

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

Meeting Held Electronically via Zoom Webinar

Click here to participate: <https://zoom.us//98929239307>

AGENDA

AUGUST 12, 2020

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN**

REVIEW AND VARIANCE(S) Zoning District: R-A Estate Residential The application of Charles "Rusty" Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area 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 21.2 feet 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 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to their September 23, 2020 meeting at the request of the attorney. Carried 7-0] **Request for Deferral to the October 14, 2020 Town Council Meeting per Letter Dated July 30, 2020 from Maura Ziska.**

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b. **Z-19-00236 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jennifer J. Naegele, Applicant,

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

- c. **Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Matthew and Anne Iorio, Applicant, relative to property located at **131 SEAVIEW AVE**, legal description on file, is described below. Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893(b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893(b)(11): a lot coverage of 31.3% in lieu of the

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30% maximum allowed; 4) Section 134-893(b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [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 with a condition relating to landscape. Carried 7-0.]

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- d. **Z-20-000262 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-D(2) High Density Residential The application of The Ambassador Hotel Cooperative Apartments Corp., A Florida Corporation (Richard Schlesinger, President), Applicant, relative to property located at **2730 S OCEAN BLVD**, legal description on file, is described below. The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District. 2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission deferred this project to the August 26, 2020 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the September 9, 2020 Town Council Meeting per Letter Dated July 30, 2020 from**

Maura Ziska.

2. New Business

- a. **Z-20-00264 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Christopher J. and Jennifer Lazzara, Applicants, relative to property located at **272 QUEENS LN**, legal description on file, is described below. A request for a flood plain variance in order to construct the previously approved 3,468 square foot addition with a finished floor elevation of 5.5 feet North American Vertical Datum ("NAVD") in lieu of the 7 foot NAVD required when construction exceeds 50% of the market value of the residence. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: The proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Carried 7-0.] [The Landmarks Preservation Commission deferred the project to the August 19, 2020 meeting. Carried 7-0.] Pg. 210
- b. **Z-20-00265 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of Carlos Musso, Sr., Applicant, relative to property located at **110 SEAGATE RD**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to their August 26, 2020 meeting. Carried 7-0] **Request for Deferral to the September 9, 2020 Town Council Meeting per Letter Dated July 30, 2020 from Maura Ziska.** Pg. 213
- c. **Z-20-00266 SITE PLAN REVIEW** Zoning District: R-AA Large Estate Residential The application of 1960 SOUTH OCEAN BLVD LLC, Owner, relative to property located at **1960 S OCEAN BLVD**, legal description on file, is described below. Section 134-1729(2): Site Plan Review request to have a new 180 KW generator to be enclosed In a 525 square foot building on the subject property. The proposed generator and building enclosure is replacing an existing generator and generator building and will meet the setback requirements. [Applicant's Representative: Maura Ziska Esq] Pg. 217
- d. **Z-20-00267 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jeff and Nicola Marcus (Contract Purchasers), Applicants, relative to property located at **920 N LAKE WAY**, legal description on file, is described below. The applicant is proposing a renovation to the property that includes the demolition of a 337 square foot cabana, demolition of 52 square feet from existing Pg. 220

loggia, demolition of 23 square feet from the south side of the house, adding a new 200 square foot entry, adding 143 square feet to the existing loggia and small additions to the house on the north and south side. The following variances are being requested: 1. a north side yard setback for the one story addition ranging from 8.7 feet to 10.4 feet (to match existing) in lieu of the 15 foot minimum required; 2. a south side yard setback for the second floor addition with terrace of 9.9 feet (to match existing) in lieu of the 15 foot minimum required; and 3. lot coverage of 30.5 % in lieu of the 30 % maximum allowed for the proposed additions (no net change to existing lot coverage calculation of 30.5%). [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with conditions related to the landscaping. Carried 7-0.]

- e. **Z-20-00268 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Pg. 226
 Zoning District: R-B Low Density Residential The application of The Society of the Four Arts, Inc. (c/o Dr. Philip B. Rylands, President and CEO), Owner, relative to property located at **100, 101, 102 and 103 FOUR ARTS PLAZA, 240 COCOANUT ROW, AND 434 SEASPRAY AVE**, legal description on file, is described below. Section 134-890(9) - The Society of the Four Arts (Applicant) requests a modification to the existing nonprofit cultural center Special Exception (legally described in Exhibit A-1), to allow the addition of a 0.56-acre property (legally described in Exhibit A-2) located at 434 Seaspray Avenue ("Site"), into Applicant's campus. The Site is developed with a single family house and accessory structures. The Applicant proposes to relocate its President/CEO's living quarters from the third floor of the John E. Rovensky Building ("Building") to the Site. The intent is to renovate and reconfigure the vacated 2,105 square foot (sq. ft.) living quarters to create a meeting room, archive space and storage spaces, in accordance with the Proposed Floor Plan ("Plan"). [Applicant's Representative: Harvey E Oyer III Esq]

VIII. ORDINANCES

A. Second Reading

1. **ORDINANCE 02-2020** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Town Code Of Ordinances, By Adding Article VI, Historic Conservation Districts; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date. Pg. 229
2. **ORDINANCE 03-2020** An Ordinance Of The Town Council Of The Pg. 259

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

A. First Reading

1. ORDINANCE 12-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Town Code Of Ordinances, Article III, Certificate Of Appropriateness, Division 1, Generally, Section 54-71, Required, Subsection (f), Removing The Value Threshold For Minor Projects; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date. Pg. 286

IX. RESOLUTIONS

- A. Resolution No 51-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting A Set Of Historic Conservation Districts That Are Located Throughout The Town Of Palm Beach, And As Described In Ordinance 02-2020 Pg. 293
- B. Resolution No. 58-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting The ARCOM Project Designation Manual As Referenced In Chapter 18 Of The Town Code Of Ordinances; Providing An Effective Date. Pg. 320

X. ADJOURNMENT

XI. ANY OTHER MATTERS

- Note 1:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 2:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 3:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 4:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website

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: August 12, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-A Estate Residential The application of Charles “Rusty” Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area 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 21.2 feet 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 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to their September 23, 2020 meeting at the request of the attorney. Carried 7-0] **Request for Deferral to the October 14, 2020 Town Council Meeting per Letter Dated July 30, 2020 from Maura Ziska.**

Presenter

ATTACHMENTS:

- ▣ **Letter Dated July 30, 2020 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

July 30, 2020

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

RE: Z-18-00134
977 South Ocean Boulevard, Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **August 12, 2020** Town Council meeting to the **October 14, 2020** 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: August 12, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

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

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 26, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Received January 8, 2020 from Ellen Cunningham**
- ▣ **Letter Received February 4, 2020 from Martha Schar**
- ▣ **Letter Received March 10, 2020 from Monika Preston**
- ▣ **Email Received March 11, 2020 from Myrna Partrich**
- ▣ **Letter Received March 18, 2020 from Sally Ross Soter**
- ▣ **Letter Received May 13, 2020 from Jill Glazer**
- ▣ **Email Received July 7, 2020 from Craig Omtvedt**
- ▣ **Email Dated July 9, 2020 from Jill Glazer**
- ▣ **Email Dated July 9, 2020 from Francis Lynch**
- ▣ **Email Dated July 11, 2020 from Charlotte Beers**
- ▣ **Letter Dated July 13, 2020 from M. Tim Hanlon**
- ▣ **Email Dated July 13, 2020 from Francis Lynch**
- ▣ **Email Dated July 15, 2020 from Spencer Partrich**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

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

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

Date: June 26, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

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

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

ADDRESS: 70 MIDDLE RD

OWNER: NAEGELE JENNIFER J

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

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

ZONING DISTRICT: R-B Low Density Residential

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

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

Page Two

Attachment

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



PLANNING, ZONING AND BUILDING DEPARTMENT

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 12/9/19

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

ADDRESS: 70 MIDDLE RD

DESCRIPTION:

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

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

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



PLANNING, ZONING AND BUILDING DEPARTMENT

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 12/9/19

PZB - ZONING

Paul Castro, Zoning
Administrator

2/3/2020

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

40 Middle Road

Palm Beach, Florida 33480

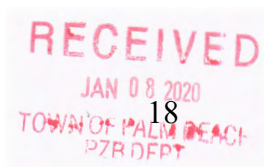
Landmarks and Preservation Commission

Town of Palm Beach

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

Sincerely

Ellen Cunningham



550 S. Ocean Blvd.
Palm Beach, Florida

February 4, 2020

Re: Application for Variances at 70 Middle Road

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

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

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

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

Thank you for your consideration.

Martha and Dwight Schar

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

Re: Presentation for 70 Middle Road
March 10, 2020

Members of the Town Council and Landmark Preservation
Commission,

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

Sincerely,
Monika and John Preston

A handwritten signature in dark ink, consisting of a long horizontal line with a small loop at the end, and a vertical line intersecting it near the end.

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Re: Landmark and Variance approvals for 70 Middle Rd.

Landmark Commission
Town Council Members

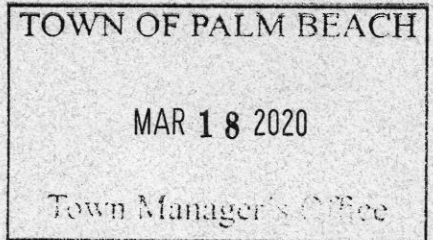
We are writing in reference to the presentation plans for 70 Middle Rd. We have reviewed the plans with the architect. The restoration is magnificent, and we are very excited about this project coming to fruition. We would like to support this restoration and variances as presented.

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

We love our street!

Sincerely yours,
Myrna and Spencer Partrich
22 Middle Rd.

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



March 16, 2020

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

Dear Mayor Coniglio,

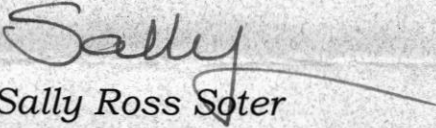
My husband, William Soter, and I have had great concerns about Jennifer J. Naegele's plans for the restoration of 70 Middle Road, Palm Beach, Florida. For years, we and others have endured people coming and going, messy dumpsters, garage doors open, shutters up at windows all year long, and unkempt grounds.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

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

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

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

Sincerely,


Sally Ross Soter

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

May 13, 2020

RE: 70 Middle Road Variance request

Dear Commissioners,

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

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

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

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

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

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

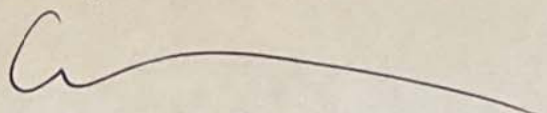
3. The generator meets all soundproofing and decibel readings as required by town code.

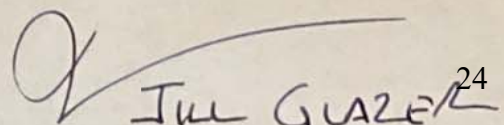
4. All dumpsters, portable toilets, and other construction equipment are completely screened behind fencing and/or landscaping.

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

Thank you for your consideration of this matter.

Sincerely,


Avram Glazer


Jill Glazer

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mayor, Town Council Members, and ARCOM members,

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

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

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

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

I offer the following:

1. Variance Approval

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

2. Construction Timeline

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

3. Transformer requirement and Placement

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

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

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

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

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

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

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

Thank you and regards, Craig Omtvedt

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

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

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

Subject: Transformer Easement

To: <2ordernow@gmail.com>

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

Hi Jennifer,

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

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

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

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

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

Lastly, a few other things for you to ponder:

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

2. Again, it's a straightforward process:

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

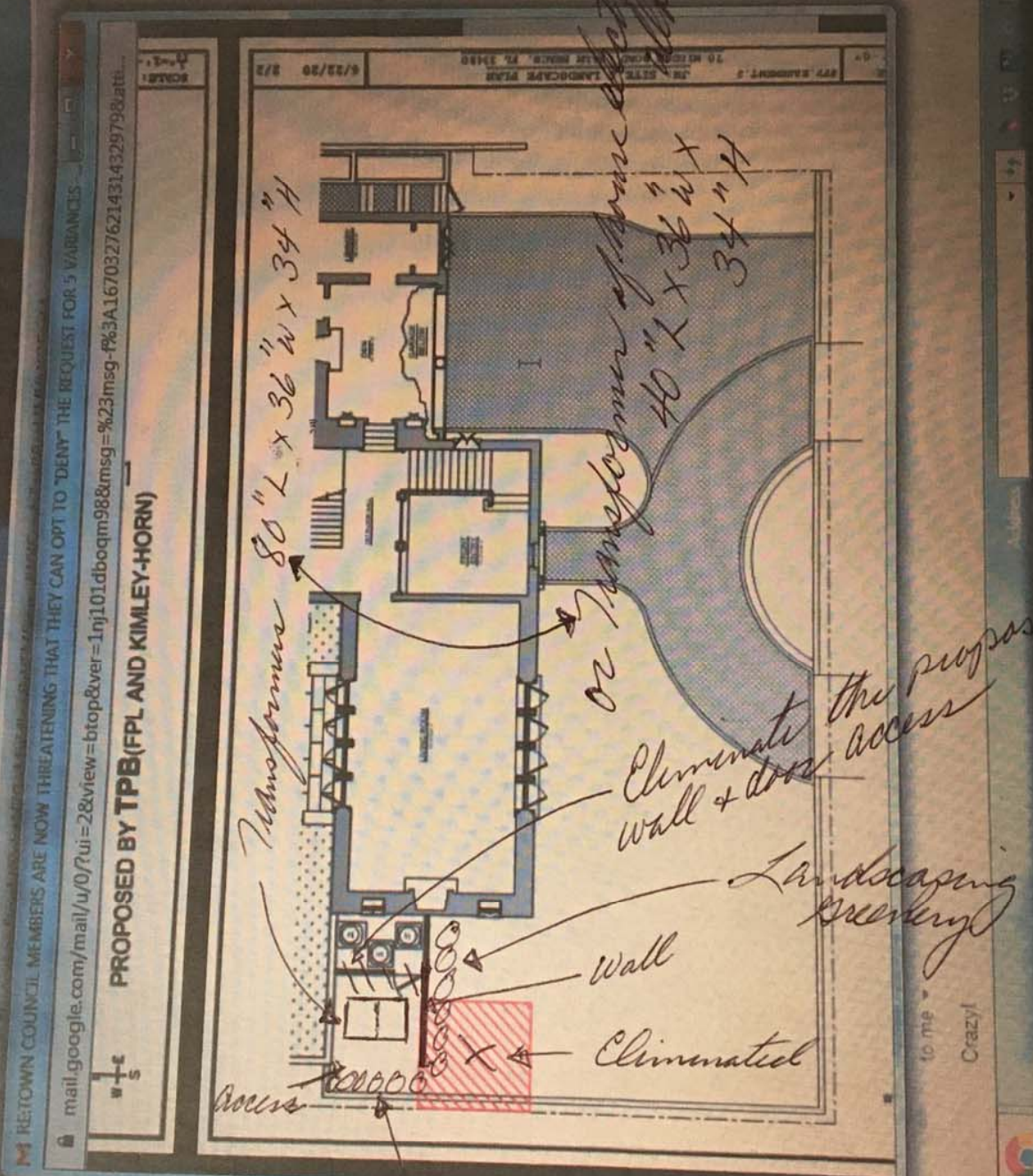
3. You are correct that FPL doesn't know what you currently have for electrical infrastructure. Like other utilities, they only go to the meter, The house side of the meter is your responsibility. If the meter you have is in excess of what you currently need and the meter just didn't get changed out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

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

Best, Craig

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

Sent from my iPhone



Eliminate the proposed south access

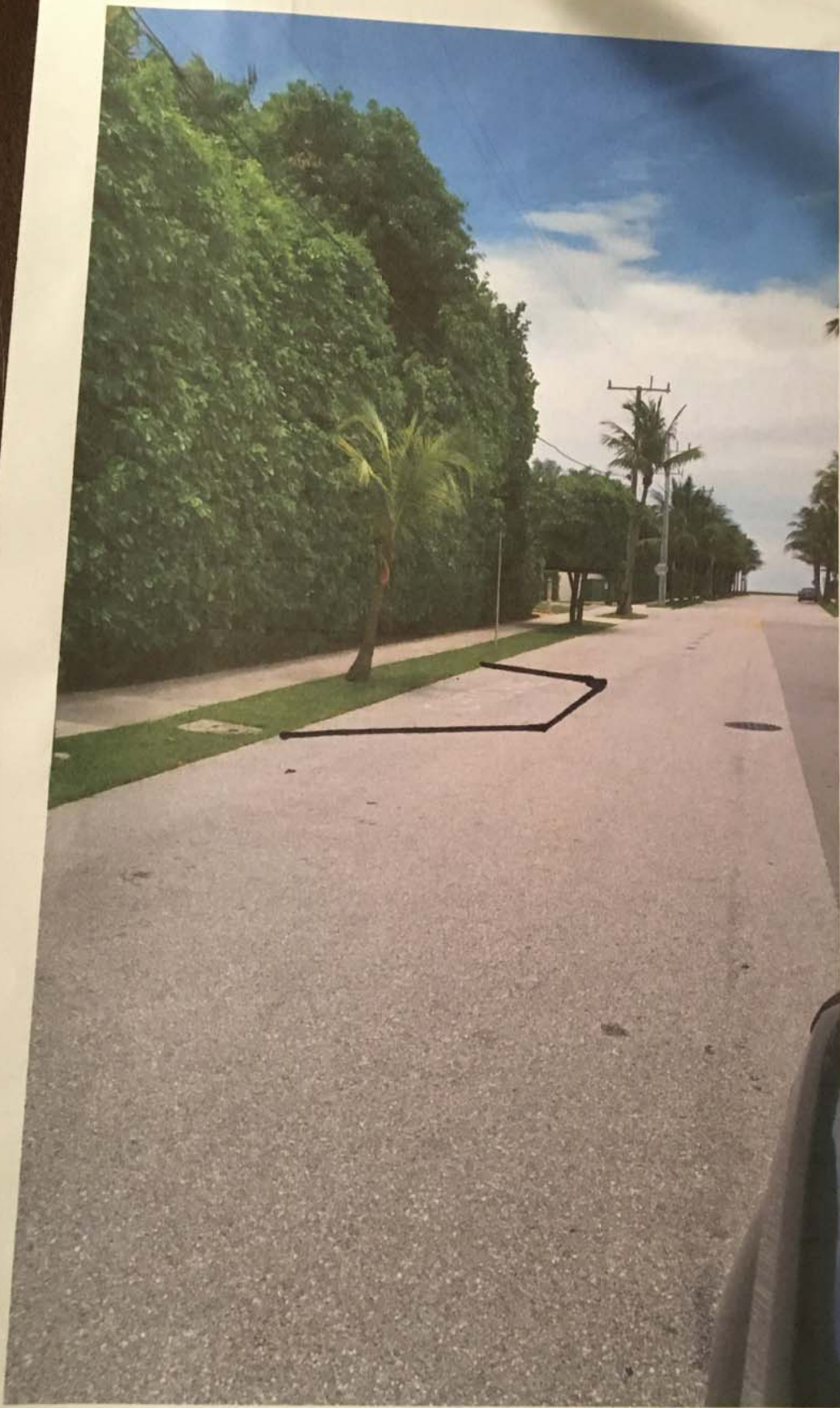
Landscaping Greenery

wall

Eliminated

Access

Landscaping Greenery



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

From: [Jill Glazer](#)
To: [Steven Stern](#)
Cc: [Gail Coniglio](#); [Margaret Zeidman](#); [Lew Crampton](#); [Bobbie Lindsay](#); [Julie Araskog](#); [Kelly Churney](#); [Wayne Bergman](#); [Rene Silvin For Palm Beach Town Council](#); daniellemoorepb@gmail.com
Subject: 70 Middle Road
Date: Thursday, July 09, 2020 1:21:58 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Steve:

I have wanted to follow up with you Re the meeting we had at my request regarding the possibility of a Chicane on Via Marina.

As you are aware, our property will be the most impacted with the current location being proposed.

We have now received many emails from our neighbor at [70 Middle Road](#) regarding her request that either the sidewalk on the north side of Via Marina be removed or that a chicane be created within Via Marina so that she, who is in the process of renovating her property and seeking a number of variances and other approvals from the town council, does not have to be subjected to easements on her property required by the town's current utility undergrounding project.

Those of us that have either renovated or built our homes in the last few years are aware that the town, in granting our approvals, has requested that we grant similar easements on our properties. We agreed to do this and believe that many of our neighbors have done this as well.

Our neighbor's justification for attempting to avoid granting an easement on her property is that she is renovating a landmarked home. Many of us also own or have owned landmarked homes or have received awards from the town for the architectural design of our homes as well.

At the same time, in the interest of being good neighbors, we were willing to agree not to contest our neighbor locating her generator to an area closest to our property line, near our front door and bedroom side of the house, provided Ms. Naegele agrees to allow the undergrounding easements on her property, just like the rest of us agreed to.

I am sure you saw the email Options A, B and the chicane, which I believe were prepared by our neighbor's representatives (although there is no block indicating that these were prepared by a licensed professional), and not by the town, so that you can see what is being proposed. At the very least, I would hope that the town would prepare (or have a professional prepare) the visual aids for these proposals so that we can all see an unbiased presentation of what this will look like, before town council votes on something which could affect our homes. At the very least, we believe that this is a reasonable request to ask the town to do before town council votes on this.

Both Options A and B involve removing the sidewalk on the north side of Via Marina. For those of

you who may not know, there is no street light on the north side of this block of Via Marina and I believe that the that is located on the south, it is at the corner of South County Road and has no impact on our section of Via Marina. At night, the north side of the street is very dark. Having an unusual condition at a dark area of the street and right at our property line, is of major concern.

We are not willing to allow the major portion of this project, the generator and the location of the FPL equipment, to be located so close to our property line as to burden our property or to create safety risks for us by removing the sidewalk or placing a chicane within 20 feet of our driveway. Our landscapers and other service providers already have difficulty parking and accessing our property; they can't park on South County Road, so Via Marina is the only parking they have. In addition, our landscape material is placed in this area for pick up. The chicane will all but eliminate use of this area for parking or to allow the town to pick up landscape material.

It is interesting that the chicane plan shows the FPL equipment surrounded by poles to protect it. This all but acknowledges that this chicane will create a dangerous condition for vehicles driving on Via Marina. But what about us and our guests using our driveway and backing out onto Via Marina? This also creates a dangerous condition for those who drive and walk along this portion of Via Marina.

Eliminating the sidewalk will mean that we will need to walk in the street when walking the dog. At night on a road, that is dark due to lack of streetlights, that is used by many to cross over from South Ocean Boulevard to South County Road, this creates a dangerous condition, again, not only for us but also those who drive and safe all along this portion of Via Marina.

If we were inclined to agree to a chicane, we would like to see it moved much further east adjacent to [70 Middle Road](#), closer to the intersection of Via Marina and Middle Road, with a street light placed on the north side of Via Marina. Of course Ms. Naegele likes the location to the east of our driveway. She indicated numerous times in her email, she will not see this as it will be on the other side of her '30 foot wall of green hedges'. But the Soter's across the street and we will see it all day long entering and exiting our properties.

We all wanted to be good neighbors and to see that this house gets finished once and for all, but we do not want to create a safety risk for us and our guests or to be overburdened by this project, while the property owner receives the full benefit from all of this.

As we discussed when we met on site, I would also appreciate it if your would please confirm that there is no viable location for the transformer on our property, should we be inclined to grant an easement to make this nuisance go away.

Lastly, we have just received your letter and a picture of the Chicane located on the north end. For our reference, can you please confirm if the one currently outlined by our Via Marina property line, is the same size as the one in the picture located on Laurie Lane.

Thank you for your consideration,

Sincerely,
Jill and Avie Glazer
[195 Via Marina](#)

From: [Francis Lynch](#)
To: [Gail Coniglio](#); [Danielle Hickox Moore](#); [Julie Araskog](#); [Lew Crampton](#); [Bobbie Lindsay](#); [Margaret Zeidman](#)
Cc: [Wayne Bergman](#); [Paul Castro](#); [Steven Stern](#); [John \(Skip\) C. Randolph](#); [Kelly Churney](#)
Subject: Variance Application # Z-19-00236 / 70 Middle Road
Date: Thursday, July 09, 2020 4:49:07 PM
Attachments: [#FP.EASEMENT.4A OPTION A-EASEMENT ALTERNATIVE.pdf](#)
[#FP.EASEMENT.4B OPTION B-EASEMENT ALTERNATIVE.pdf](#)
[Scan Jul 8, 2020, 7:54 PM.pdf](#)
[202007090913.pdf](#)

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Madam Mayor, Ladies and Gentleman of the Town Council and Town Staff:

Please be advised that I represent Avram and Jill Glazer, the owners of the property located at 195 Via Marina, the property located immediately to the west of the Applicant's property. As a point of information, the Glazers' home was awarded the 2020 Elizabeth and John Schuler Award for excellence in new architecture. The Glazers have also owned and renovated a landmarked home on Middle Road in the past.

We have received the application along with the Applicant's request that either the sidewalk on the north side of Via Marina be removed or that a chicane be created within Via Marina so that the Applicant, who is seeking the following variances:

1. To allow a generator to be placed in a street side yard with a setback of 8.5' in lieu of 25' required (this is closest to the Glazers' front door and bedroom side of their house),
2. A variance for lot coverage (which is already exceeded by more than 10% above that allowed by code) to allow for the construction of a laundry room,
3. To allow the already-exceeded cubic content ratio to be expanded even further (the existing cubic content ration is now more than twice that permitted by code, prior to the filing of this application),
4. To allow for a north side setback of 7.6' in lieu of 15' required to allow for the aforementioned laundry room and
5. To convert an existing flat roof to a covered balcony with a side yard setback of 7.6' in lieu of 15', which will loom over the Glazers' property.

As you are all aware, this house and its seemingly never-ending construction has been the subject of expired permits prior to the Applicant filing this Application.

As you are also well aware, the request by the town of an owner/applicant (and the consent of that owner/applicant) for a utility easement on an applicant's property has been a part of the zoning process since the town began considering the utility undergrounding program. The town's request for an easement should come as no surprise to this particular Applicant, however, in addition to the numerous variances

requested, the Applicant also seeks that her property not be subjected to easements on her property required by the town's current utility undergrounding project.

Last but not least, you are aware that Middle Road was, at one point, under consideration for landmarking as a district, given the significant number of landmarked homes located on that street. But this Applicant, despite the number of requests in her zoning Application, is unwilling to accept an easement on her property to allow the undergrounding to be shielded from view on her property, as many other property owners in the town have been asked, and agreed, to do.

Instead of doing this, the Applicant would like you to locate the utilities near the Glazers' property, either by removing a sidewalk or by placing a chicane in Via Marina, allowing the Glazers to bear the full brunt of the Applicant's zoning request. In the interest of being good neighbors, the Glazers have already submitted a letter consenting to the placement of the generator in the street side yard setback, an area closest to their front door and bedroom areas of their home. This consent was given prior to the Applicant's request related to the utilities and, should the Applicant continue to refuse to grant an easement on her property, the Glazers may elect to rescind this consent, as the Glazers are unwilling to bear the full brunt of these requests. The Glazers are extremely concerned that either the elimination of the sidewalk on the north side of Via Marina or the creation of a chicane on the north side of Via Marina, approximately 20' from the Glazers' driveway onto Via Marina, will create a dangerous condition for the Glazers and their guests.

I am attaching to this email Options A, B and the chicane, which I believe were prepared by the Applicant's representatives (although there is no block indicating that these were prepared by a licensed professional) and circulated to the neighbors. At the very least, I would hope that the town would prepare (or require that a professional prepare) the visual aids for these proposals, appropriated scaled and dimensioned, so that those potentially affected by these options can all see an unbiased presentation of what this will look like and exactly where it will be located before town council votes on something which could affect the neighbors' homes.

Both Options A and B involve removing the sidewalk on the north side of Via Marina. For those of you who may not know, there is no street light on either side of this block of Via Marina. As a result, at night, the street is very dark. Recently, the police directed the protesters from the recent march down Via Marina. One of them peered into the Glazers' security camera. As you can imagine, both the re-direction of the protest and the situation with the security camera were unsettling. This, coupled with a tall hedge to shield the equipment from view, creates not only a security issue for the Glazers, their property and their guests, but also creates a safety issue, impairing the visibility of those exiting the Glazers' driveway onto Middle Road as well as impairing the visibility of the Glazers' driveway for those traveling west along Via Marina. This would literally create an accident waiting to happen.

Eliminating the sidewalk on the north side of Via Marina would also mean that the contiguous sidewalks in this area would be eliminated. At present, the neighbors can walk along Middle Road, Via Marina, South County Road and Gulfstream Road without the need to cross a street.

The third option proposed by the Applicant, and only recently presented by the town (see Steven Steven's letter dated June 26, 2020), is the chicane. It is my understanding that a chicane is in use in only one other location in town- on Laurie Lane, adjacent to a property owned by a client of mine. In this particular instance, none of the neighbors was willing to grant an easement on their property. At the same time, none of the property owners in this area sought an ARCOM, LPC or zoning approval at the time the easement was requested. Subsequently, a property was sold to my client, that property required zoning approvals to build, and despite the chicane already existing, the approval granted required that an easement be placed on the property prior to a building permit being issued. Please see a copy of the zoning approval letter attached to this email. This would lead me to believe that even the town does not believe a chicane to be a desired method of placing the necessary equipment, but only as a last resort. In this particular instance, this Applicant is seeking a number of variances, the legal hardship for which may or may not exist, but is refusing to consent to an easement on her property. Additionally, Laurie Lane is a significantly less traveled street that is Via Marina. Many use Via Marina as a connector between South County Road and South Ocean Boulevard. In contrast, there are a total of six houses on Laurie Lane and only two have Laurie Lane addresses, according to the Palm Beach County Property Appraiser's website.

The Glazers' landscapers and other service providers already have difficulty parking and accessing their property; they cannot park on South County Road, so Via Marina is the only parking they have. In addition, landscape material from the Glazers' property is placed in this area for pick up. By the same token, the service providers for the Glazers' neighbors on South County Road providers also park on Via Marina as they cannot park on South County Road. The chicane will all but eliminate use of this area for parking or to allow the town to pick up landscape material.

The chicane appears to have a curb surrounding it. There is no curb on the north side of Via Marina in this block. Installing a curb around the chicane will create a tripping hazard, especially in a block that is very dark at night.

Via Marina is approximately thirty feet wide. The chicane, as painted in the street, appears to be about ten feet wide by thirty feet long. If the chicane is installed, that will narrow Via Marina in this area such that it will be difficult for two cars to safely pass one another.

It is interesting that the Applicant's chicane plan and the photograph in Mr. Stern's letter shows the FPL equipment surrounded by poles to protect it. This all but acknowledges that this chicane will create a dangerous condition for vehicles driving on

Via Marina. But what about the Glazers and their guests using the Glazers' driveway and backing out onto Via Marina? This also creates a dangerous condition for those who drive or walk along this portion of Via Marina as the Glazers' driveway will be obscured to those traveling west along Via Marina. As I said earlier, this would create an accident waiting to happen.

Last, but not least, a chicane would not be the most attractive addition to a neighborhood that includes landmarked and award winning homes.

If you are inclined to agree to a chicane, we would like to see it moved much further east adjacent to 70 Middle Road, closer to the intersection of Via Marina and Middle Road, with a street light placed on the north side of Via Marina. As Ms. Naegele indicates in her series of vitriolic emails, she will not see this as it will be on the other side of her '30 foot wall of green hedges'.

The Glazers want to be good neighbors and want to see that this house gets finished once and for all, but they do not want to create a safety or security risk for themselves or their guests or to be overburdened by this project, while the Applicant receives the full benefit from all of the approvals sought and bears none of the burden for any of this.

Thank you for your consideration of this matter.

Sincerely,
Frank Lynch

Francis X. J. Lynch, Esquire

<image001.jpg>

[605 North Olive Avenue](#), 2nd Floor
West Palm Beach, Florida 33401
T (561) 721-4000 / F (561) 721-4001 / D (561) 721-4004
E-mail: flynch@sniffenlaw.com
Website: www.sniffenlaw.com / Twitter: @Sniffenlaw

AS OF OCTOBER 1, 2019, WE HAVE JOINED THE FIRM OF SNIFFEN & SPELLMAN, P.A. PLEASE NOTE THE CHANGE OF E-MAIL ADDRESS. OUR TELEPHONE NUMBER, FACSIMILE NUMBER AND ADDRESS REMAIN THE SAME.

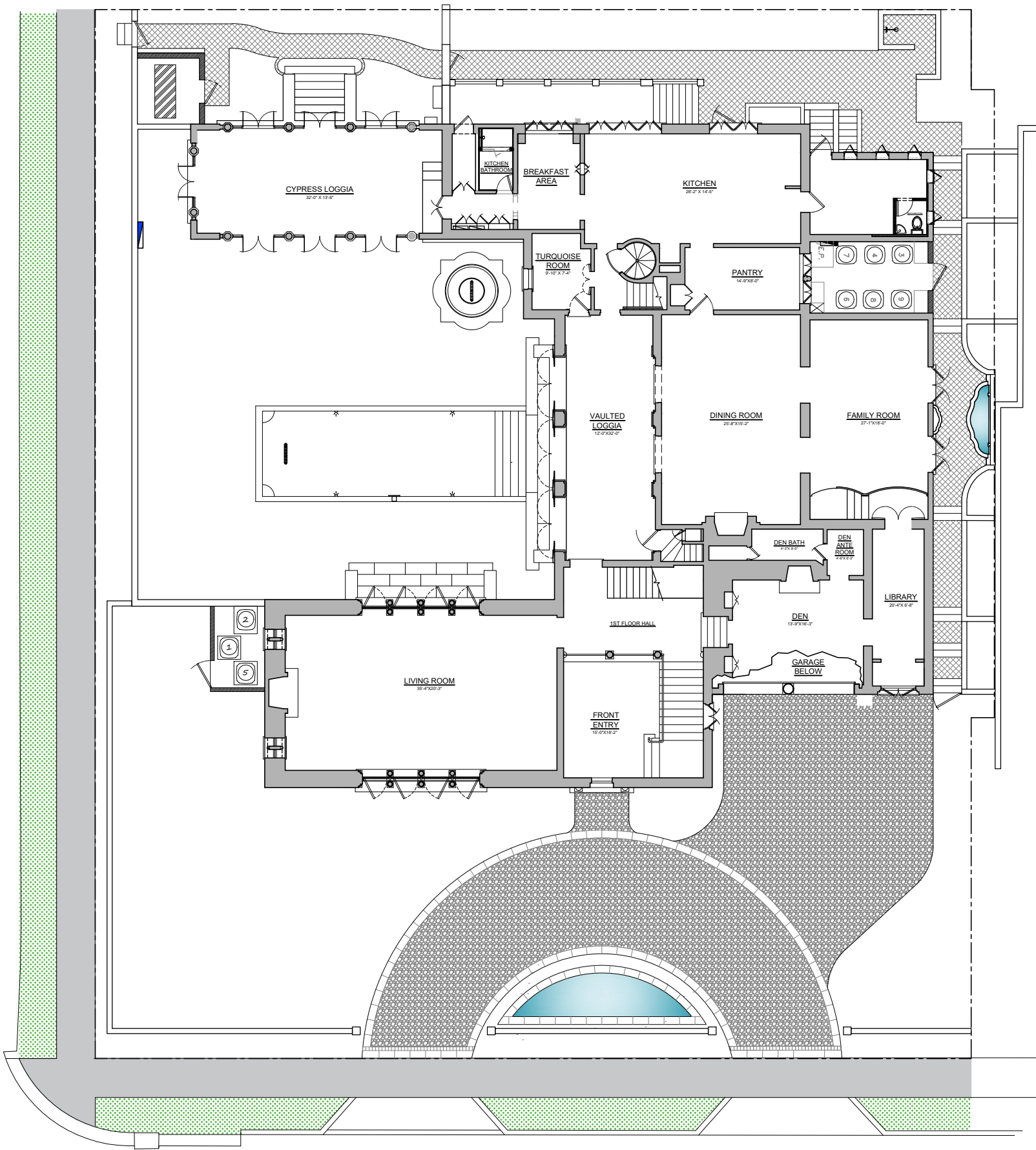
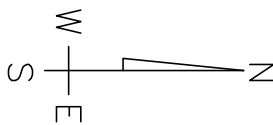
IMPORTANT NOTICE REGARDING EMAIL COMMUNICATION: With changes in technology, the Firm is aware that email is a common method of communication; however, please keep in mind the following: **(1)** clients should never use computers maintained or monitored by others (e.g., work; public computers) when communicating about sensitive or attorney-client matters; **(2)** incoming emails may not be read immediately, because the intended recipient may be out of the office or otherwise unavailable; if your email communication is time-sensitive, please call our office to ensure we are aware of your email; and **(3)** the Firm uses automated filters to block viruses and unwanted emails. It is possible the Firm's network may not recognize your email address and prevent your emails from being properly delivered. Please call our office if we have not responded to your email within a reasonable time or if the matter is time-sensitive.

