



L E T T E R   O F   I N T E N T  
F I N A L   S U B M I T

**DATE:** April 8, 2024  
**TO:** Town of Palm Beach, Planning, Zoning & Building Dept.  
**RE:** ARC-23-075\_389 S LAKE DR

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**REQUEST**

On behalf of the Cooperative Apartments of Three Eighty Nine Corporation (“**Applicant**”), Shutts & Bowen LLP (“**Agent**”) respectfully requests Architectural Commission (“**ARCOM**”) approval of a Major Project for exterior façade changes to the Three Eighty Nine Corporation building (“**Building**”) located on a 1.55 acre site at the northeast corner of the intersection of S. Lake Drive and Peruvian Avenue (“**Site**”). The Applicant is seeking to:

1. Remove the eight formed and poured concrete screen wall installed in front of the eight locations on the exterior of the front façade of the Building (“**Concrete Lattice**”);
2. Add stucco and paint finishes to the front façade; and,
3. Enhance the window openings with new stucco surrounds and sills.

The Applicant seeks to remove the Concrete Lattice to prevent future structural and maintenance issues to the Building and to safeguard the life/safety of the unit owners. The Concrete Lattice was anchored to the vertical concrete columns and to the unreinforced terracotta tile kneewall sections through the use of pinned metal brackets embedded directly to the terracotta tile. The stucco and paint were then applied to the Building, preventing future maintenance to the Building behind the Concrete Lattice and leading to the problems depicted in the photos below. Replacing the Concrete Lattice will lead to significantly larger repair and maintenance costs in the future. More importantly, in an event of a fire or other emergency, the master bedroom windows serve as a direct point of egress, as the fire department can extract people from all six floors using ladder trucks, and reinstalling a concrete lattice could potentially trap unit owners in their units in an emergency. Thus, while the Applicant believes these requested improvements will visually enhance the Building which has received overwhelmingly positive feedback from the neighbors, aesthetics is not the primary motivation for seeking these modifications.

All 41 unit owners comprising of the Applicant *unanimously approved* of the proposed exterior façade changes to the Building. There were no dissenters and no owners had any objections. See July 26, 2023 Letter from Lorraine Tuohy as President of Applicant, a copy of which is attached as **Exhibit A**.



**Figure 1 - LOCATION MAP**

<b>Property Address:</b>	389 S. Lake Dr. ( <i>Figure 1</i> )
<b>Parcel Control Number (PCN):</b>	Cooperative Apartments of Three Eighty Nine Corporation, a cooperative apartment building located at 389 S. Lake Dr.
<b>Municipality:</b>	Town of Palm Beach (“ <b>Town</b> ”)

## **BACKGROUND AND JUSTIFICATION FOR REQUEST**

According to the public records, the Building was constructed in 1967 with a Concrete Lattice in front of eight planar breaks along the front façade. The Concrete Lattice was designed with a pedestrian flat face lacking the decorative qualities of the other cast concrete balcony and surface treatments constructed around the same time in the Town. The Concrete Lattice was positioned approximately six inches from the exterior of the Building over the master bedroom windows and was anchored to the vertical concrete columns and to the unreinforced terracotta tile kneewall sections through the use of pinned metal brackets, embedded directly to the terracotta tile. Through the years, unit owners lodged numerous complaints of water intrusion and an inability to maintain, clean, and/or replace their master bedroom windows.

In March 2020, the Applicant engaged AT Designs (“**Engineer**”) to evaluate the structural integrity of the Building to determine what repairs and restorations needed to be performed on the almost 60-year old Building. The Surfside tragedy in June 2021, whereby a residential condo building collapsed due to structural support failures, added an urgency to this process. The Engineer ultimately concluded that the Concrete Lattice showed significant deterioration and needed to be removed. Based on the Engineer’s recommendations and with the recent Surfside tragedy top of mind, the Applicant immediately initiated the process of obtaining the requisite permits from the Town to remove and replace the Concrete Lattice and sought to obtain bids to perform the work. Acting with a heightened sense of urgency, the Applicant did not have the benefit of assessing the feasibility of installing

a new concrete lattice. Instead, the Applicant's focus was on removing the compromised Concrete Lattice to protect the safety and well-being of the unit owners.

Upon removal of the Concrete Lattice, the Engineer realized that the deterioration of the Concrete Lattice and the damage to the exterior of the Building was far worse than initially anticipated. The connection points where the Concrete Lattice was fastened to the exterior of the Building showed significant deterioration and structural vulnerability. It also became apparent that these connection points were the sources of the water intrusion in the units. Moreover, the Engineer discovered that installing a new concrete lattice (or other type of similar structure) would reintroduce the same additional structural damages and maintenance concerns that the Engineer uncovered when removing the Concrete Lattice. Further, because the Concrete Lattice sits inches from the exterior of the Building, it was impossible to adequately maintain the exterior of the building, or maintain/replace the master windows enveloped by the Concrete Lattice. See July 21, 2023 Letter from Tim Marshall of A.T. Designs, Inc., a copy of which is attached as **Exhibit B**.

