



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Landmarks Preservation Commission

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

SUBJECT: COA-23-003 (ZON-23-020) 139 N COUNTY RD—PARAMOUNT THEATER
(COMBO)

MEETING: APRIL 19, 2023 (LPC)
MAY 10, 2023 (TC)

COA-23-003 (ZON-23-020) 139 N COUNTY RD—THE PARAMOUNT THEATER (COMBO). The applicant, WEG Paramount LLC, has filed an application requesting a Certificate of Appropriateness for the review and approval of the renovation and adaptive re-use of an existing landmarked theater structure, and the construction of a new three-story mixed use (retail and four residential units) development with two subterranean parking levels (127 parked spaces) to replace an existing surface parking lot (46 spaces) including multiple variances including setbacks, height, open space, among others. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-23-020 (COA-23-003) 139 N COUNTY RD—THE PARAMOUNT THEATER (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, WEG Paramount LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the renovation of an existing Landmarked theater structure and the construction of a new three-story mixed use (retail and four residential units) development including Special Exception requests (1) to permit Private Club use in the C-TS district, (2) for square footage > 3,000 SF in the C-TS district, (3) for Restaurant use in the C-TS district, (4) for Outdoor seating use (100 seats) associated with a restaurant or private club in the C-TS district, (5) for a maximum of two stories in the C-TS district and (6) for shared parking in the C-TS district. The applicant is also seeking Site Plan Review for new building(s) or for changes in a permitted use in Sec. 134-1107 which involves more than 2000 square feet of building floor area in the C-TS zoning district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required front yard for new construction, (2) front side street yard for new construction, (3) and rear yard setback requirements for new construction, (4) to allow three stories in lieu of two stories in CTS district, (5) to exceed the maximum height, (6) to exceed the maximum overall building height, (7) to exceed the maximum allowable lot coverage limitation, (8) to exceed the maximum building length permitted, (9) to exceed the maximum building size (floor area) permitted, (10) to reduce the required overall landscape open space, (11) to reduce the required front yard landscape open space, (12) to reduce the required front yard setback for the subterranean parking level, (13) front side street yard setback for the subterranean parking level, (14) and rear yard setback requirements for the subterranean parking level, (15) a variance to permit tandem and triple stacking for parking in the garage structure, (16) a variance to

eliminate the required onsite loading space, (17) a variance to reduce the required drive aisle width, (18) a variance to exceed the maximum drive aisle slope in a garage, (19) a variance to exceed the maximum height of a perimeter wall on a side or rear property line, and (20) a variance to allow a generator (between 64kW-100kW) within a required side or rear setback, in conjunction with the renovation of an existing Landmarked theater structure and the construction of a new three-story mixed use (retail and four residential units) development with two subterranean parking levels (127 parked spaces). The Landmarks Preservation Commission will perform the design review.

Applicant: WEG Paramount LLC (Lester Woerner)
Professional: Stantec Architecture
Representative: James Crowley, Esq.

HISTORY:

See attached 'Site History'.

An application, ZON-23-006, was presented for approval for 'outdoor promotional events' within the courtyard of the landmarked property at the January 11, 2023, Town Council meeting, but was ultimately withdrawn by the applicant. Most recently, a zoning text amendment submitted by the applicant is currently under review for consideration to propose zoning changes allowing covered arcades over the public right-of-way in the C-TS zoning district, similar to the provisions allowed in the C-WA zoning district.

THE PROJECT:

The applicant has submitted plans, entitled "PARAMOUNT THEATER", as prepared by **Stantec Architecture** dated March 20, 2023.

The applicant is requesting review and approval of the following scope of work for a Certificate of Appropriateness and has submitted a Historic Preservation Tax Abatement application for the proposed improvements:

- Rehabilitation and renovation of the existing three-story landmarked theater, office and retail spaces and external sitework improvements.
- Façade renovations and alterations to the primary and secondary street facing façades and all other elevations.
- Substantial interior demolitions and improvements.
- Construction of a new two-level subterranean parking garage with four three-story mixed use residential structures to replace the surface parking lot.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- SPECIAL EXCEPTION REQUESTS + SITE PLAN REVIEW
 1. SITE PLAN REVIEW: Sec. 134-1112: Site Plan Review for new building(s) or for changes in permitted use in Sec. 134-1107 which involves more than 2,000 SF of building floor area in the C-TS zoning district.
 2. SPECIAL EXCEPTION 1: Sec. 134-1109(a)(3): Special Exception for a private club use in the C-TS zoning district.
 3. SPECIAL EXCEPTION 2: Sec. 134-1109(a)(11): Special Exception with Site Plan Review for permitted uses over 3,000 SF of gross leasable area (GLA) in the C-TS

zoning district.

