



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT

PZ&B Staff Combination Memorandum: Town Council and Architectural Commission

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

SUBJECT: ARC-23-094 (ZON-23-072) 241 WORTH AVE (COMBO)

MEETING: JANUARY 24, 2024 ARCOM
FEBRUARY 14, 2024 TOWN COUNCIL

ARC-23-094 (ZON-23-072) 247-251 WORTH AVE (COMBO). The applicant, Holbrook Real Estate LLC, has filed an application requesting Architectural Commission review and approval for a two-story addition to an existing one-story commercial building under the Special Allowances in accordance with the Worth Avenue Design Guidelines, including several variances from lot coverage, floor area square footage, commercial and residential use locations, parking requirements, landscape open space, and loading space requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-23-072 (ARC-23-094) 247-251 WORTH AVE (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, Holbrook Real Estate LLC, has filed an application requesting Town Council review and approval for three (3) Special Exception requests, (1) for permitted use (retail) over 4,000 SF of leasable area in the C-WA zoning district, (2) for a second floor in the C-WA zoning district, and (3) for a third story as a Special Allowance in accordance with the Worth Avenue Design Guidelines. Additionally, the applicant is requesting Site Plan Review for a building with additions greater than 2,000 SF. The applicant is also requesting six (6) Variance requests, (1) to exceed the maximum lot coverage of 69% in lieu of the 35% maximum allowed for the second floor using the Worth Avenue Design Guidelines for a 2nd story addition, (2) to not provide the required 27 parking spaces for new commercial and residential additions, (3) to not provide the required 25% landscape open space to have 5% open space for a three-story building, (4) to not provide the required on-site loading space, (5) to allow residential uses above the second floor mercantile/office space, and (6) to exceed the maximum floor area of 15,000 SF to allow a structure with +/- 18,250 SF, in conjunction with a new two-story addition to an existing one-story commercial building on a site with two existing one and two story buildings. The Architectural Commission will perform design review of the application.

Applicant: Holbrook Real Estate LLC
Professional: Roger Janssen | Daily Janssen Architects
Representative: Maura Ziska | Kochman & Ziska PLC

HISTORY:

An application for Special Exception with Site Plan Review #15-2004 was reviewed and approved to allow a second-story addition over the existing one-story building that fronts Worth Avenue; this project did not come to fruition. An application for Special Exception with Site Plan Review and Variances was reviewed and approved at the September 11, 2019, Town Council Development Review meeting, pursuant to Z-19-00221, which granted a Special Exception to operate a 3,590

SF, 109 seat restaurant ("Le Bilboquet") on both the 1st and 2nd floor of the rear building within Via Encantada and a Special Exception with Site Plan Review approval to have 44 (of the 109 proposed seats) to be outside in the Via. Additionally, a request for a Variance to eliminate the required parking was approved. Specifically, the request to provide zero (0) on-site parking spaces in lieu of the required 29 parking spaces was approved (under the principle of equivalency for the 87 additional seats which are over the inside capacity of the proposed restaurant).

An application to modify the abovementioned Special Exception with Site Plan Review and Variances was reviewed and approved on July 15, 2020, for additional seats, reduced setbacks and increased lot coverage to accommodate an elevator, a walk-in kitchen cooler, pursuant to Z-20-00247. The Architectural Commission also reviewed and approved an application for exterior building improvements including new awnings, consisting of a fixed awning to the front of the building and a retractable awning over the outdoor dining area, pursuant to B-015-2020. An application to modify the Special Exception approval to allow for expanded hours (breakfast) was approved on January 12, 2022, pursuant to ZON-22-026.

An administrative application for new landscaping and screening for service area on the back of the building between the building and the Apollo parking lot and new hardscape and landscaping for the south side of the interior courtyard was reviewed and approved on January 23, 2020, pursuant to A-20-00858. An administrative application for exterior improvements and replacements to the one-story front building was reviewed and approved on June 20, 2023, pursuant to A-23-03035.

Most recently, an application was reviewed and approved (5-2) at the July 27, 2022, ARCOM meeting for exterior storefront alterations to an existing commercial space (249 Worth Ave, 'David Yurman'), pursuant to ARC-22-101.

