

NEIGHBORHOOD MEETING
R-B Zoning District Prototype Guidelines

SEASPRAY AVENUE

March 27, 2000

7:00 p.m.

Town Council Chambers, 360 South County Road, Palm Beach

This represents a very brief accounting of the record of this meeting. The tape of the meeting is available at the Planning, Zoning & Building Department.

The meeting was called to order by Paul Castro, Zoning Administrator. Staff persons present in addition to Mr. Castro were as follows: Robert L. Moore, Director of Planning, Zoning & Building, Veronica Close, Assistant Director of Planning, Zoning & Building, Timothy M. Frank, Planner/Projects Coordinator, Jane Day, Staff Preservation Consultant, and Cynthia Delp, Recording Secretary. The meeting was also attended by Town Council President Jack McDonald, and Town Council Member Norman Goldblum.

Mr. Castro stated that this is the fifth in a series of six meetings: four with the neighborhoods, one with the developers, attorneys and architects, and one with the Zoning, Landmarks and Architectural Commissions. He explained that the consultants working on the north end study have no results or conclusions at this time. They are very interested in hearing the opinions of the persons living on each of the study streets in an effort to determine how redevelopment should be handled on the street.

The presentation continued with the zoning consultants present as follows:

Marty Hodgkins, Duncan Associates
Jon Carleen, Urban Design Studio

Mr. Hodgkins began with some introductory remarks stating the purpose of the study. He stated, to clarify the record, that he and the other consultants hired for this project do not represent developers. They have been hired by the Town with no pre-conceived notions. They are open to any and all suggestions relative to what people would like to see happen on the study streets. Owners' property rights must be maintained when instituting any rules, regulations, or guidelines. Generally, in the comments heard to date, there has been extensive support for retaining the existing character of the neighborhoods. Residents are concerned with retaining the uniqueness of the town. Residents are concerned about new development overpowering existing

smaller homes. Most recognize that change is occurring. The management of that change is the subject of this study.

Mr. Hodgkins referred to the two distributed handouts: Summary of Results, R-B Zoning District Prototype Design Guidelines, Resident Survey, and the Town of Palm Beach, Zoning District Design Guidelines, Seaspray Avenue Meeting.

Mr. Jon Carleen referred to the two back pages of the Seaspray handout which map one, two and three story structures as they are situated on the lots of the street. He noted the width of the street, parking on the street, and the tree-lined streetscape. Front yards had a variety of treatments from tall hedges to open frontage. Most homes (75%) are two story homes without stepbacks. Roofs are predominantly low hip or gable. Garages do not have an overbearing presence on the road. Porte cochere coverings are typical on the street. Lots are typically narrow, with 49% of the lots having only a 50' width with architecture corresponding to that lot size. Over 60% of the structures have a second building on the property. Side setbacks, as they exist on the street, are very small, with only about 15% of the side setbacks conforming to the current code. Mr. Carleen briefly reviewed the other information in the Seaspray Avenue handout. It was noted that as to the height of the street, it is highest to the east of South County Road, and lowest west of South County Road.

Mr. Hodgkins commented that Seaspray Avenue is the most interesting of the streets being studied as it has the most character and fabric. It may, in fact, be illustrative of a possible need to break down the R-B zoning district into sub-districts. Given the age of the majority of the structures on the street, Mr. Hodgkins encouraged the property owners to use the process of landmarking to preserve the context of the street.

Some comments from the public were as follows:

Al Church: Noted an error on the street width on the map in the handout. The consultants will look into this.

Polly Earl: Noted that a good 2/3 of the street is at an elevation such that if redevelopment were to occur on the street, the new houses would be significantly higher than those there now.

Bill Elias: Commented that he lives on Seaspray because everyone's house is special in its non-conformance to the code. He was delighted to see the recent renovation of Mrs. Earl's home after its recent landmarking. He encouraged persons to look at landmarking on Seaspray Avenue as an incredibly good idea.

Polly Earl: If a property on Seaspray Avenue is not landmarked, the owner is constrained by not being able to improve the property more than 50%, unless the property is at the correct elevation. If the property is landmarked, the owner is not constrained in that way.

Paul Castro, Zoning Administrator: Noted, for the record, that the federal standard for base flood elevation is 7.0 feet, while the Town standard is 7.5 feet.

Jane Day, Historic Preservation Consultant: Noted that in her review of Seaspray Avenue, 67 of the 80 houses on the street are over 50 years old, and these 67 could qualify for landmarking. She advised the homeowners to contact her or Tim Frank if any are interested in landmarking.

Laurel Baker: Called it a Catch-22 in that Seaspray Avenue represents what is wonderful about urban living with its diversity and character, but none of the houses meets code. None could be re-built as they exist. She questioned how the Seaspray Avenue concept can be “sold” when it does not meet code.

Marty Hodgkins, Study Consultant: Replied that sub-zoning districts may be the way to “sell” the concept. The consultants are looking at the individual characteristics of each street.

George Rovin: Resident at 140 Seaspray Avenue. The different lot sizes on the street are very unique, with some properties situated on two lots and some on as many as five lots. He advocated that if redevelopment does occur, it should be done according to the current codes, not revert back to existing conditions. He felt side setback requirements should be met.

Leslie Shaw: Advocated using the 50' wide lots as the standard for the street. Advocated changing the zoning to accommodate the preservation of the character of the street. Don't force people to move because they can't do anything to their homes. Don't force people to buy additional lots just so they can improve their homes. We, on the street, have survived very nicely with 5' setbacks. The houses need to be able to survive and be re-built on the lots as they are configured. Relax the FEMA requirements. The Seaspray residents would object if the code forces a major change in character to the street.

Jane Myers: Thanked Mr. Shaw for his comments, which she agreed with. The qualities that exist on Seaspray were the enticement to purchase on the street. It is the feeling that one gets, not whether the houses meet the code or not. She advocated re-using existing footprints to preserve the feeling of the street.

Mr. Hodgkins: FEMA requirements have been mentioned over and over again. In his research, he has been told that it would be extremely difficult to reduce the requirements for elevation, unless there would be some massive public works program to reduce flooding potential. So, if redevelopment must work with a higher building elevation, there could be work with the maximum allowable building height so they are not looming over neighboring properties.

Mr. Shaw: In new construction, owners want 10' ceilings, not 8' ceilings. Owners don't want to lower the tie beam heights. So, he questioned the risks of going against FEMA. Abiding by FEMA keeps insurance rates lower, but he felt that Palm Beach rates are at a maximum anyway. So, what are the risks?

Mr. Castro: Would you then be insurable?

Mr. Hodgkins: FEMA reviews building permits and how they are issued. The ultimate penalty would be withdrawal of any subsidized federal flood insurance.

It was again suggested that Seaspray Avenue become an historic district. Mrs. Day was asked about the benefits of landmarking and she provided that information as follows: Tax abatement benefits; the ability to add to or change the existing building, taking those changes to the Landmarks Preservation Commission rather than ARCOM; and being able to go beyond the 50% in renovations.

Tim Frank, Planner/Projects Coordinator: Landmarked houses are totally exempt from the FEMA 50% rule. Nothing should be done that would place the Town's insurance program into jeopardy. Landmarking the street to avoid FEMA issues would not be recommended. Town staff would be happy, however, to look at the properties on an individual basis for possible landmarking.

Jane Day, Historic Preservation Consultant: The Pendleton Avenue Historic District was objected to by some of the neighbors and was voted down as a district. The Town Council favors the individual property approach to landmarking. Districting may work in other communities like West Palm Beach, but not in the town. In response to a question, Mrs. Day discussed the difference between contributing and non-contributing houses within a landmarked district.

Polly Earl: These districting questions are motivated by the residents' endorsement of retaining the existing character and taste on the street, a wanting to protect it. The redevelopment of the non-contributing homes on the street could be controlled via the district concept with the Landmarks Preservation Commission reviewing these changes.

Bill Tylander asked Mrs. Day what it would take to create an historic district for Seaspray Avenue. She outlined the process for Mr. Tylander. Mr. Frank commented that if the residents are interested in retaining the character of the street, it should not be done by throwing a landmark blanket over the street. It should be done via zoning. Gigi Tylander encouraged the owners to landmark their properties on an individual basis, and if the landmark worthy homes do so, the group of them will become a district without being declared so.

David Barton: Offered a warning to the Seaspray residents that their street is vulnerable to the current zoning code, and to the granting of variances by the Town Council. He cited two examples of approvals given to which he strongly objected. He urged the residents to organize.

Wendy Victor: Thought it would be very interesting for the consultants to publish, in the newspaper, what the street might look like if structures were built according to the current zoning codes.

Leslie Shaw: Would like to see zoning take what we have, and make that the zoning. Allow us to have 50' lots, and make those the standards. Relax front setbacks. Don't mandate two car garages. We want to keep what's there. Bring the zoning back to what's there. "People aren't looking for land. They're looking for houses."

Polly Earl: If landscaping is included in the desired design for Seaspray Avenue, she urged the consultants not to attempt to prescribe landscaping heights, types, etc. She promoted diversity

and design.

Mr. Castro thanked everyone for attending, and encouraged any further comments to be forwarded to staff or directly to the consultants. The meeting ended at approximately 8:35 p.m.

Cynthia M. Delp
Recording Secretary