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August 21, 2019

Via Hand Delivery

Josh Martin, Director
Planning, Zoning and Building Department
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Administrative Appeal of Determination and Decision by the Director of Zoning that the Proposed “Guest House and Pavilion for the Main House at 1480 North Ocean Boulevard” located at 1485 Via Manana is a Stand Alone Residence that Does Not Require a Unity of Title

Dear Mr. Martin:

Our office represents Julie Araskog, the owner of that real property located at 1490 Via Manana. Pursuant to Section 134-141 *et. seq.*, of the Town Code, this letter will serve as Ms. Araskog’s Administrative Appeal of that decision and determination (“Determination”)¹ by the Zoning Administrator, Paul Castro, that Application No. B-027-2919 (“Application”)² seeking to construct a “guest house and pavilion” (“Guest House”) at 1485 Via Manana (“Property”) “for the main house at 1480 North Ocean Boulevard” (“Main House”) is a stand alone residence that does not require a unity of title.

As an immediate neighbor of the Property in the cul-de-sac of Via Manana,³ whose views and property interests will be adversely affected by the proposed Guest House, Ms. Araskog is an aggrieved person under Section 134-143 entitled to file this Appeal.⁴ As detailed below, as a matter of law under the Town Code, the proposed Guest House cannot be constructed in the R-B Low Density Residential District without a Unity of Title.

Intent to Build a Guest House

Mr. Castro’s Determination that “a unity of title agreement was not required” for the Application is based entirely upon the misplaced assumption that “*the proposed house is designed*

¹ See, Exhibit “A.”

² See, Exhibit “B.”

³ Ms. Araskog is the owner of Lot 1 of the cul-de-sac. See, Plat of Via Manana attached as Exhibit “C.” The Via Manana cul-de-sac is also the subject of a Declaration of Covenants, Restrictions and Conditions, which are attached hereto as Exhibit “D.”

⁴ A copy of Ms. Araskog’s letter detailing her objections to the Guest House is attached hereto as Exhibit “E.”

*to stand on its own.*⁵ The language of the Application, the submittals by the Applicant, the e-mails sent to ARCOM Members, and the sworn testimony by the architect of record, however, all flatly refute Mr. Castro's assumption. Instead, they demonstrate that the proposed Guest House was never designed or intended "to stand on its own" as a single family home.⁶

Application and Notice Seek Construction of a Guest House

On its face, the Application clearly indicates the desire of the Applicant to demolish the existing residence and construct a "[n]ew two-story residence *which will serve as a guest house and pavilion for the main house at 1480 North Ocean Boulevard.*" The building color in the Application is even identified as "white *to match main house.*" This same exact description is used in the "Architectural Review Commission Project Notice" ("ARCOM Notice")⁷ sent to those owners (including Ms. Araskog) of property within 250 feet of the proposed Guest House.

As such, the Application and ARCOM Notice clearly identify the construction of a "guest house and pavilion" which are admittedly designed to be subservient to and match the "main house." A house designed to "stand on its own" clearly does not refer and rely upon a "main house" for its existence. Therefore, Mr. Castro's assumption was in error and his Determination should be reversed.

E-mails to ARCOM Reflect Intent to Build a Guest House

As with the Application and ARCOM Notice, those e-mails sent by the Applicant to individual ARCOM members⁸ further support the inescapable conclusion that the intent of the Applicant was to build a Guest House not a stand alone single family home. In introducing his new project, the e-mails from Mr. Kahan to ARCOM members included the following summary:

1485 Via Manana – A Guest House for 1480 North Ocean Blvd:

The subject property fronts on the Via Manana cul-de-sac and backs up to the existing modern style home at 1480 North Ocean Blvd. which is owned by Jason and Josephine Kalisman. *They purchased the subject property with the intention of creating a garden/pool pavilion for their existing house, with two small bedrooms for limited guest use. Our new project aims to be an interpretation of their existing modern house, functioning almost completely as a large indoor/outdoor space when in use and extending their garden and pool area to*

⁵ All emphasis herein has been added, unless otherwise noted.

⁶ As detailed further below, single-family homes are the only permitted residential use in the R-B Low Density Residential District in which the Property is located. See, Code Section 134-997. Guest houses are not a permitted, use, an accessory use, or even a special exception use, but may only be constructed in the size proposed by the Applicant as an accessory structure to a main house with a unity of title. See, 134-891 (b)(Table) indicating that a 2 story structure may rise to up to "25 feet overall, *provided a unity of title deed restriction is furnished.*"

⁷ See, Exhibit "F." Nowhere in the Notice is there any mention of constructing a stand alone single family dwelling. Therefore, any attempt to veer from the specific Guest House language within ARCOM Notice at this late date by the Applicant to suddenly claim it is seeking a stand alone home, would clearly require a new notice to the neighboring property owners, or risk the filing of a successful Petition for Writ of Certiorari.

⁸ See, Composite Exhibit "G."

the west. ... The landscaping palette was intended to be similarly simple and minimal, *picking up on their existing palette* and completing the gesture of *their garden* around the curve into the cul-de-sac.

Again, admittedly, from the date of the very purchase of the Property, the intent of the Applicant was to create a garden/pool pavilion/guest house *“for their existing house”* which “aims to *be an interpretation of the existing modern house*,” and ties into the existing landscaping and garden. This is the exact antithesis of constructing a single family home which will “stand on its own.” As such, Mr. Castro’s assumption was incorrect and his Determination should be reversed.

ARCOM Presentation and Testimony Demonstrates Intention to Build Guest House

Consistent with its Application, the Applicant’s presentation at the July 24, 2019 ARCOM meeting⁹ was once again focused on the construction of a Guest House which would “interface” with the Applicants’ Main House.”¹⁰ Testifying under oath, Mr. Kahan indicated that:

- The Applicant “*purchased this with the intention of building a guest house something that would interface with their pool and their garden*, allow for potential guests, the use of their children and to be *a continuation of the architectural statement that their current modern house makes...*” (Trans., P. 23, Lns. 11-15).
- “Obviously, the other very important function of the building *is to interface with the main house*.”¹¹ (Trans., P. 25, Lns. 18-19)
- “The building essentially functions ... as this *guest house*.” (Trans., P. 26, Lns. 12-13).
- “There are two small *guest rooms* that anchor the North end.” (Trans., P. 26, Ln. 24).
- “The *existing house* that they live in is, essentially, white on white and it’s something that we wanted to *mimic* in the style...” (Trans., P. 27, Lns. 20-21).
- “Looking at it from this side, you can see the way that the building *interfaces with the main house*.” (Trans., P. 28, Lns. 4-5).
- “... once all the doors are pocketed away it, essentially, becomes a garden pavilion that *interfaces with their existing garden*.” (Trans., P. 28, Lns. 11-12).
- “The idea is that the stucco will be the same, the aluminum railings that we’re showing would be the same” and the windows would be *the same*. (Trans., P. 35, Lns. 21-25, P. 36, Ln. 1).

Similarly, the plans presented to ARCOM reflect the inclusion of:

- A huge kitchen with a large island;
- Two small “guest rooms” of approximately 12 feet by 13 feet in size;

⁹ A copy of the transcript from the July 24, 2019 ARCOM Meeting is attached hereto as Exhibit “H.”

¹⁰ In fact, the opening page of its presentation of the new residence was entitled “*New Guest House at the Kalisman Residence*.” See, Exhibit “I.” While the Applicant may have since renamed its presentation, the intent to create a Guest House as presented under oath was clear. As such, any future testimony by the architect to the contrary would set up a dangerous conflict between two testimonies, both under oath.

¹¹ Notably, the term “main house” is utilized 15 times in the ARCOM meeting, while the term “guest” is used 10 times (8 references to “guest house,” 2 references to guest and 1 reference to guest rooms), the term “interface(s)” is used 15 times to refer to the interaction and similarity between the Guest House and Main House.

- Two small bathrooms in the bedrooms and one small powder room;
- No master bedroom or an en suite bathroom connected thereto;
- Two separate dining areas (one inside and one on the loggia) with seating for 12 each;
- A large lounge and open area with a fireplace;¹²
- The tying in of a perimeter hedge around the property but the complete lack of landscape screening between the property lines of the Guest House and Main House; and
- A sidewalk connecting the Guest House and the Main House.¹³

Based on the presentation and renderings, many of the ARCOM members clearly treated the Application as one for a Guest House which would mirror and act as an extension of the Main House (with a unity of title), but could not withstand scrutiny as stand alone single family dwelling unit. For example:

Ms. Shiverick: I think it's a fantastically successful *integration ... with the main house* ... it looks like really fun place ... I would ask are the materials of the exteriors of this new addition the same? Is it the same stucco? Is it the same color? Is everything the same?¹⁴ (Trans., P. 35, Lns. 14-20).

Ms. Shiverick: *I see this as a presentation of a family wanting to have a beautiful, functioning entertainment area ... So from my point of view, this to me, looks like a really nice, well-designed, well-integrated compound...* (Trans., P. 48, Lns. 23-24, P. 49, Lns. 5-6).

Mr. Garrison: *I assumed when I saw this plan* and the way the landscape plan was, *that this was all one property*. So to go back to what we've done in the past, *if these are two separate properties, then something on the property line between these two houses has to occur ...* (Trans., P. 33, Lns. 9-14).

Mr. Garrison: ... *I thought it was a unity of title*. When I thought it came up -- because all of your presentation is this is an extension, if you will, of the -- *it's a guest house for the main house, it's an extension of their property, it's their recreation center, and all of that, and yet, if it's a single family house it doesn't work...* (Trans., P. 46, Lns. 2-8).

Mrs. Grace: So I know we looked at both plans yesterday and I told you *I really think that the house is very attractive from the interior courtyard perspective. And you said that it's very important to interface with the main house, and I do think it interfaces very well with the main house*. I guess I have a question about

¹² Page A-100 presentation attached hereto as Exhibit "I" clearly show these features of the Guest House.

¹³ Perhaps nowhere is the connection between the Guest House and Main House clearer than in the rendering views on Pages R-8 (showing the identical style, construction and finishes between the Guest House and Main House), R-9 (showing a continuous perimeter hedge and lack of landscaping between the lots typical of a compound not a single family home), and R-10 (showing the open pavilion concept with seating for 20+ guests and the sidewalk connection to the Main House). Copies of just these views are attached hereto as Composite Exhibit "J."

¹⁴ Mr. Kahan went on to confirm with Ms. Shiverick that the stucco, the color, the aluminum railings and even the windows of the Guest House would all be the same as the Main House.

the -- but my problem is with how it looks from the front from the cul-de-sac. *It's described as a new guesthouse for the residence. So is that a -- do you have unity of title between the two lots?* (Trans., P. 29, Lns. 4-12).

Vice Chairman Small: Thank you, Ms. Grace. The issue that I have is one that's already been articulated by most of the Commissioners and that is *when I look at this am I looking at this as something, quoting you, [To Daniel] interfaces with the existing house immediately to the east or am I looking at this as a stand alone house that someday may be sold off as a separate stand alone dwelling? If I am looking at it that way, then I am looking at the western façade in a way that would not be acceptable, at least to me architecturally* and I would have greater problems with that. (Trans, P. 38, Lns. 20-24, P. 39, Lns. 1-5).

In responding to questions of whether the Guest House had a unity of title with the Main House Mr. Kahan admitted that it did not, but then attempted to pivot and claim that "*I suppose* that it could be equally described as a new two bedroom house on that lot" (Trans., P. 29, Lns. 13-14) and "*I suppose* you could change the nomenclature on the first page not to reference it as a guest house." (Trans., P. 30, Lns. 7-9). By then it was clear to the ARCOM members that the Applicant wanted the best of both worlds by having a structure which would essentially act as "*a continuation of the architectural statement that their current modern house makes*" by mirroring the existing Main House in style, materials and landscaping, as well as operating as a Guest House, without the restrictions of a unity of title. As a result, the Application was deferred.

At this point, however, regardless of any change in nomenclature, the Guest House, or even a house designed to look differently but clearly function as a guest house, of the size, dimensions and number of floors proposed is not permitted in the R-B Low Density Residential District without a unity of title. As such, Mr. Castro's Determination must be reversed.

Guest House Not Permitted in R-B Low Density Residential District Without a Unity of Title

Under Section 134-886 of the Town Code "[t]he purpose of the R-B Low Density Residential District is *to provide for low density single family residential use*, as that term is defined in section 134-2." Section 134-2 of the Code provides that, "Dwelling, single-family means a detached building *designed¹⁵ and used exclusively for residential purposes for one family.*" "*Family means* an individual, or two or more persons *related* ... or a group of no more than three persons who need not be related by blood or marriage, *living together as a single housekeeping unit in a dwelling.*"

By their prior admissions, the Guest House was never designed to be used *exclusively for residential purposes for one family* but was designed to be for guests. Similarly, there is no evidence whatsoever that the Applicants and their family intend to live "*together as a single*

¹⁵ Designed is defined by the Miriam Webster dictionary as to "create, fashion, execute, or construct according to plan." Clearly, the Guest House was not designed to be used exclusively for one family.

housekeeping unit" in the proposed Guest House when they are already identified as living together in the Main House. As such, the proposed Guest House cannot exist in the R-B District.

Even if the above restrictions could be overlooked (which they cannot) guest houses are not a permitted, use, accessory use, or special exception use in the R-B Low Density Residential District, but may only be constructed as an accessory structure to a main house.¹⁶ To create a 2 story 3,500 foot Guest House as proposed by the Applicant, however, it would require: a) a lot size with at least 20,000 square feet which is vastly larger the 10,968 s.f. lot at 1485 Via Manana; b) a "unity of title deed restriction is furnished prohibiting any division of the lot which would leave less than 20,000 square feet" and c) the removal of the kitchen in the proposed Guest House. *See*, Town Code, Section 134-891(b)(1) (Table)(as to the requirement of a unity of title); and 134-891(b)(5)(as to the restriction that "no kitchen or cooking facilities shall be constructed or used" in an accessory structure); *see also*, Section 34-891(b)("Accessory structures *without kitchen facilities* may be erected in accordance with the following requirements).

Furthermore, outside of the above fatal flaws, any proposed single family dwelling which would front on Via Manana would necessarily need to be architecturally distinct in order to not be excessively similar or excessively dissimilar to the other houses in the Via Manana cul-de-sac.¹⁷

As a result, given that the proposed Guest House is by definition not a separate an independent single family dwelling, the only way it could exist in the R-B Low Density Residential District would be via a unity of title with the Main House and the removal of its kitchen. This conclusion is not held just by Ms. Araskog¹⁸, but also by Jeffery Smith and Eugene Pandula, two well respected architects who have served the Town for years on both ARCOM and the Landmarks Preservation Commission.¹⁹ Therefore, Mr. Castro's Determination that a unity of title was not needed for the Guest House must be reversed.

Very truly yours,


John R. Eubanks, Jr.

cc: Julie Araskog
Paul Castro, Zoning Administrator
John Lindgren, Planning Manager
Jeffery W. Smith
Eugene Pandula
Kelley Churney, Administrative Assistant
Town Clerk, Town of Palm Beach

¹⁶ This distinction was clearly recognized by another resident of Via Manana, David Leavitt, who indicated in an e-mail to Ms. Araskog that "An accessory structure has been proposed for 1485 Via Manana. For this reason, *we believe there should be unity of title for the two Kalisman properties* before the new construction begins." *See*, Exhibit "K."

¹⁷ *See, e.g.*, those pictures of the existing homes in the cul-de-sac demonstrating their diversity entered into the record by Ms. Araskog at the July 24, 2019 ARCOM Meeting attached as Composite Exhibit "L."

¹⁸ Ms. Araskog's Affidavit is in opposition to Mr. Castro's Determination is attached hereto as Exhibit "M."

¹⁹ Mr. Smith and Mr. Pandula's affidavits in opposition to Mr. Castro's Determination are attached hereto as Exhibits "N" and "O" respectively.

From: Paul Castro

Sent: Tuesday, July 23, 2019 10:47 AM

To: Joshua Martin <jmartin@TownOfPalmBeach.com>

Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Kelly Churney <KChurney@TownofPalmBeach.com>

Subject: FW: PLEASE CALL JULIE IN THE AM

Josh,

Good morning. I did talk to Julie a few minutes ago and answered her questions regarding the front door on the west elevation of the proposed house. I advised her that the front sliding door and lack of windows on the west elevation were under the oversight of ARCOM and were not zoning code issues. I also advised her that a unity of title agreement was not required as the proposed house is designed to stand on its own. Please let me know if you have any questions.

Kindest regards,

Paul Castro, AICP
Zoning Manager

360 South County Road

Palm Beach, FL 33480

561-227-6406

www.pcastro@townofpalmbeach.com



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S. County Rd.
Palm Beach, FL 33480

APPLICATION FOR PROJECT REVIEW BY THE ARCHITECTURAL REVIEW COMMISSION

Application Number: B-027-2919 Date: 03/11/2019

Application Type:

<input checked="" type="checkbox"/> Major	<input type="checkbox"/> Combination*
<input type="checkbox"/> Minor	<input type="checkbox"/> Minor with notice

*If Town Council review required, include Zoning Application Number: _____

- I. PROJECT ADDRESS: 1485 Via Manana
- II. DESCRIPTION OF THE REQUEST: The exact wording in this section will appear on the ARCOM Agenda. Please include a comprehensive summarized description of the proposed project.
Demolition of existing residence.

New two-story residence, which will serve as a guest house and pavilion for the main house at
1480 North Ocean Boulevard. Final landscape and hardscape.

Number of Stories: 2 Roof Material (type): flat/green roof

Const. Type: CBS: X Frame: _____ Colors: Building: white - to Roof: N/A
match main house

Trim: X Shutters: X *this information to be included on the cover sheet of the ARCOM plans

III. DESIGN PROFESSIONAL(S):

<input checked="" type="checkbox"/> Architect	<input type="checkbox"/> Design Consultant
<input type="checkbox"/> Landscape Architect	<input type="checkbox"/> Engineer
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Check if you are an ARCOM member and this project will result in a voting conflict for you.

Daniel Kahan/

Name of Professional: Smith and Moore Architects License #: AR94757

Phone number: (561) 835-1888 Email address: dan@smithmoorearchitects.com

IV. OWNER/AGENT INFORMATION:

Property Owner's Name: Jason and Josephine Kalisman

Owner's Address (if different from Subject Address): 1480 North Ocean Boulevard

Palm Beach, FL 33480 Phone number: _____

Signature (owner or owner's legally authorized agent*): [Signature]
*If signed by a legally authorized agent, must be accompanied by a Power of Attorney or statement from the property owner authorizing the signer to sign on the owner's behalf.

(printed name and title) JASON TAUBMAN KALISMAN, OWNER

VIA MAÑANA

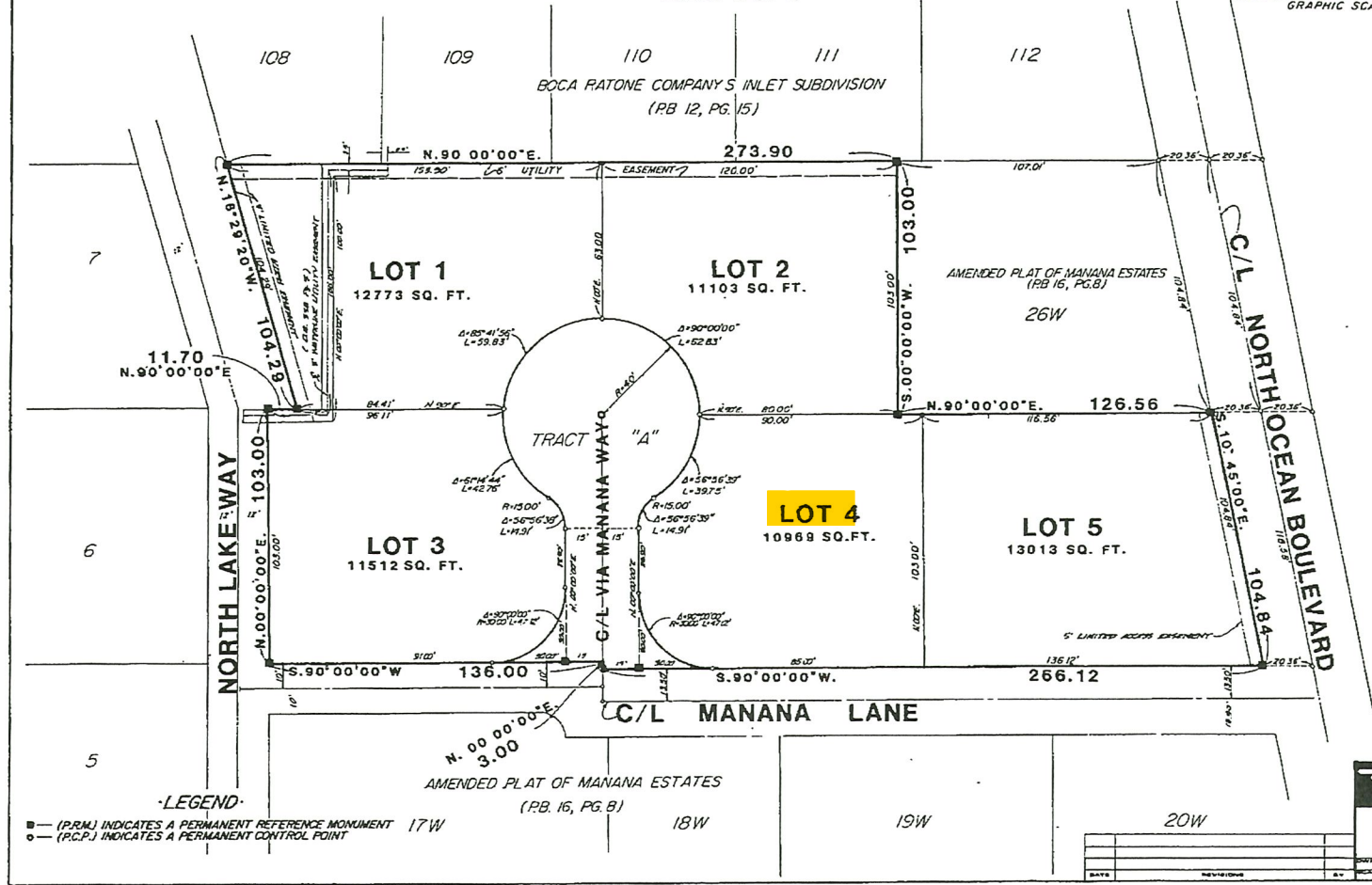
BEING A REPLAT OF PORTIONS OF THE AMENDED PLAT OF MANANA ESTATES PLAT NUMBER 3
AS RECORDED IN PLAT BOOK 16 PAGE 8 PUBLIC RECORDS,
LYING IN SECTION 34, TOWNSHIP 42 SOUTH, RANGE 43 EAST,
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

APRIL 1984
SHEET 2 OF 2



STATE OF FLORIDA
COUNTY OF PALM BEACH
THIS PLAT WAS FILED FOR
RECORD AT _____ DAY OF
MAY, 1984 AND
WAS RECORDED IN PLAT BOOK
_____, OR PAGES _____ AND

JAMES B. DUNKLE, CLERK
CIRCUIT COURT
271 _____ DC



LEGEND
— (P.R.M.) INDICATES A PERMANENT REFERENCE MONUMENT
— (P.C.P.) INDICATES A PERMANENT CONTROL POINT

BENCH MARK land surveying and mapping, inc. 1111 S. W. 8th St. Suite 100 Palm Beach, FL 33480	
RECORD PLAT	
DATE	REVISIONS
BY	DATE
BY	DATE
BY	DATE

Description: Palm Beach, FL Plat Maps - Book Page 48.77 Page: 2 of 2
Order: mon Comment:

[Handwritten signature]

DECLARATION OF
COVENANTS, RESTRICTIONS AND CONDITIONS

FOR
VIA MANANA

PHILIP S. STEEL, as Trustee, (hereinafter called "Developer" or "Declarant"), the owner of the real property subject to this Declaration, hereby declares the property known by official plat designation as VIA MANANA, a subdivision in the Town of Palm Beach, County of Palm Beach, State of Florida, pursuant to a plat filed for record on May 20, 1984, 1984, and recorded in Plat Book 48 at Pages 77 and 78, Public Records of Palm Beach County, Florida (hereinafter referred to as "Subdivision").

SECTION I

PURPOSE

The purpose of this Declaration is to enhance and protect the value, attractiveness and desirability of the lots or other tracts constituting the subdivision.

SECTION II

(A) "Association" shall mean and refer to VIA MANANA PROPERTY OWNERS ASSOCIATION, INC., a Florida Corporation, not for profit, its successors and assigns.

(B) "Common Area" shall mean all real property owned by the association for the common use and enjoyment of the owners. The common area to be owned by the association at the time of conveyance of the first lot is described on the aforesaid Plat as "Tract A", VIA MANANA, and is otherwise identified upon the Plat as VIA MANANA WAY.

(C) "Declarant" shall mean PHILIP S. STEEL, As Trustee, or his successors.

(D) "Lot" shall mean any plot of land shown on the recorded subdivision map referred to above with the exception of the common area.

(E) "Maintenance" shall mean the exercise of reasonable care to keep the road (VIA MANANA WAY) in a condition comparable to its original condition. Maintenance of landscaping shall further mean the exercise of a healthy, weedfree environment for optimum plant growth.

PREPARED BY:

RETURN TO: JOHN S. CALL, JR.
P.O. Box 229
Palm Beach, FLA. 33480

Description: Palm Beach, FL Document - Book Page 4283.1688 Page: 1 of 11
Order: mon Comment:

(F) "Member" shall mean every person or entity who holds membership in the association.

(G) "Mortgage" shall mean a conventional mortgage or a deed of trust.

(H) "Mortgagee" shall mean a holder of a conventional mortgage or a beneficiary under or holder of a deed of trust.

(I) "Owner" shall mean the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the subdivision, and shall include contract sellers, but shall not include those holding title merely as security for performance of an obligation.

(J) "Subdivision" shall mean the subdivided real property hereinbefore described and such additions thereto as may be brought within the jurisdiction of the association as hereinafter provided.

(K) "Builder" shall mean a licensed home building contractor.

ARTICLE III

MEMBERSHIP IN ASSOCIATION: VOTING RIGHTS

Every owner of a lot shall be a member of the association; membership shall be appurtenant to and may not be separated from ownership of a lot.

Members shall be entitled to one vote for each lot owned. When more than one person holds an interest in a given lot, all such persons shall be members and the vote for such lot shall be exercised as they may determine among themselves. In no event shall more than one vote be cast with respect to any lot.

SECTION IV

ASSESSMENTS

(A) Lien and personal obligation of assessments. Declarant hereby covenants for each lot within the subdivision, and each owner of a lot is hereby deemed to covenant by acceptance of his deed for such lot, whether or not it shall be so expressed in his deed, to pay to the association (1) annual assessments and (2) special assessments for road improvements to VIA MANANA WAY. Such assessments will be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs and reasonable attorneys' fees,

shall be a charge on the land and a continuing lien on each lot against which such an assessment is made. Each such assessment, together with interest, costs and reasonable attorneys fees shall also be the personal obligation of the person or persons who owned the lot at the time the assessment fell due, but such personal obligation shall not pass to the successors in title of such person or persons unless expressly assumed by them.

(b) Purpose of annual assessments. The annual assessments levied by the association shall be used exclusively to promote the health, safety and welfare of the residents in the subdivision, and for the improvement and maintenance of VIA MANANA WAY. Annual assessments shall include, and the association shall acquire and for out of the funds derived from annual assessments, the following:

1. Maintenance and repair of VIA MANANA WAY, including, but not limited to, landscaping and maintenance of landscaped areas.
2. Water, electrical, and lighting service as necessary for VIA MANANA WAY.
3. Acquisition of trees and plants as may be determined by the association to be necessary or proper for the proper upkeep of VIA MANANA WAY.
4. Maintenance, beautification and repair of VIA MANANA WAY, and storm drains within the confines of the subdivision.
5. Liability insurance insuring the association against any and all liability to the public, to any owner, or to the invitees or tenants of any owner arising out of their occupation and use of VIA MANANA WAY. The policy limits shall be set by the association, and shall be reviewed at least annually and increased or decreased in the discretion of the association.

BK 283 P 1590

6. Any other materials, supplies, labor, services, maintenance, repairs, structural alterations, insurance, taxes or assessments which the association is required to secure or pay pursuant to the terms of this declaration or by law, or ~~which shall be necessary or proper in the opinion~~ of the board of directors of the association for the benefit of the lot owners, or for the enforcement of these restrictions.

7. In the event the need for maintenance or repair is attributable to the willful or negligent act of the owner of a lot, his family, guests, or invitees, the cost of such maintenance or repairs shall be added to and become part of the assessment to which such lot is subject.

(C) Special assessments for capital improvements. In addition to the annual assessments authorized above, the association may levy in any assessment year a special assessment applicable to that year only for the purpose of defraying in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement to VIA MANANA. Any such assessment must be approved by a majority of members.

(D) Notice and quorum for action authorized under Section C. Written notice of any meeting called for the purpose of taking any action authorized by Section C shall be sent to all members not less than ten (10) nor more than thirty (30) days in advance of such meeting. In the event the proposed action is favored by a majority of the votes cast at such meeting, members who were not present in person or by proxy may give their assent in writing within thirty (30) days after the date of such meeting.

(E) Uniform rate of assessment. Both annual and special assessments must be fixed at a uniform rate for all lots.

(F) Commencement and collection of annual assessments. The annual assessments provided for herein shall commence as to all lots on August 1, 1975. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The

board of directors shall fix the amount of the annual assessment against each lot at least thirty (30) days in advance of the due date thereof and shall fix the dates such amounts become due. Assessments may be made payable monthly. Notice of the annual assessments shall be sent to every owner subject thereto. The association shall, on demand and for a reasonable charge, furnish a certificate signed by an officer of the association, setting forth whether the assessments against a specific lot have been paid.

(G) Effect of nonpayment of assessments; remedies of the association. Any assessment not paid within thirty (30) days after the due date shall be deemed in default and shall bear interest from the due date at the rate of thirteen 13% percent per annum. The association may bring an action against the owner personally obligated to pay the same, or may foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the common area or abandonment of his lot.

(H) Subordination of assessment lien to mortgages. The assessment lien provided for herein shall be subordinate to the lien of any first mortgage. A sale or transfer of any lot shall not affect the assessment lien. However, the sale or transfer of any lot pursuant to a mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the assessment lien as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such lot from liability for any assessments thereafter becoming due or from the lien thereof.

SECTION V

PROPERTY RIGHTS

(A) Owner's Easements of Enjoyment. Every owner of a lot shall have a right and easement of enjoyment in and to VIA MANANA WAY which shall be appurtenant to and shall pass with the title to such lot, subject to the following rights of the association:

1. The right to suspend the voting rights of any owner for periods during which assessments

against his lot remain unpaid, and the right, after hearing by the board of directors, to

suspend such rights for a period not exceeding

forty-two (42) days for any infraction of the published rules and regulations of the association.

2. The right to dedicate, transfer and grant easements to all or any part of VIA MANANA WAY to any municipality, public agency, authority, or utility for such purposes and subject to such conditions as may be agreed upon by the members.

(B) Delegation of Use. Subject to such limitations as may be imposed by the by-laws, each owner may delegate his right of enjoyment in and to VIA MANANA WAY to the members of his family, his guest, tenants and invitees.

(C) Other Easements.

1. Easements for installation and maintenance of utilities and drainage facilities are shown on the recorded subdivision plat. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may damage, interfere with, or change the direction of flow of drainage facilities in the easements. The easement area of each lot and all improvements therein shall be continuously maintained by the owner of such lot, except for improvements for maintenance of which a public authority or utility company is responsible.

(D) Right of Entry. The association, through its duly authorized employees and contractors, shall have the right after reasonable notice to the owner thereof, to enter any lot at any reasonable hour on any day to perform such maintenance as may be authorized herein.

(E) No Partition. There shall be no judicial partition of the VIA MANANA WAY, nor shall declarant, or any owner or any other person acquiring any interest in the subdivision or any part thereof,

seek judicial partition thereof. However, nothing contained herein shall be construed to prevent judicial partition of any lot owned in cotenancy.

SECTION VI

RESIDENTIAL RESTRICTIONS

(A) Each lot in subdivision, subject to this Declaration may be used for a single family residential living unit and for no other purposes.

(B) Only one dwelling unit shall be constructed on a lot.

(C) No business building may be erected on any lot in subdivision and no trade, business, or profession may be conducted on any part thereof.

(D) The restrictions herein set forth in Section VI shall apply to all the property in subdivision.