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DISCLAIMER: Pursuant to Circular 230 issued by the United States Treasury Department and relating to practice before the Internal Revenue Service, any comment or opinion in this communication relating to a federal tax issue is not intended to be used, and cannot be used, by a taxpayer for the purpose of avoiding tax-related penalties that may be imposed on the taxpayer





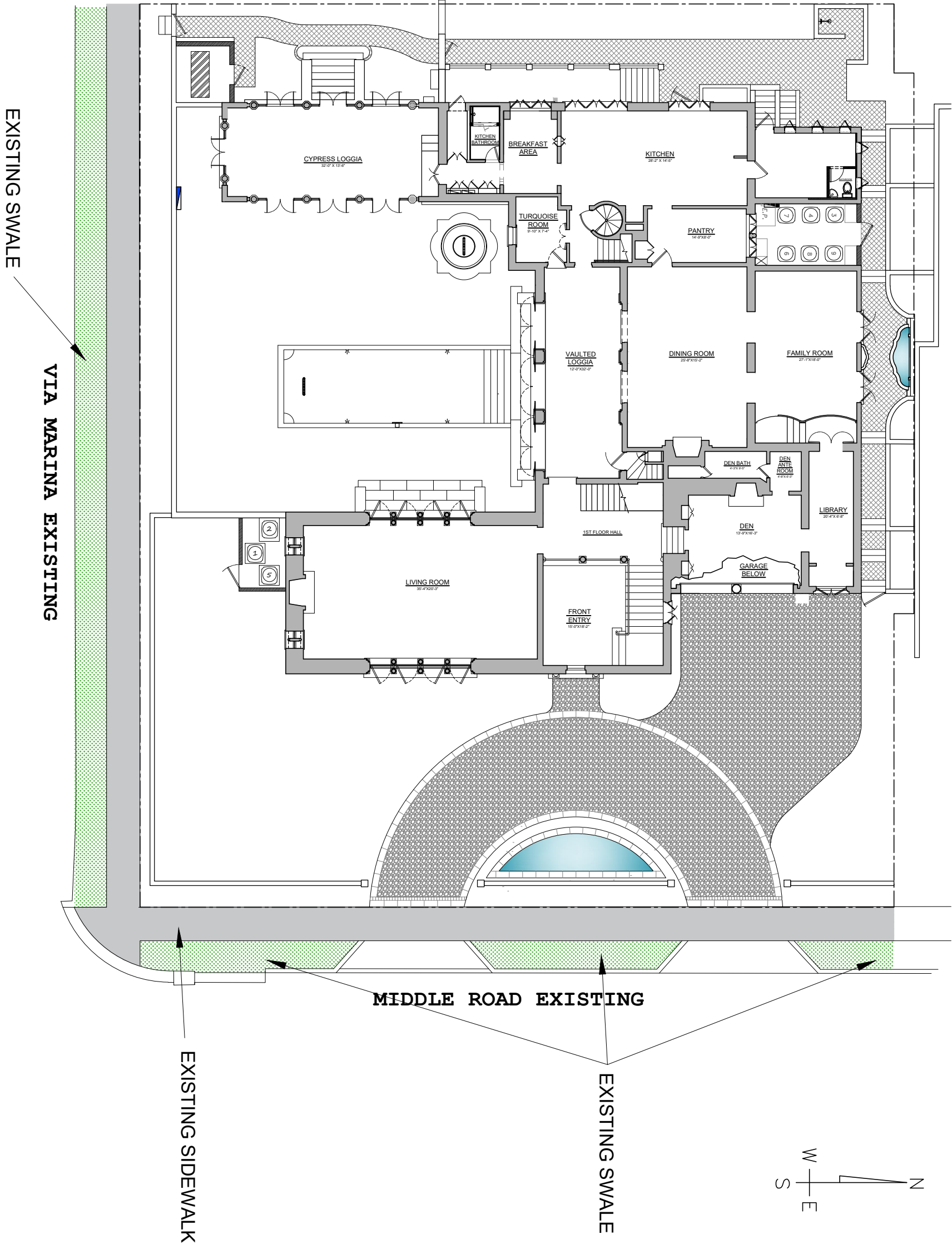
SITE & LANDSCAPE DESIGN

VIA MARINA EXISTING

MIDDLE ROAD EXISTING

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD:
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*

* EXACT LOCATION OF UTILITIES EASEMENT
TBD WITH STEVEN STERN (AND ALL).



MIDDLE ROAD EXISTING

EXISTING SWALE

EXISTING SIDEWALK

VIA MARINA EXISTING

EXISTING SWALE

SITE & LANDSCAPE DESIGN WITHOUT UTILITIES EASEMENT

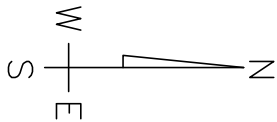
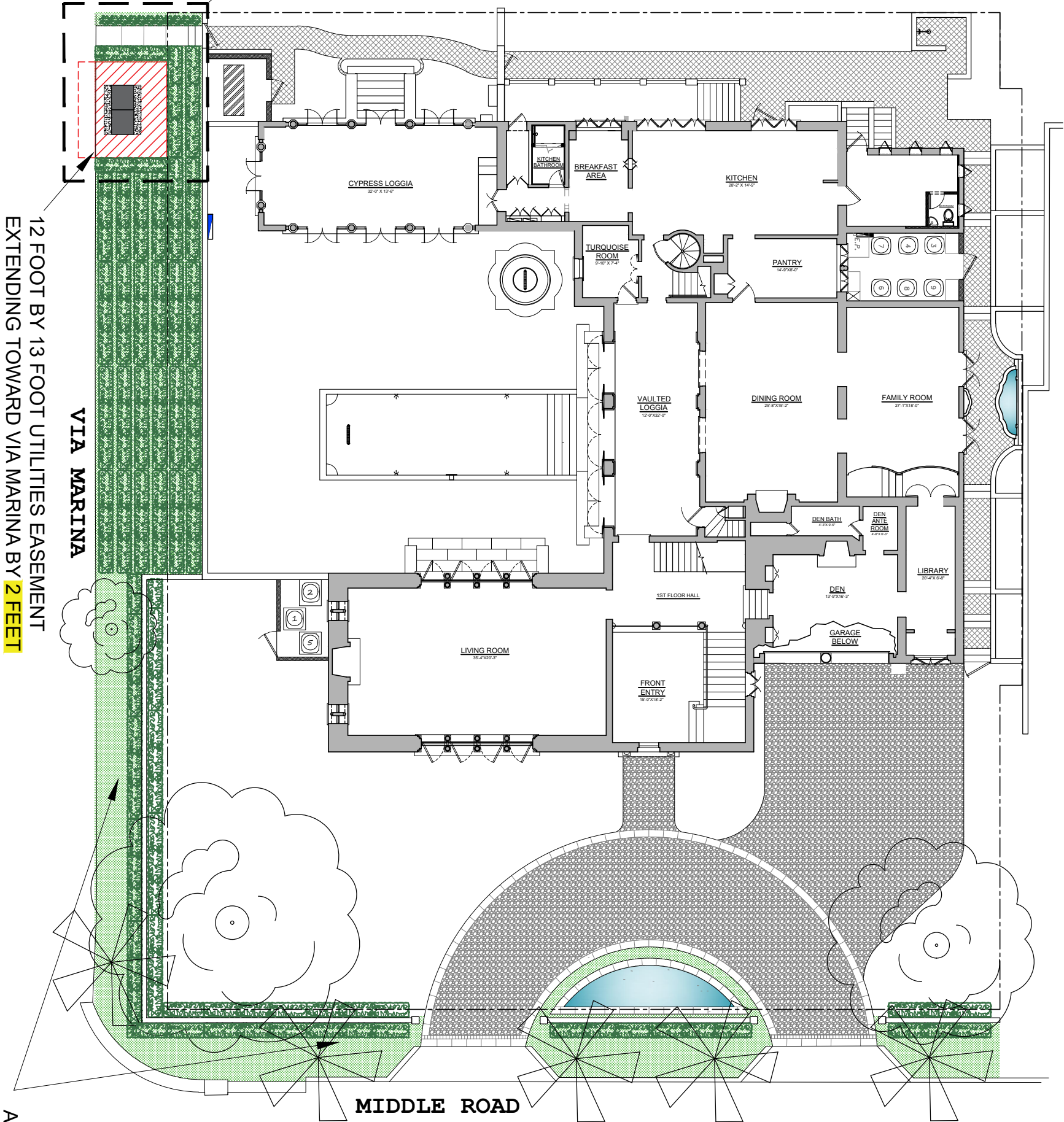
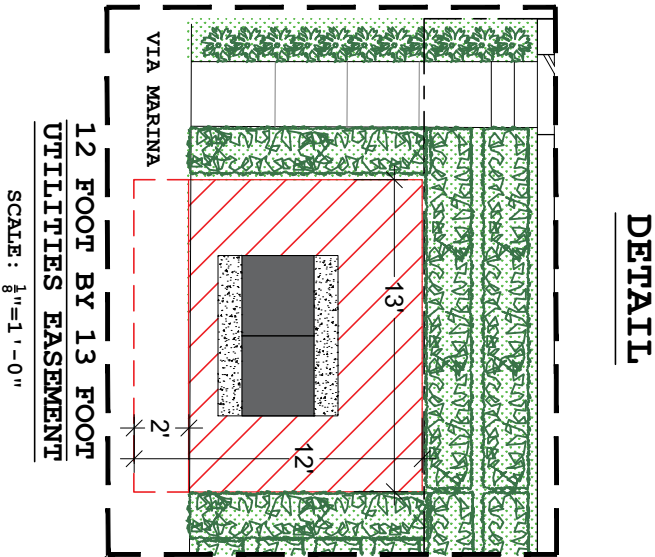
SCALE:
 $\frac{1}{16}'' = 1' - 0''$

#FP.EASEMENT.4A

JN: OPTION A: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480

7/6/20₄₁ 2/3

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD:
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*



* EXACT LOCATION OF UTILITIES EASEMENT
T.B.D. WITH STEVEN STERN (AND ALL).

PROPOSED SITE & LANDSCAPE DESIGN WITH UTILITIES EASEMENT
OPTION A

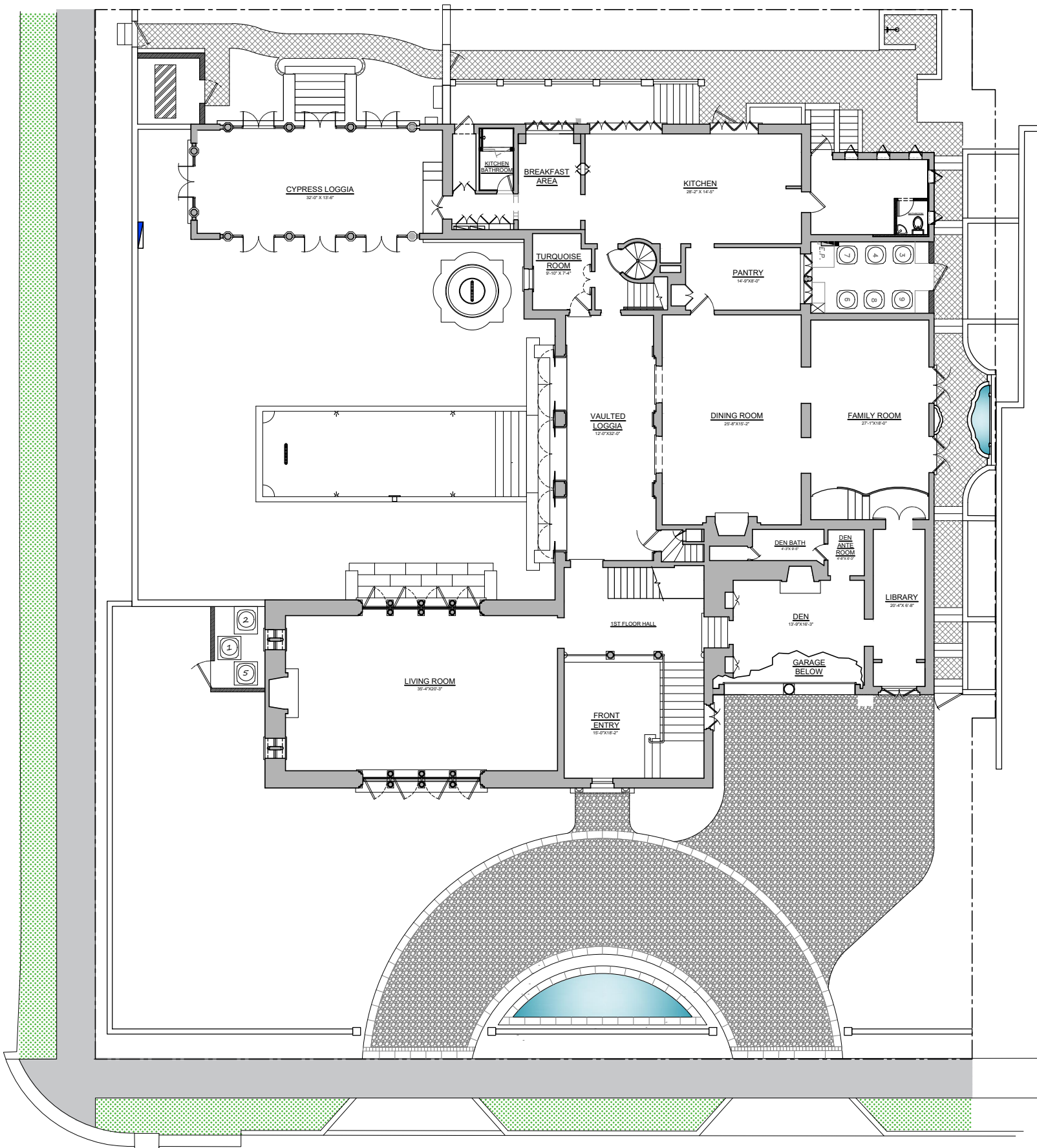
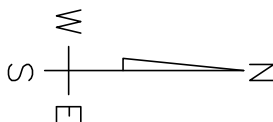
ALL FUTURE LANDSCAPE ON
SOUTH AND EAST SITE WALLS
T.B.D. BY JN AND S.M.I.

SCALE:
 $\frac{1}{16}$ "=1'-0"

#FP.EASEMENT.4A

JN: OPTION A: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480





MIDDLE ROAD EXISTING

VIA MARINA EXISTING

SITE & LANDSCAPE DESIGN

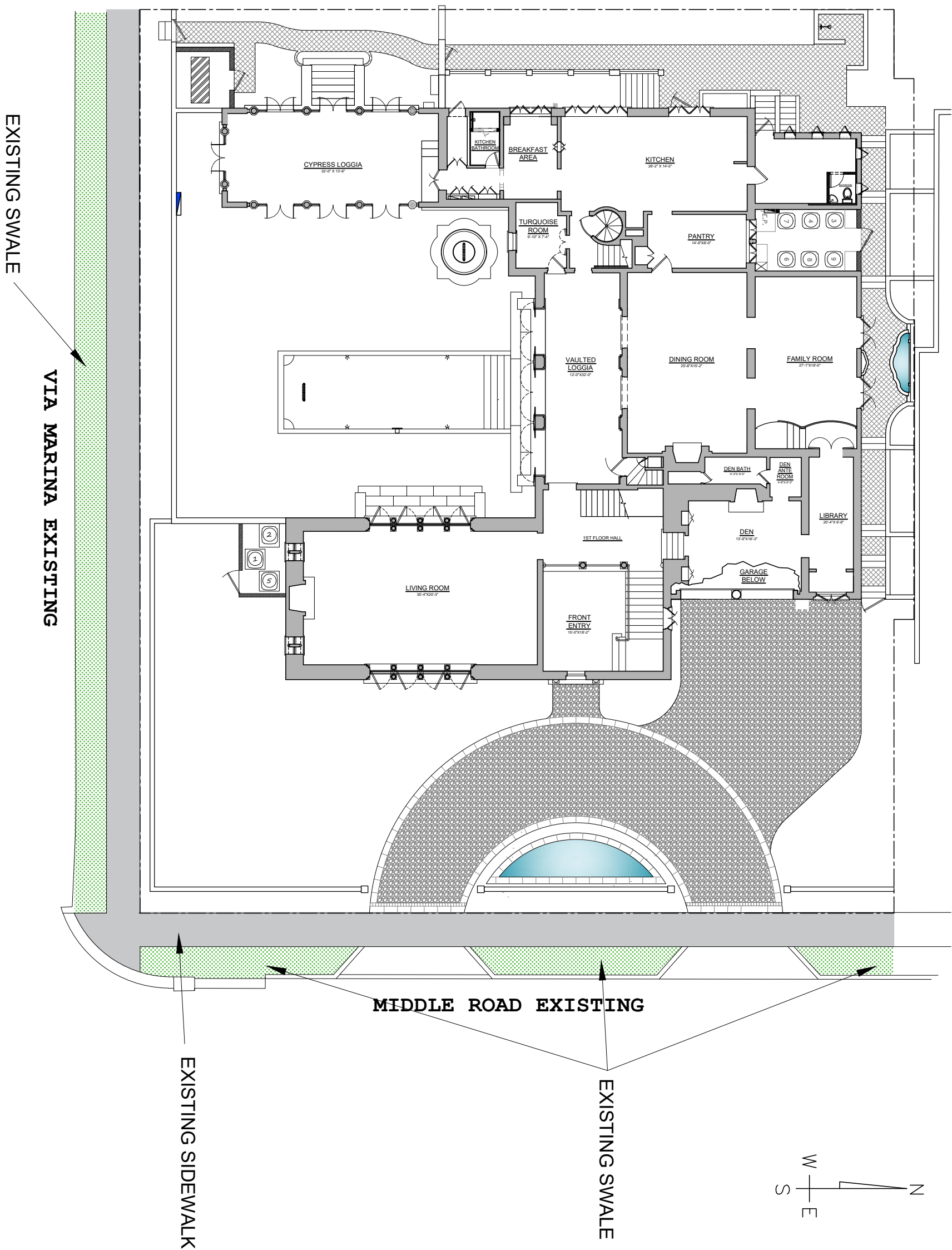
SCALE:
 $\frac{1}{16}'' = 1' - 0''$

#FP.EASEMENT.4B

JN: OPTION B: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480

7/6/20₄₄ 1/3

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD:
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*

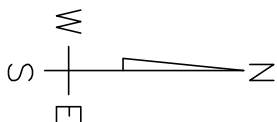
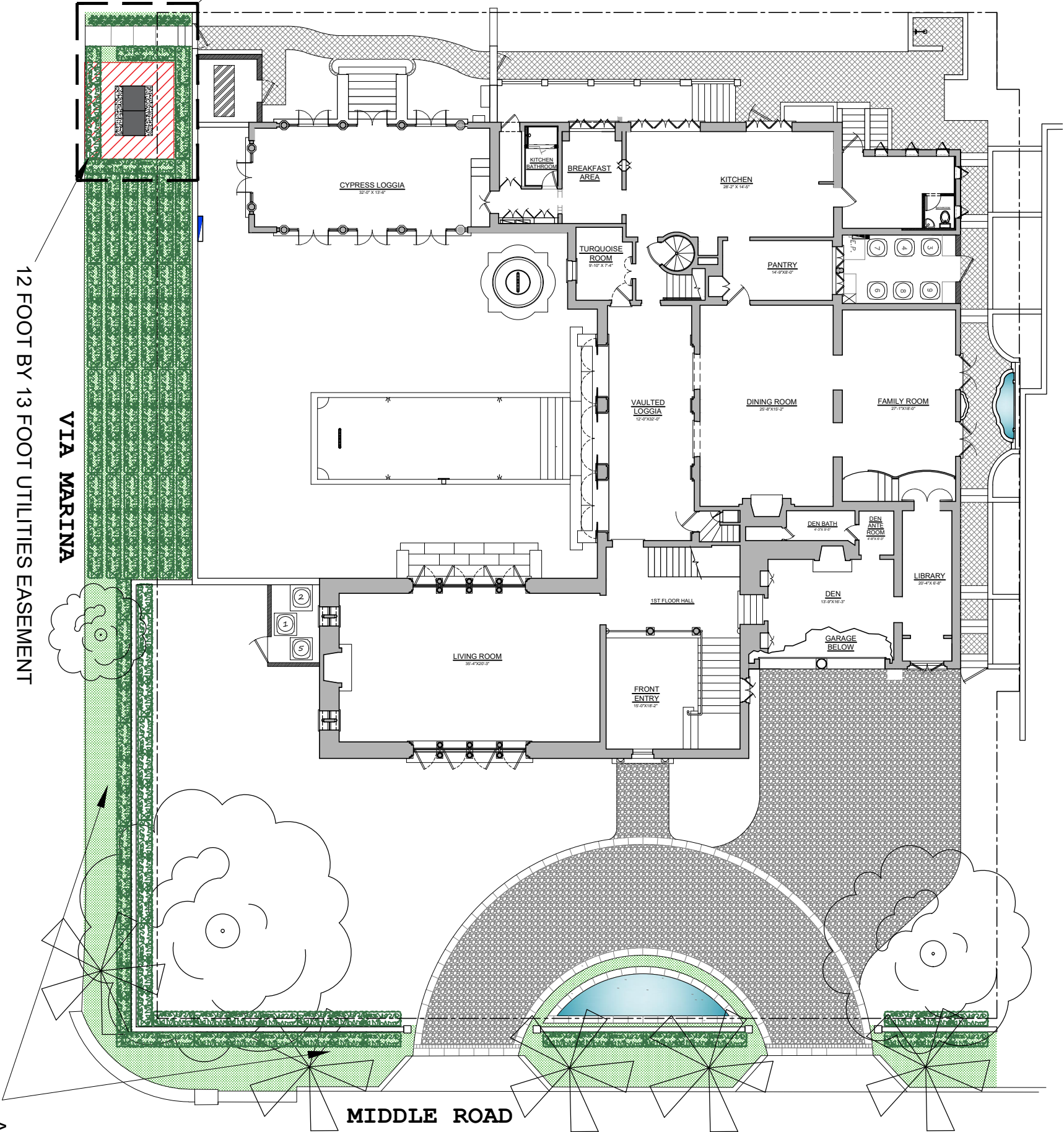
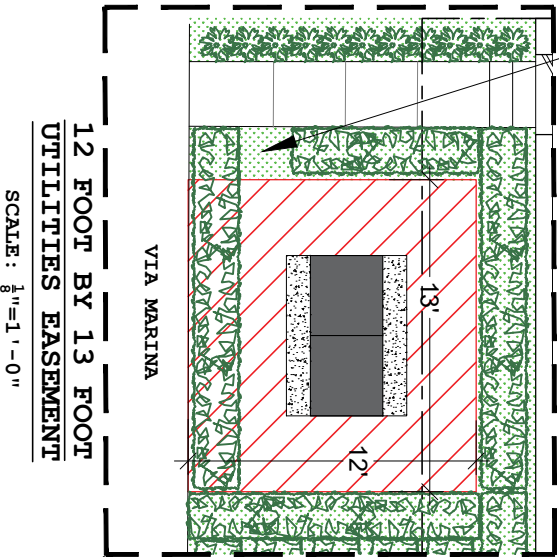


* EXACT LOCATION OF UTILITIES EASEMENT
TBD WITH STEVEN STERN (AND ALL).

SITE & LANDSCAPE DESIGN WITHOUT UTILITIES EASEMENT

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD:
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*

DETAIL



ALL FUTURE LANDSCAPE ON
SOUTH AND EAST SITE WALLS
T.B.D. BY JN AND S.M.I.

* EXACT LOCATION OF UTILITIES EASEMENT
TBD WITH STEVEN STERN (AND ALL).

PROPOSED SITE & LANDSCAPE DESIGN WITH UTILITIES EASEMENT
OPTION B

SCALE:
 $\frac{1}{16}$ "=1'-0"

#FP.EASEMENT.4B

JN: OPTION B: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480





TOWN OF PALM BEACH

Town Manager's Office

June 26, 2020

Avram Glazer
Jill Glazer
195 Via Marina
Palm Beach, FL 33480
Re: 195 Via Marina

Re: Underground Utilities Conversion Project - Phase 3 South Notice of two
Street Chokers – Via Marina & Middle Road

Dear Mr. & Mrs. Glazer,

The Town of Palm Beach is sending this notice to inform property owners of the Town's planned use of a Street Choker also known as a "Chicane" or "Traffic Calming Device" within the Public Right-of-Way¹ on Via Marina and Middle Road. The installed Street Choker will be used to facilitate equipment placement for the Underground Utilities Conversion Project.

Property owners have been overwhelmingly supportive of the project and have granted nearly all of the necessary easements the Town has requested. However, two additional voluntary easements are needed for electric and communications services. The first transformer supports services to 20, 22 & 30 Middle Road within a chicane planned to be deployed to the east of 30 Middle Road. The second transformer supports services to 70 Middle Road within a chicane planned to be deployed to the south of the property along Via Marina.

The purpose of this letter is to inform the neighborhood of the proposed Street Chokers and make a final attempt to request an easement where installation is feasible on a property served by the device. If we remain unsuccessful, we have no choice but to move forward and deploy the Street Chokers within the Public Right-of-Way.

We are available to discuss the option of equipment placement within a voluntary easement at any of the served properties. Please contact me by calling (561) 838-5410 or emailing sstern@townofpalmbeach.com.

Your time and consideration concerning this important matter is appreciated.

Thank you,

Steven N. Stern
Underground Utilities Project Manager

Note: You may view a deployed Street Choker in the Phase 1 North construction area on Laurie Lane. An image of this recently installed Traffic Calming Device is shown on the following page.



Figure 1: Laurie Lane, Phase 1 North, Street Choker

cc:

Mayor & Town Council
Underground Utilities Task Force
Kirk Blouin, Town Manager
H. Paul Brazil, P.E., Director, Public Works
Patricia Strayer, P.E., Town Engineer
Kevin Schanen, P.E., Kimley- Horn

1. For more information and answers to frequently asked questions about the Right of Way visit the Town's Undergrounding Web Site at <http://undergrounding.info/newsletters/> and click on the June 2018 newsletter.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411 • townmanager@townofpalmbeach.com



TOWN OF PALM BEACH

Planning, Zoning & Building Department

November 25, 2019

Mr. Francis X.J. Lynch, Esq.
605 North Olive Avenue
2nd Floor
West Palm Beach, FL 33401

Subject: Z-19-00224, 218 Debra Lane

Dear Mr. Lynch:

The Town Council, at its November 13, 2019 meeting, conditionally approved your client's site plan review application to construct a 3,539 square foot, 2-story home, hardscape and swimming pool on an existing 10,393 square foot platted lot with a depth of 90' in lieu of 100' minimum required. The following variances were conditionally approved for the proposed swimming pool:

1. A front yard setback of twenty feet, four inches (20.33') in lieu of the twenty-five foot (25.0') minimum front yard setback required by code.
2. A proposed swimming pool in a required street side yard with a continuous hedge of three feet (3.0') in height in lieu of six feet (6.0') minimum required.

The condition of approval is that prior to the issuance of a building permit, your client shall either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures undergrounding of utilities in the area. The Town Council approval is identified on the stamp approved and stamp dated plan package dated September 27, 2019 from Laberg & Mernard, Inc., Todd Maclean, Gruber Consulting Engineers and Nexgen Surveying, LLC, all of which are made part of the approval of this application.

The approval of this zoning application constitutes only zoning approval and does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required such as construction permits. The work authorized under the approval of this zoning application must be commenced within three years from the date of approval or said approval will expire.

Sincerely,

Paul Castro, AICP
Zoning Manager

cc: Josh Martin, Director of Planning, Zoning and Building
Wayne Bergman, Asst. Director of Planning, Zoning and Building
John Lindgren, Planning Manager
pf

From: [Charlotte Beers](#)
To: [Craig Omtvedt](#)
Cc: [Margaret Zeidman](#); [Lew Crampton](#); [Gail Coniglio](#); [Bobbie Lindsay](#); [Julie Araskog](#); [Kelly Churney](#); [Richard Rene Silvin](#); [Wayne Bergman](#); [Steven Stern](#); [Martha Schar](#); [Charlotte Lowe](#); [Greg Dryer](#); [Sarah Soter \(srsoter@gmail.com\)](#); [Jill Glazer](#); [ellencunningham@mac.com](#); [susanisbishop@gmail.com](#); [Peter wood](#); [Adam Bulmer](#); [John Preston](#); [cochran63@mac.com](#)
Subject: Re: Transformer Easement
Date: Saturday, July 11, 2020 1:24:39 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mayor and Council Members ,

I'm adding my support to the painstaking assessment Craig Omtvedt has made regarding this subject. I live at 82 Middle Road. I was attracted to this oasis in part because of the wide peaceful unencumbered streets.

Your work too to remove power lines and require flood basements has I believe , the same goal and result .

Our request of our neighbor at 70

Middle road is to agree to an adjustment on one key exception which affects us all adversely , to help justify so many other exceptions you are reviewing .

I have the greatest sympathy for the confusion and Time such construction takes ; but we have seen that driveway filled with trucks for over three years. I hope we can all press for a fair conclusion here . Fair to the grace and hoped for continued tranquility of Middle Road

Thank you so much for offering your time and concern and expertise in such matters. It's why Palm Beach remains a home for us of restraint , safety , and beauty .

Charlotte Beers

Sent from my iPhone

On Jul 7, 2020, at 5:03 PM, Craig Omtvedt <cpomtvedt@gmail.com> wrote:

Dear Mayor, Town Council Members, and ARCOM members,

I am writing today regarding the various current town matters related to 70 Middle Rd.

Specifically, three items:

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

Having spoken with or seen correspondence from more than 10 of our neighbors bordering Jennifer's

property or in the vicinity on Middle Rd, this is a matter of grave concern and interest to all of us. Additionally, despite our repeated attempts to engage in constructive conversation with Jennifer, all attempts have been met with ranting emails that have taken us nowhere. We need your help!

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

1. Variance Approval

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

2. Construction Timeline

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

3. Transformer requirement and Placement

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

That said, having had numerous conversations with Steve to understand the issues and possible options, it is clear that Jennifer has not taken the time or put forth the effort to properly consider what best serves both her and the neighborhood

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

1. Jennifer's electric meter calls for a three phase open delta transformer. As such, she can't be serviced by other transformers in the area. Regardless, as you will note, there is at least one reasonable option for a transformer on her property, maybe more. Also, the transformer will serve only her property. She would not be doing this for the greater good.

2. Jennifer refers to a Via Marina Chicane as life saving. Ridiculous. As you all know, Via Marina is a short street with minimal traffic and stop signs east and west at its intersection with Middle Rd.

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

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

Thank you and regards, Craig Omtvedt

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

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

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

Subject: Transformer Easement

To: <2ordernow@gmail.com>

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

Hi Jennifer,

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

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

The worst case space requirement for the actual transformers is 80"L x 36"W x 34"H. If you would take the time to get an electrician out to check your electrical panel and needs, it could be that you could have your meter replaced with a more current meter and only need a single phase transformer 40"L x 36"W x 34"H. Note attachment showing proposed placement of transformers in a partially enclosed area with your air conditioning units. Also note elimination of easement space as shown.

2. Yes, you will have four south side windows, but none on the ground level. The two windows on the first floor will basically be light only windows with

likely minimal, if any, exterior viewing down onto the air conditioning units and a placed transformer. The second story windows will either overlook your air conditioning units and a placed transformer or your air conditioning units and a Chicane. As such, and given it can be done right with placement and landscaping, you are giving up very little having the transformer on your property.

Lastly, a few other things for you to ponder:

1. When all is said and done, there will be nine transformers in the area. Five already exist on neighbor's property, two neighbors have graciously accepted transformers, and placement discussion is starting regarding a third.

Only you, who ironically will be the only one served by your transformer, is not taking the actions necessary to get all the facts and support the best outcome for the neighborhood.

2. Again, it's a straightforward process:

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

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

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

Best, Craig

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

Sent from my iPhone

<IMG_2819.JPG>

<IMG_2820.JPG>

LAW OFFICES
ALLEY, MAASS, ROGERS & LINDSAY, P.A.

340 ROYAL POINCIANA WAY, SUITE 321

POST OFFICE BOX 431

PALM BEACH, FLORIDA 33480-0431

(561) 659-1770

FACSIMILE (561) 833-2261

WWW.AMRL.COM



ALAN LINDSAY
DAVID H. BAKER
WILLIAM W. ATTERBURY III
LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
CAROL S. WAXLER
CATHERINE KENT
BRUCE A. McALLISTER
DAVID R. MAASS
CHRISTINE BIALCZAK
WARREN D. HAYES, JR.
NICOLE K. MAASS
LAURA B. KNOLL

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1926-2016)
KAREN S. MARX (1964-1994)

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

July 13, 2020

Mayor Gail Coniglio
Town Council
Landmarks Commission
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Re: Utilities Equipment related to 70 Middle Road

Dear Madam Mayor, members of Town Council and members of the Architectural Commission:

This firm represents William and Sarah Ross Soter, the owners of 198 Via Marina. We understand that you are scheduled to again review requested renovation plans and multiple required variance requests related to 70 Middle Road.

This letter confirms that the Soters oppose the installation of a chicane on Via Marina because it would create a dangerous life safety issue for pedestrian and vehicular traffic in the neighborhood and because there are available locations for a transformer at 70 Middle Road without a disruption to that owner or to the neighborhood.

