



**TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING
DEPARTMENT**

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, JANUARY 17, 2024.**

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting after the fact may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Chair Patterson called the meeting to order at 9:30 a.m.

II. ROLL CALL

Sue Patterson, Chair	PRESENT
Brittain Damgard, Vice Chair	ABSENT (Excused)
Jacqueline Albarran, Member	PRESENT
Anne Fairfax, Member	PRESENT
Bridget Moran, Member	ABSENT (Excused)
Julie Herzig Desnick, Member	PRESENT
Alexander Hufty Griswold, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Fernando Wong, Alternate Member	ABSENT (Unexcused)
Alexander Ives, Alternate Member	PRESENT

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Sarah C. Pardue, Design and Preservation Planner
Abraham Fogel, Design and Preservation Planner
Kelly Churney, Acting Town Clerk
Janet Murphy, Preservation Consultant
Emily Stillings, Preservation Consultant

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A. Minutes of the Landmarks Preservation Commission Meeting of December 20, 2023

A motion was made by Ms. Albarran and was seconded by Ms. Fairfax to approve the minutes of the December 20, 2023, meeting as presented. The motion was carried unanimously, 7-0.

V. **APPROVAL OF THE AGENDA**

Ms. Mittner stated that the applicant of COA-23-050, 101 Four Arts Plaza, had requested to withdraw their application from the agenda.

A motion was made by Mr. Ives and was seconded by Ms. Metzger to approve the agenda as amended, with the withdrawal of COA-23-050. The motion was carried unanimously, 7-0.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Ms. Churney swore in all those intending to speak and continued to do so throughout the meeting as necessary.

VII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**

No comments were heard at this time.

VIII. **COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS**

No comments were heard at this time.

IX. **COMMENTS OF THE LANDMARKS COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT**

Ms. Mittner introduced Abraham Fogel, a new planner in the Planning, Zoning and Building Department.

X. **PROJECT REVIEW**

A. **CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS**

1. **COA-23-050 101 FOUR ARTS PLZ—THE SOCIETY OF THE FOUR ARTS** The applicant, Society of the Four Arts Inc, has filed an application requesting a Certificate of Appropriateness for the review and approval of the replacement of the overhead beams and rafters in two of the four pergolas in The Philip Hultar Sculpture Garden at The Society of the Four Arts with an Azek product in lieu of wood.

Clerk's note: This project was withdrawn under Item V., Approval of the Agenda.

B. **CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS**

1. **COA-23-002 363 COCOANUT ROW** The owner 363 Cocconut Row Propco LLC represented by Mr. Tim Hanlon in conjunction with Nelo Freijomel of Spina O'Rourke, has filed an application requesting a Certificate of Appropriateness review and approval for wholesale stucco removal and new stucco application as well as minor window and door modifications and new exterior lighting fixtures.

Ms. Mittner provided staff comments for this project.

Ex-parte communications were disclosed by several members.

M. Timothy Hanlon, the attorney for the applicant, provided a brief description of the issues related to the stucco.

Clerk's note: A brief delay occurred due to technical issues.

Nelo Freijomel, with Spina O'Rourke, presented the architectural modifications proposed for the landmarked building.

Ms. Patterson called for public comment. No one indicated a desire to speak.

Mr. Ives understood the unexpected issues with the project. He expressed concern about future projects returning to the Commission multiple times rather than seeing the entire project in one presentation.

Ms. Fairfax expressed concern about the applicant's possible delay since they were required to return to the Commission for approval of the stucco application. She thought the light fixtures were a bit small. Mr. Freijomel stated that he could study the fixtures and added that the size could be increased.

Ms. Albarran asked about the other light fixtures on the building and wondered if they were cohesive. Mr. Freijomel stated he would investigate the other fixtures and offered that they could use the same fixture throughout the building.

Ms. Herzig-Desnick thought a staff approval for a like-for-like replacement was appropriate.

A motion was made by Mr. Ives and was seconded by Ms. Albarran that the project is in keeping with Section 54-122 and to approve the project as presented, with the condition that the sconces on the front will be studied for scale. The motion was carried unanimously, 7-0.

