

JAMES K. GREEN, P.A.

LAWYERS

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August 8, 2022

Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Comprehensive Plan Issue and Objections Regarding ZON-22-070 (COA-22-026) 241 SEAVIEW AVE (COMBO)-SPECIAL EXCEPTION WITH SITE PLAN REVIEW

Greetings:

I represent the Haleys, the Meisters, the Lucks, the Daniels, the Allison, and Alessandra Branca, neighbors who abut the proposed concrete parking lot, and who oppose the Day School's proposal to pave over scarce green space with concrete in violation of the Town's Comprehensive Plan and without adequate study of alternative parking remedies.

This letter will address why the Day School's proposal to pave over scarce green space with concrete should be denied.

First, the Town deferred this matter last month. One reason for the deferral was that Town Attorney Skip Randolph was not prepared to render a legal opinion as to whether the application was deficient because it violated the Town's Comprehensive Plan. As explained at that meeting by Wes Blackman, the application seeks lot coverage of 50% but the Comprehensive Plan permits only 40%. As promised, I sent a letter memorandum of law to Skip which is attached hereto as Exhibit A.

My understanding is that Skip's recommendation will be that you defer to staff, which has historically interpreted the zoning code to exclude parking and driveway areas from the calculation of lot coverage. Deference to staff's historical interpretation may be appropriate where the words used in the zoning code and Comprehensive Plan are ambiguous. However, there is no ambiguity here. The Comprehensive Plan clearly says 40% lot coverage, and it trumps the zoning code which says 50% lot coverage.¹ On this basis alone, the application should be denied. Further, maximizing green space and minimizing poured slabs of concrete over them is certainly a worthy goal.²

¹ Apparently, the neighbors' White Paper from expert planner Wes Blackman, attached here to Exhibit A, which concluded that the application violated the Comprehensive Plan, as well as their Market Study, Exhibit B, and Traffic and Parking Study, Exhibit C, were not included in the Town's August 10, 2022 meeting's backup documents.

² Notably, the Day School at the June Landmarks meeting, which none of my clients were notified about, discussed an alternative porous surface, but abandoned that alternative at last month's Town Council meeting.

Second, the parking lot will adversely affect the neighbors' property values. The Day School's response is that all property values in Palm Beach are rising, including Leslie Shaw's, but that does not address the smaller rise in property values associated with property next to concrete parking lots. Also, paving over space that has been green for at least two decades will exacerbate drainage issues in this time of sea level rise and climate change. On these bases alone, the application should be denied.

Third, the Day School has not adequately made its case for paving over space that has been green for at least two decades. *See* Traffic and Parking Study. On this basis alone, the application should be denied.³

And fourth, to make matters worse, the Day School seeks to largely re-write a decades-old Declaration of Use for its property which would: 1) eliminate valet parking; 2) allow the illumination of the new parking lot and former green space; 3) allow an unlimited number of school and commercial events per year; 4) allow school bus parking; 5) allow unlimited use of the concrete parking lot at all hours, including for commercial use⁴; and 6) eliminate all use restrictions on the six parking spaces at the West end of the school buildings on the North side of Seaview. Each of these new and expanded uses will interfere with the neighbors' enjoyment of their properties and decrease their property values.

In conclusion, let me borrow from the singer songwriter Joni Mitchell:

Don't it always seem to go
That you don't know what you got 'til it's gone
They paved paradise put up a parking lot

Sincerely,

/s/ *James K. Green*

James K. Green
Counsel for the Objectors

³ The decades' old Declaration of Use allowed the school to increase its student body from 310 to 360, but Ms. Ziska testified under oath at the last hearing that the current student census was only 250. TC Development Review Backup 8-10-2022 at 89-90, para. 12.

⁴ Notably, the back-up to the Application does not include the Town's Article IV, Conditions of Approval from the year 2000 which required that the Day School develop and submit to the Town for review, a "program to promote carpooling and the use of bus transportation by students at the school, shall evaluate with Palm Tran the possible transportation of students by public transit and shall evaluate the staggering of arrival and dismissal times." TC Development Review Backup 8-10-2022 at 89-90, para. 11.

Exhibit A

JAMES K. GREEN, P.A.

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July 19, 2022

By E-Mail to:
jrandolph@jones-foster.com

John C. Randolph, Esq.
Jones Foster Johnston & Stubbs, P.A.
Suite 1100
505 South Flagler Drive
West Palm Beach, FL 33401

*Re: Comprehensive Plan Issue Regarding ZON-22-070 (COA-22-026\ 241
SEAVIEW AVE (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW*

Dear Skip:

As discussed, I represent 10 neighbors who oppose the Palm Beach Day Academy's ("Day School") proposed parking lot because it will be noisy, decrease property values, reduce if not eliminate significant permeable green space surface that will increase flooding, and will likely lead to additional density at night with overflow parking from commercial facilities like hotels and restaurants.

Our planner, C. Wesley Blackman, reported:

The subject property carries a Future Land Use map designation of "Private Group Use" and is within the R-B Low Density Residential zoning district. The Future Land Use designation is assigned to the property through the Future Land Use Map found in the Town of Palm Beach's Comprehensive Plan. This property is given that designation to reflect its use as a private school. This is how this Future Land Use designation is described in the Future Land Use Element of the Comprehensive Plan (page 1-20).

Blackman White Paper at 1.

Comprehensive Plan Policy 2.3 provides:

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

The term Private Group Uses “**includes** such uses as churches, **private schools**, golf and country clubs, other private clubs, museums, etc.” (emphasis added). Town of Palm Beach’s Comprehensive Plan at page 1-11.

Policy 2.3.6(b) specifically refers to properties with a designation for “Private Group Use” and provides that the “[m]aximum lot coverage shall be 40%.” Town of Palm Beach’s Comprehensive Plan at page 1-26.

On July 13, 2022, Wayne Bergman stated that Town staff interpret the zoning code to exclude driveways and parking lots from lot coverage. However, that interpretation is neither consistent with the Comprehensive Plan nor with the Code of Ordinances, Town of Palm Beach, Florida (“Code”).¹

According to Sec. 134-2. Definitions and rules of construction:

“Lot coverage means that percentage of the lot area covered or occupied by the buildings or any part of the buildings, excluding therefrom any projections permitted to extend into yard areas elsewhere by this chapter.”

The definition of “building” refers to “structure.”: “Building. See Structure.”

“Structure means anything constructed, placed or erected on land, submerged land or over water, the use of which requires permanent or temporary location on the land, submerged land or over water, or attachment to something having permanent or temporary location on or over the land, submerged land, or water.

¹ Deference to staff is certainly important, but not when staff’s interpretation conflicts with the plain language of the Comprehensive Plan and the Code. *Eagle Broadcasting Group, Ltd. v. FCC*, 563 F.3d 543, 552 (D.C.Cir.2009) (if the “search for **the plain meaning of the statute ... yields a clear result, then Congress has expressed its intention as to the question, and deference is not appropriate**”) (internal quotations omitted) (emphasis added); *Texas v. United States*, 497 F.3d 491, 501 (5th Cir.2007) (“Judicial **deference is due only ‘if the agency interpretation is not in conflict with the plain language of the statute.’**” (quoting *Nat’l R.R. Passenger Corp. v. Bos. & Me. Corp.*, 503 U.S. 407, 417 (1992))). (emphasis added).

(emphasis added). The definition of “structure” is clear and unambiguous. “Structure” therefore is not limited to “buildings” and includes anything attached to land like concrete for a parking lot.

The Town Council’s sole function is to “is to enforce the [Code] according to its terms.” *Dodd v. United States*, 545 U.S. 353, 359 (2005) (citation omitted). Thus, our analysis “begins with ‘the language of the statute[s],’” and because the “statutory language provides a clear answer, it ends there as well.” *Hughes Aircraft Co. v. Jacobson*, 525 U.S. 432, 438 (1999) (citations omitted). *See also Haskins v. City of Ft. Lauderdale*, 898 So.2d 1120, 1123 (Fla. 4th DCA 2005) (“A basic canon of statutory interpretation requires us to ‘presume that [the] legislature says in a statute what it means and means in a statute what it says there.’”) (quoting *Conn. Nat’l Bank v. Germain*, 503 U.S. 249, 253–54 (1992)).

As the late Justice Antonin Scalia and Bryan A. Garner wrote in *Reading Law: The Interpretation of Legal Texts* 174 (2012):

[I]f possible, **every word and every provision is to be given effect.** None should be ignored. None should be given an interpretation that causes it to duplicate another provision or to have no consequences.

(emphasis added).

Based upon the above, and as stated by Mr. Blackman:

[A]ny property with a “Private Group Use” designation on the Future Land Use map must adhere to a maximum lot coverage of 40%. The Zoning Legend appearing on page ZD1 of the PBDA Parking Lot development plan back-up materials ignores this restriction and relies on the maximum lot coverage of 50% permitted by the RB zoning district to allow for the parking area.

Blackman White Paper at 3-4 (emphasis added).

Where, as here, the zoning code conflicts with the Comprehensive Plan, the Comprehensive Plan controls. For this reason, the Day School’s proposed parking lot should be denied because it facially violates and exceeds the lot coverage limit of the Comprehensive Plan.² Lastly, paving over green space will adversely affect the public welfare that is set forth in Code Sec. 134-229(2).

² “A local comprehensive land use plan is a statutorily mandated legislative plan to control and direct the use and development of property within a county or municipality.” *Machado v. Musgrove*, 519 So. 2d 629, 631-32 (Fla. 3d DCA 1987) (citing § 163.3167(1),

Sincerely,

/s/ James K. Green
James K. Green

cc. Maura Ziska, Esq. *via* email

Fla. Stat. (1985), and *Southwest Ranches Homeowners Ass'n v. Broward County*, 502 So. 2d 931 (Fla. 4th DCA 1987)).