4. SPECIAL EXCEPTION 3: Sec. 134-1109(a)(22): Special Exception for restaurant use in the C-TS zoning district.
 5. SPECIAL EXCEPTION 4: Sec. 134-1109(a)(14): Special Exception for outdoor café seating in the C-TS zoning district. 34 outdoor seats on level 1 of private club + 66 outdoor seats on level 2 of private club (100 outdoor seats).
 6. SPECIAL EXCEPTION 5: Sec. 134-1113(8)(c): Special Exception for maximum building height of 2 stories.
 7. SPECIAL EXCEPTION 6: Sec. 134-2182(b): Special Exception for shared parking.
- **VARIANCES**
 1. VARIANCE: Sec. 134-1113(5) b. & c.: A variance for a front yard setback of 0 ft in lieu of the 11 ft to 16.9 ft required.
 2. VARIANCE: Sec. 134-1113(7) c.: A variance for a rear yard setback of 15.58 ft in lieu of the 22 ft minimum required.
 3. VARIANCE: Sec. 134-1576(a): A variance for a front (street) side yard setback of 0 ft in lieu of the 11 ft to 16.9 ft required.
 4. VARIANCE: Sec. 134-1113(8) b.: A variance for 3 stories in lieu of the 2 stories maximum permitted.
 5. VARIANCE: Sec. 134-1113(8) b.: A variance for a building height of 38.5 ft in lieu of the 25 ft maximum building height permitted.
 6. VARIANCE: Sec. 134-1113(8) d.: A variance for an overall building height of 48.58 ft in lieu of the 30 ft maximum overall building height permitted.
 7. VARIANCE: Sec. 134-1113(9) b.: A variance for lot coverage of 84% in lieu of the 70% maximum permitted.
 8. VARIANCE: Sec. 134-1113(10) b.: A variance for a building length of 340.5 ft in lieu of the 150 ft maximum building length permitted.
 9. VARIANCE: Sec. 134-1113(12) b.: A variance for a floor area of 45,445.86 sq. ft. in lieu of the 15,000 sq. ft. maximum floor area permitted.
 10. VARIANCE: Sec. 134-1113(11) b.: A variance for an overall landscape open space of **(less than) 3%** in lieu of the 25% minimum required.
 11. VARIANCE: Sec. 134-1113(11) c.: A variance for a front yard landscaped open space of **(less than) 1.2%** in lieu of the 25% minimum required.
 12. VARIANCE: Sec. 134-1611(2) d.: A variance for a subbasement front yard setback of 0' in lieu of the 5 ft minimum setback required.
 13. VARIANCE: Sec. 134-1611(2) d.: A variance for a subbasement street-side yard setback of 0 ft in lieu of the 5 ft minimum setback required.
 14. VARIANCE: Sec. 134-1611(2) d.: A variance for a subbasement rear yard setback of 0 ft in lieu of the 5 ft minimum required
 15. VARIANCE: Sec. 134-2172: A variance to allow (26 rows) tandem, (4 rows) triple stacking and (11) mechanical car lifts in a 127-space parked garage. Parking is required to be so arranged that each automobile may be placed and removed from the parking space without the necessity of moving any other automobile to complete the maneuver.
 16. VARIANCE: Sec-134-2211: A variance to not provide one required loading space for new retail buildings 4,000—25,000SF.
 17. VARIANCE: Sec. 134-2171: A variance to reduce the required drive aisle width 25', Proposed 22'.

18. VARIANCE: Sec. 134-2171(a): In design of elevated or depressed parking structures, the maximum slope of floors or ramps shall not exceed 12-percent grade. The turning radius dimension for approach drive aiseways shall not be less than 30 feet.
19. VARIANCE: Sec. 134-1669: A variance to exceed by 1' the maximum allowable wall height in a side or rear property line. All walls and/or fences located within ten feet of the side or rear property line shall not exceed seven feet in height.
20. VARIANCE: Sec. 134-1729(2) a.: A variance to permit a 100kW generator with 10 ft and 17.8 ft side yard setback, in lieu of the 22' side yard setback required.

Site Data			
Zoning District	C-TS	Lot Size (SF)	58,098 SF 34,001 SF (theater site) 24,097 SF (parking lot)
Future Land Use	COMMERCIAL	Courtyard Area	4,460 SF (ground floor)
Total Building Size	+/- 48,652 SF	Finished Floor Elev.	12' NAVD (theater) 8.5' NAVD (retail liner)
Crown of Road	7.37' NAVD	FEMA FLOOD ZONE	X
Year Constructed	1926	Architect	Josef Urban
Parking	Existing: 46 spaces Required: 90 spaces Proposed: 127 spaces	Square Footage	Existing: 24,233 SF New: 24,419 SF
Lot Coverage	Existing: 41% Proposed: 84% Permitted: 70% <i>Variance requested</i>	Landscape Open Space (LOS)	Existing: 15% Proposed: 2% Permitted: 25% <i>Variance requested</i>
Height	Permitted: 2-stories Proposed: 3-stories <i>Variance requested</i>	Public Restaurant Seats	Public Restaurant 40 interior seats 0 exterior seats
Private Club	250 members. Including 1 st floor 72 seats and 34 outdoor café seats. Additionally, 2 nd floor private bar/lounge as part of the private club for an additional 51 seats and 64 outdoor seats.	Public Event Space	250 people
Surrounding Properties / Zoning			
North	One-story commercial (C-TS and R-C)		
South	Three-story residential w/ ground floor retail (C-TS and R-C)		
East	1950 Six-story condominium-SUN & SURF (R-C)		
West	One-story commercial (C-TS)		

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **application** is **consistent** with the **COMMERCIAL** designation of the Future Land Use Map of the Comprehensive Plan, but the proposal is an intensification of use and may be contrary to many aspects of the comprehensive plan:

