



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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, DECEMBER 21, 2022.**

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 9:31 a.m.

II. ROLL CALL

Sue Patterson, Chair	PRESENT
Kim Coleman, Vice Chair	ABSENT (Unexcused)
Jacqueline Albarran, Member	PRESENT
Patrick Segraves, Member	PRESENT
Anne Fairfax, Member	ABSENT (Excused)
Brittain Damgard, Member	PRESENT
Bridget Moran, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Fernando Wong, Alternate Member	PRESENT
Julie Herzig Desnick, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
Sarah C. Pardue, Design & Preservation Planner
Kelly Churney, Deputy Town Clerk
John C. Randolph, Town Attorney
Janet Murphy, Preservation Consultant
Emily Stillings, Preservation Consultant

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES OF THE NOVEMBER 16, 2022 MEETING

Motion made by Ms. Damgard and seconded by Ms. Moran to approve the minutes of

the November 16, 2022, meeting. Motion carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

Motion made by Ms. Damgard and seconded by Ms. Moran to approve the agenda as presented. Motion 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 one indicated a desire to speak.

VIII. COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS

Ms. Patterson wished everyone Happy Holidays.

IX. PROJECT REVIEW

A. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

None

B. CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS

1. **COA-22-042 (ZON-22-123) 218 PHIPPS PLZ (COMBO)** The applicant, Bruce Leeds, Trustee of the Bruce Leeds Declaration of Trust, dated May 30, 2007, has filed an application requesting a Certificate of Appropriateness for the renovation of and addition to an existing detached rear accessory structure, the construction of a new pergola, and side wide landscape and hardscape improvements for the Landmarked property including variances for (1) the flood-resistant construction requirements from Chapter 50-114 of the Florida Building Code, (2-4) reduced building setback requirements in the south and west yards, (5) reduced garage parking requirements, and (6) reduced mechanical equipment (pool heater) setback requirements in the north yard. This is a combination project and Town Council will review the variance portion of the application.

Ms. Pardue provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by several members.

Patrick O'Connell, Patrick Ryan O'Connell Architect, LLC, presented the architectural plans proposed for the new accessory structures for the landmarked residence. Mr. O'Connell passed around alternate plans with elevation options for the Commissioners to review.

Ms. Metzger asked a question about the new pergola. Mr. O'Connell

responded and described how the stucco would be treated.

Mr. Segraves asked about the beams on the new pergola. Mr. O'Connell provided an explanation of the design.

Mr. O'Connell provided an explanation of the variances needed for his proposed designs.

Andres Paradelo, Paradelo Burgess Design Studios, presented the landscape and hardscape plans proposed for the site. Mr. Paradelo presented material samples for the hardscape.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, thanked the homeowner for saving an important piece of history from their home, an element that was saved many years ago by Belfort Shumate when the casino was being demolished. She was pleased that the historical element was fitting so well into the new design. She said the proposed addition was separate, compatible, and distinguished with the main integrity of the original structure remaining. She encouraged the Landmark Preservation Commission to support the variance requests that would allow this project to progress to Town Council.

Ms. Albarran agreed with Ms. Sunny and was excited to see the change in design.

Mr. Segraves supported the project. He asked about the landscaping at the front of the property that belonged to the neighbor. Mr. O'Connell responded. Mr. Segraves asked about the addition of the two Royal Palms and wondered if they would be compatible with the site. Mr. Paradelo indicated that there are a couple of Royal Palms in the area, and he believed they would fit nicely. Mr. Segraves asked about the proposed material for the pergola. Mr. O'Connell responded and stated it would be cypress. Mr. Segraves asked about the dimensions of the pillars, making sure they were not too thin.

Ms. Moran asked about the location of the generator and wondered if noise from it would affect the neighbors. Mr. O'Connell responded and stated it was next to a faculty/administrative building. Ms. Moran provided a suggestion for a different location. Ms. Moran asked how the bamboo would be maintained. Mr. Paradelo responded that the bamboo was existing and very large. He said if it survived construction of the generator enclosure, that would determine whether it would be retained. He said the owners would be willing to look at alternatives.