The legislature instructs us “that adopted comprehensive plans shall have the legal status set out in this [Community Planning Act] and that **no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof**, prepared and adopted in conformity with this act.” § 163.3161(6), Fla. Stat. (emphasis added); *see Lee County v. Sunbelt Equities, II, Ltd. P’ship*, 619 So. 2d 996, 1003 (Fla. 2d DCA 1993) (“In Florida, all zoning and development permitting must now be consistent with the comprehensive plan of the city or county in question.”).

Compliance with a comprehensive plan is mandatory. *See* § 163.3194(1), Fla. Stat. (“[A]ll development undertaken by, and **all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.**”) (emphasis added); *e.g. Pinecrest Lakes, Inc. v. Shidel*, 795 So. 2d 191, 198 (Fla. 4th DCA 2001) (“Section 163.3194 requires that all development conform to the approved Comprehensive Plan, and that development orders be consistent with that Plan. The statute is framed as a rule, a command to cities and counties that they must comply with their own Comprehensive Plans after they have been approved by the State.”). Clearly, the legislature has established the primacy and legal effect of a local government’s Comprehensive Plan. *See Bennett v. St. Vincent’s Med. Ctr., Inc.*, 71 So. 3d 828, 838 (Fla. 2011) (“[C]ourts [and in this case, the Town Council] are ‘without power to construe an unambiguous statute in a way which would extend, modify, or limit, its express terms or its reasonable and obvious implications. To do so would be an abrogation of legislative power.’ ” (*quoting McLaughlin v. State*, 721 So. 2d 1170, 1172 (Fla. 1998))).

C. WESLEY BLACKMAN AICP

Senior Principal Urban Planner

dba CWB ASSOCIATES

241 Columbia Drive

Lake Worth Beach, Florida 33460

July 12, 2022

RE: ZON-22-070 (COA-22-026\ 241 SEAVIEW AVE (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW

The subject property carries a Future Land Use map designation of "Private Group Use" and is within the R-B Low Density Residential zoning district. The Future Land Use designation is assigned to the property through the Future Land Use Map found in the Town of Palm Beach's Comprehensive Plan. This property is given that designation to reflect its use as a private school. This is how this Future Land Use designation is described in the Future Land Use Element of the Comprehensive Plan (page I-20):

Private Group Uses

The Plan designates approximately 219 acres of land for this use. Appropriate uses include low intensity private clubs, golf and country clubs, houses of worship, museums and noncommercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, indicates that such properties may also be appropriate for residential or commercial development. The Zoning Ordinance is the tool which indicates those uses which are specifically allowed or prohibited. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

The Future Land Use Element of the Comprehensive Plan also contains important Goals, Objectives and Policies designed to control redevelopment so that it is consistent with the Future Land Use Map. Policy 2.3 on page I-24 states as follows:

POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

Policy 2.3.6 specifically refers to properties with a designation for “Private Group Use” (page I-26):

- 2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.
- a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential, Multi-family Moderate Density, and Commercial future land use categories.
 - b. Maximum lot coverage shall be 40%.
 - c. In limited circumstances (Commercial Worth Avenue (C-WA) zoning district), the maximum building height shall be three stories.

As a result, any property with a “Private Group Use” designation on the Future Land Use map must adhere to a maximum lot coverage of 40%. The Zoning Legend appearing on page ZD1 of the PBDA Parking Lot development plan back-up materials ignores this restriction and relies on the maximum lot coverage of 50% permitted by the RB zoning district to allow for the parking area:

Zoning Legend			
Property Address:	241 Seaview Ave, Palm Beach, FL 33480		
Zoning District:	R-B		
Structure Type:			
	Required/Allowed	Existing	Proposed
Lot Size (sq ft)	113,168 SF	113,168 SF	113,168 SF
Lot Depth	N/A	100.85'	N/A
Lot Width	N/A	1,124.90'	N/A
Lot Coverage (Sq Ft and %)	50%	39.78%	50.00%
Enclosed Square Footage (Basement, 1st Fl, 2nd Fl, Accessory Structures)	N/C	N/C	N/C
Cubic Content Ratio (CCR) (R-B ONLY)	N/C	N/C	N/C
*Front Yard Setback (Ft.)	40%	61.20%	59.90%
* Side Yard Setback (1st Story) (Ft.)	N/A	N/A	N/A
* Side Yard Setback (2nd Story) (Ft.)	N/A	N/A	N/A
*Rear Yard Setback (Ft.)	N/A	N/A	N/A
Angle of Vision (Deg.)	N/A	N/A	N/A
Building Height (Ft.)	N/C	N/C	N/C
Overall Building Height (Ft.)	N/C	N/C	N/C
Crown of Road (COR) (NAVD)	N/A	1.58	N/C
Max. Amount of Fill Added to Site (Ft.)	N/A	N/A	N/A
Finished Floor Elev. (FFE)(NAVD)	N/C	N/C	N/C
Pro Datum for point of meas. (NAVD)	N/A	N/A	N/A
FEMA Flood Zone Designation	N/A	N/A	N/A
Base Flood Elevation (BFE)(NAVD)	N/A	N/A	N/A
Landscape Open Space (LOS) (Sq Ft and %)	56,584(50%)	68,151(60.2%)	56,585(50.0%)
Perimeter LOS (Sq Ft and %)	N/A	N/A	N/A
Front Yard LOS (Sq Ft and %)	N/A	N/A	N/A
**Native Plant Species %	Please refer to separate landscape legend.		

***PREVIOUSLY PROPOSED**



NIEVERA WILLIAMS
DESIGN

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West Palm Beach, FL 33401
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NIEVERAWILLIAMS.COM

COA-22-026 | ZON-22-070

ZD1

PBDA Backup at p. 50 (lower right hand corner). See also, Maura Ziska testimony at the May 18, 2022 LPC hearing at p. 9:

“So, this is essentially a request to add 34 parking spaces to the west of the building. We don't ...need a variance. We don't need a variance for green space.
We will still have 50% green space.”

There is no variance relief available as it relates to consistency with the Comprehensive Plan. If the implementing zoning district of the property is more permissive than what is permitted by the Future Land Use map designation of the Comprehensive Plan, it is the Future Land Use designation which governs.

My resume is attached hereto as Exhibit A. I certify that the above is true and correct.

C. Wesley Blackman, AICP

Exhibit B

**MARKET STUDY TO DETERMINE
THE IMPACT ON MARKET VALUE TO
ADJACENT PROPERTIES BY
THE REPLACEMENT OF GREEN SPACE
WITH A PAVED PARKING LOT
LOCATED ALONG THE SOUTH PROPERTY LINES OF
330 AND 332 SEASPRAY AVENUE
PALM BEACH, FLORIDA 33480**

FOR

**MR. & MRS. ROBERT MEISTER
330 SEASPRAY AVENUE
PALM BEACH, FLORIDA 33480**

BY

**ROBERT B. BANTING, MAI, SRA
CERT GEN RZ4**

AND

**MICHELLE J. MICKLE
CERT GEN RZ3316**

WITH

**ANDERSON & CARR, INC.
521 SOUTH OLIVE AVENUE
WEST PALM BEACH, FLORIDA 33401**

**DATE OF INSPECTION: OCTOBER 1, 2018
DATE OF REPORT: OCTOBER 2, 2018**

**FILE NO.: 2180460.000
CLIENT REFERENCE: 330 AND 332 SEASPRAY AVENUE**

October 2, 2018

Mr. & Mrs. Robert Meister
330 Seaspray Avenue
Palm Beach, FL 33480

Dear Mr. and Mrs. Meister;

Pursuant to your request, we have performed a market study to determine the impact on value, if any, caused by the addition of a parking lot located on Seaview Avenue, which will run the length of the southern property line of 330 Seaspray Avenue, and also a portion of the south property line of 332 Seaspray Avenue in Palm Beach. The entrance to the proposed parking lot will be on the north side of Seaview Avenue, between Cocoanut Row and South County Road. The property addresses which are the subject of this study are 330 and 332 Seaspray Avenue, Palm Beach, FL 33480.

The purpose of this market study is to determine what impact, if any, the addition of a proposed parking lot on Seaview Avenue, will have on the subject properties, specifically 330 and 332 Seaspray Avenue, Palm Beach, FL 33480. The effective date of this market study is the inspection date, October 1, 2018.

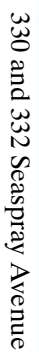
The intended use of the report is to assist the client and intended user in public hearings and possible litigation. This report has been prepared for no other purpose and for use by no other person or entity than for use by the client for the purpose stated herein. Any other use of this appraisal is considered a misuse and thus the appraisers will not be held responsible for any outcome associated with use by another entity or for another purpose.

The subject property consists of two residential parcels, each improved with a single family residence. The property located at 330 Seaspray Avenue is currently under extensive renovation. The proposed parking lot would be constructed on land currently owned by Palm Beach Day Academy and would contain approximately 30 parking spaces. This parking lot will abut the south property line of the entire parcel of 330 and 332 Seaspray Avenue. Currently, the parking lot site is being utilized as open green space and a playground field for the school. See the aerial map and exhibits on the following pages for more clarification.



