



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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, AUGUST 16, 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	PRESENT (Arrived at 9:34 a.m.)
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
Jordan Hodges, Design & Preservation Planner
Kelly Churney, Acting Town Clerk
Janet Murphy, Preservation Consultant

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A. Minutes of the July 19, 2023, Landmarks Preservation Commission Meeting

Motion made by Ms. Moran and seconded by Ms. Albarran to approve the minutes of the July 19, 2023, meeting. Motion carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

Ms. Pardue requested to move COA-23-026, 100 El Bravo Way, to the consent agenda.

Motion made by Ms. Moran and seconded by Ms. Albarran 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

Ms. Patterson stated that she was heartbroken about the recent demolition of the playhouse. She asked the community to try to accept the things that cannot be changed and look forward to future improvements. She reminded everyone that there would be ample opportunities to create a better system of checks and balances to help prevent similar issues.

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. DISCUSSION ITEMS

A. Demolition Discussion Regarding the Following Projects:

1. COA -22-032 300 N County Rd. - Fire Station #3

Paul Brazil, Director of Public Works, apologized to the Landmarks Preservation Commission (LPC) for not including them in a tour of the demolition, as was done for the Mayor and Town Council.

Mark Marsh, Bridges, Marsh & Associates, Inc., presented and discussed previous conditions of the structure. He detailed the items that would be reconstructed, replicated, and restored. He said that after obtaining an interior demolition permit, the contractor proceeded to expose several unsafe structural conditions that posed hazardous and life safety issues. The building was constructed in the late 1920's using clay, block, timber, brick, steel, and masonry blocks. He noted that Dave Carmo was present and would further discuss the life safety issues that had been identified. He stated that after individual tours, the Town Council members each thought that the unsafe conditions would need to be addressed and improvements made. He stated that the firehouse facility was a critical emergency response facility for the town, unlike other historic structures. He assured his commitment to overseeing the building and ensuring maintenance of the existing ornamentation, even in areas where it would have to be replicated.

Dave Carmo, construction engineer, reviewed the history of the building and provided pictorial depictions of structural problems found throughout the property. Mr. Carmo discussed this building's life safety issues and his intent to restore the building.

Wayne Bergman, Director of Planning, Zoning and Building, spoke about the elements that cause buildings to decay. He stated that historic preservation was the goal. However, the reality was that old building construction would often be found inadequate to prevent decay. He advised that FEMA and the Florida Building Code require heightened levels of new construction, even for historic buildings. Mr. Bergman discussed administrative approvals that occurred for the Fire Station and the project on Monterey. He stated that in the case of a Landmark staff-level approval, applications were reviewed by a team of professionals, which included the Town's consultants (MurphyStillings), and the Chair of the Landmarks Preservation Commission (LPC) as well as staff.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, felt it was unfortunate that the historic north fire station had been over-demolished. She said that during a meeting with the team, and through her research, she found the subject building to have been the oldest and continuously operating fire station in Florida. She expressed concern about the lack of transparency in presenting the discovered issues. She felt the life safety issues that were found in the structure should have been disclosed upon discovery. Ms. Sunny cited Code Section 54-96 – Emergency Demolition or Repairs, where a process is outlined for when emergency conditions have been found to be dangerous to life, health, or property and the notice requirements for such a situation. She was appreciative that the town staff had realized the need for additional communication about this life safety situation. Ms. Sunny said it was critical to maintain the authentic historic fabric of this building as much as possible. She also hoped and expected that consideration would be given to protecting every bit of the historic fabric possible and that any additional deviations that had to be approved would return to the Commission for review and approval.

Darrell Donatto, Fire Chief, had worked with Mr. Marsh to preserve the historical nature of the building. He said that during Hurricane Irma, a wall in the southeast corner of the building was visibly unstable. He said it was important for the Fire Department Building to be safe for the people occupying the structure, particularly during emergencies such as severe weather events.

Ms. Fairfax thought this was an opportunity to renew the process and make sure it would be followed. She thought the Commission intended to restore and maintain historic buildings in the Town. However, she thought there was an opportunity to make changes so that the Commission could be advised before any demolition, to address any questions being raised. She was confident that the Fire Station would be reconstructed appropriately and would be structurally sound.

Ms. Albarran appreciated that the presentation had demonstrated the condition of the building. She agreed with Ms. Fairfax.

Ms. Herzig-Desnick understood that buildings age, but she added that buildings also needed to be rejuvenated.