It is our understanding that other property owners in the Middle Road/Via Marina neighborhood have agreed to placement of transformers on their properties to service all properties other than 70 Middle Road. It certainly appears that there is sufficient space at 70 Middle Road to place a transformer of sufficient capacity to serve just that property without otherwise negatively affecting the renovation or future use of 70 Middle Road.

This same process is being successfully and repeatedly implemented throughout the Town as Town residents have repeatedly agreed that the efficiency and other advantages associated with underground utilities certainly outweigh any aesthetic disadvantage of the transformer location, especially after the transformer is well-screened by landscaping.

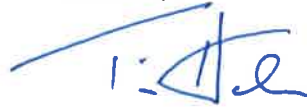
The owners in this neighborhood have already contributed easements to the Town and service has or will be buried to serve the properties. These residents should not have to suffer through the danger and negative aesthetics of a chicane on Via Marina or Middle Road because one property owner believes that only her property should be exempt from locating the transformer on her property.

The refusal by the owner of 70 Middle Road is especially befuddling because the transformer would serve only 70 Middle Road and the owner is requesting zoning relief from the Town which is not currently permitted under the Zoning Code. If the owner is not willing to grant the small easement necessary to serve her property, then the Town should certainly not grant unwarranted zoning relief and variances when no legal hardship exists.

For the foregoing reasons, the Soters request that you deny the zoning relief and variances requested by the owner of 70 Middle Road if she is not willing to provide the Town with a small easement necessary to allow the placement of a transformer on her property.

If you have any questions, please contact me.

Sincerely,



M. Timothy Hanlon

cc: Mr. and Mrs. Soter

From: [Francis Lynch](#)
To: [Gail Coniglio](#); [Danielle Hickox Moore](#); [Julie Araskog](#); [Lew Crampton](#); [Bobbie Lindsay](#); [Margaret Zeidman](#)
Cc: [Wayne Bergman](#); [Paul Castro](#); [Steven Stern](#); [John \(Skip\) C. Randolph](#); [Kelly Churney](#)
Subject: RE: Variance Application # Z-19-00236 / 70 Middle Road
Date: Monday, July 13, 2020 12:42:48 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

In the event there is any confusion as to my clients' position in this, please be advised that the Glazers are withdrawing their letter of support for this application and request that the Applicant prove her hardship as to the variances requested.

Thank you.

Frank Lynch

Francis X. J. Lynch, Esquire

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) 721-4004
E-mail: flynch@sniffenlaw.com
Website: www.sniffenlaw.com / Twitter: @Sniffenlaw

AS OF OCTOBER 1, 2019, WE HAVE JOINED THE FIRM OF SNIFFEN & SPELLMAN, P.A. PLEASE NOTE THE CHANGE OF E-MAIL ADDRESS. OUR TELEPHONE NUMBER, FACSIMILE NUMBER AND ADDRESS REMAIN THE SAME.

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From: Francis Lynch
Sent: Thursday, July 09, 2020 4:47 PM

To: mayor@townofpalmbeach.com; dmoore@townofpalmbeach.com;
jaraskog@townofpalmbeach.com; lcrampton@townofpalmbeach.com;
blindsay@townofpalmbeach.com; mzeidman@townofpalmbeach.com
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Paul Castro
<PCastro@TownofPalmBeach.com>; Steven Stern <ssstern@TownOfPalmBeach.com>;
jrandolph@jonesfoster.com; Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: Variance Application # Z-19-00236 / 70 Middle Road

Dear Madam Mayor, Ladies and Gentleman of the Town Council and Town Staff:

Please be advised that I represent Avram and Jill Glazer, the owners of the property located at 195 Via Marina, the property located immediately to the west of the Applicant's property. As a point of information, the Glazers' home was awarded the 2020 Elizabeth and John Schuler Award for excellence in new architecture. The Glazers have also owned and renovated a landmarked home on Middle Road in the past.

We have received the application along with the Applicant's request that either the sidewalk on the north side of Via Marina be removed or that a chicane be created within Via Marina so that the Applicant, who is seeking the following variances:

1. To allow a generator to be placed in a street side yard with a setback of 8.5' in lieu of 25' required (this is closest to the Glazers' front door and bedroom side of their house),
2. A variance for lot coverage (which is already exceeded by more than 10% above that allowed by code) to allow for the construction of a laundry room,
3. To allow the already-exceeded cubic content ratio to be expanded even further (the existing cubic content ration is now more than twice that permitted by code, prior to the filing of this application),
4. To allow for a north side setback of 7.6' in lieu of 15' required to allow for the aforementioned laundry room and
5. To convert an existing flat roof to a covered balcony with a side yard setback of 7.6' in lieu of 15', which will loom over the Glazers' property.

As you are all aware, this house and its seemingly never-ending construction has been the subject of expired permits prior to the Applicant filing this Application.

As you are also well aware, the request by the town of an owner/applicant (and the consent of that owner/applicant) for a utility easement on an applicant's property has been a part of the zoning process since the town began considering the utility undergrounding program. The town's request for an easement should come as no surprise to this particular Applicant, however, in addition to the numerous variances requested, the Applicant also seeks that her property not be subjected to easements on her property required by the town's current utility undergrounding project.

Last but not least, you are aware that Middle Road was, at one point, under

consideration for landmarking as a district, given the significant number of landmarked homes located on that street. But this Applicant, despite the number of requests in her zoning Application, is unwilling to accept an easement on her property to allow the undergrounding to be shielded from view on her property, as many other property owners in the town have been asked, and agreed, to do.

Instead of doing this, the Applicant would like you to locate the utilities near the Glazers' property, either by removing a sidewalk or by placing a chicane in Via Marina, allowing the Glazers to bear the full brunt of the Applicant's zoning request. In the interest of being good neighbors, the Glazers have already submitted a letter consenting to the placement of the generator in the street side yard setback, an area closest to their front door and bedroom areas of their home. This consent was given prior to the Applicant's request related to the utilities and, should the Applicant continue to refuse to grant an easement on her property, the Glazers may elect to rescind this consent, as the Glazers are unwilling to bear the full brunt of these requests. The Glazers are extremely concerned that either the elimination of the sidewalk on the north side of Via Marina or the creation of a chicane on the north side of Via Marina, approximately 20' from the Glazers' driveway onto Via Marina, will create a dangerous condition for the Glazers and their guests.

I am attaching to this email Options A, B and the chicane, which I believe were prepared by the Applicant's representatives (although there is no block indicating that these were prepared by a licensed professional) and circulated to the neighbors. At the very least, I would hope that the town would prepare (or require that a professional prepare) the visual aids for these proposals, appropriated scaled and dimensioned, so that those potentially affected by these options can all see an unbiased presentation of what this will look like and exactly where it will be located before town council votes on something which could affect the neighbors' homes.

Both Options A and B involve removing the sidewalk on the north side of Via Marina. For those of you who may not know, there is no street light on either side of this block of Via Marina. As a result, at night, the street is very dark. Recently, the police directed the protesters from the recent march down Via Marina. One of them peered into the Glazers' security camera. As you can imagine, both the re-direction of the protest and the situation with the security camera were unsettling. This, coupled with a tall hedge to shield the equipment from view, creates not only a security issue for the Glazers, their property and their guests, but also creates a safety issue, impairing the visibility of those exiting the Glazers' driveway onto Middle Road as well as impairing the visibility of the Glazers' driveway for those traveling west along Via Marina. This would literally create an accident waiting to happen.

Eliminating the sidewalk on the north side of Via Marina would also mean that the contiguous sidewalks in this area would be eliminated. At present, the neighbors can walk along Middle Road, Via Marina, South County Road and Gulfstream Road without the need to cross a street.

The third option proposed by the Applicant, and only recently presented by the town (see Steven Steven's letter dated June 26, 2020), is the chicane. It is my understanding that a chicane is in use in only one other location in town- on Laurie Lane, adjacent to a property owned by a client of mine. In this particular instance, none of the neighbors was willing to grant an easement on their property. At the same time, none of the property owners in this area sought an ARCOM, LPC or zoning approval at the time the easement was requested. Subsequently, a property was sold to my client, that property required zoning approvals to build, and despite the chicane already existing, the approval granted required that an easement be placed on the property prior to a building permit being issued. Please see a copy of the zoning approval letter attached to this email. This would lead me to believe that even the town does not believe a chicane to be a desired method of placing the necessary equipment, but only as a last resort. In this particular instance, this Applicant is seeking a number of variances, the legal hardship for which may or may not exist, but is refusing to consent to an easement on her property. Additionally, Laurie Lane is a significantly less traveled street that is Via Marina. Many use Via Marina as a connector between South County Road and South Ocean Boulevard. In contrast, there are a total of six houses on Laurie Lane and only two have Laurie Lane addresses, according to the Palm Beach County Property Appraiser's website.

The Glazers' landscapers and other service providers already have difficulty parking and accessing their property; they cannot park on South County Road, so Via Marina is the only parking they have. In addition, landscape material from the Glazers' property is placed in this area for pick up. By the same token, the service providers for the Glazers' neighbors on South County Road providers also park on Via Marina as they cannot park on South County Road. The chicane will all but eliminate use of this area for parking or to allow the town to pick up landscape material.

The chicane appears to have a curb surrounding it. There is no curb on the north side of Via Marina in this block. Installing a curb around the chicane will create a tripping hazard, especially in a block that is very dark at night.

Via Marina is approximately thirty feet wide. The chicane, as painted in the street, appears to be about ten feet wide by thirty feet long. If the chicane is installed, that will narrow Via Marina in this area such that it will be difficult for two cars to safely pass one another.

It is interesting that the Applicant's chicane plan and the photograph in Mr. Stern's letter shows the FPL equipment surrounded by poles to protect it. This all but acknowledges that this chicane will create a dangerous condition for vehicles driving on Via Marina. But what about the Glazers and their guests using the Glazers' driveway and backing out onto Via Marina? This also creates a dangerous condition for those who drive or walk along this portion of Via Marina as the Glazers' driveway will be obscured to those traveling west along Via Marina. As I said earlier, this would create

an accident waiting to happen.

Last, but not least, a chicane would not be the most attractive addition to a neighborhood that includes landmarked and award winning homes.

If you are inclined to agree to a chicane, we would like to see it moved much further east adjacent to 70 Middle Road, closer to the intersection of Via Marina and Middle Road, with a street light placed on the north side of Via Marina. As Ms. Naegele indicates in her series of vitriolic emails, she will not see this as it will be on the other side of her '30 foot wall of green hedges'.

The Glazers want to be good neighbors and want to see that this house gets finished once and for all, but they do not want to create a safety or security risk for themselves or their guests or to be overburdened by this project, while the Applicant receives the full benefit from all of the approvals sought and bears none of the burden for any of this.

Thank you for your consideration of this matter.

Sincerely,
Frank Lynch

Francis X. J. Lynch, Esquire

<image001.jpg>

[605 North Olive Avenue](#), 2nd Floor
West Palm Beach, Florida 33401
T (561) 721-4000 / F (561) 721-4001 / D (561) 721-4004
E-mail: flynch@sniffenlaw.com
Website: www.sniffenlaw.com / Twitter: @Sniffenlaw

AS OF OCTOBER 1, 2019, WE HAVE JOINED THE FIRM OF SNIFFEN & SPELLMAN, P.A. PLEASE NOTE THE CHANGE OF E-MAIL ADDRESS. OUR TELEPHONE NUMBER, FACSIMILE NUMBER AND ADDRESS REMAIN THE SAME.

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From: [Tracy Phillips](#)
To: [Gail Coniglio](#); [Danielle Hickox Moore](#); [Julie Araskog](#); [Lew Crampton](#); [Bobbie Lindsay](#); [Margaret Zeidman](#)
Cc: [Wayne Bergman](#); [Paul Castro](#); [Steven Stern](#); [John \(Skip\) C. Randolph](#); [Kelly Churney](#)
Subject: Variance Application # Z-19-00236 / 70 Middle Road
Date: Wednesday, July 15, 2020 11:09:01 AM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Madam Mayor, Ladies and Gentleman of the Town Council and Town Staff:

I am the resident and owner at 22 Middle Road, and have lived here since 1986.

I am primarily concerned about the location of the chicane on Via Marina, and the possible elimination of the sidewalk on Via Marina. Since Via Marina has no street light, if the sidewalk were to be removed, it would be a very dangerous night time walk and, in addition, in my opinion, it would completely obstruct the Glazers view as they back out of their driveway onto Via Marina, thus creating another very dangerous situation.

There must be another solution to the placement of the transformer.

Thank you for your consideration.

Spencer M. Partrich
31550 Northwestern Highway
Suite 200
Farmington Hills, MI 48334
Cell: (248) 310-0157
Tel: (248) 737-1432
Fax: (248) 851-0503
spartrich@lautrecltd.com

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-B Low Density Residential The application of Matthew and Anne Iorio, Applicant, relative to property located at **131 SEAVIEW AVE**, legal description on file, is described below. Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893(b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893(b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893(b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [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 with a condition relating to landscape. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 26, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Received June 30, 2020 from Steven Jeffrey Greenwald**
- ▣ **Email Dated July 10, 2020 from Angela Feldman**
- ▣ **Email Dated July 10, 2020 from Alan Gozlan**
- ▣ **Email Dated July 11, 2020 from Steven Greenwald**
- ▣ **Email Dated July 14, 2020 from Steven Greenwald**
- ▣ **Letter Dated July 28, 2020 from Steven Greenwald**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

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

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

Date: June 26, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

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

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

ADDRESS: 131 SEAVIEW AVE

OWNER: IORIO ANNE & MATTHEW

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

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

ZONING DISTRICT: R-B Low Density Residential

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

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

Page Two

Attachment

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



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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

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

ADDRESS: 131 SEAVIEW AVE

DESCRIPTION:

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

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

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

Dear Council, Mayor and Staff:

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

FACTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for your time and service.

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

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

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

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

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

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

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

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

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

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

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

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

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

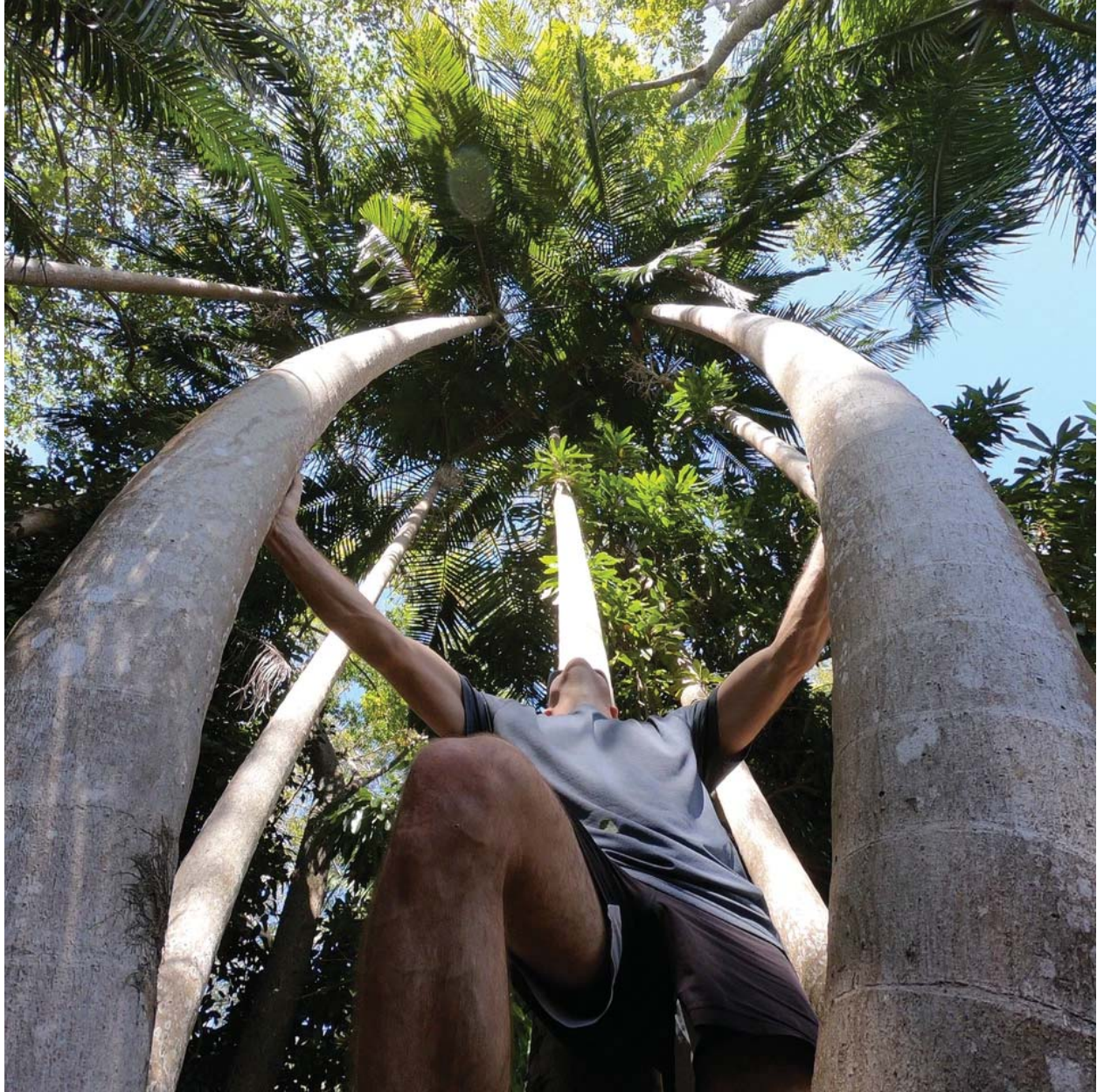
ALEXANDER PALMS: Applicants’ drawing, top of their page **45/63** states: **“(3) ALEXANDER PALM 14’ [14 feet height] CT., MATCHING TRUNKS”** to be planted just at their north/west at our mutual boundary wall. Oddly, their page **52/63** drawing shows there will be **4 of these trees**, and not 3. Their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

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

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

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

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



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

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

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



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

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

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

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

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



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



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



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



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



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



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

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



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



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



The RECENT PHOTO OF OUR IGUANA CABLE DEVICES PROTECTING US FROM APPLICANTS' OUT OF CONTROL HEDGES:

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



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



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

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

From: [Angela Feldman](#)
To: [Kelly Churney](#)
Date: Friday, July 10, 2020 7:19:36 AM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

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- [20-00260](#) and Arcom Number B-033-2020 [131 Seaview Ave., Palm Beach, Florida](#)

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission:

Our residence is [160 Seaview Avenue, Palm Beach](#).

Our neighbours, the Ioria family own [131 Seaview Avenue](#) and they have filed plans with the Town to renovate the subject property. I have reviewed their plans and consider that the renovation will enhance the neighbourhood and therefore we have no objection whatsoever to any variances they are seeking. I believe that the proposed additions will indeed be fine improvement to my neighbour's property and our neighbourhood. Hopefully, you and your staff will agree with us and approve the proposed project.

Thank you for your consideration.

Sincerely,

Angela Feldman.

Sent from my iPhone

From: [Alan Gozlan](#)
To: [Kelly Churney](#)
Subject: 131 Seaview Avenue1
Date: Friday, July 10, 2020 9:07:50 AM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Mayor Coniglio, Members of Town Council and Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Re: Z-20-00260 and Arcon Number B-033-2020 131 Seaview Avenue, Palm Beach, Florida

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission

We reside at 141 Seaview Avenue, Palm Beach, two doors away from our new neighbours, the Ioria family. They have purchased 131 Seaview Avenue and have filed plans to renovate and beautify their property. We have seen the plans, reviewed same and consider their efforts an enhancement to our small ocean block cadre of homes. We have absolutely no objections to any variances they seek as the new improved home will add to the beauty and character of our neighbourhood. I believe their proposed additions and improvements will enhance their property and our neighbourhood. I grant them our full support and endorsement in their endeavour and hope you and your staff will do the same and approve this project.

Thank you for your time and consideration. I would be happy to speak virtually should any of you wish.

Sincerely,

Alan Gozlan
on behalf of Alan and Renee Gozlan
Gozlan Property Partnership
141 Seaview Avenue
Palm Beach, FLA
cell 1-416-9028904

RE: A word about the Historic Conservation Districts Ordinance
Hearing scheduled 9:30 am, Wednesday July 15

Wayne Bergman and Town Staff have worked hard on the new Historic Conservation Districts Ordinance. It appears to be a nice balance. Preservationists are pleased at the *historic* designation of the older homes in town. The little Seas neighborhood feels better that it is a Town wide designation.

And the release valve, if a situation of logical, financial, total impractical (meaning perhaps impossibility) then demolition is there to protect a life's financial investment. As climate change and hurricanes get worse, a few homes will need to be fortified or elevated. During the next 20 years, we will see environmental changes.

But that will really be the *exception*. In the case of *our home now for sale*, of the dozen or so prospective buyers in the past year, all wanted to save the home. The dozen or so prospective buyers had proposed (for description simplicity) a range from 20% on up to 80% improvement. None wanted to *totally* demolish. That is the good news for preservationists. One couple considered actually landmarking it.

So this house is not going anywhere, *as long as the town allows us to protect it* (See **Shiny Sheet** article in link below about our **128 Seaspray Ave**).

What prospective buyers have been most interested in at our house, is its *amazing garage apartment building sitting just inches from the property line in the back of the house*. Grandfathered with its unique large apartment, and extreme soffits just at the very edge of the lot, it provides open space for a great look from the street (see pic below). That look actually creates a nice feeling on the entire Seaspray ocean block. Neighbors and observers love the look, and how it is all situated on the lot. It brightens up the street (see pic attached).

But if 131 Seaview were to have 35 feet of huge trees and hedges *smashing* against this interesting building and its soffits during storms, and carry bugs and termites to these soffits and attic (not to mention iguanas or rats to its roof) then prospective *preservation minded buyers would have second thoughts*. Prospective buyers may argue to the town (and its preservationists) that this home and all of its grand soffits are too close to the southern lot end, and thus the entire house is not saveable.

We as sellers (and my wife a Florida RE Broker, and me a lawyer) may be obligated to *reveal* to preservation minded buyers about a 23 year ongoing problem of the 131 Seaview hedges and its impact on our roof soffits. *And the destructive plans of the new owner of 131 Seaview*.

This problem was *not revealed* last week at the ARCOM meeting by either the 131 Seaview landscape planner nor architect in charge (you can listen to the *Town ARCOM meeting on 131 Seaview live recording* online). These professionals did not even point out at

the 131 Seaview ARCOM hearing the extreme *proximity* of our soffits just at the property line, and just where their planned giant trees and hedges are to be. These buyers (and their advisers) were aware of this situation when they bought 131 Seaview several months ago.

Anyone is welcome to *come by our house and see the **destruction to our soffits**, about 4 feet across, caused exactly by the 131 Seaview tree hedge*. Now the new owners of 131 Seaview are proposing **35 feet** of huge tree hedges all the way across our garage apartment building! (See pages 45 and 52 of their current plans submitted to Town).

It remains to be seen if the preservationists will help, and the town allow us, to protect this now designated “historic” home. Does anyone really care about preserving this fine house?

Aside from the iguana roof feces health hazards that will be caused by the 131 Seaview planned *14 foot and 18 foot trees and giant hedges just at our roof soffits*, there are *hurricanes and big storms that would batter these tree hedges against our precious old soffits* (original home built 1925). Anyone is welcome to come by and see the *termite and bug destruction* caused to this interesting building, exactly where the 131 Seaview hedges were.

We are sure that this outstanding Council and Mayor will show they care on July 15 at 9:30 am, when the hearing on 131 Seaview’s plans (for giant trees and hedges at 128 Seaspray’s soffits) is also scheduled.

Respectfully, Martha and Steven Jeffrey Greenwald, Esq.

Attachments: Photo on the **next page below** of 128 Seaspray, showing the nice garage apartment setback that brightens up the entire Ocean block. That interesting garage apartment building is *now at risk from the 131 Seaview landscape huge tree and hedge plans to be at its soffits*. Also attached, our prior letter to Council about the 131 Seaview iguana tree/hedge ladder plans. In the link below also the **Shiny Sheet article about 128 Seaspray Ave with interesting photos:**

In the link, the **Shiny Sheet** article about 128 Seaspray Ave with interesting photos:



Shiny Sheet article about 128 Seaspray with interesting photos, click the blue below link:

<https://www.palmbeachdailynews.com/photogallery/LK/20190711/NEWS/711009995/PH/1>

(You may need to click twice to have the article appear).

From: [Steven Jeffrey Greenwald, Esq.](#)
To: [Danielle Hickox Moore](#); [Bobbie Lindsay](#); [Margaret Zeidman](#); [Julie Araskog](#); [Gail Coniglio](#); [Lew Crampton](#); [Kirk Blouin](#); [Wayne Bergman](#); [John \(Skip\) C. Randolph](#); [Kelly Churney](#); [Paul Castro](#)
Subject: One more word about Historic Conservation Districts Ordinance, 131 Seaview, and new proposed Town Code, Wednesday July 15
Date: Tuesday, July 14, 2020 10:02:25 AM
Attachments: [image.png](#)

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

RE: One more word about the Historic Conservation Districts Ordinance, 131 Seaview, and the new proposed Town Code, Hearing scheduled 9:30 am, tomorrow Wednesday July 15

To Council, Mayor and Staff: Again, town Staff worked hard on the new Historic Conservation Ordinance. It is a nice balance. Preservationists are pleased with historic designation of older homes in town, with **Landmarks Preservation (LPC)** to have the say in all plans of older homes. And the rule is townwide, so the *Seas neighborhood feels much better* about it. Well done.

When this ordinance is passed tomorrow Wednesday July 15, as the planned ordinance is fine, it **should now** be **Landmarks Preservation** (LPC) who under this ordinance, should finish deciding the entire construction and landscape plans of **131 Seaview** (an older home too).

This includes their **giant trees and hedges, that are to be exactly at the roof soffits of our now designated historic home at 128 Seaspray**. Council should require LPC decide on all aspects of 131 Seaview plans, including **how its landscaping plans negatively affect our now designated “historic” home**.

Our home is now for sale (128 Seaspray). Potential buyers all want to save 128 Seaspray. Buyers have been most interested in its *historic garage apartment building, sitting just inches from the property line in the back of the house*.

Grandfathered with its unique large apartment, and **extreme soffits** just at the very edge of the lot, it provides open space for a great look from the street (see pic below). That look creates a nice feeling on the entire Seaspray ocean block. Neighbors and other citizens love the look, and how it’s all situated on the lot.

So what of the new **131 Seaview** (just behind it) plans for **35 feet across of huge trees** and hedges **smashing** against **128 Seaspray’s** interesting building and grand soffits during **storms and hurricanes**, tree hedge plans that carry **iguanas**, bugs, termites and rats to these roof, soffits and attic?

With **iguanas climbing daily up their planned huge tree-hedge ladders to the roof of 128 Seaspray**, and **iguana feces** falling on its owners, which happened for 3 years, and also feces splashing with rain back onto 131 Seaview's own patio!

Buyers could have *second thoughts*. Buyers could argue to the town (and preservationists) that 128 Seaspray and its grand soffits are **too close** to its southern lot end, and thus is **not saveable**. That the new unnecessary trees hedges of 131 Seaview are apparently **more important** than our now designated "historic" home at 128 Seaspray, built in 1925.

We as sellers (my wife a Broker, and me a lawyer) may be obligated to *reveal* to preservation minded buyers about a 23 year ongoing problem of the 131 Seaview tree hedges and its impact on our roof soffits. *And the destructive plans of 131 Seaview.*

This problem was *not revealed* last week at the ARCOM meeting by either the 131 Seaview landscape planner nor architect in charge (you can listen to the *Town ARCOM meeting on 131 Seaview, live recording* online).

These professionals did not even point out at the 131 Seaview ARCOM hearing, about the **extreme proximity of our soffits just at the property line** of 128 Seaspray: *exactly where their planned giant trees and hedges are to be*. The 131 Seaview applicants (and their advisers) were aware of this situation when they bought 131 Seaview several months ago. And were well aware of the problem of the close proximity of our 128 Seaspray soffits to their planned huge tree hedges, from our friendly informative letters and phone calls.

All are welcome to *come by our house and see the **destruction to our soffits**, about 4 feet across, caused exactly by the 131 Seaview tree hedge*. Now the new owners are in fact proposing **35 feet** of huge tree hedges all the way across our garage apartment building! See pages 45 and 52 of their current plans of Seaview submitted to the Town. It is right there easy to see, and should now be reviewed in total by **LPC**.

Will anyone care about preserving 128 Seaspray, a very recognizable home in town?

Aside from the iguana roof feces health hazards to be caused by their planned *14 foot and 18 foot giant tree hedges just at our roof soffits*, there are *hurricanes and big storms that would batter these tree hedges against our precious old soffits* (original home built 1925). Anyone is welcome to come by and see the *termite and bug destruction* caused to this interesting building, exactly where the 131 Seaview hedges were before.

Also, Wayne Bergman's other common sense proposed Code add, preventing owners from planning **new** tall growing trees near a **neighbor's** buildings, should be passed. If owners want to plant nearby trees that risk their own homes (hurricanes, iguanas, rats, etc.) that is fine, but **not near a neighbor's home**.

Thank you for your important service, and for time spent reading this letter.

Martha and Steven Jeffrey Greenwald, Esq.

(K Churney or Clerk, please file in the various backups for hearings cited above, and please copy all recipients,, as at times it is not transmitted via "townofpalmbeach.com" Thank you. SJG)



128 Seaspray Ave.

Sheet article about 128 Seaspray with photos, click the blue link:

<https://www.palmbeachdailynews.com/photogallery/LK/20190711/NEWS/711009995/PH/1>

(You may need to click blue link twice to have the article appear).

Steven Jeffrey Greenwald, Esq.

Email address:

3102724@gmail.com

U.S.A. Telephone & voicemail:

561-310-2724

Mailing address: P.O. Box 3407

Palm Beach, Florida 33480 - U.S.A.

Council, Mayor and Staff:

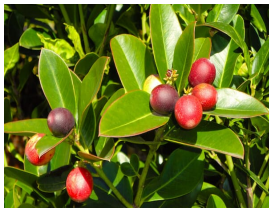
On July 15, 2020 Council instructed that we all get together and discuss. My wife and I were looking forward to sharing ideas with the lorio's and Mr Williams, and quickly resolving this. Meeting in person can build trust, and save Council precious time.

Unfortunately the lorio's and Mr Williams still have never contacted us (ever). We again wrote a friendly invite to call, meet, and we still are happy to, *if they would only call us*. But instead we must write our response to Mrs lorio's July 23 letter to council:

Mrs lorio now proposes **Ficus Benjamina a/k/a weeping fig** (a **fig** tree) to be planted 35 feet all the way across our building where the iguanas had left feces.

Ficus Benjamina is in fact the plant iguanas love most! See *Reptile Magazine* the plant on the **top of their list #1 for iguanas as pets to thrive is: Ficus Benjamina!** See under "Plants to Consider." Link: <https://www.reptilesmagazine.com/plants-for-reptiles-and-amphibians/>

Reptiles, especially green Iguanas, love Ficus Benjamina **figs**, leaves, and to **climb** and "**loung**e" on it, more than any plant! The lorio's want this plant to be 35 feet all the way across our building and 13.5 feet high, just at our roof soffits and their patio. Even though we have had a severe iguana feces problem in that exact area!



Also *Reptile Advisor* magazine agrees: The article: "**11 Awesome Plants for Chameleon Habitats**" and **#1 in their list** is also, **Ficus Benjamina!** The link:

<https://www.reptileadvisor.com/plants-for-chameleons/>

What about actual **Iguana veterinarians** (there is such a vet specialty). They explain on page 2 under the best "**Landscape and Furniture**" for iguanas to "**loung**e on" that **Ficus Benjamina** and hibiscus are their favorites! See link: "Iguana Care Sheet" for those who have green iguanas as pets, and also the link on "**iguanas love figs.**" Healthy for them! <http://www.stanhope-vet.co.uk/wp-content/uploads/2015/02/Green-Iguana-Care-Sheet-STANHOPE.pdf>

With the lorio's new plan, Iguanas would come from all over to lounge, eat **figs**, and climb our roof and poop. **See also this link:**

<https://reptilefunction.com/figs-are-healthy-fruit-for-your-cyclura/#:~:text=Figs%20have%20been%20known%20as,nutritional%20info%20on%20figs%20here>.

Ficus Benjamina attracts and is great for iguanas. But the plant is also a known **toxic hazard for children, dogs, garden workers**. It's sap from leaves and branches is **toxic**, especially with a huge 13.5 ft x 35 ft wall of it in a small patio area. **See: Info, links in the footnotes at the end of this letter.**

The lorio's will of course need a different hedge plant iguanas won't love. According to experts, articles, **Ficus Benjamina** is also **the #1 most difficult hedge material to keep trimmed**. They explain: "*you actually have to defend yourself from its growth. Coarse wood and coarse leaves, not soft foliage like [this podocarpus](#)*" (Click to see [podocarpus](#)). The best easy to read article explains why **Ficus Benjamina is the absolute worst hedge plant possible**. Read, click the link: <http://mgonline.com/articles/hedgelist.aspx> They (and other articles) instead suggest **podocarpus** as perhaps the **best hedge plant**.

Photo: **PODOCARPUS**. *Lately experts' favorite tall hedge for South Florida*. This photo taken by Martha Greenwald days ago at a very fine Palm Beach home. *Podocarpus is used by experts as a tall hedge in manicured gardens as it too can be shaped, and is very attractive* (not possible with ugly massive Ficus Benjamina; if with figs, even more a problem). **Podocarpus** is "salt-tolerant, hot and cold tolerant, so does well in any area of South Florida. Hot sun or shade is just fine." *South Florida plant guide. See link:*



<https://www.south-florida-plant-guide.com/podocarpus.html#:~:text=Plant%20specs&text=It's%20evergreen%2C%20salt%2Dtolerant%2C,than%20in%20a%20sunny%20one.>

Podocarpus can easily grow to 30 to 40 feet in height, quite **huge**. See the US Forest service South Florida at link: http://hort.ufl.edu/database/documents/pdf/tree_fact_sheets/podmaca.pdf

9 Foot height requirement: Podocarpus is still a very tall grow hedge, but as a courtesy **we would assent to a Podocarpus** 35 ft long hedge by our building. But no taller than **9 feet**. Iguanas can still climb the strong Podocarpus to our roof, so a 9 ft limit is essential. **Podocarpus** is very safe, non toxic, sturdy, attractive, easier to shape nicely.

WHY A LIMIT OF 9 FEET? **After 3 years trying many things to keep iguanas from our roof, we cut 6 feet of the lorio's current hedges away from our 15 foot soffits and nearby areas. Then new iguana feces immediately and totally stopped. Hence the 9 feet height limit. ($15 - 6 = 9$)** (Note: Our historic soffit ornaments are actually at 15 feet high, not 15.5'. Anyone can come and measure. Mr Williams' drawing is a bit off on this).

