

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, NOVEMBER 15, 1991

AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order by Chairman Lillian Jane Volk at 9:03 a.m.

II. Roll Call:

PRESENT: Lillian Jane Volk, Chairman
Elise P. Mackintosh, Vice Chairman
William S. Gubelmann, Member
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member
Leslie Divoll, Member
Arthur Silverman, Alternate Member
Wilmer J. Thomas Jr., Alternate Member
Pamela McNierney, Attorney for the Town
David C. Zimmerman, Assistant Building Official
Timothy M. Frank, Planner/Projects Coordinator
James Edward Sved, Preservation Consultant

ABSENT: Sally Gingras, Secretary
Jane R. Grace, Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Mrs. Mackintosh arrived at 9:04 a.m.

III. Approval of the Minutes of the October 18, 1991 Meeting:

Please note the following clarification to the October 18, 1991 Minutes of the Landmarks Preservation Commission, as noted by Mrs. Albarran de Mendoza.

On Page 10, the first paragraph, regarding 300 El Brillo Way...

"to line up the horizontal of the motor gates with the top edge of the pickets."

should read

"to line up the horizontal of the motor gates with the horizontal of the pickets."

MOTION BY MR. SILVERMAN TO APPROVE THE MINUTES, AS AMENDED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 40-91,
Identification signage

Applicant: Helander Gallery c/o Bruce Helander

Owner: Robert Bustani

Address: 350 South County Road

Project Description: Request approval of identification signage for facade and window

(Please note that this signage was given conceptual approval at the October 18, 1991 Meeting, pending legal advertisement for the November meeting.)

Mr. Bruce Helander and Ms. Jo Mett presented this request for identification signage for the new location of the Helander Gallery. It shall be noted that this is a Special Exception-granted second location for the Gallery. The two locations, Worth Avenue and South County Road, will exist until May of 1992, at which time the South County Road location will be the only location for Helander Gallery.

Mr. Helander explained that due to the concerns expressed at last month's meeting regarding the height of the letters, they have reduced the size of the facade lettering in both height and width. The letters will now be 9" in height, rather than 11", and the width will be accordingly reduced. The facade signage will be approximately 7-3/4' in length, as opposed to the 11-1/2' length of the Worth Avenue signage. The same material, Corian, will be used. The light grey coloring of the Corian, despite the size of the signage, will create a low impact sign on the facade. The facade signage will appear directly above the bay windows.

Additionally, approval is requested for small white window lettering, using the same type face, at the pedestrian level on the inside of the right window.

MOTION BY MRS. DIVOLL TO APPROVE THE IDENTIFICATION SIGNAGE FOR THE FACADE AND WINDOW, AS REQUESTED, WITH RESPECT TO LOCATION, COLORING, MATERIAL SELECTION, AND SIZE.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

Mr. Frank reported, for the Commissioners' knowledge, that some of the new awnings have been erected on the Bustani Building, 350 South County Road. The Commission had previously approved a particular style awning for this building. He also stated that the Safari & Polo Club, a current tenant in the building, is vacating its space, and will be replaced by The Singing Bamboo. Mr. Frank has advised the owners of The Singing Bamboo that the existing awning on the Australian Avenue facade must be removed, and any new awning must match the approved awning style for the building. The Singing Bamboo owners have informally agreed to do this.

- B. Application for Certificate of Appropriateness No. 41-91, Color change, awnings, and removal of old air-conditioning
Applicant: Mary Mahoney Enterprises, Inc.
Owner: Everglades Club
Address: 351 Worth Avenue
Architect: Smith Architectural Group
Project Description: Request approval of color change of building, awnings for second and third floors, and removal of old air conditioning units and plastering of resulting openings.

(Please note that conceptual approval was given for the color change to light terracotta at the October 18, 1991 meeting, pending legal advertisement.)

Mr. Jeffery Smith and Mr. Don Kino returned to formally present this project. The proposal is to change the exterior of the building from the existing white to light terracotta. Awnings for the second and third floors will be emerald green with a white scalloped edge. Mr. Smith passed a photo showing this building with awnings in these locations, to illustrate the appropriateness of the awnings. Lastly, they will be removing all of the old air conditioning units and plastering the resulting openings.

Let the record show that other changes to this building were discussed, such as "Mary Mahoney" in green script on the facade, front door change from existing Elizabeth Arden Red Door to single lite wooden door, and replacing existing windows at balconies with french doors. Although no objections were heard from the Commission, these items will need to be advertised for the December meeting.

MOTION BY MRS. DIVOLL TO APPROVE THE COLOR CHANGE, THE AWNINGS, THE REMOVAL OF THE OLD WINDOW AIR CONDITIONING UNITS, AND PATCHING OF THE RESULTING OPENINGS.

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness No. 42-91,
Removal of plant material

Applicant: Via Mizner Associates Ltd. Partnership c/o
Via Mizner of Worth Avenue, Inc.

Owner: Via Mizner Associates Ltd. Partnership c/o Via
Mizner of Worth Avenue, Inc.

Address: 333-345 Worth Avenue

Architect: The Lawrence Group Architects

Project Description: Request approval of removal of
bougainvillea at the Worth Avenue facade of Via Mizner, with
associated removal of electrical wiring, planting of new
bougainvillea in pots, and restoration of balcony rails

Mr. Ian Keane, Owner, and Mr. Jim Remez presented this project. Mr. Keane brought photos showing the condition of the existing bougainvillea. He stated that the plants are very old, and are difficult to control. They plan to take cuttings from these plants to "preserve the genes", so to speak, and cut them down to about one foot from the base. The cuttings will be taken as a safeguard, in the event that the plants do not survive the planned cut back. Attempts will be made to retrain the new growth to follow the vertical columns. The desired result is that the bougainvillea follow the architecture, not hide it, as currently exists. On the terraces, rather than have the bougainvillea come up and camouflage the arcade, they will expose the architecture, clean the stone facade and restore the arcade, removing any unnecessary and unsightly electrical wiring and equipment. On the second floor, there will be bougainvillea in large pots trained to go over the existing trellis.

Some of the Commissioners felt that it was not an appropriate time to prune the bougainvillea. Mr. Keane assured the Commission that he would not undertake the pruning until such time as it was appropriate. He indicated that Mr. Ugi, of Public Works, had already been consulted on the matter to some degree. Mr. Keane reiterated that the goal here is to save the plants if possible, but if not, to replant using the cuttings.

Mrs. Divoll, after visiting the site, agreed that the pruning is essential, but also agreed that the timing was wrong. Mr. Gubelmann suggested that Mr. Ugi oversee the timing of the pruning, so that the pruning is successful.

MOTION BY MRS. DIVOLL TO APPROVE THIS CERTIFICATE OF APPROPRIATENESS TO CUT BACK THE BOUGAINVILLEA UNDER MR. UGI'S ADVICE, AND THE SUBSEQUENT CLEANING UP OF THE FACADE, AND REMOVAL OF MISCELLANEOUS ELECTRICAL AND PLUMBING ITEMS.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness No. 43-91, Landscape plan

Applicant: Town of Palm Beach

Owner: Town of Palm Beach

Address: 360 South County Road, Memorial Fountain

Presented By: Garden Club of Palm Beach

Project Description: Request approval of landscape plan

This item had been brought to the Town Council, the property owners in this case, at their regular November meeting, and action was deferred at that time. Therefore, Staff has requested deferral of this item by the Landmarks Preservation Commission to its December meeting.