This project was originally scheduled and presented at the OCTOBER 11, 2023 Town Council Development Review meeting. After initial discussion, the item was deferred (5-0) for one month at the request of the Council in order for the Town Attorney to ensure that zoning variances were properly noticed and duly before the Council for review. Since the prior meeting, PZB staff has reviewed the application and the matter with Town Attorneys' Mr. Randolph and Ms. O'Connor who confirmed PZB original findings on the application's sufficiency for review as outlined in the staff memo.

At the NOVEMBER 15, 2023 Town Council Development Review meeting, the item was presented again, and after a lengthy discussion regarding the project, the Council decided to defer the project and have the Architectural Commission review the project first, since many of the issues were architecture and design related. The Town Council wanted the Commission to critically review the architectural style massing, height of the entire project including the variances, with particular focus on the third story, location and relevance. A motion was made and passed (5-0).

This item was presented at the DECEMBER 15, 2023 ARCOM meeting where discussion commenced. The item was deferred (5-0) for one month with design discussion pertaining to the third floor, the overall setback and location of the upper floors and walkways, and a restoration of the art deco elements of the ground floor storefront.

THE PROJECT:

The applicant has submitted plans, entitled "Presentation Rev 01 Proposed Additions at 247 Worth Avenue" as prepared by **DJA Dailey Janssen Architects**, date stamped by the Town, January 04, 2024.

The following is the scope of work:

- Construction of a new two-story addition to an existing one-story commercial building.

The following Special Exception, Site Plan Review and/or Variances are required to complete the project:

- **Special Exception #1** [Sec. 134-1159\(9\)](#): Special Exception request for retail space in excess of 4,000 GLA. As proposed, Lord Piano commercial space is identified as < 4000k at 4,956 SF therefore SE is required.
- **Special Exception #2** [Sec. 134-1163\(8\)b](#): Special Exception for two-story buildings.
- **Special Exception #3** [Sec. 134-1165\(b\)\(2\)](#) and [Sec. 134-233](#): Special Exception with Site Plan Review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines.
- **Site Plan Review** [Sec. 134-1162](#): Site Plan Review for additions in excess of 2,000 SF.
- **Variance #1** [Sec. 134-1163\(9\)](#) and [Sec. 134-1165\(b\)\(1\)](#): Variance for Lot Coverage for 2nd story additions resulting in a lot coverage of 66.6% in lieu of the 35% maximum allowed for a second story using the Worth Avenue Design Guidelines.
- **Variance #2** [Sec. 134-2176](#): Variance to not provide the required 27 spaces for new 5,034 SF commercial second floor addition and a new 1,954 SF residential third floor unit addition.
- **Variance #3** [Sec. 134-1163\(11\)\(c\)](#): Variance to not provide the required 25% landscape open space for a three-story building, in order to in order to maintain the existing nonconforming 4% open space.
- **Variance #4** [Sec. 134-2211\(a\)](#): Variance to not provide the required one loading space for a commercial building between 4,000 SF and 25,000 SF.
- **Variance #5** [Sec. 134-1163\(8\)\(d\)](#) Variance to provide commercial uses above the ground floor and residential uses above the second floor under the Special Allowances using Worth Avenue Design Guidelines (Sec IX C 2a(2)).
- **Variance #6** [Sec. 134-1113\(12\)\(b\)](#): Variance to exceed by 3,202 SF the maximum floor area permitted of 15,000 SF to allow a structure with 18,202 SF of enclosed area.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A 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 some of the variance requests indicate that the proposal is an intensification of the site's current use and may be contrary to aspects of the Comprehensive Plan. Below are some of the elements that are pertinent and relevant provided as a preliminary review of the documents and plans and are not meant to be exhaustive:

- **Land Use Element** 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** 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:** [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:** [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:** [POLICY 2.5](#): To 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.

