to the hotel are related to function. The east enclosure of the open balcony walkways; the new prep kitchen to the rear of the Function Room; and the covered walkway changes from the hotel lobby to the Function Room are intended to improve the use of the hotel. The basement kitchen and service area improvements and the loss of the basement spa are also improvements to help with the function of the hotel operation.

There are also necessary changes required to the Declaration of Use Agreement related to the loss of the third floor deck and second floor dining area above the lobby and the loss of stairs and elevator at the Function Room. However, there is concern by Staff about some of the other modifications to the Declaration of Use Agreement. Other proposed modifications would allow an additional 50 seats in the Function Room, from 150 seats to 200 seats. While they are eliminating dining room seats, the additional seats being requested in the Function Room may create more impact to the valet and parking operation for the hotel. This space, unlike the dining room seating, will generate more traffic during events being held in the Function Room as visitors will be coming and leaving around the same time. The intent of the existing Agreement is to open the business for a period of time to evaluate how the Function Room would operate and access any impact prior to consideration of the additional seating.

In addition, the applicant is proposing to more than double the outside seating in the new pool deck area (16 approved seats to 36 seats). This, coupled with request for extended outdoor hours for service is a concern. Lastly, the request to change the Agreement to allow for later hours in the Function Room and the use of the outdoor pool deck and lawn area in front of the Function Room for pre-function events (no hours mentioned) is also a concern for staff as it may also impact the neighbors to the south. Staff requests that the Council address these concerns with the applicant and return with a modified Agreement for Council consideration.

Lastly, staff recommends a Construction Management Agreement, similar to the previous Agreement for the subject property, with a construction schedule and defined completion date to monitor and ensure completion on time.



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OR BK 21987 PG 0499
RECORDED 08/01/2007 10:41:42
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0499 - 509; (11pgs)

DECLARATION OF USE AGREEMENT
by
THE TOWN OF PALM BEACH
and
ROYAL 160, LLC

July, 2007

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DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this 30th day of July, 2007 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town"); and Royal 160, LLC (hereinafter called "Owner"), which terms "Town" and "Owner" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the land described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Land") is located within the municipal limits of the Town;

WHEREAS, title to all of the Land is held by Owner;

WHEREAS, the Heart of Palm Beach Hotel (hereafter referred to as the "Hotel") is located and operated on the Land at 160 Royal Palm Way in the Town;

WHEREAS, the Hotel is a valid use which was approved in 1981, but is now non-conforming in several aspects as a result of Code changes since its construction;

WHEREAS, prior to 1997 recorded or live music or entertainment was allowed in hotel dining rooms and restaurants;

WHEREAS, prior to 1997 the Hotel provided recorded or live music or entertainment and is grandfathered to allow recorded or live music or entertainment provided certain conditions are met as identified in this Agreement;

WHEREAS, the Land has a future land use designation of Commercial on the Comprehensive Plan Future Land Use Map;

WHEREAS, the Land is zoned C-B, Commercial Business;

WHEREAS, OWNER filed an application for approval of Site Plan Review #2-2007 with Special Exceptions and Variances ("Application");

WHEREAS, the number of Hotel units is being reduced from 95 to 79 units, dining room indoor and outdoor seating is increasing from an approved 150 seats to 185 seats;

WHEREAS, the function seating is changing from 110 approved seats to 150 seats;

WHEREAS, the Town Council conducted hearings on the Site Plan with Special Exceptions and Variances on January 9, 2007, February 13, 2007, April 10, 2007 and May 7, 2007;

WHEREAS, Owner made numerous revisions to the Site Plan in response to comments from the Town Council, the Architectural Commission, and neighbors;

WHEREAS, the Town Council approved on May 7, 2007, Site Plan Review, Special Exceptions and Variances, subject to the conditions set forth herein and the approval of this Agreement on the basis of the Owner's application and the testimony on behalf of the Owner;

WHEREAS, the Town made specific findings that the Owner met all applicable provisions of the Town Code governing site plan review, special exceptions, and variance requests;

WHEREAS, in approving the Site Plan Review with Special Exceptions and Variances, the conditions of approval reflected herein are imposed in order to regulate the use, mitigate any adverse impacts of the use, and insure that said use shall not be adverse to the public interest;

WHEREAS, all of the representations made herein are true and accurate and the approval of the Site Plan with Special Exception and Variances are conditioned upon the representations made herein and all of the conditions herein imposed; and,

WHEREAS, in granting the approval, the Town Council relied upon the oral and written representations of the property Owner/applicant both on the record and as part of the application process.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

ARTICLE I RECITALS

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II REPRESENTATION OF OWNERSHIP

Owner has full right to enter into this Agreement and to bind the Land and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which Owner or the Land are subject.

ARTICLE III CONDOMINIUM HOTEL USES

The use of the Land shall be for hotel uses and accessory uses in compliance with all of the information and exhibits not inconsistent with the terms and conditions set forth herein, set forth in the application submitted to the Town for Site Plan Review No. 2-2007 with Special Exception and Variances, as amended and approved by Town Council on May 7, 2007 (hereinafter referred to as the "Approval"). The Town's approval of the Application is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon new application to and approval by the Town Council. Any additional uses of the Land shall be subject to approval by the applicable governmental authority including but not limited to the Town Council of the Town, the Architectural Commission of the Town, Palm Beach County, the State of Florida, the United States Government, and/or any agencies under any of the foregoing governmental authorities.

ARTICLE IV CONDITIONS

The following conditions are imposed as conditions of the granting the approval of the Site Plan Review with Special Exceptions and Variances and are required to be met as conditions of the continued operation of the Hotel.

1. All parking at the Hotel shall be valet parking managed pursuant to a valet parking permit plan approved by the Town Police Chief.
2. If it is determined by the Town Police Chief that the valet parking operation at the Hotel is not working properly, the Town has the right to require measures as deemed necessary, including additional valet parking personnel or special duty officer(s), to resolve the issue(s).
3. The second floor dining room area is approved for a total 120 seats with the ability to relocate 50 of those seats to the second floor balcony patios (a maximum of 25 seats on the front balcony and 25 seats on back balcony terrace). In addition, the first floor dining room is approved for 65 seats with the ability to relocate 16 seats outdoors on the covered pool loggia. The dining room may serve meals to the public and hotel guests in the dining rooms from 5:00 AM to 1:00 AM. Outside dining shall only be allowed from 9:00 AM to 10:00 PM. on the covered pool loggia. However, seating for patrons for dining on the covered pool loggia shall not occur after 9:00 PM. Outside dining shall only be allowed from 6:00 AM to 11:00 PM. on the second floor dining room balconies. However, seating for patrons for dining on the second floor outside dining shall not occur after 9:00 PM. This shall not preclude 24 hour room service.
4. Pool hours and pool side beverage service shall be allowed only between the hours of 9:00 AM and 9:00 PM. Pool side food service shall be allowed only between the hours of 11:00 AM and 7:00 PM.
5. Recorded or live music or other entertainment is allowed on the pool deck area between 12:00 Noon and 8:30 PM. However, no recorded or live music, or other entertainment of any kind shall be permitted outside the Hotel building outside of those hours except background music as provided below. Background music is defined as low volume music where a normal conversation could be held over the music. Background music on the pool deck area shall be allowed between the hours of 9:00 a.m. and 7:00 PM.
6. Recorded or live music or entertainment shall be allowed inside the Hotel building from 9:00 a.m. to 11:30 p.m.
7. The function area shall only be allowed 150 seats with recorded or live music or other entertainment between the hours of 12:00 Noon and 11:30 PM. No sooner than one year from the date of the certificate of occupancy, the applicant may apply for a special exception with variance for a maximum of 50 additional seats in the function area.
8. The upper deck sun deck on top of the function room shall only be used for sunning or lounging. There shall be no events of any kind or live or recorded music provided on said sun deck.
9. All newly constructed lights in the Parking Lot shall be low level so that they shine downward and do not produce any light or glare which would adversely affect surrounding properties.
10. The building(s) shall be equipped with a fire alarm and suppression system as approved by the Fire Marshall.
11. The Hotel Owner(s) shall provide a minimum of 30 employee parking spaces and an employee shuttle service from December 1st through April 30th at an off-site location(s) within 15 minutes average driving time from the Hotel. This location shall not be within the Town limits unless specifically allowed for in Chapter 134, Zoning, ARTICLE IX, OFF-STREET PARKING AND LOADING, of the Town Code of Ordinances. If the Hotel proposes to provide the off-site parking location outside the Town's jurisdiction, the

- Owner(s) shall inform the Town in writing of the location(s) of said parking. It shall be the responsibility of Hotel(s) Owner to ensure that the off-site parking location is allowed within the jurisdiction being proposed for said parking arrangement. It shall be the Hotel Owner(s) responsibility to immediately inform the Town in writing of the loss of said parking area and make arrangements for the necessary approval(s) for alternate location(s). Failure to ensure that the off-site location is allowed by the jurisdiction in which said parking is located, or the loss of said parking may result in a reduction in dining room seating. That determination will be made by the Town Council at the earliest Town Council meeting after the Town becomes aware of the situation.
12. The demolition and construction contemplated by the Approval shall be conducted pursuant to a Construction Management Agreement entered into between Hotel Owner(s) and Town prior to the issuance of a building permit for said construction. That agreement shall address, among other things, phasing, worker parking, materials delivery and storage, construction hours, demolition, noise, dust, rodent control, security, project management, coordination with the Town, and a construction schedule. The Town Manager is authorized to execute that agreement on behalf of the Town.
 13. The Town shall have the right to check the seating in the Hotel on a periodic basis. Failure to allow a check will constitute a violation of this Agreement.

ARTICLE V

APPLICATION TO CONDOMINIUM UNIT OWNERS

Owner(s) shall ensure by a legally enforceable document that the condominium hotel unit Owner(s) assume all liability and responsibility as outlined in this Agreement in perpetuity.

ARTICLE VI

VOLUNTARY AGREEMENT

The terms and conditions set forth in the Approval and this Agreement are agreed to voluntarily by Owner(s), Owner(s) agrees to be bound by them, and OWNER(s) waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

ARTICLE VII

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to Owner or Owner's representative of said violation(s) and the date upon which said violation(s) shall be corrected, owner or owner's successors or assigns shall pay to the Town a liquidated amount of \$ 2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the Owner. The Town Council may, upon a finding of violation, alter this agreement or rescind the approval of the use.

In the event Owner disputes the determination of the Director of Planning, Zoning & Building Department of the violation of the conditions of this agreement, or in the event the Owner disputes any code violation, owner may appeal the determination of the Director of the Planning, Zoning & Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days of the written notice of violation.

2. In addition to the above, the Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the TOWN's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorneys' fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ARTICLE VIII **PROVISIONS FOR NOTICE**

For the issuance of any notice regarding the terms of this Agreement, notice shall be provided:

- a. To the Town: Town Manager at Town of Palm Beach Town Hall, 360 South County Road, Palm Beach, Florida, 33480
- b. To the Owner: C/O Robert Matthews, Royal 160 LLC, condominium owners and condominium association manager, 160 Royal Palm Way, Palm Beach, Florida 33480

ARTICLE IX **PROVISIONS TO RUN WITH LAND/RECORDING**

This Agreement shall run with the Land and shall be binding upon the Owner and their respective heirs, legal representatives, successors and assigns. This Agreement shall be recorded by the Owner in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Agreement shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

ARTICLE X **ENTIRE AGREEMENT**

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

ARTICLE XI
EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

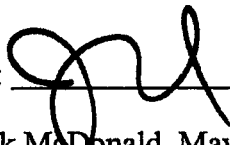
ARTICLE XII
MISCELLANEOUS

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities. This Agreement may not be amended except by written instrument signed by all parties hereto. Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof. This Agreement shall be binding upon the parties hereto and upon their successors, assigns, heirs and personal representatives. In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

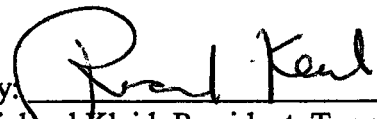
IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above. Signed, sealed and delivered in the presence of:

Signed, sealed and delivered TOWN OF PALM BEACH

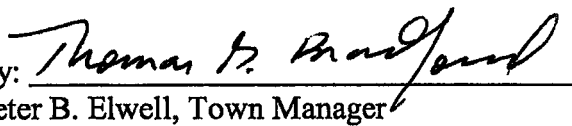
in the presence of:

By: 

Jack McDonald, Mayor

By: 

Richard Kleid, President Town Council

By: 

for: Peter B. Elwell, Town Manager

By: [Signature]
Name: Robert Matthews
160 Royal LLC, as President

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 30th day of July, 2007, by Jack McDonald, the Mayor of The Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

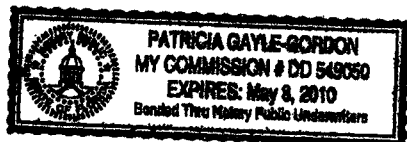


Patricia Gayle Gordon
Signature of Notary Public
Printed Name of Notary Public
Commission No.: _____
Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 30th day of July, 2007, by Richard Kleid, the President of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

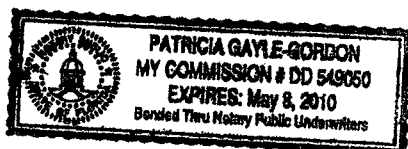


Patricia Gayle Gordon
Signature of Notary Public
Printed Name of Notary Public
Commission No.: _____
Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 30th day of July, 2007, by Peter B. Elwell, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



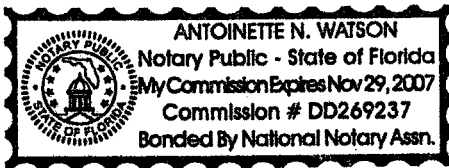
Patricia Gayle Gordon
Signature of Notary Public
Printed Name of Notary Public

Commission No.: _____
Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 23rd day of July, 2007, by Robert Matthews, 160 Royal LLC, as President. He is personally known to me and he did not take an oath.



Antoinette N. Watson
Signature of Notary Public
Printed Name of Notary Public
Commission No.: _____
Commission Expires: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
TOWN OF PALM BEACH

By: [Signature]
John C. Randolph, Esquire

RECOMMEND APPROVAL:
7/25/07
[Signature]
Paul Castro, AICP
Zoning Administrator

EXHIBIT A

LEGAL DESCRIPTION

BEING ALL OF LOTS 31, 32 AND 33, BLOCK F, ROYAL PARK ADDITION, A SUBDIVISION IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 4, PAGE 1, PALM BEACH COUNTY PUBLIC RECORDS.



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office.

THIS 1st DAY OF Aug, 2007

SHARON R. BOOK
CLERK & COMPTROLLER

By [Signature]



Prepared by and return to:
Maura Ziska
Kochman & Ziska, PLC
222 Lakeview Ave., Suite 1500
West Palm Beach, FL 33401

CFN 20130005174
OR BK 25694 PG 0633
RECORDED 01/04/2013 12:30:48
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0633 - 641; (9pgs)

AMENDMENT TO DECLARATION OF USE AGREEMENT
by
THE TOWN OF PALM BEACH
and
160 ROYAL PALM LLC (F/K/A ROYAL 160, LLC)

Dated: December, 2012

AMENDMENT OF DECLARATION OF USE AGREEMENT

THIS AMENDMENT TO DECLARATION OF USE AGREEMENT ("Amendment") is made and entered into this 20th day of December, 2012 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter the "Town"); and 160 ROYAL PALM LLC, formerly known as ROYAL 160, LLC, 160 Royal Palm Way, Palm Beach, Florida 33480 hereinafter the ("Owner"), which terms "Town" and "Owner" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the Town and Owner heretofore entered into a Declaration of Use Agreement made on July 30, 2007 and recorded in Official Records Book 21987, Page 499, of the Public Records of Palm Beach County ("Agreement");

WHEREAS the land described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as "Land") is located within the municipal limits of the Town;

WHEREAS, title to all of the Land is held by the Owner;

WHEREAS, the Palm House Hotel (hereinafter referred to as the "Hotel") is located and operated on the Land at 160 Royal Palm Way in the Town;

WHEREAS, the Town Council on July 11, 2012, approved the special exception portion of the Site Plan Review #6-2012 with Special Exceptions and Variances, which allowed the new Owner to operate the Hotel subject to a condition that the south perimeter landscaping having to be completely installed by September 30, 2012;

WHEREAS, the Town Council on August 15, 2012 granted conditional approval of Site Plan Review #6-2012 with Special Exception and Variances which amended Site Plan Review No. 2-2007 with Special Exceptions and Variances on the Land;

WHEREAS, the conditions of approval are set forth herein and the approval of this Agreement on the basis of the Owner's application and the testimony on behalf of the Owner;

WHEREAS, the Town made specific findings that the Owner met all applicable provisions of the Town Code governing site plan review, special exceptions, and variance requests;

WHEREAS, in approving the amendment to the Site Plan Review with Special Exceptions and Variances, the conditions of approval reflected herein are imposed in order to regulate the use, mitigate any adverse impacts of the use, and insure that said use shall not be adverse to the public interest;

WHEREAS, all of the representations made herein are true and accurate and the approval of the amended Site Plan with Special Exception and Variances are conditioned upon the representations made herein and all of the conditions herein imposed; and,

WHEREAS, in granting the approval, the Town Council relied upon the oral and written representations of the property Owner/applicant both on the record and as part of the application process.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, and in consideration of other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it is agreed that the Agreement is hereby amended and modified as follows:

ARTICLE I **RECITALS**

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II **REPRESENTATION OF OWNERSHIP**

Owner has full right to enter into this amendment to the 2007 Agreement and to bind the Land, Hotel and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Hotel and Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Amendment to the 2007 Agreement, nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which Owner or the Land are subject.

ARTICLE III **CONDOMINIUM HOTEL USES**

The use of the Land shall be for hotel uses and accessory uses in compliance with all of the information and exhibits not inconsistent with the terms and conditions set forth herein, set forth in the application submitted to the TOWN for Site Plan Review No. 2-2007 with Special Exception and Variances, as amended and approved by Town Council on May 7, 2007, and as amended by Site Plan Review #6-2012 with Special Exceptions and Variances, as amended and approved by the Town Council on July 11, 2012 and August 15, 2012(hereinafter referred to as the "Approval"). The Town's approval of the Application is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon new application to and approval by the Town Council. Any additional uses of the Land shall be subject to approval by the applicable governmental authority including but not limited to the Town Council of the Town, the Architectural Commission of the Town, Palm Beach County, the State of Florida, the United States Government, and/or any agencies under any of the foregoing governmental authorities.

ARTICLE IV
ADDITIONAL CONDITIONS OF APPROVAL

The following new conditions are imposed as conditions of granting approval of the Site Plan Review with Special Exceptions and Variances and are required to be met as conditions of the continued operation of the Hotel.

1. The proposed 14 foot tall parapet wall between the proposed function room and the proposed employee pool service building shall have a water feature that runs the length of the wall. Said water feature shall be operational between the hours of 9:00 a.m. and midnight (12:00 a.m.).
2. The employee pool service building shall be only for the use of the Hotel staff and will not be used by Hotel guests to order or consume food and/or beverages. There shall be no chairs for hotel guests at the employee pool service building.
3. There shall be no events in the pool deck and grass area between the pool deck and Function Room. Those areas shall remain passive. The pool deck area shall be allowed only background music and light live music with the speaker system directed towards the hotel to the north. There shall be no music played on the abutting grass area. The pool deck hours and hours for music shall be as identified in the Agreement.
4. The air conditioning equipment on the roof of the Function Room shall be screened from the neighbors by a solid parapet wall on the three exterior sides.
5. Except for emergencies, the Function Room elevator and stairwells shall not be accessible to the sundeck from 7:00 p.m. to 9:00 a.m. so as not to allow hotel guests and employees on the Function Room roof during those hours. Fire-rescue accessibility shall be provided by knox-boxes and an elevator override system. The access points to the stairs leading to the sun deck on the Function Room shall be designed to be completely isolated from the ground floor with a full door and other separation to ensure that when they are locked there is no access to the sundeck.
6. Additional landscape material to completely screen the back of the Hotel from the neighbors shall be required and maintained on the south perimeter of the subject property in perpetuity. The landscaping of the entire property shall be approved by the Architectural Commission.
7. All construction must be completed by February 14, 2013 with the exception of the function room, spa/fitness area and second floor dining room above the lobby which shall be required to only have the shells (drywall, all life safety features, minimum electric and floor slab) completed by February 14, 2013. Any elements of the Hotel or Land not completed by February 14, 2013, including the function room, spa/fitness area and second floor dining room shall be required to obtain new approvals and permits.

ARTICLE V
PROVISIONS FOR NOTICE

For the issuance of any notice regarding the terms of the Agreement and this Amendment, notice shall be provided.

To the Town Manager:

The Town of Palm Beach, Town Hall
360 S. County Road
Palm Beach, FL 33480

To the Owner:

c/o Glenn F. Straub,
160 Royal Palm Way
Palm Beach, FL 33480

ARTICLE VI
PROVISIONS TO RUN WITH LAND/RECORDING

This Amendment shall run with the Land and shall be binding upon the Owner and its respective legal representatives and successors and assigns. This Amendment shall be recorded by the Owner in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Amendment shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

ARTICLE VII
ENTIRE AGREEMENT

This Amendment, as identified herein, only represents the modifications to the Agreement, as recorded in Official Records Book 21987, Page 499, of the Public Records of Palm Beach between the parties and may not be amended except by written agreement executed by both parties. All other provisions and conditions in the Agreement, as recorded in Official Records Book 21987, Page 499, of the Public Records of Palm Beach County, remain in full force and effect.

ARTICLE VIII
MISCELLANEOUS

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities. This Amendment may not be amended except by written instrument signed by all parties hereto. Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this

reference made a part hereof. This Agreement shall be binding upon the parties hereto and upon their successors and assigns. In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

Bayle-Gordon
Laren Temme

Bayle-Gordon
Laren Temme

Bayle-Gordon
Laren Temme

Maura Zisna
Care Hovis

TOWN OF PALM BEACH

By: Gail L. Coniglio
Gail Coniglio

By: David Rosow
David Rosow, President
Town Council

By: Peter B. Elwell
Peter Elwell
Town Manager

160 ROYAL PALM LLC

By: [Signature] MUNASRA
Its: Manager/Member

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 27th day of December 2012, by Gail Coniglio, Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me ~~or has produced~~ as identification.



(SEAL)

Patricia Gayle-Gordon

Notary Public-State of Florida
Commission Number: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 27 day of December 2012, by David Rosow, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me ~~or has produced~~ as identification.



(SEAL)

Patricia Gayle-Gordon

Notary Public-State of Florida
Commission Number: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 28th day of December 2012, by Peter Elwell, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me ~~or has produced~~ as identification.



(SEAL)

Patricia Gayle-Gordon

Notary Public-State of Florida
Commission Number: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 5 day of November, 2012, by Glenn F. Straub on behalf of the company. He is personally known to me or has produced as identification.



(SEAL)

Maura Ziska

Notary Public-State of Florida
Commission Number: _____

RECOMMEND APPROVAL:

11/13/12

Paul Castro

Paul Castro, AICP
Zoning Administrator

APPROVED AS TO LEGAL FORM AND
SUFFICIENCY:

John C. Randolph

John C. Randolph
Town Attorney

Exhibit "A"

Legal Description of the Land:

Being Lots 31, 32 and 33, Block F, Royal Park Addition, a subdivision in the Town of Palm Beach, Palm Beach County, Florida, as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida.



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

THIS 13 DAY OF Jan, 2013

SHARON R. BOCK
CLERK & COMPTROLLER

By [Signature]
DEPUTY CLERK

Prepared by and return to:
Maura Ziska, Esq.
Kochman & Ziska, PLC
222 Lakeview Ave. Suite 1500
West Palm Beach, FL 33401

CFN 20130360132
OR BK 26251 PG 0078
RECORDED 08/13/2013 12:50:22
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0078 - 86; (9pgs)

SECOND AMENDMENT TO DECLARATION OF USE AGREEMENT
by
THE TOWN OF PALM BEACH
and
160 ROYAL PALM LLC (F/K/A ROYAL 160, LLC)

Dated August 13, 2013

AMENDMENT OF DECLARATION OF USE AGREEMENT

THIS SECOND AMENDMENT TO DECLARATION OF USE AGREEMENT ("Amendment") is made and entered into this 13th day of August, 2013 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter the "Town"); and 160 ROYAL PALM LLC, formerly known as ROYAL 160, LLC, 160 Royal Palm Way, Palm Beach, Florida 33480 hereinafter the ("Owner"), which terms "Town" and "Owner" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the Town and Owner heretofore entered into a Declaration of Use Agreement made on July 30, 2007 and recorded in Official Records Book 21987, Page 499, of the Public Records of Palm Beach County ("Agreement");

WHEREAS the land described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as "Land") is located within the municipal limits of the Town;

WHEREAS, title to all of the Land is held by the Owner;

WHEREAS, the Palm House Hotel (hereinafter referred to as the "Hotel") is located and operated on the Land at 160 Royal Palm Way in the Town;

WHEREAS, the Town Council on July 11, 2012, approved the special exception portion of the Site Plan Review #6-2012 with Special Exceptions and Variances, which allowed the new Owner to operate the Hotel subject to a condition that the south perimeter landscaping having to be completely installed by September 30, 2012;

WHEREAS, the Town Council on August 15, 2012 granted conditional approval of Site Plan Review #6-2012 with Special Exception and Variances which amended Site Plan Review No. 2-2007 with Special Exceptions and Variances on the Land;

WHEREAS, the Town Council on January 9, 2013 granted approval of Site Plan Review # 3-2013 with Special Exception and Variances which amended Site Plan Review No. 2-2007 with Special Exception and Variances and Site Plan Review # 6-2012 with Special Exception and Variance;

WHEREAS, the conditions of approval are set forth herein and the approval of this Agreement on the basis of the Owner's application and the testimony on behalf of the Owner;

WHEREAS, the Town made specific findings that the Owner met all applicable provisions of the Town Code governing site plan review, special exceptions, and variance requests;

WHEREAS, in approving the second amendment to the Site Plan Review with Special Exceptions and Variances, the conditions of approval reflected herein are imposed in order to regulate the use, mitigate any adverse impacts of the use, and insure that said use shall not be adverse to the public interest;

WHEREAS, all of the representations made herein are true and accurate and the approval of the amended Site Plan with Special Exception and Variances are conditioned upon the representations made herein and all of the conditions herein imposed; and,

WHEREAS, in granting the approval, the Town Council relied upon the oral and written representations of the property Owner/applicant both on the record and as part of the application process.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, and in consideration of other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it is agreed that the Agreement is hereby amended and modified as follows:

ARTICLE I **RECITALS**

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II **REPRESENTATION OF OWNERSHIP**

Owner has full right to enter into this amendment to the 2007 Agreement and to bind the Land, Hotel and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Hotel and Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Amendment to the 2007 Agreement, nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which Owner or the Land are subject.

ARTICLE III **CONDOMINIUM HOTEL USES**

The use of the Land shall be for hotel uses and accessory uses in compliance with all of the information and exhibits not inconsistent with the terms and conditions set forth herein, set forth in the application submitted to the TOWN for Site Plan Review No. 2-2007 with Special Exception and Variances, as amended and approved by Town Council on May 7, 2007, and as amended by Site Plan Review #6-2012 with Special Exceptions and Variances, as amended and approved by the Town Council on July 11, 2012 and August 15, 2012, and as amended by Site Plan Review # 3-2013 with Special Exception and Variance, as amended and approved by the Town Council on January 9, 2013 (hereinafter referred to as the "Approval"). The Town's approval of the Application is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon new application to and approval by the Town Council. Any additional uses of the Land

shall be subject to approval by the applicable governmental authority including but not limited to the Town Council of the Town, the Architectural Commission of the Town, Palm Beach County, the State of Florida, the United States Government, and/or any agencies under any of the foregoing governmental authorities.

ARTICLE IV

ADDITIONAL CONDITIONS OF APPROVAL

The following new conditions are imposed as conditions of granting approval of the Site Plan Review with Special Exceptions and Variances and are required to be met as conditions of the continued operation of the Hotel.

1. The air conditioning equipment previously approved to be located on the roof of the Function Room shall be relocated to the planters on the east side of the Function Room and are required to be screened from the neighbors.
2. The previously approved activity and restrictions for the roof top of the Function Room shall be transferred to the roof top area above the Hotel lobby on the third floor of the hotel. The following restrictions now apply to the roof top of the Hotel in lieu of the roof top of the Function Room: (a) the sundeck shall only be used for sunning or lounging; (b) there shall be no events of any kind or live or recorded music provided on said sundeck; (c) except for emergencies, the Hotel elevator and stairwells shall not be accessible to the sundeck from 7:00 p.m. to 9:00 a.m. so as not to allow hotel guests and employees on the Hotel sundeck during those hours. Fire-rescue accessibility shall be provided by knox-boxes and an elevator override system. There shall be a barrier constructed to the satisfaction of the Town which precludes access to the roof top of the hotel to the west, east and south of the sundeck.
3. Additional landscape material to completely screen the east property line of the Hotel from the neighbors shall be required and maintained in perpetuity on the east perimeter of the subject property in perpetuity. The landscaping of the entire property shall be approved by the Architectural Commission.
4. All construction must be completed by February 14, 2013 with the exception of the function room, spa/fitness area and second floor dining room above the lobby which shall be required to only have the shells (drywall, all life safety features, minimum electric and floor slab) completed by February 14, 2013. Any elements of the Hotel or Land not completed by February 14, 2013, including the function room, spa/fitness area and second floor dining room shall be required to obtain new approvals and permits.

ARTICLE V

PROVISIONS FOR NOTICE

For the issuance of any notice regarding the terms of the Agreement and this Amendment, notice shall be provided.

To the Town Manager:

The Town of Palm Beach, Town Hall
360 S. County Road
Palm Beach, FL 33480

To the Owner:

c/o Glenn F. Straub,
160 Royal Palm Way
Palm Beach, FL 33480

ARTICLE VI
PROVISIONS TO RUN WITH LAND/RECORDING

This Amendment shall run with the Land and shall be binding upon the Owner and its respective legal representatives and successors and assigns. This Amendment shall be recorded by the Owner in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Amendment shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

ARTICLE VII
ENTIRE AGREEMENT

This Amendment, as identified herein, only represents the modifications to the Agreement, as recorded in Official Records Book 21987, Page 499 and Amendment to the Agreement as recorded in Official Records Book 25694, Page 633, of the Public Records of Palm Beach between the parties and may not be amended except by written agreement executed by both parties. All other provisions and conditions in the Agreement, as recorded in Official Records Book 21987, Page 499 and Official Records Book 25694, Page 633, of the Public Records of Palm Beach County, remain in full force and effect.

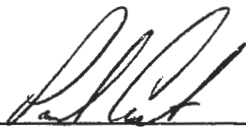
ARTICLE VIII
MISCELLANEOUS

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities. This Amendment may not be amended except by written instrument signed by all parties hereto. Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof. This Agreement shall be binding upon the parties hereto and upon their successors and assigns. In the event of the invalidity of any provision of this Agreement,

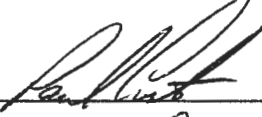
same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:



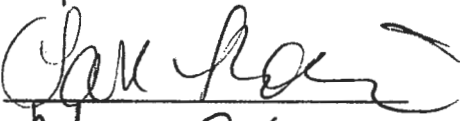
Paul Castro



Paul Castro

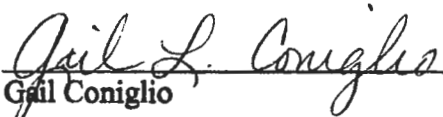


Paul Castro

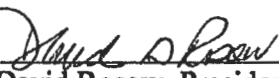


Chae Kwon

TOWN OF PALM BEACH

By: 

Gail Coniglio

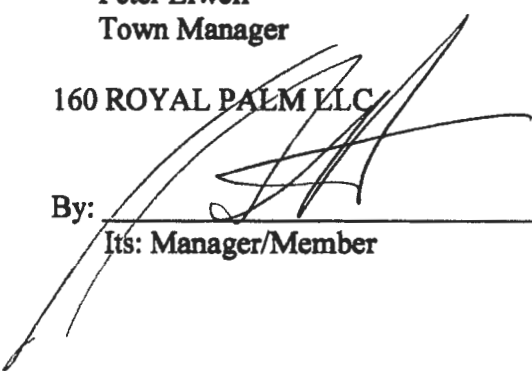
By: 

David Rosow, President
Town Council

By: 

Peter Elwell
Town Manager

160 ROYAL PALM LLC

By: 

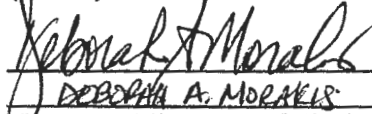
Its: Manager/Member

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 9 day of AUGUST, 2013, by Gail Coniglio, Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me or has produced _____ as identification.

(SEAL)


DEBORAH A. MORAKIS

Notary Public-State of Florida

Commission Number: DD966204

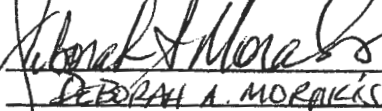


STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 13 day of AUGUST, 2013, by David Rosow, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification.

(SEAL)


DEBORAH A. MORAKIS

Notary Public-State of Florida

Commission Number: DD966204

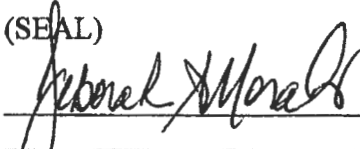


STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 9 day of AUGUST, 2013, by Peter Elwell, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification.

(SEAL)


Notary Public-State of Florida
Commission Number: DD966204



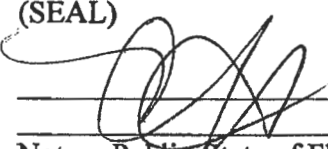
STATE OF FLORIDA

COUNTY OF PALM BEACH

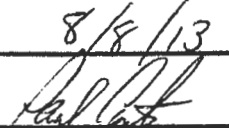
The foregoing instrument was acknowledged before me this 7 day of August 2013, by Glenn F. Straub on behalf of the company. He is personally known to me or has produced _____ as identification.



(SEAL)


Notary Public-State of Florida
Commission Number: EE841098

RECOMMEND APPROVAL:

8/8/13

Paul Castro, AICP
Zoning Administrator

APPROVED AS TO LEGAL FORM AND
SUFFICIENCY:

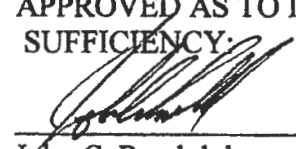

John C. Randolph
Town Attorney

Exhibit "A"

Legal Description of the Land:

Being Lots 31, 32 and 33, Block F, Royal Park Addition, a subdivision in the Town of Palm Beach, Palm Beach County, Florida, as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida.

STATE OF FLORIDA - PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

THIS 13 DAY OF August, 2013

SHARON R. BOCK
CLERK & COMPTROLLER

By [Signature]
DEPUTY CLERK



From: [Lynnette R Ballard](#)
To: [Kelly Churney](#)
Cc: [Jorge Sanchez](#)
Subject: FW: Palm House
Date: Friday, September 18, 2020 11:22:48 AM
Attachments: [image001.png](#)
[2020-09-16 COVER PAGE - 160 ROYAL PALM WAY PRESENTATION.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.*****

Kelly,

At the request of Jorge Sanchez, I am forwarding the below e-mail to you regarding Palm House Hotel at 160 Royal Palm Way, ARCOM No. B-063-2020 and Zoning Case No. Z-20-00289. He would like to have this e-mail sent to the ARCOM Members. For your convenience, I have attached the cover page from the presentation regarding this item.

Please let me know if you have any questions.

Thank you!

Lynnette R. Ballard
Administrative Assistant
SMI Landscape Architecture, LLC
140 Royal Palm Way, Suite 206
Palm Beach, FL 33480
(561) 655-9006
(561) 655-9007 Fax
lynnette@smila.net
www.smila.net



From: Jorge Sanchez <jorge@smila.net>
Sent: Friday, September 18, 2020 11:10 AM
To: Lynnette R Ballard <Admin@smila.net>
Subject: Palm House

To the Architectural Commissioners:

We would greatly appreciate if the existing East wall Clusia hedge were to remain in place. We

struggled with the past owners for a privacy hedge, which they eventually installed. It is finally growing, so please leave it in place. Our agreement at time of install was it would be allowed to grow to 25' in height.

Much appreciated,



Jorge A. Sánchez

SMI Landscape Architecture, LLC

140 Royal Palm Way # 206

Palm Beach, FL 33480

(561) 655-9006

www.smila.net

Recipient of the Arthur Ross Award



Donald J. Lunny, Jr., Esq.
donald.lunny@brinkleymorgan.com

One Financial Plaza
100 SE 3rd Avenue, 23rd Floor
Fort Lauderdale, Florida 33394
(954) 522-2200
(954) 522-9123 Facsimile

2255 Glades Road, Suite 414E
Boca Raton, FL 33431
(561) 241-3113
(561) 241-3226 Facsimile

www.brinkleymorgan.com

Please reply to Fort Lauderdale

September 21, 2020

The Honorable Members of the Town of Palm Beach Architectural Review Commission

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman, Architect
John David Corey, Member, Master Gardner
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member, Architect
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member

Via E-mail Request to Ms. Kelly Churney and Ms. Laura Groves van Onna

Re: September 23, 2020
Agenda Item X C. 7
Major Project
Application No. B-063-2020:
The Palm House Hotel
160 Royal Palm Way,
Palm Beach, Florida 33480

Dear Commission Members:

This Firm Represents Virginia C. Simmons, individually and as Trustee of the Virginia C. Simmons Revocable Trust U/A/D May 4, 2018, the owner of single-family residential property having a street address of 133 Brazilian Avenue, Palm Beach, Florida. The Simmons property is within 200 feet of The Palm House Hotel as demonstrated by the Composite Exhibit "1" location map prepared by Cooper Gary, and an except of the Simmons' property aerial map

from the Palm Beach County Property Appraiser website. Our Firm has been retained to provide preliminary comment on Application No. B-063-2020 (the "Application") which is pending before the Architectural Review Commission ("ARCOM").

At this time, our client is concerned about the following:

- (1) Whether the Town's Notice Requirements have been met for the September 23, 2020 ARCOM Meeting;
- (2) There is no Town professional Staff report which has been prepared for the ARCOM Meeting;
- (3) ARCOM's consideration of the *aesthetic* and *design* aspects of the Application is premature because Town Commission pre-requisite development orders in the form of granting special exceptions and variances and increasing non-conformities would be required to approve the Site Plan; furthermore, to the extent that ARCOM is requested to make recommendations concerning the Applicant's requests for variances, special exception, and Site Plan approval, our client would request that ARCOM **recommend denial** of those requested development orders; and
- (4) The Application's failure to fully illustrate its short comings.

Each of these four (4) concerns are explained in more detail in the sections that follow.

1. Notice

Our first concern is notice. The Application bears a date of August 21, 2020. Unfortunately, a complete copy of the Application was not received by our client in the mail and was only obtained by the undersigned last week to discover what was on the Agenda for the September 23, 2020 ARCOM Meeting. Attached as Exhibit 2 are the only documents which our client received in the mail with respect to The Palm House Hotel development. As can be seen, much of the Application material is not included in Exhibit "2." At the outset, our client desires to know whether the Town's notice requirements for the scheduled September 23, 2020 ARCOM Meeting have been met and would request the Commission to make a specific determination in

this regard before considering the Application¹. If the Town's notice requirements have not been met, the Application should be re-advertised, and its consideration deferred.

2. No Professional Staff Report

Our second concern is that there is no written Staff report for the upcoming ARCOM Meeting, and thus, there is no Staff comment concerning the Application, or the accuracy of the representations and statements made in the Application. This creates a concern for citizens who do not have the practical expertise or ability, or time, to review and verify such matters. It also appears from the Agenda format that ARCOM is expected to make recommendations concerning the variances and special exceptions and request for Site Plan approval contemplated in the Application; however, there is no Town Professional Staff Comment concerning its evaluation of the applicable standards as applied to the Application which must be met for such development orders to be granted. It is common in our experience for local advisory commissions to have Staff's evaluation and reports when taking action - - even when part of such action is advisory in nature. Our client would request that ARCOM ask the Town's professional development Staff to review the Application and comment on the various statements or representations of the Application, upon ARCOM's standards for review as applied to the Application², and upon the requested special exceptions, variances, and Site Plan Approval.

Without a written report from the Town's professional Staff, it is likely that some important details might be missed. For example, the Application discloses that music and other activities might occur on the pool deck and in the grass area near the pool deck. In 2012, the historical digest received by our client for the zoning application discloses that the Town Commission conditioned its approval of the development orders it then granted to indicate in Condition 4 that *"The pool deck area shall be allowed only background music and light live music with the speaker system directed to the North. There shall be no music on the abutting grass area."* The Amendment to Declaration of Use Agreement recorded in Official Records Book 25694 at page 0633 indicates in Article IV, Paragraph 3 that there will be no events on the pool deck, the grass area will remain *"passive,"* and music on the pool deck will be only background or light live music with the speaker system directed to the North. In the Second Amendment to Declaration of Use Agreement recorded in Official Records Book 26251 at page 0078, Article IV, Section 2 states that the activity allowed on the rooftop of the function room

¹ As our client's land is within 200 feet of The Palm House Hotel, and the Application requires Site Plan Approval, Variances, and Special Exceptions, she should have been provided with a copy of Application No. B-063-2020, and did not receive same. Please see Sec. 18-202 (1) of the Town Code.

² We have reviewed Sec. 18-205 (a) of the Town's Code, and several of ARCOM's standards for review lend themselves to Staff Comment, such as standard (a)(4) [harmony with the Town Comprehensive Plan and any precise plans adopted pursuant to the Comprehensive Plan], (a)(5) [conformity with the Town's Code and other ordinances], (a)(6) [degree of excessive dissimilarity], and (a)(8) [appropriateness in relation to established character of other structures in the immediate area or surrounding areas relative to design features viewable from public and private rights of way].

was transferred to the rooftop of the hotel, provided no events of any kind or recorded or live music were allowed. The foregoing conditions and restrictions are amended and *removed* by the proposed, draft Third Amendment to Declaration and Use Agreement. One is left to wonder *where* is live and recorded outdoor music and entertainment and activity contemplated, *what* is contemplated, and most importantly *why* is this intensification being considered? Our client opposes any increase in noise or outdoor activity that generates noise, and would prefer that very light, live or recorded background music be limited to defined areas, be limited to daylight hours only, have enforceable decibel limits, and require speakers facing North. Other problematic compatibility issues may be disclosed by a written Staff Report.

3. ARCOM Aesthetic Architectural and Design Review is premature; furthermore, ARCOM should recommend that development orders be denied.

The Application discloses that The Palm House Hotel is non-conforming, and that for the proposed Site Plan to be approved, certain special exceptions and numerous variances will need to be granted by the Town Commission. Our client (and we believe other Town citizens) plan(s) on opposing some of the requested special exceptions and variances which are necessary for Site Plan Approval. It is our understanding that the Town's ARCOM approval is needed relative to aesthetic design and architectural matters prior to an application for a building permit being approved. Further, it is our understanding that an application for a building permit should take place after Site Plan Approval. Indeed, Sec. 18-205 (a) (9) of the Town's Code indicates that in order for ARCOM to approve a proposed project, it must determine that:

"(9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved."

In a case such as this which involves Town Commission required development orders as a prerequisite to Site Plan Approval, it would seem premature for the applicant to seek ARCOM aesthetic architectural and design approval at this time, and our client would request that the Architectural Review Commission defer its consideration of these aspects of the subject application until after the Town Commission considers the pre-requisite development orders and determines whether to grant Site Plan Approval.

Since it is apparent from the Agenda that the Architectural Review Commission is considering making recommendations to the Town Commission concerning whether the Town Commission should grant or deny the requested Special Exceptions, Variances, and approve a Site Plan which increases nonconformities, the following Sections 3A, 3B, and 3C provide some preliminary observations as to why the Architectural Review Committee should recommend that these development orders be **denied**.

A. Claimed Hardships Seem “Self Imposed” Suggesting that
Variances should be Denied

As stated above, variances are needed for the Site Plan requested to be approved. Our preliminary review of the Town’s variance law would cause an objective reader to doubt whether sufficient grounds for granting a variance are present in this case. Our review the Palm Beach County Property Appraiser records discloses that the applicant, LR Palm House LLC, a Delaware Limited Liability Company, obtained a Debtor in Possession Deed to the site on May 15, 2019, which is *after* the 2016 Town conditional development approvals. While our investigation is on-going, we would note that the boundary survey which is contained in the subject Application and was prepared by Wallace Surveying Corporation discloses that The Palm House Hotel site is uniformly rectangular, having a 300’ x 200’ dimension. Thus, the real property on which The Palm House Hotel sits has no irregular contours or shape which would support a variance request. Moreover, the real property *more than satisfies* the C-B Zoning District’s minimum lot area, lot width, and lot depth requirements (*See* Sec. 134-1308 (1), (2), (3) Town Code). Given that the current owner acquired the site *after* the 2016 conditional town approvals and *after* the Town’s 2017 Comprehensive Plan Amendments, and given that the real property on which the hotel is not irregular and more than satisfies the Town’s C-B District minimum dimensional requirements, any claimed “hardship” for a requested variance should be viewed as “self-created” in as much as a *developed site* was purchased, and the Application results from the property owner’s desire to change things. A self-created hardship can not be the basis for granting a variance.

- B. A Hotel having in excess of 26 Units Per Acre is presently not a listed Special Exception Use in the C-B Zoning District; therefore, the requested Special Exception Approvals are not available.

As stated above, the Application states that special exceptions granted by the Town Commission are needed for the Site Plan to be approved. Our preliminary review of the Town’s special exception law would cause an objective reader to doubt whether the Town Commission can consider the subject Application as a Special Exception. Sec. 134-229 (1) of the Town Code reads as follows:

“The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.”

The Town's C-B District Regulations define the applicable Special Exception Use in Section 134-229 (a) (5) as follows:

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial district are as follows:
 - (5) Hotels at a maximum of 26 units per acre.

Our review of the Application discloses that The Palm House Hotel presently has more than a maximum of 26 units per acre, and therefore, an application for the Hotel *as currently developed* does not qualify as a Special Exception Use since it is not a listed special exception use in the C-B Zoning District. Therefore, this special exception can not be granted.

C. Non-conformities should not be allowed to increase and enlarge.

As stated above, the Application discloses The Palm House Hotel is a non-conforming structure, and some of the requests in the Application increase the extent of such nonconformities, and this does not appear to be permitted under the Town's Code. The Town's Code makes a distinction between regulations that relate to non-conforming uses, and regulations that relate to non-conforming structures, and the Code is less flexible for expansions to non-conforming structures. As the Members may know, non-conformities should be *reduced* over time, and when this occurs, such action should not be viewed as justifying an increase in non-conformities elsewhere in the development (or "traded" for an increase in non-conformities elsewhere within the development). As an example, the Application advises that the rear yard setback requirement is 23.88 feet, and yet new construction is proposed which would encroach within the rear yard setback so that a 10-foot rear yard setback is requested. The new construction would include, an enclosed dumpster area, electric transformer, pool water feature, pool concierge, portion of the pool deck, retaining walls, a bar and restroom facility, a chiller, a screen wall, and a second transformer. These all engender noise and activity and loss of separation which form the policy considerations protected by yard setback regulations. We also note that the apparent maximum allowed lot coverage requirement is 50%, and the Application proposes to *increase* the current non-conformity of 62.8% to 63.8%. Finally, the Application discloses that the maximum allowed building height is two stories, and not only are three (3) stories existing, but the space on the third floor may be activated which increases the extent of non-conformity. A proposed expansion or enlargement of nonconformities goes against zoning legal policy considerations and all concepts of proper use of the property and should not be allowed.

4. Failure to Highlight Extent of Shortcomings

Our fourth concern is the Application's apparent focus between what was conditionally approved in 2016 as opposed to what is requested now. It is important to note that one very

significant difference between conditional approvals in 2016 and requested approvals in 2020 is that the Town completed its Comprehensive Plan Evaluation and Appraisal Report and adopted Comprehensive Plan Amendments when the Town Commission enacted Ordinance No. 9-2017 which was passed on Second Reading on August 9, 2017. Section 5 of this Ordinance repealed all ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with Ordinance No. 9-2017 or any part of Ordinance No. 9-2017. From a practical perspective, therefore, the proper focus of the Town should not merely concentrate on the claimed-and-not-yet-Staff-verified "differences" between the 2016 conditional Town approval versus what is requested in 2020; but instead, the proper focus should be on what is being requested in 2020 versus what is allowed under the Town's land development regulations, and whether any of the changed provisions of the Comprehensive Plan affect the Application. The true extent of the development's various shortcomings will then be apparent and disclosed, and this will enhance the development review process.

Conclusion

As stated above, our client is: (1) concerned about whether the Town's Notice Requirements have been met for the September 23, 2020 ARCOM Meeting, (2) concerned that there is no Town professional Staff report which has been prepared for the ARCOM Meeting, (3) concerned that ARCOM's consideration of the aesthetic architectural or design aspects of the Application is premature because Town Commission pre-requisite development orders have not been granted; and furthermore, ARCOM should recommend that such development orders be denied, and (4) is concerned with fact that the Application does not demonstrate the extent of its shortcomings.

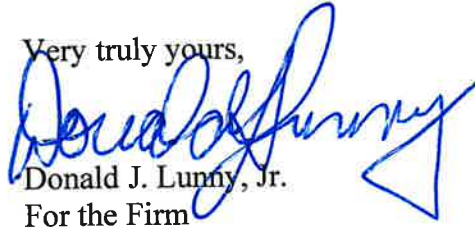
If the matter is to proceed after the Notice concern is evaluated, our client would request that consideration of the aesthetic architectural and design aspects of the Application be deferred until after the Town Commission considered the Applicant's requests for Site Plan Approval, special exception approvals, and numerous variances. Further, our client would request that the Architectural Review Commission recommend that the requested special exceptions, variances, and Site Plan Approval be denied.

We reserve the right to revise our preliminary comment as our investigation continues to add additional reasons why our client's requests should be granted.

Thank you for your kind attention to this matter.

Correspondence addressed to
Town of Palm Beach Architectural Review Commission
September 21, 2020
Page 8 of 8

Very truly yours,

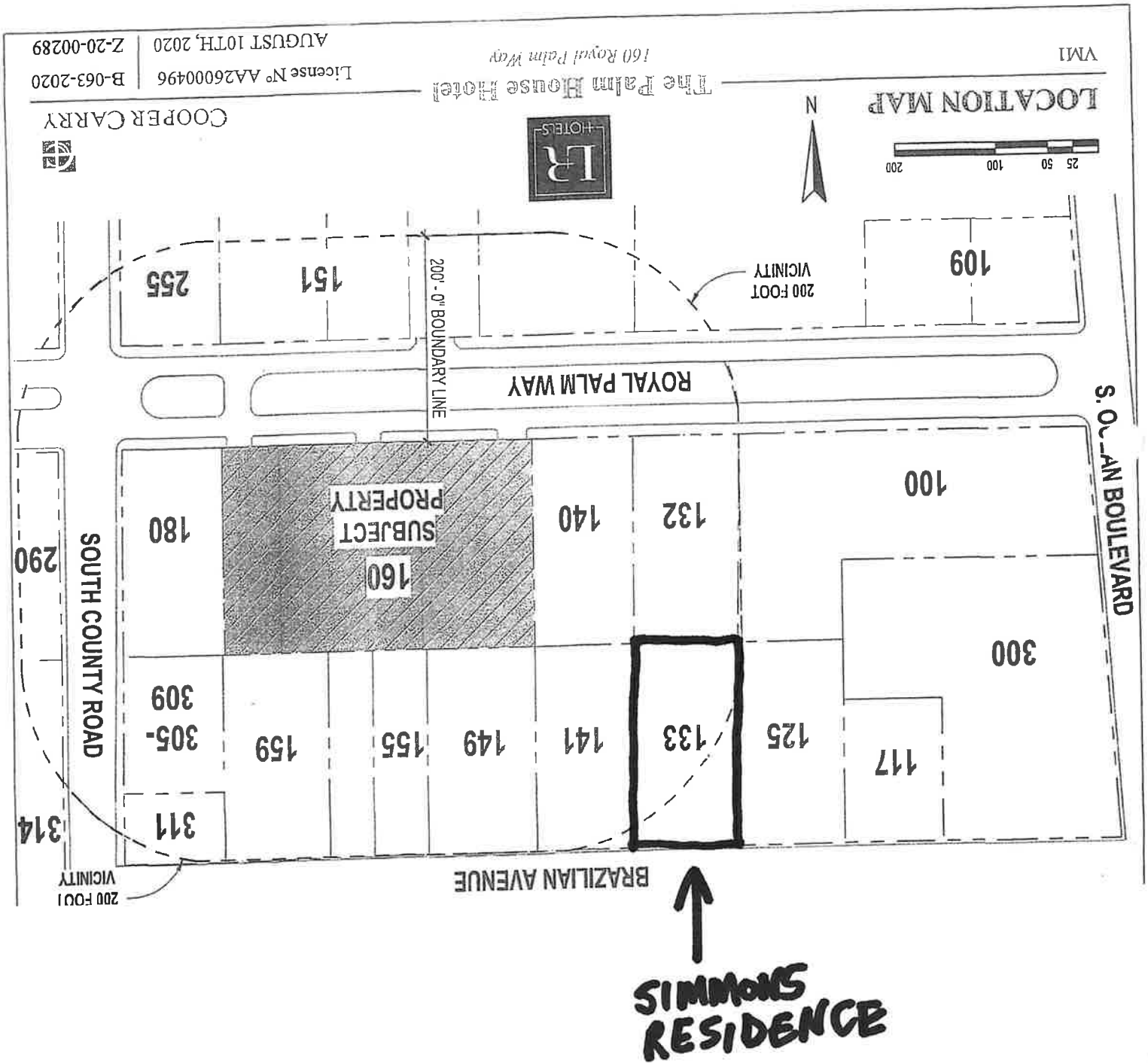
A handwritten signature in blue ink, appearing to read "Donald J. Lunny, Jr.", with a stylized flourish at the end.

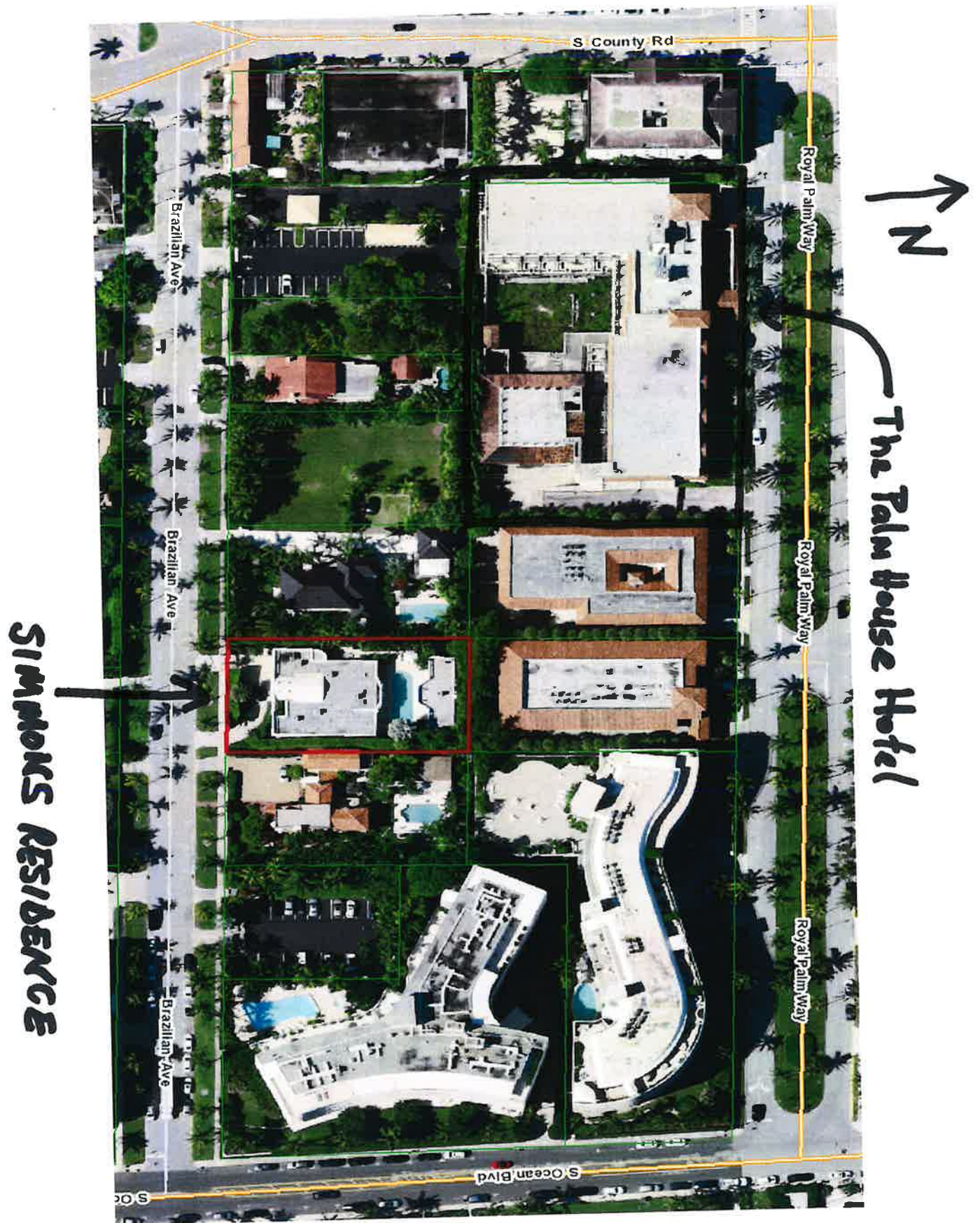
Donald J. Lunny, Jr.
For the Firm

Cc w/encl: (Via E-mail):

Mr. Wayne Berman;
Ms. Debbie Moody;
Ms. Virginia C. Simmons;
Harris K. Solomon, Esq.; and,
Maura Ziska, Esq.

Composite Exhibit “1”





Composite Exhibit “2”

ZONING APPLICATION
TOWN OF PALM BEACH



Z-20-00289
(Zoning Case Number)

This application includes requests for:

<u>X</u>	Site Plan Review
<u>X</u>	Special Exception
<u>X</u>	Variance

TO BE HEARD BY THE TOWN COUNCIL ON OCTOBER 14, 2020 AFTER 9:30 A.M., IN THE TOWN OF PALM BEACH COUNCIL CHAMBERS LOCATED ON THE 2ND FLOOR, 360 SOUTH COUNTY ROAD, PALM BEACH. Pursuant to the Town Zoning Code of Ordinances, Sections 134-172 (Special Exceptions and Variances) and/or 134-328 (Site Plan Review), this application is being sent to all property owners within 300' of the location of the subject zoning application. A copy of this application along with all exhibits such as large drawings and other supporting documents that are not attached to this application are available for inspection at the Town's Planning, Zoning & Building Department, 360 S. County Rd., east entrance, weekdays between the hours of 8:30 a.m. and 4:30 p.m. All interested persons may appear and be heard at said Public Hearing and may likewise submit written statements prior to and at said Public Hearing. If any person decides to appeal any decision made by the Town Council with respect to this matter, he/she will need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based. Please be advised that the Town does not enforce private covenants or deed restrictions.

I. SUBJECT ADDRESS: 160 Royal Palm Way

Zoning District C-B

Legal Description: Being all of Lots 31, 32 and 33, Block F, ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida.

Fee Simple Property Owner's Name: LR Palm House LLC (Ian Livingstone, Executive Chairman)

Name and address of person who can receive service of process for purposes of litigation in Palm Beach County: Maura Ziska, Esquire, Kochman & Ziska PLC, 222 Lakeview Ave. Suite 1500 West Palm Beach, FL 33401

Applicant Name: LR Palm House LLC (Ian Livingstone, Executive Chairman)

Contact Phone c/o Kochman & Ziska PLC 561-802-8960

II. **DESCRIPTION OF THE REQUEST TO BE HEARD BY TOWN COUNCIL**, citing applicable Town Zoning Code Section Number(s):

A. Applicable Zoning Code Section Number(s):

Section 134-226. Special Exception Request to modify the approved Special Exception.

Section 134-227. Town council authorization, compliance and site plan review required.

Section 134-329. Review by town council.

Section 134-201. Findings prior to authorization.

Section 134-1304. Special Exception uses. (5) Hotels.

Section 134-1305. Outdoor dining.

Section 134-1308. Lot, yard and area requirements (6) Side yard; (7) Rear yard; (8) Height and Overall height; (9) Lot coverage

Section 134-1669. Side and rear yard walls.

Section 134-1729. Generators and swimming pool equipment. (2) c.

B. Description of request by Zoning Section Number(s): Project Overview:

Section 134-1304 (5): Request to modify Site Plan Review # 1-2016 with Special Exception to change the approved use from condo-hotel to hotel; modify the previously approved site plan; and amend the conditions of approval in the Declaration of Use Agreement, as identified in the proposed Third Amendment to the Declaration of Use which is Exhibit "F") of this application. The proposed site modifications being requested as follows:

Section 134-1304(5): The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The hotel is 84,495 gross square feet in total. There is an East and West guest wing, and these wings are connected by a central core containing the Main Entrance and other partially completed public functions. A separate conference and events "Function Room" and partial pool deck was also constructed at the south east portion of the property.

Section 134-227, 326 & 329 1729(2)(c): (Site Plan Review) The new owner/applicant is proposing new work for the hotel which includes the following site plan modifications:

- 1) Completion and conversion of guest rooms for a total of 79 keys. Two new presidential suites will be constructed within the building core, each with private outdoor balconies.
- 2) Completion of the Lower Level for back-of-house, administrative and housekeeping functions for the hotel. The interior modifications for the lower level includes renovation of partially completed areas including kitchen, food storage, housekeeping, staff areas and hotel administrative offices. The Owner is requesting an additional 148 SF to provide a new service stair from the Lower Level to support the Pool Area. Additional areas for renovation include spaces for MEP infrastructure such as electrical, hot water, and elevator systems. The proposed modifications remove all Hotel Guest program areas from the Lower Level. The Lower Level renovation includes restoration of parking area for 60 parking spaces including three accessible parking spaces. Two parking spaces which includes on Van Accessible parking space is located behind the existing function room. All parking will be Valet only per the Declaration of Use Amendment Three. Total on-site parking provided is 62 spaces.
- 3) A new pool deck will be constructed adjacent to the existing Function Room, with various amenities that include chaise lounges and outdoor seating, shade umbrellas, toilets, a towel/concierge stand, open-air bar with enclosed pantry behind, water features, lush native plantings, and Event Lawn to be used as a pre-function space, or for small wedding and/or overflow sun bathing;
- 4) The first level lobby and public spaces will be completed to include fine dining and lobby bar, with 88 indoor seats as well as 36 outdoor seating facing the new pool deck. The second floor dining that was previously approved has been eliminated to make room for the reconfigured hotel suites which include the new presidential suites;
- 5) The Function Room construction will be completed and the seating plan in the Function Room is being revised to add 50 more seats for a total of 200 seats (the total overall number of seats throughout the hotel that was previously approved is being reduced from 336 to 324);
- 6) A small 556 square foot banquet prep kitchen is proposed to be constructed adjacent to and on the east side of the existing Function Room.
- 7) Replace a 250 RW generator in the basement with the same size that exists today.

Other exterior improvements will include new third floor railings, re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors. Addition of a small 61 square foot pool service building; enclosing the 679 square foot function room pre-function space on the west side of the Function Room; addition of 588 square foot restroom for Function Room, addition of 556 square foot prep kitchen for Function Room and addition of 148 square foot stairwell to access Function Room prep kitchen.

The following is a list of the proposed special exceptions and variances being requested for the hotel project:

- 1) Section 134-226 & 229: A special exception request to modify the approved special exception by converting from a condominium hotel to hotel use and make the site modifications and change to the conditions of approval as identified in this application.
- 2) Section 134-1305: A special exception request to allow 36 seats for outdoor dining on the first floor on the north side of the pool deck; and
- 3) Section 134-1308(9): A variance for lot coverage to be 63.8% in lieu of the 62.8% existing and the 50% maximum allowed in the C-B Zoning District;
- 4) Section 134-1308(8): A variance for the addition of railings and solid wall on the east façade of the hotel above the second floor where only a two story building is allowed in the C-B Zoning District;
- 5) Section 134-1308(8): A variance for the addition of railings and solid wall on the east façade of the hotel with a height of 31.83 feet in lieu of the 25 foot maximum allowed;
- 6) Section 134-1669: A variance for the height of the wall enclosing the dumpster located at the southeast corner of the property to be 13.25 feet tall in lieu of the 7 foot maximum height allowed from the neighbor's grade;
- 7) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with a height of 33.58 feet in lieu of the 25 foot maximum allowed in the C-B Zoning District;
- 8) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with an overall height of 42 feet in lieu of the 35 foot maximum allowed in the C-B Zoning District;
- 9) Section 134-1669: A variance for the height of the wall along the rear property line to be 8.5 feet in lieu of the 7 foot maximum allowed from the neighbor's grade;
- 10) Section 134-1669: A variance for the height of the wall enclosing the existing chiller at the south west corner of the property to be 12 feet tall in lieu of the 7 foot maximum allowed from the neighbor's grade;
- 11) Section 134-1308(7): A variance for a rear yard setback for the chiller to be 2.25 feet in lieu of the 10 foot minimum required in the C-B Zoning District;
- 12) Section 134-1308(6): A variance for a west side yard setback for the chiller to be 5.8 feet in lieu of the 10 foot minimum required in the C-B Zoning District;

III. APPLICATIONS CONTAINING SITE PLAN REVIEW

If the application contains Site Plan Review, complete Exhibit A, and briefly describe below the reasons why such application should be approved. This explanation should be a summary of information provided in Exhibit A (Site Plan Review by Town Council as stated in the Town's Zoning Code at Section 134-329).