MOTION BY MRS. METZGER TO DEFER COA #43-91 TO THE DECEMBER MEETING.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

V. Designation Hearings

ITEM 1: 126 SOUTH OCEAN BOULEVARD

OWNER: Estate of Mr. J. H. & Mrs. Estee J. Lauder

(Please note that this item has been deferred from the April 19, 1991 meeting.)

VOLK: This first item, 126 South Ocean Boulevard, the Estate of Mr. J. H. Lauder and Mrs. Estee J. Lauder, and 115 Flagler Drive, there is a request for deferral of that.

SILVERMAN: And 115?

VOLK: Yes, of both of them to the December meeting. WILL SOMEONE MOVE THAT THE LANDMARKING CONSIDERATION OF THESE TWO PROPERTIES BE DEFERRED TO THE DECEMBER MEETING WITH THE PROVISIO THAT THE OWNER RECOGNIZES SHE IS WAIVING HER RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS?

SILVERMAN: I SO MOVE.

VOLK: SECOND?

GUBELMANN: I'LL SECOND.

VOLK: ALL THOSE IN FAVOR?

COMMISSION: AYE. MOTION CARRIED UNANIMOUSLY.

VOLK: SO MOVED.

ATTORNEY GREGG KINO: Excuse me. If I might speak?

VOLK: Yes.

KINO: We had originally asked for postponement to the January, 1992 meeting. I don't know if there was some miscommunication?

VOLK: I think we were expecting a letter to that effect, but we didn't...

KINO: Yes, we have that right here, and it was certified mail from November 8th.

FRANK: Yes, I'm sorry I did not pick up on that. The request was for January, so...

VOLK: WE CHANGE THAT MOTION TO READ TO JANUARY. You are deferred to January meeting. Thank you.

KINO: Thank you very much.

MACKINTOSH: (Indiscernible)

VOLK: The Lauder property, yes. Shall we re-phrase that or is it understood? Alright. Very good. Thank you.

FRANK: BOTH THE SPONSOR OF THE MOTION AND THE SECONDER AGREE?

SILVERMAN: YES.

GUBELMANN: YES.

ITEM 2: 115 FLAGLER DRIVE

OWNER: Mrs. Joseph Lauder

(Please note that this item has been deferred from the April 19, 1991 meeting.)

Please see the record above for Item 1.

ITEM 3: 60 COCOANUT ROW

OWNER: Royal Poinciana Chapel Tr Inc. c/o Ms. Marilyn Polete Secy

(Please note that this item has been deferred from the March 15, 1991 meeting.)

VOLK: The next item is the Royal Poinciana Chapel, 60 Cocoanut Row, and this item is being removed from the agenda. Do we need a motion to do that?

MACKINTOSH: Why is it being removed?

FRANK: Yes. Yes. We should have a motion. Do we need an explanation?

GUBELMANN: Can we have some background on this? Didn't we approve an addition for them last month?

VOLK: Yes.

FRANK: Yes. The matter of 60 Cocoanut Row was researched by Counsel and Counsel had found...excuse me...actually Staff reviewed it or Staff did the research, Counsel reviewed the research. We have found that there was a decision on this property by the Town Council which overturned a landmarking earlier, so based on Mr. Randolph's advice, he feels that this matter should not be heard by a body of the Town utilizing the same criteria, which we were following. So, therefore, Staff recommends removal from the agenda, of this item. We are working with the church and hopefully, within a number of years, it will eventually be a voluntary. However, Counsel has advised that essentially, their opinion is not to move forward.

METZGER: What happens procedurally with their additions?

FRANK: Procedurally, with their addition, as long as they have an approval from either of the two commissions of the Town, that being the Landmarks Commission or the Architectural Commission, they may proceed with that Certificate.

METZGER: And if they wanted to make changes to that, where do they go?

FRANK: If they wanted to make changes to that, after you have removed it from the agenda, if you remove this item from the agenda, I believe those changes would go back to ARCOM.

METZGER: Oh.

GUBELMANN: We were the ones who approved it to begin with, so I would think it would come back to us.

MACKINTOSH: Wouldn't they want to?

FRANK: No.

VOLK: Certain specific things were approved and that's it.

FRANK: No. Actually...

MACKINTOSH: So they have to abide by those approvals?

FRANK: Actually, their approval with this Commission is valid.

⊙ METZGER: Yes.

FRANK: We encouraged them to do so, and they were reluctant. They were actually pleased with the action. Hopefully, the action is helping encourage the voluntary, a potential future voluntary designation.

VOLK: Yes, this is strictly a procedural matter, having nothing to do with the architectural worthiness of the Chapel. We do hope that they will come forward and place themselves on our roster of landmarked buildings.

FRANK: Not to wear it out, but essentially, before we had put it "under consideration", there was a request by the church to build a columbarium on the rear portion of the property. The Architectural Commission reviewed that, and also, they recognized the historic significance of the structure. They insisted on the columbarium following through with the same detail that the original building had. I don't...I've been saying this all along to both sides...I don't believe that the Architectural Commission would be insensitive to the same things that you are.

GUBELMANN: It's more or less a mini historic district over there with Seagull Cottage and the Flagler Museum all within a couple hundred yards of one another.

⊙ VOLK: WE WILL HAVE A MOTION, THEN, TO THE EFFECT THAT THE LANDMARKING CONSIDERATION OF THE ROYAL POINCIANA CHAPEL BE DEFERRED INDEFINITELY WITH THE PROVISIO THAT THE OWNER RECOGNIZES THAT HE IS WAIVING HIS RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS. Will someone make that motion?

GUBELMANN: SO MOVED.

VOLK: SECOND?

SILVERMAN: SECOND.

VOLK: ALL THOSE IN FAVOR, PLEASE SAY AYE.

ALL, EXCEPT MRS. DIVOLL: AYE.

VOLK: THOSE OPPOSED? SO MOVED.

DIVOLL: I WOULD POINT OUT THAT I'M ABSTAINING FROM VOTING ON THIS DUE TO A CONFLICT. (Voting Conflict form on file.)

ATTORNEY PAM MC NIERNEY: I think there's a difference between deferring indefinitely and removing, and Staff recommends removal, and I just want to be sure that the Board understands that by deferring indefinitely, you are not actually removing. So, you may want to re-state that.

VOLK: So, Staff wants removal? Which would be the, the...

⊙ MACKINTOSH: Why removal?

FRANK: Because the Town Attorney believes that the matter, under the criteria that we have evaluated the church, has already been considered by the Town. The decision has been rendered. So, we feel... the attorney feels that we cannot consider this.

ALBARRAN DE MENDOZA: So when we start again, it will have to be under different terms.

FRANK: Exactly.

ATTORNEY MC NIERNEY: Right. And come back with a new application.

VOLK: Then we should have a motion to remove it?

ATTORNEY MC NIERNEY: Right.

VOLK: LET'S RE-PHRASE THAT MOTION THEN.

