MINUTES
LANDMARKS PRESERVATION COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 S. COUNTY ROAD, PALM BEACH

WEDNESDAY, MAY 21, 2014, 09:30 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording (CD) of the meeting by contacting Cynthia M. Delp, Secretary to the Landmarks Preservation Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

Let the record show that this was the first meeting of the newly appointed Landmarks Preservation Commission.

I. CALL TO ORDER: (09:30:33 a.m.)

John Page, Director of Planning, Zoning and Building called the meeting to order at 9:30 a.m.

II. ROLL CALL: (09:31:17 a.m.)

Jacqueline Albarran, Member	PRESENT
William O. Cooley, Member	PRESENT
Edward Austin Cooney, Member	PRESENT (arrived during Item III)
John T. Gannon, Member	PRESENT
Page Lee Hufty, Member	PRESENT
Rachel Lorentzen, Member	PRESENT
Nikita Zukov, Member	ABSENT (excused)
Richard Rene Silvin, Alternate Member	PRESENT
William J. Strawbridge, Jr., Alternate Member	PRESENT
Carol N. Wyett, Alternate Member	PRESENT

Staff members present: John S. Page, Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Landmarks Preservation Commission. Thomas G. Bradford, Deputy Town Manager, and Paul Brazil, Director of Public Works were present for Item A. John C. Randolph, Town Attorney, did not attend this meeting.

Let the record show that a court reporter, Gina Grant with Florida Court Reporting, was present for Item A., Certificate of Appropriateness #016 – 2014, Town Hall Square Modifications. It should be noted that the court reporter was hired by someone other than the Town.

III. **CRITICAL INFORMATION PERTAINING TO SERVICE ON THE LANDMARKS PRESERVATION COMMISSION: (09:31:43 a.m.)**

Mr. Page referenced the recent e-mail to the new members which provided the LPC roster, the LPC ordinance, an Application for Certificate of Appropriateness, the list of landmarked properties, and directions to the Landmark Manual on the Town's website, etc. He recognized the four former members of the Landmarks Preservation Commission, who had been re-appointed to the new commission: Edward Austin Cooney, Jacqueline Albarran, John Gannon and William Strawbridge; and recognized past LPC members, now re-appointed: William Cooley and Rachel Lorentzen. He discussed the roles of the seven regular members vs. the three alternate members; the fact that meetings are typically held on the third Wednesday of the month; attendance requirements; voting conflicts; the nature of the work of the LPC; requirements for a quorum; and, the Florida Sunshine Law, reading the comments of the Town Attorney. Mr. Page introduced staff members who function in support of the Landmarks Preservation Commission. Other information provided: Quasi-judicial nature of the Landmarks Preservation Commission; the fact that decisions are to be based on the material presented at the meeting; ex parte communications; Financial Disclosure requirements; Ethics training requirements; and use of the microphones and call buttons.

Mr. Page called attention to the fact that it was necessary to elect a Chairman and a Vice Chairman, and to determine the seniority of the alternate members, since they were appointed at the same time. After discussion, the Commission determined that the alternate member seniority should be subject to the votes of the Town Council at the time of appointment. As such, the seniority was determined as follows: Silvin, Wyett, and Strawbridge, in that order. Since Mr. Zukov was absent today, Mr. Silvin will be voting in his stead.

Mr. Page stated that we would proceed to the election of the Chairman and Vice Chairman (Item V. below). Mrs. Albarran nominated Edward Austin Cooney as Chairman. Mr. Gannon nominated William Cooley as Chairman, and his nomination was seconded by Mrs. Lorentzen. Paper ballots were passed to the seven voting members which resulted in Mr. Cooley being elected as Chairman on a 5-2 vote. Mr. Cooley nominated Mr. Zukov as Vice Chairman. As there were no other nominations for Vice Chairman, Mr. Zukov was elected the Vice Chairman by unanimous consent.

IV. **ADMINISTRATION OF THE OATH OF SERVICE TO NEW MEMBERS:(10:01:42 a.m.)**

Mrs. Delp administered the Oath of Service to all members and alternate members present.

V. **ELECTION OF OFFICERS:(10:01:44 a.m.)**

(As shown earlier in these Minutes.)
Mr. Cooley was elected the Chairman, and Mr. Zukov was elected the Vice Chairman.

VI. **APPROVAL OF THE MINUTES OF THE MARCH 19, 2014 MEETING:(10:01:52 a.m.)**

MOTION BY MR. COONEY FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

VII. **APPROVAL OF THE AGENDA: (10:03:11 a.m.)**

MOTION BY MR. COONEY FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

VIII. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (10:03:13 a.m.)**
Mrs. Delp administered the oath at this time and as necessary throughout the meeting.

IX. **COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes): (10:03:38 a.m.)**
Lory Volk, 206 Phipps Plaza, congratulated the new LPC members and wished all a happy Preservation Month. She made a series of remarks relative to the Application for Certificate of Appropriateness #016 – 2014 for the Town Hall Square District, maintaining that the application was facially deficient. She listed the alleged deficiencies for the record, some of which were lack of a time stamp, issues with the address listed, the architect's name as shown on the application, unchecked boxes, lack of legal description, incomplete project description, and lack of a materials removal plan, to name a few. As a result of the deficiencies, Mrs. Volk requested that the project not be heard today.