2. COA-22-003 (ZON-22-018) 340 Royal Poinciana Way

Keith Spina, Spina O'Rourke + Partners, provided an overview of the previous preservation project and discussed their commitment to reconstruct the structure as it was approved. He shared the history of who had been involved in the project and noted who made up the team.

Nelo Freijomel, Spina O'Rourke + Partners, spoke about the design intent of the building and stated that the project was being reconstructed as the Commission had approved it, and it would be a cultural arts center upon reopening. He presented a chronology of the project thus far. He stated that the floor plan had remained largely the same. Mr. Freijomel stated that this property was in a highly visible location, and he reminded everyone that a state-of-the-art cultural arts center would be constructed to include waterfront dining. He stated that the professionals were doing everything they could to preserve what was most architecturally significant while reconstructing where necessary to ensure the building would stand the test of time.

Wayne Bergman, Director of Planning, Zoning and Building, stated the Playhouse was a Design Class III Commercial Building, which meant the building posed a risk to the public or a significant disruption to the community should it ever be damaged. The rating was assigned since the building was a theater. He also noted this was a threshold building under state law, designated, and defined in F.S. 553. This state designation meant a building must meet the highest safety and structural integrity level. As such, the building design and the building permitted occurred under the Florida Building Code, Building, New Construction. Every part of this building structure must be designed and rebuilt or reinforced to meet new construction regulations. This project was never considered an alteration under the Florida Building Code. He stated that a structural engineer would have to inspect this structure due to its designation as a threshold building. He presented a timeline from receipt of the Certificate of Appropriateness to the point when it was found that existing walls and portions of the building's foundation were structurally compromised.

Jamie Crowley, attorney for the applicant at 340 Royal Poinciana Way, asked for time to reply to any public comments.

Ms. Patterson called for public comment.

Dr. Jane Day, a Preservation Consultant, provided some institutional knowledge of the Royal Poinciana Playhouse. She sent the Commission Members a chapter of her new book, *Palm Beach Style*, underwritten by the Preservation Foundation, for background information on the building and what it took to get it landmarked. She outlined two tasks for the Commission: 1) identify, designate, and recommend to the Town Council designations of buildings that should be protected, and 2) preserve what buildings were designated landmarks of the Town of Palm Beach.

Dr. Day pointed out a photograph from the Library of Congress of a mural located in the Playhouse. It was a 45' x 30' painting on canvas. She asked if there was power to

that portion of the structure or if the canvas should be removed and stored properly at another location. This was an important part of history by Robert Bushnell.

Dr. Day mentioned Four Winds, designated in 1919, on South Ocean Blvd. She noted that in 2004, parts of the original building were demolished and reconstructed. She provided some history from that project.

Amanda Skier, Preservation Foundation of Palm Beach, stated that every month, her staff appeared before the LPC as experts in historic preservation to advocate for the best possible outcome for each project on the agenda. Countless hours of staff time were spent working with applicants and providing resources from the preservation archives. The goal was to be proactive, not reactive. She stated that her organization believed a strong landmarks program protected the town's irreplaceable architectural heritage. Ms. Skier said there had been a breakdown in the required code process that resulted in the over-demolition of the Royal Poinciana Playhouse and caused an irreparable loss to the community. She noted that the Landmarks Commissioners and the Preservation Foundation had not been allowed to review the relevant facts that could have prevented the over-demolition. She said significant time was spent drafting a statement, which was presented to the LPC in February 2022 and to the Town Council in March. She expressed concern that no legal proceeding effort was made in November 2022, to notify the public of material changes in the plans. She also noted that there was no notice of a modification to the Playhouse's Certificate of Appropriateness, nor any backup information provided to the Commission or the public. If that process had been properly followed, the Preservation Foundation would have been involved.

Harvey Oyer, attorney on behalf of the Preservation Foundation of Palm Beach, stated the executive committee had engaged him to look at how the over-demolition of the playhouse occurred. Mr. Oyer stated that if the Playhouse could be over-demolished without a hearing and without approval by the LPC, something was very broken in the Town's historic preservation process. He stated that the breakdowns needed to be identified and repaired immediately. There were three situations simultaneously, which demonstrated that the process was not working. Mr. Oyer presented a flow chart of events leading to the subject demolition project. He also presented the Town's Project Designation Manual Matrix, which demonstrated how demolitions might occur, which was only by approval of the Architectural Review Commission (ARCOM) or, in the case of a designated structure, the LPC. He also discussed Section 54-98 of the Town's code, which could be used for demolition authorization. Mr. Oyer opined that whether it was intended, the applicant illegally expanded the scope of the demolition.

