TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

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

SUBJECT: ZON-24-0046 (ARC-24-0090) 2720 – 2730 S OCEAN BLVD

MEETING: MAY 14, 2025

ARC-24-0090 (ZON-24-0046) 2720 – 2730 S OCEAN BLVD—EDGEWATER / AMBASSADOR SITE (COMBO). The applicant, Palm Beach Edgewater Fee Borrower LLC and Palm Beach Ambassador Fee Borrower LLC, has filed an application for Architectural Commission review and approval of a new multifamily, multibuilding residential development on the east and west sides of S Ocean Boulevard with a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace two existing five- and eight-story buildings on the east side of S Ocean Boulevard and to replace an existing three-story building on the west side of S Ocean Boulevard, to be demolished. This project includes multiple variances related to building height, building setbacks, building length, lot coverage, maximum amount of fill, rooftop generators, and rooftop mechanical equipment. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-24-0046 (ARC-24-0090) 2720 – 2730 S OCEAN BLVD—EDGEWATER / AMBASSADOR SITE (COMBO)—SPECIAL EXCEPTION(S), SITE PLAN REVIEW AND VARIANCES. The applicant, Palm Beach Edgewater Fee Borrower LLC and Palm Beach Ambassador Fee Borrower LLC, has filed an application requesting Town Council review and approval for two (2) Special Exceptions for 1) five-stories in the R-D(2) zoning district, and 2) the construction of a pedestrian tunnel under S Ocean Boulevard, and Site Plan Review for multifamily dwelling(s), for the construction of a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace an existing three-story building on the lakefront parcel (west site) and for the construction of a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace one existing five- and one existing eight-story buildings on the oceanfront parcel (east site). Additionally, the project includes the following twenty-one (21) variance requests: 10 for the west lakefront (Edgewater) parcel for 1) to exceed the maximum lot coverage, 2) to exceed the maximum building length, 3) to exceed the maximum amount of fill in a required yard, 4) and 5) to reduce the required minimum side (north and south) yard setbacks, 6) to exceed the maximum height for rooftop mechanical equipment, 7) to permit generators on roofs, 8) to exceed the maximum area for mechanical equipment located on a rooftop, 9) to exceed the maximum overall building height for mechanical screening and 10) to increase the maximum height of walls in required side and front yards; and 11 for the east oceanfront (Ambassador) parcel for 11) to exceed the maximum lot coverage, 12) to exceed the maximum building length, 13) to exceed the maximum amount of fill in a required yard, 14) and 15) to reduce the required minimum side (north and south) yard setbacks, 16) to exceed the maximum height for rooftop mechanical equipment, 17) to permit generators on roofs, 18) to exceed the maximum area for mechanical equipment located on a rooftop, 19) to exceed the maximum overall building height

for mechanical screening, 20) to exceed the maximum building height for building 2 for the portion of the building located east of the CCCL, and 21) to increase the maximum height of walls in required side and front yards. The Architectural Commission (ARCOM) shall perform design review of the application.

Applicant: Palm Beach Edgewater Fee Borrower LLC and Palm Beach Ambassador Fee Borrower LLC
Professional: Spina Orourke + Partners | OMA Architecture
Representative: Harvey Oyer, Esquire

HISTORY:

At the MARCH 26, 2025 ARCOM meeting, after presentation and considerable discussion, the application was deferred (4-3 LC,RS,JS) to the May 28, 2025 ARCOM meeting so that the Application may receive input from the Town Council regarding the variances and special exceptions that are consequential to the overall design and planning of the Project. Generally speaking, the architectural direction presented was negatively received to varying degrees ranging from lackluster, and unimpressed to staunch aversion for its "out of character" nature and lack of inspiration from Palm Beach and office-park like floorplate and siting. Further questions of the material selection was also heard. This item was deferred from last month at the direction of the Town Council to resolve outstanding code violations.

THE PROJECT:

The applicant has submitted plans, "Ambassador 2720 S Ocean Blvd & 2730 S Ocean Blvd" as prepared by **OMA** and **SpinaOrourke**, received by the Town and uploaded on March 10, 2025.

The project involves the construction of a new multi-story, multi-building residential building on an elevated site with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace an existing three-stry building on the lakefront parcel (west site) and the construction of a new multi-story residential building with five residential levels and a subterranean parking level, two residential towers, and rooftop penthouse mechanical equipment to replace an existing five- and eight-story building on the oceanfront parcel (east site).

The following Special Exceptions, Site Plan review and/or Variances shall be reviewed by Town Council:

SPECIAL EXCEPTION REQUESTS + SITE PLAN REVIEW

- **SPECIAL EXCEPTION 1**: Sec. 134-14060(8) for 5 stories. *(d) For multifamily uses, the maximum building height of two-story buildings is 25 feet; the maximum building height of three-story buildings is 35 feet. In this district, the maximum building height for multifamily uses is three stories, with provision for a special exception for up to five stories.*
- **SPECIAL EXCEPTION 2** Sec. 134-1055(15): *to construct a pedestrian access tunnel*

under S. Ocean Boulevard.

- **SITE PLAN REVIEW**: Sec. 134-1871 Every application for a multifamily dwelling shall be subject to site plan review procedures.

VARIANCES FOR THE WEST LAKEFRONT (EDGEWATER) PARCEL

- **VARIANCE #1. Sec. 134-1060(9) LOT COVERAGE (V1)** To exceed the maximum lot coverage by 9% for new five-story building with 31% lot coverage in lieu of the 22% permitted inclusive of the subgrade garage and terraces.
- **VARIANCE #2. Sec. 134-1874 BUILDING LENGTH (V2)** To exceed the maximum building length from 175 ft. to 209'-9" (includes subgrade garage and terraces).
- **VARIANCE #3. Sec. 134-1600 FILL (V3)** To exceed by 6.4 the maximum amount of fill in required yards to permit 9.0 ft. of max fill in lieu of 2.60 ft. permitted.
- **VARIANCE #4. Sec. 134- 1060(6)(d) SIDE YARD (NORTH) SETBACK (V4)** To reduce the required minimum side yard setback to 22'-5-1/2" in lieu of 62'-6" required.
- **VARIANCE #5 Sec. 134- 1060(6)(d) SIDE YARD (SOUTH) SETBACK (V5)** To reduce the required minimum side yard setback to 57'-6" in lieu of 62'-6" required.
- **VARIANCE #6 Sec. 134-1607(1) ROOFTOP MECHANICAL EQUIPMENT (V6)** To increase the height of the rooftop mechanical equipment from 48" to 108".
- **VARIANCE #7 Sec. 134-1729 GENERATORS (V7)** To allow generators on roofs and to increase in the height of generators greater than 100 kw from 84"to 155"and permitted to be mounted on the roof of the building.
- **VARIANCE #8 Sec. 134-845 ROOFTOP EQUIPMENT AREA (V8)** To exceed by 14% rooftop area greater than 10% of the rooftop area, to permit 24% for building 3.
- **VARIANCE #9 Sec. 134-1064(b)(3) OVERALL BUILDING HEIGHT (V9)** To increase the overall building height for the mechanical level by 13'-0" to 75.5' in lieu of the permitted 62.5'.(Building height is for mechanical equipment screening only).
- **VARIANCE #10 Sec. 134-1667 and 1670(a) PERIMETER WALL HEIGHT (V10)** To exceed the height of walls by 1'-0" for 6'10" in front yard and 7'-6" in side yards.

VARIANCES FOR THE EAST OCEANFRONT (AMBASSADOR) PARCEL:

- **VARIANCE #11. Sec. 134-1060(9) LOT COVERAGE (V11)** To exceed the maximum lot coverage by 22% for new five-story building with 44% in lieu of the 22% permitted-inclusive of the subgrade garage and terraces.
- **VARIANCE #12. Sec. 134-1874 BUILDING LENGTH (V12)** To exceed the maximum building length from 175'-0" to 433'-10" inclusive of the subgrade garage and terraces.
- **VARIANCE #13. Sec. 134-1600 FILL (V13)** To exceed by 6.4' the maximum amount of fill in required yards to permit 12.5' of max fill in lieu of 6.1' permitted.
- **VARIANCE #14. Sec. 134- 1060(6)(d) SIDE YARD (NORTH) SETBACK (V14)** To reduce the required minimum side yard setback to 31'-7" in lieu of 60'-6" required.
- **VARIANCE #15 Sec. 134- 1060(6)(d) SIDE YARD (SOUTH) SETBACK (V15)** To reduce the required minimum side yard setback to 29'-2" in lieu of 62'-6" required.
- **VARIANCE #16 Sec. 134-1607(1) ROOFTOP MECHANICAL EQUIPMENT (V16)** To increase in height of the rooftop mechanical equipment from 48" to 108".
- **VARIANCE #17 Sec. 134-1729 GENERATORS (V17)** To allow generators on roofs and to increase in the height of generators greater than 100 kw from 84" to 155" and permitted to be mounted on the roof of the building.
- **VARIANCE #18 Sec. 134-845 ROOFTOP EQUIPMENT AREA (V18)** To exceed by 21% the rooftop area greater than 10% of the rooftop area, to permit 31% for building 2 and to exceed by 17% to permit 27% for building 1.
- **VARIANCE #19 Sec. 134-1064(b)(3) OVERALL BUILDING HEIGHT (V19)** To increase the overall building height for the mechanical level by 22.25' to 89.75' in lieu of the permitted from 67.5' for rooftop mechanical equipment screening.

- **VARIANCE #20 Sec. 134-1060(8) BUILDING HEIGHT (V20)** To increase the overall building height building 2 by 7'-0" in lieu of the permitted from 60'-6" from 9' NAVD for the portion of the building located east of the CCCL.
- **VARIANCE #21 Sec. 134-1667 and 1670(a) PERIMETER WALL HEIGHT (V21)** To exceed the height of walls by 1-6"' for 7'-2" in front yard and 8'-6" for 15'-6" in side yards.