- Land Use Element Page I-5. The Town recognizes that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse. The Town has therefore adopted the following policy regarding growth: To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.
- Land Use Element Page I-6. It continues to be a major objective of the Town to inhibit further commercialization, contain commercial uses to limited geographic locations, and to promote commercial uses which are primarily oriented to serving the needs of residents, employees and visitors staying in accommodations in the Town, while discouraging those businesses that attract customers and clients from off the Island.
- Land Use Element Page I-30. 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. 2.3.1 The following definitions shall pertain to the application of the non-residential land use designations and associated policies: a. "Town-serving" shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments (other than those in the "Commercial – Office, Professional & Institutional" (C-OPI) zoning district, which are not required to meet town-serving requirements) of 3,000 square-feet or less of gross leasable area in the C-PC, C-TS and C-B zoning districts, and 4,000 square-feet or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition. b. "Town persons" shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.
- Policy 2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small scale, retail, personal and professional/business services, and mixed commercial/residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are proven to be compatible with the Future Land Use Plan and the character of the Town.
 - d. In limited circumstances, the maximum building height shall be three stories.
- Land Use Element Page I-32. POLICY 2.4 To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of

existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

- Land Use Element Page I-32. POLICY 2.5 Continue to enforce the provisions of the Town's Zoning Ordinance which are directed toward the encouragement of Town-serving commercial uses and the discouragement of those uses which are likely to attract patronage on a regional level.

PROJECT ANALYSIS:

The existing lot is 1.45-acre corner parcel on the southeast intersection of Sunrise Avenue and N. County Road, a prominent location in the Commercial Town Serving District. The site is improved with an existing three-story Landmarked structure—the Paramount Theater—which was designated a Palm Beach Landmark in 1982. The theater occupies the northern portion of the site, and a 46-car surface parking lot occupies the southern portion. The application is for the redevelopment and revitalization of the entire site.

The proposal includes the renovation and restoration of the existing Landmarked Paramount Theater, a multi-story theater (now office, retail, and church services) and two-story commercial liner building designed in 1926 by Josef Urban. Between the two structures is a courtyard area which contains approximately 4,460 SF of outdoor area surrounded mostly by the existing building. The entry breezeway at the corner provides an unobstructed vista into and out of the courtyard area and provides a glimpse of the theater's corner entrance. Historically, the building contained apartments, offices, retail and restaurants as companion uses to the theater.

Originally designed as a welcoming structure serving as a community venue that engaged the site and the prominent corner location. The original plan consisted of the fan shape auditorium diagonally positioned on the site and addresses the intersection of Sunrise Avenue and North County Road with a celebrated triple-height entry breezeway to the patio and main entrance to the theater, with the still surviving original signage Paramount in script inset with light bulbs. A copper sheathed dome is located above the main entrance lobby and is decorated with intersecting arches. The main auditorium once boasted interior heights of two and a half stories and could accommodate crowds of over 1,200 people. When it opened in November of 1926, there were 1080 orchestra seats and 156 box seats. It is documented that the theater remained in operation until 1968.

The most significant aspect of the project is the re-programming of the Landmarked structure. The proposal includes the following program:

- Private social club utilizing a portion of the former first and second floor auditorium space with a maximum occupancy of 250 people. This includes a private restaurant on the ground level for 72 seats and an additional 34 outdoor café seats. Additionally, a second-floor private bar/lounge as part of the private club for an additional 51 seats and 64 outdoor seats.
- Public event space of 4,530 SF utilizing a portion of the second-floor auditorium space with a maximum occupancy of 250 people.
- Public restaurant space with a maximum of 40 interior seats on the ground level.
- Four, new mixed-use three-story residential units with ground floor retail.
- Two level subterranean parking garage.

The total program is an intensification when compared to its current usage, but in line with the occupancy envisioned when built in 1926.

HISTORIC PRESERVATION ANALYSIS

The historic research provided in the Paramount Theater's Florida Master Site File, included as part of the structure's local Landmark designation, describe the resource as being "designed as a complete cultural center... and a superb blend of cinema, residences, restaurants, commercial shops, and offices. It was designed in 1926, by Joseph Urban, world-renowned Austrian architect...and the success of the overall design concept of the theater is demonstrated by the fact that commercial and residential properties have continued in use and increased in value to the present time, while the theater itself remained in operation until 1968".

Ample historic documentation of the Paramount Theater exists, and the applicant has provided historic drawings and photos documenting the building throughout its existence. Urban's Mediterranean Revival architectural design blends dramatic 1920's theater architecture with a partially enclosed outdoor courtyard, reminiscent of a Mediterranean piazza surrounded by companion uses in small shops. The architectural design also blends subtle elements of Art Deco architecture, which was growing in popularity in South Florida at the time of the building's construction. Character-defining architectural details include sloped barrel tile roofs, stucco facades, Gothic and Oriental arched openings, regularized fenestration, turned wood spindles and balustrades, exterior circulation paths and stairways, and a dramatic domed entryway.

