

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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, JULY 19, 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 9:30 a.m.

II. ROLL CALL

Sue Patterson, Chair	PRESENT
Jacqueline Albarran, Member	PRESENT
Anne Fairfax, Member	ABSENT (Unexcused)
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	PRESENT
Alexander Ives, Alternate Member	PRESENT

Staff Members present were:
Sarah C. Pardue, Design & Preservation Planner
Kelly Churney, Acting Town Clerk
Janet Murphy, Preservation Consultant
Emily Stillings, Preservation Consultant
John C. Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A. Minutes of the June 21, 2023, Landmarks Preservation Commission Meeting

Motion made by Ms. Damgard and seconded by Ms. Moran to approve the minutes of the June 21, 2023, meeting. Motion carried unanimously, 7-0.

V. **APPROVAL OF THE AGENDA**

Ms. Pardue requested to remove COA-23-029, 363 Cocoanut Row, Vineta Hotel, from the consent agenda and to hear the item.

Motion made by Ms. Moran and seconded by Ms. Damgard to approve the consent 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**

Ms. Damgard stated that there was much more demolition at the Royal Poinciana Playhouse than what she believed the Commission had approved. She discussed what she had witnessed on the construction site.

Wayne Bergman, Director of Planning, Zoning and Building, stated that there were three projects that staff was aware of situations where demolition had gone beyond what was approved. These projects included the Royal Poinciana Playhouse, the north fire station, and a home on Monterey Road. He stated that staff would ask the representatives of all three properties to attend the August meeting to explain the demolition. Mr. Bergman stated that the staff would halt any demolition that has not been approved.

Ms. Damgard stated that she noticed the large tree in front of the Four Arts Hultar Garden had been removed. She wondered if the removal of the tree needed approval from staff, from the Commission, or if it was removed without approval. Mr. Hodges stated that the staff would investigate the removal.

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

No one indicated a desire to speak.

IX. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

1. **COA-22-026 (ZON-22-070) 241 SEAVIEW AVE (COMBO) – EXTENSION OF TIME.** The applicant, Palm Beach Day Academy Inc, has filed an application requesting a Two (2) year Extension of Time for a previously issued COA for a new surface parking lot, new parking gates and lighting plan, to replace a portion of the west lawn and the construction of a new PVC fence along the north property line. (ORIGINALLY APPROVED AT THE JUNE 22, 2022 LPC MEETING).
2. **COA-23-020 350 WORTH AVE - THE EVERGLADES CLUB.** The applicant, Everglades Club Inc, has filed an application requesting a Certificate of Appropriateness for the removal and replacement of the existing roof as part of a multi-phase project, specifically Phase 3: continued removal and replacement of existing roof at Unit G, Loggia, Art room, Mizner room, Unit D, and Unit D Living. A Tax Abatement application has also been filed as part of the project.

3. **COA-23-022 347 WORTH AVE - THE EVERGLADES CLUB.** The applicant, Everglades Club Inc, has filed an application requesting a Certificate of Appropriateness for the removal and replacement of the existing roof as part of a multi-phase project, specifically Phase 3: continued removal and replacement of existing roof at Dorm 1, 351 Worth Ave., UVP 1, VP 1, VP 66, VP 14, VP 20 and VP 5. A Tax Abatement application has also been filed as part of the project.
4. **COA-23-029 363 COCOANUT ROW - THE VINETA HOTEL.** The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting a Certificate of Appropriateness to alter the color of the previously approved windows from green to white and modifications to the east elevation facing the pool deck, specifically three new service doors and the coordination of the historic window locations.
Please note: This item was pulled from the consent agenda and was not included in the consent agenda approval.

Motion made by Ms. Moran and seconded by Ms. Damgard to approve the consent agenda as amended. Motion carried unanimously, 7-0.

Item pulled from consent:

COA-23-029 363 COCOANUT ROW - THE VINETA HOTEL. The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting a Certificate of Appropriateness to alter the color of the previously approved windows from green to white and modifications to the east elevation facing the pool deck, specifically three new service doors and the coordination of the historic window locations.

