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Via E-mail

Edward Austin Cooney, Chair
Landmarks Preservation Commission
360 South County Road
Palm Beach, Florida 33408

Re: Objection to Proposed Sidewalks and Parallel Parking Around North End of Memorial Park, Resulting In Need for Lane Shift Through Town Square

Dear Mr. Cooney:

As you are aware, the Centennial Commission (“Applicant”) on behalf of the Town of Palm Beach (“Town”) has filed an Application for Certificate of Appropriateness (COA-045-2108) seeking to add steps to the south side of the Mizner Fountain, as well as extended sidewalks and additional parallel parking around the perimeter of Memorial Park. Both of these proposals were previously flatly rejected by the Town Council on October 14, 2014.

While primarily neutral on the issue of adding steps to the Memorial Fountain, our office continues to represent residents who are adamantly opposed to the proposed new sidewalks and parallel parking spaces. Adding such sidewalks and parking would not only be an unnecessary expense to the Town, but also require a lane shift in South County Road/A1A which would result in the elimination of the existing dedicated north bound right hand turn lane onto Brazilian Avenue in front of *Café L’Europe’s* valet station, and the creation of new “bump outs” and “islands” in the roadway. Just as in 2014, there remain numerous objections to Applicant’s proposal which center on the issues of Safety, Economics and Aesthetics.

Parallel Parking Would Jeopardize the Safety of Town Residents and Visitors

While the Applicant believes that adding parallel parking will “make the park more user friendly” to the handful of visitors to Memorial Park, it neglects the real life safety issues created by the required lane shift, which will jeopardize the residents and visitors to the Town who drive through the Town Square on a daily basis. At the same time, the Applicant has offered no new ideas, suggestion, or solutions to the safety concerns previously raised by the Town Council. Such concerns still include, but are not limited to, the fact that:

- The intersection of the 100 block of Brazilian Avenue and South County Road is already ***the busiest, and most confusing intersection in the Town.*** The proposed parallel parking and lane shift will only increase such confusion.
- ***South County Road is the dedicated truck route through the Town Square.*** As a result, passenger cars, minivans, pick up trucks, box trucks, and semi tractor trailers are forced

to navigate what is already a narrow road with tight turns, while many times doing so side by side. Rearranging the potential lanes of travel and reducing the available space for traffic will only increase the chances of an accident.

- Adding parallel parking and removing the existing western lane will not only serve to narrow the space available for maneuvering, but also ***diminish the visibility of drivers, and force them to be squeezed into a virtually impossible pattern*** when traveling northbound from even the new west lane.
- Similarly, the potential shift of what is now the right lane of travel north into the existing turn lane will ***present drivers with a visual approach of heading straight for the Salon Margrit building*** and needing to make a 90 degree turn to the left and another immediate 90 degree turn to the right to proceed north along South County Road. This move will be made all the more difficult (if not impossible) next to a large truck attempting the same maneuver.
- ***The removal of the dedicated right turn lane onto Brazilian Avenue and its replacement with a small teardrop island will be confusing to north bound drivers*** (who may believe they need to go around the island to proceed north) ***as well as drivers attempting to head west from the 100 block of Brazilian.***
- The proposed ***parallel parking will interfere with and create a safety hazard for firetrucks and emergency vehicles*** when exiting the fire station (especially in light of the proposed “bump out” at the tabby sidewalk), and attempting to maneuver north through the Brazilian intersection.
- ***Parallel parking*** at the northbound end of the Memorial Park and its associated “bump outs” ***will also create a nuisance for vehicles***, including fire truck and emergency vehicles, ***attempting to turn left from the northbound lane or to return to the south on South County Road.***
- By removing the dedicated turn lane onto the 100 block of Brazilian those ***cars which inevitably stop in front of the Café L’Europe valet station will create a back up into an through lane of traffic***, resulting in either the complete stopping of traffic, or cars dangerously darting around vehicles stopped at the valet into an active travel lane.
- ***Parallel parking*** by its nature ***will create the need for cars and trucks to stop in a active lane of traffic*** in order to swing the rear of their car or truck into a parking space, ***thereby exposing the nose of the vehicle to oncoming traffic and stopping traffic in the truck route of the Town.***
- As Nikita Zukov noted at the October 24, 2014 Town Council meeting: “Let me ask the traffic designer to show us how ***a car is going to stop, parallel to another car, and then back into a parking space, because that’s what the cars do. That means that car is now blocking one of the lanes completely***, and now five or six or seven other cars line up behind that.” Transcript, p. 51, lns. 8-14 (emphasis added).

- ***Parallel parking*** around Memorial Park ***necessarily exposes passengers exiting a vehicle*** (including, adults, children, older persons, and parents who may need to remove children from safety seats) ***directly to oncoming traffic*** on a main artery of the Town on which traffic is traveling much faster than in a restricted area such as Worth Avenue.
- With the loss of space from both the proposed new sidewalks and a 9 foot wide lane for parallel parking, ***there will be little if any room for a vehicle to steer around cars*** which are attempting to park, much less passengers who may open a door or step out into traffic.
- Again, as noted by Mr. Zukoff, “the other problem that was already brought up. ***Children jumping out and I’ll be very short by telling you, right here across the street, I opened my door and someone hit my door.***” Exhibit A, p. 51, lns. 15-18 (emphasis added).
- While the public would like to believe they are all careful drivers, ***in today’s hectic world where drivers are trying to pay attention to their passengers (including disruptive children), while monitoring complex navigation systems, and using smart phones to make calls and even texts, it only takes a split second of inattention to create a tragedy,*** which the Town can avoid by merely leaving the traffic route in its present pattern.