2. **COA-23-003 (ZON-23-020) 139 N COUNTY RD—THE PARAMOUNT THEATER (COMBO)** The applicant, WEG Paramount LLC, has filed an application requesting a Certificate of Appropriateness for the review and approval of the renovation and adaptive re-use of an existing Landmarked theater structure, and the construction of four connected residences with ground floor retail components with two levels of subterranean parking to replace an existing surface parking lot, including multiple variances including setbacks, height, open space, mechanical equipment on roofs, to permit residential uses on the first level in the C-TS zoning district in lieu of the above the first-floor requirement, among others. A Tax Abatement application has been filed as part of the project. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. This item has been deferred pending Town Council approval.

Clerk's note: This project was deferred under Item V., Approval of the Agenda, pending Town Council approval.

3. **COA-23-043 (ZON-23-117) 235 BANYAN RD (COMBO)** The applicant, Richard Kurtz, has filed an application requesting a Certificate of Appropriateness for the review and approval of a new two-story, approximately 1,072 SF accessory structure with hardscape and landscape. This request also requires three (3) variances in accordance with Section 134-201 for: 1. building height plane requirement found in Section 134-843(7), which would allow relief from a building height plane requirement of two feet of front setback for each one foot of building height per the R-A Zoning District., 2. exemption of the building height of approximately 32.13' NAVD proposed vs. 25' NAVD permitted per Section 134-841(b)(1), and 3. exemption of the number of guest houses permitted per property Section 134-841 (5). The Town Council shall review the application as it pertains to the zoning relief/approval.

Clerk's note: This project was deferred to February 21, 2024, under Item V., Approval of the Agenda, pending Town Council approval.

4. **COA-24-001 (ZON 24-020) 930 S OCEAN BLVD (COMBO)** The applicant, 930 S Ocean Trust (Maura Ziska, Trustee), has filed an application requesting a Certificate of Appropriateness review and approval for; garage storage and grill addition, removal of balcony, roof replacement, windows, and door replacement with metal. Replace the main entry and kitchen door with limed cypress. Railing modification, new pool and fountain including modifications to hardscape and landscape with associated mechanical equipment. The Town Council shall review the application as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments for this project.

Ex-parte communication was disclosed by Mr. Ives.

Maura Ziska, the applicant's attorney, explained the requested variances and advocated for a favorable recommendation to the Town Council.

Greg Palmer, with Harrison Design, presented the architectural modifications proposed for the landmarked residence.

Brian Vertesch, with Vertesch Landscape Architecture, presented the landscape and hardscape plans proposed for the site.

Ms. Patterson called for public comment. No one indicated a desire to speak.

Mr. Griswold thought most of the work was appropriate and fully supported the restoration. He understood the east-facing railings and scroll work would be debated but expressed appreciation to the owner for the remaining work proposed.

Ms. Fairfax asked about a decorative element over the front door; she was worried it may seem a bit heavy. Mr. Palmer provided further explanation of the design. Ms. Fairfax thought the changes were acceptable and appreciated simplifying some elements. Ms. Fairfax expressed concern about changing the door to a window in the interior courtyard.

Ms. Patterson expressed concern about the courtyard door change and the simplification of the railings.

Ms. Albarran thought the proposed door did not resemble the original front door. Ms. Albarran commented on the location of the brackets on the east elevation, upper window. She discussed the railing details with Mr. Palmer and asked him to move further toward the original railing.

Ms. Herzig-Desnick agreed with the other Commissioners that the door in the courtyard should remain a door rather than change into a window.

Ms. Albarran expressed concern about adding a door and the roof extension adjacent to the kitchen. A short discussion ensued about the additional door. Ms. Fairfax recommended adding the door to the existing doors, effectually blending it into the existing design. Ms. Albarran liked the suggestion. Mr. Palmer agreed to the change.

Ms. Metzger asked about the material of the original front door. Mr. Palmer discussed the existing door material and what was proposed.

Mr. Ives agreed with Mr. Griswold, Ms. Fairfax and Herzig-Desnick. He thought the changes were acceptable and supported the landscape design.

A short conversation ensued about the proposed wall for the dog run.