GUBELMANN: I AMEND MY MOTION TO REMOVE THE DESIGNATION.

SILVERMAN: I AMEND THE SECOND.

VOLK: Very good. ALL THOSE IN FAVOR, SAY AYE.

ALL, EXCEPT MRS. DIVOLL: AYE.

ITEM 4: 850 SOUTH OCEAN BOULEVARD

OWNER: Lawrence A. Moens

(Please note that this item has been deferred from the March 15, 1991 meeting.)

VOLK: 853 South Ocean Boulevard. Request...Lawrence A. Moens...request for deferral.

METZGER: 850 South Ocean Boulevard.

GUBELMANN: 850 South Ocean Boulevard.

VOLK: What did I say?

METZGER: 853.

VOLK: 850 South Ocean Boulevard. Request for deferral. Please note that this item has been deferred from March 15, 1991.

FRANK: Madame Chairman, this request for deferral is a little bit unusual in the sense that while this property was being notified, a transaction of sale took place, and of course, Staff has no way of knowing when sales are actually consummated on properties, and when we did the notification, we notified the former owner rather than the present owner, and the present owner has been notified, but not within the 30 day criteria for

notification. So, in a sense, we have a technical defect here. Staff believes that we cannot hear this item this month. We understand that the applicant is interested in this, and he would like to be deferred until January, however, as of this moment right now, based on the correspondence of his attorney, he has just notified us of the defect, and there is no written request for deferral to January. So, actually, it's at your pleasure whether you want to defer to December or January.

VOLK: Wouldn't you think, if he wishes to be present, that we should defer to January. Of course.

GUBELMANN: We're not going to be running into any problems with this thing over the statute of limitations on this building, are we?

FRANK: We might.

FRANK: Cindy has helped me. Since we haven't received a letter, and actually, I did notify the attorney yesterday as to what the letter should contain, and we have not received it, and in addition to that, Cindy has notified me that we have advertised this for the December meeting. I think the deferral should be till December, and then next month, we can defer again if we get the request from the applicant. But since it has been publicly noticed already for December, I think we should defer until December.

VOLK: MOTION...MOVE THAT THE LANDMARKING CONSIDERATION OF 850 SOUTH OCEAN BOULEVARD BE DEFERRED TO THE DECEMBER MEETING WITH THE PROVISIO THAT THE OWNER RECOGNIZES HE IS WAIVING HIS RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

DIVOLL: SO MOVED.

VOLK: IS THERE A SECOND?

ALBARRAN DE MENDOZA: I'LL SECOND.

VOLK: ALL THESE IN FAVOR, PLEASE SAY AYE.

ALL: AYE.

VOLK: IT'S DEFERRED TILL DECEMBER.

ITEM 5: 301 WORTH AVENUE

OWNER: Three Hundred One Worth Corp. c/o W. A. Stockton

VOLK: Item 5. 301 Worth Avenue. Owner, Three Hundred and One Worth Avenue Company. Do we have legal proof of publication and proper legal service, Mr. Frank?

FRANK: Yes, Ma'am we do.

VOLK: Will all those who wish to speak about this matter, please rise and

be sworn in?

DELP: Do you swear or affirm that the testimony which you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

(Let the record indicate that Mr. Tim Frank and Mr. James Edward Sved were hereby sworn.)

VOLK: Let the record note that these witnesses have been duly sworn. What is the Staff's recommendation?

FRANK: Thank you, Madame Chairman. The property at 301 Worth Avenue, for those of us who haven't been through the Designation Process, we're starting a new season this year. Generally, the routine that Staff follows is...I will read into the record the criteria for designation. It sometimes seems mundane, because we hear it again and again, however, it's very important because these are the criteria which Staff has selected, and ultimately, the Commission may or may not accept as the criteria for designation. Then, I pass the staff presentation over to Mr. Sved, who will give a brief presentation of what we have found on this property. Regarding the subject property at 301 Worth Avenue, under Criteria for Designation, Staff has found that it meets criterion ...

(a) It exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county, or town.

also criterion (c) in our Ordinance

(c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

(The justifications for the selection of these criteria are attached to these Minutes.)

Mr. Sved, would you continue please?

SVED: Thank you very much. Good morning everybody, and I think everyone in the room knows me, but my name is James Sved, and I am a Historic Architectural Consultant. My qualifications are on file in Mr. Frank's office in the Building Department. 301 Worth Avenue is commonly known to everyone in Palm Beach as the old Bonwit Teller Building. It was just recently converted last year from Bonwit Teller to its current use as the Francis Brewster headquarters. The building was built in 1929 by an architect by the name of B. Kingston Hall, and its original intent was to be a hotel. Interestingly enough, this building was one of the first buildings to be turned down by the ART JURY, which is the precursor to the Landmarks and Architectural Commissions. They were very fond of the entire structure, however, they thought that the original roof design by Mr. Hall was inconsistent with the building, and they recommended the current roof, which was installed. Members of the ART JURY at that time included Mr.

Wyeth, Mr. Johnson, and Mr. Fatio. In 1931, this property was converted from its hotel use to the Hattie Carnegie Store, and it remained the Hattie Carnegie Store until 1935, when Bonwit Teller moved into it. It occupies a very prominent corner on Worth Avenue, the corner of Worth Avenue and Hibiscus Avenues. It is directly across the street from a number of landmarks including the Brooks Brothers Building and the Gucci Building. This corner is prominent enough, that this is where the Town Christmas Tree goes every year. As you well can see, it is a Mediterranean Revival structure with a barrel clay tile roof and stucco walls. The building material is hollow clay tile. The report in front of you notes that it has an unusually high first floor. The ceiling height is very high on the first floor of this property. I imagine that was done to make the first floor of the hotel a much more prominent area. A very interesting use on the second floor of windows...you can see how the architect has added a transom to the second floor windows to bring the windows into proportion with the building. And if you just sort of walk out the transom with your finger somehow, you might be able to see that these windows would be out of proportion with the second floor and with the exterior of the building. From 1927 on, architect John Volk did extensive renovations to the interior of this building for Bonwit Teller. About the only major change made when Francis Brewster moved into this building was along the...here (pointing to the slide)...the entablature, and along the entablature, they infilled it with this decorative motif with the circles and the linear things. All the other Classical motifs on this building do remain, including an entablature on the door on the Hibiscus Avenue side and long slender columns in between the windows. At this time, I believe that the decorative elements covering the entablature are removable, and that the original material is still right behind it. This is a very interesting building, and it's in a very prominent part of Palm Beach. It is surrounded by landmark buildings and it is virtually unchanged from its original proportion and design. It is very worthy of your consideration today. Thank you.

VOLK: Thank you, Mr. Sved. May we have a MOTION THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD?

DIVOLL: I have a question on the Designation Report. There is no description of the current work or the anticipated outcome in this Designation Report. I understand that there is a lot of work going on at that site right now.

SVED: No, the work going on is across the street at the old Francis Brewster which will be the Tiffany building. Jeff Smith, who just left, is the architect of record.

DIVOLL: I don't have a question then. Thank you.

VOLK: IS THERE A MOTION THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD?

MACKINTOSH: I'LL MAKE IT.

METZGER: I'LL SECOND.