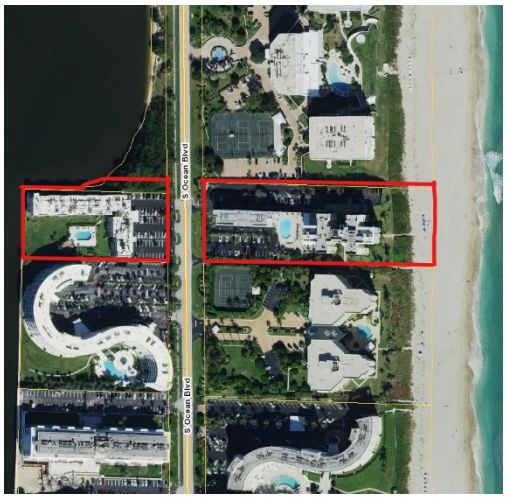
Zoning District	**R-D(2)**		**Future Land Use**	**MULTI FAMILY HIGH DENSITY**	
BUILDING 3: EDGEWATER PARCEL (WEST/LAKEFRONT)					
Year of Construction	**1967**	**# of Units**	**37**	**# of stories**	**3**
Flood Zone	**AE-9 and AE-8**		**Crown of Road**	**4.8' NAVD**	
Lot depth	**398'-0"**		**Lot width**	**+/- 190'**	
Lot Size (SF)	81,461SF (1.87 acres)		**Fin. Floor Elevation**	13' NAVD	
#of stories	5+parking level (38) and rooftop mech.		**# of Units**	17	
Lot Coverage	Existing: 25.6% (31,198 SF) Proposed: 30.8% (25,125 SF) Permitted: 22% (17,921 SF) ***Variance required***		**Floor Area Gross floor area (GSF)**	115,363 SF (not including garage level)	
Building Height	Existing: 30'-0" (3 stories) Proposed: 62'-6" (Overall 75'-6") Permitted: 62'-6" (Overall 67'-6") ***Variance required***		**Building Length**	Proposed: 209'-9" Permitted: 175'-0" ***Variance required***	
Fill	Proposed: 9.0' Permitted: 2.6' ***Variance required***		**Overall Landscape Open Space (LOS)**	Existing: 45.8% (37,313 SF) Proposed: 36.4% (29,680 SF) Required: 35% (29,593 SF)	
BUILDINGS 1 and 2: AMBASSADOR PARCEL (EAST/OCEANFRONT)					
Year of Construction	**1947/1963**	**# of Units**	**98**	**# of stories**	**5 and 8**
Flood Zone	**X, AE-8 and VE-11**		**Crown of Road**	**4.8' NAVD**	
Lot depth	**709'-0"**		**Lot width**	**+/- 216'**	
Lot Size (SF)	131,764 SF (3.02 acres)		**Fin. Floor Elevation**	17' NAVD	
#of stories	5+parking level (87) and rooftop mech.		**# of Units**	24	
Lot Coverage	Existing: 23.6% (31,198 SF) Proposed: 44% (57,935 SF) Permitted: 22% (28,988 SF)		**Floor Area Gross floor area (GSF)**	162,470 SF (not including garage level)	
Building Height	Existing: 93'-0" (8 stories) Prop'd:Bldg1 60'-6" (Overall 73'-6") | Bldg 2 67.5' (80.5' Overall) Permitted: 60'-6" | O 65'-6" ***Variances required***		**Building Length**	Proposed: 433'-10" Permitted: 175'-0" ***Variance required***	
Fill	Proposed: 12.5' Permitted: 6.1' ***Variance required***		**Overall Landscape Open Space (LOS)**	Existing: 32.9% (43,202 SF) Proposed: 38.1% (50,204 SF) Required: 35% (46,098 SF)	
Surrounding Properties / Zoning					
North	Lake Worth Lagoon and natural landscape area 1979 Three(3) Seven-story residential buildings—*"Beach Point 2660 S Ocean Blvd"* / R-D(2)				
South	1969 One (1) Five-story residential building—*"The Regency"* / R-D(2) 1990 Two (2) Six-story residential building—*"2770 South Ocean Condo"* / R-D(2)				
East	Atlantic Ocean				
West	Lake Worth Lagoon				

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

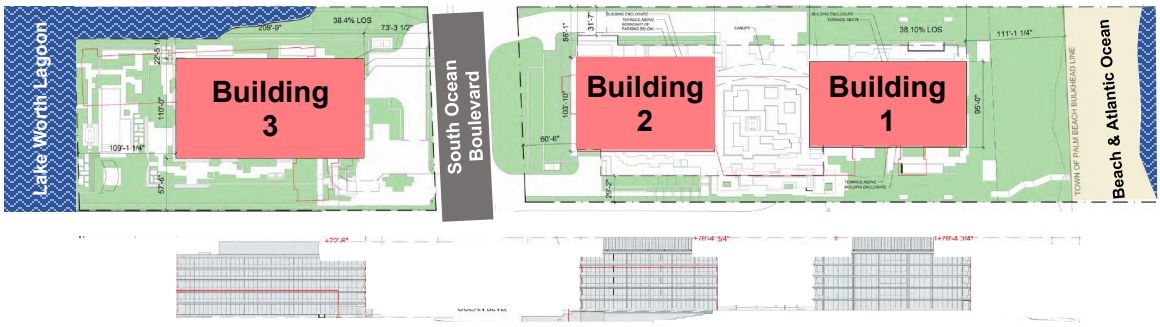
A preliminary review of the project indicates that the proposed **application** for a **residential**

building is **consistent** with the **MULTI-FAMILY HIGH DENSITY** designation of the Future Land Use Map of the Comprehensive Plan, which has density allowance of 14.157 du/a. R-D(2) zoning regulations allow for multifamily uses at maximum density of 13 du/a. The 41 residential unit proposal is below the density threshold of 13 du/a under the more restrictive zoning density allowance which would allow up to 63 residential units on the 4.89-acre site.

STAFF ANALYSIS:



The development site is two parcels located in the south end of the Town, approximately one-half mile north of the Lake Worth Bridge and Lake Worth Casino, beach, pier and park. The development site consists of the Ambassador (east) site which contains approximately 131,764 SF (3.02 acres) of lot area and the Edgewater (west) site with approximately 81,461SF (1.87 acres) of area, located across from one another on South Ocean Boulevard. Both sites are currently improved with buildings and surface parking areas. Between the two buildings there are currently existing residential and condo-hotel units totaling 135 units. This application proposes 41 residential units on the two sites- 17 on the west site and 24 on the east site. The density permitted under the Zoning Code density threshold allows for residential development of up to 63units; in this regard, the application represents a 35% reduction of this maximum density development potential.

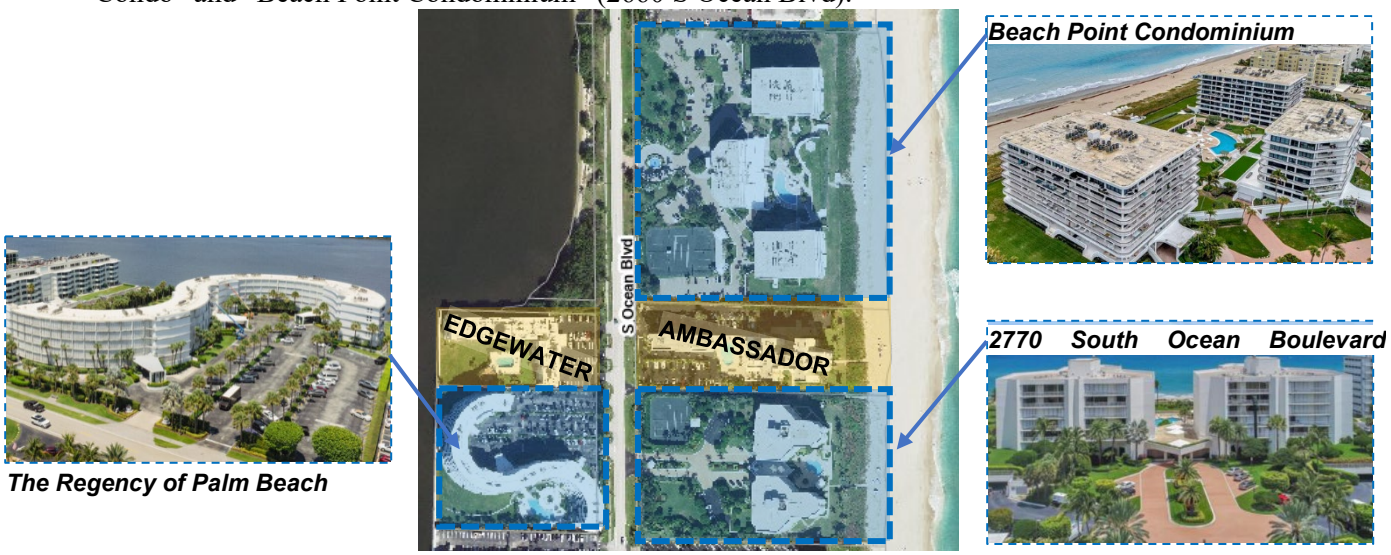


The site plans and the foundation of the design rely heavily on the raising of the parcel from the road grade elevation to the desired elevations of the finished floors of the buildings, although it must be noted that the FEMA requirements require both sites to have a minimum finished floor elevation at a substantially higher elevation than the road. On the west side of the site, the relatively flat parcel's change of elevation is accommodated through landscape tiered areas that are maximized with fill in all of the required yards. A lower-level parking garage is provided. On the east side, this elevation is accommodated through landscape tiered areas that are maximized with fill in all of the front yard and a portion of the lower lying side yards. This is less significant as the site rises considerably with the naturally elevated dune to the east. A lower level parking garage ("basement") is provided. A separate motor court is provided between the two residential towers that rise from the connected underground garage. Abundant landscaping is provided throughout the sites. Both sides consist of six-story structures, with the lowest level being covered in fill to meet the definition of a basement.