Cutting less than 6 feet of their hedges away from our soffits just did not stop iguanas. We tried 2, 3, even 4 feet cut away on the hedges, and iguanas still got on the roof. Only when we cut a full 6 feet, as experts advised, did Iguana **feces stop everywhere** on the **roof**, wall,

their patio, our front above our garage, our driveway, everywhere. It has been that way **now for 8 months**. Problem solved, to our relief after 3 awful years. We also were puzzled why 3 or 4 feet distance did not stop the iguanas. But the iguana handlers we spoke to told us to “*cut 6 full feet away*” and they were correct. It worked!



Other reasons for the 9 foot limit: the higher the hedge the more impossible to keep trimmed, requiring tall ladders in a *tight* area (see **pic**: our very **tight area** on our right side of the wall. *Note also*: West neighbor's hedges shown in back are actually 6 ft from our roof. A side view pic is below). We also keep soffits painted on this historic home, and we put shutters up, all using tall ladders annually in this **tight space** that may have hedge branches that would make this hazardous. The wall is only 5.5 ft high in that area. Take out a tape measure, and one can see that a **9 ft hedge is huge enough**, with 35 ft wide of hedges pouring out 4 feet over our wall in that tight space (see pic). Our AC unit is back there too!

We will *also* have 70 more feet of Iorio's giant hedges all across our south boundary we are required to keep trimmed, but we are not complaining about that. Our concern is their

frightening hedge height request along our building, just at our roof soffits.

Fact: If the Iorio's hedges are any higher than 9 feet by our building, then iguanas will get to and leave feces on our big roof again. The 2 feet “protective” distance in Mr Williams' drawing will not stop iguanas. Experts remind us: iguanas are amazing climbers. Iguana feces would also fall on Mrs Iorio's hedges, making her hedges a fecal depository. Our big roof leans directly to their patio. With rain, feces would fall onto their new hedges, the wall, and drain to their patio area. Just like it was before we stopped the feces.

When not raining, the Iorio's would constantly smell a lot of feces that would cover our rear roof, *a bad smell that would drift all over Mrs Iorio's rear outdoor living areas. Exactly as before.*

Feces would once again be a serious *hazard* for my wife and I using our garage and driveway, as feces would also fall from the roof front. Feces did fall on our heads during rain, after we thought we had cleaned everything. Once, after returning from 2 months away, there was 40 square feet of iguana feces all over our roof. (**See pic** of daily feces from our front roof that we had to clean repeatedly. It was a 3 year nightmare that we will not put up with again).



The science: Iguana feces mixed with rainwater is a hazard, falling from a roof, falling on driveway, onto walking areas. **This is a severe hazard to my wife and I, any guests, and the lorio's.** See the link. There are many such articles: [Captive Green Iguana Carries Diarrheogenic Escherichia coli Pathotypes](#) See also: [Captive green iguana is a reservoir of diarrheogenic Escherichia coli pathotypes](#)

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

Town link:

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

Mrs lorio's proposal requires us to rely fully on the lorio's (and their gardeners) to keep a difficult 35 feet wide of hedges trimmed to height, week after week for years. Her "proposal" shocked my wife and I. *We don't want a future where we constantly need Town Staff, Council, other authorities to protect us from these massive hedges,* no matter what type of tree they use. The lorios are not responding to calls and letters, why would they in the future?

So there would need to be **a proper written short agreement** that the lorio's promise and agree to keep the hedges, plants near or affecting our building **limited to 9 feet** (including all expenses to do that). Not simply a statement at hearing or note on a drawing buried in Town plans, or just an email. The agreement will be for future new different Town **staff** or Council. We and **Town Staff** will have a document to **easily rely on** any time.

Response to Mrs lorio's #1: The base of the current hedge 3 or 3.5 feet inside their property *proves that is not enough distance.* The hedge still provided a fine iguana ladder to our roof. As to removal of their current hedges (**Mrs lorio's #1 and #5**) yes please **do** remove these whitefly and termite infested plants as soon as possible. The builder must then place tall protective panels. The panels should be removed if there is a *hurricane watch*, and also building materials to prevent damage to our property. I believe all of that is a requirement of builders.

Mrs lorio's #2. Near our building the current hedge was kept 11 to 13 feet height the past 3 years, and iguanas still had an easy climb to our roof. The lorio's now want these hedges at

13.5 ft. Iguanas feces will be back on our roof. Only when we cut a full **6 feet** of the current hedge away from our **15** foot roof soffits did the feces stop.

As to Mrs Iorio's comment on the location of the roof structure of our 1925 historic home, and thus location of our home itself, this is irrelevant under **the law**. It is also unclear if Mrs Iorio is asking for demolition of our home!

What is the relevant law all must follow? The Iorio's saw our roof structure **before** they bought 131 Seaview months ago. The Iorio's had advice likely from architects, builder, broker. Courts make clear time and again, *a new owner who should have been aware of such a problem, certainly cannot later complain.* Namon v. State Dep't of Env'tl. Reg., 558 So.2d 504 (Fla 3rd DCA 1990). *A person who purchases land with notice of ... impediments ... can justify few, if any, legitimate expectations of development rights which rise to the level of constitutionally protected property rights."* Elwyn v. City of Miami, 113 So.2d 849, 852 (Fla. 3d DCA 1959).

The **relevant** issue is whether this Town can place restrictions on an owner's use of their property, as in this case. Florida's Supreme Court (current law) answered that question absolutely yes, especially...*"[if it] adversely impacts another's property"* See Graham v. Estuary Properties, Inc., 399 So.2d 1374, 1382, 1383 (Fla.), cert. denied sub nom.

Other law that a Court would look at, if this all ends up there: "subjective expectation" that land could be developed a certain way *"is no more than an expectancy, and does not translate into a vested right."* Namon v. Department of Env'tl. Regulation, 558 So. 2d 504, 505 (Fla. 3d DCA 1990).

Case law explains if an owner is not allowed to *"do all they would like to do" with their property, "that alone is not sufficient for them to complain."* See Burger King v. Metropolitan Dade County, 349 So.2d 210 (Fla 3rd DCA 1977); Metropolitan Dade County v. Reineng, 399 So.2d 379 (Fla. 3rd DCA 1981); Nance, supra; Crossroads Lounge v. City of Miami, 195 So.2d 232 (Fla. 3rd DCA 1967)... *[a]n owner of land has no absolute and unlimited right to change the essential natural character of his land so as to use it for a purpose for which it is unsuited...and which [injures] the rights of others."* Florida Supreme Ct., in Graham v. Estuary Properties, Inc., 399 So. 2d 1374 (Fla. 1981), cert. denied, sub. nom; and See also Namon at 505 (citation above).

Courts have made clear: **"A 'reasonable expectation' must be more than a 'unilateral expectation or an abstract need'"** Court in Namon, citing Claridge v. New Hampshire Wetlands Board, 558 So. 2d 504, 505 (Fla. 3d DCA 1990); 125 N.H. 745, 485 A.2d 287, 291 (1984). **That includes Mrs Iorio's unilateral expectations or abstract needs for "privacy."**

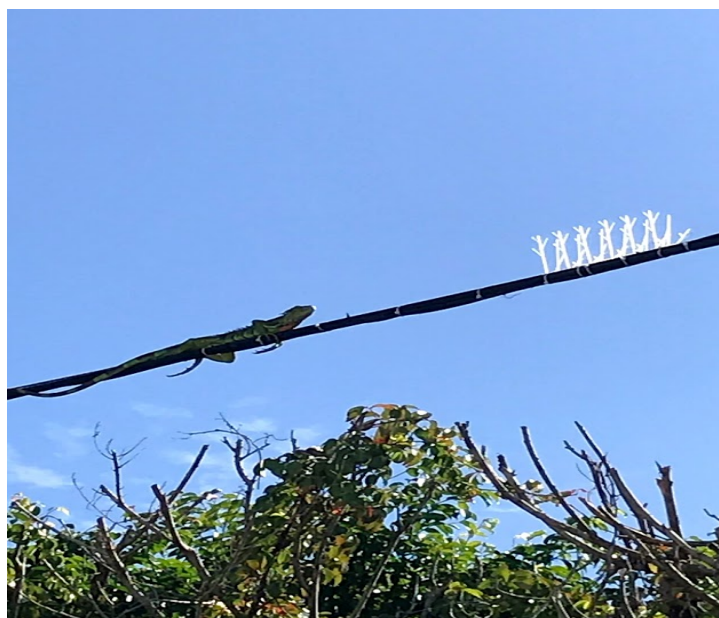
As to Mrs Iorio's privacy: Our guest house is almost always empty, we never rent. We are always at the main house a distance away. At our club daytime, and gone summers. We live

alone and have no children. The lorio's will have privacy. The lorio's would be more concerned about iguana feces & odor than about privacy, if iguanas get back on the roof.



Mrs Iorio's #3. It is only the lower thick **ATT Cable** that iguanas use, and parts of it droop to as low as **15 feet** in spots. Iguanas **do not** use the much taller *powerline*, which is about 35 feet high. The ATT cable is *just above our roof* (see ATT cable in pic). **Mr Williams' drawing of a straight 18 ft cable all the way across is off.** Anyone can come for a live view (bring a tape measure too!). **Drawings look nice, but a live viewing proves all.**

The other 16 ft tall hedges in Mr Williams' drawing show these hedges will start a few feet east of our roof (see their drawing). These 16 ft hedges would provide iguanas a route to bypass the spikes (see **pic**) near our roof. So these 16 foot hedges will need to be kept 9 ft high for about 10 feet out, to our spikes. When Cables are soon underground, they may go to 16 feet height starting 5 or 6 feet east. So just temporary.



Pic of iguana confronting our bird spikes that are now protecting the lorio's patio areas 100%.

Mrs Iorio's #4 implies the next owner of our house will have no rights. Most buyers who look at our house want to preserve it. The next owners will not want iguana feces on the roof either. They will complain. *The problem will continue to take up time of staff, police, council, etc.* **Years of dispute can be avoided now at the planning stage.**

As to Mrs Iorio's implication that iguana feces simply "resolved" we need to correct this. The *resolution* happened **only because we cut 6 feet of their hedge away from our roof soffits**. Mrs Iorio's proposal will bring iguana feces back to both our homes.

Mrs Iorio's other #4 implies our west neighbor has hedges at our roof. This photo (below) taken yesterday shows our neighbor's west hedge, about 6 or 7 feet from our roof. Anyone can meet us here, have a look. This photo also shows our west iguana cable spikes, all 100%

effective. The lorio's plan will make these devices useless, as their hedges will help iguanas go directly to the roof (See pic below).



Bird-x goop we used is seen in an architect photo at the last hearing. Bird-x was put all across the south and west of our roof. Bird-x did not stop iguanas, but provided a **track** to easily see where iguanas came from. Iguanas always came from the hedge on the loria's property, never from the west or anywhere else.

The Iguana invasion is here. The Town's iguana removal efforts are nice, but a removal day here or there will never solve the iguanas. Experts, including Florida county and city websites have shown we will just have to live with iguanas, but with *simple changes*. This includes no longer allowing ways for iguanas to get near a roof, especially a **neighbor's** roof. If iguanas can get near a roof, they will get on it.

The old days of approving tall hedges anywhere just because it is Palm Beach, are really **over**. The reason: the **iguana invasion**. *We in town can no longer plant new tall growing hedges near a neighbor's building if that neighbor objects.* An easy solve for most iguana problems.

Respectfully, Martha and Steven Jeffrey Greenwald, Esq.

Footnote: Ficus Benjamina a/k/a Weeping Fig a/k/a Ficus Carnica (fig) hazardous to **children**, dogs, cats, garden workers: <https://www.gardenguides.com/120569-toxicity-ficus-benjamina.html> See also: <https://www.asPCA.org/pet-care/animal-poison-control/toxic-and-non-toxic-plants/weeping-fig> See also: <https://www.petpoisonhelpline.com/poison/weeping-fig/> **See also severe hazard for gardeners:** https://www.researchgate.net/publication/5973917_Phytophotodermatitis_caused_by_contact_with_a_fig_tree_Ficus_carica

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

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

Zoning District: R-D(2) High Density Residential The application of The Ambassador Hotel Cooperative Apartments Corp., A Florida Corporation (Richard Schlesinger, President), Applicant, relative to property located at **2730 S OCEAN BLVD**, legal description on file, is described below. The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District. 2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission deferred this project to the August 26, 2020 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the September 9, 2020 Town Council Meeting per Letter Dated July 30, 2020 from Maura Ziska.**

Presenter

ATTACHMENTS:

- ▣ Letter Dated July 30, 2020 from Maura Ziska
- ▣ Memorandum Dated June 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building
- ▣ Comments from the Development Review Committee
- ▣ Letter Received June 24, 2020 from Edgewater House Owners
- ▣ Email Received June 21, 2020 from Monique Ogilvie
- ▣ Email Dated June 15, 2020 from Helen Chambers
- ▣ Email Dated June 16, 2020 from The Edgewater House Corp.
- ▣ Email Received June 16, 2020 from Kimberly Johnston
- ▣ Email Received June 15, 2020 from Barbara Perlman
- ▣ Email Received June 15, 2020 from Dawn L. Quinn
- ▣ Email Received June 23, 2020 from Heather Ross
- ▣ Letter Dated June 13, 2020 from Gary B. Vonk
- ▣ Email Received June 24, 2020 from Kathleen Will
- ▣ Email Received July 1, 2020 from Phil Harber
- ▣ Letter Received July 1, 2020 from Edgewater House Shareholders
- ▣ Email Dated July 2, 2020 from Judith Katten
- ▣ Letter Dated July 27, 2020 from Lucy Pfluger
- ▣ Letters Received from Owners at The Regency
- ▣ Letters Received from Owners at The Regency 2
- ▣ Email Dated July 24, 2020 from Simon Liberman
- ▣ Letter Dated July 22, 2020 from Beverly Lasser
- ▣ Letter Dated July 24, 2020 from Gerald Heller
- ▣ Email Dated July 26, 2020 from Nancy Goldart
- ▣ Email Dated July 28, 2020 from Tom Garlin
- ▣ Email Dated July 24, 2020 from Michael Ereshena
- ▣ Letter Dated July 16, 2020 from Robert Conlon
- ▣ Letters Dated July 24, 2020 from owners in 2770 Condominium
- ▣ Letters Dated July 24, 2020 from owners in 2770 Condominium 2
- ▣ Email Dated July 24, 2020 from Camille Morgan
- ▣ Letters Received August 3, 2020 from owners in 2770 Condominium
- ▣ Letter Dated August 4, 2020 from Tim Hanlon
- ▣ Letter Dated August 4, 2020 from Richard Sharfman

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

July 30, 2020

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

RE: Z-20-00262
2730 South Ocean Boulevard, Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **August 12, 2020** Town Council meeting to the **September 9, 2020** 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: July 15, 2020

To: Mayor and Town Council

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

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

Date: June 29, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

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

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

ADDRESS: 2730 S OCEAN BLVD

OWNER: AMBASSADOR HOTEL CO OP

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

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

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

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

Page Two

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

Attachment

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



PLANNING, ZONING AND BUILDING DEPARTMENT

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

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

ADDRESS: 2730 S OCEAN BLVD

DESCRIPTION:

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

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



PLANNING, ZONING AND BUILDING DEPARTMENT

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

PZB - ZONING

Paul Castro, Zoning
Administrator

6/29/2020

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

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

15 EDGEWATER HOUSE OWNERS

2720 South Ocean Boulevard
Palm Beach, FL 33480

June 24, 2020

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

Subject: Edgewater Owners Against Ambassador Renovation

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

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

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

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

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

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

Sincerely,

15 Edgewater House Owners

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Mrs. Kelly Churney, kindly forward this email

OPPOSITION TO THE AMBASSADOR'S RENOVATION PROJECT

Dear Commissioners,

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

The proposal has 3 major issues at hand:

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

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

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

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

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

trucks have never added value to the pursuit of happiness.

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

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

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

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

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

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

Respectfully,

Monique Ogilvie



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

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

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

June 15, 2020

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

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

Copperline has my full support in this renovation.

Helen Chambers

2720 S. Ocean Blvd. apt 221

Palm Beach, FL 33480

914 393 4430

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Ms. Churney,

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

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

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

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

Respectfully,

The Edgewater House Corp.

Past and Present Presidents

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

Past and Present Board Members & Members

Garry Vonk- Barbara Perlman
Scott Gerhartz-Thomas Galvin
Phyllis Weisenfeld - Jim Quinn
Joan Mc Manus-Ronda Gerhartz

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

Grace Lee- Dawn Quin

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

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Palm Beach Town Council:

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

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

Kind regards,

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

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

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

From: Barbara Perlman <bptaurus@aol.com>

Subject: Letter of support for the Ambassador Hotel Project

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

Respectfully,

Barbara Perlman
2720 S Ocean Blvd

Palm Beach, FL 33480

Sent from my iPhone

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

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Town of Palm Beach:

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

Kind regards,

Dawn Quinn

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



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

Ernst & Young LLP

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

dawn.quinn@ey.com

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

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

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

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Letter of Support concerning Ambassador Project

Dear All,

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

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

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

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

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

We are in favour of this project wholeheartedly.

Sincerely yours,
Heather and Barry Ross
Apt 314

Sent from my iPhone

Dr. Gary B. Vonk



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

June 13, 2020

Dear Town of Palm Beach:

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

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

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

Best Regards,

A handwritten signature in blue ink that reads "Gary B. Vonk" with a long, sweeping flourish extending to the right.

Gary B. Vonk



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

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

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

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

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

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

Respectfully,

Kathleen G. Will

Kelly Churney

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Ms.Churney,

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

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

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

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

Dear Ms. Churney,

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

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

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

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

Respectfully,

The Edgewater House Corp.

Past and Present Presidents

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

Past and Present Board Members & Members

Garry Vonk- Barbara Perlman
Scott Gerhartz-Thomas Galvin
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Joan Mc Manus-Ronda
Gerhartz

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

Grace Lee- Dawn Quin

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

June16,2020

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

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

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

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

Respectfull,

Past and Present Presidents

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

Past and Present Board Members & Members

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

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Kelly Churney
Administrative Assistant
Town of Palm Beach

Dear Ms. Churney --

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

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

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

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

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

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

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

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

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

All best regards,

Judith Katten

Dear Members of ARCOM

I am an owner at The Regency of Palm Beach, 2770 S. Ocean Boulevard, situated across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit renovation and reconfigurations of the Ambassador by Copperline, the LLC, wholly owned by the Schlessinger family.

In reading the application, I understand that what is being sought is permission to construct and expand into a luxury resort that is out of keeping with the existing residential surroundings in this South Ocean Boulevard community. Our area is embedded with calmness, tranquility, harmony and with open views that are world renown. It should stay that way. The low density, airy open spaces that the condominium owners share is and has always been South Ocean Boulevard's character for over 60 years. The present character will be permanently sacrificed, not for any "hardship" or "necessity" but merely for the profit of the developers.

Height

Copperline is seeking permission to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in) and in addition they seek to expand upon the building of the land use area by some 40%.

Ballroom

Variance requested would allow the construction of a 3,100 square ft. ballroom to accommodate 200 people. At a meeting presented to The Regency of Palm Beach on July 8, 2020 Copperline was constrained under questioning, to acknowledge that the largely glass exterior will be at least 35 feet high. In addition, the ballroom will push well north of the footprint of the building. As a result, the width of this facility will cause site lines to the ocean to be blocked. The beautiful open views from South Ocean Blvd. will be replaced with a large look inconsistent with the surrounding properties. As the proposed ballroom juts out beyond the north side of the main building, Copperline's contention that the new structures will not create a visible size and bulk issue is not credible.

Highly Glazed Terraces and Balcones

Variance requests have been made to allow numerous balconies to be created, others expended and some enclosed. Great reliance is placed on glass building materials that is out of character with the buildings in the area. In addition, the extensive use of glass gives reasons to question Copperline's assurance that the redevelopment will not pose glare and light issues.

Inadequate Parking

Double stack parking will be burdensome to residents and guests. Gridlock created by the requirements to use valet parking could spill out of the property and create traffic problems on South Ocean Blvd. Nothing was mentioned in Copperline's presentation and variance requests

about employee parking and the turnaround time when employees are changing shifts. This will have a major impact to the parking and residential flow of traffic on South Ocean Blvd.

Precedent

Once such a precedent is set, it may prove difficult to not grant similar relief. A zoning board cannot approve something for one applicant and then deny it to another a few lots away. Treating a similar application in a different way may well open the floodgates of future litigations. Not surprisingly, the only support for Copperline's approval is coming from a group of owners at The Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over.

Coincidence

Copperline's proposed request for the expansion of the Ambassador has only been subject to the existing property in their submission the Town of Palm Beach. It is a strange coincidence to many residents in the neighborhood that the take-over by The Schlesinger Group/Copperline Partners of The Edgewater is a long term plan to eventually convert the Edgewater property to accommodate The Ambassador in some form or fashion in the event that their current plan is curtailed under their submitted proposal.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join.

This plan falls short of that requirement and as such, the plan that has been submitted, should be denied.

Thank You,

Lucy Pfluger

The Regency of Palm Beach, Unit 304

July 27, 2020

RE: AMBASSADOR VARIANCE APPLICATION
July 16, 2020

My name is Michael Blanc and I am from the Regency. I would like to speak in opposition of this application. As an architect with considerable experience with variances, I believe the relief being sought is excessive. The nonconforming extra building height and land coverage being sought would be detrimental to our neighborhood because the amount of building on the site would be much denser than others in this area. From Sloans Curve to the Lake Avenue Bridge the existing physical character exudes calm. This is due to the generous separation between buildings, which are all filled with homes. It is a residential neighborhood.. The new Ambassador, when seen from the air, reveals a site packed with much more building coverage than its neighbors. The building itself, architecturally, looks like towers with very flashy glass lined balconies. The project gives the appearance of a resort not homes.

A change in use is also being sought. This too would be Detrimental to the neighborhood. With the new uses this project would become more a resort destination, Acapulco style, totally out of character in the middle of a low rise, low density, predominantly residential area.

There is much description of a valet parking system to be used to great advantage for saving space. But it is well known valet parking is a slow process. From the Breakers to the Old Key Lime House we all have experienced the delays associated with valet parking. I fear when there is a large gathering at the new ball room, the queue of cars arriving, from both directions for that function, will be forced to back up on A1A. A1A is a narrow, two lane road without shoulders and such a queue would totally block local traffic,

as well as, access by emergency vehicles. All this is without mention of any traffic generated by staff arrivals and departures. The Town of Palm Beach should request a full traffic study of this development's impact on A1A before considering the application..

Actually, the most dangerous aspect of this application, if approved, is it would set a legal precedent for other such developments. In my experience, once such a precedent is set, any other application seeking the same relief has been granted. Because a Zoning Board cannot approve something for one applicant and then deny it to another, three lots away, without facing serious litigation. So imagine this sort of resort development pepering A1A. It would transform the neighborhood for the worst.

The final, and perhaps most important, question I have has to do with what is called in zoning language, "hardship." Again in my experience, an applicant needs to demonstrate a viable hardship as the reason for seeking a particular type of relief from the regulations. I do not know if I missed it, but I found nothing in the material provided about the hardships being claimed by the applicant. If there are no hardships then design of new additions to the existing structures should conform to the regulations.

Michael Blau

July, 21, 2020

Dear Members of ARCOM,

My name is Ivar Goldart. I have the privilege to reside in The Regency of Palm Beach which is located on S. Ocean Blvd diagonally across from The Ambassador Hotel. I grew up in New York City and until 9 years ago was not the slightest bit aware of the beauty of this location. My wife Nancy and I were taking a brief vacation on Singer Island and she suggested that we visit Palm Beach. I was stunned with views that were reminiscent of the coast in the south of France. Two years later we purchased our apartment. Since then, each December when we arrive and take in the view, we exclaim "do we really live here?" I will do anything I can to help keep this serene, restrained unbelievable place just what it is. With this in mind, below is my view of harm the redevelopment plan for The Ambassador will do to this precious community.

The Claimed Hardship Should Denied as it is Both Without Merit and Disingenuous

The heart of a variance request is hardship. The sponsor's claimed hardship should not be recognized as sufficient to support the drastic and extensive variances that they seek.

The hardship claimed appears to boil down to this:

The Ambassador Hotel premises is a fully built out seven story building. The seven stories are permissible because the structure was built pre-code limiting to 5 stories. The sponsors are very sophisticated developers and were fully aware of the limitations of property development in Palm Beach when they purchased one of the smallest lots in the area. Consequently, protests about restrictions interfering with their expansive development goals ring hollow. If they wanted to create a high density, mixed commercial and residential condo hotel premises they should have looked down the road so as not to violate the peaceful, quiet and spectacular beauty and unique norms of Palm Beach.

Beyond this, whatever little appeal the "hardship" claim may, is completely undermined by the sponsor's admission in the variance application that their business plans could be met without the requested variances although this would be "challenging" (their words), not impossible.

New Structures Are Not In Harmony With The General Area As They Are Oversized, Create Density Issues, Disturb Sight Lines to the Ocean, Create Noise, Glare and Light Pollution

The Ambassador is located on the East Side of S. Ocean Blvd. The buildings from Sloan's Curve to the Lake Worth Casino are quite consistent in materials with which they are built, the presentation of understated terraces and in generally keeping activity areas out of public view and east of the housing structures. In the main they are beautiful classic mid-century structures. None of these attributes are respected in the redevelopment of the Ambassador Hotel with the possible exception of painting the building white.

To be sure the architects of the new Ambassador had their work cut out for them as the current hotel is a long way from elegant. The new building as designed, standing alone, is an impressive

conversion. But the building does not stand in a vacant part of town; it is within a community of buildings. The redevelopment plan overdevelops the area extending west towards S. Ocean Blvd.

The serenity of the drive along S. Ocean Blvd. will be shattered by a hulking ballroom, described below, a main building bedecked by gawky and glistening terraces and outdoor drinking and dining areas that will undoubtedly be noisy.

Ballroom

Variances requested would allow for the construction of a 3,100 Sq. Ft. ballroom. At a zoom meeting presented to The Regency on July 8, 2020, the sponsors were constrained under questioning to acknowledge that the largely glass exterior will be at least 35 feet high and the ballroom will push well north of the footprint of the main building. As a result of the width of this facility, site lines to the ocean will be blocked and the view from S. Ocean Blvd. disturbed by creating a large commercial look inconsistent with surrounding properties. These facts clearly call into question the sponsor's response (Application Ex.A.10) that the proposed new structures were in keeping with the height restraints on commercial buildings. As the proposed ballroom juts out beyond the north side of main building, the response that new structures will not create visible size and bulk issues (Application Ex.A.11) is not credible.

In addition, the sponsor's assurance that the redevelopment will not pose glare and light pollution issues is questionable given the predominate use of glass on the 35 ft. high Ballroom. (Application Ex.B.7)

Highly Glazed Terraces and Balconies

Variances requests have been made to allow numerous balconies to be created, expanded and to expand and enclose several others. Great reliance is placed on glass building materials to be involved in the creation of these new amenities that is out of character for buildings in this area. In addition, the extensive use of glass gives reasons to question the sponsor's assurance that the redevelopment will not pose glare and light pollution issues. (Application Ex. B.7)

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by difficulties created by the requirement to use valet parking could spill out of the property and result in traffic delay on S. Ocean Blvd. Car retrieval delays are going to be extensive. Even at the revered Breakers Hotel, valet parking does not eliminate significant delays and that is without the use of delay multiplying double stacking devices.

Moreover, it is noteworthy that the sponsor, in responding to Zoning Application Ex.D (Parking Statement) chose to ignore the substantial commercial nature of the redevelopment plan. Instead the form was completed as if it was for a purely residential property. Whether such a choice is permissible or not is not important. What is important is you cannot hide the fact that employees must have the ability to park. The sponsor should be required to disclose the number of employees they intend to have on site and how their parking needs are to be met.

In the absence of a specific staffing number and plan for this supposed five star hotel to be, it is fair to look to an industry standard of staffing recommended for five star hotels. The World Tourist Organization suggests the ratio of people to staff is optimal in a five star facility at 20 staff per 10 rooms or 200 staff per day for a 100 room establishment. Obviously, the bulk of the staff would be working during the day and evening hours. On a greatly less than optimal staffing level it is fair to estimate that the most demanding shifts will require a shift change consisting of a total of 100 employees at a time. This means that at one point of the day as much as 30-40% of the valet spaces will be moving in and out at one time even if no guest needs to enter or exit from the garage. In short, the parking "plan" is a recipe for daily chaos.

Separate and apart from this fatal deficiency in the parking scheme presented is the planned above ground stacking of vehicles under the existing 5 story building. At a July 8, 2020 zoom meeting this issue was disclosed. The Sponsor suggested that landscaping would mask the problem. This overlooks the fact vehicles cannot be stacked or unloaded without considerable space to move them in and out. It should be clear that the parking system is not workable as currently drawn.

Height Variance

In the zoning application (I.A.8) a request is made to "allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). At the zoom meeting it was contended that this does not raise the height of the building. It is hard to accept this statement at face value. If the height will not be increased why is a variance necessary? If the height will be increased the request should be summarily denied as the building is already too high and no justification has been provided to grant this request.

Conclusion

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to be built. This plan falls short.

Note: While I am sure that the committees receiving correspondence will evaluate them on their merits, a point of clarification might be helpful in that evaluation. I have seen numerous letters from owners in the Edgewater. This property is directly across S. Ocean Blvd. from The Ambassador. The overwhelming support of the redevelopment plan of a neighbor would normally carry considerable great weight. However, it should be made clear that apparently each and every one of these writers effusively welcoming the project to their neighborhood has signed an agreement to sell their units to an entity controlled by the Ambassador's sponsor. Aggressive advocacy is part of any petition process. However, the letters should be read in the context of the reality that these folks are set to not be around when the project is complete.


Ivar Goldart



Licensed Interior Designer
2760 S. Ocean Blvd; Suite 305
Palm Beach, Florida 33480
Tel: 561-307-0055
Email moniqueogilvie@gmail.com

OPPOSITION TO THE AMBASSADOR'S RENOVATION PROJECT

Dear Commissioners,

It is the first time I write to the town and I take today the liberty to express why I do not see this project as contributing to the calmness, enjoyment and quality of life nor harmonious to our neighborhood. The Ambassador has not been a vital "piece of the fabric of South Ocean Blvd". The vital fabric of the Blvd. is the condominiums surrounded by green open spaces with reasonable height and open skies, which has made this boulevard a most attractive, and inviting venue for residential living.

The proposal has 3 major issues at hand:

- Lot coverage
- Increase in height
- Increase in parking spaces

- 1) The current lot coverage is 23.7%. The proposal is almost double, 44.9%.
- 2) The maximum existing height permitted by the zoning is 62.5ft, the proposal is to increase this to 75.46ft.
- 3) If the site cannot be redeveloped profitably for a condo-hotel with the same coverage and height as the existing, why not re designate to allow a conventional condominium project that fits within the parameters.
- 4) The redevelopment is in no way a "tremendous asset" to neighbouring properties. This will create problematic impacts on traffic, both pedestrians and drivers. In addition, it will block the views and affect property values.

The added noise, traffic from cars, truck deliveries, and garbage trucks have never added value to the pursuit of happiness.

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

6) The redevelopment wants to increase parking for 124 existing spaces to a total of 232 with stacked (tandem) and lift parking with 24hr valet service. There is no guarantee there will always be 24hr valet service.

7) The redevelopment is not compatible with the multi-family nature of the neighbourhood. .

8) Exhibit 3 - the new Ambassador building will not be "beautiful" to neighbours due to the requested variances especially the lot coverage, the height and the increase used of the property.

Respectfully,

Monique Ogilvie

Dear Members of The Regency,

The Ad-Hoc Committee on The Ambassador Hotel, consisting of Monique Olgilvie, Judith Katten, Lucy Pfluger, Michael Blanc, Nancy and Ivar Goldart, have prepared several examples of letters of opposition and a pinch list of objections to the renovation project. These may be used as guides or feel free to cut and paste as you see fit. In addition, you will find some important guidelines prepared by our attorney for this committee, Gregory Kina.

Included in the package are letters by Judy Katten, Michael Blanc, Monique Olgilvie and Ivar Goldart. applicable regulations submitted by Gregory Kino, Esq.

If you have any **q lease** feel free to contact me.

Ivar Goldart

RE: AMBASSADOR VARIANCE APPLICATION

July 16, 2020

My name is Michael Blanc and I am from the Regency. I would like to speak in opposition of this application. As an architect with considerable experience with variances, I believe the relief being sought is excessive. The nonconforming extra building height and land coverage being sought would be detrimental to our neighborhood because the amount of building on the site would be much denser than others in this area. From Sloans Curve to the Lake Avenue Bridge the existing physical character exudes calm. This is due to the generous separation between buildings, which are all filled with homes. It is a residential neighborhood. The new Ambassador, when seen from the air, reveals a site packed with much more building coverage than its neighbors. The building itself, architecturally, looks like towers with very flashy glass lined balconies. The project gives the appearance of a resort not homes.

A change in use is also being sought. This too would be detrimental to the neighborhood. With the new uses this project would become more a resort destination, Acapulco style, totally out of character in the middle of a low rise, low density, predominantly residential area.

There is much description of a valet parking system to be used to great advantage for saving space. But it is well known valet parking is a slow process. From the Breakers to the Old Key Lime House we all have experienced the delays associated with valet parking. I fear when there is a large gathering at the new ball room, the queue of cars arriving, from both directions for that function, will be forced to back up on A1A. A1A is a narrow, two lane road without shoulders and such a queue would totally block local traffic,

as well as, access by emergency vehicles. All this is without mention of any traffic generated by staff arrivals and departures. The Town of Palm Beach should request a full traffic study of this development's impact on A1A before considering the application..

Actually, the most dangerous aspect of this application, if approved, is it would set a legal precedent for other such developments. In my experience, once such a precedent is set, any other application seeking the same relief has been granted. Because a Zoning Board cannot approve something for one applicant and then deny it to another, three lots away, without facing serious litigation. So imagine this sort of resort development peppered A1A. It would transform the neighborhood for the worst.

The final, and perhaps most important, question I have has to do with what is called in zoning language, "hardship." Again in my experience, an applicant needs to demonstrate a viable hardship as the reason for seeking a particular type of relief from the regulations. I do not know if I missed it, but I found nothing in the material provided about the hardships being claimed by the applicant. If there are no hardships then design of new additions to the existing structures should conform to the regulations.

Michael Blouk |

July, 21, 2020

Dear Members of ARCOM,

My name is Ivar GoIdart. I have the privilege to reside in The Regency of Palm Beach which is located on S. Ocean Blvd diagonally across from The Ambassador Hotel. I grew up in New York City and until 9 years ago was not the slightest bit aware of the beauty of this location. My wife Nancy and I were taking a brief vacation on Singer Island and she suggested that we visit Palm Beach. I was stunned with views that were reminiscent of the coast in the south of France. Two years later we purchased our apartment. Since then, each December when we arrive and take in the view, we exclaim "do we really live here?" I will do anything I can to help keep this serene, restrained unbelievable place just what it is. With this in mind, below is my view of harm the redevelopment plan for The Ambassador will do to this precious community.

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Ivar Goldart

10/10/2018 11:00 AM

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1

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7) The redevelopment is not compatible with the multi-family nature of the neighbourhood. .