The Site Plan should be approved as part of the Special Exception approval as the proposed site plan is completing unfinished work, correcting unauthorized work and adding functional space to improve the hotel operations and property.

Zoning Case Number

IV. APPLICATIONS CONTAINING SPECIAL EXCEPTIONS

If the application contains requests for Special Exceptions, complete **Exhibit B**, and briefly describe below the reasons why such application should be approved. This explanation should be a summary of information provided in Exhibit B (Requirements for granting Special exceptions by the Town Council as stated in the Town's Zoning Code at Section 134-229).

The Special Exception should be approved as the Palm House hotel has been in existence since the 1961 (previously the Heart of Palm Beach Motor Hotel) and has been an asset to the community for many years. However, the site has been abandoned and is in need of completion and the opportunity to open a viable business in this location. The new owner/application has tremendous experience in the hotel business (globally) and has every intention of making this hotel a beautiful site for many years to come. The proposed completion of the project will be a tremendous asset to future guests of the hotel as well as the neighboring properties.

V. APPLICATIONS CONTAINING VARIANCES

If the application contains requests for variances, please respond to the questions below, and complete **Exhibit C** (Findings for authorizing a variance as stated in the Town's Zoning Code at Section 134-201).

- a. Applicant should provide a brief description of the special conditions which when subjected to a literal enforcement of the provisions of the zoning ordinance will result in unnecessary and undue **HARDSHIP**. This explanation should be a summary of information provided in Exhibit C.

The hardship that runs with the land is that the existing hotel is non-conforming to today's code. The additional square footage will improve amenities, livability and aesthetics within the confines of the existing building and property. This would be challenging without zoning relief from the current code.

- b. Applicant should address how granting of a variance for these special conditions will not be contrary to the public's interest.

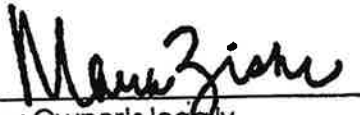
Granting the variances is reasonable as the total number of off-street parking spaces remains the same as the previous approval and will be all valet spaces. The overall seating within the hotel property has been reduced from that which was previously approved.

VI. SITE HISTORY

Please provide a detailed history in chronological order of all zoning-related requests processed on or after January 1, 1970 applicable to this property.

See attached Exhibit "E".

Respectfully submitted,


Owner or Owner's legally
Authorized Agent*
Maura Ziska, Esq., Attorney LR Palm House LLC
561-802-8960


Fee Simple Property Owner's Signature
(or his/her duly authorized attorney)
Maura Ziska, Esq. Attorney for LR Palm House LLC
561-802-896

EXHIBIT A – REQUEST FOR SITE PLAN REVIEW

In order to assist the Town Council in reviewing the site plan application, please ensure that the following items have been addressed.

1. Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the Town.

The owner in control of the property is LR Palm House LLC, a Delaware limited liability company.

2. Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon.

The proposed modifications to the previously approved hotel project does not intensify the use as the same number of "keys" are being proposed with the same number of parking spaces previously approved and an overall reduction in seating throughout the hotel.

3. Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

Ingress, egress, utilities, and refuses collection will remain the same along Royal Palm Way.

4. Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

The proposed reorganization of off-street parking and off-street loading facilities will improve internal traffic patterns within the property including: automotive/pedestrian safety, traffic flow and control (valet operations), access in case of fire or catastrophe, and screening and landscaping.

5. Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

Landscaping will be tremendously enhanced via this proposal.

6. Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacity.

Drainage will be improved if required by the Town of Palm Beach.

7. Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

The utility hook ups will remain the same.

8. Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the

property, and relationship to community-wide open spaces and recreation facilities.

N/A.

8. Such other standards as may be imposed by this chapter for the particular use or activity involved.

N/A.

10. Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

The proposed height of the new addition to the existing structures match the existing height of the hotel, which are non-conforming to today's code but grandfathered.

11. Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

The proposed modifications to the hotel will not create additional visible size and bulk as most of the changes are internal to the property.

EXHIBIT B - REQUEST FOR SPECIAL EXCEPTION

The Town Council must find the application in conformance with a number of requirements. Please provide sufficient information on each of the requirements to enable the Council to make a determination on your application.

1. The use is a permitted special exception use as set forth in article VI of this chapter.
A hotel is a permitted Special Exception use in the C-B Zoning District under Section 134-1304 of the Town of Palm Beach Zoning Code.
9. The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
The proposed uses and innovative site design will not adversely impact the public or neighborhoods but alternatively will provide a much aesthetically-improved site for the future users and adjacent neighbors of the site.
10. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
The proposed uses associated with the modifications to the hotel development will have a positive impact on the value of neighboring properties as the modifications to the hotel will be elegant and the hotel and restaurant will serve as another choice for Royal Palm Way and the Town visitors.
11. The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
The proposed modifications to the hotel will be compatible with the neighborhood as there has been a hotel in this location since 1961.
12. The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.
The proposed modifications to the hotel will comply with all yard, other open space, and any special requirements set forth in Article VI, that are grandfathered with the property except the minor relief being requested herein.
13. The use will comply with all elements of the comprehensive plan.
The proposed modifications to the hotel will comply with the Comprehensive Plan, where applicable.
7. The use will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
The proposed modifications to the hotel and site will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district since the activity is internal to the buildings except minor outdoor uses,
8. Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or

catastrophe.

Adequate ingress, egress, and parking is provided on Royal Palm Way and in the underground parking garage. All off-street parking will be subject to valet parking operations.

9. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

Any proposed signage will comply with the applicable Town standards.

10. Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

The utility service will remain the same or be upgraded if required by the Town.

14. Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

The refuse and service areas will remain the same or will be upgraded if required by the Town.

15. In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

Hotels by definition under the code are "town serving".

16. If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

N/A.

17. The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

The proposed modifications to the hotel and will meet the fire code and safety requirements and will have controlled parking using a valet service operation. Therefore, it should not create a greater burden to the Town.

EXHIBIT C - REQUEST FOR VARIANCE

CRITERIA FOR AUTHORIZING A VARIANCE

The Town Council must find the application in conformance with a number of criteria. Please address each of the criteria completely in order to provide the Council with sufficient information to make a determination on your application.

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

The special conditions and circumstances peculiar to the land and structure is that the hotel was constructed in 1961 (as Heart of Palm Beach Motor Hotel) and is in need of completion and further development to bring it up to today's living standards and community needs.

2. Indicate how the special conditions and circumstances do not result from the actions of the applicant.

The special circumstances do not result from the actions of the applicant as the site and building have pre-existed the purchase by the applicant.

3. Demonstrate that the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

Granting the variances will not confer special privileges as other buildings in the C-B Zoning District are non-conforming to today's code and are similarly situated with the need to update.

4. Demonstrate how literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

The hardship that runs with the land is that the existing hotel is non-conforming to today's code. The additional square footage will improve amenities, livability and aesthetics within the confines of the existing building and property. This would be challenging without zoning relief from the current code.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variances being granted are the minimum necessary to bring the property and hotel up to world class status and complete a dormant abandoned building.

6. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Granting the variances will be in harmony with the intent of the code to protect the neighborhood and town and will not be injurious to the public welfare as the hotel is in need of completion and updating to open and be a viable business in Town.

EXHIBIT D - PARKING STATEMENT

Please provide a detailed parking statement which includes details of all available off-street parking, including information regarding the number of parking spaces designated for service use (for example: lawn service, pool service, staff/employee use, etc.)

COMMERCIAL PROPERTIES MUST:

- PROVIDE NUMBER OF OFF-STREET PARKING SPACES AVAILABLE FOR EMPLOYEES ON THE SUBJECT PROPERTY: 10
- PROVIDE NUMBER OF EMPLOYEES/STAFF PER SHIFT: 20 employees per shift
- INDICATE LOCATION WHERE EMPLOYEES PARK OFF-SITE: West Palm Beach Marriott (also owned by L+R Hotels) 1001 Okeechobee Blvd., West Palm Beach

RESIDENTIAL PROPERTIES MUST:

- PROVIDE NUMBER OF OFF-STREET PARKING SPACES AVAILABLE ON THE SUBJECT PROPERTY: _____
- PROVIDE NUMBER OF EMPLOYEES/STAFF PER SHIFT: _____
- INDICATE LOCATION WHERE EMPLOYEES/STAFF PARK OFF-SITE: _____

EXHIBIT E – SITE HISTORY

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

1971 – Variance #42-71 was approved for permission to install a sign, which is (8'-6") two feet from the front street line

07/08/1975 - Special Exception – #8-75 was approved to construct a hotel building having forty-five rooms with the following conditions:

- 1. front yard kept in natural land cover**
- 2. two or more shade trees at least twelve feet and with a spread of not more than ten feet upon planting be provided in the front yard**
- 3. The Town will be furnished with a letter that existing hotel and approved hotel will never be connected**

1975 - Special Exception – #8-75 Town Council approved a six month extension

12/11/1979 – Variance to Commercial Moratorium No. 5-79 – Permission to expand existing hotel by constructing a 3-story, 45 unit hotel with related parking. Deferred from 10/9/1979 meeting. DENIED

**12/11/1979 - Special Exception No. 22-79 – Permission to construct three story hotel in lieu of two story with density of 45 units/acre in lieu of 22. CB District.
APPROVED with special amendments:**

- 1. A sufficient dimension be allowed in the proposed parking lot at the rear and an additional hedging along the South line of the property line be installed at a height of six feet.**
- 2. Five foot wall conforming to the existing wall now at the rear of the existing hotel property be continued along the South property line to the Eastern terminus of the property.**
- 3. 30 units be allowed in lieu of the requested 32.**
- 4. Applicant is required to participate in the sanitary and storm sewer construction in the future on a equitable basis as we approved for other applicants in the same sewer.**

01/12/1982 – Special Exception No. 2-82 – Permission to modify Special Exception No. 22-79 by constructing a vinyl awning structure over walkway between East and West buildings that will not be visible from the street. C-TS District. APPROVED – No enclosures on the sides of this awning permitted.

**12/11/2001 – Site Plan Review No. 21-2001 With Special Exceptions and Variances – Approval requested for a modified site plan to the Heart of Palm beach hotel to include one and two story additions to provide for a ballroom and associated service area, elevator, handicap restroom and storage building; and
SPECIAL EXCEPTION – approval requested to allow a two story addition to the existing hotel located in the C-TS District; and
SPECIAL EXCEPTION – approval requested to provide for supplemental off-site shared parking in the C-TS District in conjunction with a signed parking license agreement with JP Morgan Chase to provide 53 shared spaces; and
VARIANCE – to allow an expansion of a non-conforming hotel use in existence over 15 years; and
VARIANCE – to allow the expansion of a non-conforming building or structure by completing the proposed site plan changes; and**

VARIANCE – for a total building length of 264 feet in lieu of the required maximum of 150 feet for a variance of 114 feet; and

VARIANCE – to allow floor area within the C-TS Zoning District of 27,101 square feet in lieu of the 25,388 square feet existing and 15,000 square feet allowed maximum for a variance of 1713 square feet; and

VARIANCE – to allow a 25.09 foot front setback in lieu of the 30.29 foot required setback for a variance of 5.2 feet; and

VARIANCE – to allow a rear setback of 11.48 feet in lieu of the 15 foot minimum required setback for a variance of 3.52 feet; and

VARIANCE – to allow the proposed modifications without providing the additional 33 off-street parking spaces required by code.

DEFERRED to January 8, 2002 meeting per Town Council.

01/08/2002 – Modified Site Plan Review No. 21-2001 With Special Exceptions and Variances – Approval requested for a modified site plan to the Heart of Palm Beach Hotel to include one and two story additions to provide for a ballroom/function place and associated service area, elevator, handicap chair lift, meeting room, new handicap restroom and storage building;

SPECIAL EXCEPTION – approval requested to allow a two story addition to the existing hotel located in the C-TS District; and

VARIANCE – to allow an expansion of a non-conforming hotel use in existence over 15 years; and

VARIANCE – to allow the expansion of a non-conforming building or structure by completing the proposed site plan changes; and

VARIANCE – for a total building length of 264 feet in lieu of the required maximum of 150 feet for a variance of 114 feet; and

VARIANCE – to allow floor area within the C-TS Zoning District of 27,101 square feet in lieu of the 25,388 square feet existing and 15,000 square feet allowed maximum for a variance of 1713 square feet; and

VARIANCE – to allow a 25.09 foot front setback in lieu of the 30.29 foot required setback for a variance of 5.2 feet; and

VARIANCE – to allow valet only parallel parking in existing parking areas and a reduction in aisle width to 13' in lieu of the required 25' for valet parking only for a variance of 12'; and

VARIANCE – to allow parallel parking automobiles to block another automobile requiring one automobile to be moved to allow another to be taken from the property which is contrary to Section 134-2172.

DEFERRED to February 12, 2002 meeting per December 21, 2001 letter from James R. Brindell, Esq.

02/12/2002 – Modified Site Plan Review No. 21-2001 With Special Exceptions and Variances – Site plan approval requested for a modified site plan to the Heart of Palm Beach Hotel. Request has been reduced since its origination in two regards: the elimination of the proposed enclosure of a pool area and a storage/bathroom proposed to be located slightly into a setback. DEFERRED to March 12, 2002 meeting for further review by the Town's Traffic Consultant.

03/12/2002 – Modified Site Plan Review No. 21-2001 With Special Exceptions and Variances – Site plan approval requested for the Heart of Palm Beach Hotel to construct one and two story additions for function/pre-function areas, elevator, handicap chair lift and a new handicap restroom; special exception approval to allow a two story addition to the existing hotel located in the C-TS District; and, variances to allow:

VARIANCE – expansion of a non-conforming building or structure by completing the proposed site plan changes; and

VARIANCE – connecting both building to allow a total building length of 264 feet in lieu of the required maximum 160 feet; and

VARIANCE – floor area of 27,101 square feet in lieu of the 25,388 square feet existing and 15,000 square feet maximum allowed; and

VARIANCE – a 25.09 foot front setback in lieu of the 30.29 foot required setback for a variance of 5.2 feet; and

VARIANCE – valet only parallel parking in existing parking areas during function events;; and

VARIANCE – reducing the drive aisle width to 13' in lieu of the required 25' maximum allowed for valet parking only; and

VARIANCE – allowing parallel parking of automobiles to block another automobile requiring one automobile to be moved to allow another to be taken from the property which is contrary to Section 134-2172.

APPROVED with the following conditions:

1. Functions during breakfast shall be limited to 74 guests.
2. Functions during lunch shall be limited to 49 guests.
3. Functions with less than 25 guests will not be required to have valet parking attendants.
4. Functions of 25 to 50 guests shall be required to have a minimum of two valet parking attendants and one parking supervisor.
5. Functions of 75 to 110 guests shall be required to have a minimum seven valet parking attendants and two parking supervisors.
6. Any time valet parking operations are required to be provided by the hotel, there shall be one special duty Town of Palm Beach police officer, payed for by the hotel, on duty at that location. If the Town determines that one police officer is not sufficient, the applicant at his own expense, shall be required to provide one additional Town of Palm Beach special duty place officer at the hotel for those functions that are of the size that have been determined to be a problem.
7. When valet operations are required as stated above, the hotel shall being valet operations 24 hours prior to the event.
8. When the West garage becomes full during valet operation, no further valet drop-offs will occur in that garage.
9. If the Town determines that the valet operations are not adequate to handle the parking requirements for the functions at the hotel, the applicant shall be required to come back to the Town Council to determine what adjustments, limitations or other accommodations need to be imposed to address such problem. In addition, the applicant shall also be required to return in one year after the proposed function/pre-function addition is completed to re-evaluate the valet parking and traffic circulation issues at the hotel. If the Town determines that the valet operation during the events in the function/pre-function area are not working, the Council may take remedial action, up to and including further limiting the use of said area.

05/14/2002 - Modified Site Plan Review No. 21-2001 Council clarified the conditions of approving with the following conditions (changes underlined):

1. Functions during breakfast shall be limited to 74 non-hotel guests
2. Functions during lunch shall be limited to 49 non-hotel guests
3. Functions with less than 25 non-hotel guests will not be required to have valet parking attendants
4. Functions of 25 to 50 non-hotel guests shall be required to have a minimum of 2 valet parking attendants and 1 parking supervisor

5. **Functions of 75 or more non-hotel guests shall be required to have a minimum of 7 valet parking attendants and 2 parking supervisors. The maximum capacity for the function/pre-function area shall be 110 total guest**

12/09/2003 – Site Plan Review #10-2003 with Special Exception – Modifying Site Plan Review #21-2001 with Special Exception and Variances – to expand the previously approved hotel (a special exception used) by constructing a 452 square foot basement addition below the service area and previously approved function room. The additions will consist of a hallway, storage room, elevator machine room and elevator hoist way. APPROVED.

01/13/2004 – Site Plan Review #1-2004 with Special Exception and Variances – Site Plan approval for a modified site plan for the Heart of Palm Beach Hotel including a partial third floor addition on the East building to add 6,984 square feet for 7 rooms and a corridor, and a basement parking garage of 8,237 square feet under the existing surface parking lot, raising the surface parking lot in the back, for a net gain of 17 off-street parking spaces. These seven additional hotel units will allow the hotel to provide a few suites which it currently lacks.

SPECIAL EXCEPTION – to expand the previously approved hotel special exception.

VARIANCE – to allow a partial third story addition to the existing hotel in the C-B Zoning District, where only two stories are allowed; and

VARIANCE – to allow the expansion of a non-conforming building or structure by completing the proposed changes and extending the overall length of the third floor of the building to 264 feet in lieu of the 150 feet allowed; and

VARIANCE – to allow 63.33 hotel rooms per Palm Beach acre in lieu of the 58.67 existing and the maximum 26 hotel rooms per Palm beach acre allowed by adding 7 additional rooms on the third floor of the East part of the building; and

VARIANCE – to allow a building height of 34.92 feet from zero datum in lieu of the 25 foot maximum height allowed for a two-story building for the East building addition; and

VARIANCE – to allow an overall building height of 36.0 feet from zero datum in lieu of the 30 foot maximum overall height allowed for a two-story building for the East building addition.

DEFERRED to the February 10, 2004 meeting.

02/10/2004 – Site Plan Review #1-2004 with Special Exception and Variances – Site Plan approval for a modified site plan for the Heart of Palm Beach Hotel including a partial third floor addition on the East building to add 6,984 square feet for 7 rooms and a corridor, and a basement parking garage of 8,237 square feet under the existing surface parking lot, raising the surface parking lot in the back, for a net gain of 17 off-street parking spaces. These seven additional hotel units will allow the hotel to provide a few suites which it currently lacks.

SPECIAL EXCEPTION – to expand the previously approved hotel special exception.

VARIANCE – to allow a partial third story addition to the existing hotel in the C-B Zoning District, where only two stories are allowed; and

VARIANCE – to allow the expansion of a non-conforming building or structure by completing the proposed changes and extending the overall length of the third floor of the building to 264 feet in lieu of the 150 feet allowed; and

VARIANCE – to allow 63.33 hotel rooms per Palm Beach acre in lieu of the 58.67 existing and the maximum 26 hotel rooms per Palm beach acre allowed by adding 7 additional rooms on the third floor of the East part of the building; and

VARIANCE – to allow a building height of 34.92 feet from zero datum in lieu of the 25 foot maximum height allowed for a two-story building for the East building addition; and

VARIANCE – to allow an overall building height of 36.0 feet from zero datum in lieu of the 30 foot maximum overall height allowed for a two-story building for the East building addition.

APPROVED with the following conditions:

1. Applicant must provide 2 inch storm water retention as required by Code.

2. Fire sprinkle the entire building prior to the certificate of occupancy for the improvements identified above.

04/13/2004 – Special Exception #10-2004 – Special Exception modification requested from the Heart of Palm Beach Hotel to provide a gift shop on the second floor of approximately 160 square feet. DEFERRED to the May 11, 2004 meeting.

05/11/2004 – Special Exception #10-2004 – Special Exception modification requested from the Heart of Palm Beach Hotel to provide a gift shop on the second floor of approximately 160 square feet. DEFERRED to the June 8, 2004 meeting.

06/08/2004 – Special Exception #10-2004 – With Site Plan Review and Variances (MODIFIED) – Modify the Special Exception and Site Plan Approval Granted under Site Plan Review #1-2004 with Special Exception and Variances

VARIANCE – addition of 800 square feet of office and storage in the basement, and to add 1,380 square feet of storage on the roof of the third floor of the East wing; and

VARIANCE – a gift shop on the second floor; and

VARIANCE – an increase for a building height of 35.58 feet from zero datum (a variance of 10.58 feet) in lieu of the previously approved building height of 34.92 feet from zero datum (a variance of 9.92 feet) and the 25 foot maximum height allowed for a two-story building to the East wing addition; and

VARIANCE – a modification to allow an increase in the existing variances for an overall building height of 36.67 feet from zero datum (a variance of 6.67 feet), in lieu of the previously approved overall building height of 36.0 feet from zero datum (a variance of 6.0 feet) and the 30 foot maximum overall building height allowed for a two-story building for the East wing addition; and

VARIANCE – a modification to allow an access aisle width on the new part of the basement garage at 17.67 feet in lieu of the 20 feet minimum required; and

VARIANCE – two air conditioning cooling towers which are 72 square feet in area and 9.58 feet high and are to be installed on an existing 2 foot high basement wall 3.75 feet from the rear property line in lieu of the minimum 15 foot required by Code for accessory structures (a variance of 11.25 feet); and

VARIANCE – a screen wall for the new air conditioning units to be 11.58 feet high in lieu of the maximum 7 foot height allowed by Code (a variance of 4.58 feet).

APPROVED with the following conditions:

1. Applicant must continue to meet all previous conditions of the approval

2. Fire sprinkle the entire building and additions prior to the certificate of occupancy for the improvements identified above.

3. Provide signage in the new portion of the parking garage basement that allows only valet and employee parking in that portion of said garage.

01/09/2007 – Site Plan Review #2-2007 with Special Exceptions and Variances and Waiver of Zoning in Progress – Request special exception approval for continued operation of hotel under new ownership. Applicant believes prior zoning applications are vested and not subject to the zoning in progress, but if Town attorney concludes that the applicant is not vested, the Applicant requests that the Town waive the application of the zoning in progress for this application.

SPECIAL EXCEPTION - for expansion of hotel's accessory uses, including 1,500 square foot expansion of spa facility; addition of 1,335 square feet of public space, plus 360 square feet of back room space, for function room in a building in lieu of existing tent facility; replacement of the existing second floor function space with a 3,600 total square foot dining room including 840 square feet for outdoor seating on balcony; and

SPECIAL EXCEPTION – to permit outdoor dining with maximum of 56 seats on 840 square foot second floor balcony on front façade; and

SITE PLAN APPROVAL – for expansion of an existing hotel within nonconforming building. This site plan request includes the addition of a 1,940 square foot porte-cochere/covered drop off and relocation of the loading dock from the front façade to under the West wing of guest rooms; relocation and construction of new lobby; the construction of a 1,695 total square foot addition in the rear yard to serve as function space in lieu of the existing tent facility space; an expansion of the spa facility to 4,100 square feet; replacement of the existing second floor function space with a 3,600 total square foot dining room, including 840 square foot dining area on balcony; renovation of guestrooms (net

reduction of units: 95 to 80); construction of an enclosure for an existing outdoor fire stairwell; new roof design and materials; infilling the walls of the balconies; a new 2,160 square foot loggia in the back pool area of the building fronting the swimming pool; and adoption of exclusively valet parking for the site.

VARIANCE – to permit construction of a porte-cochere/covered drop off with front set back of .34 feet, in lieu of 34.72 foot minimum required front yard setback required by code.

VARIANCE – to permit construction of a relocated curb cut and porte-cochere/covered drop off, expansion of existing spa and construction of a permanent function space, which increases lot coverage to 66.4%, in lieu of the 61.4% existing lot coverage and the 50% maximum lot coverage allowed by code.

VARIANCE – to permit construction of relocated curb cut and porte-cochere/covered drop off expansion of the existing spa and construction of permanent function space, with overall landscape space of 23% overall landscaped space (no change from existing) in lieu of the 30% minimum overall landscaped space required by Code.

VARIANCE – to accommodate new mansard roofing design and material, to permit overall building height of 35.27 feet from zero datum (no change from existing) in lieu of the 30 foot maximum overall building height allowed by Code.

VARIANCE – to accommodate new mansard roofing design and material to permit building height of 34.61 feet from zero datum (no change from existing) in lieu of 25 feet maximum building height allowed by Code.

VARIANCE – to have two architectural tower features in lieu of the two (2) maximum tower features allowed by Code.

VARIANCE – for two (2) of the architectural tower features and four dormer windows with front yard setbacks of 24.5 feet and 24.88 feet in lieu of the 39.72 foot minimum front yard setback required by Code.

VARIANCE – for two (2) architectural towers, 5 feet maximum in height, with an overall building height of 40.27 feet, in lieu of the 35 feet maximum overall building height allowed by Code for the towers.

VARIANCE – to construct a 3,000 total square foot function room to replace current tent facility, with a 10.0 foot rear yard setback, in lieu of 28.88 minimum rear yard setback required by Code.

VARIANCE – to accommodate new mansard roof design and materials with a 5.8 feet side yard setback (no change from existing) at Western property line, in lieu of the 19.72 foot minimum side yard setback required by Code.

VARIANCE – to allow outdoor dining room seating on the front and back outside balconies where said use is required by Code to be entirely within the principal building.

VARIANCE – to allow a marquee wider than the entry way and with support closer than eighteen inches to the face of the curb.

VARIANCE – to construct 9,100 square foot of additional improved space, without providing the one additional loading berth required by Code.

VARIANCE – to provide 67 off street parking spaces, in lieu of 97 existing spaces and the 147 required by Code.

VARIANCE – to allow required parking to be stacked in a method which required the movement of other vehicles in order to move another vehicle.

DEFERRED to the February 13, 2007 meeting.

02/13/2007 – Site Plan Review #2-2007 with Special Exceptions and Variances and Waiver of Zoning in Progress – Request special exception approval for continued operation of hotel under new ownership. Applicant believes prior zoning applications are vested and not subject to the zoning in progress, but if Town attorney concludes that the applicant is not vested, the Applicant requests that the Town waive the application of the zoning in progress for this application.

DEFERRED to the March 13, 2007 meeting to allow more research to address Town Council's questions.

03/13/2007 – Site Plan Review #2-2007 with Special Exceptions and Variances and Waiver of Zoning in Progress – Request special exception approval for continued operation of hotel under new ownership. Applicant believes prior zoning applications are vested and not subject to the zoning in progress, but if Town attorney concludes that the applicant is not vested, the Applicant requests that the Town waive the application of the zoning in progress for this application.

DEFERRED to the April 10, 2007 meeting.

04/10/2007 – Site Plan Review #2-2007 with Special Exceptions and Variances and Waiver of Zoning in Progress – Request special exception approval for continued operation of hotel under new ownership. Applicant believes prior zoning applications are vested and not subject to the zoning in progress, but if Town attorney concludes that the applicant is not vested, the Applicant requests that the Town waive the application of the zoning in progress for this application.
DEFERRED to the May 7, 2007 meeting.

05/07/2007 – Site Plan Review #2-2007 with Special Exceptions and Variances and Waiver of Zoning in Progress – Request special exception approval for continued operation of hotel under new ownership. Applicant believes prior zoning applications are vested and not subject to the zoning in progress, but if Town attorney concludes that the applicant is not vested, the Applicant requests that the Town waive the application of the zoning in progress for this application.

APPROVED with the following conditions:

1. Applicant enter into a Construction Agreement and a Declaration of Use Agreement which incorporated the conditions of approval for the operation of the hotel and its amenities.
2. Applicant is also required to design and construct new median cuts in the 100 block of Royal Palm way to the satisfaction of the Town's Public Works Department.

07/11/2012 – Site Plan Review #6-2012 with Special Exception and Variances – The subject condominium hotel is currently under renovation pursuant to the approval of the Town Council in May 2007. The site plan has been modified from the original plan which requires approval from the Town Council. The following is a list of the proposed changes to the approved plan:

- Elimination of two pool structures and relocation of a pool structure;
- Relocation of pool restrooms to inside of Function Room;
- Relocation of bar area;
- Elimination of the mansard roof on the East elevation and addition of a mansard roof on the North elevation and East guest wing elevation;
- Relocation of pool equipment and storage to under pool service building;
- Approval of landscaping, cabanas and pool terrace for the entire site;
- Addition of plunge pools to the pool terrace area;
- Addition of interior floor above lobby to total 1,486 square feet of which 500 square feet is dining area;
- Addition of parapet to connect East and West stair towers;
- Addition of roof deck lounge on existing rooftop of hotel;
- Addition of elevator to the show on roof plan of function roof where previously not shown

A request for Special Exception approval is required for the new owner of the condominium hotel and changes and modification of the hotel which is a special exception. The following variances are requested in conjunction with the modification to the site plan:

VARIANCE – for the height and overall height of the new mansard roofing design and material to be 35.27 feet from zero datum (no change from existing) in lieu of the 30 foot maximum overall building height allowed by code in the C-B Zoning District;

VARIANCE – for 7 parking spaces due to the additional floor 986 square feet created above the lobby for additional dining and kitchen facilities (no increase in number of seats) and finished kitchen prep area which totals 831 square feet in the basement;

VARIANCE – to allow construction of the new function room building, spa and second floor dining room to be phased and completed after the hotel has a certificate of occupancy and open for business. The applicant is requesting a 5 year extension from the certificated of occupancy to construct and/or build out the function room building, spa and dining room on the second floor.

APPROVED – The Council approved the change in hotel operators with the following conditions:

1. The hotel, with the exception of the spa/fitness area in the basement and second floor dining room above the lobby, shall be completed and have a certificate of occupancy by February 14, 2013.
2. The spa/fitness area and second floor dining room above the lobby shall have the shell (exterior space drywall, all life safety features, minimum electric and floor slab) completed by

February 14, 2013. Those areas shall be completed following issuance of building permit(s) and final certificate of occupancy when commercial tenants are secured.
3. The South perimeter landscape buffer shall be approved and completed by September 30, 2012.

The remainder of the site plan review with variances shall be considered at the August 15, 2012 Council meeting.

08/15/2012 – Modified Site Plan Review #6-2012 with Special Exception and Variances – Additional changes to the 07/11/2012 request are as follows:

- Replace solid parapet on function room with balustrade railing;
- Increase height of doors in main lobby overlooking pool deck by 3 feet;
- Add a breezeway from the main lobby to function room;
- Add a 7 foot tall hedge with a 42 inch rail on South side of proposed swimming pool to run length of pool deck area;
- Add pergola on south elevation and extend balconies on North, South and East elevations;
- Addition of service corridors and expansion of kitchen and laundry room which totals

approximately 3,625 square feet;

- Shift location of approved function room 25 feet to the East and add back the 4 of the 6 parking spaces that are lost. Size of the spa facility is decreased from 7,325 square feet to 5,948 square feet which eliminates the need for 2 parking spaces that were lost. Net effect is zero loss of parking spaces;
- Replace solid concrete railing on stairway on South side of West wing fire escape with precast balustrade railing.

A request for Special Exception approval is required for the new owner of the condominium hotel and changes and modification of the hotel which is a special exception. The following variances are requested in conjunction with the modification to the site plan:

VARIANCE – for the height and overall height of the new parapet roofing design and material to be 35.27 feet from zero datum (no change from existing) in lieu of the 30 foot maximum overall building height allowed by Code in the C-B Zoning District;

VARIANCE – for 4 parking spaces due to the additional floor 986 square feet created above the lobby for additional dining and kitchen facilities (no increase in number of seats);

VARIANCE – for 3 parking spaces due to the addition of a kitchen prep area which totals 831 square feet in the basement for a total of 7 parking spaces that would be required;

VARIANCE – to increase the height of the parapet wall above the parking deck to be 14 feet in lieu of the 5 foot maximum allowed and the 3.5 feet existing.

APPROVED MODIFIED SITE PLAN REVIEW REQUEST #S 2,3,4,6,7,8,10, 11, 13, 14, 15 AND 16. REQUEST #S CORRESPOND TO PRESENTATION FROM 8/15/2012. REQUEST #12, TO ADD A BREEZEWAY BETWEEN THE HOTEL AND THE PROPOSED FUNCTION ROOM WAS WITHDRAWN BY THE APPLICANT. REMAINING REQUESTS WERE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The proposed 14 foot tall parapet wall between the proposed function room and the proposed service bar shall have a water feature that runs the length of the wall. Said water feature shall be operational as determined by the Town Council as outlined in the proposed Declaration of Use Agreement.
2. The service bar shall remain for the use of only the hotel staff. Service shall not be provided to hotel guests. In addition, no chairs shall be allowed for hotel guest at the service bar.
3. The pool deck area and abutting grass area between the pool deck and proposed Function Room to the East shall remain passive and no events shall be held in those areas.
4. The pool deck area shall be allowed only background music and light live music with the speaker system directed toward the hotel to the North. There shall be no music on the abutting grass area.
The hours shall be as identified in the original Declaration of Use Agreement.
5. The air conditioning equipment on the proposed Function Room roof shall be screened from the neighbors by a solid parapet wall.

6. The Function Room elevator and stairwells shall not be accessible from 7:00 p.m. to 9:00 a.m. Fire-rescue accessibility shall be provided by knock-boxes and an elevator override system.

7. Additional landscape material to completely screen the back of the hotel from the neighbors shall be required and maintained on the South perimeter of the subject property in perpetuity. The landscaping of the entire property shall be approved by the Architectural Commission.

8. These new conditions of approval shall be incorporated in the Declaration of Use Agreement.

ALL 3 VARIANCE REQUESTS APPROVED.

APPLICANT IS REQUIRED TO COMPLETE THE FUNCTION ROOM, MESSANINE DINING ROOM AND FITNESS CENTER/SPA CONSTRUCTION TO MINIMUM "SHELL" COMPLETION PRIOR TO FEBRUARY 14, 2013; THEREAFTER ONLY INSIDE QUIET WORK WILL BE ALLOWED.

01/09/2013 – Site Plan Review #3-2013 with Special Exception and Variance – Requesting a modification to the site plan and special exception from the approved zoning application Site Plan Review #6-2012 with Special Exception and Variances which requires approval from the Town Council.

- Relocation of the roof top sundeck on the proposed Function Room, including the removal of the two stairwells and elevator going to that area. The sundeck was allowed to be relocated on top of the second floor roof above the lobby dining room. This approval included required stairs and an elevator to the new proposed sundeck area and physical separation of the proposed sundeck from the South ten feet of the building. In addition, other roof areas that are not part of the approved new sundeck area shall also have a structural separation from the new sundeck. The previous conditions of approval of the sundeck on the Function Room apply to this new sundeck area.

- Relocation of the air conditioning equipment from the Function Room roof to the Northeast corner of the surface parking lot as identified on the plans.

- Elimination of the outside stairs to the spa area.

- Modification of the service double doors on the East side of the proposed Function room.

- Modification to create a niche on only the West end of the proposed water wall between the

Function room and the outside service area building on the South side of the subject property. The Council denied the sliding doors on the West entrance to the Function Room, the niche on the East side of the water wall and the bar area abutting the South doors from the lobby dining room leading out to the outside seating area.

APPROVED with the following conditions:

1. The East and South boundary of the subject property shall be screened in a manner which is approved by the neighbors to the East.

2. The relocated air conditioning equipment shall also be fully screened by a wall and landscape material. Said screening shall be maintained in perpetuity.

3. Applicant is required to come back to the February 13, 2013 Town Council meeting for approval of a second amendment to the Declaration of Use Agreement, which addresses all of the proposed modifications changing the Agreement. All other conditions of approval in the Declaration of Use Agreement remain valid.

09/10/2014 – Site Plan Review #12-2014 with Special Exceptions and Variances – Requesting a modification of the site plan which requires approval from the Town Council. Proposed changes to the SPR #3-13 approved hotel plan:

SPECIAL EXCEPTION – addition of 1,006 square feet of basement level spa/salon/fitness area and 6,719 square feet of hotel lounge, business center, guest recreation and services area ("Premier Guest Service Area") to primarily serve hotel guests; addition of 3,804 square feet for back of house support services in the basement level and change of such uses to administrative offices, employee break room, restrooms, housekeeping and kitchen coolers/freezers; addition of 75 square feet for pool deck restrooms; addition of 573 square feet for exterior Function Room bathrooms; change of use to pool deck and adjacent Function Room courtyard area to allow for pre-function events; redesign and reduction of main kitchen by 100 square feet; addition of 1,483 square feet for Function Room finishing kitchen, "green room" and speaker area; reintroduction of previously approved function room

sundeck to private spa deck on roof; addition of 39 dining seats to interior second floor restaurant and relocation of those seats to the previously approved third floor deck; and conversion of one hotel room to a private dining room and relocation of 12 previously approved second floor interior restaurant dining room seats to such room.

SPECIAL EXCEPTION – to permit outdoor dining with a maximum of 39 seats on the previously approved third floor deck and addition of three bar/beverage stations customarily associated with a hotel use; one on the third floor deck, one to serve the second floor North dining terrace and one portable station for the Function room courtyard area for pre-function events (total approved outside seating in other areas is 66 seats). Total outdoor seating proposed to be 105 seats.

VARIANCE – to permit construction of an addition to the basement level (for area not below existing building footprint) to allow for back of house space, expanded spa and Premier Guest Service Area which increases lot coverage to 71%, in lieu of the 66.4% existing and the 50% maximum lot coverage allowed by Code.

VARIANCE – to allow a basement addition to extend further outside the confines of the existing building footprint which is not permitted by code.

VARIANCE – to allow a landscaped open space of 12.2% in lieu of the 12.7% existing and the 30% minimum required by Code.

VARIANCE – for a front yard setback of 7.66 feet in lieu of the 29.54 foot minimum front yard setback required to install a retractable awning which covers the second floor doors and the previously approved outdoor seating area on the North dining terrace.

VARIANCE – for a 10 foot rear yard setback in lieu of the 15 feet required to relocate previously approved pool cabanas.

VARIANCE – for a 10 foot rear yard setback in lieu of the 15 foot minimum required for the location of a men's restroom to service the pool area.

VARIANCE – for a 10 foot rear yard setback in lieu of the 15 foot minimum required to construct an addition to the East side of the previously approved Function Room.

VARIANCE – for the non-conforming hotel to not provide an additional required loading space for commercial deliveries based on the additional accessory commercial square footage of 7,864 proposed for the hotel.

VARIANCE – to allow changes to the use of the 1,881 square foot third floor deck as Town Code provides for a two story limitation. The prior variance limited the use of the third floor deck to a private spa deck and there is a proposed change of use associated with that variance to allow for the addition of 39 outdoor dining seats, a bar/beverage station customarily associated with hotel uses (with 410 square feet of decorative, open trellis), 80 square foot enclosed storage room and 1,132 square foot expansion of deck area.

VARIANCE – for height and overall height to allow a 410 square foot open trellis on the third floor deck associated with the proposed outdoor dining area. The variance request is for the height of the trellis on the third floor to be 41 feet high in lieu of the 25 foot maximum allowed which is 16 feet over the maximum building height of 25 feet and the maximum overall height of 41 feet in lieu of the 30 foot maximum allowed.

VARIANCE – for 68 off-street parking spaces for the proposed addition of the finishing kitchen, "green room" and speaker are for the Function Room, the increase in spa square footage, the loss of parking spaces resulting from the addition of the Function Room addition, the additional back of house space to serve the hotel, the additional 39 dining seats and the Premium Guest Services Area located in the basement level.

DEFERRED to October 13, 2014, Special Town Council Meeting.

FOUR OUTSTANDING ISSUES THAT HAVE TO BE RESOLVED BY OCTOBER 13, 2014 MEETING:

1. Provide a letter from the City of West Palm Beach that there is adequate portable water capacity for the project.

2. Provide the Town's Public Works Department with the sewer capacity analysis from a licensed engineer. That has to be reviewed and signed off on by Public Works and accepted by John Page, Director of Planning, Zoning and Building.

3. Discussions with Building Official Bill Bucklew note that handicap accessibility requirements are not being met for proposed parking, even if it is completely valet. Please contact Bill Bucklew to address the issue.

4. Provide John Randolph, Town Attorney, the draft waiver language as discussed at the Council meeting from both the client and Mr. Straub, for his review. Once approved by Mr. Randolph, the waivers are to be executed and submitted to this office prior to the October 13 Council meeting. A newly revised Declaration of Use Agreement is also to be provided.

**10/13/2014 – Site Plan Review #12-2014 with Special Exceptions and Variances – Requesting a modification of the site plan which requires approval from the Town Council.
DENIED FOR SPECIAL EXCEPTIONS AND VARIANCES. SITE PLAN MODIFICATIONS DENIED WITH THE EXCEPTION OF THE FOLLOWING FIVE:**

1. Reintroduction of a rectangular shaped pool (26' x 48') previously approved by the Town Council from curvilinear design decision by prior owner.
2. Reintroduction of an awning to connect main hotel and Function Room previously approved by the Town Council but eliminated by prior owner.
3. Design change to front door (North), West restaurant and East egress doors.
4. Enclosure of first through third level exterior access corridors on most Eastern elevation, above garage entrance.
5. Change of building color to custom pink hue.

01/13/2016 – Site Plan Review #1-2016 with Special Exception – for modification to hotel approved plans to comport with previous approvals with exception of minor changes to improve service areas and access to those areas via stairs and elevators. The intent of the following proposed site plan changes is to address and secure the Town's approval for certain improvements that (A) are already partially constructed, (B) will improve the function of the hotel, but (C) will not increase the intensity of the use of the Property or require any additional variances of any nature:

1. Complete construction of Function room and pool area consistent with plans previously approved by the Town.
2. Demolish partially constructed bathrooms on West side of Function Room and complete construction in area immediately adjacent to the Southeast corner of the Function room per plans previously approved by the Town.
3. Demolish partially constructed walkway, stairs and elevator in so far as it provides access to roof above Function Room.
4. Demolish approximately 1,140 square feet of office space in area previously approved as service corridor and laundry space.
5. Demolish partially constructed enclosures of portions of the basement garage on both East and West side of the Property, to restore 5 required off-street parking spaces.
6. Completion of partially constructed stair and elevator from basement to third floor on North side of hotel building and demolish partially constructed elevator extension to roof top.
7. Restore guest room area on third floor which was converted to private dining over-looking the second floor dining room.
8. Demolish partially constructed partial wall in the Function Room kitchen.
9. Construction of new access stairs from the basement kitchen area to the lobby dining room.
10. Construct new stairs, elevator and dining area on the second floor dining room.
11. Construct redesigned mezzanine dining room stairs.
12. Construct opening on the East side of the Function Room wall identified as the state.
13. No reduction of condo-hotel units. The condo-hotel units remain at 79 units.
14. Remove infill framing at exterior walkways on East elevation (Installed subsequent to staff's Identification of non-approved construction).

APPROVED.

01/11/2017 – Request for One Year Time Extension, Site Plan Review # 1-2016 – APPROVED for 12-month time extension.

01/10/2018 – Request for One Year Time Extension, Site Plan Review # 1-2016 – APPROVED for 12-month time extension.

Prepared by and return to:
Maura Ziska, Esq.
Kochman & Ziska, PLC
222 Lakeview Ave. Suite 1500
West Palm Beach, FL 33401

THIRD AMENDMENT TO DECLARATION OF USE AGREEMENT

By

THE TOWN OF PALM BEACH

and

**LR PALM HOUSE LLC
(F/K/A 160 ROYAL PALM LLC and ROYAL 160, LLC)**

Dated September, 2020

EXHIBIT "F"

AMENDMENT OF DECLARATION OF USE AGREEMENT

THIS THIRD AMENDMENT TO DECLARATION OF USE AGREEMENT ("Amendment") is made and entered into this ____ day of _____, 2020 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter the "Town"); and LR PALM HOUSE LLC, formerly known as ROYAL 160, LLC and ROYAL 160, LLC, 160 Royal Palm Way, Palm Beach, Florida 33480 hereinafter the ("Owner"), which terms "Town" and "Owner" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the Town and Owner heretofore entered into a Declaration of Use Agreement, dated July 30, 2007 and recorded in Official Records Book 21987, Page 499, and an Amendment to the Declaration of Use Agreement, dated December 28, 2021 and recorded in Official Records Book 25694, Page 633, and further amended in the Second Amendment to the Declaration of Use Agreement, dated August 13, 2013 and recorded in Official Records Book 26251, Page 78, all in the Public Records of Palm Beach County, Florida ("Agreement");

WHEREAS the land described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as "Land") is located within the municipal limits of the Town;

WHEREAS, title to all of the Land is held by the Owner;

WHEREAS, the Palm House Hotel (hereinafter referred to as the "Hotel") is located and operated on the Land at 160 Royal Palm Way in the Town;

WHEREAS, the Town Council on October 9, 2020, approved the Site Plan Revise with Special Exception and Variances number Z-20-00__ to modify the previously approved Site Plan Review #16-2016 with Special Exception, which allowed the new Owner to operate the Hotel subject to the modified conditions, which modified previous conditions of approval;

WHEREAS, the modifications to the previous conditions of approval are set forth herein and the approval of this Agreement is on the basis of the Owner's application and the testimony on behalf of the Owner;

WHEREAS, the Town made specific findings that the Owner met all applicable provisions of the Town Code governing site plan review, special exceptions, and variance requests;

WHEREAS, in approving the Site Plan Review with Special Exceptions and Variances, the modifications to the previous conditions of approval reflected herein are imposed in order to regulate the use, mitigate any adverse impacts of the use, and insure that said use shall not be adverse to the public interest;

WHEREAS, all of the representations made herein are true and accurate and the approval of the Site Plan Review with Special Exception and Variances are conditioned upon the representations made herein and all of the conditions herein imposed; and,

WHEREAS, in granting the approval, the Town Council relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, and in consideration of other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it is agreed that the Agreement is hereby amended and modified as follows:

ARTICLE I **RECITALS**

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II **REPRESENTATION OF OWNERSHIP**

Owner has full right to enter into this amendment to the 2007 Declaration of Use Agreement, as amended, and to bind the Land, Hotel and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Hotel and Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. The execution of this Amendment will not violate any restrictions, court orders or agreements to which Owner or the Land are subject.

ARTICLE III **CONDOMINIUM HOTEL USES**

The use of the Land shall be for hotel uses and accessory uses in compliance with all of the information and exhibits not inconsistent with the terms and conditions set forth herein and as set forth in the applications previously submitted to, and approved by, the Town (hereinafter referred to as the "Approvals"). The Town's approval of the Application is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon new application to and approval by the Town Council. Any additional uses of the Land shall be subject to approval by the applicable governmental authority including but not limited to the Town Council of the Town, the Architectural Commission of the Town, Palm Beach County, the State of Florida, the United States Government, and/or any agencies under any of the foregoing governmental authorities.

ARTICLE IV **MODIFICATIONS TO PREVIOUS CONDITIONS OF APPROVAL**

The following modifications to previous conditions of approval are imposed as conditions of granting approval of the Site Plan Review with Special Exceptions and Variances contained in Z-20-00289 and are required to be met as conditions of the continued operation of the Hotel.

DECLARATION OF USE DATED JULY 30, 2007

1. Paragraph 3 shall be amended as follows:

~~The second floor dining room area is approved for a total 120 seats with the ability to relocate 50 of those seats to the second floor balcony patios (a maximum of 25 seats on the front balcony and 25 seats on the back balcony terrace). In addition, The first floor dining room is approved for 65~~ 88 indoor seats with the ability to relocate 16 and 36 outdoor seats facing the new pool deck outdoors on the covered pool loggia. The dining room may serve meals to the public and hotel guests in the dining rooms from 5:00 AM to 1:00 AM. Outside dining shall only be allowed from 9:00 AM to 10:00 PM ~~on the covered pool loggia. However, seating for patrons for dining on the covered pool loggia shall not occur after 9:00 PM. Outside dining shall only be allowed from 6:00 AM to 11:00 PM on the second floor dining room balconies. However, seating for patrons for dining on the second floor outside dining shall not occur after 9:00 PM. This shall not preclude 24 hours room service.~~

2. Paragraph 7 shall be amended as follows:

The function area shall only be allowed ~~150~~ 200 seats with recorded or live music or other entertainment between the hours of 12:00 Noon and 11:30 PM. 12:00 AM. ~~No sooner than one year from the date of the certificate of occupancy, the applicant may apply for a special exception with variance for a maximum of 50 additional seats in the function area.~~

3. Paragraph 8 shall be deleted in its entirety as follows:

~~The upper deck sun deck on top of the function room shall only be used for sunning or lounging. There shall be no events of any kind or live or recorded music provided on said sun deck.~~

AMENDMENT TO DECLARATION OF USE DATED DECEMBER 28, 2012

1. Paragraph 1 shall be amended as follows:

The proposed ~~14~~ 15.16 foot tall parapet wall between the ~~proposed~~ function room and the ~~proposed employee pool service building~~ west wing of the hotel shall have a water feature that runs the length of the wall. Said water feature shall be operational between the hours of 9:00 a.m. and midnight (12:00 a.m.).

2. Paragraph 3 shall be amended as follows:

~~There shall be no Pre-function events in the pool deck and grass area between the pool deck and Function Room~~ shall be allowed. These areas shall remain passive. The pool deck area shall be allowed only background music and light live music with the speaker system directed towards the hotel to the north. There shall be no music played on the

abutting grass area. The pool deck hours and hours for music shall be as identified in the Agreement.

3. Paragraph 5 shall be deleted in its entirety as follows:

~~Except for emergencies, the Function Room elevator and stairwells shall not be accessible to the sundeck from 7:00 PM to 9:00 AM so as not to allow hotel guests and employees on the Function Room roof during those hours. Fire rescue accessibility shall be provided by know boxes and an elevator override system. The access points to the stairs leading to the sundeck on the Function Room shall be designed to be completely isolated from the ground floor with a full door and other separation to ensure that when they are locked there is no access to the sundeck.~~

4. Paragraph 7 shall be deleted in its entirety as follows:

~~All construction must be completed by February 14, 2013 with the exception of the function room, spa/fitness area and second floor dining room above the lobby which shall be required to only have the shells (drywall, all life safety features, minimum electric and floor slab) completed by February 14, 2013. Any elements of the Hotel or Land not completed by February 14, 2013, include the function room, spa/fitness area and second floor dining room shall be required to obtain new approvals and permits.~~

SECOND AMENDMENT TO DECLARATION OF USE DATED AUGUST 13, 2013

1. Paragraph 1 shall be deleted in its entirety as follows:

~~The air conditioning equipment previously approved to be located on the roof of the Function Room shall be relocated to the planters on the east side of the Function Room and are required to be screened from the neighbors.~~

2. Paragraph 2 shall be deleted in its entirety as follows:

~~The previously approved activity and restrictions for the roof top of the Function Room shall be transferred to the roof top area above the Hotel lobby on the third floor of the hotel. The following restrictions now apply to the roof top of the Hotel in lieu of the roof top of the Function Room: (a) the sundeck shall only be used for sunning or lounging; (b) there shall be no events of any kind or live or recorded music provided on said sundeck; (c) except for emergencies, the Hotel elevator and stairwells shall not be accessible to the sundeck from 7:00 p.m. to 9:00 a.m. so as not to allow hotel guests and employees on the Hotel sundeck during those hours. Fire rescue accessibility shall be provided by know boxes and an elevator override system. There shall be a barrier constructed to the satisfaction of the Town which precludes access to the roof top of the hotel to the east and south of the sundeck.~~

3. Paragraph 4 shall be deleted in its entirety as follows:

~~All construction must be completed by February 14, 2013 function room, spa/fitness area and second floor dining room be required to only have the shells (drywall, all life safety and floor slab) completed by February 14, 2013. Any element~~

~~completed by February 14, 2013, including the function room, spa/fitness area and second floor dining room shall be required to obtain new approvals and permits.~~

ARTICLE V **PROVISIONS FOR NOTICE**

For the issuance of any notice regarding the terms of the Agreement and this Amendment, notice shall be provided.

To the Town Manager:

The Town of Palm Beach, Town Hall
360 S. County Road
Palm Beach, FL 33480

To the Owner:

LR Palm House LLC
160 Royal Palm Way
Palm Beach, FL 33480

ARTICLE VI **PROVISIONS TO RUN WITH LAND/RECORDING**

This Amendment shall run with the Land and shall be binding upon the Owner and its respective legal representatives and successors and assigns. This Amendment shall be recorded by the Owner in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Amendment shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

ARTICLE VII **ENTIRE AGREEMENT**

This Amendment, as identified herein, only represents the modifications to the Agreement, as recorded in Official Records Book 21987, Page 499 and Amendment to the Agreement as recorded in Official Records Book 25694, Page 633 and Second Amendment to the Agreement as recorded in Official Records Book 26251, Page 78, of the Public Records of Palm Beach County between the parties and may not be amended except by written agreement executed by both parties. All other provisions and conditions in the Agreement, as recorded in Official Records Book 21987, Page 499 and Official Records Book 25694, Page 633 and Official Records Book 26251, Page 78 of the Public Records of Palm Beach County, remain in full force and effect.

ARTICLE VIII **MISCELLANEOUS**

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities. This Amendment may not be amended except by written instrument signed by all parties hereto. Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof. This Agreement shall be binding upon the parties hereto and upon their successors and assigns. In the event of the invalidity of any provision of this Agreement,

same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

TOWN OF PALM BEACH

By: _____
Gail Coniglio, Mayor

By: _____
Maggie Zeidman, President
Town Council

By: _____
Kirk Blouin
Town Manager

LR PALM HOUSE LLC

By: _____
Its: Manager/Member

STATE OF FLORIDA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation/limited liability company/partnership, who ☐ is personally known to me or who ☐ has produced _____ as identification.

Notary Public – State of Florida

Notary Seal: _____

STATE OF FLORIDA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by Maggie Ziedman, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation/limited liability company/partnership, who ☐ is personally known to me or who ☐ has produced _____ as identification.

Notary Public – State of Florida

Notary Seal: _____

STATE OF FLORIDA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation/limited liability company/partnership, who ☐ is personally known to me or who ☐ has produced _____ as identification.

Notary Public – State of Florida

Notary Seal: _____

STATE OF FLORIDA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by _____, the _____ of LR Palm House LLC, a Florida limited liability company, on behalf of the corporation/limited liability company/partnership, who ☐ is personally known to me or who ☐ has produced _____ as identification.

Notary Public – State of Florida

Notary Seal: _____

APPROVED AS TO LEGAL FORM AND
SUFFICIENCY:

John C. Randolph
Town Attorney

Exhibit "A"

Legal Description of the Land:

Being Lots 31, 32 and 33, Block F, Royal Park Addition, a subdivision in the Town of Palm Beach, Palm Beach County, Florida, as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida.

BRAZILIAN AVENUE

S. OCEAN BOULEVARD

300

117

125

133

141

149

155

163

100

132

140

160

SUBJECT
PROPERTY

ROYAL PALM WAY

109

200 FOOT
VICINITY

200' - 0" BOUNDARY LINE

151



LOCATION MAP



The Palm House Hotel
160 Royal Palm Way

VM1

License N°
AUGU



**Town of Palm Beach
Notification to Property Owners**

Architectural Review Commission Project Notice

TO BE HEARD BY THE ARCHITECTURAL REVIEW COMMISSION ON September 23, 2020
AFTER 9:00 A.M., in the Town of Palm Beach Council Chambers located on the 2nd floor, 360 South County Road, Palm Beach. Pursuant to Section 18-202 (1) of the Town Architectural Review Ordinance, this application is being sent to all property owners within 250' radius of the location of the subject application.

All interested persons may appear and be heard at said Public Hearing and may likewise submit written statements prior to and at said Public Hearing. If any person decides to appeal any decision made by the Architectural Review Commission with respect to this matter, he/she will need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based. Please be advised that the Town does not enforce private covenants or deed restrictions.

ARCOM#: B-063-2020

Address: 160 Royal Palm Way, Palm Beach Florida 33480

Applicant: LR Palm House LLC

Project Description:

The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The proposed new work for the hotel includes completion and conversion of guest rooms for a total of 79 keys. A new pool deck will be constructed adjacent to the existing Function Room. Other exterior improvements will include re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors.

This notification is not to solicit approval or disapproval. It is a required notification to surrounding property owners. The plans for the project are on file in the Planning, Zoning & Building Department and are available for review Monday through Friday between 8:30 a.m. and 4:30 p.m. or may be available via the Town's website at www.townofpalmbeach.com/index.aspx?NID=676. Please note that the applicant may submit revised plans and materials up to 9 days prior to the meeting date; therefore, if you are an interested party, you will need to contact the Town using the information below to verify if revisions have or have not been submitted.

If you would like to be automatically informed of changes to the ARCOM Agenda and Back-up Material, please visit our website www.townofpalmbeach.com and click on the "Stay Informed" button on the main page and follow the instructions provided and select Architectural Commission (ARCOM).

If you need further information relative to this project, please contact Josh Martin, Director of Planning, Zoning and Building at 561-227-6401 or jmartin@townofpalmbeach.com.



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S. County Rd.
Palm Beach, FL 33480

APPLICATION FOR PROJECT REVIEW BY THE ARCHITECTURAL REVIEW COMMISSION

Application Number: B-063-2020

Date: August 21st, 2020

Application Type:

☐

Major
Minor

☒

Combination*
Minor with notice

*If Town Council review required, include Zoning Application Number: Z-20-00289

- I. PROJECT ADDRESS: 160 Royal Palm Way, Palm Beach Florida 33480
- II. DESCRIPTION OF THE REQUEST: The exact wording in this section will appear on the ARCOM Agenda. Please include a comprehensive summarized description of the proposed project.
The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The proposed new work for the hotel includes completion and conversion of guest rooms for a total of 79 keys. A new pool deck will be constructed adjacent to the existing Function Room. Other exterior improvements will include re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors.

Whole Structure Demolition? Yes or No X

Number of Stories: 3 Roof Material (type): Clay tile & modified bitumen membrane
Concrete Clay Tile, Low
Const. Type: CBS: IIIA Frame: & Steel Colors: Building: Pink Roof: Slope Roofs: Gray
Stucco, Stone
Trim: & Wood Shutters: N/A *this information to be included on the cover sheet of the ARCOM plans

III. DESIGN PROFESSIONAL(S):

☒
☐
☐

Architect
Landscape Architect
Other:

☐
☐
☐

Design Consultant
Engineer

Check if you are an ARCOM member and this project will result in a voting conflict for you.

Name of Professional: Michael Sean McLendon License #: AR95062

Phone number: 404-240-9537 Email address: seanmclendon@coopercarry.com

IV. OWNER/AGENT INFORMATION:

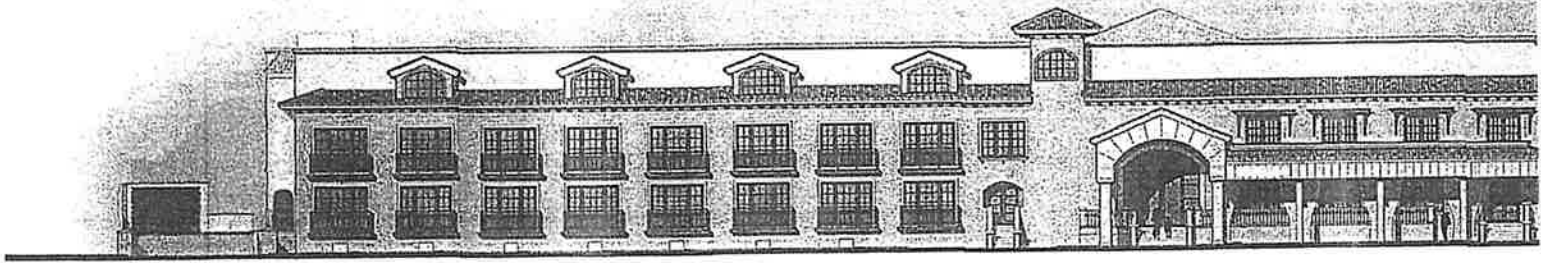
Property Owner's Name: LR Palm House LLC

Owner's Address (if different from Subject Address): c/o Kochman & Ziska PLC

222 Lakeview Avenue, Suite 1500 Phone number: 561-802-8960

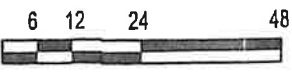
Signature (owner or owner's legally authorized agent*): Maura Ziska
*if signed by a legally authorized agent, must be accompanied by a Power of Attorney or statement from the property owner authorizing the signer to sign on the owner's behalf.

(printed name and title) Maura Ziska



NORTH ELEVATION - ROYAL PALM WAY



ELEVATION 

EL1.B

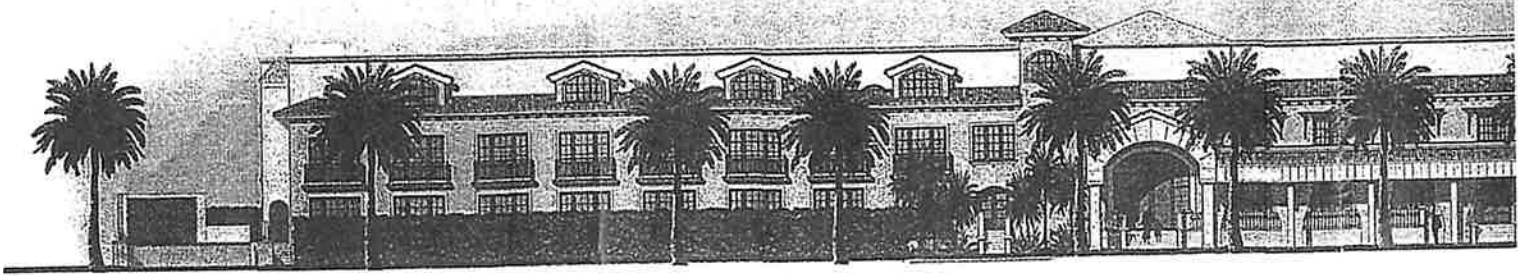
The Palm House Hotel

160 Royal Palm Way

License N°

AUGUS





NORTH ELEVATION - ROYAL PALM WAY



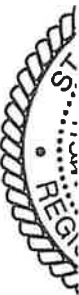
ELEVATION



EL1.A

The Palm House Hotel
160 Royal Palm Way

License N°
AUGU



SNIFFEN & SPELLMAN, P.A.

Sender's Direct Line: (561) 721-4002
Email: jeubanks@sniffenlaw.com

September 22, 2020

Via E-mail

Architectural Commission
c/o Michael Small, Esq., Chair
360 South County Road
Palm Beach, Florida 33408

**Re: Neighborhood Concerns Regarding ARCOM Application B-063-2020
("Application") by LR Palm House LLC ("Owner")
160 Royal Palm Way, Palm House Hotel**

Dear Mr. Small:

Our office represents Thomas O. McCarthy who resides at 140 Brazilian Avenue in the neighborhood immediately behind the Palm House Hotel ("Hotel"). While Mr. McCarthy is cautiously optimistic about those portions of the revised plans which eliminate the "Sunset Deck," eliminate outdoor second floor dining, eliminate the use of the Function Room roof and eliminate other items confirmed in the attached e-mail, he (along with other neighbors including the Devries who reside at 141 Brazilian Avenue and own the vacant lot at 149 Brazilian Avenue, directly behind the Hotel) still harbor some concerns.

With the proposed addition of a prep-kitchen, an outside bar, updated pool deck bathrooms, the glass enclosure of a portion of the Function Room, the increase in the number of seats in the Function Room and the active use of the Event Lawn, it appears to the neighbors that the Hotel will be quickly become a wedding reception destination. The neighbors are concerned about the inescapable noise, light and odors from such an expanded use, along with other modifications to the Hotel, including, but not limited to,:

- The operating hours of the indoor dining room until 1:00 a.m., leaving patrons and staff to exit the Hotel area at the quietest part of the early morning hours in the neighborhood.
- The addition of 36 pool level outdoor dining seats which are open until 10 p.m.
- The increase in the Function Room seating from 150 to 200 seats, resulting in up to 200 guests potentially over and above those staying in the hotel, and the large influx in the number of vehicles for such functions, many of which will inevitably end up parking in the residential neighborhoods, including Brazilian Avenue.
- The proposed active use (and accompanying rise in noise level) of the Event Lawn being used as a pre-staging and bar area for receptions and parties for up to 200 attendees, excluding employees and wait staff.