The application seeks to restore the exterior facades of the theater based on historic documentation utilizing appropriate material and design considerations. Sheet D-4.1 of the architectural plans provide the original 1926 Joseph Urban design of the front façade, as well as existing and proposed elevations. Most notably, the central courtyard façade is being restored with the original tripartite glazing stack that was a prominent element in Urban's design (detail provided on Sheet D-10). Multiple alterations and construction projects over the years removed this important hierarchical feature. Additionally, the proposed window, door, and storefront replacement program also generally reflects Urban's original design. New awnings, canopies, and planters based on original designs are also being appropriately reintroduced. Details of recreated historic and new architectural elements proposed at the site are provided on Sheets D-11 through D-15.

The east (Sheet D-4.2) and south (Sheet D-4.3) elevations do see some fenestration rearrangement and removal, particularly on the ground floor, as a result of new programming and additions. These alterations are largely requested on more utilitarian side elevations and do not significantly impact the character-defining attributes of the historic building.

ARCHITECTURAL DESIGN ANALYSIS

Development on the surface parking lot consists of four residential mixed-use housing units over a subterranean parking garage. Three of the units contain a retail liner component along County Road, and all of the buildings utilize varying architectural designs and massing articulations. The architectural drawings identify these buildings as House 1, House 2, House 3, and House 4. The four residential units are each three stories in height (requiring a special exception and a variances) and contain square footage ranging from 7,795 SF (House 1), 8,163 SF (House 2), 6,635 SF (House 3) and 7,758 SF (House 4). It must be noted that for zoning purposes the below grade level does not count towards a story.

House 1, which fronts Sunset Avenue, is sited towards the southeast corner of the parcel with frontage on Sunset Avenue. The house is situated between a vehicular entry and a vehicular exit path accessing the subterranean garage from Sunset Avenue. House 1 does not contain a retail component on the ground floor. The building features a stone clad foundation with a two-story

column supported porch with a second story balcony suspended behind the columns. The residence features a flat roof with a decorative crenelated pediment and a dark green glazed barrel tile roof over the porch. Fenestration consists of regularized divided-lite arched-top casement windows and French doors. The front façade is largely symmetrical but features a two-story recessed side entry projection to the east that connects with the second story of House 2 over the subterranean garage entry. This house will sit directly west of 173 and 175 Sunset Avenue, which are two-story two-unit town homes developed in 1990.

House 2, sited on the corner of N County Road and Sunset Avenue, features a corner retail shop on the ground floor. Architecturally, the storefront features a green metal storefront system with large, glazed storefronts separated by engaged columns. Projecting fabric awnings are placed over the storefronts. This house abuts House 1 to the east with a second story feature above the subterranean garage entry, and with House 3 to the north at the first and second floors. House 2 features a two-story mass that addresses the corner that transitions to three stories in height after a 6' façade setback. The building features coral stone channeling, quoins, cornices and stucco walls. House 2 utilizes a hip roof over the primary massing with dark red barrel tiles. Fenestration consists of vertically oriented divided-lite casement windows and doors, some of which utilize shallow balconettes with decorative metal railings. The primary entry point is recessed to the north, and located in a two-story wing that connects the residence to House 3.

House 3, sited between House 2 and House 4 along N County Road, is broad with a flush façade and features a retail component on the ground floor. The retail fenestration consists of storefront bays and entry doors topped with pointed, or Gothic arch transoms. The building is largely symmetrical and features stucco facades, divided-lite casement windows, and a variegated red tile roof with exposed rafter tails and decorative tiled chimney caps. The primary entry point is recessed to the north in a two-story secondary mass.

House 4, sited directly south of the Paramount building and north of House 3, has frontage on N County Road and includes a ground floor retail component. The retail bay extends the width of the west façade, projects forward of the upper floors, and features glazed storefronts covered by awnings. The projecting retail bay is topped with a 25' deep terrace, providing setback relief for the upper floors. The terrace is capped by a decorative wood pergola with keyhole arched screens and lattice. The building has a flat roof with a crenellated parapet and features Moroccan inspired details, such as decorative window surrounds and glazed blue/green barrel tiles. The primary entry into House 4 is tucked behind the retail storefront.

All four mixed-use structures can also be accessed by the central subterranean motor court level. This level provides a two-bay garage for each residence with vehicle entry and exit lanes accessing Sunset Avenue. Construction of the above-ground mixed-use units requires 11 variances, specifically three for setbacks (#1, 2, 3), three for height (#4, 5, 6), one for lot coverage (#7), one for building length (#8), one for building floor area (#9) and two for decreased open space (#10, 11) that are linked to several of the nonconforming aspects of the existing Landmarked Theater. Further analysis of the proposed new construction and urban form consequences of the request is provided in the Variance Request Analysis section of this report.

The applicant is proposing a two-level valet-operated commercial subterranean parking garage accommodating 127 parked vehicles with primary access off Sunrise Ave. The proposed garage structure itself requires 6 variances, specifically three setback variances (#12, 13, 14), one for the use of three non-traditional parking methods in the form of tandem, triple stacked, and mechanical

lifts (#15), one for a reduction in the two-way drive aisle width (#17) and one for an increase in the maximum slope of the parking decks and ramps (#18). Staff has expressed serious concerns regarding the maneuverability of the parking structure as currently proposed as it pertains to vehicle and pedestrian safety, and staff recommends a redesign of the parking structure to reduce or eliminate the variance requests. See the Parking Analysis and Program section below for detailed information on the number of required and proposed parking spaces.