8) Exhibit 3 - the new Ambassador building will not be "beautiful" to neighbours due to the requested variances especially the lot coverage, the height and the increase used of the property.

Respectfully,

Monique Ogilvie

Dear Members of ARCOM,

I am an owner at The Regency of Palm Beach, 2760 South Ocean Boulevard, situated directly across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit the renovation and reconfiguration of the Ambassador by Copperline, the LLC, a wholly owned by the Schlesinger family.

In reading the application, I understand that what is being sought is permission to construct a luxury resort that is out of keeping with the existing South Ocean community. Our area is embedded with calmness, tranquility, harmony and a view that is world renown. It should stay that way. The low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" nor necessity but merely for the profit of the developers.

Height

Copperline is seeking permission is to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in), and in addition they seek to expand upon the building of the land area by some 40°/o.

Ballroom

Ballroom

Variances requested would allow the construction of a 3,100 Sq. Ballroom.

At a meeting presented to The Regency on July 8, 2020 Copperline was constrained under questioning to acknowledge that the largely glass exterior will be at least 35 feet high. In addition, the ballroom will push well north of the footprint of the main building. As a result, the width of this facility will cause sight lines to the ocean to be blocked. The beautiful open view from South Ocean Blvd. will be replaced with a large commercial look inconsistent with surrounding properties. As the proposed ballroom juts out beyond the north side of main building, Copperline's contention that new structures will not create visible size and bulk issues is not credible.

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Variance requests have been made to allow numerous balconies to be created, others expanded and enclosed. Great reliance is placed on glass building materials to be involved in the creation of these new amenities that is out of character for buildings in this area. In addition the extensive use of glass gives reasons to question Copperline's assurance that the redevelopment will not pose glare and light pollution issues.

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by

difficulties created by the requirement to use valet parking could spill out of the property and create traffic problems on S Ocean Drive.

Nothing was mentioned in Copperline's presentation and variance requests about employee parking and the turn around time when employees are changing shifts. This will have a major impact to the residential flow of traffic on S.Ocean Drive.

Precedent

Actually, the most dangerous aspect of this application, if approved, is it would set a precedent for other such developments. Once such a precedent is set, it may prove difficult to not grant similar relief. A Zoning Board cannot approve something for one one applicant and then deny it to another three lots away. Treating similar applications in a different manner may well open the floodgates of future litigation.

Not surprisingly, the only support for Copperline's approval of variances is coming from a group of owners at the Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over. It is not without a degree of irony that the Edgewater residents who have written to the Town in enthusiastic support have entered into contracts with Copperline for the sale of their own apartments. As a result they will be long gone from the Edgewater by the time the Ambassador project is completed.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant

and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join. This plan falls short of that requirement and as such, the plan that been submitted, should be denied.

Name

Date

From: Gregory Kino, Esq.
Ivar,

Here are the various standards that the Applicant must demonstrate are met by competent, substantial evidence (i.e. expert testimony). Their applications they have submitted will address these standards, albeit briefly. The below standards might give some guidance to your letter writers in what they should focus on. Remember though, many of these require expert testimony in order to carry the day but anyone is able to speak on the project and their concerns should be heard. Also, the courts have ruled that fact based testimony from neighbors is relevant, they can testify as to certain things like the nature of their existing neighborhood, compatibility, impacts to their own property values, etc.

SPECIAL EXCEPTION REVIEW- For review of the expansion of the hotel use

Sec. 134-229. - Requirements for granting special exceptions

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.

(2)

The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

(3)

The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

(4)

The use will be compatible *with* adjoining development and the intended purpose of the district in which it is to be located.

(5)

The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

(6)

The use will comply with all elements of the comprehensive plan.

(7)

The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

(8)

Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

(9)

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

(10)

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

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

(12) 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.

SITE PLAN REVIEW (for layout of the proposed buildings and use on the property)

Sec. 134-329. - Review by town council.

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

(1)

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

(2)

Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce

residential densities below that permitted by the use regulations in article VI of this chapter.

(3)

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

(4)

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

(5)

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

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

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

(8)

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

(9)

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

(1 O)Height of commercial structures with reference to adjoining buildings, the effect on uniforrllity in height, and the general principle of retaining the low profile scale of commercial architecture.

(11)

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

VARIANCE REVIEW - For review of variances where project does not meet Code Standards

Sec. 134-201. - Findings prior to authorization.

(a)

The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special! conditions, a literal enforcement of this chapter will result in unnrn3cessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

(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)

(7)

The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(b)

The town council may prescribe a reasonable time limit within which the action for which the variance is required shall begin or be completed or both. Under no circumstances, except as permitted in subsection (a) of this section, shall the town council grant a variance to permit a use, not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this chapter in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

From: siliberm@aol.com
To: [Kelly Churney](#)
Subject: Re: Ambassador variance opposition
Date: Friday, July 24, 2020 5:51:33 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

MEMBERS OF ARCOM:

My wife and I, permanent residents of Palm Beach, acquired our apartment at the Regency 26 years ago because of the idyllic, tranquil, non-commercial area, ocean and Intracoastal views and the town's reputation for its strict adherence to zoning codes.

We live diagonally across the street from the Ambassador and strongly urge you to deny its new owners variances that would adversely change the property's appearance and the character of our neighborhood. It'd likely also encourage other entrepreneurs to follow suit. I can just foresee additional Southern Boulevard traffic and cars parked helter-skelter on greenery as is now occasionally observed in front of the Four Seasons Hotel.

To obtain a variance, it's my understanding, an owner must prove undue hardship if denied. Obviously, that's not the case here. However, hardships could very well be felt by nearby property owners whose real estate values would diminish.

Please don't contribute to turning Palm Beach into another Delray Beach by approving the variances.

Thank you,

Simon Liberman
2760 S. Ocean Blvd., Apt. 416,
Palm Beach, FL 33480

Dear Members of ARCOM,

I am an owner at The Regency of Palm Beach, 2760 South Ocean Boulevard, situated directly across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit the renovation and reconfiguration of the Ambassador by Copperline, the LLC, a wholly owned by the Schlesinger family.

In reading the application, I understand that what is being sought is permission to construct a luxury resort that is out of keeping with the existing South Ocean community. Our area is embedded with calmness, tranquility, harmony and a view that is world renown. It should stay that way. The low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" nor necessity but merely for the profit of the developers.

Height

Copperline is seeking permission is to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in), and in addition they seek to expand upon the building of the land area by some 40%.

Ballroom

Ballroom

Variances requested would allow the construction of a 3,100 Sq. Ballroom.

At a meeting presented to The Regency on July 8, 2020 Copperline was constrained under questioning to acknowledge that the largely glass exterior will be at least 35 feet high. In addition, the ballroom will push well north of the footprint of the main building. As a result, the width of this facility will cause site lines to the ocean to be blocked. The beautiful open view from South Ocean Blvd. will be replaced with a large commercial look inconsistent with surrounding properties. As the proposed ballroom juts out beyond the north side of main building, Copperline's contention that new structures will not create visible size and bulk issues is not credible.

Highly Glazed Terraces and Balconies

Variance requests have been made to allow numerous balconies to be created, others expanded and enclosed. Great reliance is placed on glass building materials to be involved in the creation of these new amenities that is out of character for buildings in this area. In addition the extensive use of glass gives reasons to question Copperline's assurance that the redevelopment will not pose glare and light pollution issues.

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by

difficulties created by the requirement to use valet parking could spill out of the property and create traffic problems on S Ocean Drive.

Nothing was mentioned in Copperline's presentation and variance requests about employee parking and the turn around time when employees are changing shifts. This will have a major impact to the residential flow of traffic on S.Ocean Drive.

Precedent

Actually, the most dangerous aspect of this application, if approved, is it would set a precedent for other such developments. Once such a precedent is set, it may prove difficult to not grant similar relief. A Zoning Board cannot approve something for one one applicant and then deny it to another three lots away. Treating similar applications in a different manner may well open the floodgates of future litigation.

Not surprisingly, the only support for Copperline's approval of variances is coming from a group of owners at the Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over. It is not without a degree of irony that the Edgewater residents who have written to the Town in enthusiastic support have entered into contracts with Copperline for the sale of their own apartments. As a result they will be long gone from the Edgewater by the time the Ambassador project is completed.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant

and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join. This plan falls short of that requirement and as such, the plan that been submitted, should be denied.

Name

Scarry Probert

Date

July 22, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email to: KChurney@TownofPalmBeach.com

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 15 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

We see no way that the stacked parking system they propose could or should be utilized to meet the required parking for such a change to this structure. We feel that it is going to cause

extensive backup and disruption during busy hours since it could require the moving of up to three cars in order to remove a car in some cases.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court resulting in further intensification in terms of traffic and parking. Even if they agreed to eliminate it would be impossible to make sure this was being adhered to.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

Gerald Heller

2770 South Ocean Blvd. N501

Palm Beach, FL 33480

ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

From: [nancy miller](#)
To: [Kelly Churney](#)
Cc: [Ivar Goldart](#)
Subject: Ambassador
Date: Sunday, July 26, 2020 12:27:37 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Members of ARCOM,

I am an owner at The Regency of Palm Beach, [2760 South Ocean Boulevard](#), situated directly across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit renovation and reconfiguration of the Ambassador by Copperline, the LLC, wholly owned by the Schlesinger family.

In reading the application, I understand that what is being sought is permission to construct a luxury resort that is out of keeping with the existing South Ocean community. Our area is embedded with calmness, tranquility, harmony and a view that is world renown. It should stay that way. The low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" or necessity but merely for the profit of the developers.

Height

Copperline is seeking permission to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in) and in addition they seek to expand upon the building of the land area by some 40%.

Ballroom

Variances requested would allow the construction of a 3,100 square ft ballroom. At a meeting presented to The Regency on July 8, 2020 Copperline was constrained under questioning, to acknowledge that the largely glass exterior will be at least 35 feet high. In addition, the ballroom will push well north of the footprint of the building. As a result, the width of this facility will cause site lines to the ocean to be blocked. The beautiful open view from South Ocean Blvd. will be replaced with a large commercial look inconsistent with surrounding properties. As the proposed ballroom juts out beyond the north side of the main building, Copperline's contention that the new structures will not create visible size and bulk issue is not credible.

Highly Glazed Terraces and Balconies

Variance requests have been made to allow numerous balconies to be created, others expanded and some enclosed. Great reliance is placed on glass building materials that is out of character with the buildings in the area. In addition, the extensive use of glass gives reasons to question Copperline's assurance that the redevelopment will not pose glare and

light issues.

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by difficulties created by the requirement to use valet parking could spill out of the property and create traffic problems on South Ocean Blvd. Nothing was mentioned in Copperline's presentation and variance requests about employee parking and the turnaround time when employees are changing shifts. This will have a major impact to the residential flow of traffic on South Ocean Blvd.

Precedent

Actually, the most dangerous aspect of this application, if approved, is it would set a precedent for other such developments. Once such a precedent is set, it may prove difficult to not grant similar relief. A zoning board cannot approve something for one applicant and then deny it to another a few lots away. Treating a similar application in a different way may well open the floodgates of future litigation. Not surprisingly, the only support for Copperline's approval is coming from a group of owners at the Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join.

This plan falls short of that requirement and as such, the plan that has been submitted, should be denied.

Thank you,

Name. Nancy Goldart

Date July 26,2020

From: [ivar goldart](#)
To: [Kelly Churney](#)
Subject: Fwd: Ambassador zoning variance request
Date: Tuesday, July 28, 2020 4:40:04 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

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

From: **Tom Garlin** <garlintom@comcast.net>
Date: Tue, Jul 28, 2020 at 12:24 PM
Subject: Ambassador zoning variance request
To: kcherney@townofpalmbeach.com <"mailto:kcherney"@townofpalmbeach.com>

My wife and I are owners of apartment 203 at the Regency @[2760 South Ocean Blvd.](#)

I am opposed to the zoning exceptions sought by the Ambassador across the street for many reasons:

- 1) The expansion of their footprint will make their property crowded and degrade the visual beauty of the entire area. This will reduce the open view towards the ocean.
- 2) The valet parking will cause back ups when large functions are held in their ballroom, when people are waiting for valet parking and particularly during worker shift changes. This will be a safety concern as well as an inconvenience when the back up extends onto S. Ocean Blvd.

When the Ambassador is fully occupied and a large function is held in the ballroom the parking will inevitably overflow onto S. Ocean Blvd. which does not have any place for parking overflow thus causing a safety hazard for traffic and emergency vehicles.

- 3) A zoning exception for this property will make other property owners also consider zoning exceptions which will lead to a downgrading of the entire area as congestion will result. The Ambassador already is non compliant due to being Grandfathered. Additional expansion will make it worse.

- 4) The only hardship that the Ambassador owners will suffer will be not realizing extra profits at the expense of their neighbors.

Thank you for considering our objections.

Ilene & Tom Garlin

From: [Michael Ereshena](#)
To: [Kelly Churney](#)
Subject: OPPOSITION TO The Ambassador Hotel Renovation Project
Date: Friday, July 24, 2020 10:40:38 AM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Members of ARCOM,

I am an owner at The Regency of Palm Beach, 2760 South Ocean Boulevard, situated directly across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit renovation and reconfiguration of the Ambassador by Copperline, the LLC, wholly owned by the Schlesinger family.

Our area is embedded with calmness, tranquility and harmony which is well suited as a residential environment.

As a retired founder and owner of a Special Event production Company for forty years I am aware of the traffic and noise that goes hand and hand with executing an event in a Ballroom.

Locations for our Events were both nationwide and overseas including but not limited to The Breakers Palm Beach, The Four Seasons Palm Beach, The former Ritz Carlton Palm Beach and The Brazilian Court Palm Beach.

My concerns are:

(1) The large number of trucks shifting in and out of the loading dock areas as well as parking for those trucks.

Food and Beverage, Florists, Decorating companies, lighting and sound companies, Entertainment Companies and others all coming and going during set up and removal.

The loading dock areas are CROWDED AND NOISY from Early morning to late into the night and sometimes the early hours of the next morning.

(2) There are the crews for each company ranging from 30-50 staff members coming and going all day and late night who also need parking access.
Not counting additional wait staff and Guests.

I STRONGLY URGE you not to allow these changes to be allowed.
They will disrupt the lives for those of us who chose to live with calmness, tranquility

and harmony.

Respectfully,

S. Michael Ereshena
Creative Director

DME VENTURES INC
2760 South Ocean Blvd. # 301
Palm Beach, Florida 33480

(561) 267-3510
michael@dmeventuresinc.com

2760 S. Ocean Blvd.
Apts. 216& 411
Palm Beach, Fl. 33480

Town Council
360 South County Road
Palm Beach, Fl Court Beach Resort 33480

TOWN OF PALM BEACH

JUL 16 2020

Town Manager's Office

Re. Z-20-00262 Zoning Application

Dear Council members:

My wife and I would like to express our strong objection and share our concerns regarding the zoning application and requested variances by Brazilian Court Beach Resort (BCBR) and Adam Schlessinger.

We have two concerns: Our first is that the variances requested would make the Ambassador Hotel Cooperative Apartments entirely inconsistent with the nature and fabric of its neighbors. Our community is one that houses many year round families and some snow birds who enjoy the peace and quiet and natural beauty of the Atlantic Ocean and Florida IntraCoastal Waterway. The BCBR are asking for variances to remove and demolishing 9,480 square feet and constructing 36,495 square feet in addition to building several penthouses atop this structure and adding an additional swimming pool. Ours is a quiet community on AIA of homeowners and we all would like to keep it that way.

Our second concern is the dodgy real estate ventures of the Schlessinger family. As I'm sure you have been made aware of the that the Florida Attorney General sued the Schlessinger family in 2009 for using deceptive and unfair practices to sell units at the Eden condominium in Boca Raton which they abandoned in mid construction. The Tideline at 2842 S. Ocean Blvd. was bought and then lost to foreclosure. They bought the Gulfstream Hotel in Lake Worth in 2005 and now 15 years later it is still boarded up.

They are asking to give our quiet little neighborhood years of construction years and destruction, noise and congestion. in building a Las Vegas like hotel, totally inconsistent with its neighbors.

Please don't let this happen.

Sincerely yours,

Robert and Mariann Conlon
Robert and Mariann Conlon

JOANNE AND HOWARD ROSENBLOOM
2770 SOUTH OCEAN BOULEVARD
APARTMENT S-602
PALM BEACH, FL 33480

July 24, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Maisie Grace, Member

Richard Sammons, Member
Katherine Catlin, Alternate
Member
Dan Floershemier, Alternate
Member
Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist KChurney@TownofPalmBeach.com
Town of Palm Beach - Planning, Zoning & Building - 360 S. County Rd. - Palm Beach,
FL 33480

Re: The Ambassador Hotel Proposed Redevelopment Project

Dear ARCOM:

We are owners in the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south, for eight years and have enjoyed this beautiful location.

While we totally support the renovation and updating of that property we would like it to be achieved with no variances and without any special exceptions with appropriate conditions. We oppose the proposed increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Sincerely,



President

2770 South Ocean Blvd #S602

Palm Beach, FL 33480

ccs. Paul Castro, AICP

Wayne Bergman, MCP, LEED-AP

Pat Gayle-Gordon, Acting Town Clerk

Maura Ziska, Esq.

Tim Hanlon, Esq.

Greg Kino, Esq.

James K. Green, Esq.

pcastro@townofpalmbeach.com

wbergman@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

MZiska@floridawills.com

tim.hanlon@amrl.com

GKino@ciklinlubitz.com

jkg@jameskgreenlaw.com

July 24, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney via email to: KChurney@TownofPalmBeach.com
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 1.5 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,


Arnold P. Schuster, Resident - Owner

July 24, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email to: KChurney@TownofPalmBeach.com

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 28 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

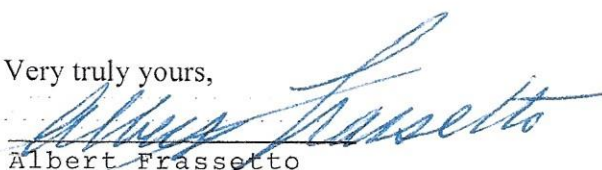
We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,


Albert Frassetto
Owner, South 601

[Resident]

ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

July 23, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Alexander C. Ives, Member
Betsy Shiverick, Member

Maisie Grace, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist *KChurney@TownofPalmBeach.com*
Town of Palm Beach - Planning, Zoning & Building - 360 S. County Rd. - Palm Beach, FL 33480

Dear ARCOM:

Re: The Ambassador Hotel Proposed Redevelopment

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for over 16 years on the north side of the building overlooking the Ambassador and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours. This is a major revision to the scope of use on this small lot. It serves no public purpose (there are plenty of other such facilities on the island).

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking. Such customers of the ownership group are not residents, even temporary hotel residents, of our area and should use the public beach nearest that hotel in the village.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land

coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

Clay Lifflander, 402N

Copies to:

Paul Castro, AICP

Wayne Bergman, MCP, LEED-AP

Pat Gayle-Gordon, Acting Town Clerk

Maura Ziska, Esq.

Tim Hanlon, Esq.

Greg Kino, Esq.

James K. Green, Esq.

pcastro@townofpalmbeach.com

wbergman@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

MZiska@floridawills.com

tim.hanlon@amrl.com

GKino@ciklinlubitz.com

jkg@jameskgreenlaw.com

July 23, 2020

Town of Palm Beach - Planning, Zoning
& Building - 360 S. County Rd. - Palm
Beach, FL 33480

Michael B. Small, Chairman

Robert N. Garrison, Vice Chairman

John David Corey, Member

Alexander C. Ives, Member

Betsy Shiverick, Member

Maisie Grace, Member

Richard Sammons, Member

Katherine Catlin, Alternate Member

Dan Floershemier, Alternate Member

Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist *KChurney@TownofPalmBeach.com*

Re: The Ambassador Hotel Proposed Redevelopment Project

Dear ARCOM:

We moved to the 2770 Condominium building six years ago and have enjoyed this beautiful location. The old Ambassador Hotel is old and ugly and while we support the renovation and updating of that property we would like it to be achieved with no variances or special exceptions. We oppose the Developer's increased intensification of the use of the property. We oppose

- The proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.
- We oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities

- We oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Please do not allow a non-conforming use of this property by granting special exceptions and numerous variances. Consider the owners who live in adjoining properties and enjoy their quiet and serene living spaces.

Sincerely,

Sylvia O'Keefe

Brian O'Keefe

2770 South Ocean Boulevard #S502

Palm Beach, FL 33480

Copies to:

Paul Castro, AICP

pcastro@townofpalmbeach.com

Wayne Bergman, MCP, LEED-AP

wbergman@townofpalmbeach.com

Pat Gayle-Gordon, Acting Town Clerk

pgayle-gordon@townofpalmbeach.com

Maura Ziska, Esq.

MZiska@floridawills.com

Tim Hanlon, Esq.

tim.hanlon@amrl.com

Greg Kino, Esq.

GKino@ciklinlubitz.com

James K. Green, Esq.

jkg@jameskgreenlaw.com

***IRENE AND SIDNEY RITMAN
2770 SOUTH OCEAN BOULEVARD
APARTMENT S-401
PALM BEACH, FL 33480***

July 24, 2020

Michael B. Small, Chairman

Robert N. Garrison, Vice Chairman

John David Corey, Member

Alexander C. Ives, Member

Betsy Shiverick, Member

Maisie Grace, Member

Richard Sammons, Member

Katherine Catlin, Alternate Member

Dan Floershemier, Alternate Member

Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist KChurney@TownofPalmBeach.com

Town of Palm Beach - Planning, Zoning & Building - 360 S. County Rd. - Palm Beach, FL 33480

Re: The Ambassador Hotel Proposed Redevelopment Project

Dear ARCOM:

We are owners in the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south, for eight years and have enjoyed this beautiful location.

While we totally support the renovation and updating of that property we would like it to be achieved with no variances and without any special exceptions with appropriate conditions. We oppose the proposed increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use

that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

A handwritten signature in cursive script that reads "Fred Litman". The signature is written in dark ink and is positioned above the typed address.

2770 South Ocean Blvd #S401

Palm Beach, FL 33480

ccs. Paul Castro, AICP

Wayne Bergman, MCP, LEED-AP

Pat Gayle-Gordon, Acting Town Clerk

Maura Ziska, Esq.

Tim Hanlon, Esq.

Greg Kino, Esq.

James K. Green, Esq.

pcastro@townofpalmbeach.com

wbergman@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

MZiska@floridawills.com

tim.hanlon@amrl.com

GKino@ciklinlubitz.com

jkg@jameskgreenlaw.com

**Henni and John Kessler
2770 South Ocean Boulevard
Apartment N-PH2
Palm Beach, FL 33480**

*Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Alexander C. Ives, Member
Betsy Shiverick, Member*

*Maisie Grace, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member*

c/o Kelly Churney, Administrative Specialist KChurney@TownofPalmBeach.com
Town of Palm Beach - Planning, Zoning & Building - 360 S. County Rd. - Palm Beach, FL 33480

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for ten (10) years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

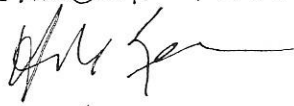
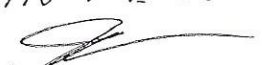
We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Henrietta Kessler

JOHN KESSLER


2770 South Ocean Blvd

Palm Beach, FL 33480

ccs. Paul Castro, AICP

Wayne Bergman, MCP, LEED-AP

Pat Gayle-Gordon, Acting Town Clerk

Maura Ziska, Esq.

Tim Hanlon, Esq.

Greg Kino, Esq.

James K. Green, Esq.

pcastro@townofpalmbeach.com

wbergman@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

MZiska@floridawills.com

tim.hanlon@amrl.com

GKino@ciklinlubitz.com

jkg@jameskgreenlaw.com

24 July 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member

Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist KChurney@TownofPalmBeach.com
Town of Palm Beach - Planning, Zoning & Building - 360 S. County Rd. - Palm Beach, FL 33480

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

Our unit at the 2770 Condominium is currently listed on the market and we understand that The Schlesinger Group would like to renovate the Ambassador Hotel property. We totally support the renovation and updating of that old property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

However, we strongly oppose the proposed use of the property concerning the proposed ballroom that would create loud music and several hundred automobiles for guests and employees in just a few hours; the proposed spa and the use of their beach by the occupants of the Brazilian Court.

Please do not allow a non-conforming use of The Ambassador to further expand by granting special exceptions and numerous variances. There is no hardship here that needs to be addressed.

Very truly yours,

Isanne and Sanford Fisher

2770 South Ocean Blvd #

Palm Beach, FL 33480

The block contains two handwritten signatures in black ink. The top signature is 'Isanne Fisher' and the bottom signature is 'Sanford Fisher'. Both are written in a cursive, flowing style.

ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email to: KChurney@TownofPalmBeach.com

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 30 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

Shelma Lindsey 301 W.

ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

July 24, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Alexander C. Ives, Member
Betsy Shiverick, Member

Maisie Grace, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist
Town of Palm Beach Planning, Zoning & Building
360 S. County Rd. - Palm Beach, FL 33480

Dear ARCOM:

Re: The Ambassador Hotel Proposed Redevelopment

We are owner-residents of N601 in the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for over 8 years on the north side of the building overlooking the Ambassador and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours. This is a major revision to the scope of use on this small lot. It serves no public purpose (there are plenty of other such facilities on the island).

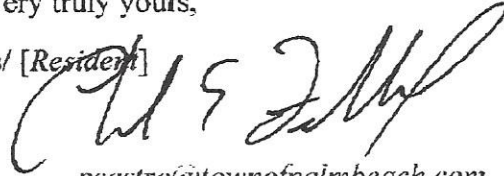
We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking. Such customers of the ownership group are not residents, even temporary hotel residents, of our area and should use the public beach nearest that hotel in the village.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

/s/ [Resident]



ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pguyle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

July 24, 2020

Re: The Ambassador Hotel

Kelly Churney, Admin. Specialist
KChurney@TownofPalmBeach.com
Town of Palm Beach Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

Dear ARCOM:

I live at Unit S303 in the 2770 Condominium building where I have owned for the past 28 years, and I enjoy the quiet tranquility of my home. I am not in favor of the proposed ballroom, Spa, enlarged Dining Room or a swimming pool facing our north building. These changes to the Ambassador Hotel would add noise and much additional traffic.

It is time that the new owner fixes up this old, run-down Hotel but please do not allow a non-conforming use Hotel with special exceptions and numerous variances to be allowed to be built right next door to us. I enjoy the peacefulness of my unit and hope to enjoy it for many more years.

Sincerely,

Ellen Sussman - Unit 303 S

Ellen Sussman, Unit S303

Copies to:

Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-ordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney *via email*
to: KChurney@TownofPalmBeach.com
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

Re: The Ambassador Hotel Proposed Redevelopment
Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 8 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and

going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, setbacks, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into.

There is no hardship here that needs to be addressed.

Very truly yours,

Doreen Bilezikian

ccs. Paul Castro, AICP

pcastro@townofpalmbeach.com

Wayne Bergman, MCP, LEED-AP
townofpalmbeach.com

wbergman@

Pat Gayle-Gordon, Acting Town Clerk
pgayle-gordon@townofpalmbeach.com

pgayle-

Maura Ziska, Esq.

MZiska@floridawills.com

Tim Hanlon, Esq.

tim.hanlon@amrl.com

Greg Kino, Esq.

GKino@ciklinlubitz.com

James K. Green, Esq.

jkg@jameskgreenlaw.com

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email to: KChurney@TownofPalmBeach.com

July 24, 2020

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 28 -years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

Irwin and Margaret Shechtman

ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
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MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

July 24, 2020

Kelly Churney, Administrative Specialist

KChurney@TownofPalmBeach.com

Town of Palm Beach

Planning, Zoning & Building

360 S. County Rd.

Palm Beach, FL 33480

Dear ARCOM:

Re: The Ambassador Hotel Proposed Redevelopment

I am the owner of Unit N203 in the 2770 Condominium building, and my unit directly faces the Ambassador hotel to the south. I am not in favor of the proposed ballroom with a projected maximum capacity of 200 persons. This would cause lots of noise and traffic. The Spa would greatly increase the coming and goings of vehicles and the need for additional parking and the plan to build a swimming pool where the parking lot is currently located is not a good idea.

Please do not allow a non-conforming use Hotel with special exceptions and numerous variances. I have a right to the quiet enjoyment of my unit.

Sincerely,

Flora Heilweil, Unit N203

Copies to:

Paul Castro, AICP

Wayne Bergman, MCP, LEED-AP

Pat Gayle-Gordon, Acting Town Clerk

Maura Ziska, Esq.

Tim Hanlon, Esq.

Greg Kino, Esq.

James K. Green, Esq.

pcastro@townofpalmbeach.com

wbergman@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

MZiska@floridawills.com

tim.hanlon@amrl.com

GKino@ciklinlubitz.com

jkg@jameskgreenlaw.com

Michael B. Small, Chairman

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John David Corey, Member

Alexander C. Ives, Member

Betsy Shiverick, Member

Maisie Grace, Member

Richard Sammons, Member

Katherine Catlin, Alternate Member

Dan Floershemier, Alternate Member

Ted Cooney, Alternate Member

From: [Camille Morgan](#)
To: [Kelly Churney](#)
Subject: OPPOSITION TO COPPERLINE DEVELOPMENT OF AMBASSADOR HOTEL ON PALM BEACH ISLAND
Date: Friday, July 24, 2020 7:40:31 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Members of ARCOM,

I am an owner at The Regency of Palm Beach, 2760 South Ocean Boulevard, situated directly across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit renovation and reconfiguration of the Ambassador by Copperline, the LLC, wholly owned by the Schlesinger family.

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

Our area is embedded with calmness, tranquility, harmony and a view that is world renown. It should stay that way. The low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" or necessity but merely for the profit of the developers.

Height

Copperline is seeking permission to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in) and in addition they seek to expand upon the building of the land area by some 40%.

Ballroom

Variances requested would allow the construction of a 3,100 square ft ballroom.

At a meeting presented to The Regency on July 8, 2020 Copperline was constrained under questioning, to acknowledge that the largely glass exterior will be at least 35 feet high. In addition, the ballroom will push well north of the footprint of the

building. As a result, the width of this facility will cause site lines to the ocean to be blocked. The beautiful open view from South Ocean Blvd. will be replaced with a large commercial look inconsistent with surrounding properties. As the proposed ballroom juts out beyond the north side of the main building, Copperline's contention that the new structures will not create visible size and bulk issue is not credible.

Highly Glazed Terraces and Balconies

Variance requests have been made to allow numerous balconies to be created, others expanded and some enclosed. Great reliance is placed on glass building materials that is out of character with the buildings in the area. In addition, the extensive use of glass gives reasons to question Copperline's assurance that the redevelopment will not pose glare and light issues.

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by difficulties created by the requirement to use valet parking could spill out of the property and create traffic problems on South Ocean Blvd. Nothing was mentioned in Copperline's presentation and variance requests about employee parking and the turnaround time when employees are changing shifts. This will have a major impact to the residential flow of traffic on South Ocean Blvd.

Precedent

Actually, the most dangerous aspect of this application, if approved, is it would set a precedent for other such developments. Once such a precedent is set, it may prove difficult to not grant similar relief. A zoning board cannot approve something for one applicant and then deny it to another a few lots away. Treating a similar application in a different way may well open the floodgates of future litigation. Not surprisingly, the only support for Copperline's approval is coming from a group of owners at the Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join. **We like the "residential predominance" of the island and do not wish to see it become as overcrowded, commercialized or overly transient as Miami Beach (for example.)**

This plan falls short of that requirement and as such, the plan that has been submitted, should be denied.

Thank you,

Camille Morgan
Unit 111
7/24/2020



Jeffrey P. Goldstein
2770 South Ocean Blvd- Penthouse 603 N
Palm Beach, FL 33480

Dear Members of ARCOM,

I am the owner of Unit 603 N at 2770 South Ocean Boulevard situated directly next to the Ambassador Hotel. The master bedroom of my apartment looks directly into the midrise portion of the Ambassador. I am writing to you to express my strong opposition to the request for variances to permit the renovation and reconfiguration of the Ambassador.

I understand they seek permission to construct a luxury resort that is not in keeping with the existing South Ocean community. We bought our home because this area of Palm Beach offers tranquility. Approval of this plan will significantly change that character to the detriment of this world-renown area.

As it was said by others and I agree with, the low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" nor necessity but merely for the profit of the developers.

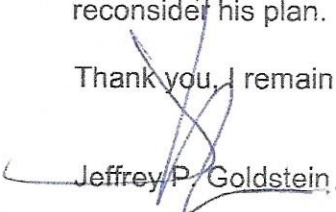
We understand that the developers are seeking permission to raise the height of a building already more than current restrictions. The proposed increase in height for the new structure above our existing building at 2770 will greatly affect our site lines to the beach and natural light, the reason we purchased in this community in the first place. As I also understand, they further seek to expand upon the building footprint by at least 40%.

They are requesting that parking requirements be relaxed and propose to solve the resultant problems by creating double-stacked parking. From my experience, this type of parking never works. It will cause confusion within the borders of the new project and, in addition, generate traffic jams that could spill over to Ocean Blvd.

Our community would welcome the development of the site as its current state requires a significant makeover. However, to overdevelop the property at the cost of our gorgeous and quiet neighborhood should be weighed carefully in your decision-making process.

The development plan as submitted falls short of any of my expectations for improving the site and should be denied. The developer needs to consider the serene neighborhood and reconsider his plan.

Thank you, I remain

 Jeffrey P. Goldstein

**Anastasia Raftis
Cynthia Raftis
2770 S. Ocean Blvd. #303N
Palm Beach, FL 33480**

July 27, 2020

Re: Ambassador Hotel Redevelopment

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
to:KChurney@TownofPalmBeach.com
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email

Re: The Ambassador Hotel Proposed Redevelopment
Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 27 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We oppose to balconies facing our apartment. The reason we chose this condominium was because it's privacy and no people staring at our condominium daily with children crying and loud noises. This choice was deliberate and no other side of 2770 faces a balcony. We want it to stay the way it is with no balcony added.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours during the evening.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we clearly oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of the exclave island of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new

owners knew what they were buying into. There is no hardship here that needs to be addressed.

Thank you for your attention in this important matter.

Sincerely yours,



Anastasia Raftis



Cynthia Raftis

ccs. Paul Castro, AICP pcastro@townofpalmbeach.com

Wayne Bergman, MCP, LEED-AP wbergman@townofpalmbeach.com

Pat Gayle-Gordon, Acting Town Clerk pgayle-gordon@townofpalmbeach.com

Maura Ziska, Esq. MZiska@floridawills.com

Tim Hanlon, Esq. tim.hanlon@amrl.com

Greg Kino, Esq. GKino@ciklinlubitz.com

James K. Green, Esq. jkg@jameskgreenlaw.com

July 24, 2020

Re: The Ambassador Hotel

Kelly Churney, Admin. Specialist *KChurney@TownofPalmBeach.com*
Town of Palm Beach Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

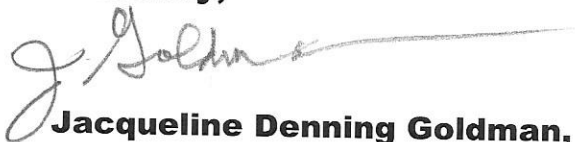
Dear ARCOM:

I live at Unit S403 in the 2770 Condominium building where I have owned for the past eight years. I am not in favor of the proposed ballroom or the Spa or swimming pool. All of the additional traffic and trucks would not benefit us at all.