REPLY TO:

605 NORTH OLIVE AVENUE, 2ND FLOOR
WEST PALM BEACH, FL • 33401
PHONE: 561.721.4000
FAX: 561.721.4001

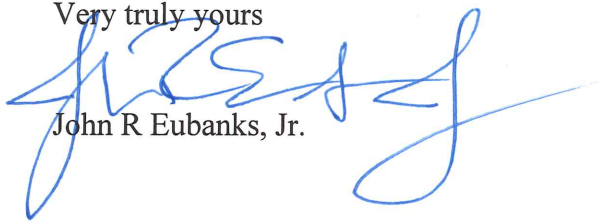
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TALLAHASSEE, FL • 32301
PHONE: 850.205.1006
FAX: 850.205.3004

- The potential use of live bands, a DJ, or amplified speakers as part of any reception or use of the Event Law, Function Room, and/or on the pool deck.
- The proposed extension of the hours of operation of the Function Room until 12:00 a.m., again resulting in guests and staff leaving in the normally quite early morning hours.

As a result, while the neighbors recognize the steps taken by the Applicant to comply with the Town Council's 2016 mandates, they request that ARCOM (and the Town Council) take into consideration how best to protect the adjacent residential homes and neighborhood from the above issues.

Very truly yours



John R Eubanks, Jr.

Attachment

cc: ARCOM Committee Members
Wayne Bergman, Acting Director Planning, Zoning & Building
Kelly Churney, Administrative Specialist
Town Clerk, Town of Palm Beach
Thomas O. McCarthy
Gayle and Timothy DeVries

From: [Maura Ziska](#)
To: [John Eubanks Jr](#)
Subject: FW: 160 Royal Palm Way - Palm House Hotel
Date: Friday, September 18, 2020 2:40:16 PM

John see responses below from the architect. Let me know if you need any further information. Tx

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)

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From: Sean McLendon <seanmclendon@coopercarry.com>
Sent: Friday, September 18, 2020 10:44 AM
To: Maura Ziska <MZiska@floridawills.com>; Mark Banfield <mbanfield@tpgcompanies.com>; Kathy Logan <kathylogan@coopercarry.com>
Subject: RE: 160 Royal Palm Way - Palm House Hotel

Maura:

Kathy and I have reviewed the comments below from John Eubanks with Sniffen & Spellman. The list is an accurate description of the proposed modifications/remediation for the Palm House.

1. The Hotel will become only a Hotel (not a condominium) and retain a total number of Rooms at 79. **Cooper Carry Response: Correct, Hotel use; no condominium;**
2. The will be 62 parking on site (in the garage) with all remaining parking via valet off site on Okeechobee Blvd location. **Cooper Carry Response: 62 spaces are provided on-site; all on-site parking will be valet, most staff parking facilitated at an off-site location owned by L+R.**
3. There will be no on street parking requested or parking in the neighborhoods. **Cooper Carry Response: No street parking utilized to meet "required" parking**
4. The elevator shafts will be eliminated to the third floor and there will be no rooftop "sundeck." **Cooper Carry Response: Correct, sunset rooftop deck & associated elevator towers will be removed;**
5. There will be no third floor private dining area overlooking what was to be the second

floor dining area. Cooper Carry Response: Correct, the previous Level 2/3 dining areas are reprogrammed as Presidential Suites. All Dining functions occur on the Lobby Level.

6. The walkways, stairs and elevator to the Function Room will be removed so that there is no access to or use of the roof of the Function Room. Cooper Carry Response: Correct, the access to the Function Room Roof is proposed to be removed;
7. The second floor dining area and 120 dining seats, including the outside dining seats, will no longer exist, but will be replaced with new Presidential Suites. Cooper Carry Response: Correct
8. There is a proposed Increase in number of seats in Function Room Seats from 150 to 200. Cooper Carry Response: Correct. The previous Declaration of Use agreement allowed for an increase in seating from 150 to 200 seats after 12 months of operation. The new Owner is requesting 200 seats for the Function Room. Please note that the total number of seats for the project as proposed is below previous seat count as approved.
9. There is a proposed addition of or active use of an Event Lawn in front of Function Room which will be used as a Pre-Function Area. Cooper Carry Response: Correct.
10. There is a proposed enclosure of the existing walkway to the Function Room. Cooper Carry Response: Correct, the covered portico of the Function Room is proposed to be enclosed and serve as a Pre-Function space and serve as a vestibule for the Function Room.
11. There is a proposed new set of bathrooms and full service bar next to new Event Lawn, which will replace the partially constructed bathrooms. Cooper Carry Response: Correct; our design goal is to keep restroom entrances separated from the Function Room; our intent is to use the addition to provide screening and separation from properties to the South
12. There is a proposed addition of a new Banquet Prep Kitchen next to Function Room on northeast side. Cooper Carry Response: Correct. The main kitchen space is located on the Basement level. L+R Hotels has requested a warming/prep area on the Lobby Level behind the Function Room to facilitate service expectations.
13. The dining in Lobby Area Dining is proposed to be increased from 65 to 88 seats. Cooper Carry Response: Correct, 88 interior seats at Lobby Level Dining/Bar; all previously approved upper level dining seats are removed.
14. There is a proposal to add Presidential Suites in the former second floor dining area along with south facing balconies Cooper Carry Response: Correct; the south facing & north facing balconies are accessed via proposed Level 2 Presidential Suites.

15. There is a proposed addition of covered walkway from the Lobby to Function Room.
Cooper Carry Response: Correct, the covered walkway is not enclosed. We think a covered connection is important for Hotel events
16. There is a proposal for the extension of several walls and heights of same. **Cooper Carry Response:** Correct, wall modifications along the south property line are to provide for a service stair from the Basement Level to the Pool Deck area.
17. The pool area is proposed to be reconfigured to now include 36 outside pool deck dining seats along with supporting structures and a water feature. **Cooper Carry Response:** Correct.
18. There will be much more landscaping screening the Hotel from all sides including tall trees on southern portion of the Hotel facing the neighborhood. **Cooper Carry Response:** Yes, our landscape team has increased screening and plantings at the perimeter of the site. We have focused on improving the percentage of Native species.

Please advise if you have additional questions.

v/R,

Sean

Sean McLendon, AIA
Principal

D: 404.240.9537
C: 404.317.3444

COOPER CARRY

THE CENTER FOR CONNECTIVE ARCHITECTURE

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Please consider the environment before printing this e-mail

From: Maura Ziska [mailto:MZiska@floridawills.com]
Sent: Friday, September 18, 2020 9:59 AM
To: Mark Banfield <mbanfield@tpgcompanies.com>; Kathy Logan <kathylogan@coopercarry.com>; Sean McLendon <seanmclendon@coopercarry.com>
Subject: FW: 160 Royal Palm Way - Palm House Hotel

Hi All: See below from a lawyer who is representing some neighbors. Who is best to respond to his questions? Thanks. Maura

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)

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From: John Eubanks Jr <jeubanks@sniffenlaw.com>

Sent: Friday, September 18, 2020 9:50 AM

To: Maura Ziska <MZiska@floridawills.com>

Subject: 160 Royal Palm Way - Palm House Hotel

Maura:

I represent Tom McCarthy who lives at 140 Brazilian Avenue in the neighborhood behind the Palm House Hotel. I have also received calls from other neighbors on Brazilian that they are concerned that the Hotel will impinge upon the neighborhood.

In reviewing the Plans, however, it looks like the new owner has addressed some of the earlier issues identified by the Town regarding open dining on the second floor, use of the third floor roof as a Sunset Deck," the use of the roof of the Function Room and parking. As a result, if you or your client would confirm the below points it would go a long way to help the neighbors to understand the Project and exactly what is and is not being proposed going forward.

1. The Hotel will become only a Hotel (not a condominium) and retain a total number of Rooms at 79.
2. There will be 62 parking on site (in the garage) with all remaining parking via valet off site on Okeechobee Blvd location.
3. There will be no on street parking requested or parking in the neighborhoods.
4. The elevator shafts will be eliminated to the third floor and there will be no rooftop "sundeck."
5. There will be no third floor private dining area overlooking what was to be the second floor dining area.
6. The walkways, stairs and elevator to the Function Room will be removed so that there is no access to or use of the roof of the Function Room.
7. The second floor dining area and 120 dining seats, including the outside dining seats, will no longer exist, but will be replaced with new Presidential Suites.
8. There is a proposed Increase in number of seats in Function Room Seats from 150 to

200.

9. There is a proposed addition of or active use of an Event Lawn in front of Function Room which will be used as a Pre-Function Area.
10. There is a proposed enclosure of the existing walkway to the Function Room.
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16. There is a proposal for the extension of several walls and heights of same.
17. The pool area is proposed to be reconfigured to now include 36 outside pool deck dining seats along with supporting structures and a water feature.
18. There will be much more landscaping screening the Hotel from all sides including tall trees on southern portion of the Hotel facing the neighborhood.

Again, responses to these issues may go a long way in dispelling any misinformation which is out in the neighborhood. Thanks.

John R Eubanks, Jr.



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Donald J. Lunny, Jr., Esq.
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(561) 241-3113
(561) 241-3226 Facsimile

www.brinkleymorgan.com

Please reply to Fort Lauderdale

October 26, 2020

The Honorable Members of the Town of Palm Beach Architectural Review Commission

Michael B. Small, Chairman

Robert N. Garrison, Vice Chairman, Architect

John David Corey, Member, Master Gardener

Maisie Grace, Member

Alexander C. Ives, Member

Betsy Shiverick, Member

Richard Sammons, Member, Architect

Katherine Catlin, Alternate Member

Dan Floershemier, Alternate Member

Ted Cooney, Alternate Member

Via E-mail Request to Ms. Kelly Churney and Ms. Laura Groves van Onna

Re: October 28, 2020
ARCOM Agenda Item VII D. 10 (Rev.2)
Major Project
Application No. B-063-2020:
The Palm House Hotel
160 Royal Palm Way,
Palm Beach, Florida 33480

Dear Commission Members:

This Firm Represents Virginia C. Simmons, individually and as Trustee of the Virginia C. Simmons Revocable Trust U/A/D May 4, 2018, the owner of single-family residential property having a street address of 133 Brazilian Avenue, Palm Beach, Florida. The Simmons' property is located Southeast to, and within 200 feet of, The Palm House Hotel.

As you may know, the Agenda and back-up material for this Wednesday's Meeting was not posted as of last Thursday, but we requested and received from the Town's Staff late Thursday the Revised Plans. Based on the Chairperson's advice at last Month's Meeting, we will reserve for the Town Commission hearing our evidence and argument to the effect that the

Town's legal requirements for the many requested variances and special exceptions contemplated by the revised application have not been met in this case, we will not comment of the Declaration's proposed Amendment at this time, and we will limit our comment to those matters which we understand are within ARCOM's purview.

We have reviewed the Revised Plans with our client and would note that some of the Revised Plans are an improvement over the prior versions considered last month. Particularly, our client was pleased that the dumpster previously proposed at the Southeast corner of the subject property has been relocated, and that no garbage, recycling, or trash storage or collection will occur in the vicinity of that corner. Also, our client was pleased that the pool concierge structure seems to have been relocated out of the rear yard setback area, that the glass dome structure has been removed, and the covered walkway has been redesigned. Our client was also pleased with the roof-line revision of the main structure, and with the added embellishments on such structure's Southern façade. Finally, our client was relieved that the Revised Plans still seemingly prevent the use of rooftops for any assembly or guest use.

At this time, our client remains concerned about the following four Architectural Matters:

1. The Application still contemplates expansions to a non-conforming building which is not allowed by the Town's land development regulations. Subsection 134-416(d) of the Town's Code states as follows:

“(d) It is further the intent that, by the provisions of this chapter or by amendments that may be adopted, there may exist buildings or structures which were lawful before this chapter was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments thereto. It is the intent of this chapter to permit these nonconforming buildings and structures to exist until they are voluntarily removed, removed by abandonment, or otherwise removed as required by this chapter, but not to encourage their survival. Such nonconforming buildings and structures are allowed to be enlarged, expanded or extended, provided that said enlargement, expansion or extension meets all of the lot yard and bulk regulations for the zoning district in which the building or structure is located and provided that said enlargement, expansion or extension is not used as grounds for adding other buildings or structures prohibited elsewhere, in the same district.” (Emphasis Supplied).

Further, Sec. 134-417 of the Town's Code states as follows:

“A building or structure which is nonconforming with any of the lot, yard and bulk, regulations may be enlarged, expanded or extended to occupy a greater area of land provided that the enlargement, expansion or extension complies with all lot, yard and bulk regulations for the zoning district in which the building or structure is located. This section shall not apply to a building or structure which is demolished by more than 50 percent, as

provided for in section 134-419(1), in preparation for any proposed enlargement, expansion, or extension of a building or structure.” (Emphasis Supplied).

The Function Room is a non-conforming structure as a portion of such building is currently located in the rear yard setback area which the Applicant has computed to be 23.88 feet in the Zoning Tabulation Table on Plan Sheet A104. We also note that the Zoning Tabulation Table on Plan Sheet A104 discloses that the zoning district maximum lot coverage requirement of 30,000 SQ FT has been exceeded by 8,397 SQ FT. With the above in mind, we note that:

- A. The proposed expansion of the Function Building to include the enclosed pool bar and single use restroom facility building is contrary to the above Code provisions since that new addition of the non-conforming Function Building is also within the 23.88 rear yard setback.
- B. The proposed expansion of the Function Building to include the new Function Service building is contrary to the above Code provisions because such expansion can not be achieved without exceeding the maximum lot coverage requirement.

Our client objects to the above two proposed expansions. Removing these proposed additions would not in our view materially compromise the subject property’s overall architectural design.

- 2. Our client would ask the ARCOM Members to require as much internal soundproofing measures as is reasonably possible for the interior of the Function Room. We do not know what measures are proposed, if any, or whether such measures will be effective.
- 3. Our client would request that the Pool Water Feature be moved so that it is not located in the rear yard setback area.
- 4. Our client remains concerns about whether the proposed planting plan along the Southern boundary of the Site is feasible. The Survey on the last page of last Month’s application discloses that there is little ground area along the Site’s Southern border that is not currently improved with impervious surfaces. A field inspection discloses significant elevation changes in this area of the Site. Finally, the utility easement area in the rear of the site is not all within the Applicant’s property, but also covers land to the immediate south of the Applicant’s land. We do not believe that the Applicant has the right to install landscaping within easement areas outside of property the Applicant owns, and this is regardless of whether such landscape is installed after the utility’s infrastructure is placed underground. Even if such were the case, “off site” landscaping should not satisfy an “on site” planting or

Correspondence addressed to
Town of Palm Beach Architectural Review Commission
October 26, 2020
Page 4 of 5

screening requirement. Our client believes that plantings in the rear are critical to screening and helpful to minimize adverse impacts to the adjacent single family homes; however, we are uncertain how the planting shown on the Revised Plans can be implemented unless the Southern portion of the site is redeveloped with the removal and relocation of impervious improvements which are shown in the Revised Plans as remaining.

We wish to remind the ARCOM Members that our client is an *interested party* in these proceedings and is not a mere member of the public at large. This means that we must be given the right to fully participate in the presentation of the matter, which includes not being subject to the customary 3 minute public comment cut-off, being allowed to cross examine witnesses and present argument, and not being shut out of the Zoom session until after the Commission takes action on the matter. Last month, the Zoom Moderator removed my “presenter status” when I was finished speaking, and I could not examine the developer’s witnesses during their continuing presentation or respond to Attorney Ziska’s final conclusions. We think that this can be easily managed giving us full “presenter” status as long as the Developer or its lawyer are permitted to participate in the hearing. In short, due process requires that all parties have the same privileges. With the foregoing being said, we do plan on tailoring our comments so that they are respectful of the Members’ time and the Chair’s need to manage the long Agenda.

Unfortunately, we still have not received a copy of the correspondence received by the ARCOM Members from attorney Ziska, which was mentioned in last month’s meeting as being in response to my correspondence of September 21, 2020. I have made two (2) written requests of Staff for this correspondence. If any of you have it in your possession, please send it to Mr. Bergman or Mr. Randolph so that I can obtain same as soon as possible. I am unable to complete suitably preparing for the Meeting without being able to review this correspondence.

Finally, if any of you have received any other e-mail or correspondence from Attorney Ziska or any member of her Firm which mentions or comments upon any statement or position made by this Firm or by John Eubanks Esq. relative to The Palm House Hotel Application and which was not shown as being sent to me, please similarly furnish me with a copy of same as soon as possible.

Thank you for your kind attention to this matter.

Correspondence addressed to
Town of Palm Beach Architectural Review Commission
October 26, 2020
Page 5 of 5

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Donald J. Lunny, Jr.", with a stylized, sweeping flourish at the end.

Donald J. Lunny, Jr.
For the Firm

Cc w/encl: (Via E-mail):

Mr. Wayne Berman;
Ms. Kelly Churney;
Ms. Virginia C. Simmons;
Harris K. Solomon, Esq.;
Maura Ziska, Esq.
John Eubanks, Esq.
John Randolph, Esq.

018618-20001 [4041526]

SNIFFEN & SPELLMAN, P.A.

Sender's Direct Line: (561) 721-4002
Email: jeubanks@sniffenlaw.com

October 26, 2020

Via E-mail

Architectural Commission
c/o Michael Small, Esq., Chair
360 South County Road
Palm Beach, Florida 33408

**Re: Objections and Concerns to ARCOM Application B-063-2020 ("Application")
by LR Palm House LLC ("Owner")
160 Royal Palm Way, Palm House Hotel ("Hotel")**

Dear Mr. Small:

Along with Thomas O. McCarthy, who resides at 140 Brazilian Avenue, our office now also represents Timothy and Gayle DeVries, the owners of their home at 141 Brazilian Avenue, as well as 149 Brazilian Avenue, which is the presently vacant lot directly behind the Palm House Hotel on which the DeVries plan to construct a separate home in the future. Reviewing the Revised Plans, the DeVries have a series of objections and concerns regarding the latest proposal.¹

1. **Function Service Building/Banquet Prep Kitchen** – The DeVries object to the creation of a new 556 square foot Function Service Building which would house a Banquet Prep Kitchen attached to the Function Room. Outside of the fact that new construction may very well constitute the expansion of a nonconforming structure, and therefore not be permitted, the proposed new Function Service Building would be located at the top of the ramp of the east Private Drive at the height of a two- story building directly behind their property. *See*, Composite Exhibit "A." As such, the Function Service Building will become a source of constant noise, odors and headlights of vehicles going up and down the ramp not only to deliver food, flowers, and decorations for any function, but also to reverse that process during the take down and clean up of whatever event has ended, which will typically be late at night. Additionally, due to the limited space, any vehicles delivering to the Function Service Building will be required to back up in a small area in order to turn around and go back down the ramp. On top of the above, is the fact that there is virtually no setback between the outside wall of the ramp and loading area and the DeVries property at 149 Brazilian Avenue.² Without the Function Service Building, food, decorations, and flowers could simply come through the lobby or up from the existing kitchen area accessed from

¹ While our clients have a number of other objections with the proposed project, including, but not limited to, the addition of 36 new seats located on the pool deck, the hours of operation, the need for restrictions on live and loud music, the increase in the number of seats in the Function Room, the increase in lot coverage, the Applicant's apparent failure to meet the standards for a special exception or variance, the expansion of a non-conforming use and/or structure, and the terms of the Amended Declaration of Use Agreement, they are not waiving such issues, but will address those objections in further detail with the Town Council.

² In fact, the survey form Wallace Surveying contained in the Hotel's prior presentation shows that the rear property line of the Hotel is the centerline of a 5 foot utility easement. As such, there is only 2.5 feet available on the Hotel side for plantings to shield the DeVries property from the noise and light of the use of the Function Service Building.

REPLY TO:

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123 NORTH MONROE STREET
TALLAHASSEE, FL • 32301
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FAX: 850.205.3004

the West Private Drive A (next to commercial buildings which are unoccupied at night) and walked to the Function Room via the proposed covered walkway.

2. Function Room Insulation and Enclosure – The DeVries are also concerned that the Function Room itself will be the source of continued noise, including loud music as well as the vibration of music through the walls to the surrounding property. As such, they ask that the Function Room walls are required to be sufficiently insulated to stifle the noise of any music or bands as well as the 200 proposed guests, along with any required wait staff and other employees. While the DeVries do not object *per se* to the enclosing of the Function Room walkway/arcade, they assume the area would be air conditioned and would request that double doors be used to reduce any noise from the Pre-Function area escaping into the neighborhood.

3. New Single Use Restrooms, Full Service Bar Area and Activated Event Lawn– The DeVries also object to the construction of new single use bathrooms along with a new full service bar area on the west side of the Function Room. As originally designed, the bathrooms provided only internal entrances and exits to make sure that any odors stayed inside. As redesigned, there are also two single use bathrooms which would exit directly onto the pool patio area backed up to the south property line allowing noxious odors to escape.

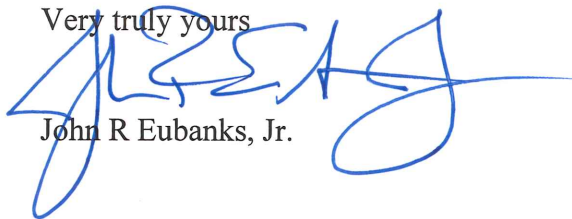
At the same time, the addition of a newly proposed external bar³ (which again, may well be an improper expansion of a nonconformity) would introduce a new source of noise and light into the surrounding neighborhood as guests from both the pool area and those waiting for a function to begin will congregate in front of the bar. Similarly, the new bar area will result in the active use the nearby Lawn area, which was specifically not permitted under the prior approval and Declaration of Use Agreement for the Hotel.

4. South Property Line Walkway, Wall and Walkway – Finally, the DeVries do not understand, nor it is clear from the plans, the exact location of the proposed 8.5 foot extended south retaining wall (which the DeVries agree should be extended), as well as the location of the proposed walkway for staff access to the pool, and/or where exactly the proposed lush vegetation and trees identified in the landscape plan will be placed. Again, from the survey there clearly does not appear to be enough space from the existing concrete wall in the easement to the neighboring property line to plant the large trees in what appears to be only 2-3 feet of space. Recent pictures of the area, demonstrate that the present retaining wall sits in the middle of the Town's utility easement with apparent gas and electric lines attached thereto. Even assuming such lines could be placed underground, again there simply is no room for a walkway and/or any plantings on the south side of the wall in the easement which is presently a ditch filled with weeds and water. *See*, Composite Exhibit "B." At the same time, the hotel cannot encroach on the neighboring owner's property to install plantings which are required to fulfill its Site Plan. Added to these difficulties is the fact that the easement has a change in elevation. As a result, absent additional information, it would appear that any improvements and plantings will necessarily need to be placed inside the Hotel's retaining wall.

³ Again, in accordance with the prior survey and plans, there was no outside bar located near the pool, but instead only a "pool service station" for the storage of equipment was approved for the area.

In light of the above, the DeVries would respectfully request that the plans as presently proposed be denied.

Very truly yours

A handwritten signature in blue ink, appearing to read "JRE", with a long horizontal flourish extending to the right.

John R Eubanks, Jr.

Attachments

cc: ARCOM Committee Members
Wayne Bergman, Director Planning, Zoning & Building
Kelly Churney, Administrative Specialist
Town Clerk, Town of Palm Beach
Thomas O. McCarthy
Gayle and Timothy DeVries



WARNING
THIS AREA IS A DESIGNATED
CONSTRUCTION SITE AND ANYONE
TRESPASSING ON THIS PROPERTY UPON
CONVICTION SHALL BE GUILTY OF A FELONY.
TRESPASSING IS A CRIME PUNISHABLE
PURSUANT TO CHAPTER 810, FLORIDA STATUTES.















SNIFFEN & SPELLMAN, P.A.

Sender's Direct Line: (561) 721-4002
Email: jeubanks@sniffenlaw.com

Via E-mail

Mayor and Town Council
c/o Maggie Zeidman, President
Town Council of the Town of Palm Beach
360 South County Road
Palm Beach, Florida 33408

Re: Consideration of Zoning Application for 160 Royal Palm Way, Palm House Hotel (Zoning Application Z-20-00289) by Town Council is Premature

Dear Mayor and Town Council Members:

Our office represents Thomas O. McCarthy, who resides at 140 Brazilian Avenue, as well as Timothy and Gayle DeVries, the owners of 141 and 149 Brazilian Avenue which back up to the Palm House Hotel. In that capacity, we understand that the Town Council is scheduled to consider Zoning Application Z-20-00289 ("Application") by LR Palm House LLC ("Applicant") for the Palm House Hotel at its November 13, 2020 meeting. Please be advised that it is our clients' position that any such consideration would be premature given that ARCOM did not approve the Applicant's Landscape Plan at its October 28, 2020 meeting.¹

As you are aware, the Application includes a Special Exception **with Site Plan Review**, along with requests for a number of variances. Because the hotel is at best a special exception use² under Section 134-1304 (a)(5) of the Code, any special exception "**require[s] a site plan review** as provided in article III of this chapter." As a result, the Council cannot approve the Special Exception in the Application without having a proper, completed Site Plan at the time of approval.

Under Section 134-326 of the Town Code "[t]he **primary purpose of the site plan review process is to examine for potential adverse impact on the adjacent area, neighborhood or town**, those uses having characteristics as possessing the potential for negative impact **and to ensure such uses are located, sited and designed that they result in a positive contribution to the area, neighborhood and town.**" (emphasis added) To do so, under Section 134-327(b) of the Code all Site Plan reviews must include a series of detailed filings, including, but not limited to, not only architectural elevations and buildings under subsection (b)(9), but also the location of "**all screens and buffers**" under subsection (b)(4)(f) and under subsection (b)(11) a "**[l]andscaping plan, including types, sizes and locations of vegetation and decorative shrubbery, and showing provisions for irrigation and maintenance.**" (emphasis added) The Town has tasked ARCOM (or Landmarks if the structures are historic) with the obligation to review applications for a Site Plan approval, including any Landscape Plans, and make a recommendation to the Town

¹ There is also a pending appeal of ARCOM's October 28, 2020 decision, to which our clients have are filing a joinder, which would likewise make it premature for the Town Council to consider the Application.

² The hotel is a non-conforming use as it has 79 rooms on only 1.377 acres of property (as shown on the Survey submitted by the Applicant) which would only allow for 36 rooms, or less than half of the existing rooms on the property under Section 134-1304(a) (5) which allows for a hotel use "at a maximum of 26 units per acre."

REPLY TO:

605 NORTH OLIVE AVENUE, 2ND FLOOR
WEST PALM BEACH, FL • 33401
PHONE: 561.721.4000
FAX: 561.721.4001

WWW.SNIFFENLAW.COM

123 NORTH MONROE STREET
TALLAHASSEE, FL • 32301
PHONE: 850.227.1451
FAX: 850.205.3004

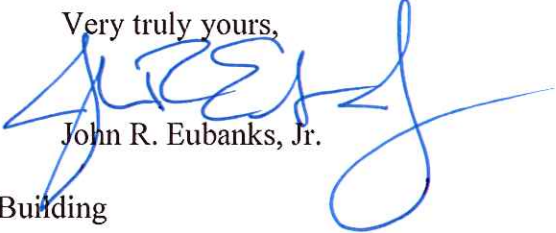
Council prior to any final approval of the Site Plan required for a Special Exception with Site Plan.

In the present case, while ARCOM considered the Site Plan of the Applicant and made a positive recommendation on the bulk of the architectural drawings and elevations, it specifically did not approve the Landscaping Plan presented by the Applicant. To the contrary, after both our firm on behalf of Mr. McCarthy and the DeVries, as well as Donald Lunny, Esq. on behalf of the Simmons (the owners of 133 Brazilian Ave.) raised significant issues of the ability of the Applicant to actually implement its proposed Landscape Plan, which included tall trees and "lush native plantings," in an easement as small as 2.5 feet, the issue was deferred for further consideration to the November 29, 2020 ARCOM Meeting.³ As a result, absent a demonstration that the proposed Landscape Plan is designed to protect the surrounding neighbors and is actually feasible, the Site Plan application is incomplete and does not meet the standards or purpose of Section 134-326. This will be especially true if there in fact is not enough room for landscaping and the Applicant has to relocate its proposed landscape to inside its own property within its Site Plan.

Therefore, until such time as ARCOM has been presented with, approved and recommended a Landscape Plan (a mandatory element of a Site Plan) which it confirms can actually be installed it would be improper for the Town Council to move forward with the consideration of the Special Exception with Site Plan. To the extent the Town Council nevertheless considers the Special Exception without ARCOM's further investigation and Site Plan approval, outside of opening the Town to a due process and failure to follow the essential requirements of the law argument, it will have established a dangerous precedent that any applicant can merely design a landscape plan that looks good on paper, but may not work in the real world, and yet take it directly to the Town Council for a Special Exception with Site Plan approval.

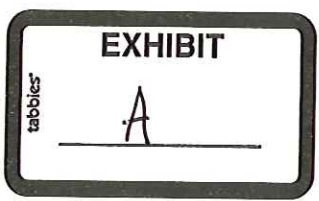
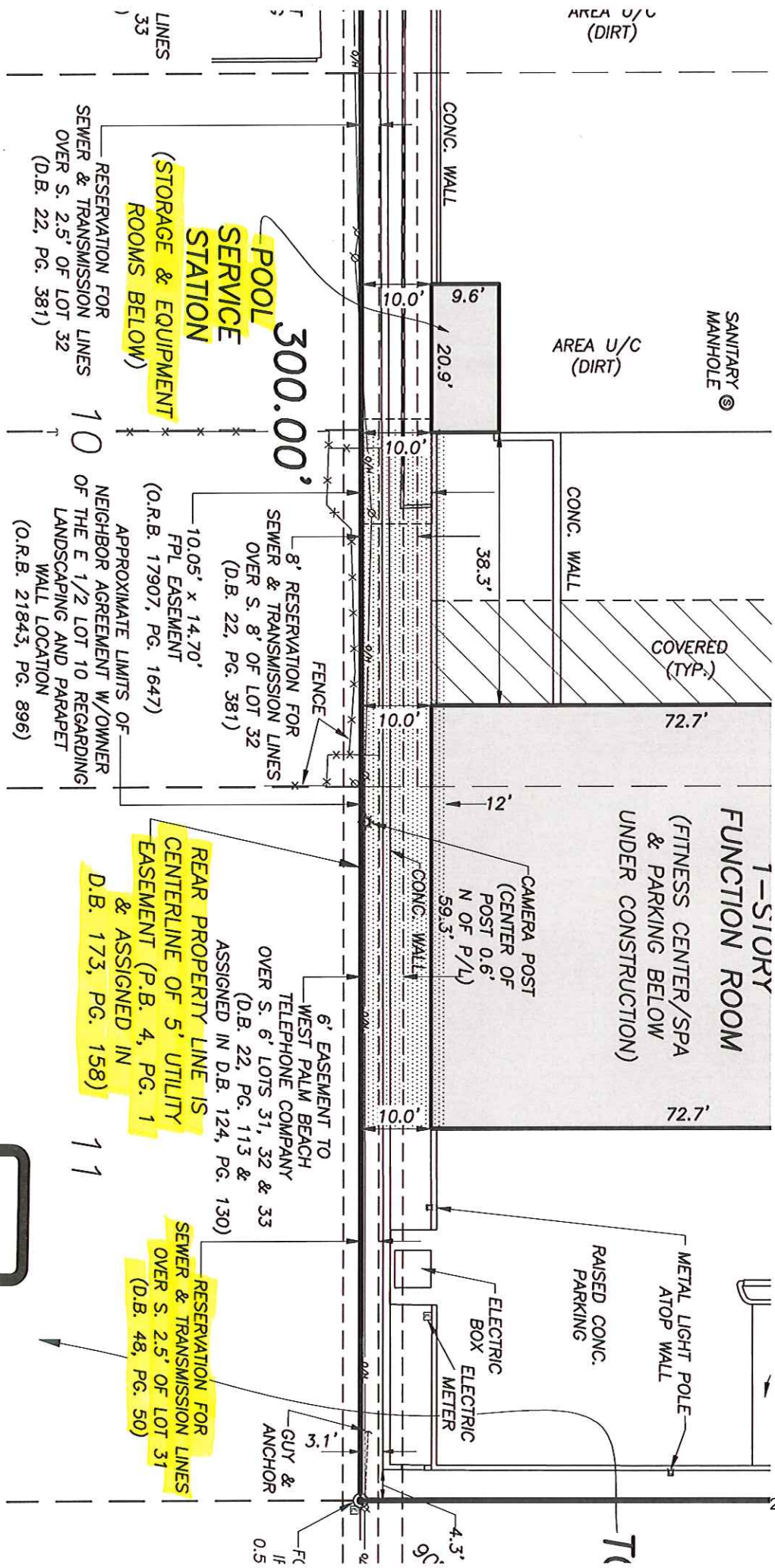
In light of the above, our clients request that the Town Council defer any consideration of the Application at its November 13, 2020 meeting.

Very truly yours,


John R. Eubanks, Jr.

cc: Wayne Bergman, Director Planning, Zoning & Building
John Randolph, Esquire, Town Attorney
Kelly Churney, Administrative Specialist
Town Clerk, Town of Palm Beach
Tim and Gayle DeVries
Thomas O. McCarthy

³ The Applicant's Survey by Wallace Surveying dated 2/5/2014 included in the record shows that the property line between the Hotel and its neighbors is located in the middle of a 5 foot utility easement for gas and water as well as an easement of 2.5 ft. (or less than a yard stick) to the south of the property line for sewer and transmission lines. As a result, there is little if any room for landscaping. An expanded copy of the Survey as well as pictures of the limited area available for landscaping are attached hereto as Exhibit "A" and Composite Exhibit "B" respectively.



tabbles®
EXHIBIT
Camp B











Donald J. Lunny, Jr., Esq.
donald.lunny@brinkleymorgan.com

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(954) 522-9123 Facsimile

2255 Glades Road, Suite 414E
Boca Raton, FL 33431
(561) 241-3113
(561) 241-3226 Facsimile

www.brinkleymorgan.com

Please reply to Fort Lauderdale

December 16, 2020

The Honorable Members of the Town of Palm Beach Architectural Review Commission

Michael B. Small, Chairman

Robert N. Garrison, Vice Chairman, Architect

John David Corey, Member, Master Gardener

Maisie Grace, Member

Alexander C. Ives, Member

Betsy Shiverick, Member

Richard Sammons, Member, Architect

Katherine Catlin, Alternate Member

Dan Floershemier, Alternate Member

Ted Cooney, Alternate Member

Via E-mail Request to Ms. Kelly Churney and Ms. Laura Groves van Onna

Re: ARCOM December 18, 2020 Meeting
Agenda Item VII D. 4.
Major Project
Application No. B-063-2020:
The Palm House Hotel
160 Royal Palm Way,
Palm Beach, Florida 33480

Dear Commission Members:

This Firm Represents Virginia C. Simmons, individually and as Trustee of the Virginia C. Simmons Revocable Trust U/A/D May 4, 2018, the owner of single-family residential property having a street address of 133 Brazilian Avenue, Palm Beach, Florida.

In summary and as part of our client's settlement obligations and in furtherance of settlement as more particularly explained below, this letter expresses our client's support of certain "Plans" (defined below) which will be presented to ARCOM during the Agenda Item referenced above, and our client's request in the context of settlement that ARCOM: (i) approve such Plans and (ii) recommend to the Town Council the approval of all variances and special exceptions which may be necessary to allow the Applicant to construct the improvements and landscaping reflected in the Plans.

As the Commission may be aware, our client has been engaged in productive settlement discussions with the Applicant. Those discussions have resulted in the preparation of revisions to Application B-063-2020 which were sent to us by the Applicant's legal counsel, Maura Ziska, Esq. today at 9:34 AM and which were referenced by the following link:

<https://share.coopercarry.com/index.php/s/sNaoYSfnkJb7wuc>

Within such link are two documents, identified as follows and collectively referenced as "the Plans":

1. "B-063-2020 160 ROYAL PALM WAY PRESENTATION_REDUCED.pdf", which is reflected as being 38.7 MB in size and modified "4 hours ago;" and
2. "B-063-2020 160 ROYAL PALM WAY_ REVISION NARRATIVE_2020_1216.pdf., which is shown as being 91KB in size and modified "3 hours ago."

Further, it is our understanding that Page 7 of the "Palm House Supplemental Renderings for Landscape Updates.pdf." which is also a result of our settlement discussions and which was sent to us by Maura Ziskin, Esq. at 10:08 AM today will be displayed by the Applicant during its ARCOM presentation as an illustrative aid demonstrating a different prospective of the revised vehicular use area, transformer gate, and proposed wall construction in the vicinity of the proposed Project's southeast corner. The two numbered documents above and referenced page 7 illustrative aid shall be collectively referenced herein as the "Plans" which will be presented to ARCOM on December 18, 2020 during the above Agenda Item.

Please be advised that our client contends that the Plans are subject to the provisions of Section 90.408, Florida Statutes, and thus are thus inadmissible in this quasi-judicial proceeding for the purpose of obtaining a development order from ARCOM which is not a part of and within the context of the settlement being pursued by the parties. However, please also be advised that the Applicant's requested approval of such Plans are one of many conditions and requirements of the settlement being pursued, and so our client has consented to the filing of the Plans and their approval by ARCOM in furtherance of the settlement being pursued.

As part of our client's settlement obligations and in furtherance of the settlement being pursued, this letter expresses our client's support of such Plans, and our client's request in the context of the settlement that ARCOM: (i) approve such Plans and (ii) recommend to the Town Council the approval of all variances and special exceptions which may be necessary to allow the Applicant to construct the improvements and landscaping reflected in the Plans.

Correspondence addressed to
Town of Palm Beach Architectural Review Commission
December 16, 2020
Page 3 of 3

It is our client's desire that when all of the requirements and conditions of the settlement being pursued are met, our client's pending ARCOM Appeal will be withdrawn, and our client will be able to indicate to the Town Council her lack of objection to the remaining aspects of the Project *as revised*.

It will be necessary that ARCOM allow the undersigned to have "Presenter Status" during the ZOOM presentation of the Plans for the purpose of the implementation of the settlement being pursued; however, assuming the Chairperson agrees to make this letter part of the record of the proceedings and the presentation is as the parties have agreed, it is not anticipated that the undersigned will need to address the Commission for more than a few minutes.

Our client wishes to thank the ARCOM Commission Members for their continued careful consideration of the Application, and for its kind attention to this matter.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Donald J. Lunny, Jr.", with a stylized flourish at the end.

Donald J. Lunny, Jr.
For the Firm

Cc w/encl: (Via E-mail):

Mr. Wayne Berman;
Ms. Kelly Churney;
Ms Laura Groves van Onna
Maura Ziska, Esq.
John Eubanks, Esq.
John Randolph, Esq.
Mark Banfield

018618-20001 [4102604]

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - Old Business

Agenda Title

Z-20-00293 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Elaine Hirsch, Applicant, relative to property located at **130 SUNRISE AVE, SUITE: PH 1**, legal description on file, is described below. A site plan modification with variances to allow a 365 square foot fixed awning over the terrace on the seventh floor of a seven story condominium building. The following variances are being requested: 1. Section 134-948(8): To allow the awning at a height of 61.5 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning at an overall height of 63.66 feet in lieu of the 26 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed in the R-C Zoning District. Section 134-948(6): To allow a west side yard setback of 50.1 feet in lieu of the 61.5 foot minimum required. Section 134-948(7): To allow a rear street yard setback of 106.5 feet in lieu of the 123.16 foot minimum required. [Applicant's Representative: Maura Ziska Esq] **Request For Deferral to the February 10, 2021 Meeting per Letter from Maura Ziska.**

Presenter

ATTACHMENTS:

- **Letter Dated January 6, 2021 from Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

*also admitted in NY

VIA EMAIL

January 6, 2021

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00293
130 Sunrise Avenue, PH 1, Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **January 13, 2021** Town Council meeting to the **February 10, 2021** Town Council meeting. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

maz/jc
cc: Client

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - Old Business

Agenda Title

Z-20-00300 SPECIAL EXCEPTION Zoning District: C-TS Town-Serving Commercial The application of Flagler Holdings North Carolina Inc, Applicant, relative to property located at **223 ROYAL POINCIANA WAY & 227 ROYAL POINCIANA WAY SUITE A**, 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 Main Street by The Breakers, a new retail facility to be located at 223 Royal Poinciana Way. The applicant is also requesting an additional special exception to allow the same type of internally illuminated, backlit business identification sign for Shan, a retail clothing store to be located at 227 Royal Poinciana Way, Suite A. Both of these buildings are located at Via Flagler (221 Royal Poinciana Way) in the C TS zoning district, and the signs will be consistent with the backlit business identification sign that was approved by ARCOM and the Town Council for Henry's. 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] [The Architectural Review Commission approved the project with the condition that the Shan signage is reduced to the same size and scale as the Main Street signage with no illumination. Carried 6-1.]

Presenter

ATTACHMENTS:

- **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 09, 2020

To: Mayor and Town Council

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

Subject: **Z-20-00300 SPECIAL EXCEPTION**
223 ROYAL POINCIANA WAY

Date: January 04, 2021

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 Main Street by The Breakers, a new retail facility to be located at 223 Royal Poinciana Way. The applicant is also requesting an additional special exception to allow the same type of internally illuminated, backlit business identification sign for Shan, a retail clothing store to be located at 227 Royal Poinciana Way, Suite A. Both of these buildings are located at Via Flagler (221 Royal Poinciana Way) in the C-TS zoning district, and the signs will be consistent with the backlit business identification sign that was approved by ARCOM and the Town Council for Henry's. Other than the special exception for an illuminated sign, no other special exceptions or variances are requested or required.

ADDRESS: 223 ROYAL POINCIANA WAY

OWNER: FLAGLER HOLDINGS NORTH CAROLINA INC

OWNER'S REPRESENTATIVE: JAMES M CROWLEY ATTORNEY

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: 10/21/20

APPLICATION NO.: Z-20-00300 **APPLICATION TYPE:** SPECIAL EXCEPTION

ADDRESS: 223 ROYAL POINCIANA WAY

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 Main Street by The Breakers, a new retail facility to be located at 223 Royal Poinciana Way. The applicant is also requesting an additional special exception to allow the same type of internally illuminated, backlit business identification sign for Shan, a retail clothing store to be located at 227 Royal Poinciana Way, Suite A. Both of these buildings are located at Via Flagler (221 Royal Poinciana Way) in the C-TS zoning district, and the signs will be consistent with the backlit business identification sign that was approved by ARCOM and the Town Council for Henry's. 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, Director, Planning, Zoning & Building	11/10/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/4/2021	No Comment.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/10/2020	There is no fire code concern with the proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	Laura Groves Van Onna, Historic Preservation Planner	1/4/2021	This proposed project was approved as revised (6-1) by the Architectural Commission (ARCOM) on 12/18/2020 as Application A-062-2020 with the condition that the Shan signage be reduced to the same size and scale as the Main Street signage, with no illumination.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	11/10/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	11/10/2020	The Town Council is required to approved internally illuminated plans by special exception application. The applicant is not required to demonstrate a hardship.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00299 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R A Estate Residential The application of 1015 SOUTH OCEAN LLC (MAURA ZISKA, MANAGER), applicant, relative to property located at **1015 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134 840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two story residence on a non conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required In the R A Zoning District. 2) Section 134 843(a)(5): A request for a variance to allow a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R A Zoning District. 3) Section 134 843(a)(9): A request for a variance to allow a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R A Zoning District. 4) Section 134 843(a)(6)b: A request for a variance to allow an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R A Zoning District. 5) Section 134 843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two-story element) minimum required by Code in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the January 27, 2021 meeting. Carried 7-0.] **Request For Deferral to the February 10, 2021 Meeting Per Letter Dated January 5, 2021 from Maura Ziska.**

Presenter

ATTACHMENTS:

- ❑ **Letter Dated January 5, 2021 from Maura Ziska**
- ❑ **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ❑ **Comments from the Development Review Committee**
- ❑ **Email Dated November 20, 2020 from Joyce Vaughn**

- ▢ **Letter Dated December 8, 2020 from 195 Phesten Associates Palm Beach LLC**
- ▢ **Letter Dated December 8, 2020 from 1047 South Ocean Boulevard Trust**
- ▢ **Letter Dated December 8, 2020 from Mary Stephania Conrad**
- ▢ **Letter Dated December 8, 2020 from Lionel and Simone Vickar**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

*also admitted in NY

VIA EMAIL

January 5, 2021

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

***RE: Z-20-00299
1015 South Ocean Boulevard, Palm Beach, Florida***

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **January 13, 2021** Town Council meeting to the **February 10, 2021** Town Council meeting. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

maz/jc
cc: Client

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

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

Subject: **Z-20-00299 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE FOR 1015 S OCEAN BLVD**

Date: January 04, 2021

BACKGROUND

An application has been received for the following project:

REQUEST:

- 1) Section 134-840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two-story residence on a non-conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning District.
- 2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R-A Zoning District.
- 3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R-A Zoning District.
- 4) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R-A Zoning District.
- 5) Section 134-843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two-story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two-story element) required by Code in the R-A Zoning District.

ADDRESS: 1015 S OCEAN BLVD

OWNER: 1015 SOUTH OCEAN LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-35-00-002-0120

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 35-43-43, S 242.5 FT OF N 549.58 FT OF GOV LT
2 LYG E OF OCEAN BLVD AS IN OR3745P1647

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: 10/21/20

APPLICATION NO.: Z-20-00299 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 1015 S OCEAN BLVD

DESCRIPTION:

1) Section 134-840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two-story residence on a non-conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning District.
2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R-A Zoning District.
3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R-A Zoning District.
4) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R-A Zoning District.
5) Section 134-843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two-story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two-story element) required by Code in the R-A Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/4/2021	Stormwater Management calculation have not been provided. Sight Triangle needs to be dimensioned, to confirm compliance with Section 134-1637.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/17/2020	There are no fire code concerns with the proposed project. The town ordinance will require the house to be sprinkled.
PZB - PLANNING AND ARCHITECTURAL REVIEW	Laura Groves Van Onna, Historic Preservation Planner	1/4/2021	This proposed project is on the tentative agenda for the regularly scheduled Architectural Commission (ARCOM) meeting on 01/27/2021 as Application B-073-2020. A motion carried at the December ARCOM meeting to defer the project to the January meeting at the request of staff due to a notice issue. Upon initial review, the application appears to be missing a demolition report and rendered elevations - with and without landscaping.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	11/20/2020	While staff understands the hardship related to the depth of the lot and the proposed front yard setback, it is unclear why the rear setback has to be less than 3 feet from the seawall.

From: [Aly Serrano](#) on behalf of [Town Council](#)
To: [Town Council & Mayor](#)
Cc: [Wayne Bergman](#); [Kelly Churney](#)
Subject: FW: 1015 South Ocean Blvd LLC
Date: Friday, November 20, 2020 1:36:24 PM

-----Original Message-----

From: Joyce Vaughn <clojoy@icloud.com>
Sent: Friday, November 20, 2020 12:43 PM
To: John Lindgren <JLindgren@Termed.TownOfPalmBeach.com>
Cc: Town Council <TCouncil@TownofPalmBeach.com>
Subject: 1015 South Ocean Blvd LLC

*****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.*****

Thank you for the latest notice of a zoning Application.

I can't say I am delighted to receive yet another notice of disruption in my neighborhood. I already feel like I live in the middle of a construction site, banging, crashing, noise from every direction, trucks in and out, the beepers of the equipment on the site, the yelling and loud voices of the construction crew yelling to each other from the roof tops. It's outrageous. I don't think the Town gives a hoot about anyone lucky enough to live next door.

I guess it's progress. But I don't know how much more I can tolerate. After living happily here since 1981, Guess I shall have to sell my house and pass on the experience.

Joyce Vaughn
112 Algoma Road

195 PHESTEN ASSOCIATES PALM BEACH LLC
977 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480

VIA EMAIL: kchurney@townofpalmbeach.com

December 8, 2020

Mayor Coniglio, Members of the Town Council and
Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00299 and Arcom Number B-073-2020
1015 South Ocean Boulevard, Palm Beach, Florida

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission:

I live at 977 South Ocean Boulevard in Palm Beach. My neighbor, 1015 South Ocean LLC, is designing a new home on their property to the South of me and have filed plans with the Town for this new home. I have reviewed their plans for the proposed house and fully support the project and have no objection whatsoever to any variances they are seeking. I believe that the proposed house will be a fine improvement to both my neighbor's property and our neighborhood. Hopefully, you and your staff will agree with me and will approve the proposed project.

Thank you for your consideration.

Sincerely,



1047 SOUTH OCEAN BOULEVARD TRUST
1047 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480

VIA EMAIL: kchurney@townofpalmbeach.com

December 8, 2020

Mayor Coniglio, Members of the Town Council and
Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00299 and Arcom Number B-073-2020
1015 South Ocean Boulevard, Palm Beach, Florida

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission:

I live at 1047 South Ocean Boulevard in Palm Beach. My neighbor, 1015 South Ocean LLC, is designing a new home on their property to the North of me and have filed plans with the Town for this new home. I have reviewed their plans for the proposed house and fully support the project and have no objection whatsoever to any variances they are seeking. I believe that the proposed house will be a fine improvement to both my neighbor's property and our neighborhood. Hopefully, you and your staff will agree with me and will approve the proposed project.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maria Z. Truena".

MARY STEPHANIA CONRAD
995 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480

VIA EMAIL: kchurney@townofpalmbeach.com

December 8, 2020

Mayor Coniglio, Members of the Town Council and
Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00299 and Arcom Number B-073-2020
1015 South Ocean Boulevard, Palm Beach, Florida

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission:

I live at 995 South Ocean Boulevard in Palm Beach. My neighbor, 1015 South Ocean LLC, is designing a new home on their property directly to the South of me and have filed plans with the Town for this new home. I have reviewed their plans for the proposed house and fully support the project and have no objection whatsoever to any variances they are seeking. I believe that the proposed house will be a fine improvement to both my neighbor's property and our neighborhood. Hopefully, you and your staff will agree with me and will approve the proposed project.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Stephania Conrad". The signature is fluid and cursive, with the first name "Mary" being more prominent.

LIONEL K. VICKAR AND SIMONE D. VICKAR
1045 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480

VIA EMAIL: kchurnev@townofpalmbeach.com

December 8, 2020

Mayor Coniglio, Members of the Town Council and
Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00299 and Arcom Number B-073-2020
1015 South Ocean Boulevard, Palm Beach, Florida

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission:

We live at 1045 South Ocean Boulevard in Palm Beach. Our neighbor, 1015 South Ocean LLC , is designing a new home on their property to the North of us and have filed plans with the Town for this new home. We have reviewed their plans for the proposed house and fully support the project and have no objection whatsoever to any variances they are seeking. We believe that the proposed house will be a fine improvement to both my neighbor's property and our neighborhood. Hopefully, you and your staff will agree with us and will approve the proposed project.

Thank you for your consideration.

Sincerely,

The block contains two handwritten signatures. The first signature is a stylized, cursive 'L' followed by a horizontal line. The second signature is 'Simone D. Vickar' written in a cursive script.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00305 SITE PLAN REVIEW Zoning District R-B Low Density Residential The application of JAY HORGAN, applicant, relative to property located at **310 CLARKE AVE**, legal description on file, is described below.

Section 134 893: Site Plan Review to allow the construction of a 7,256 square foot two story, single family residence on a non conforming platted lot which is 85.08 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project as presented with a condition relating to the windows. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

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

Subject: **Z-20-00305 SITE PLAN REVIEW**
310 CLARKE AVE

Date: January 04, 2021

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-893: Site Plan Review to allow the construction of a 7,256 square foot two-story, single family residence on a non-conforming platted lot which is 85.08 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

ADDRESS: 310 CLARKE AVE

OWNER: HORGEN JAY C &

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-22-04-000-0690

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PRIMA VERA ESTS /MIDDLE SEC/ LT 69

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: 11/3/20

APPLICATION NO.: Z-20-00305 **APPLICATION TYPE:** SITE PLAN REVIEW

ADDRESS: 310 CLARKE AVE

DESCRIPTION: Section 134-893: Site Plan Review to allow the construction of a 7,256 square foot two-story, single family residence on a non-conforming platted lot which is 85.08 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/4/2021	No Comment.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/18/2020	there are no fire code concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	Laura Groves Van Onna, Historic Preservation Planner	1/4/2021	This proposed project was approved (7-0) by the Architectural Commission (ARCOM) on 12/18/2020 as Application B-079-2020 with conditions that oval windows be added to the second story above the front entry per revised plans and that blue shutters be used.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/4/2021	The proposed house meets all lot and yard regulations with the exception of the nonconforming lot size. I have no comment.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00306 VARIANCE(S) Zoning District: R-B Low Density Residential The application of EDITH F. SCHAEFFER TRUST (EDITH F. SCHAEFFER, TRUSTEE), applicant, relative to property located at **1118 N LAKE WAY**, legal description on file, is described below. Section 134 417: The applicant is proposing to construct a 3, 153 square foot, second floor addition onto an existing one story home which will result in a demolition in excess of 50% of its cubic volume. The following variances are being requested: 1) Section 134 843(7): a 9.9 foot south side yard setback in lieu of the 15 foot minimum required In the R B Zoning District; 2) Section 134 843(7): a 10.29 foot north side yard setback in lieu of the 15 foot minimum required in the R B Zoning District. 3) Section 134 895(1): A chimney on the south side of the house with a height of 27.27 feet in lieu of the 19.5 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project as presented with a condition related to the truck logistics plan. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**
- **Letter Dated December 17, 2020 from Harvey Oyer, III on behalf of 1110 North Lake Way LLC**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

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

Subject: **Z-20-00306 VARIANCE(S)**
1118 N LAKE WAY

Date: January 04, 2021

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-417: The applicant is proposing to construct a 3, 153 square foot, second floor addition onto an existing one-story home and which will result in a demolition in excess of 50% of its cubic volume. The following variances are being requested:

1. Section 134-843(7): a 9.9 foot south side yard setback in lieu of the 15 foot minimum required In the R-B Zoning District;
2. Section 134-843(7): a 10.29 foot north side yard setback in lieu of the 15 foot minimum required in the R-B Zoning District.
3. Section 134-895(1): A chimney on the south side of the house with a height of 27.27 feet in lieu of the 19.5 foot maximum allowed;

ADDRESS: 1118 N LAKE WAY

OWNER: SCHAEFFER EDITH F TR

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-03-11-000-0381

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: EL ENCANTO PL 2 LT 38 (LESS S 7 FT), 6
FT STRIP LYG N & ADJ TO LT 38 & 20 FT
ABNDED RD LYG E & ADJ THERETO

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: 11/3/20

APPLICATION NO.: Z-20-00306 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 1118 N LAKE WAY

DESCRIPTION:

Section 134-417: The applicant is proposing to construct a 3, 153 square foot, second floor addition onto an existing one-story home and which will result in a demolition in excess of 50% of its cubic volume. The following variances are being requested:

1. Section 134-843(7): a 9.9 foot south side yard setback in lieu of the 15 foot minimum required in the R-B Zoning District;
2. Section 134-843(7): a 10.29 foot north side yard setback in lieu of the 15 foot minimum required in the R-B Zoning District.
3. Section 134-895(1): A chimney on the south side of the house with a height of 27.27 feet in lieu of the 19.5 foot maximum allowed;

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/4/2021	No Comment.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/17/2020	There are no fire code concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	Laura Groves Van Onna, Historic Preservation Planner	1/4/2021	This proposed project was approved (7-0) by the Architectural Commission (ARCOM) on 12/18/2020 as Application B-082-2020 with the condition that the truck logistics plan be revised to use County Road instead of N Lake Way. The Commission found that implementation of the proposed variance will not cause negative architectural impact to the property (6-1).
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	11/20/2020	The applicant needs to demonstrate to the satisfaction of the Town Council that there is a hardship related to granting of the proposed variances.



HARVEY E. OYER, III
PARTNER
Shutts & Bowen LLP
1100 CityPlace Tower
525 Okeechobee Boulevard
West Palm Beach, Florida 33401
DIRECT (561) 650-8517
FAX (561) 822-5522
EMAIL hoyer@shutts.com

December 17, 2020

VIA E-MAIL

Town of Palm Beach Architectural Commission
360 South County Road
Palm Beach, FL 33480
Attn: ARCOM Members

Re: 1118 North Lake Way (f/k/a 1120 North Lake Way) – Zoning Case No. 20-00306; Item E-9 (New Business) on December 18, 2020 ARCOM Agenda

Dear ARCOM Members:

Our firm represents 1110 North Lake Way LLC, the owner of 1110 North Lake Way, which is immediately adjacent to the property requesting three variances from the Town Code of Ordinances (“Code”) under Zoning Case No. 20-00306 (“Applicant”). Our client’s home is located on the south side of the Applicant’s property and is the closest structure to the south side yard setback variance request. As such, our client is an “Affected Party” under the law.

I would like to share with you our client’s concerns and objection to the requested variance for the south side yard setback. I would like to make clear that our client is not objecting to the Applicant’s proposed architecture. The Applicant has hired a skilled architect who has, no doubt, designed a nice addition/renovation. Our objection is that the Applicant’s existing structure already violates the Code -required side setbacks and, as such, is a non-conforming structure. The Applicant’s proposal is to expand and dramatically increase this non-conformity, which is specifically prohibited by the Code. Moreover, the Applicant has failed to establish a hardship that would justify the granting of the requested variance.

The proposed second story addition is only a few feet from my client’s existing master bedroom and, if constructed, amounts to an unwarranted invasion of privacy and a diminution in the value of my client’s property.

Sec. 134-387 of the Code provides, in part, that “No nonconforming use shall be enlarged, increased, intensified, substituted or extended to occupy a greater area than it occupied at the effective date of adoption or amendment of this chapter . . .” The portion of the proposed second story addition that encroaches into the 15 foot minimum side yard setback increases the non-conformity expressly prohibited by this Sec. 134-387.

1118 North Lake Way

Attn: ARCOM Members

December 17, 2020

Page 2

The criteria for the granting of variances is found in Sec. 134-201 of the Code. In order to grant a variance, the Town must make findings of facts, on the record, that all variance standards have been met through the establishment of facts, including:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

(2) The special conditions and circumstances do not result from the actions of the applicant.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.

(4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

(6) The grant of the variance will . . . not be injurious to the area involved or otherwise detrimental to the public welfare.

The Applicant has failed to establish any facts or justifications to support the granting of this variance. There are no legitimate hardships stated in the Applicant's zoning application. In fact, the zoning application is completely void of any justifications under the variance criteria. The justifications cited by the Applicant are that the existing house was built in "1976 and needs to be brought up to today's living standards", "is in need of an upgrade", has "design challenges", and "that the house was built in 1976 and is non-conforming to today's code as the existing south side yard setback is 9.9 feet." Of course, none of these statements by the Applicant establishes any fact to support a hardship. The reality is that the Applicant simply wants a larger house. If there is a hardship, it is entirely self-created by the Applicant. There is no unique hardship on the land. There is no special condition or circumstance peculiar to the land or structure which are not applicable to other land or structures in the same zoning district. There is evidence that granting the variance would be injurious to my client. There is no demonstration that the requested variance is necessary to make reasonable use of the land because it has been used perfectly well for the last 44 years, so much so that the Applicant recently paid \$12.6 million to use it.

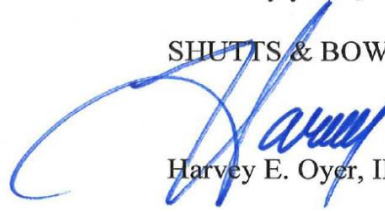
For these reasons, I respectfully request that you recommend denial of the south side yard setback variance request.

Thank you for your consideration in this matter and for your service to the Town. Should you have any questions, please do not hesitate to contact me.

1118 North Lake Way
Attn: ARCOM Members
December 17, 2020
Page 3

Sincerely yours,

SHUTTS & BOWEN LLP

A handwritten signature in blue ink, appearing to read "Harvey", is written over the printed name.

Harvey E. Oyer, III, Esq.

HEO/ias

cc: Wayne Bergman
Paul Castro
Laura Groves van Onna
Kelly Churney

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00307 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-B Low Density Residential The application of JOHN MENDELL & MARA RAPHAEL, applicant, relative to property located at **250 QUEENS LN**, legal description on file, is described below. 1) Section 134 229; Section 134 329 and Section 134 893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic on a lot with a width of 77 feet in lieu of the 100 foot minimum required; a depth of 94 feet in lieu of the 100 foot minimum required; and an area of 7,238 square feet in lieu of the 10,000 square foot minimum required in the R B Zoning District. Additionally, the applicant is proposing to construct a 409 square foot one story master bedroom addition and add a cabana and swimming pool. The following variances are being requested: 2) Section 134 893(7): to allow a west side yard setback for the addition and to allow the house to remain non conforming with both having a setback of 5.3 feet in lieu of the 12.5 foot minimum required. 3) Section 134 893(12): to allow the non conforming landscape open space to remain at 28.5% in lieu of the 45% minimum required. 4) Section 134 1757: to allow a swimming pool with a 5.2 foot rear yard setback in lieu of the 10 foot minimum required. 5) Section 134 2179: To eliminate the requirement for the two car garage that is required for a demolition of more than 50% cubic footage of a house on a lot over 75 feet wide. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their January 27, 2021 meeting. Carried 5-2.] **Request for Deferral to the February 10, 2021 Meeting Per Letter from Maura Ziska.**

Presenter

ATTACHMENTS:

- ▢ **Letter Dated January 5, 2021 from Maura Ziska**
- ▢ **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**
- ▢ **Letter Dated December 5, 2020 from Gary C. Little**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

*also admitted in NY

VIA EMAIL

January 5, 2021

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00307
250 Queens Lane, Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **January 13, 2021** Town Council meeting to the **February 10, 2021** Town Council meeting. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

maz/jc
cc: Client

A Florida Professional Limited Liability Company Including Professional Associations

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

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

Subject: **Z-20-00307 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION
250 QUEENS LN**

Date: January 04, 2021

BACKGROUND

An application has been received for the following project:

REQUEST:

- 1) Section 134-229; Section 134-329 and Section 134-893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic on a lot with a width of 77 feet in lieu of the 100 foot minimum required, a depth of 94 feet in lieu of the 100 foot minimum required, and an area of 7,238 square feet in lieu of the 10,000 square foot minimum required in the R-B Zoning District. Additionally, the applicant is proposing to construct a 409 square foot one story master bedroom addition and add a cabana and swimming pool that will require the following variances to be requested:
- 2) Section 134-893(7): to allow a west side yard setback for the addition and to allow the house to remain non-conforming with both having a setback of 5.3 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District.
- 3) Section 134-893(12): to allow the non-conforming landscape open space to remain at 28.5% in lieu of the 45% minimum required.
- 4) Section 134-1757: to allow a swimming pool with a 5.2 foot rear yard setback in lieu of the 10 foot minimum required.
- 5) Section 134-2179: To eliminate the requirement for the two car garage that is required for a demolition of more than 50% cubic footage of a house on a lot over 75 feet wide.

ADDRESS: 250 QUEENS LN

OWNER: 250 QUEENS LANE LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-03-12-000-0810

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PALM BEACH SHORES - PALM BEACH LTS 81 TO
83 INC & W 17 FT OF LT 84

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: 11/3/20

APPLICATION NO.: Z-20-00307 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 250 QUEENS LN

DESCRIPTION:

1) Section 134-229; Section 134-329 and Section 134-893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic on a lot with a width of 77 feet in lieu of the 100 foot minimum required, a depth of 94 feet in lieu of the 100 foot minimum required, and an area of 7,238 square feet in lieu of the 10,000 square foot minimum required in the R-B Zoning District. Additionally, the applicant is proposing to construct a 409 square foot one story master bedroom addition and add a cabana and swimming pool that will require the following variances to be requested: 2) Section 134-893(7): to allow a west side yard setback for the addition and to allow the house to remain non-conforming with both having a setback of 5.3 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District. 3) Section 134-893(12): to allow the non-conforming landscape open space to remain at 28.5% in lieu of the 45% minimum required. 4) Section 134-1757: to allow a swimming pool with a 5.2 foot rear yard setback in lieu of the 10 foot minimum required. 5) Section 134-2179: To eliminate the requirement for the two car garage that is required for a demolition of more than 50% cubic footage of a house on a lot over 75 feet wide.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PUBLIC WORKS DEPARTMENT			No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/18/2020	there are no fire code concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	Laura Groves Van Onna, Historic Preservation Planner	1/4/2021	This proposed project is on the tentative agenda for the regularly scheduled Architectural Commission (ARCOM) meeting on 01/27/2021 as Application B-081-2020. A motion carried at the December ARCOM meeting to defer the project to the January meeting in order to address comments from Commissioners related to variances, hardscape, landscape, and fenestration.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	11/25/2020	The proposed renovation of this nonconforming, one-story home will require the demolition of more than 50% cubic footage. As such, the house has to either conform to today's code or obtain variances for the nonconforming aspects. The house will remain a one-story house with additions on the back of the house that necessitate the removal of more than half of the back of the house. The applicant needs to demonstrate a hardship for the granting of the variances to the satisfaction of the Town Council.