STAFF ANALYSIS:

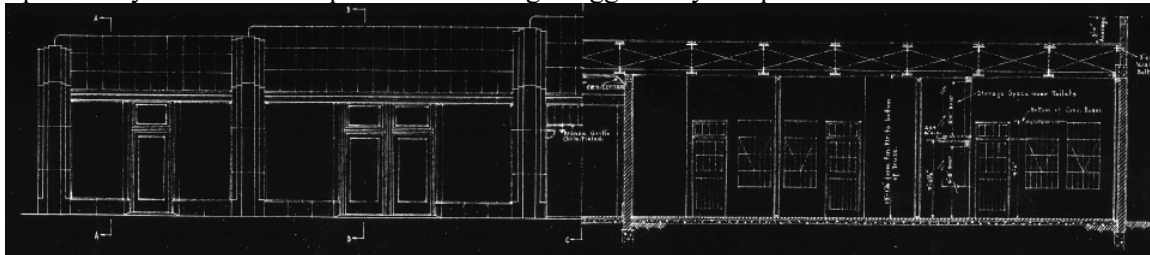
An application has been filed to expand the existing one-story structure with a new two-story addition located at 247-251 Worth Avenue. The subject property contains of 12,500 SF (0.3125 Palm Beach acre) of lot area and is located on the north side of Worth Avenue, one parcel east of the intersection at Hibiscus Avenue and abutting directly south of the approximately 1.5-acre surface parking lot ('Apollo' lot) in the "Mid-Avenue Development Area" identified within the Worth Avenue Design Guidelines. It is currently improved with a one-story and a two-story commercial building, separated and accessed by a pedestrian covered passage, Via Encantada. The property has a Future Land Use designation of 'Commercial' with a compatible zoning classification of Worth Avenue District (C-WA). Historically, the commercial spaces within the subject parcel have been home to numerous luxury shoppes and galleries, including Chanel, Jil Sander, Mayor's, and Van Cleef and Arpels to name a few.



The current application contains requests three (3) Special Exceptions, for site plan approval, and for six (6) Variances to expand the existing one-story commercial building with a new two-story addition, providing for utilizing the provisions of allowances as set forth in the [Worth Avenue Design Guidelines](#). The Guidelines are intended for use by the general public and the Town's reviewing bodies, Landmarks Preservation Commission (LPC), Architectural Review Commission (ARCOM) and Town Council, in evaluating new construction, alterations, renovations, or other modifications to existing structures along Worth Avenue. The Guidelines are intended to encourage the maintenance and restoration of the architectural heritage of Worth Avenue and to encourage the creative use of modern variants of the Mediterranean-Revival, Neo Classical, and other compatible architectural styles.

As previously mentioned, the site contains two existing structures: a one-story, four-bay retail building fronting Worth Avenue which is bifurcated by an internal entrance—Via Encantada. Through the Via is a courtyard that separates the front building from a detached two-story building towards the rear of the lot. The application requests the addition of a two-story element to the front building. Additionally, the two independent buildings will become attached through a series of elevated catwalks and stairs accessing the new second and third levels. The existing architecture viewed from Worth Avenue contains three independent architectural styles. The cohesive architectural style of the original facade constructed in 1938 is long gone, as over the years, a series of alterations, renovations and improvements have taken place. The two-story proposal is simple in its design—mostly symmetrical with the exception of some fenestration deviations. The primary façade is relatively subdued with smooth white stucco finishes, vertical and horizontal scored reveals, and punctured by a series of operable French doors/casement windows. The renderings indicate the end (easternmost and westernmost) portions of the second level are to be distinguished by a warmer color or material, although there is nothing specific called out on the material sheet. The new second floor architecture is stepped back from the first floor and the third floor is stepped back even further

from the street and the level below. With the wedding cake step backs, each level provides for a series of outdoor terraces. The applicant refers to the two-story addition as 'Art Deco'. The inspiration for the Art Deco design direction stems from the original design of the one-story structure. Designed in 1938 by Julius Jacobs, in a decidedly art deco style mirroring two bays of retail along the via separated by fluted art deco pilasters featuring a ziggurat style cap.