Aimee Sunny, Preservation Foundation of Palm Beach, reiterated the critical, legally required processes that were not followed. She stated that the historic preservation ordinance was a law that must be followed. She said the demolition process in Section 54-125 must always be addressed, and according to Section 54-126 (e), any demolition that involved more than 50% of the cubic footage of a landmarked structure should only be heard between November and April. She respectfully asked that the process be followed, even if after the fact or retroactively. She requested

that the process be applied to this case. She advised that the LPC, upon receipt of necessary drawings and evidence, could approve or deny the Certificate of Appropriateness based on its merits. If denied, the applicant would have an opportunity to use other processes available in the Town's code.

Vicki Kellogg, 475 N. County Road, expressed her love for the arts and stated she was the founder of the Chamber Music Society of Palm Beach. She was disappointed that the playhouse had been vacant for many years. She believed the arts deserved to be strong in the Town of Palm Beach.

Chris Kellogg, 475 N. County Road, thanked the Town Council and those who had worked on the restoration and redevelopment of the Royal Poinciana Playhouse and Cultural Arts Center. He said the building, like the firehouse, was in total disrepair, and he felt it was time to move forward.

Julie Araskog, 429 Via Manana Road, asked for a better understanding of the law and what was required in this case. Mr. Crowley responded that a stop work order had been issued until the order was lifted.

Town Attorney Randolph advised that he did not believe any of the mistakes that were made had been intentional. Mr. Randolph advised that a variance had been issued to demolish over 50% of the building.

Ms. Patterson thought mistakes had been made and acknowledged that items had been improperly handled. She thought the process needed to be examined and corrected moving forward.

Anita Seltzer, 44 Cocanut Row, spoke about the cultural importance of the Playhouse and expressed her feelings about the situation.

Ellis Parker, 2165 Ibis Isle Road, spoke about his life involvement in historic preservation and referenced a letter he had submitted to the Preservation Foundation.

Bill Metzger, 277 Esplanade Way, stated he had worked around the Playhouse and was one of the few people who had been through the entire interior of the building. He thanked the LPC for spending time, effort, and energy to review the project. He thought the volunteer task force could be helpful in the future.

Ms. Fairfax discussed the phrases commodity, firmness, and delight. She said the commission could set aside the commodity and the firmness as another purview. However, she stated that the LPC was the defender and stewards of delight. She asked to see the photographs of the previous structure, the decay, and a structural engineering report.

Ms. Patterson thought that full transparency would be key moving forward.

Ms. Moran thought the Commission had received proper information and was saddened that everyone seemed shocked. She was unsure the outcome would be

different if a different process had been followed. Ms. Patterson stated she wished someone would have spoken up about the items being designated for demolition.

Ms. Herzig-Desnick thought that the architects should present renderings without foliage.

Ms. Damgard thought the legal process needed to be reviewed and followed.

Mr. Ives stated that he had taken the situation seriously. He spoke against some of the language in the letters received, which stirred up anxiety and accusations. He felt the Commission had been given all the information and was transparent.

Ms. Albarran believed the Commission was presented with information that may not have been fully understood. She thought reconstruction would need to receive special attention. She said there was no intent for the entire structure to be demolished.

Mr. Wong felt that life safety issues had been identified and that the LPC's opinion would be rendered less important in the case where engineering and life safety issues were being addressed as part of the decision being made for demolition.

Clerk's note: A short break was taken at 11:38 a.m. The meeting resumed at 11:53 a.m.

3. COA-22-028 (ZON-22-079) 284 Monterey Rd.

Pat Segraves, SKA Architect + Planner, explained what was proposed to be demolished. He had an existing plan and a proposed plan to present. He noted the project was not a tax abatement project, and the whole interior, for the most part, was removed and replaced. Mr. Segraves did not believe anything was removed that was not previously approved.

Daniel Clavijo, SKA Architect + Planner, spoke about the timeline for approvals that were requested for the project. He reviewed the architectural plans that had been presented to the Commission and the different approvals the project had received.

Wayne Bergman, Director of Planning, Zoning and Building, said the staff only approved the building permit. He said that as the Building Official, a completely different code was used for single-family residences, and he agreed that today's reality matches the approved plans.

Aimee Sunny, Preservation Foundation of Palm Beach, stated she had worked extensively with Mr. Segraves on this project. She advocated strongly for a positive preservation outcome on the project and the variances that would be necessary to accomplish the same. She was shocked to see the demolition that was approved by staff. She explained that the code and the matrix clearly required approval via a Certificate of Appropriateness by the Commission. She had reviewed staff approvals for the roof removal and did not find the information submitted consistent or clear across the drawings. She said the elevation drawings included a hatch, which was

not defined anywhere but appeared to occur where the demolition was proposed. She did not feel this project was transparent or indicative of historic preservation.