Although it would be nice if the owner would renovate this old, run-down building and include a nice restaurant, please do not allow a non-conforming use Hotel with special exceptions and numerous variances be allowed to be built right next door to me.

I enjoy the peacefulness of my unit and hope to enjoy it for many more years.

Sincerely,



Jacqueline Denning Goldman, Unit S403

Copies to:

Paul Castro, AICP

pcastro@townofpalmbeach.com

Wayne Bergman, MCP, LEED-AP

wbergman@townofpalmbeach.com

Pat Gayle-Gordon, Acting Town Clerk

pgayle-gordon@townofpalmbeach.com

Maura Ziska, Esq.

MZiska@floridawills.com

Tim Hanlon, Esq.

tim.hanlon@amrl.com

Greg Kino, Esq.

GKino@ciklinlubitz.com

James K. Green, Esq.

jkg@jameskgreenlaw.com

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email to: KChurney@TownofPalmBeach.com

1/24/20

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for ^{over}~~30~~ years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use ~~Court~~ of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

A handwritten signature in black ink that reads "Ed & Frances Kelley". The signature is written in a cursive, flowing style. The "Ed" is written first, followed by "&", then "Frances", and finally "Kelley". The signature is positioned to the right of the "Very truly yours," text.

ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

LAW OFFICES
ALLEY, MAASS, ROGERS & LINDSAY, P.A.

340 ROYAL POINCIANA WAY, SUITE 321

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ALAN LINDSAY
DAVID H. BAKER
WILLIAM W. ATTERBURY III
LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
CAROL S. WAXLER
CATHERINE KENT
BRUCE A. McALLISTER
DAVID R. MAASS
CHRISTINE BIALCZAK
WARREN D. HAYES, JR.
NICOLE K. MAASS
LAURA B. KNOLL

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

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

August 4, 2020

Mayor Gail Coniglio
Town Council
Architectural Commission
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Re: 2730 S. Ocean Blvd.;
ARCOM Case B-034-2020
Zoning Application Z-20-00262

Dear Madam Mayor and members of Town Council and Architectural Commission:

This firm represents the Beach Point Condominium Association, Inc. (the Beach Point Association”).

Richard Kleid, a member of the Beach Point Association Board of Directors (the “Beach Point Board”), asked me to inform you that the Beach Point Board passed a resolution opposing the current ARCOM and Zoning applications for 2730 S. Ocean Blvd.

The Beach Point Board and I are continuing to discuss possible modifications with the developer and his representatives, but the Beach Point Association opposes the project due to its extreme increase in intensity of uses and the numerous variances (with no hardship present) associated with the current proposal.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "M. Timothy Hanlon".

M. Timothy Hanlon

Cc: Beach Point Board of Directors

OPPOSITION TO AMBASSADOR'S PROPOSED CHANGES

August 4, 2020

To: Town of Palm Beach ARCOM

My wife and I have lived in Apt 603S, 2770 South Ocean Boulevard, the property immediately to the South of the Ambassador, since 2011. We are full time residents and it is our home.

During the entire time we have lived here, the Ambassador has been an apartment hotel, its' apartments individually owned, and was virtually indistinguishable from neighboring apartment buildings. Its residents were quiet, just like its neighbors, and there was no deluge of automobile and delivery truck traffic coming and going. Nor was there any noticeable pedestrian traffic walking South on the East side of South Ocean Boulevard, where there is no sidewalk.

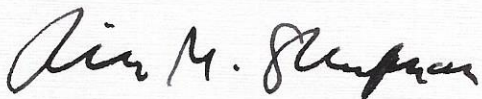
Now those individual apartments have been bought up and the new single owner of the Ambassador proposes to create in their place a luxury hotel catering to transient hotel guests in the midst of a residential environment. The new, "deluxe", hotel will have two new swimming pools with their attendant noise, a large spa open to the public, space for events available for large parties, vastly increased parking achieved by introducing double-deck parking machinery accessible only by valets, and what will necessarily be a large number of employees to service the needs of such an enterprise. In addition to the noise and vehicular traffic attendant to these proposed changes, it is to be expected that among the many guests and employees there will be those who choose to walk south across the grass in front of 2770 South Ocean Boulevard rather than crossing South Ocean Boulevard to the paved sidewalk on the West side of the road.

The dramatic and adverse impact of the proposed changes on the quality of life for those living next to the "new" Ambassador is, I believe, obvious.

It has also been suggested that the new owner may wish to raise the height of the West building on the Ambassador's narrow lot. Doing so would directly block a significant part of our Northwest view of the intracoastal, as shown on the accompanying photo.

For all these reasons I urge rejection of the Ambassador's proposed changes.

Very truly yours,



Richard M. Sharfman
2770 South Ocean Boulevard #603S
Palm Beach FL 33480



TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00264 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Christopher J. and Jennifer Lazzara, Applicants, relative to property located at **272 QUEENS LN**, legal description on file, is described below. A request for a flood plain variance in order to construct the previously approved 3,468 square foot addition with a finished floor elevation of 5.5 feet North American Vertical Datum ("NAVD") in lieu of the 7 foot NAVD required when construction exceeds 50% of the market value of the residence. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: The proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Carried 7-0.] [The Landmarks Preservation Commission deferred the project to the August 19, 2020 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated July 28, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

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

Subject: **Z-20-00264 VARIANCE(S)**
272 QUEENS LN

Date: July 28, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

A request for a flood plain variance in order to construct the previously approved 3,468 square foot addition with a finished floor elevation of 5.5 feet North American Vertical Datum ("NAVD") in lieu of the 7 foot NAVD required when construction exceeds 50% of the market value of the residence.

ADDRESS: 272 QUEENS LN

OWNER: LAZZARA CHRISTOPHER J &

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-03-12-000-0681

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PALM BEACH SHORES - PALM BEACHE 1/2 OF
LT 68 & LTS 69 TO 75 INC

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

Attachment

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



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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/16/20

APPLICATION NO.: Z-20-00264 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 272 QUEENS LN

DESCRIPTION:

A request for a flood plain variance in order to construct the previously approved 3,468 square foot addition with a finished floor elevation of 5.5 feet North American Vertical Datum ("NAVD") in lieu of the 7 foot NAVD required when construction exceeds 50% of the market value of the residence.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/23/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2020	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/23/2020	This is not a fire code concern with the proposed project
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/23/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/23/2020	I have no comment on the flood plain variance request.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00265 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Carlos Musso, Sr., Applicant, relative to property located at **110 SEAGATE RD**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to their August 26, 2020 meeting. Carried 7-0] **Request for Deferral to the September 9, 2020 Town Council Meeting per Letter Dated July 30, 2020 from Maura Ziska.**

Presenter

ATTACHMENTS:

- ▣ **Letter Dated July 30, 2020 from Maura Ziska**
- ▣ **Memorandum Dated July 28, 2020 from Wayne Bergman, Acting 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

July 30, 2020

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

RE: Z-20-00265
110 Seagate Road, Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **August 12, 2020** Town Council meeting to the **September 9, 2020** 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: August 12, 2020

To: Mayor and Town Council

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

Subject: **Z-20-00265 SPECIAL EXCEPTION WITH SITE PLAN REVIEW
110 SEAGATE RD**

Date: July 28, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District.

ADDRESS: 110 SEAGATE RD

OWNER: MUSSO CARLOS SR

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-42-34-08-000-0012

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: NORTH SHORE ADD TO PALM BEACH W 101.5
FT OF LT 1 & E 3 FT OF LT 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: 6/12/20

APPLICATION NO.: Z-20-00265 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 110 SEAGATE RD

DESCRIPTION: Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/23/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2020	No Comments - Stormwater Level of Service proposed to be meet.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/23/2020	There are no fire code concerns with this project
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/23/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/23/2020	There are no variances being requested an I have no comment.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00266 SITE PLAN REVIEW Zoning District: R-AA Large Estate Residential The application of 1960 SOUTH OCEAN BLVD LLC, Owner, relative to property located at **1960 S OCEAN BLVD**, legal description on file, is described below. Section 134-1729(2): Site Plan Review request to have a new 180 KW generator to be enclosed In a 525 square foot building on the subject property. The proposed generator and building enclosure is replacing an existing generator and generator building and will meet the setback requirements. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated July 28, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

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

Subject: **Z-20-00266 SITE PLAN REVIEW**
1960 S OCEAN BLVD

Date: July 28, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-1729(2): Site Plan Review request to have a new 180 KW generator to be enclosed in a 525 square foot building on the subject property. The proposed generator and building enclosure is replacing an existing generator and generator building and will meet the setback requirements.

ADDRESS: 1960 S OCEAN BLVD

OWNER: 1960 SOUTH OCEAN BLVD LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-44-11-03-000-1080

ZONING DISTRICT: R-AA Large Estate Residential

LEGAL DESCRIPTION: PALM BEACH ESTATES LT 108 & N 74 FT
OF LT 109

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

Attachment

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



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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/19/20

APPLICATION NO.: Z-20-00266 **APPLICATION TYPE:** SITE PLAN REVIEW

ADDRESS: 1960 S OCEAN BLVD

DESCRIPTION: Section 134-1729(2): Site Plan Review request to have a new 180 KW generator to be enclosed in a 525 square foot building on the subject property. The proposed generator and building enclosure is replacing an existing generator and generator building and will meet the setback requirements.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	7/8/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2020	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/8/2020	Generator rooms have been a problem with each storm event that requires generator use for prolonged periods. The building needs to have plenty of air and cooling capabilities.
PZB - PLANNING AND ARCHITECTURAL REVIEW			No Comment
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	7/8/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/8/2020	The proposed generator and enclosure meet the intent of the Code.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00267 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Jeff and Nicola Marcus (Contract Purchasers), Applicants, relative to property located at **920 N LAKE WAY**, legal description on file, is described below. The applicant is proposing a renovation to the property that includes the demolition of a 337 square foot cabana, demolition of 52 square feet from existing loggia, demolition of 23 square feet from the south side of the house, adding a new 200 square foot entry, adding 143 square feet to the existing loggia and small additions to the house on the north and south side. The following variances are being requested: 1. a north side yard setback for the one story addition ranging from 8.7 feet to 10.4 feet (to match existing) in lieu of the 15 foot minimum required; 2. a south side yard setback for the second floor addition with terrace of 9.9 feet (to match existing) in lieu of the 15 foot minimum required; and 3. lot coverage of 30.5 % in lieu of the 30 % maximum allowed for the proposed additions (no net change to existing lot coverage calculation of 30.5%). [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with conditions related to the landscaping. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated July 28, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated July 7, 2020 from Sondra and David Mack**
- ▣ **Letter Dated July 7, 2020 from Sidney and Dorothy Kohl**
- ▣ **Letter Dated July 23, 2020 from Fifth Cupcake Trust**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

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

Subject: **Z-20-00267 VARIANCE(S)**
920 N LAKE WAY

Date: July 28, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is proposing a renovation to the property that includes the demolition of a 337 square foot cabana, demolition of 52 square feet from existing loggia, demolition of 23 square feet from the south side of the house, adding a new 200 square foot entry, adding 143 square feet to the existing loggia and small additions to the house on the north and south side. The following variances are being requested: 1. a north side yard setback for the one story addition ranging from 8.7 feet to 10.4 feet (to match existing) in lieu of the 15 foot minimum required; 2. a south side yard setback for the second floor addition with terrace of 9.9 feet (to match existing) in lieu of the 15 foot minimum required; and 3. lot coverage of 30.5 % in lieu of the 30 % maximum allowed for the proposed additions (no net change to existing lot coverage calculation of 30.5%).

ADDRESS: 920 N LAKE WAY

OWNER: RYAN MOLLY E

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-10-01-000-0280

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: JAMAICA LANE LT B & N 10 FT OF
GOV LT 1 LYG S OF & ADJ TO W 67 FT OF LT B &
LT D & N 10 FT OF GOV LT 1 LYG S OF & ADJ
THERE TO

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

Attachment

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



PLANNING, ZONING AND BUILDING DEPARTMENT

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/19/20

APPLICATION NO.: Z-20-00267 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 920 N LAKE WAY

DESCRIPTION:

The applicant is proposing a renovation to the property that includes the demolition of a 337 square foot cabana, demolition of 52 square feet from existing loggia, demolition of 23 square feet from the south side of the house, adding a new 200 square foot entry, adding 143 square feet to the existing loggia and small additions to the house on the north and south side. The following variances are being requested: 1. a north side yard setback for the one story addition ranging from 8.7 feet to 10.4 feet (to match existing) in lieu of the 15 foot minimum required; 2. a south side yard setback for the second floor addition with terrace of 9.9 feet (to match existing) in lieu of the 15 foot minimum required; and 3. lot coverage of 30.5 % in lieu of the 30 % maximum allowed for the proposed additions (no net change to existing lot coverage calculation of 30.5%).

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/24/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2020	Stormwater Level of Service proposed to be meet. Construction Screening shall be a minimum of 6-foot off the edge of pavement of North Lake Way, outside the clear zone. Moreover, the proposed fence should be set back sufficiently off the roadway to facilitate deliveries without the need to close a lane on North Lake Way. Safe sight triangle, if traffic leaving the site during construction is unassisted, need to be utilized.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/24/2020	There are no fire code concerns with this proposed project
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/24/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/29/2020	No Comment

SONDRA & DAVID S. MACK
958 NORTH LAKE WAY
PALM BEACH, FLORIDA 33480

VIA EMAIL: kchurney@townofpalmbeach.com

July 7, 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

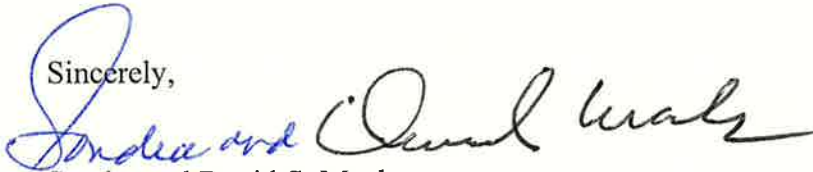
RE: Z-20-00267 and Arcom Number B-039-2020
920 North Lake Way, Palm Beach, Florida

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission:

We live at 958 North Lake Way in Palm Beach. We are pleased to know that our future neighbors, Jeff and Nicola Marcus, are purchasing and renovating the property south of us and have filed plans with the Town for this renovation. We believe the renovation will preserve a beautiful house and property and hope you support their request. We have no objection to them asking for variances as the property is unique and needs these special considerations. We hope you will support this worthy project as well.

Thank you for your consideration.

Sincerely,



Sondra and David S. Mack

SIDNEY AND DOROTHY KOHL
1070 NORTH LAKE WAY
PALM BEACH, FLORIDA 33480

VIA EMAIL: kchurney@townofpalmbeach.com

July 7, 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

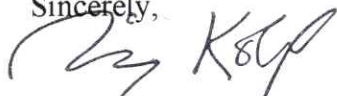
RE: Z-20-00267 and Arcom Number B-039-2020
920 North Lake Way, Palm Beach, Florida

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission:

We live at 1070 North Lake Way in Palm Beach. Our future neighbors, Jeff and Nicola Marcus, are purchasing and renovating the property south of us and have filed plans with the Town for this renovation. We have reviewed their plans for the proposed renovation and fully support the project and have no objection whatsoever to any variances they are seeking. Having lived in this neighborhood for many years, we are happy to see someone taking on a renovation project and not tearing down a fine house. We are familiar with this property when the Fishers owned it for many years and believe they would be happy that the house is remaining. Hopefully you will approve this project.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Kohl', written over the word 'Sincerely,'.

Sidney and Dorothy Kohl

FIFTH CUPCAKE TRUST
900 NORTH LAKE WAY
PALM BEACH, FLORIDA 33480

VIA EMAIL: kchurnev@townofpalmbeach.com

July 23, 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-20-00267 and Arcom Number B-039-2020
920 North Lake Way, Palm Beach, Florida

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission:

The beneficiaries of my client, Fifth Cupcake Trust, live at 900 North Lake Way in Palm Beach. Future neighbors Jeff and Nicola Marcus have purchased and are renovating the property directly to the north and have filed plans with the Town for this renovation. My clients have reviewed the Marcuses' plans for the proposed renovation and fully support the project and have no objection whatsoever to any variances the Marcuses are seeking. We appreciate that they are renovating a beautiful property instead of demolishing and building something new. We believe that the proposed additions will be a fine improvement to both the Marcus property and our neighborhood. We hope you and your staff will agree with us and will approve the proposed project.

Thank you for your consideration.

Sincerely,

Laurie L. Gildan

Laurie L. Gildan, attorney for
Fifth Cupcake Trust

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00268 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of The Society of the Four Arts, Inc. (c/o Dr. Philip B. Rylands, President and CEO), Owner, relative to property located at **100, 101, 102 and 103 FOUR ARTS PLAZA, 240 COCOANUT ROW, AND 434 SEASPRAY AVE**, legal description on file, is described below. Section 134-890(9) - The Society of the Four Arts (Applicant) requests a modification to the existing nonprofit cultural center Special Exception (legally described in Exhibit A-1), to allow the addition of a 0.56-acre property (legally described in Exhibit A-2) located at 434 Seaspray Avenue (“Site”), into Applicant's campus. The Site is developed with a single family house and accessory structures. The Applicant proposes to relocate its President/CEO's living quarters from the third floor of the John E. Rovensky Building (“Building”) to the Site. The intent is to renovate and reconfigure the vacated 2,105 square foot (sq. ft.) living quarters to create a meeting room, archive space and storage spaces, in accordance with the Proposed Floor Plan (“Plan”). [Applicant's Representative: Harvey E Oyer III Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated July 28, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

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

Subject: **Z-20-00268 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
434 SEASPRAY AVE

Date: July 28, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-890(9) - The Society of the Four Arts (Applicant) requests a modification to the existing nonprofit cultural center Special Exception (legally described in Exhibit A-1), to allow the addition of a 0.56-acre property (legally described in Exhibit A-2) located at 434 Seaspray Avenue ("Site"), into Applicant's campus. The Site is developed with a single family house and accessory structures. The Applicant proposes to relocate its President/CEO's living quarters from the third floor of the John E. Rovensky Building ("Building") to the Site. The intent is to renovate and reconfigure the vacated 2,105 square foot (sq. ft.) living quarters to create a meeting room, archive space and storage spaces, in accordance with the Proposed Floor Plan ("Plan").

ADDRESS: 434 SEASPRAY AVE

OWNER: SEASPRAY OWNER LLC

OWNER'S REPRESENTATIVE: HARVEY E OYER III ESQ

PROPERTY CONTROL NO.: 50-43-43-22-07-000-3150

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: POINCIANA PARK 2ND ADD, LTS 315, 317 & 319
& POINCIANA PARK 3RD ADD PB8P72 LTS 618 &
620

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

Attachment

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



PLANNING, ZONING AND BUILDING DEPARTMENT

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/19/20

APPLICATION NO.: Z-20-00268 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 434 SEASPRAY AVE

DESCRIPTION:

Section 134-890(9) - The Society of the Four Arts (Applicant) requests a modification to the existing nonprofit cultural center Special Exception (legally described in Exhibit A-1), to allow the addition of a 0.56-acre property (legally described in Exhibit A-2) located at 434 Seaspray Avenue ("Site"), into Applicant's campus. The Site is developed with a single family house and accessory structures. The Applicant proposes to relocate its President/CEO's living quarters from the third floor of the John E. Rovensky Building ("Building") to the Site. The intent is to renovate and reconfigure the vacated 2,105 square foot (sq. ft.) living quarters to create a meeting room, archive space and storage spaces, in accordance with the Proposed Floor Plan ("Plan").

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/23/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2020	No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/23/2020	Fire has no concerns with the conversion of the space. It will be required to have all life safety equipment operational during the conversion.
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/23/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/23/2020	If approved, the applicant should be required to enter into a Declaration of Use Agreement related to the use of 434 Seaspray Avenue and how the Four Arts can use the subject property. The property is in a single-family residential neighborhood and should be used strictly for the private use of the executive director of the Four Arts for his residence. No Four Arts related activities or events should be allowed on the subject property.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Ordinances - Second Reading

Agenda Title

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

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated July 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Ordinance 02-2020**
- ▣ **Backup Relating to Historically Significant Buildings**
- ▣ **Historic Significant Building Flow Chart**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Code Changes to Create “Historic Conservation Districts” That Contain
“Historically Significant Buildings” – Ordinances 02-2020, 03-2020; and
Resolution 51-2020

Date: July 29, 2020

STAFF RECOMMENDATION

Staff requests that the Town Council review Ordinance No. 02-2020 (amendments to Chapter 18, Building & Building Regulations), Ordinance 03-2020 (amendment to Chapter 50, Floods), and Resolution 51-2020 (adopt the Conservation Districts). Staff further recommends that the Town Council adopt the two ordinances on Second Readings and adopt the resolution.

GENERAL INFORMATION

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

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

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

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

BACKGROUND

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

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

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

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

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

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

CURRENT REQUEST

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

With the adoption of the two ordinances, the next step is to adopt Resolution 51-2020. This resolution adopts the eleven initial conservation districts within the Town. Also, ESI, the Town's historic site survey vendor, is finalizing their report and creating the 2,000 plus historic structure forms for the buildings that they surveyed. The data contained on these forms will be used to define historically significant buildings going forward.

Attachments: Ordinance 02-2020 – Amending Chapter 18, Buildings & Building Regulations
Ordinance 03-2020 – Amending Chapter 50, Floods
Resolution 51-2020 – Approving the Historic Conservation Districts
Copies of the 2017 FBC, Existing Building Code, Chapter 12, Historic Buildings, pages 55 & 56
FEMA – 42 U.S.C., Subchapter B, Part 60, Section 60.6 – Variances and Exceptions
Email string between Jason Aldridge, SHPO; Steve Martin, State Floodplain Manager; and Town staff
Proposed flowchart for the processing of construction projects to Historically Significant Buildings

WRB

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, TOWN CODE OF ORDINANCES, BY ADDING ARTICLE VI, HISTORIC CONSERVATION DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Be it ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances, is hereby amended by adding Article VI, Historic Conservation Districts, as follows:

“Article VI, - HISTORIC CONSERVATION DISTRICTS.

Sec. 18-301. – Purpose and intent.

It is declared to be a matter of public policy that the protection, enhancement and perpetuation of properties of historic interest is a public purpose, a necessity and is required in the interest of health, prosperity, safety and general welfare of the people residing within and without the town. The purpose of this article is to:

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

Sec. 18-302. - Definitions.

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

preservation and confirmed to meet the criteria requirements of Section 18-305. An alteration to a historically significant building shall meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. An alteration to a historically significant building does not include complete demolition, which shall not be affected. Regulations regarding complete demolition are provided under Chapter 18, Article III – Architectural Review.

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

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

Sec. 18-303. - District designation process.

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

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

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

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

That the district:

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

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

To qualify as a historically significant building, a building:

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

- (3) *Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; or*
- (4) *Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.*

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

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

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

Sec. 18-307. – Annual review.

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

Sec. 18-308. – Appeals.

An applicant or any interested party may file an appeal to the Town Council on any ruling by Town staff or Town consultant made pursuant to this article. The appeal shall take the form of a letter addressed to the town clerk. In all cases, the appeals shall be filed or made within ten calendar days of the date of the decision or meeting at which the decision was rendered. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in or pursuant to this Code. The Town Council shall decide an appeal within 45 days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling until the Town Council has decided the appeal. The Town Council may review any decision and its disposition of the matter shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the Town Council president.

Secs. 18-~~304~~ 309 --- 18-350 – Reserved.”

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this

Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of _____, 2020; and for the Second and Final Reading on this ____ day of _____, 2020.

Gail L. Coniglio, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Patricia Gayle-Gordon, Acting Town Clerk

Danielle H. Moore, Town Council Member

Conservation Districts

Inlet

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

North Beach

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

Garden

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

Canopy

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

Flagler

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

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

Mid-Town

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

Royal Park

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

Estate

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

Providencia

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

Beach South

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

South End

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



Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGSC, (c) OpenStreetMap contributors, and the GIS User Community

Kimley»Horn © 2020 KIMLEY-HORN AND ASSOCIATES, INC. 1920 WEKIVA WAY SUITE 200 WEST PALM BEACH, FL 33411 PHONE: 561-845-0665 FAX: 561-863-8175 WWW.KIMLEY-HORN.COM	TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT		
	Historic Conservation District Map		
TOWN OF PALM BEACH, FLORIDA	JUNE 2020	SHEET 1 OF 5	



Legend

Historic conservation District

Parcel

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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 2 OF 5





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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

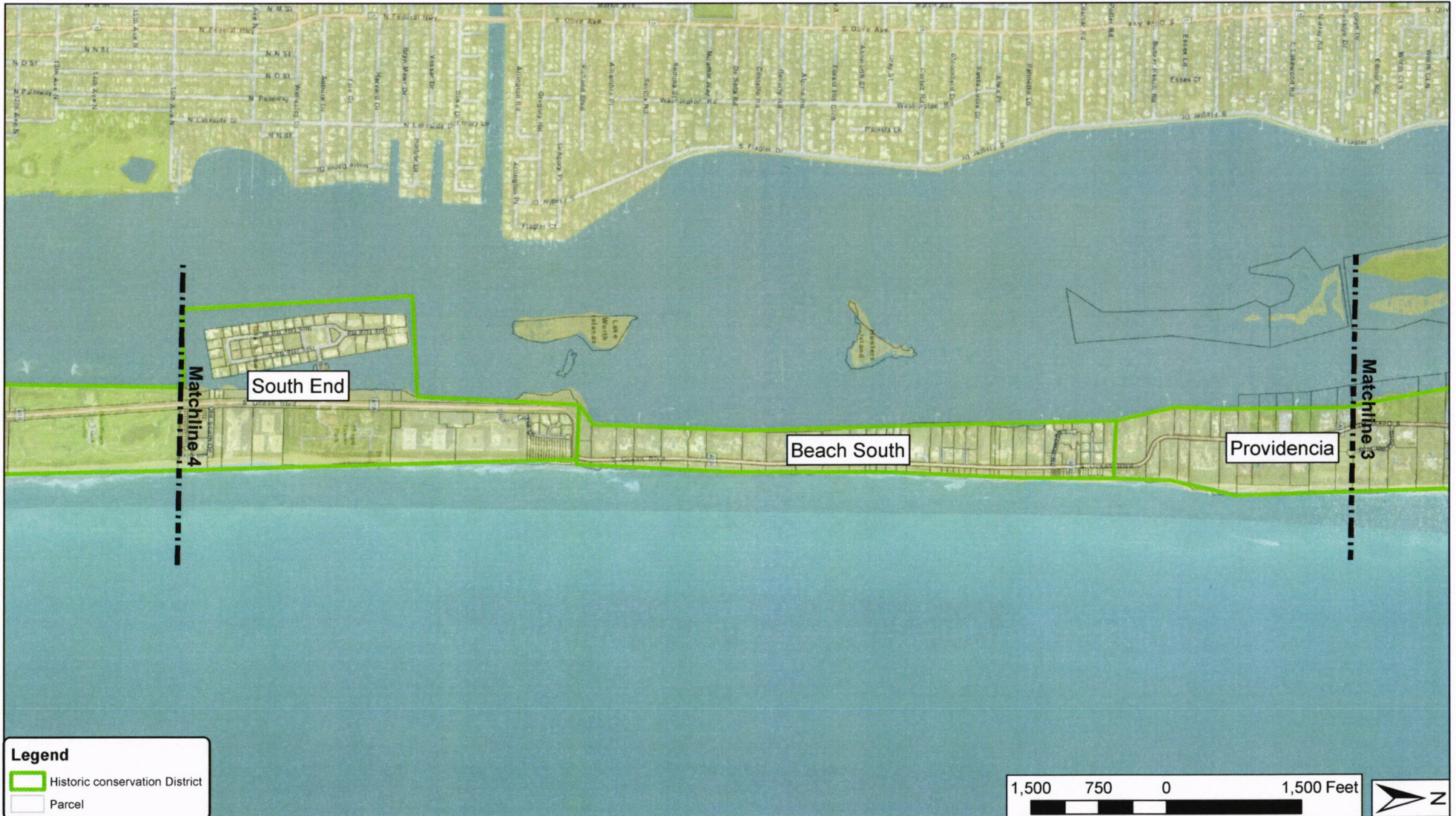
Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 3 OF 5





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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

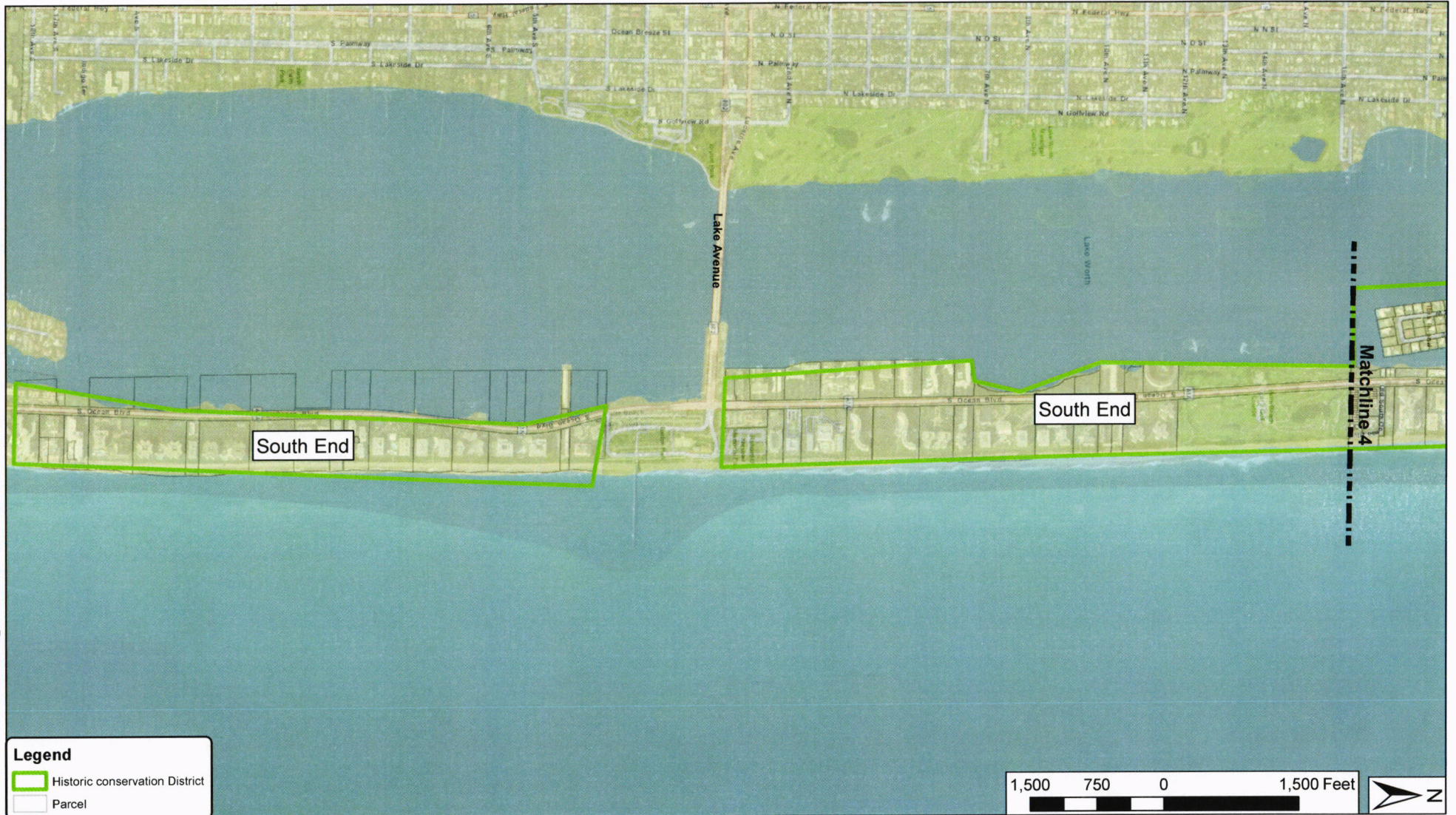
Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 4 OF 5

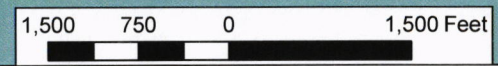




Legend

Historic conservation District

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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 5 OF 5



CHAPTER 12

HISTORIC BUILDINGS

SECTION 1201 GENERAL

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

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

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

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

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

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

SECTION 1202 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

RESTORATION. The act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features, and repair or replacement of damaged or altered features from the restoration period.

SECTION 1203 STANDARDS AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

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

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

1203.2 Historic preservation objectives.

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

SECTION 1204 EQUIVALENCY

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

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

SECTION 1205 COMPLIANCE

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

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

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

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

1205.3 Conditions specific to Compliance Options 2 and 3.

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

SECTION 1206 INVESTIGATION AND EVALUATION

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

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

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

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

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

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

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

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

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

§ 60.6 Variances and exceptions.

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

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

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

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

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

Wayne Bergman

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Morning Gail, Wayne, and Steve,

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

Best,
Jason

Jason Aldridge

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

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

EMAIL RECEIVED FROM EXTERNAL SOURCE

Thank you Steve.

Wayne Bergman
Acting Director of Planning, Zoning & Building

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Hi Jason,

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

Thanks, Steve

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wayne Bergman, MCP, LEED-AP
Acting Director

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360 S. County Road
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Mobile: 561-232-7406
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From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>

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

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

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

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

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Good Morning Gail,

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

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

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

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

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

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

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

Sincerely,

Jason Aldridge

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



From: Wayne Bergman <wbergman@TownOfPalmBeach.com>

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

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

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

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

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

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

Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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

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

*****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.*****

Hello Wayne,

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

Sincerely,
Jason

Jason Aldridge

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



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

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

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

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

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

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

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

Wayne Bergman, MCP, LEED-AP
Asst. Director

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

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Wayne,

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

We commend your efforts to coordinate and develop workable solutions.