A motion was made by Mr. Ives and seconded by Ms. Albarran that the project is in keeping with Section 54-122 and to approve the project without the requested change of a door to a window in the interior courtyard and with the following conditions: the additional door on the south courtyard elevation will be combined with existing doors, the dog run site wall material will be a metal railing as opposed to a concrete site wall, and the railings will be simplified to utilize the historic courtyard railing with the inclusion of a twist on the pickets and a collar. The motion was carried unanimously, 7-0.

A motion was made by Mr. Ives and seconded by Ms. Albarran that implementation of the proposed variances will not cause negative architectural impact to the subject, landmarked property. The motion was carried unanimously, 7-0.

5. **COA-24-002 284 MONTEREY RD.** The applicant, Maura Ziska in conjunction with SKA, has filed an application requesting a Certificate of Appropriateness review and approval for minor window and door modifications. Primarily the relocation of a side (east) entry door to the

front next to the garage door, elimination of one window on west elevation, addition of a window on east elevation and conversion of a window to a pair of French doors on the south elevation.

Ms. Mittner provided staff comments for this project.

Ex-parte communications were disclosed by several members.

Pat Segraves, SKA Architect + Planner, presented the architectural modifications proposed for the landmarked residence.

Ms. Patterson called for public comment. No one indicated a desire to speak.

Leigh Dunston, 282 Monterey Road, discussed his concerns about a lack of notice and protecting his privacy.

Ms. Ziska showed the Commission a wall that would protect Mr. Dunston's privacy.

Mr. Ives requested confirmation that the hedge be installed at 10 feet rather than allowing it to grow to 10 feet. Adam Mills, Environment Design Group, confirmed that the hedge would be installed between 10 to 12 feet. Mr. Ives supported the project.

Ms. Mittner discussed the notice that was sent out to the neighbors.

Ms. Herzig-Desnick wondered if the wall was finished on the neighbor's side. Mr. Segraves confirmed the wall would be completed if the neighbor would give them access to do so.

Ms. Fairfax thought the wall and the hedge should alleviate the neighbor's concern.

Ms. Herzig-Desnick asked about the chimney. Mr. Segraves responded and discussed the design.

A motion was made by Ms. Albarran and seconded by Mr. Ives to approve the project as presented. The motion was carried unanimously, 7-0.

6. **COA-24-003 (ZON 24-021) 800 S COUNTY RD (COMBO)** The applicant, DesRuisseaux Land Trust (Maura Ziska, Trustee), has filed an application requesting a Certificate of Appropriateness review and approval for; minor hardscape changes, modification of four doors, change of door style, change of window to French door, addition of an approximately 41SF uncovered bridge between guest/boat house and generator building, on a site with a two-story landmarked building. The Town Council shall review the application as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments for this project.

Ex-parte communications were disclosed by Ms. Albarran and Mr. Ives. *Clerk's note: Ms. Albarran declared a conflict of interest and left the dais during the discussion.*

Jason Drobot, with Brasseur and Drobot Architects, presented the architectural modifications proposed for the landmarked residence. Ann DesRuisseaux, the owner, explained the design intent of the proposed uncovered bridge.

Ms. Patterson called for public comment. No one indicated a desire to speak.

Mr. Ives asked about the doors on the south elevation. Ms. DesRuisseaux discussed the reason for the change.

Ms. Fairfax thought the changes were minor and acceptable.

A motion was made by Mr. Ives and seconded by Mr. Griswold that the project is in keeping with Section 54-122 and to approve as presented. The motion was carried unanimously, 6-0. Clerk's note: Ms. Albarran did not participate in the vote.

A motion was made by Mr. Ives and seconded by Mr. Griswold that implementation of the proposed variances will not cause negative architectural impact to the subject, landmarked property. The motion was carried unanimously, 6-0. Clerk's note: Ms. Albarran did not participate in the vote.

7. **COA-24-005 125 VIA DEL LAGO** The applicant, Todd Glaser, has filed an application requesting Landmarks Preservation Commission review and approval of a Certificate of Appropriateness for modifications to the northeast exterior staircase and balcony of a landmarked residence.

Clerk's note: This project was withdrawn under Item V., Approval of the Agenda.