Mr. Ives thought that periodic updates on landmark projects would not be a bad idea. He also wondered if a full designation report should be provided with plans for each project so the Commission could determine why the structure was designated.

Ms. Fairfax agreed with Mr. Ives and thought applicants needed to include historical drawings in their presentations. She also thought it incumbent upon the Commission to look back to see if projects were being executed as voted on and in the record. She suggested that the Commission should discuss the notion of asking applicants to grant permission for the Commission to inspect future projects.

Ms. Damgard wondered if the demolition should be brought to the Commission level for approval rather than approval at the staff level.

A discussion ensued about the level of a project that the Commission would need to approve or return for an update.

Ms. Patterson asked to see what the home looked like in its previous state, and how it looked in its current state. In her opinion, she felt that the original historical image, followed by the existing image, brought things into focus. She felt there was no mistaking the demolition level that would be done. She acknowledged that issues were always likely to be discovered in older buildings.

XI. PROJECT REVIEW

A. CONSENT AGENDA

1. **COA-23-026 100 EL BRAVO WAY** The applicant, Golden Crate, LLC., has filed an application requesting Landmarks Preservation Commission review and approval of a Certificate of Appropriateness for the installation of second-floor rooftop solar panels for the Landmarked single-family residence.

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

B. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

NONE

C. CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS

1. **COA-23-026 100 EL BRAVO WAY** The applicant, Golden Crate, LLC., has filed an application requesting Landmarks Preservation Commission review and approval of a Certificate of Appropriateness for the installation of second-floor rooftop solar panels for the Landmarked single-family residence.

Please note: This project was moved to the consent agenda under Item V., Approval of the Agenda.

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.

Mr. Hodges provided staff comments for this project.

There were no disclosures of ex-parte communication at this time.

Luigi Vitalini, Vitalini Corazzini Architects, presented the architectural modifications proposed for the landmarked residence.

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

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

Ms. Albarran was in favor of the changes.

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

E. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

1. **HSB-23-006 210 DEBRA LN.** The applicant, Seaweed Palm Beach LLC (Taylor Barton-Smith), has filed an application requesting Landmarks Preservation Commission review and approval for window replacement for a Historically Significant single-family residence.

Mr. Hodges provided staff comments for this project.

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

John Dotterer, attorney for the applicant, presented the architectural modifications proposed for the landmarked residence.

Eli Kessel, Pella Windows and Doors, explained how the impact-rated, double-hung windows would operate.

Ms. Albarran asked if impact surrounds would be added and if any walls would be removed. Mr. Kessel responded.

Janet Murphy, MurphyStillings, stated that the request was initially a staff approval request. She recommended an additional muntin to the double-hung windows.

Ms. Fairfax thought the proposed windows were a good compromise and were appropriate.

Ms. Moran thought the project should be reviewed by the Architectural

Review Commission (ARCOM). She agreed with the staff and thought the windows should be casement windows with an additional vertical muntin. She did not believe the proposal met the Secretary of Interior's Standards.

Ms. Herzig-Desnick wondered if the window could be made into a casement window.

Mr. Ives questioned if the proposal was an improvement to the home. He did not believe the replacement was a detriment to the home.

Ms. Fairfax asked if Pella still made vertical casement windows and wondered if the windows could be installed horizontally. Mr. Kessel responded. Ms. Fairfax thought the windows were acceptable and thought the home was modest.

Motion made by Ms. Fairfax and seconded by Ms. Damgard to approve the project as presented. Motion carried 6-1, with Ms. Moran dissenting.

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

Ms. Fairfax asked about Ms. Moran's suggestion to seek approval at ARCOM. Mr. Hodges said the applicant had asked for historic building designation last year. He said the applicant had long-term plans for additional renovations.

XII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

A. Public

Mr. Wong asked about life safety issues and how such issues trump aesthetic issues. It seemed to him that efforts made by the Commission to guide the developer were overruled by the condition of the structure.

B. Staff

No one indicated a desire to speak.

XIII. NEXT MEETING DATE: Wednesday, September 20, 2023

XIV. ADJOURNMENT

Motion made by Ms. Albarran and seconded by Ms. Moran to adjourn the meeting at 1:15 p.m. Motion carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, September 20, 2023, at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully submitted,

Sue Patterson, Chair
LANDMARKS PRESERVATION COMMISSION

kmc