



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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, JULY 17, 2024.**

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 9:29 a.m.

II. ROLL CALL

Sue Patterson, Chair	PRESENT
Brittain Damgard, Vice Chair	ABSENT (Unexcused)
Jacqueline Albarran, Member	PRESENT
Anne Fairfax, Member	PRESENT
Julie Herzig Desnick, Member	PRESENT
Alexander Hufty Griswold, Member	PRESENT
Alexander Ives, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Catherine Brooker, Alternate Member	PRESENT
Laura Rose, Alternate Member	ABSENT (Unexcused)

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Abraham Fogel, Design and Preservation Planner
Kelly Churney, Acting Town Clerk
Assistant Town Attorney Lainey Francisco

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A. Minutes of the Landmarks Preservation Commission Meeting of June 24, 2024

A motion was made by Mr. Ives and seconded by Ms. Metzger to approve the minutes of the June 24, 2024, meeting as presented. The motion was carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

A motion was made by Mr. Ives and seconded by Ms. Metzger to approve the

agenda as presented. The motion was 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

Mr. Griswold inquired about the open windows at 114 N County Road. Ms. Mittner stated that the Town inspector was working with the contractor, who agreed to close them in the evenings. She stated she would follow up with the Town inspector.

A. Administrative Review Monthly Update

There were no discussions on this topic.

VIII. COMMENTS OF DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT

Mr. Murphy acknowledged Friederike Mittner's recent award of Trustee Emeritus for the Florida Trust for Historic Preservation.

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

There were no comments at this time.

X. PROJECT REVIEW

A. AD VALOREM TAX EXEMPTION

1. **LTA-24-0001 1 S COUNTY RD (TAX EXEMPTION) – THE BREAKERS** The applicant, Breakers Palm Beach Inc., has filed an application requesting a Historic Preservation Ad Valorem Tax Exemption for the internal courtyard, a conservatory addition at the west end of the Breakers courtyard and adjacent to the hotel's lobby and occupying the location of the existing lobby's exterior terrace, two (2) covered pavilions, two (2) support structures, a service elevator, and partial window and door replacement (APPROVED PER COA-24-013 AT THE APRIL 17, 2024, LPC MEETING)

Ms. Mittner provided staff comments for this project.

Several members disclosed ex-parte communications.

The applicant's attorney, Jamie Crowley, introduced the project. David Rau of Hart Howerton made the architectural presentation for the requested tax abatement.

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

Ms. Fairfax thought the project was beautiful.

Ms. Fairfax complimented the architect for interpreting the Secretary of Interior's standards that complement the building.

A motion was made by Mr. Ives and seconded by Mr. Griswold to approve the tax abatement application as presented, that the criteria for the application have been met, and the scope of the improvements to be included in a Historic Preservation Tax Exemption is in accordance with Sections 54-198 and 54-199. The motion was carried unanimously, 7-0.

B. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

1. **COA-24-0002 (ZON-24-0009) 195 VIA DEL MAR (COMBO)** The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting a Certificate of Appropriateness for the review and approval for the construction of a second-story addition, window and door replacement, vehicular and pedestrian gates, and hardscape and landscape modifications which requires one (1) variance to reduce the minimum driveway area in front of the vehicular gate fronting South County Road. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Fogel provided staff comments for this project.

Several members disclosed ex-parte communications.

Scott Sottile of Ferguson & Shamamian Architects made the architectural presentation for the landmarked residence.

Ms. Patterson called for public comment.

Aimee Sunny of the Preservation Foundation of Palm Beach thought the Commission should look at the roof plan proposals for the addition and potentially consider whether one has minimal loss of historic materials. She also spoke in favor of the original design for the gate but supported the scroll design out of the two proposed as she thought it was more welcoming and aligned better with the front door design.

Mr. Sottile stated that the hip roof in the preferred design would have minimal interruption of the historic material.

Ms. Albarran asked about the possibility of a hip roof for the addition shown as the alternate option. Mr. Sottile stated that at last month's meeting, some members expressed concern about the look of a hip roof with lower eaves. Mr. Fogel wondered if the proportions could be adjusted to retain blind niches in the alternate option. Ms. Albarran thought a hip roof on the addition in the alternate option would look more cohesive.