Gary C. Little
255 Colonial Lane
Palm Beach, Florida 33480

RECEIVED

DEC 09 2020

Town of Palm Beach
PZB Dept

December 5, 2020

The Town of Palm Beach
Planning, Zoning and Building Department
360 South County Road
Palm Beach, Florida 33480

RE: 2-20-00307

Subject Address 250 Queens Lane

Dear Sir or Madam:

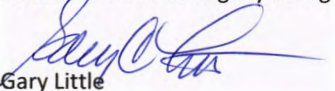
I live at 255 Colonial Lane. My back yard backs up to 250 Queens Lane. Both back yards are very small now and sound privacy barely exists now. I find that the addition of more square footage, 4th bedroom and bath and a pool this is only 5 feet from the property line to be more invasive to privacy.

I have lived in my house for around 25 years and have followed the zoning laws out of respect for my neighbors and followed setbacks. When I built my pool, I built it 10 from my property line.

The application claims the residence at 250 Queens Lane was built in 1968 and is in need of being brought up to today's living standards. I just lived through 250 Queens Lane being completely renovated in 2019 with a new kitchen, new bathrooms, flooring and impact windows.

I feel that this Special Exception will cause substantial injury to the value of other properties in the neighborhood. If this Special Exception is allowed, I think the owner of 250 Queens Lane should build a concrete wall across the rear of the property at the highest height allowed by Palm Beach Code.

Thanks for considering my thoughts.



Gary Little
255 Colonial Lane

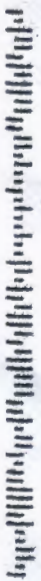
LITTLE
355 Colonial Lane
Palm Beach, FL 33480

The Town of Palm Beach
Planning, Zoning & Building Dept.
360 South County Road
Palm Beach, FL 33480

WEST PALM BCH FL 334
7 DEC 2020 PM 2 L



33480-673560



TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00308 VARIANCE(S) Zoning District: R-C Medium Density Residential The application of SAMUEL LEHRMAN REVOCABLE TRUST U/A/D/ JUNE 19, 2008 (SAMUEL LEHRMAN, TRUSTEE), applicant, relative to property located at **355 HIBISCUS AVE**, legal description on file, is described below. 1) Section 134 1729(1): A request for a variance to allow a 38 KW generator to be placed in the street side yard setback (Australian Avenue) at 5.6 feet in lieu of the 25 foot minimum required on a corner lot. 2) Section 134 1667: A request for a variance for the required wing wall for the generator located in the street side yard setback with a height of 8.58 feet above the crown of the road (on Australian Avenue) in lieu of the 6 foot maximum allowed. 3) Section 134 1667: A request for a variance for the required wing wall for the generator located in the rear yard setback at a height of 8.46 feet above the neighboring property owner's grade to the east in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to their January 27, 2021 meeting. Carried 7-0.] **Request for Deferral to the February 10, 2021 Meeting per Letter from Maura Ziska.**

-

Presenter

ATTACHMENTS:

- ▣ **Letter Dated January 5, 2021 from Maura Ziska**
- ▣ **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

*also admitted in NY

VIA EMAIL

January 5, 2021

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00308
355 Hibiscus Avenue, Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **January 13, 2021** Town Council meeting to the **February 10, 2021** Town Council meeting. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

maz/jc
cc: Client

A Florida Professional Limited Liability Company Including Professional Associations

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

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

Subject: **Z-20-00308 VARIANCE(S)**
355 HIBISCUS AVE

Date: January 04, 2021

BACKGROUND

An application has been received for the following project:

REQUEST:

1. Section 134-1729(1): A request for a variance to allow a 38 KW generator to be placed in the street side yard setback (Australian Avenue) at 5.6 feet in lieu of the 25 foot minimum required on a corner lot.
- 2) Section 134-1667: A request for a variance for the required wing wall for the generator located in the street side yard setback with a height of 8.58 feet above the crown of the road (on Australian Avenue) in lieu of the 6 feet allowed.
- 3) Section 134-1667: A request for a variance for the required wing wall for the generator located in the rear yard setback at a height of 8.46 feet above the neighboring property owner's grade to the east in lieu of the 6 feet allowed.

ADDRESS: 355 HIBISCUS AVE

OWNER: LEHRMAN SAMUEL TR

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-23-05-007-0011

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: ROYAL PARK ADD N 68.67 FT OF LTS 1
& 2 BLK 7

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: 11/2/20

APPLICATION NO.: Z-20-00308 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 355 HIBISCUS AVE

DESCRIPTION:

1. Section 134-1729(1): A request for a variance to allow a 38 KW generator to be placed in the street side yard setback (Australian Avenue) at 5.6 feet in lieu of the 25 foot minimum required on a corner lot.
2) Section 134-1667: A request for a variance for the required wing wall for the generator located in the street side yard setback with a height of 8.58 feet above the crown of the road (on Australian Avenue) in lieu of the 6 feet allowed.
3) Section 134-1667: A request for a variance for the required wing wall for the generator located in the rear yard setback at a height of 8.46 feet above the neighboring property owner's grade to the east in lieu of the 6 feet allowed.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	1/4/2021	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/4/2021	No comments regarding the variance request. The stormwater management system installed in 2012 will need to be recertified as part of the permit requirements. Any modifications to accommodate the improvements will need to be captured, appropriately.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/18/2020	There are no fire code concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	Laura Groves Van Onna, Historic Preservation Planner	1/5/2021	This proposed project is on the tentative agenda for the regularly scheduled Architectural Commission (ARCOM) meeting on 01/27/2021 as Application A-072-2020. A motion carried at the December ARCOM meeting to defer the project to the January meeting at the request of staff due to lack of presentation submittal by the applicant.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	1/4/2021	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/4/2021	The applicant is required to demonstrate to the satisfaction of the Town Council that a hardship exists in order to grant the variances being requested for the proposed generator.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00309 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-C Medium Density Residential The application of PHIPPS PLAZA PROPERTIES PARTNERS LLC (JOSHUA LEVY, MANAGER), applicant, relative to property located at **236 PHIPPS PLZ**, legal description on file, is described below. Section 134 942(4): Request for a modification to the existing multi family site plan (4 units) to allow applicant to undertake a renovation of a 3 story nonconforming landmarked multi-family building located in the R C Zoning District in Phipps Plaza. Modifications include: removal of existing 70 SF non conforming bike storage shed; removal of existing exterior stair leading from second floor to third floor; new balconies (3) with corbel and railing details to match existing exterior stair; new infill and enclosure of existing 38 SF second floor covered porch; new infill and enclosure of exiting 134 SF third floor covered porch (variance requested); new spa in existing ground level courtyard ; new spa equipment (1) in housing at ground level (variance requested); new 6' tall ac units (3) at ground level (variance requested); new elevator within existing building footprint; revised interior floor plans. The variances being requested are as follows: 1) Section 134 948(8): To allow the enclosure of a porch on the existing nonconforming third floor of a three story building in lieu of the two story building maximum allowed in the R C Zoning District. 2) 134 1728(a): to allow the three (3) air conditioning units in a required rear setback to be 6 feet in height in lieu of the 4 foot maximum allowed. 3) 134 1728(a): to allow three (3) air conditioning units in a required setback where only maximum of two are allowed. 4) 134 1728(a): to allow the west two (2) air conditioning units to be 9 inches and 3 feet, respectively, from the rear property line in lieu of the 5 foot minimum required. 5) 134 1728(a): to allow the east air conditioning unit and pool equipment to be 1 inch from the east side property line in lieu of the 5 foot minimum required. 6) 134 1728(a): to allow the east air conditioning unit and pool equipment to be 9 inches and 3 feet from the rear property line, respectively, in lieu of the 5 foot minimum required. 7) 134 1729: to allow the proposed spa pump and filter equipment to be 9 inches from the rear property line in lieu of the five foot minimum setback required. 8) 134 1729: to allow the proposed spa pump and filter equipment to be 1 inch from the east

property line in lieu of the five foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission 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 a condition related to the windows. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

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

Subject: **Z-20-00309 SITE PLAN REVIEW WITH VARIANCE(S)
236 PHIPPS PLZ**

Date: January 04, 2021

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-9452(4): Request for a modification to the existing multi-family site plan (4 units) to allow applicant to undertake a renovation of a 3 story nonconforming landmarked residence located in the R-C Zoning District in Phipps Plaza. Modifications include: Removal of existing 70 SF non-conforming bike storage shed; Removal of existing exterior stair leading from second floor to third floor; New balconies (3) with corbel and railing details to match existing exterior stair; New infill and enclosure of existing 38 SF second floor covered porch; New infill and enclosure of exiting 134 SF third floor covered porch (variance requested); New spa in existing ground level courtyard

; New spa equipment (1) in housing at ground level (variance requested); New 6' tall ac units (3) at ground level (variance requested)

; New elevator within existing building footprint; Revised interior floor plans.

The variances being requested are as follows:

1) Section 134-948(8): To allow the enclosure of a porch on the existing nonconforming third floor of a three story building in lieu of the two-story building maximum allowed in the R-C Zoning District.

2) 134-1728(0): to allow the three (3) air-conditioning units in a required rear setback to be 6 feet in height in lieu of the 4 foot maximum allowed.

3) 134-1728(a): to allow three (3) air-conditioning units in a required setback where only maximum of two are allowed.

4) 134-1728(a): to allow the west two (2) air-conditioning units to be 9 inches and 3 feet, respectively, from the rear property line in lieu of the 5 foot minimum required.

5) 134-1728(a): to allow the east air-conditioning unit and pool equipment to be 1 inch from the east side property line in lieu of the 5 foot minimum required.

6) 134-1728(a): to allow the east air-conditioning unit and pool equipment to be 9 inches and 3 feet from the rear property line, respectively, in lieu of the 5 foot minimum required.

7) 134-1729: to allow the proposed spa pump and filter equipment to be 9 inches from the rear property line in lieu of the five foot minimum setback required.

8) 134-1729: to allow the proposed spa pump and filter equipment to be 1 inch from the east property line in lieu of the five foot minimum setback required.

Page Two

ADDRESS: 236 PHIPPS PLZ
OWNER: PHIPPS PLAZA PROPERTIES PARTNERS LLC
OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA
PROPERTY CONTROL NO.: 50-43-43-22-10-000-0102
ZONING DISTRICT: R-C Medium Density Residential
LEGAL DESCRIPTION: PL OF PHIPPS PLAZA WLY 50.86 FT OF LT
J

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: 11/3/20

APPLICATION NO.: Z-20-00309 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 236 PHIPPS PLZ

DESCRIPTION:

Section 134-942(4): Request for a modification to the existing multi-family site plan (4 units) to allow applicant to undertake a renovation of a 3 story nonconforming landmarked residence located in the R-C Zoning District in Phipps Plaza. Modifications include: Removal of existing 70 SF non-conforming bike storage shed; Removal of existing exterior stair leading from second floor to third floor; New balconies (3) with corbel and railing details to match existing exterior stair; New infill and enclosure of existing 38 SF second floor covered porch; New infill and enclosure of existing 134 SF third floor covered porch (variance requested); New spa in existing ground level courtyard
; New spa equipment (1) in housing at ground level (variance requested); New 6' tall ac units (3) at ground level (variance requested)
; New elevator within existing building footprint; Revised interior floor plans.
The variances being requested are as follows:
1) Section 134-948(8): To allow the enclosure of a porch on the existing nonconforming third floor of a three story building in lieu of the two-story building maximum allowed in the R-C Zoning District.
2) 134-1728(0): to allow the three (3) air-conditioning units in a required rear setback to be 6 feet in height in lieu of the 4 foot maximum allowed.
3) 134-1728(a): to allow three (3) air-conditioning units in a required setback where only maximum of two are allowed.
4) 134-1728(a): to allow the west two (2) air-conditioning units to be 9 inches and 3 feet, respectively, from the rear property line in lieu of the 5 foot minimum required.
5) 134-1728(a): to allow the east air-conditioning unit and pool equipment to be 1 inch from the east side property line in lieu of the 5 foot minimum required.
6) 134-1728(a): to allow the east air-conditioning unit and pool equipment to be 9 inches and 3 feet from the rear property line, respectively, in lieu of the 5 foot minimum required.
7) 134-1729: to allow the proposed spa pump and filter equipment to be 9 inches from the rear property line in lieu of the five foot minimum setback required.
8) 134-1729: to allow the proposed spa pump and filter equipment to be 1 inch from the east property line in lieu of the five foot minimum setback required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/4/2021	No Civil Stormwater Management Plans have been provided. Site work needs to be evaluated per Section 86-95 - Threshold Requirements, for stormwater.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/18/2020	There are no fire code concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	Laura Groves Van Onna, Historic Preservation Planner	1/4/2021	This proposed project was approved (7-0) by the Landmarks Preservation Commission (LPC) on 12/16/2020 as Application for Certificate of Appropriateness (COA) #040-2020 with the condition that the three windows on the north end of the elevation labeled east be moved south, 6 inches away from the corner of the building. The Commission found that implementation of the proposed variances will not cause negative architectural impact to the subject Landmarked property (7-0).



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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 11/3/20

PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/4/2021	The applicant is required to demonstrate to the satisfaction of the Town Council that there is a hardship to grant the proposed variances.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00310 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-A Estate Residential The application of 310 MEDITERRANEAN RD LLC (JOHN SHAW, MANAGER), applicant, relative to property located at **310 MEDITERRANEAN RD**, legal description on file, is described below. Sections 134-229, 134 329, and 134 843(b): Special Exception and Site Plan Review to allow the renovation of a two story, single family house, including raising the existing house to 7.0 ft NAVD and demolishing more than 50% of the house by cubic square footage, on a non conforming lot, comprised of a portion of platted lots, which is 113.5 feet in depth in lieu of the 150 foot depth required in the R A Zoning District. In connection with the renovation, the following variances are being requested: 1) Section 134 843(a)(5): Request for redevelopment of a single family home with a front yard setback of 26.0 feet in lieu of the 35 foot minimum required. 2) Section 134 1757: Request for installation of a swimming pool with a rear setback of 4.0 feet in lieu of the 10 foot minimum requirement. 3) Section 134 843(a)(7): Request for redevelopment of the house with a building height plane setback ranging from 26.0 to 32.35 feet in lieu of the range of 30.5 to 43.0 feet minimum required. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission deferred the project to their January 27, 2021 meeting. Carried 7-0.] **Request For Deferral to February 10, 2021 per Letter from David Klein.**

-

Presenter

ATTACHMENTS:

- ❑ **Letter Dated January 6, 2021 from David Klein**
- ❑ **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ❑ **Comments from the Development Review Committee**



David E. Klein, Esq.
direct: 561.402.7412
dklein@rabideau-law.com
Florida Bar Board Certified in Real Estate Law

January 6, 2021

Via E-Mail – pcastro@townofpalmbeach.com

Mr. Paul Castro
Zoning Administrator
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Property: 310 Mediterranean Road
Owner: 310 Mediterranean Rd, LLC
Variance #Z-20-00310

Dear Mr. Castro:

In connection with the above-referenced matter, I request that the variance matter that is scheduled to appear before Town Council on January 13, 2021 be deferred to the following Town Council Meeting occurring on February 10, 2021.

The matter will be heard at ARCOM on January 27, 2021 due to a deferral by ARCOM.

Please let me know if you have any questions.

Sincerely,

David E. Klein

cc: Kelly Churney, via e-mail kchurney@townofpalmbeach.com

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

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

Subject: **Z-20-00310 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION OF 310 MEDITERRANEAN RD**

Date: January 04, 2021

BACKGROUND

An application has been received for the following project:

REQUEST:

Sections 134, 229, 134-329, and 134-843(b): Special Exception and Site Plan Review to allow the renovation of a two-story, single family house, including raising the existing house to 7.0 NAVD and demolishing more than 50% of the house by cubic square footage, on a non-conforming lot, comprised of a portion of platted lots, which is 113.5 feet in depth in lieu of the 150-foot depth required in the R-A Zoning District. In connection with the renovation, the following variances are being requested:

1. Section 134-843(a)(5): Request for redevelopment of a single-family home with a front yard setback of 26.0 feet in lieu of the 35-foot minimum required in R-A Zoning District.
2. Section 134-1757: Request for installation of a swimming pool with a rear setback of 4.0 feet in lieu of the 10-foot minimum requirement.
3. Section 134-843(a)(7): Request for redevelopment of the house with a building height plane setback ranging from 26.0 to 32.35 feet in lieu of the range of 30.5 to 43.0 feet minimum required in R-A Zoning District.

ADDRESS: 310 MEDITERRANEAN RD

OWNER: 310 MEDITERRANEAN RD LLC

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-42-34-03-000-0932

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: BOCA RATON CO LAKE FRONT ADD SLY
111.50 FT OF LT 93, LOT 106 & LOT 113 (LESS E
40 FT)

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: 11/3/20

APPLICATION NO.: Z-20-00310 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 310 MEDITERRANEAN RD

DESCRIPTION:

Sections 134, 229, 134-329, and 134-843(b): Special Exception and Site Plan Review to allow the renovation of a two-story, single family house, including raising the existing house to 7.0 NAVD and demolishing more than 50% of the house by cubic square footage, on a non-conforming lot, comprised of a portion of platted lots, which is 113.5 feet in depth in lieu of the 150-foot depth required in the R-A Zoning District. In connection with the renovation, the following variances are being requested:

1. Section 134-843(a)(5): Request for redevelopment of a single-family home with a front yard setback of 26.0 feet in lieu of the 35-foot minimum required in R-A Zoning District.
2. Section 134-1757: Request for installation of a swimming pool with a rear setback of 4.0 feet in lieu of the 10-foot minimum requirement.
3. Section 134-843(a)(7): Request for redevelopment of the house with a building height plane setback ranging from 26.0 to 32.35 feet in lieu of the range of 30.5 to 43.0 feet minimum required in R-A Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/4/2021	Stormwater Management Level of Service in accordance with Section 86-95 has not been obtained based upon the plans and calculations provided.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/17/2020	there are no fire code concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	Laura Groves Van Onna, Historic Preservation Planner	1/5/2021	This proposed project is on the tentative agenda for the regularly scheduled Architectural Commission (ARCOM) meeting on 01/27/2021 as Application B-083-2020. A motion carried at the December ARCOM meeting to defer the project to the January meeting in order to address comments from Commissioners related to variances, scale, massing, and hardscape.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	11/18/2020	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: 11/3/20

PZB - ZONING	Paul Castro, Zoning Administrator	11/20/2020	As part of the site plan review, the Zoning Manager recommends that the Town Council deny the request to expand the backyard by adding what the applicant is calling a "dock" across most of the seawall and over Lake Worth in the backyard. I do not believe this to be a dock but an attempt to increase the area of the backyard by building over the Conservation Zoning District. Staff is seeing more of this type of development and I will continue to recommend denial of these types of requests. I would also recommend taking another look at the definition of "dock" and the regulations related to building west of the Bulkhead Line on Lake Worth within the Town of Palm Beach. As for the other variances, staff recommends you consider whether there is a hardship to demolish more than 50% of the cubic footage of the existing nonconforming house..
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TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at **375 S COUNTY RD**, legal description on file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on site parking spaces in lieu of the 13 parking spaces that are required for the additional 40 outdoor seats. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

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

Subject: **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S)**
375 S COUNTY RD

Date: January 04, 2021

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio.

Section 134-2176: a variance is being requested to provide zero (0) on-site parking spaces in lieu of the 13 parking spaces that would be required for the additional 40 outdoor seats.

ADDRESS: 375 S COUNTY RD

OWNER: THREE SEVENTY FIVE SOUTH

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-23-05-009-0010

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: ROYAL PARK ADD LT 1 (LESS TRGLR PAR S
COUNTY RD R/W), LTS 2 THRU 4, LT 66 (LESS
PERUVIAN COURT COND) & LTS 67 THRU 69
BLK 9

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: 11/18/20

APPLICATION NO.: Z-20-00311 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH VARIANCE(S)

ADDRESS: 375 S COUNTY RD **TENANT:**BRICKTOPS

DESCRIPTION:

Section 134-1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio.

Section 134-2176: a variance is being requested to provide zero (0) on-site parking spaces in lieu of the 13 parking spaces that would be required for the additional 40 outdoor seats.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	11/23/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	11/24/2020	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/24/2020	They will need to ensure exit aisle are designed in for proper exiting from the spaces. The first drawing that was submitted needed some work to ensure proper space for exits.
PZB - PLANNING AND ARCHITECTURAL REVIEW	Laura Groves van Onna, Historic Preservation Planner	11/25/2020	This proposed project was previously approved by staff on 01/28/2020 as ARCOM Staff Approval Application A-20-00870. Upon initial review, the project as proposed entails slight revision to the seating plan for outdoor dining, which appears to be in effort to improve circulation. Staff does not see immediate issue with the revised plan.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	11/23/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	11/23/2020	The changes to the courtyard and seating were previously staff approved and the project is under construction. Staff determined that the staff approval required Town Council zoning approval of a special exception with site plan review. In addition, with the proposed new 40 outdoor seats, a variance is also required for the 13 off-street parking spaces required for the additional seating. The applicant is required to demonstrate to the satisfaction of the Town Council that there is a hardship for the parking variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00318 REPLAT Zoning District: R-AA Large Estate Residential The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, relative to property located at **1265 S OCEAN BLVD**, legal description on file, is described below. An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated December 11, 2020 from Maura Ziska**
- ▣ **Replat No. 2 - The Blossom Estate**
- ▣ **Survey for The Blossom Estate**
- ▣ **New Replat for The Blossom Estate**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

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

Subject: **Z-20-00318**
1265 S OCEAN BLVD

Date: January 04, 2021

BACKGROUND

An application has been received for the following project:

REQUEST:

An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision.

ADDRESS: 1265 S OCEAN BLVD

OWNER: BLOSSOM WAY HOLDINGS LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-44-02-10-000-0010

ZONING DISTRICT: R-AA Large Estate Residential

LEGAL DESCRIPTION: BLOSSOM ESTATE REPL LTS 1 THRU 4 &
2-44-43, N 292 FT OF S 1092 FT OF GOV LT 1 LYG
E OF & ADJ TO S 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: 12/14/20

APPLICATION NO.: Z-20-00318 **APPLICATION TYPE:**

ADDRESS: 1265 S OCEAN BLVD

DESCRIPTION:

An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	1/5/2021	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/6/2021	A Bond (surety) for the removal and replacement of public utilities affected by the Replat will be needed. In addition to the standard providers, FDOT has an existing inlet on Blossom Way. Phase 2S undergrounding for this area has been designed and is under construction. Requests to service the development of Lot 1 and Lot 2, included easements to provide services, will need to be worked out directly with the utility providers. Town of Palm Beach Bulkhead Line needs to be shown, Ordinance 32-2 Does MHWL Elevation need to be included? Does Coastal FDEP Monument existing within Lot 1 needs to be included? Easement Access along the northern limits of Lot 1 needs to mirror original plat, specifically the language. Work with Robert Weber, Coastal Program Manager regarding the width of the beach access.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/6/2021	The planned lot platting is not a concern with the fire codes. Any proposed buildings will need to comply with NFPA1 chapter 18 Fire Department Access and Water supply.
PZB - PLANNING AND ARCHITECTURAL REVIEW	Laura Groves Van Onna, Historic Preservation Planner	1/5/2021	No Comment
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	1/5/2021	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: 12/14/20

PZB - ZONING

Paul Castro, Zoning
Administrator

1/6/2021

The Town currently does not have all of the required information in order to have the plat considered for approval by the Town Council. We are missing written authorization from all property owners within the subdivision and letters of consent from all of the utilities regarding easements. The Town's consulting surveyor is also in the process of peer review of the proposed replat. To date, that is not complete. If these are completed by the date of the Council meeting the proposed replat can be considered by the Town Council.

The Staff's main concern is the Town's continued beach access through the proposed relocated beach access easement from South Ocean Boulevard to the beach. The current language on the face of the proposed replat does not provide that access and staff is recommending that the applicant change the easement dedication language to the same language that exists on the existing beach access easement. The Town also needs a developer's agreement that clearly identifies all infrastructure improvements that need to be made based on the proposed replat and the timing of demolition of all existing structures on the subject property that become noncompliant to the Zoning Code as a result of the replat. Any necessary infrastructure changes related to utilities and road demolition need to be secured by an irrevocable letter of credit equal to 135% of the estimated cost of the proposed subdivision improvements to secure the cost of construction (demolition) of the improvements per Sec. 110-37 of the Code. At this time, the town has no information from the applicant on what improvements have to be made in order to complete the subdivision, such as the estimated cost of demolition of the roadway and buildings or the movement of any utilities, if necessary.

DEC 14 2020

Town of Palm Beach
PZB Dept

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA HAND DELIVERY

December 11, 2020

Paul Castro
Planning Zoning & Building
360 South County Road
Palm Beach, FL 33480

RE: RePlat No. 2 of The Blossom Estate Subdivision

Dear Mr. Castro:

I represent Blossom Way Holdings, LLC, Lungomare LLC and CPPB Holdings LLC (now also known as Blossom Way Holdings, LLC through merger), ("Owner") who collectively owns Lots 1, 2, 3, 4, 5, 6 and 10 in The Blossom Estate Subdivision. The Owner is requesting to replat the Subdivision, which will require Town Council approval. I am requesting this matter be placed on the January 13, 2021 Town Council Agenda. I have enclosed a check in the amount of \$4,000.00 for the filing fee for a Replat.

To give a brief history, The Blossom Estate Subdivision was originally platted in 1982 dividing the property into ten (10) parcels for future development. In 1986, there was a replat of Blossom Estate (see attached copies of plat, replat and proposed replat no. 2). My client currently owns 7 of the 10 lots of the subdivision. My client also purchased 60 Blossom Way, which was not part of The Blossom Estate Subdivision, but adjacent and to the east of Lot 6. My client also purchased 1290 South Ocean Boulevard, which was not part of The Blossom Estate Subdivision, but adjacent and to the south of Lots 3 and 4. This parcel has already been annexed to the Blossom properties by a Unity of Title Agreement. It is now the desire of my client to combine all of the properties owned on the east side of South Ocean Boulevard into only two (2) buildable lots. The proposed replat will accomplish:

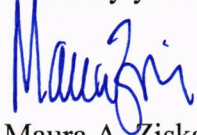
- Abandon in total Blossom Way right of way; thus the only access to the properties on the east side of South Ocean Boulevard would be via South Ocean Boulevard;
- Abandon the current (previously relocated) beach access and dedicate a new 8 foot wide beach access along the north side of the proposed replat
- Terminate the Limited Access Easement along the east side of South Ocean Boulevard that mandated access to the platted properties via Blossom Way;

- Combine and incorporate the 60 Blossom Way and 1290 South Ocean Boulevard properties into the new Lots 1 and 2 of Blossom Estate subdivision.

I hereby submit 20 copies of the survey and proposed Replat No. 2 of The Blossom Estate Subdivision. I will be submitting the utility company consents, HOA consent and the two remaining owner's consents under separate cover.

Please call me if you have any questions with the foregoing or require any additional information.

Sincerely yours,



Maura A. Ziska

/maz

Attachments

cc: Client
Wayne Bergman
John C. Randolph, Esq.

THE BLOSSOM ESTATE

TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA
SHEET 2 OF 2 SHEETS

Mitchell Engineers
P.O. Box 100000
4431 SUBARCADE DRIVE
SAN ANTONIO, TX 78210
214-343-1111

REF	DATE	DESCRIPTION	AMOUNT	BALANCE
100	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	10.00
101	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	20.00
102	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	30.00
103	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	40.00
104	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	50.00
105	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	60.00
106	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	70.00
107	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	80.00
108	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	90.00
109	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	100.00
110	10-10-1940	WELL OF DEEP OF JOHN BROWN	10.00	110.00

NOTE: There shall be no building restrictions among the north line of lot 8, if lot 8 to hold to unity of title with lot 7.

LEADER

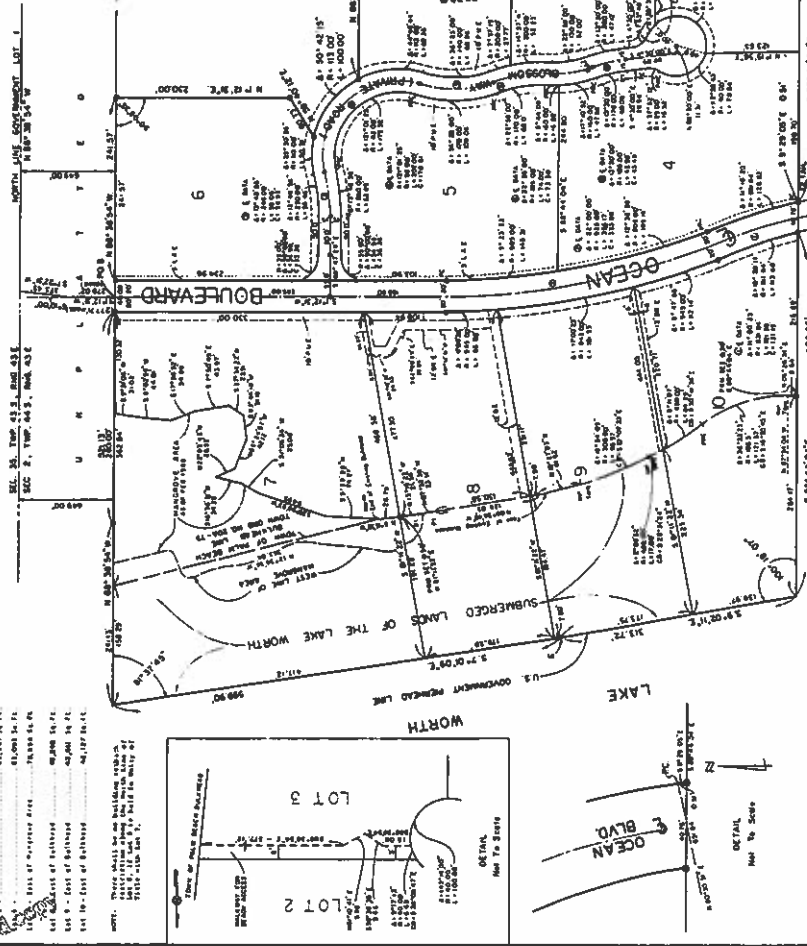
0 = ISSUES (PM) PENDING REFERENCE REQUEST
1 = ISSUES (PM) PENDING CONTROL (PM)
P.L.E. = PUBLIC UTILITY ASSISTANT
B.A.L. = BAILING ASSISTANT
L.A.E. = LIFTED ACCESS ASSISTANT

0 = PARTS
1 = BELT ANGLE
2 = JACK LENGTH
3 = DOWNS
4 = DOWN SLATING

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BEING A REPLAT OF LOTS 1 THROUGH 8 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 127. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF UNPLATTED LAND, ALL LYING IN SECTION 02, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

PRINTED NAME OF NOTARY PUBLIC

Q. 1. 1898	Q. 2. 1898	Q. 3. 1898
1. 1898	2. 1898	3. 1898

This survey is made voluntarily and only for the following purpose for the protection of companies of the Department of Economics of the University of Valencia. The data obtained will be used only for statistical purposes and will not be made available to any third party.

WMA, L.L.C., a Delaware limited liability company
First American Title Insurance Company
Keshenas & Zula, P.C., as title agent

Abstract The purpose of this study was to determine the effect of a 12-week training program on the physical fitness and health-related quality of life (HRQL) of sedentary, middle-aged women. The study was a randomized, controlled trial. The intervention group (n = 20) participated in a 12-week training program consisting of three sessions per week. The control group (n = 20) remained sedentary. The primary outcome was the change in HRQL, measured using the EuroQol-5D (EQ-5D) questionnaire. Secondary outcomes included changes in physical fitness, measured using the 6-minute walk test (6MWT) and the 10-meter walk test (10MWT). The results showed that the intervention group had a significant improvement in HRQL compared to the control group. The EQ-5D index score increased from 0.75 to 0.85 in the intervention group, while it remained at 0.75 in the control group. The 6MWT and 10MWT also showed significant improvements in the intervention group. The findings suggest that a 12-week training program can improve HRQL and physical fitness in sedentary, middle-aged women.

PROPERTY ADDRESS:
11263 South Ocean Boulevard
Palm Beach, FL 33400

LEGAL DESCRIPTION:

[illegible]

利華國際有限公司

THAT BEGINNING ON THE FOLLOWING DESCRIBED PROPERTY WHICH LIES EAST OF THE EASTERN RIGHT-OF-WAY LINE OF SOUTH OCEAN BOULEVARD, SITUATE IN GOVERNMENT LOT 1, SECTION 2, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOUNDED ON THE 10TH BY THE HONORABLE LAMAR L. LAMAR, JR. FOR THE
 COUNTY OF PALM BEACH, FLORIDA. THE LAND WAS CONVEYED BY C. W. BINGHAM TO FRANCES P. BOLTON BY
 DEED DATED MAY 22, 1918, FILED MARCH 8, 1929 AND RECORDED MARCH 10, 1929 IN DEED BOOK 131 AT PAGE 30 OF
 THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ON THE EAST BY THE ATLANTIC OCEAN
ON THE NORTH BY A LINE TWO HUNDRED AND NINETY-TWO (222) FEET NORTH FROM AND PARALLEL TO THE SAID
NORTHERLY LINE OF LAND CONNECTED BY E. W. BINGHAM TO FRANCIS P. BINGHAM

06/07/2018

BEING A TRACT OF LAND SITUATED IN LOT NO. 1, SECTION 2, TOWNSHIP 44 NORTH, RANGE 43 EAST, PHILLIPS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible][illegible]

CONTAINING IN ALL 10 723 ACRES. MORE OR LESS

NOTES:

- [illegible]

BOUNDARY SURVEY FOR:

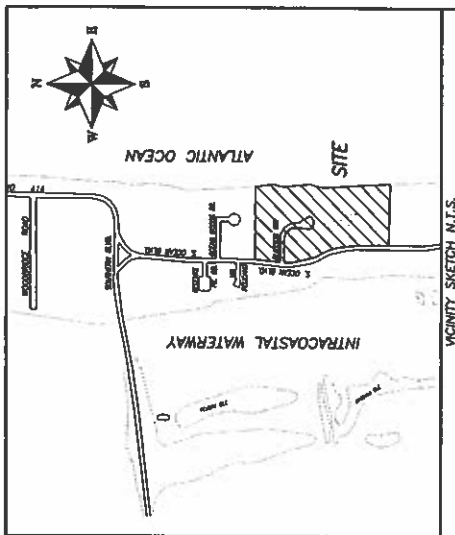
PSH, LLC,
A DELAWARE LIMITED LIABILITY COMPANY



FILE NO.	15	FOR NO.	96-00338	I/A	96208	PO.	44
OFFICE	SM	DATE	1/17/99	CHRG NO.	96-16338		
PT. NO.	1	MR.	MR. SULLIVAN	SURVEY	OF		

Digitally signed by CRAIG L WALLACE
Date: 2020.12.10 11:50:49 -0500

© 1997 Westview Press



LEGEND

- [illegible]

- | | | | |
|------|--------|----------------------------------|-----------------------------------|
| HW | W.C.D. | INVERT | ROAD TRAIL WATER CONTROL DISTRICT |
| HW | A.E. | LIMITED ACCESS EASEMENT | |
| HW | S | LICENSE SOGO | |
| W.D. | W.D. | LAND WORTH ORNANCE DISTRICT | |
| W.D. | W.D. | FIELD DOCUMENT | |
| W.D. | W.D. | MANHOLE | |
| W.D. | W.D. | MEAN HIGH WATER LINE | |
| W.D. | W.D. | MEAN LOW WATER LINE | |
| W.D. | W.D. | NORTH AMERICAN VERTICAL DATUM | |
| W.D. | W.D. | NATIONAL GEODETIC VERTICAL DATUM | |

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- OVERHEAD LIFT (T) = 1 ME
- OPTICAL RECORD BOOK
- PARTNER
- PLAT DATUM
- PLAT BOOK
- PALM BEACH COUNTY
- PONTIAC COUNTY

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- PERMANENT CONTROL POINT
- PAGE
- POINT OF INTERSECTION
- PART OF
- POINT OF BEGINNING
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- PERMANENT REFERENCE POINT
- PROPOSED
- POINT OF TANGENCY

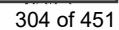
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SIGHT OF WAY
SURVEY DATUM
SOL BOMBING
SECTION
SQUARE FEET

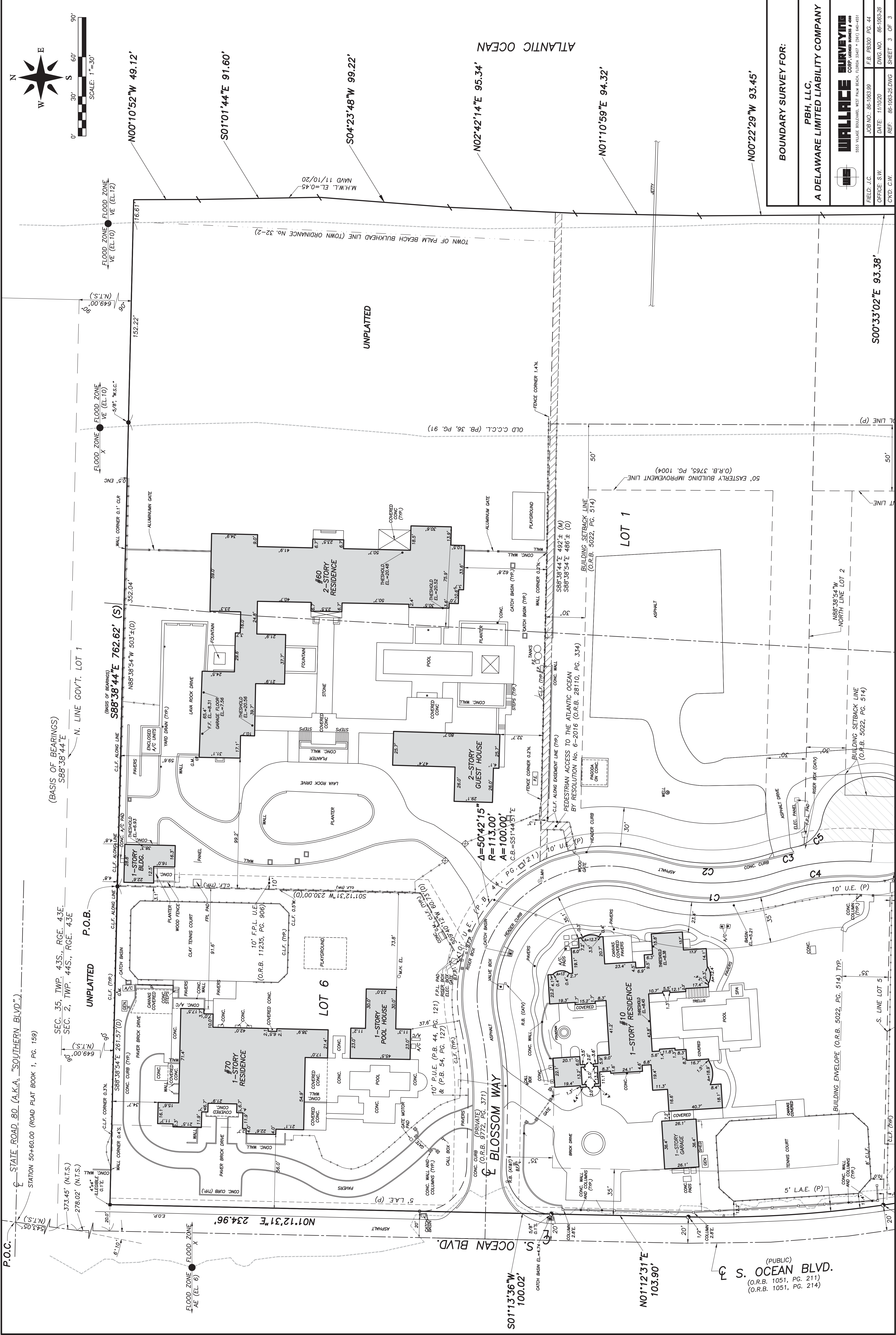
- MANAGEMENT DISTRICT
 1. AWARD - SOUTH INDIAN RIDGE WATER
 CONTROL AND PROTECT
 - SAMUEL MARGOLIS
 - STATE ROAD
 - STATION
 - STORY
 - SICKING K
 - TOP OF BANK
 - TOP OF CLIFF
 - TOWNSHIP

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- UNDER CONSTRUCTION
- UTILITY CASHEM?
- UNIMPROVED
- WITHIN CORNER
- HAS TIE MANAGEMENT CASHEM?
- HAS TIE MANAGEMENT MAINTENANCE CASHEM?
- BASELINE
- CENTRAL
- CENTRAL AND/OR TA

- CONCRETE MONUMENT FOUND (AS NOTED)
- CONCRETE FOUND (SET 6.8 MILES)
- ROAD & CAP FOUND (AS NOTED)
- ROAD & CAP SET 6.8 MILES
- HIGH RISE FOUND (AS NOTED)
- HIGH RISE FOUND (AS NOTED)
- HIGH RISE FOUND (AS NOTED)
- HAIL FOUND
- HAIL & DIRT FOUND (AS NOTED)
- MAIL HAIL & DIRT SET 6.8 MILES
- PROPERTY LINE
- UTILITY POLE

- FORD HYDRANT
- WATER METER
- WATER VALVE
- LIGHT POLE





REPLAT NO. 2 OF THE BLOSSOM ESTATE

BEING A REPLAT OF LOTS 1 THROUGH 6 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 127, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, TOGETHER WITH A PORTION OF UNPLATTED LAND, ALL LYING IN SECTION 02, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

DEDICATION AND RESERVATION

KNOW ALL MEN BY THESE PRESENTS THAT PROVIDENCIA PARTNERS LLC, A FLORIDA LIMITED LIABILITY COMPANY, CPPB HOLDINGS LLC, BLOSSOM WAY HOLDINGS LLC & BLOSSOM ESTATES HOMEOWNERS ASSOCIATION, INC., OWNERS OF THE BLOSSOM ESTATE, HAVE HEREBY CAUSED THESE PRESENTS TO BE SIGNED BY ITS AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS DAY OF _____, 2020.

DESCRIPTION

THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY WHICH LIES EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF SOUTHERN BLVD. IN THE TOWN OF PALM BEACH, SECTION 02, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE NORTHERLY LINE OF LAND CONVEYED BY C.W. BINGHAM TO FRANCES P. BOLTON BY DEED DATED MAY 22, 1919, FILED MARCH 16, 1920 AND RECORDED MARCH 20, 1920 IN DEED BOOK 131 AT PAGE 93 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ON THE EAST BY THE ATLANTIC OCEAN, ON THE NORTH BY A LINE 649 FEET SOUTH FROM AND PARALLEL TO THE NORTH LINE OF SAID GOVERNMENT LOT 1.

CONTAINING IN ALL 19.723 ACRES, MORE OR LESS.

THE UNDERSIGNED HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE OR RESERVE AS FOLLOWS:

BEACH ACCESS EASEMENT - THE 8 FOOT WIDE EASEMENT FOR PEDESTRIAN ACCESS TO ATLANTIC OCEAN IS HEREBY DEDICATED TO THE BLOSSOM ESTATES HOMEOWNERS ASSOCIATION, INC., FOR ITS PERPETUAL USE AND SHALL BE MAINTAINED BY SAID ASSOCIATION.

IN WITNESS WHEREOF, THE ABOVE-NAMED COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS DAY OF _____, 2020.

PROVIDENCIA PARTNERS LLC,
A FLORIDA LIMITED LIABILITY COMPANY

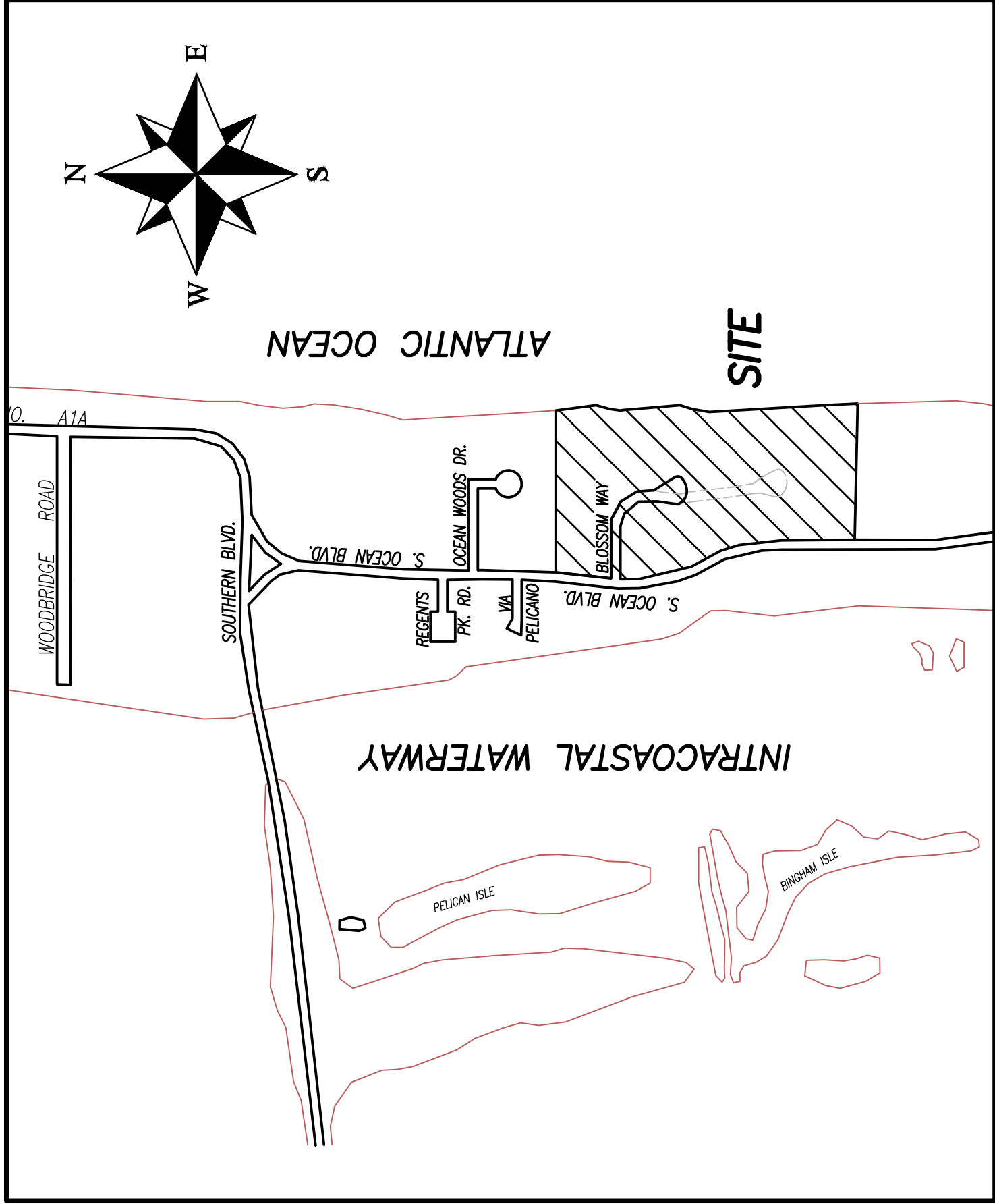
WITNESS: _____ BY: _____
PRINTED NAME PRINTED NAME, TITLE
WITNESS: _____
PRINTED NAME

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF _____ PHYSICAL PRESENCE OR _____ ONLINE NOTARIZATION. THIS _____ DAY OF _____, 2020, BY _____ AS _____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ (TYPE OF IDENTIFICATION) AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____
SIGNATURE OF NOTARY PUBLIC
PRINTED NAME OF NOTARY PUBLIC



VICINITY SKETCH N.T.S.

IN WITNESS WHEREOF, THE ABOVE-NAMED COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS DAY OF _____, 2020.

CPPB HOLDINGS LLC,
A _____ LIMITED LIABILITY COMPANY

WITNESS: _____ BY: _____
PRINTED NAME PRINTED NAME, TITLE
WITNESS: _____
PRINTED NAME

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF _____ PHYSICAL PRESENCE OR _____ ONLINE NOTARIZATION. THIS _____ DAY OF _____, 2020, BY _____ AS _____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ (TYPE OF IDENTIFICATION) AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____
SIGNATURE OF NOTARY PUBLIC
PRINTED NAME OF NOTARY PUBLIC

SHEET 1 OF 3

IN WITNESS WHEREOF, THE ABOVE-NAMED COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS DAY OF _____, 2020.

BLOSSOM WAY HOLDINGS LLC,
A FLORIDA LIMITED LIABILITY COMPANY

WITNESS: _____ BY: _____
PRINTED NAME PRINTED NAME, TITLE
WITNESS: _____
PRINTED NAME

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF _____ PHYSICAL PRESENCE OR _____ ONLINE NOTARIZATION. THIS _____ DAY OF _____, 2020, BY _____ AS _____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ (TYPE OF IDENTIFICATION) AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____
SIGNATURE OF NOTARY PUBLIC
PRINTED NAME OF NOTARY PUBLIC

IN WITNESS WHEREOF, THE ABOVE-NAMED CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS AND ITS CORPORATE SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS _____ DAY OF _____, 2020.

BLOSSOM ESTATES HOMEOWNERS ASSOCIATION, INC.
A FLORIDA CORPORATION

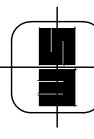
WITNESS: _____ BY: _____
PRINTED NAME PRINTED NAME, TITLE
WITNESS: _____
PRINTED NAME

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF _____ PHYSICAL PRESENCE OR _____ ONLINE NOTARIZATION. THIS _____ DAY OF _____, 2020, BY _____ AS _____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ (TYPE OF IDENTIFICATION) AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____
SIGNATURE OF NOTARY PUBLIC
PRINTED NAME OF NOTARY PUBLIC

REPLAT NO. 2 OF THE BLOSSOM ESTATE			
	BLOSSOM WAY HOLDINGS LLC		
	BLOSSOM ESTATES HOMEOWNERS ASSOCIATION, INC.		
	PROVIDENCIA PARTNERS LLC, A FLORIDA LIMITED LIABILITY COMPANY		
	THIS INSTRUMENT PREPARED BY: SEAN WALLACE IN THE OFFICE OF WALLACE SURVEYING CORPORATION 5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407		
FIELD: _____		JOB NO.: 86-1063.99 F.B. PG.	
OFFICE: S.W. _____		DATE: NOVEMBER 2020 DWG. NO. 86-1063-25	
CKD: C.W. _____		REF: 86-1063.DWG SHEET 1 OF 3	

REPLAT NO. 2 OF THE BLOSSOM ESTATE

BEING A REPLAT OF LOTS 1 THROUGH 6 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 127, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, TOGETHER WITH A PORTION OF UNPLATTED LAND, ALL LYING IN SECTION 02, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

HOMEOWNER'S ASSOCIATION ACCEPTANCE

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE BLOSSOM ESTATES HOMEOWNERS ASSOCIATION, INC., A FLORIDA CORPORATION NOT FOR PROFIT, HEREBY ACCEPTS THE BLOSSOM ESTATE AS SHOWN HEREON AND SHOWN HEREON, AND HEREBY ACCEPTS THE BLOSSOM ESTATE'S MAINTENANCE OBLIGATIONS FOR SAME AS STATED HEREON, DATED THIS _____ DAY OF _____, 2020.

BLOSSOM ESTATES OWNERS ASSOCIATION, INC.
A FLORIDA CORPORATION NOT FOR PROFIT.

WITNESS: _____ BY: _____

PRINTED NAME _____ PRINTED NAME, TITLE _____

WITNESS: _____

PRINTED NAME _____

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF _____ PHYSICAL PRESENCE OR _____ ONLINE NOTARIAL PUBLIC, _____ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS SENIOR VICE PRESIDENT OF THE NORTHERN TRUST COMPANY, AN ILLINOIS BANKING CORPORATION, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT SHE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID CORPORATION, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR CORPORATE AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

MY COMMISSION EXPIRES: _____

SIGNATURE OF NOTARY PUBLIC _____

PRINTED NAME OF NOTARY PUBLIC _____

MORTGAGEE'S JOINDER AND CONSENT

STATE OF ILLINOIS
COUNTY OF _____

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE UPON THE PROPERTY DESCRIBED HEREON, AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORDS BOOK 27640, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO SIGNED BY ITS _____ AND ITS CORPORATE SEAL, TO BE AFFIXED HEREON BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS _____ DAY OF _____, 2020.

CITIBANK, N.A.
AN ILLINOIS BANKING CORPORATION

WITNESS: _____ BY: _____

PRINTED NAME _____

PRINTED NAME, TITLE _____

WITNESS: _____

PRINTED NAME _____

ACKNOWLEDGEMENT

STATE OF ILLINOIS
COUNTY OF _____

BEFORE ME PERSONALLY APPEARED _____ WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS SENIOR VICE PRESIDENT OF THE NORTHERN TRUST COMPANY, AN ILLINOIS BANKING CORPORATION, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT SHE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID CORPORATION, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR CORPORATE AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2020.

MY COMMISSION EXPIRES: _____

SIGNATURE OF NOTARY PUBLIC _____

MY COMMISSION NO.: _____

PRINTED NAME OF NOTARY PUBLIC _____

TOWN OF PALM BEACH APPROVAL

THE PLAT AS SHOWN HEREON HAS BEEN APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA AND THE TOWN DOES HEREBY FORMALLY ACCEPT THE OFFERS TO DEDICATE CONTAINED ON THE PLAT THIS DAY _____ OF _____, 2020.

KIRK BLOUIN, TOWN MANAGER

REVIEWING SURVEYOR

ON BEHALF OF THE TOWN OF PALM BEACH, THE UNDERSIGNED, A LICENSED PROFESSIONAL SURVEYOR AND MAPPER, HAS REVIEWED THIS PLAT FOR CONFORMITY TO CHAPTER 177, PART 1, FLORIDA STATUTES AS REQUIRED BY SECTION 177.091 (1), FLORIDA STATUTES.

DATE: _____ BY: _____
STEVEN M. WATTS, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NO. 4688

SURVEYOR AND MAPPER CERTIFICATE

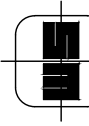
THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS (P.R.M.S.) AND MONUMENTS, ACCORDING TO SECTION 177.091(9), FLORIDA STATUTES, HAVE BEEN PLACED AS REQUIRED BY LAW; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE TOWN OF PALM BEACH, FLORIDA.

CRAIG L. WALLACE, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 3367
WALLACE SURVEYING CORPORATION
LICENSED BUSINESS NUMBER 4669
5553 VILLAGE BOULEVARD
WEST PALM BEACH, FL 33407

SURVEYOR'S NOTES:

- ALL BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH LINE OF LOT 1 OF THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 127. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND IS ASSUMED TO BEAR NORTH 88°38'41" WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
- BUILDING SETBACK LINES SHALL BE AS REQUIRED BY THE CURRENT BUILDING AND ZONING REGULATIONS OF THE TOWN OF PALM BEACH.
- NO BUILDING OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND APPLICABLE TOWN OF PALM BEACH APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS.
- IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING NOTED ON THIS PLAT. USE OF THIS PLAT FOR ANY OTHER PURPOSES IS PROHIBITED.
- NOTICE: THIS PLAT, WHEN USED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- ALL RECORDED INFORMATION REFERS TO THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- EXISTING RECORDED EASEMENTS SHOWN HEREON ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT PART OF THIS PLAT.
- PER 2019 FLORIDA STATUTES, CHAPTER 177.10(12) "THE APPROVAL OF A REPLAT BY THE GOVERNING BODY OF A LOCAL GOVERNMENT WHICH ENCUMBERS LANDS EMBRACED IN ALL OR PART OF PRIOR PLAT FILED OF PUBLIC RECORD SHALL BE A CONDITION OF THE REPLAT, AUTOMATICALLY AND SIMULTANEOUSLY VACATE AND ANNULL ALL OF THE PRIOR PLAT ENCUMBRANCES BY THE REPLAT."
- PER 2019 FLORIDA STATUTES, CHAPTER 177, SECTION 091(28) ALL PLATTED UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

REPLAT NO. 2 OF THE BLOSSOM ESTATE



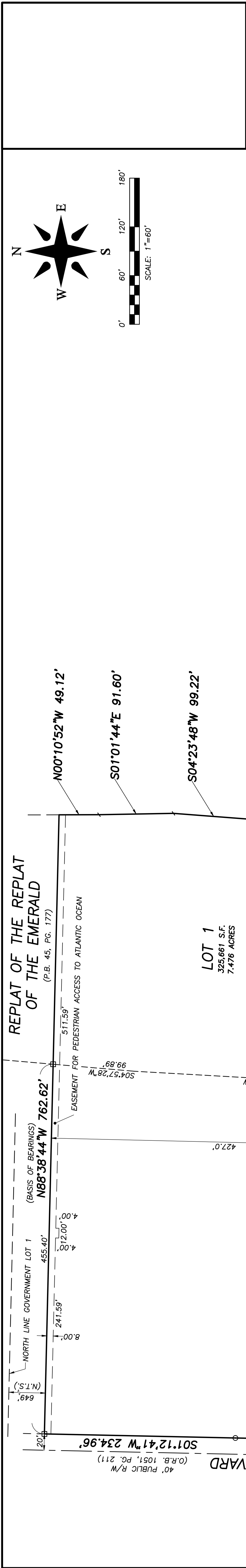
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 • (561) 846-4531

FIELD: _____ JOB NO.: 86-1063.99 F.B. _____ PG. _____

OFFICE: R.C.S.W. _____ DATE: NOVEMBER 2020 DWG. NO. 86-1063-25

CKD: C.W. _____ REF: 86-1063.DWG SHEET 2 OF 3

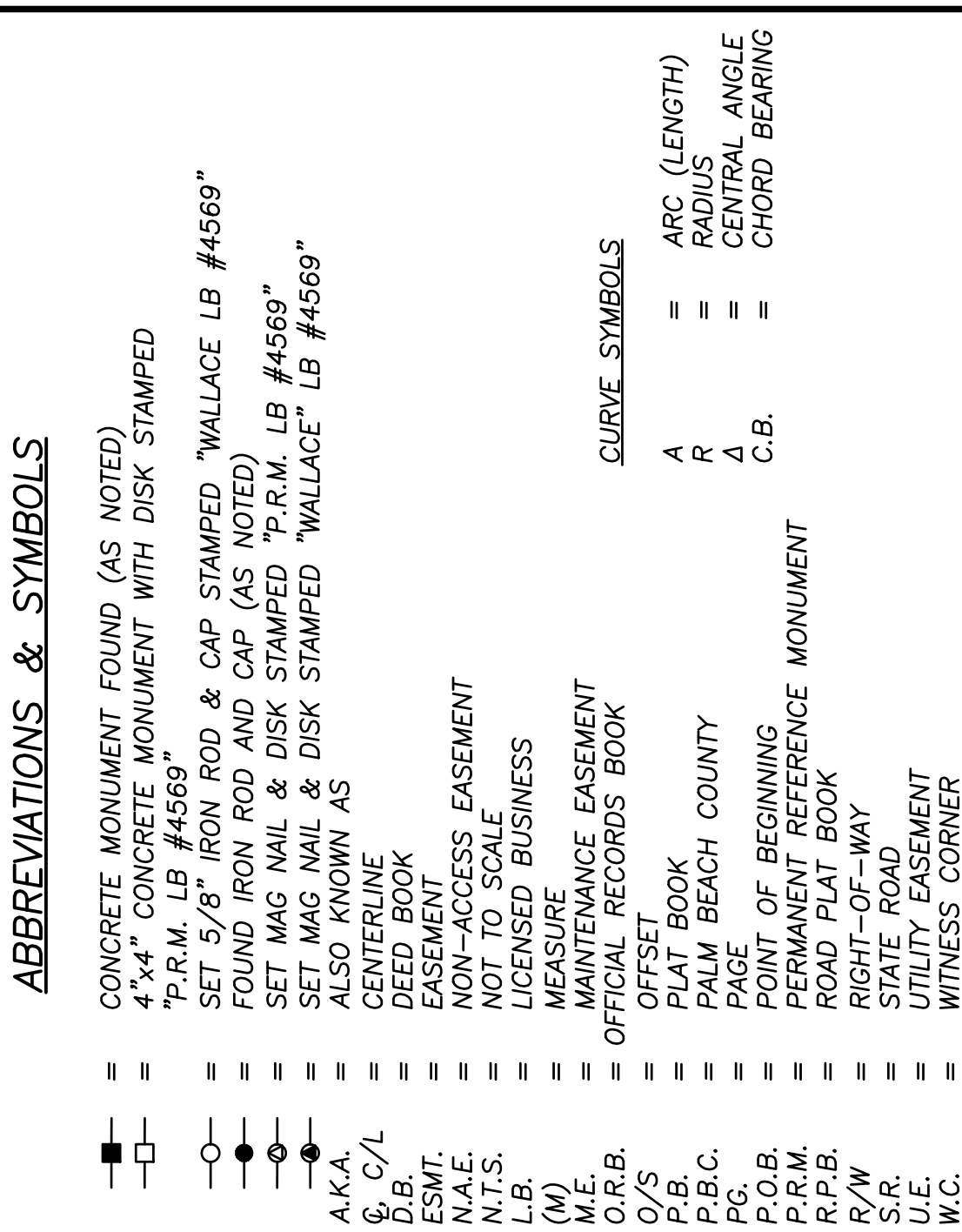
THIS INSTRUMENT PREPARED BY:
SEAN WALLACE IN THE OFFICE OF
WALLACE SURVEYING CORPORATION
5553 VILLAGE BOULEVARD,
WEST PALM BEACH, FLORIDA 33407



SHEET 3 OF 3

**REPLAT NO. 2 OF THE
BLOSSOM ESTATE**

BEING A REPLAT OF LOTS 1 THROUGH 6 AND THE PRIVATE ROAD KNOWN AS BLOSSOM WAY, ACCORDING TO THE REPLAT OF THE BLOSSOM ESTATE AS RECORDED IN PLAT BOOK 54, PAGE 127, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, TOGETHER WITH A PORTION OF UNPLATTED LAND, ALL LYING IN SECTION 02, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.



