



LETTER OF INTENT

FINAL SUBMITTAL

DATE: August 15, 2023
TO: Town of Palm Beach, Planning, Zoning & Building Dept.
RE: COA-23-033 (ZON-23-097) 100 Four Arts Plaza

On behalf of the Society of the Four Arts, Inc. ("**Applicant**"), Shutts & Bowen LLP ("**Agent**") submits this request for a Certificate of Appropriateness ("**COA**") and an Administrative Site Plan Review ("**SPR**"), to install a 7-foot ("**ft.**") sculpture in the Hulitar Garden at 100 Four Arts Plaza ("**Site**").

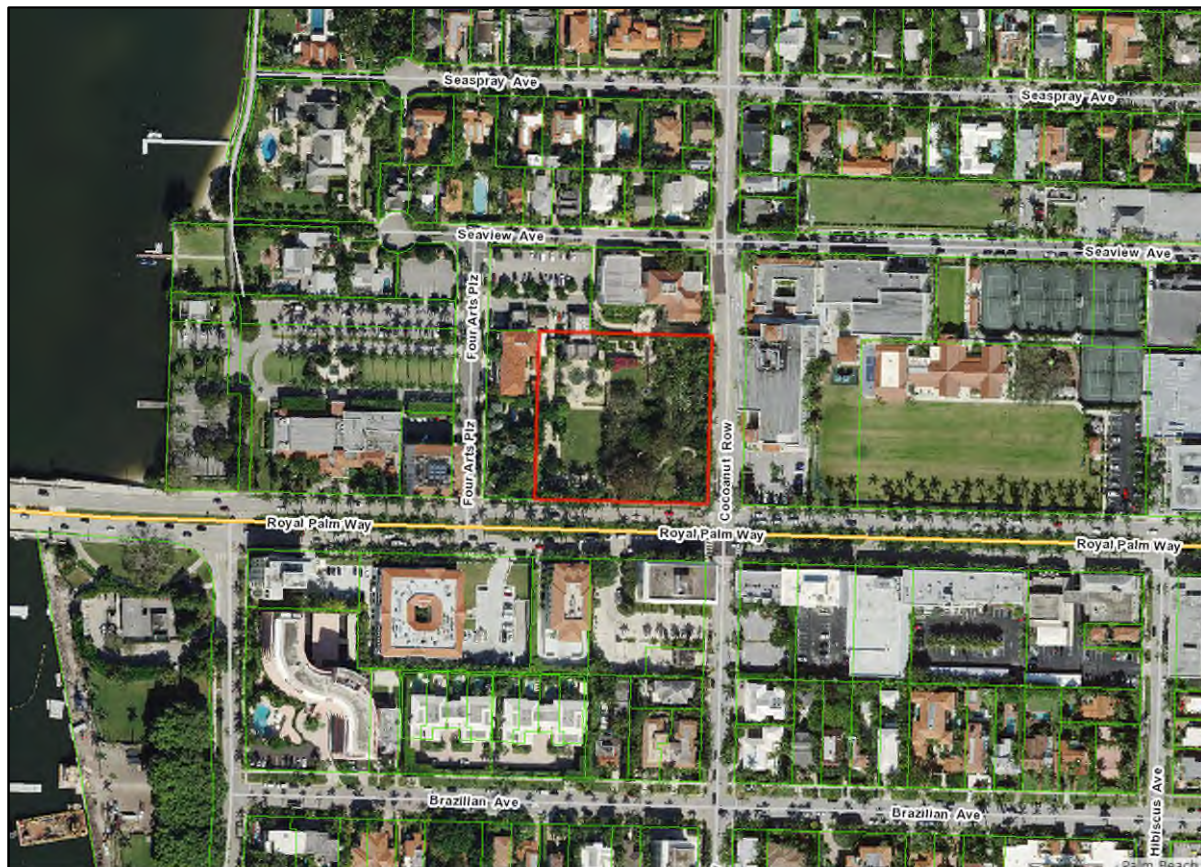


FIGURE 1 – Location map

Location:	100 Four Arts Plaza (<i>Figure 1</i>)
Property Control Number(s)	50434323050210050