Aerial Map





Copy of Site Plan – Page 2 of 2



To measure what impact if any there would be to the subject properties, the appraisers researched the general Palm Beach County market area to find neighborhoods where a control property could be defined that sold under a similar parking lot influence to the subject properties. This control property was then compared to other properties in that particular neighborhood that were not under a parking lot influence. All differences were adjusted for with the exception of the parking lot influence, to arrive at a market value. This market value was then compared to the control property's sale price to arrive at a percentage adjustment for the parking lot influence.

We found one area within the Town of Palm Beach and three other areas in the West Palm Beach area which were under similar influences. Individual studies were completed on each of these areas. Our findings for each of these studies are discussed on the following pages.



Everglades Condominium Parking Lot – Palm Beach, FL



EVERGLADES CONDOMINIUM PARKING LOT - SALES SUMMARY TABLE								
Sale No. Date	OR Bk Page	Property Address	Land Area SF Acres	Year Built	Gross Living Area	No. of Bedrooms	No. of Bathrooms	Sale Price
1	29503	245 Atlantic Avenue	10,000	2015	4,402	5	5.0	\$4,600,000
Nov-17	124	Palm Beach	0.23					
2	29816	205 Atlantic Avenue	6,510	2001	3,421	3	4.1	\$3,400,000
Apr-18	1879	Palm Beach	0.15					
3	29756	249 Seminole Avenue	5,929	1995	3,421	3	4.1	\$3,400,000
Apr-18	1662	Palm Beach	0.14					
Control	29174	240 Atlantic Avenue	5,000	2016	2,635	4	4.0	\$3,250,000
Jun-17	122	Palm Beach	0.11					

This study is in the Town of Palm Beach, north of Royal Poinciana Way. The control property is located at 240 Atlantic Avenue and backs up to the parking lot for the Everglades Condominium. All of the sales were adjusted to the subject property, not considering any parking/noise effect. After adjustments the sales ranged from a low of \$3,078,750 to a high of \$3,898,550 with an average of \$3,531,567. The subject property was originally listed at \$3,999,000 and was reduced to \$3,650,000 prior to its sale in June of 2017 for a recorded price of \$3,250,000. It was on the open market for a total of 237 days. Based upon the above, the actual sale price of the control property reflects a discount of approximately 8.66%.



South Dixie Highway Parking Lot – West Palm Beach



PARKING LOT ON SOUTH DIXIE HIGHWAY - SALES SUMMARY TABLE								
Sale No. Date	OR Bk Page	Property Address	Land Area SF Acres	Year Built	Gross Living Area	No. of Bedroom	No. of Bathrooms	Sale Price
1	29585	2415 Aravale Road	6,650	1925	2,718	4	4.1	\$1,500,000
Jan-18	120	West Palm Beach	0.15					
2	29268	277 Cordova Road	8,122	1925	4,116	4	3.1	\$1,963,000
Aug-17	575	West Palm Beach	0.19					
3	28861	231 Sunset Road	6,440	1924	2,835	4	3.2	\$1,525,000
Jan-17	819	West Palm Beach	0.15					
4	29378	204 Sunset Road	8,505	1952	2,018	4	3.0	\$1,225,000
Oct-17	474	West Palm Beach	0.20					
Control	29373	326 Valencia Road	10,000	1925	4,142	5	4.1	\$1,450,000
Sep-17	777	West Palm Beach	0.23					

This study is in the West Palm Beach area, south of Okeechobee Boulevard and north of Belvedere Road, east of South Dixie Highway. The neighborhood is known as “El Cid” and is has many historic homes. The control property is located at 326 Valencia Road and adjoins a parking lot on its west property line. All of the sales were adjusted to the subject property, not considering any parking/noise effect. It is noted that all of the sales were located in superior blocks when compared to the subject and were all adjusted downward for this factor. After adjustments the sales ranged from a low of \$1,454,200 to a high of \$1,650,150 with an average of \$1,567,438. The subject property was originally listed at \$1,895,000 and sold in September of 2017 for a recorded price of \$1,450,000. It was on the open market for a total of 27 days. Based upon the above, the actual sale price of the control property reflects a discount of approximately 8.10%.



South Olive Elementary School Access Drive – West Palm Beach

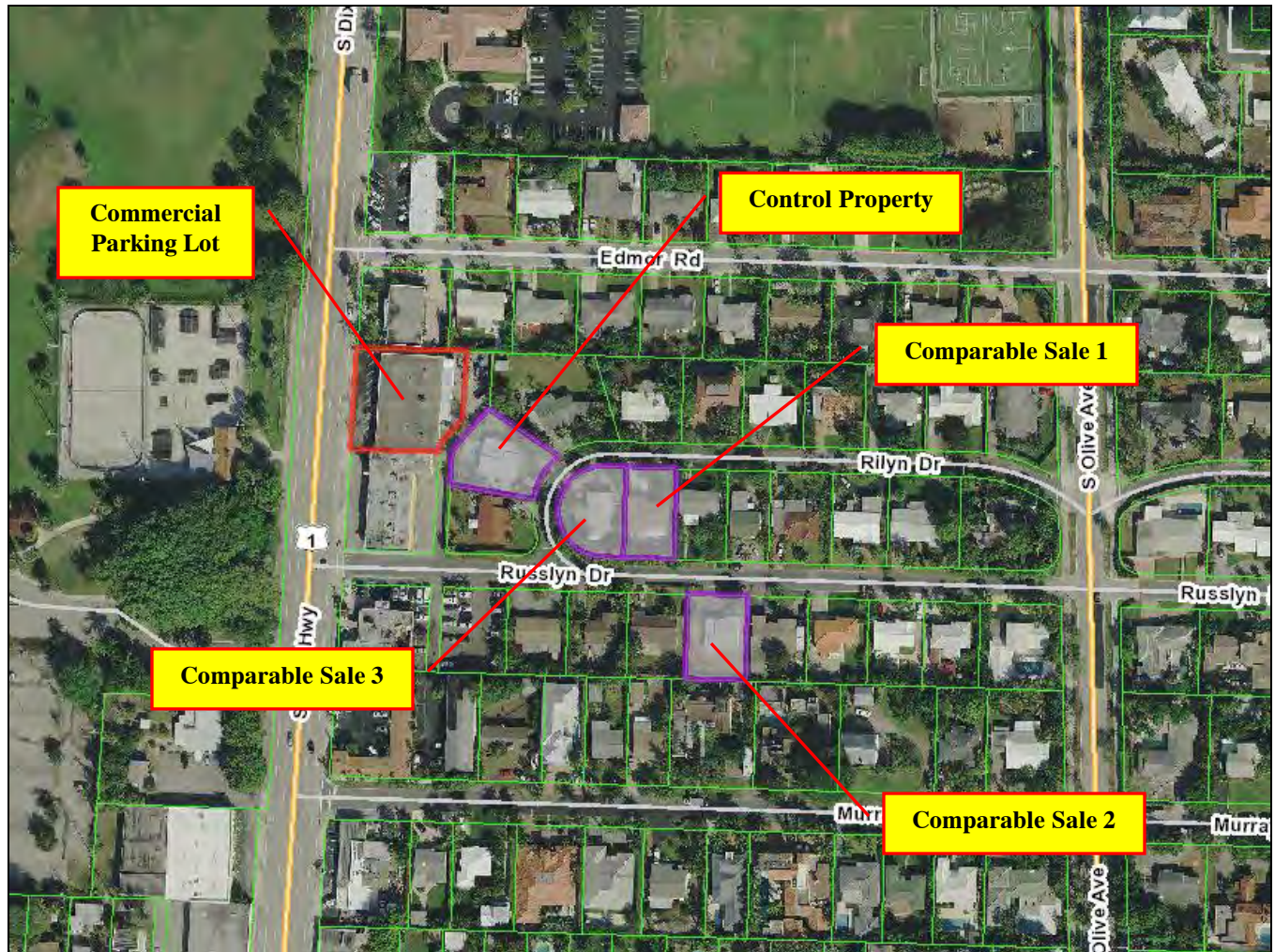


SOUTH OLIVE ELEMENTARY SCHOOL ACCESS DRIVE - SALES SUMMARY TABLE								
Sale No. Date	OR Bk Page	Property Address	Land Area SF Acres	Year Built	Gross Living Area	No. of Bedroom	No. of Bathrooms	Sale Price
1	29077	311 Winters Road	8,560	1952	1,373	2	1.0	\$275,000
May-17	1323	West Palm Beach	0.20					
2	29106	349 Winters Road	6,956	1950	1,240	3	1.0	\$265,000
May-17	885	West Palm Beach	0.16					
3	29587	371 Winters Road	6,955	1950	937	2	1.0	\$260,000
Jan-18	1110	West Palm Beach	0.16					
Control	29766	322 Maddock Street	7,148	1950	1,604	4	3.0	\$360,000
Apr-18	1033	West Palm Beach	0.16					

This study is in the West Palm Beach area, south of Forest Hill Boulevard and north of Gregory Road, east of South Dixie Highway. The control property is located at 322 Maddock Street and adjoins an access drive for the elementary school along its south property line. All of the sales were adjusted to the subject property, not considering any access driveway/parking/noise effect. After adjustments the sales ranged from a low of \$379,500 to a high of \$411,900 with an average of \$397,900. The subject property was originally listed at \$378,900 and was reduced to \$375,000 prior to its sale in April of 2018 for a recorded price of \$360,000. It was on the open market for a total of 102 days. Based upon the above, the actual sale price of the control property reflects a discount of approximately 10.53%.