REPLAT NO. 2 OF THE
BLOSSOM ESTATE

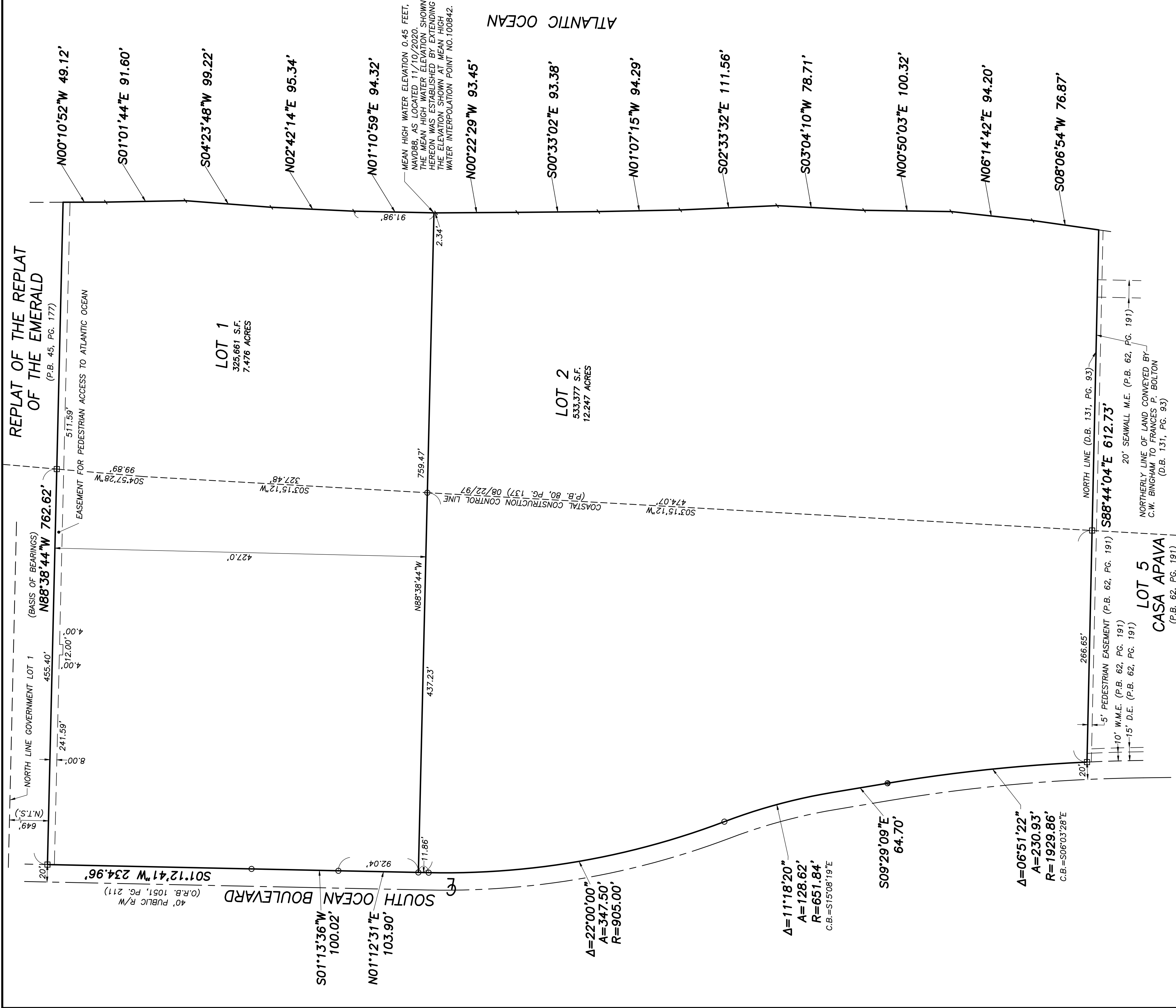


WALLACE
SURVEYING
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

FIELD:	JOB NO.: 86-1063.99	F.B.	P.G.
1. REMARKS: 2. DATE: 3. TIME: 4. LOCATION: 5. STATUS: 6. REMARKS: 7. DATE: 8. TIME: 9. LOCATION: 10. STATUS: 11. REMARKS: 12. DATE: 13. TIME: 14. LOCATION: 15. STATUS: 16. REMARKS: 17. DATE: 18. TIME: 19. LOCATION: 20. STATUS: 21. REMARKS: 22. DATE: 23. TIME: 24. LOCATION: 25. STATUS: 26. REMARKS: 27. DATE: 28. TIME: 29. LOCATION: 30. STATUS: 31. REMARKS: 32. DATE: 33. TIME: 34. LOCATION: 35. STATUS: 36. REMARKS: 37. DATE: 38. TIME: 39. LOCATION: 40. STATUS: 41. REMARKS: 42. DATE: 43. TIME: 44. LOCATION: 45. STATUS: 46. REMARKS: 47. DATE: 48. TIME: 49. LOCATION: 50. STATUS: 51. REMARKS: 52. DATE: 53. TIME: 54. LOCATION: 55. STATUS: 56. REMARKS: 57. DATE: 58. TIME: 59. LOCATION: 60. STATUS: 61. REMARKS: 62. DATE: 63. TIME: 64. LOCATION: 65. STATUS: 66. REMARKS: 67. DATE: 68. TIME: 69. LOCATION: 70. STATUS: 71. REMARKS: 72. DATE: 73. TIME: 74. LOCATION: 75. STATUS: 76. REMARKS: 77. DATE: 78. TIME: 79. LOCATION: 80. STATUS: 81. REMARKS: 82. DATE: 83. TIME: 84. LOCATION: 85. STATUS: 86. REMARKS: 87. DATE: 88. TIME: 89. LOCATION: 90. STATUS: 91. REMARKS: 92. DATE: 93. TIME: 94. LOCATION: 95. STATUS: 96. REMARKS: 97. DATE: 98. TIME: 99. LOCATION: 100. STATUS: 101. REMARKS: 102. DATE: 103. TIME: 104. LOCATION: 105. STATUS: 106. REMARKS: 107. DATE: 108. TIME: 109. LOCATION: 110. STATUS: 111. REMARKS: 112. DATE: 113. TIME: 114. LOCATION: 115. STATUS: 116. REMARKS: 117. DATE: 118. TIME: 119. LOCATION: 120. STATUS: 121. REMARKS: 122. DATE: 123. TIME: 124. LOCATION: 125. STATUS: 126. REMARKS: 127. DATE: 128. TIME: 129. LOCATION: 130. STATUS: 131. REMARKS: 132. DATE: 133. TIME: 134. LOCATION: 135. STATUS: 136. REMARKS: 137. DATE: 138. TIME: 139. LOCATION: 140. STATUS: 141. REMARKS: 142. DATE: 143. TIME: 144. LOCATION: 145. STATUS: 146. REMARKS: 147. DATE: 148. TIME: 149. LOCATION: 150. STATUS: 151. REMARKS: 152. DATE: 153. TIME: 154. LOCATION: 155. STATUS: 156. REMARKS: 157. DATE: 158. TIME: 159. LOCATION: 160. STATUS: 161. REMARKS: 162. DATE: 163. TIME: 164. LOCATION: 165. STATUS: 166. REMARKS: 167. DATE: 168. TIME: 169. LOCATION: 170. STATUS: 171. REMARKS: 172. DATE: 173. TIME: 174. LOCATION: 175. STATUS: 176. REMARKS: 177. DATE: 178. TIME: 179. LOCATION: 180. STATUS: 181. REMARKS: 182. DATE: 183. TIME: 184. LOCATION: 185. STATUS: 186. REMARKS: 187. DATE: 188. TIME: 189. LOCATION: 190. STATUS: 191. REMARKS: 192. DATE: 193. TIME: 194. LOCATION: 195. STATUS: 196. REMARKS: 197. DATE: 198. TIME: 199. LOCATION: 200. STATUS: 201. REMARKS: 202. DATE: 203. TIME: 204. LOCATION: 205. STATUS: 206. REMARKS: 207. DATE: 208. TIME: 209. LOCATION: 210. STATUS: 211. REMARKS: 212. DATE: 213. TIME: 214. LOCATION: 215. STATUS: 216. REMARKS: 217. DATE: 218. TIME: 219. LOCATION: 220. STATUS: 221. REMARKS: 222. DATE: 223. TIME: 224. LOCATION: 225. STATUS: 226. REMARKS: 227. DATE: 228. TIME: 229. LOCATION: 230. STATUS: 231. REMARKS: 232. DATE: 233. TIME: 234. LOCATION: 235. STATUS: 236. REMARKS: 237. DATE: 238. TIME: 239. LOCATION: 240. STATUS: 241. REMARKS: 242. DATE: 243. TIME: 244. LOCATION: 245. STATUS: 246. REMARKS: 247. DATE: 248. TIME: 249. LOCATION: 250. STATUS: 251. REMARKS: 252. DATE			

OFFICE: R.C./S.W.	DATE: NOVEMBER 2020	DWG NO. 86-1063
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TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00323 VARIANCE(S) Zoning District: R-A Estate Residential The application of DESRUISSEAUX LAND TRUST U/A/D12/6/19 (ANN DESRUISSEAUX AND WILLIAM W. ATTERBURY, CO-TRUSTEES), applicant, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. The applicant is requesting to demolish and rebuild (replicate) the existing landmarked residence in generally the same location. The project includes raising the finished floor elevation of all of the new and existing structures to 9.0 feet NAVD. The new two-story residence is proposed to be 19,812.69 square feet, with a 3,398 square foot guest wing (previously referred to as the boat house) located at the northwest corner of the property. The plan also requests approval to relocate an existing 225 square foot cabana and relocation of the 145 square foot 2-story generator building. The following variances are being requested: 1) Section 134-843(8): a north side yard setback ranging from 5.29 feet to 5.75 feet for the new reconstructed guest wing (previously referred to as the boat house) in lieu of the 30 foot minimum required; 2) Section 134-843(9): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the new reconstructed guest wing; 3) Section 134-843(9): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the new reconstructed main house; 4) Section 134-843(8): a north side yard setback ranging from 21.13 to 21.67 feet for the 2-story generator building in lieu of the 30 foot minimum required; 5) Section 134-843(10): a height in the main residence and guest house to be 26.56 in lieu of the 25 foot maximum allowed; 6) Section 134-843(8): a south side yard setback for the main house addition with a range from 10.79 feet to 15.1 feet In lieu of the 30 foot minimum required. The previously granted variances in Z-20-00261 for the accessory buildings and structures not associated with the main house, guest wing and generator building remain unchanged and in effect. [Applicant's Representative: Maura Ziska Esq] **Staff requests a deferral to the February 10, 2021 meeting as the project is first required to be considered by the Landmarks Preservation Commission on January 20, 2021.**

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Time Extensions

Agenda Title

Time Extension Request for 264-270 S. County Road

Presenter

ATTACHMENTS:

- **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

CC: Ben Alma, Police Department; James Murphy, Asst. Director of PZB

Re: Waiver of Town Code Section 42-199, For Extended Working Hours at 264/270 S. County Rd.

Date: January 4, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the hours for construction work that is underway at 264/270 S. County Rd. (Carriage House Club). If approved, staff recommends that the approvals be conditioned upon the December 28, 2020 letter and attachments from Maura Ziska, Esq., in which she describes the request, along with an eight (8) page proposed construction schedule.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting an extension of the hours to complete renovations at 264/270 S. County Rd. The project involves interior and exterior renovations. The applicant is requesting work hours throughout the restricted winter season (which begins on November 1 and runs through the end of April) of 8:00 am to 6:00 pm, Monday through Saturday, with limited work only on Saturdays. The request is basically to continue with the summer work hours right through the winter season for work performed Monday through Friday, and then start at 8:00 am on Saturdays (not at 9:00 am as the code requires). Beginning May 1, 2021, their request will meet code for Monday through Friday work, but the Saturday work is requested to start an hour early.

The project is indicated on the CPM graph to be finished by October, 2021.

This is basically the same request that was made at your November 13, 2020 meeting. That request was withdrawn by the applicant after a discussion with the Mayor and Town Council. Partial Minutes of that meeting are attached.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) *Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.*
- (c) *Exceptions.*
- (4) *Interior work not resulting in noise tending to disturb people in the vicinity thereof, shall be allowed during the hours of 9:00 a.m. and 5:00 p.m. on Saturdays during the period commencing on the Monday preceding Thanksgiving and ending on April 30.*
- (5) *The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.*

The applicant is requesting an extension of the working hours under the Code. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting.

For reference, the conditions attached by the Town Council for similar requests regarding work hours and days are:

- Saturday interior work only.
- The PZB Director has the authority to shut down work if problems or complaints arise.
- Also, consideration should be given to Easter, which falls on Sunday, April 4, 2021.

Attachment – Letter, with CPM attachment, from Maura Ziska, Esq., dated December 28, 2020
Partial Minutes of the November 13, 2020 Town Council meeting

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

December 28, 2020

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

Re: Extension for construction time frame /264 and 270 South County Road, Palm Beach, FL

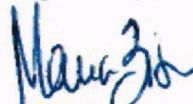
Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for construction by the owners of 264 and 270 South County Road, Palm Beach, Florida. The requested time schedule is to continue work Monday through Friday 8:00 a.m. – 6:00 p.m. and Saturdays 9:00 a.m. – 5:00 p.m. (quiet work only). Excluded from Saturdays are the following: material deliveries; concrete pours; concrete sawing; mechanized demolition; operation of heavy equipment or machinery.

The reason for the request for the extended hours is due to unforeseen delays due to COVID-19. The requested waiver would continue until the end of season on May 1, 2021. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street from the project.

Please place this request on the January 13, 2021 Town Council agenda.

Respectfully,



Maura Ziska

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

December 28, 2020

RE: 264 and 270 South County Road, Palm Beach

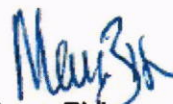
To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 264 and 270 South County Road, to allow work to continue during normal seasonal hours from January 1, 2020 through May 1, 2021 to be 8:00 a.m. – 6:00 p.m. and quiet work on Saturdays 9:00 a.m. – 5:00 p.m.

This matter will be presented to the Town Council at the regularly-scheduled meeting on January 13, 2021. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,

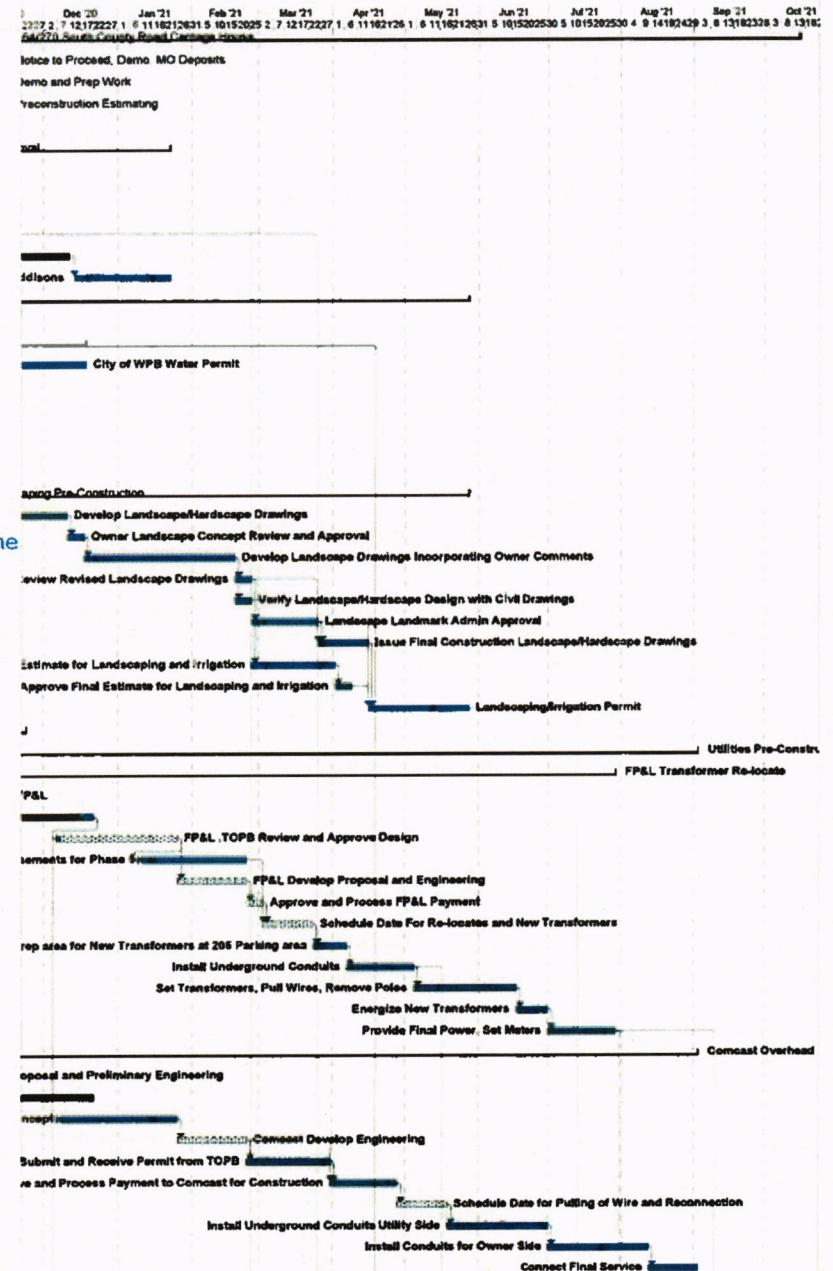

Maura Ziska



264/270 South County Road Preliminary Master Schedule

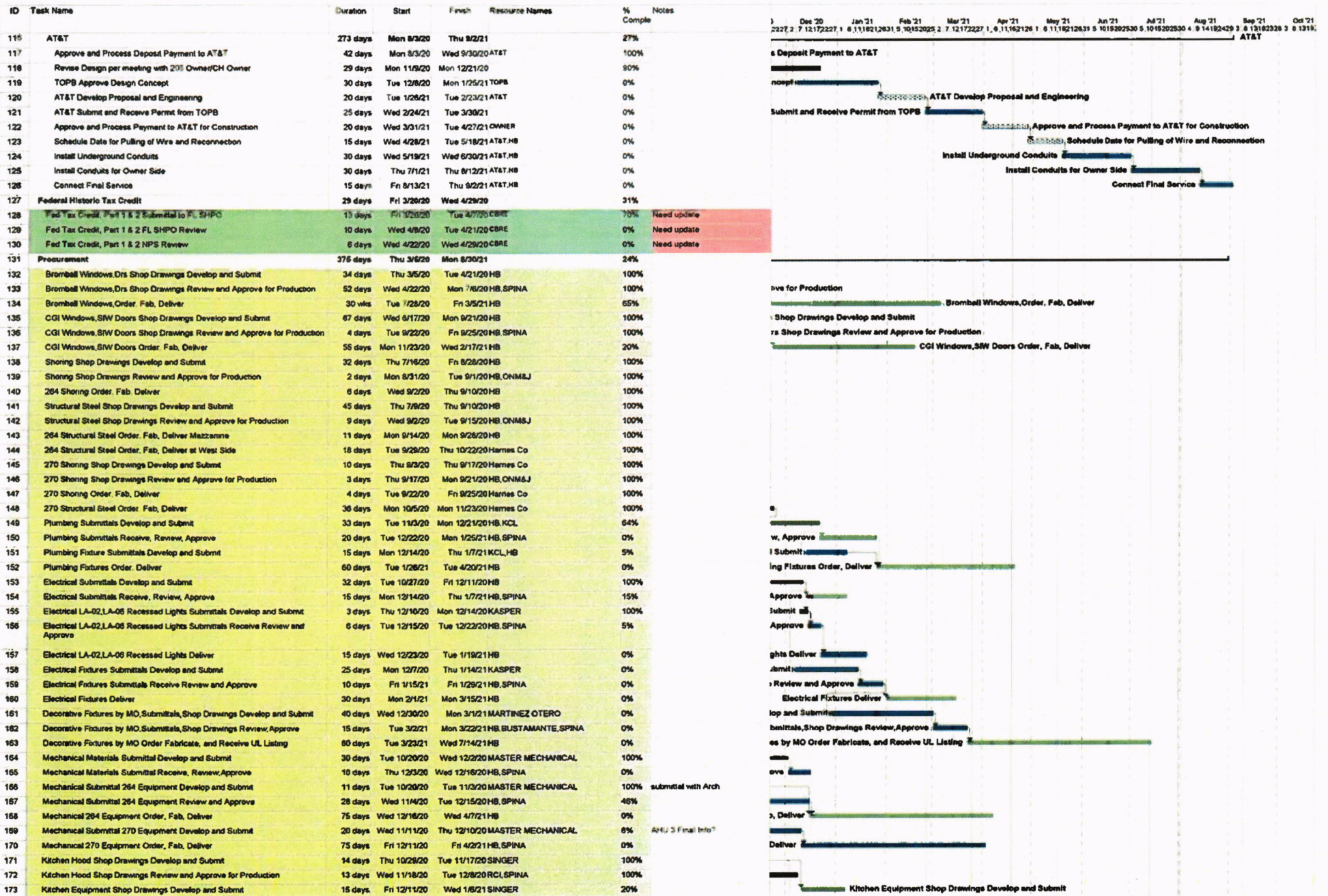
ID	Task Name	Duration	Start	Finish	Resource Names	% Complete	Notes
1	264/270 South County Road Carriage House	527 days	Wed 5/11/19	Fri 10/15/21		37%	
2	Notice to Proceed, Demo, MO Deposits	232 days	Wed 5/1/19	Mon 3/23/20		100%	
9	Demo and Prep Work	74 days	Wed 9/11/19	Mon 12/23/19		100%	
16	Preconstruction Estimating	179 days	Tue 11/12/18	Thu 7/23/20		100%	
25	Interior and MEP Design	127 days	Tue 12/24/18	Mon 6/22/20		100%	
54	Submit Plans, Martine Otero, Owner Interior VE Review and Approval	141 days	Mon 5/29/19	Fri 10/27/21	BUSTAMANTE, MARTINEZ OTERO	87%	
55	Send Mood Boards to US	22 days	Mon 5/29/20	Wed 7/29/20	MARTINEZ OTERO	100%	
56	Owner Presentation and Approvals	2 days	Thu 7/30/20	Fri 7/31/20	OWNER, SPINA, BUSTAMANTE	100%	
57	Finalize Materials for Items from July 31 meeting	40 days	Mon 8/3/20	Mon 9/28/20		100%	
58	Meetings with the Owner Materials Approvals 264,270 First Floor	38 days	Tue 9/29/20	Thu 11/19/20		100%	
59	Approvals for Hard Materials 270 Second Floor Additions	40 days	Thu 10/15/20	Fri 12/11/20		100%	
60	Revised Fabric Materials 270 Additions	25 days	Mon 12/14/20	Fri 1/22/21		10%	
61	Sitework Preconstruction	360 days	Tue 12/24/19	Thu 6/27/21		61%	
62	Sitework Design	123 days	Tue 12/24/19	Tue 8/18/20		100%	
68	Civil Permits	174 days	Tue 4/14/20	Fri 12/18/20	HB	70%	
69	City of WPB Water Permit	174 days	Tue 4/14/20	Fri 12/18/20	CABRE, SIMMONS, WHITE	44%	
70	TOPB Site Permit Plan Review and Coordination	53 days	Mon 5/4/20	Fri 7/17/20	HB, RCL, SPINA	100%	
71	TOPB ROW Permit Plan Review and Coordination	53 days	Mon 5/4/20	Fri 7/17/20	HB, RCL, SPINA	100%	
72	TOPB Site, ROW Permit Issue	1 day	Mon 7/20/20	Mon 7/20/20	HB, TOPB	100%	
73	Finalize Civil Estimate per TOPB Comments	26 days	Tue 7/21/20	Tue 8/25/20	HB	100%	
74	Owner Approve Civil Estimate	11 days	Wed 8/26/20	Thu 9/10/20	OWNER	100%	
75	Landscape Pre-Construction	140 days	Tue 11/3/20	Thu 6/27/21		18%	
76	Develop Landscape/Hardscape Drawings	29 days	Tue 11/3/20	Thu 12/10/20	EDG-Cameron	100%	
77	Owner Landscape Concept Review and Approval	5 days	Fri 12/11/20	Thu 12/17/20	OWNER	0%	
78	Develop Landscape Drawings Incorporating Owner Comments	39 days	Fri 12/18/20	Thu 2/18/21	OWNER	0%	
79	Owner Review Revised Landscape Drawings	5 days	Fri 2/19/21	Thu 2/25/21	OWNER	0%	
80	Verify Landscape/Hardscape Design with Civil Drawings	5 days	Fri 2/19/21	Thu 2/25/21	SIMMONS, WHITE, SPINA	0%	
81	Landscape Landmark Admin Approval	20 days	Fri 2/26/21	Thu 3/25/21	SPINA	0%	
82	Issue Final Construction Landscape/Hardscape Drawings	15 days	Fri 3/26/21	Thu 4/15/21	SIMMONS, WHITE	0%	
83	Develop Final Estimate for Landscaping and Irrigation	25 days	Fri 2/26/21	Thu 4/15/21	HB	0%	
84	Owner Approve Final Estimate for Landscaping and Irrigation	5 days	Fri 4/2/21	Thu 4/8/21	OWNER	0%	
85	Landscape/Irrigation Permit	30 days	Fri 4/16/21	Thu 5/27/21	HB	0%	
86	Phase 3 Interior GMP Development	108 days	Tue 6/23/20	Mon 1/23/21		100%	
91	Utilities Pre-Construction	428 days	Tue 12/24/19	Thu 9/2/21		39%	
92	FP&L Transformer Re-locate	403 days	Tue 12/24/19	Thu 7/29/21		53%	
93	Develop Design for FP&L	197 days	Tue 12/24/19	Wed 9/30/20	KIMLEY HORNE, TOPB	100%	
94	Revise Design per meeting with 205 Owner/CH Owner	29 days	Mon 11/9/20	Mon 12/21/20		85%	
95	FP&L, TOPB Review and Approve Design	36 days	Tue 12/8/20	Mon 1/25/21	FP&L, TOPB	0%	
96	TOPB Develop Assessments for Phase 5	30 days	Mon 1/11/21	Tue 2/23/21	KIMLEY HORNE, TOPB	0%	
97	FP&L, Develop Proposal and Engineering	20 days	Tue 1/26/21	Tue 2/23/21	FP&L	0%	
98	Approve and Process FP&L Payment	5 days	Wed 2/24/21	Tue 3/2/21	FP&L, OWNER	0%	
99	Schedule Date For Re-locations and New Transformers	15 days	Wed 3/3/21	Tue 3/23/21	FP&L, HB	0%	
100	Prep area for New Transformers at 205 Parking area	10 days	Wed 3/24/21	Tue 4/6/21	HB, OWNER, TOPB	0%	
101	Install Underground Conduits	20 days	Wed 4/7/21	Tue 5/4/21	HB, OWNER, TOPB	0%	
102	Set Transformers, Pull Wires, Remove Poles	30 days	Wed 5/5/21	Wed 6/16/21	FP&L	0%	
103	Energize New Transformers	10 days	Thu 6/17/21	Wed 6/30/21	FP&L	0%	
104	Provide Final Power, Set Meters	20 days	Thu 7/1/21	Thu 7/29/21	FP&L	0%	
105	Comcast Overhead to Underground	273 days	Mon 8/3/20	Thu 9/2/21		27%	
106	Comcast Develop Proposal and Preliminary Engineering	42 days	Mon 8/3/20	Wed 9/30/20	COMCAST, KIMLEY HORNE	100%	
107	Revise Design per meeting with 205 Owner/CH Owner	29 days	Mon 11/9/20	Mon 12/21/20		90%	
108	TOPB Approve Design Concept	30 days	Tue 12/8/20	Mon 1/25/21	TOPB	0%	
109	Comcast Develop Engineering	20 days	Tue 1/26/21	Tue 2/23/21	COMCAST	0%	
110	Comcast Submit and Receive Permit from TOPB	25 days	Wed 2/24/21	Tue 3/30/21	COMCAST	0%	
111	Approve and Process Payment to Comcast for Construction	20 days	Wed 3/31/21	Tue 4/27/21	OWNER	0%	
112	Schedule Date for Pulling of Wire and Reconnection	15 days	Wed 4/28/21	Tue 5/18/21	COMCAST, HB	0%	
113	Install Underground Conduits Utility Side	30 days	Wed 5/19/21	Wed 6/30/21	COMCAST, HB	0%	
114	Install Conduits for Owner Side	30 days	Thu 7/1/21	Thu 8/12/21	COMCAST, HB	0%	
115	Connect Final Service	15 days	Fri 8/13/21	Thu 9/2/21	COMCAST, HB	0%	

Add time





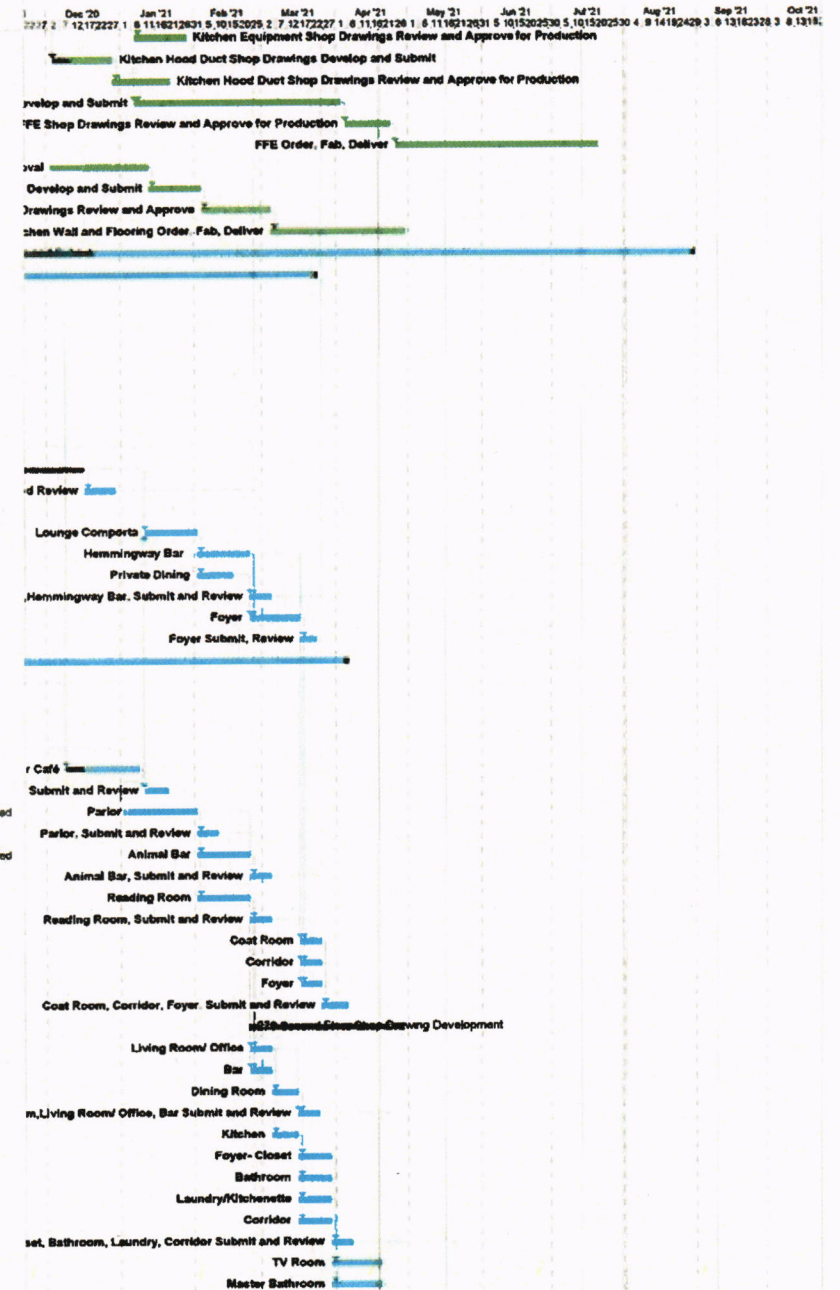
264/270 South County Road Preliminary Master Schedule





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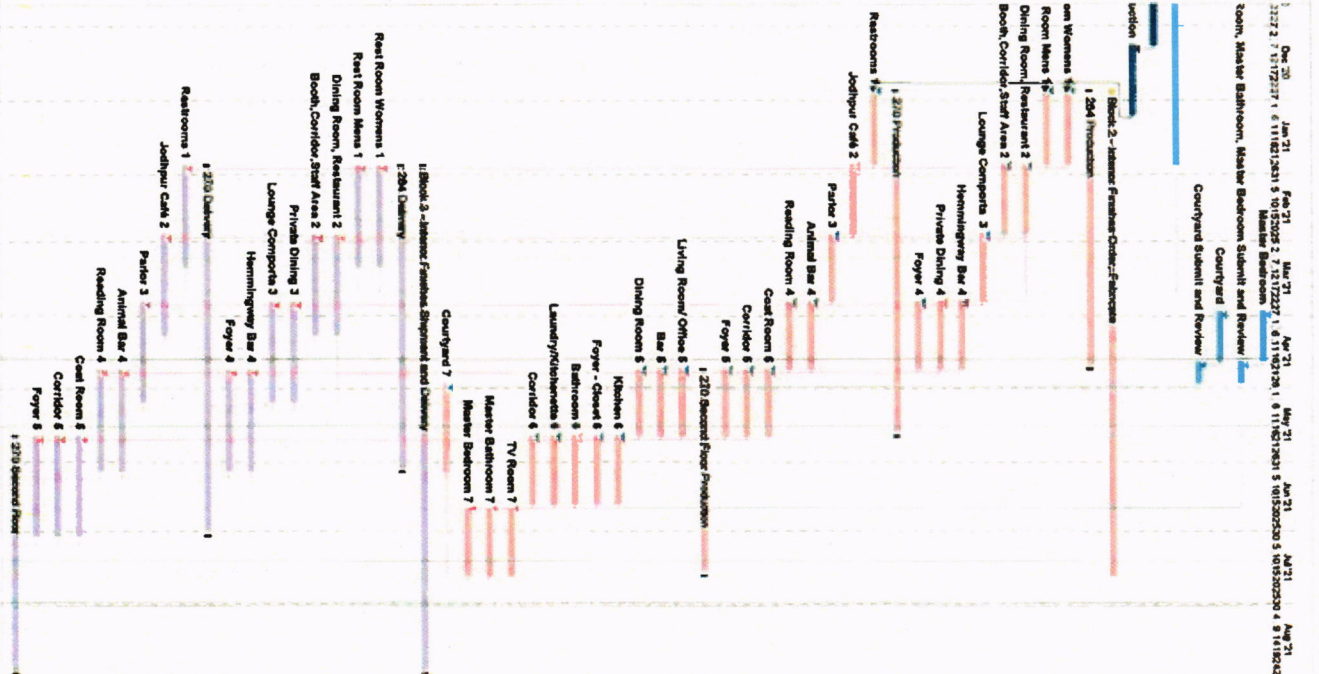
ID	Task Name	Duration	Start	Finish	Resource Names	% Complete	Notes
174	Kitchen Equipment Shop Drawings Review and Approve for Production	15 days	Thu 1/17/21	Thu 1/28/21	SINGER	0%	
175	Kitchen Hood Duct Shop Drawings Develop and Submit	15 days	Fri 1/24/20	Mon 1/29/20	SINGER	30%	
176	Kitchen Hood Duct Shop Drawings Review and Approve for Production	15 days	Tue 1/29/20	Thu 1/21/21	SINGER	0%	
177	FFE Shop Drawings Develop and Submit	60 days	Thu 1/7/21	Fri 4/2/21	BUSTAMANTE, MARTINEZ OTERO	0%	
178	FFE Shop Drawings Review and Approve for Production	15 days	Mon 4/5/21	Fri 4/23/21	BUSTAMANTE	0%	
179	FFE Order, Fab, Deliver	60 days	Mon 4/26/21	Tue 7/20/21	BUSTAMANTE, MARTINEZ OTERO	0%	
180	Kitchen Wall and Flooring Material Selection and Approval	25 days	Thu 1/23/20	Tue 1/12/21	SPINA	35%	
181	Kitchen Wall and Flooring Shop Drawings Develop and Submit	15 days	Wed 1/13/21	Wed 2/3/21	HMB	0%	
182	Kitchen Wall and Flooring Shop Drawings Review and Approve	20 days	Thu 2/4/21	Thu 3/4/21	SPINA	0%	
183	Kitchen Wall and Flooring Order, Fab, Deliver	40 days	Fri 3/5/21	Thu 4/29/21	HMB	0%	
184	Block 1-Interior Finishes Shop Drawings Develop and Submit	270 days	Mon 8/3/20	Mon 8/30/21		13%	
185	264 Shop Drawing Development	158 days	Mon 8/3/20	Tue 3/23/21		78%	
186	Rest Room Womens	15 days	Mon 8/3/20	Fri 8/21/20	MARTINEZ OTERO	100%	
187	Rest Room Mens	14 days	Mon 8/10/20	Thu 8/27/20	MARTINEZ OTERO	100%	
188	RRm Womens, Mens, Submit and Initial Review	21 days	Wed 8/26/20	Thu 9/24/20	BUSTAMANTE, MARTINEZ OTERO	100%	
189	RRm Womens, Mens Revise Shop Drawings per Comments	21 days	Fri 9/25/20	Fri 10/23/20	MARTINEZ OTERO	100%	Mirror Door? Safety ADA
190	RRm Womens, Mens Review and Approve	8 days	Mon 10/26/20	Wed 11/4/20	BUSTAMANTE, SPINA	100%	
191	Dining Room, Restaurant	61 days	Wed 8/19/20	Thu 11/12/20	MARTINEZ OTERO	100%	
192	Booth, Corridor	51 days	Fri 8/28/20	Mon 11/9/20	MARTINEZ OTERO	100%	
193	Dining Room, Restaurant, Booth, Corridor, Submit and Review	6 days	Thu 11/12/20	Thu 11/19/20	BUSTAMANTE, MARTINEZ OTERO	100%	
194	Stairs and Corridors to Private Dining	25 days	Tue 11/10/20	Wed 12/16/20	MARTINEZ OTERO	100%	
195	Stairs and Corridors to Private Dining, Submit and Review	7 days	Thu 12/17/20	Tue 12/29/20	BUSTAMANTE, MARTINEZ OTERO, SPINA	0%	
196	Lounge Comports	15 days	Mon 1/11/21	Mon 2/1/21	MARTINEZ OTERO	0%	
197	Hemingway Bar	15 days	Tue 2/2/21	Tue 2/23/21	MARTINEZ OTERO	0%	
198	Private Dining	10 days	Tue 2/2/21	Tue 2/16/21	MARTINEZ OTERO	0%	
199	Private Dining, Hemingway Bar, Submit and Review	7 days	Wed 2/24/21	Thu 3/4/21	BUSTAMANTE, MARTINEZ OTERO	0%	
200	Foyer	15 days	Wed 2/24/21	Tue 3/16/21	MARTINEZ OTERO	0%	
201	Foyer Submit, Review	5 days	Wed 3/17/21	Tue 3/23/21	BUSTAMANTE, MARTINEZ OTERO	0%	
202	270 Shop Drawing Development	163 days	Fri 8/1/20	Mon 4/5/21		31%	
203	Restrooms	20 days	Fri 8/21/20	Fri 9/18/20	MARTINEZ OTERO	100%	
204	Restrooms Submit and Review	20 days	Mon 9/21/20	Fri 10/16/20	BUSTAMANTE, MARTINEZ OTERO	100%	
205	Restrooms Revise per Comments	5 days	Mon 10/19/20	Fri 10/23/20	MARTINEZ OTERO	100%	
206	Restrooms Resubmit, Review and Approve	5 days	Mon 10/26/20	Fri 10/30/20	BUSTAMANTE, MARTINEZ OTERO	100%	
207	Jodhpur Cafe	19 days	Wed 12/9/20	Fri 1/8/21	MARTINEZ OTERO	25%	
208	Jodhpur Cafe, Submit and Review	7 days	Mon 1/11/21	Wed 1/20/21	BUSTAMANTE, MARTINEZ OTERO	0%	
209	Parlor	20 days	Mon 1/4/21	Mon 2/1/21	MARTINEZ OTERO	0%	need acoustic design resolved
210	Parlor, Submit and Review	7 days	Tue 2/2/21	Wed 2/10/21	BUSTAMANTE, MARTINEZ OTERO	0%	need acoustic design resolved
211	Animal Bar	15 days	Tue 2/2/21	Tue 2/23/21	MARTINEZ OTERO	0%	
212	Animal Bar, Submit and Review	7 days	Wed 2/24/21	Thu 3/4/21	BUSTAMANTE, MARTINEZ OTERO	0%	
213	Reading Room	15 days	Tue 2/2/21	Tue 2/23/21	MARTINEZ OTERO	0%	
214	Reading Room, Submit and Review	7 days	Wed 2/24/21	Thu 3/4/21	BUSTAMANTE, MARTINEZ OTERO	0%	
215	Coat Room	7 days	Wed 3/17/21	Thu 3/25/21	MARTINEZ OTERO	0%	
216	Corridor	7 days	Wed 3/17/21	Thu 3/25/21	MARTINEZ OTERO	0%	
217	Foyer	7 days	Wed 3/17/21	Thu 3/25/21	MARTINEZ OTERO	0%	
218	Coat Room, Corridor, Foyer, Submit and Review	7 days	Fri 3/26/21	Mon 4/5/21	BUSTAMANTE, MARTINEZ OTERO	0%	
219	270 Second Floor Shop Drawing Development	46 days	Wed 2/24/21	Wed 4/28/21		0%	
220	Living Room/ Office	7 days	Wed 2/24/21	Thu 3/4/21	MARTINEZ OTERO	0%	
221	Bar	7 days	Wed 2/24/21	Thu 3/4/21	MARTINEZ OTERO	0%	
222	Dining Room	7 days	Fri 3/5/21	Mon 3/15/21	MARTINEZ OTERO	0%	
223	Dining Room, Living Room/ Office, Bar Submit and Review	7 days	Tue 3/16/21	Wed 3/24/21	BUSTAMANTE, MARTINEZ OTERO	0%	
224	Kitchen	7 days	Fri 3/5/21	Mon 3/15/21	MARTINEZ OTERO	0%	
225	Foyer- Closet	10 days	Tue 3/16/21	Mon 3/29/21	MARTINEZ OTERO	0%	
226	Bathroom	10 days	Tue 3/16/21	Mon 3/29/21	MARTINEZ OTERO	0%	
227	Laundry/Kitchenette	10 days	Tue 3/16/21	Mon 3/29/21	MARTINEZ OTERO	0%	
228	Corridor	10 days	Tue 3/16/21	Mon 3/29/21	MARTINEZ OTERO	0%	
229	Kitchen, Foyer, Closet, Bathroom, Laundry, Corridor Submit and Review	7 days	Tue 3/30/21	Wed 4/7/21	BUSTAMANTE, MARTINEZ OTERO	0%	
230	TV Room	15 days	Tue 3/30/21	Mon 4/19/21	MARTINEZ OTERO	0%	
231	Master Bathroom	15 days	Tue 3/30/21	Mon 4/19/21	MARTINEZ OTERO	0%	





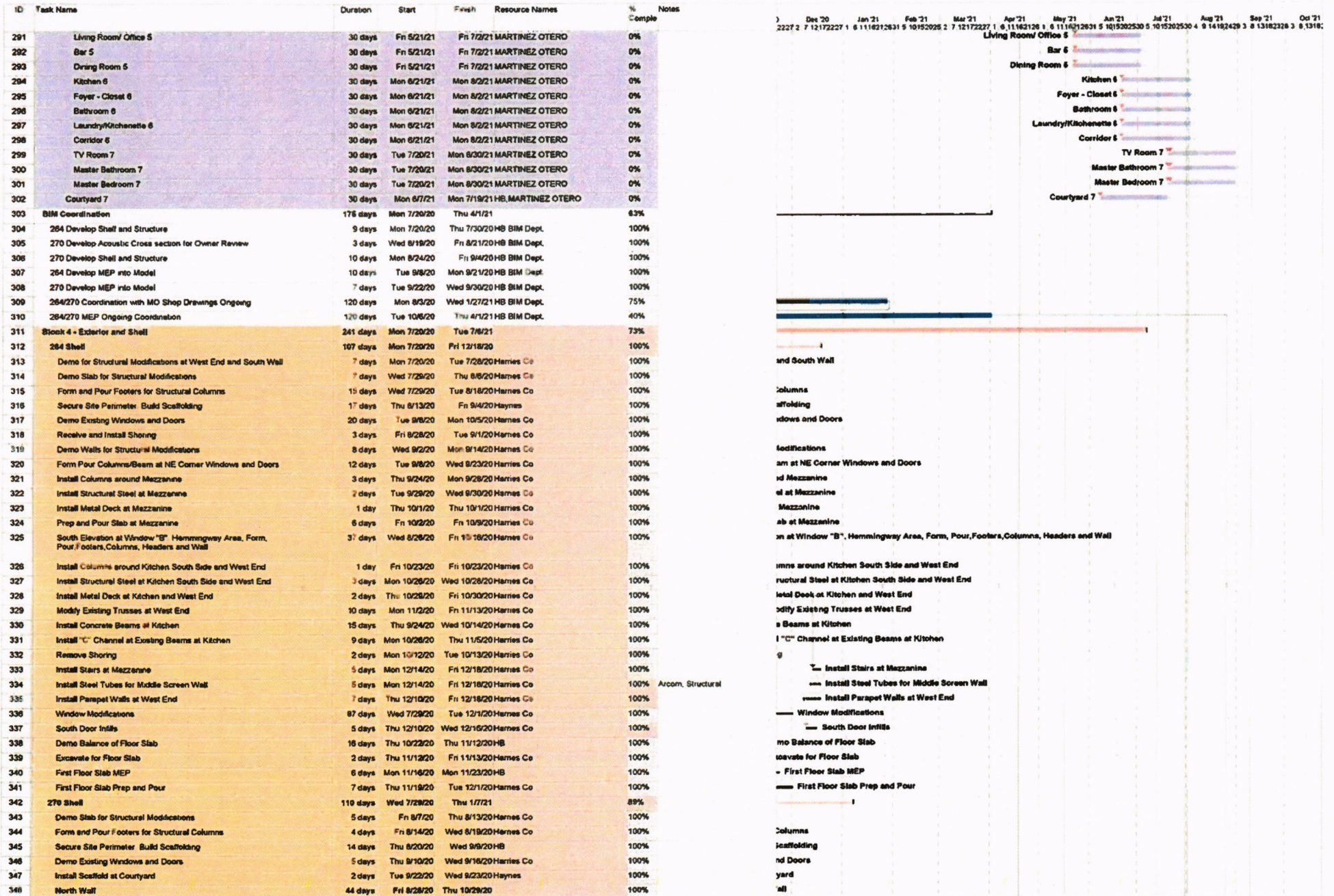
264/270 South County Road Preliminary Master Schedule

ID	Task Name	Duration	Start	Finish	Resource Name	% Complete	Notes
232	Master Bedroom	15 days	Tue 3/30/21	Mon 4/19/21	MARTINEZ OTERO	0%	
233	TV Room, Master Bathroom, Master Bedroom Submittal and Review	7 days	Tue 4/20/21	Wed 4/28/21	BUSTAMANTE MARTINEZ OTERO	0%	
234	Courtyard	15 days	Tue 3/30/21	Mon 4/19/21	MARTINEZ OTERO	0%	
235	Courtyard Submittal and Review	7 days	Tue 4/20/21	Wed 4/28/21	BUSTAMANTE MARTINEZ OTERO	0%	
236	Interior Finishes Shop Drawings Review and Approve for Production	120 days	Mon 6/20/20	Wed 12/2/21	BUSTAMANTE	0%	
237	Receive and Process Material Deposits	27 days	Tue 10/26/20	Tue 10/26/20		0%	
238	Order Materials for Production	17 days	Wed 1/26/21	Wed 1/26/21		0%	
239	Block 2 - Interior Finishes Order, Fabricate	140 days	Mon 1/26/20	Mon 7/19/21		0%	
240	2nd Production	80 days	Mon 1/26/20	Tue 4/20/21		0%	
241	Rest Room Women's 1	20 days	Mon 1/26/20	Wed 1/27/21	MARTINEZ OTERO	0%	
242	Rest Room Men's 1	20 days	Mon 1/26/20	Wed 1/27/21	MARTINEZ OTERO	0%	
243	Dining Room, Restaurant 2	20 days	Tue 1/26/21	Tue 2/25/21	MARTINEZ OTERO	0%	
244	Booth Corridor Staff Area 2	20 days	Tue 1/26/21	Tue 2/25/21	MARTINEZ OTERO	0%	
245	Lounge Compacts 3	20 days	Fri 2/26/21	Tue 2/25/21	MARTINEZ OTERO	0%	
246	Hemmingway Bar 4	20 days	Fri 2/26/21	Tue 4/20/21	MARTINEZ OTERO	0%	
247	Private Dining 4	20 days	Fri 2/26/21	Tue 4/20/21	MARTINEZ OTERO	0%	
248	Foyer 4	20 days	Fri 2/26/21	Tue 4/20/21	MARTINEZ OTERO	0%	
249	270 Production	100 days	Mon 1/26/20	Wed 1/27/21	MARTINEZ OTERO	0%	
250	Restrooms 1	20 days	Mon 1/26/20	Wed 1/27/21	MARTINEZ OTERO	0%	
251	Jodhpur Café 2	20 days	Tue 1/26/21	Tue 2/25/21	MARTINEZ OTERO	0%	
252	Patios 3	20 days	Fri 2/26/21	Tue 2/25/21	MARTINEZ OTERO	0%	
253	Animal Bar 4	20 days	Fri 2/26/21	Tue 4/20/21	MARTINEZ OTERO	0%	
254	Reading Room 4	20 days	Fri 2/26/21	Tue 4/20/21	MARTINEZ OTERO	0%	
255	Cool Room 5	20 days	Fri 4/23/21	Tue 5/20/21	MARTINEZ OTERO	0%	
256	Corridor 5	20 days	Fri 4/23/21	Tue 5/20/21	MARTINEZ OTERO	0%	
257	Foyer 5	20 days	Fri 4/23/21	Tue 5/20/21	MARTINEZ OTERO	0%	
258	270 Second Floor Production	60 days	Fri 4/23/21	Mon 7/19/21		0%	
259	Living Room Office 5	20 days	Fri 4/23/21	Tue 5/20/21	MARTINEZ OTERO	0%	
260	Bar 5	20 days	Fri 4/23/21	Tue 5/20/21	MARTINEZ OTERO	0%	
261	Dining Room 5	20 days	Fri 4/23/21	Tue 5/20/21	MARTINEZ OTERO	0%	
262	Kitchen 5	20 days	Fri 4/23/21	Tue 5/20/21	MARTINEZ OTERO	0%	
263	Foyer - Closet 6	20 days	Fri 5/21/21	Fri 6/18/21	MARTINEZ OTERO	0%	
264	Bathroom 6	20 days	Fri 5/21/21	Fri 6/18/21	MARTINEZ OTERO	0%	
265	Laundry/Niche/Storage 6	20 days	Fri 5/21/21	Fri 6/18/21	MARTINEZ OTERO	0%	
266	Corridor 6	20 days	Fri 5/21/21	Fri 6/18/21	MARTINEZ OTERO	0%	
267	TV Room 7	20 days	Mon 6/21/21	Mon 7/19/21	MARTINEZ OTERO	0%	
268	Master Bathroom 7	20 days	Mon 6/21/21	Mon 7/19/21	MARTINEZ OTERO	0%	
269	Master Bedroom 7	20 days	Mon 6/21/21	Mon 7/19/21	MARTINEZ OTERO	0%	
270	Master Bedroom 7	20 days	Mon 6/21/21	Mon 7/19/21	MARTINEZ OTERO	0%	
271	Courtyard 7	28 days	Tue 4/20/21	Fri 6/4/21	MARTINEZ OTERO	0%	
272	Block 3 - Interior Finishes Shipment and Delivery	150 days	Tue 1/26/21	Mon 8/30/21		0%	
273	2nd Delivery	90 days	Tue 1/26/21	Fri 6/4/21		0%	
274	Rest Room Women's 1	30 days	Tue 1/26/21	Tue 3/1/21	MARTINEZ OTERO	0%	
275	Rest Room Men's 1	30 days	Tue 1/26/21	Tue 3/1/21	MARTINEZ OTERO	0%	
276	Dining Room, Restaurant 2	30 days	Fri 2/26/21	Tue 4/6/21	MARTINEZ OTERO	0%	
277	Booth Corridor Staff Area 2	30 days	Fri 2/26/21	Tue 4/6/21	MARTINEZ OTERO	0%	
278	Private Dining 3	30 days	Fri 2/26/21	Tue 4/6/21	MARTINEZ OTERO	0%	
279	Lounge Compacts 3	30 days	Fri 2/26/21	Tue 4/6/21	MARTINEZ OTERO	0%	
279	Hemmingway Bar 4	30 days	Fri 4/23/21	Fri 6/4/21	MARTINEZ OTERO	0%	
280	Foyer 4	30 days	Fri 4/23/21	Fri 6/4/21	MARTINEZ OTERO	0%	
281	270 Delivery	110 days	Tue 1/26/21	Fri 7/2/21		0%	
282	Restrooms 1	30 days	Tue 1/26/21	Tue 3/1/21	MARTINEZ OTERO	0%	
283	Jodhpur Café 2	30 days	Fri 2/26/21	Tue 4/6/21	MARTINEZ OTERO	0%	
284	Patios 3	30 days	Fri 2/26/21	Tue 4/6/21	MARTINEZ OTERO	0%	
285	Animal Bar 4	30 days	Fri 4/23/21	Fri 6/4/21	MARTINEZ OTERO	0%	
286	Reading Room 4	30 days	Fri 4/23/21	Fri 6/4/21	MARTINEZ OTERO	0%	
287	Cool Room 5	30 days	Fri 5/21/21	Fri 7/2/21	MARTINEZ OTERO	0%	
288	Corridor 5	30 days	Fri 5/21/21	Fri 7/2/21	MARTINEZ OTERO	0%	
289	Foyer 5	30 days	Fri 5/21/21	Fri 7/2/21	MARTINEZ OTERO	0%	
290	270 Second Floor	70 days	Fri 6/4/21	Mon 8/30/21		0%	





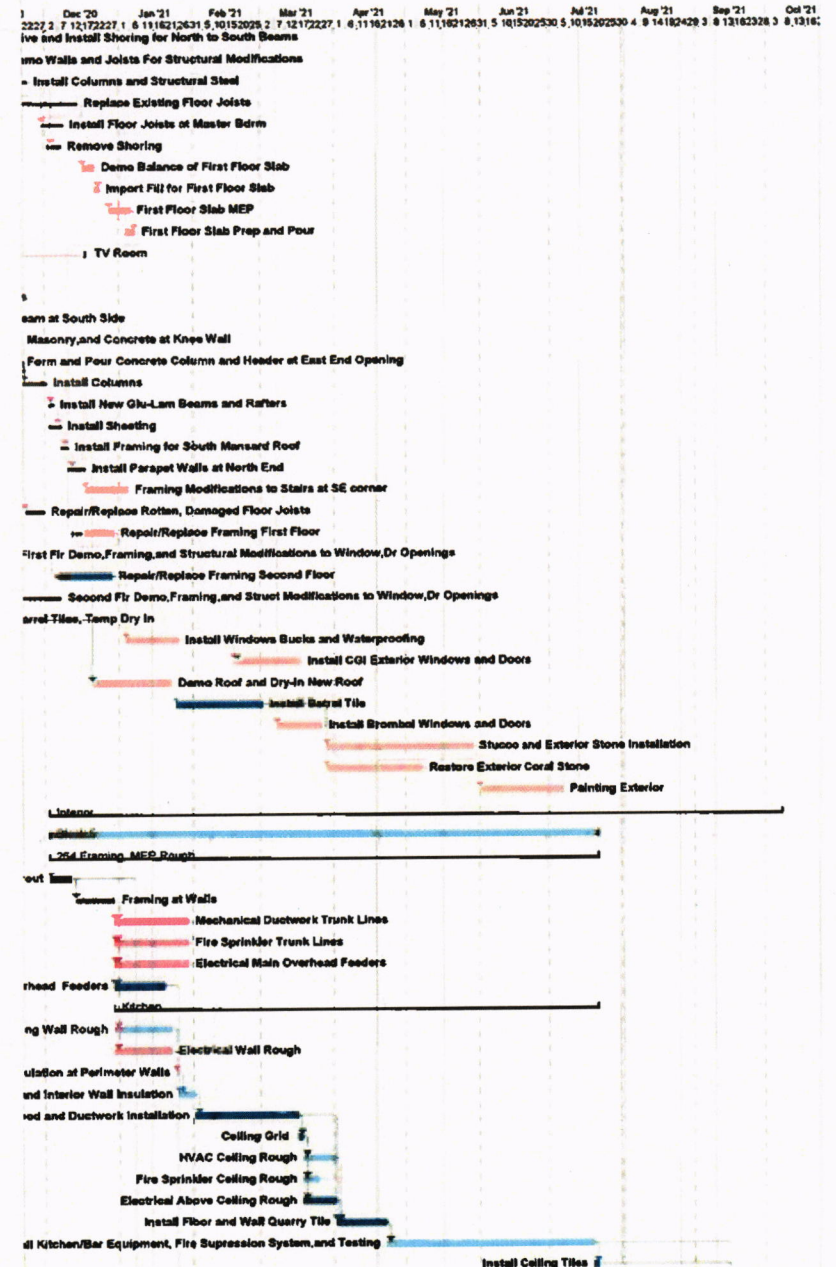
264/270 South County Road Preliminary Master Schedule





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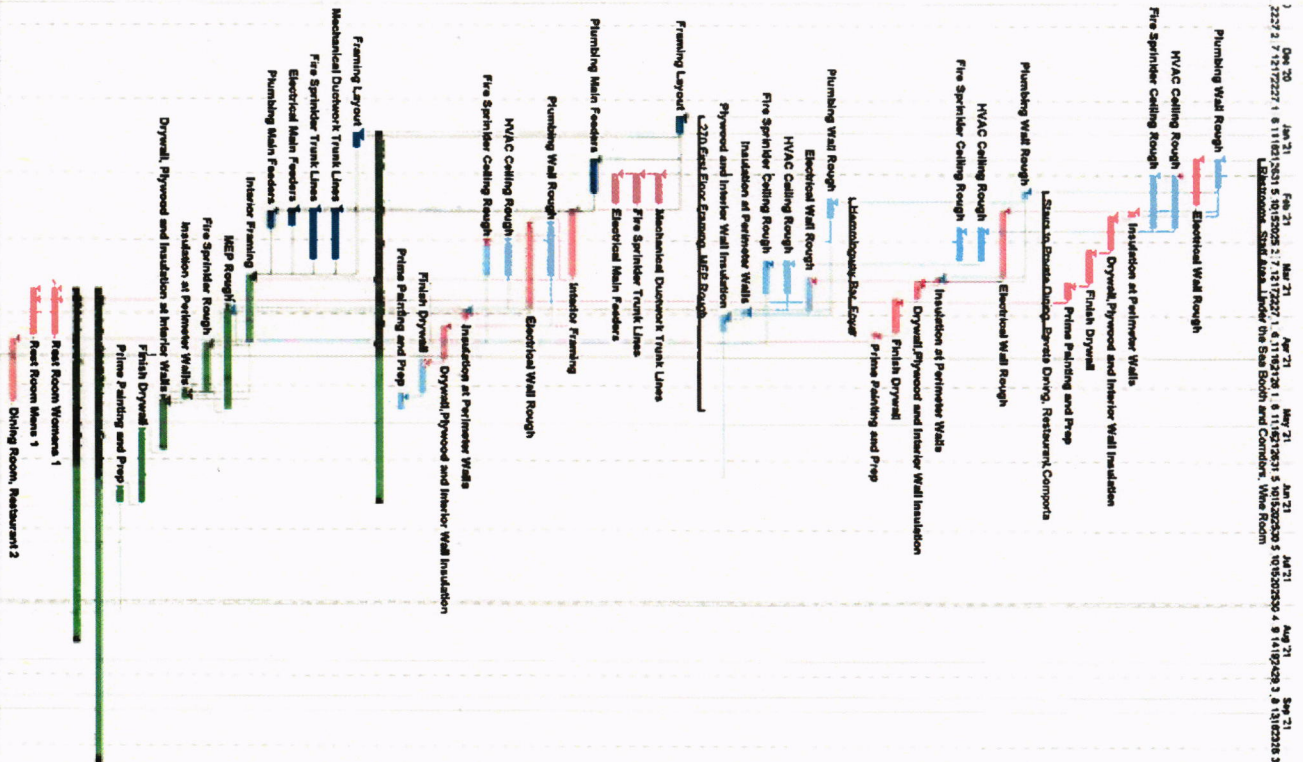
ID	Task Name	Duration	Start	Finish	Resource Names	% Complete	Notes
357	Receive and Install Shoring for North to South Beams	5 days	Mon 11/2/20	Fri 11/6/20	Harriss Co	100%	
358	Demo Walls and Joists For Structural Modifications	5 days	Mon 11/9/20	Fri 11/13/20	Harriss Co	100%	
359	Install Columns and Structural Steel	4 days	Wed 11/18/20	Mon 11/23/20	Harriss Co	100%	
360	Replace Existing Floor Joists	18 days	Tue 11/17/20	Mon 12/14/20	Harriss Co	100%	
361	Install Floor Joists at Master Bdrm	7 days	Mon 11/30/20	Tue 12/8/20	Harriss Co	100%	
362	Remove Shoring	2 days	Fri 12/4/20	Mon 12/7/20	Harriss Co	100%	
363	Demo Balance of First Floor Slab	3 days	Thu 12/17/20	Mon 12/21/20	N&P	0%	
364	Import Fill for First Floor Slab	2 days	Tue 12/22/20	Wed 12/23/20	Harriss Co	0%	
365	First Floor Slab MEP	5 days	Mon 12/28/20	Tue 1/5/21	HB	0%	
366	First Floor Slab Prep and Pour	4 days	Mon 1/4/21	Thu 1/7/21	Harriss Co	0%	
367	TV Room	99 days	Wed 7/23/20	Thu 12/17/20	Harriss Co	99%	
368	Demo Roof	5 days	Wed 7/23/20	Tue 8/4/20	Harriss Co	100%	
369	Demo and Salvage Beams and Outlookers	6 days	Wed 8/5/20	Wed 8/12/20	Harriss Co	100%	
370	Form and Pour Beam at South Side	10 days	Fri 8/25/20	Thu 10/8/20	Harriss Co	100%	
371	Masonry and Concrete at Knee Wall	6 days	Fri 11/13/20	Fri 11/20/20	Harriss Co	100%	
372	Form and Pour Concrete Column and Header at East End Opening	6 days	Fri 11/13/20	Fri 11/20/20	Harriss Co	100%	
373	Install Columns	6 days	Fri 11/20/20	Tue 12/1/20	Harriss Co	100%	
374	Install New Glu-Lam Beams and Rafters	2 days	Thu 12/3/20	Fri 12/4/20	Harriss Co	100%	
375	Install Sheeting	3 days	Thu 12/3/20	Mon 12/7/20	Harriss Co	100%	
376	Install Framing for South Mansard Roof	3 days	Tue 12/8/20	Thu 12/10/20	Harriss Co	100%	
377	Install Parapet Walls at North End	5 days	Fri 12/11/20	Thu 12/17/20	Harriss Co	100%	
378	Framing Modifications to Stairs at SE corner	8 days	Mon 12/14/20	Mon 1/4/21	Harriss Co	0%	Need ONH&J to review
379	Repair/Replace Rotten, Damaged Floor Joists	4 days	Mon 11/23/20	Mon 11/30/20	Harriss Co	100%	
380	Repair/Replace Framing First Floor	10 days	Mon 12/14/20	Tue 12/29/20	Harriss Co	25%	
381	First Flr Demo, Framing, and Structural Modifications to Window, Dr Openings	68 days	Thu 8/13/20	Tue 11/17/20	Harriss Co	100%	
382	Repair/Replace Framing Second Floor	14 days	Mon 12/7/20	Mon 12/28/20	Harriss Co	25%	
383	Second Flr Demo, Framing, and Struct Modifications to Window, Dr Openings	60 days	Fri 8/11/20	Mon 12/7/20	Harriss Co	100%	
384	Demo Existing Barrel Tiles, Temp Dry In	9 days	Tue 9/29/20	Fri 10/9/20	Roofing Unlimited	100%	
385	Install Windows Bucks and Waterproofing	15 days	Mon 1/4/21	Mon 1/25/21	HB	0%	
386	Install CGI Exterior Windows and Doors	20 days	Thu 2/18/21	Wed 3/17/21	HB	0%	
387	Demo Roof and Dry-In New Roof	4 wks	Mon 12/21/20	Fri 1/22/21	HB	0%	
388	Install Barrel Tile	25 days	Mon 1/25/21	Mon 3/1/21	HB	0%	
389	Install Brombal Windows and Doors	15 days	Mon 3/8/21	Fri 3/26/21	HB	0%	
390	Stucco and Exterior Stone Installation	45 days	Mon 3/29/21	Fri 5/28/21	HB	0%	
391	Restore Exterior Coral Stone	30 days	Mon 3/29/21	Fri 5/7/21	HB	0%	
392	Painting Exterior	25 days	Tue 6/1/21	Tue 6/8/21	HB	0%	
393	Interior	212 days	Thu 12/3/20	Thu 10/7/21		1%	
394	Block 5	167 days	Thu 12/3/20	Wed 7/21/21		2%	
395	264 Framing, MEP Rough	157 days	Thu 12/3/20	Wed 7/21/21		4%	
396	Framing Layout	7 days	Thu 12/3/20	Fri 12/11/20		100%	
397	Framing at Walls	10 days	Mon 12/14/20	Tue 12/29/20		95%	
398	Mechanical Ductwork Trunk Lines	20 days	Wed 12/30/20	Fri 1/29/21		0%	
399	Fire Sprinkler Trunk Lines	20 days	Wed 12/30/20	Fri 1/29/21		0%	
400	Electrical Main Overhead Feeders	20 days	Wed 12/30/20	Fri 1/29/21		0%	
401	Plumbing Main Overhead Feeders	12 days	Wed 12/30/20	Tue 1/19/21		0%	
402	Kitchen	140 days	Wed 12/30/20	Wed 7/21/21		0%	
403	Plumbing Wall Rough	15 days	Wed 12/30/20	Fri 1/22/21	HB	0%	
404	Electrical Wall Rough	15 days	Wed 12/30/20	Fri 1/22/21	HB	0%	
405	Insulation at Perimeter Walls	1 day	Mon 1/25/21	Mon 1/25/21	HB	0%	
406	Fibre Rock and Interior Wall Insulation	5 days	Tue 1/26/21	Mon 2/1/21	HB	0%	
407	Hood and Ductwork Installation	30 days	Tue 2/2/21	Tue 3/16/21		0%	
408	Ceiling Grid	2 days	Wed 3/17/21	Thu 3/18/21		0%	
409	HVAC Ceiling Rough	10 days	Fri 3/19/21	Thu 4/1/21	HB	0%	
410	Fire Sprinkler Ceiling Rough	5 days	Fri 3/19/21	Thu 3/25/21	HB	0%	
411	Electrical Above Ceiling Rough	10 days	Fri 3/19/21	Thu 4/1/21		0%	
412	Install Floor and Wall Quarry Tile	15 days	Fri 4/2/21	Thu 4/22/21		0%	
413	Install Kitchen/Bar Equipment, Fire Suppression System, and Testing	60 days	Fri 4/23/21	Mon 7/19/21	HB	0%	
414	Install Ceiling Tiles	2 days	Tue 7/20/21	Wed 7/21/21		0%	





