

LAW OFFICES

ALLEY, MAASS, ROGERS & LINDSAY, P.A.

340 ROYAL POINCIANA WAY, SUITE 321

POST OFFICE BOX 431

PALM BEACH, FLORIDA 33480-0431

(561) 659-1770

FACSIMILE (561) 833-2261

WWW.AMRL.COM

ALAN LINDSAY
DAVID H. BAKER
WILLIAM W. ATTERBURY III
LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
CAROL S. WAXLER
CATHERINE KENT
BRUCE A. McALLISTER
DAVID R. MAASS
CHRISTINE BIALCZAK
WARREN D. HAYES, JR.
NICOLE K. MAASS
LAURA B. KNOLL

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1928-2016)
KAREN S. MARX (1964-1994)

1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
F (772) 287-4044



November 19, 2020

Town of Palm Beach
Architectural Commission
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Re: 125 Worth Avenue

Dear Commissioners:

This firm represents the Winthrop House Condominium Association, Inc. (the "Association").

I previously wrote to you on behalf of the Association on June 19, 2020 and just wanted to re-confirm the Association's position prior to tomorrow's meeting.

Because Worth Avenue is an iconic street and draws more residents and visitors to the Town than any other single location, the 125 site is extremely significant. Given that most people first drive by the beach area and then enter Worth Avenue from A1A, the significance of 125 Worth Avenue cannot be understated. It is also essential to note that 125 Worth Avenue is the first or easternmost commercial building on Worth Avenue, so it also impacts a large number of Town residents.

To start, we are concerned with the initial review of this project taking place at a virtual hearing. Many residents of the Winthrop House and other surrounding residents have strong concerns about this project, and the format of the meeting may preclude many from expressing their concerns. In addition, the Zoom format makes it extremely difficult to advocate our position in the clearest and most persuasive manner.

From an architectural review perspective, our first concern is the large increase in mass proposed by the huge increase in square footage on the fourth floor (an increase from 3,449 to 13,213 square feet!). While the developer appears to be backing off the request for additional

height, the requested increase in mass will negatively affect the surrounding residential neighbors and also the appearance of this significant entrance to Worth Avenue. The existing building is already non-conforming, so the additional mass is not permitted or reasonable.

It is important to note that the existing height is already almost exactly double the height permitted under the Code. This fact is significant because the proposal to add so much mass and new living space on the top, or fourth, floor just exacerbates the non-conformity and will make the building appear massive.

Given the apparent long-term vacancy rate for the existing commercial space and the recent lessons that so many of us have learned regarding the ability to work from home, we question whether it may be better from both an architectural and economic perspective to locate the new proposed fourth floor residences on the third floor, thereby eliminating the increase in mass. It is our understanding that the current proposed use for the third floor is office space but that it has been largely vacant for some time.

Second, the owners are extremely concerned with potential parking issues created by the new proposal. Substantial additional square footage is being added, but surface parking is to be removed and overall parking spaces are being decreased. It is my understanding that a similar shared parking plan was implemented at the new Trevini restaurant and that the implementation has caused many traffic and parking nightmares. It is certainly not intuitive to add living space while decreasing parking spaces in this extremely significant, heavily traveled location.

It is my further understanding from Town Staff that the parking analysis submitted by the developer is incomplete, and we implore you to please not make any decision regarding this project until you have a complete traffic and parking study and plan showing analyses at all times of the day including peak times. As it relates to the special exception request for shared parking and the site plan approval, we request that all parking requirements such as required off-street loading zone spaces be added to the site plan before final Architectural review. In addition, we request additional buffers and screening be added to minimize noise and view disruptions. Your Commission should not review an incomplete site plan.

While the Association certainly supports a rehabilitation and renovation of the 125 building, the current project would add mass that greatly exceeds both what existed and what is permitted by Code. In addition, the proposal fails to meet the criteria of Code Section 18-205 of the Town Code in the following manners:

1. The additional almost 10,000 square feet of residential living space on the fourth floor does not contribute to the Town as a place of spaciousness, balance or taste. The Frisbie Group met with owners from the Winthrop House and agreed to have renderings made that would illustrate how the new structure would appear from various viewpoints in the building but to my knowledge have not yet provided them.

2. The current plan is incomplete in several areas including parking, screening and location of mechanical equipment. As such, the plan does not indicate how the building and surrounding neighbors will be protected against external and internal noise.

3. The additional mass on the fourth floor renders the building excessively dissimilar to the other commercial buildings in the vicinity and not in harmony with such buildings.

4. The numerous required variances and large extent of required relief provide ample evidence that the proposed development is not in conformity with the standards of the Town Code, especially as to the massing on the fourth floor and requested lot coverage as they will certainly negatively affect the appearance of the building.

Because of the foregoing reasons, we request that you defer the application for further revisions and refinement, together with submittal of a more complete traffic/parking study and other requirements of the Town. This project is too important and controversial to proceed hastily, and we also believe the virtual format will make it difficult for neighbors to participate and represent their opinions.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Timothy Hanlon", with a long horizontal stroke extending to the left.

M. Timothy Hanlon