Ms. Pardue provided staff comments for this project.

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

Nelo Freijomel, Spina O'Rourke + Partners, presented the architectural for the modifications proposed for the commercial structure.

Ms. Damgard did not have an issue with the proposed change.

Ms. Patterson stated that she liked the green windows.

Ms. Albarran was supportive of the white windows.

Ms. Herzig supported the changes but thought the white windows made the building a bit bland.

Ms. Moran was supportive of the changes.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, stated as an easement

holder on the building, the Foundation supported the change to the white windows and thought there was historical evidence to support the change.

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

B. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

1. **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 a new three-story mixed-use (retail and four residential units) development with two subterranean parking levels to replace an existing surface parking lot, including multiple variances including setbacks, height, open space, among others. Additionally, a variance to permit residential uses on the first level in the C-TS zoning district in lieu of the above the first-floor requirement has been added since originally advertised. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by several members. Mr. Griswold recused himself due to a conflict of interest.

Emily Stillings, Preservation Consultant, stated that because the application had not been received, looking at interior design review considerations would be inappropriate. There was a different set of criteria in addition to the regular COA criteria, and without the application, it would be difficult to look at both criteria.

Ms. Patterson asked Mr. Crowley about the removal of the tax abatement application. Mr. Crowley responded.

There was discussion surrounding the idea that the Town Council should look at the project prior to the Commission due to the extensive nature of the project and the multiple variances being sought.

Mr. Randolph advised that the Commission did not need to approve anything today, but it would be appropriate to hear the presentation and discuss the project.

Jamie Crowley, attorney for the applicant, explained the variances requested for the project and advocated for a positive recommendation to the Town Council.

Daniel Lobitz, Robert A.M. Stern Architects, presented the proposed architectural plans for the additional homes next to the Paramount Theater.

Gene Pandula, consultant and architect, stated that, in his view, the project was appropriate for the site, and it complied with all of the requirements for the issue of a Certificate of Appropriateness. In April, Mr. Pandula discussed the history of the site. He believed this was an opportunity to give the building life since it

was at the end of another forty-five-year lifespan. The building was an architectural gem and had been a part of the community for decades. He stated that historic preservation was about modulated change rather than freezing buildings in time.

Rene Silvin, historical consultant, acknowledged the difficult challenge facing the Commission with the project. He shared some history of the property and urged the Commission to carefully consider approving the project. Mr. Silvin respected the owners and their motives; he doubted that Palm Beach would be approached by a more sincere and dedicated local ownership team with the means and staying power to complete the ambitious project.

Ms. Patterson called for public comment.

John Eubanks, attorney representing the Leverett House Condominium owners, presented objections to the proposed project, and showed items on the overhead projector to demonstrate the objections.

Jamie Gavigan, attorney representing the Sun and Surf 100 and 130 Condominium owners, presented objections to the additional buildings, the mass and height of the homes, and the additional traffic. He said his clients were not opposed to renovating and preserving The Paramount Theater. However, they opposed the massing and height of the additional buildings.

Jane Day, Preservationist, discussed the renovation of the Paramount and discussed the importance of the tax abatement application to be heard in conjunction with the application.

John Metzger, representing on behalf of the Babbitts at 175 Sunset Avenue, stated that they did meet with the development team. He said the items raised were items he asked to be changed, which they said they could or chose not to do.

Aimee Sunny, Preservation Foundation of Palm Beach, expressed her appreciation to the applicant for allowing dialogue regarding the project. She stated that the Foundation believed the design still needed further revisions to increase the compatibility with the Paramount Theater. She requested further reductions in the height and square footage of the additional homes. She further explained that the applicant would need several variances to build a good, compatible, urban building. Ms. Sunny thought the design of the third floor was an important topic for discussion. She urged the Commission to place a condition of approval on the Paramount Theater relating to any demolition.