For zoning purposes, the project is analyzed as two buildings--one on each side of the roadway, i.e. site. But visually the two buildings will appear as three synonymous glass towers aligned on an

east-west axis from ocean to lake. The buildings will feature fully glazed curtain walls with deep recessed balconies. Cream colored terracotta fluting and tiling will be applied to the projecting slabs of the floors and underside of the projections that extend from all sides of the buildings, and concave structural columns clad in carved coral that serve as unit dividers. The contemporary glass building may be a departure from the architecture of both the immediate area as there has not been recent residential multifamily new construction in nearly over 20 years and the Town as a whole. To that, the property immediately to the south of the eastern site, 2770 South Ocean, was built in 1990. It consists of two six-story towers with a design composed of solid masonry walls, long recessed balconies and topped by flat roofs. A more recent development, the Bellaria Condominium, built in 2006 immediately to the south of the Lake Worth Casino, has a Mediterranean flavor with masonry punctuated with balconies and large windows. Additionally barrel tile sloping roof lines and scored stucco is also used in this Neo-Mediterranean complex.

The Town Code specifically identifies criteria for reviewing architectural similarity and dissimilarity. The latter requires that the proposed building or structure is not excessively dissimilar in relation to any other existing or permitted structure, or to any other structure included in the same permit application within 200 feet of the proposed site, with respect to one or more of the following characteristics: (a) Height of building or height of roof; (b.) Other significant design features including, but not limited to, materials or quality of architectural design; (c.) Architectural compatibility; (d.) Arrangement of the components of the structure; (e.) Appearance of mass from the street or from any perspective visible to the public or adjoining property owners; (f.) Diversity of design that is complimentary with size and massing of adjacent properties; (g.) Design features that will avoid the appearance of mass through improper proportions; and (h.) Design elements that protect the privacy of neighboring property. This 200 foot distance would limit the comparative analysis to "The Regency of Palm Beach" (2760 S Ocean Blvd), the "2770 South Ocean Boulevard Condo" and "Beach Point Condominium" (2660 S Ocean Blvd).



SITE PLAN REVIEW, SPECIAL EXCEPTION, AND VARIANCE REQUESTS

Site Plan Review is required for the development of new multifamily structures.

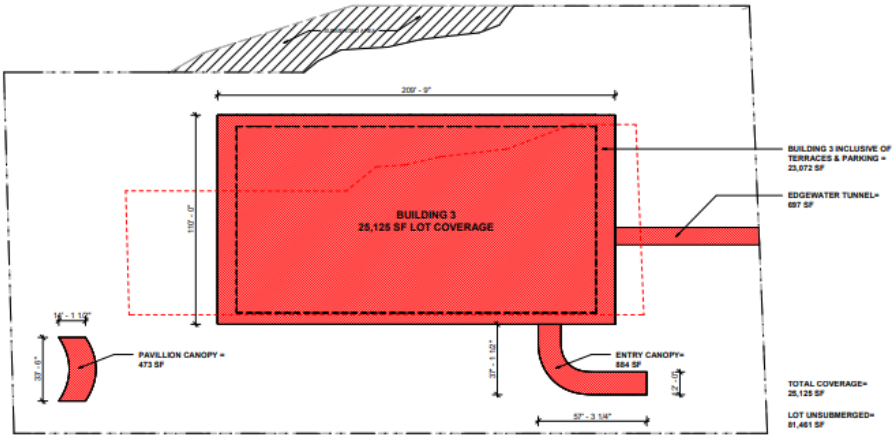
Special Exception #1 is for a building height of 5-stories in the R-D(2) zoning district. The applicant is proposing two, five-story buildings with below grade parking levels and rooftop mechanical penthouses. Five-story buildings would not be out of character with the south end, or the immediate area. The lakefront Edgewater site contains an existing three-story building and has no abutting neighbors to the north, while the five properties to the south are all five-stories in height,

albeit measured from grade. The oceanfront Ambassador site contains an existing five- and eight-story building and the abutting neighbor to the north is seven-stories, while of the five properties to the south two are eight-stories in height, two are five stories, and one is four-stories high, again measured from grade. The FEMA zone for the lakefront Edgewater site is AE-8 and AE-9, meaning that the finished floor of the residential building must be at minimum grade elevation of 10' NAVD (base flood elevation plus one foot of freeboard). The FEMA zone for the oceanfront site is AE-8 , X and VE-11, meaning that the finished floor of the residential building must be at minimum grade elevation of 10' NAVD west of the CCCL and 15.9 NAVD east of the CCCL. As the buildings in the south end of the Town are redeveloped, the built context of building height will be dramatically different based on these required elevation heights, which are likely, only to increase in the future. The special exception to height regulations identify that in order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the Town Council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the R-D(2) district, upon a finding being made by the Town Council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines: ***Five-story guidelines: Lot coverage not more than 22 percent.*** **It must be noted that the application is seeking a lot coverage variance of 31% for the west site and 44% for the east site, which seems directly contrary to the granting of the special exception.**

Special Exception #2 is required to permit an underground tunnel beneath South Ocean Boulevard. These Underground tunnels are located throughout the Town and traditionally 'connect' via an under-road passage from a main parcel of land to an adjoining beachfront parcel. In this instance, the applicant is seeking an underground pedestrian-only passageway that will connect the subterranean parking levels of the lakefront parcel and the oceanfront parcel.

VARIANCES 1 THROUGH 10 APPLY TO THE EDGEWATER PARCEL.

Variance #1 requests to exceed the maximum lot coverage by 9% for new five-story building with 30% lot coverage in lieu of the 22% permitted for the west lakefront (Edgewater) parcel, inclusive of the subgrade garage and terraces. The proposed building and other covered area total 25,125 SF of lot coverage on the 81,461 SF site. This is roughly 7,204 SF over what is permitted.

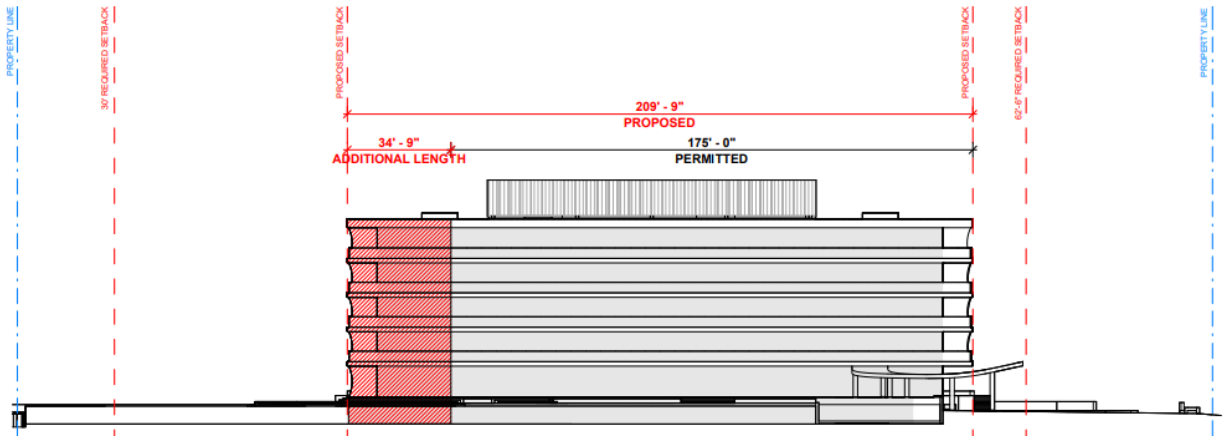


The underground garage level counts towards the lot coverage, including when it is outside of the building envelope. In this proposed projecting balconies in the above ground levels align with the outline of the garage. The garage level measures approximately 110'-0" wide and spans 199'-9" deep into the 398'-0" long site to accommodate 38 parking spaces: 6 in private garages, 28 more

for residents not located within private garages, and 4 visitor parking spaces for the 17 residential units.

The design features two covered elements and the underground pedestrian tunnel that total approximately 2,054 SF that also count for lot coverage calculations. As stated above under the special exception review for five story buildings, the guidelines for five-stories does limit the lot coverage to not exceed 22 percent. It seems counter intuitive to make an allowance for height of stories provided it retains a lot coverage of a certain amount and then proceed to request a variance from that amount. Staff would recommend at minimum, removing the other 5,150 SF from the main residential structure to request a building that complies with the 22% lot coverage except for these abovementioned elements, or a lot coverage of 20,365 SF which is 25%. This will significantly lessen the overall footprint of the building, and/or reduce the extension of the projecting balconies along the upper levels. Or outright deny the variance request.

Variance # 2 requests to exceed the maximum building length from 175'-0" to 209'-9" inclusive of the subgrade garage and terraces for the west lakefront (Edgewater) parcel. The applicant is seeking to permit an additional 35'-0" of building length, or a 20% increase. This regulation is in place in order to secure mass reduction breaks in the building that reduce the horizontal scale of the building into smaller more discrete sections. In staff's opinion, this standard regulates the amount of length of a building that controlling the overall structures in order to minimize a solid and continuous mass of building on any given site and their potential to infringe upon abutting properties light and air through the regulation preventing a continuous uninterrupted solid wall.

