

In September 2015, I bought a Spanish Mission Revival duplex at 518 South L Street, Lake Worth Beach, FL, that dates from 1930.

I had a satisfactory house inspection before purchasing but problems revealed themselves soon after I moved in. Despite apparently being inspected by the city and appearing satisfactory from the interior, one window on the north side of the ground floor of the house was barely enclosed. At some point by the prior owner, the size had been changed from a pair of double-hung windows to a single sliding window, not large enough to fill the original opening. The “fill-in” area was never stuccoed or otherwise properly sealed and, since the north wall of the house is 30 inches from the fence, the problem was not readily visible. Leaking in this area worsened over time to the point that mold became an issue and, by 2019, I had become seriously ill without knowing the cause. When I finally located the source of the mold, I had stucco repairs completed and the window effectively caulked. Since I bought my house, I have been struggling with other leaking windows, cracked and leaking stucco, a series of minor roof leaks, downspout blockages under the building, and even rat-damaged plumbing. I was able to resolve the roof issues bit by bit in 2017 and re-stuccoed the east wall of the house in that year. Meanwhile, new cracks in the stucco began to appear in the west and south facades. This year (2021) I had the west elevation (front) and part of the south elevation re-stuccoed to address leaking.

In 2015, right after buying the house, a freak tornado made its way across Lake Worth between 5<sup>th</sup> and 6<sup>th</sup> Avenues South, jumping over my house but landing in my back yard, destroying a palm tree, a pepper tree and damaging a large old ficus. There was a lot of clean-up but the house was not seriously affected. Nevertheless, I considered it a warning.

I lived in Key West for from 1991-2008 and have been through numerous hurricanes, starting with Hurricane Andrew (a category 5 in 1991) and including Georges (1998)—a Force 4 whose eye lingered on Key West for 9 hours, and Hurricane Wilma (2004) whose tidal surge flooded my home. The island’s vulnerability was a factor in why I retired to Lake Worth.

While I was budgeting for further repairs to my current house in late August 2019, Hurricane Dorian (Force 5) sat on the Bahamas for thirty-six hours, causing catastrophic devastation and leaving 70,000 people homeless. It was the worst natural disaster in the history of the Bahamas. You may remember that the spaghetti models for the storm suggested that it would make landfall in Florida either in Lake Worth or Cape Kennedy as a category 5. Unfortunately, I was on vacation when I heard about it but came home early, hoping to board up my house. By the time I arrived, just a few days before the storm was predicted to hit us, there was no plywood to be had in Palm Beach County or the surrounding area. I awaited the arrival of the storm in great anxiety, while making what preparations I could. Fortunately for Florida, the storm weakened considerably and took a course parallel to Florida’s east coast. Meanwhile, Hurricane Humberto was forming.

Even though Dorian passed by with little harm done, I panicked. I made a fast decision to install impact windows. I realize these will not protect fully against a force 5 storm, but they do

address lesser issues such as limbs from the hundred-year-old ficus trees in the front and back of the house, which fall on a regular basis. In my opinion—and I realize it is no more than my opinion—such windows are the least esthetically-disturbing protection available in that they do not require track that stays on the house year-round, protruding awkwardly around each opening. I am 73 years old, widowed, and living on a fixed income. Since my house has two stories, I favored a solution that would not require me to climb ladders to put shutters up or to have to try to hire someone during a frantic period to do so for me.

With new hurricanes looming, I knew I would not be able to get a permit in time for the installation and went ahead without one. This was a conscious, perhaps foolish decision. I fully expected to pay a fine but favored that over sacrificing myself to chronic anxiety and my home to preventable damage. I replaced the old windows with the same size and configuration as those installed by the previous owner and considered any fine to be worth paying for peace of mind.

Since the 1980s, when my husband and I built a passive solar envelope on our house on Long Island, I have had a personal commitment to reducing energy consumption and collaborating with government and private initiatives to stave off climate change.

As climate change looms more nearly, I've tried to personally support efforts that protect Florida from environmental and economic disaster. Mostly this has meant protecting my house from solar gain. In 2016, I added insulation to the attic crawl space. In 2017, I updated water heaters in both apartments of the duplex to increase efficiency. In 2018/19 I installed solar panels on my roof. When I planned to install solar panels on my roof, I applied for a permit and found that such panels came under Historic Preservation staff review, despite the fact that they are invisible from an observer at ground level. In order to comply thoughtfully, I familiarized myself with the Florida statute regarding restrictions on homeowners' ability to work to defeat solar gain. Florida State Statute, Title XI, Chapter 163, Section 04, reads as follows:

163.04 Energy devices based on renewable resources.—

(1) Notwithstanding any provision of this chapter or other provision of general or special law, the adoption of an ordinance by a governing body, as those terms are defined in this chapter, which prohibits or has the effect of prohibiting the installation of solar collectors, clotheslines, or **other energy devices based on renewable resources is expressly prohibited.**

(2) A deed restriction, covenant, declaration, or similar binding agreement may not prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the deed restriction, covenant, declaration, or binding agreement. A property owner may not be denied permission to install solar collectors or other energy devices by any entity granted the power or right in any deed restriction, covenant, declaration, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings and within the boundaries of a condominium unit. Such entity may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45°

east or west of due south if such determination does not impair the effective operation of the solar collectors.

(3) In any litigation arising under the provisions of this section, the prevailing party shall be entitled to costs and reasonable attorney's fees.

(4) The legislative intent in enacting these provisions is to protect the public health, safety, and welfare by encouraging the development and use of renewable resources in order to conserve and protect the value of land, buildings, and resources by preventing the adoption of measures which will have the ultimate effect, however unintended, of driving the costs of owning and operating commercial or residential property beyond the capacity of private owners to maintain. This section shall not apply to patio railings in condominiums, cooperatives, or apartments.

My house faces west and becomes unbearably hot in the afternoons, taxing my air conditioning. Believing that control of solar gain was the correct and responsible response for Florida in general and particularly for my house, I installed windows with visible light transmission of 49%. I have since been informed by staff that city regulations require no less than 60%. However, I believe that the city's regulation does not conform with the State statute either in letter or intent. Surely windows fall somewhere between solar panels and clotheslines mentioned in the statute in terms of saving energy and protecting renewable resources. Under the clause, "or other energy devices based on renewable resources."

I have great respect for the importance of historic preservation and consequently served on Lake Worth's Historic Preservation Board from 2016-2018. While I was on the board, we certainly dealt with issues of fenestration, but I believe these were all to do with size, shape, and design. I do not recall ever dealing with solar gain or the VTR of any windows that came under our review during my tenure. It did not occur to me to check whether the city had regulations that differed from the state statute.

My professional career has been dedicated to making history relevant to contemporary audiences and I retired to Lake Worth after working in museums since 1975. I have a Ph.D. in the history of art, architecture, and science (University of California, 1976). I have authored or collaborated on several historic structure and/or site reports in for the State of Florida, the city of Louisville KY, and the National Endowment for the Humanities, and am currently completing one for the National Parks Service. Nevertheless, profoundly as I support historic preservation, ethically I cannot value it above the cost to future generations or looming climate disaster.

All the other renovations, repairs and modifications to my house have been made with permits as required. It was never my intention to be a scofflaw. In keeping with this, I humbly apologize for failing to submit a permit request in a timely manner in 2019 and ask that the commission allow me to pay whatever fines are due. If deemed desirable, I would like to show goodwill by offering a compromise on the esthetics, such as adding a grid of muntins to the windows on the front of my house that would give an appearance in keeping with its date of construction.

(Please note that the previous owner was not required to do this when he made his window replacements in the early 2000s.) It is my wish to come to an amicable agreement with the city

without having to remove all the new windows and replace them with something that will drive my electrical bills back up, increase my carbon footprint, and cause me vast expense.

I don't know how the 60% number was reached. It isn't based on energy science, or climate prediction. Considering that we live in Florida—a state that is only getting hotter and prey to more intense hurricanes, the time to improve our climate-change response is now. If the 60% number is a compromise between those who primarily value their idea of esthetics with those who are more concerned about citizen safety, I would ask you to re-think it for everyone. It's not only safety but ultimately retention of population. For people like me, if we can't stay safe in Lake Worth Beach then we have to move to somewhere we feel more secure.

Old houses like mine, of which there are many in Lake Worth Beach, are increasingly vulnerable as materials installed in the late 1920s and early 1930s are starting to fail. Modern repairs need to be forward thinking if these charming homes are to survive and their occupants thrive for another century.