Steve

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

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

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

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

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

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

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

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

Wayne Bergman, MCP, LEED-AP
Asst. Director

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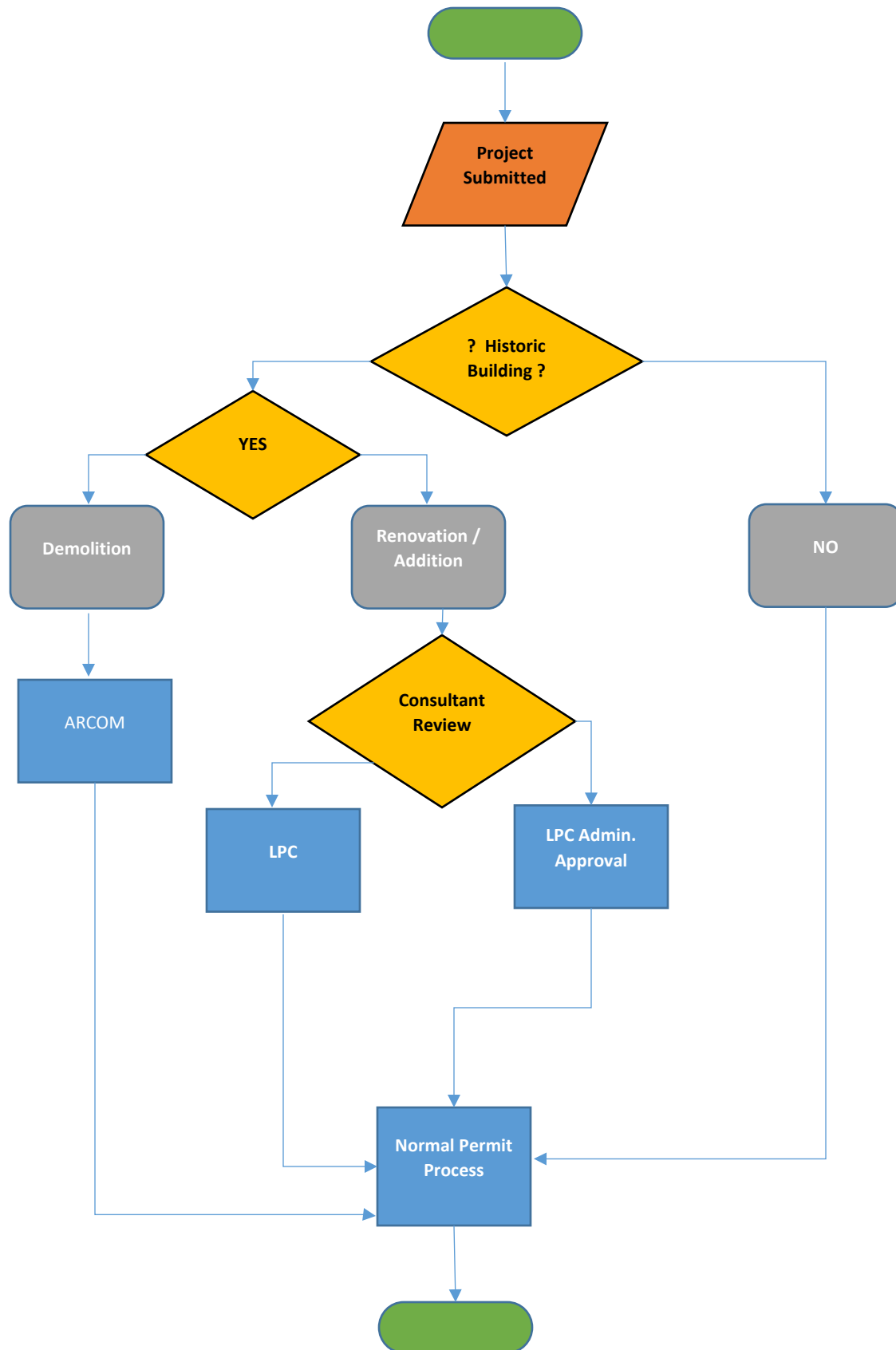
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TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Ordinances - Second Reading

Agenda Title

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

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated July 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Ordinance 03-2020**
- ▣ **Backup Relating to Historically Significant Buildings**
- ▣ **Historically Significant Building Flow Chart**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Code Changes to Create “Historic Conservation Districts” That Contain
“Historically Significant Buildings” – Ordinances 02-2020, 03-2020; and
Resolution 51-2020

Date: July 29, 2020

STAFF RECOMMENDATION

Staff requests that the Town Council review Ordinance No. 02-2020 (amendments to Chapter 18, Building & Building Regulations), Ordinance 03-2020 (amendment to Chapter 50, Floods), and Resolution 51-2020 (adopt the Conservation Districts). Staff further recommends that the Town Council adopt the two ordinances on Second Readings and adopt the resolution.

GENERAL INFORMATION

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

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

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

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

BACKGROUND

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

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

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

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

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

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

CURRENT REQUEST

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

With the adoption of the two ordinances, the next step is to adopt Resolution 51-2020. This resolution adopts the eleven initial conservation districts within the Town. Also, ESI, the Town's historic site survey vendor, is finalizing their report and creating the 2,000 plus historic structure forms for the buildings that they surveyed. The data contained on these forms will be used to define historically significant buildings going forward.

Attachments: Ordinance 02-2020 – Amending Chapter 18, Buildings & Building Regulations
Ordinance 03-2020 – Amending Chapter 50, Floods
Resolution 51-2020 – Approving the Historic Conservation Districts
Copies of the 2017 FBC, Existing Building Code, Chapter 12, Historic Buildings, pages 55 & 56
FEMA – 42 U.S.C., Subchapter B, Part 60, Section 60.6 – Variances and Exceptions
Email string between Jason Aldridge, SHPO; Steve Martin, State Floodplain Manager; and Town staff
Proposed flowchart for the processing of construction projects to Historically Significant Buildings

WRB

ORDINANCE NO. 03-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 50, FLOODS, TOWN CODE OF ORDINANCES, BY AMENDING ARTICLE III, DEFINITIONS, DIVISION 2, DEFINITIONS, SECTION 50-137.5, DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Be it ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 50, Floods, the Town Code of Ordinances, is hereby amended at Article III, Definitions, Division 2, Definitions, Section 50-137.5, Definitions, as follows:

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

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of _____, 2020; and for the Second and Final Reading on this ____ day of _____, 2020.

Gail L. Coniglio, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Patricia Gayle-Gordon, Acting Town Clerk

Danielle H. Moore, Town Council Member

Conservation Districts

Inlet

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

North Beach

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

Garden

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

Canopy

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

Flagler

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

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

Mid-Town

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

Royal Park

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

Estate

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

Providencia

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

Beach South

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

South End

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



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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 1 OF 5





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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 2 OF 5





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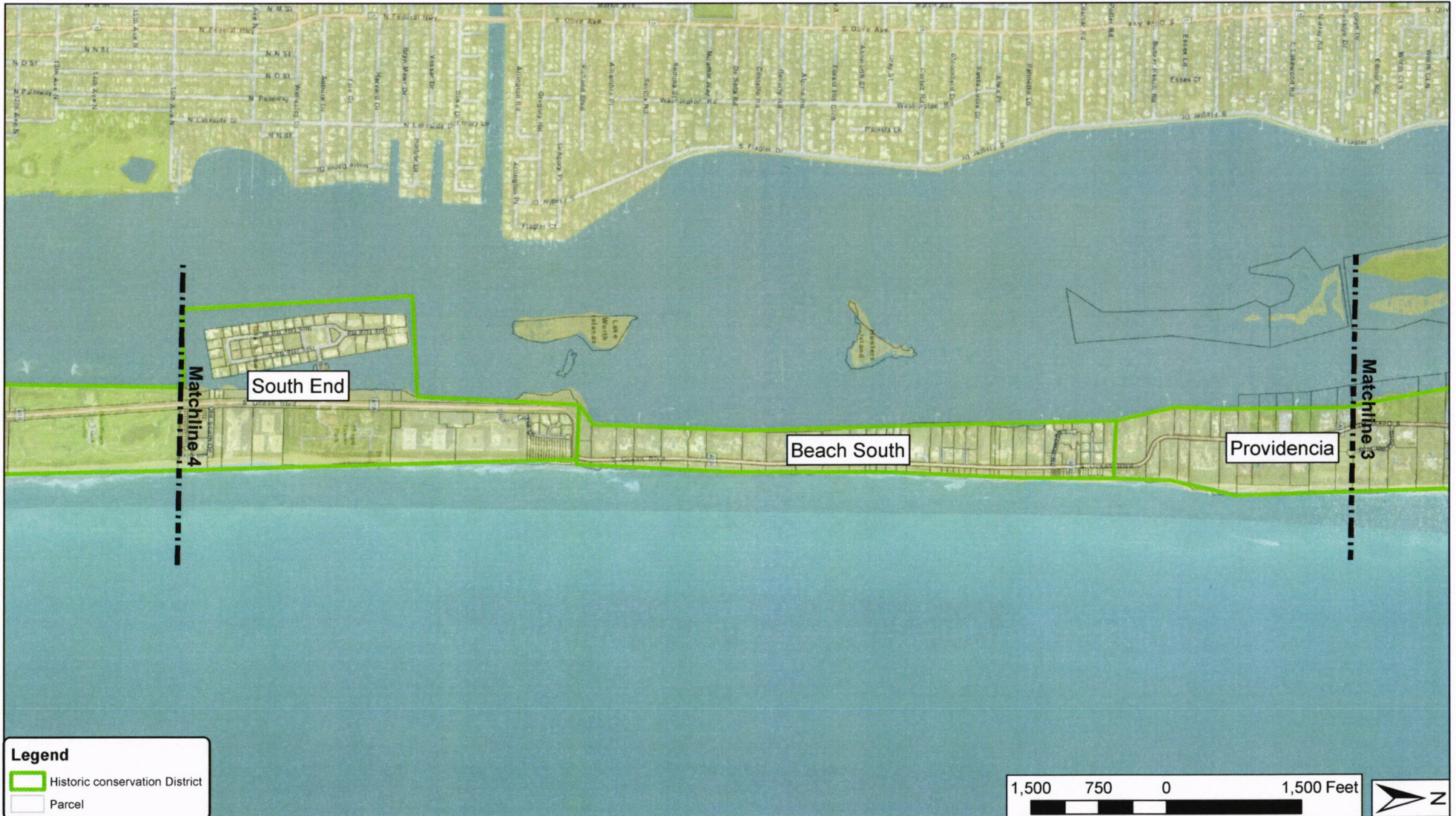
Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

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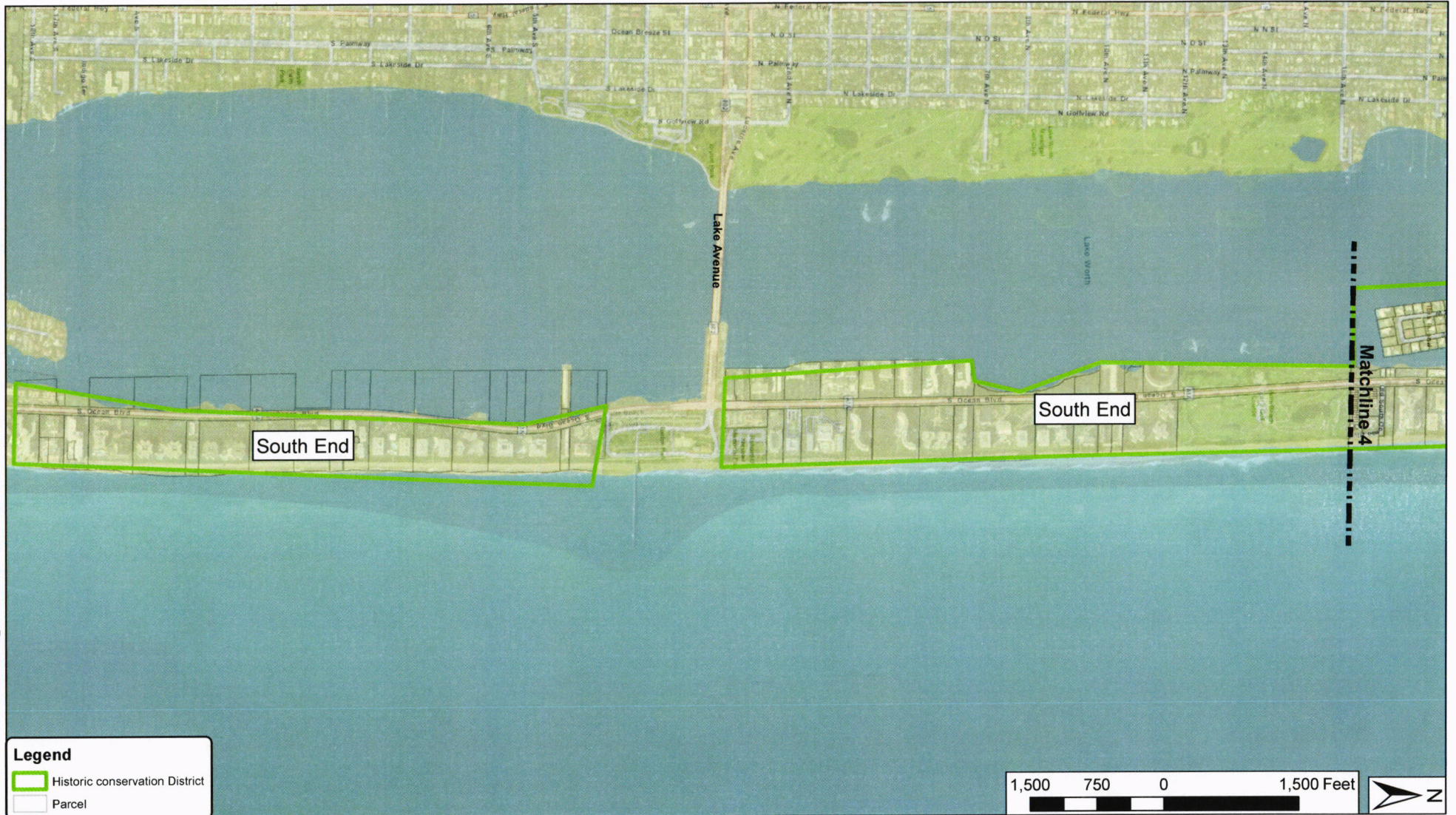
Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 4 OF 5





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	Historic Conservation District Map		
	TOWN OF PALM BEACH, FLORIDA	JUNE 2020	

CHAPTER 12

HISTORIC BUILDINGS

SECTION 1201 GENERAL

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

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

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

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

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

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

SECTION 1202 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

RESTORATION. The act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features, and repair or replacement of damaged or altered features from the restoration period.

SECTION 1203 STANDARDS AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

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

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

1203.2 Historic preservation objectives.

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

SECTION 1204 EQUIVALENCY

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

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

SECTION 1205 COMPLIANCE

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

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

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

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

1205.3 Conditions specific to Compliance Options 2 and 3.

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

SECTION 1206 INVESTIGATION AND EVALUATION

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

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

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

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

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

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

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

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

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

§ 60.6 Variances and exceptions.

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

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

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

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

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

Wayne Bergman

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Morning Gail, Wayne, and Steve,

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

Best,
Jason

Jason Aldridge

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

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

EMAIL RECEIVED FROM EXTERNAL SOURCE

Thank you Steve.

Wayne Bergman
Acting Director of Planning, Zoning & Building

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

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Hi Jason,

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

Thanks, Steve

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

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

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

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

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

Wayne Bergman, MCP, LEED-AP
Acting Director
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Planning, Zoning, Building
360 S. County Road
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Mobile: 561-232-7406
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From: Wayne Bergman
Sent: Thursday, March 12, 2020 10:50 AM
To: 'Aldridge, Jason H.' <Jason.Aldridge@dos.myflorida.com>; Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Gail

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

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

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

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

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

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

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

Wayne Bergman, MCP, LEED-AP
Acting Director

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Mobile: 561-232-7406
www.townofpalmbeach.com

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

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

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

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

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Morning Gail,

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

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

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

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

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

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

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

Sincerely,

Jason Aldridge

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



From: Wayne Bergman <wbergman@TownOfPalmBeach.com>

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

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

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

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

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

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

Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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

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

*****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.*****

Hello Wayne,

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

Sincerely,
Jason

Jason Aldridge

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



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

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

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

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

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

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

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

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Mobile: 561-232-7406
www.townofpalmbeach.com

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

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Wayne,

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

We commend your efforts to coordinate and develop workable solutions.

Steve

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

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

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

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

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

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

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

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

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Mobile: 561-232-7406
www.townofpalmbeach.com

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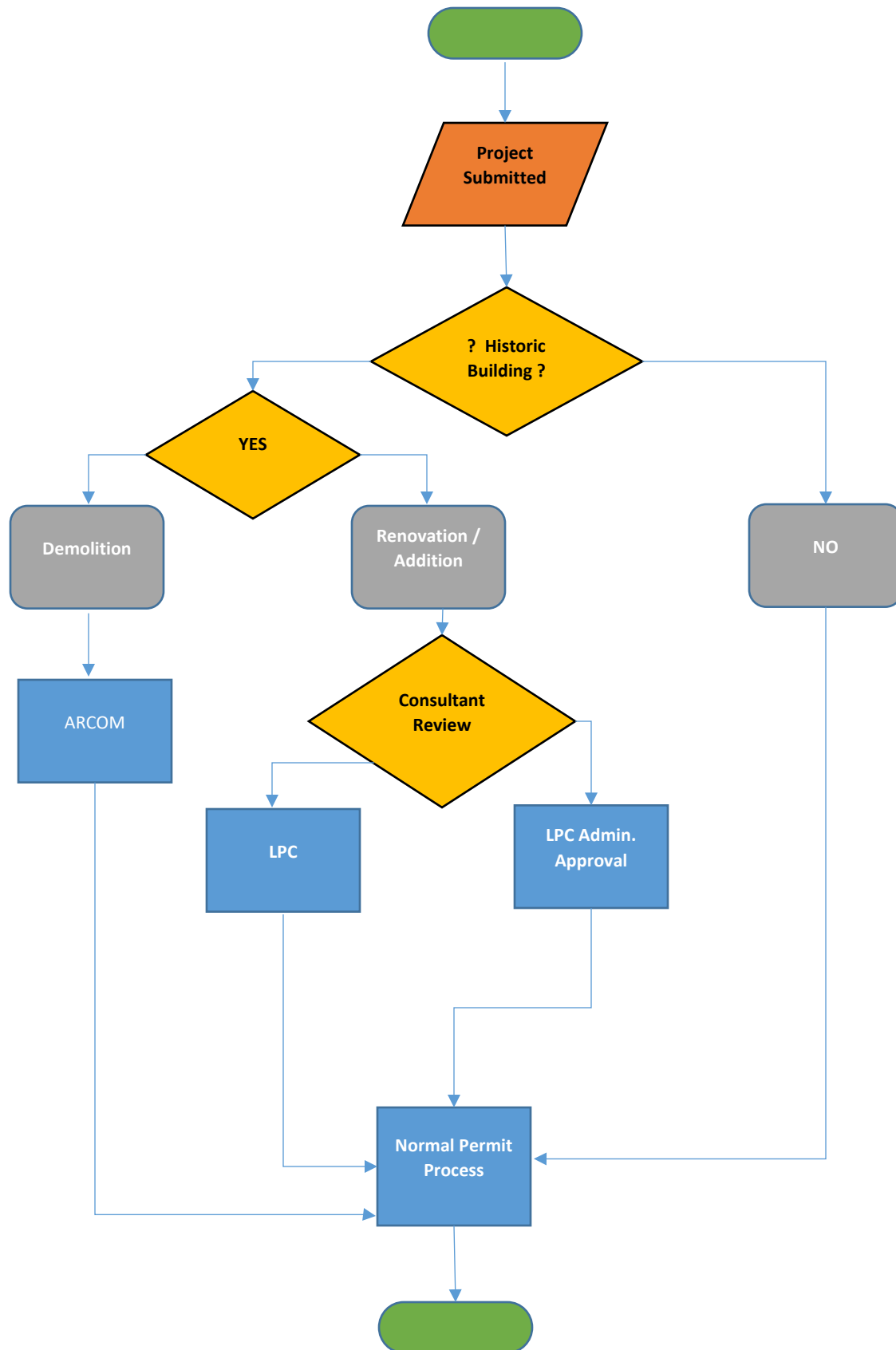
Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

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

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE 12-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Town Code Of Ordinances, Article III, Certificate Of Appropriateness, Division 1, Generally, Section 54-71, Required, Subsection (f), Removing The Value Threshold For Minor Projects; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Ordinance 12-2020**
- ▣ **Backup relating to Ordinance 12-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: Proposed Changes to Chapter 54 – Historical Preservation
Ordinance No. 12-2020 - First Reading

Date: July 29, 2020

STAFF REQUEST & RECOMMENDATION

Staff requests that the Town Council consider Ordinance No. 12-2020 (revisions to Chapter 54, Historical Preservation). Staff further recommends that the Town Council approve Ordinance No. 12-2020 on First Reading.

GENERAL INFORMATION

Chapter 54, Historical Preservation, contain a section (54-71) that limits administrative (staff) approvals to a \$2,000 maximum. This section has been routinely overlooked by staff and by the Landmarks Chairman over the past several years, as that low dollar value was established in the 1980's and very little work can be performed under that threshold. This matter was discussed with the Landmarks Preservation Commission (LPC) last month and the consensus was to draft an ordinance that removes this limitation. The matter was also discussed with Skip Randolph, who is generally adverse to any amendment to Chapter 54. We discussed other options, such as enacting an administrative policy to forgo this \$2,000 limit, but ultimately Skip suggested that this section of the code be removed.

The ordinance has been reviewed by the Town Attorney for legal form and sufficiency. Ordinance No. 12-2020 (Chapter 54) is ready at this time to be approved on First Reading.

Attachments: Ordinance No. 12-2020 (Chapter 54)
Partial Minutes from the June 17, 2020 LPC Meeting

WRB

ORDINANCE NO. 12 - 2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 54, HISTORICAL PRESERVATION, TOWN CODE OF ORDINANCES, ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 1, GENERALLY, SECTION 54-71, REQUIRED, SUBSECTION (f), REMOVING THE VALUE THRESHOLD FOR MINOR PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Be it Ordained by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 54, Historical Preservation, Article III, Certificate of Appropriateness, Division 1, Generally, Section 54-71, Required, Subsection (f) shall be amended, as follows:

“ARTICLE III. - CERTIFICATE OF APPROPRIATENESS

DIVISION 1. - GENERALLY

Sec. 54-71. - Required.

(a) No landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission.

(b) The commission shall not consider interior arrangement or use, except as this may affect a request for exterior changes.

(c) *Nothing in this article shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design or material or that do not affect the outward appearance of a building.*

(d) *The commission shall exercise only those powers and duties granted by this article and those powers and duties that may be assigned to it at a later date by the town council.*

(e) *For an exterior change project consistent with division 3 of this article, a determination may be made that this is a minor exterior change and the requirement of a certificate of appropriateness may be waived. Such determination shall be made by the landmarks project coordinator, with the concurrence of the chair or such other member of the commission as may be designated by the commission, who will so advise the building official, who may then issue a building permit.*

(f) *An exterior change project determined by the landmarks project coordinator to be inappropriate, potentially controversial or precedent setting shall be submitted by the staff to the commission for review. ~~No exterior change project with an estimated expenditure exceeding \$2,000.00 as determined by the building official shall fall within the definition of this minor project category.~~*

(g) *Review of minor exterior change projects for which certificates of appropriateness have been waived will be reviewed quarterly by the commission."*

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of _____, 2020; and for the Second and Final Reading on this ____ day of _____, 2020.

Gail L. Coniglio, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Patricia Gayle-Gordon, Acting Town Clerk

Danielle H. Moore, Town Council Member



**TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING
DEPARTMENT**

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, JUNE 17, 2020.**

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Chairman Silvin called the GoToWebinar meeting to order at 9:35 a.m.

II. ROLL CALL

Richard Rene Silvin, Chairman	PRESENT
Sue Patterson, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Patrick Segraves, Member	PRESENT
John T. Gannon, Member	PRESENT
Kim Coleman, Member	PRESENT
Anne Fairfax, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Fernando Wong, Alternate Member	PRESENT (audio at 9:42 am)
Brittain Damgard, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Acting Director of Planning, Zoning and Building

Paul Castro, Zoning Manager

Kelly Churney, Board Secretary to the Landmarks Preservation Commission

Emily Stillings, Preservation Consultant

Janet Murphy, Preservation Consultant

III. PLEDGE OF ALLEGIANCE

Chairman Silvin led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Bergman announced that the meeting was being held electronically due to the CDC guidelines, and in accordance with State Executive Order 20-69. Mr. Bergman suggested the Chair perform a roll call after a lunch break. Mr. Bergman discussed the procedures for the meeting.

2. 130 Barton Avenue – Report from Wayne Bergman

Mr. Silvin read the conclusion from the report submitted from Mr. Bergman. Mr. Bergman responded that he believed his conclusion was correct.

Ms. Fairfax questioned the proposed gray slate roof and stated her belief that the original roof was not slate. Ms. Metzger agreed.

M. Tim Hanlon, Attorney for the owners, stated that the Commission approved the project at the last meeting, which included the slate roof. He did not feel it was appropriate to be discussed at this time. Mr. Silvin indicated the Commission should move forward and he expected full cooperation from the owners.

3. ARCOM Project Designation Manual Proposed Changes

Mr. Bergman discussed the ARCOM Project Designation Manual. He discussed the reasons some of the changes were made and asked the Commissioners for feedback.

4. Dollar Value Threshold of Administrative/Staff Approvals

Mr. Silvin proposed removing the dollar value threshold and discussed his reasons for his proposal. He asked the Commissioners for feedback on his proposal. A consensus of the Commissioners was in agreement with Mr. Silvin.

XII. STAFF APPROVALS

Mr. Bergman introduced this item and stated that the Commissioners would begin receiving all of the staff approvals completed within the last 30 days, prior to their meeting.

Mr. Silvin asked the Commissioners if they had any feedback regarding the staff approvals from the last 30 days. There were no comments heard at this time.

XIII. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING, ZONING & BUILDING DEPARTMENT DIRECTOR.

Amanda Skier, Executive Director of the Preservation Foundation of Palm Beach, suggested using a design approval matrix during staff approvals. She described the design approval matrix used by the City of West Palm Beach where level one was approved by staff and level 2 went before the Commission. She also asked Mr. Bergman if in his findings, he had found any information about the removal of the interiors at 130 Barton Avenue. Mr. Bergman responded and stated he would send his report to Ms. Skier.

Ms. Skier stated she looked forward to working with the Commission to promote landmarked homes in the Shiny Sheet.

Ms. Skier discussed the ongoing Heritage Education Program for 4th graders.

Mr. Silvin raised the issue of the placement of 261 Sanford Avenue under consideration for landmarking.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda Resolutions

Agenda Title

Resolution No 51-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting A Set Of Historic Conservation Districts That Are Located Throughout The Town Of Palm Beach, And As Described In Ordinance 02-2020

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated July 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Resolution No. 51-2020**
- ▣ **Backup Relating to Historically Significant Buildings**
- ▣ **Historically Significant Building Flow Chart**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Code Changes to Create “Historic Conservation Districts” That Contain
“Historically Significant Buildings” – Ordinances 02-2020, 03-2020; and
Resolution 51-2020

Date: July 29, 2020

STAFF RECOMMENDATION

Staff requests that the Town Council review Ordinance No. 02-2020 (amendments to Chapter 18, Building & Building Regulations), Ordinance 03-2020 (amendment to Chapter 50, Floods), and Resolution 51-2020 (adopt the Conservation Districts). Staff further recommends that the Town Council adopt the two ordinances on Second Readings and adopt the resolution.

GENERAL INFORMATION

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

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

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

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

BACKGROUND

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

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

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

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

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

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

CURRENT REQUEST

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

With the adoption of the two ordinances, the next step is to adopt Resolution 51-2020. This resolution adopts the eleven initial conservation districts within the Town. Also, ESI, the Town's historic site survey vendor, is finalizing their report and creating the 2,000 plus historic structure forms for the buildings that they surveyed. The data contained on these forms will be used to define historically significant buildings going forward.

Attachments: Ordinance 02-2020 – Amending Chapter 18, Buildings & Building Regulations
Ordinance 03-2020 – Amending Chapter 50, Floods
Resolution 51-2020 – Approving the Historic Conservation Districts
Copies of the 2017 FBC, Existing Building Code, Chapter 12, Historic Buildings, pages 55 & 56
FEMA – 42 U.S.C., Subchapter B, Part 60, Section 60.6 – Variances and Exceptions
Email string between Jason Aldridge, SHPO; Steve Martin, State Floodplain Manager; and Town staff
Proposed flowchart for the processing of construction projects to Historically Significant Buildings

WRB

RESOLUTION NO. 51- 2020

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

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

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

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

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

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

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

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

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

Section 3. This Resolution shall become effective immediately.

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

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

Conservation Districts

Inlet

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

North Beach

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

Garden

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

Canopy

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

Flagler

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

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

Mid-Town

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

Royal Park

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

Estate

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

Providencia

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

Beach South

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

South End

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



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 1920 WEKIVA WAY SUITE 200
 WEST PALM BEACH, FL 33411
 PHONE: 561-845-0665 FAX: 561-863-8175
 WWW.KIMLEY-HORN.COM

TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 1 OF 5





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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 2 OF 5





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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

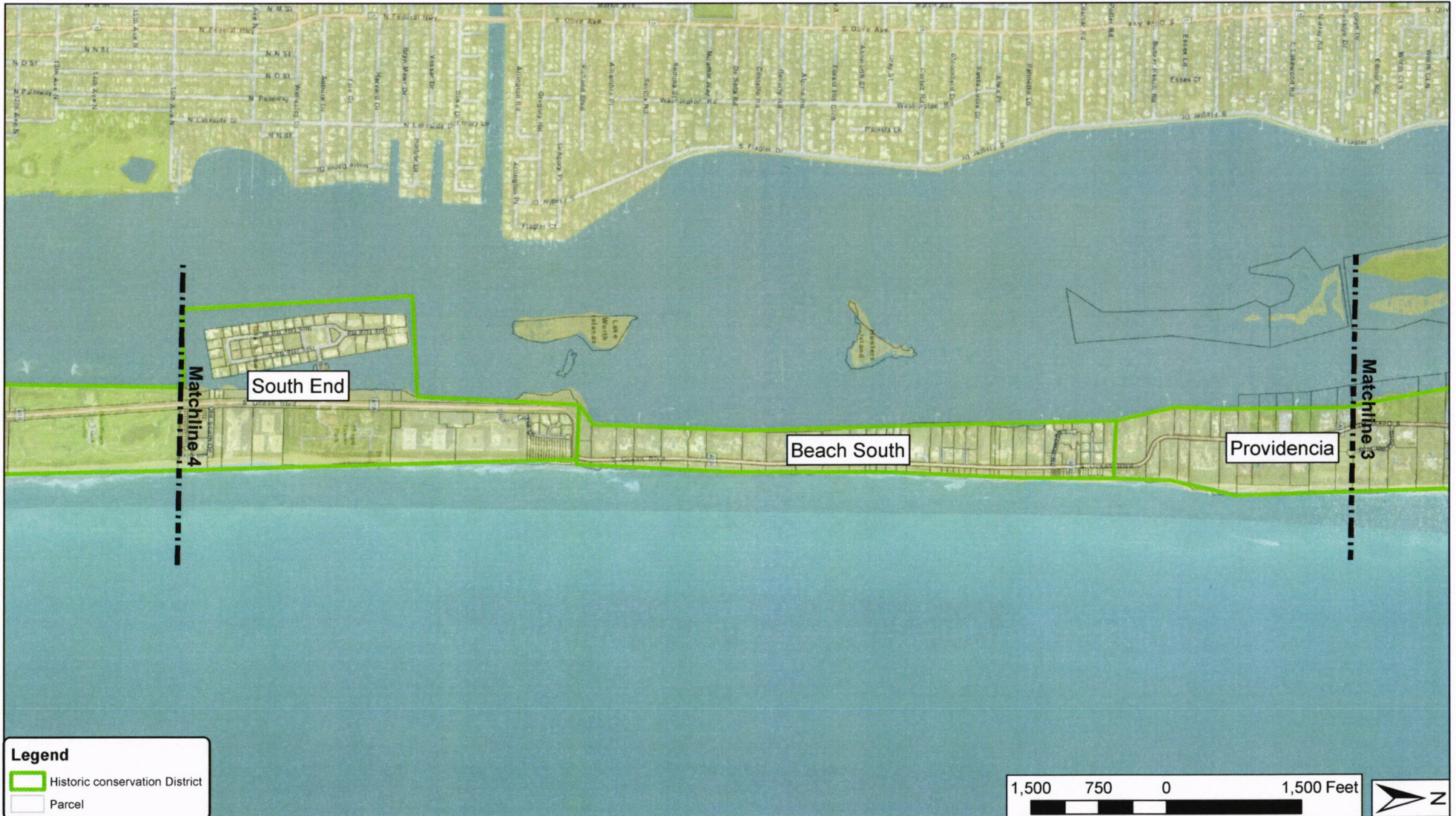
Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 3 OF 5





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Kimley»Horn

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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

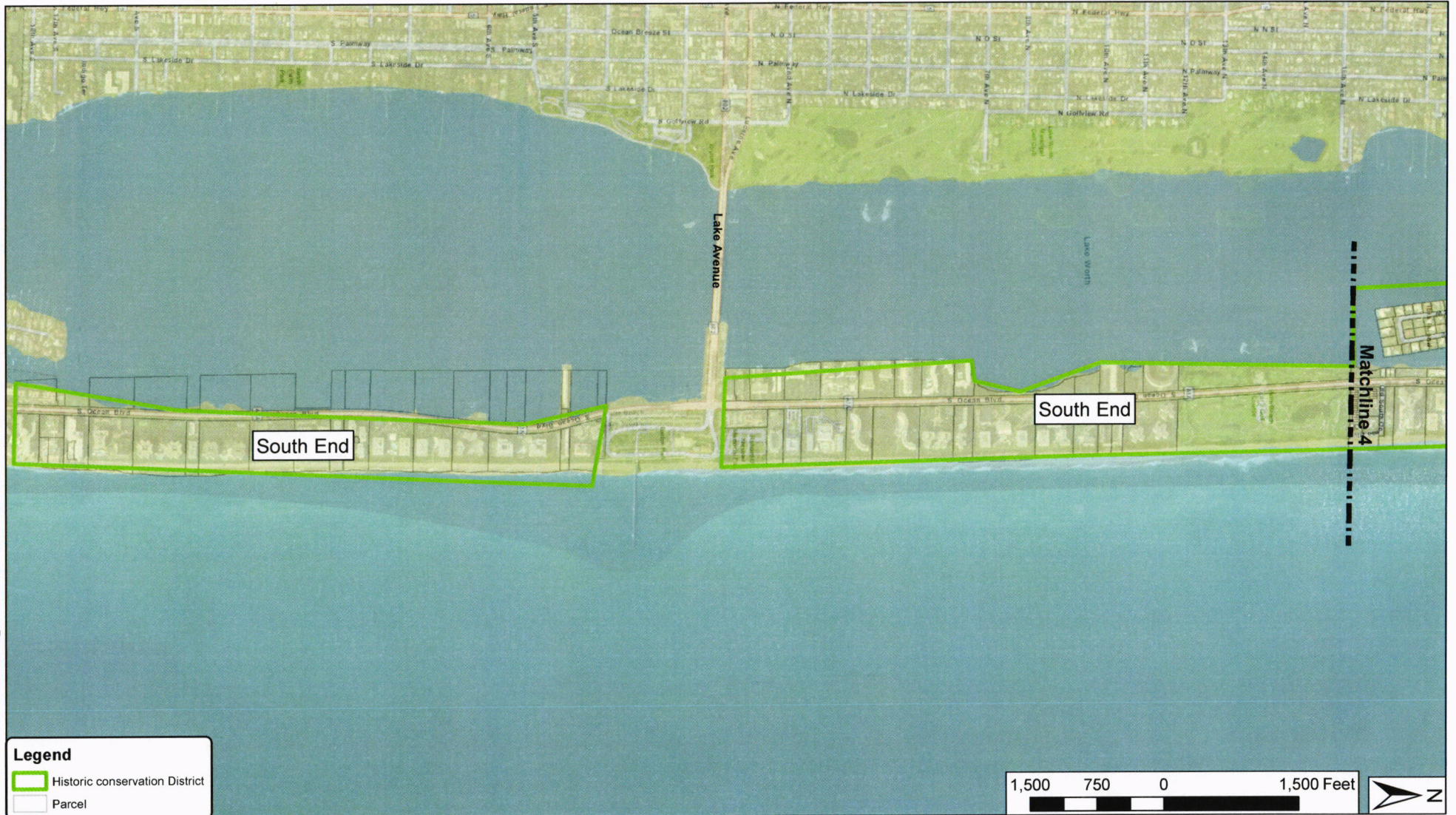
Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 4 OF 5

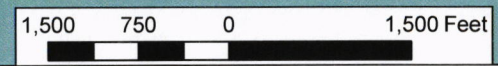




Legend

Historic conservation District

Parcel



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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 5 OF 5



CHAPTER 12

HISTORIC BUILDINGS

SECTION 1201 GENERAL

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

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

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

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

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

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

SECTION 1202 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

RESTORATION. The act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features, and repair or replacement of damaged or altered features from the restoration period.