(E) No tents, trailers, vans, shacks, tanks, temporary or accessory buildings or structures shall be erected or permitted to remain on any lot without written consent of Developer and the Association; however, the foregoing shall not restrict or prevent such temporary facilities as are essential to the development of the subject lands, construction thereon and selling of the housing facilities created, provided that such are in compliance with appropriate governmental requirements applicable thereto.

(F) No sign of any kind shall be displayed to the public view on any lot, or upon VIA MANANA WAY, except one sign meeting the sign ordinance of the Town of Palm Beach advertising the property for sale or rent or such conformed signs used by a builder to advertise the property during the construction and sales period may equally be displayed on a lot.

(G) Nothing shall be done on any lot or common area in the subdivision which may be, or may become, an annoyance or nuisance to the neighborhood. In the event of any question as to what may be or may become a nuisance, such question shall be submitted to the Association for a decision in writing and its decision shall be final.

(H) Subsequent to a sale or other conveyance of a lot by Developer, no weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon any such lot and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon; and in the event that the owner of such lot shall fail or refuse to keep the demised premises free of weeds, underbrush, or refuse piles or other unsightly growths or objects, then the Association may enter upon said premises and remove the same at the expense of the owner and such entry shall not be deemed a trespass.

(I) No rubbish, trash, garbage or other waste material shall be kept or permitted on any lot or on the common area except in sanitary containers located in appropriate areas concealed from public view.

(J) The use of any driveway or parking area which may be in front of, adjacent to or part of any lot as a habitual parking place for commercial or recreational vehicles, trailers, boats or aircraft is prohibited. The term "Commercial Vehicles" shall include all automobiles, trucks and vehicular equipment including station wagons, which bear signs or shall have printed on the sides of same reference to any commercial undertaking or enterprise. The term "Recreational Vehicles or trailers" shall include all buses, campers, pick-up trucks, boats and similar vehicles and trailers. Overnight parking or storage of trucks, buses, recreational vehicles or commercial vehicles in excess of one-half ton rated capacity, and vehicle or boat repairs or restoration on any lot or the common area is prohibited, except for emergency repairs and then only to the extent necessary to enable movement of the vehicle to a repair facility.

(K) No wall, fence, hedge or similar structure shall be placed, constructed, erected or permitted in subdivision except with the express written permission of the Association.

(L) No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, or common area, except dogs, cats or other pets generally recognized as household pets may be kept on lots provided that they are not kept, bred or maintained for any commercial purpose. No more than two (2) animals of any description per lot.

B4283 P1693

(M) No portion of any lot or common area shall be used as a drying or hanging area for laundry of any kind, it being the intention hereof that all such facilities shall be provided within the homes to be constructed in subdivision.

(N) Unless prior written approval has been obtained from the association and developer, no exterior radio, television, or other antenna or aerial may be erected or maintained on any building or lands in the subdivision. No hurricane or storm shutters shall be installed unless the same be of a type approved by the association.

(O) No changes in elevations of property subject to these restrictions shall be made which will cause undue hardship to adjoining property with respect to natural runoff of rain water.

(P) All landscaped areas shall be maintained in a live, healthy and growing condition, properly watered and trimmed. Any planting of grass, shrubs or trees which become dead or badly damaged shall be replaced with similar sound, healthy plant materials.

(Q) The building and zoning ordinances of the Town of Palm Beach, Florida apply to all lots in the subdivision and all lot owners agree to abide by such ordinances.

SECTION VII

PLAN APPROVAL

No building, structure or other improvements shall be erected or altered upon any lot in subdivision unless and until the plans for such building, structure or other improvements have been first approved by the association and, for so long as developer owns any lot in the subdivision, by developer or developer's designee.

All setback areas, yards, walkways, driveways and parking areas shall be maintained and kept in a neat and clean condition, free of refuse and debris.

B4283 P1698

SECTION VIII

DURATION: REMEDIES

AND AMENDMENT

(A) The easements, covenants, conditions and restrictions set forth in this Declaration shall constitute covenants running with the land, shall be binding upon all parties having any right, title or interest in lands in the subdivision, or any part thereof, their heirs, successors or assigns, and shall inure to the benefit of and be enforceable by developer or the association and the lot owners, and failure to enforce any restriction, covenant, condition, obligation, reservation, right, power or change hereinbefore or hereinafter contained, however long continued, shall in no event be deemed a waiver of the right to enforce as aforesaid as to the same breach or violation occurring prior or subsequent thereto. Failure to enforce same shall not, however, give rise to any liability on the part of developer or the association with respect to parties aggrieved by such failure.

(B) REMEDIES FOR VIOLATION: Violation or breach of any condition, restriction or covenant herein contained shall give the developer or association or owner in addition to all other remedies, the right to proceed at law or in equity to compel a compliance with the terms of said conditions, restrictions, or covenants, and to prevent the violation or breach of any of them and the expense of such litigation shall be borne by the then owner or owners of the subject property, provided such owner was in violation of said restrictions. Expenses of litigations shall include reasonable attorney's fees incurred by developer or association in seeking such enforcement. The invalidation by any court of any of the restrictions herein contained shall in no way affect any of the other restrictions, but they shall remain in full force and effect.

(C) AMENDMENT: These restrictions may be amended by developer so long as he owns two or more lots subject to said restrictions and thereafter these restrictions may be amended by the association by an affirmative majority vote of the majority of members.

BW 283 P 1697

Wherever developer's approval is contemplated or required, such approval shall only remain a requirement or a privilege, as the case may be, during the period that Developer shall hold fee simple title to all or any portion of the land comprising subdivision, and thereafter such approval shall be by the Association.

IN-WITNESS WHEREOF PHILIP S. STEEL has executed this instrument this 21 day of APRIL, 1984.

IN THE PRESENCE OF:

Rodlyn Chudaw
Craig Burkhardt
Philip S. Steel
PHILIP S. STEEL, as Trustee
(Corporate Seal)

STATE OF FLORIDA }
COUNTY OF PALM BEACH } SS.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared PHILIP S. STEEL, and he acknowledged before me that he executed the foregoing instrument.

WITNESS my hand and official seal in the County and State aforesaid this 21th day of April, 1984.

John D. Dunkle
NOTARY PUBLIC, State of Florida

My Commission Expires January 1, 1985
ANY COMMISSION EXPIRES DEC 4 1985
BONDID THRU GENERAL TRS, UNIFORM 1185

B4283 P1698

RECORD VERIFIED
PALM BEACH COUNTY FLA
JOHN D. DUNKLE
CLERK CIRCUIT COURT

A G R E E M E N T

THIS AGREEMENT, made and entered into this 25 day of Feb, 1985, between PATRICK W. SEGRAVES, hereinafter referred to as "Owner" and the TOWN OF PALM BEACH, Palm Beach County, Florida, hereinafter referred to as "TOWN".

W I T N E S S E T H:

WHEREAS, Owner is the owner of the following described property situate, lying and being in the Town of palm Beach, Palm Beach County, Florida, more fully described as follows:

LOT ONE ^{VIA} MANANA ESTATE
1490 VIA MANANA

and

WHEREAS, Owner has requested permission to construct a temporary fence which will encroach upon the utility easement reserved and designated on the plat of the Subdivision, and

WHEREAS, Town is willing to permit the construction of said temporary fence, in accordance with the following terms and conditions to wit:

A. Should it become necessary for Town or any public utility company to have access to said easement for the purpose of the installation and/or maintenance of any public utility transmission line or conduit in said easement, Owner agrees, upon two weeks' notice, to remove said fence at Owner's expense, so as to permit Town or any such public utility company access to said easement for such purposes.

✓ This Instrument was Prepared by
PATRICK SEGRAVES
1490 VIA MANANA
PALM BEACH FL 33480
CITY AND STATE

B. In the event owner will fail to remove said fence as set forth hereinabove within the time prescribed, Town, or such public utility company involved, as the case may be, may cause said fence to be removed and the cost thereof assessed against the above described land which shall become a lien upon said land, which said lien, including reasonable attorneys' fees, may be enforced against said land by foreclosure, or such other remedy as may be available at law.

IN WITNESS WHEREOF, Owners have herunto set their hands and seals, and Town has caused these presents to be executed by its duly authorized officers, all on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Marta Linderbaum

As to Owner

Patrick Seay (SEAL)

"Owner" (SEAL)

James Linderbaum

As to Town

TOWN OF PALM BEACH
By Douglas C. Delano Town Manager

Attest

Grace T. Peters
Grace T. Peters, Town Clerk

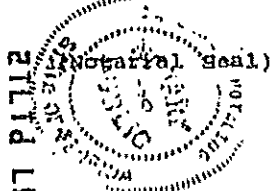
STATE OF FLORIDA)
COUNTY OF PALM BEACH) ss. :

BEFORE ME personally appeared Patrick Seay

, to me well known and known to me to be the individual described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 25th day of February,

19 85.



Paula M. Hulse
Notary Public, State of Florida at
Large

My Commission Expires: 4-28-86

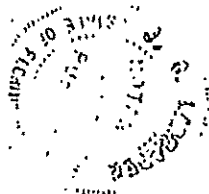
STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

SS. :

BEFORE ME personally appeared DOUGLAS C. DELANO and GRACE T. PETERS
Town Manager and Town Clerk respectively of the Town of Palm Beach, to
me well known and known to me to be the individuals described in and
who executed the foregoing instrument and acknowledged before me that
they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 26th day of
February, 1985.

(Notarial Seal)



John B. Dugan
Notary Public, State of Florida at
Large

My Commission Expires: _____

NOTARY PUBLIC STATE OF FLORIDA
BY COMMISSIONER OF STATE
JAN 1 1985

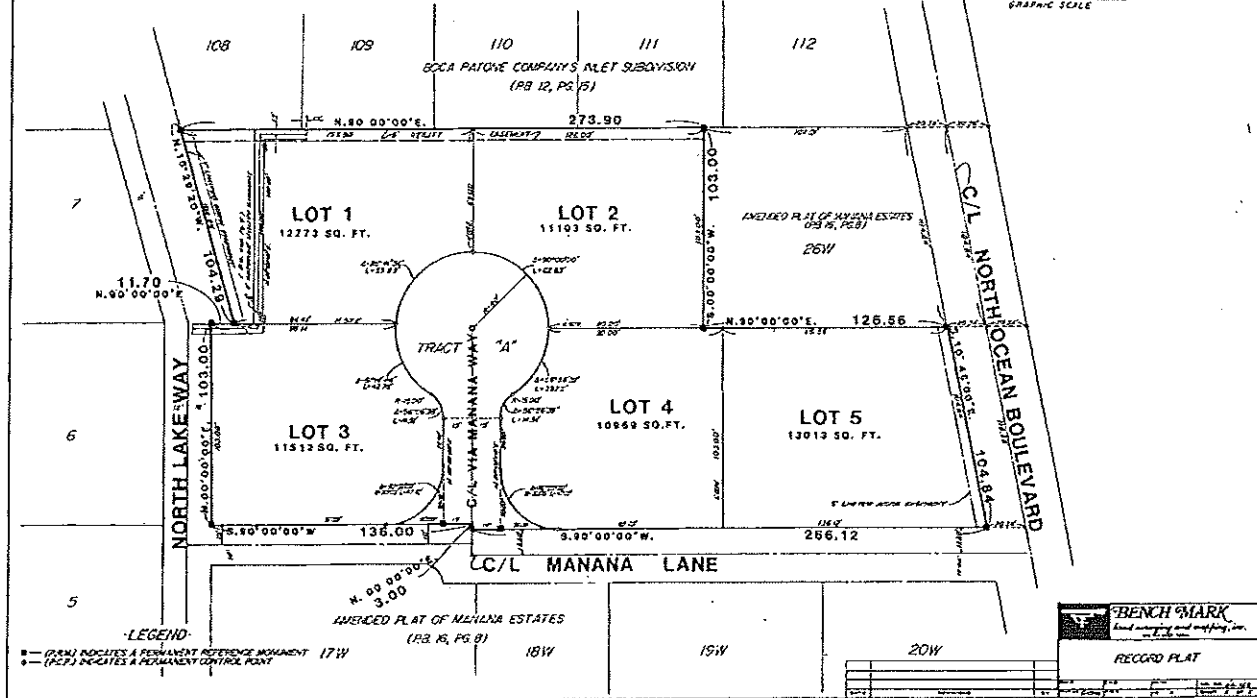
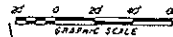
84477 P1713

RECORDED & INDEXED
PALM BEACH COUNTY - FLA
JAN 11 1985
CLERK CIRCUIT COURT

VIA MAÑANA

BEING A REPLAT OF PORTIONS OF THE AMENDED PLAT OF MANANA ESTATES PLAT NUMBER 3
AS RECORDED IN PLAT BOOK 16 PAGE 8 PUBLIC RECORDS,
LYING IN SECTION 34, TOWNSHIP 42 SOUTH, RANGE 43 EAST,
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

APRIL 1984
SHEET 2 OF 2



LEGEND:
— (P.R.M.) INDICATES A PERMANENT REFERENCE MONUMENT
— (P.C.P.) INDICATES A PERMANENT CONTROL POINT

BENCH MARK	
Hand surveying and mapping, Inc.	
RECORD PLAT	
DATE	APR 1984
BY	J. B. BROWN
CHECKED BY	J. B. BROWN
APPROVED BY	J. B. BROWN

Description: Palm Beach, FL Plat Maps - Book Page 48.77 Page: 2 of 2
Order: mon Comment:

[Handwritten signature]

Dear ARCOM Commissioners,

Thank you for your service to our Town and for reading my letter. I write to you as a concerned resident not as a Town Council Member to oppose the proposal for 1485 Via Manana.

The charm and beauty of our privately owned, cul-de-sac and the lovely views from two of my guest bedrooms, my office, and dining room will be forever changed if application number B-027-2019 is approved in its present form.

The first time I drove into the cul-de-sac, I fell in love with this little slice of heaven. People who visit from other areas of town always comment on the charm and beauty of this street they never knew existed. I sold my home on Australian and moved as soon as I could close. I adore living here and seeing the home at 1485 and the open landscape each day from my home, during my walks, and my many trips in and out each day.

I have been devastated at the thought of this proposed structure and its effect on my views and enjoyment of my property each day. I will be the most affected by such a change because so many of my rooms face this home and the cul-de-sac, and my reason for buying my home diminishes substantially with this change.

From its inception, 1485 was always charming, had an open front area, driveway with beautiful landscaping, and was open in its landscape design. My guests often comment on the beauty of its landscape and open feel. 1485 Via Manana has never been a white structure on the front façade without windows, open landscape or a door. The proposed west elevation is all wall except for a very recessed sliding glass door. The result is an industrial looking structure similar to a white pump station or substation.

Additionally, this enclave was developed purposefully in the design of each home. The homes were designed to fit together in a Mediterranean style with mansards or roofs of clay tile, beautiful windows, balconies and doors. Only two properties were designed with garages on the cul-de-sac to prevent congestion and the homes from looking at cars all day. (The only reason my home and 1495 were designed with garages on Via Manana was due to easements that prevented locating the driveways off of the cul-de-sac.) There are covenants designed to protect the value, attractiveness and desirability of Via Manana some of which I have cited in the end of this document.

What the applicant is proposing violates the ARCOM Ordinance in that it is not harmonious with our little beautiful enclave, does not fit, is not spacious, beautiful or charming; is excessively dissimilar in architectural compatibility; will cause our cul-de-sac to depreciate in appearance, and does not follow our codes for appearance. (Ordinance sections it violates are listed below.)

I contacted the owners and the architect for a meeting. They would not forward the plans until we met. I tried to be neighborly and to agree to just enlarging the hedge gap at the driveway. I left for a trip and was constantly thinking of the negative effects this structure would have on the various views from my home and my daily living. I contacted a few architects and others in the field. They made some suggestions.

I spoke to the owners again and an architect stated he would relay my concerns to the architect. I believed changes were going to be made from our conversation, but I found out yesterday all the only change they would agree to is enlarging the opening in the hedge at the driveway. I was quite upset.

Of course, they love the structure and believe it is a wonderful improvement. It is for them, because the east elevation that is pretty with windows, balconies and open landscape faces them; I am left staring at a windowless and doorless structure that looks like a white pump station surrounded by a canyon of tall hedges. I tried to find a compromise and believed we were working towards that goal, but, again, today I found out no changes were made. That is the reason for sending this on Tuesday. I apologize for sending it the day before your meeting.

My hope is that ARCOM will address this proposed application's violations of the ARCOM Ordinance and find a resolution to maintain the beauty and character of our neighborhood and one that allows all of us to benefit from the new structure and open landscape feel.

I ask that you please take a moment to walk this wonderfully charming cul-de-sac. Unfortunately, the photos of 1480 and 1495 are not representative of the homes in their present condition. The photo of 1480 was taken when the very visible large front windows and a large front door entry were covered in preparation for Hurricane Season. The photos of 1495 do not depict the windows or sliders that currently can be seen. They show the hedge covering some areas that are not covered and a hedge that was removed. Additionally, the photos of the homes on Manana Lane do not capture the openness of those homes either. Please when you walk imagine a 20-foot tall hedge covering the entire three quarters of the North block and the entry of our cul-de-sac. It will have a canyon, monolithic effect and will take away the openness and light that exists now.

These were suggestions those in the business had in regard to this property:

1. Add a front door and windows;
2. Move the garage four or five feet back towards Manana Lane or where it is presently located;
3. Keep the garage entrance on Manana Lane ;

4. Add more open landscaping on the cul-de-sac side making things more spacious;
5. Eliminate the continuous block long high hedge to lose the canyon effect and loss of sunlight;
6. Keep the landscape more open as it is now on Via Manana and on Manana Lane.

I relayed these suggestions to the owners myself and to the architect through another architect.

On the application 1485 Via Manana is described as “a two-story residence, which will serve as a guest house and pavilion for the main house at 1480 North Ocean.” However, there is not unity of title. I was under the impression that without unity of title, it was ARCOM’s practice to require each house to stand architecturally on its own without landscaping and that in this case, 1485 would be seen as fronting Via Manana. The owners told me they wanted to keep their options open so if they chose to sell 1485 in the future, they could.

(Just a note, recently ARCOM or staff allowed railings, light fixtures and a garage door that were all modern to be added to 1495 Via Manana making it appear more modern. It was also painted stark white, but the clay tile roof can still be seen from the street.)

I believe this application fails the ARCOM Ordinance in several areas:

- **ARTICLE III. - ARCHITECTURAL REVIEW**
- **DIVISION 1. - GENERALLY**
- **Sec. 18-146. - Statement of findings and purpose.**

(e) The essential foundation of beauty in communities is harmony. The plan for achieving beauty must grow out of special local characteristics of site, aesthetic tradition and development potential. Some local areas of natural beauty are the beaches, ocean and intracoastal waterway. The vistas and visual delight of these should be allowed only to be enhanced. It is the intent of this article to achieve a pleasant and comprehensive cohesiveness in community development.

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.

(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.

(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.

(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:

c. Architectural compatibility.

(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).

(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. (Is there a 35 foot setback)

(b) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing, and a copy thereof shall be made available to the applicant upon request.

Lastly, before I decided to buy my home, I studied the Declaration of Covenants, Restrictions and Conditions to be certain that my views and our cul-de-sac would remain charming, open, harmonious and uncongested. Below I have listed just a few of the covenants that I relied on when deciding to buy my home hoping you will understand that I thought the type of house and landscaping found in the application for 1485 Via Manana would be prevented. I am not an architect and do believe ARCOM is most qualified to decide the appropriate architecture and fit for the neighborhood, but I wanted to include the restrictions meant to protect properties that do not enhance the cul-de-sac itself to show the intent.

DECLARATION OF COVENANTS, RESTRICTIONS AND CONDITIONS FOR VIA MANANA”

SECTION I
PURPOSE

The purpose of this declaration is to enhance and protect the value, attractiveness, and desirability of the lots or other tracts constituting the subdivision.

Under Section VI, Residential Restrictions.

- (A) Each lot in the subdivision, subject to this Declaration may be used for a single family residential living unit and for no other purposes.
- (B) Only one dwelling unit shall be constructed on a lot.
- (D) The restrictions set forth in section VI shall apply to all the property in subdivision.
- (E) No tents, trailers, vans, shacks, tanks or temporary or accessory buildings shall be erected or permitted to remain on any lot without the permission of the Developer and the Association; however; the foregoing shall not restrict or prevent such temporary facilities as are essential to the development of the subject lands, construction thereon...
- (K) No wall, fence, hedge or similar structure shall be placed, constructed, erected or permitted in subdivision without the express written permission of the association.
- (O) No changes in elevation of property subject to these restrictions shall be made which will cause undue hardship to adjoining properties with respect to natural runoff of rainwater.
- (Q) The building and zoning ordinances of the Town of Palm Beach, Florida apply to all lots in the subdivision and all lot owners agree to abide by such ordinances.

SECTION VII

PLAN APPROVAL

No building, structure or other improvements shall be erected or altered upon any lot in the subdivision unless and until the plans for the building, structure or other improvements have been first approved by the association and, for so long as the developer owns any lot in the subdivision, by developer or developer's designee.

The covenants run with the land, according to the document, and states that even if a covenant or restriction in the Declaration is not enforced , however long, "shall in no event be deemed a waiver of the right to enforce as aforesaid s to the same breach or violation occurring prior to or subsequent to."

In closing, I thank you for taking the time to read this letter. I will be present on Wednesday, but in the interest of time will be not repeat everything discussed in this letter.

Best,

Julie Araskog
1490 Via Manana
Palm Beach, Florida 33480
561-909-9567



ARCOM # B-027-2919

NOTICE AFFIDAVIT

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME THIS DAY PERSONALLY APPEARED JASON TAUBMAN KALISMAN
WHO BEING DULY SWORN, DISPOSES AND SAYS THAT:

- 1) He/She is the owner, or the owner's authorized agent*, of the real property legally described in the Architectural Commission Application.
- 2) The accompanying Property Owners List is, to the best of his/her knowledge, a complete and accurate list of all property owners' mailing addresses and property control numbers dated no later than 90 days prior to the Architectural Commission hearing at which the subject application will be heard, and as recorded in the last official tax rolls for the subject property and all other properties within two hundred fifty (250) feet of the real property as described in the Application for Architectural Review, or all property within two hundred fifty (250) feet of all contiguous property owned wholly or in part by the owner of the real property described in the Application for Architectural Review.
- 3) A copy of the ARCOM application, a Notification to Property Owners and a single page graphic depiction showing a building and landscaping elevation of the intended project will be included in each envelope mailed to surrounding property owners, and will be mailed **at least 30 days prior** to the ARCOM meeting using the labels provided by the Property Appraiser's Office (unless this is a combo notice).

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 22 day of May 2019, by
Month/Year

JASON TAUBMAN KALISMAN who is personally known to me or who has produced
(Name of person acknowledging)

DRIVER LICENSE as identification.
(type of identification)

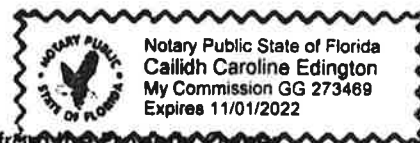
[Signature]
Applicant's (or Agent's*) Signature

[Signature]
Notary as to Owner or to Authorized Agent

Applicant's (or Agent's) Printed Name

Applicant's (or Agent's*) Address

My Commission Expires: 11/01/2022



***If Agent, you must attach a Power of Attorney or Authorization from the Property Owner.**



Town of Palm Beach Notification to Property Owners

Architectural Review Commission Project Notice

TO BE HEARD BY THE ARCHITECTURAL REVIEW COMMISSION ON July 24th, 2019
AFTER 9:00 A.M., in the Town of Palm Beach Council Chambers located on the 2nd floor, 360 South County Road, Palm Beach. Pursuant to Section 18-202 (1) of the Town Architectural Review Ordinance, this application is being sent to all property owners within 250' radius of the location of the subject application.

All interested persons may appear and be heard at said Public Hearing and may likewise submit written statements prior to and at said Public Hearing. If any person decides to appeal any decision made by the Architectural Review Commission with respect to this matter, he/she will need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based. Please be advised that the Town does not enforce private covenants or deed restrictions.

ARCOM#: B-027-2019

Address: 1485 Via Manana

Applicant: Jason and Josephine Kalisman

Project Description:

Demolition of the existing residence. _____

New two-story residence, which will serve as a guest house and pavilion for the main

house at 1480 North Ocean Boulevard. Final landscape and hardscape.

This notification is not to solicit approval or disapproval. It is a required notification to surrounding property owners. The plans for the project are on file in the Planning, Zoning & Building Department and are available for review Monday through Friday between 8:30 a.m. and 4:30 p.m. or may be available via the Town's website at www.townofpalmbeach.com/index.aspx?NID=676. Please note that the applicant may submit revised plans and materials up to 9 days prior to the meeting date; therefore, if you are an interested party, you will need to contact the Town using the information below to verify if revisions have or have not been submitted.

If you would like to be automatically informed of changes to the ARCOM Agenda and Back-up Material, please visit our website www.townofpalmbeach.com and click on the "Stay Informed" button on the main page and follow the instructions provided and select Architectural Commission (ARCOM).

If you need further information relative to this project, please contact John Lindgren, Planning Administrator at 561-227-6414 or jlindgren@townofpalmbeach.com.

From: Daniel Kahan <DanielKahan@smithmoorearchitects.com>

Date: July 17, 2019 at 9:25:09 AM EDT

To: Micheal Small <msmall@smallawpalmbeach.com>

Subject: ARCOM Ex-Parte - 1485 Via Manana

Mr. Small,

I hope all is well with you. I will be bringing a new project to ARCOM this month and would like to familiarize you with it and get any initial feedback you may have. I understand that with the summer schedule, you may not have time to meet. Below is a link where you can download a condensed set of plans for review. I'm also more than happy to sit down in my office with you, if you would like. Please just let me know. Also below, is a brief summary of the project. Thank you for your time.

1485 Via Manana – A Guest House for 1480 North Ocean Blvd:

The subject property fronts on the Via Manana cul-de-sac and backs up to the existing modern style home at 1480 North Ocean Blvd. which is owned by Jason and Josephine Kalisman. They purchased the subject property with the intention of creating a garden/pool pavilion for their existing house, with two small bedrooms for limited guest use. Our new project aims to be an interpretation of the their existing modern house, functioning almost completely as a large indoor/outdoor space when in use, and extending their garden and pool area to the west. The very small second floor consists of an exercise space and a small roof terrace overlooking their own garden. The landscaping palette was intended to be similarly simple and minimal, picking up of their existing palette and completing the gesture of their garden around the curve into the cul-de-sac. From the Via Manana side, an aperture into a crushed stone driveway gives a glimpse of a simple white geometric composition and the front door. Access from this side will be limited, but we wanted it to still function as contributing member of the cul-de-sac. Overall the building is roughly 3,500 SF.

Download Link:

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Again, thank you for your time.

Best,
Dan

Daniel Kahan
Principal Architect and Designer
Partner

SMITH AND MOORE ARCHITECTS, INC.
1500 South Olive Avenue,

West Palm Beach, FL 33401

t: 561.835.1888, ext: 112

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www.smithmoorearchitects.com

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To: Alexander
Subject: RE: ARCOM Ex-Parte - 1485 Via Manana

From: Daniel Kahan <DanielKahan@smithmoorearchitects.com>
Date: July 17, 2019 at 9:23:34 AM EDT
To: Alexander <alexives@hotmail.com>
Subject: ARCOM Ex-Parte - 1485 Via Manana

Alex,

I hope all is well with you. I will be bringing a new project to ARCOM this month and would like to familiarize you with it and get any initial feedback you may have. I understand that with the summer schedule, you may not have time to meet. Below is a link where you can download a condensed set of plans for review. I'm also more than happy to sit down in my office with you, if you would like. Please just let me know. Also below, is a brief summary of the project. Thank you for your time.

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To: Betsy Shiverick
Subject: RE: ARCOM Ex-Parte - 1485 Via Manana

On Jul 17, 2019, at 9:23 AM, Daniel Kahan <DanielKahan@smithmoorearchitects.com> wrote:

Ms. Shiverick,

I hope all is well with you. I will be bringing a new project to ARCOM this month and would like to familiarize you with it and get any initial feedback you may have. I understand that with the summer schedule, you may not have time to meet. Below is a link where you can download a condensed set of plans for review. I'm also more than happy to sit down in my office with you, if you would like. Please just let me know. Also below, is a brief summary of the project. Thank you for your time.

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To: Dan Floersheimer
Subject: RE: ARCOM Ex-Parte - 1485 Via Manana

On Jul 17, 2019, at 9:24 AM, Daniel Kahan <DanielKahan@smithmoorearchitects.com> wrote:

Mr. Floersheimer,

I hope all is well with you. I will be bringing a new project to ARCOM this month and would like to familiarize you with it and get any initial feedback you may have. I understand that with the summer schedule, you may not have time to meet. Below is a link where you can download a condensed set of plans for review. I'm also more than happy to sit down in my office with you, if you would like. Please just let me know. Also below, is a brief summary of the project. Thank you for your time.

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Dan Floersheimer
dan.floersheimer@icloud.com
203-542-5415

Dan Floersheimer
dan.floersheimer@icloud.com
203-542-5415

From: Daniel Kahan <DanielKahan@smithmoorearchitects.com>
Sent: Wednesday, July 17, 2019 9:29 AM
To: Garrison, Robert N.
Subject: ARCOM Ex-Parte - 1485 Via Manana

Mr. Garrison,

I hope all is well with you. I will be bringing a new project to ARCOM this month and would like to familiarize you with it and get any initial feedback you may have. I understand that with the summer schedule, you may not have time to meet. Below is a link where you can download a condensed set of plans for review. I'm also more than happy to sit down in my office with you, if you would like. Please just let me know. Also below, is a brief summary of the project. Thank you for your time.