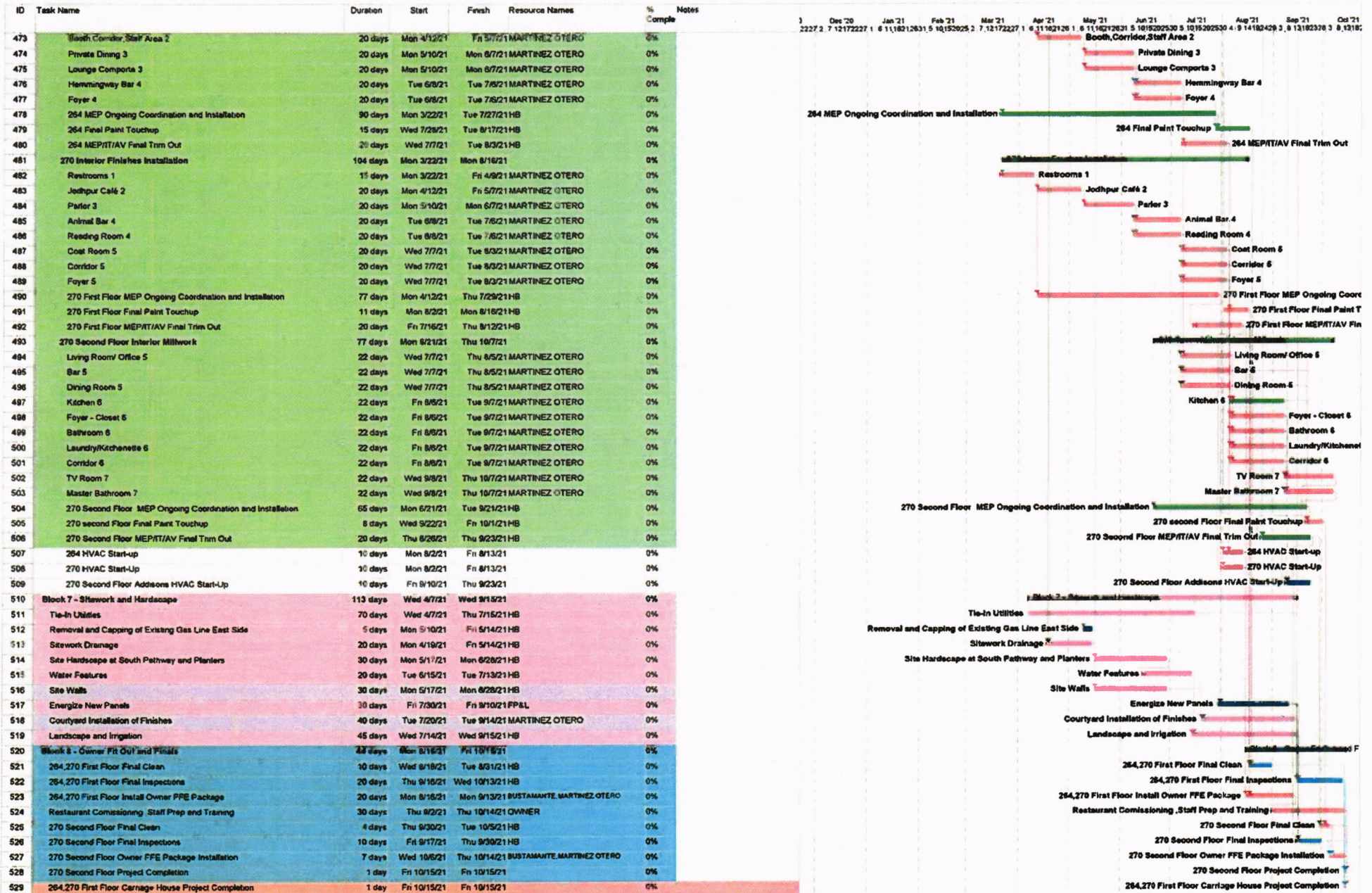
264/270 South County Road Preliminary Master Schedule

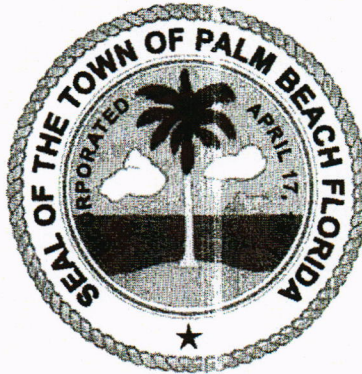
ID	Task Name	Duration	Start	Finish	Resource Names	% Complete	Notes
415	Restrooms, Staff Area, Under the Sea Booth and Corridors, Wine Room	42 days	Mon 1/25/21	Wed 3/24/21		0%	
416	Punching Wall Rough	10 days	Mon 1/25/21	Fri 2/5/21		0%	
417	Electrical Wall Rough	15 days	Mon 1/25/21	Fri 2/12/21		0%	
418	HVAC Ceiling Rough	15 days	Mon 1/25/21	Mon 2/22/21		0%	
419	Fire Sprinkler Ceiling Rough	15 days	Mon 1/25/21	Mon 2/22/21		0%	
420	Insulation at Perimeter Walls	2 days	Tue 2/16/21	Wed 2/17/21		0%	
421	Drywall/Plywood and Interior Wall Insulation	10 days	Tue 2/16/21	Wed 3/3/21		0%	
422	Finish Drywall	10 days	Tue 2/16/21	Wed 3/17/21		0%	
423	Prime Painting and Prep	5 days	Tue 2/16/21	Wed 2/24/21		0%	
424	Stairs to Private Dining, Private Dining, Restaurant/Compartments	44 days	Mon 2/8/21	Fri 4/9/21		0%	
425	Punching Wall Rough	3 days	Mon 2/8/21	Wed 2/10/21		0%	
426	Electrical Wall Rough	20 days	Tue 2/16/21	Mon 3/15/21		0%	
427	HVAC Ceiling Rough	10 days	Tue 2/23/21	Mon 3/8/21		0%	
428	Fire Sprinkler Ceiling Rough	10 days	Tue 2/23/21	Mon 3/8/21		0%	
429	Insulation at Perimeter Walls	2 days	Tue 2/16/21	Wed 2/17/21		0%	
430	Drywall/Plywood and Interior Wall Insulation	5 days	Tue 2/16/21	Wed 2/24/21		0%	
431	Finish Drywall	10 days	Tue 2/23/21	Wed 3/17/21		0%	
432	Prime Painting and Prep	2 days	Tue 2/16/21	Fri 2/19/21		0%	
433	Hemlock/Bay, Foyer	29 days	Tue 2/16/21	Wed 4/7/21		0%	
434	Punching Wall Rough	5 days	Tue 2/16/21	Thu 2/18/21		0%	
435	Electrical Wall Rough	10 days	Tue 2/16/21	Mon 2/22/21		0%	
436	HVAC Ceiling Rough	10 days	Tue 2/16/21	Mon 2/22/21		0%	
437	Fire Sprinkler Ceiling Rough	10 days	Tue 2/16/21	Mon 2/22/21		0%	
438	Insulation at Perimeter Walls	2 days	Tue 2/16/21	Wed 2/17/21		0%	
439	Plywood and Interior Wall Insulation	5 days	Tue 2/16/21	Wed 2/24/21		0%	
440	270 First Floor Framing, MEP Rough	86 days	Fri 1/15/21	Mon 5/10/21		0%	
441	Framing Layout	5 days	Fri 1/15/21	Thu 1/14/21		0%	
442	Mechanical Ductwork Trunk Lines	10 days	Mon 2/1/21	Fri 2/12/21		0%	
443	Fire Sprinkler Trunk Lines	10 days	Mon 2/1/21	Fri 2/12/21		0%	
444	Electrical Main Feeders	10 days	Mon 2/1/21	Fri 2/12/21		0%	
445	Punching Main Feeders	10 days	Mon 2/1/21	Fri 2/12/21		0%	
446	Interior Framing	20 days	Tue 2/16/21	Mon 3/15/21		0%	
447	Punching Wall Rough	15 days	Tue 2/23/21	Mon 3/15/21		0%	
448	Electrical Wall Rough	25 days	Tue 2/23/21	Mon 3/29/21		0%	
449	HVAC Ceiling Rough	10 days	Tue 2/23/21	Mon 3/15/21		0%	
450	Fire Sprinkler Ceiling Rough	10 days	Tue 2/23/21	Mon 3/15/21		0%	
451	Insulation at Perimeter Walls	4 days	Tue 2/23/21	Fri 2/26/21		0%	
452	Drywall/Plywood and Interior Wall Insulation	10 days	Tue 2/23/21	Mon 3/15/21		0%	
453	Finish Drywall	10 days	Tue 2/23/21	Mon 3/22/21		0%	
454	Prime Painting and Prep	5 days	Tue 2/23/21	Mon 3/15/21		0%	
455	270 Second Floor Framing, MEP Rough	168 days	Fri 1/15/21	Fri 6/18/21		0%	
456	Framing Layout	3 days	Fri 1/15/21	Wed 1/20/21		0%	
457	Mechanical Ductwork Trunk Lines	15 days	Tue 2/16/21	Mon 3/8/21		0%	
458	Fire Sprinkler Trunk Lines	15 days	Tue 2/16/21	Mon 3/8/21		0%	
459	Electrical Main Feeders	5 days	Tue 2/16/21	Mon 2/22/21		0%	
460	Punching Main Feeders	5 days	Wed 2/17/21	Tue 2/23/21		0%	
461	Interior Framing	20 days	Tue 2/16/21	Mon 3/15/21		0%	
462	MEP Rough	30 days	Tue 2/16/21	Mon 3/22/21		0%	
463	Fire Sprinkler Rough	15 days	Tue 2/16/21	Mon 3/8/21		0%	
464	Insulation at Perimeter Walls	3 days	Tue 2/16/21	Thu 2/18/21		0%	
465	Drywall/Plywood and Insulation at Interior Walls	15 days	Fri 2/19/21	Thu 2/26/21		0%	
466	Finish Drywall	20 days	Fri 2/19/21	Fri 3/12/21		0%	
467	Prime Painting and Prep	5 days	Mon 2/8/21	Fri 2/19/21		0%	
468	Block & 264/270 Interior Finishes	141 days	Mon 2/8/21	Thu 10/7/21		0%	
469	264 Interior Finishes Installation	168 days	Mon 2/8/21	Thu 10/7/21		0%	
470	Rest Room Women's 1	15 days	Mon 2/22/21	Fri 4/9/21	MARTINEZ, OTERO	0%	
471	Rest Room Men's 1	15 days	Mon 2/22/21	Fri 4/9/21	MARTINEZ, OTERO	0%	
472	Dining Room, Restaurant 2	20 days	Mon 4/12/21	Fri 5/7/21	MARTINEZ, OTERO	0%	





264/270 South County Road Preliminary Master Schedule





TOWN OF PALM BEACH

Partial

Minutes of the Development Review Town Council Meeting Held on November 13, 2020

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order November 13, 2020 at 9:40 a.m. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio recognized Rob Weber, Charlie Isiminger and staff's efforts on recent grants.

The Mayor thanked everyone for participating in the Town's governmental process.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman asked everyone to be succinct and to try to keep their mask on when not speaking into the microphone.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no communications from citizens at this time.

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Time Extension for 264-270 S. County Road

No ex-parte communications were disclosed.

Director of Planning, Zoning and Building Bergman presented the time extension request for extended winter hours and to leave perimeter scaffolding in place. Estimated finish date for the construction was mid-October, 2021.

Maura Ziska, representing owners of The Carriage House, explained the request for the time extension. Also present on behalf of the applicant were Gene Parker and Pat Marshall from Hedrick Brothers.

Council Member Crampton stated he was in favor of this application with the staff recommendations to stop work around the holidays. He confirmed with Director Bergman there were no issues with neighbors, and asked if the neighbors had been noticed.

Pat Marshall, Hedrick Brothers, stated a weekly email blast updated neighbors of activities for the next week.

Ms. Ziska confirmed a letter had been sent to each neighbor.

Council Member Moore asked for a recommendation for Saturday hours, to which Director Bergman responded. Council Member Moore recommended 9 to 5 for interior work, in consideration of the neighbors.

Council President Pro Tem Lindsay agreed with Council Member Moore on interior work hours.

Council Member Moore requested to include Passover and Easter days in the time off.

Council President Zeidman questioned whether the delivery schedule would change, to which Ms. Ziska responded.

Zoning Manager Paul Castro discussed the logistics plan for deliveries and location.

Ms. Ziska clarified the request was for hours, scaffolding and to be able to go to Public Works for right-of-way permit for deliveries.

Council Member Araskog expressed concern about traffic and parking, and wanted no parking on Phipps. Ms. Ziska responded that was already scheduled and regulated, and it had been working with no complaints.

Gene Parker commented parking had been in West Palm Beach with vans delivering the workers.

Public Comments:

Gene Parker commented the additional hours were needed because they must be finished by October. He requested not to have additional time off around holidays.

Zoning Manager Castro responded Director Bergman could move the dates in the construction management agreement but not the final date, and the applicant could always ask for an extension.

Council Member Crampton commented there were no complaints so far, and he would be willing to grant an extension if needed.

Mayor Coniglio expressed concern about protecting neighbors and privacy.

Pat Marshall commented he did not believe the entire week of Thanksgiving was no work hours.

Director Bergman spoke about what had been provided in the past.

Pat Marshall requested to be able to work within the holiday weeks.

Council Member Araskog recommended consistency within the holiday weeks.

Zoning Manager read from Town code.

Council President Zeidman and Council President Pro Tem Lindsay agreed to be consistent.

Council Member Crampton favored granting the request from the applicant to reward them for such a good record to date.

Council Member Moore favored consistency.

Gene Parker commented over the last two months there had been more rain than in many years, which had caused delay, and added that the club had to be done in October 2021.

Council Member Araskog recalled Council had allowed time extensions for many Worth Avenue properties and held them to the same conditions.

Council President Zeidman asked what work would be done, to which Mr. Marshall responded demolition would continue for a couple of weeks, and then it would be all interior work.

Discussion ensued regarding adding hours to the end of the project.

Motion made by Council President Pro Tem Lindsay to allow the scaffolding to stay up and extensions as requested by the applicant, with the caveat that if any of the residents in Phipps Plaza asked Council to reconsider, then the option to add the number of days to the end of the schedule would be reinstated.

During discussion of the motion, Zoning Manager Castro read aloud the Town Code section on working hours and holidays, and the applicant offered to send an email to all neighbors with the proposed working hours to see if there were any objections.

Motion failed for lack of second.

Motion as made by Council Member Crampton to grant the request as requested with the caveat that if residents reported any negative reaction or that the rules of the Declaration of Use were not followed, it would go back to what had normally been applied during holidays. Motion failed for lack of a second.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton, to add the dates as previously stated that had been applied to all other requests for extension in a residential area, with the caveat that the number of days lost as a result would automatically be added at the end of the project with no penalties for those days. No Saturday deliveries and 9 to 5 work hours.

Ms. Ziska stated the applicant was withdrawing the request for work hours.

Motion amended by Council President Pro Tem Lindsay and seconded by Council Member Moore that the scaffolding can be kept up, and the applicant could apply to Public Works for a permit for deliveries. Motion carried unanimously.

2. Time Extension for 150 Worth Avenue

Director of Planning, Zoning and Building Wayne explained the time extension was a life safety matter needed for emergency repair to the damaged roof at The Esplanade, and the owner would make a formal request to Council. Work was expected to be complete by December 30, 2020.

No ex-parte communications were disclosed.

Yvonne Jones, Property Manager for The Esplanade at 150 Worth Avenue, explained the request, adding they would begin work after Thanksgiving and be done by Christmas.

Mayor Coniglio asked if they could finish by December 20.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Second Reading

Agenda Title

ORDINANCE 11-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Infrastructure Element, As Well As The 10-Year Water Supply Facility Work Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Ordinance No. 11-2020**
- ▣ **Comprehensive Plan Amendment**

ORDINANCE NO. 11-2020

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Infrastructure Element, As Well As The 10-Year Water Supply Facility Work Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

WHEREAS, the Town proposes to amend its Comprehensive Plan in accordance with the requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on August 9, 2017 with the adoption of Ordinance No. 9-2017; and

WHEREAS, the Town is amending the Infrastructure Element and the 10-Year Water Supply Facility Work Plan, based on the City of West Palm Beach's recent update to their 10-Year Water Supply Facility Work Plan and Chapter 163.3177(6)(c), Florida Statutes; and,

WHEREAS, after public hearing pursuant to notice required by law, the Town Council, acting as the Local Planning Agency (LPA) at its October 14, 2020 meeting, considered all evidence and testimony and recommended that the Town Council approve on first reading the subject Ordinance amending the Town's Comprehensive Plan, and transmit said ordinance to the Florida Department of Economic Opportunity (DEO); and,

WHEREAS, after public hearings on October 14, 2020 and _____, 2020, pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Comprehensive Plan, be amended as hereinafter set forth, and transmitted to the Florida Department of Economic Opportunity (DEO).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals

The above recitals are incorporated as fully set forth herein.

Section 2. Findings

The proposed Comprehensive Plan amendments, as more particularly described in Exhibit A, have been determined by the Town Council to promote the public health, safety and welfare, and are consistent with the requirements in Florida Statutes, and all elements of the adopted Comprehensive Plan.

Section 3. Amendment of the Comprehensive Plan

The Town of Palm Beach Comprehensive Plan is hereby amended to incorporate those amendments set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 4. 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 5. 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 6. Codification.

This Ordinance shall be codified and made a part of the official Comprehensive Plan of the Town of Palm Beach.

Section 7. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of October, 2020, and for 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

Queenester Nieves, Town Clerk

Danielle H. Moore, Town Council Member

EXHIBIT A

COMPREHENSIVE PLAN AMENDMENT 20-01ESR

WATER SUPPLY PLAN UPDATE

**TEXT AMENDMENT TO THE
INFRASTRUCTURE ELEMENT**

**EXPEDITED REVIEW PROCESS
FINAL TRANSMITTAL PACKAGE**

JANUARY, 2021

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Rd.
Palm Beach, FL 33480
(561) 838-5431

Ron DeSantis
GOVERNOR



Dane Eagle
EXECUTIVE DIRECTOR

November 20, 2020

The Honorable Gail L. Coniglio
Mayor, Town of Palm Beach
360 South County Road
Post Office Box 2029
Palm Beach, Florida 33480

Dear Mayor Coniglio:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the Town of Palm Beach (Amendment No. 20-01ESR) received on October 26, 2020. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the Town is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the Town. **If the Town receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the Town that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The Honorable Gail L. Coniglio
November 20, 2020
Page 2 of 2

If you have any questions concerning this review, please contact Matthew Preston, Planning Analyst, by telephone at (850) 717-8490 or by email at matt.preston@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with the first name "James" and last name "Stansbury" clearly legible.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/mp

Enclosure(s): Procedures for Adoption

cc: Wayne Bergman, Director of Planning, Zoning, and Building, Town of Palm Beach
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

- ☒ State Land Planning Agency identification number for adopted amendment package;
- ☒ Summary description of the adoption package, including any amendments proposed but not adopted;
- ☒ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).
- ☒ Ordinance number and adoption date;
- ☒ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;
- ☒ Name, title, address, telephone, FAX number and e-mail address of local government contact;
- ☒ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

✓ In the case of text amendments, changes should be shown in strike-through/underline format.

N/A In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

✓ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

✓ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

N/A List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

✓ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

N/A Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

**NOTICE OF PUBLIC HEARINGS
NOTICE OF THE SCHEDULED ADOPTION OF
COMPREHENSIVE PLAN AMENDMENTS
TOWN OF PALM BEACH, FLORIDA**

The Local Planning Agency and the Town Council of the Town of Palm Beach, Florida will review and consider the adoption of amendments to the Comprehensive Plan - Infrastructure Element and Water Supply Facilities Work Plan.

The Local Planning Agency and the Town Council will hold public hearings regarding the adoption of the Comprehensive Plan Amendments. The Ordinance Number and Ordinance Title are:

ORDINANCE NO. 11-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH'S COMPREHENSIVE PLAN BY AMENDING THE INFRASTRUCTURE ELEMENT, AS WELL AS THE 10-YEAR WATER SUPPLY FACILITY WORK PLAN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

The complete amendments to the Comprehensive Plan may be inspected or obtained at Town Hall.

The public hearings are scheduled for January 13, 2021, beginning at 9:30 a.m., or as soon thereafter as the matter may be heard. The hearings will be held virtually. The hearings will be Zoom Meetings on the web. For Zoom Meeting instructions, please go to the Town's website (www.townofpalmbeach.com), go to the blue tool bar and click on Meeting Audio, and then click on the meeting instructions to join the January 13, 2021 Local Planning Agency and Town Council hearings.

All interested persons are invited to attend and be heard. Written comments may be filed with the Town of Palm Beach for consideration. In accordance with the American with Disabilities Act, a person with disabilities needing any special accommodations to participate in the Town public meetings should contact the Clerk's office at Town Hall at (561) 838-5416.

General Information: Information on the above items are available at the Town of Palm Beach Town Hall, Planning, and Zoning & Building Department, located on the first floor of Town Hall. For further information, call (561) 227-6426 or email: wbergman@townofpalmbeach.com

Queenester Nieves, Town Clerk
Publish: January 1, 2021

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 12, 2021

To: Mayor and Town Council

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



Cc: Kirk Blouin, Town Manager

Re: Request to Consider Ordinance No. 11-2020 at Public Hearings Prior to 5:00 p.m.

Date: December 18, 2020

STAFF RECOMMENDATION

Staff recommends the Town Council conduct the public hearings on Ordinance No. 11- 2020 at the Town Council meetings prior to 5:00 p.m. The Ordinance will be heard on Second Reading at the January 13, 2021 meeting.

GENERAL INFORMATION

Florida Statute 166.041 requires the Town Council hold at least one of two public hearings to adopt a comprehensive plan amendment (or zoning amendment ordinance that changes the list of permitted, conditional or prohibited uses within a zoning district consisting of parcels of land involving ten acres or more) after 5:00 p.m. However, the Statute provides that the time of hearing can be changed if a majority, plus one, of the local governing body, elects to have a hearing at another time. Staff is requesting that the Town Council elect to conduct the final public hearing on Ordinance No. 11-2020 during the course of the normal Council business. The Second Reading of the Ordinance will be on January 13, 2021.

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2021

To: Mayor and Town Council

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



Cc: Kirk Blouin, Town Manager

Re: Request to Adopt Ordinance No. 11-2020 – Comprehensive Plan Amendment to the Infrastructure Element and 10-Year Water Supply Facility Work Plan

Date: December 18, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council consider adopting the Comprehensive Plan Amendment to the Infrastructure Element and the 10-Year Water Supply Facility Work Plan via the adoption of Ordinance No. 11- 2020. This ordinance adoption will allow the final transmittal of the Comprehensive Plan Amendment and 10-Year Water Supply Facility Work Plan to the State Land Planning Agency (Florida Department of Economic Opportunity – “DEO”) and to other State and County agencies for records.

GENERAL INFORMATION

The purpose of water supply planning is to develop strategies to meet future water demands of urban and agricultural uses, while meeting the needs of the environment. This process identifies areas where historically used sources of water will not be adequate to meet future demands, and evaluates several water source options to meet those demands.

Chapter 163.3177(6)(c) F.S. requires the Town of Palm Beach to revise the 10-Year Water Supply Facility Work Plan (Work Plan) within its comprehensive plan no later than 18 months after the water management district approves a regional water supply plan or its update.

Each regional water supply plan is based on at least a 20-year future planning horizon, and a complete update is required every five years. The South Florida Water Management District (SFWMD) adopted its most recent update to the Lower East Coast Water Supply Plan in November, 2018. This document is titled *The 2018 Lower East Coast Water Supply Plan Update* (2018 “LEC” Plan Update), and has a planning horizon of 2040. The Town is required to update the Work Plan within 18 months of the completion of the 2018 LEC Plan Update, or by May of 2020. The Town technically met this statutory requirement, however due to the timing of the City of West Palm Beach’s (the Town’s potable water supplier) adopted Work Plan (comments and recommendations to the first draft of the City’s Work Plan were received

from the SFWMD and resulted in several months of delay), and the postponement of numerous Town meetings due to the Covid-19 pandemic, the actual adoption of the Town's Work Plan required a few additional months. This uncontrollable delay was presented to Mr. Ray Eubanks at Florida DEO, who did see any concern or issue with this delay.

In summary, the Town has proposed the following revisions to the Work Plan, all of which are based upon and consistent with the City of West Palm Beach's Work Plan:

- Population estimates and projections are updated to reflect the most recent available data.
- Water demand estimates and projections are revised for consistency with the 2018 LEC Plan update.
- Technical specifications for the Eastern wellfield are updated.
- Revised dates are incorporated in the document to stay consistent with the 2018 LEC Plan Update.
- Capital improvement needs to meet existing and future demands are revised.
- The section on the Town's water conservation efforts, including the Alternative Water Supply Projects/Reuse portion of the Work Plan are updated.
- Planning time frames are updated to reflect the 10-year planning horizon of the Work Plan.
- Other changes to reflect changed conditions and new practices and policies are incorporated.
- Amended the section of the Work Plan dealing with the Water Treatment Plant Process to better reflect current practices.
- Various revisions to the City of West Palm Beach's Work Plan, that were requested by the SFWMD, prior to the City adopting the Work Plan.

The revised Infrastructure Element and Work Plan was provided to the City of West Palm Beach senior staff and to the Palm Beach County Intergovernmental Plan Amendment Review Committee - "IPARC", for their courtesy review. No feedback was received from either group, although the Palm Beach County Water Utility Department did request the full submittal document, which was provided. The LPA and Town Council considered this at their October 14, 2020 meetings and approved Ordinance 11-2020 on First Reading. The Amendment was transmitted for review to the required State and County agencies. No comments, objections or recommendations were received from any of the reviewing agencies. On November 20, 2020, Mayor Coniglio received a letter from the State DEO that in effect closed the proposed phase of the State review.

Ordinance 11-2020 is now ready for adoption on Second Reading, and for the final transmittal of the Amendment to the State and County agencies for their records.

This entire matter, although lengthy and at times complex, is really a "housekeeping" matter, a mandatory State requirement that must be addressed. It is important to note that the Comprehensive Plan Amendment and Revised Work Plan do acknowledge the agreement between the City of West Palm Beach and the Town in regards to water supply, but does allow for a change to the agreement if needed or requested.



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 14, 2021

Florida Department of Economic Opportunity
Attn: Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL 32399-4120

**Re: Adopted Town of Palm Beach Amendment – TOPB 20-01ESR
Water Supply Plan Update -Text Amendments to the Infrastructure Element and Updated
10 Year Water Supply Facility Work Plan**

Dear Mr. Eubanks:

In accordance with the Community Planning Act and Chapter 163 of the Florida Statutes (F.S.), the Town of Palm Beach is pleased to transmit to the State Land Planning Agency, the Department of Economic Opportunity (DEO), an adopted text amendment to the Town of Palm Beach Comprehensive Plan.

Enclosed please find 3 copies (1 hard copy and 2 CDs in PDF) of the following:

- a) A Town of Palm Beach Final Transmittal Report with supporting information, including the staff, local planning agency (Town Council sitting as the LPA) and local governing body (Town Council) recommendations and final actions;
- b) Copies of the letters of final transmittal sent to the appropriate review agencies on January 14, 2021;
- c) Copy of the ordinance adopted during the January 13, 2021 LPA meeting's and January 13, 2021 Town Council's adoption public hearings.

The adopted amendments to the Infrastructure Element of the Comprehensive Plan and update to the 10 Year Water Supply Facility Work Plan are required by Section 163.3177(6)(c), Florida Statutes (F.S.).

The adopted amendments were submitted under the **Expedited State Review Process** and

are NOT applicable to any area of critical state concern.

Should you require additional information or have any questions, please do not hesitate to contact me directly.

Sincerely,



Wayne Bergman
Director of Planning, Zoning & Building
360 S. County Road
Palm Beach, FL 33480
(561) 227-6426
wbergman@townofpalmbeach.com

**TOWN OF PALM BEACH
ADOPTION TRANSMITTAL REPORT**

**10- Year Water Supply Facilities Work Plan- Infrastructure Element
Comprehensive Plan Amendments TOPB 20-01ESR**

ORDINANCE 11-2020

I. INITIAL REQUEST

A Town-initiated request for the following:

ORDINANCE 11-2020: Amendment to the Infrastructure Element of the Comprehensive Plan and update to the 10-Year Water Supply Facility Work Plan as required by Section 163.3177(6)(c), Florida Statutes (F.S.).

II. STAFF RECOMMENDATION

ORDINANCE 11-2020: ADOPTED ON JANUARY 13, 2021 – Based on the findings that Ordinance 11-2020 meets Chapter 163, Florida Statutes, and is consistent with other elements of the Town’s Comprehensive Plan.

III. INTERJURISDICTIONAL REVIEW & PUBLIC COMMENT

Interlocal Plan Amendment Review Committee (IPARC): Notification of the proposed Comprehensive Plan text amendments was sent to IPARC on April 28, 2020, and the Town did not receive any objections or comments from the Palm Beach County agencies.

Town of Palm Beach Local Planning Agency (LPA): The Town Council, sitting as the LPA, recommended approval (5-0) of this d amendment after a Public Hearing on January 13, 2021.

Town Council (Adoption): The Town Council reviewed the amendment during its January 13, 2021 Public Hearing, and recommended adoption of the ordinance, with a vote of 5-0. Exhibit “A” of this Report contains the text amendment as adopted by the Town Council.

IV. BACKGROUND & ANALYSIS

The purpose of water supply planning is to develop strategies to meet future water demands of urban and agricultural uses, while meeting the needs of the environment. This process identifies areas where historically used sources of water will not be adequate to meet future demands, and evaluates several water source options to meet those demands.

Chapter 163.3177(6)(c) F.S. requires the Town of Palm Beach to revise the 10-Year Water Supply Facility Work Plan within its comprehensive plan no later than 18 months after the water management district approves a regional water supply plan or its update.

Each regional water supply plan is based on at least a 20-year future planning horizon, and a complete update is required every five years. The South Florida Water Management District (SFWMD) adopted its most recent update to the Lower East Coast Water Supply Plan in November, 2018. This document is titled *The 2018 Lower East Coast Water Supply Plan Update* (2018 LEC Plan Update), and has a planning horizon of 2040. The Town is required to update the Work Plan within 18 months of the completion of the 2018 LEC Plan Update, or by May of 2020. The Town technically met this statutory requirement, however due to the timing of the City of West Palm Beach's (the Town's potable water supplier) adopted Work Plan, and the postponement of numerous Town meetings due to the Covid-19 pandemic, the actual adoption of the Town's Amendments required a few more months.

There are several reasons why the Florida Statutes require local governments to update the 10-Year Water Supply Facilities Work Plan (Work Plan):

- Ensure adequate water supply for current and future residents; and
- Strengthen position to compete for funding assistance; and
- Plan for alternative sources that take time to develop and finance; and
- Ensure local needs are considered by regional water suppliers and the South Florida Water Management District (SFWMD).

In summary, the Town has adopted the following revisions to the Work Plan, all of which are based upon and consistent with the City of West Palm Beach's Work Plan:

- Population estimates and projections are updated to reflect the most recent available data.
- Water demand estimates and projections are revised for consistency with the 2018 LEC Plan update.
- Technical specifications for the Eastern wellfield are updated.
- Revised dates are incorporated in the document to stay consistent with the 2018 LEC Plan Update.
- Capital improvement needs to meet existing and future demands are revised.
- The section on the Town's water conservation efforts, including the Alternative Water Supply Projects/Reuse portion of the Work Plan, are updated.
- Planning time frames are updated to reflect the 10-year planning horizon of the Work Plan.
- Other changes to reflect changed conditions and new practices and policies are incorporated.
- Amended the section of the Work Plan dealing with the Water Treatment Plant Process to better reflect current practices.
- Various revisions to the City of West Palm Beach's Work Plan, that were requested by the SFWMD, prior to the City adopting the Work Plan.

V. CONCLUSION

Chapter 163.3177(6)(c) of the Florida Statutes requires the Town of Palm Beach and all municipalities in the State to revise the 10 Year Water Supply Facility Work Plan within its comprehensive plan no later than 18 months after the water management district approves a

regional water supply plan or its update. The South Florida Water Management District (SFWMD) adopted its most recent update to the Lower East Coast Water Supply Plan in November, 2018 (2018 LEC Plan Update). This means that the Town is required to update the Work Plan by May of 2020 (see above details regarding the timing of the Work Plan update).

All of the adopted text amendments are consistent with the requirements of the State Statutes, the 2018 LEC Plan Update, and with other elements of the Comprehensive Plan. Therefore, staff recommended approval of the amendments to the Comprehensive Plan.

There were no changes made to the proposed Comprehensive Plan or to the Water Supply Facility Work Plan, and also no additions were made to these documents, so the Exhibit submitted with this report is identical to the original transmitted Exhibit. All proposed changes to the Comprehensive Plan were adopted by the Town Council.

I certify that letters and copies of the adoption packet have been sent to the appropriate review agencies on January 14, 2021. During the initial review of the Amendments, no objections, comments, or recommendations were received from any of the State or County agencies.

Prepared and Respectfully Submitted by:



Wayne Bergman
Director of Planning, Zoning & Building
360 S. County Road
Palm Beach, FL 33480
(561) 227-6426
wbergman@townofpalmbeach.com

**Adopted Comprehensive Plan Amendments
Infrastructure Element**

Language underlined added, and language ~~stricken~~ deleted.

ORDINANCE NO. 11-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH'S COMPREHENSIVE PLAN BY AMENDING THE INFRASTRUCTURE ELEMENT, AS WELL AS THE 10-YEAR WATER SUPPLY FACILITY WORK PLAN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town proposes to amend its Comprehensive Plan in accordance with the requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on August 9, 2017 with the adoption of Ordinance No. 9-2017; and

WHEREAS, the Town is amending the Infrastructure Element and the 10-Year Water Supply Facility Work Plan, based on the City of West Palm Beach's recent update to their 10-Year Water Supply Facility Work Plan and Chapter 163.3177(6)(c), Florida Statutes; and,

WHEREAS, after public hearing pursuant to notice required by law, the Town Council, acting as the Local Planning Agency (LPA) at its October 14, 2020 meeting, considered all evidence and testimony and recommended that the Town Council approve on first reading the subject Ordinance amending the Town's Comprehensive Plan, and transmit said ordinance to the Florida Department of Economic Opportunity (DEO); and,

WHEREAS, after public hearings on October 14, 2020 and _____, 2020, pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Comprehensive Plan, be amended as hereinafter set forth, and transmitted to the Florida Department of Economic Opportunity (DEO).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals

The above recitals are incorporated as fully set forth herein.

Section 2. Findings

The proposed Comprehensive Plan amendments, as more particularly described in Exhibit A, have been determined by the Town Council to promote the public health, safety and welfare, and are consistent with the requirements in Florida Statutes, and all elements of the adopted Comprehensive Plan.

Section 3. Amendment of the Comprehensive Plan

The Town of Palm Beach Comprehensive Plan is hereby amended to incorporate those amendments set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 4. 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 5. 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 6. Codification.

This Ordinance shall be codified and made a part of the official Comprehensive Plan of the Town of Palm Beach.

Section 7. Effective Date.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of October, 2020, and for 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

Queenester Nieves, Town Clerk

Danielle H. Moore, Town Council Member

EXHIBIT A



TOWN OF PALM BEACH

COMPREHENSIVE PLAN

~~***JULY 28, 2017***~~ ***AUGUST 25, 2020***

As Last Amended by Ordinance No. 11-2020

TOWN OF PALM BEACH
PLANNING, ZONING & BUILDING DEPARTMENT

~~07/28/2017~~ *August 25, 2020*

TOWN OF PALM BEACH, FLORIDA
COMPREHENSIVE PLAN
INFRASTRUCTURE ELEMENT

INTRODUCTION

The purpose of the Infrastructure Element is to provide for necessary public facilities and services related to future land use projections. It includes plans for sanitary sewer, solid waste, potable water and drainage facilities. Palm Beach contains no significant recharge area; still, specific standards and governmental actions geared to stabilizing water table levels in surficial deposits are addressed in this Element.

This Element of the Plan has been developed based upon:

1. Identification and analysis of the appropriate public facilities and their service areas, design capacities, and levels of service provided by each;
2. Analysis of existing conditions, problems and opportunities, and existing and projected needs for each facility; and,
3. Analysis of major natural drainage features and natural groundwater aquifer recharge areas.

While this Element is not an engineering study, it provides information essential for engineering analysis and design. Its major orientation is toward reasonable determination of existing, and future supply and demand relationships for each of the major facility areas.

EXECUTIVE SUMMARY

EXISTING AND FUTURE LAND USES

The geographic area served by the infrastructure facilities is the Town of Palm Beach, an urban, built-up area approaching saturation. These public facilities, providing service in and to the Town of Palm Beach, predominantly serve the following uses in the Town: residential, commercial, public, private group use, recreational and conservation uses. There are no agricultural or industrial uses in the Town. More detailed discussion of the patterns, and extent of land uses and land use maps, are provided in the Future Land Use Element. Because of the very limited amount of vacant land in the Town, the pattern of land uses in the future will remain essentially the same as now existing in the Town.

SANITARY SEWER SERVICES

Sewage is collected by typical gravity sanitary sewers. Many small pumping and relay stations are required because of flat terrain and the 12-mile length of the Town. Sewage leaves the Town by means of three force mains, one each in the northern, central and southern parts of Town to treatment facilities at the East Central Regional Wastewater Reclamation Facility (ECRWRf) on the mainland.

The northern force main, a 30-inch subaqueous line with a capacity of five million gallons per day (MGD), runs along Tangier Avenue and then under Lake Worth to connect to the regional plant. This force main was the primary effluent route until the new central force main was constructed which is a 24-inch subaqueous line from the Town's master pump station, that transitions to a 24-inch line along Flagler Drive that ties into the existing joint transmission force main there in West Palm Beach. The new central force main system was placed in operation in 2014. The southern main is a 16-inch subaqueous line with a capacity of 0.94 MGD connecting to the City of Lake Worth transmission system, which then connects to the regional plant. As of 2013, that southern force main is no longer used on a daily basis but is only used for emergencies or when it is necessary to bypass flow from the City of West Palm Beach system. When those situations arise, the Town has a short-term capability to send 1.7 MGD (1300 gpm) through the City of Lake Worth system. A new bulk user agreement was signed with the City of Lake Worth for those occasions when it is necessary to send flow through their subregional system.

The East Central Regional Wastewater Reclamation Facility uses secondary treatment involving a complete mix-activated sludge system. Effluent is disposed through deep well injection, and sludge is transported for disposal at the Palm Beach County Solid Waste Authority compost facility. The plant, which is owned in common by the cities of Lake Worth, Riviera Beach, West Palm Beach, Palm Beach County and the Town of Palm Beach, is operated and maintained by the City of West Palm Beach. The Town, and the four other owners of the plant, have "Large User Agreements" for treatment capacity. The Town's agreement calls for a 5 MGD allocation of plant

capacity. The Town's capacity share increased to 6 MGD, based on the reallocation due to flows no longer passing through the City of Lake Worth system.

The plant underwent an expansion which raised capacity from 55 MGD to 64 MGD. The current rated capacity is now 70 MGD. There are no deficiencies in the sanitary sewer treatment plant facilities now serving the Town.

Analysis of Town per capita wastewater flows between 2000 and 2007 indicated that total wastewater flows have decreased due primarily to rehabilitation of the gravity sewer line. With this reduction, the Town will continue to be within its 6 MGD allocation and contract.

Discussions with the Town Public Works Department and representatives of the ECRWRF indicate that at the projected peak seasonal population, the Town will remain within the levels of service for these force mains, and the ECRWRF has the capacity to provide service at the Town's adopted LOS throughout the planning period.

In September of each year the Town obtains a letter from the City of West Palm Beach certifying that the East Central Regional Wastewater Reclamation Facility has the capacity to treat the volume of wastewater projected to be generated in the Town during the peak season at the Town's adopted level of service.

The developer for each individual project is responsible for providing the Town with an estimate of the population for the project and the Town engineer determines the adequacy of available capacity of the force mains to handle the flow generated by the project.

SOLID WASTE

Solid waste pick-up and disposal service, including garbage, trash and vegetative yard trash, is provided by the Town to both residential and commercial areas.

GARBAGE

The Town provides garbage pick-up Monday through Friday. Weekend pick-up is provided to commercial establishments, such as restaurants, upon arrangement with the Town.

Commercial garbage is collected in 20-cubic yard packers, while six- cubic yard packers are used for collecting residential garbage. These wastes are then transferred to 65-cubic yard tractor trailer packers at the Pinewalk Transfer Station. This transfer station is leased to the Town on a year-to-year basis to the year 2050 by Flagler Systems, the developer of the Breaker's PUD. If the Pinewalk area is developed and no longer available, the Town will be faced with the decision of whether to purchase or lease a transfer station on the Island or mainland, or eliminate the need for a transfer station by increasing the packer fleet. However, it is probable that the Pinewalk Station will remain as is, well past the 10-year planning period.

Waste material is taken from the station in tractor trailers to the County's North County Regional Resource Recovery facility (or SWA directed facility), operated by the Palm Beach County Solid Waste Authority (SWA) under a County-wide solid waste plan.

The SWA's North County Regional Resource Recovery Facility (NCRRRF), located on Jog Road, replaced the Dyer Boulevard Landfill in 1989 and handles both sludge, from the East Central Wastewater Treatment Facility, and garbage for separation, recycling and incineration. Aluminum and ferrous materials are separated at the plant. The remaining organic materials are used as fuel for an electricity-producing turbine generator. The plant serves the entire County at a capacity of 3,000 tons per day, six days per week, for an annual capacity of 936,000 tons per year. In 2015, SWA opened a second unit, also at a capacity of 3,000 tons per day. Since the NCRRRF serves the entire County, predominant land uses served include residential, commercial, industrial, recreational, agricultural and public uses. The current inter-local agreement between the Town and SWA for solid waste and recycling has been in effect since 2009.

The Palm Beach Solid Waste Authority, which operates the NCRRRF, does not allocate any particular share of its capacity to individual users or municipalities. However, in 2006, the Town's contribution of garbage to the Jog Road landfill comprised less than 1% of the total garbage generated countywide, and will certainly not exceed this proportion during the planning period.

The NCRRRF site also contains a 350-acre landfill which is estimated to have an expected life to the year 2043 due to the opening of REF#2 in 2015. The Solid Waste Authority performs an annual review and analysis of the remaining capacity of the landfill based on the University of Florida Bureau of Economic and Business Research population projections, current waste generation rates, and the volume of landfill capacity available.

According to the County's Plan, the current Level of Service (LOS) averaged 4.28 pounds per day/capita for garbage, 2.26 for trash, and .59 pounds of recyclables for a total of 7.13 pounds per day per capita in 2006. The 2006 plan is still in place.

Florida Power and Light Company has agreed to purchase electricity produced by the plant, and the remaining ash residue will be placed in an adjacent landfill. The Town, as part of the North County Service Area, transports its garbage directly to the resource recovery plant. The Town's collection and disposal equipment are compatible with the requirements of the plant.

The SWA has implemented a public education program designed to encourage the public to separate garbage prior to pick-up. The Town implemented a separation and recycle program in 1990. Curbside collection may not be possible due to the Town's tradition of backyard pick-up.

The Town of Palm Beach's total projected volumes of garbage for an average day, and the average day during the peak month using the 1990-1994 average figures of 2.09 and 2.89 pounds per day per capita, indicate the Town should have no trouble meeting capacity demands for the duration of

the planning period, and remain within its adopted level of service of 2.55 pounds per day per capita.

Discussion with the Town Public Works Department and representatives of the NCRRRF indicates that at the projected peak seasonal population, the NCRRRF will have adequate capacity to provide service at the Town's adopted level of service throughout the planning period.

In September of each year the Town obtains a letter from the Palm Beach County Solid Waste Authority certifying that the North County Regional Resource Recovery Facility has the capacity to treat the amount of garbage projected to be generated in the Town during the peak season at the Town's adopted level of service.

Also during September, the Town Public Works Department certifies that the Town maintains adequate capacity to dispose of the amount of vegetative trash associated with the projected population. Unless annual determinations identify unexpected capacity problems, it is assumed there is adequate capacity to accommodate vegetative trash disposal associated with new development.

VEGETATIVE YARD TRASH

Vegetative yard trash is collected by the Town using twelve 30-cubic yard scow body trash trucks and three cranes. Trash is hauled directly to the Skees Road or the Okeechobee Boulevard sites in West Palm Beach, and is decomposed naturally. The Town owns and operates both sites, and neither serve any other local government jurisdictions. Predominant types of land uses served by these facilities are the residential, commercial, recreational, public and private group uses located in the Town. Pick-up service is provided once per week on a regular schedule. The Town restricts collection to vegetative matter only. Size and placement of trash on right-of-ways are also regulated. The Skees Road site encompasses about 28 acres and is the main site for disposal of the Town's vegetative refuse. It operates under permit from the Florida Department of Environmental Protection (FDEP). The permit is renewed each December.

The Okeechobee Boulevard site encompasses about 28 acres, but only about nine (9) acres are occasionally used by the Town for the vegetative landfill purpose. This site also operates under an annual permit issued by the FDEP. Because of the rate of decomposition of the organic matter, both sites are expected to have a useful life of between 16 and 25 years. While the Town has not estimated a capacity for each remaining individual site, at the volumes of vegetative trash expected to be generated during the planning period, this would indicate that these two sites have a combined capacity of at least 475,000 cubic yards of vegetative trash. A preliminary study is underway to evaluate the options for volume reduction of existing vegetative debris cells at these landfills to determine if material can be segregated and disposed of off-site (top soil, mulch, etc.) to increase the long term capacity and life span of the landfills.

Seasonal growth conditions, storm events, and development site clearing are the primary factors

affecting vegetative trash production. Site clearing has only a minimal influence as very little undeveloped land remains. Seasonal growth patterns are fairly predictable, coinciding with the warm weather rainy season between May and October. Storm events can occur at any time. Tropical storms and hurricanes usually form between June and November, while northeasters are the product of winter cold fronts.

The current level of vegetative trash generation is 152,000 cubic yards per year, representing a LOS of 0.0416 cubic yards per person per day, or 0.021 cubic yards per peak season person per day. There is a clearly defined upward trend in vegetative trash generation in the Town. July typically represents the peak month during which the total volume generated approximates 1.52 times that of the average month.

There appears to be no relationship between population and the volume of vegetative trash generated in the Town. However, because of the clear 1988 to 1994 trend of increasing vegetative trash generation, a least squares methodology has been used to project future volumes for the planning period, indicating a LOS of .025 cubic yards per peak season person per day generation of vegetative trash at the end of the 10-year planning period. Town collection equipment and crews are capable of meeting the projected demands.

SPECIAL SOLID WASTE

The Town provides pick-up of appliances, discarded furniture, large packing boxes, and similar household goods for a minimum charge.

Special collection services must be scheduled with the Town in advance. These wastes will continue to be taken to the Resource Recovery Plant/Landfill at Jog Road. This service is available Tuesdays and Thursdays all year long.

A truck, with a crew of two, is provided by the Town's Streets Division. The truck's maximum carrying capacity is three tons. During peak demand periods, the truck can carry up to six loads per day, resulting in a maximum capacity of 18 tons/day, 144 tons/month and 1,872 tons/year.

The total yearly capacity of the Special pick-up service has exceeded actual demand for the last five years, although peak monthly demands have historically exceeded capacity. Peak demand generally occurs in the winter.

A review of annual demand for collection of Special Solid Wastes reveals a steady increase since 1990. Population has increased modestly during the same time period, indicating that demand is not directly related to population levels. Although future demand cannot be accurately projected, the Town has the capacity to meet a maximum yearly demand of 1,872 tons, which has proven adequate since 1983. This capability provides the required level of service through the 10-year planning period.

RECYCLING

The Town began its solid waste recycle program in July, 1990 with pickup at single-family residences. In 1992, the program was expanded to multi-family residential pickup, in 1993 to commercial locations, and in 1995 to office locations for paper pickup. Recycling collection is set up to provide pick-up on a weekly basis.

Residential collection encompasses five routes that cover the entire Town from the inlet to 2300 South Ocean Blvd. There are no residential homes south of 2300 South Ocean Boulevard.

Multi-family collection is also set up to provide collection on a weekly basis, with additional pick-ups conducted on an as-needed basis. Multi-family units are serviced on Wednesday, Thursday and Friday. Service days are determined by location of condos or apartments.

Commercial collection and additional multi-family pick-ups are done on Tuesdays. The collection options available for residential, commercial and multi-family units are the same. Material collected is co-mingled glass, aluminum and grades 1 and 2 plastic. Newsprint is also collected but separated.

Participation rate fluctuates because the majority of residents are seasonal, however, heaviest participation occurs between December and May. Process costs and labor factors dictate the method of collection.

The latest three-year average for recycling tonnage totaled 1,650 tons/year using 2014 figures. Public education efforts help to increase awareness of meeting future goals.

DRAINAGE

Prior to development, the Palm Beach coastal barrier was characterized by a high coastal ridge along the Atlantic, and a low, swampy shoreline along Lake Worth. A marshy slough separated the beach ridge and lake hammocks. Surface accumulation either percolated to the surficial aquifer through permeable soils on the ridges, collected in the slough, or ran through poorly drained tidal swamps into Lake Worth.

Extensive shoreline and surface water changes have occurred since 1883. The slough and low lake shorelines have been filled for urban development, and the Atlantic shoreline has receded due to beach erosion. The urbanization of the Town has reduced the amount of water infiltrating to the surficial aquifer, and has increased runoff from impermeable surfaces. The coastal ridge still dominates the island's topography, acting as a seaward barrier to surface drainage. In addition, remnants of slough areas are prone to flooding.

In order to facilitate the removal of stormwater, a system of storm sewers and pumping stations

was created during the early development of the Town. That same system, with major modifications, remains intact today.

The Town's drainage system consists of a combination of pumping stations and gravity outfalls. Pumping stations are necessary because areas of the Town are below Lake Worth's high tide level, causing backflow through stormwater outfalls when above normal tides are experienced in the Lake.

The Town's code supports the South Florida Water Management District's stormwater retention requirements for new development and redevelopment. All new development and redevelopment must provide minimum retention of the first two inches of rainwater prior to discharging into the Town drainage system. Residential development of less than one-half acre is required to route discharge and sheet flow through grassy areas prior to discharge into the Town system.

Consulting engineers have extensively studied the storm drainage situation in the Town. The Town's engineering design criteria are meant to ensure that flooding will not occur during a one-year storm for systems served by pumping stations, or during a three-year storm for systems with gravity outfalls, and the minor flooding associated with a five-year storm would be carried off within sixty minutes. Accumulated runoff from a fifty-year storm would require only ninety minutes for removal. These standards supersede the less restrictive three-year/one-hour design requirements of the Water Management District.

Demand upon drainage systems is related to the area and amount of water to be drained. As the Town is virtually "built-out", the area to be drained will remain essentially constant, with most increases in impervious surfaces being addressed by retention requirements. The amount of water to be drained remains variable, depending upon the actual storm events. Therefore, the demand on the Town's system is primarily based on the intensity and duration of storm events.

The drainage system is generally considered to be in good condition. According to the Public Works Department, the expected service life of the drainage system components exceeds 50 years. The town needs to continue evaluating the drainage system and replace deteriorated and undersized components.

No water quality data is available for areas within the Town, consequently, the quantity, quality and effects of stormwater runoff originating in the Town are unknown. However, it is generally recognized that stormwater may contaminate surface waters with sediments, nutrients, heavy metals, oils, grease and pathogens.

Unfortunately, the Town is limited in its ability to improve discharge quality through stormwater management, because of the following:

1. The water table on the island is very high. Some areas in the Town are below the high tide line of Lake Worth. Retention or detention areas would, therefore, have to be shallow and

wide, requiring large surface areas.

2. There are no large undeveloped land areas which could realistically provide retention or detention of stormwater, and real estate prices for purchase or condemnation of land are prohibitively high.
3. Most soils in the Town are poorly drained, resulting in slow infiltration rates, and complicating the use of exfiltration systems.
4. The Town is almost entirely developed. Therefore, the existing drainage system will not be affected significantly by new stormwater regulations. In addition, the Town's existing drainage system was installed many years ago, prior to the development of best management practices.

The Town recognizes the importance of improved water quality in Lake Worth, but also realizes that any major retrofitting of the system will require study and time. The National Pollutant Discharge Elimination System Permit establishes, on a countywide basis, the best management practices (BMP's) and goals concerning the quality of stormwater runoff.

The Town has been making steady progress toward decreasing the quantity and improving the quality of stormwater runoff by requiring a minimum of one inch of stormwater retention on all new and redeveloped areas of one-half acres or more. All parking lot areas being built or reconstructed are required to provide one inch water quality retention, where water table and soil conditions permit.

In addition to the stormwater management practices, the Town is proposing restoration of native shoreline habitat along Lake Worth which would provide natural water purification. Restoration plans are described in more detail in the Coastal Zone Management/Conservation Element under "Restoration of Native Habitat." The Town has also identified the need for an intergovernmental Lake Worth Management Committee, which would facilitate water quality management on a regional scale.

Previous text and illustrations indicate that the Town's natural drainage features have already experienced the major changes which accompany urban development.

In a continuous pursuit to address infrastructure problems in the Town, from March 2001 to April 2003 the Palm Beach Town Council empowered the Strategic Planning Board to create a long-range (10+ years) Strategic Plan. In their study the Strategic Planning Board studied current drainage problems and the status of stormwater runoff handling and retention systems, improvements and components. The Strategic Planning Board also worked to enhance and improve the runoff collection and retention system as set out below.

During the mid-1970's, the Town commissioned an engineering report to recommend

infrastructure needed to provide better protection against flooding in major rainstorms. The “Smith & Gillespie Long Range Public Works Plan” provided the blueprint for major improvements subsequently constructed during the 1980s and 1990s. Flooding throughout the Town has been greatly reduced by these improvements.

However, some of the residential neighborhoods of the North End experienced severe flooding of homes during heavy rainfalls in 2000 and 2001, and less severe flooding (still resulting in private property damage) on other occasions between the late 1990s and 2001. In response, the Town staff improved its procedures for the field operations involved in preparing for and responding to storms that pose a threat of flooding. The Town also undertook a new study of the drainage system throughout the affected area (five drainage basins covering the area from Wells Road north to the Lake Worth Inlet), and developed an ambitious multi-year plan to increase the capacity of the storm drainage system. The Town’s retention design flood protection parameter in the Zoning Code is 2”.

On September 10, 2002, the Town Council approved a 10-year, \$23.7 million pay-as-you-go program to provide new pump stations, new and larger pipes along the “trunk lines” connecting smaller pipes to the trunk lines, and new and larger pipes along some of the residential side streets.

Permits to implement this program were obtained and the first five years of the program were constructed.

While developing this program for improving the public infrastructure necessary to better protect against flooding, the Town’s elected officials, staff, and consultants also developed strategies for reducing the impacts of storm water run-off from private properties into the public drainage system. Town regulations were substantially strengthened in this regard in 2001 and 2002. Additional measures will be considered in the future.

In addition to considering what regulations and storm drainage improvements are needed to prevent future flooding, the Strategic Planning Board considered how system improvements will be made. Specifically, the Strategic Planning Board explored whether or not changes are needed in Town policy governing construction contracts and construction project management to ensure that these major projects are completed successfully.

Engineering analyses have indicated that construction of the foregoing improvements will protect all but the 14 lowest elevation homes (some of which have a first floor elevation almost 3 feet lower than the Town’s current flood prevention standard of 7.5 feet above sea level) from being flooded during a storm of such intensity that it is expected to occur once every 100 years. Street flooding and some garage flooding are expected, not only during a “100-year storm” but also during less intense storms.

Starting in 2009 as part of the Accelerated Capital Improvements Program (ACIP) the Town has upgraded multiple stormwater pump stations and replaced, lined or abandoned corrugated metal

pipes. The ACIP is currently ongoing and is expected to be completed by the end of 2018.

Resulting Problems or Opportunities:

While developing this program for improving the public infrastructure is necessary to better protect against flooding, the Town's elected officials, staff, and consultants also have been developing strategies for reducing the impacts of storm water run-off from private properties into the public drainage system. Town regulations were substantially strengthened in this regard in 2001 and 2002. Additional measures are also being considered.

POTABLE WATER

The City of West Palm Beach owns and operates the water system providing potable water to the Town of Palm Beach, City of West Palm Beach and Town of South Palm Beach. The City of West Palm Beach Potable Water Utility Service Area exceeds 120,000 residents and covers 61 square miles of area.— Since the system serves primarily urbanized areas, the predominant land uses in the service area are residential, commercial, industrial, recreational, and public and semi-public uses. The system consists of a raw water supply, water treatment plant, storage reservoirs and distribution system. A 30-year renewable contract between the Town and the City of West Palm Beach was signed in 1965 and expired in January, 1995. The Town subsequently renegotiated the contract with the City, and a new franchise agreement was signed on June 16, 1999 and is effective until 2029. It should also be noted that the City of West Palm Beach is currently expanding and improving their water infrastructure.

The City of West Palm Beach collects its raw water from Clear Lake, a surface water source. The South Florida Water Management District granted the City a ~~consumptive-water~~ use permit on February 14, 2013 for 67 MGD. See the City of West Palm Beach Comprehensive Plan for more information on their consumptive use permit and yearly allocations and sources.

The capacity of the water treatment plant is now 47.3 MGD. The plant's pumping system can provide maximum hour demand and fire flow demand pumping capacity throughout the distribution system. West Palm Beach has 18 million gallons of storage capacity in its distribution system and water treatment plant, including a one million gallon ground reservoir located at the Palm Beach Country Club.

The City allocates no specific portion of its treatment capacity to individual users or municipalities. See the City of West Palm Beach Comprehensive Plan for more information on its entire system, historic water use, and projected water use.

Raw water reaches Clear Lake through a system of canals and water catchment areas. Water travels from Lake Okeechobee through the L-8 canal to Canal M-1, and then to a naturally vegetated water catchment area. The catchment area serves as an initial water purifier; wetland plants provide nutrient uptake, and sediments settle out of the water column. After leaving the catchment area,

the water travels to Lake Mangonia and then to Clear Lake. A diking system around Clear Lake, Canal M, and the catchment area prevent degradation of the surface water from stormwater or irrigation runoff. Water quality in Clear Lake has been consistently good.

Raw water is treated by West Palm Beach according to FDEP water quality standards. Potable water emerging from the plant is tested daily for quality. Monthly reports, including tabulations of daily testing, are sent to the FDEP for review. The City prepares an annual Water Quality Report which can be reviewed on the City's website. Potable water quality has been consistently good, winning awards in recent years for its outstanding taste.

According to West Palm Beach sources, water quality is expected to remain good, and no measures for further protection of quality are necessary.

The Palm Beach/South Palm Beach service area is fed by five mains crossing Lake Worth from West Palm Beach, four of which connect directly into the Town. These crossings are located at the Flagler Bridge, Island Road, Southern Boulevard, and Sloan's Curve. The fifth is at Orange Grove Road. In addition, there are water meters, private fire lines, and fire hydrants located in Palm Beach.

The City of West Palm Beach has established 272-243.3 gallons/day/capita (gpcd) per capita per day (gpcpd), based upon the 2020 Capacity Analysis Report (CAR), submitted in January 2020, as the levels of service standard for provision of potable water to the entire Potable Water Utility Service Area which includes the Town of Palm Beach.

In order to reduce potable water consumption, the Town has pursued a water conservation program. The Town supports the City of West Palm Beach, its water provider, in its efforts to conserve water and expand alternative water supply projects and reuse initiatives. See the City of West Palm Beach Comprehensive Plan for more detail on conservation, alternative water supply, and reuse,

AQUIFER RECHARGE

The Town of Palm Beach is underlain by two aquifer systems; the surficial aquifer and the more deeply located Floridan aquifer. These are separated from each other by the Hawthorn Formation which prevents any recharge from reaching the Floridan aquifer. Neither aquifer is used as a source of potable water.

Urban development in the Town, including the placement of poorly drained urban fill, has affected the quantity of recharge to the surficial aquifer. Pomello fine sand and, to a lesser extent, Palm Beach Urban Complex, are probably the most active recharge soils. According to the Palm Beach County Soil Survey, most native sandy soils are located along the beach ridge, and in the north end of Town, directly behind the beach ridge.

The surficial aquifer is not considered a suitable source of potable water, nor as a major source for irrigation because of its high chloride (salt) content.

Fresh water is less molecularly dense than salt water. Therefore it tends to "float" on top of salt water forming a fresh water lens. Often this lens can supply usable water so long as it is sufficiently replenished by infiltration. The extent and quality of the fresh water lens under the Town has not been determined, however, the SFWMD is testing the surficial aquifer in a comparable location in West Palm Beach.

The Biltmore condominium has a consumptive use permit from the South Florida Water Management District (SFWMD) for groundwater to cool its air conditioning system. The Breakers has received SFWMD permitting for use of a non-potable shallow water well for its golf course irrigation system. Small cooling or irrigation wells exist which did not require a SFWMD permit. Such wells, however, do require a permit by the Town. There is no evidence to suggest that the existing limited use of the aquifer has caused, or will cause, degradation of the aquifer.

The Town protects recharge through its storm water retention requirements and its minimum landscaped area requirements, which ensure pervious areas for water percolation to the aquifer. In addition, there are few septic tanks in the Town; no existing or potential identified problems with hazardous waste contamination; and no known sources of aquifer contamination or depletion. In the event that the Town chooses to utilize the surficial aquifer as a non-potable water source for irrigation, measures should be taken, in accordance with rules of the South Florida Water Management District, to protect the aquifer and overlying soils and vegetation from negative consequences of drawdown.

The Town has reduced density in some residential districts over primary recharge areas, and will continue as Town policy to reduce redevelopment densities in the Town as a whole. Existing land uses in primary recharge areas will be maintained, and beaches and dunes will be protected, as described in the "Protection and Restoration of Beaches and Dunes" section of the Coastal Zone Management/Conservation Element of this Plan. The Town will also continue to prohibit industry and hazardous waste storage within its limits.

The Town further improves aquifer recharge by requiring new development and redevelopment in primary aquifer recharge areas to run storm water through vegetated areas prior to discharge into the Town's drainage system. No further programs or regulations are deemed necessary, unless future use of the aquifer necessitates further measures.

UNDERGROUND UTILITIES

The conversion of the overhead utilities to underground locations will be one of the most ambitious infrastructure projects ever undertaken by the Town of Palm Beach. The undergrounding will preserve the historic character of the Town and enhance the aesthetics of the landscape and scenic vistas. The conversion will significantly improve the level of service and reliability of the electric,

telephone, and cable communications to the Town.

Impacts of the Issue

The impacts of the Town-wide underground utilities conversion project include installing underground utilities for all areas of the Town that presently has overhead utilities. There are some areas within the Town that have already converted their utilities to underground. Those areas include: Everglades Island; Via Fontana; Lake Towers; 300 block of Dunbar Road (summer of 2016); and Nightingale and LaPuerta (started summer of 2016). The conversion will include locating most of the utilities in the Town's road right-of-ways wherever possible. The utilities will be located in alley ways in those neighborhoods which have rear access alleys wide enough for truck access.

The construction is anticipated to take 6 to 10 years. The most disruptive construction will take place during the summer months with the actual utility connections to take place during the winter months. The last step of removing poles and equipment primarily from rear yards will take place the following spring. The undergrounding conversion construction will be coordinated with other Capital Improvement Projects as identified in the Capital Improvements Section of the Comprehensive Plan.

Resulting Problems or Opportunities

Problems associated with the underground utilities project include:

- Easements will be required for transformers and other above ground equipment. There is a potential that eminent domain will be required for some easements.
- Disruption to the community, including noise and traffic congestion is anticipated.
- Project cost may exceed the approved referendum amount.
- Removal of equipment from poles has been a challenge in similar communities.

Opportunities include:

- Increased reliability for all utilities.
- Improved aesthetics for the entire community due to removal of wood and concrete poles.
- Potential for improved broadband and wireless services.

Needed Actions to Address the Issue

- Complete Master Plan which includes construction sequencing and project estimate of cost.
Timeframe: Master Plan for first assessment phase of the Town will be completed in 2017.

GOALS, OBJECTIVES AND POLICIES

GOAL

MAINTAIN ADEQUATE LEVELS OF UTILITY SERVICES FOR EXISTING AND FUTURE POPULATIONS, AND MAXIMIZE UTILIZATION OF EXISTING INVESTMENT AND FACILITIES.

SANITARY SEWER SERVICES

OBJECTIVE 1

The Town shall assure that all existing and future residents, and businesses in the Town, will have access to sanitary sewer facilities; maximize the use of existing collection and treatment facilities; and, meet future needs through continuation of its Sanitary Sewer Rehabilitation Program. The measurement of this objective is whether or not sanitary sewer facilities are available to all users, and the extent to which the following policies are implemented.

POLICY 1.1

The Town shall rehabilitate or replace its sanitary sewer collection lines, as necessary, to reduce infiltration. The Town's goal is to reduce flows by one-half percent per year through the planning period.

POLICY 1.2

Through its concurrency management system, the Town will, on an annual basis, continue to discuss the Town's LOS with the City of West Palm Beach and request confirmation of available capacity.

OBJECTIVE 2

Development orders and permits for new development or redevelopment shall be issued only if sanitary sewer facilities, necessary to meet the Town's adopted level of service standards, are available concurrent with the impacts of the development.