Attorney Manuel Kushner, representing Orator Woodward and several other Town residents who strongly oppose the project, (COA #016 – 2014), commented that it would be improper to consider the project at this time based upon the application's deficiencies. He also called attention to the date that plan revisions were submitted to the Town, less than one week prior to the meeting. For these reasons, he stated that this matter is subject to legal challenge.

Mr. Cooley expressed his reluctance to hear the project in light of the objections which had been raised. Mr. Page read the description of the project as listed on the agenda, stated that notice was sent to surrounding property owners, and noted that the town is ready to present this project today. He also testified that the Town Council met one week ago, deciding which plan was to be presented today to the LPC. Due to that timing, plan revisions were submitted after the "one week prior" deadline. Mr. Page suggested that the LPC take action today, and if Mr. Randolph feels that any of the deficiencies are severe enough to warrant that the matter be re-visited, that would occur in some subsequent month.

There was a question as to liability on the part of the LPC. Mr. Bradford advised that there is liability in association with the role of the LPC members, but the Town maintains public officials liability insurance to address such issues. It was noted that typically individual members serving in office and acting in good faith are immune from legal action.

There was additional discussion as to whether to move forward. Mr. Cooley asked directly as to whether a materials removal plan was submitted. He commented that if the application is deficient, the project should be deferred to avoid a lawsuit. While the Town's team looked for a materials removal plan, the Commission opted to move on to Item B.

X. **PUBLIC HEARINGS: (10:22:18 a.m.)**

B. Application for Certificate of Appropriateness #011 - 2014
Window replacement
Owner/Applicant: Palm Beach Park Centre 4, LLC
Address: 450 Royal Palm Way
Architect: ACI, Roger Hansrote
Project Description: Request approval for window replacement which is further described as: Replace existing aluminum windows with new to match

At the March meeting, the project was heard, and a motion carried for deferral to the April meeting. Since the April meeting was canceled, the deferral carried over to the May meeting.

Call for disclosure of ex parte communication: Disclosures by Mrs. Albarran and Mr. Cooney

ARCHITECTURAL PRESENTATION BY: Roger Hansrote, ACI
OTHERS WHO TESTIFIED: Lory Volk, John L. Volk Foundation

Mr. Hansrote presented revised plans pursuant to comments made at the March meeting relative to detailing of the windows to be installed. He brought a sample of the window to be installed, a single hung aluminum window. The detailing of the sill and shadow line are now better illustrated in the plans. The existing number of lites will be maintained in the new single hung windows, but several other openings remain as they are, i.e., the front doors, the west bays, etc.

Commission comments: This CGI window is the best aluminum product available; the proportion of the lites is the same; and, they don't exactly match the Volk sill steps...the original has three steps.

Lory Volk commented that the windows are fine, but the steps are important in the sills.

MOTION BY MRS. ALBARRAN FOR APPROVAL AS PRESENTED, WITH THE PROVISO THAT AN EXTRA STEP (in sill) IS ADDED.
MOTION SECONDED BY MR. COONEY.

Mr. Cooney thanked the architect for doing extra research and supplying additional details.

MOTION CARRIED UNANIMOUSLY.

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Discussion resumes relative to Town Hall Square project:
Mr. Page stated that since the materials removal plan for the Town's project was at issue, Mr. Lindgren, in the past few minutes, reviewed the submissions to the Town for the Town Hall Square project and has located a "replacement plan" which goes on for several pages including 99 photographs with explicit instructions as to what is being repaired or replaced.
This spurred further conversation about whether to hear the project or defer it, with some members willing to move forward and others preferring deferral. Attorney Kushner testified that he believes the application is vulnerable to a challenge.

Patty Sands, President of the Greater South County Road Business Association, stated that people were present today to support this project; that the Town Council asked that the project be heard today; and, that it might be stipulated that the application be corrected by a certain date, but the project should be allowed to be heard today.

Robert Wildrick, 220 Nightingale Trail, Town Council President, testified that the Town Council voted to ask the LPC to review this project. Due to the legal issues which have been mentioned, he suggested that in order to move the process along, the LPC should hear it on a "memo basis" to provide feedback to move the process forward. "As President of the Town Council and as a representative of the Town Council, I suggest very strongly that you hear this on a "memo basis" and I would request, Mr. Chairman, you bring that to a vote." Mr. Cooley felt the vote was unnecessary and agreed to hear it on a "memo basis".

Paul Brazil, Director of Public Works, provided the background and history related to this project to restore the Town Hall Square District. Staff was tasked with putting together a preliminary plan, based upon the concept of the Centennial Commission's Legacy Group. That plan was presented to the Town Council. Town Council authorized staff to move forward with several different efforts. Contracts are in place for the design team and a construction manager. Today's presentation is the final design that was presented to the Town Council. The project has evolved after a series of public meetings. Consensus was achieved to arrive at this design, but there are those who oppose this project for something more minimal in scale. Some of those in opposition contacted the State of Florida with a conceptual plan, and the State forwarded certain recommendations to the Town. Those recommendations were shared with the Town Council. The Town Council did not agree with the State, but does endorse the design being presented today. *(The presentation follows under Item A, below.)*