Original Submission

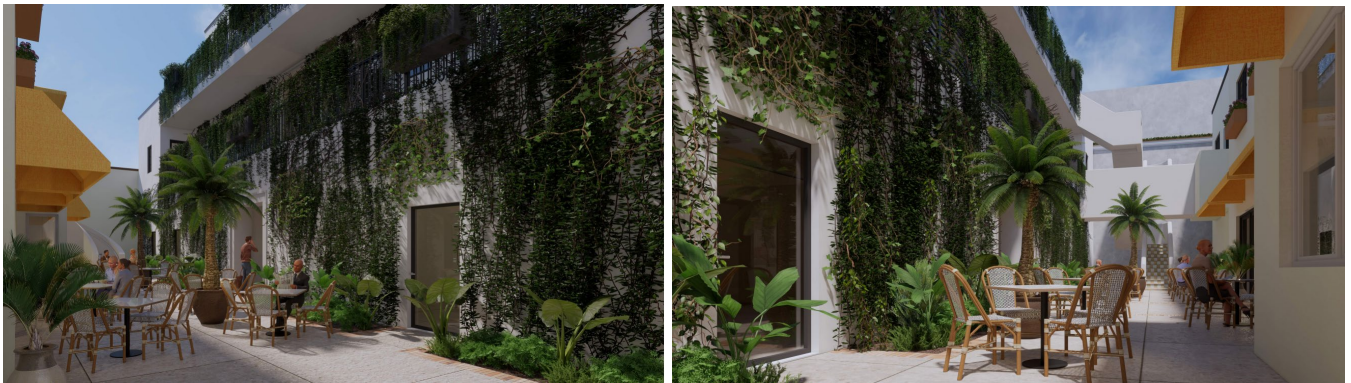


Current Proposal

The applicant is now proposing a more substantial restoration of the front façade of the existing building within all bays, the applicant does intend on initially modifying the westernmost bay (Brioni) to recall aspects of the original design in the re-introduction of the fluted art deco pilasters.



With that, the two-story addition takes many of the design cues from the original Art Deco design, most notably in the rhythm and the breakdown of the bays. The rear of the new construction consists open two upper levels of open-air walkways and catwalks as well as two new egress stairs with a vertical metal picket style railings. This rear façade shall not be visible from the right-of-way of across from the Peruvian Ave parking lot. However, while not a primary or secondary façade, the applicant has made considerable efforts to refine and improve this “rear facade”. There are two existing curvilinear stairs (that do not meet today’s code requirements for life safety) within the courtyard that provide access to the second floor of Le Bilboquet. These features are proposed to be demolished in order to address code compliant life safety and egress requirements as determined by the Fire Marshal. It must be noted that the applicant made numerous attempts to salvage both of these decorative features, but in the end, has managed to retain one of the stairs.



There is not much opportunity for the greening of the courtyard, or improving the nonconforming open space of the site, but the applicant has seized on the vertical nature of the proposal and has attempted to improve the aesthetic with a hanging garden, vertical landscaping approach.

In accordance with the Worth Avenue Design Guidelines, the adopted urban design goals for Worth Avenue include the following:

- A. Protect and Enhance the Avenue’s Market Appeal for the Benefit of the Residents of the Town
- B. Protect the Unique Character of the Older Areas of Worth Avenue and Promote Continuity and Enhancement in Newer Areas
- C. Strengthen Pedestrian Character and Create New Vias and Other Pedestrian Linkages
- D. Maintain and Continue to Create a Diverse Mix of Activities
- E. Maintain High Expectations for the Quality of Architecture Along Worth Avenue
- F. Strengthen the Avenue’s Distinctive Landscape Character
- G. Continue and Expand the Tradition of the Avenue’s Arcaded Walkways
- H. Strengthen the Provision of Consistent and Compatible Street Spaces

As described in the Guidelines, the corridor is divided into three (3) specific development areas, generally following the division of Worth Avenue by blocks that were developed over time, beginning with the West-End and concluding with the East-End. The subject site is located within the Mid-Avenue Development Area that extends from east of the Via Parigi/Via Mizner complex on the north side of the Avenue all the way to South County Road and is exemplified by a combination of architectural styles, including Neo-classical, Art-Moderne and Mediterranean influences from the 30s, 40s, and later within the C-WA district.