VOLK: ALL THOSE IN FAVOR, PLEASE SAY AYE.

ALL: AYE.

VOLK: SO MOVED. Are there any witnesses from the public who wish to speak? Are there any comments from the Commissioners?

METZGER: I have a question.

VOLK: Yes, Anne.

METZGER: When a building such as this is up for consideration to be designated, how did...who approves these changes?

DIVOLL: The ones Mr. Sved just talked about?

FRANK: The changes that Mr. Sved was talking about were approved approximately one year ago under the Architectural Commission. That was prior to us actually putting it on the list.

DIVOLL: Oh, I see. So it would go to ARCOM?

FRANK: Right. They went to ARCOM.

DIVOLL: I see.

VOLK: Any other questions? IS THERE A MOTION THAT THIS PROPERTY BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MACKINTOSH: I WOULD MAKE THAT.

VOLK: IS THERE A SECOND?

METZGER: I'LL SECOND.

VOLK: ALL THOSE IN FAVOR, PLEASE SAY AYE.

ALL: AYE.

VOLK: SO MOVED.

ITEM 6: 241 BANYAN ROAD

OWNER: Mr. Lowry M. Jr. & Mrs. Diana M. Bell

VOLK: 241 Banyan Road. Owner, Mr. Lowry M. and Mrs. Diana M. Bell. Do we have proof of publication and proper legal service, Mr. Frank?

FRANK: Yes, ma'am we do.

VOLK: All those who wish to speak concerning this property, please rise

and be sworn in. Cindy...

(Mrs. Delp swore in Mr. Frank, Mr. Sved, and Mr. Lowry Bell using the same verbiage as was stated earlier.)

VOLK: Let the record note that these witnesses have been duly sworn. What are the Staff recommendations please?

FRANK: Thank you, Madame Chairman. The subject property, 241 Banyan Road, is a very beautiful house, and the owners are here today. Under Criteria for Designation, Staff has found that it meets criterion...

(c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

We've also found that it meets criterion...

(d) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(The justifications for the selection of these criteria are attached to these Minutes.)

We've attached a biography of Maurice Fatio and also, the owner, Mr. Lowry Bell, is an architect. He's been involved in a careful restoration of this property, and I'd like Mr. Sved to continue with the presentation.

SVED: Thank you. 241 Banyan Road was designed in 1929 by the architectural firm of Treanor and Fatio. It is, as you can see, a Mediterranean Revival structure, and it was originally designed in a U-shape facing Lake Worth, which would be to the left of these photographs. This is the south elevation you see right here. This is about the only thing you can see from the street. Very many of the notable and usual features that we see in Mr. Fatio's work on Mediterranean Revival structures is evident here including a decorative cast stone entrance, and a very simple use of window treatments...they are simply punctured into the facade in a very Italian motif, very sensitively, very simply done. You'll also notice the eave work below the barrel clay tiles, and overall, the entire setting of this house on the property is a very unique setting. Since Mr. and Mrs. Bell have owned the house, and I might add the Mr. Bell is an architect, and for the permanent record and future copies of the Designation Report, the suffix, AIA, will be added to his name. Since Mr. and Mrs. Bell have owned the property, they have re-built portions that have been torn down by previous owners, they have re-located rooms and renovated other rooms, and they have done just about the most extraordinary re-interpretation of Treanor and Fatio's architecture that can be seen in Palm Beach today. The property, as I said, now really faces the lake, and unfortunately, I didn't have a boat to go take some nice pictures of it, however, there is a grand arcaded loggia which faces out over the water, and it's a very beautiful and prominent house, and is very worthy of your

consideration today. Thank you.

VOLK: Thank you, Mr. Sved. May I have a MOTION THAT THE DESIGNATION REPORT BE MADE PART OF THE RECORD.

GUBELMANN: I WOULD LIKE TO MAKE A MOTION THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

VOLK: IS THERE A SECOND?

ALBARRAN DE MENDOZA: SECOND.

VOLK: ALL THOSE IN FAVOR, PLEASE SAY AYE.

ALL: AYE.

VOLK: SO MOVED. Thank you. Are there any witnesses from the public who wish to testify?

LOWRY BELL, PROPERTY OWNER: Madame Chairman, Ladies and Gentlemen, I am Lowry Bell, and my wife is here, Diana. We're extremely flattered and honored that you would like to do this. This came as a shock to us, because we only received it 30 days ago. So, we didn't have much time to think about it. It's kind of reminiscent of your mother-in-law going over the cliff with your brand new Mercedes. You don't know how to accept this, but we are, as I said, flattered...

GUBELMANN: Is it insured?

DIVOLL: Good point.

LOWRY BELL: I assume that, as Mr. Sved stated, that part of the reason for designation is because of the work that we have done to it since 1985, and I hope if it remains before this board, that due consideration will be given if I have to appear before you again to ask for any other requests. We have not had any problems with the Architectural Review Board, obviously, and I would hope that because of the changes we've made, that you would see fit to continue to go along with the plans that I would like to do to the house, if indeed I decide to keep it. With the new tax rolls coming in, I'm not sure that I can afford to keep the house. Other than that, I'd like to thank all of you for consideration.

VOLK: Thank you, Mr. Bell. Are there any comments from the Commission?

METZGER: I have a question for Mr. Sved. This house is different than it was, to a great extent, because of the way the driveway is now. It used to be a house that sat on the road.

SVED: Yes.

METZGER: And now I gather Mr. Bell has changed that considerably, because it looks like from their property line west, the whole rest of the street

to the end of the cul de sac to Lake Worth is now, I guess, a courtyard in the front of their house. Does that impact on the landmark designation in any way, in your opinion?

SVED: I don't believe so. As I said, the major axis of this house sits on the property so it faces the lake, and the major rooms and the major parts of this house do overlook the lake. Since the main entrance, which is on the street, is really on the side of the building, I don't believe that this effects the...that the grand courtyard that they have there now effects the building in any way.

ALBARRAN DE MENDOZA: Was the main entrance always on this side?

SVED: Yes, it was.

MACKINTOSH: I heard a comment that is very different. (Verbatim comment indiscernible, however, intent was that one could not negotiate a turn in the road at the end of the road.)

FRANK: In some neighborhoods, that would be considered an asset.

MACKINTOSH: Yes, but if you go down there by mistake...

BELL: I believe, Mrs. Mackintosh, that if you would drive down the street, you would find that you can turn there easier than you could before. It's considerably wider. We have widened the street by probably fifteen or twenty feet.

MACKINTOSH: I haven't gone down and inspected it, but...

BELL: Well, just come by and take a look.

MACKINTOSH: Well, I will, yes.

DIVOLL: The landmarking is only the private property, not the public property portions of it, so we really shouldn't even consider that portion.

FRANK: Well, unless there was some consideration as to how that related to the house, but I believe that Mr. Sved has answered that question.

DIVOLL: I'm interested in the reconstruct of the demolished original fabric and the reconstructed north wing which I don't find illustrated in the slides or photographs, or really in the description. I'm interested in the extent of what was removed, what was there, and what it's like now. And are we landmarking essentially new construction, in that case.