Ms. Herzig-Desnick was pleased that the accessory structure was being kept. She asked about the windows of the structure and wondered if the interior would receive any changes. Mr. O'Connell responded. She inquired if the frame would be salvaged. Mr. O'Connell responded and indicated that the structural engineer would have to evaluate what needed to be done to bring everything up to code. He added that the plan now was to keep everything. Ms. Herzig-Desnick asked about the change in palms behind the accessory

structures. Mr. Paradelo responded.

Motion made by Ms. Albarran and seconded by Ms. Damgard to approve the project as presented. Motion carried unanimously, 7-0.

Motion made by Ms. Albarran and seconded by Ms. Damgard that implementation of the proposed variances (variances 2-6) will not cause a negative architectural impact on the subject landmarked property. Motion carried unanimously, 7-0.

Motion made by Ms. Albarran and seconded by Ms. Damgard that the variance based on Chapter 50-116 be approved and that it be found that all criteria set forth in Chapters 50-116 and 50-117 have been met, providing that the property owner has voluntarily committed that prior to the issuance of building permits, they would provide a recorded utility easement or an easement agreement satisfactory to the town to assure a recorded utility easement will be granted if necessary for utilities in the area. Motion carried unanimously, 7-0.

2. **COA-22-055 (ZON-23-025) 210 VIA DEL MAR (COMBO)** The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting a Certificate of Appropriateness for roof replacement, window and door replacement, exterior paint, and site alterations including new landscape, hardscape, a free-standing trellis, and vehicular gates with reduced setbacks, requiring Special Exception with Site Plan Review, for the Landmarked property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Hodges provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by several members.

Kevin Asbacher, Asbacher Architecture, presented the architectural plans proposed for the modifications to the existing, landmarked residence.

Blake Bordner, Nielsen Landscape Architects, presented the landscape and hardscape plans proposed for the site. Mr. Bordner presented samples for the hardscape materials.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, complemented the design team on their material choices. She discussed some of the elements that would be replicated, which she was pleased to see. She suggested a change in the light pattern to the bay windows. She also suggested using a metal material for the piers on the pergola so that the piers could appear slimmer and more delicate. She also thought the material and the contemporary design for the gate seemed out of keeping for the property. She thought the existing paint color on the home was out of keeping with the rest of the house. She felt the paint color was very intrinsic to the understanding of the property because of the half-timbering.

Ms. Damgard asked Ms. Sunny a follow-up question about the original material and color on the home. Ms. Damgard believed it was a light cypress material. Ms. Sunny responded.

Ms. Albarran was in favor of many of the changes proposed for the residence. She thought the color chosen for the roof tile was good. She asked the professional to return to the Commission with a different gate design. Lastly, Ms. Albarran felt the pillars of the pergola were too massive.

Mr. Wong was pleased with the design presented. However, he thought the driveway bricks should be a different color. He asked the professional to double-check the distance between the Medjool date palms located in the courtyard at the center of the house.

Ms. Herzig-Desnick thought the house had lost a lot of its character because of the color. She believed more contrast would be desirable to give the house more of a Tudor feel. She asked if the mahogany windows would be natural or painted. The professional responded they would remain as existing. Ms. Herzig-Desnick did not think the stucco perimeter wall in front of the house was in keeping with the Tudor house. The professional noted the wall would be covered with foliage.

Mr. Segraves suggested the elimination of the gate and agreed the pergola columns could be thinner. He said the cypress on the house could be stripped down and stained for a nicer contrasted look.

Ms. Moran agreed with Mr. Segraves's suggestion that the cypress could be stripped down and stained. She felt the columns were too big on the pergola. She also felt the driveway detracted from the house and she did not like the iron gate with the weight at the bottom.

Mr. Wong liked the driveway, but he asked if there could be an additional collaboration on the gates.

Mr. Asbacher presented color samples to the Commission.

Motion made by Ms. Albarran and seconded by Ms. Moran to approve the project as presented, with the following items to return to the January 18, 2023 meeting: the pergola, paint color on the wood timbering of the home, gate design and driveway material. Motion carried unanimously, 7-0.

