

**2. ITEM 2: 262 SUNSET AVE.**

Owner: NED 262 Sunset, LLC

Before any presentations, there was a short discussion about why the designation was back in front of the Commission. Ms. Mittner summarized the property's history before the Commission and the Town Council.

Jamie Crowley, the attorney for the owner, provided his legal arguments regarding a lack of notice to the owner when the property was initially placed under consideration. He discussed the importance of the master site file report and the property's original rating. Finally, he advocated to exclude the accessory structure in the rear of the property if the Commission decided to recommend the property as a landmark. He introduced Gene Pandula, an architect who would speak on behalf of the owner. He added that he disagreed that the property was worthy of landmarking and Mr. Pandula would soon outline those reasons.

Mr. Pandula discussed the five different master site files for the property and concluded that the building did not retain sufficient integrity for designation. He discussed the architectural alterations to the building. Mr. Pandula stated that buildings were landmarked in their current condition. Further, he discussed how the character of the neighborhood had changed.

Mr. Crowley asked Mr. Pandula about the different standards when a building contributed to a district rather than being individually eligible. Mr. Pandula discussed the conversations that occurred in 2015, including discussions on whether this building and street contributed to a district.

Ms. Mittner asked for her November 2023 comments relating to the National Register to be part of the record. Ms. Mittner indicated that the Comprehensive Plan acknowledged that the old site surveys were outdated and noted there were errors in the validity of some statements in the 1979 survey. She also pointed out that the Comprehensive plan indicated that site information was cross-referenced with other sources.

Janet Murphy, MurphyStillings, LLC, testified that the buildings 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.

Ms. Murphy provided rebuttal arguments regarding the notice that the applicant thought was flawed. She stated that the master site surveys were windshield surveys

and were not exhaustive. She noted that a new site survey would be sent to the state now that MurphyStillings had conducted further research. She provided arguments that supported the designation criteria. She concluded that the building was the last representation of architectural history on the street.

Mr. Crowley stated he did not believe staff erred; however, he argued in favor of his client's property rights. He further argued that the building was not eligible for designation. He argued that the street's character had changed significantly since the zoning changed to commercial.

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

Amanda Skier, Preservation Foundation of Palm Beach, restated support for the designation. She also stated that the landmarks program had been upheld in legal arguments. She thought the Commission should give weight to the information provided by the experts on behalf of the Town, who were recommending the designation. She felt the alterations were sensitive and could be reversible if desired.

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

Ms. Herzig-Desnick asked about the zoning of the property and the future intentions for the building. Mr. Crowley responded. Ms. Herzig-Desnick thought the building had lost its integrity. She questioned saving one building to represent the historic nature of the street.

Mr. Ives agreed that the building did not stand out architecturally; however, he thought the building referenced the historic nature of the street and brought value to the town. He supported the designation and removing the accessory building from the designation if it was the owner's desire.

Mr. Griswold asked about the future of the building if it was not landmarked. Mr. Crowley responded and stated that the development process was stopped once it was placed under consideration.

Ms. Patterson stated she had not heard any new information that would make her change her mind. Ms. Albarran agreed.

Ms. Fairfax thought the building was a nostalgic piece that represented a period in a historic town.

**A motion was made by Ms. Fairfax to recommend the designation of 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 that owners were opposed to the designation.**

Mr. Crowley asked if the rear building was included in the designation. After some discussion, it was determined that the whole property would be included in the designation. Mr. Crowley acknowledged the owner's opposition to the designation but supported leaving the accessory building in the designation.

**Ms. Metzger seconded the motion. The motion was carried unanimously, 7-0.**