
Ciklin Lubitz

ATTORNEYS AT LAW

515 N. Flagler Drive, 20th Floor, West Palm Beach, FL 33401

O.561.832.5900 | F.561.833.4209

www.ciklinlubitz.com

Bruce G. Alexander, P.A.
Jerald S. Beer, P.A.
John D. Boykin, P.A.

Jonathan B. Butler, P.A.
Richard R. Chaves, P.A.
Alan J. Ciklin, P.A.

Robert L. Crane, P.A.
Ronald E. Crescenzo, P.A.
Jeffrey M. Garber, P.A.

Gregory S. Kino, P.A.
Charles A. Lubitz, P.A.*
Jason S. Mankoff

Leeza D. Newman
Dean Vegosen, P.L.*
Gary Walk, P.A.

Kevin D. Wilkinson, P.A.*

**Designates Of Counsel*

January 26, 2021

VIA E-MAIL

Town of Palm Beach ARCOM
Town of Palm Beach Council Members

Re: ARCOM Item VII E 7/1063 N. Ocean Boulevard

Dear ARCOM and Town Council Members:

I represent the owner, Reiwa LLC, of the adjacent property at 1071 N. Ocean Boulevard. My client has serious concerns about this project. Upon receipt of the original notice, I reached out to the Applicant, and after receiving the proposed plans, I provided a detailed list of concerns on January 13th. The list of concerns is attached. I requested a response to the list of concerns but I was informed last week that the only modification would be to the landscape plan. None of the concerns have been addressed by the Applicant.

The concerns and opposition to the proposed development are based on Section 18-205, Criteria for Building Permit of the ARCOM standards and more specifically Section (6) e-h. Our objections are as follows:

- The development is proposed on a non-conforming lot. In lieu of the required 125 feet in width, the subject property is 118.87 feet. There is a higher burden on the property owner in developing a smaller lot. In fact, the total square footage of the proposed house has been increased from the existing 13,550 square feet to 18,918 square feet (which includes the basement), an increase of approximately 40%. The air-conditioned space has increased from 10,239 square feet to 16,338 square feet, an increase of about 60%.
- The landscape screening and buffering along the north property line is inadequate for the height and massing of the proposed house. It appears as if the existing site wall is to remain but the grade is being raised. The proposed landscaping is insufficient and needs to be increased in density, and the wall should be increased in height to the maximum allowed.

- The setback along the northerly property line is inadequate to protect my client's property from the excessive massing of the proposed house. The setback is shown as 15 feet 6 inches while the setback from the southerly property line is 19 feet 11 inches and borders a beach access easement. Moving the house to the south appears to be a logical alternative.
- Massing of this proposed house is a major concern and, as previously mentioned, Section (6) e-h requires compliance with the following criteria:

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

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

The proposed house has 132 feet of two-story structure and 160 feet 8 inches of total structure along the shared property line. The height of the current structure is being increased from 44 feet 3 inches to 48 feet with a finished floor elevation of 18 feet. For context, my client's house is 45.32 feet in height with a 15.85 finished floor elevation. In addition, the proposed two-story portion of the structure is now eastward of the existing house.

- Design elements are required to protect the privacy of neighboring properties, but this proposal includes what appears to be a terrace area within the 15-foot northerly setback along with a fountain or similar feature. Both noise and privacy are concerns.
- The existing seawall is 14.97 feet in height and is proposed to be increased to 16.5 feet. The increase in grade that corresponds to the seawall exceeds that of my client's property at 1071 N. Ocean Boulevard and the house to the south at 1055 N. Ocean Boulevard. This increase in grade exposes both neighboring properties to excess runoff and flooding, and does not coordinate with, and breaks from, the seawall that runs along both properties.

In conclusion, the proposed development of 1063 N. Ocean Boulevard does not meet the required criteria of Section 18-205. The proposed development is not in harmony with the

neighboring properties. The proposed structure is excessively dissimilar in the height of the building. The appearance of the mass along the northerly property line is overwhelming and excessively dissimilar and the massing is not compatible or “complimentary” with 1071 N. Ocean Boulevard. The design features increase rather than avoid the appearance of mass and do not protect the privacy of neighboring properties.

The criteria are not met, and the application should be “disapproved”.

Sincerely,

s/s/Alan J. Ciklin
Alan J. Ciklin

AJC/cmm

Attachment

cc: Client (via e-mail)

There are several areas of concern related to the proposed property at 1063 North Boulevard as it relates to the property at 1071 North Ocean Boulevard.

They are as follows-

Screening, Height, Setback, Massing and maintenance of screening during construction and through landscaping after completion.

Screening -

The proposed project does not provide adequate screening or privacy to the adjacent property. The submission drawings do not provide for screening and privacy via a new site wall or landscape screening. The existing site wall does not and will not address any privacy or screening along the north property line.

The proposed landscape plan does not address the screening for sound, privacy, or to visually screen the proposed massing of the structure. The landscape plans and site walls need to be addressed in order to provide the greatest visual and sound screening. The landscape plan should provide for planting of various heights and densities along the north property line that will provide a full visual screening and buffer to the adjacent property. The existing sea grape trees do not provide any screening. The adjacent owner has maintained and recently added landscape material to further screen the property at 1063, after the owner of 1063 opened walls facing north and added windows looking onto 1071's property.

Setback -

The proposed structure provides for only the minimum setback plus 6" along the north property line. At 15'-6" the structure does not protect the privacy of the neighboring property.

The arrangement of the structure is dissimilar from the surrounding properties. The proposed setback does not provide for any privacy for the adjacent neighbor. The largest setback (19' 11") has been provided along the south property line which abuts an open easement. The hardscape area outside of the family room appears to be a proposed area for gathering within the setback area. There is a fountain along the northern portion of the hardscape area which will create noise for the adjacent property.

The area closest to the neighbor, and within the setback does not provide for privacy to the neighbor.

The setback along the north property line should be increased to address and protect the privacy of the neighbor. The hardscape area outside of the family room should be removed.

Massing -

The proposed project consists of 132' of two stories of massing along the northern portion of the site.

The appearance of mass from the adjacent neighbor is significantly larger than the existing house and of similar houses in the area, and the second floor is pushed eastward beyond the existing two-story structure. The second floor is pushed eastward beyond the existing two-story structure. The overall massing is significantly larger in height and length on the property and along the northern portion of the site. The proposed design pushes the greatest mass against the adjacent property. The southern portion of the structure is designed with consideration of setback and massing. The eastward and northern setbacks should be addressed to consider the massing in relation to the neighbor.

Height -

The proposed building height is significantly higher than the existing structure and that of the adjacent neighbor. The massing of the structure along with its height does not provide for privacy for the neighbor and encroaches visually upon the property. The height of the grading and structure are not compatible or in consideration of the adjacent property. The overall height and the overall grading height should be revised to address the massing issues created by the proposed project. The proposed grading and raised seawall are not coordinated in the submission drawings to retain the water and drainage. The proposed grading and height are not in relation to the character or structures of the neighboring property, properties in the area, and properties on small non-conforming lots in the RA district.

Screening during construction and after completion -

The proposed project should be fully screened by silt fencing and visual screening though the entirety of the construction. The site should be maintained to protect the adjacent neighbor from any cut and fill that is kept on site, runoff, and debris. After construction, the property owner should agree to maintain landscape of various heights and landscape species to create a full buffer of visual screening. The landscape plan should be revised to address screening and provided for review.

Sight Lines

It appears that the landscaping facing the road has palm trees that will present sight line and safety issues for the owners and guests leaving 1071. The plans submitted by 1063 do not provide a sight line analysis.