Commercial Parking Lot – West Palm Beach



COMMERCIAL PARKING LOT - SALES SUMMARY TABLE								
Sale No. Date	OR Bk Page	Property Address	Land Area SF Acres	Year Built	Gross Living Area	No. of Bedrooms	No. of Bathrooms	Sale Price
1	29474	336 Rilyn Drive	6,419	1951	1,179	2	2.1	\$270,000
May-15	34	West Palm Beach	0.15					
2	29239	332 Russlyn Drive	7,099	1950	923	3	1.0	\$231,000
Feb-16	1343	West Palm Beach	0.16					
3	28129	345 Ruslyn Drive	7,186	1949	1,082	2	2.0	\$295,000
Feb-16	425	West Palm Beach	0.16					
Control	27777	349 Rilyn Drive	8,316	1947	1,612	3	2.0	\$285,000
Sep-15	1860	West Palm Beach	0.19					

This study is in the West Palm Beach area, south of Southern Boulevard and north of Palmetto Street, east of South Dixie Highway. The control property is located at 349 Rilyn Drive and adjoins a commercial parking lot along its rear property line. All of the sales were adjusted to the subject property, not considering any parking/noise effect. After adjustments the sales ranged from a low of \$321,400 to a high of \$354,500 with an average of \$333,067. The subject property was originally listed at \$329,000 until its sale in September of 2015 for a recorded price of \$285,000. It was on the open market for a total of 6 days. Based upon the above, the actual sale price of the control property reflects a discount of approximately 16%.



Conclusion

The data in our market study clearly indicates that the close proximity to a parking lot has a negative impact on the property values of the real estate that adjoin the parking lot.

Supporting documentation for the previous analysis is maintained within our work file. This letter should be considered only a summary of our research and analysis and should be attached to our limiting conditions and exhibits, which contains 14 pages plus related exhibits, in order for the opinion set forth to be considered valid. Your attention is directed to the Assumptions and Limiting Conditions contained within this report.

Respectfully submitted,

ANDERSON & CARR, INC.



Robert B. Banting, MAI, SRA
Cert Gen RZ4



Michelle J. Mickle
Cert Gen RZ3316

RBB/MJM:cmp

CERTIFICATION

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, conclusions, and recommendations.

I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding acceptance of this assignment.

I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.

I have no bias with respect to any property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results. This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

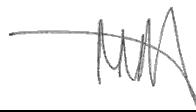
Robert B. Banting, MAI, SRA and Michelle J. Mickle have made a personal inspection of the property that is the subject of this report.

As of the date of this report, Robert B. Banting, MAI, SRA has completed the continuing education program of the Appraisal Institute.

No one provided significant real property appraisal or appraisal consulting assistance to the person signing this certification.



Robert B. Banting, MAI, SRA
Cert Gen RZ4



Michelle J. Mickle
Cert Gen RZ3316



ASSUMPTIONS AND LIMITING CONDITIONS

1. Unless otherwise stated, the value appearing in this appraisal represents our opinion of the market value or the value defined as of the date specified. Values of real estate are affected by national and local economic conditions and consequently will vary with future changes in such conditions.
2. Possession of this report or any copy thereof does not carry with it the right of publication nor may it be used for other than its intended use. The physical report(s) remains the property of the appraiser for the use of the client. The fee being for the analytical services only. The report may not be copied or used for any purpose by any person or corporation other than the client or the party to whom it is addressed, without the written consent of an officer of the appraisal firm of Anderson & Carr, Inc. and then only in its entirety.
3. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations efforts, news, sales or other media without written consent and approval of an officer of Anderson & Carr, Inc. nor may any reference be made in such public communication to the Appraisal Institute or the MAI, SRA or SRPA designations.
4. The appraiser may not divulge the material contents of the report, analytical findings or conclusions, or give a copy of the report to anyone other than the client or his designee, as specified in writing except as may be required by the Appraisal Institute, as they may request in confidence for ethics enforcement or by a court of law or body with the power of subpoena.
5. Liability of Anderson & Carr, Inc. and its employees is limited to the fee collected for the appraisal. There is no accountability or liability to any third party.
6. It is assumed that there are no hidden or unapparent conditions of the property, sub-soil, or structures which make it more or less valuable. The appraiser assumes no responsibility for such conditions or the engineering which might be required to discover these facts.
7. This report is to be used only in its entirety. All conclusions and opinions concerning the analysis which are set forth in the report were prepared by the appraisers whose signatures appear on the appraisal report. No change of any item in the report shall be made by anyone other than the appraiser and the appraiser and firm shall have no responsibility if any such unauthorized change is made.
8. No responsibility is assumed for the legal description provided or other matters legal in character or nature, or matters of survey, nor of any architectural, structural, mechanical, or engineering in nature. No opinion is rendered as to the title which is presumed to be good and merchantable. The property is valued as if free and clear of any and all liens and encumbrances and under responsible ownership and competent property management unless otherwise stated in particular parts of the report.



9. No responsibility is assumed for accuracy of information furnished by or from others, the clients, their designee, or public records. We are not liable for such information or the work of subcontractors. The comparable data relied upon in this report has been confirmed with one or more parties familiar with the transaction or from affidavit when possible. All are considered appropriate for inclusion to the best of our knowledge and belief.
10. The contract for appraisal, consultation or analytical service is fulfilled and the total fee payable upon completion of the report. The appraiser or those assisting the preparation of the report will not be asked or required to give testimony in court or hearing because of having made the appraisal in full or in part; nor engaged in post-appraisal consultation with client or third parties, except under separate and special arrangement and at an additional fee.
11. The sketches and maps in this report are included to assist the reader and are not necessarily to scale. Various photos, if any, are included for the same purpose and are not intended to represent the property in other than actual status as of the date of the photos.
12. Unless otherwise stated in this report, the appraisers have no reason to believe that there may be hazardous materials stored and used at the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
13. If applicable, the distribution of the total valuation of this report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal, no matter how similar and are invalid if so used.
14. No environmental or impact studies, special market studies or analysis, highest and best use analysis study or feasibility study has been requested or made unless otherwise specified in an agreement for services or in the report. Anderson & Carr, Inc. reserves the unlimited right to alter, amend, revise or rescind any of the statements, findings, opinions, values, estimates or conclusions upon any previous or subsequent study or analysis becoming known to the appraiser.
15. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in this appraisal report.
16. The value estimated in this appraisal report is gross without consideration given to any encumbrance, lien, restriction, or question of title, unless specifically defined. The estimate of value in the appraisal report is not based in whole or in part upon the race, color, or national origin of the present owners or occupants of the properties in the vicinity of the property appraised.



17. It is assumed that the property conforms to all applicable zoning, use regulations, and restrictions unless a nonconformity has been identified, described, and considered in this appraisal report.

18. It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the opinion of value contained in this report is based.

19. It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.

20. The Americans with Disabilities Act (ADA) became effective January 26, 1992. The appraisers have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since the appraisers have no direct evidence relating to this issue, possible non-compliance with the requirements of the ADA in estimating the value of the property has not been considered.

21. ACCEPTANCE OF, AND/OR USE OF THIS APPRAISAL REPORT CONSTITUTES ACCEPTANCE OF THE PRECEDING CONDITIONS.



ADDENDUM





Exhibit C

*PARKING LOT DESIGN AND SITE LOCATION
REVIEW*

**Palm Beach Day Academy
Parking Lot Review
Palm Beach, FL**

Prepared for:
Barbara Stoia
Palm Beach, Florida

Prepared by:


Engineering & Planning, Inc.

1172 SW 30th Street, Suite 500
Palm City, FL 34990
(772) 286-8030

EXECUTIVE SUMMARY

MacKenzie Engineering and Planning, Inc. (MEP) reviewed the Palm Beach Day Academy (PBDA) Parking Lot Expansion. The lot was viewed based its traffic safety and efficiency, as well as its impact to the adjacent properties and streets.

The Palm Beach Day Academy Parking Lot Expansion design fails to satisfy the special exception requirements for the following reasons:

- The proposed parking lot plan will not improve parking or traffic on Seaview Avenue. The expansion will increase traffic on Seaview Avenue and reduce on-street public parking. Reducing on-street public parking on Seaview Avenue will not improve parking on Seaview Avenue.
- The parking lot setback does not meet Town Code.
- The parking lot drainage does not meet Town Code and South Florida Water Management District permitting requirements.
- The parking lot will result in both noise and odor from vehicles in the parking lot. Therefore, the proposed parking lot has negative impacts from noise and odor on adjacent properties.
- The proposed parking lot will not improve ingress and egress to the area or parking in the area because the project is not improving parking and will be adding more traffic to Seaview Avenue. Therefore, the parking lot will have negative impacts parking and traffic.
- The proposed parking lot will have negative impacts on greenhouse gas emissions therefore does not align with Objective 16 of the Comprehensive Plan
- The application eliminates all protections to the adjacent neighbors agreed upon in 1999 Declaration of Use Agreement.
- The Town has 543 permit parking spaces within 6 blocks of the school.

Therefore, the special exception application requirements are not met. Numerous design issues exist that negatively impact the public ROW, private residences, student safety, and public parking. The proposed parking lot will increase traffic along Seaview Avenue and negatively affect available on-street parking along Seaview Avenue.

Further review and discussion with area residents and the Town are recommended.

