

SNIFFEN & SPELLMAN, P.A.

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September 22, 2020

Via E-mail

Architectural Commission
c/o Michael Small, Esq., Chair
360 South County Road
Palm Beach, Florida 33408

**Re: Neighborhood Concerns Regarding ARCOM Application B-063-2020
("Application") by LR Palm House LLC ("Owner")
160 Royal Palm Way, Palm House Hotel**

Dear Mr. Small:

Our office represents Thomas O. McCarthy who resides at 140 Brazilian Avenue in the neighborhood immediately behind the Palm House Hotel ("Hotel"). While Mr. McCarthy is cautiously optimistic about those portions of the revised plans which eliminate the "Sunset Deck," eliminate outdoor second floor dining, eliminate the use of the Function Room roof and eliminate other items confirmed in the attached e-mail, he (along with other neighbors including the Devries who reside at 141 Brazilian Avenue and own the vacant lot at 149 Brazilian Avenue, directly behind the Hotel) still harbor some concerns.

With the proposed addition of a prep-kitchen, an outside bar, updated pool deck bathrooms, the glass enclosure of a portion of the Function Room, the increase in the number of seats in the Function Room and the active use of the Event Lawn, it appears to the neighbors that the Hotel will be quickly become a wedding reception destination. The neighbors are concerned about the inescapable noise, light and odors from such an expanded use, along with other modifications to the Hotel, including, but not limited to,:

- The operating hours of the indoor dining room until 1:00 a.m., leaving patrons and staff to exit the Hotel area at the quietest part of the early morning hours in the neighborhood.
- The addition of 36 pool level outdoor dining seats which are open until 10 p.m.
- The increase in the Function Room seating from 150 to 200 seats, resulting in up to 200 guests potentially over and above those staying in the hotel, and the large influx in the number of vehicles for such functions, many of which will inevitably end up parking in the residential neighborhoods, including Brazilian Avenue.
- The proposed active use (and accompanying rise in noise level) of the Event Lawn being used as a pre-staging and bar area for receptions and parties for up to 200 attendees, excluding employees and wait staff.

REPLY TO:

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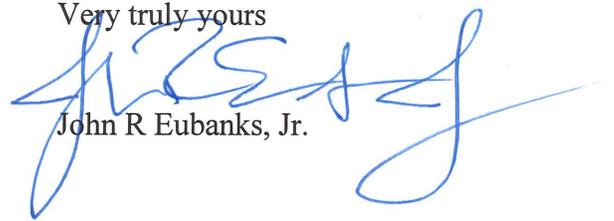
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- The potential use of live bands, a DJ, or amplified speakers as part of any reception or use of the Event Law, Function Room, and/or on the pool deck.
- The proposed extension of the hours of operation of the Function Room until 12:00 a.m., again resulting in guests and staff leaving in the normally quite early morning hours.

As a result, while the neighbors recognize the steps taken by the Applicant to comply with the Town Council's 2016 mandates, they request that ARCOM (and the Town Council) take into consideration how best to protect the adjacent residential homes and neighborhood from the above issues.

Very truly yours



John R Eubanks, Jr.

Attachment

cc: ARCOM Committee Members
Wayne Bergman, Acting Director Planning, Zoning & Building
Kelly Churney, Administrative Specialist
Town Clerk, Town of Palm Beach
Thomas O. McCarthy
Gayle and Timothy DeVries

From: [Maura Ziska](#)
To: [John Eubanks Jr](#)
Subject: FW: 160 Royal Palm Way - Palm House Hotel
Date: Friday, September 18, 2020 2:40:16 PM

John see responses below from the architect. Let me know if you need any further information. Tx

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
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From: Sean McLendon <seanmclendon@coopercarry.com>
Sent: Friday, September 18, 2020 10:44 AM
To: Maura Ziska <MZiska@floridawills.com>; Mark Banfield <mбанfield@tpgcompanies.com>; Kathy Logan <kathylogan@coopercarry.com>
Subject: RE: 160 Royal Palm Way - Palm House Hotel

Maura:

Kathy and I have reviewed the comments below from John Eubanks with Sniffen & Spellman. The list is an accurate description of the proposed modifications/remediation for the Palm House.

1. The Hotel will become only a Hotel (not a condominium) and retain a total number of Rooms at 79. **Cooper Carry Response: Correct, Hotel use; no condominium;**
2. The will be 62 parking on site (in the garage) with all remaining parking via valet off site on Okeechobee Blvd location. **Cooper Carry Response: 62 spaces are provided on-site; all on-site parking will be valet, most staff parking facilitated at an off-site location owned by L+R.**
3. There will be no on street parking requested or parking in the neighborhoods. **Cooper Carry Response: No street parking utilized to meet "required" parking**
4. The elevator shafts will be eliminated to the third floor and there will be no rooftop "sundeck." **Cooper Carry Response: Correct, sunset rooftop deck & associated elevator towers will be removed;**
5. There will be no third floor private dining area overlooking what was to be the second

floor dining area. Cooper Carry Response: Correct, the previous Level 2/3 dining areas are reprogrammed as Presidential Suites. All Dining functions occur on the Lobby Level.

