

Dear Members of The Regency,

The Ad-Hoc Committee on The Ambassador Hotel, consisting of Monique Olgilvie, Judith Katten, Lucy Pfluger, Michael Blanc, Nancy and Ivar Goldart, have prepared several examples of letters of opposition and a pinch list of objections to the renovation project. These may be used as guides or feel free to cut and paste as you see fit. In addition, you will find some important guidelines prepared by our attorney for this committee, Gregory Kina.

Included in the package are letters by Judy Katten, Michael Blanc, Monique Olgilvie and Ivar Goldart. applicable regulations submitted by Gregory Kino, Esq.

If you have any **q lease** feel free to contact me.

Ivar Goldart

RE: AMBASSADOR VARIANCE APPLICATION

July 16, 2020

My name is Michael Blanc and I am from the Regency. I would like to speak in opposition of this application. As an architect with considerable experience with variances, I believe the relief being sought is excessive. The nonconforming extra building height and land coverage being sought would be detrimental to our neighborhood because the amount of building on the site would be much denser than others in this area. From Sloans Curve to the Lake Avenue Bridge the existing physical character exudes calm. This is due to the generous separation between buildings, which are all filled with homes. It is a residential neighborhood. The new Ambassador, when seen from the air, reveals a site packed with much more building coverage than its neighbors. The building itself, architecturally, looks like towers with very flashy glass lined balconies. The project gives the appearance of a resort not homes.

A change in use is also being sought. This too would be detrimental to the neighborhood. With the new uses this project would become more a resort destination, Acapulco style, totally out of character in the middle of a low rise, low density, predominantly residential area.

There is much description of a valet parking system to be used to great advantage for saving space. But it is well known valet parking is a slow process. From the Breakers to the Old Key Lime House we all have experienced the delays associated with valet parking. I fear when there is a large gathering at the new ball room, the queue of cars arriving, from both directions for that function, will be forced to back up on A1A. A1A is a narrow, two lane road without shoulders and such a queue would totally block local traffic,

as well as, access by emergency vehicles. All this is without mention of any traffic generated by staff arrivals and departures. The Town of Palm Beach should request a full traffic study of this development's impact on A1A before considering the application..

Actually, the most dangerous aspect of this application, if approved, is it would set a legal precedent for other such developments. In my experience, once such a precedent is set, any other application seeking the same relief has been granted. Because a Zoning Board cannot approve something for one applicant and then deny it to another, three lots away, without facing serious litigation. So imagine this sort of resort development peppered A1A. It would transform the neighborhood for the worst.

The final, and perhaps most important, question I have has to do with what is called in zoning language, "hardship." Again in my experience, an applicant needs to demonstrate a viable hardship as the reason for seeking a particular type of relief from the regulations. I do not know if I missed it, but I found nothing in the material provided about the hardships being claimed by the applicant. If there are no hardships then design of new additions to the existing structures should conform to the regulations.

Michael Blouk |

July, 21, 2020

Dear Members of ARCOM,

My name is Ivar GoIdart. I have the privilege to reside in The Regency of Palm Beach which is located on S. Ocean Blvd diagonally across from The Ambassador Hotel. I grew up in New York City and until 9 years ago was not the slightest bit aware of the beauty of this location. My wife Nancy and I were taking a brief vacation on Singer Island and she suggested that we visit Palm Beach. I was stunned with views that were reminiscent of the coast in the south of France. Two years later we purchased our apartment. Since then, each December when we arrive and take in the view, we exclaim "do we really live here?" I will do anything I can to help keep this serene, restrained unbelievable place just what it is. With this in mind, below is my view of harm the redevelopment plan for The Ambassador will do to this precious community.

The Claimed Hardship Should Denied as it is Both Without Merit and Disingenuous

The heart of a variance request is hardship. The sponsor's claimed hardship should not be recognized as sufficient to support the drastic and extensive variances that they seek.