The Guidelines also provide for the approval of “Special Allowances” for new development or substantial and appropriate redevelopment, restoration or renovation projects. Based upon the following list of desirable amenities and features and a positive determination by the Architectural Commission or Landmarks Preservation Commission that the proposed design will significantly benefit the development, the Avenue, and the general public, a proposal may be approved for special allowances to lot coverage, height and building length.

- Public arcades, vias, courtyards, useful open space, and interconnection.
- Private open spaces, patios, terraces, balconies, loggias, etc.
- Mixed-use development with upper-story residential.
- Restoration of original façade.
- Appropriate style change.
- Varied roof heights, towers, chimneys, etc.
- Two story and or 3 story commercial structures shall provide a heightened level of architectural amenity and enhancement such as real or simulated balconies, loggias, or setbacks to ensure that the second and third stories shall have the appearance associated with residential design as personified in the West end development area.
- Any other significant amenities or features determined to be appropriate for review.

The applicant has provided a response sheet to address how the proposal meets these Guidelines, prospers the Avenue, and provides their justification for the requested allowances under consideration.

Zoning District	C-WA	Lot Size (SF)	12,500 SF
Future Land Use	COMMERCIAL	Finished Floor Elevation	3.46' NAVD (no change)
C-O-R	3.04' NAVD	Flood Zone	AE-6
Architect:	Julius Jacobs	Year of Construction	1938
Project			
Lot Coverage	<u>2nd Floor</u> Existing: 19.5% (2,442 SF) Proposed: 66.6% (8,334 SF) Permitted: 35% (4,375 SF) Variance Requested <u>3rd Floor</u> Proposed: 24% (3,027 SF) Permitted: 25% (3,125 SF)	Landscape Open Space (LOS)	<u>Two- or Three-Story</u> Existing: 4% (503 SF) Proposed: 5% (632 SF) Required: 25% (3,125 SF) Variance Requested
Floor Area (LOS)	Existing: 11,081 SF Proposed: 18,202 SF Permitted: 15,000 SF Variance Requested	# Parking Spaces	Existing: 0 Required: 27 Variance Requested
Overall Height	Existing: 17'-7" Proposed: 43'-0"	Building Height	Existing: 16'-1" Proposed: 41'-0"
Surrounding Properties / Zoning			
North	Surface Parking Lot, 'Apollo' lot / C-TS		
South	Two-story commercial building / C-WA		
East	One-story commercial building / C-WA		
West	Three-story mixed use commercial building, 'Tiffany' / C-WA		

The project requires **Site Plan Review** under [Sec 134-1162](#) as the proposed additions exceed 2,000 SF of enclosed area. The total area of new square footage is 7,121 SF. In conjunction with the petition for Site Plan Review, the applicant is requesting three (3) **Special Exception** requests. First, to allow retail space greater than 4,000k in the C-TS zoning district. The applicant proposes 4,956 SF to create a two-story retail experience for 'Loro Piana', a luxury fashion and leather goods merchant, in the easternmost bay. Second, to allow a two-story building in the C-TS zoning district. Note the existing site already contains a two-story building constructed in 1938. And third, to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. The applicant is requesting a two-story addition to the existing one-story building on the subject parcel.



Additionally, the project requires six (6) **Variances**, as outlined below:

VARIANCE #1 [Sec. 134-1163\(9\)](#) and [Sec. 134-1165\(b\)\(1\)](#): Variance for Lot Coverage for 2nd story addition of 5,892 SF for a total of 8,334 SF resulting in a lot coverage of 66.6% in lieu of the 35% maximum allowed for a second story. Refer to Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.