BELL: To answer your last question...what are you landmarking, I think that's up to you. I think the Report clearly indicates the things that I've added are worthy of that. What happened when we bought the house in 1985, is that the previous owner had destroyed over 40% of it...mainly the north wing, which consists of five bedrooms, a dining room, not a dining room, a kitchen, two car garage. What we've put back is two bedrooms, a

guest wing, a pavilion room, and an outside loggia. We've also added a two car garage because again, in 1985, when she destroyed over half the house or 40% of it, she built back a four car garage, which we converted half of it into a library and half of it into a staff wing. So...

DIVOLL: When you say, excuse me, when you say destroyed, do you mean demolished or do you mean mangled?

BELL: Absolutely torn down to the ground.

DIVOLL: Demolished.

BELL: Demolished. Taken away. So, the original part of the house that you see in front was changed on the inside. It was changed on the outside too. Most of the changes you see are things that I have done to it. It was in very bad shape when we bought it. Very run down and deteriorated.

FRANK: I think that maybe Staff should say something at this point too. Most of the houses that we've encountered in the Town of Palm Beach have had change to them throughout their history, and I underline the word "most". The most common element we've found is that these structures have been changed throughout time. Many of Mizner's homes have been changed within the first two or three years after their original construction. And essentially, as we, as Staff, evaluate these, we find that some of these changes or adaptations to the life style of the people who lived in them are either sensitive to that which was before them and the general pattern that was set out by the artist that put the building together in the first place, and some changes are not so kind. In this case, I think we've clearly stated that there have been changes, and we've made that part of the Report and Staff's opinion is that they are very sensitive...the changes are very sensitive to the original design that was established.

ALBARRAN DE MENDOZA: I think really the problem that we're having is not that the changes aren't very sensitive, it's that we don't know from the Report what has been changed at all. I mean somehow, we are looking at a house which looks lovely, but it's amazing to have to landmark something that we really don't know any...really anything about what has happened.

FRANK: Yea. It's difficult sometimes, too, because as you're well aware, the jurisdiction that we have is only for the exterior of the building. Many of these changes are on the interior.

ALBARRAN DE MENDOZA: Right.

FRANK: It's difficult to say even if 40% of the building was changed, does that constitute 40% of the exterior? And how much of the ornamentation has been changed and so forth?

ALBARRAN DE MENDOZA: I guess it would just be interesting to see what the house looked like let's say even before that previous owner demolished so much... Then maybe seeing what they had done and then maybe seeing what Mr. Bell had changed. At the moment, just for interest sake, (indiscernible)

influence in any way.

SVED: I just wanted to add that essentially, when Mr. and Mrs. Bell renovated the home, they essentially followed the original Treanor and Fatio footprint of the building, and simply reconstructed what had been torn down. There is very little that was reconstructed by them that was never there before. They were simply...

GUBELMANN: If we can follow the footprint. I think the bottom line is...is what sits there today, is it worthy of preserving? And the answer is yes...

TAPE CHANGE

DIVOLL: ...some restoration activities, and interpretations, the contemporary interpretations of historic work that prolongs the useful active life of historic buildings, and in that regard, I think the Bells are very much to be commended, and it doesn't, in my view, detract from the landmark. My question is we have accepted this Designation Report, and yet as one who often prepares Historic Structures Reports, I find a lack of critically important information for the record about what, what we had to start with, with the historic building and the architect prior to 1985, and what changes were made in their specifics. By asking these questions, I hope that nobody would suggest that it undercuts the value of the work that has been done. It's not very well recorded, and so it's hard to base a decision simply on the record, as it's shown to us, as it's presented here, and it's orally presented.

FRANK: O.K. I would like to remind the entire Commission that Staff's objective is to evaluate the criteria that is in our Ordinance. We are not empowered to meet certain architectural guidelines or specifications that have been drawn up by the AIA or even the Federal Government or the Federal Register or any of them. We have an Ordinance, that we evaluate structures based on the criteria that are outlined in that Ordinance, and I believe that this has done that. As far as the shortcomings that you have identified, I really don't believe that that is part of what we are empowered, as Staff, to do, nor is the Commission empowered to do, with regard to the criteria which you have to determine whether or not that house meets for designation.

DIVOLL: By testimony, 40% of this was essentially a new building.

FRANK: That's correct.

DIVOLL: Nicely done.

FRANK: Right.

DIVOLL: Following the footprint. The applicant has requested a kind of ongoing acknowledgment of the contribution and the good taste he's exhibited in the renovations and additions to this property. So, moving on to that question, I would like to...he's done some proven good work, and

I'd like ...if it's landmarked, it will come before us again, should other changes be proposed. And I'd like to recognize that request, but that's the same deference we would give to any applicant coming before us with a tasteful, sympathetic, and supportive kind of renovation plan. I expect he'll come with the same kinds of ideas that he's already come with, so do we need to do anything other than to say, "we'll see you again, if it's landmarked."

ATTORNEY MC NIERNEY: You really can't do anything. You can't make any promises that you're going to make future approvals. You have to take each application on a case by case situation.

DIVOLL: And that is the answer we should give Mr. Bell.

ATTORNEY MC NIERNEY: You can't make any promises. You can acknowledge that he did a great job so far. That's about it.

FRANK: I think this one's going to get a chuckle, but I think I remember another applicant, named Mr. Trump, who wanted the same type of consideration. I think we made the policy of this Commission very clear.

VOLK: Yes.

THOMAS: Well, having looked at the house before they bought it, I think he should be commended, because I know a number of people that loved it, but felt that it just couldn't be saved. I, frankly, commend you for doing it.

VOLK: I do too.

THOMAS: It's more than I could have done.

DIVOLL: ESPECIALLY WITH MR. THOMAS'S COMMENDATION, I WOULD LIKE TO MOVE THAT THE...

SILVERMAN: 241 BANYAN.

DIVOLL: YES, 241. WHERE ARE WE? 241 BANYAN ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

VOLK: IS THERE A SECOND?

GUBELMANN: I'LL SECOND THAT MOTION.

VOLK: ALL THOSE IN FAVOR, PLEASE SAY AYE.

ALL: AYE.

VOLK: SO MOVED. Thank you very much. Thank you.

ITEM 7: 323 BRAZILIAN AVENUE
OWNER: Ms. Helen B. Gleitsman

VOLK: 323 Brazilian Avenue. Owner, Mrs. Helen B. Gleitsman. Do we have proof of publication and proper legal service?

FRANK: Yes, Ma'am we do.

VOLK: Would those who are going to speak on the matter please rise and be sworn in.

(Mrs. Delp swore in Mr. Frank, Mr. Sved, and Attorney Gus Broberg using the same verbiage as was earlier stated.)

VOLK: Let the record note that these witnesses have been duly sworn. What is the Staff recommendation?

FRANK: Thank you, Madame Chairman. I'm going to read from the Report because Staff has evaluated this property, and we have come to a conclusion that is rather unique. So, it's on Page 6 of your report, if you'd like to follow along under "Statement of Significance". "As Mizner's final residential project in Palm Beach, Casa Rosada is indicative of the changing attitudes towards art, architecture, and economy in the period immediately following the Florida Land Bust and the Great Stock Market Crash. While Mizner was unable to suppress his flamboyance for architectural planning into a restrained setting, Casa Rosada's Spanish "sentry wall" is one of his finest elevation designs. Staff believes the south elevation at 323 Brazilian Avenue should be protected as an historic facade of the Town of Palm Beach." Under "Criteria for Designation", we feel, Staff feels, and this is for the wall only, that it meets criterion

(b) Is identified with historic personages or with important events in national, state or local history.