The hardship claimed appears to boil down to this:

The Ambassador Hotel premises is a fully built out seven story building. The seven stories are permissible because the structure was built pre-code limiting to 5 stories. The sponsors are very sophisticated developers and were fully aware of the limitations of property development in Palm Beach when they purchased one of the smallest lots in the area. Consequently, protests about restrictions interfering with their expansive development goals ring hollow. If they wanted to create a high density, mixed commercial and residential condo hotel premises they should have looked down the road so as not to violate the peaceful, quiet and spectacular beauty and unique norms of Palm Beach.

Beyond this, whatever little appeal the "hardship" claim may, is completely undermined by the sponsor's admission in the variance application that their business plans could be met without the requested variances although this would be "challenging" (their words), not impossible.

New Structures Are Not In Harmony With The General Area As They Are Oversized, Create Density Issues, Disturb Sight Lines to the Ocean, Create Noise, Glare and Light Pollution

The Ambassador is located on the East Side of S. Ocean Blvd. The buildings from Sloan's Curve to the Lake Worth Casino are quite consistent in materials with which they are built, the presentation of understated terraces and in generally keeping activity areas out of public view and east of the housing structures. In the main they are beautiful classic mid-century structures. None of these attributes are respected in the redevelopment of the Ambassador Hotel with the possible exception of painting the building white.

To be sure the architects of the new Ambassador had their work cut out for them as the current hotel is a long way from elegant. The new building as designed, standing alone, is an impressive

conversion. But the building does not stand in a vacant part of town: it is within a community of buildings. The redevelopment plan overdevelops the area extending west towards S. Ocean Blvd.

The serenity of the drive along S. Ocean Blvd. will be shattered by a hulking ballroom, described below, a main building bedecked by gawky and glistening terraces and outdoor drinking and dining areas that will undoubtedly be noisy.

Ballroom

Variances requested would allow for the construction of a 3,100 Sq. Ft. ballroom. At a zoom meeting presented to The Regency on July 8, 2020, the sponsors were constrained under questioning to acknowledge that the largely glass exterior will be at least 35 feet high and the ballroom will push well north of the footprint of the main building. As a result of the width of this facility, site lines to the ocean will be blocked and the view from S. Ocean Blvd. disturbed by creating a large commercial look inconsistent with surrounding properties. These facts clearly call into question the sponsor's response (Application Ex.A. 10) that the proposed new structures were in keeping with the height restraints on commercial buildings. As the proposed ballroom juts out beyond the north side of main building, the response that new structures will not create visible size and bulk issues (Application Ex.A.11) is not credible.

In addition, the sponsor's assurance that the redevelopment will not pose glare and light pollution issues is questionable given the predominate use of glass on the 35 ft. high Ballroom. (Application Ex.B.7)

Highly Glazed Terraces and Balconies

Variances requests have been made to allow numerous balconies to be created, expanded and to expand and enclose several others. Great reliance is placed on glass building materials to be involved in the creation of these new amenities that is out of character for buildings in this area. In addition, the extensive use of glass gives reasons to question the sponsor's assurance that the redevelopment will not pose glare and light pollution issues. (Application Ex. B.7)

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by difficulties created by the requirement to use valet parking could spill out of the property and result in traffic delay on S. Ocean Blvd. Car retrieval delays are going to be extensive. Even at the revered Breakers Hotel, valet parking does not eliminate significant delays and that is without the use of delay multiplying double stacking devices.

Moreover, it is noteworthy that the sponsor, in responding to Zoning Application Ex.D (Parking Statement) chose to ignore the substantial commercial nature of the redevelopment plan. Instead the form was completed as if it was for a purely residential property. Whether such a choice is permissible or not is not important. What is important is you cannot hide the fact that employees must have the ability to park. The sponsor should be required to disclose the number of employees they intend to have on site and how their parking needs are to be met.