In light of such safety concerns, the Town Council rejected the same proposal which is being presented to Landmarks today. Outside of merely getting a “second bite at the apple” with a new Town Council, the Applicant has failed to identify any changed circumstances which would support the Town reversing its prior position (and expending funds for yet another major municipal project), much less one which would serve to jeopardize the safety of the Town’s residents and visitors. As a result, Landmarks ***should advise the Town Council to deny the proposed sidewalk extension and addition of parallel parking around Memorial Park.***

Additional Parking Does Not Create an Economic Benefit

Even if the above safety concerns could be ignored (which clearly they cannot), the addition of new sidewalks and parallel parking will not create any economic benefit to the Town. The cost of extending the tabby sidewalks to the end of the reflecting pools and rearranging the landscaping alone will be substantial, excluding the inevitable cost of solving unforeseen issues, such as grading and drainage problems which may arise from adding the parking spaces and proposed “bump outs.” At the same time there is little, if any, return to the Town.

Even Mr. Bone has indicated that the ***[p]arking is not for the local businesses***, although I think they are going to benefit when the Town Hall Square is renovated.” Transcript, p. 24, lns. 10-12. As such, even the Applicant has not actually made the argument that additional parking will assist the businesses in the Town Square area, much less offered any studies supporting such claim or even demonstrating that there is presently insufficient business parking in the Town Square area. This is because, unlike Atlantic Avenue, South Beach, or even Worth Avenue, ***South County Road is not a destination location for dining, shopping and entertainment.*** Instead, ***South County Road operates primarily as a thoroughfare and major artery*** connecting other roads on the Island.

At the same time, *the bulk of the activities in the Town Square area are governmental in nature*. The Town Hall, Police Station and Fire Station take up a largest portion of the east side of the Town Square, while the gas station and stores which already have pull in parking displaces almost all of the available business area on the west side of Memorial Park. As such, any *new parking spaces adjacent to Memorial Park will almost certainly be used by developers and contractors seeking permits and consultations at Town Hall, or beach goers looking for free parking for visiting Midtown Beach*, neither of which will result in an economic benefit to the Town. Therefore, Landmarks *should recommend the Town decline to spend any funds on the proposed sidewalks and parallel parking*.

Proposed Parking Aesthetically Detracts from Memorial Park

Finally, adding more sidewalks and parallel parking around Memorial Park would only detract aesthetically from the existing vista. As presently designed, drivers approaching Memorial Park from both the north and south are able to see both the beautifully restored Mizner Fountain as well as a clean view of the greenspace and reflecting pool at the north end of the Park framing their approach or departure from the Fountain. Adding parallel parking along the perimeter of the park would necessarily not only wall off those views, but also force a driver's eyes from the Park and Fountain to the parked cars and erratic actions of those attempting to parallel park. As a result, what should be a pleasant drive becomes a technical tedium.

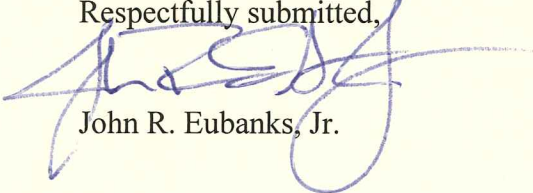
Theses issues were raised by both experts and amateurs alike at the October 14, 2014 Town Council meeting. For example, President Pro Tem Diamond said that *"you don't have to be an expert to go down the street and see a beautify fountain surrounded by ugly cars ... there's an aesthetic component here*, in addition to, probably the accident situation." Transcript, p. 21, ln 22 to p. 22, ln. 2 (emphasis). At the same time, Nakita Zukov, an architect and long time member of Landmarks and ARCOM, indicated in his professional opinion that:

I would like to say, first of all that I love this design of the –the new design of Memorial Park, except *I'm concerned about closing the park with parked cars*. I've been around the world four or five times. *I have never seen a monument of this type to be closed in with cars. That's my visual opinion as an architect*. Transcript, p. 50, ln. 22 to p. 51, ln2 (emphasis added).

Finally, these same concerns were shared by Robert F. Bendus, the Director of the Division of Historical Resources & State Historic Preservation Office, who in opining on the same potential changes to Town Square in April of 2014, found that "[t]he proposed plan would modify perimeter parking and sidewalks adjacent to the original Mizner design. *Parked cars would block the views of the park to motorists and pedestrians*." As a result, Mr. Bendus recommended the Town *"[e]liminate the perimeter sidewalk and corresponding parallel parking around the majority of the original Mizner design*." (emphasis added). Given that *the proposed sidewalks and parallel parking would detract aesthetically* from the beauty of the revived Mizner Fountain and the renovated Memorial Park, Landmarks *should recommend the Town Council not even consider such issues*.

In the end, it appears clear that the Applicant has merely re-submitted the same proposal which was rejected by the Town Council in 2014, in the hope of obtaining a different outcome. In doing so, *the Applicant has failed* to: a) identify what, if anything, has changed since the Town Council's rejection in 2014, other than the composition of the Council; b) come up with any resolutions to the safety concerns previously raised by the Town Council; c) present any studies which support the need, as opposed to a mere desire, for parallel parking; d) identify the exact cost and benefits to the Town; and/or e) identify whether the daily drivers around Town Square will end up paying the price in reduced safety for the possible benefit of a small number of patrons at Memorial Park. Under the circumstances, Landmarks *should recommend denial* of the Applicant's *proposed extension of the sidewalks and addition of parallel parking spaces* around the perimeter of Memorial Park.

Respectfully submitted,



John R. Eubanks, Jr.

cc: Clients
Landmark Preservation Commission Members
Mayor and Town Council Members
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