A. Application for Certificate of Appropriateness #016 - 2014
Town Hall Square Modifications
Owner/Applicant: Town of Palm Beach
Address: Town Hall Square Historic District, South County Roadway from Brazilian Avenue to Chilean Avenue
Architect: Sanchez and Maddux, Brian Vertesch
Project Description: Request approval for restoration, reconstruction and landscape/hardscape which is further described as: Project includes renovations to the Town Hall Square Historic District, all areas between building face of properties fronting North and South County from Brazilian Avenue and Chilean Avenue. Proposed improvements include: New sidewalks, new street tree plantings, reconstruction of Memorial Fountain, new plantings in Memorial Fountain area, addition of steps at rear of Memorial Fountain, new park to the south of fountain, addition of parking and changes to travel lanes within district, additional crosswalks, updated lighting, and associated drainage and utility modification. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by all members

Mr. Cooney announced that he received an e-mail from Orator Woodward implying that he, Mr. Cooney, might have a potential conflict as an employee of Buccan, a restaurant located within the Town Hall Square Historic District, which might benefit from additional off-street parking in the area. Mr. Cooney stated that he has consulted with the Town attorney and with Town staff, read applicable statutes and ethics regulations in this regard. Having been advised and having researched the issue, Mr. Cooney does not believe he has a conflict, especially because he is an hourly employee of the restaurant with no ownership interest. "Any potential conflict is remote and speculative, and I don't stand to inure...to gain in any way financially from this." "Any additional on-street parking wouldn't change my employer's requirements for off-street parking." "For those reasons, I will not recuse myself."

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Bridges Marsh & Associates
LANDSCAPE PRESENTATION BY: Jorge Sanchez, SMI
TRAFFIC ENGINEER: Kevin Shannon, Kimley-Horn
DIRECTOR OF PUBLIC WORKS: Paul Brazil
CONSERVATION SOLUTIONS INC REPRESENTATIVE: Mark Rabinowitz
OTHERS WHO TESTIFIED: Thomas McCarthy, 140 Brazilian Avenue, Andrew Roddy, 231 Kenlyn Road and 332 S. County Road, Patty Sands, President of the Greater South County Road Business Association, Bill Metzger, 277 Esplanade Way, Orator Woodward, 251 El Bravo,

Alexander Ives, Executive Director of the Preservation Foundation, Eugene Pandula, Architect and former Chairman of the Landmarks Preservation Commission, Tim Johnson and Fernando Wong, Fernando Wong Outdoor Living Design, Manuel Kushner, Attorney for Orator Woodward, and Lory Volk.

Moving forward in these minutes, please be advised that discussion relative to this agenda item continued for hours and ended at 2:00 p.m. Please note that the minutes will reflect only a portion of those discussions, however, a complete recording of the meeting is available on the Town's website at www.townofpalmbeach.com.

Jorge Sanchez presented the project in accordance with the submitted plans and as described above. He showed a historic photograph of the park, noting that it was designed with a hedge on the east and west sides of the pool, and Royal Palms. Today, the Royals are still there, but the hedges are gone. A flagpole and memorial walls have been added. Mr. Sanchez stated that when this project had been reviewed informally by the LPC previously, the LPC had recommended that proposed Coconut Palms be removed from the design in favor of retaining Royal Palms, and that more green be brought into the sidewalk areas. Both of those changes have been inserted into today's proposal. A pair of Tabebuia trees will add shade to the fountain area. Green was added wherever possible in the periphery. The view from the north end of the park to the south end will remain intact. The proposed stair leading south, down from the fountain, is proposed at only 12 ft. wide. in comparison to the fountain bowl at 18 ft. width. Stair spindles are proposed as cast aluminum with aging treatments to the spindles.

Kevin Shannon of Kimley-Horn addressed traffic, signage and parking issues. He stated that the goal is to enhance pedestrian safety. Design elements include: Maintain two travel lanes throughout this corridor; added parking spaces around the park for increased safety; eliminated right turn lane to east-bound Brazilian; minimize regulatory signage as much as the DOT will allow; new sidewalks and crosswalks, both new and relocated; and, landscape nodes for increased pedestrian safety.

Mr. Sanchez returned relative to the landscaping. Design elements include: Royals stay in same positions, but younger ones are to be planted, and new Royals introduced in the periphery; hedges on both sides of the pool are back in place; introduce four benches flanked by hearty plant material; large terra cotta pots for annuals and color at the pool area; and an allée on south side of fountain for shade. Mr. Sanchez entered a letter into the record in support of this project from John Massengale, author of Street Design, who dedicated a chapter in this book to the recent revitalization of Worth Avenue.

Mr. Brazil noted that Mr. Zukov, absent LPC member, had asked that his concerns relative to the ability to make a U-turn be heard. Mr. Page read an e-mail into the record from Mr. Zukov dated May 15, 2014 wherein he expressed his concerns for circulation and safety and requested that the project be deferred to next month.

Tom McCarthy, 140 Brazilian Avenue, expressed his concerns/comments about the project to include: The unintended consequences of parallel parking on both sides of the park; recommend elimination of the parking on both sides of the park along the pool area only; recommend the elimination of the bump out; concern about congestion at Café L'Europe; if you are spending all this money, why have parking obscure the view of the new park?; this will just be supplemental valet parking for Buccan and Café L'Europe.

The need for the separate green island north of the park was questioned. Mr. Shannon responded that a physical barrier is needed to create traffic control.

The issue of the new parking spaces around the park was discussed at length, with members divided on the issue. Mr. Shannon responded that pedestrian safety is enhanced by having cars parked around the park.

During the discussion, Mrs. Lorentzen asked what a "memo meeting" is, and what was actually going to happen today. Mr. Cooley responded that the Commission would hear the input of the citizens and make a decision on whether to act on it or not. Mr. Page added that Mr. Wildrick, representing the Town Council, wanted the LPC to consider the project today, however, after all the testimony has been heard, the LPC was to withhold final approval for at least a month until staff confers with Town Attorney, John Randolph, as to the application issues. That would allow any deficiencies of the application to be addressed prior to the next meeting.

Andrew Roddy, 231 Kenlyn and 332 S. County Road, expressed his concerns/comments about the project: Parallel parking is fine; suggests re-spacing of trees on the sidewalk; root control of trees is needed; concern for reinforcement of sidewalk; Royals on the sidewalks are too large..consider palms with shorter fronds; recommend teak benches for park; and, like the shade trees proposed.

Mr. Sanchez reiterated the project goals: The preservation of the history of the park and the views from north to south; the need to provide shade; and, the need to improve pedestrian safety.

Patty Sands, President of the Greater South County Road Business Association, provided additional comments regarding the bump out; support of the additional parking spaces; suggestion that valet for Café L'Europe be moved; urging the LPC to support this plan; and, this is the first step to improve more of South County Road.

Bill Metzger, 277 Esplanade Way, spoke in support of the project as presented to identify and enhance this part of the town as a continuing celebration of the tradition and history of the town. He explained his involvement, and the involvement of others in the development of this project.

Orator Woodward, 251 El Bravo Way, spoke in opposition to the project: This will adversely alter the Mizner Memorial Plaza forever; it is contrary to the Palm Beach Code of Ordinances that deals with landmarking; "you cannot be a member of the Landmarks Preservation Commission and vote to demolish a landmarked property"; the fountain can be repaired as recommended in the Conservation Solutions Inc. (CSI) report; this is the purest example of Mizner's genius; the Town Council has neglected it all these years, especially the landscaping, and is now embarking on a plan to do it irreparable harm; adding the steps would destroy Addison Mizner's plaza; remarks relative to Beth Dowdle and attorney Bill Bone; urges that the plan be voted down so the property can receive National Register designation and retain its eligibility for a substantial state grant; listed the persons or groups who oppose the plan; and, the fountain does not need to be demolished...it needs a little repair.

Mark Rabinowitz of CSI (author of report contracted for by Mark Marsh, Bridges Marsh & Associates) offered his comments: CSI was originally contracted to study the fountain basin and bowl; study showed deterioration of the cast stone and rebar; reconstruction was a reasonable approach (with adequate documentation and when the original materials are so deteriorated) and is in accordance with the Secretary of the Interior's standards; cites examples of other well-known

reconstructions; a lot of the original Mizner design is no longer there...a reconstruction would bring all of that back; even though parts of the fountain may not be as deteriorated right now as others, they also have the potential to become as deteriorated in the future; according to the Secretary of the Interior's definition of restoration, the plan being put forth is a restoration... replacement is consistent with restoration.

Commission comments: Concern about the internal cancer within the fountain worsening; we don't want this to be another 10 year bandage; the best use of donated and taxpayer money is that we do this to last for the long haul; our job is preservation; have not seen the demolition plan; the report says parts can be restored; we were previously shown graphic photographs of the existing deterioration; all for improving landscaping, traffic and pedestrian safety; I see our mission to be one of restoration and preservation, and not complete re-design of Addison Mizner's only public monument.

Mark Marsh reminded that this was presented informally to the LPC in January, and the LPC, supported by the Preservation Foundation, unanimously opted for reconstruction, rather than restoration of the fountain.

Alexander Ives, Executive Director of the Preservation Foundation, commented that the Preservation Foundation raised money for this project. Having been involved with this for 5-6 years, he provided some history related to the project; noted that there have been so many meetings for the fountain; mentioned the lobbying for state grants for the project; stated that even a delay of one more month may mean that the project could be delayed for another year; and noted that the cancer is growing within the fountain, and the damage is increasing day by day.

Jorge Sanchez stated that replication is very much a part of preservation, and cited notable architecture all over the world which has experienced replication.

Commission comments: There are situations blending original parts with replicated parts; the fountain has been designed as a room...a destination; need to draw people in to pool area, so benches and hedges will help that; why is a sidewalk needed...sidewalk would be unnecessary if the parked cars were not there; parallel parking is difficult; if you are inviting people in, remove the sidewalks and the parallel parking, and insert diagonal parking on the other side of the street; not in favor of having steps down the back of the fountain; would like to enjoy having views of park and fountain as I drive by; and, recommend push button at crosswalks.

Gene Pandula, former Chairman of the Landmarks Preservation Commission, was asked by Mr. Cooley to comment: Proposal reminds him of Oppidium Silhouette, floated 10-15 years ago for this area of town, which was ultimately turned down by the Town Council; this is a hugely important civic project; historic preservation does not preclude things from changing; there is a way to modify the park, but how?...in a muscular fashion, or by nuance?; personally, I believe this is more muscular than nuance; this is drifting further and further away from the original Garden Club Plan; the parked cars adjacent to the plaza are not a good thing; I'm much less concerned about the replacement of the fountain as being good historic preservation; reconstruction is contemplated in the Secretary of the Interior's standards; if the fountain is so deteriorated, there is no reason that it cannot be rebuilt; do proper documentation to establish that it was done for the right reasons; regarding the letter that you have from SHPO (State Historic Preservation Office), pay more attention to their comments regarding the circulation around the fountain, the stairs, and the parking; the fountain qualifies for the National Register...but SHPO has cast some doubt as to eligibility if the proposed changes are made and that opportunity may be lost forever; and, decide

how much change is warranted in terms of design; and, regarding the fountain, leave the upper room intact.

Commission Comments: With the fire trucks gone at the north end of the building, there is a reason for the design change, adding the stairs for better function.

Tim Johnson and Fernando Wong, of Fernando Wong Outdoor Living Design, presented an alternate design scheme focusing only on the landscape elements of the plan and with preservation in mind. He stated that they are adamantly opposed to parking cars around the park. He noted that the Garden Club wanted this to be a garden, not a park. Mr. Wong presented their design plan, which was developed at the request of Orator Woodward. Mr. Johnson stated that they are providing this alternative without compensation for their efforts. Since the Wong plan only involves landscape, it is much less expensive than the proposed.

Attorney Manuel Kushner added that Mr. Woodward and others believe that a replication of the fountain is actually a demolition of it. He cautioned that there are guidelines for a demolition. If the fountain can be restored, it should be done to preserve the integrity. He also cautioned that the Commission is being asked to make a decision based upon what is presented. As such, the Commission should be careful as to what is actually in the record, i.e., what they consider when making a decision.

There was discussion as to whether the Commission could take action today. Mr. Page read the Town Council's action from last week's meeting into the record: "Staff was directed to proceed with the fountain portion of the project as expeditiously as possible, and to take the Marsh Sanchez plan before the Landmarks Preservation Commission for their approval." Mr. Page believed that the Commission could take action on the fountain and defer the rest of the project.

Eugene Pandula, asked to comment again, recommended that the fountain issue be separated from the rest of the project, especially in consideration of the state grant. SHPO's letter, April 3, 2014, states that they have no problems with work being done in accordance with the report (CSI report) to qualify for the grant.

Paul Brazil stated that the grant is independent of the park. The grant is for the fountain, and as long as we do the work consistent with the report that was presented and approved by Landmarks previously, there will be no problem. Staff has control of the grant process.

Lory Volk entered several documents into the record: The April 3, 2014 letter from SHPO, the Town Hall Square Historic District designation report, the *Oppidium Silhouette Plan Proposal* report dated December 2001, Mr. Mayhew's article from *New York Social Diary*, Palm Beach edition, dated April 9, 2013, two consultant reports relative to the restoration of the fountain, letter from Ms. Volk to the Town Council dated May 1, 2014, an e-mail to the Town Council from Caroline Seebohm dated January 28, 2014, a news article by James Sved from the *Palm Beach Daily News,* Sunday, May 11 – Wednesday May 14, 2014, an e-mail from James Sved dated April 20, 2014 to the Mayor and Town Manager, an e-mail dated April 9, 2014 from Christina Orr-Cahall to John Lindgren, an article dated April 27, 2012 from the *Palm Beach Daily News* entitled "Architect Andrés Duany promotes unbiased democracy in community planning"; and one last package of documents: Florida Department of State letter to Mr. Peter Elwell talking about the eligibility of the fountain for the National Register (aka the SHPO letter of 4/3/2014), a letter to Mr. Woodward from Carl Shiver at the State, Mr. Woodward's letter to Gail Coniglio and the Town Council, and the letter that Mr. Woodward authored for the Palm Beach Daily News.

Early in her comments, Mrs. Volk stated that there was no RFP process for this project. She questioned why this project morphed from a simple fountain renovation to a 6.2 million dollar project and whether ADA compliance will be required if more than 51% of the project is removed. Mrs. Volk spoke in strong support of this project going out for competitive bids.

There was a comment that some of letters received were "sufficiently vague" as to whether the writer supported reconstruction or restoration.

Mr. Woodward asked that Ricky Herpel, who has been repairing the fountain for years, come to testify as to the condition of the fountain. He and Attorney Kushner also stated that the Florida Dept. of State, SHPO, in their letter, approved the November 20, 2012 plan to renovate, but not to reconstruct or replicate the fountain.

Commission Comments: No problem with proceeding with a restoration of the fountain; recommend against surrounding parking...maintain existing parking and traffic flow; have the parking taped off or painted on the street; recommend against the stairs; extend sidewalk; approve the fountain for renovation and defer the rest; embrace the plan and push it forward; this plan has been studied at length; we need to see the deteriorated photos of the fountain as were shown in January shown again as part of the presentation; our job is to push this forward; compromise: separate the parking from the fountain...refurbish the fountain saving some of the original parts; leave the back fence and approach the fountain only from the front as a separate room and keeping the original intent; the fountain was not intended to be something that you pass through; perhaps Mizner would view this as one big space, if he were here today.

Chairman Cooley asked Mr. Page to re-read the Town Council's directive, and then he requested a motion relative to the fountain and deferring the remainder of the project.

Commission Comments: The LPC had reviewed the CSI report previously (January) and had decided for reconstruction rather than renovation; and, this project as a means to revitalize life in the center of town.

Mark Rabinowitz, CSI stressed the greater importance of preserving the Mizner "design" rather than the materials of the Mizner design. As such, he felt that re-creating the fountain is valid and viable, while respecting the design of the original architect.

MOTION BY MR. COONEY TO FOLLOW THE RECOMMENDATION TO RE-CREATE THE FOUNTAIN EXACTLY TO THE MIZNER DESIGN.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED 6-1, WITH MRS. LORENTZEN OPPOSED.

MOTION BY MR. GANNON THAT THE STAIRCASE IS INCORPORATED INTO THAT PLAN AND WE SUPPORT THIS DESIGN.
MOTION SECONDED BY MR. COONEY.
Mr. Page clarified that this was the staircase of the Marsh/Sanchez plan.

Commission Comments: Now it is complicated...the stairs tie into all the rest...we were directed to make a decision on the fountain; make the stairs more gracious and fan out at the bottom and duplicate the original Mizner balustrade; in preservation, we need to differentiate between the old and the new, thus, the metal railings proposed; the simplicity and narrowness of the steps is intended to be subservient to the original Mizner stairs; keeping the top of the stairs

small is wonderful, but when they fan out at the bottom, gracious, people sit on them...another aspect of civic living; you can add on reminiscent to the original Mizner; prefers the stairs with the original balusters; there is enough dissention on these stairs that a deferral is in order; many fabulous gardens have secret pockets and hideaways, areas which are not obvious or immediately accessible to those in the garden...so I object; would prefer if we move ahead with a motion about stairs happening or not happening, and re-visit details of the design; I disagree...there should be no stairs there; the sidewalk should be extended; the entrance should be from sides, not the back, and I intend to vote no; recommend that we stay with clarity of first motion and table everything else; and, why does a needed restoration have to have a new set of stairs incorporated into it?

Mr. Page felt that a decision was needed relative to the stairs because they are such an important part of the fountain. Mr. Brazil stated that his direction from the Town Council was to have a guaranteed maximum price and a construction schedule to the Town Council at their June meeting, and he intends to do that. Mr. Gannon suggested that the Commission move ahead with the motion on the floor for the stairs as presented today. After further discussion and some push back about voting on the stairs today, it was suggested that the parking issues be kept separate, but to take action on the rest of the plan to enable the Town to move forward on the plan.

MOTION CARRIED 4-3, WITH MRS. LORENTZEN, MR. SILVIN AND MR. COOLEY OPPOSED.

MOTION BY MR. GANNON FOR APPROVAL OF THE REST OF THE PROJECT, WITH THE EXCEPTION OF THE PARKING, SO THAT THEY CAN HAVE TOWN COUNCIL HAVE A FULL COMPLETE PROJECT IN FRONT OF THEM THAT IS APPROVED.
MOTION SECONDED BY MS. HUFTY.

There was a comment relative to the proposed Live Oaks being expensive and messy. Paul Brazil responded that the Town has maintenance on all of our vegetation, and we already maintain several Live Oaks. There was another comment that the bulb outs relate to the parking which has not been approved. Also, there could be more discussion on the landscaping.

MOTION CARRIED 4-3, WITH MRS. LORENTZEN, MR. SILVIN AND MR. COOLEY.

MOTION BY MRS. ALBARRAN TO DEFER THE PARKING FOR ONE MONTH.
MOTION SECONDED BY MR. GANNON.
MOTION CARRIED UNANIMOUSLY.

It was noted that the proposed sidewalk may be discussed again if the parking is abandoned.

Let the record show that the meeting recessed for lunch from 2:00 p.m. to 3:00 p.m. The meeting actually resumed at 3:02 p.m.

C. Application for Certificate of Appropriateness #015 - 2014
Replace Balconies and Doors
Owner/Applicant: The Breakers Palm Beach Inc.
Address: 1 S. County Road
Architect: Peacock and Lewis AIA
Project Description: Request approval for restoration and exterior demolition which is further described as: This project consists of the replacement of 75 balconies on the North Oceanfront Tower. These balconies were originally built in 1969 when the North Ocean front Tower was constructed. The balconies have an oceanfront exposure which has caused the need for some concrete restoration and replacement work. 75 balconies that are on the North, East and South Elevations will be demolished and replaced to look like existing. The railings and sliding glass doors of these units will all be replaced as well to meet current codes. Other associated changes as presented. ***Please be advised that this is a tax abatement project.***

Call for disclosure of ex parte communication: Disclosures by Mrs. Albarran and Mr. Cooney

ARCHITECTURAL PRESENTATION BY: Steve Pollio, Peacock and Lewis

Mr. Pollio presented the project in accordance with the submitted plans and as described above for this life safety and structural renovation project. He explained that the project is necessary due to deteriorated re-bar. Design elements include: replace railing design to match existing; replace sliding glass doors; and, perform necessary associated structural repairs. This work is part of a phased project at the Breakers.

Mr. Lindgren explained that while only the west elevation of the Breakers is landmarked, the entire property is on the National Register. As such, the Breakers is eligible for tax abatement, but must come to the LPC for approval.

MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. GANNON.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #017 - 2014
Restoration/Rehabilitation/Reconstruction
Owner/Applicant: 456 WA, LLC
Address: 456 Worth Avenue
Architect: Michael J. Johnson
Project Description: Request approval for restoration, rehabilitation, and reconstruction which is further described as: Replacement and addition of new metal work to the exterior that includes balcony railings, awning supports, gates and decorative elements. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by Ms. Hufty and Mr. Silvin

ARCHITECTURAL PRESENTATION BY: Michael Johnson, Architect, and John Rais, Designer

Mr. Rais presented the project in accordance with the submitted plans and as described above to replace all of the metal work at this residence. The home is undergoing a large renovation project.

The existing railings, now removed, were not salvageable, or original Mizner designs. The metal work will be replaced with the goal to bring more Mizner back into the project. Mr. Rais provided examples of other railings which inspired this design. He reviewed each of the particular railing designs by location. The metal work at one location is designed to be different than that at another location, aside from two matching window grills and four matching balcony railings.

MOTION BY MRS. ALBARRAN FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. GANNON.
MOTION CARRIED UNANIMOUSLY.

Mr. Cooney mentioned that it would be nice to have original drawings as part of the presentation when they are available, as they are in this case.

E. Application for Certificate of Appropriateness #019 - 2014
Rehabilitation and Landscape/Hardscape
Owner/Applicant: 11 Vita Serena, LLC
Address: 181 Clarendon Avenue
Architect: The Pandula Architects, Eugene Pandula
Project Description: Request approval of rehabilitation and landscape/hardscape which is further described as: At second floor master bedroom terrace, revise solid railing to cast stone balustrade; Install 6 ft. high stucco site wall at south property line; At south lawn, remove existing swimming pool and deck and install new swimming pool and revised deck. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Eugene Pandula, The Pandula Architects

Mr. Pandula presented the project in accordance with the submitted plans and as described above. He gave a brief history of the renovation at this Wyeth designed Venetian house built in 1926. The house was extensively remodeled in 2001, at which time it was raised by approximately 5 feet. The current owners have worked on the house for the past three years, first on the interiors, then adding a loggia, and now, with the current proposal. The master bedroom terrace will be re-decked in cast stone. The new rectangular east/west pool will be 17 ft. x 41 ft. with no deck. Pool equipment will be relocated to the equipment yard. The pool will be done in French Grey or bluestone. A landscape plan will be brought to the Commission in the future.

Commission comments: Regarding the detail of the balustrade, make it match with a panel.

MOTION BY MRS. ALBARRAN FOR APPROVAL AS PRESENTED WITH THE PROVISO THAT YOU MAKE ALL PILASTERS IN BETWEEN THE BALUSTRADE MATCH WITH THE SAME DETAIL.
MOTION SECONDED BY MR. GANNON.
MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness #013 - 2014
Reconstruction/Rooftop Terrace/Color Change
Owner/Applicant: Wilber E. James, Trustee of the Wilber E. James Revocable Trust Agreement dated January 15, 1997, and Janet B. James, Trustee of the Janet B. James Trust Agreement dated January 15, 1997
Address: 10 Golfview Road
Architect: Mesa Architecture Inc.
Project Description: Request approval for reconstruction, convert existing rooftop into rooftop terrace, window and door replacement, and exterior color change which is further described as: Add railing and stone pavers to replace existing roof and create a 180 square foot second floor terrace over existing one story structure and associated changes. All architectural styles and colors to match existing home. Replacement of selective existing window and doors. Removal of existing cast stone Corinthian columns/install pilaster and decorative cypress brackets, new tile at interior courtyard terrace and paint residence. Raise interior loggia floor approximately 6" and associated changes. Exterior stucco shall be painted Benjamin Moore BM090. Exterior door and window color shall be painted Benjamin Moore BM713 Low Luster. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Stephen Roy, Mesa Architecture Inc.

Mr. Roy presented the project in accordance with the submitted plans and as described above. Mr. Roy explained that variance approval has already been obtained relative to a new roof terrace. In addition to the description above, Mr. Roy added: Building color to be coral with green windows/doors to match the existing; the project includes some fenestration and railing changes/additions; and, the mansard roof will be extended up so the railing has a termination point. Mr. Roy brought a sample of the windows to be used which are all mahogany impact rated windows.

Under commission comments, an issue was raised as to why there was not a corresponding arch on the south side to match the one in the plans for the north side. Mr. Roy responded that this would have required another variance. Mr. Roy will discuss this with the client.

Typically, the LPC would have opined on the variance first, prior to review by the Town Council, but since the April LPC meeting was cancelled and in an effort to not hold up the project, the Town Council reviewed the variance first, without having LPC input.

MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness #018 - 2014
Generator
Owner/Applicant: Martin Sosnoff and Toni Sosnoff
Address: 260 Via Bellaria
Architect: DKK Consulting Inc., Derek Schenevar, PE
Project Description: Request approval for generator which is further described as: Applicant proposed to install a 60 kw Generac Generator (77" long, 33.5" wide and 45" high) with a 7 ft. wing wall on the south and west sides of the generator. The generator is to be located 5.23 ft. north of the south boundary line and will be built abutting the existing one story garage in the back yard. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: M. Timothy Hanlon, Attorney for the applicant

Mr. Hanlon reported that the Town Council has already granted a variance for landscaped open space for this project (without LPC input for the same reasons as the last project). The generator will be located in the rear of the residence with a 7 ft. high wing wall on two sides, and an adjacent garage wall on the east side. There is no impact to the neighbors.

MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. GANNON.
MOTION CARRIED UNANIMOUSLY.