In the absence of a specific staffing number and plan for this supposed five star hotel to be, it is fair to look to an industry standard of staffing recommended for five star hotels. The World Tourist Organization suggests the ratio of people to staff is optimal in a five star facility at 20 staff per 10 rooms or 200 staff per day for a 100 room establishment. Obviously, the bulk of the staff would be working during the day and evening hours. On a greatly less than optimal staffing level it is fair to estimate that the most demanding shifts will require a shift change consisting of a total of 100 employees at a time. This means that at one point of the day as much as 30-40% of the valet spaces will be moving in and out at one time even if no guest needs to enter or exit from the garage. In short, the parking 'plan' is a recipe for daily chaos.

Separate and apart from this fatal deficiency in the parking scheme presented is the planned above ground stacking of vehicles under the existing 5 story building. At a July 8, 2020 zoom meeting this issue was disclosed. The Sponsor suggested that landscaping would mask the problem. This overlooks the fact vehicles cannot be stacked or unloaded without considerable space to move them in and out. It should be clear that the parking system is not workable as currently drawn.


Height Variance

In the zoning application (I.A.8) a request is made to "allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). At the zoom meeting it was contended that this does not raise the height of the building. It is hard to accept this statement at face value. If the height will not be increased why is a variance necessary? If the height will be increased the request should be summarily denied as the building is already too high and no justification has been provided to grant this request.

Conclusion

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to be built. This plan falls short.

Note: While I am sure that the committees receiving correspondence will evaluate them on their merits, a point of clarification might be helpful! in that evaluation. I have seen numerous letters from owners in the Edgewater. This property is directly across S. Ocean Blvd. from The Ambassador. The overwhelming support of the redevelopment plan of a neighbor would normally carry considerable great weight. However, it should be made clear that apparently each and every one of these writers effusively welcoming the project to their neighborhood has signed an agreement to sell their units to an entity controlled by the Ambassador's sponsor. Aggressive advocacy is part of any petition process. However, the letters should be read in the context of the reality that these folks are set to not be around when the project is complete.


Ivar Goldart

... ..

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do not see this project as contributing to the calmness, enjoyment and quality of life nor harmonious to our neighborhood. The Ambassador has not been a vital piece of the fabric of South Ocean Blvd". The vital fabric of the Blvd. is the condominiums surrounded by green open spaces with reasonable height and open skies, which has made this boulevard a most attractive, and inviting venue for residential living.

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increase this to 75.46ft.

... If the building is developed profitably for a condo-hotel with the same coverage and height as the existing, why not re-designate to allow a conventional condominium project that fits within the parameters.

...in no way a detriment to neighbouring properties. This will create problematic impacts on traffic, both for pedestrians and drivers. In addition, it will block the views and affect property values.

The added noise, traffic from cars, truck deliveries, and garbage trucks have never added value to the pursuit of happiness.

5) Under V (hardship) says it would be "challenging" but apparently not impossible to redevelop the condo hotel within the existing coverage ratio and height.

6) The redevelopment wants to increase parking for 124 existing spaces to a total of 232 with stacked (tandem) and lift parking with 24hr valet service. There is no guarantee there will always be 24hr valet service.

7) The redevelopment is not compatible with the multi-family nature of the neighbourhood. .

8) Exhibit 3 - the new Ambassador building will not be "beautiful" to neighbours due to the requested variances especially the lot coverage, the height and the increase used of the property.

Respectfully,

Monique Ogilvie

Dear Members of ARCOM,

I am an owner at The Regency of Palm Beach, 2760 South Ocean Boulevard, situated directly across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit the renovation and reconfiguration of the Ambassador by Copperline, the LLC, a wholly owned by the Schlesinger family.

In reading the application, I understand that what is being sought is permission to construct a luxury resort that is out of keeping with the existing South Ocean community. Our area is embedded with calmness, tranquility, harmony and a view that is world renown. It should stay that way. The low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" nor necessity but merely for the profit of the developers.

Height

Copperline is seeking permission is to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in), and in addition they seek to expand upon the building of the land area by some 40°/o.

Ballroom

Ballroom

Variances requested would allow the construction of a 3,100 Sq. Ballroom.