VARIANCE #2 [Sec. 134-2176](#): Variance to not provide the required 27 spaces for the new 5,034 SF commercial second floor addition and a new 1,954 SF residential third floor unit. The Code requires 1 parking space for every 200 SF of new retail square footage, which yields 25 spaces plus 2 additional spaces for the new residential unit for a total of 27 spaces. The subject property has been commercially zoned and programmed with retail and restaurant uses for over 85 years with zero on-site parking resources. Parking is provided within the Town of Palm Beach's commercial area along Worth Avenue and South County Road with on-street parking and public surface parking lots provided in the vicinity of the site. Most notably, the Apollo parking lot has the spatial capacity to park over 500 vehicles and currently serves the needs of the entirety of the retail, restaurant and gallery parking demands of the Avenue as nearly all of properties have zero on-site parking. Based on preliminary findings of the commercial traffic study performed by the Corradino Group, specific to Worth Avenue, there is adequate supply within the South Parking District (area bound by Royal Palm Way to the north, South Lake Drive to the west, South Ocean Blvd to the east and the alley south of Worth Avenue to the south). The parking data analysis of the parking utilization data collected along Worth Avenue indicated that there was available parking along Worth Avenue during the weekday. During the weekend, the Worth Avenue on-street parking was close to fully

utilized, and the off-street parking was near capacity west of South County Road. There was available parking during the weekend at other parking spaces nearby within the South Parking District.

VARIANCE #3 [Sec. 134-1163\(11\)\(c\)](#): Variance to not provide the required 25% landscape open space for a three-story building, in order to improve by 1% the existing nonconforming 4% to 5% landscape open space. The applicant is proposing to expand vertically. There are zero landscaping opportunities that have not already been explored and incorporated by the development of Le Bilboquet. While the strict interpretation of the zoning as it pertains to the nonconforming open space aspect of a site would not generally be reviewed for additions, the significance of this application is that it changes the review regulation from two-story to three-story. Although the Landscaped Open Space requirement is the same for two-story buildings and three-story buildings, the variance procedure is required to immortalize the request although both two- and three-story buildings have the same percentage requirement of 25%. It must be noted that the applicant is increasing the open space by over 100 SF, from 4% to 5%, which is no easy feat considering the project is completely realized with buildings, courtyard patio seating, refuse areas and outdoor kitchen components.

VARIANCE #4 [Sec. 134-2211\(a\)](#): Variance from the required minimum number of off-street loading spaces provided on-site. For new construction of commercial buildings between 4,000 SF and 25,000 SF of new area, one (1) on-site loading space is required. The new additions total 7,145 SF of new square footage to the 12,200 SF site.. The GIS map below illustrates the designated commercial loading zones, indicated in red, along Worth Avenue. As such, there are currently two dedicated on-street loading spaces for the 200 block of Worth Avenue, located to the south of the subject property.



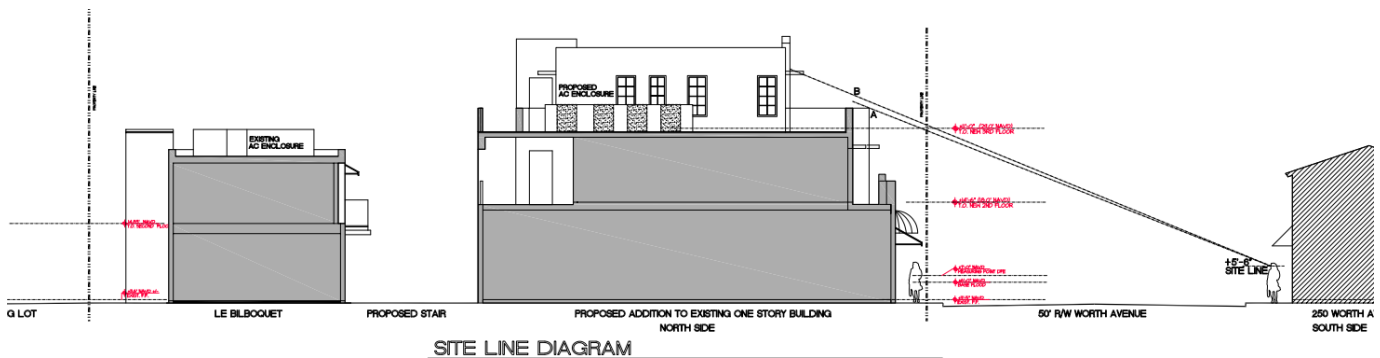
Currently, the site has admittance for deliveries, trash pick-up and grease trap access through a cross-access easement from the owner of the Apollo parking lot that abuts the property to the north. If the variance is granted, staff recommends conditioning the approval on the same as well as specifying hours.