H. Application for Certificate of Appropriateness #021 - 2014
Landscape/Hardscape
Owner/Applicant: Mr. Timothy Rooney
Address: 160 Wells Road
Architect: Smith Architectural Group
Project Description: Request approval for landscape/hardscape which is further described as: The pool deck and Mexican tile deck and walkway will be removed and replaced with a new coquina pool deck in a random ashlar pattern. The existing fountain will be removed and rebuilt East of its current location. A new stuccoed concrete block wall with metal gate is proposed to separate the pool area from the garden area. Other associated changes as presented. ***Please be advised that this is a tax abatement project.***

Call for disclosure of ex parte communication: Disclosure by Mr. Cooney

ARCHITECTURAL PRESENTATION BY: Bill Boyle, Smith Architectural Group
LANDSCAPE PRESENTATION BY: Mario Nievera, Nievera Williams Design

Mr. Boyle provided a brief update relative to the progress of the work, originally approved by the LPC in 2012. He presented the project in accordance with the submitted plans and as described above. He testified that the property is experiencing some drainage issues. This has prompted a plan to re-do the drainage and the back yard. He described the areas scheduled for demolition. The new paving material will be Yucatan coquina (the filled side) in a random ashlar pattern. The new concrete block wall, with detailing to match existing detailing at the site, and new piers with a pedestrian gate, will replace a chain link fence. The gate is a replica of other metal work on the

property. The existing fountain will be moved to the east as much as possible. He noted that the base may have to be re-cast because it is in bad shape.

Mr. Nievera continued with the associated landscape/hardscape changes. Design elements include: Garden path-type driveway; landscape material as presented respecting "old-fashioned" feel; existing Banyan tree integral to design; grass and small terrace off garage/guest house; add Coconut Palms to break up pool terrace; and, fountains off pool coping that cross over to each side.

MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. GANNON.
MOTION CARRIED UNANIMOUSLY.

XI. OTHER BUSINESS:

A. Informal Review: 10 S. Lake Trail
LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Owner: Charles M. and Deborah G. Royce LLC
Applicant: Chuck Royce
Architect: Jacqueline Albarran
Project Description: Request approval for restoration, rehabilitation, reconstruction, addition to historic structure, interior and exterior demolition, and exterior color change which is further described as: One story addition to convert a one car garage to a two car garage and the storage room into a media room. Extension of the existing covered terrace with new pergola above. Replace all existing windows and doors to wood impact. Exterior wall color to be coral and windows to be celadon green. Replace green "S" tile roof elements with clay barrel tile. ***Please be advised that this is a tax abatement project.***

Let the record show that since Mrs. Albarran is the architect for this project, this represents a voting conflict for her. Voting Conflict form on file. (As such Mrs. Wyett will vote.)

Call for disclosure of ex parte communication: Disclosures by all members

ARCHITECTURAL PRESENTATION BY: Jacqueline Albarran
ATTORNEY PRESENT: Maura Ziska for the applicant
OTHERS WHO TESTIFIED: Anne and Bill Metzger, 433 Antigua Lane

Ms. Ziska explained the variance request for a side yard setback to create a two-car garage. Mrs. Albarran presented the project in accordance with the submitted plans and as described above, beginning with a series of historical photos. In addition to the description above: All new wood mahogany impact windows and doors to match the original; change existing Colonial garage door style to historically appropriate style; and, fenestration changes as presented. Mrs. Albarran showed color and roof samples to the Commission.

Anne and Bill Metzger complimented the project as a beautiful job and an asset to the neighborhood. The Commission commented very favorably about the project, including Mrs. Lorentzen's comment to the effect that the garage expansion, the subject of the variance, balances the house better.

MOTION BY MR. COONEY THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.
MOTION SECONDED BY MR. GANNON.
MOTION CARRIED UNANIMOUSLY.

XII. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: (04:32:21 a.m.)

Mr. Page introduced the Town's Historic Preservation Consultants, Janet Murphy and Emily Stillings, to the Commission.

Mr. Page referenced the required Financial Disclosure forms which must be filed by each of the members within 30 days of appointment. He passed a copy of the form to the members.

Mr. Page described the Town's policy relative to e-mails which concern Board/Commission business.

Mr. Page reported that Mr. Zukov, though absent today, took the Oath of Office last week. He was sworn by the Town Clerk.

XIII. ADJOURNMENT:

MOTION BY MR. COONEY TO ADJOURN THE MEETING AT 4:40 P.M.
MOTION SECONDED BY MR. GANNON.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, June 18, 2014 at 9:30 a.m. in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

William O. Cooley, Chairman
LANDMARKS PRESERVATION COMMISSION

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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
ALBARRAN JACQUELINE	LANDMARKS PRESERVATION COMMISSION
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
324 ROYAL PALM WAY #227	☐ CITY ☐ COUNTY ☑ OTHER LOCAL AGENCY
CITY COUNTY	NAME OF POLITICAL SUBDIVISION:
PALM BEACH, FL PALM BEACH 33480	TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED	MY POSITION IS:
5/21/14	☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JACQUELINE ALBARRAN, hereby disclose that on 6/21, 20 14:

(a) A measure came or will come before my agency which (check one or more)

✓ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

INFORMAL REVIEW 10 S. LAKE TR.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

✓ 5/21/14
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.