Finally, the application involves two (2) variances associated with the general improvements and alterations to the site, specifically regarding the eastern portion of the parcel including the construction of an 8' high site wall (#19) that would visually mitigate the mechanical equipment yard that includes a 100kW generator (#20).

PARKING ANALYSIS AND PROGRAM

Through the principle of equivalency outlined in the zoning code as it pertains to parking credits, the existing uses attribute towards a 133-space parking credit, outlined below:

- Existing Uses and Parking credits 132.34 = 133 parking credits
General Office = 14,745 SF (58.98 spaces at 1/250)
General Retail = 9,683 SF (48.4 spaces at 1/200)
Church/Synagogue = 2,205 SF (25 spaces)

When reviewing the proposed uses housed solely in the paramount building, a deficit of 5 parking spaces is attributed, outlined below:

- Proposed Uses in PARAMOUNT building and Parking credits = 138 required spaces, so a total deficit of -5.
Social Club = 225 members (56.25 spaces at 1 per 4 members)
Auditorium / event space = 250 seats (62.5 at 1 per 4 seats)
Public Restaurant = 40 seats + 1000 SF BOH (18 spaces)

Next, factoring in the parking requirements for the new construction over the existing surface parking lot, outlined below:

- New Construction on 46 space parking lot = 85 required spaces
Surface lot = 46 spaces
Residential (4) units = 11 spaces
New retail = 5,500 SF (27.5 spaces at 1/200)

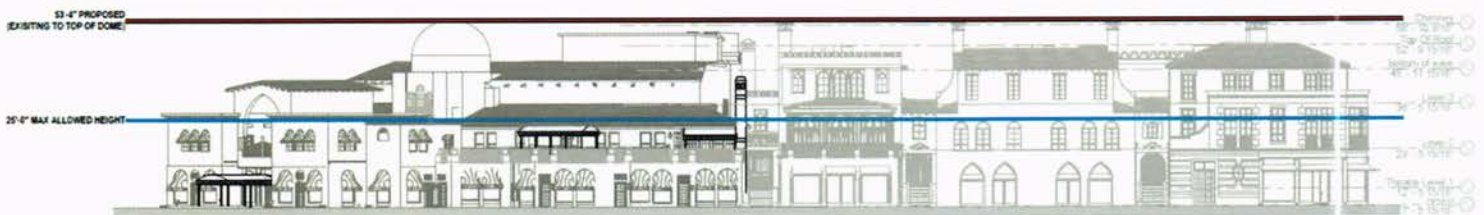
The applicant is proposing a two-level subterranean parking garage accommodating 127 parked vehicles (in a myriad of non-traditional parking methods) accessed off Sunrise Avenue. The garage is proposed with 127 spaces minus 85 spaces minus 5 spaces = resulting in a surplus of 37 parking spaces. 116 undergrounding parking spaces will be utilized to meet the parking demand for the existing Paramount Building and the proposed four (4) new homes; eight (8) of the parking spaces will be solely used by the owners, and two (2) of the spaces will be used only by the homeowners' guests. While the applicant is not deficient in provided parking space, and in fact, has surplus parking, it is imperative to note that the proposed garage structure requires three (3) setback variances (#12, 13, 14), the use of three non-traditional parking methods in the form of tandem, triple stacked, and mechanical lifts (#15), a reduction in the two-way drive aisle width (#17) and an increase in the maximum slope of the parking decks and ramps (#18). Staff has expressed serious concerns of the possible ramifications of the underground parking garage edifice as it pertains to vehicle and pedestrian safety. Staff recommends a redesign of the parking structure to reduce the variance requests.

VARIANCE REQUEST ANALYSIS

As it pertains to variances #1, #2 and #3, a variance to reduce the required front, rear and street-side setback requirements, staff is not averse to granting these variances as it allows the opportunity to provide good urban form in the architecture by building to the street edge on a commercial roadway. The applicant has broken up the façades of the new construction appropriately and at multiple iterations in the plans.

