

Our File Number: 62238-00001
Writer's Direct Dial: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

November 9, 2023

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

Re: LOI for 340 Royal Poinciana Way ("Tutto Mare" Restaurant)
Zoning Case Number: ZON-24-003
Certificate of Appropriateness Number: COA-23-047

We are pleased to submit the accompanying documents and drawings in connection with our combination application for Certificate of Appropriateness, Development Review, and Special Exception / Site Plan Approval for the new Tutto Mare restaurant within the Royal Poinciana Theatre building at the west side of the The Royal Poinciana Plaza located at 340 Royal Poinciana Way, Palm Beach, FL (the "Property"). The "Tutto" family of restaurants was born in 2008 in Sag Harbor with the opening of Tutto il Giorno, and is inspired by the owner's deep Southern Italian roots. Additional "Tutto" restaurants were created in Southampton in 2010, and in TriBeCa in 2014. Tutto Caffè, a traditional Neopolitan cafe and bar, opened in 2022 and serves Tutto's organic coffee, Buena Vida. The owner now wishes to expand the "Tutto Experience" to Palm Beach with the new Tutto Mare restaurant, and has chosen the Royal Poinciana Playhouse as the ideal location.

The project proposes to include a 200-seat restaurant (6,825 square feet interior & 1,565 square feet exterior) within the previously approved Royal Poinciana Playhouse building. The seat count parking, and valet operation for the restaurant were approved in a previous application (COA-22-003 and ZON-22-018 – collectively, the "2022 Approvals"). However, we are requesting the reallocation of 20 seats to the vested pool of parking spaces documented in The Amended and Restated 1979 Agreement, attached hereto as Attachment "A," because of a reduction in the size and seating for the restaurant from the 220 seats that were approved in 2022. Seats for commercial operations at the Property have historically been transferrable based on variances that have been approved by prior Town Councils. The total number of parking spaces required at for all development at the Property was recently documented through the Town Council's ratification of the Amended and Restated 1979 Agreement. The total parking number required pursuant to the Amended and Restated 1979 Agreement calculated the seats for the restaurant space

at 220. Since the current application proposes only 200 seats, we are requesting that 20 unused seats be returned for future use assignment by the Town Council as contemplated in Paragraph 9 of the Amended and Restated 1979 Agreement. Minor fenestration changes are also proposed for the west and north building elevations as detailed in the plans that accompany this application.

Criteria for Approval of Application

A. Landmarks Preservation in accordance with Sections 54-122 & 54-123

Section 54-122 (New Construction)

- (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:
 - (1) The height, the gross volume, and the proportion between width and height of the façade;
 - (2) The proportions and relationships between doors and windows;
 - (3) The rhythm of solids to voids created by openings in the façade;
 - (4) The material used in the façade;
 - (5) The texture inherent in the façade;
 - (6) The colors, pattern and trim used in the façade; and
 - (7) The design of the roof.
- (b) Existing rhythm created by existing building masses and space between them should be preserved.
- (c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.
- (d) A new street façade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new façade.
- (e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

Section 54-123 (Exterior Alterations)

- (a) The criteria set forth in section 54-122, if applicable, shall be considered in passing upon an application for exterior alterations; provided that the commission may consider the original design of the building and the buildings visually related to it and disregard alterations subsequently made thereto.
- (b) Exterior alterations shall not affect the architectural quality or historical character of the building.

The proposed modifications are visually compatible with the height, gross volume, and the proportion between width and height of the façade of the building and environment. These proposed changes will not significantly alter the previously-approved look and massing of the building, and are visually compatible with the height, gross volume, and the proportion between width and height of the façade of the building and the adjacent buildings and environment. The rhythm created by the building masses and space between them will be preserved, and the proposed alterations do not affect the architectural quality or historical character of the building or other buildings on the Property. The proposed changes are in keeping with previous modifications that received Certificate of Appropriateness Approval.

B. Special Exception Approval in accordance with Section 134-229.

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.
- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.
- (6) The use will comply with all elements of the comprehensive plan.
- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with

- particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.
 - (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.
 - (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
 - (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.
 - (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.
 - (14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

Special Exception #1:

Per Section 134-1259(a)(6), Code of Ordinances, Special Exception approval is required for a restaurant use. No change is proposed to the building footprint, and the minor

exterior changes to the building have been detailed previously herein. A luxury restaurant catering to the needs of the Town's residents and visitors poses no threat to the public's health, safety, welfare, and morals, will not adversely affect property values in the area, and is consistent with the Town's Comprehensive Plan in that it is a "town serving" commercial business. Town serving documentation has been included in this application, as well as a proposed declaration of use for the restaurant. Furthermore, the restaurant will keep its refuse in interior air-conditioned enclosure, and then transport the refuse to the new refuse enclosure being constructed as part of the Playhouse redevelopment in the northwest corner of the property, which will be used by all businesses within the Property. This refuse enclosure has been designed to be adequately screened, and to ensure that odors do not escape and affect adjacent property owners. We will be happy to discuss this information with the Town Council during its review of our application at public hearing. All parking and traffic impacts of a restaurant use were reviewed and approved by the Town Council during the review of Zoning Application ZON-21-018 and the Amended and Restated 1979 Agreement.

The Tutto Mare restaurant will provide a gourmet dining experience for residents and hotel visitors to the Town, and is compatible with the other high-end retail uses at the Property. No visual, noise or odor pollution will be produced by the restaurant. All other criteria for approving a special exception use are not affected by the proposed application, because no changes are proposed to the ingress and egress onto the Property, and sufficient utilities and services are available to support the use, which already exists on the Property. Finally, all parking and traffic impacts were previously approved in connection with the 2022 Approvals, and the proposed seating count is less than the 220 seats that were approved by the Town Council at that time.