C. HISTORICALLY SIGNIFICANT BUILDINGS - OLD BUSINESS

1. **HSB-23-009 (ZON-23-111) 269 PARK AVE (COMBO) AND FLOODPLAIN VARIANCE** The applicant, Schnapps 269 Park Avenue LLC (Andrew and Lorraine Dodge), has filed an application requesting Landmarks Preservation Commission review and approval for exterior alterations to an existing three-story historically significant building, specifically to add a front terrace deck onto an existing ground floor entry porch, to construct a new gable-end entry, to add four new dormer windows (two on the east and two on the west side) to the roof of an existing three-story building, requiring a variance from the Floodplain requirement from Chapter 50, Floods, to maintain the existing building at a finished floor elevation below current FEMA requirements, and a variance

to expand a nonconforming third floor, to increase the maximum height and to reduce the required front and side setback. Town Council shall review the application as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments for this project.

Ex-parte communications were disclosed by Ms. Albarran and Mr. Ives.

Jeffrey Brasseur, with Brasseur and Drobot Architects, presented the architectural modifications proposed for the landmarked residence.

Ms. Patterson called for public comment. No one indicated a desire to speak.

A motion was made by Ms. Albarran and was seconded by Mr. Ives to approve the parapet that was initially presented at the December 2023 meeting, with minor detailing to be coordinated with staff. The motion was carried unanimously, 7-0.

D. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

1. **HSB-24-001 311 PENDLETON LN.** The applicant, Starr Haymes Kempin for Pendleton Lane Trust has filed an application requesting a Certificate of Appropriateness review and approval for a modified front entry, addition of shutters, relocation of a few windows in addition to hardscape modifications changing the driveway and reducing the paver pool deck to an existing two-story historically significant building.

Ms. Mittner provided staff comments for this project.

Ex-parte communications were disclosed by several members.

Don Skowron, BGS Landscape, Architecture & Engineering, presented the landscape and hardscape modifications proposed for the site.

Pat Segraves, SKA Architect + Planner, presented the architectural modifications proposed for the landmarked residence.

Ms. Patterson called for public comment.

Danielle Moore at 277 Pendleton Lane, representing her mother at 300 Chapel Hill Road, the abutting neighbor to the north, stated her mother concurred with the letter that was submitted by Attorney John Eubanks.

John Eubanks, the attorney representing many neighbors on Pendleton Lane, expressed concerns regarding the proposed circular driveway. He argued that the circular driveway was out of place for the neighborhood. He outlined how the proposed driveway would violate the Town's Code.

Charlie Sieving, 333 Pendleton Lane, expressed concerns regarding the proposed circular driveway.

Amanda Skier, Preservation Foundation of Palm Beach, stated that the

current driveway proposal did not represent the historic development of the street. She also noted that the removal of some of the character-defining features, such as the shutters and building materials, were incompatible.

Tom Hunt, 303 Pendleton Lane, expressed concerns regarding the proposed circular driveway.

Mr. Eubanks stated that while the applicant said the driveway had been approved, he believed the whole item was re-opened since they were bringing forward new changes.

Bob Vila, 345 Pendleton Lane, agreed with Ms. Skier's comments. He agreed that the two curbs were inconsistent with the neighborhood's aesthetics. He spoke against the circular driveway.

Jacques Kempin, the owner, spoke about his concerns and the reasons for the proposal.

Emily Stillings, MurphyStillings, agreed with Ms. Skier's comments about removing some character-defining features and incompatible materials proposed.

Kit Pannill, 4 S. Lake Trail, expressed concerns regarding the proposed circular driveway.

Ms. Herzig-Desnick did not have an issue with the two driveways.

Ms. Fairfax agreed with the neighbor's concerns. She stated that had she known of the neighbor's concerns, she would not have approved the request for the driveway.

Mr. Ives agreed with Ms. Herzig-Desnick. He believed a return to a previous approval was not appropriate. He indicated he would support the request.

Ms. Metzger suggested that the owner reverse into the driveway rather than changing the configuration. Mr. Kempin described why it was not ideal to reverse into the driveway.