3. **COA-22-056 434 SEASPRAY AVE.** The applicant, Society of the Four Arts (Philip Rylands), has filed an application requesting Landmarks Preservation Commission review and approval for partial window replacement for the Landmarked property.

Ms. Pardue provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by Ms. Metzger.

Nelo Freijomel, Spina O'Rourke + Partners, presented the plans proposed for

the window replacements to the existing, landmarked residence.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, requested that the glass be changed to clear, monolithic impact glass. She also mentioned the preservation of the four original windows on the front façade.

Motion made by Ms. Moran and seconded by Mr. Segraves to approve the project with the condition that clear, monolithic impact glass shall be used in the window replacement. Motion carried unanimously, 7-0.

4. **COA-22-058 1 S COUNTY RD.** The applicant, Breakers Palm Beach Inc., has filed an application requesting a Certificate of Appropriateness review and approval for partial window and door replacement (Mediterranean Ballroom) as part of a Historic Preservation Ad Valorem Tax Exemption for the Breakers.

Ms. Pardue provided staff comments for this project.

Call for disclosure of ex parte communication: There was no disclosures provided.

Jason Skinner, Dailey Janssen Architects, presented the plans proposed for the window replacement to the existing commercial structure.

Jamie Crowley, Attorney for The Breakers, discussed the materials and items to be replaced in the ballrooms at the hotel.

Ms. Patterson called for public comment.

Emily Stillings, Murphy Stillings, stated that because the project was a tax abatement project, the changes should align with the Secretary of Interior's Standards. She expressed her concerns with some of the changes proposed that she believed did not align with these standards.

Aimee Sunny, Preservation Foundation of Palm Beach, said the Preservation Foundation's President and CEO, Amanda Skier, recently moderated a panel to discuss the wonderful restoration of the Breakers and how spectacular the restoration had been to maintain this remarkable landmark. The windows in this structure were magnificent and were in a very visible area. These historic windows could not be replicated. However, if replaced, the Preservation Foundation would like to see the windows replaced with wood and the same operability in keeping with the existing standards. She cautioned that the current proposal was for bronze, insulated multi-glass, which would have a blue-green reflective property, which she believed was not in keeping with the preservation efforts. She strongly encouraged a clear, monolithic impact glass with no tint.

Ms. Herzig-Desnick asked to see the other facades in the courtyard. The horizontal bar that was explained as necessary for structural purposes was bothersome to her. She requested a look at other areas of the courtyard to see how the other windows compare. Mr. Crowley responded that the other

windows were painted white. Ms. Herzig-Desnick stated she would like to see all facades inside the courtyard to determine how radically different the new windows would be.

Ms. Damgard asked about the maintenance of a Hartman-made mahogany window. The professional said with a stained, mahogany product, refinishing would be required at least annually. The proposed product would have to be cleaned every year but would only need refinishing approximately every ten years.

Ms. Patterson stated she had mahogany wood windows in her home on the ocean. She stated she must maintain her windows but not every year.

Ms. Moran asked if the plan included a replacement of all windows in the courtyard plan. She also noted the structure was a national historic landmark. Her preference would be for the windows to be clear with stained wood.

Mr. Segraves thought the priority would be using clear glass.

Motion made by Ms. Moran and seconded by Mr. Segraves to approve the project, with the exception of using solid wood on both sides and that clear, monolithic glass shall be used for the windows.

During the roll call vote, Mr. Segraves withdrew his second to the motion. Mr. Wong then provided a second to the motion.

Motion failed 3-4, with Mr. Segraves and Mses. Albarran, Damgard and Metzger dissenting.

Motion by Mr. Segraves and seconded by Mr. Wong to approve the project, with the conditions that the windows shall be clear monolithic glass and that the window frames could be aluminum clad in the bronze color to match the existing with wood interior, with the existing mullion pattern be used to match the drawings. Motion carried 5-2, with Mses. Patterson and Moran dissenting.

C. HISTORICALLY SIGNIFICANT BUILDINGS - OLD BUSINESS

1. HSB-22-011 (ZON-22-122) 141 AUSTRALIAN AVE. (COMBO)

The applicant, Gregory James Pamel, has filed an application requesting Landmarks Preservation Commission review and approval for proposed exterior alterations to a Historically Significant primary structure, and for the demolition and reconstruction of an existing two-story nonconforming accessory structure in the rear yard, including variances for setback, height, number of stories, and Cubic Content Ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *(This project was deferred to January 18, 2023, Landmarks Preservation Commission meeting at the request of the applicant.)*

Please note: This item was deferred to the January 18, 2023 meeting at the Approval of the Agenda, Item V.

D. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

None

X. DESIGNATIONS

1. ITEM 1: 205 Jamaica Lane

Owner: William K. Tomita

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history of this Mid-Century Modern style home. Ms. Stillings pointed out the design features of this building. Ms. Stillings testified that the building 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 of use of indigenous materials or craftsmanship;

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

Call for disclosure of ex parte communication: There were no disclosures at this time.

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

Motion made by Ms. Moran and seconded by Ms. Albarran to make the designation report for 205 Jamaica Lane part of the record. Motion carried unanimously, 7-0

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

Mr. Tomita, the owner of the home, discussed his opposition to the designation. He provided several reasons for his opposition, which included the lack of insurance, and the home being below FEMA elevation. He was concerned about the long-term financial implications that would be associated with having a landmark home. The property was a “tear down” when it was purchased and therefore, insurance coverage was not pursued at the time of purchase. Recently, Mr. Tomita indicated he has been repeatedly denied insurance coverage for the property.

Aimee Sunny, Preservation Foundation of Palm Beach, provided a suggestion to the homeowner that could assist him in obtaining homeowner’s insurance. She also spoke about incentives associated with the tax abatement program. She also stated that the homeowner would have the option of demolition. She thought the home was an excellent example and should be landmarked.

Mr. Herzig-Desnick thought that landmarking a home did have benefits beyond financial reasons.

Mr. Segraves asked if the home had been modified, such as additions. Ms. Stillings stated that there had been modifications, but she felt the home retained its integrity. Mr. Segraves thought the home would meet the criteria of landmarked status. Since the homeowner could demolish the home, he did not believe the landmarked status would harm the homeowner.

Mr. Wong could see that the windows had been changed in the home. He thought that if the home was landmarked, the next owner could make changes to the home under the benefits of the landmarks program.

Ms. Moran thought that the landmarked status would provide more benefits to the homeowner. She outlined the advantages of the landmarked program. She thought the style was one of the least represented in Town, as well as one of the least represented architects in the history of the Town. She was in full support of landmarking the proposed home.

Ms. Albarran stated she loved the vertical element of the home. She was in favor of landmarking the home to have the architect represented in the Town. She reiterated that the home could be demolished under the new bill.

Mr. Tomita inquired if the new house bill was repealed, how would it change his status.

Town Attorney Randolph stated he believed the law would still apply to the homes in the queue during the transition of the law.

Ms. Patterson thought the homeowner made a good choice in selecting his home. She was in favor of the home and agreed with many of the other Commissioners' comments. She stated that she did not believe the landmarked status would be a detriment to the homeowner. She thought the homeowner could be a good example for the neighborhood.

Motion made by Ms. Damgard and seconded by Ms. Albarran to recommend 205 Jamaica Lane 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 acknowledgement of owner opposition. Motion approved by roll call vote, 7-0.

XI. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

Aimee Sunny, Preservation Foundation of Palm Beach, announced that the Phipps Ocean Park project was approved at the Town Council meeting in December, with exception of the Pickleball courts, which would return to the Town Council in February. She indicated that the construction would begin in June 2023.

XII. COMMENTS OF THE LANDMARK COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT

None

XIII. NEXT MEETING DATE: Wednesday, January 18, 2023.

XIV. ADJOURNMENT

Motion made by Mr. Segraves and seconded by Ms. Moran to adjourn the meeting at 12:27 p.m. Motion carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, January 18, 2022, 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 'S. Patterson', with a long horizontal stroke extending to the right.

Sue Patterson, Chair

LANDMARKS PRESERVATION COMMISSION

kmc