6. The walkways, stairs and elevator to the Function Room will be removed so that there is no access to or use of the roof of the Function Room. Cooper Carry Response: Correct, the access to the Function Room Roof is proposed to be removed;
7. The second floor dining area and 120 dining seats, including the outside dining seats, will no longer exist, but will be replaced with new Presidential Suites. Cooper Carry Response: Correct
8. There is a proposed Increase in number of seats in Function Room Seats from 150 to 200. Cooper Carry Response: Correct. The previous Declaration of Use agreement allowed for an increase in seating from 150 to 200 seats after 12 months of operation. The new Owner is requesting 200 seats for the Function Room. Please note that the total number of seats for the project as proposed is below previous seat count as approved.
9. There is a proposed addition of or active use of an Event Lawn in front of Function Room which will be used as a Pre-Function Area. Cooper Carry Response: Correct.
10. There is a proposed enclosure of the existing walkway to the Function Room. Cooper Carry Response: Correct, the covered portico of the Function Room is proposed to be enclosed and serve as a Pre-Function space and serve as a vestibule for the Function Room.
11. There is a proposed new set of bathrooms and full service bar next to new Event Lawn, which will replace the partially constructed bathrooms. Cooper Carry Response: Correct; our design goal is to keep restroom entrances separated from the Function Room; our intent is to use the addition to provide screening and separation from properties to the South
12. There is a proposed addition of a new Banquet Prep Kitchen next to Function Room on northeast side. Cooper Carry Response: Correct. The main kitchen space is located on the Basement level. L+R Hotels has requested a warming/prep area on the Lobby Level behind the Function Room to facilitate service expectations.
13. The dining in Lobby Area Dining is proposed to be increased from 65 to 88 seats. Cooper Carry Response: Correct, 88 interior seats at Lobby Level Dining/Bar; all previously approved upper level dining seats are removed.
14. There is a proposal to add Presidential Suites in the former second floor dining area along with south facing balconies Cooper Carry Response: Correct; the south facing & north facing balconies are accessed via proposed Level 2 Presidential Suites.

15. There is a proposed addition of covered walkway from the Lobby to Function Room. **Cooper Carry Response: Correct, the covered walkway is not enclosed. We think a covered connection is important for Hotel events**
16. There is a proposal for the extension of several walls and heights of same. **Cooper Carry Response: Correct, wall modifications along the south property line are to provide for a service stair from the Basement Level to the Pool Deck area.**
17. The pool area is proposed to be reconfigured to now include 36 outside pool deck dining seats along with supporting structures and a water feature. **Cooper Carry Response: Correct.**
18. There will be much more landscaping screening the Hotel from all sides including tall trees on southern portion of the Hotel facing the neighborhood. **Cooper Carry Response: Yes, our landscape team has increased screening and plantings at the perimeter of the site. We have focused on improving the percentage of Native species.**

Please advise if you have additional questions.

v/R,

Sean

Sean McLendon, AIA
Principal

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From: Maura Ziska [mailto:MZiska@floridawills.com]
Sent: Friday, September 18, 2020 9:59 AM
To: Mark Banfield <mabanfield@tpgcompanies.com>; Kathy Logan <kathylogan@coopercarry.com>; Sean McLendon <seanmclendon@coopercarry.com>
Subject: FW: 160 Royal Palm Way - Palm House Hotel

Hi All: See below from a lawyer who is representing some neighbors. Who is best to respond to his questions? Thanks. Maura

Maura A. Ziska, Esq.
Kochman & Ziska PLC
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From: John Eubanks Jr <jeubanks@sniffenlaw.com>
Sent: Friday, September 18, 2020 9:50 AM
To: Maura Ziska <MZiska@floridawills.com>
Subject: 160 Royal Palm Way - Palm House Hotel

Maura:

I represent Tom McCarthy who lives at 140 Brazilian Avenue in the neighborhood behind the Palm House Hotel. I have also received calls from other neighbors on Brazilian that they are concerned that the Hotel will impinge upon the neighborhood.

In reviewing the Plans, however, it looks like the new owner has addressed some of the earlier issues identified by the Town regarding open dining on the second floor, use of the third floor roof as a Sunset Deck," the use of the roof of the Function Room and parking. As a result, if you or your client would confirm the below points it would go a long way to help the neighbors to understand the Project and exactly what is and is not being proposed going forward.

1. The Hotel will become only a Hotel (not a condominium) and retain a total number of Rooms at 79.
2. There will be 62 parking on site (in the garage) with all remaining parking via valet off site on Okeechobee Blvd location.
3. There will be no on street parking requested or parking in the neighborhoods.
4. The elevator shafts will be eliminated to the third floor and there will be no rooftop "sundeck."
5. There will be no third floor private dining area overlooking what was to be the second floor dining area.
6. The walkways, stairs and elevator to the Function Room will be removed so that there is no access to or use of the roof of the Function Room.
7. The second floor dining area and 120 dining seats, including the outside dining seats, will no longer exist, but will be replaced with new Presidential Suites.
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18. There will be much more landscaping screening the Hotel from all sides including tall trees on southern portion of the Hotel facing the neighborhood.

Again, responses to these issues may go a long way in dispelling any misinformation which is out in the neighborhood. Thanks.

John R Eubanks, Jr.



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