Ms. Patterson asked Attorney O'Connor if the Commission could alter their previous decision. Ms. Mittner stated that she did not believe the Commission could change its decision; however, she did indicate they could review the proposed modifications.

Mr. Griswold asked about the replacement of the iron scrolling above the railing. Mr. Segraves responded and discussed the material to be used. Mr. Griswold supported the removal of the shutters from the small window. Considering the neighborhood's objections, Mr. Griswold suggested that the owner consider widening the existing curb cut.

A short conversation ensued about the original approval and the owner's request.

Mr. Sieving stated that he did not receive notice of the initial project.

Ms. Patterson wondered if the owner would consider a wider, single driveway. She thought the front shutters were character-defining and should remain. She suggested a single, folding shutter for the smaller window. She recommended looking for a contractor to find wrought iron for the railing rather than using the aluminum.

A motion was made by Mr. Ives and was seconded by Mr. Griswold to approve the items on the architecture only, with the following conditions: the east façade window is acceptable as proposed, the front door shall remain with the existing shutters, and the powder room window shall receive a shingle, folding shutter or can remain as existing. The motion was carried unanimously, 7-0.

A motion was made by Mr. Ives and was seconded by Ms. Herzig-Desnick to approve the landscape and hardscape changes as presented. The motion failed 2-5, with Mses. Albarran, Fairfax, Metzger, Patterson, and Mr. Griswold dissenting.

A motion was made by Ms. Fairfax and was seconded by Mr. Ives to defer the landscape and hardscape changes to the February 21, 2024, meeting, with the request that the applicant consider all the comments made by the neighbors. The motion was carried unanimously, 7-0.

XI. DESIGNATION HEARINGS

1. ITEM 1: 2505 SOUTH OCEAN BOULEVARD (PRESIDENT CONDOMINIUM) OWNER Multiple Owners (See Designation Report for Complete List of Owners)

Ex-parte communications were disclosed by Ms. Metzger and Mr. Ives.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history of the Mid-Century Modern style buildings. Ms. Murphy pointed out the design features of the buildings. Ms. Murphy testified that the buildings met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction, or use of indigenous materials or craftsmanship,

Sect. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

Ms. Murphy thanked many people who assisted in researching the building and the residents for supporting the designation.

A motion was made by Mr. Ives and was seconded by Ms. Albarran to make the designation report for 2505 S. Ocean Blvd. part of the record. The motion was carried unanimously, 7-0.

Ms. Patterson asked for confirmation on proof of publication. Ms. Mittner provided confirmation.

Ms. Patterson called for any public comment on the designation.

The following people spoke in support of the designation:

Stephen Darlington, 2505 S. Ocean Blvd.

Terry Axelrod, 2505 S. Ocean Blvd.

Stan Kelly, 2505 S. Ocean Blvd.

Ms. Albarran supported the designation.

Ms. Metzger wondered if other condominiums in the area were eligible for designation. Ms. Murphy confirmed others may be eligible.

Mr. Ives was thrilled to see the recommendation and was excited to support the designation.

Mr. Fairfax did not believe the building was worth the landmark designation.

A motion was made by Mr. Ives and was seconded by Ms. Albarran to recommend 2505 S. Ocean Blvd. to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3, and 4 in Section 54-161 and with the acknowledgment that the owners of the buildings supported the designation. The motion was carried 5-2, with Mses. Fairfax and Metzger dissenting.

2. ITEM 2: 262 SUNSET AVE.

Owner: NED 262 Sunset, LLC

Before any presentations, there was a short discussion about why the designation was back in front of the Commission. Ms. Mittner summarized the property's history before the Commission and the Town Council.

Jamie Crowley, the attorney for the owner, provided his legal arguments regarding a lack of notice to the owner when the property was initially placed under consideration. He discussed the importance of the master site file report and the property's original rating. Finally, he advocated to exclude the accessory structure in the rear of the

property if the Commission decided to recommend the property as a landmark. He introduced Gene Pandula, an architect who would speak on behalf of the owner. He added that he disagreed that the property was worthy of landmarking, and Mr. Pandula would soon outline those reasons.