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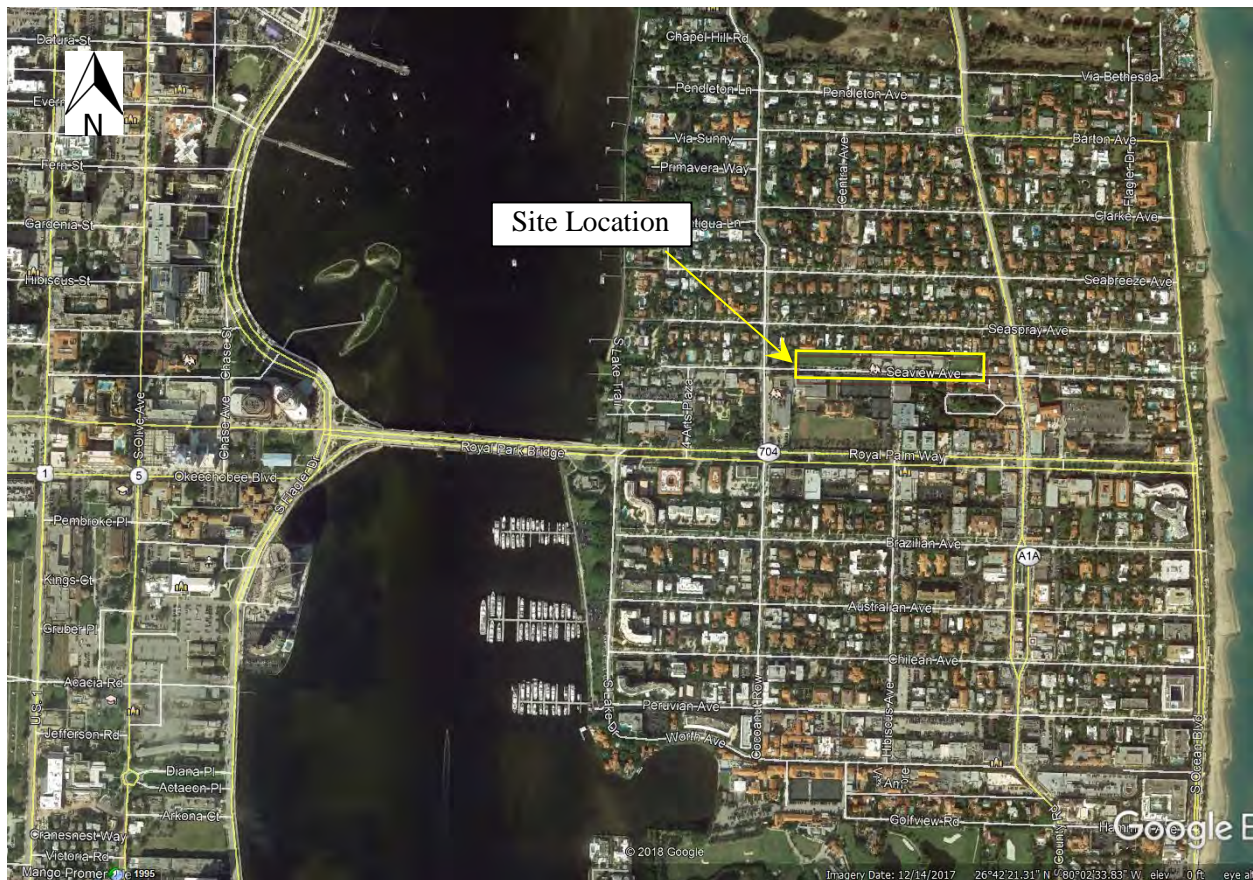
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INTRODUCTION

MacKenzie Engineering and Planning, Inc. (MEP) reviewed the Palm Beach Day Academy (PBDA) Parking Lot Expansion. The lot was viewed based its traffic safety and efficiency, as well as its impact to the adjacent properties and streets. This document presents the methodology used and the findings of the review.

Figure 1. Site Location Map



INVENTORY AND PLANNING DATA

The site data used to prepare this review included:

- Palm Beach Day Academy Site Plan, dated June 14, 2022, prepared by Nievera Williams Design

PARKING LOT PLAN

Introduction

As proposed, the site plan proposes 31 parking stalls and eliminates two on-street parking spaces. The proposed parking lot lies west of school, north of Seaview Ave and south of the adjacent residential properties. The application shows a landscape buffer between the parking stalls and the residences. The use of the parking lot is not clearly defined. The parking could be used for teacher parking, student drop-off, special events, and off-street valet parking for nearby restaurants or hotels. The lot has the potential for 24-hour a day usage.

Design

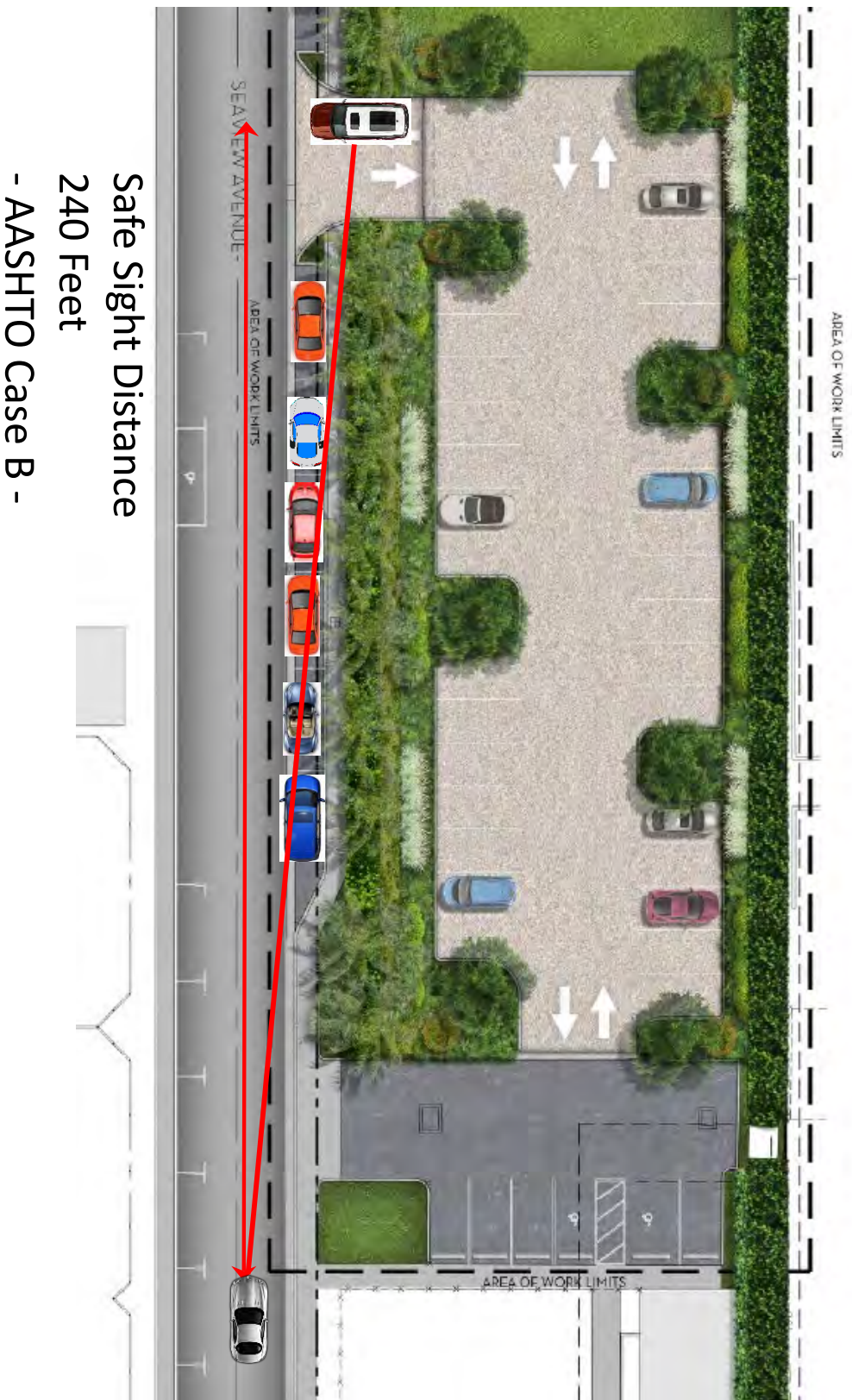
The parking lot is designed to be accessed from both Seaview Avenue and the existing PBDA parking lot on the west side of the school. The west side of the parking lot is designed to permit vehicles continued access to the school's west field. The plan shows a flush header curb so that the field can be used for parking as needed. The new parking lot is designed to drain from the parking lot edges to the center of the parking lot. The lot is designed 13 feet and 1 inch from the property line.

Design Issues & Impacts

Safety (Sight Distance)

Drivers exiting the parking lot cannot safely see oncoming westbound vehicles as designed because the plan does not meet Florida Department of Transportation (FDOT) site line safety requirements (FDOT Index 546 based on AASHTO Case B). In order to meet safe sight line requirements, six on-street parking stalls east of the existing driveway will need to be eliminated as shown in Figure 1. Thus, the plan will eliminate eight public on-street parking stalls.

Figure 2. Unsafe Site Visibility



Code

The parking field is located 13 feet and 1 inch from the property line. The minimum setback is 15 feet according to Section 134-2179 (f) of the code; “In addition, no required or supplemental off-street parking shall be located closer than 15 feet from a front, street side, or street rear property line.” The application does not meet the Town Code.

Pedestrian Safety

The parking field does not offer a location for the safe loading and unloading students and therefore is inappropriate to use for loading and unloading. The parking lot is immediately west of the existing building and is currently used by the school for student activity throughout the day. The parking does not provide a location for safe student passage between the school and the play/activity area.

Americans with Disabilities Act (ADA)

The applicant is making improvements to their property and will be required to meet the current ADA requirements. The applicant will be required to have two (2) spaces compliant with the Florida Accessibility Code based on this design. The spaces need to be appropriately marked and 12 feet wide with a minimum 60 inch wide accessible route. The school parking lot plan is shows these improvements.