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<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 TOWN OF PALM BEACH</p> <p>12 ARCHITECTURAL REVIEW COMMISSION</p> <p>13 JULY 24, 2019</p> <p>14 AGENDA ITEM: B-027-2019</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Transcribed by Louanne Rawls</p> <p>24 Notary Public, State of Florida</p> <p>25 West Palm Beach Office #J4407128</p>	<p>1 RECORDED PROCEEDINGS</p> <p>2 - - -</p> <p>3 CHAIRMAN SMALL: The next item of business is B-027-2019.</p> <p>4 Demolition new construction. The address is 1485 Via Manana.</p> <p>5 The applicant is Jason and Josphine Kalisman. Professional</p> <p>6 is Daniel Kahan from Smith and Moore. The project description:</p> <p>7 The demolition of the existing residence. New two-story</p> <p>8 residence which will serve as a guesthouse and pavilion for the</p> <p>9 main house at 1480 North Ocean Boulevard, final landscape and</p> <p>10 hardscape.</p> <p>11 Call for disclosure of ex-parte communication at this time.</p> <p>12 Mr. Zukov?</p> <p>13 COMMISSIONER ZUKOV: I met with the neighbor onsite and</p> <p>14 reviewed the project, and I discussed with the neighbor a couple</p> <p>15 of times the project. And I also met with the architect a couple</p> <p>16 of times and we discussed the project.</p> <p>17 CHAIRMAN SMALL: And could you --</p> <p>18 COMMISSIONER ZUKOV: And I reviewed the plans.</p> <p>19 CHAIRMAN SMALL: -- disclose for the record the name of the</p> <p>20 neighbor, please?</p> <p>21 COMMISSIONER ZUKOV: Julie Araskog.</p> <p>22 CHAIRMAN SMALL: Good. Thank you so much.</p> <p>23 Mr. Garrison?</p> <p>24 COMMISSIONER GARRISON: I had the same thing. I had a</p> <p>25 conversation with Julie twice. I also talked to Daniel and I</p>
Page 2	Page 4
<p>1 IN ATTENDANCE:</p> <p>2</p> <p>3 MICHAEL SMALL, VICE CHAIRMAN</p> <p>4 ROBERT GARRISON, MEMBER</p> <p>5 ALEXANDER IVES, MEMBER</p> <p>6 MAISIE GRACE, MEMBER</p> <p>7 NIKITA ZUKOV, MEMBER</p> <p>8 BETSY SHIVERICK, ALTERNATE MEMBER</p> <p>9 DAN FLOERSHEIMER, ALTERNATE MEMBER</p> <p>10</p> <p>11</p> <p>12 ALSO PRESENT:</p> <p>13</p> <p>14 JOSH MARTIN, DIRECTOR OF PLANNING, ZONING AND BUILDING</p> <p>15 KELLY CHURNEY, SECRETARY TO THE ARCHITECTURAL REVIEW COMMISSION</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 reviewed the plans and drove by the site.</p> <p>2 CHAIRMAN SMALL: I visited the site and neighboring</p> <p>3 properties, at least twice, reviewed the mini set, exchanged</p> <p>4 emails with the architect, received a call from the neighbor,</p> <p>5 Julie Araskog, received a letter from the Town authored by the</p> <p>6 neighbor, Julie Araskog. I think that's it for me.</p> <p>7 COMMISSIONER IVES: I met with the architect and reviewed</p> <p>8 the plans and I received a phone call from the neighbor, Julie</p> <p>9 Araskog. I did not -- was not -- it didn't, necessarily, need me</p> <p>10 to return the phone call, but I also did not speak to her in</p> <p>11 person and return the call.</p> <p>12 And then I also received what the Town had forwarded to us</p> <p>13 an extensive email from Mrs. Araskog laying out her concerns</p> <p>14 regarding the project.</p> <p>15 COMMISSIONER GRACE: I visited the site, I reviewed the</p> <p>16 plans and met with the architect in his office. And I had two</p> <p>17 conversations with Ms. Araskog.</p> <p>18 COMMISSIONER SHIVERICK: I received an email from the</p> <p>19 architect and read his explanation of the project. And I</p> <p>20 received a phone call from Ms. Araskog and I urged her to write</p> <p>21 a letter to all of us so we could all be on the same page with</p> <p>22 all the details, and I read the letter. That's it.</p> <p>23 COMMISSIONER FLOERSHEIMER: I looked at the mini set. I</p> <p>24 visited the Kalisman's property on North County. I walked the</p> <p>25 property in question. I had a phone conversation with Julie. I</p>

<p style="text-align: right;">Page 5</p> <p>1 had a subsequent face-to-face meeting with Julie at her 2 property. I had conversations with Daniel, asked him for 3 additional renderings of the east façade of the property, which 4 he provided. And I had a phone conversation with Ms. Kalisman. 5 CHAIRMAN SMALL: Yeah, go ahead. Go ahead. And then I have 6 something to say, in advance. 7 COMMISSIONER FLOERSHEIMER: And I read Julie's letter. 8 Sorry. 9 COMMISSIONER IVES: Mr. Ives. I'm amending my ex-parte. I 10 forgot. 11 I also received a text message from Attorney Maura Ziska, 12 which did not specifically reference this project. I'm assuming 13 it did because it was in reference to -- towards the concept of 14 private agreements between neighboring homeowners are not, 15 necessarily, a concern of the Architectural Review Commission. 16 That's all. Thank you. 17 CHAIRMAN SMALL: Thank you. All right. 18 We have received an additional presentation from Mr. Kahan 19 immediately prior to the meeting. As a result, an issue arises 20 as to whether we can proceed and consider that information. And 21 there's a sub-issue, and that is we really have two issues 22 presented to us today. One is the demolition and one, of course, 23 is the architecture and landscape. 24 So my question to you, Mr. Martin, is can we proceed with 25 the demolition and not the architecture and landscape, and then</p>	<p style="text-align: right;">Page 7</p> <p>1 CHAIRMAN SMALL: It does. And now let me refer to -- 2 MR. KAHAN: Can I -- 3 CHAIRMAN SMALL: -- the applicant to see if under those 4 guidelines the applicant wants to defer the matter in its 5 entirety or does the applicant wish to proceed just with the 6 demolition and not with the other? 7 MR. KAHAN: No, I would, actually -- Daniel Kahan, for the 8 record, Smith and Moore Architects. I'd like to make two -- two 9 statements. One -- I'll answer your question in a second. 10 The other general comment is that in that ordinance that Mr. 11 Martin read, it refers to minor changes that can be presented 12 and approved at the meeting. I don't know exactly what that 13 means. 14 I will tell you that the site plan and floor plan, footprint 15 of the house, height of the house, none of that has changed at 16 all from the -- the presentation that was submitted to the Town 17 at the appropriate time, nine days ago, and that the only 18 change, at the request of ARCOM members who we meet with 19 routinely in the week before the meeting, as well as some 20 comments from the neighbor, which you are all aware of through 21 your meetings and the letter, we have tried to address those 22 comments to be, you know, considerate of the feedback we've 23 gotten, and those are the only changes that are being presented 24 which are, to be brief, the addition of three windows on the 25 second floor, which was, essentially, requested by -- by the</p>
<p style="text-align: right;">Page 6</p> <p>1 defer on the architecture and landscape until next meeting 2 because of the presentation of this additional material today or 3 are we required to defer the entire map? 4 MR. MARTIN: So let me just read a couple of things into the 5 record, in terms of Section 18.201, regarding preliminary sketch 6 site plan and final plan. 7 In Section B it states that the final plot plan shall 8 conform to Section 18.207, which has to do with application 9 requirements. Plan revisions, if made, shall be submitted to the 10 Town no later than noon nine days prior to the Architectural 11 Commission Meeting at which they will be considered. Only minor 12 changes from those submitted may be presented and considered at 13 the meeting. Work not thus presented may be rejected by the 14 Planning, Zoning and Building Department Director or his or her 15 designee. 16 So my -- my reading on this is that I think what you can 17 vote on today has to do with the original submittal that's in 18 the packet and the demolition application as presented and 19 noticed herein, right? 20 I think that, in terms of the additional plan set that was 21 handed out today, my recommendation would be that could not be 22 voted on today and would need to be deferred to the next meeting 23 so we could properly notice the plan revisions of the -- of the 24 set. 25 So does that help answer the question?</p>	<p style="text-align: right;">Page 8</p> <p>1 neighbor and through comments from Commissioners, and the change 2 in the function of the front door, sliding to a swing door. 3 I don't know if that nullifies what it is that we're 4 presenting, I'll let you determine that. Either way, I would 5 like to present the demolition and also present the project in 6 the hopes of getting feedback and, hopefully, an approval if you 7 deem those changes minor enough to approve. 8 MS. ARASKOG: And I would like to speak on this. 9 CHAIRMAN SMALL: Half a second Mr. -- well, you go ahead, -- 10 MS. ARASKOG: No, go ahead, Michael. 11 CHAIRMAN SMALL: -- please, and then I'll take up what Mr. 12 Ives' comments are. 13 MS. ARASKOG: Julie Araskog, 1490 Via Manana. And I remind 14 you, which I said in the letter, I come here as a resident, not 15 as a Town Councilmember. 16 I brought this issue up and I was involved with the change 17 in the ordinance and -- before I was on Council, and it was very 18 clear that if you were changing a façade, windows, doors, that 19 was not minor. If you were changing maybe the glass out or you 20 were changing some of the landscaping, maybe that could be 21 looked at, but this ent -- east façade has changed 22 substantially. 23 And I want you also to know that I met with the owners. I 24 called them four weeks ago and asked if we could please meet. We 25 had a phone conversation. They said they would make changes,</p>

<p style="text-align: right;">Page 9</p> <p>1 there would be a way for us to find a compromise. Never heard 2 back. 3 I also spoke to Mr. Zukov, who did call Dan, told him the 4 things that were -- that could help to come to a compromise. 5 That was weeks ago. 6 And now today, to have this presented, this house -- I look 7 -- I have four rooms that look right at this and the ordinance 8 was created and changed that Monday at noon so that neighbors 9 would not have these kind of things happen. It used to be that 10 it had to be the Thursday before and we changed it so that 11 things wouldn't be done on the fly. 12 I tried to work with these neighbors, and I'm really trying 13 to tell you that. I called them. I like them. I -- I -- I have 14 done everything in my power. But then to have this come the day 15 before and have them say it's a result of my email and you, I 16 just think it has to be deferred and not voted on, at least for 17 the changes. 18 I don't mind if you go over the -- I don't have a problem 19 with what was already submitted, but this is not a minor change. 20 If you look at the intent of the ordinance and what was going 21 on, this is not minor, and this was the thing that will affect 22 me and my property most on this cul-de-sac for however long I 23 live there, which I plan to be there forever. 24 CHAIRMAN SMALL: I agree with the procedure point that 25 you've raised. I have no discomfort with moving forward with the</p>	<p style="text-align: right;">Page 11</p> <p>1 COMMISSIONER FLOERSHEIMER: I think Mr. Ives' comments were 2 very thoughtful and I agree with him. I think the architecture 3 has not changed. Three -- three holes in a -- in a south facing 4 wall that become windows is considered minor. 5 CHAIRMAN SMALL: Okay. Mr. Garrison? 6 COMMISSIONER GARRISON: My problem is that I think that both 7 sides have an argument. What I don't want to do is sit here and 8 listen to this whole thing today, approve, not approve, get it 9 approved and then come back two months from now or months from 10 now because there's an appeal because it didn't meet the 11 ordinance, or whatever and whatever. 12 I'm -- I'm all in for just hearing the demolition, doing it, 13 come back next month and do the other thing so we don't -- we're 14 going to hear it twice anyhow no matter what we do, so we might 15 as well just do it once and be done with it. 16 CHAIRMAN SMALL: Mr. Zukov? 17 Thank you, Mr. Garrison. 18 COMMISSIONER ZUKOV: I like that. Let's do the demolition 19 and let's do the architecture next month. 20 CHAIRMAN SMALL: Okay. 21 Ms. Grace? 22 COMMISSIONER ZUKOV: It's amazing two architects agree. 23 COMMISSIONER GRACE: I mean, this is more for a general 24 comment, like, I guess, for talking among ARCOM members, but 25 that has been an issue that arises in my mind sometimes when we</p>
<p style="text-align: right;">Page 10</p> <p>1 demolition. I think that it would be a waste of time to try to 2 consider something that is no longer being proposed, evidently, 3 because of these changes that are significant and, therefore, 4 not move ahead with the architecture and landscape. 5 MALE SPEAKER: May I? 6 CHAIRMAN SMALL: But I would like to hear from my other 7 Commission. 8 COMMISSIONER IVES: Thank you. Thank you for your comments, 9 Mr. Chairman. Thank you for your comments, Ms. Araskog and Mr. 10 Kahan. I take them all and I -- they're all well-reasoned. But I 11 do break with the Chairman on this. 12 We have commonly had things like this over my eight, I think 13 almost nine years on this Commission, come in and have these 14 changes and considered them at this point. 15 I also would pause it, as Mr. Kahan has, that these changes 16 are, on definition, minor. I believe if this came in as an 17 existing house and we said I'd like to change the door and put a 18 few windows on there, it would be a minor project. 19 So in terms of due process and fairness to both Ms. Araskog, 20 that you will -- she has seen this, she has her opportunity 21 today to speak in opposition to it in any way, but also to the 22 applicant, both taxpayers, I see the due process end of this 23 leaning more towards the applicant and us hearing this today. 24 CHAIRMAN SMALL: Thank you. 25 Mr. Floersheimer?</p>	<p style="text-align: right;">Page 12</p> <p>1 do get these plans at the last minute, even if there's no 2 neighbor around. Sometimes I wonder about would there be a 3 neighbor around if they had seen something that was recently 4 submitted. So it is -- that is an open question for me. 5 I mean, I'm happy to provide feedback, but I'm also happy to 6 go forward and just see and just consider the demolition. I do 7 think that the -- I mean the changes do make a difference. I 8 don't know if I'd say that they're major or minor that could 9 affect my ultimate outcome on the vote, I guess. 10 CHAIRMAN SMALL: Thank you, Ms. Grace. 11 Mr. Floersheimer: 12 COMMISSIONER FLOERSHEIMER: Yes. I wanted to add another 13 comment that I think it would be beneficial for all parties that 14 Ms. Araskog is here now to see whether these changes address 15 many of her concerns or if they don't, then the architect has an 16 option to make further changes for next month so that the 17 process moves forward. 18 MS. ARASKOG: May I speak to that, as a lawyer? 19 Legally, these plans are not allowed. I don't know how long 20 they've had them. I called the owner several days ago and no one 21 sent them to me. They could have. 22 Has anyone else on ARCOM seen these plans? I would like to 23 ask that. 24 Did anyone see these plans? 25 COMMISSIONER GRACE: I met with the architect yesterday</p>

<p style="text-align: right;">Page 13</p> <p>1 afternoon. I'm not sure if they're identical, but they're</p> <p>2 certainly similar to something I saw.</p> <p>3 MS. ARASKOG: So they could have sent them to me yesterday.</p> <p>4 CHAIRMAN SMALL: Thank you.</p> <p>5 Here's what we're going to do.</p> <p>6 MS. ARASKOG: And may I just --</p> <p>7 CHAIRMAN SMALL: If anybody objects, just let me know. No,</p> <p>8 no, no, we're going to --</p> <p>9 MS. ARASKOG: I'd like to make an objection.</p> <p>10 CHAIRMAN SMALL: Thank you.</p> <p>11 MS. ARASKOG: Okay.</p> <p>12 CHAIRMAN SMALL: You're objection is noted. Okay.</p> <p>13 First, is there anyone on the Commission who objects to</p> <p>14 proceeding with the demolition?</p> <p>15 COMMISSIONER ZUKOV: No.</p> <p>16 CHAIRMAN SMALL: Okay. So we'll do the demolition.</p> <p>17 Next, is it the preference of the majority of the Commission</p> <p>18 Members to listen to the presentation on the architecture and</p> <p>19 landscape without making a decision, in other words informal?</p> <p>20 MR. KAHAN: To what -- to what -- to what point?</p> <p>21 CHAIRMAN SMALL: To listen -- to listen to the proposed</p> <p>22 changes. Do you give them an opportunity to make the</p> <p>23 presentation without voting because of the procedural defect?</p> <p>24 COMMISSIONER FLOERSHEIMER: I would agree to that.</p> <p>25 (BACKGROUND QUESTION BEING POSED BY UNKNOWN INDIVIDUAL)</p>	<p style="text-align: right;">Page 15</p> <p>1 Commissioners said that they were in favor of the changes, that</p> <p>2 I'm not okay with. I think a straight presentation is fine, but</p> <p>3 we all need time to talk, we all need time to look. Many of you</p> <p>4 are just seeing it now.</p> <p>5 So I would prefer that at least that part be kept out,</p> <p>6 legally.</p> <p>7 CHAIRMAN SMALL: Thank you.</p> <p>8 Go ahead and proceed, Mr. Kahan.</p> <p>9 MR. KAHAN: Thank you.</p> <p>10 I'd also just like to say, to correct the record, that we</p> <p>11 did have a meeting with Julie once.</p> <p>12 CHAIRMAN SMALL: As to the demolition, please.</p> <p>13 MR. KAHAN: Okay.</p> <p>14 CHAIRMAN SMALL: In particular, the landscaping.</p> <p>15 MR. KAHAN: So I have a demolition report and there are</p> <p>16 photos in your -- in your presentation. I'm happy to read it</p> <p>17 into the record if you feel it's necessary or not.</p> <p>18 The landscaping, our intention is to maintain as much of the</p> <p>19 perimeter landscaping as possible, particularly on the south</p> <p>20 side along the curve of the cul-de-sac. We're going to try and</p> <p>21 retain that but where it's not possible, we have a construction</p> <p>22 screening plan that calls for a construction fence per practical</p> <p>23 (phonetic) detail and codes these days.</p> <p>24 CHAIRMAN SMALL: Thank you.</p> <p>25 Is it the agreement, also, of the applicant to dedicate or</p>
<p style="text-align: right;">Page 14</p> <p>1 COMMISSIONER FLOERSHEIMER: Yes. Absolutely.</p> <p>2 CHAIRMAN SMALL: Yes. Sure. Absolutely. Right.</p> <p>3 MS. ARASKOG: And I'd agree to that.</p> <p>4 CHAIRMAN SMALL: Okay.</p> <p>5 MS. ARASKOG: I'm fine with that.</p> <p>6 CHAIRMAN SMALL: Okay. Everybody good with that? Okay. Good.</p> <p>7 MS. ARASKOG: Thank you.</p> <p>8 MR. KAHAN: So Daniel, do you agree with them to</p> <p>9 proceed?</p> <p>10 CHAIRMAN SMALL: We're at --</p> <p>11 MR. KAHAN: I do.</p> <p>12 CHAIRMAN SMALL: Mr. Kahan, if you object to that, please</p> <p>13 note it for the record. Otherwise, we're going to proceed that</p> <p>14 way because that is the feeling of the Commission.</p> <p>15 MR. KAHAN: Sure. And I would say I'm okay with that.</p> <p>16 I would also say that the presentation that you see on your</p> <p>17 screen was submitted legally, and so I will reference some of</p> <p>18 these changes that we're proposing but I know through discussion</p> <p>19 with some of the Commissioners that they are okay with it.</p> <p>20 CHAIRMAN SMALL: So if you'll go ahead, then, and address</p> <p>21 the demolition, be brief, and we'll move forward.</p> <p>22 MR. KAHAN: Okay.</p> <p>23 MS. ARASKOG: I'd like to address what the gentleman just</p> <p>24 said. I'm sorry.</p> <p>25 He said he's going to be talking about comments the</p>	<p style="text-align: right;">Page 16</p> <p>1 agree to dedicate an easement for undergrounding as requested?</p> <p>2 MR. KAHAN: Yes.</p> <p>3 CHAIRMAN SMALL: Thank you.</p> <p>4 Go ahead and proceed.</p> <p>5 MR. KAHAN: Did you want to move on the demolition or do you</p> <p>6 want me --</p> <p>7 CHAIRMAN SMALL: Obviously, just the demolition landscaping,</p> <p>8 what you're preserving.</p> <p>9 MR. KAHAN: Just the landscaping along the south side. Let</p> <p>10 me see if I can find that -- it shows it here.</p> <p>11 This is the landscaping. This plan doesn't show the</p> <p>12 screening but there is a plan that has been submitted that shows</p> <p>13 the screening. The landscaping along the southside is going to</p> <p>14 remain. We will try and preserve as much of the other perimeter</p> <p>15 landscaping as possible. Through demolition it just gets a</p> <p>16 little tricky with getting access through the cul-de-sac.</p> <p>17 COMMISSIONER GRACE: I don't understand. Are you saying</p> <p>18 there's not a landscape plan for demolition with what you're</p> <p>19 saving?</p> <p>20 MR. KAHAN: There is. It was shown there on the screen. It's</p> <p>21 just the south -- south perimeter landscaping is what we are</p> <p>22 guaranteed to retain.</p> <p>23 COMMISSIONER GRACE: So on the -- in -- that's the west side</p> <p>24 won't be maintained?</p> <p>25 MR. KAHAN: I don't think we're going to be able to save it</p>

<p style="text-align: right;">Page 17</p> <p>1 because getting trucks and equipment into the property for 2 demolition through the cul-de-sac may be difficult and we may 3 damage the other -- the landscaping and the landscape island 4 that's there, and other property owner's landscaping and we 5 don't want to do that. 6 COMMISSIONER GRACE: So it does have screening all around? 7 MR. KAHAN: That's correct. 8 CHAIRMAN SMALL: So if I understand you, then the access for 9 demolition purposes will come in through Via Manana or through 10 Manana Lane? 11 MR. KAHAN: My -- my assumption is it will come off of 12 Manana Lane so about the corner there. 13 CHAIRMAN SMALL: That will be the south? 14 MR. KAHAN: That's correct. 15 CHAIRMAN SMALL: All right. 16 Are there any questions from the Commissioners with respect 17 to the demolition? 18 COMMISSIONER FLOERSHEIMER: Just one on the easement. All 19 the undergrounding has been done on the north end, the poles 20 have been removed, it's a moot point. 21 MALE SPEAKER: Well said. 22 CHAIRMAN SMALL: Thank you. 23 Ms. Araskog? 24 MS. ARASKOG: Yes. 25 In talking to David Levitt, we want to make sure -- we have</p>	<p style="text-align: right;">Page 19</p> <p>1 three -- they can do three cars in there. 2 And again, the landscape screening all around. 3 CHAIRMAN SMALL: At what height? 4 MS. ARASKOG: I'd like -- 5 CHAIRMAN SMALL: Of the screening. 6 MS. ARASKOG: I'm talking about the big black ones, you 7 know, so it doesn't come into our cul-de-sac, to the trees -- 8 CHAIRMAN SMALL: Ten feet. 9 MS. ARASKOG: -- and to the -- yes, please. 10 CHAIRMAN SMALL: Okay. 11 MS. ARASKOG: Thank you. 12 CHAIRMAN SMALL: All right. Any other Commissioners have any 13 comments with respect to the demolition? I show Mr. Ives. 14 Is it as to the demolition? 15 COMMISSIONER IVES: Well, let me first ask Mr. Kahan, are 16 you okay with the things that the neighbor has asked for you? 17 MR. KAHAN: Yes, we're fine accessing the property via 18 Manana Lane and with the requirement of the 10 foot screen. 19 COMMISSIONER IVES: That's good. So I'll move -- 20 CHAIRMAN SMALL: Wait, wait, wait. 21 COMMISSIONER IVES: I'm sorry. 22 CHAIRMAN SMALL: We've got some other people who want to 23 speak. 24 Mr. Zukov? 25 COMMISSIONER ZUKOV: I just wanted to make sure the existing</p>
<p style="text-align: right;">Page 18</p> <p>1 a very beautiful tree when you enter. It's very hard to get 2 trucks around. Big trucks are going to have a terrible problem. 3 So we did talk, I guess, a month ago when we met. They had 4 said that they would do the access through Manana Lane to not 5 damage. 6 We have two different trees, you've all -- I think most of 7 you have walked it, that are very much a part of our cul-de-sac, 8 and you can't get big trucks by it. So that's number one. 9 And number two is high screening. Because, of course, you 10 know, the cul-de-sac is set up where, certainly, my house and 11 David, in his office, looks straight at this. So to make sure 12 that -- we were hoping they'd leave the landscaping until a 13 certain point. If they're going in from Manana Lane they could 14 leave certain landscaping up to screen unless they're putting a 15 house in. 16 Again, I want to repeat, that I've been trying to meet with 17 them for three and a half weeks and have not gotten. I wanted to 18 discuss this with Daniel and the neighbor but I have not heard 19 back. So I'd like -- 20 CHAIRMAN SMALL: Are there any other conditions that you're 21 asking for? 22 MS. ARASKOG: No big trucks on the cul-de-sac is the -- is 23 the biggest issue. Anything that could damage the trees and 24 parking on the lot, obviously, we have very little parking, for 25 the -- for the trucks. I'm not talking about, you know, they get</p>	<p style="text-align: right;">Page 20</p> <p>1 driveway into the existing house would demolish. Everything 2 could be moved through that driveway, right? 3 MR. KAHAN: Yes. I think once we look at the logistics of it 4 all, that's probably where the access point will happen. 5 COMMISSIONER ZUKOV: Right. So you have -- 6 MR. KAHAN: The landscape -- 7 COMMISSIONER ZUKOV: You -- 8 MR. KAHAN: The landscape that is proposed -- 9 COMMISSIONER ZUKOV: Easy access -- 10 MR. KAHAN: -- to remain is east -- 11 COMMISSIONER ZUKOV: -- without having to go into the 12 cul-de-sac at all? 13 MR. KAHAN: That's correct. 14 COMMISSIONER ZUKOV: All right 15 CHAIRMAN SMALL: Okay. So, Mr. Ives, the floor is open to 16 make a motion. 17 COMMISSIONER IVES: I'm happy to make a motion to approve 18 the demolition as presented with the things that were thrown in 19 there by Mr. (sic) Araskog and agreed to by Mr. Kahan. 20 CHAIRMAN SMALL: Okay. That includes the screening at 10 21 feet, the black screening. That includes no access from the 22 cul-de-sac. That includes protecting the trees. Okay? 23 MR. KAHAN: That -- yes. 24 MS. ARASKOG: And I thought some landscaping, keeping some 25 of the landscaping with the screening.</p>

<p style="text-align: right;">Page 21</p> <p>1 CHAIRMAN SMALL: Well, okay. We -- we have that in the 2 record. Okay. 3 Mr. Zukov has seconded that motion. All those in favor 4 signify by saying aye. 5 COMMISSION MEMBERS: Aye. 6 CHAIRMAN SMALL: Any opposed to the motion? The motion 7 passes. Okay. 8 The floor is open now, Mr. Kahan, for you to make any 9 presentation that you wish with respect to the landscaping and 10 architecture to return next month, if that's your preference, or 11 consideration -- 12 MR. KAHAN: Thank you. I have a question just on that. 13 If I were to not present any of the changes that I brought 14 today and just used the presentation that's been submitted, is 15 that something that we could consider? 16 CHAIRMAN SMALL: Yeah. 17 MALE SPEAKER: Yeah. 18 CHAIRMAN SMALL: Sure. 19 MR. KAHAN: Okay. Thank you. 20 CHAIRMAN SMALL: So this would be as to the merits of what 21 you previously presented? 22 MR. KAHAN: That's right. 23 CHAIRMAN SMALL: Correct. Is that your wish? 24 MR. KAHAN: Yes. 25 CHAIRMAN SMALL: Okay. Proceed.</p>	<p style="text-align: right;">Page 23</p> <p>1 CHAIRMAN SMALL: Let's not waste any further time. 2 MR. KAHAN: Just say the changes that we've made are minor 3 and don't change our design intent. And I feel that our 4 intention in the design is still intact with the presentation 5 that I've submitted and would like to show -- show it that way. 6 Okay. 7 So for the record, I'm here again representing Jason and 8 Josephine Kalisman who, as we all know, own 1485 Via Manana and 9 also 1480 South Ocean -- sorry, North Ocean Boulevard which is 10 directly to the east. 11 They purchased this with the intention of building a 12 guesthouse, something that would interface with their pool and 13 their garden, allow for potential guests, the use of their 14 children and to be a continuation of the architectural statement 15 that their current modern house makes that is there. 16 The idea was to uni -- well, to connect the two properties 17 in style and in use, essentially, but also to understand -- I 18 lost my -- to understand that it is a standalone property that 19 interfaces the cul-de-sac of Via Manana which we -- we took 20 seriously in the way that we designed it. 21 There -- I would say you can see here the idea of this entry 22 and, sort of, I believe one of the difficulties in designing on 23 the cul-de-sac is that -- and you can see in the photos of the 24 existing properties it is a pretty tight cul-de-sac and so the 25 -- inherently, the front façade of each one of the houses that</p>
<p style="text-align: right;">Page 22</p> <p>1 MR. KAHAN: Thank you. 2 CHAIRMAN SMALL: So we can vote. 3 MR. MARTIN: Just for the record, no change -- none of the 4 changes were handed out today. 5 MR. KAHAN: Correct. I won't -- I won't present any of the 6 changes that were handed out. I won't use those. 7 MR. KAHAN: Sorry. I need to qualify something. 8 I thought, Mr. Chairman, that the presentation -- we were 9 going to give Daniel free reign to present whatever he wanted 10 because we weren't -- 11 CHAIRMAN SMALL: Correct. 12 MR. KAHAN: -- going to vote on it. 13 CHAIRMAN SMALL: Right. 14 MR. KAHAN: He can discuss whatever he likes to discuss, 15 with windows, without windows, option B, because there is 16 no vote. 17 CHAIRMAN SMALL: Right. But then he said to us I'm 18 withdrawing those changes for your consideration today because 19 you just said that that is technically deficient. Therefore, we 20 can proceed as presented. 21 MR. IVES: It makes the complaint moot, is what it does, 22 basically. 23 CHAIRMAN SMALL: Right. 24 MR. KAHAN: Yes. I would submit that the -- 25 Thank you for the clarification.</p>	<p style="text-align: right;">Page 24</p> <p>1 is on the cul-de-sac is dominated by a garage and a front door, 2 essentially. 3 I would submit that it's hard to create a proper front to a 4 house on a cul-de-sac when you're -- when you're trying to build 5 a house of a full size on that lot, which the other ones are. 6 We wanted to take advantage of the fact that we have a very 7 limited program. It's a 3,500 square foot building with -- with 8 limited function to allow us not only to pull the garage away 9 from the front so that you're not looking directly at a front 10 loaded garage, which I know we try and do in other places in 11 town, but also create an entry sequence where the front door is 12 pulled away from the edge of the property and you can, actually, 13 enter the property into a motor court style and then move 14 through a procession of, essentially, a pure kind of modern 15 forms that are set against the crisp green and blue sky 16 and enter the building that way. So the idea of utilizing the 17 minimal size of our building to create an actual entry 18 procession into the house. 19 The other thing that I know we'll discuss was the 20 landscaping which we'll see in photographs and renderings. And I 21 know I've discussed it probably with all of you. It was part of 22 the letter that was written. 23 The Kalismans currently have a large Ficus benjamina hedge 24 that runs around their property, both on the east side and the 25 south side. And there's pretty dense planting on the existing</p>

<p style="text-align: right;">Page 25</p> <p>1 property, which we're going to maintain through demolition but</p> <p>2 propose to -- to remove and replace with an extension of that</p> <p>3 hedge statement that wraps the corner of the property into the</p> <p>4 cul-de-sac and ends, essentially, at the same place that our</p> <p>5 neighbor to the west hedge ends.</p> <p>6 If you look an aerial rendering, which I won't show you</p> <p>7 because it was in the revision, you can see that it's,</p> <p>8 essentially, a symmetrical landscape statement to what's</p> <p>9 happening on the west side of the cul-de-sac, creating sort of a</p> <p>10 moment of arrival, and then an expansion into the cul-de-sac</p> <p>11 where all of the properties are more open.</p> <p>12 And something that we have done in meetings and is submitted</p> <p>13 properly is open -- is increase the size of the aperture into</p> <p>14 our property where our driveway is to open it a little bit more</p> <p>15 to the cul-de-sac at the request of some of the neighbors and</p> <p>16 understanding, sort of, the way that they all prefer that the</p> <p>17 cul-de-sac looks.</p> <p>18 Obviously, the other very important function of the building</p> <p>19 is to interface with the main house. So we, sort of, took both</p> <p>20 of those as important cues.</p> <p>21 Looking at the site plan you can see the main house to the</p> <p>22 right, Manana Lane at the bottom, and the cul-de-sac shown upper</p> <p>23 left. So you can see this -- this entry aperture it is all one</p> <p>24 story with the exception of a two-story piece in the center. And</p> <p>25 we're proposing, kind of, green roofs on top of most of the</p>	<p style="text-align: right;">Page 27</p> <p>1 garage and other service functions tucked in the back.</p> <p>2 There's a sculpture elliptical stair that we're creating</p> <p>3 here in the center that will be a viewpoint, kind of, focus from</p> <p>4 all points in the garden and also part of the room and takes you</p> <p>5 to an open space on the second floor that's, essentially, an</p> <p>6 exercise room and gives access to a small rooftop terrace.</p> <p>7 Here you can see from the rooftop terrace and from the</p> <p>8 exercise room why the addition of green roof is nice. It gives</p> <p>9 you something to look at from above, but we also think that in</p> <p>10 the end it makes the building a little bit more efficient and</p> <p>11 also, certainly, a little bit more pleasant to look at.</p> <p>12 Looking into this aperture, this is where we sort of pulled</p> <p>13 pieces of the building back. You can see that it's -- it's a</p> <p>14 little difficult to read in these renderings. One of the reasons</p> <p>15 why we changed a few of the views that we're presenting, but</p> <p>16 I'll present these.</p> <p>17 The idea is that you're looking into a really, really simple</p> <p>18 series of modern forms that step their way up to the primary</p> <p>19 mass of the building, really restrained pallet.</p> <p>20 The existing house that they live in is, essentially, white</p> <p>21 on white and it's something that we wanted to mimic in the style</p> <p>22 of this with use of really, really simple, sort of, reveals in</p> <p>23 places to delineate between, sort of, roof and wall, the</p> <p>24 mimicking of the parapet rail that you see up here, and then</p> <p>25 really allow it all to tone on tone. It's essentially white and</p>
<p style="text-align: right;">Page 26</p> <p>1 one-story elements to allow for a better view from the roof</p> <p>2 terrace that's above, but also we want to look into the idea of</p> <p>3 using some taller plantings on a couple of those roof terraces</p> <p>4 that can, eventually, come above the parapet line or spill over</p> <p>5 so that there is another layer of landscape as you're looking at</p> <p>6 it from the ground, as well.</p> <p>7 The idea is, really, to extend the garden along the</p> <p>8 southside of this garden. On the south side of the building is</p> <p>9 very important as an extension of this for children to play, and</p> <p>10 that's -- and that's one of the reasons that the landscape</p> <p>11 statement is so strong on that south side.</p> <p>12 The building, essentially, functions, as I said, as -- as</p> <p>13 this guesthouse. You enter through this procession. There's --</p> <p>14 there's a little building, then the building steps up. There's a</p> <p>15 little bit of relief in between the two. Then the building steps</p> <p>16 up again and at that point there's an additional point of relief</p> <p>17 with a little courtyard there that interfaces with the kitchen.</p> <p>18 You enter through the front door and, essentially, the main</p> <p>19 function of the house, from that point, is to be an</p> <p>20 indoor-outdoor space, a loggia, essentially, part of which can</p> <p>21 be enclosed by this series of glass doors that all pocket away,</p> <p>22 and part of which is enclosed by a cantilevered overhang that</p> <p>23 goes out and interfaces with the garden.</p> <p>24 There are two small guestrooms that anchor the north end.</p> <p>25 They're pretty simple, simple mass. And then a kitchen and</p>	<p style="text-align: right;">Page 28</p> <p>1 it moves all the way in with the transition of floor material</p> <p>2 from crush coral here to have in cut travertine inside which</p> <p>3 then gives rise to the coral that you have in the backyard.</p> <p>4 Looking at it from this side, you can see the way that the</p> <p>5 building interfaces with the main house. You can see the main</p> <p>6 house rendered here on the right. Here you see the building,</p> <p>7 sort of, from an aerial perspective with the landscaping and the</p> <p>8 way the garden interfaces with it.</p> <p>9 In this view all of the doors are closed. You can see as</p> <p>10 they open and then there's a couple from the ground here where</p> <p>11 you can see the way that once all the doors are pocketed away</p> <p>12 it, essentially, becomes a garden pavilion that interfaces with</p> <p>13 their existing garden.</p> <p>14 And that was the program, really, was to create as much,</p> <p>15 sort of, open space that can be used by their kids and by</p> <p>16 guests, as possible, and interface with the greenery of the</p> <p>17 yard. Everything was intended to be really restrained.</p> <p>18 The landscape pallet is incredibly restrained, as well. As I</p> <p>19 said, it's that continuation of that Ficus hedge. Ours will be</p> <p>20 NITIDA now with the benjaminia band, just interspersed with a</p> <p>21 couple of Royal Palms, a couple of Date Palms, and new native</p> <p>22 planting that's, essentially, the base.</p> <p>23 That really concludes my presentation. I can go into</p> <p>24 landscape in more detail. Perry Guillot, the landscape</p> <p>25 architect isn't able to be here but, as I said, the landscape</p>