Special Exception #2:

Per Section 134-1259(a)(17), Code of Ordinances, Special Exception approval is required for outdoor café seating. The Tutto Mare restaurant proposes to have up to 64 outdoor café seats. The proposed outdoor café seating will be limited to restaurant customers and will be located within a rear patio area on the west side of the restaurant, which will minimize any noise or odors that could be experienced from outside restaurant area, and most certainly outside of the Property.

The standards and criteria that must be met to approve outdoor café seating on private property not within a street sidewalk are found in Section 134-2106(b), and include the following:

- (1) Outdoor cafe seating is not allowed to increase the capacity of a restaurant, dining room, retail specialty food including the sale of prepared food for takeout only, or private, social, swimming, tennis or yacht club. The exception is that a specialty foods use, including sale of prepared foods for takeout only that is under 2,000 square feet in gross leasable area may request up to eight [additional] outdoor cafe seats over the inside capacity provided that the seating meets the conditions herein.
- (2) Bars/lounges and nightclubs are not permitted to have outdoor cafe seating.
- (3) Outdoor cafe seating is restricted to boundary lines of the property on which the business owned by the applicant is located.
- (4) All tables, chairs, umbrellas, mist sprayer, space heaters or other customarily usual outdoor cafe seating furniture shall be located in such a manner that a minimum four foot-wide unobstructed pedestrian path is maintained at all times.
- (5) No objects shall be permitted around the perimeter of an outdoor cafe seating area occupied by tables and chairs that would have the effect of forming a physical or visual barrier discouraging the use of the pedestrian path.
- (6) An outdoor cafe seating area on private property shall only be allowed to have low-level, background music that does not exceed the maximum noise decibel requirements in sections 42-226 through 42-228 if approved by the town council as part of the special exception application approval.
- (7) No wait stations shall be allowed outside on a street sidewalk. All wait stations on private property shall not be visible from a sidewalk or street.
- (8) All kitchen equipment used to service the outdoor cafe seating shall be located within a building.
- (9) All outdoor cafe seating furniture, including all accessory appurtenances including but not limited to approved space heaters, misters and portable umbrellas that are located within the outdoor seating area shall be stored inside a building after close of business.
- (10) All outdoor cafe seating furniture, including the tables, chairs, awnings and space heater equipment shall be aesthetically and architecturally pleasing and approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable.

- (11) The area covered by an outdoor cafe seating permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times and clear of any trash or refuse by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation and again at the close of each business day, or as may otherwise be determined by the director.
- (12) Areas associated with the outdoor cafe seating shall not count toward any maximum square footage limitations.

The proposed 64 outdoor seats will be part of the overall 200 seat count for Tutto Mare restaurant, and will not be additional seating. Tutto Mare is not a bar, lounge or nightclub, and the proposed outdoor seating area is within the area that will be used by the restaurant. All outdoor furniture and support equipment will be positioned so that unobstructed movement within a 4-foot path will be maintained in the outdoor seating area, and no physical barriers to the area will be used that might discourage pedestrian movement. All outdoor furniture and support equipment will be stored within the building after the restaurant closes. Landmarks Preservation Commission approval of the outdoor furniture will be secured prior to the use of any outdoor furniture. No outdoor music is currently proposed for the outdoor seating area, and waiting stations will be located so as to not be visible from a street or sidewalk. The kitchen inside the restaurant will be used to prepare the food served in the outdoor seating area. The outdoor seating area will be maintained in a neat, clean, and aesthetically pleasing appearance at all times, and free from any and all trash and refuse.

C. Variance in accordance with Section 134-201(a).

Variance Criteria:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

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

Variance Requested:

- (1) A request for Variance from Section 134-1607(1), which provides exceptions for specific structures to exceed the height of the roof, including roof-top exhaust or ventilating equipment, to allow for an additional 84 inch

exhaust scrubber over the proposed Tutto Mare restaurant in lieu of the 36 inches allowed by code, which will result in a total of three (3) such pieces of roof-top exhaust/ventilating equipment on the Royal Poinciana Playhouse building (two (2) of which were previously approved with the approval of ZON-22-018/COA-22-003).

Justification for Variance Requested:

Special conditions exist that were not created by the applicant in that the size of the equipment needed to provide effective exhaust service is only available in heights taller than allowed by Code. Placing the equipment on the ground would require variances due to non-conforming landscaped open space. This has become a standard variance request for all new restaurants within the Town, and are routinely granted due to the lack of any other alternative. To not provide this exhaust service would be injurious to patrons of the restaurant, and detrimental to the welfare of the public.

Attached as Attachment "B" is the site history for the Property.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Crowley", is positioned above the printed name.

James M. Crowley

Attachment "A"



CFN 20220253744

DR BK 33632 PG 0396

RECORDED 06/13/2022 12:46:16

Palm Beach County, Florida

Joseph Abruzzo, Clerk

Pgs 0396 - 404; (9pgs)

Prepared by and return to:
James M. Crowley, Esq.
Gunster
777 South Flagler Drive, Suite 500 East
West Palm Beach, FL 33401

AMENDED AND RESTATED 1979 AGREEMENT

THIS AMENDED AND RESTATED 1979 AGREEMENT ("Amended and Restated Agreement"), is made and entered into this 6th day of June, 2022, between TOWN OF PALM BEACH, a Florida municipal corporation, 360 S. County Road, Palm Beach, Florida 33480 ("Town") and RPP PALM BEACH PROPERTY LP, 33 Boylston Street, Suite 3000, Chestnut Hill, MA 02467 ("RPP").

