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

Re: LOI for 2860 South Ocean Boulevard

Zoning Case Number: ZON-23-0018
ARCOM Case Number: ARC-23-009

We are pleased to submit the accompanying documents and drawings in connection with our application for Development Review and Site Plan Approval, which seeks authorization for a mechanical enclosure to house air conditioning equipment to be located in the existing parking lot for the La Palma Condominium (the "Project"). The proposed Project, which is necessary to replace the outdated and failing HVAC system, will require removal of six (6) existing parking spaces at the site located at 2860 South Ocean Boulevard, Palm Beach, FL (the "Property"). The existing six-story condominium building at the Property was constructed in the 1969-1970 time period. The existing air conditioning equipment currently located on the roof of the condominium building has come to the end of its operational life and must be replaced, but the roof and existing structural skeleton of the building cannot support the new equipment on the roof. As such, the Project proposes to relocate the new equipment to the grade level parking area located to the north of the building for two reasons:

- 1) Preliminary structural evaluations, which have taken into account the weight of the new equipment as well as new wind loading requirements, have found that the existing structural columns would require significant retrofitting from the roof to the foundation to be able to support new equipment on the roof.
- 2) The current equipment draws its cooling water supply from the intracoastal waterway and discharges warm water back into the intracoastal. While it is technically possible to re-permit this type of system, permitting agencies prefer upgrading to newer self-contained systems (more environmentally friendly), which is the type of system we are proposing.

The proposed location of the new equipment, at the east end of the existing north covered parking structure, is the best siting solution for the property and its neighbors.

The size of the new equipment enclosure provides the exact dimensional requirements necessary for the equipment and its minimum operating tolerances. The project will result in the removal of six (6) existing parking spaces, which is necessary to provide adequate space for the installation of the 18' x 22' (396 square feet) equipment enclosure. It is important to note that the proposed added perimeter landscaping will increase the total landscaping (which is currently legally non-conforming) on-site by approximately 273 square feet. In addition, the Project proposes to restripe the parking area in order to provide 2 additional parking spaces, so the net loss will be four (4) parking spaces as opposed to six (6).

Please note the following as it relates to this application:

A. Architectural Commission review in accordance with Section 18-205.

- (a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:
 - (1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm, and high quality.
 - (2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.
 - (3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
 - (4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.
 - (5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:
 - a. Apparently visibly identical front or side elevations;
 - b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or

- c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.
- (6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:
 - 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.
 - h. Design elements that protect the privacy of neighboring property.
- (7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.
- (8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).
- (9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
- (10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.
- (b) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing, and a copy thereof shall be made available to the applicant upon request.
- (c) A decision or order of the commission or the planning, zoning and building department director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission

or the planning, zoning and building department director or his/her designee has been made.

We are submitting plans for a small, 1-story, 396 square-foot structure with a simple but pleasing architectural design. The proposed Project will utilize quality materials to complement the existing condominium building and other buildings on nearby sites. The structure is not too similar, nor is it too dissimilar to the existing condominium buildings, or other nearby buildings. The structure also uses various landscape materials to soften its appearance, which allows for the structure to better blend into the Property and not draw attention to itself. The purpose of the structure is to house air conditioning equipment, and screen it from view for those at ground level, and those looking down from the condominium building and other nearby buildings; this type of approach to screening utilitarian mechanical equipment in the Town is quite common, and preferred to having equipment clearly visible, and has become the standard for screening mechanical equipment in the town on non-single-family properties.

B. Site Plan Review Approval in accordance with Section 134-329.

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.
- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.
- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.
- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.
- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.
- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.
- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

Locations for the air conditioning mechanical equipment are limited because the existing condominium roof cannot support the weight of the new equipment and is therefore not an option. The air conditioning equipment must be located at the ground level, and this location was selected because it would be significantly setback from the property lines and will be the least impacting on the current design of the site. The height and mass of the structure is just large enough to accommodate the equipment and allow for proper ventilation. The structure also has the added benefit of reducing noise from the mechanical equipment. The structure has also been sited and designed to prevent interference with safe traffic circulation.

Variance in accordance with Section 134-201(a):

Variance Criteria:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:
 - a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
 - b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 1. Be granted only for the continuation of the same hotel or residential use; and
 2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.
- (7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with the town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

Variance Requested:

A request for Variance from the Parking requirements in Section 134-2176, to allow for 183 parking spaces in lieu of the 201 required by code, and the 187 that currently exist.

Justification for Variances Requested:

Current Town Code requires that the condominium building have at least two (2) parking spaces per unit, and at least one (1) parking space for every five (5) units for guest parking; therefore, the total required parking for the 91-unit building is 201 spaces (182 parking spaces for residents, and 19 parking spaces for guests). The current site provides 187 parking spaces total, and is therefore nonconforming for parking, because it is 14 parking spaces below what is required by current code; however, the current situation is a legal nonconformity because the condominium was approved with the existing 187 parking spaces. With the reduction of the total parking provided by 4 parking spaces though, the nonconformity is being increased, and therefore requires a variance. The justification for this variance request is that as mentioned previously, the roof of the condominium building is no longer an option for the air conditioning equipment, and therefore the equipment must be located at the ground level. To decrease the amount of the variance requested, the parking spaces sizes have been reduced (but still meet Code) so that while six (6) current parking spaces are being lost for the air conditioning structure, we will be able to add two (2) parking spaces because of the reduction in the size of the spaces, which results in just a net loss of four (4) parking spaces. The request for this relief to allow for four (4) parking spaces to be removed is clearly the minimum variance needed to facilitate the relocation of the new air conditioning equipment.

Attached is the recent site history for the La Palma.

Sincerely,



James M. Crowley

LA PALMA CONDOMINIUM SITE HISTORY

The La Palma Condominium building was originally designed by Richard Levine, AIA. Construction of the building was done by Wiggs & Maale Construction Company. Construction work began in 1969 and was completed on April 23, 1971 when the certificate of occupancy was issued. The following is the recent history of the zoning and Architectural Commission approval requests for the property.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
October 9, 1990	Variance for retractable storm shutters at the edge of balconies	Zoning Variance #54-90	Approved by Town Council