

## MEMORANDUM

To: Town Council and Mayor of Palm Beach  
Town of Palm Beach  
Palm Beach Landmarks Commission  
Palm Beach Planning, Zoning & Building Department

To: Town Clerk and Deputy Town Clerk  
Town of Palm Beach

From: Palm Beach Theater Guild, Inc.

Subject: Opposition to Dismantling and Alteration of Poinciana Playhouse and  
340 Royal Poinciana Way  
(Landmarks Case Number COA-22-003 and Zoning Case Number ZON-22-018)

Date: March 2, 2022

In place of the historic, landmarked and widely acclaimed Poinciana Playhouse theater in Palm Beach, WS Development and INNOVATE Corp. are proposing to create a “flexible-use” event space renamed as the “INNOVATE Institute”, which apparently will promote a profile for the industrial and finance company INNOVATE Corp. and will serve as a magnet for intensified and improper uses not permitted in the Town of Palm Beach or the Playhouse. The applicants ask the Palm Beach Town Council to allow them to alter the historic Playhouse building by cramming retail shops, art galleries and commercial events into the Playhouse building, while impairing and altering the architecture, visual presence and historic cultural significance intended and designed by renowned Palm Beach and theater architect John Volk.

The applicants have explicitly admitted, on the record, that their applications do not meet applicable Town landmarks standards. The applicants have brazenly admitted in their statements and applications that the approvals that they confidently expect the Town Council to swiftly grant would violate a visionary, forward-looking Agreement between the Town and Poinciana Playhouse owners (the “1979 Agreement”), a carefully considered Agreement that no prior Town Council has been willing to abrogate and see violated. The retail, gallery, commercial and other uses that the Applicants propose are exactly the types of uses that the Town and Town residents wished to prohibit when the Town entered into the 1979 Agreement and permitted commercial development at the Poinciana Plaza Slat house, in exchange for the admitted obligation by the Plaza owner to continue to use the renowned Playhouse only as a “theater”.

The Palm Beach Theater Guild, Inc. (the “Theater Guild”) hereby opposes the granting of the approvals, actions, rulings and votes applied for or requested by applicants (the “Applicants”) in connection with Landmarks Case Number COA-22-003 and Zoning Case Number ZON-22-018 (each a “Case”), 340 Royal Poinciana Way and the Poinciana Playhouse (such approvals,

actions, rulings, votes and other matters in the record and other matters referred to in this Memorandum, the “Playhouse Project”).

The opposition by the Theater Guild will be based on the record and proceedings in connection with the Playhouse, the Applicants and the Playhouse Project, including the record and record of proceedings in connection with the Landmarks Preservation Commission (“LPC”) and its February 16, 2022 LPC meeting (the “LPC Meeting”) and the rulings, actions, approvals, votes, statements, presentations, records and statements of the Landmarks Preservation Commission, the LPC Commissioners and others in connection with that meeting or the Appeal Matters referred to in the Theater Guild’s February 26, 2022 appeal of LPC actions, approvals, rulings and votes (the “Landmarks Appeal”).

The record and proceedings on which the Theater Guild’s opposition is based include (a) the Memorandum of February 15, 2022 from the Theater Guild to the Town of Palm Beach, the Landmarks Preservation Commission and the Palm Beach Planning, Zoning & Building Department (“PZ&B”) (the “Guild Memorandum”); (b) the six sets of exhibits submitted by the Theater Guild to accompany the Guild Memorandum (the “Guild Exhibits”); and (c) the Appeal Matters contained or referred to in the Guild Memorandum and Guild Exhibits, which documents, records and proceedings are hereby incorporated by reference into this opposition Memorandum.

On its face, the Playhouse Project violates applicable law and Town requirements, including pursuant to Chapters 134 and 18 of the Town Code of Ordinances (the “Code”), as well as the 1979 Agreement, the Town Comprehensive Plan and a 2007 Court order ruling that the Playhouse must be “maintained and operated” as a theater.

References and incorporation of the record and exhibits in this Memorandum include, refer to and incorporate all of the documents submitted in the Cases and Appeal Matters and the record thereof as referred to in the Theater Guild’s February 26, 2022 landmarks appeal letter, as well as the public record of the Town Code, Comprehensive Plan and minutes, proceedings and other records of the Town of Palm Beach, the Town Council and the judicial and adjudicative authorities that have considered the Poinciana Playhouse and Poinciana Plaza. The words “include” and “including,” when used in this letter, shall be deemed to mean “including without limitation”.

In light of the foregoing, the Palm Beach Theater Guild, Inc. requests and demands that the Town Council not grant the requests, applications, variances, special exceptions, site plan approvals or other matters, actions or rulings in connection with the Playhouse Project or the matters referred to in this Memorandum.