Skip Aldridge, 2295 S. Ocean Blvd., spoke in favor of having a local ownership team who wanted to restore the Paramount Theater. He also stated that he understood the need to have both retail and residential space in the project to be able to fund such a large renovation. He was also sympathetic to the neighbors.

Anita Seltzer, 44 Cocoanut Row, questioned whether the Paramount Theater needed restoration. She inquired about the ADA accommodations for all the

buildings. She placed several images on the overhead projector and outlined questions on the design. She thought the application should be reviewed by the Town Council prior to the Commission's review.

Mr. Crowley discussed the outreach his team has had with the neighbors.

Tony Cummings, WEG Paramount LLC, addressed the Commission, stating they wanted what was best for the community and had been trying to develop a good design. He spoke about some of the outreach that had been done and some of the concessions made as a result.

Mr. Metzger discussed his meeting with the development team. He discussed the impacts on the Babbitts and what requests of his clients that the development team could not address.

Ms. Moran appreciated the model. She thought the scale was still a bit off and the third floor of the home could be modified with more whimsy. She thought the project should be heard at the Town Council level before any approval at the Commission level.

Mr. Ives believed the owners wanted to be honest and have good relationships with the community. Mr. Ives emphasized the importance of receiving more information on the tax abatement because it would impact the design. He thought the design of the four townhomes was too similar and had boxy-like shapes. He requested a full redesign of the townhomes.

Mr. Wong liked the design and thought it would work very well within the context of the street. He suggested using a flat roof with added follies, which would be nice for Sun and Surf residents.

Ms. Albarran agreed with the Commission and felt very positive about the project. She thought the scale still needed some work. On the street, Ms. Albarran was in favor of bringing back the arcade walkways; she discussed historical buildings in the same area that had arcades that had been demolished.

Ms. Damgard said the arches were adding charm back to the street. She acknowledged the reduction in scale of the houses but still thought they were too large.

Ms. Herzig-Desnick thought the project expectations would become clearer after the Town Council provided direction and set some parameters. She had a problem with the independent homes in an urban streetscape. She thought the houses needed to be smaller and more integrated.

Ms. Metzger thought the townhouses were too large. She thought comparing the mass of the townhomes with other structures in the neighborhood would be helpful.

Mr. Lobitz presented the project's streetscape and the site plan. These images showed the width of the proposed buildings. He discussed how the proposed buildings would compare with existing buildings in the area.

Ms. Moran commented on the drawings and said that she thought that since the first presentation, some positive changes had been made, and she liked the rhythm being created.

Ms. Patterson commented that the idea of having something lighter, more whimsical, and folly could be a nice addition to the project.

Motion made by Ms. Moran and seconded by Ms. Albarran that the project shall be deferred until the Town Council can act on the variances and special exception requests. Once approved by the Town Council, the project shall return to the Commission with a complete application, including the tax abatement application, if applicable. Motion carried unanimously, 7-0.

Please note: A short break was taken at 11:26 a.m. The meeting resumed at 11:47 a.m.

C. CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS

NONE

D. HISTORICALLY SIGNIFICANT BUILDINGS - OLD BUSINESS

1. **HSB-22-012 (ZON-22-121) 428 CHILEAN AVE - FLOODPLAIN VARIANCE (COMBO)**. The applicant, David Mooney, has filed an application requesting a Landmarks Preservation Commission review and approval for modifications and an addition to a Historically Significant Building, requiring variances from the Floodplain requirements from Chapter 50, Floods, for the required floor elevation of the existing structure and addition to remain below FEMA requirements, and a variance to exceed maximum wall height for equipment screening. Town Council shall review the application as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by Mses. Albarran, Metzger, and Mr. Ives

Luigi Vitalini, Vitalini Corazzini Architects, presented the proposed architectural plans for modifying the existing residence.

Scott Brown, Landscape Architecture Design, presented the landscape and hardscape changes proposed for the site.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, indicated her appreciation to the architect for his willingness to work with her on deriving a reasonable plan for the proposed addition to the existing home. She recommended the clipped

gable roof on the addition and the wall-mounted trellis. She also liked the paired columns presented in the connection piece. She also thought the gate and fencing were a bit ornate for the style of the home.