Also meeting criterion

(c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

(The justifications for the selection of these criteria are attached to these Minutes.)

We've also included the biography of Addison Mizner since this is essentially his last commission. Mr. Sved, would you continue?

SVED: Thank you very much. Casa Rosada, as this house is known as, was designed in 1932 by Addison Mizner. According to Dr. Curl's book on Addison Mizner's architecture, "his last known residential commission and possibly his last commission altogether". As you can see, it's a very small house and this is how it sits on that site on Brazilian Avenue. Just to give you an indication of how far Palm Beach architecture and Addison

Mizner's stature have changed from the time of its grandeur in the early 20's until this time, this entire house cost, was built for \$ 12,000.00 for a man named K.D. Alexander. The embattlement wall which is the...or sentry wall...which is the portion that we recommend be retained, is an excellent example of Spanish courtyard architecture. Very often courtyard walls were in the form of embattlements, and the large doors, and the iron grillwork, which I do believe are some of the last vestiges of Mizner Industries, are intended or historically represent keeping the enemy out, so to speak. Behind this wall and behind these doors...this isn't into the house, this is into the courtyard...and you enter the house from the courtyard. You'll notice that on the wall you have an entablature, almost within Classical proportions, you have the Neo-Classical orb at the top, and notice the decorative tile work around the doors. The house behind this property is a very small and relatively simple house. Mizner did, in fact, try to take his grand idea for the way a house should look, with the loggia and the cross axis, and shrink it down to this size. However, it really doesn't work properly in this context. Additionally, this house, over the years, has undergone some changes, and has had some structural problems as well. And at this time, we do believe that the only extraordinary and outstanding feature of this property is the embattlement wall. Thank you.

VOLK: IS THERE A MOTION THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD?

GUBELMANN: I MOVE THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECOF

VOLK: SECOND?

METZGER: I'LL SECOND.

VOLK: ALL THOSE IN FAVOR, PLEASE SAY AYE.

ALL: AYE.

VOLK: THANK YOU. Are there any witnesses for the public to speak?

ATTORNEY GUS BROBERG: Good morning, everyone. My name is Broberg. I'm here on behalf of Mrs. Gleitsman, the owner of this unusual structure. And with all due respect to Mr. Mizner, this is hard to come by as far as one of his outstanding contributions, I would say. Merely going by on Brazilian Avenue, the painting of the house and everything else is just an eyesore. But nevertheless, Mrs. Gleitsman is willing to go along with the designation of the wall, providing we fully understand that the land is not designated, nor is the house, and the house can be torn down in due time, if she so desires. Now, I want to make sure that we all understand that we're talking about from here over to ...

SVED: Let me give you a better slide. This shows the whole property.

ATTORNEY BROBERG: The wall we're talking about is right here going east to the end of the...right by that iron window, and nothing else. If that is

your understanding, Mrs. Gleitsman has agreed to go along with it.

VOLK: Any comments from the Commissioners?

GUBELMANN: The only question I have is, "is it possible to rearrange or disturb and re-build the house without disturbing the wall?"

ATTORNEY BROBERG: Well, I think it would be an architect's delight to try to work it in, not unlike the house that...on the corner of Wells Road and South County Road...where the entranceway is the (indiscernible) to the wall. It could be done, but I want it specifically understood that the wall stands alone, and that's all you're talking about.

SVED: I'd like to add that this front wall here is a solid masonry wall, and while it is attached partially to the house behind it, I believe that it does structurally stand on its own.

DIVOLL: I would ask the Commissioners to look at the impression that the embattlement wall and the extending low wall give to the street and what we have visible behind that wall. The impression, the architectural impression of this ensemble could be very dramatically changed if you put a two story building with a turret and windows across, of rather large scale. If you can imagine some, many of the larger new buildings, new houses that might be placed on that property behind the wall. Now I'm asking you to use your mind's eye and see what might be built on unlandmarked land behind a landmarked section of the perimeter wall, and ask yourself if that overshadowing new construction might eliminate any real value in the fragment that would be preserved, should the segment be landmarked.

GUBELMANN: I have great faith in our Architectural Commission. I think they, perhaps, would deal with this in the proper manner.

DIVOLL: If the land were not part and were not landmarked, would changes to the property go before ARCOM or before Landmarks?

VOLK: ARCOM.

FRANK: In this case, it would be ARCOM because we're specifically pointing out that the wall is the only thing...

ALBARRAN DE MENDOZA: Is there another option like when landmark a general district where we have buildings that are what's the...

DIVOLL: Contributing.

ALBARRAN DE MENDOZA: ...contributing and non-contributing that the land, in other words, when they come back, I mean they can tear what is there down, but when they come back for a new building, they will have to come before us?

VOLK: That isn't a district.

ALBARRAN DE MENDOZA: No. I understand that.

FRANK: I sort of agree with Mrs. Divoll and Mrs. Albarran de Mendoza. This is kind of a tough one to call because I can think of another situation, the Carriage House, for example. We felt that the Carriage House was worth saving, and there was a developer who definitely wanted to develop the rest of the property, and that particular developer was reluctant to have the Landmark Commission involved because he thought there would be too many constraints and so forth. And after a long series of negotiations, we finally did get the developer to agree that although the rest of the property wouldn't be landmarked, it would be reviewed by the Landmark Commission following Architectural Commission criteria. And I think that that property, the Carriage House, is a pretty good example of something that's been tastefully done. There were some problems with it. We believe that too much vegetation was removed during the construction of that project. However, the Carriage House was saved, and the development of the rest of the property continued in what I believe is a tasteful manner. I don't know. There might be some disagreement to that. However, on this situation we sort of went the other side. We don't feel that the embattlement wall is quite as significant as the Carriage House is, and so were hoping that the Architectural Commission...because we feel that, like in the Carriage House, that was a major feature which sits out in front of the structure. In this case, this is a major feature which sits out in front, but the development of the site probably will follow, and in a sense, we're hopeful that it will be tastefully done, however we don't think that there is so much on the site that is worthy of designation, that we should go for the whole site. It almost is similar to your earlier argument with Mr. Bell's property...how much has been changed and how much hasn't? We don't feel that even 60% of this site has features on it that are worthy.

DIVOLL: In reviewing this in the document form, reference is made to Dr. Curl's book. I called Don Curl and asked him what he thought about it because he has personal knowledge of the house. And his comment is...that there is very little change. It has an unusual plan, a unique and unusual plan. It has significant art glass windows. I mean I know he doesn't vote on our Landmarks Commission, but your comment was that he felt that it was work of a piece, not of elements that had been assembled at the site. Now, he's also not sworn in as a witness. This is a conversation I had with him yesterday. If we're talking about fragments, the fragment that I think matters to the street is the entire wall and the segment that's been identified as acceptable to the property owner. That's what, to me, is architecturally notable to the public. To cut it off as a piece, I think we're perpetuating the idea of saving fragments without looking at the idea behind it, the architectural idea behind it.