REQUEST

- Approval of a COA and an Administrative SPR to place a 7-foot tall sculpture known as *Short-Tailed Peacock* by Gaston Lachaise, in the Hulitar Garden.
- Note that this is not new construction. The request is specific only to the installation of the *Short-Tailed Peacock* sculpture as indicated on the Site Plan.
 - Pursuant to Section 134-1727, entitled “Statue and/or Sculpture”, the Applicant must obtain Landmark Preservation Commission approval since the *Short-Tailed Peacock* sculpture exceeds six feet in height and will be installed on a landmarked site.
 - Section 134-1727: *Any statue and/or sculpture exceeding six feet in height shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the sections of this chapter applicable thereto. No statue and/or sculpture shall exceed 12 feet in height. Further, when such statue and/or sculpture exceeds six feet in height, the construction, erection or placement thereof shall require prior review and approval by the landmark commission if it is proposed to be located on landmarked property, otherwise by the architectural commission if visible from the street.*
 - The placement of the sculpture on the Site meets and exceeds all required zoning district setbacks as shown on the Site Plan.

SUPPLEMENTAL APPLICATION REQUIREMENTS PER CHECKLIST

- **Exhibit A:** Standards for new construction for Landmarks Preservation in accordance with Section 54-122.
- **Exhibit B:** Standards for Site Plan Review by Town Council in accordance with Section 134-329. – Administrative Site Plan Review
- **Exhibit C:** Sculpture and Artist Narrative for the *Short-Tailed Peacock*.
- **Exhibit D:** Photo images of *Short-Tailed Peacock*.
- **Exhibit E:** Site photos of the proposed location of the installation of the *Short-Tailed Peacock*.
- **Exhibit F:** Property Info sheet with the Location Map and Legal Description.

PARKING STATEMENT

There are no changes proposed to the on-site parking.

EXHIBIT A

Sec. 54-122. New construction.

(a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:

- (1) The height, the gross volume, and the proportion between width and height of the facade;
- (2) The proportions and relationships between doors and windows;
- (3) The rhythm of solids to voids created by openings in the facade;
- (4) The materials used in the facade;
- (5) The texture inherent in the facade;
- (6) The colors, pattern and trim used in the facade; and
- (7) The design of the roof.

RESPONSE: *The request is for a COA to place a 7-foot tall sculpture known as Short-Tailed Peacock by Gaston Lachaise, in the Hulitar Garden. There is no new construction or changes to any buildings, landscaping, street facades, or architecture proposed as part of this request.*

(b) Existing rhythm created by existing building masses and space between them should be preserved.

RESPONSE: *See response to standard (a) above.*

(c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

RESPONSE: *See response to standard (a) above.*

(d) A new street facade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

RESPONSE: *See response to standard (a) above.*

(e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

RESPONSE: *See response to standard (a) above.*

EXHIBIT B – ADMINISTRATIVE APPROVAL

Sec. 134-329. Review by Town Council for Site Plan Review.

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

RESPONSE: *Applicant is the authorized representative for the owner and in control and possession of the entire parcel which is subject of this application. The Applicant is responsible for the care and upkeep of the entire site. No maintenance responsibility will become the obligation of the Town as a result of this request.*

- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

RESPONSE: *There are no new land uses, programming or intensities of use proposed for the Site. With the exception of the installation of the sculpture, no other physical changes are proposed.*

- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

RESPONSE: *There are no changes proposed to the ingress and egress to the Site. Automobile and pedestrian safety will be maintained to comply with all applicable standards. Separation of automotive traffic, traffic control and flow, service for utilities and refuse collection and access in case of fire or emergency will not be affected.*

- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

RESPONSE: *There are no changes proposed to the off-street parking.*

- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

RESPONSE: *There are no changes proposed to any perimeter screening or buffers. All existing landscape will remain.*

- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

RESPONSE: *There are no changes proposed that will affect the manner of drainage on the Site onto adjacent and nearby properties or on the Town's overall drainage capacities.*

- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

RESPONSE: *There are no changes proposed that will impact hook-in locations, availability or capacity of utilities.*

- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

RESPONSE: *There are no changes proposed that impact recreation facilities.*

- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.