Mr. Ives asked about using a parapet roof for the addition. Mr. Sottile

stated the interior space would be significantly lowered with that roof. Additionally, he stated the proposal is more aligned with the other types of spaces within the home. Mr. Ives felt the addition made the space feel cramped.

Mr. Griswold thought the preferred plan was more proportionally correct. He also liked the stand-alone tower element.

Ms. Herzig-Desnick preferred the alternate design because it was more in scale, especially since it was an ancillary building. She also supported the hip roof.

Mr. Brooker thought the preferred design was the best of the two options; however, she wondered if the alternate design could be improved.

Ms. Albarran preferred the more ornamental gate shown. Ms. Fairfax agreed with Ms. Albarran but expressed concern that it was boxy. Ms. Albarran wondered if the owner would consider the original gate without the scrollwork on the top. Mr. Sottile stated that the owner did not favor the original design.

Ms. Herzig-Desnick liked the scroll gate but thought it needed some ornamentation on the top to eliminate its horizontality.

Ms. Fairfax wondered if the professional would consider raising the piers beside the gate. Mr. Sottile stated that taller piers would require a variance. Ms. Fairfax stated that she would support the request for a variance.

A discussion continued about options for the gates.

A motion was made by Mr. Ives and seconded by Ms. Fairfax to approve the preferred design for the addition and to defer the design for the gates to the meeting on August 21, 2024. The motion failed, 3-4, with Mses. Patterson, Albarran, and Metzger dissenting.

A motion was made by Ms. Albarran and was seconded by Ms. Herzig-Desnick to defer the entire project for restudy to the meeting on August 21, 2024. The motion passed 4-3, with Messrs. Ives, Griswold, and Ms. Fairfax dissenting.

Ms. Mittner stated that if the new gate design required a variance, it may not be able to be approved until the September meeting. However, it will be outlined accordingly on the upcoming agenda.

C. CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS

1. **COA-24-0003 214 BRAZILIAN AVE (UNIT 212)** The applicant, Jaime Torres-Cruz with Fairfax & Sammons, has filed an application requesting a Certificate of Appropriateness for the review and approval of modifications to an existing retail storefront (Unit 212) to install a new storefront window and door system.

Mr. Fogel provided staff comments for this project and noted that the Preservation Foundation held an easement on the property.

Messrs. Ives and Griswold disclosed ex-parte communications. *Ms. Fairfax declared a conflict of interest and left the dais during the presentation.*

Scott Collison of Fairfax and Sammons made the architectural presentation for the proposal.

Ms. Patterson called for public comment.

On behalf of the ownership of 214 Brazilian Avenue, Spencer Schlager discussed the space's use and advocated for a larger window that would better lend itself to a retail space.

Amanda Skier, the Preservation Foundation of Palm Beach, stated that she only met with the owner one day prior to the meeting and had based her recommendation on the information that she had until that time. She spoke about the easement that the Foundation held on the building. She thought the initial proposal did not meet the criteria for approval based on the easement criteria. She told the Commission that she needed time to research the information she was given and suggested that if the Commission wanted to approve a submittal, they could provide an approval of options so that she would work with the ownership. Ms. Skier showed historical photographs of the building, and a discussion ensued about the different conditions of the buildings over the years.

Mr. Ives asked Town Attorney Francisco about a previous approval in 1989 and whether it met the easement conditions. Mr. Schlager discussed the use of space back in 1989. He discussed the approved plan in 1989 and his willingness to compromise for the space today. Town Attorney Francisco stated without reading the easement, she could not comment.

Mr. Schlager stated that he sought approval to allow the ownership to order windows.

Ms. Herzig-Desnick thought a larger window would be appropriate.

Once again, Ms. Skier recommended various options with an approval

to work with the ownership.

Ms. Albarran thought the proposed windows with the panel were the most consistent with the existing conditions.

Mr. Griswold thought elevation 3A was the most appropriate and advocated for this solution. He recommended that the owner investigate changing the far east window to a door. Mr. Schlager stated that the space was leased, and he would not like to cause undo construction for the tenant.

