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Mayor Danielle H. Moore
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Dear Mayor Moore,

I am writing to ask that The Town Council reject Zoning Application Case Number Z-19-00232 submitted by 125 Worth Avenue Partners, LLC (The Frisbie Group) for renovations to the property at 125 Worth Avenue, Palm Beach, Zoning District C-WA.

By this application The Frisbie Group requests Town Council approval to re-structure an existing building at 125 Worth Avenue (currently a **commercial** building) by adding a **new** fourth floor to consist of four **residential** condominiums. Approval is also requested to simultaneously renovate other parts of the building and the site. All requested changes require numerous variances and/or special exceptions for the work to proceed.

Let's be clear at the outset. As stated in my previous letter to The Town Council dated May 6, 2021, **variances are intended to be granted solely for "hardship"**. This is explicitly stated in the Town's own Zoning Application Form itself on page 3, Section V.a, which states that the "Applicant should provide a brief description of the special conditions which when subjected to a literal enforcement of the provisions of the zoning ordinance will result in unnecessary and undue **HARDSHIP**." In Section V.b of the current application, the applicant responds as follows: "The approval of the requested variances will allow the owner (The Frisbie Group) to undertake a major renovation of this building and to utilize the legally non-conforming fourth story of the building. This will result in great aesthetic improvements to this key building that helps anchor the east end of Worth Avenue." **This response fails to speak in any way, shape or form to HARDSHIP**, nor do the Frisbie Group's responses in any other section of the application where a variance is requested for this project.

Further, all variances requested throughout this application are solely requested because the Frisbie Group seeks to change size, height, footprint, use, scale and site solely as a means to be able to perform a full renovation of the building (which means that the granting of variances is requested to provide them "financing", or simply "profit"! In fact, in past applications, the Frisbie Group has specifically stated that **the granting of the variances would allow them to construct the four residential units and that the very construction of those units would make it financially feasible for them to then undertake a major renovation of this entire**

building and site which would be of great benefit to the east end of Worth Avenue". Apart from their presumption that they alone should determine what would be of "great benefit to the east end of Worth Avenue" (rather than I or others as owner/residents), their rationale for the variances flouts the Town's requirement that **HARDSHIP** be the sole requirement for a variance.

But let's be clear again. To even contemplate building the four condominiums requires that a **NEW** fourth floor be added to the building. **This is imperative to note!** Because in the current application The Frisbie Group continually asserts that a fourth floor already exists. That **is a complete falsehood.** 125 Worth Avenue was built as, and has always been a three-story building with a simple roof deck above open to the air and sky. There is no fourth floor. The roof deck contains only a small mechanical penthouse. A small mechanical penthouse is NOT a fourth floor; it is in effect a utility closet.

Yet in such sections of the Application requiring responses to issues affecting variances such as:

V.b on page 3; Response to question 2 on Exhibit B page 6; Response to question 10 on Exhibit B page 7; Response to question 6 on Exhibit C page 8; Response to question 1 on Exhibit D page 14; Response to question 1 on Exhibit D page 16; Response to questions 1 and 5 on Exhibit D, page 18; Response to Question 7 on Exhibit D, page 19 etc., The Frisbie Group

the Frisbies continually assert such things as "the building has had a fourth story at all times" or "this building already contains four stories"!

Many of these same misstatements appeared in their Zoning application in November of 2019 and have not yet been corrected. Are they merely playing games with members of the Town Council and the PZ & B? I'll leave that decision to you. But, to my way of thinking, to even attempt, in the best case, to claim that a mechanical penthouse sitting on an open-air, uncovered, flat, 16,667 SF roof surface is a **full** fourth floor is ludicrous. As a former builder and a lawyer, I would claim that, prima facie, these statements make this Application subject to legal challenge and require that the Town Council reject it. For goodness sake, even leasing information found on such commercial property websites as loopnet.com specifically describe 125 Worth Avenue as "this unique **THREE STORY** office and retail building property located on the most prestigious street in the country"!

The bottom line?

- 1. Information in the application is incorrect, if not false.**
- 2. The requests for variances should not be granted because there is no hardship.**

Further, as I have written before, The Frisbie Group's trope - their modus operandi - is to claim that their development of this site will revitalize the east end of Worth Avenue. This should not in any way sway the Town Council to their side. Who are they to consider themselves the sole arbiters of taste in Palm Beach? Who are they or their supporters to think that they alone are the arbiters of revitalization?

I actually live 15 feet across a one-way driveway from 125 Worth in a **residential** zone. An added floor on their building will affect such things as the view from mine to name but one. It may affect many other things depending on what the Frisbies do when they install tenants in their commercial/residential hodge-podge. Despite repeated statements from the Frisbies that they will not proceed unless all neighbors are happy with their plans, they have never explicitly informed us as to what will actually go into their enlarged/re-vamped space if all of the variances and special exceptions they request are granted. They have yet to discuss restaurants (we are strongly opposed!), coffee shops (opposed), night-club type establishments (opposed), possible outdoor dining on newly created patios etc.(opposed). All of these uses **will** have an impact on Kirkland House in some way, and on Worth Avenue itself. Think traffic flow! (Please see my letter of May 6, 2021 in that regard). This entire property will affect the value of our properties, period.

Further I believe it is incumbent on the Members of The Town Council when considering an Application such as this to be fully- apprised of the construction process that will proceed if this project is approved. In addition, I believe it is incumbent on the TOWN to notify ALL residents in ALL condominiums and ALL Owners of ALL commercial properties along Royal Palm Way, South Ocean Boulevard and Worth Avenue to understand the complete upset to traffic flow along those routes that will occur when construction takes place, if it takes place, at 125 Worth. It may not be a legal requirement that you do so but it would certainly be the proper thing to do as elected officials who are charged with protecting the rights of all citizens. There is a school along this route. Independent studies have shown that construction/renovation of the 125 Worth building will require between 2-1/2 to 3 years to complete and will necessitate the use of large construction equipment and trucks over those routes (30,000 to 48,000 vehicles presumed) over that time frame. All citizens NEED to know how the construction process will affect their lives and the life of Palm Beach itself.

I trust that the Town Council will deny this application until all questions and concerns are fully addressed by the Frisbies.

I happen to love Palm Beach because it has always been a beautiful, quiet, livable place. If this project is allowed to proceed, it will open the door to countless other developers who will seek to use variances and special exceptions to destroy what we have. Your obligation and the obligation of the members of the PZ&B is to see that compliance with law and regulations govern building development, and not "variance".

Thank you very much for your consideration.

Sincerely,

Roderic M. Oneglia