VOLK: Does anyone have a comment about that?

MACKINTOSH: Well, I think anything they build behind it will dwarf it, will ruin it.

DIVOLL: That is an earlier comment, and I think it could dwarf it. It

could also be done sensitively. I do believe that it could be done and it could be done well. Without having any kind of review of it, I'm not sure how another Commission would look at future development.

VOLK: I understand the house is in very poor condition structurally. Many of those old Mizner buildings were very poorly put together, and I understand that, because if you saw the arcade come down on Worth Avenue, it was just one small push and it fell. It was in absolute ruins. So, if this house is in any condition like that, the owner probably knows better, and wishing to volunteer to save a fragment of it. It would be not...since so little of it shows, to my mind, it would be really taking advantage. That's my personal feeling.

SVED: I'd like to add that I do not believe that the entire stretch of that 3.5 to 4 foot wall is original. I believe only a portion of that are original to this site.

FRANK: Maybe I can clarify. I don't know if you picked up on this in the Report. There are two lots involved, and they're tied together with a unity of title, and I believe that this really was a very cost-conscious project and only covered the one lot. Now the wall extends to the second lot.

DIVOLL: No, that wasn't clear in the Report.

FRANK: O.K. I believe that in the Designation Report, you can see the two lots, and we probably should have made it more clear in our narrative that that wall, not all that wall was original. But you can't see in the Report (indiscernible) lines.

GUBELMANN: I think we ought to look favorably upon Mrs. Gleitsman's offer voluntarily designating the wall, because by and large, that's the part we're really interested in saving.

(Indiscernible, at least three persons speaking at once.)

VOLK: Mr. Broberg, did you have something else you wished to say?

ATTORNEY BROBERG: Well, I was trying to straighten out a slight confusion. 323 Brazilian Avenue has 100' frontage. There are four 25' lots, and this is, these are, in back of this wall are two lots, 13 and 14, and here are 15 and 16, on which the house is built. The two lots over here behind this wall are nothing but grass and mango trees.

VOLK: Are you making a motion Mr. Gubelmann?

GUBELMANN: I'D BE DELIGHTED TO MAKE A MOTION AFTER MRS. METZGER'S QUESTION.

METZGER: Do you know when the unity of title was formed?

FRANK: No.

METZGER: So, you don't know whether that was when the house was built or subsequent. So that may not have any bearing on the length of the wall.

FRANK: All our research reveals is that these are 25' lots, and essentially, dealing with these, we found that throughout time they would buy several of these 25' lots and put together a building package, and that was very common in the older days, if you will. In this case, we believe that the...Mr. Thomas was talking about unity of title. Sometimes that's challenged and the Town isn't able to make the unity of title stick. However, the major difference here is that we're talking about 25' lots, and if you started applying your setback criteria and so forth on 25' lots, essentially, you'd end up with negative values on these properties. We believe that this was a very cost conscious thing, probably built on 50'. Is that correct?

ALBARRAN DE MENDOZA: If this house were torn down, and a new one would be built, would they have to go with the 100' minimum frontage.

ATTORNEY BROBERG: Yes. 100' frontage on Brazilian Avenue. In effect, there is a unity of title. It's a matter of law.

THOMAS: That's not, as I understand it, a matter of law in Florida. I was stunned to find this out.

ATTORNEY BROBERG: But that's a zoning law in the Town of Palm Beach.

THOMAS: I know that, but it can be challenged successfully, and was on Middle Road last year by Mr. Zerbo. The Town lost in Court.

ATTORNEY BROBERG: Well, I dare say you couldn't build a house on Brazilian Avenue with 50'.

THOMAS: But they won on building on less than 100' on Middle Road. They won that case last year.

ATTORNEY BROBERG: Not when you have 100' available.

VOLK: What is the feeling of the Commission about this specific property?

GUBELMANN: My feeling is that it is so nice to have somebody volunteer willingly what we're trying to preserve, and I think that more or less we're saying that the house is in a state of disrepair and probably not worth of saving, so we ought to go along with Mrs. Gleitsman's voluntary offer.

VOLK: Would you make that a motion?

GUBELMANN: I WOULD LIKE TO MAKE A MOTION THAT WE CONSIDER THE PROPERTY AT 323 BRAZILIAN AVENUE BE RECOMMENDED TO THE TOWN OF PALM BEACH AS A LANDMARK OF THE TOWN OF PALM BEACH AND THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

(Mr. Gubelmann began to repeat his motion, when Mrs. Volk called for a second.)

VOLK: IS THERE A SECOND PLEASE?

SILVERMAN: I'LL SECOND THAT MOTION.

VOLK: ALL THOSE IN FAVOR, PLEASE SAY AYE.

ALL: AYE.

VOLK: SO MOVED.

GUBELMANN: COULD I QUALIFY THAT BY SAYING THAT THE WALL...

VOLK: AS VOLUNTEERED?

GUBELMANN: YES.

VOLK: THE WALL.

GUBELMANN: AND AS RECOMMENDED BY STAFF.

ATTORNEY BROBERG: AND THAT PASSED BY POSITIVE VOTE?

VOLK: YES. Thank Mrs. Gleitsman. Thank you, Mr. Broberg.

THUS COMES TO AN END OUR DESIGNATION HEARINGS.

VI. Other Business:

A. Discussion regarding window details at Town Hall.

Mr. Frank referred to this item as having "good news and bad news". He referred to the sketches distributed to the Commissioners in their packets. The sketches showed two different style windows, one with four lites per section, or eight lites, and the other having sixteen lites. He pointed to the windows of the Chambers, the sixteen lite variety. When the windows were first installed, the eight lite windows were installed in Town Hall under the architect's supervision, and the job was completed. After a while, these windows leaked, and the manufacturer replaced the windows with new windows. It was noticed, however, that the sixteen lite windows were put in instead. The problem with this is that the mullions do not follow up into the half-rounds above, and the windows are, in a sense, inappropriate.

The good news is that the manufacturer has been notified of this problem, and has pledged to remove the incorrect windows and put back the originals.

Mr. Sved added that large window panes were the intent on this structure. This is based upon historical research done by the Preservation Foundation. The extra mullion added by the manufacturer is historically inappropriate. Mr. Sved stated that Mr. Smith, the architect for the restoration, has spoken to the manufacturer who has promised to replace all 38 windows.

Also, Mr. Frank stated that the trash doors on the Town Hall were inappropriately painted green. The original intent, Staff believes, was to paint them the same color as the building so that they disappear. This item will be discussed again next month.

B. December 10, 1991 Town Council Ratification Hearing - 403 Seabreeze Avenue

The Commission was reminded to try to attend this meeting of the Town Council at which time the ratification hearing for 403 Seabreeze Avenue, which had been deferred from last year, will be discussed.

Mr. Sved addressed the Commission in response to some questions which arose during the Designation Hearing for 241 Banyan Road. He discussed the methodology employed during preparation of the Designation Reports. He explained that Mr. Frank and he had determined that the Designation Reports should, first and foremost, address the designation criteria within the Landmarks Preservation Ordinance, with a lesser focus on the structural information regarding such structures. With respect to 241 Banyan, Mr. Sved estimated that approximately 80% of the structural information discussed, as well as the renovations done, are available in the Records Office of the Building Department, and are placed in the file during the Designation Report research process. "The reason that it is not instituted into the Designation Report is because we were under the belief that what you are considering is what is standing today, and not what might have been standing yesterday, but had to have been replaced for whatever reason."