Ms. Brooker thought most members agreed and thought the Commission could provide options to the applicant.

Mr. Griswold thought everyone agreed; the only debatable issue was how wide the proposed window should be in option 3A.

Further discussion continued on the windows and a potential motion.

The applicant's attorney, Jamie Crowley, recommended offering two options in the approval, with staff to review the final choice between the applicant and the Preservation Foundation.

Aimee Sunny of the Preservation Foundation of Palm Beach stated that the Foundation ultimately needed to approve the final proposal, and if they did not, it would need to be worked out in court. This was not their intent, and they were happy to work with the applicant.

A motion was made by Mr. Ives and seconded by Mr. Griswold to approve the north elevation, option 3A, as presented. The motion was carried unanimously, 7-0.

Ms. Albarran suggested adding language to the motion that if the window is 3A is too wide, a window width between 3A and 4A would also be sufficient.

A motion was made by Mr. Ives and seconded by Ms. Brooker to reopen the previous motion. The motion was carried unanimously, 7-0.

A motion was made by Ms. Albarran and seconded by Mr. Griswold to approve option 3A for the north elevation as presented, with the additional option of changing the window width in option 3A to a size that halfway between 3A and 4A, and the final window shall be reviewed by the staff and Chair. The motion was carried unanimously, 7-0.

2. **COA-24-0004 (ZON-24-0029) 134 SEABREEZE AVE (COMBO)** The applicant, Jaime Torres-Cruz with Fairfax & Sammons, has filed an application requesting a Certificate of Appropriateness for the review and approval of exterior modifications, including removal of existing loggia and construction of a new loggia, window, and door replacement, awning replacement, and addition of a new bay window which requires four (4) variances to reduce the side yard setback, increase the lot coverage, exceed the allowable cubic content ratio (CCR), and reduce the landscape open space. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Fogel provided staff comments for this project.

Several members disclosed ex-parte communications. *During the presentation, Ms. Fairfax remained out of the room due to a conflict of interest.*

Scott Collison of Fairfax and Sammons made the architectural presentation for the proposal. Mario Nievera of Nievera Williams Design presented the landscape and hardscape plans for the site.

Ms. Patterson called for public comment.

Katie Pressly, 133 Seaspray Avenue, supported the reduction in the loggia. She was concerned about the rear wall between hers and the subject property; she thought it was a hazard and should be rebuilt. She asked about the timeline for the demolition and rebuilding.

Mr. Collison stated the owner intended to shore up the wall, but it would not be rebuilt.

Mr. Ives thought the project was wonderful and supported the project. He thought the landscape plan was respectful.

Ms. Patterson asked about the South elevation railings and wondered if they were too light compared to the wood. Mr. Collison reviewed the railing design. Ms. Patterson also pointed out the change in fenestration on the south elevation.

Nicholas Sloan of Fairfax and Sammons discussed Richard Sammons's thought process for the fenestration changes on the south elevation. Mr. Collison showed the Commission the original drawings of the three arched doors next to the solarium.

A motion was made by Mr. Ives and seconded by Ms. Herzig-Desnick to approve the project as presented. The motion was carried unanimously, 7-0.

A motion was made by Mr. Ives and seconded by Ms. Brooker that the implementation of the proposed variances will not cause a

**negative architectural impact on the subject landmarked property.
The motion was carried unanimously, 7-0.**

Clerk's note: A short break was taken at 11:38 a.m. The meeting resumed at 11:47 a.m.

3. **COA-24-0005 (ZON-24-0019) 1 S COUNTY RD (COMBO) – THE BREAKERS**

The applicant, Breakers Palm Beach Inc., has filed an application requesting a Certificate of Appropriateness review and approval for site changes, including the modifications to the main entrance to the hotel and the porte-cochère arrival area with Site Plan Review. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning approval.

Ms. Mittner provided staff comments for this project.

Several members disclosed ex-parte communications.

The applicant's attorney, Jamie Crowley, introduced the project and provided an overview. John Schmidt of Schmidt Nichols made the landscape and hardscape presentation for the site.

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

Ms. Patterson thought the request was straightforward.