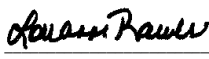
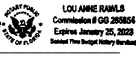
<p style="text-align: right;">Page 29</p> <p>1 plan is relatively simple and I should be able to address it.</p> <p>2 CHAIRMAN SMALL: Okay. I show Ms. Grace.</p> <p>3 COMMISSIONER GRACE: Yeah, thank you.</p> <p>4 So I know we -- we looked at both plans yesterday and I told</p> <p>5 you I really think that the house is very attractive from the</p> <p>6 interior courtyard perspective. And you said -- you said it's</p> <p>7 very important to interface with the main house, and I do think</p> <p>8 it interfaces very well with the main house.</p> <p>9 I guess I have a question about the -- but my problem is</p> <p>10 really with how it looks from the front, from the cul-de-sac.</p> <p>11 It's described as a new guesthouse for the residence. So is that</p> <p>12 a -- do you have unity of title between the two lots?</p> <p>13 MR. KAHAN: We do not. I suppose it could be equally</p> <p>14 described as a new two-bedroom house on that lot. But yeah, we</p> <p>15 do not for a number of reasons. But, no.</p> <p>16 COMMISSIONER GRACE: I mean, I think that for us to consider</p> <p>17 it, because we've had this come up a couple of times around</p> <p>18 town, I know we saw one yesterday on our tour briefly on</p> <p>19 Seabreeze, where we had two houses that were initially proposed,</p> <p>20 like they were the same, they looked the same as each other but</p> <p>21 we made them change it because they didn't have unity of title.</p> <p>22 So I just wonder how you would address that issue in this</p> <p>23 context because you would have to be a freestanding house and,</p> <p>24 you know, meet all the requirements. So that's where for me the</p> <p>25 issue comes in.</p>	<p style="text-align: right;">Page 31</p> <p>1 house I could imagine in Palm Beach that doesn't have any more</p> <p>2 of a formal presence of the front. And I don't -- I know -- I</p> <p>3 liked the other house that you did on Seabreeze. I think that's</p> <p>4 really attractive. You know, I would like to see something</p> <p>5 attractive like that in the front with windows and just a nicer</p> <p>6 entry.</p> <p>7 MR. KAHAN: All right. Can I just comment, quickly, just</p> <p>8 about that?</p> <p>9 CHAIRMAN SMALL: Respond to Ms. Grace?</p> <p>10 MR. KAHAN: Yes. Yeah, just -- just generally about that.</p> <p>11 The -- because of the way the cul-de-sac works and the</p> <p>12 narrowness of that opening, there's really -- and the way our</p> <p>13 program works, sort of, internally, I don't know that it would</p> <p>14 be that different, honestly, if -- if it didn't have the</p> <p>15 interface in the back.</p> <p>16 There's really not much to look at from the front and so had</p> <p>17 I been designing this as something that didn't have the</p> <p>18 interface with this other house I don't believe -- and a style</p> <p>19 like this I would say, also, I don't believe that there would be</p> <p>20 many more aperture, sort of, on that front side only because I</p> <p>21 don't think there's -- there's much to look at there. You're</p> <p>22 bringing in that west light and I think it would be an inward</p> <p>23 facing house by virtue of being on that cul-de-sac.</p> <p>24 CHAIRMAN SMALL: Thank you.</p> <p>25 Mr. Ives?</p>
<p style="text-align: right;">Page 30</p> <p>1 Because when I look at it from that -- from the cul-de-sac</p> <p>2 perspective, I mean, just I don't find it attractive as an</p> <p>3 entrance to a house, if that was like the primary entrance.</p> <p>4 MR. KAHAN: Sure. Just to address the first couple of</p> <p>5 points.</p> <p>6 It is a standalone application. It meets all aspects of the</p> <p>7 zoning code as a standalone single family residence. And I</p> <p>8 suppose you could change the nomenclature on the first page not</p> <p>9 to reference it as a guesthouse. It meets all parts of the code.</p> <p>10 It's a standalone application.</p> <p>11 And as I said, our intention, you may disagree with our</p> <p>12 architecture, but our intention, absolutely, I feel</p> <p>13 successfully, was to design a house that addresses the street in</p> <p>14 a way that we feel appropriate given the narrowness of what a</p> <p>15 frontage on a cul-de-sac is. And, certainly, the context photos</p> <p>16 that are there in your packet, you know, speak to that, as well.</p> <p>17 And then to have it -- have the secondary function in the</p> <p>18 back, it's not necessarily a part of the way it addresses the</p> <p>19 street or -- or the same thing, but we absolutely understood the</p> <p>20 impact and the importance of doing that, so I would just say</p> <p>21 that.</p> <p>22 COMMISSIONER GRACE: Yeah. I think the back interior</p> <p>23 courtyard is very attractive. I like the way it interfaces with</p> <p>24 the house.</p> <p>25 But from the front, I mean, I think it -- it's the only</p>	<p style="text-align: right;">Page 32</p> <p>1 COMMISSIONER IVES: Thank you.</p> <p>2 You know, there's a lot of family living that goes on in</p> <p>3 this town, so to speak, especially traditionally in the north</p> <p>4 end. We don't really have estates up there except on a certain</p> <p>5 section of the oceanside.</p> <p>6 And so the idea that two brothers might live next to each</p> <p>7 other or, you know, children of one, you know, family is common.</p> <p>8 It doesn't mean that they're necessarily completely linked but</p> <p>9 those two properties next to each other have a shared lifestyle,</p> <p>10 if you will. So this concern over whether it's a guesthouse or</p> <p>11 not, certainly there's an architectural link between the two</p> <p>12 buildings but it's not a concern of mine.</p> <p>13 Furthermore, kind of as we were discussing a little bit</p> <p>14 before on the Chilean house, you know, this idea of what we're</p> <p>15 doing when we combine lots, and not that we were doing it there,</p> <p>16 but, I mean, we got going in that conversation about I'd like to</p> <p>17 see less combined lots, to be honest with you.</p> <p>18 To the architecture to the house, to the entrance,</p> <p>19 specifically, I mean, this is a -- it's a cul-de-sac so I feel</p> <p>20 there's kind of a nice European reference to that, the aperture,</p> <p>21 as you said, of the entrance there. And as to the architectural</p> <p>22 style, I think you've executed very nicely.</p> <p>23 I'd even add that it's kind of a tropical modern feel which,</p> <p>24 in a strange way, is an older style than what are most of what I</p> <p>25 would consider post-modern Medrev (phonetic) that surround the</p>

<p style="text-align: right;">Page 33</p> <p>1 area. So you're almost the more traditional of what's going in 2 there, in my mind. 3 But overall, I think it's a very nice job and a nice 4 addition to that area. 5 CHAIRMAN SMALL: Thank you, Mr. Ives. 6 Mr. Garrison? 7 COMMISSIONER GARRISON: It's interesting what my interest 8 was you saying the two houses that we saw yesterday on Seabreeze 9 that are two lots next to each other, they're separate titles. I 10 assumed when I saw this plan and the way the landscape plan was, 11 that this was all one property. 12 So to go back to what we've done in the past, if you -- if 13 these are two separate properties then something on the property 14 line between these two houses has to occur in order for us to 15 keep going from the way we've done in the past where we've 16 separated property lines with hedges or -- or some kind of 17 screening so that in the future if somebody sells this property 18 off, they're not stuck with looking at the neighbor. 19 I think we've established a precedent that if you have two 20 lots adjacent to each other, somehow that property line has to 21 be addressed with landscaping. That's my first comment. 22 My second comment is that from -- I love the house from the 23 courtyard. I think -- from the east side. I think I told you 24 it's a great house. 25 What I don't -- there's no sense of entry, in my opinion,</p>	<p style="text-align: right;">Page 35</p> <p>1 that you get in is oblique. We could hide hedges and create sort 2 of a false perspective but I think that your moment of arrival, 3 assuming that you pull into this driveway, is going to be, sort 4 of, dead on to that front door. 5 By the time you have arrived onto the property, you're not 6 going to see those, sort of, artificially oblique perspectives 7 that I'm showing you and you're going to be looking past the 8 layer on the left, the layer on the right of the garage, and at 9 the front door. And I think that at that point it will be very 10 evident where -- where the entry point is. 11 CHAIRMAN SMALL: Thank you. 12 Ms. Shiverick? 13 COMMISSIONER SHIVERICK: Thank you. 14 I think it's a fantastically successful integration design, 15 you know, with the main house and this new -- it looks like a 16 really fun place and extremely functional for a family. I think 17 it looks really nice. 18 I would ask are the materials of the exterior of this new 19 addition the same? Is it the same stucco? Is it the same color? 20 Is everything the same? 21 MR. KAHAN: Yes. The idea is that the stucco will be the 22 same, the aluminum railings that we're showing -- 23 COMMISSIONER SHIVERICK: Same aluminum -- 24 MR. KAHAN: -- would be the same. 25 COMMISSIONER SHIVERICK: -- railings? Same windows?</p>
<p style="text-align: right;">Page 34</p> <p>1 from the courtyard and that was my concern from the beginning. 2 I'm okay with this style of house, I just don't think you know 3 where the front door is. I think that particular area has to be 4 restudied. 5 But what about this idea that properties are two properties 6 but yet there's no separation on the property line? I mean, if 7 somebody sells this, the people that buy one of these houses is 8 going to say, well, where does my grass end and where does the 9 grass start from before. We don't do that. 10 MR. KAHAN: Sure. At that point, someone would have to put 11 up a hedge. 12 I would say that the Town -- the only thing that the Town 13 will require as this being a separate property is that -- is 14 that it retains its drainage, essentially, that there's some 15 sort of slope away from that property line so that retention 16 meets the Town's code, which it will in this case. There's sort 17 of a swale that happens there and it slopes away from that edge. 18 I did this on Seabreeze, that modern house. The neighbor to 19 the east is the owner's brother, essentially, and we -- we have 20 the drainage, sort of, met but there's no landscape, sort of, 21 separation. So their two backyards communicate without that 22 happening and the Town was fine with that. 23 I would say also just regarding the entry, I would say that 24 the cul-de-sac makes it different for me to present to you a 25 rendering that allows you to see the front door because the view</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. KAHAN: The same windows. It's an anodized aluminum so 2 that will match, as well. 3 The existing hardscape in the backyard of the main house is 4 Florida coquina which you can see there. And then the interior, 5 we plan to use, sort of, a travertine that's very similar so 6 that we don't end up filling all of the beautiful pieces of the 7 coquina but still holds up well to the outside. 8 And then the interior walls, the other sample that I have 9 there is a little bit different but it's, essentially, a 10 Marmorino that -- because the idea is that this building will be 11 open all of the time, we don't want to use traditional, sort of, 12 drywall and paint. And so the idea is to create sort of a living 13 finish in a Marmorino so that it mimics texture of stucco a 14 little bit and as you come in there's really, sort of, that blur 15 between outside and inside. 16 COMMISSIONER SHIVERICK: Okay. I have to say initially when 17 I looked at the new addition, the new house, I thought, you 18 know, that the balconies were really wide and they were overly 19 looming looking, but I think you can't mimic the main house 20 exactly because then it would look like an institutional 21 compound, sort of. 22 MR. KAHAN: It is. And it's -- the main house has some scale 23 to it. It's big and it's tall. 24 COMMISSIONER SHIVERICK: Right. 25 MR. KAHAN: And so --</p>

<p style="text-align: right;">Page 37</p> <p>1 COMMISSIONER SHIVERICK: But I like the fact that there's a 2 slight difference in the -- in the balconies and the openness of 3 the new. 4 Regarding the entry, I would have to say that I understand 5 this minimalist approach of yours and I think it's -- it's 6 sensible to go with that approach given the fact that this is a 7 very modern design. And so I don't have much of a problem with 8 this cul-de-sac entry except you'll hear, I guess, about windows 9 later. 10 MR. KAHAN: Sure. 11 COMMISSIONER SHIVERICK: And I'd be open to that, too. 12 CHAIRMAN SMALL: Thank you. 13 Ms. Grace? 14 COMMISSIONER GRACE: Yeah. Well, I just, as I was listening 15 to Commissioners and thinking about the Seabreeze property where 16 there was one family, like Mr. Ives was saying, about living on 17 the two properties, but in this case, you know, you have this 18 very attractive integration going on but I think maybe it's not 19 appropriate because, I mean, our code talks about whether things 20 are too similar or too dissimilar and now we've got what appears 21 to be two different properties but, obviously, they're extremely 22 similar because the whole thing is intended to be integrated as 23 one. 24 And so I would think, actually, what we would do is 25 something similar to Seabreeze where we had the two houses, you</p>	<p style="text-align: right;">Page 39</p> <p>1 sold off as a separate standalone dwelling. 2 If I'm looking at it that way, then I'm looking at the 3 western façade in a way that would not be acceptable, at least 4 to me, architecturally and I would have greater problems with 5 that. 6 I've lived in the north end within blocks of the property 7 for 48 years. There are many examples of properties that have 8 been combined there. One that immediately comes to my mind is 9 Arabian and North Ocean. But there it's a unity of title. 10 The other one that comes to my mind is one that this 11 Commission approved about a year and a half ago on North Ocean 12 Way at about 1600 where Mr. Tropin combined two oceanfront 13 properties to a very large estate, and they've just completed. 14 That would be something to tour, by the way, some day. And the 15 property immediately to the south interfaces with the one 16 immediately to the north and -- and, you know, it makes sense. 17 The same thing with North Ocean and Via Marila where the 18 Beebe's (phonetic) and we took this up where they combined. 19 Now we had this issue with your partner, Harold Smith, on 20 Ocean Terrace, and we had the same concerns there, whether this 21 basic garage-apartment structure that was supposed to interface 22 with the structure immediately to the east would be acceptable 23 as a standalone. This Commission said no, it would not be. 24 So these are the issues and this is the difficulty that I 25 have. If I knew and was able to rely on a unity of title, I'm</p>
<p style="text-align: right;">Page 38</p> <p>1 know, appear different because we don't want to have things 2 appear the same. Then it makes me realize that I then consider, 3 also, how does the house look on the cul-de-sac, in terms of the 4 code, how does it fit in architecturally. 5 I mean, I know that there are a couple of garage fronts on 6 that cul-de-sac and, you know -- you know, obviously, you 7 wouldn't want to have those if you could avoid it, but there is 8 a certain architectural style. I think they -- I don't know. Do 9 they have barrel tile roofs? They have Mansard roofs, I think, 10 on some of them. 11 And I feel like this one, if it's not connected to the other 12 house then maybe it should fit in more with the cul-de-sac and 13 just have a different look on that rear side than it does on the 14 other. But, of course, that still leaves open the question about 15 -- I don't know. 16 Like I think Mr. Garrison said about the hedge and how you 17 would delineate the property there. So, I don't know. It just 18 raises a lot of questions to me as I think about it being too 19 separate properties. 20 CHAIRMAN SMALL: Thank you, Ms. Grace. 21 The issue that I have is the one that's already been 22 articulated by most of the Commissioners and that is when I look 23 at this am I looking at this as something, quoting you, 24 interfaces with the existing house immediately to the east, or 25 am I looking at this as a standalone house that someday may be</p>	<p style="text-align: right;">Page 40</p> <p>1 not saying to you ever, that you have to have a unity of title, 2 but if I was relying on that I would be looking at it that way 3 as this structure interfacing with the structure immediately to 4 the east. 5 If I look at this as a possible standalone, do I want to see 6 this as a standalone house under separate ownership, and my 7 feeling at this point is no. 8 So anyone to -- in the public wish to address these issues? 9 Ms. Araskog? 10 MS. ARASKOG: Yes. 11 CHAIRMAN SMALL: Not to be repetitive. 12 MS. ARASKOG: Exactly. And what I'd like to do, if you don't 13 mind, is just for housekeeping purposes, to put three things 14 into the record. I can do it at the end but I just want to tell 15 you I'm doing the CCNR's, the pictures and an article. 16 Good morning, everyone. I understand you all read my email 17 so I'm going to try to make this brief, but there are some 18 things that I'd like to add in. 19 First of all, as I said, from the moment I stepped onto our 20 little slice of heaven on that cul-de-sac I fell in love. The 21 symmetry, the charm, the openness, the peaceful nature, 22 landscaping, circular driveway, landscaping to hide the cars, 23 limiting the number of garages on the privately owned cul-de-sac 24 and the views of the cul-de-sac in the majority of my rooms was 25 glorious, charming, open, quaint and Mediterranean. Who could</p>

<p style="text-align: right;">Page 41</p> <p>1 ask for more?</p> <p>2 I've been devastated at the thought of this proposed</p> <p>3 structure and it's affected my jews [corrects self] views and</p> <p>4 the enjoyment of my property each day. I'll be the most affected,</p> <p>5 as I told you in the email, because all of my rooms face it. I</p> <p>6 will see their garage. I will see this house every day from almost</p> <p>7 all of my rooms.</p> <p>8 The reason, by the way, that they made -- that there are</p> <p>9 only two garages on Via Manana, I talked to Pat Seagraves</p> <p>10 yesterday, they wanted all driveways not to come into the</p> <p>11 cul-de-sac. I mean all garages.</p> <p>12 But what happened was there were easements at 1495 and my</p> <p>13 home, 1490, so they had to put the garages there. But they</p> <p>14 specifically put David Levitt's, he's the next door neighbor at</p> <p>15 1480, his is on Lake and so is this particular home. They did</p> <p>16 that to stop congestion and also to not have everyone looking at</p> <p>17 cars all the time.</p> <p>18 And, frankly, what's happening now is the Kalisman park all</p> <p>19 the people who work for them at this home. And the circular</p> <p>20 driveways were done for a reason.</p> <p>21 And I think that one of the things I would say is that the</p> <p>22 proposed home doesn't conform with the ARCOM ordinance in that</p> <p>23 it disrupts the flow, charm, harmony and symmetry of careful</p> <p>24 architectural and site planning for our beautiful enclave.</p> <p>25 This was the vision of the developers and the architects.</p>	<p style="text-align: right;">Page 43</p> <p>1 to the appropriate character of the neighborhood under the ARCOM</p> <p>2 standards.</p> <p>3 The CC&R's require a single family residence on each parcel.</p> <p>4 The Kalisman present home, principle home, is part of that, this</p> <p>5 home is part of that, my home and the two other on the</p> <p>6 cul-de-sac. It specifically says that you cannot have an</p> <p>7 accessory structure.</p> <p>8 This whole development was created to be charming, to not</p> <p>9 have combinations and to make it something that flowed. We all</p> <p>10 have clay barrel tile. We all have circular driveways with</p> <p>11 landscape. We all -- two of us have garages. I believe that the</p> <p>12 garage should still flow out on Manana Lane. There was a big</p> <p>13 reason why they did that. And you even heard, it's hard. There's</p> <p>14 so much congestion within that cul-de-sac every day.</p> <p>15 I also think if you look at all three buildings you see,</p> <p>16 again, they're charming. They're open. When he talked about the</p> <p>17 Ficus hedges, David Levitt, which is the neighbor that</p> <p>18 parallels, he has a tall Ficus hedge that only goes to the end</p> <p>19 of Via Manana, then he has trees, then he has a Ficus hedge.</p> <p>20 So they're saying -- you think of the monolithic path that</p> <p>21 will be made now, when you go with this -- this hedge all the</p> <p>22 way across Via Manana, all the way down Manana Lane and then</p> <p>23 again to the left.</p> <p>24 I think my biggest problem is I love this house if it</p> <p>25 weren't on our cul-de-sac. I think you've done a beautiful job.</p>
<p style="text-align: right;">Page 42</p> <p>1 They wanted to have tile clay roofs. They wanted to have -- all</p> <p>2 of them to have circular driveways.</p> <p>3 By the way, 1495 had a tall hedge that hit all the cars and</p> <p>4 they took it out so now it's just grass. So they end up with</p> <p>5 five cars, because they can't fit any cars in their garage and</p> <p>6 they've changed their garage so now all their cars sit in their</p> <p>7 driveway.</p> <p>8 This driveway, they're saying it's an accessory structure.</p> <p>9 They're saying that it flows with that home. But my feeling is</p> <p>10 it breaks the charm.</p> <p>11 And I will just say I believe that it breaks Section</p> <p>12 18-146(a)(1), (3), (4), (6), (8) and (9). It's not in harmony</p> <p>13 with the character of the neighborhood and, in general, it does</p> <p>14 not contribute to the image of the Town as a place of beauty,</p> <p>15 spaciousness, balance, taste, fitness, charm and high quality</p> <p>16 and is excessively dissimilar in architecture compatibility from</p> <p>17 any home within 200 feet.</p> <p>18 This proposed development is not appropriate in relation to</p> <p>19 the established character of other structures in the immediate</p> <p>20 area and neighborhood and resembles a white pump station in its</p> <p>21 present form on our charming unique cul-de-sac.</p> <p>22 And I'd also like to say that while I know it's not within</p> <p>23 ARCOM's jurisdiction to legally enforce covenants and</p> <p>24 restrictions, those architectural and landscape restrictions</p> <p>25 still should be considered to inform ARCOM and give guidance as</p>	<p style="text-align: right;">Page 44</p> <p>1 If I had this facing the cul-de-sac I would say go to it. It's</p> <p>2 beautiful.</p> <p>3 But on our side, we have no windows, no door. It doesn't</p> <p>4 match any of the homes. It is not a fit. It is out of harmony</p> <p>5 with the neighborhood. And I just hope that we -- and that's why</p> <p>6 I tried to meet. And Daniel, I know you were out of town. I was</p> <p>7 out of town, but I tried to --</p> <p>8 CHAIRMAN SMALL: Ms. Araskog, you had four minutes already.</p> <p>9 MS. ARASKOG: Oh, I'm so sorry.</p> <p>10 CHAIRMAN SMALL: Yeah.</p> <p>11 MS. ARASKOG: I tried really hard to get us there.</p> <p>12 The last thing I want you to know, Manana Lane and our</p> <p>13 street all have circular driveways for a reason. It sort of sets</p> <p>14 a tone, so I'd like you to look at that.</p> <p>15 I ask that you defer this, as far as any decision goes, so</p> <p>16 that we can work more to find a compromise. And again, it does</p> <p>17 not have unity of title and I believe that frontage is on -- on</p> <p>18 our cul-de-sac and should be representative of a home that's</p> <p>19 beautiful there.</p> <p>20 CHAIRMAN SMALL: Thank you very much.</p> <p>21 Anyone else for the public, on the record?</p> <p>22 Okay. Floor is open.</p> <p>23 Mr. Ives?</p> <p>24 COMMISSIONER IVES: I just -- I'm sorry. I have to say to</p> <p>25 call something a pump station is a pretty rough criticism and I</p>

<p style="text-align: right;">Page 45</p> <p>1 would go further to say that I can't -- I mean, to have a house</p> <p>2 that is being argued over being too similar but also too</p> <p>3 dissimilar at the same time is a paradox that like breaks the</p> <p>4 spacetime continuum in my mind here. I don't know how we can</p> <p>5 argue both of those things at the same time.</p> <p>6 I respect the arguments of my Commission Members about, you</p> <p>7 know, this relating to the other house and it not -- and this</p> <p>8 idea of a unity title or not, but I would ask that we take a</p> <p>9 moment to look at A, triple zero there, just the site plan here.</p> <p>10 And if you block out on the right side, which is the existing ho</p> <p>11 -- the other house, not main house but the other house, and you</p> <p>12 just look at the plan on the left side there, that is a plan</p> <p>13 completely befitting of what we see proposed all the time in</p> <p>14 this town.</p> <p>15 We can have our argument about little changes here and there</p> <p>16 but I really think it's an unfair treatment of an applicant to</p> <p>17 act like something is just so far out there in some way but then</p> <p>18 also it's too similar. I don't -- it's impossible if we put that</p> <p>19 standard on people.</p> <p>20 CHAIRMAN SMALL: Thank you, Mr. Ives.</p> <p>21 Mr. Garrison?</p> <p>22 COMMISSIONER GARRISON: I'd just like to re -- I think what</p> <p>23 you said, Mr. Chairman, about whether it's one house, one</p> <p>24 property or two properties, it's very germane to this -- this</p> <p>25 whole argument about what this house is and what it should look</p>	<p style="text-align: right;">Page 47</p> <p>1 other house, that's why it's a guesthouse, and it does perfectly</p> <p>2 integrate from that one side, I believe. And, obviously, if</p> <p>3 those are two houses, then they are excessively similar because</p> <p>4 they are, in fact, the same house. I mean, I sort of understand</p> <p>5 that.</p> <p>6 But when I look at it from the cul-de-sac point of view, I</p> <p>7 mean, whether you look at it because you want to look at it</p> <p>8 according to our code, which we are mandated to do, but if you</p> <p>9 don't want to look at it from that perspective you just look at</p> <p>10 it and you say how does it look compared to the other houses on</p> <p>11 the cul-de-sac.</p> <p>12 And it's, I mean, obviously, you know, a contemporary, or</p> <p>13 you can call it International style house, which is, you know,</p> <p>14 quite dissimilar to the other houses that are on that</p> <p>15 cul-de-sac, and if it's not joined with the other one -- but</p> <p>16 irrespective of that, when I just look at it I think I would</p> <p>17 like to have a nicer entry like the house you have on Seabreeze</p> <p>18 or some other houses around town. I think that you could do</p> <p>19 something more attractive that would meet both your needs and</p> <p>20 the needs of the neighborhood.</p> <p>21 CHAIRMAN SMALL: Thank you, Ms. Grace.</p> <p>22 Mr. Floersheimer?</p> <p>23 COMMISSIONER FLOERSHEIMER: Thank you. I'll try not to</p> <p>24 repeat a lot of what my fellow Commissioners said.</p> <p>25 I -- I -- I -- I look at this as an individual property;</p>
<p style="text-align: right;">Page 46</p> <p>1 like.</p> <p>2 And I didn't think about it that way until I -- in fact, I</p> <p>3 thought it was a unity of title. When I thought it came up --</p> <p>4 because all of your presentation is this is an extension, if you</p> <p>5 will, of the -- it's a guesthouse for the main house, it's an</p> <p>6 extension of their property, it's their recreation center and</p> <p>7 all of that, and yet, if it's a single family house it doesn't</p> <p>8 -- it doesn't work.</p> <p>9 So if it was one piece of property I would feel a lot</p> <p>10 differently. I didn't know that until today and I would feel a</p> <p>11 lot differently about it if it was all part of one as opposed to</p> <p>12 this is a single family house that happens to be next door to</p> <p>13 another single family house.</p> <p>14 MR. KAHAN: Mr. Garrison?</p> <p>15 COMMISSIONER GARRISON: I don't care about this excessively</p> <p>16 similar dissimilar; I think that's nonsense. But that's beside</p> <p>17 the point.</p> <p>18 MR. KAHAN: Could I just address the unity of title?</p> <p>19 CHAIRMAN SMALL: No. I'm going to take up Ms. Grace. We've</p> <p>20 got to move this forward now.</p> <p>21 Ms. Grace?</p> <p>22 COMMISSIONER GRACE: I mean, I agree. I think it's a weird</p> <p>23 conundrum to be in to talk about something being excessively</p> <p>24 similar and excessively dissimilar at the same time, but, I</p> <p>25 mean, obviously the house is designed to integrate with the</p>	<p style="text-align: right;">Page 48</p> <p>1 that's what you're presenting here. And I think the</p> <p>2 architecture, in general, is very successful. I'm also extremely</p> <p>3 sensitive to neighbors and how new construction affects them.</p> <p>4 When I was at the cul-de-sac, the house immediately to the</p> <p>5 north of this property had five or six cars parked on their</p> <p>6 front lawn. Some of it was on the grass, some of it was on</p> <p>7 hardscape.</p> <p>8 In terms of life styling and living in this cul-de-sac, if</p> <p>9 this were a home that were owned by a separate family there</p> <p>10 would be, I would suspect, more traffic going in and out of this</p> <p>11 house than if it's owned by a next door neighbor that uses it on</p> <p>12 occasion.</p> <p>13 And as far as the architecture goes and the discussion about</p> <p>14 a front door, I live in a mid-century modern house where the</p> <p>15 front door is not at all visible from the main courtyard. And,</p> <p>16 in fact, it's probably 80 feet away from the courtyard.</p> <p>17 So although I respect that when you drive around the</p> <p>18 courtyard you want to be able to see what looks like an</p> <p>19 entryway, not all homes conform to that.</p> <p>20 CHAIRMAN SMALL: Thank you, Mr. Floersheimer.</p> <p>21 Ms. Shiverick?</p> <p>22 COMMISSIONER SHIVERICK: Thank you.</p> <p>23 I see this as a presentation of a family wanting to have a</p> <p>24 beautiful functioning entertainment area. I don't know about</p> <p>25 unity of title. I don't know if we need to think about unity of</p>

Page 49	Page 51
<p>1 title or anything like that.</p> <p>2 This is what they want to do. Now we are charged with making</p> <p>3 it look good and making it look presentable to neighbors and</p> <p>4 making sure that everyone is happy.</p> <p>5 So from my point of view, this, to me, looks like a really</p> <p>6 nice well designed, well integrated compound that with some</p> <p>7 tweaking we could appease neighbors. I think that's where we sit</p> <p>8 on this.</p> <p>9 Unity of title is down the road and I don't think it's for</p> <p>10 us to talk about.</p> <p>11 CHAIRMAN SMALL: Thank you.</p> <p>12 The floor is now open for a motion.</p> <p>13 COMMISSIONER GRACE: I make a motion to defer taking into</p> <p>14 account the comments of the Commissioners today to whatever time</p> <p>15 period you would prefer.</p> <p>16 CHAIRMAN SMALL: Is there a second to motion?</p> <p>17 CHAIRMAN SMALL: Second? Okay.</p> <p>18 We have a motion, we have a second. All those in favor</p> <p>19 signify by saying aye.</p> <p>20 COMMISSIONERS: Aye.</p> <p>21 CHAIRMAN SMALL: Any opposed to deferring? Project is</p> <p>22 deferred for one month.</p> <p>23 MR. KAHAN: Thank you.</p> <p>24 CHAIRMAN SMALL: And with the admonition if you do, please,</p> <p>25 plan any changes, would you make sure they get timely filed?</p>	<p>1 C E R T I F I C A T E</p> <p>2</p> <p>3</p> <p>4 I, LOUANNE RAWLS, certify that I was authorized to and did</p> <p>5 listen to and transcribe the foregoing proceedings and that the</p> <p>6 transcript is a true and complete record to the best of my</p> <p>7 ability.</p> <p>8</p> <p>9 Dated this 19th day of August, 2019.</p> <p>10</p> <p>11  </p> <p>12 LOUANNE RAWLS, #J4407128</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 50</p> <p>1 MR. KAHAN: Certainly.</p> <p>2 CHAIRMAN SMALL: Thank you so much.</p> <p>3 (AGENDA ITEM CONCLUDED)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

NEW GUEST HOUSE AT THE
KALISMAN RESIDENCE

S.M

NEW RESIDENCE AT
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PALM BEACH, FLORIDA 33480

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REGISTERED ARCHITECT
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NOT RECORDED
DATE: JAN 15, 2015
BY: [illegible]

ARCHITECT # B-077-2015

SMITH AND MOORE ARCHITECTS, INC.