WITNESSETH

WHEREAS, On March 6, 1979, Town and Poinciana Properties, Ltd., a Virginia Limited Partnership authorized to do business in Florida ("Partnership") entered into an agreement ("1979 Agreement") concerning Town Variance No. 39-78 affecting the real property more particularly described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, On May 12, 1980 the Property was purchased from Partnership by Sidney Spiegel, Trustee ("Trustee"); and

WHEREAS, On May 12, Town and Trustee entered into an Amendment to Agreement ("First Amendment"); and

WHEREAS, On January 27, 1984, the Town and Poinciana executed a Second Amendment to Agreement, extending the single matinee performance permission from July 1, 1983 through March 31, 1984; on August 2, 1984, the Town and Poinciana executed a Third Amendment to Agreement, extending the single matinee performance permission from July 1, 1984 through March 31, 1985; on July 25, 1985, the Town and Poinciana executed Fourth Amendment to Agreement, extending the single matinee performance permission from December 1, 1985 through March 31, 1986; on July 21, 1986, the Town and Poinciana executed a Fifth Amendment to Agreement, extending the single matinee performance permission from December 1, 1986 through April 12, 1989; on July 10, 1989, the Town and Poinciana executed a Sixth Amendment to Agreement, extending the single matinee performance permission from December 1, 1989 through April 13, 1990; on November 5, 1990, the Town and Poinciana executed a Seventh Amendment to Agreement, extending the single matinee performance permission from December 1, 1990, through April 12, 1991; on June 12, 1991, the Town and Poinciana executed an Eighth Amendment to Agreement, extending the single matinee performance permission from beginning from December 3, 1991 through April 30, 1992; on October 15, 1992, the Town and Poinciana executed a Ninth Amendment to Agreement, extending the single matinee performance permission from December 3, 1992 through April 30, 1993; on June 25, 1993, the Town and Poinciana executed a Tenth Amendment to Agreement, extending the single matinee performance permission from December 3, 1993 through April 30, 1994; on August 9, 1994, the Town and Poinciana executed

an Eleventh Amendment to Agreement, extending the single matinee performance permission from November 15, 1994 through April 1, 1995; on November 14, 1995, the Town and Poinciana executed a Twelfth Amendment to Agreement, extending the single matinee performance permission from November 29, 1995 through April 1, 1996; on October 14, 1996, the Town and Poinciana executed Thirteenth Amendment to Agreement, extending the single matinee performance permission from December 1, 1996 through April 1, 1997; on October 3, 1997, the Town and Poinciana executed a Fourteenth Amendment to Agreement, extending the single matinee performance permission from December 23, 1997 through April 5, 1998; on September 9, 1998 the Town and Poinciana executed a Fifteenth Amendment to Agreement, extending the single matinee performance permission from November 11, 1998 through April 7, 1999; on September 8, 1999 the Town and Poinciana executed a Sixteenth Amendment to Agreement, extending the single matinee performance permission from December 1, 1999 through April 30, 2000; on January 19, 2001 the Town and Poinciana executed a Seventeenth Amendment to Agreement, extending the single matinee performance permission from December 6, 2000 through February 28, 2001; on August 22, 2001, the Town and Poinciana executed an Eighteenth Amendment to Agreement, extending the single matinee performance permission from December 12, 2001 through April 24, 2002; and on April 15, 2003, the Town and Poinciana executed a Nineteenth Amendment to Agreement, extending the single matinee performance permission from December 3, 2002 through April 14, 2003 (collectively, the "Subsequent Amendments"); and

WHEREAS, on August 26, 2014 RPP acquired the ground lease for the Property; and

WHEREAS, on March 9, 2022, the Town Council did, after public notice and public hearing, approve Zoning Application ZON-21-018 (the "Application"), which authorized, among other things, the redevelopment of portions of the Property (the "Project"); and

WHEREAS, RPP made application for and received from the Town Council, after public notice and public hearing on April 13, 2022, permission to amend the 1979 Agreement as set forth below.

IT IS THEREFORE AGREED:

(1) The above recitals are true and correct and are incorporated herein and made a part hereof.

(2) The 1979 Agreement, the First Amendment, and the Subsequent Amendments are hereby amended, superseded, and consolidated into this Amended and Restated Agreement, and in the event of any conflicts between this Amended and Restated Agreement and the 1979 Agreement, the First Amendment, and/or the Subsequent Agreements, this Amended and Restated Agreement shall control.

(3) Any terms, provisions, covenants, restrictions, or other requirements contained within the 1979 Agreement, the First Amendment, and/or the Subsequent Agreements which are not included in this Amended and Restated Agreement are hereby terminated.

(4) The granting of the Application is contingent upon and subject to compliance by RPP with the following conditions:

A. Upon completion of the modified construction approved by the Town Council pursuant to the Application, the buildings and the Property shall conform to the requirements of the zoning code except as authorized by the Application and the previous zoning approvals, including variances, which have been approved by the Town Council. No other non-conformity is permitted unless approved by the Town Council in accordance with the variance procedures set forth in Chapter 134-201 of the Town Code. The number of parking spaces provided for all existing development at the Property, including that development authorized pursuant to the Application, is 679; however, there continue to be 45 vested and unused parking spaces for future use assignment by the Town Council upon application by RPP or any tenant for permitted commercial uses that require additional parking.

B. Upon completion of the Project, there will be over 16% of landscaped open space, as defined by the Zoning Code of the Town and determined by the building official. After construction is completed and a certificate of occupancy is issued there shall be no conversion of any landscaped areas to paved areas without approval of the Town.

C. The unity of title prohibiting the separate conveyance of any portion of the Royal Poinciana Plaza shall not be terminated without the consent of the Town.

(5) Subsequent to the completion of construction and during its ownership of the Royal Poinciana Plaza RPP (and during the ownership of any purchaser) agrees to perform as follows:

A. In the event of the demise of the historic Mysore Fig Tree, that area within the curb around the base of the tree will be maintained in its entirety as landscaped open space.

B. There shall be no construction of any new buildings in the Royal Poinciana Plaza after completion of construction of the improvements authorized by the Town Council pursuant to the Application; however, this shall not prohibit construction of alterations or renovations of any buildings in the Plaza which does not increase number of square feet in said buildings.

C. RPP will not instigate or participate in legal action to repeal the current zoning ordinance.

D. RPP will continue to lease the theater space only for use as a theater of the performing and/or visual arts and for lectures and other special events.

E. RPP will include a restrictive clause in any contract of sale of the Property whereby the purchaser agrees to prohibit use of the theater space for any purpose other than as set forth in paragraph C above and that said restriction shall be contained in the deed of conveyance to purchaser.

F. RPP will not allege economic hardship as a basis to abrogate any of the terms of this Amended and Restated Agreement.

(6) The above conditions shall be construed to be covenants and restrictions running with the land and shall be in full force and effect so long as the structure currently known as the Royal Poinciana Plaza continues to be in existence and is located upon the above-described premises. However, no one of the above shall bind RPP or any subsequent owners of the Royal Poinciana Plaza to this agreement or the current zoning ordinance if at some future date that ordinance is revised as it applies to the plaza and thereby provides for further development possibilities.

(7) Upon any breach of the above covenants and conditions by RPP or its successors and assigns, Town shall have all the rights and remedies allowed by law to require strict compliance with said covenants and conditions.

(8) This Amended and Restated Agreement shall inure to and be binding upon the successors and assigns of the parties hereto. This agreement may be changed only by written amendment executed by the Town and RPP or its successors and assigns.

(9) Parking shall remain as shown on the plans approved by the Town Council during its review of the Application and shall be calculated at one space per 300 square feet of leasable area. The total number of parking spaces provided for all existing development, including that development authorized by the Application, is 679. The assignment of the 45 vested and unused parking spaces shall require review and approval by the Town Council at a public meeting.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals on the day and year first above written.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

TOWN OF PALM BEACH

Antoinette M. Fabrizi
Print Name: Antoinette M. Fabrizi

Deborah Jones
Print Name: Deborah Jones

Antoinette M. Fabrizi
Print Name: Antoinette M. Fabrizi

Deborah Jones
Print Name: Deborah Jones

Antoinette M. Fabrizi
Print Name: Antoinette M. Fabrizi

Deborah Jones
Print Name: Deborah Jones

Stephanie Cheng
Print Name: Stephanie Cheng

Maria Hambaker
Print Name: Maria Hambaker

By: Danielle H. Moore
Danielle Moore, Mayor

By: Margaret Zeidman
Margaret Zeidman, Town Council President

By: Kirk Blouin
Kirk Blouin, Town Manager

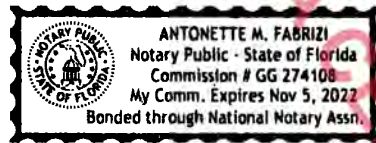
RPP PALM BEACH PROPERTY LP

By: Samantha Perry Dand
Its: Samantha Perry Dand, VP

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 17th day of MAY 2022, by Danielle Moore, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

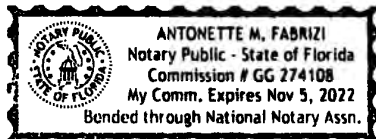


Antonette M. Fabrizi
Signature of Notary Public
Antonette M. Fabrizi
Printed Name of Notary Public
Commission Expires: 11-5-22

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 17th day of May 2022, by Margaret Zeidman, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and he did not take an oath.

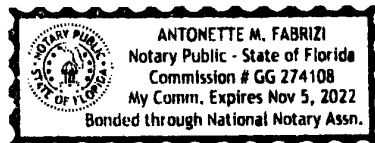


Antonette M. Fabrizi
Signature of Notary Public
Antonette M. Fabrizi
Printed Name of Notary Public
Commission Expires: 11-5-22

STATE OF FLORIDA

COUNTY OF PALM BEACH

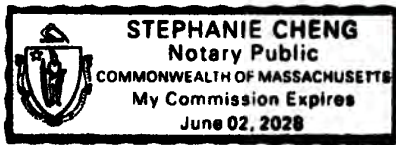
The foregoing instrument was acknowledged before me this 16th day of May 2022, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



Antonette M. Fabrizi
Signature of Notary Public
Antonette M. Fabrizi
Printed Name of Notary Public
Commission Expires: 11-5-22

STATE OF MassachusettsCOUNTY OF Middlesex

The foregoing instrument was acknowledged before me this 6 day of June 2022, by Samantha Perry David, on behalf of RPP PALM BEACH PROPERTY LP. He/She is personally known to me and he did not take an oath.



[Signature]
Signature of Notary Public

Stephanie Cheng
Printed Name of Notary Public
Commission Expires: 6/2/2028

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: [Signature]
John C. Randolph, Esquire

EXHIBIT "A"**PARCEL A:**

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, bounded as follows:

On the north by the southerly right-of-way line of Royal Poinciana Way; on the east by the westerly right-of-way line of Cocoanut Row; on the west by the Waters of Lake Worth; on the south by the following described line:

Commencing at the intersection of the northerly right-of-way line of White Hall Way with the westerly right-of-way line of Cocoanut Row, as said streets are described in deed recorded in Deed Book 814, Page 477, and subsequent pages, public records of Palm Beach County, Florida; thence northerly along the said westerly right-of-way line of Cocoanut Row, a distance of 444.76 feet to the beginning of a curve concave to the east having a radius of 329.60 feet and a central angle of $23^{\circ}53'30''$; hence northerly along the arc of said curve, a distance of 137.44 feet, to the tangent to said curve; thence northerly along said tangent, a distance of 59.62 feet to the point of beginning of the herein described south line; thence westerly making an angle from southwest to west of $66^{\circ}14'30''$, a distance of 227.26 feet; thence northerly at right angles, a distance of 25 feet; thence westerly at right angles, a distance of 293.43 feet to the beginning of a curve to the northeast, having a radius of 65.03 feet and a central angle of $85^{\circ}42'43''$, a distance of 97.28 feet; thence northwesterly a distance of 33.90 feet, more or less, to the southeast corner of a parcel of land described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida, said southeast corner is located on the arc of a curve concentric with the last herein described curve, and having a radius of 90.03 feet and a central angle of $102.55'30''$ and is 4.19 feet southerly from a point of reverse curve; thence northerly along the arc of the just described curve, a distance of 4.19 feet to the point of reverse curvature of a curve concave to the west, having a radius of 513.29 feet and a central angle of $15^{\circ}35'22''$; thence northerly along the arc of said reverse curvature a distance of 97.62 feet to a point in a line parallel with and 461.20 feet southerly from (measured at right angles to) the southerly right-of-way line of Royal Poinciana Way, said line also being described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida; thence westerly along said parallel line, a distance of 191.06 feet, more or less, to the Waters of Lake Worth and the end of herein described southerly line.

Excepting, however, so much of a nearly rectangular area of land, together with riparian or littoral rights appurtenant or incident thereto, as is included in the foregoing described parcel of land, and which nearly rectangular area of land has a southerly boundary of 208.44 feet, an easterly boundary of 71.20 feet, a northerly boundary of 190.74 feet plus 12.08 feet, on two different courses coinciding with the south line of the east approach of Flagler Memorial Bridge, and having a westerly boundary of 71.38 feet coinciding with the west face of an existing concrete bulkhead within the Waters of Lake Worth, and all as such nearly rectangular area of land m riparian and littoral rights appurtenant or incident thereto are more particularly described and were conveyed in deed of Florida East Coast Hotel Company to Town of Palm Beach, dated September 11, 1939, and recorded in Deed Book 592, Page 478, of the public records of Palm Beach County, Florida.

ALSO EXCEPTING, HOWEVER, ROYAL POINCIANA WAY ADDITIONAL RIGHT-OF-WAY DESCRIBED IN ORDER OF TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 23661, PAGE 787, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

PARCEL B:

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, and more particularly described as follows:

Beginning at a point on the Westerly right of way line of Cocoanut Row as laid out and in use, at a distance of 173.9 feet South of the intersection of said West line of the right of way of Cocoanut Row and the Southerly right of way line of Royal Poinciana Way, thence Westerly parallel to the Southerly right of way line of said Royal Poinciana Way a distance of 868.33 feet; thence Southerly at right angles to the preceding course a distance of 245.3 feet to the beginning of a curve concave to the West having a radius of 513.29 feet and a central angle of 15°35'22"; thence Southerly along the arc of said curve a distance of 42.04 feet to the Point of Beginning and the Northeast corner of the parcel of land herein described; thence continue Southerly along the arc of said curve a distance of 97.62 feet to a point of reverse curvature; thence Southerly along the arc of a curve to the East and having a radius of 599.29 feet, a distance of 4.06 feet to a point in the South line of the herein described parcel; thence Westerly, parallel to and 561.2 feet Southerly (measured at right angles) from the Southerly right of way line of said Royal Poinciana Way, a distance of 180 feet, more or less, to the waters of Lake Worth; thence Northerly along the waters of Lake Worth to a point in a line parallel to and 100 feet Northerly (measured at right angles) from the Southerly line of the herein described parcel; thence Easterly along said Parallel line a distance of 185 feet more or less to the Point of Beginning.

TOGETHER WITH the non-exclusive easement for ingress and egress as set forth in Deed dated March 31, 1955, recorded April 19, 1955, in Deed Book 1090, page 264, of the Public Records of Palm Beach County, Florida.

Attachment "B"

ROYAL POINCIANA PLAZA SITE HISTORY

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
8/14/73	Variance request to construct a building 46' high instead of 40' high	Variance #30-73	Denied by Town Council
12/11/73	Special exception to establish a new club—The Poinciana Club	Special Exception #11-73	Approved by Town Council Club parking 1 space per 4 members; 213 members; 53 spaces A 'continuation of prior use'
6/8/76	Application for variance to erect 5 story buildings instead of 3 story buildings in southeast and northwest portions of property	Variance # 35-76	Denied by Town Council
1/24/78	Variance request to construct a new building in the northwest corner of the Plaza and a new building on the location of the "old playhouse" in the southeast quarter of the Plaza	Variance # 61-77	"Mr. Ehringer has confirmed the parking" ...Total parking required is 644 and the present number is 548, so present nonconformity is 96 spaces. Variance approved subject to a number of conditions. Club membership: 339 regular, 43 non-resident, 45 seasonal, 0 corporate, 13 junior.
2/13/79	Permission to revise building plans submitted with Variance #61-77. South side proposed building eliminated. Building B on lake on northwest part of site; office and restaurant only. Remove most of Slat House, leaving only 2400 SF	Var. #39-78	Approved with conditions (1979 Agreement). After 1983: parking required 858; parking nonconformity 213. Zoning C-A
3/6/79	Agreement with conditions entered into	Var. #39-78	Agreement includes a provision recognizing "the number and size of non-conforming parking spaces then existing in the Royal Poinciana Plaza . . ."
3/6/79			Unity of Title executed for Plaza