POLICY 2.1

The Town's level of service for sanitary sewer collection and treatment shall be the same as that established in the City of West Palm Beach's Comprehensive Plan:

Waste Water Collection

Development Type

Avg. Daily ~~Water~~ Flow

Single Family	350 gpd/DU
Multifamily	250 gpd/DU
Commercial	0.20 gpd/SF
Industrial	0.15 gpd/Sf
Hotel	100 gpd/room

DU=dwelling unit
SF=Square feet

gpd=gallons per day
AC=acre

Pumping Station

Peaking Factor

Avg. Daily Flow (MGD)

3.5	0.01 to 0.05
3.0	0.05 to 0.25
2.5	0.25 to 2.0
2.0	>2.0

Peaking factors for other facilities shall be determined using historical flow records

POLICY 2.2

Prior to the issuance of a development order or permit, the Town shall make and record a determination that the East Central Regional Sewage Treatment Plant retains capacity to treat, and the Town's facilities are adequate to collect and transport, or, that the development order or permit is specifically conditioned on the availability of the necessary facilities and services, and that said facilities are authorized at the time the project is authorized.

OBJECTIVE 3

The Town will coordinate with the City of West Palm Beach in the City's efforts to extend, or increase, the capacity of its sanitary sewer treatment facilities to meet future needs. The measurement of this objective is whether or not the Town coordinates with the City in its efforts, and the extent to which the following policy is implemented.

POLICY 3.1

A representative of the Town will meet with representatives of the City of West Palm Beach, upon request, to coordinate and assist the City in its efforts to establish priorities for replacement of, or corrections of deficiencies to, sanitary sewer treatment facilities, as well as provision for future sanitary sewer treatment needs.

OBJECTIVES AND POLICIES NOT INCLUDED

No objective for correcting existing sanitary sewer treatment facility deficiencies is necessary or applicable, since the data and analysis provided in the supporting documentation identify that no such deficiencies exist.

No objectives or policies pertaining to discouraging the proliferation of urban sprawl are necessary or applicable in the Town, because the Town is virtually fully developed and the only areas for potential development are located on "in-fill" parcels.

No objectives or policies are necessary with regard to protecting the functions of natural groundwater recharge areas, since the only such areas are the surficial aquifer, and these areas are developed with single-family homes. Further, no objectives or policies are necessary with regard to protecting natural drainage features, since these have already been largely altered by urban development and the Town has no sanitary sewer treatment facilities, but provides only local collection lines which have no effect upon the area's natural drainage features.

SOLID WASTE DISPOSAL

OBJECTIVE 4

The Town shall maximize utilization of its capital facilities, and work with the County's Solid Waste Authority to maximize utilization of its new resource recovery facility. The measurement of this objective is the extent to which the following policy is implemented.

POLICY 4.1

Prior to any development of the Pinewalk area and loss of use of the Pinewalk Transfer Station, the Town shall locate a mainland or on-island site for a replacement transfer station, increase the size of its packer fleet, or explore possible purchase or other alternatives for continued use of the transfer station with officials at Flagler Systems, Inc.

OBJECTIVE 5

Development orders and permits for new development or redevelopment shall be issued only if the Solid Waste Authority's disposal facilities, necessary to meet the Town's adopted level of service standards, are available concurrent with the impacts of the development.

POLICY 5.1

The Town's level of service for garbage collection and disposal shall be 2.55 pounds/person/day.

POLICY 5.2

Prior to the issuance of a development order or permit, the Town shall make and record a determination that the Town has adequate capacity to collect, and the County's Solid Waste

Authority has adequate capacity to dispose of, garbage generated in the Town, at the average rate of 2.55 pounds per person per day; or, that the development order or permit is specifically conditioned on the availability of the necessary facilities and services, and that said facilities are authorized at the time the project is authorized.

OBJECTIVE 6

The Town will coordinate with the Palm Beach County Solid Waste Authority in its efforts to extend or increase the capacity of its solid waste disposal facilities to meet future needs. The measurement of this objective is whether or not the Town coordinates with the Water and Sewer Authority in its efforts, and the extent to which the following policy is implemented.

POLICY 6.1

A representative of the Town will meet with representatives of the Solid Waste Authority, upon request, to coordinate and assist in its efforts to establish priorities for replacement of, or corrections of deficiencies to, solid waste disposal facilities, as well as provision for future solid waste disposal needs.

OBJECTIVES AND POLICIES NOT INCLUDED

No objectives or policies are necessary with regard to correcting existing solid waste disposal facility deficiencies, since the information contained in the supporting documentation indicates there are no such deficiencies.

No objectives or policies pertaining to discouraging the proliferation of urban sprawl are necessary or applicable in the Town of Palm Beach, because it is virtually fully developed and the only areas for potential development are located on "in-fill" parcels.

No objectives or policies are necessary with regard to protecting the functions of natural groundwater recharge areas, since the only such areas are to the surficial aquifer, and these areas are developed with single-family homes. Further, no objectives or policies are necessary with regard to protecting natural drainage features, since these have already been largely altered by urban development, and the Town has no solid waste disposal facilities, but provides only local collection and transfer which have no effect upon the area's natural drainage features.

DRAINAGE

OBJECTIVE 7

The Town shall maximize its existing drainage facilities by correcting drainage problems in Town and explore methods of improving the quality of stormwater discharge. The measurement of this objective is the extent to which identified drainage problems are corrected, and the degree to which the following policies are implemented.

POLICY 7.1

The Town shall incorporate the funding of drainage improvements in its Capital Improvements Element with first priority to be given to actions that will eliminate identified problem areas or actions that will protect the natural functions of Lake Worth.

POLICY 7.2

The Town shall implement trunk lines and pump stations as set forth in the Town's adopted drainage improvement program.

POLICY 7.3

Following the implementation of Policy 7.2, the Town shall re-evaluate needs, priorities, and financing of future storm drainage improvements on residential side streets.

POLICY 7.4

The Town shall maintain its Long Range Public Works Plan (Storm Drainage Chapter) to continue to comply with the following items and actions:

- 7.4a The Environmental Protection Agency NPDES Program with respect to methods for instituting water quality analysis of the Town's stormwater discharge into Lake Worth.
- 7.4b The current FEMA Flood Mapping Data;
- 7.4c Update existing stormwater system information, as needed.
- 7.4d Determine "hot spots" where pollutant loadings and water quality problems are severe, if they exist.
- 7.4e Implement NPDES Permit requirements.

POLICY 7.5

The town shall request, coordinate and follow through with the Florida Department of Transportation to improve drainage collection on State Roads, especially S.R. A.1.A., South County Road.

OBJECTIVE 8

Development orders and permits for new development or redevelopment shall be issued only if the proposed project meets the Town's adopted level of service standards, or if needed expansion of facilities is coordinated with future development.

POLICY 8.1

The Town shall establish the following level of service standards:

1. Flooding will not occur during a one-year storm for systems served by pumping stations, or during a three-year storm for systems with gravity outfalls; and, the minor flooding associated with a five-year storm shall be carried off within sixty minutes.
2. Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first two inches of rainfall prior to discharge into the Town system, or the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater.

POLICY 8.2

Prior to the issuance of a development order or permit, the Town shall review drainage plans and calculations for all projects, and shall make and record a determination that:

For all commercial or residential development or redevelopment, where the proposed work falls into one of the following categories:

- 8.2a The proposed work exceeds 25% of the market value of the property;
- 8.2b The proposed work includes the construction of a new swimming pool;
- 8.2c The proposed work includes the redevelopment of more than 20% of landscaped open space, 20% of the impervious area of the site including buildings, patios, etc. or a combination thereof which exceeds 20%;
- 8.2d The proposed work includes new driveways or parking areas;
- 8.2e The proposed work includes replacement or reconstruction of parking areas other than parking areas designed for less than three residential units; or
- 8.2f Other development as may be deemed appropriate by the Town Engineer.

POLICY 8.3

The town shall encourage the installation of upgraded storm drainage systems to meet current or new storm water standards on properties which are not otherwise being redeveloped.

OBJECTIVES AND POLICIES NOT INCLUDED

Other than dunes and coastal wetlands, no natural drainage features remain in the Town. Objectives and policies for protecting dunes and wetlands are included in the Coastal Zone

Management/Conservation Element, specifically, dunes in Objective 5 and Policies 5.1 through 5.8, and wetlands in Objective 2 and Policy 2.7. Further policies relating to restoration of wetlands are described in Policies 2.1 and 2.3.

POTABLE WATER

OBJECTIVE 9

Development orders and permits for new development or redevelopment shall be issued only if potable water capacity is available concurrent with the impacts of the development.

POLICY 9.1

The Town shall establish a potable water level of service standard in accordance with the City of West Palm Beach, the Town's water provider. The City's current Potable Water LOS is 272-243.3 gallons/day/capitagallons per capita per day (gpcpd), based upon the 2020 CAR submitted in January 2020.

POLICY 9.2

Consultation with the Town's Public Works Department shall be required prior to the issuance of a building permit to ensure that adequate water supply is available to serve new development by the date of issuance of its certificate of occupancy.

OBJECTIVE 10

The Town shall, either on its own initiative or through support of, and participation in, a regional effort, undertake a water conservation program. The Town will also address the following water quality issues:

1. Clean water (smell and taste).
2. Water supply (as related to drought, in addition to conservation measures).

POLICY 10.1

The Town will establish and implement a program of public education to promote water conservation, preferably in conjunction with the City of West Palm Beach and the South Florida Water Management District.

POLICY 10.2

The Town ~~shall~~ has adopted ed and implemented ed ~~land development~~ regulations ~~to that~~ includes a water conserving landscape design (Florida Friendly) ordinance applicable to new development and redevelopment.

POLICY 10.3

The Town shall continue to modify its land development regulations and other Town codes to require water saving devices in new construction, such as low volume shower heads and toilets, soil tensiometers, or similar control mechanisms, in all irrigation systems and water saving sink faucets.

POLICY 10.4

The Town shall implement any lawn watering restrictions enacted by the City of West Palm Beach or the South Florida Water Management District.

POLICY 10.5

The Town shall continue to implement and enforce watering restrictions and requires new water sensing devices on new automatic irrigation systems.

OBJECTIVE 11

The Town will coordinate with the City of West Palm Beach in the City's efforts to extend, or increase, the capacity of its potable water facilities or meet future needs. Town shall also ensure that the water quality shall meet all federal, state, and county standards. The measurement of this objective is whether or not the Town coordinates with the City in its efforts, and the extent to which the following policy is implemented.

POLICY 11.1

A representative of the Town will meet with representatives of the City of West Palm Beach on an annual basis to coordinate and assist the City in its efforts to establish priorities for replacement of, or corrections of, deficiencies to potable water quality, facilities, as well as provision for future potable water needs.

POLICY 11.2

The Town, coordinating with SFWMD, originally created a 10-Year Water Supply Facility Work Plan in 2010, and amended it in 2017 and in 2020 (incorporated and adopted herein by reference as Exhibit Appendix "A"), that takes into account the 2018 Lower East Coast (LEC) Regional Water Supply Plan. The Town shall send a letter to SFWMD with identified projects for future water supply needs of the Town. Projects must be selected from the LEC Regional Water Supply Plan or must have prior approval by SFWMD. The Town will coordinate with its water supplier, i.e. the City of West Palm Beach, in this regard. The Town shall address future updates by SFWMD within 18 months of adoption by SFWMD of a new LEC Regional Water Supply Plan, by revising the Town's 10-Year Water Supply Facility Work Plan.

POLICY 11.3

The Town may explore future options for water service following the termination or expiration of the current potable water contract with the City of West Palm Beach.

POLICY 11.4

The City of West Palm Beach, the Town's water provider, has: (1) updated their 10 Year Water Supply Facility Work Plan and their Comprehensive Plan to identify and incorporate their alternative water supply projects, either identified in the updated regional water supply plan, or identified and proposed by the City of West Palm Beach under s. 373.709(8)(b) and 373.709(2) (a) F.S.; (2) identified the traditional and alternative water supply projects, bulk sales agreements, and the conservation and reuse programs necessary to meet current and future water use demands within the City of West Palm Beach's water use area; and (3) included a water supply facility work plan for at least a 10-year planning period for constructing any water supply facility identified as necessary to serve existing and new development.

AQUIFER RECHARGE

GOAL

MAINTAIN AND IMPROVE THE NATURAL DRAINAGE FUNCTIONS AND QUALITY OF THE SURFICIAL AQUIFER

OBJECTIVE 12

The Town shall protect, maintain and improve the potential for high recharge, prime recharge and surficial recharge areas within its municipal limits, thereby protecting the remaining natural functions of natural groundwater recharge areas. The measurement of this objective is the degree to which the following policies are implemented.

POLICY 12.1

The Town shall amend its land development regulations to require that any new development, on lands identified in its Comprehensive Plan as overlying a groundwater recharge area, shall run its stormwater over grassy areas prior to discharge into the Town's system.

POLICY 12.2

The Town shall continue to prohibit industry and the storage of hazardous materials.

POLICY 12.3

In the event that the Town utilizes the surficial aquifer as a water source in the future, the

Town shall develop, prior to such uses, additional policies which will protect the aquifer from degradation.

POLICY 12.4

Existing land uses in the aquifer recharge area will remain as indicated on the Future Land Use Map.

POLICY 12.5

The Town shall protect high recharge and prime recharge areas commensurate with their significance to natural systems or status as current or future sources of potable water.

OBJECTIVES AND POLICIES NOT INCLUDED

No objectives or policies pertaining to discouraging the proliferation of urban sprawl are necessary or applicable in the Town of Palm Beach, because it is virtually fully developed and the only areas for potential development are located on "in-fill" parcels.



TOWN OF PALM BEACH, FLORIDA

TOWN OF PALM BEACH 10-YEAR WATER SUPPLY FACILITY WORK PLAN

Prepared For:

Florida Department of Community Affairs Economic
Opportunity

Prepared By:

Town of Palm Beach Planning, Zoning & Building Department

August, 2017-August, 2020



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1.0 INTRODUCTION

The purpose of the Town of Palm Beach Water Supply Facility Work Plan (Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the Town's jurisdiction. Chapter 163, Part II, F.S., requires the Town to prepare and, adopt ~~and incorporate~~ a Work Plan into its comprehensive plan within 18 months after the water management district approves a regional water supply plan or its update. The 2018 Lower East Coast Water Supply Plan Update was approved by the South Florida Water Management District (SFWMD) in November of 2018 2013. Completion of the Town's plan was dependent upon the approval completion of the Town's water supplier's (City of West Palm Beach) Work Plan by and the transmittal of the City's Work Plan to the Florida Department of Economic Oppourtunity (DEO), ~~and the final adoption and approval by DCADEO~~ of the Town's Comprehensive Plan EAR-Based Amendments (process completed in August 2017).

Residents of the Town of Palm Beach obtain their water directly from the City of West Palm Beach, which is responsible for ensuring that enough capacity is available for existing and future customers.

The Town of Palm Beach Water Supply Facility Work Plan (Work Plan) references the initiatives already identified in City of West Palm Beach's 10-year Work Plan since the Town is a retail buyer. According to state guidelines, the Work Plan and the comprehensive plan amendment must address the development of traditional and alternative water supplies, bulk sales ~~agreements and conservation agreements~~, conservation, and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period. Because of the Town's relationship with the City of West Palm Beach, the Town's Work Plan has the same planning time schedule as the City of West Palm Beach's 10-year Work Plan.

The Town's Work Plan is divided into four sections:

Section 1 – Introduction

Section 2 – Background Information

Section 3 – Data and Analysis

Section 4 – Work Plan Projects/Capital Improvement Element/Schedule

The Town of Palm Beach's goals, objectives and policies that address potable water are found in the "Potable Water" sub-element of the Infrastructure Element of the Town's Comprehensive Plan. Specifically, the policies in Objectives 9, 10, and 11, ~~and 12~~ in the Infrastructure Element detail how the Town coordinates with its water provider to guarantee a sufficient water supply for its residents in the most efficient and environmentally friendly way possible. Policy ~~42.3~~ 11.2 in the Infrastructure



Element references this ~~water supply facility work plan~~ Water Supply Facility Work Plan.

1.1 Statutory History

The Florida Legislature enacted legislation in the 2002, 2004, 2005, 2011, ~~and~~ 2012, 2015 and 2016 sessions to address the state's water supply needs. This legislation, particularly Senate Bills 360 and 444 (2005 legislative session), significantly changed Chapter 163 and 373 Florida Statutes (F.S.) by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, these bills established the basis for improving coordination between the local land use planning and water supply planning.

1.2 Statutory Requirements

Each local government must comply with the following requirements:

1. Coordinate appropriate aspects of its comprehensive plan with the appropriate water management district's regional water supply plan, [163.3177(4)(a), F.S.]
2. Ensure that its future land use plan is based upon availability of adequate water supplies and public facilities and services [s.163.3177(6)(a), F.S.]. Data and analysis demonstrating that adequate water supplies and associated public facilities will be available to meet projected growth demands must accompany all proposed Future Land Use Map amendments submitted to the Department for review. The submitted package must also include an amendment to the Capital Improvements Element, if necessary, to demonstrate that adequate public facilities will be available to serve the proposed Future Land Use Map modification.
3. Ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the local government anticipates issuing a certificate of occupancy and consult with the applicable water supplier prior to approving building permits, to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy [s.163.3180 (2), F.S.]. This "water supply concurrency" is now in effect, and local governments should be complying with the requirement for all new development proposals. In addition, local governments should update their comprehensive plans and land development regulations as soon as possible to address these statutory requirements. The latest point at which the comprehensive plan must be



revised to reflect the concurrency requirements is at the time the local government adopts plan amendments to implement the recommendations of the Evaluation and Appraisal Report (EAR).

4. For local governments subject to a regional water supply plan, revise the General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element (the "Infrastructure Element"), within 18 months after the water management district approves an updated regional water supply plan, to:
 - a. Identify and incorporate the alternative water supply project(s) selected by the local government from projects identified in the updated regional water supply plan, or the alternative project proposed by the local government under s. 373.709(8)(b), F.S. [s. 163.3177(6)(c), F.S.];
 - b. Identify the traditional and alternative water supply projects, bulk sales agreements, and the conservation and reuse programs necessary to meet current and future water use demands within the local government's jurisdiction [s. 163.3177(6)(c)3, F.S.]; and
 - c. Include a water supply facilities work plan for at least a 10-year planning period for constructing the public, private, and regional water supply facilities identified in the element as necessary to serve existing and new development. [s. 163.3177(6)(c), F.S.] Amendments to incorporate the water supply facilities work plan into the comprehensive plan are exempt from the twice-a-year amendment limitation. [s. 163.3177(6)(c)3, F.S.]
5. Revise the Five-Year Schedule of Capital Improvements to include any water supply, reuse, and conservation projects and programs to be implemented during the five-year period [s. 163.3177(3)(a)4, F.S.].
6. To the extent necessary to maintain internal consistency after making changes described in Paragraph 1 through 5 above, revise the Conservation Element to assess projected water needs and sources for at least a 10-year planning period, considering the appropriate regional water supply plan, the applicable District Water Management Plan, as well as applicable consumptive use permit(s). [s.163.3177 (6)(d), F.S.]

If the established planning period of a comprehensive plan is greater than ten years, the plan must address the water supply sources necessary to meet and achieve the existing and projected water use demand for established planning period, considering the appropriate regional water supply plan. [s.163.3167 (9), F.S.]



7. To the extent necessary to maintain internal consistency after making changes described in Paragraphs 1 through 5 above, revise the Intergovernmental Coordination Element to ensure coordination of the comprehensive plan with applicable regional water supply plans and regional water supply authorities' plans. [s.163.3177(6)(h)1., F.S.]
8. Address in the EAR (if necessary), the extent to which the local government has implemented the 10-year water supply facilities work plan, including the development of alternative water supplies, and determine whether the identified alternative water supply projects, traditional water supply projects, bulk sales agreements, and conservation and reuse programs are meeting local water use demands. [s.163.3191 (3), F.S.]

2.0 BACKGROUND INFORMATION

2.1 Overview

The Town of Palm Beach was —incorporated in 1911, making it the second municipality established in Palm Beach County. The Town is a 16-mile long barrier island with the Atlantic Ocean to the east and the Intracoastal Waterway to the west, which separates the Town from the Cities of West Palm Beach and Lake Worth.

The Town of Palm Beach is substantially built-out. The Town experienced its greatest growth between 1950 and 1970, when its resident population increased from 3,886 to 9,086. The population increased to 9,676 in 2000; however, Ssince then, population growth has actually declined. ~~The 2009 estimated population for the Town is 9,815, and over the next ten years the Town population is projected to grow to 10,080, which is only a 2.7% increase in population.~~ According to the 2010 US Census, the Town had a population of 8,161, which was a 15.7% decrease from the 2000 US Census figure. The University of Florida, Bureau of Economic and Business Research (BEBR) estimates the 20152019 population at 8,040 8,321, which is a somewhat minor population decreaseincrease. -Any potential population growth is unlikely, and if it were to occur, it would likely be relatively minor given the fact that the Town is substantially built-out, and there is a scarcity of vacant and developable land. Furthermore, the potential expansion of the Town's current boundaries through annexations is not possible because the Town is not physically connected to any unincorporated areas.

In 2009, an evaluation of existing gross acreage by land uses revealed that 1,614 acres or 78% of the total gross acreage in the Town is dedicated to residential use. The remaining gross acreages are allocated to non-residential uses such as private group use (11%), recreation (5%), commercial (5%); conservation (2%), and public use (0.002%). The private group use includes private clubs, golf and country clubs,



houses of worship, museums and non-commercial recreation-type or cultural uses. ~~In 2008, the Town's building records indicated that 21 permits were issued for new residential construction and only one permit for commercial construction.~~ Many of the 24 new residential construction permits were in conjunction with a demolition permit, thereby allowing an existing home to be demolished and replaced with a new home. This information furthers the premise that the Town is essentially built-out.

2.2 Relevant Regional Issues

As the state agency responsible for water supply in the Lower East Coast planning area, the SFWMD plays a pivotal role in resource protection, through criteria used for Consumptive Use Permitting. As pressure increased on the Everglades ecosystem resource, the Governing Board initiated rule-making to limit increased allocations dependent on the Everglades system. As a result, the Regional Water Availability Rule was adopted by the Governing Board on February 15, 2007 as part of the SFWMD's water use permit program. This reduced reliance on the regional system for future water supply needs, mandates the development of alternative water supplies, and increasing conservation and reuse.

3. DATA AND ANALYSIS

The Town of Palm Beach does not own or operate its own potable water supply system. Rather, potable water facilities and services are provided by the City of West Palm Beach. In addition to providing potable water to the Town of Palm Beach and its own residents, the City of West Palm Beach also provides potable water to the Town of South Palm Beach.

The City of West Palm Beach's water system includes a raw water supply, water treatment plant, storage reservoirs, and a distribution system. A 30-year renewable contract between the Town and the City was signed in 1965 (Resolution 3-65) and expired in 1995; however, the City continued to provide water to the Town as was required by the previous agreement. The Town subsequently renegotiated the contract with the City, and a new franchise agreement was signed on June 16, 1999 (Resolution 22-99), and is effective until 2029.

3.1 Population Information

The Town's existing and future population figures are derived from the US Census, the Bureau of Economic and Business Research (BEBR), and the Town's Planning, Zoning and Building Department. Between 1950 and 1970, the Town of Palm Beach population grew from 3,886 to 9,086, an increase of 134 percent. After this period, the Town's population growth was far less dramatic with a 2000 US Census figure of



9,676. The 2010 US Census found that the Town's population actually decreased by 15.7% to a figure of 8,161 (17,472 at peak season, which includes residents, seasonal residents, and transients). The Town's population has been estimated to ~~decrease~~increase slightly in ~~2015-2019~~ to ~~8,040~~8,321 (17,273 at peak season, which includes residents, seasonal residents, and transients), and by 2025 the Town's population should reach ~~8,425~~ (17,956 at peak season, which includes residents, seasonal residents, and transients); however, this is a somewhat minor ~~decrease~~increase, and the population is anticipated to remain somewhat flat. Any potential growth is limited because of the fact that the Town is substantially built-out and there is a scarcity of vacant and developable land.

3.2 Maps of Current and Future Areas Served

The Town's water demand is met by the City of West Palm Beach, therefore the Town falls within the City of West Palm Beach's Utility Service Area, and is shown in the City's Potable Water Supply Service Area map found in the City's Comprehensive Plan Map Series.

3.3 Population and Potable Water Supply Demand Projections

The Town's population figures have been included in the City of West Palm Beach's 10-Year Water Supply Facility Work Plan, which also includes the population figures for the Town of South Palm Beach and the City of West Palm Beach. All of these population figures have been used to project future water demand in the Utility Service Area for the City of West Palm Beach, and are included in the City's 10-Year Water Supply Facility Work Plan in the City's Comprehensive Plan. In summary, the City's permitted allocation of potable water is ~~14,346~~15,038 million gallons per year, while the ~~demand from the Utility Service Area~~total raw water demand with bulk service agreements was is 11,21612,000 million gallons in ~~2008~~2020, and the ~~projected demand for the Area~~total raw water demand with bulk agreements is 12,742 12,989 million gallons in ~~2018~~2030. The water demand is always less than than the water allocation over the next ten (10) years. Therefore, the City of West Palm Beach can more than easily meet the water demands of the Town of Palm Beach for the next ten years.

3.4 Water Supply Provided by the City of West Palm Beach

The City of West Palm Beach's 10-Year Water Supply Facilities Work Plan is attached as Appendix A. The intent of the City's Work Plan is to meet the statutory requirements mentioned in subsection 1.2 of this plan and to coordinate the City of West Palm Beach's water supply initiatives with the SFWMD's 2018 Lower East Coast Water Supply Plan Update.



As stated earlier, the City of West Palm Beach's Utility Service Area includes all the land within the City's municipal boundaries, and also those areas within the municipal boundaries of the Town of South Palm Beach and the Town of Palm Beach. The City of West Palm Beach's supply system is detailed in the following subsections.

3.4.1 SFWMD Water Use Permit

The City obtained a 20-year consumptive water use permit (GWUP) from the South Florida Water Management District (SFWMD) on February 14, 2013. The details of the permit are as follows:

- GWUP Number: 50-00615-W
- Raw Water Source:
 1. Ground Water Source: Floridan—Aquifer—SystemAquifer Storage and Recovery (ARS) Well for surface water storage / recovery and & Surficial Aquifer System.
 2. Surface Water Source: Clear Lake (via M-Canal and Lake Mangonia from Grassy Waters Preserve and Lake Okeechobee via the L-8 Tieback (SFWMD Canal (L-8) Tieback) through control 2 (67 MGD)).
- Raw Water Allocation Information:
 - Annual Allocation: 14,34615,038 Million Gallons (MG)
 - Max. Monthly Allocation: 1,3391,392.32 Million Gallons (MG)
- Annual allocation includes 10,29415,038 million gallons (MG) from Clear Lake and 24,446 Million Gallon (MG) from SFWMD Canal (L-8) Tieback as existing surface water withdrawal and from Surficial Aquifer System 1,470 MG from West Wellfield (WWF) and 864 MG from East Wellfield (EWF). All allocations are for the Public Water Supply portion of the permit.
- Specific Source Limitation:
 - Clear Lake Annual = 14,34615,038 MG; Monthly = 1,3391,392.32 MG
 - Surficial Aquifer System West Wellfield (monthly) – 759.50 MG
 - Surficial Aquifer System East Wellfield (EWF) (monthly) – 446.4 MG
 - SFWMD Canal (1-8) Tieback (monthly) – 2,765.00 MG
- Permit Expiration in 20 years: February 14, 2033.

3.4.2 Existing Withdrawal Facility



Source: Floridan Aquifer System-ASR Well for surface water storage / recovery

1-24" – X 1200' X 4861 GPM Well Cased to 985 feet

Source: Surficial Aquifer System

1 – X 18" X 152.5' X 2,780 GPM Well Cased to 82.5 feet

1 – X 18" X 153.5' X 2,780 GPM Well Cased to 83.5 feet

1 – X 18" X 154' X 2,780 GPM Well Cased to 84 feet

1 – X 18" X 163' X 2,780 GPM Well Cased to 93.5 feet

1 – X 18" X 166' X 2,780 GPM Well Cased to 96 feet

1 – X 18" X 170' X 2,780 GPM Well Cased to 100 feet

~~1 – X 18" X 150' X 2,780~~ ~~24" X 125' X 1,000 GPM Well Cased to 80~~ ~~119 feet~~

4 – X 18" X 150' X 2,780 GPM Well Cased to 80 feet

Ground Water: Surficial Aquifer System – East Wellfield

~~9 – 24" X 150' X 1,000 GPM Wells cased to 120 feet.~~

~~1-24" x 98'x 1000 GPM Well Cased to 95 feet~~

~~1-24" x 186'x 1000 GPM Well Cased to 137 feet~~

~~1-24" x 181'x 1000 GPM Well Cased to 131 feet~~

~~1-24" x 95'x 1000 GPM Well Cased to 91 feet~~

~~1-24" x 101'x 1000 GPM Well Cased to 86 feet~~

~~1-24" x 170'x 1000 GPM Well Cased to 132 feet~~

~~1-24" x 97'x 1000 GPM Well Cased to 93 feet~~

~~1-24" x 125'x 1000 GPM Well Cased to 119 feet~~

~~1-24" x 195'x 1000 GPM Well Cased to 145 feet~~

~~1-24" x 142'x 1000 GPM Well Cased to 105 feet~~

Source: Clear Lake-Surface Water

4 – X 14" X 100 HP X 8,400 GPM Turbine Pumps

1 – X 16" X 100 HP X 5,250 GPM Centrifugal Pumps

2 – X 18" X 125 HP X 10,500 GPM Centrifugal Pumps

1 – X 30" X 150 HP X 17,500 GPM Turbine Pumps

3 – 36" X 130 HP X 15,000 GPM Submersible Pumps

4 – 42" X 200 HP X 33,700 GPM Axial Flow Pumps

3.4.3 Alternative Water Supplies

The City's SFWMD consumptive water use permit (GWUP) requires that the City "use alternative water supplies to account for all increased demands from Clear Lake above the City's historic use." The City has identified these alternatives in their 10-Year Water Supply Facility Work Plan (Section 3.3.4), which will allow the City to meet the water supply demand of its Service Area for the next ten years, including



the water demands of the Town of Palm Beach. The City has approved alternatives, urban stormwater treatment via the Renaissance Project (637 MGY), tidal capture from C-51 canal (up to 54 MGD) via Renaissance treatment process, tidal capture from C-17 canal (up to 72 MGD) and ASR well (stored surface water-up to 8 MGD, though on average have pumped out 2 MGD).

3.4.4 Interconnects

The City also maintains interconnections with other public water suppliers including:

1. One interconnection with the Solid Waste Authority for delivery of up to 0.35 MGD of finished water;
2. One interconnection with the Palm Beach County at Bay Hill Estates for delivery of up to ~~0.50~~.15 MGD of finished water;
3. One emergency interconnection with Lake Worth Utilities (1.0 MGD);
4. Five emergency interconnections with Palm Beach County at SR7 at Okeechobee (3.0 MGD), M-Canal W to Coconut Blvd (0.15 MGD), Haverhill Road (1.5 MGD), Jog Road (3.0 MGD), and Florida Mango Road (1.0 MGD); and
5. Two emergency interconnections with the City of Riviera Beach with one at Military Trail (1.0 MGD) and one at Broadway Avenue (1.0 MGD).

3.5 Conservation

Currently, one of the Town's objectives listed in the Comprehensive Plan is to implement a water conservation program that includes education, requiring water saving devices in construction, requiring new automatic irrigation systems to include water sensors, the use of xeriscaping, and enforcement of SFWMD's irrigation restrictions. Some water conservation programs have been implemented and added to Town code, including native vegetation landscape requirements.

To further the conservation of water, the Town will coordinate future conservation efforts with the City of West Palm Beach and the SFWMD to ensure that proper techniques are applied. In addition, the Town will continue to support and expand existing goals, objectives and policies in the comprehensive plan that promote water conservation in a cost-effective and environmentally sensitive manner. The Town will continue to actively support the SFWMD and the City of West Palm Beach in the implementation of new regulations or programs that are design to conserve water during the dry season.

3.6 Alternative Water Supply Projects & Reuse



State law supports and promotes reuse efforts. For the past several years, Florida's utilities, local governments, and water management districts have led the nation in implementing water reuse programs that increase the quantity of reclaimed water used and public acceptance of reuse programs. Section 373.250(1) F.S. provides that "the encouragement and promotion of water conservation and reuse of reclaimed water, as defined by the department, are state objectives and considered to be in the public interest." In addition, Section 403.064(1), F.S., provides that "reuse is a critical component of meeting the state's existing and future water supply needs while sustaining natural systems."

The Town of Palm Beach supports all water reuse and alternative water supply initiatives by its water provider, including those completed and operational, and those that are being developed. These water reuse and alternative water supply initiatives include the following:

~~The Renaissance Project was completed by the City of West Palm Beach in 2002, which is a stormwater collection and reuse system that collects and treats stormwater normally discharged into a water body, for reuse in the City's potable water supply system. Currently, the Renaissance Project captures, treats, and stores approximately 365 million gallons of water per year (MGY), or one (1) million gallons per day (MGD). This reuse system greatly reduces stormwater that would be passed into a water body, and significantly reduces the need for the City to withdraw additional water from the regional water supply system.~~

~~In 2006, the City of West Palm Beach completed construction on the Wetlands Based Water Reclamation Project (WBWRP), which is another water reuse project that involves the discharge of highly treated effluent to an adjacent wetland area to restore and recharge the wetland and surficial aquifer. The City then has the ability to withdraw this water from the recharged aquifer and put it into its potable water supply system. This reclaimed water, up to 10 million gallons per day (MGD), is available to augment the City's potable water supply system, which reduces the City's dependency on the regional water supply system.~~

~~The City of West Palm Beach also recently completed an 8 million gallon per day (MGD) aquifer storage and recovery (ASR) well at its Water Treatment Plant. This well can store excess treated surface water during a heavy rainfall, then pump it into the upper Floridan Aquifer System, which can then be withdrawn to meet increased demands during dry weather. The City's ASR well is not currently operational, but is being evaluated for future use under 5th cycle testing to determine the recharge and recovery values and also to evaluate water quality of recovered water.~~

~~The existing 10 wells in the Western wellfield can provide 24.5 MGD (operational conditions based on Clear Lake levels and regional water non-availability).~~

~~The City completed construction of Divide Structure Pump station on Clear Lake to withdraw water from deeper areas of Clear Lake allowing additional source water of~~



~~up to 60 MGD (operational conditions based on Clear Lake levels and regional water supply non-availability).~~

~~The City just completed construction of 9 more surficial wells located around M-Canal to capture seepage losses, bringing the total number of wells in the eastern Well field to 10 with a potential 14.4 MGD (operation conditions are based on Clear Lake levels and regional water supply non-availability).~~

~~The City is currently constructing a pump station for capturing water sent to tide from C17 Canal; this pump structure has a potential to capture up to 72 MGD (operational conditions based on water being released to tide and canal levels).~~

~~• Renaissance Project: Constructed in 2002, the project is an innovative stormwater collection and reuse system that collects and treats stormwater normally discharged to tide. With an initial construction cost of \$17,600,000 the project was completed with financial support from the Environmental Protection Agency, South Florida Water Management District, and Palm Beach County. The system captures, treat and stores approximately 637 million gallons per year, (MGY) or one (1.75) million gallons per day (MGD).~~

~~• Aquifer Storage and Recovery (ASR) Well: Upon completion of construction, the ASR well was rated at 8 mgd. Located at the Water Treatment Plant it is designed to store excess surface water during periods of heavy rainfall. The excess water is pumped into the upper Floridan Aquifer System and is recovered when the water is withdrawn to meet increased demands during dry weather. Cycle testing continues and in 2019 the well acid cleaned, the injection pump rebuilt, and the effluent valve replaced. The City continues to invest in this alternative water source with plans to restart cycle testing in early 2020.~~

~~• C17 Canal Pump Structure: The pump station was constructed to capture water prior to being sent to tide from C17 Canal, this pump structure has the potential to capture up to 72 MGD (operational conditions based on water being released to tide and canal levels).~~

4.0 CAPITAL IMPROVEMENTS

The following are details of the City of West Palm Beach's treatment process for potable water, and what capital improvements will be necessary over the next ten years to provide potable water to those it serves, including the Town of Palm Beach.

4.1 City of West Palm Beach's Existing Water Treatment Plant Process

~~The City of West Palm Beach's Water Treatment Plant (WTP) was originally constructed in 1921, and later expanded in 19891984, which increased capacity by 47 million gallons per day (MGD). In 1999, the treatment process at the facility was modified to include ferric sulfate-enhanced lime softening treatment. The City is currently evaluating water treatment alternatives, other sources of water, and possible plant locations; any future modifications or changes shall be reflected in this~~



~~plan as it is amended from time to time. After a series of bacteriological events in the distribution system in 2007, the plant underwent a series of operational and equipment and process improvements in 2008-2012. Improvements included staff training and augmentation, replacement of inoperable valves, mechanical systems and equipment at the end of its useful life, eliminating gaseous chemicals for staff and public safety, dosing chemicals through a mixing and metering header and modifying control and electrical systems to provide automated plant operation and reliable power distribution as well as backup power generation systems for the plant. The conventional treatment process of coagulation, flocculation/sedimentation, filtration through dual media, biologically active rapid gravity filters and disinfection with chloramine treatment will be enhanced by the addition of Ultraviolet (UV) light disinfection to provide additional pathogen protection and upgraded taste and odor control. The addition of the UV light disinfection process downstream of filters, along with a dedicated Powdered Activated Carbon (PAC) contact chamber and new pumping equipment for high service pumping, will be under construction in 2016. This combination of additional treatment was selected as the most economical, environmentally sensitive, energy efficient and least disruptive option.~~

~~Surface water is the primary source for the City's (and therefore the Town's) water supply system. Surface water travels through the City's M-Canal to the City's water supply lakes (Lake Mangonia and Clear Lake), and they come from the City's Grassy Waters Preserve, a 19.3-square-mile aquatic preserve located in western West Palm Beach and from Lake Okeechobee through the L-8 Tieback through the city's control 2 structure (pump station upgraded in 2014). As mentioned previously, there are other sources of water that feed into the surface water system, including the Renaissance Project, and the Wetlands Based Water Reclamation Project (WBWRP) tidal water capture from C51 and C17 Canals, augmentation from surface water stored and recovered from the ASR well, and Eastern and Western wellfield surficial wells. During extreme drought conditions, Clear Lake Divide structure will help draw water from lower depths in Clear Lake to augment the water supply to the treatment plant. Ultimately, the combined water from Grassy Waters Preserve, the Renaissance Project, and the WBWRP is pumped from Clear Lake into the WTP for treatment.~~

~~The following is a description of the water treatment process contained in the City of West Palm Beach's 10-Year Water Supply Facility Work Plan: First, powdered activated carbon is added to control taste and odor. Next, the water enters two parallel rapid mix-coagulation-flocculation-sedimentation treatment trains. Each treatment train operates independently of the other utilizing two different chemical treatment methods. The east train utilizes ferric sulfate-enhanced lime softening (LS) and the west train utilizes enhanced coagulation using ferric sulfate (EC). Following chemical addition, both trains enter flocculation basins and then sedimentation basins where particles settle and are removed from the water. Water~~



~~is collected at the end of the sedimentation basins and both trains are combined in a combined effluent channel. After recombining, caustic soda is added to raise the pH prior to filtration. The pH adjusted water is then filtered to remove any remaining particulates before the final process step of chlorination. After chlorination, the water is pumped through three major transmission mains that pump to the east, south and north. Source water from Clear Lake is pumped at the intake of the WTP headworks (PAC is added at the intake to control taste and odor) and rapidly mixed with Lime, Ferric Sulfate and polymer, the water is allowed to coagulate, flocculate and settle in the sedimentation basins. After readjusting pH with Sodium hydroxide, the water is filtered through rapid gravity dual media biological filters and disinfected with chloramination. A corrosion inhibitor and Fluoride are added at the mixing metering header along with final adjustments to pH and chlorine residual. After disinfection, the water is pumped through high service pumps to three major transmission mains that pump to the east, south and north.~~

~~The West Palm Beach Water Treatment Plant (WTP) is owned and operated by the City of West Palm Beach (City). The WTP and associated distribution system provides potable water to the residents, visitors and businesses of West Palm Beach and the towns of Palm Beach and South Palm Beach. The WTP is located in Palm Beach County, Florida at 1009 Banyan Boulevard, West Palm Beach, Florida.~~

~~The City was founded in 1894 and has been the seat of Palm Beach County government since 1909. The initial urbanized portion of the City was approximately eight miles long and 3 miles wide. A coastal ridge lies several blocks to the west and runs parallel to the Intracoastal Waterway for the entire length of the City. The original City site now constitutes the central business district. The development and maintenance of the utility infrastructure system continues to provide an acceptable level of service and an essential component in the City's growth.~~

~~From the first water supply system developed in the late 1800s, the City's utility system has grown from a service population of approximately 500 people in 1900 to its current estimated service population of approximately 125,000 residents covering 61 square miles. The utility system provides water for both indoor and outdoor use for about 34,334 residential and commercial customers accounts.~~

~~The City's potable water system includes a raw water supply system, WTP, re-pump stations, storage tanks, the distribution system and various interconnections with neighboring utilities.~~

~~The City's facilities including the source water supply, water treatment system, re-pump stations, available interconnection and the existing distribution system. Since the 2015 there have been several changes that include:~~

- ~~• Modification of Raw Water Pump #27;~~



- Construction of the 50.0 mgd Powered Activated Carbon (PAC) Basin;
- Filter Media Replacement;
- Abandonment of the 1 MG Clearwell/Storage Tank at the WTP;
- Construction and Operation of the 50 mgd Ultra-Violet Light (UV) Disinfection System;
- Construction of a direct suction header to the West Pump House;
- Installation of 4 new high service pumps in the West Pump House;
- Remote re-pump station switches from gaseous chlorine to sodium hypochlorite;
- Pre and post disinfectant injection at the Ibis Re-Pump Station; and
- Six Sigma project to address distribution system flushing volumes.

These projects total more than 25 million dollars (\$25,000,000) invested in the PWS since 2015. The City continues to be committed to the proper operation and maintenance of its PWS to ensure public health and safety.

The WTP is a surface water treatment facility operating on a source water supply that is collected, stored and transported by various catchment areas including urban rain cropping, wetlands, lakes and canals to meet the water supply needs.

The source water supply includes facilities owned and operated by the City along with facilities within the Regional Systems operated by the South Florida Water Management District and the United States Army Corps of Engineers.

The existing source water supply system dates to 1894 with the construction of a single steam driven pump and an 8-inch pipe to move water from Clear Lake to Henry Flagler's Royal Poinciana Hotel. Over the years the source water supply has been expanded. The history of the supply includes the following milestones:

1894 Clear Lake tapped as Water Supply.
1920's Clear Lake is connected to Lake Mangonia.
1930's M-Canal excavated to wetlands (Grassy Waters Preserve) west of the lakes.
1950's Grassy Waters Preserve (19.3 Square Miles) purchased.
1960's M-Canal Extension westward to the L-8 Canal and Lake Okeechobee.
1980's Western Wellfield constructed.
1990's Aquifer Storage and Recovery Well constructed.
2000's Renaissance Project construction and the Okeechobee Divide Structure constructed.
2010's Eastern Wellfield constructed, Australian Avenue Gates and Pumps constructed, and the C-17 Pump House constructed.

The Clear Lake WTP, originally completed in 1921, underwent an expansion in 1989 and as of 2020 is in the final steps of a major renovation including the addition of the



PAC basins, the UV Treatment System and upgrades to the West Pump House's high service pumps and Raw Water Pump 27.

The WTP has a maximum permitted capacity of 47.3 mgd. The treatment process includes the following:

- Hypochlorite Pretreatment - Turbidity Control (Optional);
- Powered Activated Carbon - Taste and Odor Control (Optional);
- Cationic Polymer - Turbidity Control;
- Ferric Sulfate - Turbidity Control;
- Lime – Softening, Turbidity and TOC Removal;
- Recarbonation - pH Adjustment;
- Filter Aid - Turbidity Control (Optional);
- Conventional/Biologically Active Filters – Turbidity Control, Taste and Odor Control;
- UV Disinfection - Bacteriological Control;
- Chlorine/Chloramines - Bacteriological Control;
- pH Adjustment (Sodium Hydroxide) - Lead and Copper Control;
- Orthophosphate (Corrosion Inhibitor) - Lead and Copper Control; and
- Fluoride - Dental Health.

The WTP uses conventional lime softening, filtration and chemical disinfection to comply with the federal and state safe drinking water regulations. The UV System, commissioned in February 2019, provides an additional barrier for public health purposes. The PAC Basin, expected to be fully operational in early 2020, will be used on an as needed basis to improve the taste and odor characteristic of the finished water.

The primary source of the City's water supply is surface water. Surface water travels through the City's M-Canal to the City's water supply lakes, Lake Mangonia and Clear Lake, from the City's Grassy Waters Preserve, a 19.3 square mile aquatic preserve located in western West Palm Beach and from Lake Okeechobee through the L-8 Tieback through the City's control 2 structure.

Alternative sources of water that feed into this above-ground water supply system include the City's Renaissance Project, tidal water capture from C51 and C17 Canals, augmentation from surface water stored and recovered from the ASR well,

The Eastern and Western wellfield surficial wells are available to the City during periods of drought conditions.

4.2 Capital Improvements Element/Schedule



The City of West Palm Beach's ~~Five Year~~ Capital Improvements Schedule, which is adopted annually, details the capital improvements necessary to provide the various adopted levels of service (LOS) established by the City and those that they serve, including the Town of Palm Beach. The City's Utilities Department is currently assessing the condition of the water treatment plant, as well as distribution system assets. Following the assessment, the City will prioritize infrastructure projects, including above ground and underground utilities. Based on the assessment and prioritization, the Utilities Department plans on borrowing money through a bond to address water treatment and distribution needs.

~~After the City of West Palm Beach reviewed current and projected water demands, permitted allocation, and its water supply options, along with instituting drought proofing measures, the City determined that no new infrastructure for potable water will be needed within the ten-year planning period of this water supply facility work plan. However, the City is committed to continue to explore current technology and options in order to secure a safe water supply to meet the anticipated future demands from those who receive water from the City, including the Town of Palm Beach.~~

2022: East High Service Building Motor Control Center. Project includes the installation of Variable Frequency Drives on 2 of the 3 existing high service pumps. Project will increase energy efficiency within the plant and provide better control over distribution system pressures.

2023: Recarbonation System Upgrades. Project includes replacement of the existing liquid carbon dioxide storage tanks and associated equipment. Project will decrease the plant's potable water demand freeing up capacity for customers and reduce liquid carbon dioxide consumption with an improved process.

2025: Kaye Street Re-Pump Station Motor Control Center. Project includes the installation of Variable Frequency Drives on the booster pumps. Project will increase energy efficiency within the plant and provide better control over distribution system pressures.

2025: Lime Storage / Slaker Additions. Project includes the addition of a new lime silo and slaker. Project will increase lime storage capacity for storm events and slaker capacity for system reliability.

2030: Valley Forge Re-Pump Station Storage Tank Upgrade. Project includes the rehabilitation or replacement of the existing 3-million gallon storage tank. Project will maintain the City's storage capacity.

2030: Valley forge Re-Pump Station Motor Control Center. Project includes the installation of Variable Frequency Drives on the booster pumps. Project will increase energy efficiency within the plant and provide better control over distribution system pressures.

5.0 COORDINATION WITH WATER PROVIDER

***Town of Palm Beach
10-Year Water Supply Facility Work Plan***



A representative from the Town of Palm Beach meets on a regular basis with a representative from the City of West Palm Beach to "assist the City in its efforts to establish priorities for replacement of, or corrections of, deficiencies to potable water quality, facilities, as well as provision for future potable water needs." (Infrastructure Element Policy 11.1). The Town has also created the Town of Palm Beach Water Committee that regularly meets to discuss water supply problems and issues, and possible solutions. Representatives from the City of West Palm often address this Committee, and this Committee is in constant coordination with the City to ensure that the Town's potable water needs are met.

The Town will amend this work plan to address any changes to the water provider, or if the Town assumes the responsibility of water provider.

***Town of Palm Beach
10-Year Water Supply Facility Work Plan***





Appendix A

The City of West Palm Beach 10 Year Water Supply Facility Work Plan

develop water quality models to more accurately assess the impacts of proposed land use activities.

Objective 1.2: The City shall actively pursue acquisition of lands adjacent to the Water Catchment Area and the voluntary dedication of preserves areas in adjacent developed land to maximize natural buffer areas around the perimeter of the Water Catchment Area.

Policy 1.2.1: The City shall protect this vital groundwater recharge area and closely regulate development surrounding the Water Catchment Area by allowing only those land uses, site designs, and on-site stormwater drainage systems that are of a benign or beneficial influence to the recharge area.

Objective 1.3: The City shall continue to implement a program of public education and information to promote understanding of the Water Catchment Area and the importance of environmental preservation to the quality of the City's water supply.

Policy 1.3.1: The City shall continue to develop and utilize the Nature Center facilities and relationships with environmental groups and educational centers to provide an educational program that allows acceptable, passive recreational use of the Water Catchment Area to promote an appreciation of the fragile and unique environment that is the source of the City's water.

Objective 1.4: The City shall continue to implement existing and identify additional programs to augment and enhance groundwater recharge.

Policy 1.4.1: The City shall continue to implement an aquifer storage and recovery program that will allow the storage of excess water underground which could then be released during low-flow or drought periods to augment surface waters and water supply requirements.

Policy 1.4.2: The City shall continue to implement a water reuse program utilizing reclaimed waste water to recharge surficial wetlands and shallow aquifer systems.

10 YEAR WATER SUPPLY FACILITY WORK PLAN SUBELEMENT

1.0 INTRODUCTION

1.1 Purpose and Objectives

The purpose of the City of West Palm Beach Water Supply Facility Work Plan (hereinafter the Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the local government's jurisdiction. Chapter 163, Part II, F.S., requires local governments to prepare and adopt Work Plans into their comprehensive plans within 18 months after the water management district approves a regional water supply plan or

~~its update. The 2013 Lower East Coast Water Supply Plan (LECWSP) Update was approved by the South Florida Water Management District.~~

The work plan reflects the assessments completed as part of the City's 2020 Capacity Analysis Report update that is submitted to the Florida Department of Health in Palm Beach County. The development and submittal requirements for both are based on the following:

- Chapter 403, Part VI, F.S., requiring public water systems to provide for the timely planning, design, permitting, and construction of necessary public water system source, treatment, or storage facilities. Under Chapter 62-555.348, F.A.C., the City is required to prepare and submit an updated Capacity Analysis Report every five years. The 2020 Capacity Analysis Report Update was submitted to the Florida Department of Health in January 2020.
- Chapter 163¹, Part II, F.S., requires local governments to prepare and adopt Work Plans into their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its update. The 2018 Lower East Coast Water Supply Plan (LECWSP) Update was approved by the South Florida Water Management District in November 2018.

~~Chapter 163, Part II, F.S., requires local governments to prepare and adopt Work Plans into their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its update. The 2013 Lower East Coast Water Supply Plan (LECWSP) Update was approved by the South Florida Water Management District.~~

Residents of the City buy their water directly from the City of West Palm Beach Public Utilities Department (PUD). Under this arrangement, the City's PUD ensures that enough capacity is available for existing and future customers and that supporting infrastructure, such as the water lines, are adequately maintained.

According to state guidelines, the Work Plan and the comprehensive plan amendment must address the development of traditional and alternative water supplies, bulk sales agreements and conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period.

The City's Work Plan is divided into the following four sections:

- Section 1 – Introduction
- Section 2 – Background Information
- Section 3 – Data and Analysis
- Section 4 – Work Plan Projects/Capital Improvement Element/Schedule

¹ Section 163.3177 (1)(e), F.S., When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.

1.2 Statutory History

The Florida Legislature has enacted bills in the 2002, 2004, 2005, 2011, ~~and~~ 2012, 2015 and 2016 sessions to address the state's water supply needs. These bills, especially Senate Bills 360 and 444 (2005 legislative session), significantly changed Chapter 163 and 373 Florida Statutes (F.S.) by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, these bills established the basis for improving coordination between the local land use planning and water supply planning.

1.3 Statutory Requirements

The following highlights the statutory requirements:

1. Coordinate appropriate aspects of its comprehensive plan with the appropriate water management district's regional water supply plan.
2. Ensure that its future land use plan is based upon availability of adequate water supplies and public facilities and services. Data and analysis demonstrating that adequate water supplies and associated public facilities will be available to meet projected growth demands must accompany all proposed Future Land Use Map amendments submitted to the Planning Division for review. The submitted package must also include an amendment to the Capital Improvements Element, if necessary, to demonstrate that adequate public facilities will be available to serve the proposed Future Land Use Map modification.
3. Ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the local government anticipates issuing a certificate of occupancy and consult with the applicable water supplier prior to approving building permit, to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy. This "water supply concurrency" is now in effect, and local governments should be complying with the requirement for all new development proposals. In addition, local governments should update their comprehensive plans and land development regulations as soon as possible to address these statutory requirements. The latest point at which the comprehensive plan must be revised to reflect the concurrency requirements is at the time the local government adopts plan amendments to implement the recommendations of the Evaluation and Appraisal Report (EAR).
4. For local governments subject to a regional water supply plan, revise the General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element (the "Infrastructure Element"), within 18 months after the water management district approves an updated regional water supply plan, to:

- a. Identify and incorporate the alternative water supply project(s) selected by the local government from projects identified in the updated regional water supply plan, or the alternative project proposed by the local government under s. 373.709(8)(b) and 373.709(2) (a) F.S.;
 - b. Identify the traditional and alternative water supply projects, bulk sales agreements, and the conservation and reuse programs necessary to meet current and future water use demands within the local government's jurisdiction; and
 - c. Include a water supply facility work plan for at least a 10-year planning period for constructing the public, private, and regional water supply facility identified in the Element as necessary to serve existing and new development. Amendments to incorporate the water supply facility work plan into the comprehensive plan are exempt from the twice-a-year amendment limitation.
5. Revise the Schedule of Capital Improvements to include any water supply, reuse, and conservation projects and programs to be implemented during the planning period.
 6. To the extent necessary to maintain internal consistency after making changes described in Paragraph 1 through 5 above, revise the Conservation Element to assess projected water needs and sources for at least a 10-year planning period, considering the appropriate regional water supply plan, the applicable District Water Management Plan, as well as applicable consumptive use permit(s).

If the established planning period of a comprehensive plan is greater than ten years, the plan must address the water supply sources necessary to meet and achieve the existing and projected water use demand for established planning period, considering the appropriate regional water supply plan.

7. To the extent necessary to maintain internal consistency after making changes described in Paragraphs 1 through 5 above, revise the Intergovernmental Coordination Element to ensure coordination of the comprehensive plan with applicable regional water supply plans and regional water supply authorities' plans.
8. Address in the EAR, the extent to which the local government has implemented the 10-year water supply facility work plan, including the development of alternative water supplies, and determine whether the identified alternative water supply projects, traditional water supply projects, bulk sales agreements, and conservation and reuse programs are meeting local water use demands.

2.0 BACKGROUND INFORMATION

2.1 Overview of the City of West Palm Beach

The City, established in 1894, is the largest municipality within Palm Beach County and serves as the County seat. The City boundaries encompass approximately fifty-eight (58) square miles and are bounded by the Intracoastal Waterway to the east, the South Florida Water Management District C-51 canal to the south, the City's 19.3 square mile Water Catchment Area (WCA) to the west, and the Beeline Highway and 59th Street to the north. Located adjacent to the City are several municipalities including, the Town of Palm Beach, City of Lake Worth, Town of Mangonia Park, and City of Riviera Beach.

Although the City is substantially built-out, approximately 98%, the City population grew from 82,103 in 2000 to ~~106,525~~ 106,893 in 2015 to 115,176 in 2019, an increase of ~~approximately thirty-less than-eight~~ percent. This population growth is reflective of the fact that the City continues to experience infill and redevelopment within its limits. For future planning purposes, 2020 has been set as the base year for the ten-year and twenty-year planning horizons.

In 2007, an evaluation of existing gross acreage by land uses revealed that 28.2% of the total gross acreage in the City is dedicated to residential use. The remaining gross acreages are allocated to non-residential such as recreation/open space (50%); commercial (5.4%); industrial (2.9%); and undeveloped (2%). The City does not anticipate substantial increases in land area in the near future, however population projections indicate a continued modest growth for the City of approximately 25% for the next 20 years to a projected population of 133,502 in the year 2035.

2.2 Relevant Regional Issues

As the state agency responsible for water supply in the Lower East Coast planning area, the South Florida Water Management District (SFWMD) plays a pivotal role in resource protection, through criteria used for Consumptive Use Permitting. As pressure increased on the Everglades ecosystem resource, the Governing Board initiated rulemaking to limit increased allocations dependent on the Everglades system. As a result, the Regional Water Availability Rule was adopted by the Governing Board on February 15, 2007 as part of the SFWMD's Consumptive Use Permit Program. This reduced reliance on the regional system for future water supply needs, mandates the

- 1) Recognizing that surface water and ground water is limited, the City has invested in alternative water supplies including Aquifer Storage and Recovery (ASR) well, pump structure at C17 canal and gates at Stub canal and pumps at Renaissance structure for capturing storm water drainage and C51 canal water otherwise lost to tide.
- 2) The City's water supply permit allocation at Control 2 limits withdrawal based on annual allocation in the permit thus only withdrawing allocated quantity from regional sources.
- 3) Recognizing that additional storage system may be needed to capture wet season flow volumes, the City constructed an ASR well which is used to pump and capture Clear

Lake water during the wet season and stored for use as source water during the dry season.

- 4) The City's, East Central Regional Water Reclamation Facility and Palm Beach County entered into an interlocal agreement to construct a reclaimed water facility located on the ECRWRF property and operated by the City of West Palm Beach. Currently the City and Palm Beach County have an interlocal agreement to provide reclaimed water to the Fit Team Ball Park of the Palm Beaches for the sole purpose of providing irrigation for the property which is located in the City of West Palm Beach service area.
- 5) The City at present doesn't use brackish groundwater as source water, however, the City is assessing the possible need for brackish groundwater in the future.

The intent of the City's Water Supply Facilities Work Plan is to meet the statutory requirements mentioned in subsection 1.2 of this plan and to coordinate the City's water supply initiatives with the ~~2013~~2018 Lower East Coast Water Supply Plan (LECWSP) Update, prepared by the South Florida Water Management District.

This Water Supply Facilities Work Plan details the facilities and proposed alternative water supply (AWS) projects that are planned or completed recently and included in the LECWSP in order to assist the City in meeting the service area water demands through 2032. These projects are expected to be completed in increments consistent with the projected growth set forth in the Plan. The AWS projects are included in the City's Capital Improvement Element.

The City's watershed, Grassy Waters Preserve, provides flows to Loxahatchee River (one of the two Florida rivers designated as a National Wild and Scenic river) to meet its Minimum Flows and Minimum Water Levels through G161 structure.

3.0 DATA AND ANALYSIS

3.1 Service Area - Population Information

The City of West Palm Beach Potable Water Supply Service Area (Utility Service Area) includes the City of West Palm Beach, Town of Palm Beach and Town of South Palm Beach. The existing and future population figures for the Utility Service Area were developed based on the information obtained from the U.S. Census Bureau, Bureau of Economic and Business Research (BEBR), and data presented in the 2018 Lower East Coast Water Supply Plan Update (LECWSP). Specifically: ~~are derived from Palm Beach County Planning, Zoning and Building Department and the University of Florida Bureau of Economic and Business Research (BEBR). Between 1990 and 2000, the Utility Service Area grew from 78,937 to 93,310, an increase of approximately eighteen (18%) percent. In 2008 the City's Utility Service Area population was estimated at 114,982. By 2015, the City's Utility Service Area population increased to 116,250; and in 2035 it is expected to increase to 144,150. This population growth is reflective of the fact that the City continues to experience redevelopment and infill projects within its limits.~~

- Historical population (2010 through 2018) obtained from the U.S. Census Bureau;

- Population data for years 2010 and 2019 obtained from BEBR website; and
- Population target data for 2040 was obtained from LECWSP.

The population projections are based on the Florida Department of Environmental Protection's "Guidelines for the Preparation of Source/Treatment/Storage Capacity Analysis Reports for Public Water Systems" using the decreasing rate of growth formulas.

The information from the LECWSP's 2040 population for the City's utility service area was used to determine the saturation value (Z) through trial and error until the predicted 2040 population was within 0.2 percent of the LECWS Plan value.

Between 2000 (82,103) and 2015 (116,897) the City experienced a population growth rate of more than forty percent in the City's service area. Between 2015 and 2019 (124,945) the population growth rate in the City's service area dropped to less than eight percent. The continued population growth, although slower, is reflective of the fact that the City's service area continues to experience infill and redevelopment within its limits.

The City does not anticipate substantial increases in land area in the near future, however population projections indicate a continued growth for the City's service area of approximately fifteen percent for the next 20 years to a projected population of 144,525 in the year 2040.

The City's bulk service agreements account for a demand of up to 0.50 mgd and include the Solid Waste Authority and Bayhill Estates. The City anticipates that these agreements will remain in place during the 10-year planning horizon.

3.2 Service Area Map

The City Utility Service Area includes the City of West Palm Beach, Town of Palm Beach and Town of South Palm Beach. A copy of the City's Potable Water Supply Service Area map is provided in the Comprehensive Plan Map Series.

A trailer park on Community Drive located in Palm Beach County, but within the City's service area gets water from wells, and currently there is no plan to provide water to this area.

3.3 Population and Potable Water Supply Demand Projections

This section provides historical population projections from ~~2008 to 2012~~2010 to 2019 and projected population projections through ~~2022~~2020 and 2040 for the City Utility Service Area. ~~Population projections for the City and its Utility Service Area are provided by the Palm Beach County Planning Division and are based on the City's Capacity Analysis Report submitted to Department of Health Palm Beach County in January 2020. The Palm Beach County Planning Division establishes municipal projection figures by disaggregating county-level forecasts produced by the Bureau of Economic and Business Research (BEBR) analysis of the University~~

of Florida. ~~Palm Beach County projections are prepared in 5-year increments. The City assumed a constant annual growth for each interim year based on the five annual projections and extrapolated population projections.~~

The total population estimates for the City, Town of Palm Beach and Town of South Palm Beach were based on the information obtained from the sources noted in Section 3.1 of the Work Plan.

Use of the FDEP Guidelines to estimate future populations ensures consistency for reporting information to the public and regulatory agencies.

3.3.1 Historical Population Projections for the Service Area

Historical populations for the City Utility Service Area are as shown below in Table 1. These figures are based on the U.S. Census data with the exception of the 2019 values which corresponds to the BEBR data, annual reports prepared by BEBR. The only exception is the 2010(*) number which corresponds to the Census count.

Table 1 – Historical Population for City of West Palm Beach Water Utility Service Area

<u>Year</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
<u>City of West Palm Beach Population</u>	<u>103,663</u>	<u>103,150</u>	<u>100,343*</u>	<u>100,801</u>	<u>101,668</u>
<u>Town of Palm Beach Population</u>	<u>9,797</u>	<u>9,650</u>	<u>8,348</u>	<u>8,350</u>	<u>8,358</u>
<u>Town of South Palm Beach Population</u>	<u>1,522</u>	<u>1,523</u>	<u>1,171</u>	<u>1,174</u>	<u>1,212</u>
<u>Total Service Area Population</u>	<u>114,982</u>	<u>114,323</u>	<u>109,862</u>	<u>110,325</u>	<u>111,238</u>

<u>Year</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
<u>City of West Palm Beach Population</u>	<u>106,893</u>	<u>108,790</u>	<u>110,345</u>	<u>111,398</u>	<u>115,176</u>
<u>Town of Palm Beach Population</u>	<u>8,585</u>	<u>8,690</u>	<u>8,746</u>	<u>8,802</u>	<u>8,321</u>
<u>Town of South Palm Beach Population</u>	<u>1,419</u>	<u>1,433</u>	<u>1,440</u>	<u>1,471</u>	<u>1,448</u>
<u>Total Service Area Population</u>	<u>116,897</u>	<u>118,913</u>	<u>120,531</u>	<u>121,671</u>	<u>124,945</u>

3.3.2 Future Population Projections for the Service Area

Future population projections for the City Water Utility Service Area are as shown below in Table 2 and are ~~based on~~ extracted from the City's Capacity Analysis Report submitted to the Department of Health Palm Beach County in January 2020.

**Table 2 – Future Population Projections for City of West Palm Beach
Water Utility Service Area**

Year	2013	2014	2015	2020	2025	2030	2035
<i>City of West Palm Beach Population</i>	103,038	104,630	106,525	114,718	121,381	127,401	133,502
<i>Town of Palm Beach Population</i>	8,168	8,170	8,041	8,234	8,425	8,753	9,138
<i>Town of South Palm Beach Population</i>	1,362	1,362	1,366	1,372	1,399	1,450	1,510
<i>Total Service Area Population</i>	112,568	114,162	115,932	124,324	131,205	137,604	144,150

Year	2020	2025 2030	2030 2040
<i>Total Service Area Population</i>	<u>126,305</u>	132,330 137,245	137,245 144,525

3.3.3 Historical Water Use

The City's Water Treatment Plant historic water production figures are provided below in Table 3 for years ~~2008 through 2012~~ 2015 through 2019.