Ms. Fairfax asked for the historical photographs and site plan to examine the previous hardscape. Mr. Crowley stated that historically, there was much more hardscape; he further explained the reason for the proposal. Mr. Crowley stated that the PUD required the golf course to remain green and added that The Breakers had the largest green space on the island. Ms. Fairfax expressed a concern about the overall increase in hardscape on the island.

Mr. Ives understood Ms. Fairfax's concerns about the overall increase in hardscape on the island. He thought that proposal was in keeping with The Breakers and would assist with the backup during hotel events.

Ms. Brooker thought the island in the front of the hotel was not visually appealing and expressed concern about the reduction of green space there. She was not a fan of the increase of hardscape at this location. She wondered how the additional lanes would assist traffic flow in this location. Mr. Crowley responded.

Ms. Fairfax asked about the parking spaces in front of the Porte-Cochère. Mr. Schmidt stated that the spaces existed and explained how they were being used. Ms. Fairfax wondered if two traffic lanes would serve the same purpose and decrease the hardscape. Mr.

Crowley stated that all three lanes would only be used in heavy traffic. Ms. Fairfax stated she could support two traffic lanes.

Mr. Crowley clarified a question by Ms. Herzig-Desnick regarding the parking spaces.

Ms. Albarran suggested adding 18 inches of green space next to the columns between the parking spaces and the Porte-Cochère.

Ms. Patterson confirmed that the valet was not using the exterior lanes, only those under the Porte-Cochère. Mr. Schmidt provided confirmation. Ms. Patterson understood the need for the exterior lanes as she experienced the bottleneck under the Porte-Cochère.

Ms. Albarran agreed with Ms. Patterson; however, she wondered if additional green could be added next to the columns adjacent to the Porte-Cochère. Mr. Schmidt spoke about expanding the exterior lanes by removing some green and sidewalks.

Ms. Fairfax agreed with Ms. Albarran's suggestion and supported the addition of one exterior travel lane. Mr. Crowley stated that the operations team needed three additional travel lanes.

Ms. Patterson suggested removing the sidewalks around the island and replacing them with grass.

Mr. Griswold agreed with Ms. Albarran's suggestion to add an 18-inch planter between the columns adjacent to the Porte-Cochère.

Mr. Ives thought The Breakers had proven to be a good operator and knew what they needed to be successful. He also pointed out that the more efficiently they dealt with the cars, the faster they would be taken off County Road.

Ms. Herzig-Desnick suggested adding a bench to the walkway on the green island.

Ms. Mittner reminded the Commission that the Town Council asked them to look critically at the LED lighting.

A motion was made by Ms. Fairfax to approve the project as presented, with the condition that an 18-inch planting area was added adjacent to the Porte Cochere and four parking spaces and that the travel lanes be reduced to two rather than the three proposed. The motion failed for the lack of a second.

A motion was made by Ms. Albarran and seconded by Mr. Griswold to approve the project as presented, with the condition of adding 18

inches of landscaping adjacent to the Porte Cochere and four parking spaces, which will be approved by staff. The motion was carried 6-1, with Ms. Fairfax dissenting.

4. **COA-24-0007 1100 S OCEAN BLVD (MAR-A-LAGO)** The applicant, Shawn McCabe, on behalf of Mar-a-Lago Club Inc., has filed an application requesting a Certificate of Appropriateness for the review and approval of a revised landscape plan to comply with a condition of approval of COA-23-001.

Ms. Mittner provided staff comments for this project.

Several members disclosed ex-parte communications.

The applicant's attorney, Harvey Oyer, introduced the project and provided an overview. Dustin Mizell of Environment Design Group made the landscape and hardscape presentation for the site. Mr. Mizell presented an alternate rendering, which showed additional landscaping on the south side of the new guardhouse.

Ms. Patterson expressed concern that the vine would be affected by the wind. Mr. Mizell proposed a sea plum vine that would withstand the wind.

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

Mr. Griswold wondered if the Sea plum vine would grow on the southeast side; Mr. Mizell stated it was only on the south side. Mr. Griswold wondered if the Sea plum could naturally grow around the east, not to obstruct any views. Mr. Mizell agreed to the suggestion.