VARIANCE #5 [Sec 134-1157\(8\)\(d\)](#): Variance to provide commercial uses above the ground floor and residential uses above the second floor under the Special Allowances using the Worth Avenue Design Guidelines (Sec. IX C 2(a)(2)). One of the primary mechanisms of achieving the goal and realization of the Worth Avenue Design Guidelines is intended to encourage the redevelopment of the Avenue and encourage upper-floor residential use or the appearance associated with upper-floor residential design. This was most recently realized with the neighboring property to the west, the

Tiffany Building, which converted the second-floor commercial office/retail space to residential and added a third-floor residential addition above. In this proposal, however, the applicant is proposing a new two-story addition, the first level (second floor) of which is programed as mercantile, and the second level (third floor) of new construction as a private single residence. This request would appear to be in line with the Guidelines, but a strict reading of Guidelines indicates the following:

- i. Mixed-use commercial and residential development, redevelopment, restoration or renovation providing **commercial uses on the ground floor and residential uses above**, and providing an enhanced level of amenities and features in accordance with paragraph "D", following, shall be eligible for an increase in maximum building coverage and allowable residential units as follows...
- ii. Third story maximum coverage, 25% and a maximum one (1) additional residence per each sixty (60) feet of frontage on Worth Avenue; provided, however, that **all uses above the first floor shall be residential uses only**.

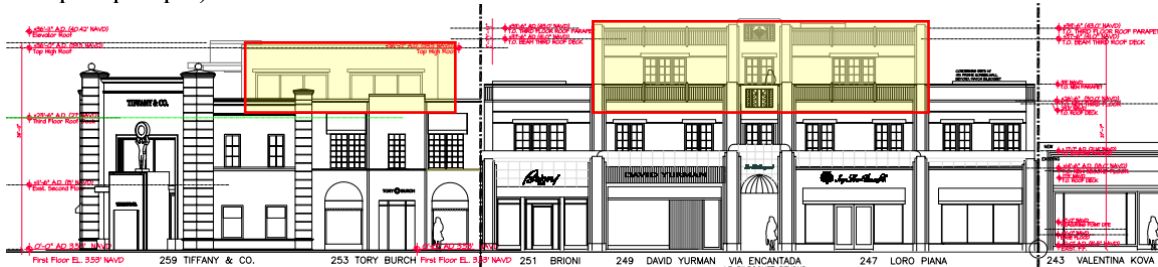
As such, a variance is required. Research from the 1998 Town Council minutes regarding the adoption of the revisions to the Worth Avenue Design Guidelines reveals at least some concern with this limitation, as Council Member Shaw stated "...[his] major concern with what is in the ordinance was that the third story residential use is not going to be permitted unless it is also on the second story, and thought that was an error." A mix of uses (retail and residential) are a fundamental basis of successful streets, vibrant main streets, and a successful walkable neighborhood.



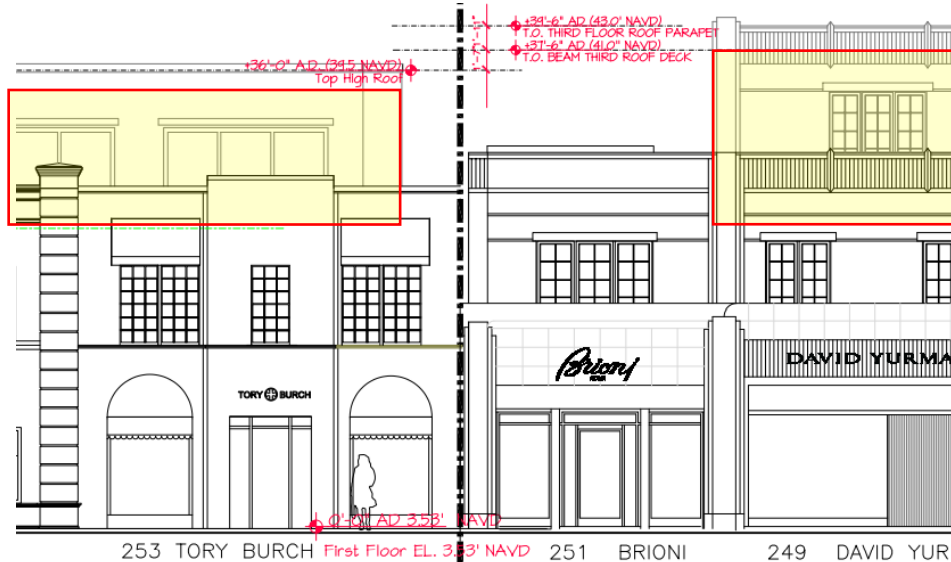
The third story residential unit is setback further from the street than the addition below as to not overwhelm the Avenue or alter the prevailing character. There is an opportunity to increase the front setback of the third story addition and push the mass further back from the street, which reduces the area of the outdoor rear north terrace.