Drainage

Based on the plans reviewed, the drainage improvements necessary to support the additional impervious area are adequate. The plan shows that water will be directed from the high portion of the parking lot to stormwater catch basins. Underneath the parking lot, the water will be stored in exfiltration trench. The designer used a rainfall event of 2 inches per hour. The Town’s standard contained within their comprehensive plan (Policy 8.1.1) is a 3-Year standard. The 3-year, 1-hour rain event is 3 inches based on FDOT’s Drainage Manual. Further, the South Florida Water Management District (SFWMD) requires a safety factor of 2 for installation and use of exfiltration trench.

From Paragraph 4.4 of the Applicant’s Handbook Volume II:

"4.4 Underground Exfiltration Systems -

(a) Systems shall be designed for the retention volumes specified in Section 4.2.1 for retention systems, exfiltrated over one hour for retention purposes, prior to overflow, and based on test data for the site. (Note: such systems should not be proposed for projects to be operated by entities other than single owners or entities with full time maintenance staff.)

(b) A safety factor of two or more shall be applied to the design to allow for geological uncertainties.”

Further, the South Florida Water Management District Criteria for parking lots served by exfiltration systems is the 5-year, 1 hour event (*Environmental Resource Permit Applicant's Handbook* Volume II 3.5 (a)). The 5-year, 1-hour rainfall event is estimated to be 3.2 inches based on FDOT data and SFWMD data.

Therefore, the designed stormwater system is not adequate and does not meet Town Code or South Florida Water Management minimum criteria.

Lighting

The applicant is proposing 36-inch tall bollard lights. Combined with the opaque wall, the lights are not anticipated to shine directly into the adjacent homes. The north opening of the bollard lighting should be closed or an opaque barrier should be placed in the opening to prevent light pollution from affecting the adjacent neighbors.

Noise

The parking stalls as proposed within will be 13 feet and 1 inch from the property line and within about 20 feet of the adjacent houses. Vehicles in the drive aisle will be within 40 feet of the adjacent homes. The average car horn is 110 decibels at 1 meter (Purdue University Study), which is painful to the human ear. The sound of a car door slamming is about 85-90 decibels. Eighty to 100 students are dropped off and picked in car line at PBDA every day. Thus if the car line is moved to the drive aisle, the adjacent residents will hear 80-100 cars doors closed every morning between 7 and 8 AM and every afternoon between 3 and 4 PM. In addition, they will hear the sound of car horns more than 3 to 4 times closer to their house than the current student pick-up and drop-off. A quiet suburb is typically 50 decibels; Car doors are 16 times louder than is and car horns are 64 times louder than a quiet suburb street.

Air Pollution

Idling vehicles parked in the parking lot from a car-line, parked valet or other operation create air pollution. The parking lot could queue 10 vehicles in a single line or 20 vehicles in a double queue line. As these vehicles idle and wait for passengers, the vehicles will create significant amounts of nitrogen oxides (NO_x), volatile organic compounds (VOCs), particulate matter (PM), and carbon monoxide that will be present in the air with the potential with drift into adjacent yards and homes.

Traffic

The proposed parking lot will accommodate up to 31 vehicles, but eliminate 8 on-street parking stalls. Based on the Town's December 2006 study, *Traffic & Parking Improvement Plan*, the school has 82 employees. The school application states that the school has 64 employees, 18 less than in 2006. The school currently has approximately:

- 6 spaces of off-street parking immediately west of the school
- 15 spaces on-street parking spaces on the north side of Seaview Avenue west of the school
- 45 on-street parking spaces on the south side of Seaview Avenue in front of the school
- Approximately 7 spaces off-street parking on the south side of Seaview Avenue

The current parking adjacent to or on school property total 73 parking spaces. The result of the parking lot is unclear. With 23 net new parking spaces, Seaview Avenue is expected have more traffic because the parking spaces will create a parking destination for vehicles. Further, there is no evidence that creation of the parking lot will improve the on-street parking along Seaview Avenue. The parking lot may exacerbate on-street parking along Seaview Avenue since the parking lot will need to eliminate 8 on-street parking stalls. Lastly, the employees that work at PBDA will still need to come to Palm Beach Island to work every day. Therefore, the traffic coming to Palm Beach Island as a result a result of school will not change. Further, creation of the parking lot may increase traffic coming to Palm Beach because employees will not need to carpool, use transit or use alternative mobility options.

Greenhouse Gas

The proposed parking lot encourages use of single occupant vehicles and thus greenhouse gases. The result of the construction will be an expenditure of greenhouse gases to create the parking lot and use of the lot by vehicles that create greenhouse gases. In addition, parking fields adds the urban heat island effect. Heat islands are urbanized areas that experience higher temperatures than outlying areas. Structures such as parking lots absorb and re-emit the sun's heat more than natural landscapes such as forests and water bodies. Urban areas, where these structures are highly concentrated and greenery is limited, become "islands" of higher temperatures relative to outlying areas. Daytime temperatures in urban areas are about 1–7°F higher than temperatures in outlying areas and nighttime temperatures are about 2–5°F higher. Therefore, the application is not consistent with Objective 16 of the Town's Comprehensive Plan.

"OBJECTIVE 16

The Town will continue to promote ways to reduce Greenhouse Gas Emissions and become more Energy Efficient."

PARKING OBSERVATION STUDY

Parking occupancy was observed on the Thursday, October 4, 2018 between 8 AM and 4 PM. The general observations are as follows:

- Seaview Avenue (in front of PBDA)
 - Parking occupancy is generally full for the all-day parking spaces on Seaview Avenue.
 - The two-hour parking spaces on Seaview Avenue were full about ½ of the time between 8 AM and 4 PM
- Seaview Avenue (East of South County Road)
 - Less than 40 percent of the parking was occupied during the peak between 8 AM and 4 PM.
- Seaspray Avenue (Cocoanut Row to Ocean Drive)
 - There are 96 spaces on this road segment. Peak occupancy was 29 spaces (30 percent), leaving 67 spaces vacant.
- South County Road (Royal Palm Blvd to Seaspray Avenue)
 - These spaces varied in occupancy from 90 to 45 percent, with the peak occurring from 12 to 1 PM (lunchtime).

The potential exists for PBDA and Palm Beach Elementary staff to park on Seaview Avenue east of South County Road or Seaspray Avenue since these spaces are significantly underutilized.

PALM BEACH PLACARD PERMIT PARKING PROGRAM

The Town offers permit parking which can be purchased. Within 6 blocks of the school, 543 permit spaces are available. There are 14 defined areas in Town where placard parking permits are designated for to be used, including:

1. West side of South Ocean Boulevard – just South of Hammon to Royal Palm Way (63 spaces)
2. Royal Palm Way - 100 Block. (39 spaces)
3. Hammond Avenue – 100 block (26 spaces)
4. Brazilian Ave – 200 Block (23 spaces)
5. Peruvian Avenue - 200 block (39 spaces)
6. Hibiscus Avenue - between Brazilian and Peruvian (17 spaces)
7. Peruvian Avenue - 300 block. (37 spaces)
8. Cocoanut Row – between Brazilian and Worth Ave (46 spaces)
9. Worth Avenue – (11 spaces)
10. Sunrise Avenue - 100 Block, ParkMobile spaces (53 spaces)
11. Main Street – (15 spaces)
12. N County Road/Bradley Place - between Wells and Oleander on N. County and on Bradley Place between Seminole and Atlantic (96 spaces)

13. South Bradley Park - East side of Bradley Place between Sunrise and Sunset and Royal Poinciana Way south of Bradley Park (41 spaces)
14. Phipps Ocean Park – north or south parking lot (100 spaces)



CURRENT AGREEMENTS

Palm Beach Day Academy has 64 staff based on the application. That study documented a Declaration of Use Agreement that stated the following:

1. PBDA may use its west field for parking up to 12 times per year for events
2. Valet parking must be utilized for the events
3. The creation of 14 on street parking stalls on the north side of Seaview Avenue
4. There shall be no lighting erected in the west play field
5. Prior notice shall be given to the owner of the property at 235 Coconut Row of major events which will occur at the School and which may generate significant amount of traffic and parking
6. No School busses shall be parked on the north school parcel.
7. The student cap may increased over five years from 310 to 360 students at a rate not to exceed 10 new students in any one year, except that if fewer than 10 students are added in a particular year

the remainder may be carried over to a subsequent year(s) in addition to the 10 otherwise allowed for that subsequent year(s).

8. The applicant shall use the six parking spaces at the west end of the school buildings on the north side of Seaview Avenue only for school administration and staff. The applicant shall close those parking spaces when not being used for school related activities.

The application proposes elimination of all of the above conditions everywhere on the property.

