

From: [Aly Serrano](#) on behalf of [Town Council](#)
To: [Town Council & Mayor](#)
Cc: [Wayne Bergman](#); [James Murphy](#); [Kelly Churney](#)
Subject: FW: 125 Worth Ave.
Date: Wednesday, June 02, 2021 3:53:29 PM
Attachments: [Worth Avenue Design Guidelines 1991-01-03 MINUTES Special Town Council.pdf](#)

From: Carol LeCates <clecates@comcast.net>
Sent: Wednesday, June 02, 2021 3:44 PM
To: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Town Council
<TCouncil@TownofPalmBeach.com>
Subject: Fwd: 125 Worth Ave.

*****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.*****

Please note correction to typo in second to last line of previous e-mail:
"I urge you to consider the criteria for hardship under Florida **law**..."

----- Original Message -----

From: Carol LeCates <clecates@comcast.net>
To: mayor <mayor@townofpalmbeach.com>, council
<council@townofpalmbeach.com>
Date: 06/02/2021 3:32 PM
Subject: 125 Worth Ave.

Dear Mayor and Council,

The multiple variance and special exception requests by the owners of 125 Worth Ave. are not in any way justified by hardship, but rather represent the owners' desire to evade zoning regulations. A roof top mechanical structure and an enormous garage are somehow conjured into "hardships" when in fact they are both assets, the garage being an especially valuable one. Rather than respect the town code and Worth Ave. Guidelines, the current owners wish to develop rooftop condos and expand an already massive property, without any legal basis on which variances or a 4th story special exception can be granted.

A major feature of the application is the new characterization of the non-conforming roof top mechanical enclosure as a "fourth story". The owners had previously correctly recognized that they had a 3 story building when they applied to have the town's comprehensive plan amended so they could build a fourth story. Their own marketing materials for the property refer to the "3-story" building, and permits for the construction of the building were definitively for 3 stories with a

mechanical structure on the roof. (Since the permit pre-dated the current code specifications for mechanical equipment and all Worth Ave. projects were subject to architectural review in the 1970's, it seems likely that the review board would have required the equipment to be concealed by an architecturally consistent enclosure and would not have authorized any use other than mechanical for that rooftop footprint.) Yet there is now an effort to claim this purely mechanical enclosure as a fourth floor. (Imagine where we will be when other property owners start claiming their roof top mechanicals as gross leasable area.) Because there is no legitimate fourth story and no part of the code that permits one, a special exception request for expansion of a fourth story is invalid. See code Sec. 134-1165 below:

"Sec. 134-1165. - Special exception to height regulations; special exception structures.

(a) *Criteria for granting.* 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 C-WA Worth Avenue 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 goals and guidelines in this section.

Two-story and three-story construction. The following shall be applicable to two-story and three-story construction in the C-WA district:

1. (1) First story coverage not more than 35 percent and second story coverage not more than 35 percent. Additional coverage and other special allowances may be granted if the structure is built in accordance with the Worth Avenue Design Guidelines in conformance with section 134-233.
2. (2) A third story and other special allowances may be granted if the structure is built in accordance with the Worth Avenue Design Guidelines in conformance with section 134-233."

A 4th story is not permitted at all in the C-WA district, regardless of meeting the above mentioned criteria. The code makes it clear that a *third* story can only be granted if the structure meets the criteria, which in this case it does not anyway (the most glaring deficiency being the combination of architectural styles, Med. Revival and modern, which is expressly deemed "inappropriate" in Section O of the Guidelines). Therefore, a special exception to have (or even expand) a 4th floor cannot be applied for, let alone granted. For additional information regarding the meaning and intent of the Worth Ave. Guidelines, especially the maximum number of stories, please see attached transcript of the town council discussion on this topic in 1991. (N.B.: Highlighted section is from an

earlier reference.)

Similarly, the variances for added height and width cannot be granted, as there is no hardship in having an over-sized property, and no grounds for expansion beyond zone maximums that are *already exceeded in the existing building*.

Regarding the application references to the Worth Ave. Guidelines, the proposed redevelopment for the most part ignores them. The proposed fourth story is not permitted any where in the code or the comprehensive plan, let alone in the Guidelines. At more than 4 times the desirable lot width of the zone, the enlargement of ground floor spaces is audacious. The ground floor expansions also reduce existing space that is open to the sidewalk and the west-side courtyard and east side plaza do not appear to welcome pedestrians and create no usable linkages with adjacent properties. (These appear to be intended for future restaurant use.) The architectural styles are a mash-up of Mediterranean and post-modern (the fourth story and entire north elevation), which is the antithesis of the intention of the Guidelines. The absence of an arcade or colonnade is a glaring omission and lost opportunity, and the sidewalks are less than the required minimum in some places. Many of these issues can be addressed by ARCOM, but taken as a whole, they demonstrate a surprising and disappointing lack of attention to the design goals for the district.

I urge you to consider the criteria for hardship under Florida law, and for special exceptions in our own code, and deny the requested exceptions and variances.

Respectfully,
Carol LeCates