VII. Adjournment

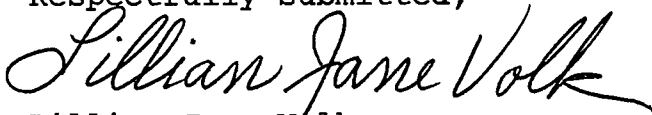
MOTION BY MRS. MACKINTOSH TO ADJOURN THE MEETING AT 10:30 A.M.

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be heard on Friday, December 20, 1991 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,



Lillian Jane Volk
Chairman

cmd

VI. CRITERIA FOR DESIGNATION

Section 16-38A of the Town of Palm Beach Landmark Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

(a) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county, or town"

Worth Avenue was a prominent part of Palm Beach in the 1930's and 1940's. It was an elegant shopping street, equalled only by Rodeo Drive in Beverly Hills, California. The Bonwit Teller/Frances Brewster Building was very important to the street. The products that were sold there were elegant and impressive, in keeping with the style of other Worth Avenue stores, and the company enjoyed great success.

Additionally, the building itself is similar in style to Gucci, Brooks Brothers, Via Mizner and other buildings around it, yet it is distinctly unique. Its location on Worth and Hibiscus Avenues makes it very visible, highlighting its architectural details. This Mediterranean Revival styled structure was adapted for use as a commercial building through the installation of first floor display windows framed by Classical entablatures.

(c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

301 Worth Avenue embodies the distinguishing characteristics of the Mediterranean Revival style, the style of architecture popularized by the architects Addison Mizner, Marion Sims Wyeth, and Maurice Fatio in the early twentieth century in Palm Beach. The structure is inherently valuable for study as an excellent example of the use of the Mediterranean Revival in a commercial structure.

301 Worth Avenue is similar in style, proportion, and scale to its surroundings, the world famous shopping street, Worth Avenue. The current Frances Brewster Store is easily one of the finest historic structures on The Avenue.

241 BANYAN ROAD

V. STATEMENT OF SIGNIFICANCE

241 Banyan Road has been partially altered during its history, however a considerable amount of the original Treanor and Fatio design remains intact. Changes that have been made (see Architectural and Historical Information), add to the original design. 241 Banyan Road exemplifies the refined approach to design taken by one of Palm Beach's most revered architectural firms, using a Mediterranean architectural vocabulary. 241 Banyan Road is an important example of the work of Treanor and Fatio in Palm Beach, and deserves preservation as a landmark of the Town.

VI. CRITERIA FOR DESIGNATION

Section 16-38A of the Town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

(c) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship"

241 Banyan Road embodies the distinguishing characteristics of the Mediterranean Revival style of architecture popularized in Palm Beach by architects Addison Mizner, Maurice Fatio and Marion Sims Wyeth. The residence gathers its inspiration from the Spanish tradition in Mediterranean Revival architecture, with restrained detailing and simplified surfaces. Fenestration is unadorned, with modest rectilinear openings "punched" through an unarticulated, stuccoed facade.

Ornamentation is focused, instead, on the highly embellished, formal entrance, built of cast stone. Also indicative of a Fatio design, 241 Banyan Road reflects a refined approach to massing, with a two story main block juxtaposed against a subordinate, one story wing, in the entrance front.

The residence has been meticulously renovated by the Bells. Although some departures from the Fatio design have been made to both the interior and the exterior, those changes add integrity and grandeur to the overall design.

241 Banyan Road is an excellent example of a restrained approach to Mediterranean Revival architecture by the architectural firm of Treanor and Fatio, and a marvelous sample of successful renovation by Lowry Bell. It is suitable for study of period, style and craftsmanship.

(d) "Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age."

PLEASE SEE MAURICE FATIO BIOGRAPHY, AS ATTACHED.

While Mizner was unable to suppress his flamboyance for architectural planning into a restrained setting, Casa Rosada's Spanish "sentry wall" is one of his finest elevation designs. Staff believes the south elevation at 323 Brazilian Avenue should be protected as an historic facade of the Town of Palm Beach.]

VI. CRITERIA FOR DESIGNATION

323 Brazilian Avenue

Section 16-38A of the Town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

(b) "Is identified with historic personages or with important events in national, state or local history"

323 Brazilian Avenue is an important part of local history because it is regarded as the final commission in Palm Beach by Addison Mizner. From 1919 to 1930, Addison Mizner was one of the most prolific architects in Palm Beach. Socially connected by way of his antiques business in New York City, Mizner's Palm Beach architectural commissions were usually the largest, grandest, most expensive homes in Florida.

Mizner's greatest feat was to be the development of an entire city, Boca Raton. The Florida Land Bust, however, consumed

Boca, and Mizner's investment interests. After the Stock Market Collapse of 1929, Mizner was unable to persuade his affluent clients to continue to build palatial, ornate homes. After a few fleeting commissions in Georgia, California, Pennsylvania, Michigan, and Texas, Mizner returned to Palm Beach. In 1932, Mizner's residence for K.D. Alexander, 323 Brazilian Avenue, was his last commission.

PLEASE SEE ATTACHED ADDISON MIZNER BIOGRAPHY.

(c) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship"

The Spanish sentry wall, the entry facade of Casa Rosada, 323 Brazilian Avenue, embodies the distinguishing characteristics of the Mediterranean Revival or "Mizner Style", popularized by its architect, Addison Mizner, throughout the island community and the region. This embattlement wall is a typical form in Spanish and Spanish Mission architecture, to protect the residents from hostile forces. Stark, fortified walls often face outward in Spanish architecture, while the residence, living quarters, and garden courtyard lie within.

While the south elevation of Casa Rosada is an impressive illustration of this architectural phenomenon, what lies beyond the wall is not a textbook example of this type. Mizner's intentions here are true to the Spanish building traditions, however, while the south elevation embattlement is extraordinary at any scale, Mizner fails to convey his usual sense of fantasy and grandeur at this scale.

COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME DWOL LESLIE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Commission	
MAILING ADDRESS 242 Eighth St. County West Palm Beach, FL 33401		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED Nov. 15, 1991		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach MY POSITION IS: ☐ 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 equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with 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 the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should 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:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

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

- You should 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.

- A copy of the form should be provided immediately to the other members of the agency.

The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

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

- You should disclose orally the nature of your conflict in the measure before participating.
- You should 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 should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Leshe Divoll, hereby disclose that on Nov. 15, 1991:

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

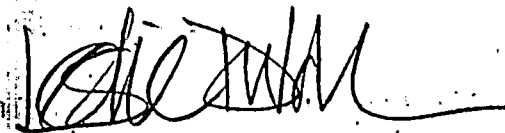
☒ inured to my special private gain; or

☐ inured to the special gain of _____, by whom I am retained.

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

I am currently providing consulting services to the applicant.

Nov. 15, 1991



Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), 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 \$5,000.