Harold Smith • Jonathan Moore • Peter Papadopoulos • Daniel Kahan



June 17, 2019

Demolition Report

1485 Via Manana, Palm Beach, Florida

The existing house at 1485 Via Manana, was designed in 1985 by The Steel Partnership Architects & Planners and constructed by Arnold Construction Services.

The 1-story structure was originally designed in a Mediterranean style, and constructed of concrete block. Architectural features included a Spanish clay tile roof, painted smooth stucco and windows of various configurations. The existing 1-story structure now features a built-up tar and gravel roof with new exterior additions of a contemporary nature.

In 1998 a permit was issued to SKA Architects & Planners for various renovations including: a mansard roof addition, interior renovations, and a creation of a new patio space.

Further additions and repairs were made in 2014. The design by Patrick Seagraves of SKA Architects & Planners included patio alterations, roof material change, an addition of a cast stone parapet, and a cast stone band.

The building is currently in fair to poor condition, and exhibits no architectural or historical significance.

1500 South Olive Avenue • West Palm Beach, Florida 33401

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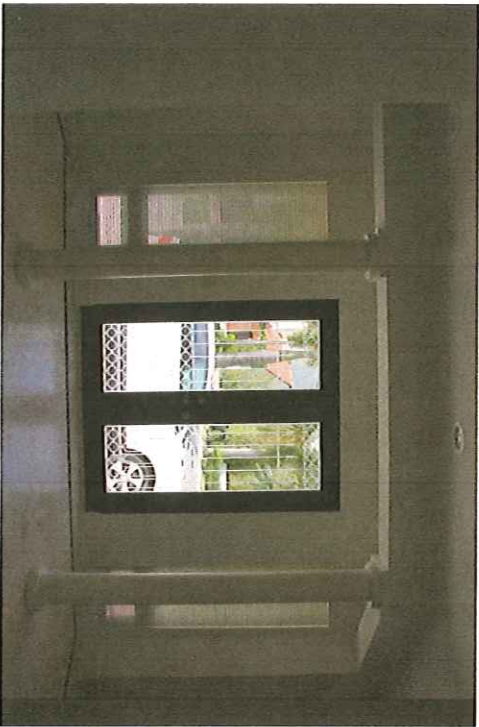
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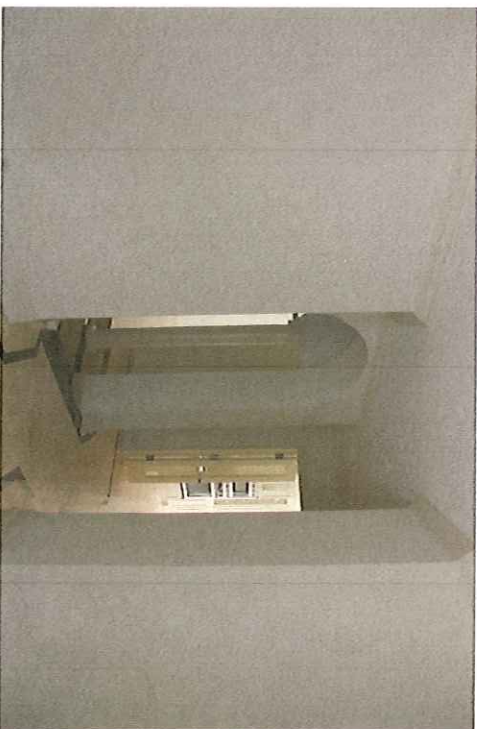
LIVING ROOM LOOKING WEST



LIVING ROOM LOOKING EAST



ENTRANCE FOYER



HALLWAY

SUBJECT PROPERTY - EXISTING CONDITIONS

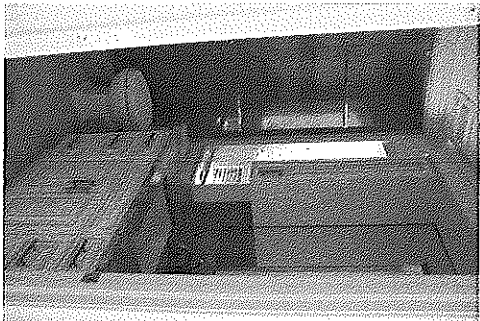


DANIEL L. SMITH, AIA
REGISTERED ARCHITECT
FLORIDA
NO. 001785
SMITH AND MOORE ARCHITECTS, INC.
1485 VIA MANANA
PALM BEACH, FLORIDA 33480

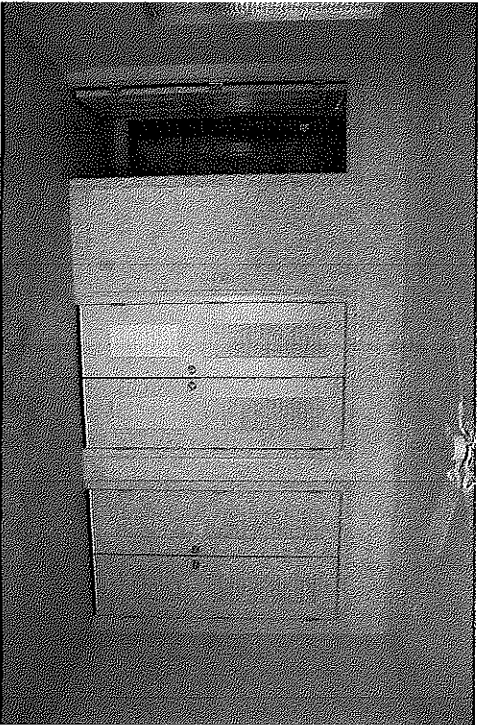




BEDROOM 1



BATHROOM 1



BEDROOM 2

SUBJECT PROPERTY - EXISTING CONDITIONS

ARCHIT # B-017-2019

NO. 1000
DATE: 05-18-19
SHEET:

P-3



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JONATHAN C. MOORE
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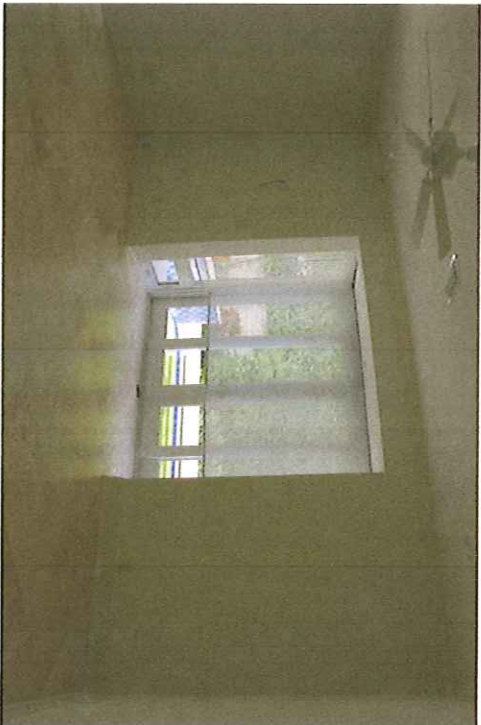
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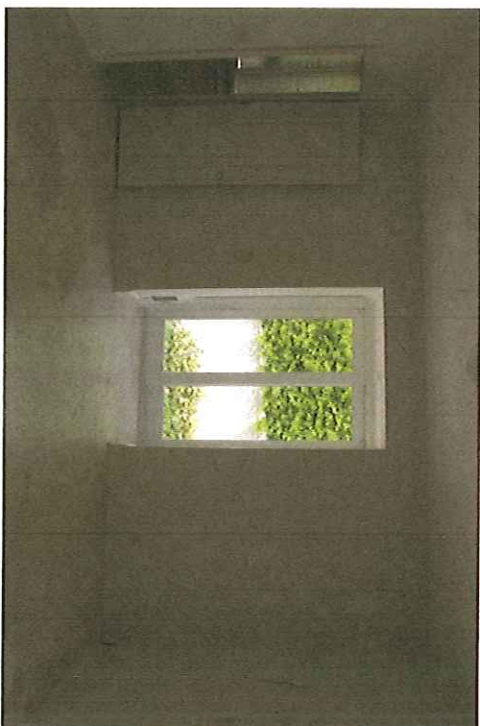
EN SUITE MASTER BATHROOM



MASTER BEDROOM LOOKING NORTH EAST



MASTER BEDROOM LOOKING WEST



MASTER BEDROOM LOOKING SOUTH

SUBJECT PROPERTY - EXISTING CONDITIONS

ARCOM # B-07-2019

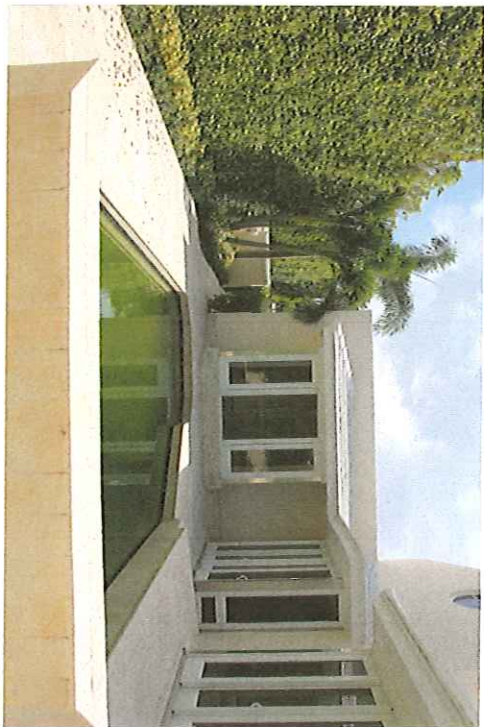
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SUBJECT: P-5



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POOL LOOKING SOUTH



GARDEN LOOKING NORTH

SUBJECT PROPERTY - EXISTING CONDITIONS

S-M

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P-6

AR00041 • B-077-2019



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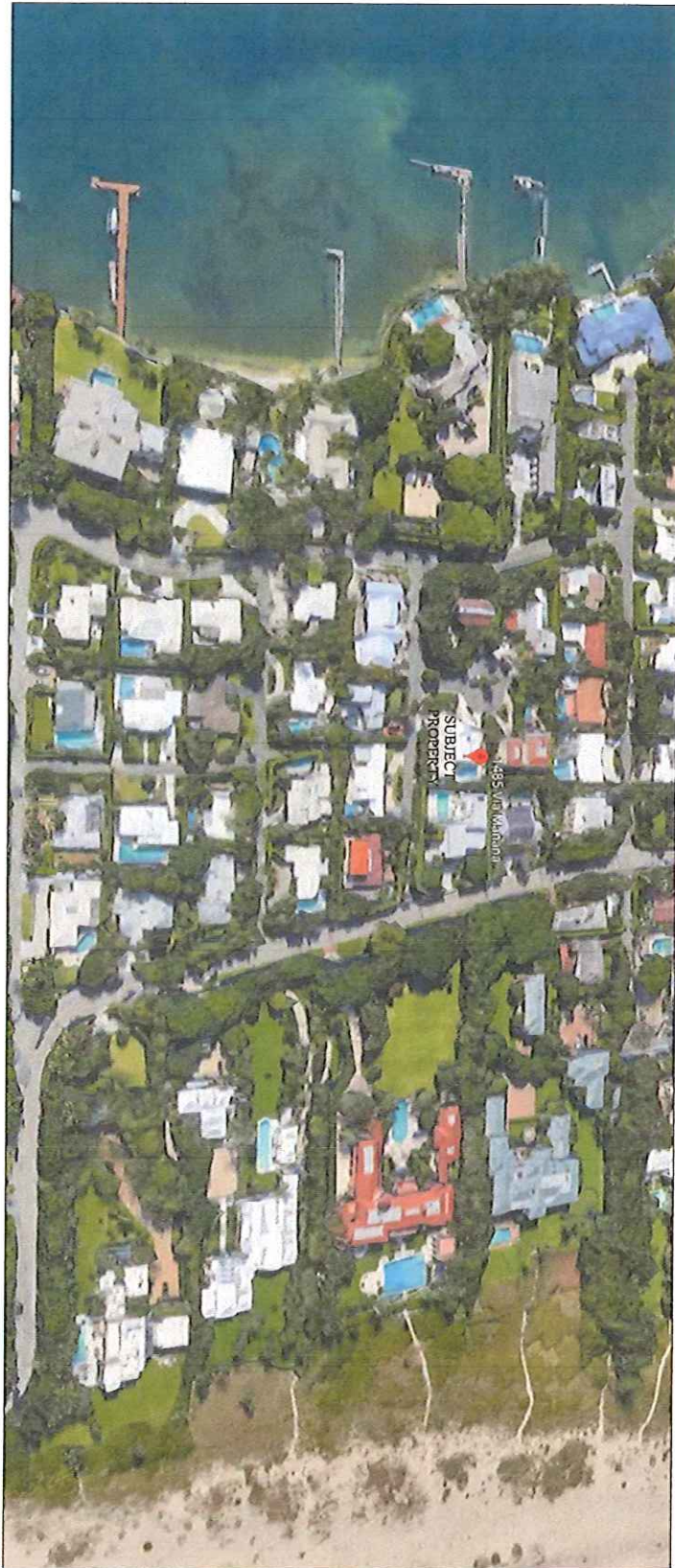


Illustrated Abstracts

FOOM # B-027-2019

P-7

1485 VIA MANANA - AERIAL VIEW



1485 VIA MANANA - BIRD'S EYE VIEW LOOKING NORTH

ARCOM # B-027-2019

P-8

NO. 14802
DATE: 03/11/19
SHEET: 1

DESIGNED BY: DANIEL KASIAN
DRAWN BY: DANIEL KASIAN
CHECKED BY: DANIEL KASIAN
APPROVED BY: DANIEL KASIAN
DATE: 03/11/19



NEW RESIDENCE AT
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S·M



1495 VIA MANANA



1490 VIA MANANA



1480 VIA MANANA

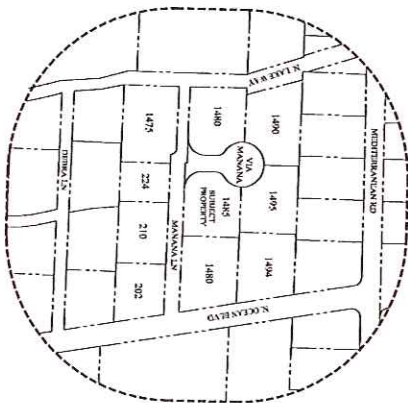


1485 VIA MANANA
SUBJECT PROPERTY



1480 N. LAKEWAY

1485 VIA MANANA - EXISTING PROPERTIES



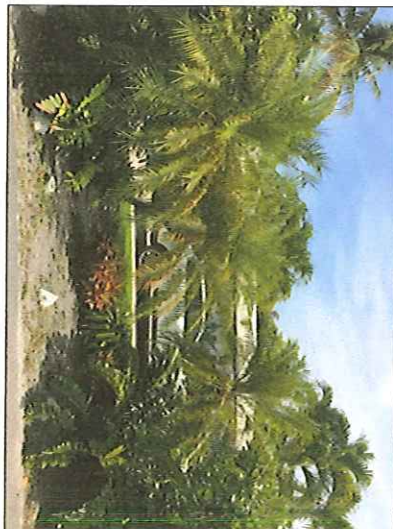
VIA MANANA
VIA MANANA



202 MANANA LANE



210 MANANA LANE



224 MANANA LANE



1475 MANANA LANE

1485 VIA MANANA - EXISTING PROPERTIES



VENUE KEY MAP

S.M

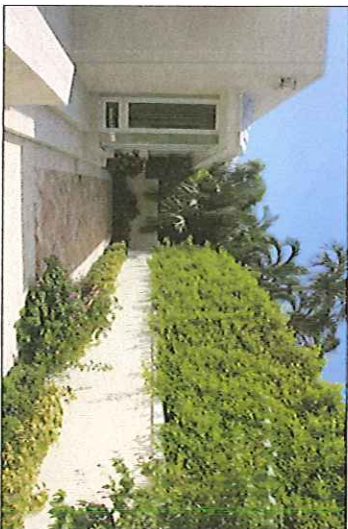
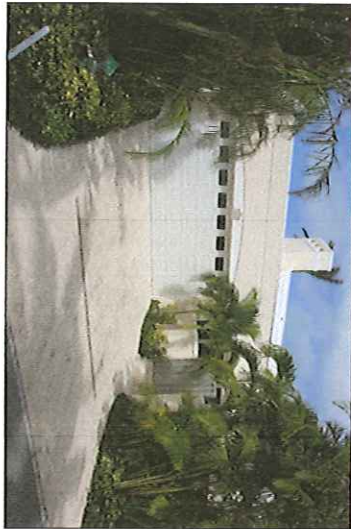
NEW RESIDENCE AT
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MANANA LANE
1485 VIA MANANA
PALM BEACH, FLORIDA 33480
ARCHITECTS
DANIEL KALAN
REGISTERED ARCHITECT NO. 101785

AS/COM # B-027-2019
NO. 14802
MANANA LANE
SHEET
P-10

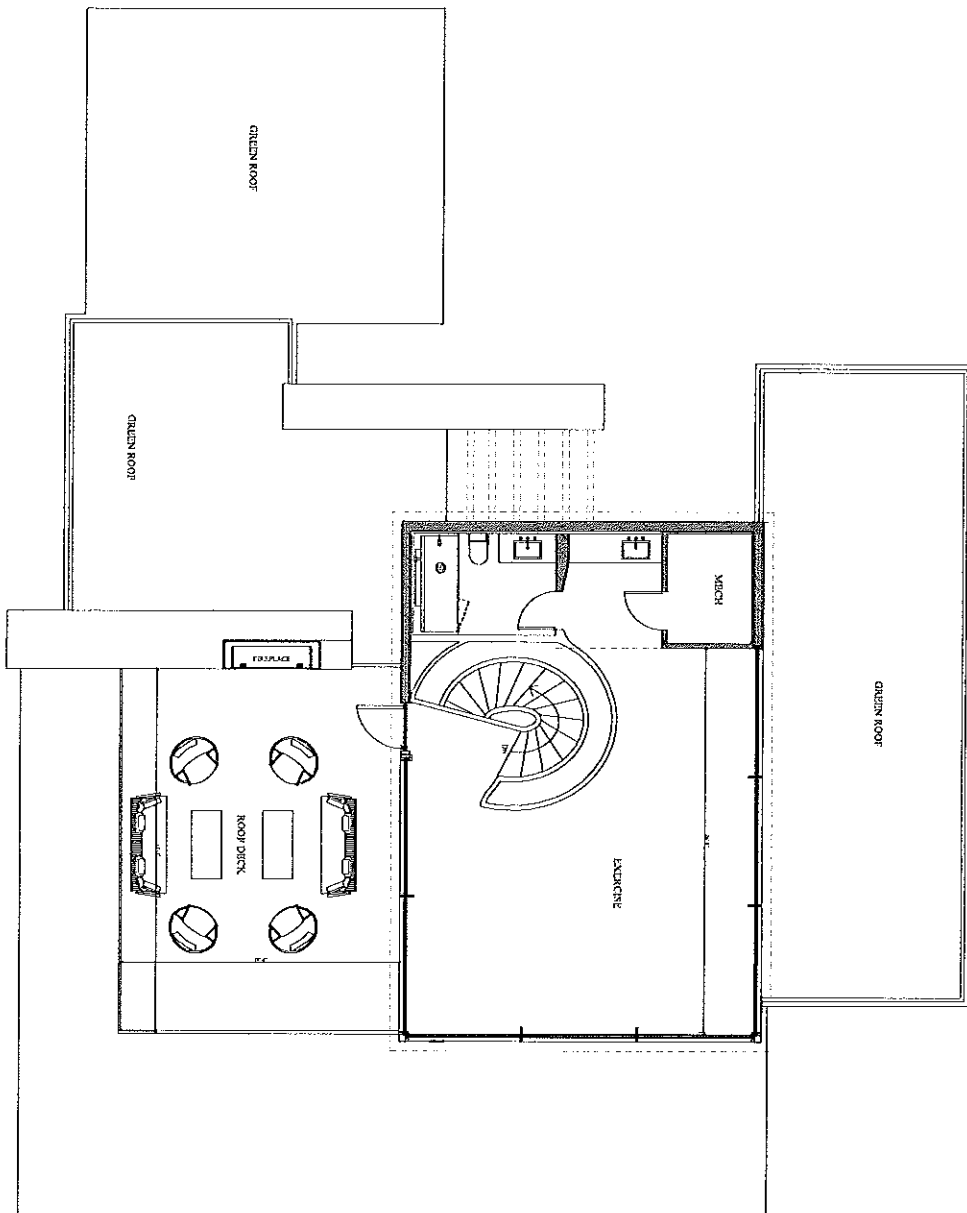


1485 VIA MANANA - EXISTING CONDITIONS



1485 VIA MANANA - EXISTING CONDITIONS

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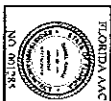


UPPER FLOOR PLAN
SCALE: 1/8"=1'-0"

ALCC04 # B-027.23.9

A-101

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DRAWING: JK
SHEET:

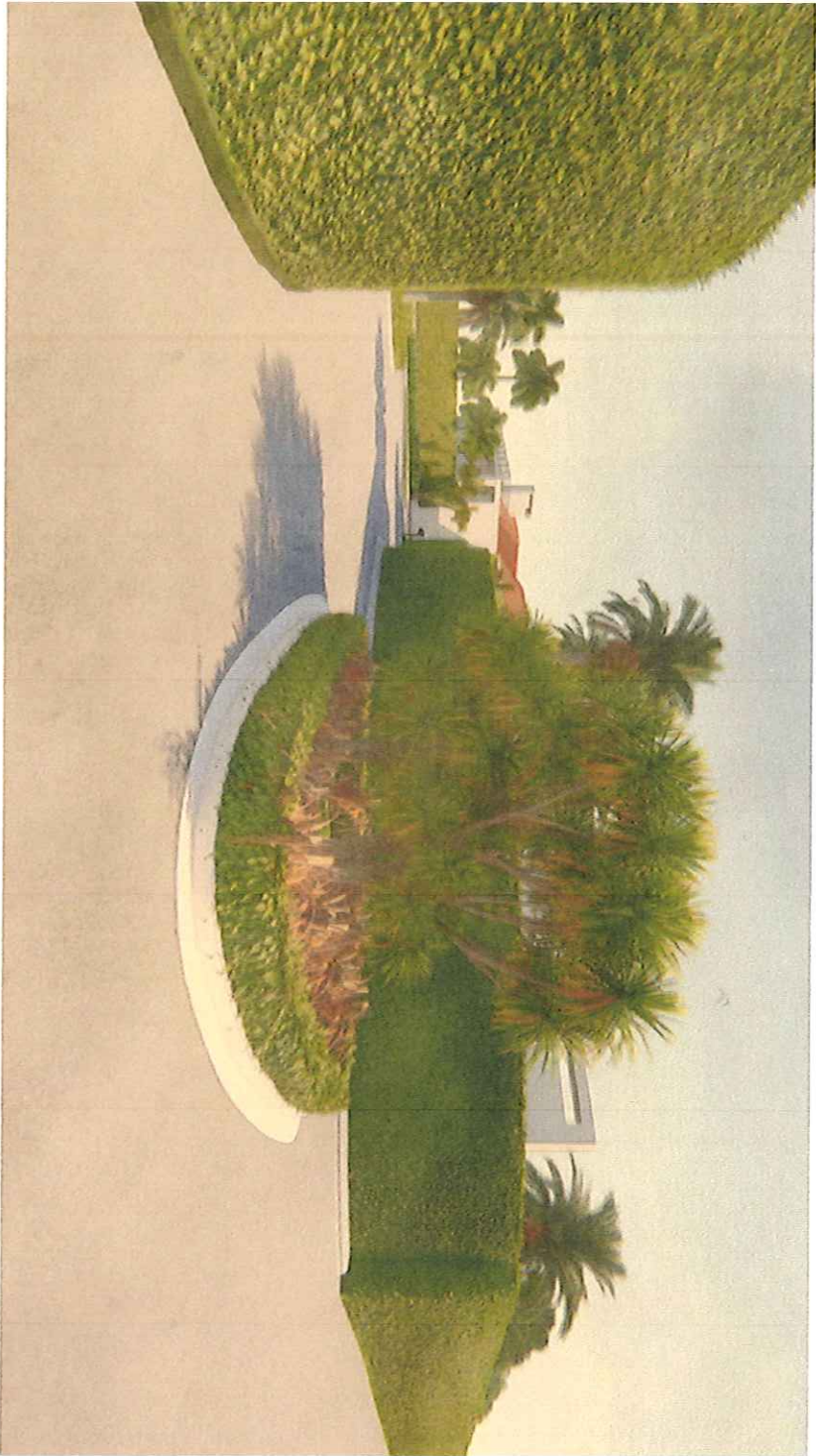


SMITH AND MOORE ARCHITECTS, INC.
JONATHAN C. MOORE
REGISTERED ARCHITECT, F.L.A.C.
PITTLA, C. MANAGEMENT
REGISTERED ARCHITECT, F.L.A.C.
DANIEL A. MOORE
REGISTERED ARCHITECT, F.L.A.C.

NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33480

SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE WEST PALM BEACH, FLORIDA 33411 • TEL (561) 835-1111 FAX (561) 832-7515





EXTERIOR RENDERING - INTERSECTION OF MANANA LANE AND VIA MANANA LOOKING NORTHEAST



NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33410

SMITH AND MOORE ARCHITECTS, INC.
• 1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411 • TEL. (561) 835-1888 FAX (561) 832-7015 •



FLORIDA AIA
NO. 001265
JANUARY 1, 2007
SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE
WEST PALM BEACH, FLORIDA 33411
TEL. (561) 835-1888 FAX (561) 832-7015
DANIEL KALIN
ARCHITECT

NO. 10002
DWG. REV. OK
SHEET

ARCOM # B-027-2019
R-3



EXTERIOR RENDERING - VIA MANANA LOOKING NORTHEAST

ARCOM # B-027-2019

NO. 10002
DRAWN BY: OK
SHEET
R-2

PROJECT NO. 10002
DATE: 01/15/19

MATTHEW J. SMITH
REGISTERED ARCHITECT NO. 10002
JONATHAN C. MOORE
REGISTERED ARCHITECT NO. 10002
PETER G. MANOPOULOS
REGISTERED ARCHITECT NO. 10002
DANIEL SOLMAN
REGISTERED ARCHITECT NO. 10002

FLORIDA A.C.
NO. 001285

NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33409
SMITH AND MOORE ARCHITECTS, INC.
• 1550 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33401 • TEL (561) 835-1818 FAX (561) 832-7015 •

S.M.



EXTERIOR RENDERING - VIA MANANA LOOKING EAST



NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33409

SMITH AND MOORE ARCHITECTS, INC.
• 1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33401 • TEL: (561) 835-1888 FAX: (561) 832-7915 •



DANIEL L. MOORE
ARCHITECT
JONATHAN C. MOORE
REGISTERED ARCHITECT 1150
PETER A. MANOPOULOS
REGISTERED ARCHITECT 1150
DANIEL L. MOORE
REGISTERED ARCHITECT 1150



NO. 10003
DRAWN BY: DK
SHEET

R-4

ARCOM # B-027-2019



EXTERIOR RENDERING - VIA MANANA LOOKING EAST

S-M

NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33410

SMITH AND MOORE ARCHITECTS, INC.

• 1500 SOUTH OLYMPIA AVENUE, WEST PALM BEACH, FLORIDA 33411 • TEL: (561) 835-1888 FAX: (561) 832-7215 •



DANIEL J. SMITH
REGISTERED ARCHITECT
JONATHAN C. MOORE
REGISTERED ARCHITECT
JILLIAN G. PARSONS
REGISTERED ARCHITECT
DANIEL K. KAPLAN
REGISTERED ARCHITECT

DATE: 01/11/11

NO. 1485
DWG. NO. DK
SHEET:

R-5

ARCOM # B-027-2019



EXTERIOR RENDERING - GUEST MOTORCOURT

ARCOM # B-07-2019

NO. 10002
DWG. BY: DK
SHEET:
R-6



DANIEL K. MOORE
REGISTERED ARCHITECT
FAC # 10002
FAC # 10002
FAC # 10002



NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33480
SMITH AND MOORE ARCHITECTS, INC.
• 1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411 • TEL (561) 835-1188 • FAX (561) 832-7915 •





EXTERIOR RENDERING - AERIAL LOOKING NORTH WEST

ARCOM # B-077-2019

NO. 14802
DATE: 05/15/2019
SHEET: 1

R-8

SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411
TEL: (561) 835-1111 FAX: (561) 832-7015



NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33410

SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411 • TEL: (561) 835-1111 FAX: (561) 832-7015

S-M



EXTERIOR RENDERING (OPERABLE FACADE WINDOWS OPEN) - VIEW LOOKING NORTH EAST

S&M

NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33480

SMITH AND MOORE ARCHITECTS, INC.

• 1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411 • TEL. (561) 835-1888 • FAX (561) 832-7015 •



JAMAL A. SMITH
REGISTERED ARCHITECT, F.A.A.
JONATHAN C. MOORE
REGISTERED ARCHITECT, F.A.A.
PETER G. KALANOVICH
REGISTERED ARCHITECT, F.A.A.
DANIEL KALAN
REGISTERED ARCHITECT, F.A.A.

PROJECT NO. 1485-01

NO. 1485-01
DWG. NO. 01
SHEET

R-9

ARCOM # B-027-2019



ARTISTIC RENDERING - LOGGIA LOOKING SOUTHWEST

ARCOM # B-037-2019

DATE: 10/02/19
BY: J.M. MC
R-10

SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411
TEL: (561) 835-1818 FAX: (561) 832-7015

JAMES E. SMITH
REGISTERED ARCHITECT NO. 13416
JENNIFER C. MOORE
REGISTERED ARCHITECT NO. 13417
PETER E. PARSONS
REGISTERED ARCHITECT NO. 13418
DANIEL K. MOORE
REGISTERED ARCHITECT NO. 13419

FLORIDA A.A.C.
NO. 00135

NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33410
SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411 • TEL: (561) 835-1818 FAX: (561) 832-7015

S.M.