RESPONSE: *The only request subject to this application is the installation of the Short-Tailed Peacock sculpture. There are no other standards that may be imposed by the Code for the installation of the sculpture.*

- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

RESPONSE: *The sculpture is not considered a commercial structure.*

- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

RESPONSE: *There are no visible size and bulk issues associated with the sculpture. Additionally, the sculpture is located internal to the Site, and not visible from the street right-of-way or the adjacent properties.*

EXHIBIT C

Sculpture/Artist Narrative

Gaston Lachaise

Short-Tailed Peacock

1920

Bronze

57 x 18 x 19 inches

2/12 cast by the Modern Art Foundry, NY 2017

Inscribed: LACHAISE ESTATE

MAF NY 17

LF 268

The purchase by The Society of the Four Arts of a bronze cast of *Short-Tailed Peacock* (1920, cast 2017) by French-born American sculptor Gaston Lachaise (1882-1935) in May of 2023 consolidates a vision for the Philip Hultar Sculpture Garden – that of a museum standard presentation of distinguished modern sculpture of Western Europe and the Americas. It does so with a work by one of the early 20th century's greatest masters, who was most noted for his figural work, especially female nudes.

The origins of *Short-Tailed Peacock* begin here in South Florida. Lachaise was one of four contemporary artists chosen by retired millionaire James Deering (1859-1925) to decorate his Italianate villa Vizcaya, just south of Miami, Florida. The other artists were A. Stirling Calder (1870-1945), Charles Cary Rumsey (1879-1922) and Robert Winthrop Chanler (1872-1930). Lachaise made two peacocks, which would be carved out of coral stone to adorn a bridge leading from the villa to the Lagoon Gardens. A total of eight, four on each side of the bridge, were placed atop twisting Oriental columns, in the style of those of the Praetorium in Jerusalem.

“The estate’s architect Paul Chalfin wanted the peacock columns to mark the transition from the ordered spaces in the estate’s Marine Garden to the less cultivated regions of the Lagoon Gardens—a plan that evoked the bird’s symbolic function in art Deco as a mediator between the exotic decorative elements and the more rationalized forms of the surfaces they covered.” (Kristen Jensen, “Strut, The Peacock and Beauty in Art,” 2014, The Hudson River Museum exhibition catalogue, 2014)

In 1920, from his room at 77 Washington Place, Lachaise communicated with both Chalfin and the decorator Ogden Codman and about the commission. Codman, to Lachaise, quotes a portion of a letter from Mr. Chalfin:

Ask him to make recognizably distinct in gesture one from the other, and say to him that the delicacy of the problem to me seems to be to keep them at the same time simple as we are agreed they should be, but not at all oriental, --merely stoney—and practical for a soft stone at that. If they would look Roman—ancient Roman—so much the better—if not, they can look like a negligent bit of Italian garden detail—but not oriental. (July 14, 1920, Vizcaya Archives).

In 2002 using the original plaster models the Lachaise Foundation cast the first bronze of a projected edition of 12. The work is on loan to the Bartow-Pell Mansion Museum in the Bronx, where it overlooks a 1916 garden designed by Delano & Aldrich. Only 2 have been made so far.

Birds appear in Lachaise's work throughout the 1920s. "In general, the more ornamental aspects of Lachaise's style were incorporated in his bird and animal sculptures. In the early twenties, they reflected the decorative clarity and finish of Lachaise's Art Nouveau antecedents." (Donald Goodall, PhD.)

Other peacocks by Lachaise include: a long-tailed peacock in lead commissioned by the architect Philip Goodwin for his home in Syosset, Long Island, NY, now on loan to the University of California at San Bernardino; a gilt and bronze group of three peacocks (signed 1922), examples of which are in the collections of the Metropolitan Museum of Art, New York, the Philadelphia Museum of Art and the Phillips Collection, Washington, DC; In April of 1921 the short-tailed peacock illustrated the frontispiece for *The Dial Magazine*, which contained writings by Slater Brown, Marsden Hartley, D.H. Lawrence; Henry McBride, and Paul Rosenfeld.