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
10/4/79		B3150 Pg 0673	Sidney Spiegel accepts assignment of 1979 Agreement. Theater, Royal Poinciana Club, and Hibbel Museum already existed.
2/12/80	Zoning Variance to exchange right to build lakefront Building B for right to reconstruct Slat House	Var. #4-80	Original Agreement amended to reflect provisions of Var. #4-80
3/31/80	Adoption of new Zoning Code	Ord. #4-80	Changed Poinciana Plaza from C-A to C-PC
5/14/80	First Amendment to 1979 Agreement		Buildings A and B eliminated; renovation of Slat House allowed
7/8/80	Special exception approved to increase floor area of Security Trust Company to 4,000 S.F.	S.E. #18-80	
11/11/80	Request for approval for a restaurant, Café Camille	Variance No. 4-80	During Town Council discussion, the Building Official indicated the following "allocations": 172 for the Playhouse, 75 to the Club, and 67 to the existing restaurant. Application continued.
11/11/80	Permit issued to demolish east and west wings of Slat House		
12/9/80	Request for approval for a restaurant, Café Camille	Variance #4-80	Withdrawn, and former understandings re restaurants (2) in Plaza reiterated
3/31/81	Amend C-PC	Ord. #6-81	From 3 stories to 2 stories
10/13/81	Variance requested to add 50 seats to theater without adding parking	Var. #48-81	Approval allowed 47 new seats in exchange for reduction of 24 seats and 360 s.f. in Slat House Restaurant. Building Official stated that "there are 172 spaces which are allocated to the theater..." Per Town approval letter, "It is acknowledged the Theater is grandfathered for 172 parking spaces . . ." Total seating capacity in theater is 899 per approval letter. Note in Building Department records says: "existing seating 852; requires 171 parking spaces.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			Proposed seating 901; requires 181 parking spaces"
9/14/82	Special Exception to add 1,936 S.F. of office space to Security Trust Company	S.E. #12-82	Approved by Town Council
2/8/83	Zoning Variance approved to add new entrance canopy to Royal Poinciana Playhouse	Var. #6-83	
6/12/84	Approval for expansion of Northern Trust Bank to 9,500 S.F. without providing additional parking	S.E. #13-84 with Variance	Shopping center owner agrees to reduce parking spaces allocated for Slat House Restaurant from 58 to 54
12/10/85	Approval to modify parking lot to add 35 spaces in tandem configuration on southwest side of Plaza; variance for tandem parking w/16' aisles	S.E. #22-85 with Variance	Parking attendant required by approval
1/3/86	Town administratively approved modification to latest parking plans – 26' aisles	S.E. #22-85 with Variance	
1/13/87	Request to expand office by 3,500 square feet on 1 st floor of Slat House for Prudential-Bache	S.E. #1-87	Denied by Town Council
7/14/87	Request to add 2,500 square feet to Prudential-Bache; total 10,328 square feet	S.E. #13-87	Approved by Town Council
12/8/87	Approval to convert Nicholas restaurant to private dining club (164 seats)	S.E. #19-87	f/k/a Cappricio's, now Harold's Club, later Houston's Once approved, use cannot automatically revert to restaurant
3/14/89	Request to add 2,500 square feet on second floor for Prudential-Bache Securities; total 10,300 square feet	S.E. #1-89	Approved by Town Council
2/12/91	Approval to convert Palm Beach Club to public restaurant known as Au Bar	S.E. #1-91	Approved by Town Council. Formerly Cappricio's, Harold's Club
2/11/92	Approval for new owner to continue operations of public restaurant and lounge; still called Au Bar	S.E. #3-92	No outdoor service to patrons

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
9/8/92	Approval for 5,000 square foot use for Sun Bank	S.E. #24-92	
5/10/94	Approval for The Poinciana Club to relocate social and dining space to west side of building; variance to put awning in set-back	S.E. #13-94 with Variance	'no change in seating'; 330
4/11/95	Approval for restaurant and lounge which exceeds 2000 s.f.	S.E. #4-95	Continuation of Au Bar
8/8/95	Request to allow continuation of a special exception for The Poinciana Club as a Town-serving business	S.E. # 17-95	330 seats; application deferred by Town Council after debate
9/12/95	Approval to redesign the Poinciana Plaza parking lot (presently 685 spaces) to add 64 spaces, for a total of 749 spaces. The variances allowed attendant parking with 3 tandem rows	S.E. #21-95 with Site Plan and two Zoning Variances	Several conditions of approval
2/13/96	Approval for sculpture garden	Site Plan Review #1- 96	
7/9/96	Approval for 10,500 s.f. for office and personal service	S.E. #21-96	Headquarters for Babor Cosmetics
9/8/98	Approval sought to replace a 330-seat private club with a 330-seat public restaurant/night club (The Poinciana Club)	S.E. #9-98	2,622 members on record at that time Seating capacity 330, 'having been expanded in 1995' per DKS traffic memo Application withdrawn
1/12/99	Approval for an occupational license for a 164-seat restaurant – The Palm Beach Grille (Houston's)	S.E. #34-98	A number of conditions of approval. See also Site Plan Review #5-99 regarding parking. 745 spaces in Plaza
3/9/99	Approval for redesign of the parking on the northwest side of the Plaza; 745 total, including 116 valet in northwest portion of site	Site Plan Review #5-99, with Variances	Several conditions of approval. This approval was tied to the Palm Beach Grille approval.
7/31/01	Request for zoning ordinance modification to allow residential component in C-PC		Denied by Town Council