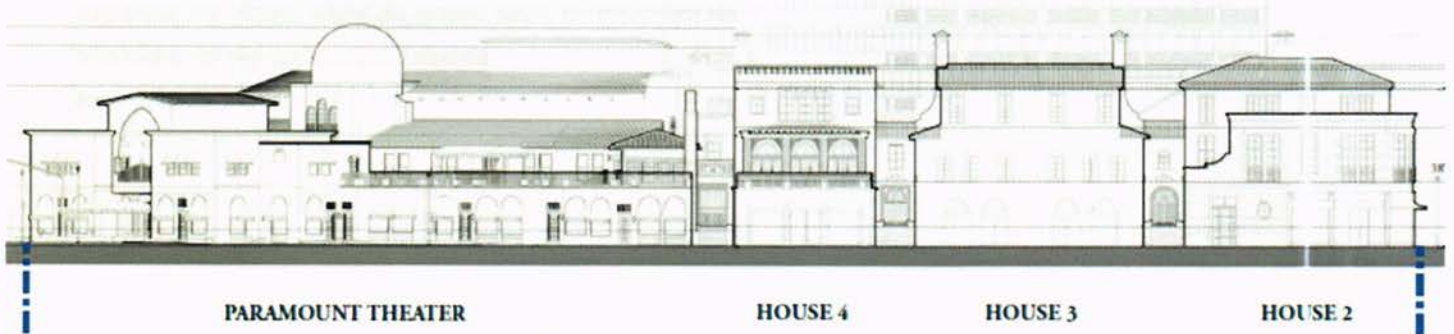
As it pertains to variances #4, to permit three stories where 2 are permitted. Historically the Town has allowed applicants to request an additional story when the result would not contravene the Comprehensive Plan. Policy 2.3.3d of the Comp Plan allows for those properties with a commercial FLUM designation in limited circumstances, the maximum building height shall be three stories. The site contains a nonconforming three-story landmarked theater structure with a two-story liner building along the street frontages. South of the subject site, similarly zoned and with the same Comp Plan Designation, there exists a landmarked 3-story apartment building with a covered arcade over the sidewalk. The applicant is proposing four mixed use residential units above the underground parking garage on the southern portion of the site. The applicant has responded to comments to adapt the massing of the proposed units to be more submissive to the landmarked structure. Typically, a 1:3 ratio for building-height-to-street-width is often cited as a minimum section for a sense of enclosure in urban design practice contributing to streets being defined with appropriate building sizes. While staff is not endorsing an even higher structure, North County Road is a 60' wide right-of-way (over 70' wide when factoring in the sidewalks) and could likely handle the three-story nature of the proposal, as an urban form. Note that this request also involves a Special Exception for maximum building height of 2 stories in the C-TS district and then also requires a variance. The proposed new structures are flanked by three story landmarked properties, and perhaps its massing can be further massaged in deference to the landmarked neighboring structures.

As it pertains to variances #5 and #6, a variance to exceed the maximum building of 25' and the maximum overall building height of 30', these two requests are fundamentally linked to variance #4. Should the Town Council find merit in the request for an additional story, then these variance requests would follow confirming that the proposed building heights of the new homes are appropriately scaled for the adjacent Paramount building and the surrounding neighborhood.



② VARIANCE DIAGRAM - BUILDING HEIGHT DIAGRAM
1/16" = 1'-0"

That said, when viewing the context of the proposal in relation to the landmarked three-story building and more importantly the two-story liner component of the theater, there are considerable opportunities to lower the heights of the new residences to be more in scale with its immediate context, ie the two-story commercial liner of the Paramount.



As proposed, the second floor of the new residences contain a capacious 13' floor to ceiling height which is inappropriate for the historical context. Currently, the proposed new construction will be taller than the vaulted expanse of the auditorium of the theater yet be below only the signature dome of the landmarked building.

As it pertains to variances #7, a variance for lot coverage of 84% in lieu of the 70% maximum permitted, staff is not averse to the granting of variance. The underground garage counts towards the lot coverage, including when it is outside of the building envelope. So, while the four units have been designed in a separate manner, the entirety of the structure counts towards the lot coverage—including the below grade outline regardless of motor court, plantings, or other open to the sky elements within.

As it pertains to variances #8, a variance to exceed the maximum building length of 340.5 ft in lieu of the 150 ft maximum building length permitted, staff is not averse to the request. The existing landmarked building has a nonconforming building length of 163'-2". The new construction at the south portion of the site has been designed to vary in setback, style, and changes in plane, yet the Code requires the entirety of the development to be viewed as a single building at 340'-6". The applicant has broken up the façades of the new construction appropriately and at multiple iterations in the plans. Specifically, the applicant has provided three deeper recesses in the façade articulation of varying widths (10'-4", 9'-9", and 6'-0") and depths to break up the architectural expanse.

That said, when viewing the context of the proposal in relation to the landmarked three-story building and more importantly the two-story liner component of the theater, there are considerable opportunities to further distinguish or separate the new construction with the landmarked property.

As it pertains to variance #9, to the increase in floor area for the site, due to the existing nonconforming structure, the project is already above floor area. Therefore, any new construction would trigger a variance request. The new construction has been designed in a way that is not overwhelmingly monolithic and is generally well-articulated. Individually, none of the new residential units are above the 15,000 SF limit, but cumulatively result in new 24,419 SF to be added to the existing 24,233 SF landmarked building. As the request is a nearly 200% increase over the allowance, perhaps the applicant can further study areas to reduce the mass and overall SF of the buildings when viewed from the corner right-of-ways.

As it pertains to variances #10 and #11, a variance to reduce the required overall landscape open space and front yard open space, staff is not averse to the granting of these variances, as the landscape opportunities are already limited within the landmarked theater portion of the site, and the incorporation of a subterranean parking garage prohibits any landscape open space opportunities above ground. Perhaps the applicant can further study areas that additional green

space can be incorporated on site, both counted and uncounted.

As it pertains to variances #12, #13, and #14 a variance to reduce the required front, rear and street-side setback requirements, staff is not averse to granting these variances as it maximizes the opportunity to provide the required parking necessary for the intended uses. The below grade structure is completely hidden from view, in a commercial district with limited setback requirements anyway for above ground structures.

As it pertains to variance #15, a variance to allow (26 rows) tandem, (4 rows) triple stacking and (11) mechanical car lifts in a 127-space parked garage, staff recommends a redesign of the subterranean parking levels to minimize the type of non-traditional parking stalls.