A motion was made by Mr. Ives and seconded by Mr. Griswold to approve the project as presented, with the condition of allowing the Sea plum material to grow around to the east side of the guardhouse. The motion was carried unanimously, 7-0.

D. HISTORICALLY SIGNIFICANT BUILDINGS - OLD BUSINESS – NONE

E. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

1. **HSB-24-0003 (ZON-24-0022) 346 SEASPRAY AVE (COMBO)** The applicant, Rafael Portuondo with Portuondo-Perotti, has filed an application requesting approval for the review and approval of exterior modifications including revised railing designs, removal of shutters, hardscape and landscape changes, site wall revisions, and relocation of mechanical equipment which requires two (2) variances to reduce the side yard setback to accommodate mechanical equipment and exceed the maximum allowable site wall height in the side yard. This is a combination project that shall also be reviewed by the Town Council

as it pertains to zoning relief/approval.

Mr. Fogel provided staff comments for this project.

Several members disclosed ex-parte communications.

Rafael Portuondo of Portuondo Perotti Architects made the architectural presentation for the historically significant building.

Alessandra Branca Uihlein, the owner of 346 Seaspray Avenue, discussed her intentions with the home and spoke about her desire to keep the light in the hallway overlooking the courtyard.

Mario Nievera of Nievera Williams Design presented the landscape and hardscape plans for the site.

Ms. Patterson called for public comment.

John Eubanks, an attorney for the residents at 350 Seaspray Avenue, appreciated the relocation of the mechanical units. His clients also did not object to the site wall and favored letting it remain without further construction.

Aimee Sunny of the Preservation Foundation of Palm Beach discussed the many changes over time. She showed a historic photograph of the home, pointed out a historic railing, and was happy that the owner had agreed to replace the existing railing with the historic railing. She was also happy that the owner would replace the shutters to match the historic shutters. She thought it was unfortunate that the new windows in the hallway were dark and suggested they could be lightened. She was happy that the finials on the front piers would be replaced and would be in favor of the wrought iron added to the site wall, as it had been shown in the historic photographs.

Mr. Portuondo showed a design of the gates, including the wrought iron and existing gates. Ms. Branca Uihlein stated that she found a small piece of the old iron and could incorporate it into the new gate and piers.

Anne Pepper, 333 Seaspray Avenue, stated that the project had undergone continued changes over the last several years. She questioned the number of changes that had been made without approvals. She thought the massive gates and driveway were not in harmony with the rest of the street. She thought the site was overdeveloped. She thought ongoing inspections should occur so that work was not completed without approvals.

Ms. Albarran asked about the panels on the proposed garage doors and the shutters on the window underneath the balcony. Mr. Portuondo responded.

Ms. Patterson asked staff to show the scope of work for the project.

Ms. Fairfax was happy that the owner wanted to replicate the historic railing. She hoped that since it was a historic building, the railing would not be held to the current standards in the Code.

Mr. Portuondo reviewed the items that had been approved and the items that were proposed to change.

Ms. Fairfax supported the changes to the proposed design.

Ms. Herzig-Desnick expressed concern about the raised wall in the courtyard adjacent to the fountain.

Mr. Ives acknowledged that historic homes could not be built within the existing Code. He thought the proposed changes were small and evolved and supported the project.

Ms. Mittner stated that the staff had not studied the relocation of the equipment; she could not confirm that the new location did not require a variance.

A motion was made by Mr. Ives and seconded by Ms. Fairfax to approve the project as presented. The motion was carried unanimously, 7-0.

A motion was made by Mr. Ives and seconded by Ms. Fairfax that the implementation of the proposed variance #2, which was for increasing the site wall height, would not cause a negative architectural impact on the subject landmarked property. The motion was carried unanimously, 7-0.

XI. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

Ms. Fairfax restated her conflict of interest for the project at 134 Seabreeze Avenue.

XII. NEXT MEETING DATE: Wednesday, August 21, 2024, at 9:30 AM

XIII. ADJOURNMENT

A motion was made by Mr. Ives and seconded by Ms. Albarran to adjourn the meeting at 1:28 p.m. The motion was carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, August 21, 2024, 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