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
12/19/01	Landmark Preservation Commission (LPC) elected to place Theater on list of properties being considered for "landmark" designation		On 4/17/02 LPC decided to withdraw the Theater from consideration for designation
6/11/02	Application for a private social club in 4,875 s.f. in the northeast building; total membership 100	S.E. #7-2002	Withdrawn by applicant
6/13/04	Application to operate another 1,300 s.f. for a total of 3,000 s.f. for a health and fitness studio	S.E. # 21-2004	Approved by Town Council
10/12/04	Application to allow outdoor seating (40) at existing McCarty's Restaurant	S.E. # 28-2004 with Site Plan Review	Approved by Town Council Total seating remains at 151
2/28/05	Application for comprehensive plan amendments, rezoning, and zoning code amendments to create a mixed use PUD		Withdrawn by applicant
2/13/07	Request to replace 878 seat Royal Poinciana Theater, private supper club, and Hibel Building with 74 unit, two and three story hotel complex and 299 seat theater for Florida Stage	Site Plan review #5-2007 with Special Exceptions and Variances	Subject case in abeyance until the lawsuit concerning subject property is resolved.
4/10/07	Resolution ratifying the determination of LPC that the Poinciana Plaza should be landmarked	Resolution No. 15-07	Deferred to the November 13, 2007 Town Council agenda
7/10/07	Report on decision in Royal Poinciana Plaza court case to Town Council		
10/4/07	Resolution ratifying the determination of LPC that the Poinciana Plaza should be landmarked	Resolution No. 15-07	Deferred to the April 2008 Town Council agenda
11/13/07	Town Council discussion of landmarking options		
3/11/08	Town Council discussion of eminent domain acquisition of Royal Poinciana Plaza		Town Council consensus not to pursue eminent domain

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
4/8/08	Resolution ratifying the Landmarking of the Royal Poinciana Plaza	Res. #23-08	Public hearing continued until November 2008
5/12/08	Town Council discussion of Memorandum of Ground Lease at Royal Poinciana Plaza		
7/16/08	Adam Munder appearance at LPC to discuss status of redevelopment plans		
9/8/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande"	Var. #12-2008	See below
9/8/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande", and request for variance from requirement to provide 2 additional parking spaces for Suite 320, "Just For You"	MODIFIED Var. #12-2008	Variances granted subject to several conditions including parking conditions. The Town Council discussion indicated that "no additional variances would be considered". However the approval letter does not reflect that stipulation. The letter does indicate a requirement that the property owner was to re-stripe the parking lot to comply with the site plan approved with SPR #5-99 by October 10, 2008.
9/17/08	Adam Munder appearance at LPC to discuss status of redevelopment plans		LPC on record as wanting the entire 12 acre parcel to be landmarked
10/13/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande", and request for variance from requirement to provide 2 additional parking spaces for Suite 320, "Just For You"	MODIFIED Var. #12-2008	Town Council clarified two of the conditions of approval, including eliminating the re-striping requirement
10/13/08	Request by "Designers to You", Suite 328 for Special Exception to change from office to retail without providing 2 additional parking spaces	Special Exception #13-2008 with Variance	Approved by Town Council, with the condition that this would be the final request for a parking variance. However this condition does not appear in Town's approval letter.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
11/12 and 11/13/08	Presentation of conceptual plans for redevelopment of Royal Poinciana Plaza; request to Landmark Plaza	Resolution No. 23-08	Architect Ann Beha and Landscape Architect Morgan Wheelock; Town Council voted to Landmark entire site
11/13/08	Presentation of conceptual plans for redevelopment of Royal Poinciana Plaza; request to Landmark Plaza	Resolution No. 23-08	Town Council voted to Landmark entire site
2/11/09	Town Council discussion of Study Item relating to possible zoning amendment re off-street parking at Plaza	Study Item 15A	Withdrawn by Sterling Group
3/11/09	Review of 1979 Agreement by Town Council		Led by John Randolph; focus of discussion was playhouse
4/15/09	Discussion of the Future Use of the Royal Poinciana Plaza by Town Council		Focus was redevelopment of Plaza
5/11/09	Consideration of the future of the Royal Poinciana Plaza by Town Council		Continued from previous agenda; focus was redevelopment of Poinciana Plaza. Motion made that the LPC be the first body to consider the Sterling Group's redevelopment application, and that LPC consider that application without regard to potential future changes to the 1979 agreement, the comprehensive plan or the zoning code.
6/10/09	Town Council discussion of proposed charter amendment regarding Plaza and playhouse; consideration of special counsel to advise the LPC on the Royal Poinciana Plaza application		Council moved to "seek declaratory judgment expeditiously"; decided not to hire any additional legal representation for the LPC
2/9/10	Debate by Town Council re having LPC members attend the 2/10/10 meeting of the Town Council to discuss their objectivity and hear instructions re upcoming application by Sterling		Motion passed

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
2/10/10	Request by LPC to obtain additional legal advice debated by Town Council		Town Council moved to deny request, as well as request to use private money to hire such advice; moved to require all boards and commissions to take the same oath of office as the Town Council.
3/9/10	Extensive debate about various aspects of Poinciana Plaza matter by Town Council		
4/13/11	Modify a condition of approval of Var. #12-2008 which required the applicant to remove all reserved and assigned parking spaces throughout the Plaza and associated signage by 10/10/08.	Var. #7-2011	Approved; Dr. Conroy retains 4 designated parking spaces until 10/31/12
8/15/12	Request to allow medical office totaling 3,757 SF	S.E. #16-2012	Approved subject to condition re 1979 Agreement
8/15/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/variance	Deferred by Town Council
10/10/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/variance	Deferred to the November 16, 2012 meeting
11/15/12	Enforcement of 1979 Agreement debated by Town Council		Council consensus was that Sterling come back before Town Council on January 9, 2013 to report on status of potential Playhouse lease
11/16/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/Variance	Modified plan reduced restaurant size to 7,732 SF and seating to 222. This reduces parking variance needed from 72 to 58. Special Exception approved by Town Council; variance denied
12/19/12	LPC review of proposed exterior changes to Plaza for Del Frisco's		Deferred by LPC