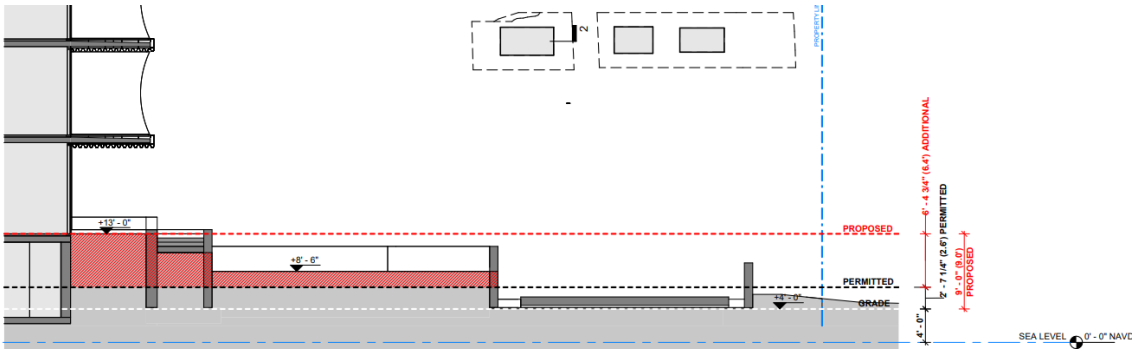


The west site is at the northernmost edge of the R-D(2) zoned land north of Lake Worth Bridge and contains no abutting property to the north. The site is approximately 398'-0" deep is relatively 'flat' with little elevation change from sidewalk to the west edge of the site, with the exception of the man-made seawall. The applicant is also seeking a lot coverage variance (variance #1) which would limit the footprint of the mass on the site. The building does comply with both front and rear setbacks, but does seek relief from both side setbacks (variances #4 and 5)—perhaps an indication that the mass of the building is not centrally located on the site and is larger than what should be expected—not only in length. The sole abutting property is the neighboring building to south which has a rather unique site plan, as it contains a serpentine building footprint that matches with its "S" shape five-story form.

Variance #3 is to exceed by 6.4' the maximum amount of fill in required yards to permit 9.0' of max fill in lieu of 2.60' permitted on the lakefront Edgewater parcel. Pursuant to Ord # 19- 2021, the code was modified to limit the maximum amount of fill that can be added to a site, specifically

within the required yards. Prior to this code amendment, a parcel was required to be filled up to 8" below the design elevation of the first floor. Now, a calculation determines that maximum by taking the values of the highest crown of road and subtracts that from the design floor elevation and then divides that number by 2. In this case, the crown of road is 4.8 NAVD and the finished floor elevation is 10.00 NAVD. Therefore, the maximum amount of fill (10.00-4.8 = 5.2 / 2) = 2.60'.

The west site is relatively flat, as it generally maintains the same elevation datum from the crown of road (4.8') to the seawall. Current FEMA code was most recently amended with the Dec 20, 2024 adoption of the latest FIRM, and requires that the minimum floor elevation be set at 10' NAVD (BFE+1' freeboard). This creates a 5.2' height difference. The applicant is seeking to place the required parking <u>under</u> the existing building area in order to utilize this interstitial space between grade and design floor elevation. In doing so, the design would create a garage parking level that would be considered a <u>story and not a basement</u>, as it would <u>not be</u> below grade. In order to conceal the level underground, the applicant is seeking to bury the parking level by covering it with fill—exceeding what is permissible by code in order to conceal the parking and have it meet the definition of basement.



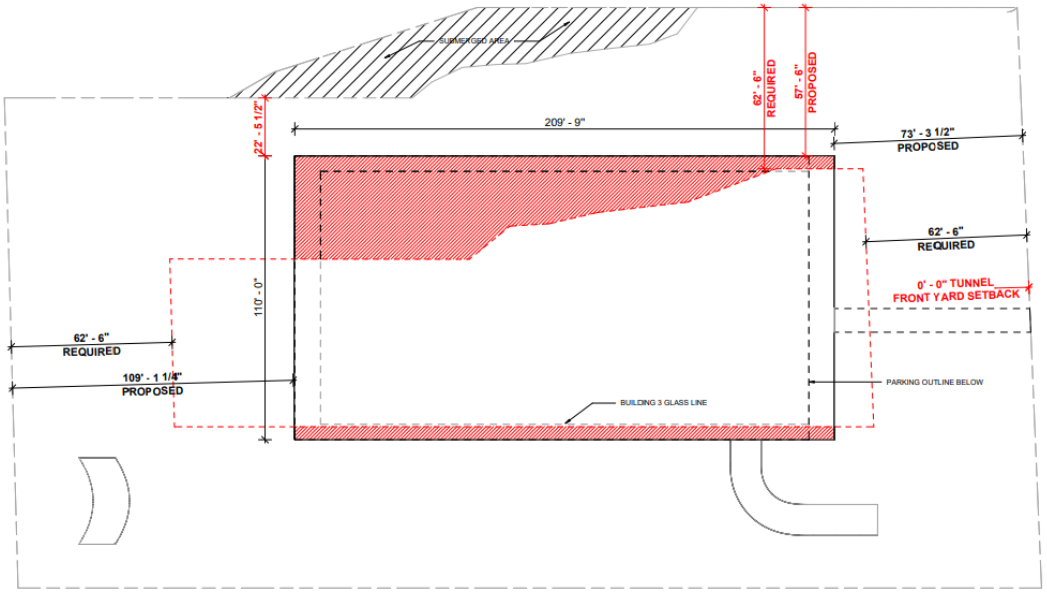
<u>The significance of this FILL variance cannot be overstated.</u> Simply put, without the granting of the fill variance, the project would contain an exposed parking level that would qualify it to be a six-story structure. The applicant has submitted a Hold Harmless agreement to the Town (approved by the Town Attorney and Planning Staff) to allow the project to move forward through the land use process. In short, without the granting of the fill variance, the proposed design cannot be approved as it would be inconsistent with the Comprehensive Plan and incompatible with the Town's Zoning Code. <u>Without the approval of the fill variance, the project CANNOT move forward</u>.

The current definition of basement and subsequent regulations thereof are strewn with complications, interpretations, inaccuracies and contradictions, and there is no doubt that its future role in the Town in the light of sea level rise and climate change effects, and strengthening storms, this matter will need to be revisited in the code reform. One of the elements that a basement does not consider is the incorporation of FEMA required flood vents, which must be installed along certain building walls at certain elevations and at certain intervals and quantities. And these walls with the vents need to be "exposed". These building code and floodplain management requirements also vary greatly depending on the type of use, mixed use, residential or commercial. While not specific to the project presented here, the role of basements or below grade structures needs to be critically reviewed and the regulations for such need to be revised in the future code rewrite to address and clean up the current requirements.

The current definition of basement and subsequent regulations thereof are strewn with complications, interpretations, inaccuracies and contradictions, and there is no doubt that its future role in the Town in the light of sea level rise, climate change, and the effects of strengthening storms – will need to be revisited during code reform. One of the elements that a basement does not consider is the incorporation of FEMA required flood vents, which must be installed along certain building walls at certain elevations and at certain intervals and quantities. These building code and floodplain management requirements also vary greatly depending on the type of use, mixed use, residential or commercial. While not specific to the project presented here, the role of basements or below grade structures needs to be critically reviewed and the regulations for such need to be revised in the future code rewrite to address and clean up the current requirements.

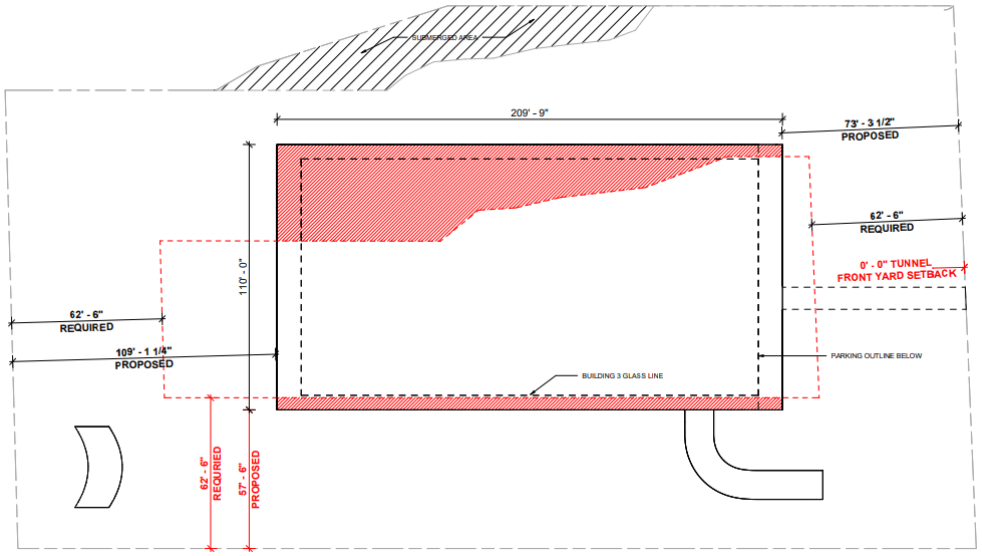
While staff and the applicant may have divergent views on the actual subject matter of the parking level versus a basement level, there is no doubt that the project, its scope, and reception, will have great significance to the future of the Town, particularly regarding the future built environment of the South End, as staff turns its attention to the ongoing code reform effort.

Variance #4 and Variance #5 are variance requests to reduce both side yards at the lakefront Edgewater site. The request to reduce the required minimum **north** side yard setback to 22'-5-1/2" in lieu of 62'-6" required is based on the unique-to-the-site scenario where there is no abutting property to the north, the site has a natural inlet of Lake Worth Lagoon.