Ms. Damgard asked for clarification on a drawing. Mr. Vitalini responded. She agreed with Ms. Sunny that the gate and fencing seemed a bit ornate on the home.

Ms. Albarran was in favor of the shorter trellis and the clipped gable. She pointed out an issue with the drawing involving the connection piece. Mr. Brown said the floor plan was correct and understood what Ms. Albarran referred to in the drawing. Ms. Albarran asked if the proposed fence surrounded the entire property. Mr. Brown responded, saying the fence was currently chain link and would be replaced with an aluminum fence.

Ms. Moran thought the roof heights were still too high; she did not feel the addition was subordinate. The columns were too big, and she was not in favor of the trellis. She thought she would have liked the project much better if the two buildings were not connected. She thought the addition was big and would look better removed from the main home. She was not in favor of the trellis and thought it was awkward. Ms. Moran did not believe the addition was a modest one, in her opinion.

Mr. Griswold thought the architect had listened to the feedback from the last meeting. He agreed that the front gate was too fancy; he recommended a wood gate.

Mr. Wong thought the trellis over the garage with the brackets looked best.

Mr. Ives agreed with Ms. Moran and thought the project was awkward.

Ms. Patterson thought the architect did a good job of listening to the comments. However, she slightly agreed with Ms. Moran and Mr. Ives. She thought the two rooflines were too similar. Ms. Patterson thought the breezeway should be closed in, at least partially. She liked the trellis over the garage but wished the connection piece was more closed in.

Mr. Griswold suggested boxing in the columns and with shingles added to the exterior of the columns; he believed it could scale down the mass. He also thought a different roof material or color could help to differentiate the buildings.

Mr. Wong thought the house had two different styles, with the two columns in the front. He suggested using varied elements of architecture to make the structure better and differentiate the buildings.

Ms. Herzig-Desnick questioned the columns in the breezeway, as well as the iron gate. She recommended screening the breezeway. She was not in favor of the proposed front door.

Ms. Metzger thought the modifications were huge improvements to the home.

Ms. Moran recommended changing the connection to appear more modern. She was not in favor of the columns below.

Mr. Vitalini stated he could eliminate the columns. He recommended adding folding doors.

Motion made by Ms. Albarran and seconded by Ms. Damgard to approve the project as presented, with the condition that the following items will return to the Commission on August 16, 2023: a cut gable, a bracketed trellis and a restudy of the front door. Motion carried unanimously, 7-0.

Motion made by Ms. Damgard and seconded by Albarran that implementation of the proposed variance will not cause negative architectural impacts to the subject historical property. Motion carried unanimously, 7-0.

Motion made by Ms. Damgard and seconded by Ms. Albarran that Variance ZON-22-121 relating to the floodplain, shall be granted and find in support thereof that all other criteria applicable to this application as set forth in Chapter 50 Sections 116-117 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously, 7-0.

E. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

NONE

X. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

A. Public

No one indicated a desire to speak.

B. Staff

No one indicated a desire to speak.

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

There were no comments heard at this time.

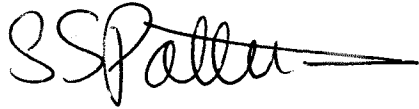
XII. NEXT MEETING DATE: Wednesday, August 16, 2023

XIII. ADJOURNMENT

Motion made by Ms. Damgard and seconded by Ms. Albarran to adjourn the meeting at 12:45 p.m. Motion carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, August 16, 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", followed by a horizontal line 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>Griswold, Alexander</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>	
MAILING ADDRESS <i>161 Main Street</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>July 19, 2023</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, Alexander Griswold, hereby disclose that on July 19, 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, Anthony Cummings - Development Partner;
- ☐ 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-23-003 (ZON-23-020)
139 N. County Rd (Combo)
The Paramount Theater
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.

July 19th 2023
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.