Table 3 – Service Area Historic Water Production and Demand

Year	Annual Finished Water Produced at WPB WTP (MGY)	Daily Finished Water Produced at WPB WTP (MGD)	Service Area Population	Per Capita Demand (GPCPD)
<u>2008</u>	<u>9,610</u>	<u>26.32</u>	<u>114,982</u>	<u>229</u>
<u>2009</u>	<u>9,960</u>	<u>27.28</u>	<u>114,323</u>	<u>239</u>
<u>2010</u>	<u>9,934</u>	<u>27.21</u>	<u>109,862</u>	<u>248</u>
<u>2011</u>	<u>9,637</u>	<u>26.40</u>	<u>110,325</u>	<u>239</u>

Year	Annual Finished Water Produced at WPB WTP (MGY)	Daily Finished Water Produced at WPB WTP (MGD)	Service Area Population	Per Capita Demand (GPCPD)
<u>2012</u>	<u>9,225</u>	<u>25.27</u>	<u>111,283</u>	<u>227</u>
<u>2015</u>	<u>10,331</u>	<u>28.30</u>	<u>116,897</u>	<u>242.1</u>
<u>2016</u>	<u>10,589</u>	<u>28.93</u>	<u>118,913</u>	<u>243.3</u>
<u>2017</u>	<u>10,669</u>	<u>29.23</u>	<u>120,531</u>	<u>242.5</u>
<u>2018</u>	<u>10,692</u>	<u>29.29</u>	<u>121,671</u>	<u>240.8</u>
<u>2019</u>	<u>10,586</u>	<u>29.00</u>	<u>124,945</u>	<u>232.1</u>

3.3.4 Future Water Demand Projections

Future water demand projections ~~were calculated~~ are estimated using the City's service area population projections multiplied by ~~its projected~~ the per capita factor of 243.3 gallons per capita per day (gpcpd) demands. The per capita factor selected was based on the highest rate over the past five years, consistent with that presented in the LECWSP and was used in the 2020 CAR update. Historically, a baseline per capita factor of 272 gpcpd was used based on the City's Consumptive Use Permit (CUP). The projected per capita demands are listed as identified in the City's Water Use Permit. Table 4 below provides the projected finished water demand for the year 2013 through 2023~~2020 through 2030. The City's permitted allocation of 15,038 million gallons per year (this includes 4,055 million gallons per year of water produced from alternative water supply sources)~~

Table 4 below provides the projected finished water demand for the years 2013 through ~~2023~~ 2020 through 2030.

Table 4 – Utility Service Area Water Demand Projections

Year	Projected Population	Per Capita Demand (GPCPD)	Projected Annual Finished Water Demand (MGY)	Permitted Annual Allocation (MGY)
<u>2013</u>	<u>112,568</u>	<u>237</u>	<u>9,720</u>	<u>15,038</u>
<u>2014</u>	<u>114,166</u>	<u>272</u>	<u>9,587</u>	<u>15,038</u>
<u>2015</u>	<u>116,250</u>	<u>272</u>	<u>10,333</u>	<u>15,038</u>
<u>2016</u>	<u>117,864</u>	<u>272</u>	<u>10,592</u>	<u>15,038</u>
<u>2017</u>	<u>119,478</u>	<u>272</u>	<u>11,862</u>	<u>15,038</u>
<u>2018</u>	<u>121,092</u>	<u>272</u>	<u>12,022</u>	<u>15,038</u>
<u>2019</u>	<u>122,707</u>	<u>272</u>	<u>12,182</u>	<u>15,038</u>

Year	Projected Population	Per Capita Demand (GPCPD)	Projected Annual Finished Water Demand (MGY)	Permitted Annual Allocation (MGY)
2020	<u>124,324</u> <u>126,305</u>	<u>272-243.3</u>	<u>12,343</u> <u>12,539-11,247</u>	<u>15,038</u>
2021	<u>125,662</u> <u>127,610</u>	<u>272-243.3</u>	<u>12,476</u> <u>12,669-11,333</u>	<u>15,038</u>
2022	<u>127,002</u> <u>128,863</u>	<u>272-243.3</u>	<u>12,609</u> <u>2,794-11,444</u>	<u>15,038</u>
2023	<u>128,342</u> <u>130,066</u>	<u>272-243.3</u>	<u>12,742</u> <u>12,913-11,551</u>	<u>15,038</u>
2024	<u>131,221</u>	<u>272-243.3</u>	<u>13,027.6-11,685</u>	<u>15,038</u>
2025	<u>132,330</u>	<u>272-243.3</u>	<u>13,137.7-11,752</u>	<u>15,038</u>
2026	<u>133,395</u>	<u>272-243.3</u>	<u>13,243.5-11,846</u>	<u>15,038</u>
2027	<u>134,417</u>	<u>272-243.3</u>	<u>13,344.9-11,937</u>	<u>15,038</u>
2028	<u>135,398</u>	<u>272-243.3</u>	<u>13,442.3-12,057</u>	<u>15,038</u>
2029	<u>136,340</u>	<u>272-243.3</u>	<u>13,535.8-12,108</u>	<u>15,038</u>
2030	<u>137,245</u>	<u>272-243.3</u>	<u>13,625.7-12,188</u>	<u>15,038</u>

Permitted annual allocation shown in Table 4 is permitted withdrawal from Clear Lake. Projected population is extrapolated assuming constant annual growth and using the BEBR five year projections. For past years (2013-2016), actual annual demand (MGY) was used to calculate the per capita demand (GPCPD). For past years (2013-2016), actual annual demand (MGY) was used to calculate the per capita demand (GPCPD). For future years (2017-2023) the average projected per capita demand of 272 gallons per capita per day was used for calculating projected annual demand (MGY).

The City's projected annual demand ranges from 9,720-12,539.6 million gallons per year in 2013-2020 to 12,742-13,625.7 million gallons per year in 2023-2030.

Table 5 below summarizes the City's Bulk Service Agreements with local service providers and municipalities. The City has an additional interconnect agreement with Palm Beach County, which is not included as a capacity reservation as this is, by definition, on an emergency basis or subject to system capacity capability at the time of request.

Table 5 – Bulk Service Agreements Capacity Reservation

Utility/Agency Served	Quantity of Water (mgd)										
	<u>2012</u> <u>2020</u>	<u>2013</u> <u>2021</u>	<u>2014</u> <u>2022</u>	<u>2015</u> <u>2023</u>	<u>2016</u> <u>2024</u>	<u>2017</u> <u>2025</u>	<u>2018</u> <u>2026</u>	<u>2019</u> <u>2027</u>	<u>2020</u> <u>2028</u>	<u>2021</u> <u>2029</u>	<u>2022</u> <u>2030</u>
Solid Waste Authority	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35
Palm Beach County-Bayhills	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15
Total	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50

The total quantity of water allocated through the bulk service agreements is combined with the City's projected annual demand and compared to the City's permitted annual allocation (~~based on permitted withdrawal from Clear Lake (this includes 4,055 million gallons per year of water produced from alternative water supply sources))~~ below in ~~Table 6~~ based on a treatment process loss factor of 5 percent.

Table 6 – Total Service Area and Bulk Service Agreement Demand Projection

Year	Bulk Service Agreements (MGY)	Projected Service Area Finished Water Annual Demand (MGY)	Total Service Area Finished Water Demand with Bulk Service (MGY)	Total Raw Water Demand* with Bulk Service (MGY)	Permitted Maximum Allocation of Raw Water (MGY)	Surplus or (Deficit) of Permitted Allocation (MGY)
2013	182.5	9,720	9,902.50		15,038	5,135.50
2014	182.5	9,587	9,769.50		15,038	5,268.50
2015	182.5	10,333	10,515.50		15,038	4,522.50
2016	182.5	10,592	10,774.50		15,038	4,263.50
2017	182.5	11,862	12,044.50		15,038	2,993.50
2018	182.5	12,022	12,204.50		15,038	2,833.50
2019	182.5	12,182	12,364.50		15,038	2,673.50
2020	183.0 182.5	12,343 12,539.6 11,247	12,525.50 12,722.1 11,429.5	<u>12,000</u>	15,038	2,512.50 2,315.9 3038.0
2021	182.5	12,476 12,669.1 11,333	12,658.50 12,851.6 11,515.5	<u>12,091</u>	15,038	2,379.50 2,186.4 2947.0
2022	182.5	12,609 12,793.5 11,444	12,791.50 12,976.0 11,626.5	<u>12,208</u>	15,038	2,246.50 2,062.0 2830.0
2023	182.5	12,742 12,913.0 11,551	12,924.50 13,095.5 11,733.5	<u>12,320</u>	15,038	2,113.50 1,942.5 2718.0
2024	183.0 182.5	13,027.6 11,685	13,210.1 11,867.5	<u>12,461</u>	15,038	1,827.9 2577.0
2025	182.5	13,137.7 11,752	13,320.2 11,934.5	<u>12,531</u>	15,038	1,717.8 2507.0
2026	182.5	13,243.5 11,846	13,426.0 12,028.5	<u>12,630</u>	15,038	1,612.0 2408.0
2027	182.5	13,344.9 11,937	13,527.4 12,119.5	<u>12,725</u>	15,038	1,510.6 2313.0
2028	183.0 182.5	13,442.3 12,057	13,624.8 12,239.5	<u>12,852</u>	15,038	1,413.2 2186.0
2029	182.5	13,535.8 12,108	13,718.3 12,290.5	<u>12,905</u>	15,038	1,319.7 2133.0
2030	182.5	13,625.7 12,188	13,808.2 12,370.5	<u>12,989</u>	15,038	1,229.8 2049.0

*Raw water demand is based on a 5% loss factor during the treatment process and is calculated by taking 5% of finished water demand and adding it to finished water demand to get the raw water demand.

Table 7 below identifies Alternative Water Supply Sources (AWS) that can be utilized to meet the City's projected annual service area demand and bulk service agreement reservation.

Permitted maximum allocation of 15,038 MGY is based on City's permitted allocation for withdrawal from Clear Lake. For the AWS, C51 canal tidal capture (54 MGD), C17 canal tidal capture (72 MGD) and ASR (2 MGD) each source is assumed to provide water for 20 days based on availability and meeting the water use permit specified canal levels and the requirement of water being discharged to tide. The AWS is not part of the Consumptive Use Permit allocation.

Table 7–Service Area Raw Water Demand Projections and Alternative Water Supply Sources

<u>Year</u>	<u>WUP</u>	<u>Alternative Water Supplies</u>				<u>Projection</u>	<u>Surplus</u>
	<u>Clear Lake Allocation (MGY)</u>	<u>Renaissance Project (MGY)</u>	<u>C-51 Tidal Capture (MGY)</u>	<u>C-17 Tidal Capture (MGY)</u>	<u>ASR Well Recovery (MGY)</u>	<u>Raw Water Demand*</u> (MGY)	<u>WUP + AWS – Projection (MGY)</u>
<u>2020</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,002</u>	<u>6,373</u>
<u>2021</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,091</u>	<u>6,284</u>
<u>2022</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,208</u>	<u>6,167</u>
<u>2023</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,320</u>	<u>6,055</u>
<u>2024</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,461</u>	<u>5,914</u>
<u>2025</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,531</u>	<u>5,844</u>
<u>2026</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,630</u>	<u>5,745</u>
<u>2027</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,725</u>	<u>5,650</u>
<u>2028</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,852</u>	<u>5,523</u>
<u>2029</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,905</u>	<u>5,470</u>
<u>2030</u>	<u>15,038.00</u>	<u>637</u>	<u>1,080</u>	<u>1,440</u>	<u>180</u>	<u>12,989</u>	<u>5,386</u>

*Raw water demand is based on a 5% loss factor during the treatment process and is calculated by taking 5% of finished water demand and adding it to finished water demand to get the raw water demand.

Table 7 ~~Service Area Water Demand Projections and Alternative Water Supply Sources~~

Year	Clear Lake Allocation (MGY)	Renaissance AWS (MGY)	Wetlands Based Water Reclamation	Total Service Area Demand with Bulk Service (MGY)	Permitted Maximum Allocation (MGY)	Surplus or (Deficit) of Permitted Allocation (MGY)
2013	15,038.00	637	1,386.00	9,902.50	15,038.00	5,135.50
2014	15,038.00	637	1,386.00	9,769.50	15,038.00	5,268.50
2015	15,038.00	637	1,386.00	10,515.50	15,038.00	4,522.50
2016	15,038.00	637	1,386.00	10,774.50	15,038.00	4,263.50
2017	15,038.00	637	1,386.00	12,044.50	15,038.00	2,993.50
2018	15,038.00	637	1,386.00	12,204.50	15,038.00	2,833.50
2019	15,038.00	637	1,386.00	12,364.50	15,038.00	2,673.50
2020	15,038.00	637	1,386.00	12,525.50 12,539.6	15,038.00	2,512.50 2,315.9
2021	15,038.00	637	1,386.00	12,658.50 12,669.1	15,038.00	2,379.50 2,186.4
2022	15,038.00	637	1,386.00	12,791.50 12,793.5	15,038.00	2,246.50 2,062.0
2023	15,038.00	637	1,386.00	12,924.50 12,913.0	15,038.00	2,113.50 1,942.5
2024	15,038.00	637	1,386.00	13,027.6	15,038.00	1,827.9
2025	15,038.00	637	1,386.00	13,137.7	15,038.00	1,717.8
2026	15,038.00	637	1,386.00	13,243.5	15,038.00	1,612.0
2027	15,038.00	637	1,386.00	13,344.9	15,038.00	1,510.6
2028	15,038.00	637	1,386.00	13,442.3	15,038.00	1,413.2
2029	15,038.00	637	1,386.00	13,535.8	15,038.00	1,319.7
2030	15,038.00	637	1,386.00	14,023.7	15,038.00	1,229.8

~~*AWS Sources C51 (capture of water otherwise released to tide), C17 (capture of water otherwise released to tide) and ASR (Aquifer Storage recovery) are only assumed to be used for 90 days in the year for available water listed. The Wetlands based reclamation AWS (Advanced Wastewater Treatment-AWT) is no longer operational and has been removed from the ECRWRF (East Central Regional Water Reclamation Facility) permit.~~

3.4 Potable Water Supply System

3.4.1 SFWMD Water Use Permit

The City received a twenty-year water use permit from the South Florida Water Management District on February 14, 2013. Permit information is as follows:

- WUP Number: 50-00615-W
- Raw Water Source:

Ground Water from: ~~Floridian Aquifer System~~ ASR well for surface water storage/recovery and Surficial Aquifer System.

Surface Water from: Clear Lake via M-Canal and Lake Mangonia from Grassy Waters Preserve and Lake Okeechobee via L-8 Tieback through control 2 (67 MGD).

- Raw Water Allocation Information:

Annual Allocation: 15,038.00 Million Gallons (MG)

Maximum Monthly Allocation: 1,392.32 Million Gallons (MG)

Annual allocation includes 15,038.00 Million Gallons (MG) from Clear Lake and 24,446 Million Gallons (MG) from SWFMD Canal (L-8) Tieback as existing surface water withdrawal and from Surficial Aquifer System 1,470 MG from West Wellfield (WWF) and 864 MG from East Wellfield (EWF). All allocations are for the Public Water Supply portion of the permit.

- Specific Source Limitation:

Clear Lake Annual = 15,038.00 MG; Monthly = 1,392.32 MG

Surficial Aquifer System West Wellfield (monthly)– 759.50 MG

Surficial Aquifer System East Wellfield (EWF) (monthly)– 446.4 MG

SFWMD Canal (L-8) Tieback (monthly)– 2,765.00 MG

- Permit Expiration: February 14, 2033.

3.4.2 Existing Withdrawal ~~Facility~~ Facilities

Source: ~~Floridian Aquifer System Recovery of surface water from Clear Lake stored in the ASR well~~ ASR well for surface water storage/recovery

1-24" x 1200' x 4861 GPM Well Cased to 985 feet

Source: Surficial Aquifer System-Western Wellfield

1-18" x 152.5'x 2,780 GPM Well Cased to 82.5 feet
1-18" x 153.5'x 2,780 GPM Well Cased to 83.5 feet
1-18" x 154'x 2,780 GPM Well Cased to 84 feet
1-18" x 163'x 2,780 GPM Well Cased to 93.5 feet
1-18" x 166'x 2,780 GPM Well Cased to 96 feet
1-18" x 170'x 2,780 GPM Well Cased to 100 feet
~~1-24" x 125' x 1000 GPM Well Cased to 119 feet~~
4-18" x 150'x 2,780 GPM Well Cased to 80 feet

Ground Water: Surficial Aquifer System -Eastern Wellfield

~~9-24"x150'x1000 GPM Wells cased to 120 feet.~~
1-24" x 98'x 1000 GPM Well Cased to 95 feet
1-24" x 186'x 1000 GPM Well Cased to 137 feet
1-24" x 181'x 1000 GPM Well Cased to 131 feet
1-24" x 95'x 1000 GPM Well Cased to 91 feet
1-24" x 101'x 1000 GPM Well Cased to 86 feet
1-24" x 170'x 1000 GPM Well Cased to 132 feet
1-24" x 97'x 1000 GPM Well Cased to 93 feet
1-24" x 125'x 1000 GPM Well Cased to 119 feet
1-24" x 195'x 1000 GPM Well Cased to 145 feet
1-24" x 142'x 1000 GPM Well Cased to 105 feet

Source: Clear Lake-Surface Water

4-14" x 100 HP x 8,400 GPM turbine pumps
1-16" x 100 HP x 5,250 GPM centrifugal pumps
2-18" x 125 HP x 10,500 GPM centrifugal pumps
1-30" x 150 HP x 17,500 GPM turbine pump
3-36" x 130 HP x 15000 GPM submersible pumps
4-42" x 200 HP x 33700 GPM axial flow pumps

3.4.3 Alternative Water Supplies

The City's Water Use Permit requires the City to "use alternative water supplies to account for all increased demands from Clear Lake above the City's historic use. The City has approved alternatives, urban stormwater treatment via the Renaissance Project (~~365~~637 MGY), tidal capture from C-51 canal (up to 54 MGD) via Renaissance treatment process, tidal capture from C-17 canal (up to 72 MGD) and ASR well (stored surface water-up to 8 MGD, though on average have pumped out 2 MGD). ~~Eastern Wellfield (14.4 MGD), Western Wellfield (24.5 MGD) and Clear Lake Pump station and Divide structure (up to 60 MGD).~~ A discussion of the City's alternative water supply projects can be found in Section 3.6 of this report.

3.4.4 Interconnects

The City maintains interconnections with other public water suppliers as follows:

1. One interconnection with the Solid Waste Authority for delivery of up to 0.35 MGD of finished water;
2. One interconnection with the Palm Beach County at Bay Hill Estates for delivery of up to ~~0.5~~ 0.15 MGD of finished water;
3. One emergency interconnection with Lake Worth Utilities (1.0 MGD);
4. Five emergency interconnections with Palm Beach County at SR7 at Okeechobee (3.0 MGD), -M-Canal W to Coconut Blvd (0.15 MGD), Haverhill Road (1.5MGD), and Jog Road (3.0 MGD), Florida Mango Rd (1.0 MGD); and
5. Two emergency interconnections with the City of Riviera Beach with one at Military Trail (1.0 MGD) and one at Broadway Avenue (1.0 MGD).

3.5 Conservation

The City developed and adopted a Water Conservation Plan in July 2005. The Water Conservation Plan elements include an aggressive approach to the development and implementation of several alternative water supply projects, water conservation based water rate structures, leak detection programs, an irrigation limitation ordinance, native vegetation landscaping requirements, ultra-low volume plumbing fixture construction code, rain sensor override requirement ordinance, and extensive public education programs. The City will coordinate future water conservation efforts with SFWMD to ensure that proper techniques are applied. In addition, the City will continue to support and expand existing goals, objectives and policies in the comprehensive plan that promote water conservation in a cost-effective and environmentally sensitive manner. The City will continue to actively support the SFWMD in the implementation of new regulations or programs that are design to conserve water during the dry season.

The City's Water Conservation Programs strive to reduce the demand for water in a phased manner that will not only reduce water consumption but reduce utility bills and help to orient people's behavior in a way to conserve resources. The programs address Water and Resource Conservation goals within the City's Sustainability Action Plan through increasing education and awareness within the community. Conservation programs within the WPB Public Utilities service area include:

- High Efficiency Toilet Vouchers: for both residential and commercial customers, with ~~over 2000~~ 3,422 distributed within the 2012 to ~~2016~~ 2019 period. In ~~2017~~ 2019 vouchers allow a purchase of up to \$125 per voucher and the program is funded for the period of 2020-2022.

- Rain Barrel Workshops: average 100 free rain barrels with installation/use trainings per year as of ~~2016~~2019.
- ~~WaterSmart: on line and print customer engagement tool that allows you to track your water usage comparing it to similar households use; reduce your water consumption through timely tips customized to fit your individual profile; save on your monthly water bill while taking advantage of incentives and free offers and learn about utility advancements and Office of Sustainability programs and goals. In 2016, the City launched the pilot program "WPB WaterSmart", 15,000 residential pilot participants received Home Water Reports, all utility customers have access to their water consumption information online. The City will be expanding the pilot program to include about 1,500 commercial and multi family residents in 2017.~~
- SFWMD WaterCHAMP: a free public education program that helps hotels and motels save water, improve energy efficiency and reduce operating costs using conservation educational placards and high efficiency faucet aerators. West Palm Beach has successfully implemented this program and over 50% of WPB hotels/motels are participating as of ~~2017~~2019.
- Wyland's Mayors Water Challenge: the City has participated annually in this national water conservation education and awareness program. In 2013, West Palm Beach was a winner for cities of our size.
- Sustainability outreach: The Office of Sustainability participates and implements multiple educational conservation programs annually, including E4 Home, E4 Life, E4 Climate, E4 Business/ Green Business Challenge, Imagine a Day without Water, DOE Better Buildings Challenge Water Pilot, Landlord-; Sustainability distributes over 500 water conservation kits per year at events throughout the year which include shower timers, high efficiency shower heads, faucet aerators, and other products.
- The City plans to track monthly water use in City buildings for the U.S. Department of Energy Better Buildings Challenge.
- The City's PACE (Property Assessed Clean Energy) programs include, whenever possible, water and energy savings.
- The City plans to continue following implementation of the district's mandatory year-around landscape irrigation conservation measures as detailed in chapter 40E-24 FAC by informing customers through press releases and social media and, if needed, by enforcement through violation fines.

3.6 Alternative Water Supply Projects/Reuse

The City is committed to developing and implementing alternative water supply projects involving reuse. In 2002, the City completed the construction of the Renaissance Project, an innovative stormwater collection and reuse system that collects and treats stormwater normally discharged to tide, for reuse by the City in its potable water supply system. The Renaissance Project, a \$17,600,000 project was completed with financial support from the Environmental Protection Agency, South Florida Water Management District, and Palm Beach County. The Renaissance Project became operational in September 2002 and it is estimated that between September 2003 and January 2004, over 340 million gallons of stormwater were pumped and treated through the Renaissance Pump Station. The Renaissance Project captures, treat and stores approximately 365 million gallons per year, (MGY) or one (1) million gallons per day (MGD). The Renaissance Project is intended to capture, treat and store stormwater that would normally be lost to tide and reduce the City's dependency on the regional water supply system.

The City has also completed construction of an 8-mgd aquifer storage and recovery (ASR) well at its Water Treatment Plant. The City's ASR well is designed to store excess treated surface water during period of heavy rainfall. The excess water is pumped into the upper Floridan Aquifer System and is recovered when the water is withdrawn to meet increased demands during dry weather. The City's ASR well is under 5th cycle testing to determine the recharge and recovery values and also to evaluate water quality of recovered water.

The existing 10 wells in the Western wellfield can provide 24.5 MGD (operational conditions based on Clear Lake levels and regional water non-availability).

The City completed construction of Divide Structure Pump station on Clear Lake to withdraw water from deeper areas of Clear Lake allowing additional source water of up to 60 MGD (operational conditions based on Clear Lake levels and regional water supply non-availability).

The City just completed construction of 9 more surficial wells located around M-Canal to capture seepage losses, bringing the total number of wells in the eastern Well field to 10 with a potential 14.4 MGD (operational conditions are based on Clear Lake levels and regional water supply non-availability).

The City is in currently constructing a pump station for capturing water sent to tide from C17 Canal, this pump structure has a potential to capture up to 72 MGD (operational conditions based on water being released to tide and canal levels).

The City is committed to developing and implementing alternative water supply projects, including reuse, to the extent possible. The City's AWS activities include:

- Renaissance Project: Constructed in 2002, the project is an innovative stormwater collection and reuse system that collects and treats stormwater normally discharged to tide. With an initial construction cost of \$17,600,000 the project was completed with

financial support from the Environmental Protection Agency, South Florida Water Management District, and Palm Beach County. The system captures, treat and stores approximately 637 million gallons per year, (MGY) or one (1.75) million gallons per day (MGD).

- Aquifer Storage and Recovery (ASR) Well: Upon completion of construction, the ASR well was rated at 8 mgd. Located at the Water Treatment Plant it is designed to store excess surface water during periods of heavy rainfall. The excess water is pumped into the upper Floridan Aquifer System and is recovered when the water is withdrawn to meet increased demands during dry weather. Cycle testing continues and in 2019 the well acid cleaned, the injection pump rebuilt, and the effluent valve replaced. The City continues to invest in this alternative water source with plans to restart cycle testing in early 2020.
- ~~Western Wellfield: The existing 10 wells in the Western wellfield can provide 24.5 MGD (operational conditions based on Clear Lake levels and regional water non-availability).~~
- ~~The City completed construction of Divide Structure Pump station on Clear Lake to withdraw water from deeper areas of Clear Lake allowing additional source water of up to 60 MGD (operational conditions based on Clear Lake levels and regional water supply non-availability).~~
- ~~Eastern Well Field: The existing 10 surficial wells located around M-Canal to capture seepage losses, bringing a potential 14.4 MGD (operational conditions are based on Clear Lake levels and regional water supply non-availability).~~
~~Not alternative watersupply/reuse projects. Consider describing these projects as backup/drought water supply sources, as described by the qualifier in parenthesis for these three sources.~~
- C17 Canal Pump Structure: The constructed a new pump station was constructed to for capturing water prior to being sent to tide from C17 Canal, this pump structure has the potential to capture up to 72 MGD (operational conditions based on water being released to tide and canal levels).

4.0 WORK PLAN PROJECTS/CAPITAL IMPROVEMENT ELEMENT/SCHEDULE

4.1 Existing Water Treatment Plant Process

The City's Water Treatment Plant (WTP) was originally constructed in 1921. In 1894, the WTP was expanded to increase the facility design capacity to 47 million gallons per day (mgd) and in 1999 the City modified their treatment processes to include a ferric sulfate-enhanced lime softening treatment methodology. After a series of bacteriological events in the distribution system in 2007, the plant underwent a series of operational and equipment and process improvements in 2008-2012. Improvements included staff training and augmentation, replacement of inoperable valves, mechanical systems and equipment at the end of its useful life, eliminating gaseous chemicals for staff and public safety, dosing chemicals through a mixing and metering header and modifying control and electrical systems to provide automated plant

operation and reliable power distribution as well as backup power generation systems for the plant. The conventional treatment process of coagulation, flocculation/sedimentation, filtration through dual media, biologically active rapid gravity filters and disinfection with chloramine treatment will be enhanced by the addition of Ultraviolet (UV) light disinfection to provide additional pathogen protection and upgraded taste and odor control. The addition of UV light disinfection process downstream of filters along with a dedicated Powdered Activated Carbon (PAC) contact chamber and new pumping equipment for high service pumping will be under construction in 2016 and this combination of additional treatment was selected as the most economical, environmentally sensitive, energy efficient and least disruptive option.

The primary source of the City's water supply is surface water. Surface water travels through the City's M-Canal to the City's water supply lakes, Lake Mangonia and Clear Lake, from the City's Grassy Waters Preserve, a 19.3 square mile aquatic preserve located in western West Palm Beach and from Lake Okeechobee through the L-8 Tieback through the City's control 2 structure (pump station upgraded in 2014). Alternative sources of water that feed into this above-ground water supply system include the City's Renaissance Project, tidal water capture from C51 and C17 Canals, augmentation from surface water stored and recovered from the ASR well, Eastern and Western wellfield surficial wells. During extreme drought conditions Clear Lake Divide structure will help draw water from lower depths in Clear Lake to augment the water supply to the treatment plant.

Source water from Clear Lake is pumped at the intake to the WTP headworks (PAC is added at the intake to control taste and odor) and rapidly mixed with Lime, Ferric Sulfate and polymer; the water is allowed to coagulate, flocculate and settle in the sedimentation basins. After readjusting pH with Sodium hydroxide the water is filtered through rapid gravity dual media biological filters and disinfected with chloramination. A corrosion inhibitor and Fluoride is added at the mixing metering header along with final adjustments to pH and chlorine residual. After disinfection, the water is pumped through high service pumps to three major transmission mains that pump to the east, south and north in the City.

The City does not have any self-served areas and doesn't plan on extending service to self-supply customers. The City's Utilities has a dedicated staff in the Sustainability Initiatives division. The Sustainability division runs a number of water conservation programs, including rain barrels, high efficiency toilet voucher program as well as many education programs (details on City's conservation, sustainability and resiliency programs can be found in the conservation section of this document).

The West Palm Beach Water Treatment Plant (WTP) is owned and operated by the City of West Palm Beach (City). The WTP and associated distribution system provides potable water to the residents, visitors and business of West Palm Beach and the towns of Palm Beach and South Palm Beach. The WTP is located in Palm Beach County, Florida at 1009 Banyan Boulevard, West Palm Beach, Florida.

The City was founded in 1894 and has been the seat of Palm Beach County government since 1909. The initial urbanized portion of the City was approximately eight miles long and 3 miles

wide. A coastal ridge lies several blocks to the west and runs parallel to the Intercoastal Waterway for the entire length of the City. The original City site now constitutes the central business district. The development and maintenance of the utility infrastructure system continues to provide an acceptable level of service and an essential component in the City's growth.

From the first water supply system developed in the late 1800s, the City's utility system has grown from a service population of approximately 500 people in 1900 to its current estimated service population of approximately 125,000 residents covering 61 square miles. The utility system provides water for both indoor and outdoor use for about 34,334 residential and commercial customers accounts.

The City's potable water system includes a raw water supply system, WTP, repump stations, storage tanks, the distribution system and various interconnections with neighboring utilities.

The City's facilities including the source water supply, water treatment system, re-pump stations, available interconnection and the existing distribution system. Since the 2015 there have been several changes that include:

- Modification of Raw Water Pump #27;
- Construction of the 50.0 mgd Powered Activated Carbon (PAC) Basin;
- Filter Media Replacement;
- Abandonment of the 1 MG Clearwell/Storage Tank at the WTP;
- Construction and Operation of the 50 mgd Ultra-Violet Light (UV) Disinfection System;
- Construction of a direct suction header to the West Pump House;
- Installation of 4 new high service pumps in the West Pump House;
- Remote re-pump station switches from gaseous chlorine to sodium hypochlorite;
- Pre and post disinfectant injection at the Ibis Re-Pump Station; and
- Six Sigma project to address distribution system flushing volumes.

These projects total more than 25 million dollars (\$25,000,000) invested in the PWS since 2015. The City continues to be committed to the proper operation and maintenance of its PWS to ensure public health and safety.

The WTP is a surface water treatment facility operating on a source water supply that is collected, stored and transported by various catchment areas including urban rain cropping, wetlands, lakes and canals to meet the water supply needs.

The source water supply includes facilities owned and operated by the City along with facilities within the Regional Systems operated by the South Florida Water Management District and the United States Army Corps of Engineers.

The existing source water supply system dates to 1894 with the construction of a single steam driven pump and an 8-inch pipe to move water from Clear Lake to Henry Flager's Royal

Poinciana Hotel. Over the years the source water supply has been expanded. The history of the supply includes the following milestones:

- 1894 Clear Lake tapped as Water Supply.
- 1920's Clear Lake is connected to Lake Mangonia.
- 1930's M-Canal excavated to wetlands (Grassy Waters Preserve) west of the lakes.
- 1950's Grassy Waters Preserve (19.3 Square Miles) purchased.
- 1960's M-Canal Extension westward to the L-8 Canal and Lake Okeechobee.
- 1980's Western Wellfield constructed.
- 1990's Aquifer Storage and Recovery Well constructed.
- 2000's Renaissance Project construction and the Okeechobee Divide Structure constructed.
- 2010's Eastern Wellfield constructed, Australian Avenue Gates and Pumps constructed, and the C-17 Pump House constructed.

The Clear Lake WTP, originally completed in 1921, underwent an expansion in 1989 and as of 2020 is in the final steps of a major renovation including the addition of the PAC basins, the UV Treatment System and upgrades to the West Pump House's high service pumps and Raw Water Pump 27.

The WTP has a maximum permitted capacity of 47.3 mgd. The treatment process includes the following:

- Hypochlorite Pretreatment - Turbidity Control (Optional);
- Powered Activated Carbon - Taste and Odor Control (Optional);
- Cationic Polymer - Turbidity Control;
- Ferric Sulfate - Turbidity Control;
- Lime – Softening, Turbidity and TOC Removal;
- Recarbonation - pH Adjustment;
- Filter Aid - Turbidity Control (Optional);
- Conventional/Biologically Active Filters – Turbidity Control, Taste and Odor Control;
- UV Disinfection - Bacteriological Control;
- Chlorine/Chloramines - Bacteriological Control;
- pH Adjustment (Sodium Hydroxide) - Lead and Copper Control;
- Orthophosphate (Corrosion Inhibitor) - Lead and Copper Control; and
- Fluoride - Dental Health.

The WTP uses conventional lime softening, filtration and chemical disinfection to comply with the federal and state safe drinking water regulations. The UV System, commissioned in February 2019, provides an additional barrier for public health purposes. The PAC Basin, expected to be fully operational in early 2020, will be used on an as needed basis to improve the taste and odor characteristic of the finished water.

The primary source of the City's water supply is surface water. Surface water travels through the City's M-Canal to the City's water supply lakes, Lake Mangonia and Clear Lake, from the City's

Grassy Waters Preserve, a 19.3 square mile aquatic preserve located in western West Palm Beach and from Lake Okeechobee through the L-8 Tieback through the City's control 2 structure.

Alternative sources of water that feed into this above-ground water supply system include the City's Renaissance Project, tidal water capture from C51 and C17 Canals, augmentation from surface water stored and recovered from the ASR well.

The Eastern and Western wellfield surficial wells ~~During extreme drought conditions and the Clear Lake Divide structure will help draw water from lower depths in Clear Lake to augment the water supply to the treatment plant.~~ are available to the City during periods of drought conditions.

4.2 Capital Improvements Element/Schedule

The City's financially feasible Capital Improvements Schedule, adopted annually, includes capital improvement projects necessary to maintain levels of service and provide for improved operational facility (See the Capital Improvements Element). The Utilities Department is currently performing/evaluating a condition assessment of the water treatment plant as well as distribution system assets and is in the process of prioritization of infrastructure projects including above ground and underground utilities. Based on the assessment and prioritization, the Utilities Department plans on borrowing money through a bond to address water treatment and distribution system needs.

- 2022: East High Service Building Motor Control Center. Project includes installation of Variable Frequency Drives on 2 of the 3 existing high service pumps. Project will increase energy efficiency within the plant and provide better control over distribution system pressures.
- 2023: Recarbonation System Upgrades. Project includes replacement of the existing liquid carbon dioxide storage tanks and associated equipment. Project will decrease the plant's potable water demand freeing up capacity for customers and reduce liquid carbon dioxide consumption with an improved process.
- 2025: Kaye Street Re-Pump Station Motor Control Center: Project includes installation of Variable Frequency Drives on the booster pumps. Project will increase energy efficiency within the plant and provide better control over distribution system pressures.
- 2025: Lime Storage/Slaker Additions: Project includes the addition of a new lime silo and slaker. Project will increase lime storage capacity for storm events and slaker capacity for system reliability.
- 2030: Valley Forge Re-Pump Station Storage Tank Upgrade: Project includes the rehabilitation or replacement of the existing 3-million-gallon storage tank. Project will maintain the City's existing storage capacity.

- 2030: Valley Forge Repump Station Motor Control Center: Project includes installation of Variable Frequency Drives on the booster pumps. Project will increase energy efficiency within the plant and provide better control over distribution system pressures.

Upon reviewing the City's projected water demands, permitted allocation and alternative water supply projects, and after extensive long-term water supply evaluation and drought proofing measures the City does not anticipate the necessity of additional capacity within the 10-year planning horizon. Nevertheless, the City will continue to explore current technology and options to secure safe water supply to meet anticipated future demands.



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 14, 2021

Robin Jackson, Historic Preservation Planner
Florida Department of State, Bureau of Historic Preservation
500 South Bronough Street
Tallahassee, FL 32399-0250

**Re: Adopted Town Palm Beach Amendment TOPB 20-01ESR
Water Supply Plan Update -Text Amendments to the Infrastructure Element**

Dear Ms. Jackson:

In accordance with the 2011 Community Planning Act and Chapter 163 of the Florida Statutes (F.S.), please find enclosed a copy of the adopted Text Amendment to the Comprehensive Plan of the Town of Palm Beach (TOPB 20-01ESR). The Town of Palm Beach submitted the Text Amendment to the Department of Economic Opportunity (DEO) under the Expedited State Review process.

Should you require additional information or have any questions, please do not hesitate to contact me directly at (561) 227-6426 or wbergman@townofpalmbeach.com.

Sincerely,

Wayne Bergman, Director

cc: Ray Eubanks, Plan Processing Administrator, Florida Department of Economic Opportunity



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 14, 2021

Patricia Behn, Planning Director
Palm Beach County Planning Division
2300 North Jog Road, 2nd Floor
West Palm Beach, FL 33411-2745

**Re: Adopted Town Palm Beach Amendment TOPB 20-01ESR
Water Supply Plan Update -Text Amendments to the Infrastructure Element**

Dear Ms. Behn:

In accordance with the 2011 Community Planning Act and Chapter 163 of the Florida Statutes (F.S.), please find enclosed a copy of the adopted Text Amendment to the Comprehensive Plan of the Town of Palm Beach (TOPB 20-01ESR). The Town of Palm Beach submitted the Text Amendment to the Department of Economic Opportunity (DEO) under the Expedited State Review process.

Should you require additional information or have any questions, please do not hesitate to contact me directly at (561) 227-6426 or wbergman@townofpalmbeach.com.

Sincerely,

Wayne Bergman, Director

cc: Ray Eubanks, Plan Processing Administrator, Florida Department of Economic Opportunity



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 14, 2021

Ms. Terry Manning, AICP, Policy and Planning Analyst
South Florida Water Management District – Water Supply Coordination Unit
3301 Gun Club Road, MSC 4223
West Palm Beach, FL 33406

**Re: Adopted Town Palm Beach Amendment TOPB 20-01ESR
Water Supply Plan Update -Text Amendments to the Infrastructure Element**

Dear Ms. Manning:

In accordance with the 2011 Community Planning Act and Chapter 163 of the Florida Statutes (F.S.), please find enclosed a copy of the adopted Text Amendment to the Comprehensive Plan of the Town of Palm Beach (TOPB 20-01ESR). The Town of Palm Beach submitted the Text Amendment to the Department of Economic Opportunity (DEO) under the Expedited State Review process.

Should you require additional information or have any questions, please do not hesitate to contact me directly at (561) 227-6426 or wbergman@townofpalmbeach.com.

Sincerely,

Wayne Bergman, Director

cc: Ray Eubanks, Plan Processing Administrator, Florida Department of Economic Opportunity



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 14, 2021

Ms. Stephanie Heidt, AICP,
Economic Development and Intergovernmental Programs Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, FL 34994

**Re: Adopted Town Palm Beach Amendment TOPB 20-01ESR
Water Supply Plan Update -Text Amendments to the Infrastructure Element**

Dear Ms. Heidt:

In accordance with the 2011 Community Planning Act and Chapter 163 of the Florida Statutes (F.S.), please find enclosed a copy of the adopted Text Amendment to the Comprehensive Plan of the Town of Palm Beach (TOPB 20-01ESR). The Town of Palm Beach submitted the Text Amendment to the Department of Economic Opportunity (DEO) under the Expedited State Review process.

Should you require additional information or have any questions, please do not hesitate to contact me directly at (561) 227-6426 or wbergman@townofpalmbeach.com.

Sincerely,

Wayne Bergman, Director

cc: Ray Eubanks, Plan Processing Administrator, Florida Department of Economic Opportunity



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 14, 2021

Mr. John Krane, P.E., District Planning and Environmental Administrator
Florida Department of Transportation – District IV
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

**Re: Adopted Town Palm Beach Amendment TOPB 20-01ESR
Water Supply Plan Update -Text Amendments to the Infrastructure Element**

Dear Mr. Krane:

In accordance with the 2011 Community Planning Act and Chapter 163 of the Florida Statutes (F.S.), please find enclosed a copy of the adopted Text Amendment to the Comprehensive Plan of the Town of Palm Beach (TOPB 20-01ESR). The Town of Palm Beach submitted the Text Amendment to the Department of Economic Opportunity (DEO) under the Expedited State Review process.

Should you require additional information or have any questions, please do not hesitate to contact me directly at (561) 227-6426 or wbergman@townofpalmbeach.com.

Sincerely,

Wayne Bergman, Director

cc: Ray Eubanks, Plan Processing Administrator, Florida Department of Economic Opportunity



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 14, 2021

Attn: Plan Review
Office of Intergovernmental Programs
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399-3000

**Re: Adopted Town Palm Beach Amendment TOPB 20-01ESR
Water Supply Plan Update -Text Amendments to the Infrastructure Element**

In accordance with the 2011 Community Planning Act and Chapter 163 of the Florida Statutes (F.S.), please find enclosed a copy of the adopted Text Amendment to the Comprehensive Plan of the Town of Palm Beach (TOPB 20-01ESR). The Town of Palm Beach submitted the Text Amendment to the Department of Economic Opportunity (DEO) under the Expedited State Review process.

Should you require additional information or have any questions, please do not hesitate to contact me directly at (561) 227-6426 or wbergman@townofpalmbeach.com.

Sincerely,

Wayne Bergman, Director

cc: Ray Eubanks, Plan Processing Administrator, Florida Department of Economic Opportunity

Expedited State Review Amendment Process Section 163.3184(3) and (5), Florida Statutes

Proposed Phase

Local government transmits three copies¹ of the plan amendment to the State Land Planning Agency and one copy to review agencies.²
(Within 10 working days of initial public hearing)

Local government and agencies are notified by State Land Planning Agency of receipt of amendment.
(Within five working days of receipt)

Reviewing agencies send comments directly to Local Government and State Land Planning Agency.³
(Must be received by local government within 30 days of receipt of amendment by review agencies)

State Land Planning Agency issues its comment letter to local government.³ (Must be received by local government within 30 days of receipt of amendment by State Land Planning Agency)

Adopted Phase

Local government adopts plan amendments with effective date.
(Within 180 days after receipt of agency comments)⁴

Affected person may file petition with Division of Administrative Hearings within 30 days after the local government adopts amendment.

Local government notified submittal is incomplete
(within 5 working days of receipt)

Incomplete

Local government submits three copies¹ of the adopted plan amendment to State Land Planning Agency: one copy to agency or local government that provided timely comments.
(Within 10 working days after adoption)

Complete

"Challenge"

State Land Planning Agency reviews adopted amendment.
(Within 30 days of receipt of a complete adopted plan amendment.)

"No Challenge"

State Land Planning Agency requests hearing, DOAH
(Division of Administrative Hearings, Department of Management Services)

Administrative Proceedings pursuant to s. 120.57 and 163.3184(5), FS.

State Land Planning Agency or Administrative Commission Final Order
(Amendments become effective if the Final Order determines the adopted amendment is in compliance.)

If challenged or found not in compliance negotiation may lead to a compliance agreement and remedial plan amendment pursuant to s. 163.3184(6), FS.

Effective Date
(Amendment becomes effective 31 days after State Land Planning Agency determines the amendment package is complete. No Petition was filed by an affected party).

¹ Local government should submit 1 complete paper copy and 2 complete electronic copies on CD ROM in PDF format in order to assist in expediting processing and review.

² Reviewing Agencies include: appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

³ Comments must be received by local government no later than 30 days from the date on which the agency or local government received amendment.

⁴ If local government fails, within 180 days after receipt of agency comments, to hold second public hearing, the amendments shall be deemed withdrawn unless extended by agreement and notice to State Land Planning Agency and any affected party that provided comments on the amendment.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE 01-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Amending The Definition Of Supplemental Parking To Allow Supplemental Off-Site Shared Parking In Underground Garages Without The Requirement Of First Meeting All On-Site Required Parking; At Article VI, District Regulations, Sections 134-1107, 134-1157 And 134-1207, Permitted Uses, In The C-TS, C-WA And C-OPI Commercial Zoning District To Allow Supplemental Off-Site Shared Parking In An Underground Parking Garage As A Permitted Use Provided That Said Parking Does Not Exceed 50 Percent Of The Parking Inventory In An Underground Garage And Providing A Sunsetting Provision For Said Use In Those Districts On March 13, 2024, Unless Extended Or Modified By The Town Council; At Article VI, District Regulations, Sections 134-1109, 134-1159 And 134-1209, Special Exception Uses To Cross Reference The Supplemental Parking Regulations In Sections 134-2177 And 134-2182, At Article IX, Off-Street Parking And Loading; Section 134-2177 Location Of Parking Spaces, And Section 134-2182, Location Of Parking Spaces, By Allowing Off-Site Supplemental Parking In An Underground Parking Garage As A Permitted Use In The C-TS, C-WA And C-OPI Zoning Districts And Sunsetting The Provisions In This Ordinance On March 13, 2024, Unless Extended Or Modified By The Town Council; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

- **Memorandum Dated January 4, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Ordinance No. 01-2021**

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council meeting on:
January 13, 2021

To: Town Council

From: Wayne Bergman, Planning, Zoning and Building Director

Re: Consideration of Proposed Zoning Text Amendments regarding Off-Site Supplemental Off-Street Parking in the C-TS, C-WA and C-OPI Commercial Zoning Districts of the Code of Ordinances.
Ordinance No. 01-2021

Date: January 4, 2021

STAFF RECOMMENDATION

Staff recommends the Local Planning Agency recommend approval and the Town Council approve attached Ordinance No. 01-2021 on first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its on June 16, 2020, July 21, 2020 and August 18, 2020 meetings, considered and unanimously recommended approval of the proposed Zoning Code modifications as outlined in Ordinance No. 01-2021. The exception is that they recommended that the supplemental off-site parking be limited to a maximum 33% of an underground parking garage capacity and not the 50% the Town Council is proposing.

BACKGROUND

The Town Council authorized staff to work with the Planning and Zoning Commission to review existing zoning requirements related to supplemental off-site shared parking to provide more flexibility to utilize existing parking lots.

Staff worked on proposed modifications to Chapter 134, Zoning, to address this zoning issue and presented them to the Planning and Zoning Commission at meetings on June 16, 2020, July 21, 2020 and August 18, 2020. The Commission, after lengthy discussion, made a recommendation to the Town Council to allow supplemental off-site shared parking within underground parking garages as a permitted use in the C-TS, C-WA and C-OPI Commercial Zoning Districts. The proviso was that said parking could not exceed 33 percent of the parking inventory within the underground garage; and that the provision would sunset three years after effective date of the ordinance unless the Council decided to extend or modify these zoning changes. The thought was to proceed cautiously and re-evaluate three years after implementation.

The Town Council considered these proposed zoning changes at its October 14, 2020 Council meeting and after discussion referred this issue to the Business and Administrative Committee to evaluate. On November 3, 2020, the Committee met, and after deliberation on the matter, concluded that the Planning and Zoning Commission's recommendation was a cautious but a positive step to take advantage of some of the underutilized parking inventory throughout the Town. The Committee recommended approval of the Planning and Zoning Commissions recommendation and direct staff to draft an ordinance for Town Council consideration.

The Town Council, at its, December 8, 2020 meeting considered the Business and Administrative Committee's recommended draft ordinance that incorporated the Planning and Zoning Commission recommendations for off-site, supplemental off-street parking. The Town Council direct Staff to proceed with the adoption process of that draft ordinance with one change. The Town Council changed the maximum limit for off-site supplemental parking from 33% of an underground garage's capacity in the C-TS, C-WA and C-OPI Commercial Zoning District to 50% of its capacity. In addition, the Town Council directed Staff to annually bring the adopted regulations back to the Town Council to reevaluate the effectiveness of the changes. The specific changes to the Code are identified in add/delete format in attached Ordinance No. 01-2021.

TOWN ATTORNEY REVIEW

Ordinance No. 01-2021 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Planning and Zoning Commission
Paul Castro, Zoning Manager

ORDINANCE NO. 01-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, AS FOLLOWS: AT ARTICLE I, IN GENERAL, SECTION 134-2, AMENDING THE DEFINITION OF SUPPLEMENTAL PARKING TO ALLOW SUPPLEMENTAL OFF-SITE SHARED PARKING IN UNDERGROUND GARAGES WITHOUT THE REQUIREMENT OF FIRST MEETING ALL ON-SITE REQUIRED PARKING; AT ARTICLE VI, DISTRICT REGULATIONS, SECTIONS 134-1107, 134-1157 AND 134-1207, PERMITTED USES, IN THE C-TS, C-WA AND C-OPI COMMERCIAL ZONING DISTRICTS TO ALLOW SUPPLEMENTAL OFF-SITE SHARED PARKING IN AN UNDERGROUND PARKING GARAGE AS A PERMITTED USE PROVIDED THAT SAID PARKING DOES NOT EXCEED 50 PERCENT OF THE PARKING INVENTORY IN AN UNDERGROUND GARAGE AND PROVIDING A SUNSETTING PROVISION FOR SAID USE IN THOSE DISTRICTS ON MARCH 13, 2024, UNLESS EXTENDED OR MODIFIED BY THE TOWN COUNCIL; AT ARTICLE VI, DISTRICT REGULATIONS, SECTIONS 134-1109, 134-1159 AND 134-1209, SPECIAL EXCEPTION USES TO CROSS REFERENCE THE SUPPLEMENTAL PARKING REGULATIONS IN SECTIONS 134-2177 AND 134-2182, AT ARTICLE IX, OFF-STREET PARKING AND LOADING; SECTION 134-2177 LOCATION OF PARKING SPACES, AND SECTION 134-2182, LOCATION OF PARKING SPACES, BY ALLOWING OFF-SITE SUPPLEMENTAL PARKING IN AN UNDERGROUND PARKING GARAGE AS A PERMITTED USE IN THE C-TS, C-WA AND C-OPI ZONING DISTRICTS AND SUNSETTING THE PROVISIONS IN THIS ORDINANCE ON MARCH 13, 2024, UNLESS EXTENDED OR MODIFIED BY THE TOWN COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public hearings pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended modification to the Code of Ordinances; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council considered the Planning and Zoning Commission's Record and Report and all evidence and testimony and as the Local Planning Agency recommended that the Town Council adopt the subject Ordinance; and

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Chapter 134, ZONING, of the Code of Ordinances, be amended as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Article I, IN GENERAL, Sec. 134-2. Definitions and rules of construction is hereby amended to read as follows:

Sec. 134-2. Definitions and rules of construction.

...

Parking, supplemental means those parking facilities provided as a permitted or special exception and which are in addition to existing required parking as set forth in the schedule of off-street parking requirements. Supplemental off-site parking in an underground garage that is a permitted use in the C-TS, C-WA and C-OPI zoning districts is not required to be parking that is in addition to what is required in the schedule of off-street parking requirements in the Code.

Section 2. Article VI, DISTRICT REGULATIONS, Section 134-1107, Permitted uses, in the C-TS zoning district is hereby amended to read as follows:

Sec. 134-1107. - Permitted uses.

- (a) Enumeration; maximum gross leasable area. The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 square feet gross leasable area (GLA), are as follows:

(1) ...

...

(10) Supplemental off-site shared parking within an underground parking garage to not exceeding 50 percent of the garage parking inventory. This use will sunset on March 13, 2024, unless extended or modified by town council.

Section 3. Article VI, DISTRICT REGULATIONS, Section 134-1109, Special exception uses, in the C-TS zoning district is hereby amended to read as follows:

Sec. 134-1109. - Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-TS town-serving commercial district are as follows:

(1) ...

...

(7) Supplemental parking per Secs. 134-2177 and 134-2182.

...

Section 4. Article VI, DISTRICT REGULATIONS, Section 134-1157, Permitted uses, in the C-WA zoning district is hereby amended to read as follows:

Sec. 134-1157. - Permitted uses.

- (a) Enumeration; maximum gross leasable area. The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 square feet gross leasable area (GLA), are as follows:

(1) ...

...

(32) Supplemental off-site shared parking within an underground parking garage to not exceed 50 percent of the garage inventory. This use will sunset on March 13, 2024, unless extended or modified by town council.

...

Section 5. Article VI, DISTRICT REGULATIONS, Section 134-1159, Special exception uses, in the C-WA Worth Avenue commercial zoning district is hereby amended to read as follows:

Sec. 134-1159. - Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-WA Worth Avenue district are as follows:

(1) ...

...

(6) Supplemental parking per Secs. 134-2177 and 134-2182.

...

Section 6. Article VI, DISTRICT REGULATIONS, Section 134-1207 Permitted uses., in the C-OPI, Office, Professional and Institutional district is hereby amended to read as follows:

Sec. 134-1207 Permitted uses.

The permitted uses in the C-OPI office, professional and institutional district are as follows:

(1) ...

...

(8) Supplemental off-site shared parking within an underground parking garage to not exceed 50 percent of the garage parking inventory. This use will sunset on March 13, 2024, unless extended or modified by town council.

Section 7. Article VI, DISTRICT REGULATIONS, Section 134-1209, Special exception uses, in the C-OPI Office Professional and Institutional commercial zoning district is hereby amended to read as follows:

Sec. 134-1209. - Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-OPI office professional and institutional district are as follows:

- (1) ...
- ...
- (5) Supplemental parking per Secs. 134-2177 and 134-2182.
- ...

Section 8. Article VI, DISTRICT REGULATIONS, Section 134-1259, Special exception uses in the C-PC Planned Center commercial district is hereby amended to read as follows:

Sec. 134-1259. - Special exception uses.

(a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-PC planned center district are as follows:

- (1)...
- ...
- (5) Supplemental parking per Secs. 134-2177 and 134-2182.
- ...

Section 9. Article IX, OFF-STREET PARKING AND LOADING [14], Sec. 134-2177, Location of parking spaces is hereby amended to read as follows:

Sec. 134-2177. Location of parking spaces.

Parking spaces for all uses or structures which are provided as required parking in conformance with the schedule of off-street parking and other applicable sections shall be located on the same lot and shall have the same district classification as the principal use or structure they are intended to serve, except as specifically excepted as follows:

- (1) The town council may permit, as a special exception, the establishment of such required off-street parking facilities for commercial uses within 500 feet of the premises, as measured along the nearest public or permanent private pedestrian walkway they are intended to serve when:
 - a. Practical difficulties prevent the placing of the facilities on the same lot as the premises they are designed to serve;
 - b. The proposed location is located within the same zoning district as the principal use it is designated to serve;

- c. The owner of the parking area shall enter into a written agreement with the town, with enforcement running to the town, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and
- d. The owner agrees to bear the expense of recording the agreement and agrees that the agreement shall bind his heirs, successors and assigns. The written agreement shall be voided by the town if other off-street facilities are provided in accordance with this chapter.

(2) The town council may permit, as a special exception, the establishment of supplemental off-street facilities which are in addition to those facilities required in accordance with the schedule of off-street parking for a permitted or approved special exception use. Such supplemental off-street parking facilities may be permitted only after the required parking for the principal use involved has been provided in full at current standards as contained in the schedule. This additional parking may be supplemental parking located on the same lot or supplemental off-site parking located on a directly adjoining lot or a lot which would be directly adjoining except for the location of a street or public way; provided, however, that all other provisions for special exceptions as set forth in sections 134-227 through 134-233 are complied with and, further, that the granting of such supplemental on-site or supplemental off-site parking is not construed as permission to expand, enlarge, alter, renovate, or modify the use of structure except in accordance with the requirements of this chapter. The exception is that supplemental off-site shared parking within an underground parking garage is exempt from this section of the Code.

- (3) The town council may permit, as a special exception, the establishment of required off-street parking facilities for commercial uses in zoning districts differing from the district of the principal uses of structures they are intended to serve if the following conditions are met:
- a. The owner of the parking area shall enter into a written agreement with the town with enforcement running to the town providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the buildings with which the parking area serves so long as the facilities are required.
 - b. The owner of the parking area shall agree to bear the expense of recording the agreement, and agrees that the agreement shall bind his heirs, successors and assigns. The written agreement shall be voided by the town if other off-street facilities are provided in accordance with this chapter.
 - c. The parking area shall have been used as a parking area for the entirety of each of the five calendar years immediately preceding the application for special exception.
 - d. The parking area shall abut the property on which is situated the principal structure for which it is to furnish the required off-street parking.
 - e. The provisions for special exceptions as set forth in sections 134-227 through 134-233 are complied with.
 - f. The said parking area shall be located at ground level or below ground level and shall not be located within any structure above ground.

Section 10. Article IX, OFF-STREET PARKING AND LOADING [14], Sec. 134-2182, Location of parking spaces, is hereby amended to read as follows:

Sec. 134-2182. - Shared parking in C-TS, C-WA and C-OPI commercial zoning districts.

(a) Off-site supplemental shared parking within an underground garage is permitted by right in the C-TS, C-WA and C-OPI zoning districts without the requirement of first providing all required parking. However, said shared parking shall not exceed 50 per cent of the existing parking inventory in said underground garage.

(b) Special exception. Although there is no entitlement to shared parking, arrangements for shared parking may be allowed in the CT-S, C-WA and C-OPI commercial zoning districts, subject to the review and approval of a special exception as set forth under sections 134-227 through 134-233 and under the circumstances provided in this section.

(~~b~~c) On-site shared parking. When a new use is proposed to occupy existing floor space and the new use would require a greater number of parking spaces than required by the former use, the new use may request sharing of on-site parking to meet the town's off-street parking requirements, provided:

- (1) A traffic planner or traffic engineer clearly establishes to the town council, at the applicant's expense, that:
 - a. All uses utilizing the existing parking facilities will primarily utilize these parking spaces at different times of the day, week, month or year;
 - b. The sharing of such parking spaces will not result in conflicting or overlapping usage of the parking facilities; and
 - c. The available parking will be adequate to serve the needs of the proposed use.
- (2) If the building official determines that professional advice and/or consultation is required to review the applicant's parking findings, the expense of such professional advice shall be borne by the applicant.
- (3) The applicant provides to the town, at the applicant's expense, a recorded three-party agreement, including the town as one of the parties, with enforcement running to the town, guaranteeing the continuing availability of the shared parking spaces during the period of operation of the applicant's use. The term of the agreement shall approximate the life of the building or use for which the shared parking spaces fulfill the town's off-street parking requirement. If the shared parking ever ceases to be available or becomes inadequate due to a change in the uses' respective schedules of operation that results in conflicting or overlapping usage, the proposed use shall be required to obtain a new occupancy permit and provide proof that sufficient parking will be provided or shall be required to immediately reduce the intensity of the use served to the extent that it will be conforming to the town's off-street parking requirements.

(ed)Supplemental off-site shared parking. With the exception of underground shared parking that is a permitted use in the C-TS, C-WA and C-OPI zoning district, A a conforming use may lease to another existing conforming use the former's required or supplemental parking spaces for use by patrons or employees of the latter, provided:

- (1) The area to be used for off-site shared parking shall be in the C-TS, C-WA, C-PC or C-OPI zoning district, and, except for shared parking within a parking garage or underground/underbuilding parking area, any area used for off-site shared parking shall be accessible only to and used by parking attendants and shall have controlled access in the form of gates or other barriers acceptable to the town that can be accessed and used only by parking attendants.
- (2) Off-site shared parking shall be located no more than 500 feet from the use the off-site shared parking is intended to serve.
- (3) The applicant shall provide evidence which shall prove to the satisfaction of the town council that the off-site shared parking use shall not increase noise, light or traffic impacts upon neighboring residential districts.
- (4) A traffic planner or traffic engineer establishes to the satisfaction of the town council, at the applicant's expense, that all other establishments using the existing parking spaces will primarily utilize these spaces at different times of the day, week, month or year from that of the applicant's use, and that the sharing of such parking spaces will not result in conflicting or overlapping usage of the parking facilities.
- (5) If the director of planning, zoning and building department should determine that professional advice and/or consultant is required to review the applicant's parking findings, the expense of such professional advice shall be borne by the applicant pursuant to sections 134-171 and 134-172.
- (6) Off-site shared parking shall only be supplemental, and such parking shall not be used to meet required parking for new construction or expansion or addition to existing floor area.
- (7) The town may impose such additional conditions that it deems necessary to minimize noise, light and traffic impacts upon neighboring residential districts.
- (8) The approval shall initially be limited to a period of six months, whereupon a subsequent review shall be made at a public hearing of the town council at which the interim approval may be renewed, modified or revoked.
- (9) The provisions in Sec. 134-2177 and 134 2182 related to supplemental off-site shared parking in an underground garage as a permitted use in the C-WA, C-TS and C-OPI zoning district will sunset on March 13, 2024 unless extended or modified by the town council.

Section 11. 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 12. 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 13. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 14. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of January, 2021, second reading and final adoption on this ____ day of ____, 2021.

Gail L. Coniglio, Mayor

Margret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Queenester Nieves, Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 13, 2021

Section of Agenda

Any Other Matters

Agenda Title

Discussion on Construction Screening

Presenter

ATTACHMENTS:

- ▣ **Construction Screening Codes**

Sec. 18-201. - Preliminary sketch; site plan; final plan.

- (a) Preliminary sketches of the design of a proposed structure or major alteration may be submitted to the planning, zoning and building department director or his/her designee for informal review so that an applicant may be informed of architectural commission policies prior to preparing working drawings.
- (b) The applicant for a building permit, when subject to the requirements of this article, shall submit an application to, and on a standard form prescribed by, the planning, zoning and building department director or his/her designee, at least 35 days prior to the next regular meeting date for those projects classified as major projects or minor projects with notice as designated within the ARCOM Project Designation Manual. Required submittal materials also include a site plan as defined by section 18-207 and exterior elevations and such other data as will assist the architectural commission and the planning, zoning and building department director or his/her designee in evaluating the proposed building or structure or major alteration. Final plans and elevations shall be drawn to scale and submitted in a format as specified by the planning, zoning and building department and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will confirm to the provisions of this Code. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared them. The final plot plan shall conform to section 18-207. Plan revisions, if made, shall be submitted to the town no later than noon, nine days prior to the architectural commission meeting at which they will be considered. Only minor changes from those submitted may be presented and considered at that meeting. Work not thus presented may be rejected by the planning, zoning and building department director or his/her designee.
- (c) The applicant for a building permit, when subject to the requirements of this article, shall submit an application to, and on a standard form prescribed by, the planning, zoning and building department director or his/her designee at least 15 days prior to the next regular meeting date in the case of improvements classified as minor projects-no notice within the ARCOM Project Designation Manual. Required submitted materials also include a site plan as defined by section 18-207, and exterior elevations and such other data as will assist the architectural commission and the planning, zoning and building department director or his/her designed in evaluating the proposed building or structure or minor alteration. Final plans and elevations shall be drawn to scale and submitted in a format as specified by the planning, zoning and building department and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shown in detail that it will confirm to the provisions of this Code. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared them. The final plot plan shall confirm to section 18-207. Work not thus presented may be rejected by the planning, zoning and building department director or his/her designee.
- (d) A construction screening plan shall be submitted as part of all major ARCOM projects that

demonstrates how the adjacent neighbors will be screened from the construction activity through the use of landscaping and construction fencing/gates. Said construction screening plan must be approved by ARCOM, and the applicant must submit a permit for the approved landscaping and/or fencing/gates, install said material, have it pass inspection, and the permit closed-out prior to the issuance of a building permit for the new construction and/or renovation work associated with the major ARCOM application.

(Ord. No. 11-2015, § 1 (Att.), 4-15-15; Ord. No. 19-2016, § 1, 11-8-16; Ord. No. 29-2017, § 1, 11-14-17; Ord. No. 12-2019, § 1, 4-10-19)

Sec. 54-99. - Construction screening plan.

Depending upon the size and scope of a project, staff may request a construction screening plan to be submitted as part of Certificates of Appropriateness (COA) applications that demonstrates how the adjacent neighbors and public right-of-ways will be screened from the construction activity through the use of landscape, hardscape, and construction fencing/gates. For those projects where existing landscape and hardscape will remain in place during construction, which provide the necessary screening, this should be identified on the construction screening plan, and photographs of said landscape and/or hardscape screening shall also be provided. The construction screening plan must be approved by the Landmarks Preservation Commission, and the applicant must submit a permit for the approved additional landscaping and/or fencing/gates, install said material, have it pass inspection, and the permit closed-out prior to the issuance of a building permit for the new construction and/or renovation work associated with the major COA application.

(Ord. No. 14-2019, § 1, 4-10-19)

Sec. 18-2. - Landscaping; maintenance where used for screening.

In any instance where hedges or other landscaping have been or are installed in the future, to provide screening for off-street parking or any other purpose, the owner of any such property is required to maintain any such hedge or other landscaping in accordance with the approved landscape plan and in the manner in which hedges and landscaping of a similar nature are required to be maintained as specified elsewhere in this Code.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)