Most critically, installing a new concrete lattice would create life/safety issues for the unit owners. In an event of a fire or other emergency, the master bedroom windows are a direct point of egress, as the fire department can extract people from all six floors using ladder trucks. The reinstallation of the concrete lattice could potentially trap unit owners in their units in the event of an emergency. In the wake of the Surfside tragedy, it is more important than ever to maintain all means of egress in the event of an emergency.

Realizing that replacing the Concrete Lattice presented significant safety and maintenance concerns, the Applicant began to explore the option of retaining the solid stucco finish in lieu of another concrete lattice. Because the construction of another concrete lattice would take over a year to manufacture, the Engineer applied a stucco and paint finish to the Building façade as a temporary measure. The Applicant was pleased to discover that the stucco wall finish was aesthetically and architecturally appealing, and in many ways an improvement over the Concrete Lattice. Additionally, the feedback from the neighboring residents was overwhelmingly positive. Considering that the stucco finish was so aesthetically pleasing and well-received by the residents and neighbors, the Applicant requests to keep the stucco and finish these planar breaks with banding around the individual windows. Lastly, the view from the window units without the Concrete Lattice was vastly improved.

For all of the above reasons, the Applicant is seeking ARCOM approval for these modifications to the façade of the Building.



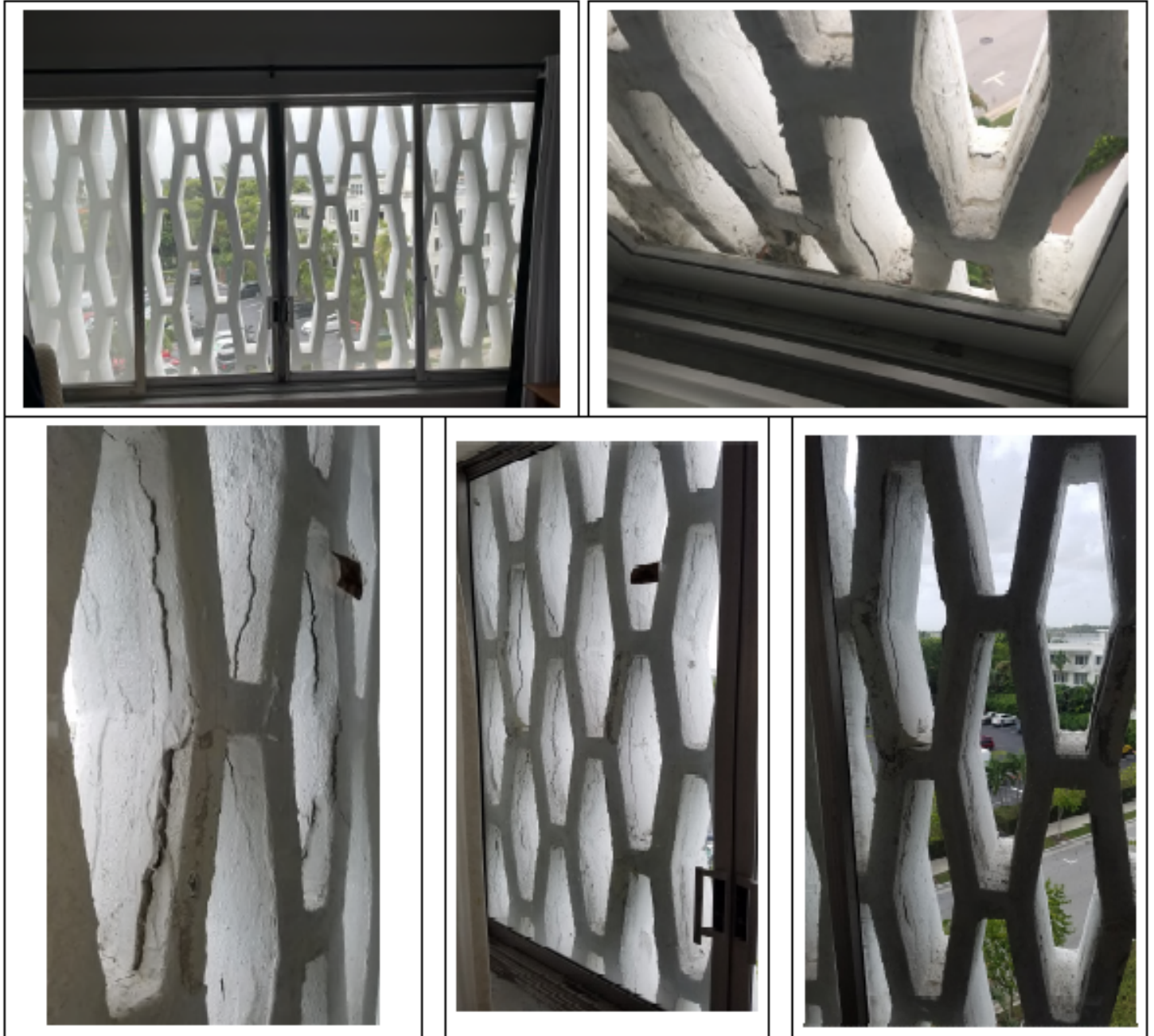
## Images of Exterior of Building with Concrete Lattice





Views from master bedroom windows before renovation:

Concrete Lattice covers full opening, tight to Building

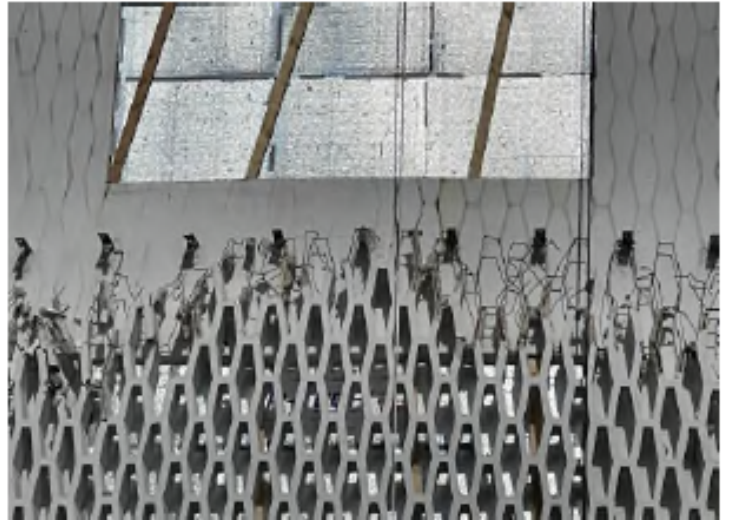


**Damage to Building from Concrete Lattice:**

**Concrete Lattice supports at top of building window**



**Concrete Lattice removal & supports under MBR**





## Damage to Building from Concrete Lattice supports & damaged stucco





### Images of Exterior of Building without Concrete Lattice



### Views from Master Bedroom Windows without Concrete Lattice



## Images of Proposed Exterior of Building



EXISTING VIEW

WALL TYPE I SHOWN



PROPOSED VIEW



EXISTING VIEW

WALL TYPE II SHOWN



PROPOSED VIEW





### **SUPPLEMENTAL APPLICATION REQUIREMENTS**

- Letter from Lorraine Tuohy as President of Applicant is attached as **Exhibit A**.
- Letter from Tim Marshall of A.T. Designs, Inc. is attached as **Exhibit B**.

As required, attached are the responses to the ARCOM review standards/guidelines for the Major Project:

- **Exhibit C:** Criteria for building permit in accordance with Section 18-205.
- A detailed history in chronological order of all zoning-related requests processed on or after January 1, 1970 specific to the Site attached as **Exhibit D**.
- A Property Info sheet with the Location Map is attached as **Exhibit E**.
- The Legal Description is attached as **Exhibit F**.

### **PARKING STATEMENT**

There are no changes proposed to the on-site parking.



**EXHIBIT A**

Letter from Lorraine Tuohy as President of Applicant is attached separately

**EXHIBIT B**

Letter from Tim Marshall of A.T. Designs, Inc. is attached separately

## EXHIBIT C

### Sec. 18-205. Criteria for building permit.

- (a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

- (1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.

***RESPONSE: The proposed renovation of the building is in conformity with good taste and design and contributes to the image of the Town as a place of beauty, spaciousness, balance, taste, fitness, charm, and high quality.***

- (2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

***RESPONSE: The proposed renovation of the building indicates the manner in which the building is reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.***

- (3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

***RESPONSE: The proposed renovation of the building is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.***

- (4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

***RESPONSE: The proposed renovation of the building is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.***

- (5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

- a. Apparently visibly identical front or side elevations;
- b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
- c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

***RESPONSE: The proposed renovation of the building is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet.***

- (6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

- a. Height of building or height of roof.



- b. Other significant design features including, but not limited to, materials or quality of architectural design.
- c. Architectural compatibility.
- d. Arrangement of the components of the structure.
- e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
- f. Diversity of design that is complimentary with size and massing of adjacent properties.
- g. Design features that will avoid the appearance of mass through improper proportions.
- h. Design elements that protect the privacy of neighboring property.

***RESPONSE: The proposed renovation of the building is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet.***

- (7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.

***RESPONSE: The proposed renovation of the building includes no additions or accessory structures.***

- (8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).

***RESPONSE: The proposed renovation of the building is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way.***

- (9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

***RESPONSE: The proposed renovation is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the existing building.***

- (10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

***RESPONSE: The proposed renovation project's location and design are unchanged and adequately protects existing unique site characteristics.***

## **EXHIBIT D**

### **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.

N/A

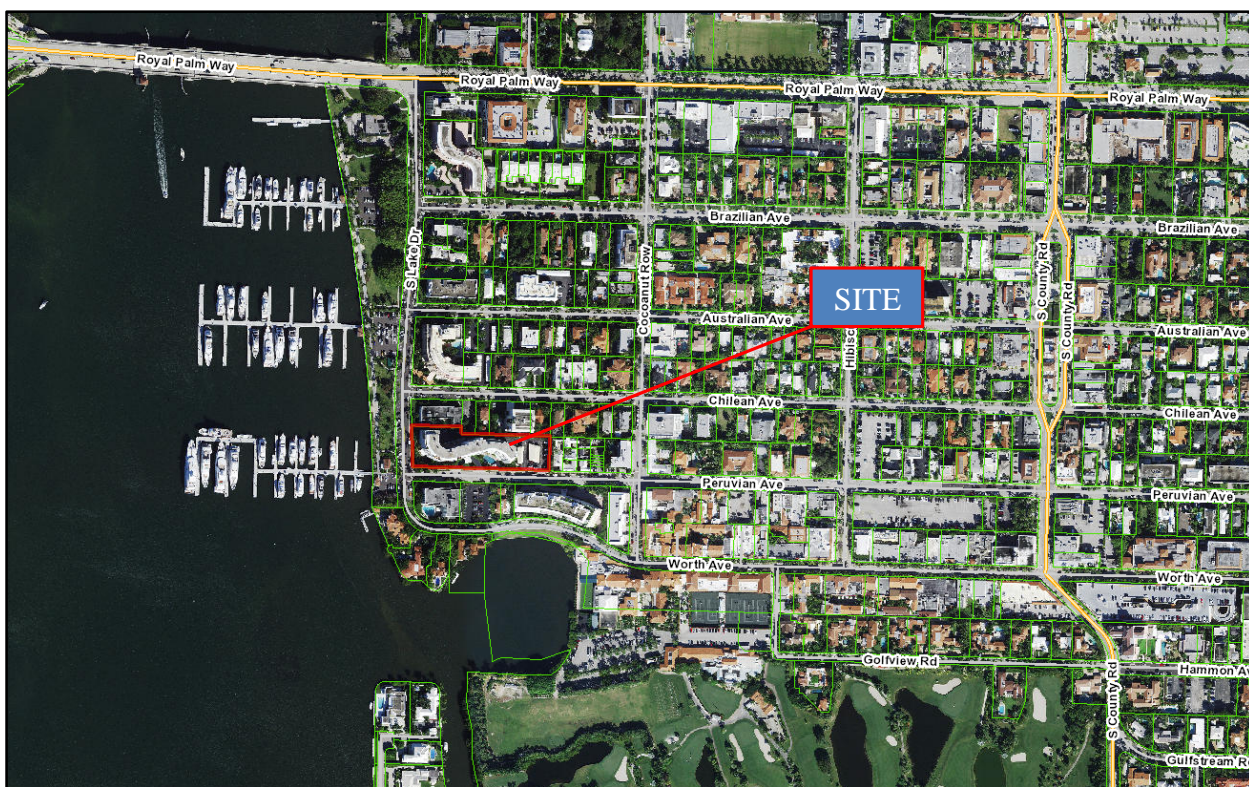
## EXHIBIT E

### PROPERTY INFO SHEET

ARC-23-075 389 S Lake Dr.

The 1.55-acre site is located at the northeast corner of the intersection of S. Lake Drive and Peruvian Avenue.

<b>Property Address:</b>	389 S. Lake Dr. ( <i>Figure 1</i> )
<b>Parcel Control Number (PCN):</b>	Cooperative Apartments of Three Eighty Nine Corporation, a cooperative apartment building located at 389 S. Lake Dr.
<b>Municipality:</b>	Town of Palm Beach ("Town")



*Figure 1 - LOCATION MAP*



## **EXHIBIT F**

### ***LEGAL DESCRIPTION***

**DESCRIPTION:** Lots 3 through 18, both inclusive, Block 12, AMENDED MAP ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, according to the map or plat thereof on file in the Office of the Clerk of Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 4, Page 1.