EXHIBIT D

Images of *Short-Tailed Peacock*

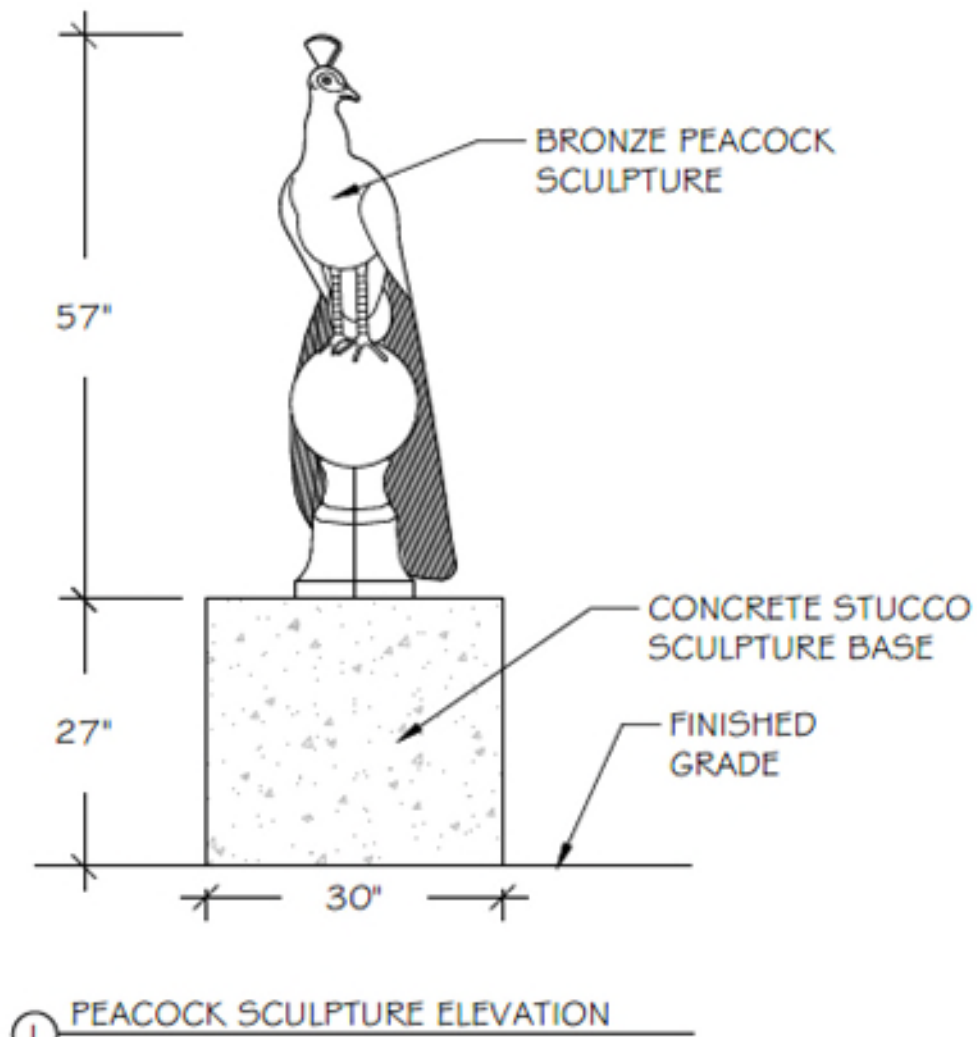














EXHIBIT E

Proposed location of installation





Looking east



Looking west



Looking north



Looking south

EXHIBIT F

Property Info Sheet

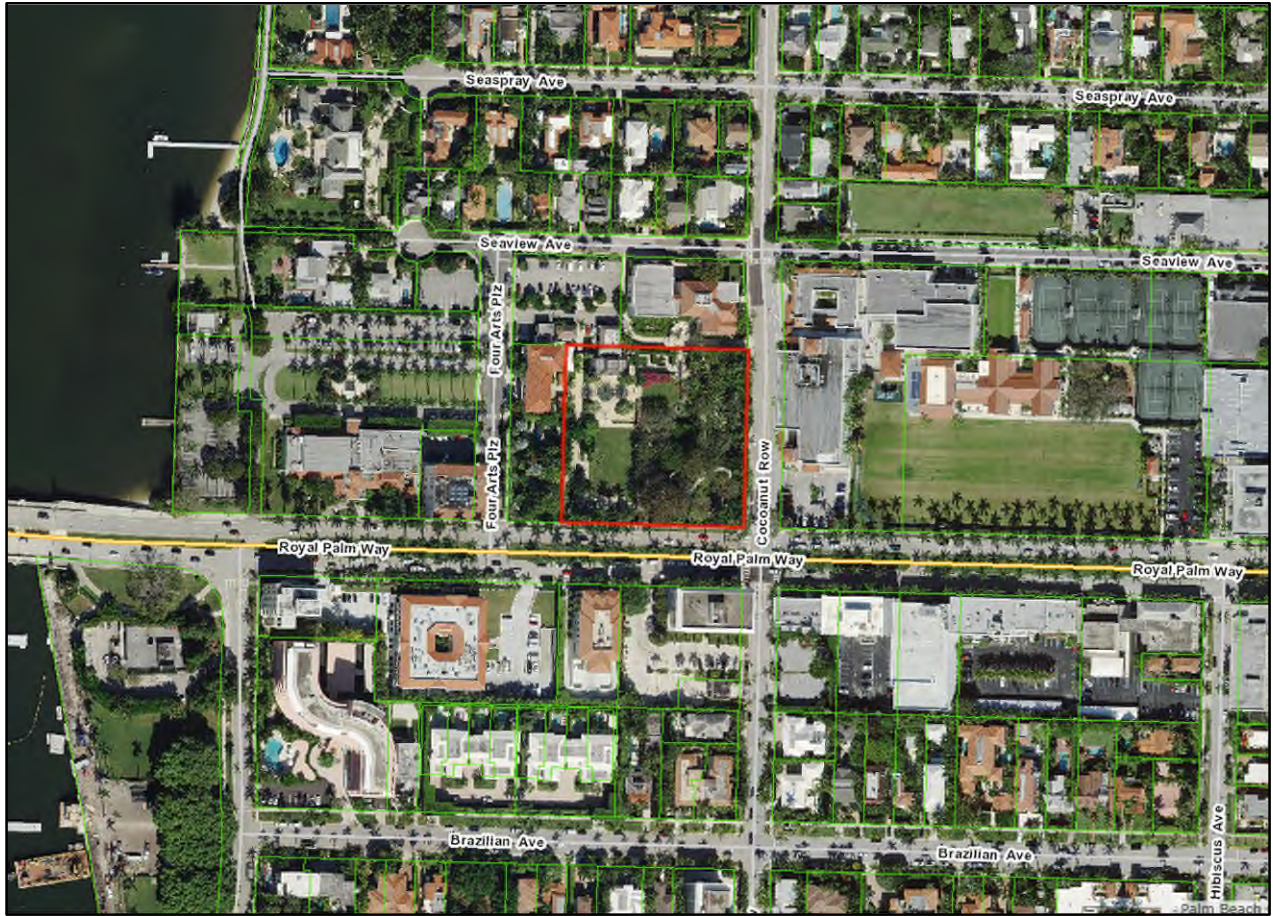


FIGURE 1 – Location map

Location:	100 Four Arts Plaza (<i>Figure 1</i>)
Property Control Number(s)	50434323050210050

LEGAL DESCRIPTION

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LOTS 5, 6, A PORTION OF LOTS 4, AND 7, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 7 OF BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE S00°00'00"W ALONG THE EAST LINE OF SAID BLOCK "A" BEING COINCIDENT WITH THE WEST RIGHT OF WAY LINE OF COCOANUT ROW FOR A DISTANCE OF 275.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE DESCRIBED IN OFFICIAL RECORDS BOOK 1909, PAGE 74 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA TO A TANGENT CIRCULAR CURVE CONCAVE TO THE WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET AND CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 23.56 FEET; THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID BLOCK "A", BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY FOR A DISTANCE OF 373.90 FEET TO A POINT ON THE EAST LINE OF THE WEST 3 FEET OF LOT 4, PLAT BOOK PAGE 1, AS DESCRIBED IN DEED BOOK 549, PAGE 180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°00'00"E ALONG THE SAID EAST LINE OF THE WEST 3 FEET OF LOT 4 AND THE EXTENSION THEREOF, BEING COINCIDENT WITH EAST RIGHT OF WAY LINE OF FOUR ARTS PLAZA FOR A DISTANCE OF 437.62 FEET; THENCE N90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 72, FOR A DISTANCE OF 379.44 FEET; THENCE S00°00'00"E ALONG THE WEST RIGHT OF WAY LINE OF COCOANUT ROW, AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1909, PAGE 74, A DISTANCE OF 9.51 FEET TO A TANGENT CIRCULAR CURVE CONCAVE TO THE EAST; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 276.17 FEET, AND CENTRAL ANGLE OF 02°08'33", FOR A DISTANCE OF 10.33 FEET; THENCE S04°08'54"E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 127.72 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA