



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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, SEPTEMBER 20, 2023.**

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 9:32 a.m.

II. ROLL CALL

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

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Sarah C. Pardue, 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.

Ms. Patterson introduced a new staff member in the Planning, Zoning and Building Department, Friederike Mittner.

Wayne Bergman, Director of the Planning, Zoning and Building Department, provided Ms. Mittner's resume to the Commission and stated he was pleased that Ms. Mittner has joined his team as the Design and Preservation Manager.

IV. APPROVAL OF MINUTES

A. Minutes of the August 16, 2023, Landmarks Preservation Commission Meeting

Motion made by Ms. Damgard and seconded by Ms. Metzger to approve the minutes of the August 16, 2023, meeting. Motion carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

Ms. Pardue stated that two late discussion items were added to the agenda. The subject of these items was regarding the consideration of properties for landmark status, and the review and demolition process for landmarked properties.

Motion made by Ms. Damgard and seconded by Ms. Metzger to approve the agenda as amended. 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. COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS

No one indicated a desire to speak.

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

No one indicated a desire to speak.

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

No one indicated a desire to speak.

X. PROJECT REVIEW

A. DEMOLITIONS AND TIME EXTENSIONS

1. **COA-001-2021 1200 SOCEAN BLVD (COMBO) – EXTENSION OF TIME** The applicant, Jeffrey & Mei Greene, has filed an application requesting a Certificate of Appropriateness review and approval for a One (1) year Extension of Time for a previously issued COA for a two-story addition to an existing Landmarked guest house. (ORIGINALLY APPROVED AT THE JANUARY 20, 2021 LPC MEETING) APPLICANT HAS WITHDRAWN THIS REQUEST.

Please note: This project was withdrawn under Item V., Approval of the

Agenda.

B. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

NONE

C. CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS

1. **COA-23-030 130 BRAZILIAN AVE** The applicant, 145 Clarendon LLC, has filed an application requesting a Certificate of Appropriateness for the relocation of an existing vehicular gate with the addition of matching panel and modifications to the existing hardscape.

Ms. Pardue provided staff comments for this project.

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

Clerk's note: Ms. Albarran declared a conflict of interest for the project and left the dais.

Jacqueline Albarran, SKA Architect + Planner, presented the architectural modifications proposed for the landmarked residence.

Ms. Moran indicated her favor of the project.

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

Mr. Ives asked for clarification to make sure the existing gate would be removed. Ms. Albarran stated that the existing gate would be relocated.

Clerk's note: Ms. Albarran clarified her conflict of interest for the project.

2. **COA-23-033 100 FOUR ARTS PLAZA.** The applicant, Society of the Four Arts Inc, has filed an application requesting a Certificate of Appropriateness review and approval for the installation of a 7-foot-high sculpture known as the Short-Tailed Peacock in the Hulitar Garden.

Ms. Pardue provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by Mr. Ives.

Harvey Oyer, an attorney for the applicant, presented the proposal for a new sculpture in the Hulitar Garden.

Dr. Philip Rylands, Society of the Four Arts, discussed the importance of the sculpture.

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

Mr. Ives asked about the wall and hedge heights adjacent to the sculpture. Mr. Oyer responded. Mr. Ives asked about the removal of a tree on the southeast corner. Ms. Pardue responded and discussed the removal of the tree. Mr. Ives asked about the replacement of some of the existing roof tiles. Mr. Oyer explained the replacement.

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

3. **COA-23-039 400 S OCEAN BLVD** The applicant, 400 S Ocean 205 206 LLC, has filed an application requesting a Certificate of Appropriateness review and approval for the tile replacement of the 2nd and 4th floor balcony tile of a Landmarked condominium.

Ms. Pardue provided staff comments for this project.

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

Gene Pandula, architect, on behalf of the applicant, presented the architectural modifications proposed for the landmarked residence.

Ms. Patterson called for public comment.

David Missner, 400 S. Ocean Blvd, discussed the lack of maintenance on the building and his mission to repair the building. He discussed the repair and replacement of the material for the balconies. He said as the Board's Director, he had a responsibility to protect the residents. He advocated for the proposed porcelain tile.

Amanda Skier, Preservation Foundation of Palm Beach, expressed her recommendation to consider what was originally proposed for the building, which was to keep the 24 x 24-inch tiles. She asked Mr. Pandula if he would consider cutting the material to install 24 x 24 square tiles. He replied that he preferred to keep the 24 x 48 tiles, as the 24 x 24-inch tiles would double the number of joints. Mr. Pandula discussed his intent for the tile installation. Ms. Skier thought the pattern was important for historic restoration.

Ms. Moran preferred the 24 x 24-inch square tiles but wondered how the tile would be laid if kept at the 24 x 48-inch tile size.

Maura Ziska, attorney for the applicant, clarified that only the balconies would receive the new tile; there would be no changes to the interior material. Ms. Ziska showed a diagram of the balconies and indicated that all work would be exterior.

Ms. Moran stated she would prefer a concrete slab or the 24 x 24-inch tiles over the proposed size.

Ms. Damgard expressed concern for the many different floorings in the landmarked building. She also thought the 24 x 24-inch tiles were most appropriate. Ms. Ziska discussed the reason for the proposed material.

Mr. Griswold asked about the size of the interior tile. Mr. Pandula responded and discussed the existing material. Mr. Griswold thought the tile size was important, so he favored the 24 x 24-inch tiles.

Mr. Ives agreed with Ms. Skier and thought the 24 x 24-inch size was most important.

Ms. Herzig-Desnick agreed with the 24 x 24-inch size tiles. She asked about the percentage of the balconies that would be receiving the tile replacement. Mr. Pandula responded and discussed the replacement.

Mr. Pandula stated the applicant agreed to the 24 x 24-inch size tile replacement.

Ms. Albarran was glad that all the balconies would be matching. She asked that any future replacements would be made with matching material. She also agreed the 24 x 24-inch size was most important.

Ms. Patterson thought painted concrete would be most appropriate. However, her second choice would be the 24 x 24-inch size tiles. She thought the proposed tile was due to the existing travertine tiles. However, she recommended considering white concrete.

Ms. Damgard was not fully supportive of the proposed porcelain tile and believed it did not enhance the building.

Discussion ensued about the proposed material versus what originally existed in the building.

Motion made by Ms. Moran and seconded by Ms. Metzger to approve the project, with the condition that the tile is cut to 24 x 24-inch squared, and if the tile is unable to be cut, the applicant shall return to the Commission for approval of another material. Motion carried 6-1, with Ms. Damgard dissenting.

D. HISTORICALLY SIGNIFICANT BUILDINGS - OLD BUSINESS
NONE

E. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS
NONE

Clerk's Note: The Commission took a short break at 10:49 a.m. The meeting resumed at 10:54 a.m.

XI. DISCUSSION ITEMS

1. Discussion Regarding Revisiting Properties Once Considered for Landmarks but Not Designated.

Mr. Berman updated the Commission on revising the properties for landmark status that were once considered but not designated. Mr. Bergman stated that there are about 97 properties on the initial list, that will need to be reviewed and vetted by the staff. Once the list is reviewed, the staff will present the list to the Commission. The Town Council asked that the program be voluntary, and a letter will be sent to the property owner from the mayor. Once the property owner receives the letter and perhaps is contacted by the Preservation Foundation, the staff will gauge the interest of the property owner and will report back to the Commission.

2. Discussion Regarding the Review Process and Demolitions for Landmarked Properties.

Mr. Berman discussed the path forward for the demolition of landmarked buildings. He thought Chair Patterson's list of recommendations was a great start.

Ms. Patterson's list of recommendations to refine the current policies included the approval of the LPC agendas by the Chair or designee, more detailed applications and plans when the demolition is of a certain percentage of the existing structure, enhanced

elevations, and renderings of proposed demolition will be provided, separate motion for demolition projects, the periodic review of all landmarked properties under construction to make sure everything is in compliance with the approved plans, requested a construction plan of the entire scope of work, better define a COA modification and when a project should return to the Commission for approval (application can be fast-tracked), at the request of the Commission, the structural engineer's report can be independently verified by another structural engineer at the owner's expense, and revise the COA application to require more detailed information.

James Murphy, Assistant Director of the Planning, Zoning and Building Department, stated that the review of the agenda by the Chair would mostly occur when an update or modification to a COA would be placed on the agenda. He thought the Chair's list was a good start.

Amanda Skier, Preservation Foundation of Palm Beach, thought there was a proper path for the demolition of a landmarked building, which was a modification to the originally approved Certificate of Appropriateness. She thought the Commission should be given ample information to make an informed decision, including a forthright presentation of evidence by the applicant. She said that many different changes could strengthen the landmarks program. She also indicated that the Foundation did not want to make the program more challenging for applicants. She discussed the changes that the Foundation supported.

Mr. Bergman discussed a possible Code change for Chapter 54, outlining a process for modifying a Certificate of Appropriateness.

Mr. Murphy discussed the immediate changes that the staff had been making over the last eight weeks.

Mr. Ives was in favor of the suggestions by Ms. Patterson. Mr. Ives thought that the historical photographs and photographic evidence of the changes over the years would be helpful for the Commissioners to understand the proposed changes. He also provided a caution in making the process onerous for property owners. Along with education for the Commissioners, he thought the highs and lows of the Commission should be explained to new Commissioners.

Ms. Moran also thought it was important not to overburden the applicant. She thought the design matrix manual should be updated to include an update to the Commission when the means/methods of construction are changed. She thought the Town should be able to hire an engineer to provide independent feedback on the structural reports. She made recommendations on changing the application. She asked about extensions of building permits for COA approvals.

Mr. Bergman discussed the timeline for a COA development order and the timeline for a building permit. Mr. Murphy also discussed the timeline to apply for a building permit once a development order has been issued.

Mr. Griswold agreed with Ms. Skier's recommendations and thought clearer plans were important. He wondered if the Town could hire an engineer to review the

structural engineer reports. He also worried about additional burdens being placed on the applicant.

Ms. Herzig-Desnick thought the burden should be commensurate with the project size.

Ms. Metzger agreed with Mr. Griswold that the location of the changes could direct how important the change is to the Commission.

Ms. Damgard thought the process had worked fairly well, and she did not believe overcomplicating the process was warranted at this time.

Ms. Albarran thought the process had worked well and hoped any changes would not hinder the process.

Ms. Patterson called for public comment.

Maggie Zeidman, Town Council President, acknowledged the passion of the Commission. She talked about how the Town had weathered a storm, and it was a very emotional time. However, she thought the Town would be better if everyone remembered what happened while strengthening the processes and procedures. She thought it was important for the Commission to review the plans for the Playhouse once again.

Anita Seltzer, 44 Cocanut Row, spoke of concern about the late addition of the discussion items on the agenda before the meeting. She thought more public discussion on the item was warranted. She spoke in favor of the new eComment feature. She hoped the changes would be brought to the Commission so that the public could also have an opportunity to comment on the changes.

Ted Cooney, 251 Royal Poinciana Way, shared the concerns for overburdening the process or slowing the applicant down. He understood the tough balance of this process. He thought site visits and enhanced communication were important to the review process.

Ms. Patterson recapped the discussion and stated that staff would work on the items discussed. The discussion would continue at a future meeting.

XII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

A. Public

No one indicated a desire to speak.

B. Staff

No one indicated a desire to speak.

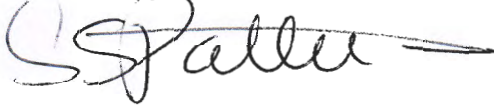
XIII. NEXT MEETING DATE: Wednesday, October 18, 2023

XIV. ADJOURNMENT

Motion made by Ms. Damgard and seconded by Ms. Moran to adjourn the meeting at 11:40 a.m. Motion carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, October 18, 2023, 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>		☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
COUNTY <i>Palm Beach</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
DATE ON WHICH VOTE OCCURRED <i>September 20, 2023</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 September 20, 20 23:

(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:

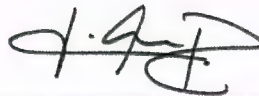
COA - 23-030

130 Brazilian Avenue

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.

9-26-2023

Date Filed



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.