At a meeting presented to The Regency on July 8, 2020 Copperline was constrained under questioning to acknowledge that the largely glass exterior will be at least 35 feet high. In addition, the ballroom will push well north of the footprint of the main building. As a result, the width of this facility will cause site lines to the ocean to be blocked. The beautiful open view from South Ocean Blvd. will be replaced with a large commercial look inconsistent with surrounding properties. As the proposed ballroom juts out beyond the north side of main building, Copperline's contention that new structures will not create visible size and bulk issues is not credible.

Highly Glazed Terraces and Balconies

Variance requests have been made to allow numerous balconies to be created, others expanded and enclosed. Great reliance is placed on glass building materials to be involved in the creation of these new amenities that is out of character for buildings in this area. In addition the extensive use of glass gives reasons to question Copperline's assurance that the redevelopment will not pose glare and light pollution issues.

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by

difficulties created by the requirement to use valet parking could spill out of the property and create traffic problems on S Ocean Drive.

Nothing was mentioned in Copperline's presentation and variance requests about employee parking and the turn around time when employees are changing shifts. This will have a major impact to the residential flow of traffic on S.Ocean Drive.

Precedent

Actually, the most dangerous aspect of this application, if approved, is it would set a precedent for other such developments. Once such a precedent is set, it may prove difficult to not grant similar relief. A Zoning Board cannot approve something for one applicant and then deny it to another three lots away. Treating similar applications in a different manner may well open the floodgates of future litigation.

Not surprisingly, the only support for Copperline's approval of variances is coming from a group of owners at the Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over. It is not without a degree of irony that the Edgewater residents who have written to the Town in enthusiastic support have entered into contracts with Copperline for the sale of their own apartments. As a result they will be long gone from the Edgewater by the time the Ambassador project is completed.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant

and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join. This plan falls short of that requirement and as such, the plan that been submitted, should be denied.

Name

Date

From: Gregory Kino, Esq.
Ivar,

Here are the various standards that the Applicant must demonstrate are met by competent, substantial evidence (i.e. expert testimony). Their applications they have submitted will address these standards, albeit briefly. The below standards might give some guidance to your letter writers in what they should focus on. Remember though, many of these require expert testimony in order to carry the day but anyone is able to speak on the project and their concerns should be heard. Also, the courts have ruled that fact based testimony from neighbors is relevant, they can testify as to certain things like the nature of their existing neighborhood, compatibility, impacts to their own property values, etc.

SPECIAL EXCEPTION REVIEW- For review of the expansion of the hotel use

Sec. 134-229. - Requirements for granting special exceptions

The requirements for granting a special exception use under this chapter are as follows:

(1)

The use is a permitted special exception use as set forth in article VI of this chapter.

(2)

The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

(3)

The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

(4)

The use will be compatible *with* adjoining development and the intended purpose of the district in which it is to be located.

(5)

The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

(6)

The use will comply with all elements of the comprehensive plan.

(7)

The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

(8)

Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

(9)

Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

(10)

Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

(12) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to

increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

SITE PLAN REVIEW (for layout of the proposed buildings and use on the property)

Sec. 134-329. - Review by town council.

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

(1)

Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

(2)

Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce

residential densities below that permitted by the use regulations in article VI of this chapter.

(3)

Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

(4)

Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

(5)

Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

(6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

(?) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

(8)

Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

(9)

Such other standards as may be imposed by this chapter for the particular use or activity involved.

(1 O)Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

(11)

Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

VARIANCE REVIEW - For review of variances where project does not meet Code Standards

Sec. 134-201. - Findings prior to authorization.

(a)

The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

(1)

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

(2)

The special conditions and circumstances do not result from the actions of the applicant.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.

(4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

(6)

(7)

The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(b)

The town council may prescribe a reasonable time limit within which the action for which the variance is required shall begin or be completed or both. Under no circumstances, except as permitted in subsection (a) of this section, shall the town council grant a variance to permit a use, not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this chapter in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.