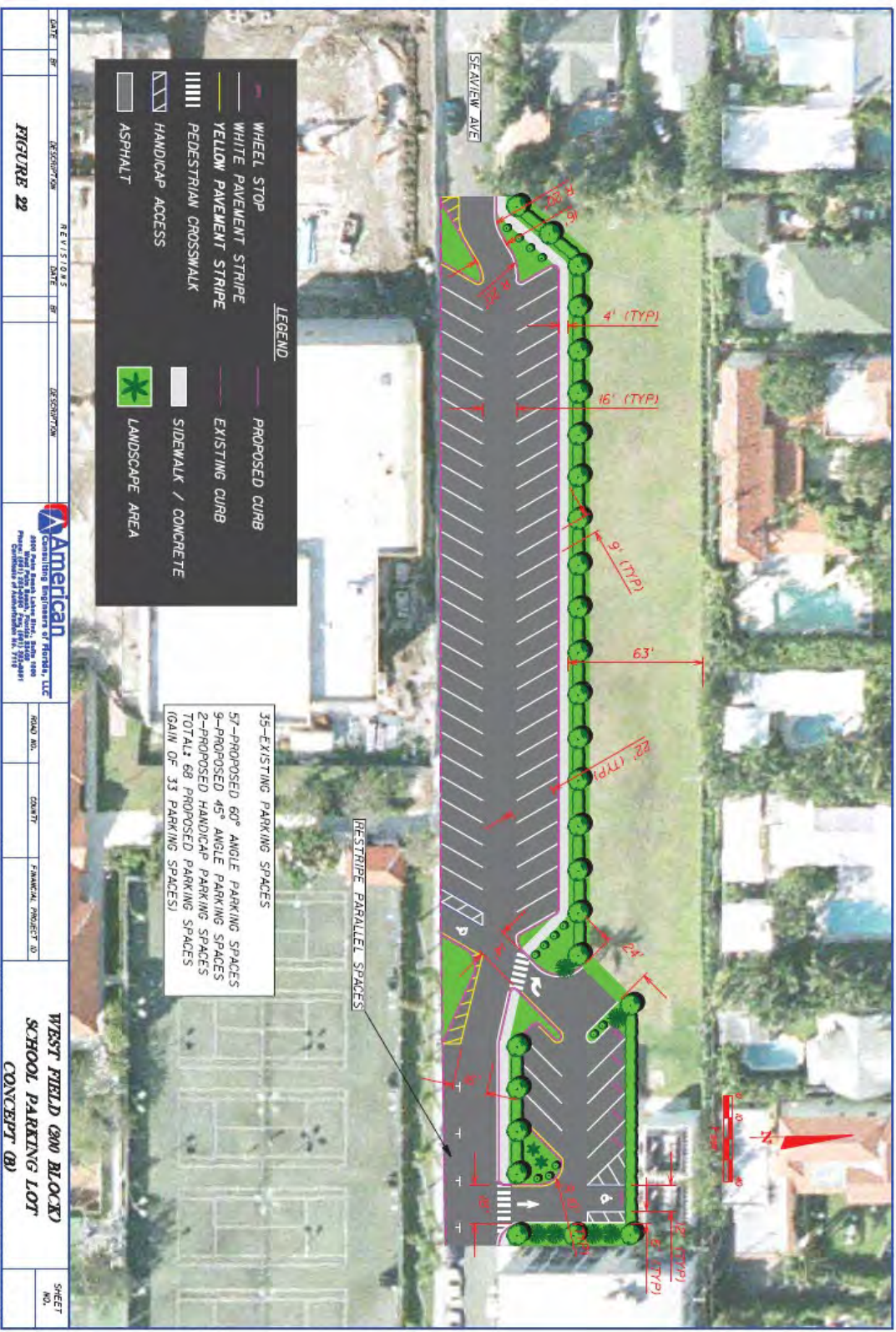
ALTERNATIVES

Alternative development options are recommended to be explored prior to commencement of construction of a parking lot that will have noise, air pollution and potential light impacts to the adjacent residents. The Town of Palm Beach completed a Traffic & Parking Improvement Plan in December 2006. The plan studied the traffic and parking in this area. The plan offered several solutions to improve parking in the area. In addition to solutions offered in the area, a number of other solutions are available to school and area businesses that are not listed in the plan.

1. PBDA could request to use on-street parking on Seaspray Avenue (Cocoanut Row to South Ocean Blvd) and Seaview Avenue (South County Road to South Ocean Blvd) since the on-street parking on these streets is underutilized.
2. PBDA could arrange for remote parking at facilities underutilized during the weekday day time period. Residential parking lots typically do not need use of their parking lots during this time period (*Shared Parking (Second Edition)*, Urban Land Institute).
3. PBDA could arrange for remote parking at religious institutions during the weekday day time period. Nine religious facilities are within 1 mile of PBDA. A shuttle could be run between the school and parking lot to transport teachers.

One of the best options developed in the Traffic & Parking Improvement Plan is a slight realignment of Seaview Avenue that creates 53 parking spaces. The creation of the 53 spaces will remove 25 on-street parallel parking spaces and leave a 4 vehicle opening at the rear of Palm Beach Elementary School. The net improvement is 28 on-street spaces for public and private use. The option is shown in Figure 3. Figure 3 shows a modification of the school's existing parking lot, which is not recommended.

Figure 3. Realignment of Seaview Avenue



CONCLUSION

The Palm Beach Day Academy Parking Lot Expansion design fails to satisfy the special exception requirements for the following reasons:

- The proposed parking lot plan will not improve parking or traffic on Seaview Avenue. The expansion will increase traffic on Seaview Avenue and reduce on-street public parking. Reducing on-street public parking on Seaview Avenue will not improve parking on Seaview Avenue.
- The parking lot setback does not meet Town Code.
- The parking lot drainage does not meet Town Code and South Florida Water Management District permitting requirements.
- The parking lot has the potential to result in both substantial noise and odor from vehicles in the parking lot. Therefore the proposed parking lot has negative impacts from noise and odor on adjacent properties.
- The proposed parking lot will not improve ingress and egress to the area or parking in the area because the project is not improving parking and will be adding more traffic to Seaview Avenue. Therefore the parking lot will have negative impacts parking and traffic.
- The proposed parking lot will have negative impacts on greenhouse gas emissions therefore does not align with Objective 16 of the Comprehensive Plan.
- The application eliminates all protections to the adjacent neighbors agreed upon in 1999 Declaration of Use Agreement.
- The Town has 543 permit parking spaces within 6 blocks of the school.

Therefore, the special exception application requirements are not met. Numerous design issues exist that negatively impact the public ROW, private residences, student safety, and public parking. The proposed parking lot will increase traffic along Seaview Avenue and negatively affect available on-street parking along Seaview Avenue.

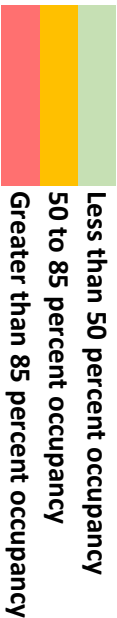
Further review and discussion with area residents and the Town are recommended.

APPENDICES

A- Parking Counts

PARKING OCCUPANCY NEAR PALM BEACH DAY ACADEMY

Road	Road Side	From	To	Spaces	8 AM - 9 AM	9 AM - 10 AM	10 AM - 11 AM	11 AM - 12 PM	12 PM - 1 PM	1 PM - 2 PM	2 PM - 3 PM	3 PM - 4 PM	4 PM - 5 PM
Seaview Ave		Cocoanut Row	South County Rd	6 - 2 Hour parking - Daily Parking - 2 Hour parking - North Side Parking	1	6	6	6	5	4	6	6	6
					18	18	18	18	18	18	18	18	17
					10	9	10	10	7	7	8	4	7
					16	16	16	16	16	16	15	14	15
Seaview Ave		South County Rd	S Ocean Blvd	21	7	7	7	7	7	5	8	5	5
Seaspray Ave	N	Cocoanut	S Ocean Blvd	48	9	7	11	17	14	10	9	10	10
	S	Cocoanut	S Ocean Blvd	48	8	12	15	12	10	14	16	13	6
S. County Rd	E	Royal Palm Blvd	Seaspray Ave	23	13	15	15	15	20	13	11	11	7
	W	Royal Palm Blvd	Seaspray Ave	9	9	8	8	8	8	7	6	7	7



Seaview Ave (westbound) S Ocean Blvd. to S. County Road

No Parking on northside. Permit Parking (8am-530pm) only, on southside.

Spot #	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm
1	X	X	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0	0
3	0	0	X	X	0	0	0	0	0
4	0	0	0	0	0	0	0	0	0
5	0	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	X	0	0
7	X	X	X	X	X	X	X	X	X
8	0	0	0	X	X	X	X	X	X
9	X	X	X	X	X	X	X	X	X
10	0	0	0	0	0	0	0	0	0
11	0	0	0	0	0	0	0	0	0
12	0	0	0	0	0	0	0	0	0
13	0	X	0	0	0	0	X	0	0
14	0	0	0	0	0	0	0	0	0
15	0	0	0	0	0	0	0	0	0
16	X	X	X	0	0	0	0	0	0
17	X	X	X	X	X	0	0	0	0
18	0	0	0	0	0	0	X	0	0
19	X	X	X	X	X	0	0	0	X
20	X	0	X	X	X	X	X	X	X
21	0	0	0	0	X	X	X	X	0

Seaview Ave. (westbound) S. County Rd. to Coconut Row

No Parking on Northside. Southside spot #'s 1-6 (2 hr Parking 9-6), spot #'s 7-24 (Daily Parking), spots 25-34 (2 hr Parking 9-6)