SECTION 1203 STANDARDS AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

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

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

1203.2 Historic preservation objectives.

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

SECTION 1204 EQUIVALENCY

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

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

SECTION 1205 COMPLIANCE

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

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

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

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

1205.3 Conditions specific to Compliance Options 2 and 3.

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

SECTION 1206 INVESTIGATION AND EVALUATION

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

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

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

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

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

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

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

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

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

§ 60.6 Variances and exceptions.

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

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

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

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

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

Wayne Bergman

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Morning Gail, Wayne, and Steve,

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

Best,
Jason

Jason Aldridge

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

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

EMAIL RECEIVED FROM EXTERNAL SOURCE

Thank you Steve.

Wayne Bergman
Acting Director of Planning, Zoning & Building

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Hi Jason,

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

Thanks, Steve

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wayne Bergman, MCP, LEED-AP
Acting Director

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Planning, Zoning, Building
360 S. County Road
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Office: 561-227-6426
Mobile: 561-232-7406
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From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>

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

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

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

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

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Good Morning Gail,

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

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

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

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

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

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

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

Sincerely,

Jason Aldridge

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



From: Wayne Bergman <wbergman@TownOfPalmBeach.com>

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

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

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

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

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

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

Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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

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

*****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.*****

Hello Wayne,

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

Sincerely,
Jason

Jason Aldridge

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



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

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

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

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

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

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

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

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Mobile: 561-232-7406
www.townofpalmbeach.com

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

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Wayne,

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

We commend your efforts to coordinate and develop workable solutions.

Steve

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

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

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

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

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

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

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

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

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

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
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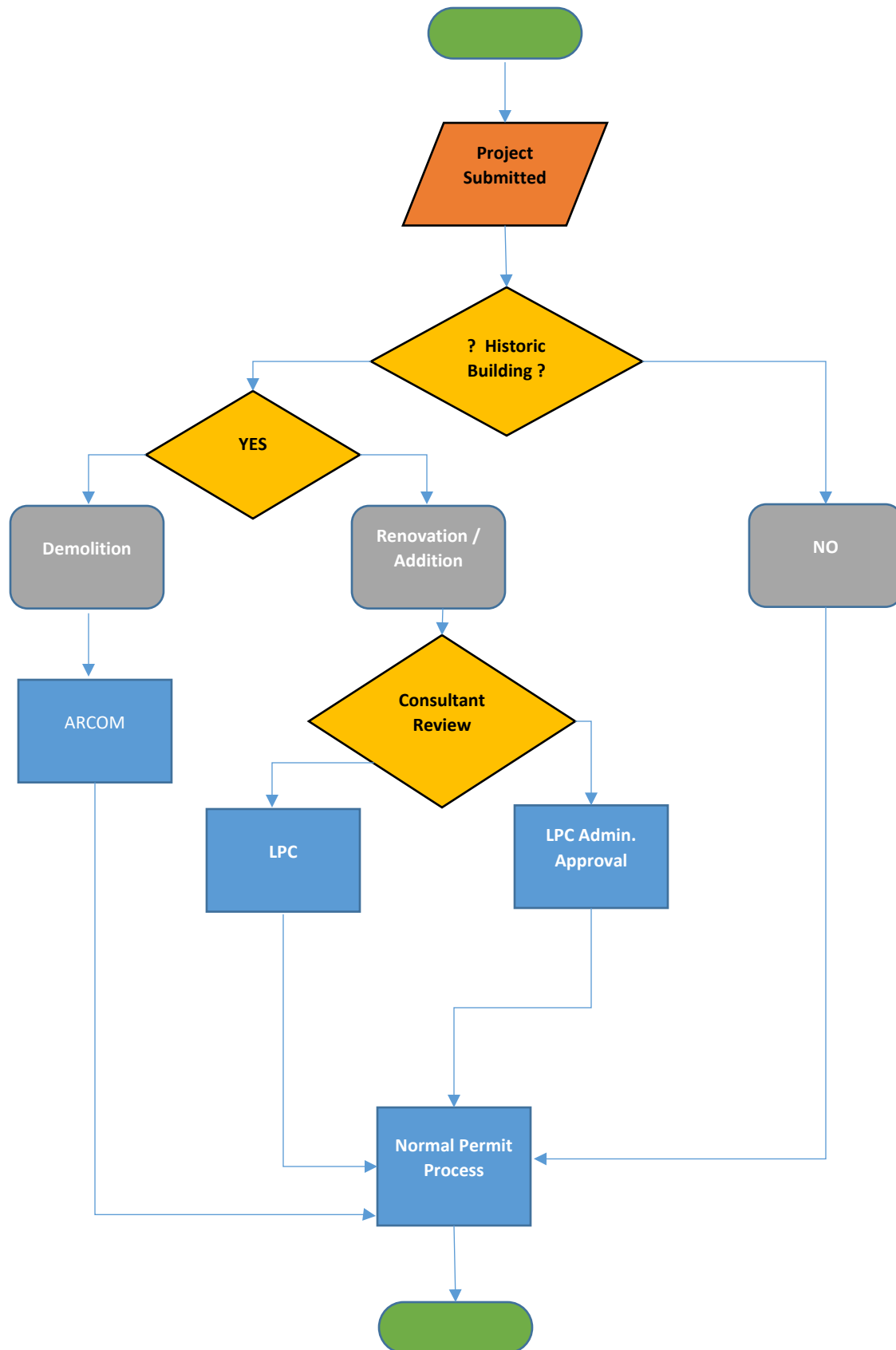
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Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.



TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2020

Section of Agenda

Resolutions

Agenda Title

Resolution No. 58-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting The ARCOM Project Designation Manual As Referenced In Chapter 18 Of The Town Code Of Ordinances; Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 30, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Resolution No. 58-2020**
- ▣ **Backup Relating to Resolution No. 58-2020**

TOWN OF PALM BEACH

Information for Town Council D. R. Meeting on: August 12, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: Arcom Project Designation Manual, Staff Approvals, & New Matrix – Res. No. 58-2020

Date: July 30, 2020

GENERAL INFORMATION

One of the more challenging tasks in the Planning, Zoning and Building Department is the review of “administrative /staff approval” requests. In the recent past, there have been staff approvals that later are found to have altered earlier-approved Arcom or Landmark projects, sometimes in conflict with zoning regulations, or to the detriment of the project or to neighboring properties.

In an effort to minimize the likelihood of these staff approvals from becoming contentious or altering earlier-approved projects of distinction, staff wanted to better define the parameters of what can be, and what cannot be, staff approved.

The Town has an Arcom Project Designation Manual, which is the guide as to the category of construction and renovation projects that are presented to the Town. The manual lists major projects, minor projects with and without notice, and staff approval projects. This manual, at times, has also been used to determine whether projects on Landmarked properties are presented to the Landmarks Preservation Commission (LPC) as a full COA, or if they can be handled as a staff / administrative approval. The manual was last updated and approved by Town Council in 2015.

The attached changes to the manual were initially proposed by staff and have been presented to both the Architectural Review and Landmarks Preservation Commissions for review and for feedback over the past two months. Feedback from Commissioners has been received and is incorporated into the revised manual. In addition, the information contained in the manual is presented in a new matrix, broken out for both Arcom and LPC, which we believe will be easier for department staff and for customers to use.

At this time, the changes are complete and the manual, and new matrix, are ready for Town Council review. If acceptable, the updated manual should be adopted by the Town Council. Resolution 58-2020 is attached.

As you may also know, the department now provides both Arcom and Landmarks Commissions with a monthly list of all staff approvals that were received and processed. We have done this for the last three months and will continue to do this monthly. This provides better transparency as to the scope of the staff approvals, keeps the Commissioner updated on continuing projects, and provides for the ability of appeal if a staff approval is found to be unwarranted.

Attached: Resolution 58-2020
 Draft Changes to the Arcom Project Designation Manual
 New Matrix

RESOLUTION NO. 58 - 2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING THE ARCOM PROJECT DESIGNATION MANUAL AS REFERENCED IN CHAPTER 18 OF THE TOWN CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance 011-2015, adopted on April 14, 2015, provided an amendment to Chapter 18, Buildings and Building Regulations, Article III, Architectural Review; and

WHEREAS, that amendment contains references to an Arcom Project Designation Manual in Section 18-175, Issuance of Permits; and

WHEREAS, such a manual is intended to provide users with a means to determine the type of review and notice that is required for projects requiring ARCOM approval; and

WHEREAS, the Town Council has identified the need to provide updates to the various projects and information contained in the manual; and

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

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

Section 1. This Resolution is hereby adopted to include the ARCOM Project Designation Manual as Exhibit "A" attached and made a part hereto.

Section 2. This Resolution shall become effective immediately.

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

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk



Town of Palm Beach ARCOM PROJECT DESIGNATION MANUAL

All improvements contemplated in an application for a construction permit are subject to review by the Architectural Commission in accordance with Article III of Chapter 18 of the Town's Code of Ordinances, except as noted in Sec. 18-175(c) Exceptions. This ARCOM PROJECT DESIGNATION manual ~~has been~~ was adopted by the Town Council on April 15, 2015, amended on August 12, 2020, and summarizes the classification of projects in order to assist project consultants in determining the type of architectural review required for their project. The Notice requirements for each classification are contained in Chapter 18, Article III of the Town's Code of Ordinances.

Please consult the following list to determine what review will be required for your project. You may contact the Planning Administrator/Planning Division at (561) 227-6414838-5430 to verify the project designation category of your proposed work, or if you have any questions.

A. MAJOR PROJECTS

1. **NEW STRUCTURES** (Residential and Non-Residential)

- a. New unattached covered primary or accessory structure (e.g. single family residence (SFR), commercial structure, guesthouse, cabana, pool house, garage, greenhouse, equipment building, chickee hut, staff quarters) whether or not visible from the street.
- b. Outdoor kitchen (a permanently-placed room or area equipped for preparing and cooking food).
- c. Tennis courts, tennis court lighting, awnings for all but 1- and 2-family structures.

2. **MAJOR ADDITIONS/MODIFICATIONS**

- a. 2-story or 2nd-story attached covered structure (addition).
- b. 1-story addition facing or visible from a public way.
- c. Commercial or other non-single-family addition.
- d. Unenclosed accessory structure visible from the street.
- e. Addition requiring variance(s), special exception(s), or site plan approval.
- ~~f. All changes referenced in Chapter 66-214.~~
- fg. Final landscape/hardscape/lighting improvements submitted in conjunction with new construction (or _____ substantial change to same prior to C.O.)
- gh. New driveway gate(s).
- hi. Replacement of existing driveway gate(s) that require variance(s), special exception(s), or site plan approval.
- ij. Change in driveway material/design for non-~~sfr~~ SFR or ~~sfr~~ SFR if not meeting LOS requirements.
- jk. Antennas, cell towers (see Sec. 134-2028).

3. **DEMOLITION**

- a. Demolition of more than 20% of a structure.
- b. Demolition of a multi-story accessory structure or any structure within a setback.

4. **OTHER**

- a. Substantial change in roofing material (including downgraded material, ~~such as example -~~ changing a barrel tile roof to a flat tile roof).
- ~~b. Change in roof design for non single-family (e.g. flat roof to hipped roof).~~
- c. Stair tower for commercial building or other non single-family structure.
- ~~d. Awning on a commercial building or other non single-family structure.~~
- ~~e.d.~~ Swimming pool in conjunction with new structure or as part of other changes.
- ~~f.e.~~ PVC fencing which can be seen from the street.
- ~~Gf.~~ Multiple items which are Minor projects when proposed individually, but which become Major projects when consolidated.
- h.g. Significant revision(s) to previously approved ARCOM Major Project.
- i.h. A project that has a reasonable potential to adversely impact a neighbor.

B. MINOR PROJECTS – WITH NOTICE

1. ~~MAJOR ADDITIONS/MODIFICATIONS~~

- ~~1a. 1-story addition not facing or not visible from a public way that is 20% or more of the square footage of existing structure.~~

2. DEMOLITION

- a. All structural demolition not designated as Major projects.

32. OTHER

- a. Any projects requiring administrative site plan review not designated as Major projects.
b. New or relocated generator over 60 Kw.
~~c. Any landscape / hardscape revisions to an existing or ARCOM-approved plan that will occur along or near property lines or public right of ways and which may impact neighbors or the public.~~
~~d. Site wall installation and modifications that will occur along or near property lines or public right of ways and which may impact neighbors or the public.~~
~~e. The installation or replacement of any generator, pool equipment, air conditioning or pool heating equipment, that is in conformance with 134-1728 or 134-1729, and may impact neighbors due to the size, location, or anticipated noise levels.~~
~~f. Fences other than PVC fencing listed elsewhere, located along or near property lines or public right of ways.~~
~~g. Replacement of existing driveway gates with gates that are substantially different in design.~~
~~h. Change in roof design on any building (e.g. flat roof to hipped roof).~~

C. MINOR PROJECTS – NO NOTICE

1. MAJOR ADDITIONS/MODIFICATIONS

- ~~a. 1-story addition not facing or not visible from a public way that is 20% or more of the square footage of existing structure, more than 400 sq ft in size.~~

2.a. ~~Replacement of existing driveway gates with gates that are substantially different in design.~~

2. OTHER

- ~~a. Site wall not requiring variance(s), special exception(s), or site plan approval. Garage door material or design change, if visible from neighboring properties or public right of ways.~~

b. Substantial fenestration changes to a residential structure, including front entry.
~~ce.~~ All front entry/fenestration change to a commercial building or other non-single-family structure except the C-WA district (see Minor Projects With Notice).
~~d.~~ Change in roof design for single-family (e.g. flat roof to hipped roof).
~~de.~~ Solar roof panels.
~~ef.~~ Change in material (e.g. roof tiles, windows, wall material) for commercial building or other non-single-family structure.
~~fg.~~ Non-removable hurricane shutters (e.g. accordion shutters).
~~gh.~~ Awning recover with substantial change in material or color.
~~hi.~~ Residential Awning requiring variance(s), special exception(s), or site plan approval (combination projects already receive notice through zoning application).
~~ij.~~ PVC fencing (other than that used at single-family homes and not visible from the public ROW).
~~jk.~~ Multiple items which are Staff Approvals when proposed individually, but which become Minor projects when consolidated.
~~kl.~~ Lighting on a commercial building or other non-single-family structure.
~~lm.~~ Hanging signs in commercial areas (see Sec. 134-2436).
~~mn.~~ Signage requiring variance(s), special exception(s), or site plan approval.
~~n. Use of artificial turf when in conformance with landscaped open space requirements.~~

~~o. Awning on a commercial building or other non single-family structure.~~
~~p. Tennis court and tennis court fencing for a 1- and 2-family property which meets the requirements of 134-1759.~~

D. STAFF APPROVALS

11. NEW STRUCTURES (Residential and Non-Residential)

- a. ~~Tennis court and tennis court fencing for a 1- and 2-family which meets the requirements of 134-1759.~~

2. MAJOR ADDITIONS/MODIFICATIONS

- a. Loggia (not covered) if located within the building envelope and not visible from the street.
b. Gazebo, pergola, arbor, trellis, if located within the building envelope and not visible from the street.
c. Outdoor shower.
d. Landscape lighting or lighting on a residential structure when accompanied by executed Town of Palm Beach Exterior Lighting Requirements document.
e. Pedestrian gates and replacement of existing driveway gates with similar look.
f. Like for like replacement of Change in driveway material.

23. DEMOLITION

- a. Removal of basketball & tennis courts and other impervious hardscape other than structures (to be replaced with landscaping).

34. OTHER

- a. Minor landscape/hardscape revisions to ARCOM-approved plans that will occur on the interior of a lot.
b. Any landscape / hardscape revisions to an existing or ARCOM-approved plan that will occur along or near property lines or public right of ways and which may impact neighbors or the public shall be considered a Minor Project – With Notice.
cb. Site wall modifications that will occur on the interior of a lot. Site wall modifications that will occur along or near property lines or public right of ways and which may impact neighbors or the public shall be considered a Minor Project – With Notice.
de. Air conditioning and swimming pool heaters that meet all requirements of Sec. 134-1728 where the installation or replacement of such equipment will not impact neighbors. Use of artificial turf when in conformance with landscaped open space requirements.
ed. Minor fenestration changes to a home, including some door/entry changes.
fe. Statues or fountains that meet code.
gf. Like for like gGarage door change.
hg. Addition (to match existing) or deletion of windows.
h. ~~Roof material upgrades (e.g. change from flat to barrel tile) for single family.~~
ji. Gutters and downspouts.
jj. Hurricane shutters (replacement and removable).
kk. Awnings on 1- or 2-family residential structures which meet all zoning requirements.
ll. Awning recover with similar material and color.
mm. Fences other than PVC fencing listed elsewhere, located within the interior of a lot.
nn. 60 kW generators (or smaller) and ~~other mechanicals~~ swimming pool equipment that meet all requirements of Sec. 134-1729 where the installation or replacement of such equipment will not impact neighbors.
oo. Signage not requiring variance(s), special exception(s), or site plan approval.
p. Roof replacement – like for like, color for color material change.

E. ALL OTHERS (BUILDING PERMIT ONLY)

1. MAJOR ADDITIONS/MODIFICATIONS

- a. ~~1-story addition not facing or not visible from a public way that is less than 20% of square footage of existing structure.~~

2. DEMOLITION

- a. ~~All structural demolition not designated as Major projects.~~

3. OTHER

- a. ~~Replacement of elements such as roofs, driveways, windows, etc., which do not involve any change of materials (maintenance issue).~~
b. ~~Swimming pool not associated with other construction.~~
c. ~~PVC fencing (not visible from ROW) on a single-family residence.~~
d. ~~All other projects not included above and which do not defeat the purposes and objectives of Article III Architectural Review of the Town's Code of Ordinances.~~

These descriptions are provided as examples only, and are not intended to be all-inclusive. The Director of the Planning, Zoning and Building Department or his or her designee may determine that the particular characteristics of a proposed project may warrant notice and/or additional review of the Architectural Commission.

All requests for approval, authorization, interpretation or direction under the requirements of Sec. 18-175 of the Town Code of Ordinances shall be submitted to the Planning, Zoning and Building Department in writing. All work which is the subject of such application may only proceed in conformance with and after receipt of written authorization by the Planning, Zoning and Building Department Director or his or her designee.



Town of Palm Beach
ARCOM PROJECT DESIGNATION MANUAL

clean copy
of revised
Manual

All improvements contemplated in an application for a construction permit are subject to review by the Architectural Commission in accordance with Article III of Chapter 18 of the Town's Code of Ordinances, except as noted in Sec. 18-175(c) Exceptions. This ARCOM PROJECT DESIGNATION manual was adopted by the Town Council on April 15, 2015, amended on August 12, 2020, and summarizes the classification of projects in order to assist project consultants in determining the type of architectural review required for their project. The Notice requirements for each classification are contained in Chapter 18, Article III of the Town's Code of Ordinances.

Please consult the following list to determine what review will be required for your project. You may contact the Planning Division at (561) 838-5430 to verify the project designation category of your proposed work, or if you have any questions.

A. MAJOR PROJECTS

1. **NEW STRUCTURES** (Residential and Non-Residential)
 - a. New unattached covered primary or accessory structure (e.g. single family residence (SFR), commercial structure, guesthouse, cabana, pool house, garage, greenhouse, equipment building, chickee hut, staff quarters) whether or not visible from the street.
 - b. Outdoor kitchen (a permanently-placed room or area equipped for preparing and cooking food).
 - c. Tennis courts, tennis court lighting, awnings for all but 1- and 2-family structures.
2. **MAJOR ADDITIONS/MODIFICATIONS**
 - a. 2-story or 2nd-story attached covered structure (addition).
 - b. 1-story addition facing or visible from a public way.
 - c. Commercial or other non-single-family addition.
 - d. Unenclosed accessory structure visible from the street.
 - e. Addition requiring variance(s), special exception(s), or site plan approval.
 - f. Final landscape/hardscape/lighting improvements submitted in conjunction with new construction (or substantial change to same prior to C.O.)
 - g. New driveway gate(s).
 - h. Replacement of existing driveway gate(s) that require variance(s), special exception(s), or site plan approval.
 - i. Change in driveway material/design for non-SFR or SFR if not meeting LOS requirements.
 - j. Antennas, cell towers (see Sec. 134-2028).
3. **DEMOLITION**
 - a. Demolition of more than 20% of a structure.
 - b. Demolition of a multi-story accessory structure or any structure within a setback.
4. **OTHER**
 - a. Substantial change in roofing material (including downgraded material, example - changing a barrel tile roof to a flat tile roof).
 - c. Stair tower for commercial building or other non single-family structure.
 - d. Swimming pool in conjunction with new structure or as part of other changes.
 - e. PVC fencing which can be seen from the street.
 - f. Multiple items which are Minor projects when proposed individually, but which become Major projects when consolidated.
 - g. Significant revision(s) to previously approved ARCOM Major Project.
 - h. A project that has a reasonable potential to adversely impact a neighbor.

B. MINOR PROJECTS – WITH NOTICE

1. **DEMOLITION**
 - a. All structural demolition not designated as Major projects.
2. **OTHER**

- a. Any projects requiring administrative site plan review not designated as Major projects.
- b. New or relocated generator over 60 Kw.
- c. Any landscape / hardscape revisions to an existing or ARCOM-approved plan that will occur along or near property lines or public right of ways and which may impact neighbors or the public.
- d. Site wall installation and modifications that will occur along or near property lines or public right of ways and which may impact neighbors or the public.
- e. The installation or replacement of any generator, pool equipment, air conditioning or pool heating equipment, that is in conformance with 134-1728 or 134-1729, and may impact neighbors due to the size, location, or anticipated noise levels.
- f. Fences other than PVC fencing listed elsewhere, located along or near property lines or public right of ways.
- g. Replacement of existing driveway gates with gates that are substantially different in design.
- h. Change in roof design on any building (e.g. flat roof to hipped roof).

C. MINOR PROJECTS – NO NOTICE

1. MAJOR ADDITIONS/MODIFICATIONS

- a. 1-story addition not facing or not visible from a public way , more than 400 sq ft in size.

2. OTHER

- a. Garage door material or design change, if visible from neighboring properties or public right of ways.
- b. Substantial fenestration changes to a residential structure, including front entry.
- c. All front entry/fenestration change to a commercial building or other non-single-family structure except the C-WA district (see Minor Projects With Notice).
- d. Solar roof panels.
- e. Change in material (e.g. roof tiles, windows, wall material) for commercial building or other non-single-family structure.
- f. Non-removable hurricane shutters (e.g. accordion shutters).
- g. Awning recover with substantial change in material or color.
- h. Residential Awning requiring variance(s), special exception(s), or site plan approval (combination projects already receive notice through zoning application).
- i. PVC fencing (other than that used at single-family homes and not visible from the public ROW).
- j. Multiple items which are Staff Approvals when proposed individually, but which become Minor projects when consolidated.
- k. Lighting on a commercial building or other non-single-family structure.
- l. Hanging signs in commercial areas (see Sec. 134-2436).
- m. Signage requiring variance(s), special exception(s), or site plan approval.
- n. Use of artificial turf when in conformance with landscaped open space requirements.
- o. Awning on a commercial building or other non single-family structure.
- p. Tennis court and tennis court fencing for a 1- and 2-family property which meets the requirements of 134-1759.

D. STAFF APPROVALS

1. MAJOR ADDITIONS/MODIFICATIONS

- a. Loggia (not covered) if located within the building envelope and not visible from the street.
- b. Gazebo, pergola, arbor, trellis, if located within the building envelope and not visible from the street.
- c. Outdoor shower.
- d. Landscape lighting or lighting on a residential structure when accompanied by executed Town of Palm Beach Exterior Lighting Requirements document.
- e. Pedestrian gates and replacement of existing driveway gates with similar look.
- f. Like for like replacement of driveway material.

2. DEMOLITION

- a. Removal of basketball & tennis courts and other impervious hardscape other than structures (to be replaced with landscaping).

3. OTHER

- a. Minor landscape/hardscape revisions to ARCOM-approved plans that will occur on the interior of a lot.

- b. Any landscape / hardscape revisions to an existing or ARCOM-approved plan that will occur along or near property lines or public right of ways and which may impact neighbors or the public shall be considered a Minor Project – With Notice.
- c. Site wall modifications that will occur on the interior of a lot. Site wall modifications that will occur along or near property lines or public right of ways and which may impact neighbors or the public shall be considered a Minor Project – With Notice.
- d. Air conditioning and swimming pool heaters that meet all requirements of Sec. 134-1728 where the installation or replacement of such equipment will not impact neighbors.
- e. Minor fenestration changes to a home, including some door/entry changes.
- f. Statues or fountains that meet code.
- g. Like for like garage door change.
- h. Addition (to match existing) or deletion of windows.
- i. Gutters and downspouts.
- j. Hurricane shutters (replacement and removable).
- k. Awnings on 1- or 2-family residential structures which meet all zoning requirements.
- l. Awning recover with similar material and color.
- m. Fences other than PVC fencing listed elsewhere, located within the interior of a lot.
- n. 60 kW generators (or smaller) and swimming pool equipment that meet all requirements of Sec. 134-1729 where the installation or replacement of such equipment will not impact neighbors.
- o. Signage not requiring variance(s), special exception(s), or site plan approval.
- p. Roof replacement – like for like, color for color material change.

These descriptions are provided as examples only, and are not intended to be all-inclusive. The Director of the Planning, Zoning and Building Department or his or her designee may determine that the particular characteristics of a proposed project may warrant notice and/or additional review of the Architectural Commission.

All requests for approval, authorization, interpretation or direction under the requirements of Sec. 18-175 of the Town Code of Ordinances shall be submitted to the Planning, Zoning and Building Department in writing. All work which is the subject of such application may only proceed in conformance with and after receipt of written authorization by the Planning, Zoning and Building Department Director or his or her designee.

PROJECT DESIGNATION MATRIX

PROJECT / ACTIVITY	ARCOM				LPC	
	ARCOM MAJOR PROJECT	ARCOM MINOR PROJECT W/ NOTICE	ARCOM MINOR PROJECT W/O NOTICE	ARCOM STAFF APPROVAL	LANDMARKS PRESERVATION COMMISSION	LPC ADMIN. APPROVAL
Accessory Structures ¹	X				X	
Addition – 1-Story Single-Family, Visible from a Public Way	X				X	
Addition – 1-Story Single Family, Not Visible from a Public Way, 400 sq ft or Less				X		X
Addition – 1-Story Single Family, Not Visible from a Public Way, More than 400 sq ft			X		X	
Addition – 2-Story Single-Family	X				X	
Addition – Multi-Family or Commercial	X				X	
Antenna / Cell Tower ²	X				X	
Any Project That May Adversely Impact Neighbors	X				X	
Any Project That Requires Administrative Site Plan Review & Not Designated as a Major Project		X			X	
Artificial Turf			X		X	
Awning – Commercial – New, Change in Color or Material			X			X

¹ Accessory Structures include greenhouses, equipment buildings, chickee huts, outdoor kitchens, or any similar covered or partially enclosed structure.

² May be Staff / Admin. Approved if located within a structure or not visible from public ways.

PROJECT / ACTIVITY	ARCOM MAJOR PROJECT	ARCOM MINOR PROJECT W/ NOTICE	ARCOM MINOR PROJECT W/O NOTICE	ARCOM STAFF APPROVAL	LANDMARKS PRESERVATION COMMISSION	LPC ADMIN. APPROVAL
Awning – Residential – New, Change in Color or Material				X		X
Awning –Requiring a Variance, Special Exception or Site Plan Review			X		X	
Awning - Replacement – Similar Color and Material				X		X
Building – New Single-Family Residential	X				X	
Building – New Multi-Family Residential	X				X	
Building – New Commercial	X				X	
Decks, Patios, Pergolas, Arbors, Trellis, Gazebo, Loggia – Visible from a Public Way			X		X	
Decks, Patios, Pergolas, Arbors, Trellis, Gazebo, Loggia – Located Within the Building Envelope and Not Visible from a Public Way				X		X
Demolition – More Than 20% of any Structure	X				X	
Demolition – Multi-Story Accessory Structure	X				X	
Demolition – Nonconforming Structure	X				X	
Demolition – All Structural Demolition Not Designated as a Major Project		X			X	

PROJECT / ACTIVITY	ARCOM MAJOR PROJECT	ARCOM MINOR PROJECT W/ NOTICE	ARCOM MINOR PROJECT W/O NOTICE	ARCOM STAFF APPROVAL	LANDMARKS PRESERVATION COMMISSION	LPC ADMIN. APPROVAL
Demolition of Sports Courts or Impervious Surface to be Replaced with Landscaping				X		X
Docks – New or Expanded		X			X	
Doors & Windows - Replacement or Substantial Changes in a Commercial Building			X		X	
Doors & Windows – Substantial Changes in a Single-Family Home, Including the Front Entry			X		X	
Doors & Windows - Minor Changes or Like for Like Replacement				X		X
Driveway ³ – Material Change		X			X	
Driveway – Like for Like Material				X		X
Fences – PVC, Visible from a Public Way	X				X	
Fences (Non-PVC) & Site Walls – Installation or Changes Along or Within Five Feet of Lot Lines		X			X	
Fences – PVC, Not Visible from a Public Way			X		X	
Fences (Non-PVC) & Site Walls , Interior of Lot				X		X

³ Material changes that appear appropriate may be Staff / Admin. Approved.

PROJECT / ACTIVITY	ARCOM MAJOR PROJECT	ARCOM MINOR PROJECT W/ NOTICE	ARCOM MINOR PROJECT W/O NOTICE	ARCOM STAFF APPROVAL	LANDMARKS PRESERVATION COMMISSION	LPC ADMIN. APPROVAL
Garage Doors – Change in Design or Material AND Visible from a Public Way		X			X	
Garage Doors – Like for Like Replacement, or Not Visible from a Public Way				X		X
Gates – Driveway - New or if Variances are Required	X				X	
Gates – Driveway or Pedestrian – Different Design or Material			X		X	
Gates – Driveway or Pedestrian – Similar Design and Color				X		X
Generators – Over 60KW, New Location or Relocated, or Noncompliant Replacement		X			X	
Generators – Over 60 KW, Replacement & Zoning Compliant				X		X
Generators – 60KW or less, Compliant Location, No Impacts Expected				X		X
Gutters / Downspouts				X		X
Hardscape – Part of a New Construction Project or a Major Change to ARCOM ⁴ or LPC ⁵ Approved Plans	X				X	

⁴ ARCOM – Architectural Review Commission.

⁵ LPC – Landmarks Preservation Commission.

PROJECT / ACTIVITY	ARCOM MAJOR PROJECT	ARCOM MINOR PROJECT W/ NOTICE	ARCOM MINOR PROJECT W/O NOTICE	ARCOM STAFF APPROVAL	LANDMARKS PRESERVATION COMMISSION	LPC ADMIN. APPROVAL
Hardscape – Change to Arcom or LPC Approved Plans Along a Lot Line or Which May Impact Neighbors		X			X	
Hardscape – Very Minor Change to Arcom or LPC Approved Plans				X		X
Hurricane Shutters - Non-Removable			X		X	
Hurricane Shutters – Replacement or Removable				X		X
Landscape - Part of a New Construction Project or a Major Change to ARCOM or LPC Approved Plans	X				X	
Landscape - Change to Arcom or LPC Approved Landscape - Plans Along a Lot Line or Which May Impact Neighbors		X			X	
Landscape - Very Minor Change to Arcom or LPC Approved Plans				X		X
Lighting ⁶ – Landscape - Part of a New Construction Project or a Major Change to ARCOM or LPC Approved Plans	X				X	
Lighting – Commercial Building			X		X	

⁶ All Lighting Projects must meet the “Town of Palm Beach Exterior Lighting Requirements”.

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Lighting – Landscape - Change to Arcom or LPC Approved Plans Along a Lot Line or Which May Impact Neighbors		X			X	
Lighting – Landscape - Very Minor Change to Arcom or LPC Approved Plans				X		X
Mechanical Equipment ⁷ , Except Generators –Locations That May Impact Neighbors		X			X	
Mechanical Equipment , Except Generators – Compliant Location and No Expected Impacts to Neighbors				X		X
Multiple Minor Projects Presented at the Same Time	X				X	
Multiple Staff Approval Projects Presented at the Same Time			X		X	
Outdoor Shower				X		X
Pools - Part of a New Construction Project or a Major Change to ARCOM or LPC Approved Plans	X				X	
Pools – Stand Alone, Compliant Project				X		X

⁷ Air Conditioning equipment, including chillers; pool equipment, including pool heaters; and water treatment systems.

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Roof –Substantial Change in Material or Redesign that is Compatible with the Building’s Architectural Style or Based Upon Historic Evidence ⁸		X			X	
Roof – Like for Like Replacement				X		X
Significant Revisions to Arcom or LPC Approved Plans	X				X	
Signs – Hanging or Any Sign That requires a Variance, Special exception, or Site Plan Review			X		X	
Signs – All Other Compliant Signs				X		X
Solar Panels			X		X	
Stair Towers - Commercial	X				X	
Statues / Fountains – Visible from a Public Way			X		X	
Statues / Fountains – Not Visible from a Public Way				X		X
Tennis Courts / Sport Courts / Court Lighting - New Commercial and Multi-Family	X				X	
Tennis Courts / Sport Courts Court Fencing – Single-Family, Complaint with Zoning			X		X	

⁸ Same color and material.

PROJECT / ACTIVITY	ARCOM MAJOR PROJECT	ARCOM MINOR PROJECT W/ NOTICE	ARCOM MINOR PROJECT W/O NOTICE	ARCOM STAFF APPROVAL	LANDMARKS PRESERVATION COMMISSION	LPC ADMIN. APPROVAL
Walls – See Fences & Site Walls						
Windows – See Doors & Windows						

Prepared 7/27/2020

WRB