

1. **ITEM 1: 262 SUNSET AVE.**

Owner: NED 262 Sunset LLC

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

Ms. Murphy, MurphyStillings, LLC, testified to the architecture and history of this Prairie-style structure. Ms. Murphy pointed out the design features of this building. Ms. Murphy 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, or use of indigenous materials or craftsmanship.

A motion was made by Ms. Moran and was seconded by Ms. Damgard to make the designation report for 262 Sunset Avenue 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 public comment on the designation.

John Rice, an attorney on behalf of NED 262 Sunset LLC, asked that Attorney Jamie Crowley's letter transmitted on April 18, 2023, be made a part of the record. Mr. Rice indicated that while the owner supported the landmark designation program, he was surprised to see his property under consideration. Mr. Rice provided a background of the property and outlined why he believed the property did not meet the criteria for designation. He pointed to the 2020 Master Site Survey, stating that the building did not meet the district criteria. Mr. Rice also summarized several procedural concerns as well. Mr. Rice restated the criteria he felt the property failed to meet.

Town Attorney Randolph confirmed that the attorney had the right to defer the hearing if he felt he had not received property notice. Mr. Rice stated that he was aware of the hearing and would like to move forward.

Mr. Rice provided objections to criteria 1 and 3, which Ms. Murphy indicated was the basis of the landmark designation. Mr. Rice read the Town's Comprehensive Plan, which ensured that only buildings that had architectural or historic significance were designated as a landmark of the Town of Palm Beach.

Ms. Murphy indicated that Mr. Rice's research was based on a report from ESI, completed in 2020. She indicated that ESI's research was not exhaustive of each property; ESI indicated in their report that more research on each property could yield further results. Ms. Murphy indicated that MurphyStillings performed an exhaustive survey of the property at 262 Sunset Avenue. She further indicated that the property was listed as a contributing property in a National Register Historic District, which was reviewed at the state and federal level.

Gene Pandula, architect representing the owner, discussed the property's history of not being recommended for landmark status over the last 40 years. He discussed the changes to the building, which began in the 1970's and continued over several years. He argued that the building had lost its spirit due to the modifications over the years.

Ms. Mittner argued that the Commission had landmarked buildings in the past with the understanding that reversible items could be removed.

Mr. Pandula did not believe it was a good precedent to landmark a building with the caveat that the future owner must reverse items to restore it to its historic nature.

Aimee Sunny, Preservation Foundation of Palm Beach, thought that the building was not grand or elaborate; however, she thought the building told a strong story about Palm Beach. She thought the Landmark Program protected buildings that represented different times, development, and architectural styles in Palm Beach's history. She stated that this building was the last remaining example of its time on the street. She agreed that the ESI survey was more of a windshield survey, not an in-depth survey. She thought this was a textbook example of the Prairie architectural style. She thought the changes over the years were minimal.

Mr. Ives did not believe there was a lack of notice in the procedures. He discussed a previous committee, in which he participated with Dr. Jane Day. He indicated that 262 Sunset Avenue was one of the properties that the committee discussed which they believed had an influence on the area. He did not believe the modifications were significant enough to not landmark the property. He thought the contribution of the building to Palm Beach was undeniable. Mr. Ives argued that the property was very important and advocated for the Commission to recommend it as a landmark.

Ms. Damgard felt strongly about the property, especially since it was the last example in the area. She thought the building had the charm of Palm Beach.

Mr. Griswold agreed with Ms. Damgard and Mr. Ives. He asked the attorney why the property could not be adapted for a different use. Mr. Rice stated that the building was going to be incorporated into the Town-Serving Commercial Use and unified with the adjacent property. Mr. Rice stated that the team paused all projects when the property was put under consideration.

Ms. Moran thought that fair notice had been provided. She also indicated that permits could be given while under consideration for landmark status. She thought the building was a clear example of what the street looked like in the 1920's.

Ms. Albarran agreed with her fellow members. She felt that this was an important representation of the street, and added it was important to maintain the history.

A motion was made by Ms. Damgard and was seconded by Ms. Herzig-Desnick to recommend 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 of owner opposition of the designation. The motion was carried unanimously, 7-0.