For comparison, the neighboring two-story building abutting the property to the west (the Tiffany building) received TC approval at the Nov 13, 2019 meeting for a special exception with site plan review and variance application in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. That proposal consisted of a proposed third story with an enclosed 2,390 square feet of living space and active habitable roofdeck. The variance for the 720 square foot pergola which would allow a maximum third story coverage of 33% in lieu of the 25% lot coverage maximum allowed for a third story using the Worth Avenue Design Guidelines, pursuant to Z-19-00225. The ARCOM portion of that combo project was approved, pursuant to B-070-2019. That project (the Tiffany rooftop addition) was approved with a height of 36'-0" to the top of the third

floor roof (39.5 NAVD). This project is proposed at 39'-6" to the top of the third floor roof (43'-0" to top of parapet).



An enlarged elevation showing the second and third floor proposal as it relates to the abutting property to the west.



An enlarged elevation showing the second and third floor proposal as it relates to the abutting property to the east.



VARIANCE #6 [Sec. 134-1113\(12\)\(b\)](#): Variance to exceed by 3,202 SF the maximum floor area permitted of 15,000 SF to allow a structure with 18,202 SF of enclosed area. The site contains two separate buildings, the one-story commercial building with frontage along Worth Avenue, and the two-story rear building currently housing the Le Bilboquet restaurant, separated by an outdoor courtyard with café seating. The application is predominantly associated with the front building, but one of the improvements, the upper floor exterior catwalk-like walkway, connects the two buildings. As such, the total floor area of the building must also include the rear building, although there is “no work” being performed to this building. Should the back building (enclosed square footage) be deducted from the overall floor area, the resulting floor area for the front building would be 13,240 SF, which is under the 15k limitation. That said the applicant’s program includes a new 5,034 SF second floor addition and a new 2,111 SF third floor addition, which results in an excess of 3,202 SF above the 15k.

CONCLUSION

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. Approval of the subject project will require three (3) separate motions to be made by the Architectural Review Commission (ARCOM):

- (1) that the overall design of the project is in accordance with both [Sec. 18-205](#), which speaks to the criteria for consideration of a permit by the ARCOM; and
- (2) that the subject redevelopment project is consistent with the aforementioned adopted urban design goals for Worth Avenue, the East-End Development Area objectives, and more specifically the criteria for approval for granting Special Allowances, subject to any imposed conditions; and
- (3) that the implementation of the proposed variances **will or will not** cause negative architectural impacts to the subject property.

Approval of the project will require five (5) separate motions to be made by the Town Council:

- (1) [Sec. 134-1159\(9\)](#): Special Exception request for commercial space greater than 4000k;
- (2) [Sec. 134-1163\(8\)b](#): Special Exception for two-story buildings;
- (3) [Sec. 134-1165\(b\)\(2\)](#) and [Sec. 134-233](#): Special Exception with Site Plan Review in order to construct a third story;
- (4) [Sec. 134-1162](#): Site Plan Review for commercial properties with additions greater than 2,000 SF; and
- (5) that the Variance(s) #1-6 **shall or shall not** be granted that all of the criteria applicable to this application as set forth in [Sec. 134-201\(a\)](#), items 1 through 7 have been met.