As it pertains to variance #16, to not provide one required loading space for the new retail components, staff is not averse to the granting of this variance as the property has been in operation without one for nearly 100 years. If the valet queue plan is approved, perhaps a loading space can be provided for off-hours loading services that does not conflict with event operations.

As it pertains to variance #17 and #18, to permit deviations from the drive aisle width and ramp slope within the garage, staff strongly recommends a redesign of the subterranean parking levels to comply with these minimum requirements.

As it pertains to variance #19, to exceed by 1' the maximum allowable wall height in a side or rear property line, staff is amenable to the notion of a higher screening wall between discordant uses to properly mitigate impact of traffic noise, and mechanical equipments.

As it pertains to variance #20, to permit a 100kW generator with 10 ft and 17.8 ft side yard setback, in lieu of the 22' side yard setback required, staff recommends redesigning the siteplan to comply with the setback requirement.

In summary, there certainly is no denying that four new housing units is a better utilization of land than a surface parking lot, both aesthetically and urbanistically when it comes to land resources and while it goes without saying that the current zoning code has many fundamental flaws particularly associated with the challenges of dealing with nonconforming structures, the sheer number of variance requests should cause some level of concern as it pertains to maximizing the performance of the site, or quite simply, putting too much building on a development site. Staff recommends a redesign of many components of the project to minimize the variance requests and reduce those threshold amounts where requested as enumerated above.

SPECIAL EXCEPTION REQUESTS

1. SITE PLAN REVIEW: Sec. 134-1112: Site Plan Review for new building(s) or for changes in a permitted use in Sec. 134-1107 which involves more than 2,000 SF of building floor area in the C-TS zoning district.
2. SPECIAL EXCEPTION 1: Sec. 134-1109(a)(3): Special Exception for a private club use in the C-TS zoning district.
3. SPECIAL EXCEPTION 2: Sec. 134-1109(a)(11): Special Exception with Site Plan Review for permitted uses over 3,000 SF of gross leasable area (GLA) in the C-TS zoning district.
4. SPECIAL EXCEPTION 3: Sec. 134-1109(a)(22): Special Exception for restaurant use in the C-TS zoning district.

5. SPECIAL EXCEPTION 4: Sec. 134-1109(a)(14): Special Exception for outdoor café seating in the C-TS zoning district. 34 outdoor seats on level 1 of private club + 66 outdoor seats on level 2 of private club (100 outdoor seats).
6. SPECIAL EXCEPTION 5: Sec. 134-1113(8)(c): Special Exception for maximum building height of 2 stories.
7. SPECIAL EXCEPTION 6: Sec. 134-2182(b): Special Exception for shared parking.

DECLARATION OF USE / OPERATIONAL CONDITIONS

Should the Town Council find merit in the application and that the proposal is consistent with the granting of a Special Exceptions and Variances, the applicant will need to submit a Declaration of Use with binding operational conditions to be listed in Development Order limiting the uses to hours, days, events, number of seats, number of members, special events, etc., at a future meeting date.

VALET OPERATIONS

The proposed underground parking structure is valet operated only with a stand to provide on street queuing for up to 10 vehicles (as shown below).



The applicant is proposing to obtain a permanent valet drop off queuing area along the majority of the site's frontage along North County Road, eliminating the on-street parking spaces currently being accessed by the existing retail component. Any substantial alterations to the program will need an amended valet operations permit to be reviewed and approved by Town Council and administered and monitored by Code Enforcement Specialists in the PBPD who have expressed early concerns with the proposal.

TRAFFIC STUDY

The applicant has submitted a traffic analysis by Simmons and White and is currently being peer reviewed by Corradino Group for traffic and valet parking review.

LPC CONCLUSION:

Approval of the project will require two separate motions to be made by the Landmarks Preservation Commission: (1) for the overall design of the project in accordance with the aforementioned criteria, subject to any imposed conditions, and (2) that the implementation of the proposed variances **will or will not** cause negative architectural impact to the subject property.

WRB:JGM

PARAMOUNT SITE HISTORY

The Paramount Theatre building was originally designed by prominent New York architect Joseph Urban. Construction of the building was completed in 1927, and was designated a landmark structure in the Town of Palm Beach on September 14, 1982. The following is the recent history of the zoning and certificate of appropriateness requests for the property.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
August 18, 1982 and July 13, 1983	Certificate of Appropriateness for exterior alterations; partial approval granted on August 18, 1982, and final approval granted on July 13, 1983.	COA#: 11-82	Approved by Landmarks Preservation Commission. Extension granted by LPC on May 22, 1985.
November 9, 1983	Certificate of Appropriateness for exterior alterations, which modifies COA# 11-82.	COA#: 10-83	Approved by Landmarks Preservation Commission. Extension granted by LPC on May 22, 1985.
June 14, 1983	A request for revised site plan showing parking structure.	Special Exception#: 12-83 with Variances and Site Plan Review Moratorium Waiver#: 15-83M	Matter was postponed at June 14, 1983 Town Council meeting. No evidence found in files that this matter was taken up again.
December 21, 1983	Certificate of Appropriateness for exterior modifications and landscaping.	COA#: 13-83	Approved by Landmarks Preservation Commission. Extension granted by LPC on May 22, 1985.
November 14, 1984	Certificate of Appropriateness for a sign for Christina Boutique in lettering not to exceed 5 inches in height.	COA#: 24-84	Approved by Landmarks Preservation Commission.
November 14, 1984	Certificate of Appropriateness for a sign for Pearl and Dan Braswell Antique & Precious Jewellery in lettering not to exceed 5 inches in height.	COA#: 25-84	Approved by Landmarks Preservation Commission.
November 14, 1984	Certificate of Appropriateness for a sign for the Red Pony in lettering not to exceed 5 inches in height.	COA#: 26-84	Approved by Landmarks Preservation Commission.
November 14, 1984	Certificate of Appropriateness for a sign for Gartner Hand Made Belgium Chocolates in lettering not to exceed 5 inches in height.	COA#: 27-84	Approved by Landmarks Preservation Commission.
January 9, 1985	Certificate of Appropriateness for exterior light fixtures.	COA#: 1-85	Landmarks Preservation Commission determined that