Mr. Pandula discussed the five different master site files for the property and concluded that the building did not retain sufficient integrity for designation. He discussed the architectural alterations to the building. Mr. Pandula stated that buildings were landmarked in their current condition. Further, he discussed how the character of the neighborhood had changed.

Mr. Crowley asked Mr. Pandula about the different standards when a building contributed to a district rather than being individually eligible. Mr. Pandula discussed the conversations in 2015, including whether this building and street contributed to a district.

Ms. Mittner asked for her November 2023 comments relating to the National Register to be part of the record. Ms. Mittner indicated that the Comprehensive Plan acknowledged that the old site surveys were outdated and noted there were errors in the validity of some statements in the 1979 survey. She also pointed out that the Comprehensive plan indicated that site information was cross-referenced with other sources.

Janet Murphy, MurphyStillings, LLC, testified that the buildings met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction, or use of indigenous materials or craftsmanship.

Ms. Murphy provided rebuttal arguments regarding the notice that the applicant thought was flawed. She stated that the master site surveys were windshield surveys and were not exhaustive. She noted that a new site survey would be sent to the state now that MurphyStillings had conducted further research. She provided arguments that supported the designation criteria. She concluded that the building was the last representation of architectural history on the street.

Mr. Crowley stated he did not believe staff erred; however, he argued in favor of his client's property rights. He further argued that the building was not eligible for designation. He argued that the street's character had changed significantly since the zoning changed to commercial.

Ms. Patterson called for any public comment on the designation.

Amanda Skier, Preservation Foundation of Palm Beach, restated support for the designation. She also stated that the landmarks program had been upheld in legal arguments. She thought the Commission should give weight to the information

provided by the experts on behalf of the Town, who were recommending the designation. She felt the alterations were sensitive and could be reversible if desired.

Ms. Patterson asked for confirmation on proof of publication. Ms. Mittner provided confirmation.

Ms. Herzig-Desnick asked about the zoning of the property and the future intentions for the building. Mr. Crowley responded. Ms. Herzig-Desnick thought the building had lost its integrity. She questioned saving one building to represent the historic nature of the street.

Mr. Ives agreed that the building did not stand out architecturally; however, he thought the building referenced the historic nature of the street and brought value to the town. He supported the designation and removing the accessory building from the designation if it was the owner's desire.

Mr. Griswold asked about the future of the building if it was not landmarked. Mr. Crowley responded and stated that the development process was stopped once it was placed under consideration.

Ms. Patterson stated she had not heard any new information that would make her change her mind. Ms. Albarran agreed.

Ms. Fairfax thought the building was a nostalgic piece that represented a period in a historic town.

A motion was made by Ms. Fairfax to recommend the designation of 262 Sunset Avenue to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161 and with the acknowledgment that owners were opposed to the designation.

Mr. Crowley asked if the rear building was included in the designation. After some discussion, it was determined that the whole property would be included in the designation. Mr. Crowley acknowledged the owner's opposition to the designation but supported leaving the accessory building in the designation.

Ms. Metzger seconded the motion. The motion was carried unanimously, 7-0.

XII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

A. Public

No one indicated a desire to speak.

B. Staff

Ms. Fairfax recommended looking at the smaller, multi-family buildings for landmark designation.

Ms. Patterson asked that the staff request the applicant of the Paramount project to

obtain a geotechnical and structural analysis before returning to the Commission for review.

XIII. NEXT MEETING DATE: Wednesday, February 21, 2024

XIV. ADJOURNMENT

A motion was made by Ms. Albarran and was seconded by Mr. Ives to adjourn the meeting at 2:30 p.m. The motion was carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, February 21, 2024, at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sue Patterson", with a long horizontal flourish extending to the right.

Sue Patterson, Chair

LANDMARKS PRESERVATION COMMISSION

kmc

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Albarran, Jacqueline</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>	
MAILING ADDRESS <i>324 Royal Palm Way #227</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>January 17, 2024</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
		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 to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jacqueline Albarran, hereby disclose that on January 17, 20 24:

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

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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

Certificate of Appropriateness
COA-24-003 800 S. County Rd.
Continuing conflict

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

1-17-24
Date Filed

[Signature]
Signature

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