Additionally, the subject property's unique jagged edge elicits a setback challenge, as the required 62'-6" tapers inward of the site as it follows the irregular coast line/property line of the subject property. That said, the proposal does not comport with the requirement at the eastern portion of the site where the parcel is rectilinear in shape; the variance setback request varies from 27'-6" to 22'-5" as the building moves westerly. The primary goal of zoning setbacks is to ensure adequate spacing between structures, promote safety, enhance privacy, and improve the aesthetic quality of neighborhoods by regulating building placement and mass/density upon neighboring buildings. Considering there is no impact upon a neighboring property, it would make sense that the setback requirement to the north be reduced. The closest abutting property to the north, a seven-story residential building @ 2560 S Ocean Boulevard, is located over 1,500' away to the north across water and nature preserves. It should be noted that the existing north setback of the Edgewater building is 11'-3" to the north property line. As such, perhaps the applicant could shift the building even further to the north if the Council finds merit in that scenario. There are certain elements that are within this reduced setback in the proposal that have been designed as private gardens and pools for the first level residences.

The other variance to reduce the required minimum south side yard setback to 57'-6" in lieu of 62'-6" required seems contrary to the benefit of shifting the property within the required north yard. While staff finds some merit in the reduction of the north side setback due to a lack of neighboring property that would be directly impacted, the request is for to provide only 36% of the requirement. However, if the design decision was to alleviate the mass and location of the building from the neighboring the property to the south, in order to preserve view corridors and reduce potential shade impacts, then the south side variance (variance #5) should be withdrawn and the above-grade building shifted 5'-0"to comply with the regulation, or, at minimum, be denied.



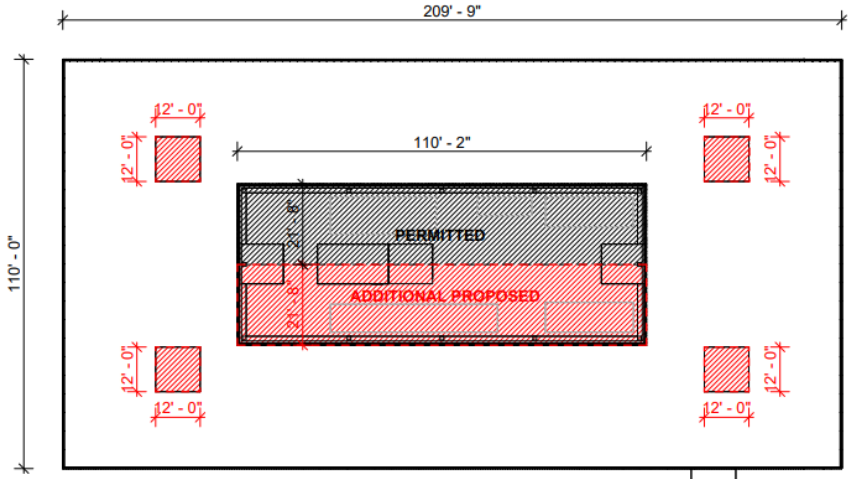
The applicant maintains that in both directions the proposed setbacks are improvements to the existing north setback of 10'-0" and south setback of 17'-0" for the three-story building. In the recent 2024 Zoning and Land Use South End Survey performed by the Citizens Association of

Palm Beach, 97.1% of the respondents indicated that side yard setbacks should not be reduced beyond what exists today. The neighboring building to the south—"The Regency"—contains one nonconforming five-story building with a north setback at its closest point of approximately 10'-0' to its property line as the building form curves around the site.

Variance #6 is a variance to permit AC equipment located on the roof of building 3 @ 108" high above roof in lieu of 48" is permitted (at the lakefront Edgewater site). Staff maintains that the most responsible placement of these equipment is on the roofs of the buildings. Yet the code is antiquated in the mechanical equipment height projection allowances.

Variance #7 is a variance to allow generators to be placed on the roofs of the building for the west lakefront (Edgewater) parcel. Staff supports this request and maintains that, in general, rooftop locations for mechanical equipment (including AC equipment, **generators**, chillers, and other venting equipment) is the most appropriate location for commercial and larger residential developments such as this, as it provides opportunities for green space and moves the potentially noisy and unsightly equipment typically delegated to side yards furthest away from abutting property owners. Yet the code is antiquated in the mechanical equipment height projection allowances. In addition to allowing the generator to be placed on roof the request contemplated the increase in the height of generators greater than 100 kw from 84" to 155" and permitted to be mounted on the roof of the building.

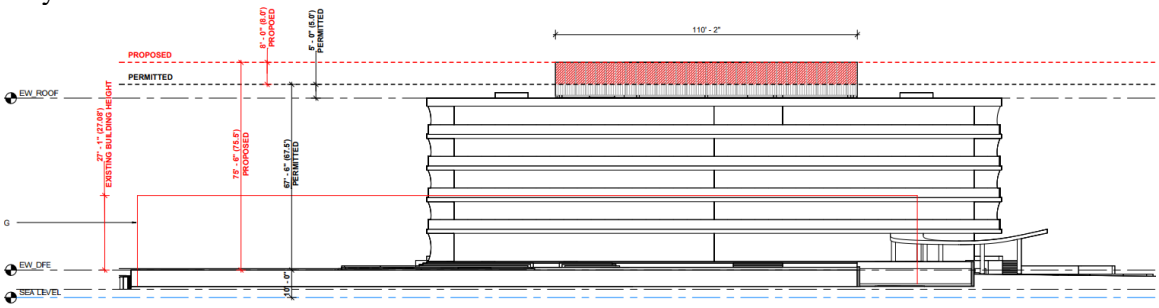
Variance #8 a variance to exceed by 9% the mechanical equipment rooftop area greater than 15% of the total rooftop area, to permit 24% for building 3 (on the lakefront Edgewater parcel). The rooftop is the most practical location for air conditioning equipment for any building other than single-family residences.



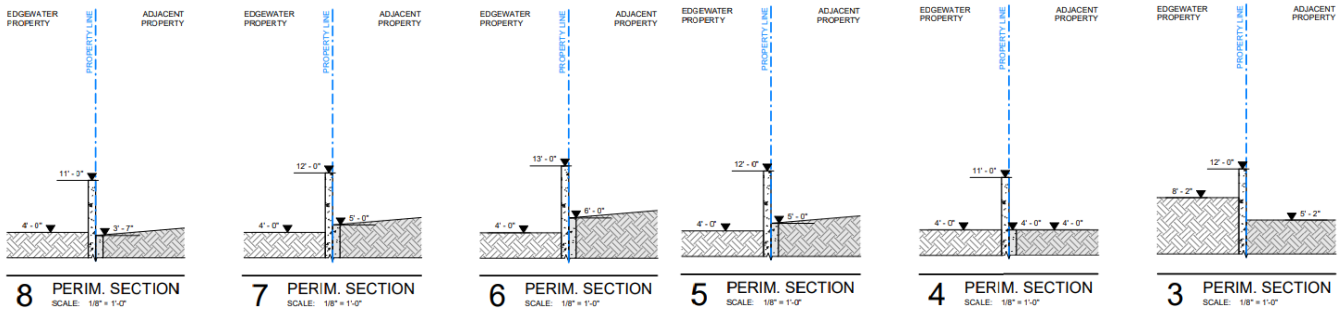
For multifamily buildings, most units would require two pieces of equipment per unit, plus the building itself would require multiple apparatuses such as the chiller, fan intake and exhaust areas. For building 3, the roof measures 110'x210' or 23,100 SF which would allow a 3,465 SF (15%) area for rooftop equipment. Staff has worked with the applicant in encouraging the reduction of the area, the central location of equipment upon the roof, and the lessoning of the architectural significance of the rooftop screening and features as to reduce the overall height and magnitude of the area and the appearance of the additional architectural penthouse level.

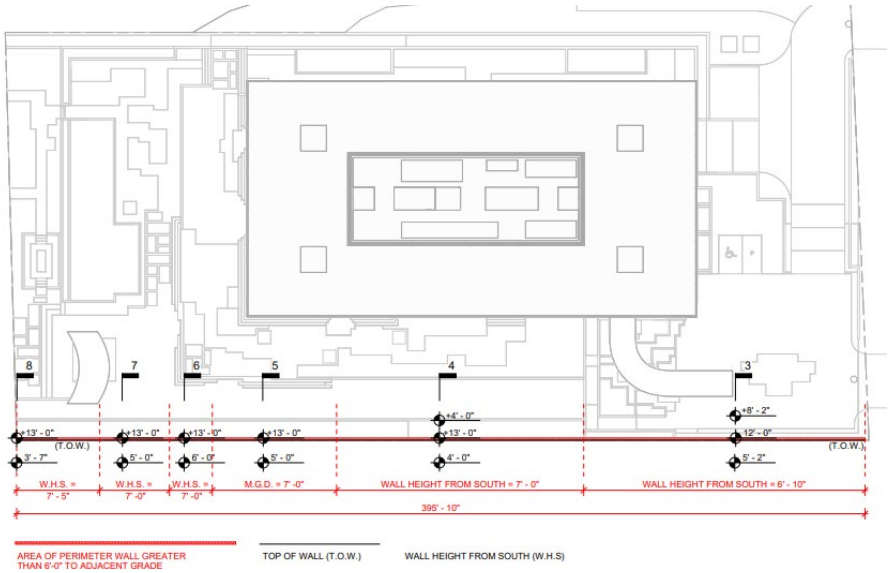
Variance #9 is a request to exceed the overall building height (roof height) by 13'-0" for a height of 75.5' in lieu of the 62.5' of building height permitted, due to elevated finished floor elevation and the height of the rooftop mechanical equipment and related screening (on the lakefront

Edgewater site). The finished floor elevation of the site is proposed at +13' NAVD where +9' NAVD is the minimum required. This 4' additional feet in height exacerbates the need for this rooftop variance, as if the site was designed at the minimum finished floor elevation requirement and with the same proposed floor to floor ceiling height, the overall request would be reduced to a 9 ft variance instead of 13 ft. This building height variance is for mechanical equipment screening only.



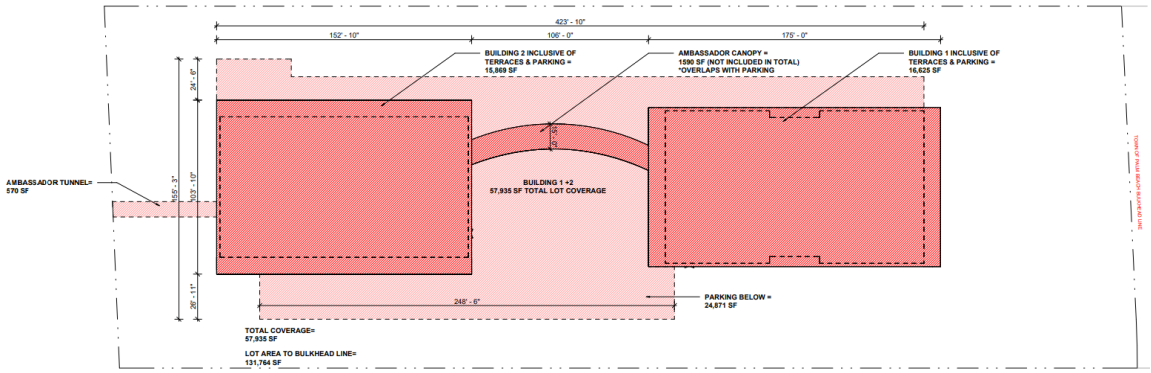
Variance #10 is a variance to allow perimeter walls to exceed by 1'-0" for 6'-10" in front yard and 7'-6" in side yards. Walls located on these property lines must be measured from adjacent grade. Since the applicant is seeking to significantly raise the overall height of the parcel through adding fill to the sides and front and rear yards, the code maximum height does not work. The proposed variance request falls along the south property line and is shown below.





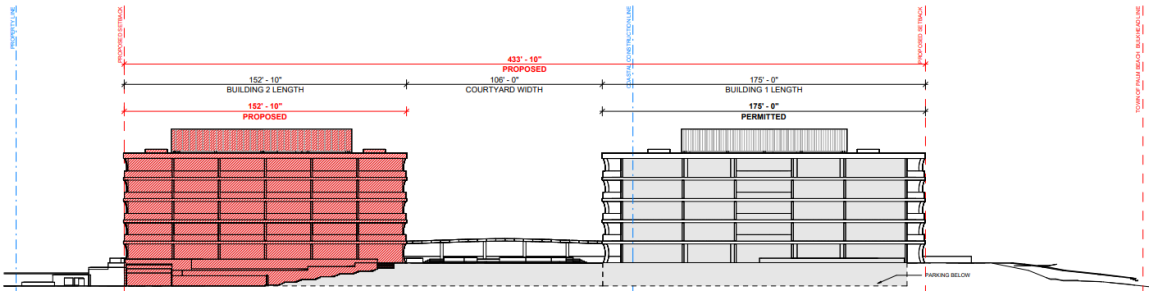
VARIANCES 11 THROUGH 21 APPLY TO THE AMBASSADOR PARCEL.

Variance #11 to exceed the maximum lot coverage by 22% for new five-story building with 44% in lieu of the 22% permitted, for the east oceanfront (Ambassador) parcel, inclusive of the subgrade garage and terraces. The underground garage level counts towards the lot coverage, including when it is outside of the building envelope. The garage level measures approximately 155'-0" wide and spans 423'-0" deep into the 709'-0" long site to accommodate 87 parking spaces: 50 in private garages, and 37 visitor parking spaces for the 24 residential units. The slab elevation is set at 4'-6" NAVD, slightly below the 4'-10" NAVD highest point of South Ocean Boulevard. Below is the diagram showing in lighter pink the lot coverage inclusive of the parking level. The total coverage of the parking level and aboveground elements contains 57,935 SF, or 44% lot coverage on the 131,764 SF parcel. What is important to note that the portion of structure above grade (i.e. the two towers) is also above the lot coverage at 25.8% with 34,086 SF of area that includes expansive balconies along each of the upper levels and the connector canopy element at the ground floor.



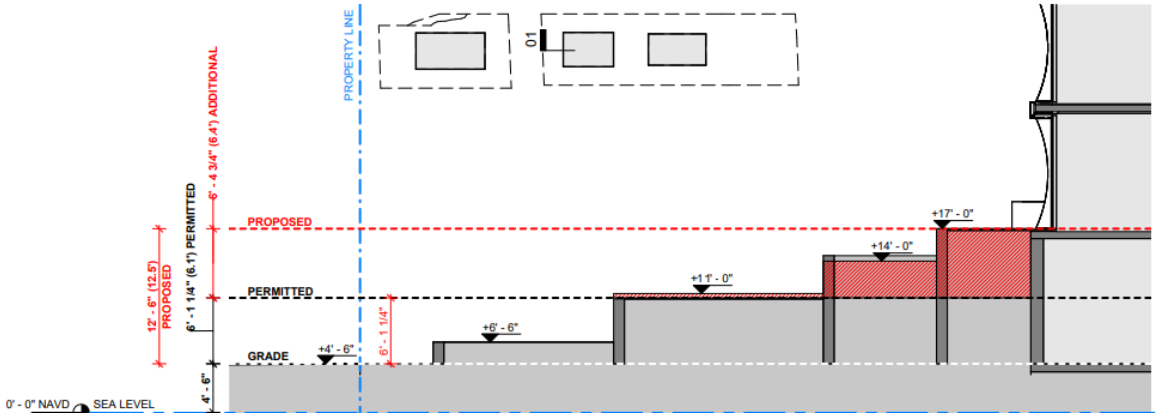
Unlike the west site along the lakefront, the extent of the parking level considerably exceeds the outline of the footprint of the buildings above. Although the parking level is not visible from the right of way or from the air, the code requires that all areas of the buildings count towards the lot coverage. In fact, it requires that the portion of the basement outside the walls of the main building be counted towards the required setbacks and lot coverage. As stated above under the special exception review for five story buildings, the guidelines for five-stories does limit the lot coverage to not exceed 22 percent. The request herein contradicts that design guideline. <u>If the Council finds merit in the argument that underground parking should not be counted towards the overall lot coverage, then staff would strongly recommend that, at a minimum, the above-ground structures should be reduced to comply with the 22% maximum lot coverage.</u>

Variance #12 requests to exceed the maximum building length from 175'-0" to 433'-10" inclusive of the subgrade garage and terraces for the east oceanfront (Ambassador) parcel. The Code requires that the maximum dimension of any structure or group of attached structures not exceed 150'-0"; the regulation does not cite <u>aboveground</u> structures, or rather does not exempt basements or subbasements from this rule. Therefore the subterranean parking level of the building(s) does count towards the overall building length. In staff's opinion, this regulation should only pertain to aboveground structures in order to minimize a solid and continuous mass of building on any given site and their potential to infringe upon abutting properties light and air, but the code currently does not distinguish such. It is important to note, that the portion of structure above the adjusted elevation, i.e. aboveground and actually visible to the public, does not exceed 175'-0" in length.



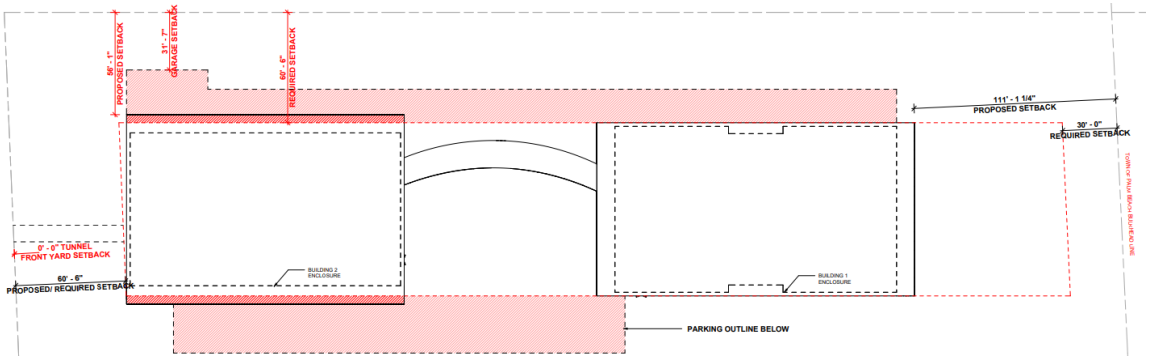
The east site is approximately 709'-0" deep and does contain abutting properties to the north and the south. The site rises dramatically from the edge of the road to the dune as one traverses the site east to west. When viewed above ground, the building is divided into two portions, or towers—building 1 and 2. Building 1 is furthest east and measures 175'-0" in length while building 2 is closest to South Ocean Boulevard and is 153'-0" long. Both "buildings" are separated by a 106'-0" wide courtyard. In this regard, with the exception of the connection of the subterranean parking level which spans 434'-0" in length, concealed predominantly in the dune, the design complies with the requirement. However, the variance request is for a 248% increase over what is permissible. This specificity should be addressed in reviewing the building length requirements as it pertains to substantially underground structures.

Variance #13 is a variance to exceed by 6.4' the maximum amount of fill in required yards to permit 12.5' of max fill in lieu of 6.1' permitted on the oceanfront Ambassador site. With a finished floor level of 17' NAVD and a Crown of Road at 4.8' NAVD, the maximum amount of fill is half of the difference of these points, or 6.1' of fill.

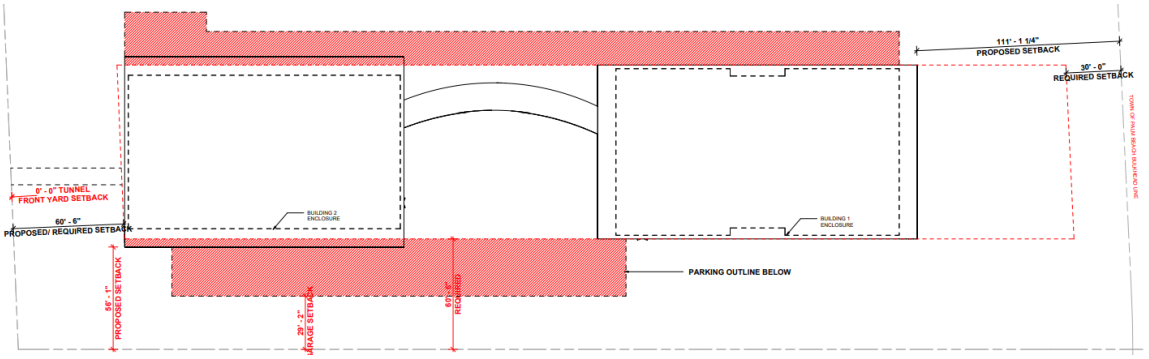


The east site rises dramatically from the crown of road (4.8') to the dune of the ocean. Current FEMA code was most recently amended with the Dec 20, 2024 adoption of the FIRM maps, and requires that the minimum floor elevation be set at 10' NAVD (BFE+1' freeboard) for that portion of the building east of the CCCL (Coastal Construction Control Line) and 15.9' for that portion of the building west of this regulatory line. The applicant is placing both towers of the building at 15.9' which creates 11.1' height difference. The applicant is seeking to place the required parking under the existing footprint of the building area in order to efficiently utilize this interstitial space between grade and design floor elevation. This is done rather easily with the rising elevation of the site to the dune. However, in the front yard due to the dramatic difference, the applicant is seeking to exceed the maximum amount of fill to conceal the front wall of the parking level. Without this fill, the design would create a garage parking level that would be considered a story and not a basement, as it would not be below grade. **Without the approval of the fill variance, the project CANNOT move forward.**

Variance #14 and Variance #15 are variance requests to reduce both side yard setbacks on the oceanfront Ambassador site. The first request to reduce the required minimum north side yard setback to 31'-7" at its closest underground point although most of it is setback at 42'-2" in lieu of 62'-6" required. This distance is measured to the furthermost northern edge of the underground garage level. However, it must be noted that the above grade structure (building 2) also does not comply—with a portion of the projecting balconies at all levels have a setback of 56'-1". The neighboring building to the north—"Beach Point 2660 S Ocean Blvd"—contains three nonconforming seven-story buildings, southernmost building has a setback of 68.3' to its property line.



The other side setback variance to reduce the required minimum south side yard setback to 29'-2" in lieu of 62'-6". This distance is measured to the edge of the underground garage. However, it must be noted that the above grade structure (building 2) also does not comply—with a portion of the projecting balconies at all levels have a setback of 56'-1".



The neighboring building to the south—"2770 South Ocean Condo"—contains two nonconforming six-story buildings, northernmost building has a setback of 29.3' to its property line.

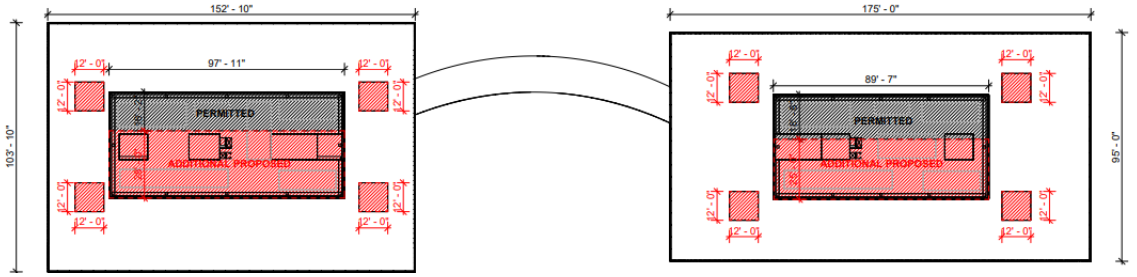
Staff does find worth in the idea of having separate setback requirement for underground facilities (basements, subbasements, or below grade parking) versus the above ground, but currently the code does not distinguish between above and below grade structures. The applicant maintains that in both directions the proposed setbacks are improvements to the existing south setback of 29'-9" for the eight-story building. However, the existing north side setback is currently over 77'-0". In the recent 2024 Zoning and Land Use South End Survey performed by the Citizens Association of Palm Beach, 97.1% of the respondents indicated that side yard setbacks should not be reduced beyond what exists today.

Variance #16 is a variance to permit AC equipment located on the roof of buildings 1 and 2

(oceanfront Ambassador parcel) @ 108" high above roof in lieu of 48" is permitted. Staff maintains that the most responsible placement of these equipment is on the roofs of the buildings. Yet the code is antiquated in the mechanical equipment height projection allowances.

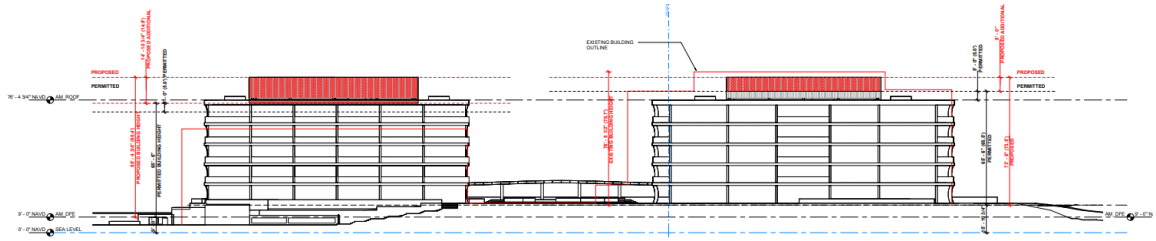
Variance #17 is a variance to allow generators to be placed on the roofs of the building for the east oceanfront (Ambassador)parcel. Staff supports this request and maintains that, in general and with proper screening, rooftop locations for mechanical equipment (including AC equipment, **generators**, chillers, and other venting equipment) is the most appropriate location for commercial and larger residential developments such as this, as it provides opportunities for green space and moves the potentially noisy and unsightly equipment typically delegated to side yards furthest away from abutting property owners. Yet the code is antiquated in the mechanical equipment height projection allowances. In addition to allowing the generator to be placed on roof the request contemplated the increase in the height of generators greater than 100 kw from 84 inches to 155 inches and permitted to be mounted on the roof of the building.

Variance #18 a variance to exceed by 16% the mechanical equipment rooftop area greater than 15% of the total rooftop area, to permit 31% for building 2 and to exceed by 12% to permit 27% for building 1 on the oceanfront Ambassador parcel. The rooftop is the most practical location for air conditioning equipment for any building other than single-family residences. For multifamily buildings, most units would require two pieces of equipment per unit, plus the building itself would require multiple apparatuses such as the chiller, fan intake and exhaust areas. For building 2, the roof measures 104'x153' or 15,912 SF which would allow a 2,387 SF (15%) area for rooftop equipment. The total screened area is 4,324 SF plus 576 SF for fans for a total area of 4,900 SF or 31%. For building 1, the roof measures 94'x175' or 16,450 SF which would allow a 2,468 SF (15%) area for rooftop equipment. The total screened area is 3,912 SF plus 576 SF for fans for a total area of 4,488 SF or 27%.

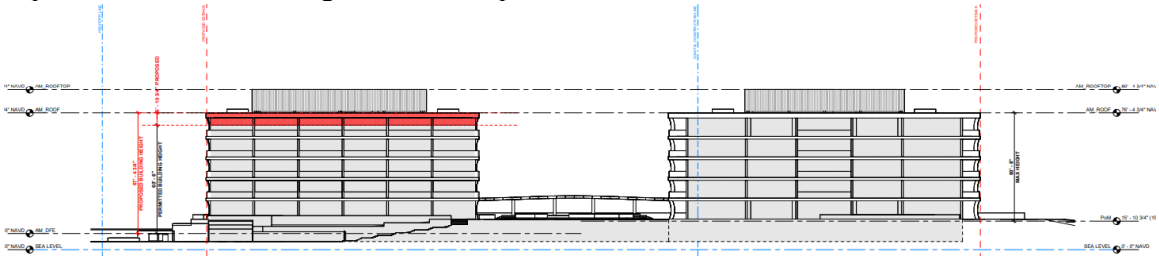


Staff has worked with the applicant in encouraging the reduction of the area, the central location of equipment upon the roof, the screening along all four sides and the lessoning of the architectural significance of the rooftop screening and features as to reduce the overall height and magnitude of the area and the appearance of the additional architectural penthouse levels on these two tower elements of the building on the east site.

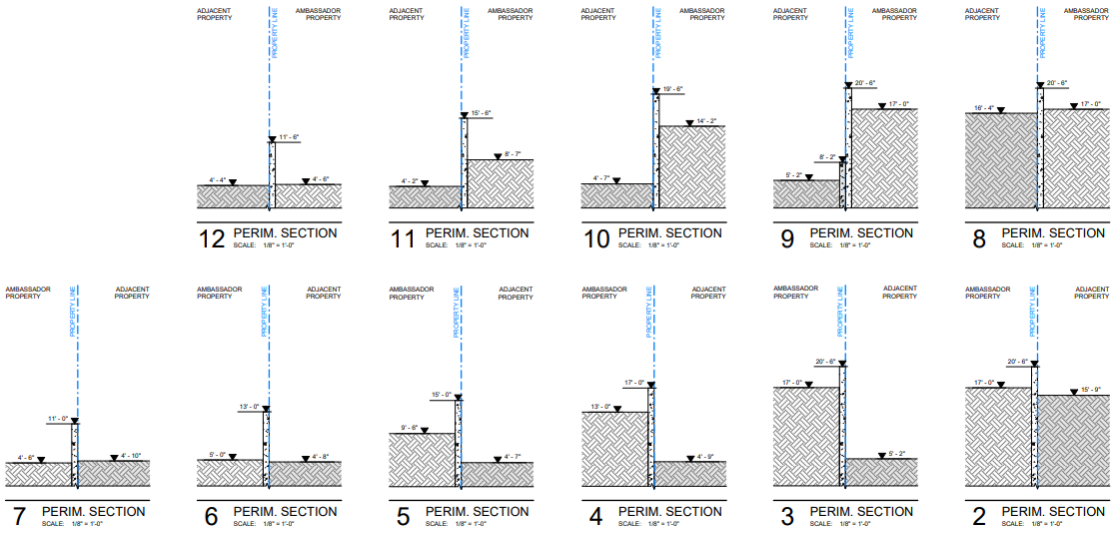
Variance #19 is to exceed the overall building height (roof height) by 22.25 ft for a total of 89.75 ft in lieu of the 67.5 ft maximum building height permitted, due to the height of the rooftop mechanical equipment and related screening. The applicant maintains that the existing eight-story building has a nonconforming building height of 93'-0" and that the request is due to the mechanical screening only. The screening mechanism is to ensure that the new rooftop projections will be visually hidden from view. And has been designed to complement the building while working with staff to minimize its visibility.

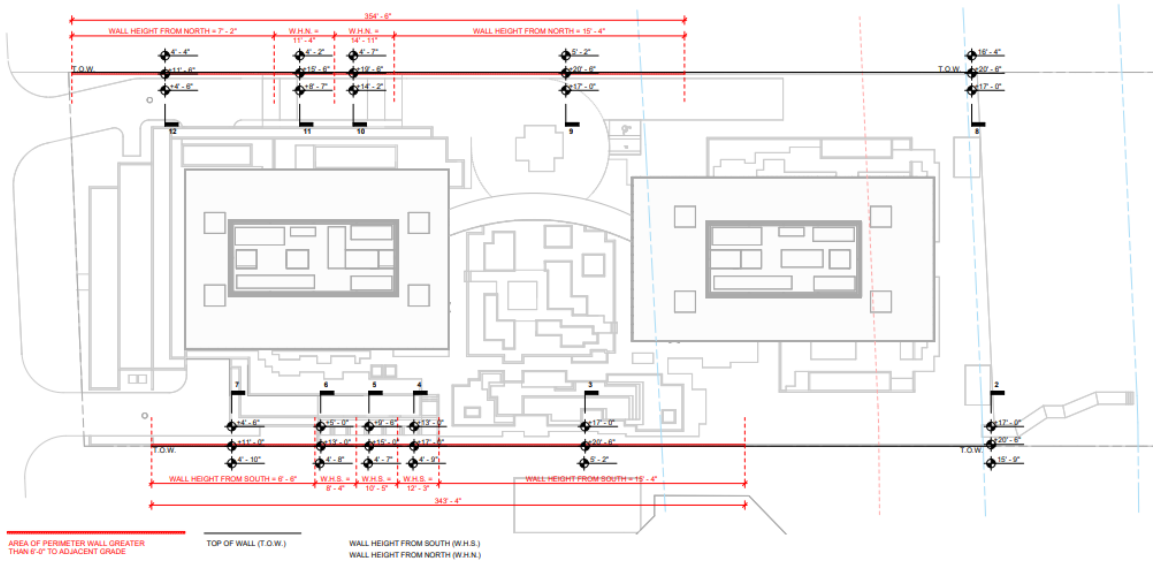


Variance #20 a variance to exceed the maximum overall building height of building #2 by 7 ft, for an overall building height of 67.5 ft in lieu of the 60.5' as measured from 9' NAVD point of measurement for the portion of the building located east of the CCCL. The applicant has designed the buildings under the assumption that that point of measurement of 15.9' for buildings east of the CCCL becomes the de facto measurement for the entirety of the buildings, since both independent towers area connected vis a vis the underground parking level. It is the interpretation of the department that the building contains two points of measurement—east of and west of the CCCL.



Variance #21 variance to exceed by 1'-6" for 7'-2" the maximum height of walls, specifically perimeter walls, in front yard and 8'-6" for 15'-6" in side yards on the oceanfront Ambassador parcel. Walls located on these property lines must be measured from adjacent grade. Since the applicant is seeking to significantly raise the overall height of the parcel through adding fill to the sides and front and rear yards, the code maximum height does not work. The proposed variance request falls within both north and south property line walls as shown below:





SUMMARY

In short, the overall design is a contemporary residential building that maximizes its views in all directions with its purely glass façade, but it does raise some major concerns based on the combination of certain variance requests, some of the design choices, and its overall appearance as it fits within the Town. It must be noted that the design team and staff have worked together over the past year to improve the project. While there are potential conflicts with the Code provisions that this project has identified, these will need to be addressed in the Code reform process, the overall proposal is for a building that exceeds lot coverage(above and below grade), reduces setbacks (above and below grade), and requires higher wall heights, and mechanical equipment and other rooftop projections; and pushes the limits on the amount of and role of fill on a site. When considered independently, the application requests may not seem egregious, but when taken together they may create a development that is too large a mass of buildings on these sites. As proposed, staff strongly suggests a redesign of many components of the project to minimize or eliminate some of the variance requests, lessen the overall size of the proposal, and reduce those threshold amounts where requested as enumerated above. With that, it is also incumbent that Council opine and provide direction on many of the more critical matters as it pertains to this project, and the direction of the south end R-D(2) in the future—specifically the fill matter and the garage level,

OTHER CONSIDERATIONS:

1. That the applicant coordinate and secure all necessary permits for the planting of canopy shade trees within the landscaped area within the front swale at an occurrence of one for every 30 feet of linear frontage, subject to site plan review and approval by the Planning, Zoning and Building, and Public Works Departments.
2. That the applicant provide for increased drainage storage to comply with capturing a 10-year design storm, as opposed to the current 2". This would be in addition to any South Florida Water Management District and DEP stormwater management requirements, subject to site plan review and approval by the Planning, Zoning and Building, and Public Works Departments.
3. That the applicant achieve a LEED Silver, or better, level of certification (or other nationally-recognized equivalent green building accreditation), demonstrating leadership in sustainability and incorporating cutting-edge green building technologies. Proof of

achievement of such certification shall be needed prior to any form of certificate of occupancy being issued for the buildings.

4. That the applicant submit an application for a Zoning Code text amendment adjusting the definition of 'basements' to allow for exposed walls along a covered and enclosed parking level to accommodate mechanical ventilation as may be required by FEMA or the FBC.
5. That the applicant submit a revised roof plan for all three flat roofs incorporating solar panels, subject to site plan review and approval by ARCOM and the Planning, Zoning and Building Department.
6. That the applicant submit a revised subterranean plan depicting the incorporation of cisterns as part of a stormwater management plan, for stormwater collection and reuse of captured water, subject to site plan review and approval by the Planning, Zoning and Building Department.
7. That the applicant voluntarily offer, proffer and agree to provide an easement for a public pedestrian walkway ("Lake Trail South") west of the existing seawall along the rear of the subject site, subject to site plan review and approval by the Planning, Zoning and Building Department. This is the first set of south-end properties to be subject to redevelopment, and the Town should consider requiring owners of redevelopment projects along the Intracoastal Waterway to provide the easements necessary to later construct a "Lake Trail South" along this portion of the Lake Worth Lagoon. The "Lake Trail South" shall connect directly to any future "Lake Trail South" to the south of the property, as well as connect to the public sidewalk along South Ocean Boulevard on one side of the property.
8. That the applicant explore the incorporation of a combination of natural seawalls, or "living shorelines," in addition to the concrete seawall, in order to offer a resilient and sustainable alternative to traditional concrete seawalls, utilizing natural materials like plants, sand, and reefs to protect coastlines and ecosystems while promoting biodiversity and reducing erosion.
9. That the applicant provide the new or substantially rehabilitated seawalls and tidal flood barriers with a minimum elevation of 5 feet above North American Vertical Datum (NAVD) with an allowance for 4 additional feet until 2035 if designed to accommodate the 5-foot elevation by 2050 elevation of the proposed concrete sea wall in order to meet the minimum standards for elevation, but also plan for future raising of the seawall by providing enough structural foundation to support a raised cap in the future subject to site plan review and approval by the Planning, Zoning and Building and Public Works Departments.
10. That the applicant contribute to a "Town Resiliency Fund" based on the evaluation and assessment of the subject project, the rational nexus between such project and impacts to the resiliency, climate change and sea level rise, and the rational nexus and rough proportionality between the project and impacts to the Town.

CONCLUSION:
Approval of the project will require two (2) separate motion(s) to be made by the Architectural Commission:

1. for the overall design of the project in accordance with Sec. 18-205 criteria, subject to any imposed conditions, and
2. that the implementation of the proposed variances **shall** or **shall not** cause negative architectural impacts to the subject property.

Approval, approval with conditions, or denial of the project will require multiple motions to be made by the Town Council. There are the following requests:

- two (2) separate Special Exception requests, one (1) for five stories and one (1) for the pedestrian tunnel; one (1) Site Plan Review; and twenty-one (21) variances.

The motions would be as follows:

1. for final determination of approval or denial of special exception #1 (as it pertains to redevelopment of five-stories in the R-D(2) zoning district) by the Town Council, and that the special exception **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-229, items 1 through 14 have been met; and
2. for final determination of approval or denial of special exception #2 (as it pertains to the pedestrian tunnel) by the Town Council, and that the special exception **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-229, items 1 through 14 have been met; and
3. for final determination of approval or denial of the site plan review by the Town Council, and that the special exception **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-329; and
4. for final determination of approval or denial of the twenty-one (21) variances by the Town Council, and that the variances **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met.

All of the requests can be approved or denied in whole, partially or individually.

WRB:JGM