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			the lighting, as proposed, was not appropriate, and deferred the project. The project was subsequently deferred three more times. No evidence was found that this matter was taken up again, nor was evidence found that the LPC approved this COA.
January 9, 1985	Certificate of Appropriateness for a painted sign on the front window in goldleaf for Gerald E. Marsh, Inc.	COA#: 3-85	Approved by Landmarks Preservation Commission.
September 24, 1986	Certificate of Appropriateness for sign subject to staff approval of style and size of letters.	COA#: 17-86	Approved by Landmarks Preservation Commission.
December 17, 1986	Certificate of Appropriateness for signage for "Chocolate 'N Chills" ice cream shop.	COA#: 19-86	Approved by Landmarks Preservation Commission.
January 28, 1987	Certificate of Appropriateness for four white window signs.	COA#: 3-87	Approved by Landmarks Preservation Commission.
January 28, 1987	Certificate of Appropriateness for white vinyl window signage.	COA#: 4-87	Approved by Landmarks Preservation Commission.
January 28, 1987	Certificate of Appropriateness for two window signs to read "Perspective Design" in goldleaf with the remainder of the lettering in black vinyl.	COA#: 5-87	Approved by Landmarks Preservation Commission.
October 28, 1987	Certificate of Appropriateness for identification signage on door and windows to read: Joey's Deli.	COA#: 24-87	Approval not found in files.
December 8, 1987	A variance to allow the applicant to occupy approximately 1,600 square feet of office space for the Palm Beach Broadcasting Company on the first floor in lieu of second floor as required.	Variance#: 60-87	Town Council APPROVED the request.
December 8, 1987	A variance to allow the applicant to occupy approximately 1,200 square feet of office space for Island Realty and Property Management, Inc. on the first floor in lieu of second floor as required.	Variance#: 61-87	Town Council APPROVED the request.
April 27, 1988	Certificate of Appropriateness for identification signage to be in goldleaf lettering on the bottom of	COA#: 5-88	Approved by Landmarks Preservation Commission.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
	the glass window to read "PALM BEACH TV – 19" on the first line with "EXECUTIVE OFFICE" centered below it.		
April 27, 1988	Certificate of Appropriateness for the on-the-ground installation of a 16' diameter satellite dish to be painted green with adjacent landscaping on the North County Road side, thorough landscape screening on the east and south sides of the parking lot, and restriping of the parking spaces.	COA#: 7-88	Approved by Landmarks Preservation Commission.
May 25, 1988	Certificate of Appropriateness for two signs hand-lettered onto the window.	COA#: 10-88	Approved by Landmarks Preservation Commission.
May 25, 1988	Certificate of Appropriateness for removal and replacement of existing balcony guardrails to match existing, and replacement of rotted elements.	COA#: 13-88	Approved by Landmarks Preservation Commission.
June 14, 1988	A variance from Section 4.20, schedule of Use Regulations, to allow the applicant to occupy approximately 1,100 square feet of office space on the first floor in lieu of second floor as required.	Variance#: 35-88	Town Council APPROVED the request.
August 14, 1988	Certificate of Appropriateness for white vinyl signage on glass doors for "S.W.A.K. SURF SHOP."	COA#: 21-88	Approved by Landmarks Preservation Commission.
January 10, 1989	A variance from Section 5.51(f) of the Town Zoning Ordinance to allow installation of a second Dish Antenna on the premises, and only one antenna is permitted by code.	Variance#: 72-88	Town Council DENIED the request.
January 20, 2010	Certificate of Appropriateness for railing replacement.	COA#: 016-09	Approved by Landmarks Preservation Commission.
July 14, 2010	Permit the operation of a real estate brokerage office on the first floor.	Variance#:12-2010	Variance for Unit 15 in the Paramount Building. Did not meet all of the Special Use requirements in Section 134-1109(18). Town Council APPROVED the request.
May 10, 2017	Permit the replacement of an existing non-conforming sign (Section 134-2437 – Size of Sign) with an exact replacement.	Sign Variance#: V-16-2017	Town Council APPROVED the request.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
May 17, 2017	Certificate of Appropriateness for exact replacement of Paramount sign.	COA-020-2017	Approved by Landmarks Preservation Commission.
April 11, 2018	Permit the operation of a real estate brokerage office on the first floor.	Z-18-00085	Variance for Unit 15 in the Paramount Building. Did not meet all of the Special Use requirements in Section 134-1109(18). Town Council APPROVED the request.