ARTISTIC RENDERING - LOGGIA LOOKING NORTHWEST

ARCOM # B-837-2019

NO. 16062
DWG. BY: DM
SHEET
R-11

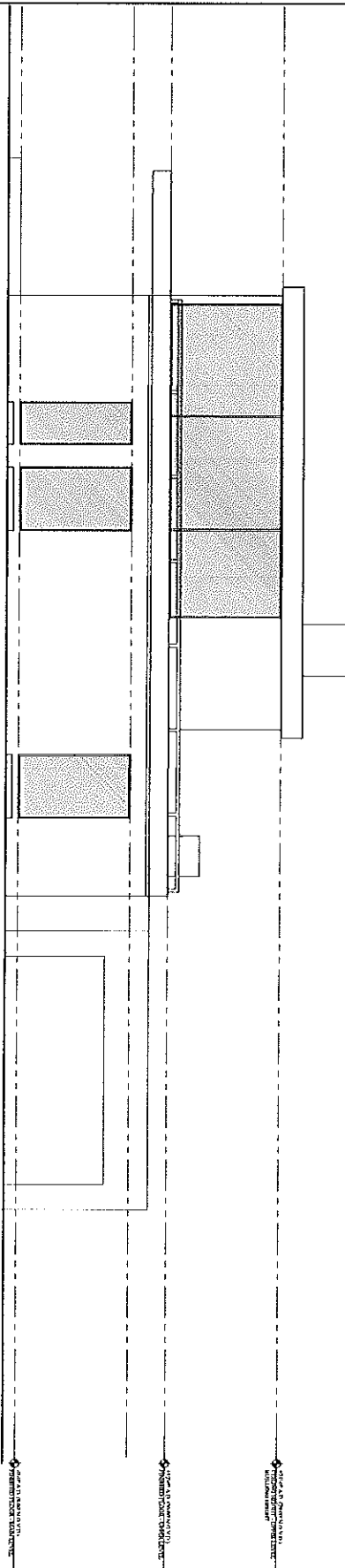


JAMES L. SMITH
REGISTERED ARCHITECT
JOSEPH C. MOORE
REGISTERED ARCHITECT
PATRICK G. PALADINO
REGISTERED ARCHITECT
SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411

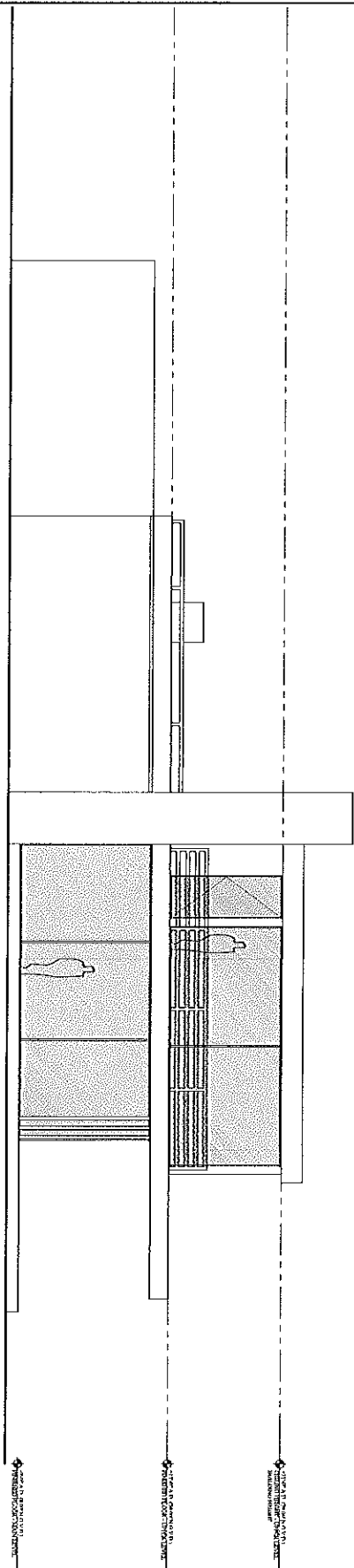


NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33410
SMITH AND MOORE ARCHITECTS, INC.
• 1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411 • TEL. (561) 835-1888 FAX (561) 832-7015 •





NORTH ELEVATION
SCALE: 1/4"=1'-0"



SOUTH ELEVATION
SCALE: 1/4"=1'-0"

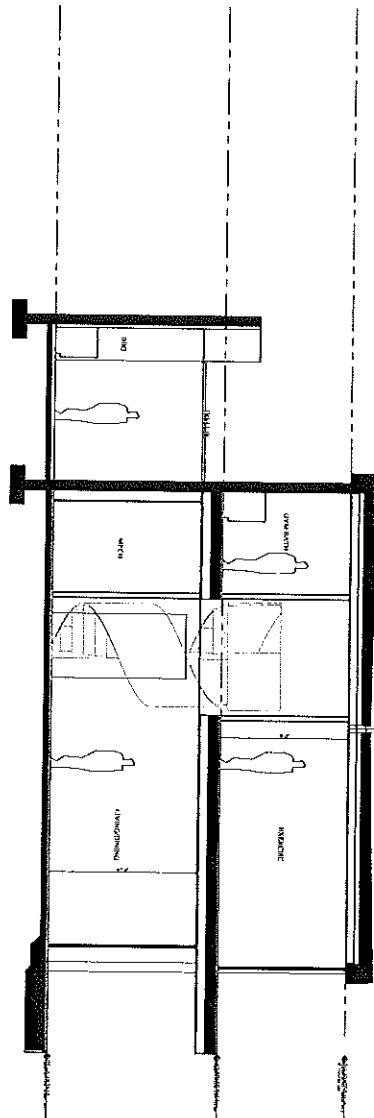
ARCH 04 # B-077-2012
NO. 10002
DRAWN BY: DM
SHEET
A-201

SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411
TEL: (561) 835-1188 FAX: (561) 832-7015
WWW.SMITHANDMOOREARCHITECTS.COM



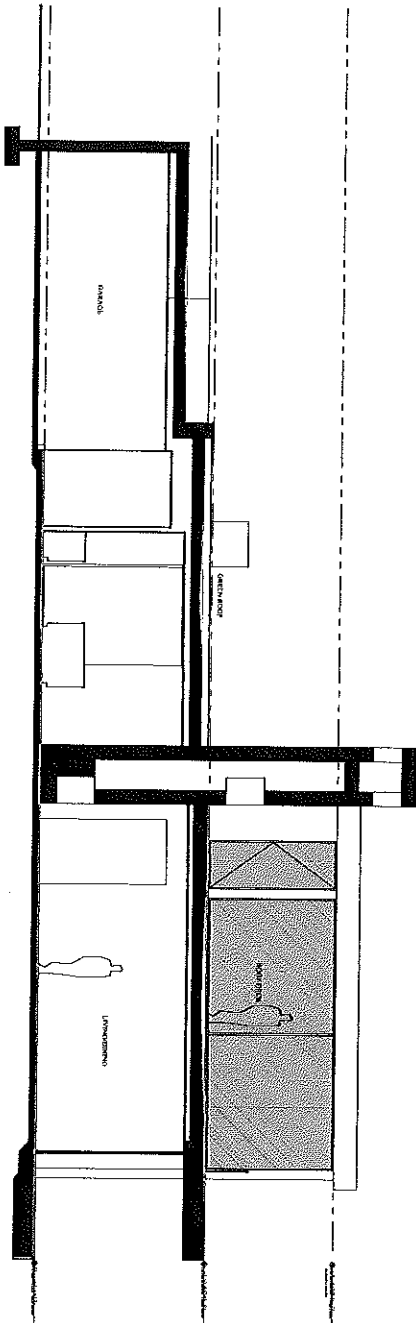
NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33480
SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411 • TEL: (561) 835-1188 FAX: (561) 832-7015 •





SECTION

SCALE: 1/4"=1'-0"



SECTION

SCALE: 1/4"=1'-0"



NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33480

SMITH AND MOORE ARCHITECTS, INC.

• 1509 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411 • TEL (561) 835-1433 • FAX (561) 833-7415 •



MANOLO J. BATH
REGISTERED ARCHITECT, P.A.
JANUARY 1986 - PRESENT
SMITH AND MOORE ARCHITECTS, INC.
1509 SOUTH OLIVE AVENUE
WEST PALM BEACH, FLORIDA 33411
DANIEL L. MOORE
REGISTERED ARCHITECT, P.A.
JANUARY 1986 - PRESENT

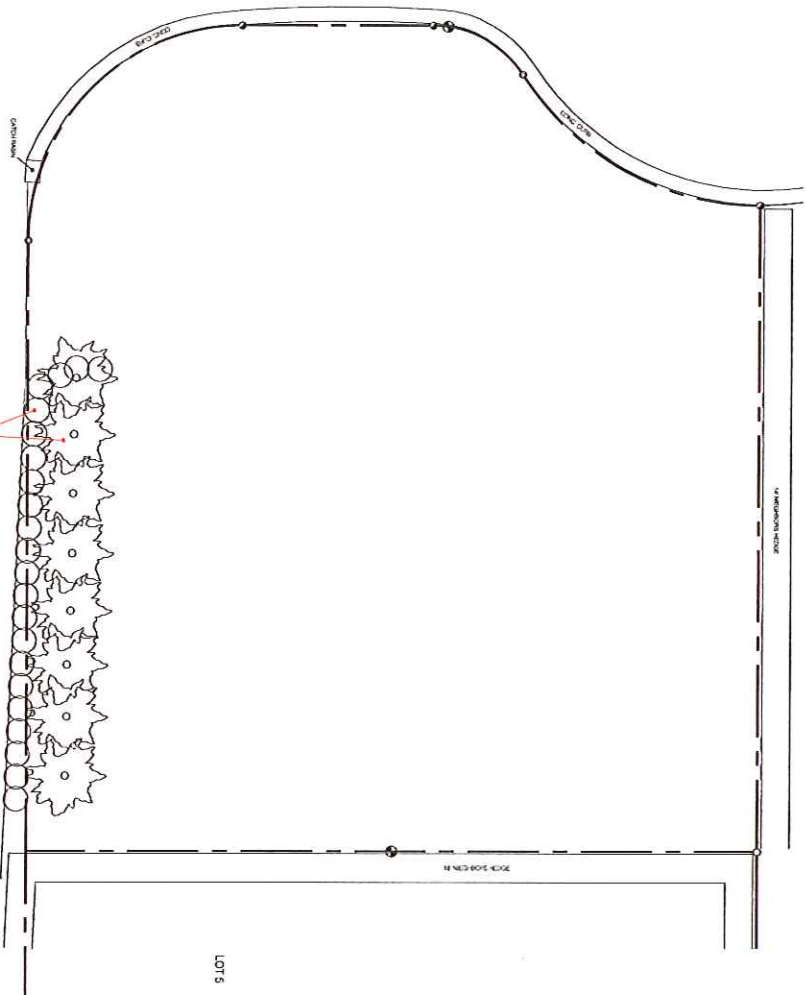


NO. 1000
DWG. IV, DN
SHEET

A-300

AROMA #B-027-019

LOT 2

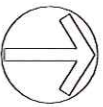


LANDSCAPE DEMOLITION NOTES:

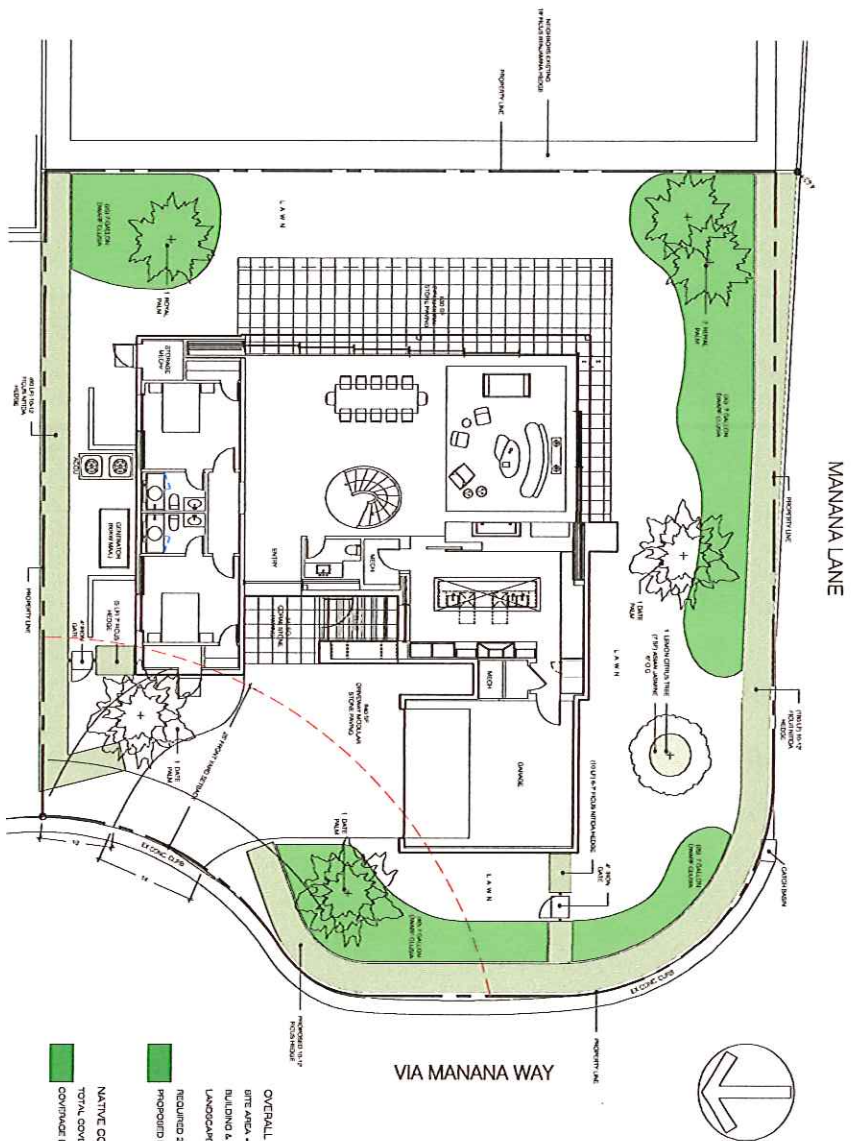
ALL EXISTING SITE BUILDINGS, PLANTINGS, LAWN AREAS & PAVING ELEMENTS TO BE REMOVED, EXCEPT AS NOTED

DEMOLITION PLAN

1/8" = 1'-0"



PERRY GUILLOT INC	
LANDSCAPE ARCHITECTURE	
1405 VIA MANANA	
SAN FRANCISCO, CALIFORNIA 94115	
TEL: 415.774.8888 F: 415.774.8889	
WWW.PERRYGUILLOT.COM	
PROJECT	1405 VIA MANANA
SHEET	DEMOLITION PLAN
SCALE	1/8" = 1'
DATE	APRIL 29, 2010



LANDSCAPE SITE PLAN
1/8" = 1'-0"

OVERALL SITE CALCULATIONS:
 SITE AREA = 10,800 SF
 BUILDING & HARDSCAPE = 4,815 SF
 LANDSCAPE = 5,985 SF
 100%
 44%
 56%

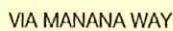
REQUIRED 25% NEWLY PLANTED NATIVE = 1,496 SF
 PROPOSED NEWLY PLANTED NATIVE = 1,800 SF

NATIVE COVERAGE CALCULATION
 TOTAL COVERAGE OF NEW PLANTINGS = 5,193 SF
 COVERAGE BY NATIVE PLANTS = 1,800 SF

BOTANICAL	COMMON	QTY	TYPE	NOTES
ROSTKIA REGIA	FLORIDA ROYAL PALM	3	NATIVE	20-30'
ROSTKIA REGIA	DATT PALM	3	FLORIDA FRIENDLY	20-30'
ROSTKIA REGIA	INDIAN LAVELLE PALM	1	FLORIDA FRIENDLY	10-12'
ROSTKIA REGIA	LYMON CITRUS TRILL	1	FLORIDA FRIENDLY	8-10'
ROSTKIA REGIA	DWARF CLUSIA	7 SP	NATIVE	7-8'
ROSTKIA REGIA	ASIAN JASMINE	2'	FLORIDA FRIENDLY	2'

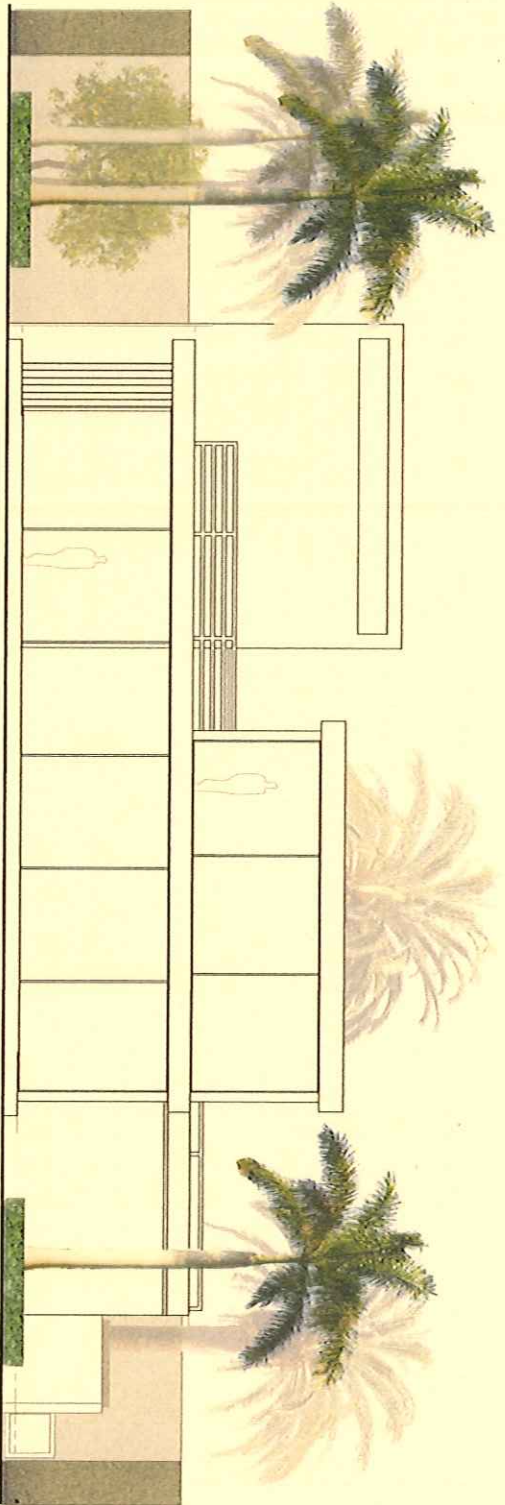


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$$1/8'' = 1'-0''$$

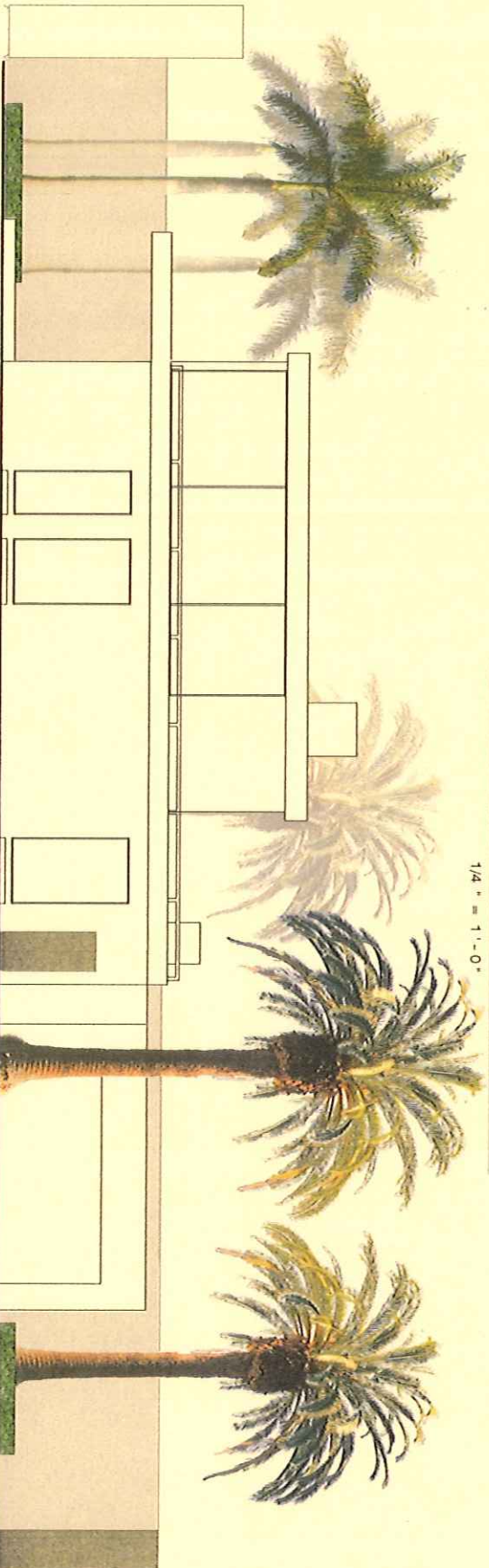
OVERALL P-B SITE CALCULATIONS:	
SITE AREA = 10,666 SF	100%
BUILDING FOOTPRINT = 4,815 SF	44%
MINIMUM LANDSCAPE REQUIRED = 5,851 SF	55%
PROPOSED = 6,112 SF	56%
FRONT SETBACK SITE CALCULATIONS:	
PROPOSED FRONT SETBACK COVERED = 1,810 SF	100%
REQUIRED LANDSCAPE AREA = 666 SF	64%
LANDSCAPE AREA = 1,070 SF	60%
10 PERMETER SITE CALCULATIONS:	
TOTAL 10 PERMETER AREA = 3,881 SF	100%
REQUIRED 25% LANDSCAPE AREA = 2,467 SF	63%
PROPOSED LANDSCAPE AREA = 2,881 SF	64%





EAST ELEVATION INTERIOR VIEW

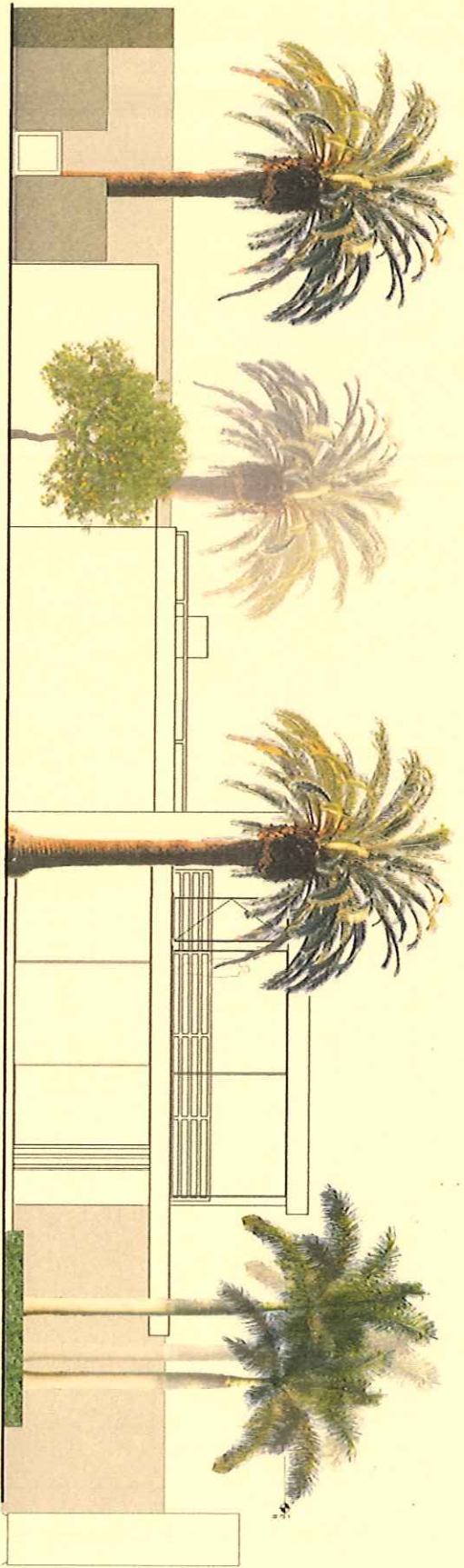
1/4" = 1'-0"



NORTH ELEVATION EXTERIOR VIEW

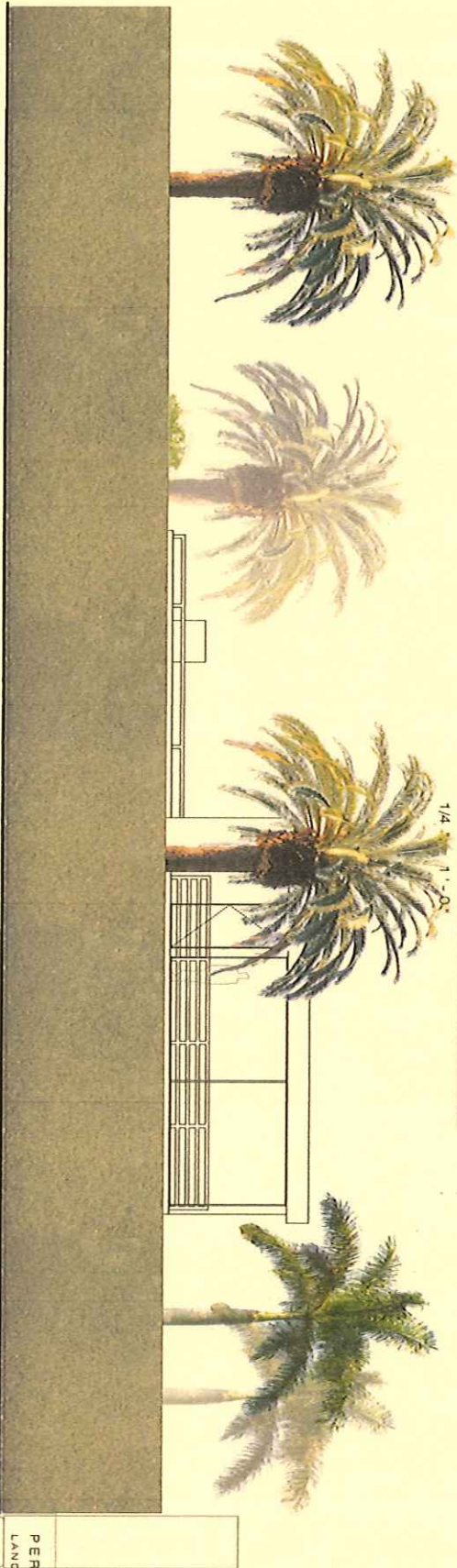
1/4" = 1'-0"

PERRY GUILLOT INC	
LANDSCAPE ARCHITECTURE	
1600 NORTH SEA RD SOUTH PLANTATION, FL 33308	
631 283 2839 F 631 283 3220	
PROJECT	1400 VIA MANANA
DRAWN BY	LANDSCAPE ELEVATIONS
SCALE	1/4" = 1'
DATE	MARCH 14, 2019



SOUTH ELEVATION INTERIOR VIEW

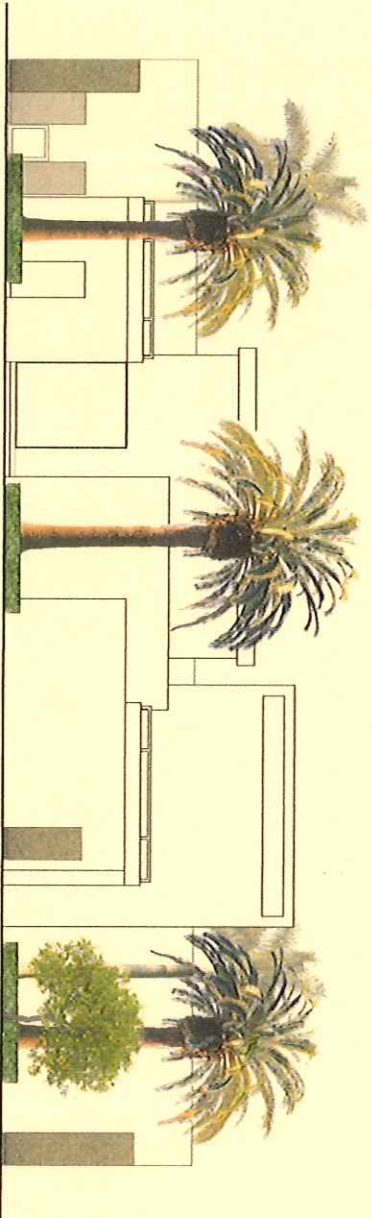
1/4" = 1'-0"



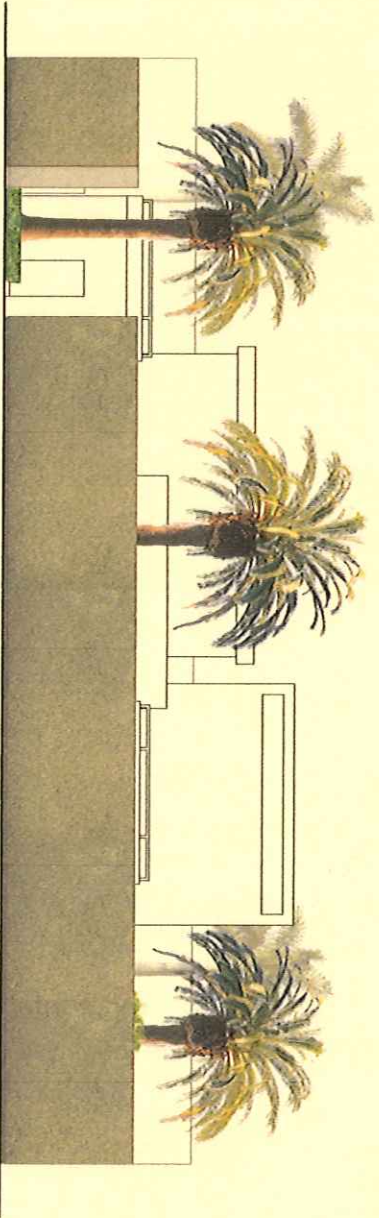
SOUTH ELEVATION EXTERIOR VIEW

1/4" = 1'-0"

PERRY GUILLOT INC	
LANDSCAPE ARCHITECTURE	
3405 VIA MANANA	
SAN DIEGO, CALIFORNIA 92108	
TEL: 619 293 2839 FAX: 619 293 3220	
PROJECT	LANDSCAPE ELEVATIONS
SCALE	1/4" = 1'
DATE	MARCH 14, 2010



WEST ELEVATION INTERIOR VIEW



WEST ELEVATION EXTERIOR VIEW

PERRY GUILLOT INC	
LANDSCAPE ARCHITECTURE	
1485 NORTH GARDEN BOULEVARD, SUITE 1100	
DALLAS, TEXAS 75201	
TEL: 214 283 2839 FAX: 214 283 2820	
PROJECT	1485 VIA MANANA
CLIENT	LANDSCAPE ELEVATIONS
SCALE	1/8" = 1'
DATE	MARCH 14, 2010



Project Information	
Project No.	21140054
Issue Date	05/11/2010
Scale	1/8" = 1'-0"
Drawn By	EM
Checked By	CG

Palm Beach, Florida

Scale: 1/8" = 1'-0"



1

1

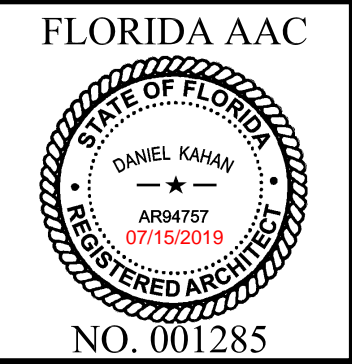


EXTERIOR RENDERING - AERIAL LOOKING NORTH WEST



NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33480

SMITH AND MOORE ARCHITECTS, INC.
• 1500 SOUTH OLIVE AVENUE WEST PALM BEACH, FLORIDA 33401 • TEL (561) 835-1888 FAX (561) 832-7015 •



HAROLD J. SMITH
REGISTERED ARCHITECT 8742

JONATHAN C. MOORE
REGISTERED ARCHITECT 13541

PETER G. PAPADOPOULOS
REGISTERED ARCHITECT 92952

DANIEL KAHAN
REGISTERED ARCHITECT 94757

SUBMITTAL 2019-05-22

NO: 16002
DWG. BY: DK
SHEET:

R-8

ARCOM # B-027-2019

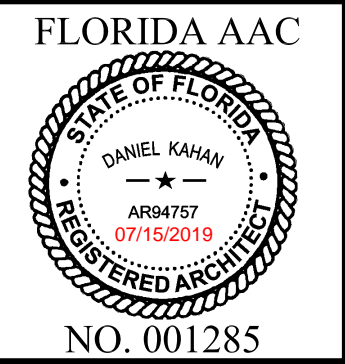


EXTERIOR RENDERING (OPERABLE FACADE WINDOWS OPEN) - VIEW LOOKING NORTH EAST



NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33480

SMITH AND MOORE ARCHITECTS, INC.
• 1500 SOUTH OLIVE AVENUE WEST PALM BEACH, FLORIDA 33401 • TEL (561) 835-1888 FAX (561) 832-7015 •



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REGISTERED ARCHITECT 8742

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REGISTERED ARCHITECT 13541

PETER G. PAPADOPOULOS
REGISTERED ARCHITECT 92952

DANIEL KAHAN
REGISTERED ARCHITECT 94757

SUBMITTAL 2019-05-22

ARCOM # B-027-2019

NO: 16002
DWG. BY: DK
SHEET:
R-9

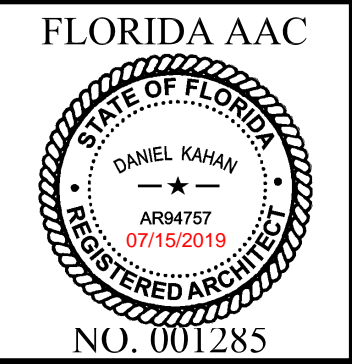


ARTISTIC RENDERING - LOGGIA LOOKING SOUTHWEST



NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33480

SMITH AND MOORE ARCHITECTS, INC.
• 1500 SOUTH OLIVE AVENUE WEST PALM BEACH, FLORIDA 33401 • TEL (561) 835-1888 FAX (561) 832-7015 •



HAROLD J. SMITH
REGISTERED ARCHITECT 8742

JONATHAN C. MOORE
REGISTERED ARCHITECT 13541

PETER G. PAPADOPOULOS
REGISTERED ARCHITECT 92952

DANIEL KAHAN
REGISTERED ARCHITECT 94757

SUBMITTAL 2019-05-22

NO: 16002
DWG. BY: DK
SHEET:

R-10

ARCOM # B-027-2019

From: "David Leavitt" <dlleavitt@verizon.net>

Subject: statement

Date: August 14, 2019 at 11:13:02 AM EDT

To: <juliearaskog@aol.com>

Reply-To: <dlleavitt@verizon.net>

August 14, 2019

To Whom It May Concern,

We are neighbors of 1485 Via Manana.

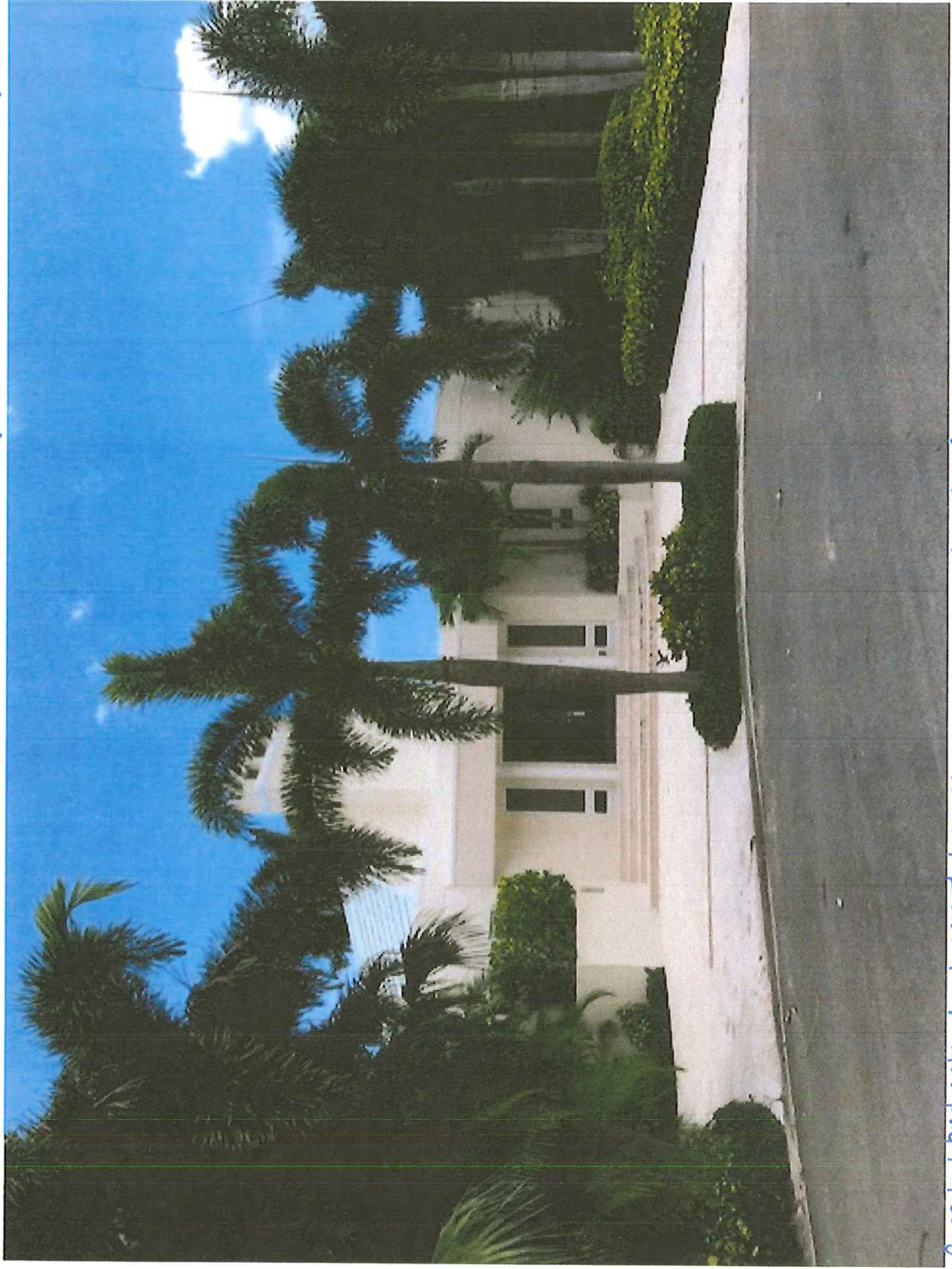
The property was purchased by the Kalisman's who live on the lot adjacent to the east.

An accessory structure has been proposed for 1485 Via Manana.

For this reason, we believe there should be unity of title for the two Kalisman properties before the new construction begins.

David and Gail Leavitt

1485 V. MANANA



Presented and entered into record by Julie Araskog in opposition to B-027-2017, 1485 Via Manana

1495 V. + MANANA

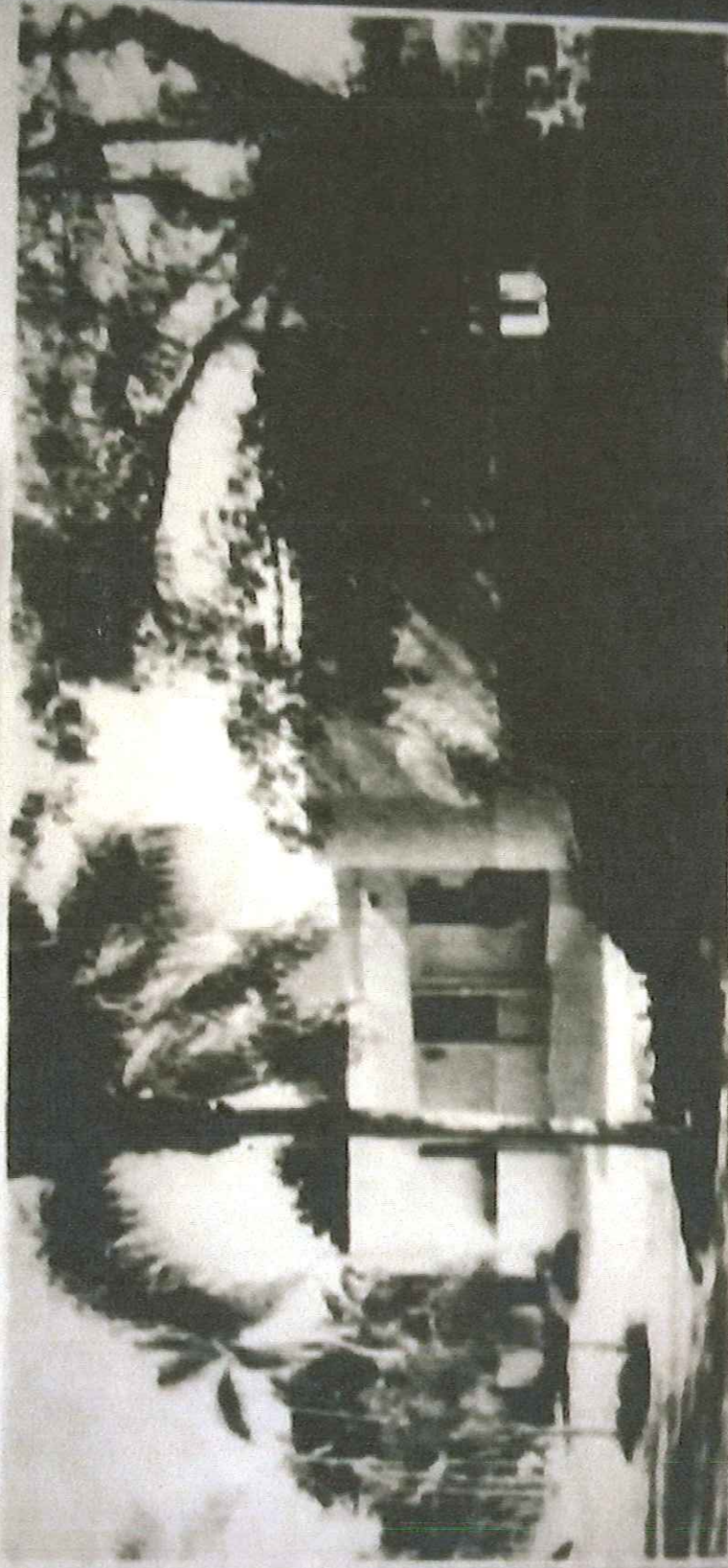


1495 Via Marbella



OPEN 1-3

1485 VIA MANANA

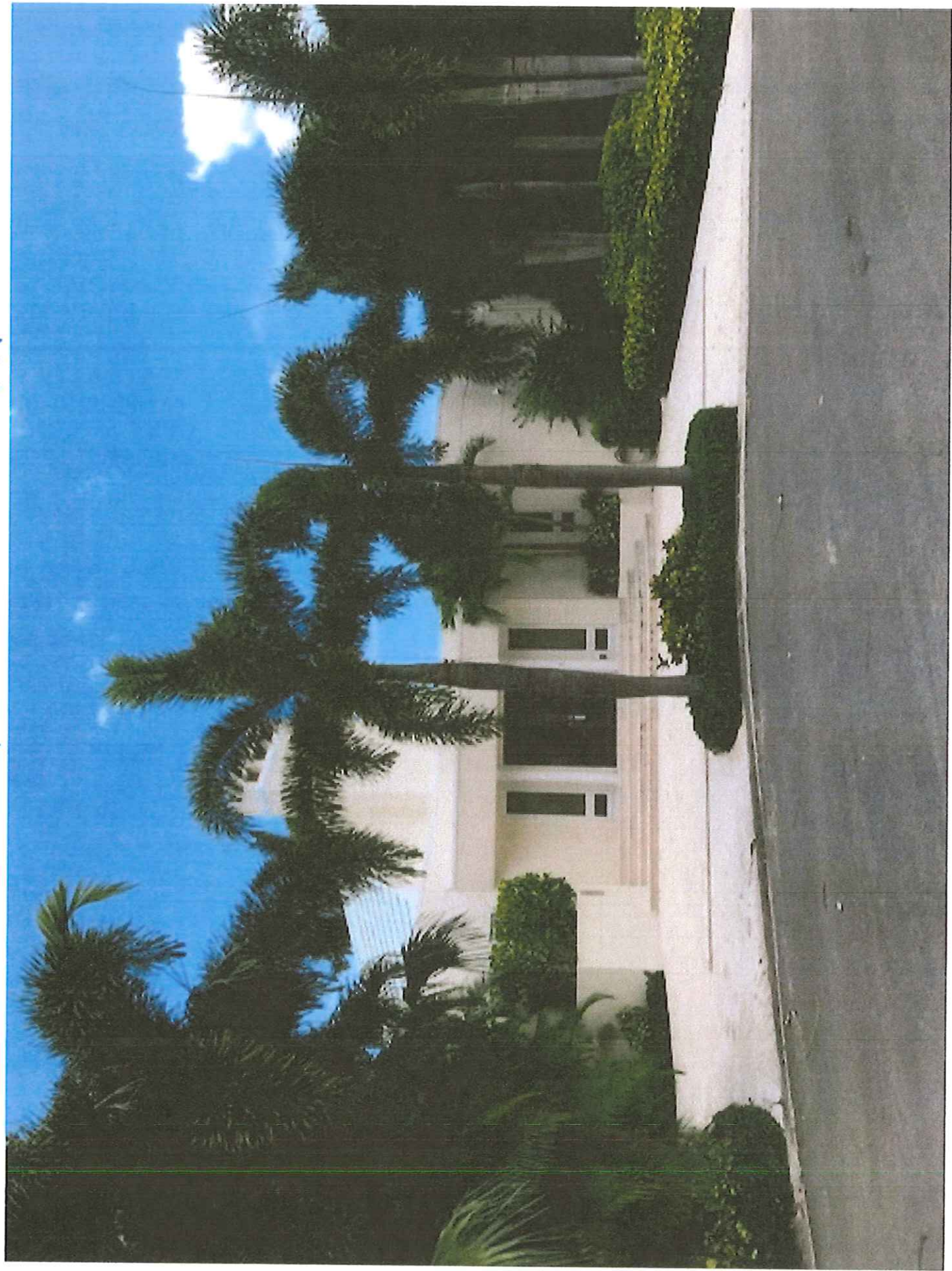


Built in 1986 with lots of glass and wall space, Mexican tile floors, fireplace, cathedral ceiling, pool and near ocean. Immediate occupancy. \$695,000. Owner wants to sell today!

Bryan Commander, 686-4466

**CUTTER REAL ESTATE
REALTORS**

1485 Via MANANA



Manana Lane and Lake



MANANA LANE



Low + 2nd



MANANA Lane



Margate Lane





Manane Lana Designs Approved

By ANGEL HERNANDEZ

Daily News Staff Writer

The Palm Beach Architectural Commission on Wednesday approved designs for three residences in a replatted area on **Manana Lane**.

Architect Phil Steel presented the designs to the commission, of which one residence would serve as his own home.

Steel explained to the commission that the original four plots on the north side of **Manana Lane** have been redivided into five lots. Five single-family residences will be built on those lots, said Steel. He added that town approval is still being sought for a new cul-de-sac, to be called **Via Manana**, to provide a common access for four of the residences.

The designs presented by Steel displayed homes with a Spanish architectural character, using authentic Spanish barrel tiles, stucco materials and pecky cypress garage doors. The houses would each feature a "whitish" paint color, although designs varied from one to two story buildings, and one design featured a trussed second floor.

"It seems to be well tied together," said one commissioner. The commission finally voted 5-0 to approve the designs for each of the houses, on the condition a landscape plan is submitted.

The board did split, however, in approving in a 3-2 vote a second floor addition to the Edwin Roth residence, at 1050 North Lake Way. Commissioners Kemp Caler, Isabel Thornbike and James Hamilton voted to grant approval. Commissioners Lindley Hoffman and Jorge Sanchez objected to the design, saying the lakeside design lacked "architectural character." Attorney H. David Faust, representing Roth, reminded the commission esthetics alone couldn't determine approval.

"An owner has a pride in his ownership ... he has his own conception of what is beautiful," said Faust. The commission next voted narrowly to approve.

In other business, the commission:

- Approved a new sign for the Cordially Yours shop, at 296 S. County Road.
- Approved a new sign for the Via Veneto shop, at 400 Hibiscus Ave.
- Approved alterations to the Edward Brimm residence, at 140 S. Ocean Blvd.
- Approved a new entry for the Peter Rapaport residence, at 277 Jamaica Lane. The Rapaports want to construct a lattice-covered walkway.

See COMMISSION, Page 6

Manane Lana Designs Approved

By ANGEL HERNANDEZ
Daily News Staff Writer

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See COMMISSION, Page 4

**Administrative Appeal of Determination that Proposed "Guest House and Pavilion for the
Main House at 1480 North Ocean Boulevard" located at 1485 Via Manana
Is a Stand Alone Residence that Does Not Require a Unity of Title**

Affidavit of Julie Araskog in Support of Reversal of Determination by Paul Castro

STATE OF CALIFORNIA)
)s.s.
COUNTY OF LOS ANGELES)

BEFORE ME, the undersigned authority, personally appeared Julie Araskog, who, being duly sworn, deposes and says:

1. My name is Julie Araskog. I am over eighteen years of age and I have personal knowledge of the facts and issues contained in this Affidavit in Support of the Reversal of the Determination by the Director of Zoning and Planning, Paul Castro, that the "Guest House and Pavilion for the Main House at 1480 North Ocean Boulevard" proposed to be constructed at 1485 Manana Lane is a stand alone house that does not need a Unity of Title.

2. I reside at 1490 Via Manana Way, which is a quiet and quaint cul-de-sac with a diversity of styles of homes that were designed to flow together with symmetry in the circular driveways and roof materials. My dining room, two guest bedrooms and office overlook the property at 1485 Via Manana on which the guest house is proposed to be constructed.

3. After learning of the Kalisman's intent to build on 1485 Via Manana, I contacted Josephine Kalisman to ask for a meeting. Josephine, Daniel Kahan and I met on or about June 13, 2019 to discuss the project. The first time I saw the renderings was in that room. They explained that the concept of the proposed house was to serve as an entertainment area, outdoor pavilion and guest house for their main residence at 1480 N. Ocean Boulevard.

4. As such, the idea was to mirror the main house in style, color, and railings so that

the guest house would fit seamlessly and connect with the existing residence. At the same time the landscape would also merge with that of the main house and create an extension of the main house garden area.

5. Given the similarity between the guest house and main house I inquired as to whether the Kalismians had or intended to obtain a unity of title for the two lots they owned. The response was that they did not want to commit to filing a unity of title, but instead wanted to retain the ability to sell the guest house separately in the future.

6. The following Saturday, I met in the cul-de-sac with Mr. and Mrs. Kalisman. I was very concerned about the tall hedges diminishing the open feeling we presently have in our cul-de-sac and ruining my views. I asked if they would please vary the landscape as David Leavitt has. I recommended native plantings and that they not create a canyon effect. They stated that they wanted the hedge surrounding their main home (1480 North Ocean) to be contiguous with 1485 Manana Lane all the way around the intersection of Manana Lane and Via Manana and into the cul-de-sac half way or more down the property. This landscaping made it look like one property.

7. While we walked the cul-de-sac area, I showed them the current landscaping at 1485 Via Manana and how beautiful and open the landscaping is and how different it is from their proposed landscape design. I showed them my windows so they understood that many rooms in my house face their proposed guest home. I discussed canyon effect that would result from such high hedges on Manana Lane and the Cul-de-sac. They said they were mirroring David Leavitt's hedges, but I showed them that David Leavitt's hedge ends almost immediately when it intersects with Manana Lane in which there are then trees and a much smaller hedge after the trees to break up the hedge material.

8. Daniel Kahan, Jeff Smith and I met to discuss the proposed guest house and

pavilion. In discussing the seamless garden area, Daniel stated that the garage for 1485 Via Manana would not be moved South, despite Jeff's suggestion, because, his clients wanted to install a swing set for their younger children in that area on the property of 1485 Via Manana.

9. The lack of a unity of title, their reference to it as a guest house, their landscape design and the design that mimicked the main house led me to make an inquiry, in my capacity as an adversely affected homeowner, to Josh Martin and Paul Castro as to whether a unity of title would be required for the construction of the guest house.

10. While Mr. Castro has indicated that the proposed guest house could stand alone and would not need a unity of title, based upon the meetings describe above and a review of the of the Application, ARCOM Notice, renderings and submittals, e-mails to ARCOM members, transcript of the July 24, 2019 ARCOM meeting, the Town Code and the other documents attached as Exhibits to the Administrative Appeal dated August 22, 2019 filed on my behalf it appears clear that the intent by the owners of the property was to create an accessory guest house to their main house, not to create a stand alone single family dwelling as required by the R-B Low Density Residential District. At the same time, while the Kalismans want the benefit of such a guest house they do not want the restrictions designed to protect the neighboring property owners within the Town Code which provides that any such accessory structure being used as a guest house in the R-B District of the size and design they are requesting would require a unity of title and the removal of any kitchen.

11. As a result, I authorized the filing of the Administrative Appeal of Mr. Castro's determination. I have reviewed the contents of the Appeal and Exhibits thereto and confirm that they are true and correct.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 21 day of August, 2019.

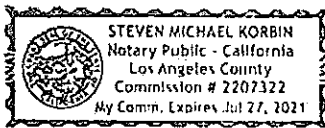
By: Julie Araskog
JULIE ARASKOG

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

The foregoing instrument was sworn to and subscribed before me this 21st day of August, 2019, by JULIE ARASKOG, who is: _____ personally known to me or ✓ has produced Florida Driver's License as identification.

NOTARY SEAL

[Signature]
NOTARY PUBLIC



Affidavit of Jeffery W. Smith in Support of Reversal of Determination by Paul Castro

BEFORE ME, the undersigned authority, personally appeared Jeffery W. Smith, A.I.A., President, of Smith Architectural Group, Inc., a Florida corporation, who, being duly sworn, deposes and says:

2. I have been a licensed architect in the State of Florida since 1983, and have served as the principal of Smith Architectural Group, Inc. for the last 30 years, during which time I have practiced almost exclusively in the Town of Palm Beach. At the same time, I have also had the pleasure of serving as a member of the Town's Architectural Commission, from 1984 to 1993, and again in 2006 to 2012; the Chairman of the Architectural Commission from 1988 to 1993 and again from 2010 to 2012; and as the Chairman of the Landmarks Preservation Commission from 1995 to 2000. A copy of my most recent Professional Resume is attached hereto as Exhibit "1."

3. My analysis and opinion herein is based upon the facts, my knowledge and experience as an architect, and a review of the Application, ARCOM Notice, renderings and

submittals, e-mails to ARCOM members, the transcript of the July 24, 2019 ARCOM meeting and the other documents attached as Exhibits to the Administrative Appeal dated August 21, 2019 filed by Julie Araskog.

4. On their face, the Application and ARCOM Notice for the proposed “Guest House and Pavilion for the Main House,” dated March 11, 2019 is not an application for a stand alone single family residential dwelling as permitted in the R-B Low Density Residential District.

5. The only permitted residential use in the R-B District is for “single-family dwellings” which is defined under the Town Code of Ordinances as “a detached building designed and used exclusively for residential purposes by one family.” Family, is defined as “an individual, or two or more persons related ... or a group of no more than three persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.”

6. By contrast the Application anticipates the construction of a guest house and pavilion for the main house on Ocean Boulevard. A guest house and pavilion are subservient or accessory uses to the main house, which is the exact opposite of single family house dwelling designed to stand on its own as determined by Mr. Castro.

7. A review of the e-mail summary of the “Guest House for 1480 North Ocean Blvd.” provided to the ARCOM members prior to its July 24, 2019 meeting, further confirms that the 1485 Via Manana property was purchased with the express intention of creating a garden/pool pavilion/guest house which would share a common yard, garden and open space with the main house. Again, such a design is the inverse of a stand alone single family dwelling.

8. Similarly, the presentation materials from the July 24, 2019 ARCOM meeting, entitled “New Guest House at the Kalisman Residence,” show clearly the strong connection between the guest house (which has a sliding glass pocketing door eastern façade, a huge indoor/

outdoor space facing the main house, two separate dining areas with seating for up to 24 people, a lounge and an upper deck facing east), and the main house which has the same modern architectural design. Likewise, the lack of landscaping between the two properties, a sidewalk connecting the two buildings and only two small bedrooms (with no master suite or bathroom) in the guest house clearly demonstrates the guest house is not designed to be a stand alone house exclusively for a separate single family. The floor plan (page A-100 of the Application) and several of the renderings in the ARCOM presentation (pages R-8, R-9, and R-10) attached hereto as Exhibit "2" clearly demonstrate this relationship.

9. A review of the transcript of the July 24, 2019 ARCOM meeting only serves to reinforce this conclusion. Not only does Mr. Kahan repeatedly refer to a guest house and main house throughout his presentation, but he also discusses the "interface" between them. In response to questions, Mr. Kahan confirms that the materials for the guest house are exactly the same as those used on the main house including the stucco, the paint, the aluminum railings and windows. Again, the only conclusion that can be reached from such testimony is that the guest house is not a stand alone single family dwelling as allowed as a permitted use in the R-B District.

10. As a seasoned architect, I would never include the term "guest house" or "main house" in an application for a stand alone single family dwelling. Likewise, I would never refer to and use the design of an adjacent home owned by an applicant (much less highlight the similarities in style, design, color and identity of materials) in a presentation to support a stand alone single family home.

11. A stand alone residence must be examined upon its own merits when held up to the ARCOM requirements and standards of not being too similar or dissimilar to the homes in the area. To the extent a smaller structure is intended to serve as a guest house and/or "interface" with a

main house or be a part of a larger family compound, I would expect to provide the Town with a unity of title agreement combining the master and subservient properties.

12. In the present situation, given that the guest house/pavilion is clearly not designed to be single family dwelling, the only way the structure would be permitted in the R-B District would be as an accessory structure.

13. To obtain approval for the guest house as proposed (i.e. 2 stories in height and 22 feet plus in height) however, the applicant would need to remove the kitchen (which is not allowed in an accessory structure in the R-B District), create a lot size over 20,000 (i.e. much larger than the 10,968 square feet of the 1485 Via Manana lot) and enter into a unity of title deed restriction which would prohibit any future division of the lot resulting in a lot under 20,000 square feet in the future under section 134-891 of the Town Code.

14. Based upon all of the above it is my fact based professional opinion that the guest house proposed by the applicant:

- a. Is not a stand alone single family dwelling as permitted in the R-B District;
- b. Could not be constructed in the R-B District without a unity of title, with the proper restrictions set forth therein; and
- c. Attempts to game the system by getting the benefits of a guest house without providing the neighbors with the protective restrictions of a unity of title.

15. When I see a bird that walks like a duck, swims like a duck and quacks like a duck, I conclude it is a duck. Here, this application looks like a guest house, is designed like a guest house, and interacts with the main house like a guest house. Therefore, it is a guest house which cannot “stand on its own.”

16. Instead, this proposed house flies in the face of the protections of our zoning code and leads to the inevitable conclusion the Applicant is trying to pull the wool over ARCOM's eyes to suit the individual owners' needs and wants.

17. As a result, it is my opinion that Mr. Castro's Determination in this case is inaccurate and should be reversed.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 21 day of August, 2019.

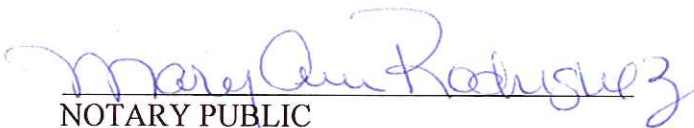
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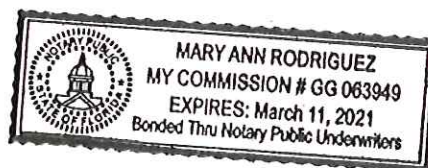
JEFFERY W. SMITH

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was sworn to and subscribed before me this 21st day of August, 2019, by JEFFERY W. SMITH, who is: _____ personally known to me or ☒ has produced Fla Drivers License as identification.

NOTARY SEAL


NOTARY PUBLIC



JEFFERY W. SMITH, AIA, PERSONAL EXPERIENCE RESUMÉ

POSITION

President, Smith Architectural Group, Inc. 1989
Architect and Planner

EDUCATION

Louisiana State University, Bachelor of Architecture, 1980
University of Miami, School of Architecture, 1976

<u>REGISTRATIONS</u>	Architect:	Florida	#9772
		New York	#026182
		Louisiana	#3391
		Colorado	#306522
		Illinois	#001-018691
		Texas	#18462
		Georgia	#RA011890
		Washington DC	#ARC100644
		Massachusetts	#31076
	National Council of Architectural Registration Boards		#28359

COMMUNITY ACTIVITIES

Chairman, Town of Palm Beach Underground Utilities Task Force, 2015 - Present
Director, Palm Beach Civic Association, 2017 - Present
Chairman, Town of Palm Beach Architectural Commission, 1988-1993, 2010-2012
Member, Town of Palm Beach Architectural Commission, 1984-1993, 2006-2012
Chairman, Town of Palm Beach Landmarks Preservation Commission, 1995-2000
President, Palm Beach Chapter of the American Institute of Architects, 1989
Member, Palm Beach Chapter of the American Institute of Architects, 1981-Present
Board of Governors, The Historical Society of Palm Beach County, 1998-1999
Trustee, United Way, Town of Palm Beach, 2007-2009
Member, Town of Palm Beach Building Board of Adjustments and Appeals, 1985-2009
Trustee, Preservation Foundation of Palm Beach, 1996-Present
Member, Preservation Foundation of Palm Beach, 1989-Present
Member, National Trust for Historic Preservation, 1989-Present
Member, Florida Trust for Historic Preservation, 1989-Present
Member, Palm Beach County Historical Society
President, Fraternal Order of Police Associates, Palm Beach Lodge #19, 1990
Member, Fraternal Order of Police Associates, Palm Beach Lodge #19, 1990 - 2005
Member, The Institute of Classical Architecture and Art, 2012- Present



Awards

- 2018 AIA Florida's 2018 Class of Citizen Architects *You have exemplified civic engagement and helped shape your community through service*
- 2018 AIA Palm Beach Firm of the Year *Recognizing outstanding achievement in design, community services, education and service to the profession*
- 2018 The William J. "Bill" Brooks Award for Community Service from the Palm Beach Civic Association
- 2018 The Addison Mizner Medal for *Excellence in Classical and Traditional Architecture, Florida Chapter of the Institute of Classical Architecture and Art, Casa Marius, the residence of Mr. and Mrs. Marion Antonini, Palm Beach*
- 2017 Florida Trust for Historic Preservation *Award In Recognition of Meritorious Achievement in the Field of Restoration/Rehabilitation for Casa Marius, 920 South Ocean Boulevard, Palm Beach*
- 2016 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through additions and renovations to "Casa Marius", the residence of Mr. and Mrs. Marion Antonini, Palm Beach*
- 2016 The Addison Mizner Medal for Excellence in Classical and Traditional Architecture, Florida Chapter of the Institute of Classical Architecture and Art, *La Tonteria, the Residence of Mr. and Mrs. James Harpel, Palm Beach*
- 2016 Cast Stone Institute Excellence Award, Residential for *Barnett Residence, Fort Lauderdale*
- 2014 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through additions and renovations to "Pelican Hall", the residence of Mr. and Mrs. William Tiefel, Palm Beach*
- 2013 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration and Renovation of "Villa Artemis", the residence of Mr. and Mrs. E. Llwyd Ecclestone, Palm Beach*
- 2013 The Addison Mizner Medal for Excellence in Classical and Traditional Architecture, Florida Chapter of the Institute of Classical Architecture and Art, *Graff Jewelers, Palm Beach*

- 2012 Palm Beach Chapter of the American Institute of Architects *Excellence Award for the Residence of Mr. and Mrs. Stephen Dattels, Palm Beach*
- 2012 The Addison Mizner Medal for Excellence in Classical and Traditional Architecture, Florida Chapter of The Institute of Classical Architecture and Art, *Flagler Keenan Pavilion at the Henry Morrison Flagler Museum, Palm Beach*
- 2012 The Florida Association of the American Institute of Architects Award of Public Recognition as one of the top 100 buildings in the State of Florida as selected by its citizens in association with the *Florida Architecture: 100 Years 100 Places Competition for "Concha Marina", Jungle Road, Palm Beach*
- 2012 The Preservation Foundation of Palm Beach, Elizabeth L. and John H. Schuler Award for new construction, *Residence of Mr. and Mrs. Jeffrey Marcus, 240 Clarke Avenue, Palm Beach*
- 2010 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of "La Tonteria ", the residence of Mr. and Mrs. James Harpel, Palm Beach*
- 2008 Florida Trust for Historic Preservation *Award In Recognition of Outstanding Achievement in the Field of Infill Design the Henry M. Flagler Museum, Palm Beach*
- 2007 The Preservation Foundation of Palm Beach, Elizabeth L. and John H. Schuler Award for new construction *300 North Lake Way, Palm Beach*
- 2007 DCOTA Design Center of the America's Stars of Design 2007 award for *Architecture*
- 2007 Palm Beach Chapter of the American Institute of Architects *Honor Award for Flagler Keenan Pavilion at the Henry Morrison Flagler Museum, Palm Beach*
- 2007 U.S. Trust Tribute to Philanthropists award for *The Henry Morrison Flagler Museum, Palm Beach*
- 2006 Palm Beach Chapter of the American Institute of Architects *Honor Award for Design for "Villa Venezia", Palm Beach*
- 2006 The Associated General Contractor's of America *"Build Florida Award" for the Flagler Keenan Pavilion at the Henry Morrison Flagler Museum, Palm Beach*

- 2005 The Associated General Contractor's of America *"Build Florida Award" for the residence of Mr. and Mrs. Walter Racquet*
- 2004 Palm Beach Chapter of the American Institute of Architects *Honor Award for Design for "Pietra Mar", Naples*
- 2004 Palm Beach Chapter of the American Institute of Architects *Honor Award for Design for Graff Diamonds, Palm Beach*
- 2003 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of 220 El Bravo Way, Palm Beach*
- 2003 Palm Beach Chapter of the American Institute of Architects *Honor Award for Design for New York Penthouse, New York*
- 2003 Florida Trust for Historic Preservation *Award In Recognition of Meritorious Achievement in the Field of Restoration/Rehabilitation for 220 El Bravo Way, Palm Beach*
- 2002 Palm Beach Chapter of the American Institute of Architects *Honor Award for Design for "Old Trees", Southampton, New York*
- 2001 Palm Beach Chapter of the American Institute of Architects *Award of Excellence for Historic Restoration for 220 El Bravo Way, Palm Beach*
- 2000 Palm Beach Chapter of the American Institute of Architects *Award of Design Excellence for "Joya del Mar", Palm Beach*
- 1999 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of L. Lauder Residence and R. Lauder Residence, Palm Beach*
- 1999 Palm Beach Chapter of the American Institute of Architects *Award for Excellence in Architecture for Casa Bendita, Palm Beach*
- 1999 American Institute of Architects *Award for Excellence in Architecture, State of Florida for "La Follia", Palm Beach*
- 1998 Garden Club of Palm Beach, *Civic Improvement Award For Dedication to Preserving the Architectural Integrity of Palm Beach and Having the Vision to Rescue our Threatened Heritage to be used in Creative Ways*

- 1996 Palm Beach Chapter American Institute of Architects *Award for Excellence in Architecture, "La Follia", Palm Beach*
- 1995 American Institute of Architects *Award for Excellence in Architecture, State of Florida, Historic Restoration of the Vitale Residence, Palm Beach*
- 1995 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of "Casa de Leoni", Palm Beach*
- 1995 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of 319 Brazilian Avenue, Palm Beach*
- 1994 Palm Beach Chapter of the American Institute of Architects *Award for Excellence in Architecture for the Historic Renovation of the Vitale Residence, Grace Trail, Palm Beach*
- 1994 Florida Trust for Historic Preservation *Award for Recognition of Meritorious Achievement in the Field of Residential Restoration for "Villa des Cygnes", Palm Beach*
- 1994 Florida Trust for Historic Preservation *Award for Recognition of Outstanding Achievement in the Field of Residential Renovation of "Casa de Leoni", Palm Beach*
- 1993 Palm Beach Chapter of the American Institute of Architects *Merit Award for Outstanding Contribution Towards Architecture Design for the design of Tiffany & Co., Palm Beach*
- 1993 American Institute of Architects *Award for Honor in Design, State of Florida Historic Restoration of "Concha Marina", Palm Beach*
- 1993 Florida Trust for Historic Preservation *Award for Outstanding Contribution to Preservation in the Field of Residential Restoration and Rehabilitation of an Historic Residential Structure "Concha Marina", Palm Beach*
- 1992 Florida Trust for Historic Preservation *Award for Meritorious Achievement in the Field of Residential Restoration and Rehabilitation of a Historic Residential Structure, Carriage House, Palm Beach*

- 1991 Florida Trust for Historic Preservation *Award for Outstanding Achievement in the Rehabilitation of an Historic Non-Residential Structure for the Town Hall, Palm Beach*
- 1991 Florida Trust for Historic Preservation *Award for Meritorious Achievement for Compatible New Construction in an Historic Environment for "La Villa dei Sogni", Palm Beach*
- 1991 Palm Beach Chapter of the American Institute of Architects *Certificate of Special Recognition for the design of the Courtyard Room addition, "La Villa dei Sogni", Palm Beach*
- 1990 The Preservation Foundation of Palm Beach, Ballinger *Award for Outstanding Contribution to Palm Beach Heritage through Restoration of "The Vicarage", Palm Beach*
- 1990 Palm Beach Chapter of the American Institute of Architects *Award for Excellence in Architecture for the Restoration of the Palm Beach Town Hall*

TELEVISED

Today's Classic Homes With Mitchell McDaniel, 2001

CNN, 2000 "Palm Beach Architecture -- La Follia and Villa des Cygnes"

HGTV, 2000 "Spanish Architecture"

HGTV, 1997/1998 "Villa des Cygnes"

PUBLICATIONS

BOOKS

The Classical American House, Phillip James Dodd, images Publishing, 2017

Palm Beach Chic, Jennifer Ash Rudick, Vendome Press, 2015

The Art of Classical Details II: An Ideal Collaboration, Phillip James Dodd, images Publishing, 2015

Preservation Foundation of Palm Beach: Elizabeth L. and John H. Schuler Award, 2006 – 2015, Alexander C. Ives, President, Preservation Foundation of Palm Beach, Preservation Foundation of Palm Beach, 2016

Palm Beach Chic: La Follia, Jennifer Ash Rudick, Vendome Press, 2015

Palm Beach People, Harry Benson and Hilary Geary Ross, Powerhouse Books, 2014

The Detailed Interior: Decorating Up Close with Cullman & Kravis, Elissa Cullman and Tracey Pruzan, The Monacelli Press, 2013

Mario Buatta: Fifty Years of American Interior Decorating, Mario Buatta, Rizzoli International Publications, Inc., 2013

The Art of Classical Details: Theory, Design, and Craftsmanship, Phillip James Dodd, images Publishing, 2013

Forever Green, Mario Nievera, Pointed Leaf Press, 2013

Alexa Hampton: The Language of Interior Design, Alexa Hampton, Clarkson Potter, 2010

Foreward: Maurice Fatio: Palm Beach Architect, Kim I. Mockler, Acanthus Press, New York, 2010

Bunny Williams' Point of View, Three Decades of Decorating Elegant and Comfortable Houses, Bunny Williams, Stewart, Tabori & Chang, 2007

Palm Beach Splendor, The Architecture of Jeffery W. Smith, Joyce C. Wilson, Rizzoli International Publications, Inc., 2005

Tiffany's Palm Beach, John Loring, Henry R. Abrams, 2005

A Decade of Art and Architecture 1992-2002: With an Introduction by Robert A.M. Stern, The Editors of The Classicist, The Institute of Classical Architecture, 2002

Palm Beach: An Architectural Legacy, Polly Anne Earl, Rizzoli International Publications, Inc., 2002

Villa El Sarmiento, The Story of a House, Caroline Seebohm, David H. & Julia F. Koch, 2003

Jeffery W. Smith, Resumé
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The Southern Garden, Lydia Longshore with the Editors of *Southern Accents*, Bullfinch Press, 2001

Celebration Pattern Book, Celebration, Florida, The Walt Disney Company, 1995

Private Palm Beach, Tropical Style, "Mediterranean Mystique" and "The Vicarage".
Jennifer Ash, Abbeville Press Inc., 1992

PERIODICALS

Veranda "Palm Beach Style Now & Forever" Shell Games; From seashell pinks to garden greens, Bunny Williams's glamorous refresh of a Mediterranean-style villa takes its color cues from the homes lush setting. January-February 2019

Veranda "Palm Beach Style Now & Forever" Original Thinking, Given the rare opportunity to update a fabled 1920s Palm Beach mansion, designer Susan Zises Green deftly preserves the home's authentic detail while ushering in the sun. January-February 2019

Palm Beach Illustrated Open House, Waterfront Wonder, 1197 North Lake Way, Palm Beach, Florida. September 2017

Veranda The Power of PRESERVATION, Tropical Splendor: The Preservation Foundation of Palm Beach ensures the architectural legacy of the seaside enclave lives on. May-June 2017

Elegant Homes Timeless Appeal By tastefully blending traditional elements with contemporary flourishes, everything old is new again in this historic, century-old Florida home. Fall/Winter 2018

luxe.interiors & design "On View" A Palm Beach home on the water experiences a metamorphosis with fresh furnishings and fabrics and an impressive collection of art July/August 2016

Ocean Home (10th Anniversary edition) "Art & Soul" August + September 2016

Art & Culture of Palm Beach County (Cultural Council of Palm Beach County) "Artists Share Work, Wisdom as Authors" Winter 2013 Volume 7 issue 2

Florida Design "Gracious and Elegant" Volume 22 Number 4 Winter 2012/2013

Period Homes (2008 Palladio Awards) "Jewelry for the Home" July 2008

Revised 1/25/19

Robb Report (Luxury Home Issue) "Top 30 Architects" Summer 2007

House and Garden (Renovation Issue) "The Sun King" February 2007

Palm Beach Cottages & Gardens "Deconstructing Palm Beach" November 2006

Palm Beach Daily News "Homage to Mizner" A winner November 19, 2006

The Palm Beach Post/Residences "Local experts share tips about hiring and working with Architects" February 19, 2006

Architectural Digest "Serenity Found on Biscayne Bay" April 2006

Palm Beach Illustrated "Paradise Found: The Munderts' Epic Romance"
February 2006

Architectural Digest "Looking Homeward" February 2006

Palm Beach Daily News/Grandeur "In a Mediterranean Mood" January 13, 2006

Palm Beach Cottages & Gardens "Splendid-What's New" January 2006

Panache "Architecture for the Ages" November/December 2005

Florida Design "Palm Beach Splendor" Volume 15 Number 4

Southern Accents "Palm Beach Baroque" Mimi Read. January/February 2005

House & Garden "Defining Moment" September 2004

Vanity Fair "Palm Beach Exclusive" February 2004

Architectural Digest "Eye for Understatement: Photographer Ellen Graham goes Anglo-Indian in Palm Beach" Amanda Vaill, April 2003

Quest "Gardens of Eden" David Patrick Columbia, February 2002

Palm Beach Life "Master of the House" Robert Janjigian, Spring 2002

Boca "At Home with the Smiths—The Architect of Megamansions finds his angle of repose" Joyce C. Wilson January/February 2002

Jeffery W. Smith, Resumé
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Homestyle "In the Pink" Craig Kellogg. September 2001
August 5, 2001

The New York Times "Palm Beach's Ultraluxury Market Sizzles" Jon Nordheimer

Forbes.com "Today's Best Architects" Felicia Paik. June 2001

Town & Country "Villa With a View" Anthony Barzilay Freund, June 2001
Southern Accents "Echoes of Italy" Philip Morris, January/February 2001

House Beautiful "Palm Beach Story" Martin Filler, December 2000

Architectural Digest "Tropical Glamour for Palm Beach—Evelyn and Leonard Lauder Gently Update their Family Retreat" Mitchell Owens, November, 2000

Town & Country "White Glove Contractors" Alexa Yablonski, October 2000

Architectural Digest "Palm Beach Story—Mediterranean Themes for an Oceanfront Villa in Florida" Mitchell Owens, May 2000

Florida Design "A Decade of Florida Design 1900-2000" Summer 2000 Volume 10
Number 2

Boca "Architect's Casebook" Jeffery W. Smith, May/June 2000

Palm Beach Illustrated "Power House" February 2000

Quest "Livable Luxe" Trey Wegman, February 2000

Florida Caribbean Architect "Award for Excellence 1999 for La Follia, Palm Beach",
Fall/Winter 1999-2000

Architectural Digest "Florida Formality—A Palm Beach Villa Is Lightened with Breezy French Grace" Mitchell Owens, December 1999

House and Garden "Beach Plums" William Norwich, December 1999

Palm Beach Illustrated "Kings of the Castles" Daphne Nikolopoulos, December 1999

Robb Report "Palm Beach Grand—At La Follia, Architect Jeffery Smith Mixes Fun with Formality to Resurrect the Society House Party Era" Barbara Dinerman, October 1999

Revised 1/25/19

Jeffery W. Smith, Resumé
Page Eleven

The New York Times "Trouble in Paradise: The Changing of the Guard" Tracie Rozhon,
March 25, 1999

Quest "The House of Mirth" Kyra Larkin, March 1999

Robb Report "Power Players of Luxury for 1999" Interior Design and Architecture
January 1999

Florida Design "Sandcastles By The Sea—La Follia Epitomizes the Romantic Glamour
of Old Palm Beach" Barbara Marshall, Volume 8 Number 2

Chicago Tribune from the Wall Street Journal "Temples of the Wealthy" Felicia Paik,
May 23, 1998

The Wall Street Journal "The Home Front—When Too Big Isn't Big Enough" Felicia
Paik, May 1, 1998

W "Terry Town" James Reginato, May 1998

Florida Design "Concha Marina" Barbara Marshall, Volume 6 Number 4

Palm Beach Illustrated "Villa des Cygnes" January 1997

Architectural Digest "Palm Beach Renaissance-An Italianate Villa on the Florida Coast
for Irwin and Terry Kramer" Aileen Mehle, December 1996

Florida Design "Casa Casuarina, Versace's South Beach Estate" Roberta Klein,
Volume 6 Number 2

Florida Design "Artful Living in Palm Beach." Linda Marx, Volume 6 Number 1

Palm Beach Illustrated "Ballinger Award Winners, Casa de Leoni" January 1996

Florida Design "Artist Tom McKnight's Palm Beach Home—Renate and Tom McKnight
Combine a Love of Color, Travel and Art in Their House" Linda Marx,
Volume 5 Number 4

Florida Architecture "Artistic Fantasy in a Private Domain" 55th Annual Edition, 1995

Florida Design "Concha Marina—Mizner's Own Palm Beach Estate" Barbara Dinerman,
Volume 4 Number 3

Jeffery W. Smith, Resumé
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Florida Design "A Palm Beach Palace" Mary Doyle-Kimball, Volume 3 Number 4

Southern Accents "Villa des Cygnes—A Palm Beach Ugly Duckling Becomes a Swan"
Marjorie Klein, September 1991

Metropolitan Home "Making a Jazz-Age Splash" Ziva Freiman, March 1989

outdoor space facing the main house, two separate dining areas with seating for up to 24 people, a lounge and an upper deck facing east), and the main house which has the same modern architectural design. Likewise, the lack of landscaping between the two properties, a sidewalk connecting the two buildings and only two small bedrooms (with no master suite or bathroom) in the guest house clearly demonstrates the guest house is not designed to be a stand alone house exclusively for a separate single family. The floor plan (page A-100 of the Application) and several of the renderings in the ARCOM presentation (pages R-8, R-9, and R-10) attached hereto as Exhibit "2" clearly demonstrate this relationship.

9. A review of the transcript of the July 24, 2019 ARCOM meeting only serves to reinforce this conclusion. Not only does Mr. Kahan repeatedly refer to a guest house and main house throughout his presentation, but he also discusses the "interface" between them. In response to questions, Mr. Kahan confirms that the materials for the guest house are exactly the same as those used on the main house including the stucco, the paint, the aluminum railings and windows. Again, the only conclusion that can be reached from such testimony is that the guest house is not a stand alone single family dwelling as allowed as a permitted use in the R-B District.

10. As a seasoned architect, I would never include the term "guest house" or "main house" in an application for a stand alone single family dwelling. Likewise, I would never refer to and use the design of an adjacent home owned by an applicant (much less highlight the similarities in style, design, color and identity of materials) in a presentation to support a stand alone single family home.

11. A stand alone residence must be examined upon its own merits when held up to the ARCOM requirements and standards of not being too similar or dissimilar to the homes in the area. To the extent a smaller structure is intended to serve as a guest house and/or "interface" with a

main house or be a part of a larger family compound, I would expect to provide the Town with a unity of title agreement combining the masters and subservient properties.

12. In the present situation, given that the guest house/pavilion is clearly not designed to be single family dwelling, the only way the structure would be permitted in the R-B District would be as an accessory structure.

13. To obtain approval for the guest house as proposed (i.e. 2 stories in height and 22 feet plus in height) however, the applicant would need to remove the kitchen (which is not allowed in an accessory structure in the R-B District), create a lot size over 20,000 (i.e. much larger than the 10, 968 square feet of the 1485 Via Manana lot) and enter into a unity of title deed restriction which would prohibit any future division of the lot resulting in a lot under 20,00 square feet in the future under section 134-891 of the Town Code.

14. Based upon all of the above it is my fact based professional opinion that the guest house proposed by the applicant:

- a. Is not a stand alone single family dwelling as permitted in the R-B District;
- b. Could not be constructed in the R-B District without a unity of title, with the proper restrictions set forth therein; and
- c. Attempts to game the system by getting the benefits of a guest house without providing the neighbors with the protective restrictions of a unity of title.

15. When I see a bird that walks like a duck, swims like a duck and quacks like a duck, I conclude it is a duck. Here, this application looks like a guest house, is designed like a guest house, and interacts with the main house like a guest house. Therefore, it is a guest house which cannot "stand on its own."

16. Instead, this proposed house flies in the face of the protections of our zoning code and leads to the inevitable conclusion the Applicant is trying to pull the wool over ARCOM's eyes to suit the individual owners' needs and wants.

outdoor space facing the main house, two separate dining areas with seating for up to 24 people, a lounge and an upper deck facing east), and the main house which has the same modern architectural design. Likewise, the lack of landscaping between the two properties, a sidewalk connecting the two buildings and only two small bedrooms (with no master suite or bathroom) in the guest house clearly demonstrates the guest house is not designed to be a stand alone house exclusively for a separate single family. The floor plan (page A-100 of the Application) and several of the renderings in the ARCOM presentation (pages R-8, R-9, and R-10) attached hereto as Exhibit "2" clearly demonstrate this relationship.

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16. Instead, this proposed house flies in the face of the protections of our zoning code and leads to the inevitable conclusion the Applicant is trying to pull the wool over ARCOM's eyes to suit the individual owners' needs and wants.



EXTERIOR RENDERING - AERIAL LOOKING NORTH WEST



NEW RESIDENCE AT
1485 VIA MANANA
 PALM BEACH, FLORIDA 33410
SMITH AND MOORE ARCHITECTS, INC.
 • 1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33411 • TEL (561) 835-1838 • FAX (561) 832-7015 •



FLORIDA AAC
 NO. 00128
 DANIEL KOLAN
 ARCHITECT
 1500 SOUTH OLIVE AVENUE
 WEST PALM BEACH, FLORIDA 33411
 TEL (561) 835-1838
 FAX (561) 832-7015

DATE: 10/02/02
 DRAWN BY: DSK
 CHECKED BY: DSK
 PROJECT: 1485 VIA MANANA

ARCOM # B-037-2019
R-8



EXTERIOR RENDERING (OPERABLE FACADE WINDOWS OPEN) - VIEW LOOKING NORTH EAST

S-M

NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33410

SMITH AND MOORE ARCHITECTS, INC.
• 1500 SOUTH OLIVE AVENUE WEST PALM BEACH, FLORIDA 33411 • TEL (561) 835-1888 FAX (561) 832-7015 •



MANICIA L. SMITH
ARCHITECT
REGISTERED PROFESSIONAL ARCHITECT
NO. 001188
SMITH AND MOORE ARCHITECTS, INC.
REGISTERED ARCHITECTURAL FIRM
NO. 001188

NOT TO SCALE
SHEET 1
R-9

ARCOM # B-027-2019



ARTISTIC RENDERING - LOGGIA LOOKING SOUTHWEST

ASCOM # B-037-2019

R-10

NO. 1002
DATE: 07-10-19
SHEET:

07/10/2019

DANIEL KAHN
REGISTERED ARCHITECT NO. 1002

SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33401



NEW RESIDENCE AT
1485 VIA MANANA
PALM BEACH, FLORIDA 33410

SMITH AND MOORE ARCHITECTS, INC.
1500 SOUTH OLIVE AVENUE, WEST PALM BEACH, FLORIDA 33401 • TEL: (561) 835-1888 FAX: (561) 832-7015

S-M

Administrative Appeal of Determination that Proposed “Guest House and Pavilion for the Main House at 1480 North Ocean Boulevard” located at 1485 Via Manana Is a Stand Alone Residence that Does Not Require a Unity of Title

Affidavit of Eugene Pandula in Support of Reversal of Determination by Paul Castro

[illegible]

BEFORE ME, the undersigned authority, personally appeared Eugene Pandula, President, of Pandula Architects, Inc., a Florida corporation, who, being duly sworn, deposes and says:

1. My name is Eugene Pandula. I am over eighteen years of age and I have personal knowledge of the facts and issues contained in this Affidavit in Support of the Reversal of the Determination by the Director of Zoning and Planning, Paul Castro, that the “Guest House and Pavilion for the Main House at 1480 North Ocean Boulevard” proposed to be constructed at 1485 Manana Lane is a stand alone house that does not need a Unity of Title.

2. I have been a licensed architect in the State of Florida since for over 35 years and have served as the principal of Pandula Architects, Inc. for the last 30 years, during which time I have practiced almost exclusively in the Town of Palm Beach. At the same time, I have also had the pleasure of serving on Landmarks Preservation Commission for 15 years including acting as the Chairman. A copy of my most recent Professional Resume is attached hereto as Exhibit "1."

3. My analysis and opinion herein is based upon the facts, my knowledge and experience as an architect, and a review of the Application, ARCOM Notice, renderings and submittals, e-mails to ARCOM members, the transcript of the July 24, 2019 ARCOM meeting and the other documents attached as Exhibits to the Administrative Appeal dated August 21, 2019 filed by Julie Araskog.

4. In analyzing the issues in this matter I looked at the situation and asked what I would I do if I were the architect of record.

5. In this case, I would start by looking at what can and can not be built in the R-B Low Density Residential District. The only permitted residential use in the R-B District is for "single-family dwellings."

6. The definition of a single-family dwelling under the Town Code of Ordinances is "a detached building designed and used exclusively for residential purposes by one family."

7. Working off of that definition rules out a number of other uses for the proposed house. That lets me know that I need to design the house exclusively for the family who will actually live in it long term. At the same time, a single family cannot live in two houses at the same time, much less two houses on adjoining lots.

8. A single family dwelling is also focused on meeting all of the day to day needs of the family in one home on one lot. Therefore, it will include the right balance of living and dining areas, a sufficient number of bedrooms for the family (including a master bath and en suite for the owners) and recreational areas such as a pool, all arranged in the best way possible on one lot.

9. For example, the existing single family home which is proposed to be demolished to make way for a new structure at 1485 Via Manana includes a vaulted ceilings, three bedrooms including a master suite and en suite bathroom, a pool, a garage (which is not the centerpiece) to its entryway and sufficient landscaping to provide privacy from its neighbors.

10. A single family home will also differ in architectural style, design, and finishes from its neighbors so that it is distinct from neighboring homes. Again, the present home blends in well with the neighboring homes and yet is distinct from them.

11. By contrast, a guest house which will be used for temporary stays is designed much differently. A guest house will typically have fewer and much smaller bedrooms for its size, and will rely upon the main house for much of its recreational area.

12. Again, looking at the R-B district regulations, while accessory structures are permitted (which could include a guest house), in the R-B district there are multiple restrictions on such structures. Accessory structures cannot have a kitchen, and must be on a lot over 20,000 square feet in size and have a unity of title in order to be two stories tall and up to 25 feet in height.

13. To protect the neighboring properties, once a unity of title is issued and a two story accessory structure is built, the property cannot be divided if there would not be at least 20,000 square feet in each divided lot.

14. Applying these definitions to proposed residence here, which is identified by the applicant as a "New two-story residence, which will serve as a guest house and pavilion for the main house at 1480 North Ocean Boulevard," it is clear that the intent of the owners is accurately reflected in the application, to create an accessory guest house and open pavilion which will serve as an entertainment complex for the main home, without obtaining a unity of title.

15. As detailed further in the Administrative Appeal filed in conjunction with this Affidavit, the applicant's architect clearly indicated that the lot was purchased "with the intention of building a guest house, something that would interface with their pool and their garden." As a result, he highlighted the interface between the guest house/pavilion and main house along with the similarities in architecture, while admitting that the stucco, color, railings and windows of the guest house were identical to the main house. In fact he did such a good job that describing the link between the two properties several ARCOM members believed that they were looking at a guest house on one unified property.

16. Regardless of whether the applicant now changes the nomenclature of the project to a “residence” as opposed to a “guest house” the structure still is not a stand alone single family dwelling contemplated in the R-B district.

17. Several tell tale signs from an architectural standpoint that support this conclusion include the fact that:

- Single family homes do not identically mirror the neighboring property in style and finishes, but create a distinction between the two houses on separate lots
- Single family homes do not create a wide open view to the home behind them while neglecting the design of their own entryway, and placing the garage in a place of prominence.
- Single family homes of approximately 3,500 square feet do not contain two small bedrooms, with no master bathroom and en suite, and yet include a large lounge area, exercise room, and two separate seating areas for over 20 people combined.
- Single family homes do not tie into the perimeter hedge of the neighboring house while at the same time fail to install any landscape screening at all between the house and adjacent property.
- Single family homes do not rely on the pool of the neighboring home for recreation.
- Single family homes do not have a sidewalk connecting to their neighbor.

18. At the end of the day it, whether we like it or not as architects, the restrictions of the Zoning Code are in place for a reason, to protect the surrounding neighbors.

19. In this case it is clear the proposed residence at 1485 Via Manana is designed to be an entertainment extension of 1480 N. Ocean Boulevard without the protection of a unity of title for the surrounding neighbors.

20. As a result, I believe Mr. Castro’s Determination that the proposed residence can stand on its own without a unity of title is inaccurate and should be reversed.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 21st day of August, 2019.

By: _____

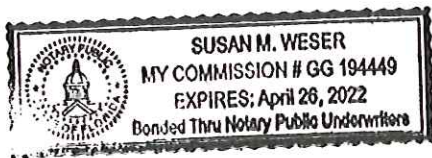
EUGENE PANDULA

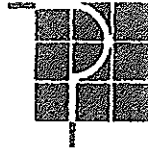
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was sworn to and subscribed before me this 21st day of August, 2019, by EUGENE PANDULA, who is: _____ personally known to me or X has produced Florida Driver's License as identification.

NOTARY SEAL

NOTARY PUBLIC





THE PANDULA ARCHITECTS

The Pandula Architects, Inc. is an award winning full service architectural and interior design firm founded in 1985. With its strong commitment to quality design reinforced by sound technical expertise, the firm has established itself as one of the most respected firms in the region. The diverse professional expertise collected within this group ensures a commitment to personalized attention with careful consideration given to each client's objective, schedule and budget. The Pandula Architects, Inc. maintains a professional staff of three architects and one interior designer, along with appropriate support personnel.

ARCHITECTURE

HISTORIC PRESERVATION
PROGRAMMING
SCHEMATIC DESIGN
DESIGN DEVELOPMENT
CONSTRUCTION DOCUMENTS
BIDDING AND NEGOTIATION
CONTRACT ADMINISTRATION
GOVERNMENTAL CONSULTATION
CONSTRUCTION CONSULTATION
MARKET EVALUATION
ECONOMIC AND FEASIBILITY STUDIES

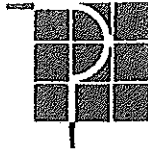
SITE PLANNING

ZONING
LAND-USE PLANNING
NEIGHBORHOOD PLANNING

INTERIOR DESIGN

HISTORIC PRESERVATION
PROGRAMMING
PRELIMINARY DESIGN
FINAL DESIGN
CONTRACT DOCUMENTS
BIDDING AND NEGOTIATION
CONSTRUCTION ADMINISTRATION
PURCHASING AND INSTALLATION
TENANT IMPROVEMENT
FURNITURE AND ACCESSORY DESIGN



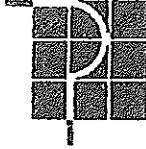


EUGENE PANDULA, A.I.A.

President and Founding Partner, Mr. Pandula is recognized as a leader in the professional design community. Mr. Pandula is a Past President of the Palm Beach Chapter of the American Institute of Architects, a past member of the Palm Beach County Historic Resources Review Board, Chairman of the Town of Palm Beach Landmarks Preservation Commission, and, a member of the National Council of Architectural Registration Boards. With his special interest, education, training and experience in historic preservation, Mr. Pandula is a member of the National Trust for Historic Preservation and is a frequent lecturer on preservation related topics both locally and nationally. He was appointed by the Governor of the State of Florida to the Florida Historic Resources Committee and has contributed to the publication of Florida Historic Properties and Structures. Mr. Pandula has been retained as a consultant on historic preservation issues by a number of municipalities including the Town of Palm Beach and has participated in important projects for the cities of St. Augustine, Leesburg, Eustis, Mt. Dora, Gainesville and West Palm Beach, Florida, as well as Nantucket, Massachusetts.

Mr. Pandula currently serves as a Trustee on the Board of Directors of the Florida Trust for Historic Preservation, and, as a Member of the Board of Advocates for the University of Florida College of Architecture.

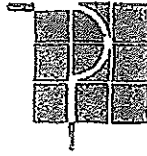
Master of Arts in Architecture
Bachelor of Design
University of Florida



HISTORIC PRESERVATION

The Pandula Architects, Inc. maintains the professional expertise familiar with the specific and sensitive requirements of historically significant architectural projects. Mr. Pandula, who personally oversees and directs all preservation activities undertaken by the firm, has gained prominence through his thoughtful and respectful work on both designated Landmark structures and important non-designated structures.

The Pandula Architects, Inc. has been honored by award for design excellence on historic preservation and adaptive use projects.



Selected Awards:

- | | |
|------|---|
| 2018 | University of Florida
2018 Distinguished Alumnus Award
in Historic Preservation
" In recognition of research and work to
advance Historic Preservation in Palm Beach
and throughout the State of Florida " |
| 2017 | Preservation Foundation of Palm Beach
Polly Earl Award for the restoration of
"Seaspray" a private residence
Palm Beach, Florida |
| 2009 | Preservation Foundation of Palm Beach
Volunteer of the Year
Palm Beach, Florida |
| 1998 | Preservation Foundation of Palm Beach
Ballinger Award for the restoration of
"Hi-Mount" a private residence
Palm Beach, Florida |
| 1996 | Preservation Foundation of Palm Beach
Ballinger Award for the restoration of
"Junglewood", a private residence
Palm Beach, Florida |
| 1994 | Palm Beach Chapter, A.I.A.
Award for Design Excellence for the restoration of
"Oheka" a private residence
Palm Beach, Florida |
| 1989 | Price Waterhouse / South Florida Business Journal
Small Business Up & Comers Award
South Florida |
| 1988 | Price Waterhouse / South Florida Business Journal
Small Business Up & Comers Award
South Florida |



Selected Professional Affiliations:

- | | |
|--------------|--|
| 2011-present | University of Florida, College of Design,
Construction and Planning:
Gainesville, Florida & Nantucket, Massachusetts
Member: Board of Advocates |
| 2015 | State of Florida, Department of State, Division of
Historic Resources:
Tallahassee, Florida
Member: Small Grants Advisory Panel |
| 2011-2015 | The Florida Trust for Historic Preservation:
Tallahassee, Florida
Trustee |
| 2009-2011 | Town of Palm Beach
Palm Beach, Florida
Member: Worth Avenue Improvement Committee |
| 2008-2011 | Town of Palm Beach
Palm Beach, Florida
Chairman: Flagler Memorial Bridge (replacement)
Aesthetic Review Committee |
| 1995-2011 | Town of Palm Beach, Landmarks Preservation
Commission:
Palm Beach, Florida
1998-2011 Chairman
1995-1998 Member |
| 1989 | Beautiful Palm Beaches:
West Palm Beach, Florida
Member: Board of Directors |
| 1983-1994 | Palm Beach Chapter, American Institute of
Architects:
Palm Beach County, Florida
1994 President
1988-1993 Member: Board of Directors |



Selected Publications and Presentations:

- 2015 "How South County Road Was Born"
for the Greater South County Road Association,
Palm Beach, Florida
- 2014 "Landmarking History and Trends"
for the Preservation Foundation of Palm Beach,
Palm Beach, Florida
- 2012 "The New World" a walking tour
for the preservation Foundation of Palm Beach &
The Congress of New Urbanism
Palm Beach, Florida
- 2011 "Architects on the Architects, Howard Major"
for the Preservation Foundation of Palm Beach
Palm Beach, Florida
- 2011 "Maintaining Historic properties: The Nuts and Bolts of
Maintenance and Repair"
for the Preservation Foundation of Palm Beach
Palm Beach, Florida
- 2010 "Tracing the Fabric of Palm Beach, Architecture of the
1930's, 1940's and 1950's"
for the Preservation Foundation of Palm Beach
Palm Beach, Florida
- 2009 "Preserving Modernism in Palm Beach, Past Cases and
Future Opportunities"
for the Preservation Foundation of Palm Beach,
Palm Beach, Florida
- 2008 "Maintaining Historic Properties: Determining Your
Needs"
for the Preservation Foundation of Palm Beach,
Palm Beach, Florida

- 2007 "Marketing Historic Properties"
for the Preservation Foundation of Palm Beach,
Palm Beach, Florida
- 2006 "The Legal Landscape of Historic Designations"
for the Preservation Foundation of Palm Beach
Palm Beach, Florida
- 2003 "Adaptive Re-Use and Historic Preservation in Palm
Beach"
for the Florida Chapter of the American Planning
Association, The Breakers Hotel,
Palm Beach, Florida
- 2001 "John Volk, Architect Extrodinaire"
for the Preservation Foundation of Palm Beach
Palm Beach, Florida
- 1989 "A Guide to Florida's Historic Architecture"
for the University of Florida Press
Co-Author
- 1987 "Historic Preservation Concepts in the Town of Palm
Beach"
for the Palm Beach Board of Realtors,
Palm Beach, Florida
- 1986 "Historic Preservation and Property Valuation"
for the Palm Beach Board of Realtors,
Palm Beach, Florida
- 1983 "The Vinoy Park Hotel"
for Booker Creek Preservation,
St. Petersburg, Florida
Symposium Panel Member
- 1978 "Survey of Gulf Coast Architecture from Key West to
Galveston"
for the National Trust for Historic Preservation
Annual Meeting,
Mobile, Alabama
Co-Author and Presenter
- "Leesburg and the Lake Region"
Co-Author