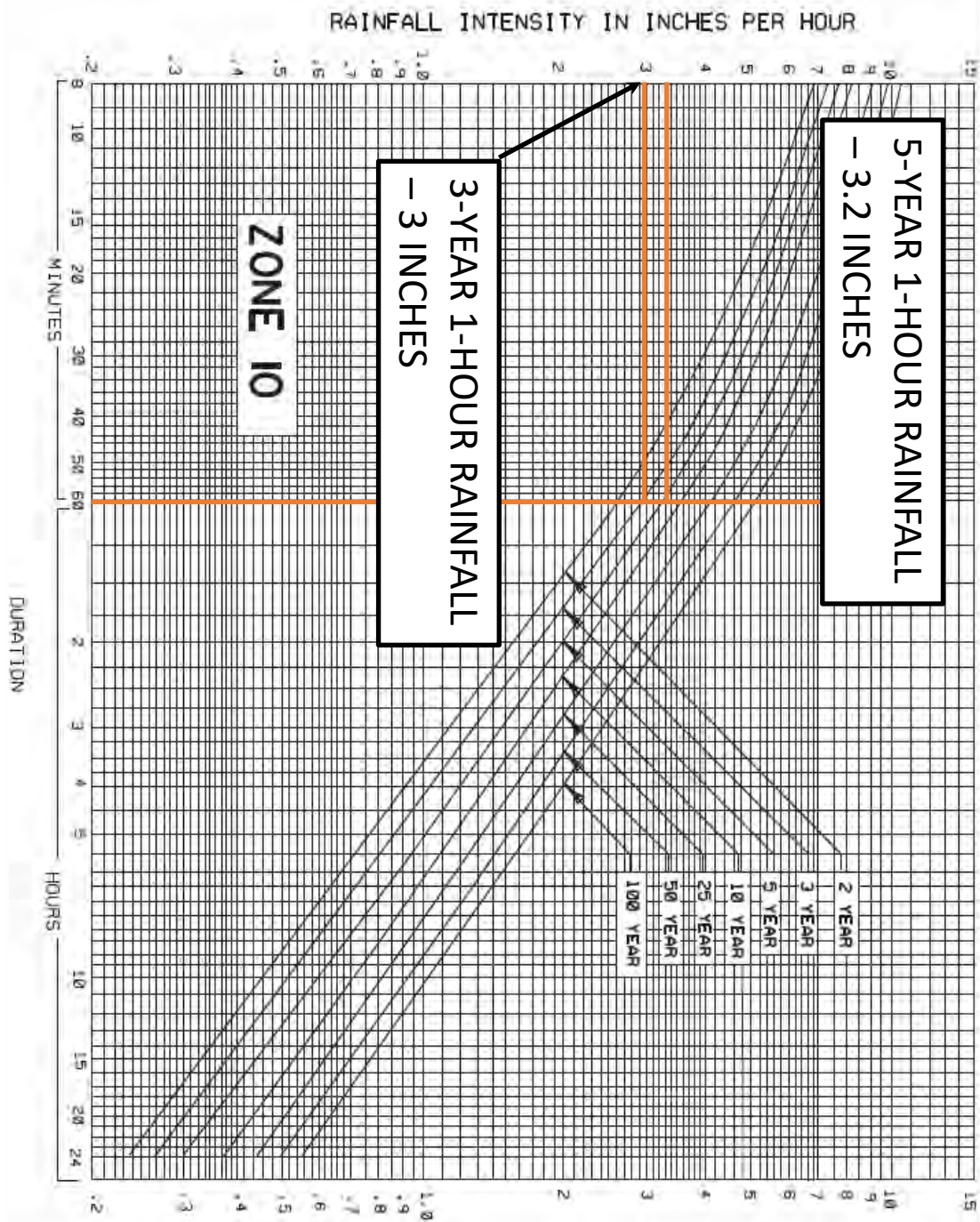
Spot #	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm
1	0	P35	W89	W89	W89	0	PFA	PFA	PFA	0
2	0	B1K	M70	M70	0	0	J39	J39	J39	J39
3	0	390	390	390	390	390	390	390	390	0
4	0	M37	M37	M37	M37	M37	M37	M37	M37	M37
5	0	GRN	GRN	GRN	GRN	GRN	GRN	GRN	GRN	513
6	H23	D95	D95	D95	D95	D95	D95	D95	D95	D95
7	Z39	H23	H23	H23	H23	H23	H23	H23	H23	H23
8	398	239	239	239	239	239	239	239	239	Q30
9	VGR	VGR	VGR	VGR	VGR	VGR	VGR	VGR	VGR	VGR
10	D26	D26	D26	D26	D26	D26	D26	D26	D26	D26
11	QWR	QWR	QWR	QWR	QWR	QWR	QWR	QWR	QWR	0
12	340	340	340	340	340	340	340	340	340	340
13	RWI	RWI	RWI	RWI	RWI	RWI	RWI	RWI	RWI	RWI
14	MG6	MG6	MG6	MG6	MG6	MG6	MG6	MG6	MG6	MG6
Crosswalk # 1										
15	CTJ	CTJ	CTJ	CTJ	CTJ	CTJ	CTJ	CTJ	CTJ	CTJ
16	BGD	BGD	BGD	BGD	BGD	BGD	BGD	BGD	BGD	BGD
17	7AW	7AW	B1K	B1K	B1K	B1K	B1K	B1K	0	0
18	MTB	MTB	MTB	MTB	MTB	MTB	MTB	MTB	MTB	MTB
19	TYX	TYX	TYX	TYX	TYX	TYX	TYX	TYX	TYX	TYX
20	330	330	330	BSV	BSV	BSV	BSV	BSV	BSV	BSV
Crosswalk #2										
21	QDP	QDP	QDP	QDP	QDP	QDP	QDP	QDP	QDP	QDP
22	Qsx	Qsx	Qsx	Qsx	Qsx	Qsx	Qsx	Qsx	Qsx	Qsx
23	USA	VSA	VSA	VSA	VSA	VSA	VSA	VSA	VSA	VSA
24	296	296	296	296	296	296	296	296	296	0
Crosswalk # 3										
25	M99	M99	M99	M99	M99	M99	M99	M99	PAG	PAG
26	C17	C17	725	725	0	DRI	DRI	DRI	DRI	DRI
27	GR1	GR1	679	679	679	Z95	Z95	Z95	Z95	0
28	WNP	WNP	WNP	WNP	WNP	WNP	WNP	WNP	0	W45
29	0	HIW	HIW	HIW	HIW	HIW	HIW	0	J21	J21
30	0	0	Q49	Q49	0	WEX	E39	0	867	867
31	0	Q30	B17	B17	Q30	Q30	N02	0	0	0
32	0	NP01	NP01	NP01	0	0	0	0	0	0
33	12A	12A	12A	12A	VUG	0	0	0	F67	F67
34	9TG	9TG	9TG	9TG	A24	0	A48	0	ESQ	ESQ

No Parking on Northside. Southside spot #'s 1-6 (2 hr Parking 9-6), spot #'s 7-24 (Daily Parking), spots 25-34 (2 hr Parking 9-6)

Northside Opposite PBE

[illegible]

RAINFALL INTENSITY-DURATION-FREQUENCY CURVES
ZONE 10





Town of Palm Beach
Finance Department
360 S. County Road
Palm Beach, FL 33480

Palm Beach Placard Permit Parking Program



Summary of Program, Rates, Locations and Regulations

The placard permit parking program is ideal for employers who want to buy one or more permits to share among employees as shifts change, to enable them to have a more predictable parking situation for their personal vehicles. In addition, for employees working in the area that is on his or her own for a place to park while working, you are not likely to find a better parking bargain in Town.

The placard permit parking program allows for unlimited parking (subject to specific conditions) in designated spaces (metered or 1 or 2 hour time limited) within the Town of Palm Beach and can be purchased for the following periods.

\$138 for 1 month
\$462 for 4 months
\$648 for 6 months
\$1,212 for 12 months

Employers, employees of area businesses or residents, visitors, guests of area residents, and anyone else can purchase and utilize the placard permit. However, the placard parking program is operated on a first-come, first-served basis and is good only for the defined area for which it is purchased.

The placard permit, which should be placed on the dashboard or hung from the vehicle's rearview mirror, does not guarantee a parking space. However,

the placard parking permit allows the vehicle unlimited* parking regardless of posted parking time limitations and/or without having to pay for parking meters or kiosks that may be installed for the designated placard parking area, so long as the placard parking permit is valid. The placard does not permit parking within spaces marked "parking by permit only" since these are spaces reserved for the residents of the area.

The placard parking permit is only valid for the placard parking permit area selected when it is purchased. It is prohibited for placard purchasers to sell, rent, or otherwise charge another for the use of their placard.

There are a limited number of placards that can be issued at one time. Depending on the site, there may be a waiting list. Each permit holder is responsible for timely renewal.

For any questions regarding a parking placard permit or to be placed on a waiting list, call the Finance Department at (561) 835-4628 or visit the Town's website for more info: www.townofpalmbeach.com

** Phipps Ocean Park is closed from sunset until sunrise. Thus, all vehicles must be removed before sunset.*

Revised January 14, 2022

TO:

There are ten (14) defined areas in Town where placard parking permits are designated for to be used, including:

- 1. West side of South Ocean Boulevard – just South of Hammon to Royal Palm Way (63 spaces)
- 2. Royal Palm Way - 100 Block. (39 spaces)
- 3. Hammond Avenue – 100 block (26 spaces)
- 4. Brazilian Ave – 200 Block (23 spaces)
- 5. Peruvian Avenue - 200 block (39 spaces)
- 6. Hibiscus Avenue - between Brazilian and Peruvian (17 spaces)
- 7. Peruvian Avenue - 300 block. (37 spaces)
- 8. Coconut Row – between Brazilian and Worth Ave (46 spaces)
- 9. Worth Avenue – (11 spaces)
- 10. Sunrise Avenue - 100 Block, ParkMobile spaces (53 spaces)
- 11. Main Street – (15 spaces)
- 12. N County Road/Bradley Place - between Wells and Oleander on N. County and on Bradley Place between Seminole and Atlantic (96 spaces)
- 13. South Bradley Park - East side of Bradley Place between Sunrise and Sunset and Royal Poinciana Way south of Bradley Park (41 spaces)
- 14. Phipps Ocean Park – north or south parking lot (100 spaces)