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
1/9/13	Parking lot "cure plan" reviewed by Town Council	Site Plan Review #1-2013	SPR deferred by Town Council
1/9/13	Update re status of lease of Playhouse provided by Sterling		
1/16/13	LPC review of proposed exterior changes to Plaza for Del Frisco's	C of A #023-2012	Approved by LPC
2/12/13	Procedural discussion re Poinciana Plaza-appeals of LPC decisions	C of A #004-2013 AND #023-2013	Town Council discussion
2/13/13	Appeal of LPC approval of renovation plan for Del Frisco's	C of A #023-2012	Appeal denied by Town Council
2/13/13	Appeal By Palm Beach Towers of LPC approval of renovation plan for Brown Harris Stevens	C of A #004-2013	Appeal withdrawn
2/13/13	Request for site plan review to restripe the northwest portion of the Plaza parking lot due to FDOT taking	Site Plan Review #1-2013	Five plan options presented to Council. After debate, Plan #3 was approved, but the number of approved parking spaces was reduced from <u>192</u> to <u>188</u> . Modifications by Town Council: <ul style="list-style-type: none"> Remove four triple-stacked spaces on north end Remaining northern spaces to be moved 2' north Applicant to execute hold harmless agreement
4/10/13	Appeal of Town Council of Administrative Decision by staff re weekend and evening parking and related parking concerns at Poinciana Plaza for Del Frisco's	Special Exception #20-2012 and appeal of administrative decision	The Town Council approved the portion of the appeal which allows Del Frisco's to open at 5:00 PM for dinner or brunch. The Council deferred appeal of staff determination that there was a deficiency of parking during morning and afternoon hours and that restaurant could not open for Sunday brunch, until Del Frisco's applies for a zoning request to modify the previous approval to be open for Sunday brunch.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
6/12/13	Request for modification of previous Special Exception approval (#20-2012) to allow for Sunday operating hours from 10:00am to 11:00p.m.	Special Exception #9-2013	Deferred by Town Council Denied by Town Council on 2/12/14
11/13/13	Request to open a car rental business called Sixt Car Rental	Special Exception #19-2013	Approved with conditions
12/11/13	Site Plan modification to change eight areas of the existing parking lot striping to comply with current ADA requirements.	Site Plan Review #13-2013	Approved by Town Council with number of parking spaces limited to 718.
9/10/14	Special exception to allow office use greater than 2000 SF of GLA	Special Exception # 16-2014	Approved by Town Council
5/13/15	Modifications throughout Plaza increasing green space, improving aesthetics, and improving traffic flow	Site Plan Review #2-2015	Approved by Town Council
3/9/16	Modification to the gross leasable area of portions of the Plaza	Site Plan Review # 2-2016	Approved by Town Council
3/9/16	Special Exception to operate 5,973 SF, 120 seat restaurant called Sant Ambroseus	Special Exception # 6-2016	Approved with conditions; Declaration of use Agreement to be executed; elimination of 135 seats from the theater. Maximum theater seats 725.
8/16/16	Special Exception to operate a 8,108 SF two-level retail store in Suite 301 called Hermes	Special Exception #19-2016	Approved by Town Council
12/19/16	Special Exception to operate a 2,902 SF retail store called Kirna Zabete	Special Exception # 33-2016	Approved by Town Council
12/19/16	Special Exception to operate a 2,850 SF retail bike shop	Special Exception # 32-2016	Approved by Town Council
3/15/17	Special Exception request to operate a 3,260 SF, 80 seat restaurant (Coyo Taco), featuring Mexican cuisine (196 SF of open standing area, 2,103 SF of dining area and taqueria and 961 SF of support). The restaurant was	Special Exception #5-2017 with Site Plan Review	The subject tenant space can only support 21 seats based on the principle of equivalency, The approval allowed the transfer of 59 seats grandfathered from the former McCarty's Restaurant, leaving a maximum of 92 seats

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
	approved in the southwest corner of the Royal Poinciana Plaza.		remaining with the former McCarty's space. Several conditions of approval were imposed, including a Declaration of Use Agreement and 'no DJ'.
6/30/17	Special Exception requested to allow 26 of the previously-approved 80 seats to be relocated from inside Coyo Taco to the newly created patio area around the west fountain.	Special Exception #5-2017 with Site Plan Review	Approved subject to 5 conditions
8/8/17	Declaration of Use Agreement between Town of Palm Beach and 305 Concepts Palm Beach LLC (Coyo Taco)	ORB 29276 Pg 1582	recorded
12/17	Zoning text amendment to allow outdoor promotional events in commercial areas and to allow commercial property identification signs in the C-PC district		Approved by Town Council
2/14/18	Special Exception request to allow outdoor promotional events in central courtyard	Z-17-00061	Approved by Town Council subject to conditions including affidavit that approval does not provide for further development opportunities as identified in the 1979 Agreement. Also amended Declaration of Use Agreement to add a number of conditions
6/9/21	Special Exception request to allow 3,040 SF of retail GLA for "Marissa Collections"	Z-21-00352	Approved by Town Council
9/13/21	Special Exception request to allow 3,529 SF of GLA and 90 total seats, 12 of which are located outdoors, for relocation of TooJay's to Suite M335	Z-21-00384	Approved by Town Council
3/9/22	Special Exception with Site Plan and Variance approval to allow for a cultural arts center use greater than 3,000 square feet of GLA, and site renovations, additions, modifications, and variances	ZON-22-018 (COA-22-003)	Approved by Town Council

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
4/13/22	Approval of the Declaration of Use Agreement, and the Amended and Restated 1979 Agreement that controls development at the Royal Poinciana Plaza	ZON-22-018	Approved by Town Council
2/15/23	Special Exception with Site Plan Review approval to allow for an increase in retail GLA square footage for "Marissa Collections" from 3,040 SF to 7,519 SF, which exceeds the 3,000 SF GLA allowed by right, and the assignment of 2 vested parking spaces reserved per the Amended and Restated 1979 Agreement	ZON-23-035	Approved by Town Council