

**AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
BY TELECONFERENCE
WEDNESDAY, AUGUST 12, 2020 -- 6:03 PM**

ROLL CALL and RECORDING OF ABSENCES

Present were William Feldkamp, Chairman; Judith Just, Vice-Chair; Robert D'Arinzo; Ozzie Ona; Bernard Guthrie; Judith Fox.

Also present were: Jordan Hodges, Senior Preservation Planner; Abraham Fogel, Preservation Planner; Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Motion: J. Just moved to accept the agenda; O. Ona 2nd

Vote: Ayes all, unanimous.

APPROVAL OF MINUTES:

A. July 8, 2020 Meeting Minutes

Motion: R. D'Arinzo moved to accept the minutes as presented; O. Ona 2nd.

Vote: Ayes all, unanimous.

CASES

SWEARING IN OF STAFF AND APPLICANTS

Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION: No items requiring legal noticing.

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: All Board members were contacted by Mr. John Szerdi

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Consideration of a request for mural installation for the contributing structure located at **717 Lake Avenue**; PCN#38-43-44-21-15-019-0121. The subject property is located in the Downtown (DT) Zoning District and the Old Town Local Historic District.

Staff: A. Fogel presents case findings and analysis providing a brief overview of the role of murals in the downtown district. Historically they were utilized to advertise products and add to the artistic beauty and interest of the area. Although not addressed within the Comprehensive Plan, murals, as related to the Cultural Arts and City Cultural Arts Overlay District do promote and encourage the arts in the Downtown zoning district. This mural for a Mexican restaurant pays tribute to Pancho Villa, Mexican revolutionary in his afterlife, Dia de las Muertas. The installation will be by Miami-based artist Ruben Ubiera. Although sparse in architectural detail the columns should be spared most of the installation. There are six (6) proposed conditions of approval:

Board: O. Ona asks of the applicant, Gustavo Gabriel, how it will improve Lake Worth Beach?

Response: The mural is for a nice Mexican restaurant. B. Guthrie mentions the Day of the Dead is a one-day celebration, not really for the other 364 days of the calendar year. **Response:** In the Mexican culture, it is celebrated 365 days, throughout the year. The depiction is of "Katrina".

Board: W. Feldkamp is pleased the pilasters are retained, untouched but has concerns. In light of other recent installations, regarding the extension of the mural around the corner (mostly due to the location of the front door). Inquired about location of the signage? **Response:** It may be over Pancho, over the door or on the awnings. Applicant is willing to work with staff on the placement. W. Feldkamp does not believe placing it over the depiction of Pancho would be the correct as the entire wall would become signage. **Staff:** Signage within the mural is prohibited; on the awnings or over the door would be appropriate. J. Just asks how the signage is approved? Staff states as a sign permit at staff level, to which J. Just believes the details of placement, should be resolved at that time.

Motion: O. Ona moves to approve HRPB 20-00000014 with staff recommended conditions based upon competent substantial evidence provided in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations; R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

- B. Consideration of a Certificate of Appropriateness (COA) for partial window replacement for the property located at **221 Princeton Drive**; PCN#38-43-44-15-06-011-4250. The subject property is a noncontributing resource to the College Park Local Historic District and is located within the Single-Family (SF-R) Zoning District.

Staff: A. Fogel presents case findings and analysis for the replacement of three (3) front windows with vinyl single-hung impact windows. With the ongoing survey, this property is eligible for reclassification as a contributing resource within the district. The proposed replacement windows do not match in design, color, texture and material. The property owner submitted a building permit without a Certificate of Appropriateness review for window replacement. As the windows were already purchased, the applicant chose to be heard by the Board rather than choosing the available options offered for administrative approval. Although the windows are among one of the most replaced features of a home, they are also one of the most character defining features as well. As the home is currently non-contributing, the City's approval matrix indicates on the front façade are being reviewed (exterior alterations visible from the street). The lack of divided light patterns and aluminum window frames are at issue. As aluminum frames are widely available, staff is recommending this alternative to the vinyl, the divided light pattern of the awning style should also be replicated. That configuration is consistent with the Comprehensive Plan, the

Historic Guidelines, Historic Ordinance and Secretary of the Interior Standards for Rehabilitation. Visual compatibility is also criteria that should be met.

Applicant: Edwin Ferree, explains the neighboring homes (windows) are built by the same builder believes the proposed windows to be attractive and of good quality. Only a few awning windows remain.

Board: J. Just asks if the other windows will be vinyl, impact, **Response:** yes. R. D'Arinzo is continually amazed by the number of window contractors not catching on to the fact that a great percentage of homes east of Dixie are in a historic district. B. Guthrie inquires as to how they decided to make a purchase, not knowing or investigating Historic Guidelines. **Response:** Was unaware an trying to duplicate what the neighbors had. B. Guthrie asks the difference between contributing and non-contributing property. **Staff response:** The adoption process with the finalization of the survey can include two pathways. A homeowner may request the contributing property be designated or they may wait until changes to the entire district are adopted. As the windows are already purchased, they could be utilized on other non-reviewed facades. According to the review matrix, non-contributing properties are only reviewed for the visible facades.

Board: B. Guthrie asks about the neighboring properties and possibility of future contributing properties (once designated) setting the standard for what is historic. Staff: A. Fogel explains the history is based upon the original structure, not a revised version, the drawings are in hand. J. Just inquires as to how many windows are scheduled to be replaced? **Applicant response:** Questions whether the existing windows were original, as they are replacing a total of 5 windows, does not want two (2) styles. J. Just is okay with the vinyl material but states the already ordered windows could be used elsewhere; the neighboring properties may have had a different code when their windows were replaced; there is a code to follow. Is there any wiggle room since it is not contributing? **Staff response:** The standard is only applied to the façade seen from the street. **Applicant response:** Wanted something that isn't so dated and ugly. Someone could break the window and open the door. J. Just mentions the appeal process if not happy with the decision. O. Ona: Do we have the authority to change the guidelines, we have so many issues with windows and doors. Chairman passes the gavel to the Vice-Chair since he missed a portion due to technical issues.

Staff: Reminds Board of Historic Preservation Design Guidelines and the need to explain the decision. **Board Attorney:** Advises that the Board and City is accountable to the State of Florida Dept of the Interior Historic Preservation. Re-iterates the review for non-contributing properties is limited to the visible façade, this was an item that many current members chose when determining the guidelines. There should be compliance with regulations even as they change. There is no sense in having guidelines if they are going to be violated. The Board and City have a fiduciary responsibility and hard decisions have to be made. **Staff:** Reminder that if these rules, according to the matrix, are violated there could very easily be a loss of Certified Local Government (CLG) status.

Board: B. Guthrie asks if the shutters would be removed? **Applicant response:** Intends to retain storm shutters. R. D'Arinzo mentions the reasoning or process is not what the 'neighbors have', Doesn't think the process is flawed, this lets residents and contractors know there are guidelines to be met.

Staff: Of the 300+ Certificate of Appropriateness applications processed 84 were for windows and 3 have come before the Board so the Guidelines are being utilized.

Public Comment: None

Motion: J. Fox moves to approve HRPB 20-00100129 with staff recommended Conditions of Approval based upon competent substantial evidence in the staff report pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements with the elimination of Condition #1 B. Guthrie amends the motion to also eliminate Condition #8; B. Guthrie 2nd.

Vote: Ayes all, unanimous.

- C. Consideration of a Certificate of Appropriateness (COA) for the utilization of grey glass for window replacement for the property located at **202 5th Avenue S**; PCN#38-43-44-21-15-163-0111. The subject property is a contributing resource to the South Palm Park Local Historic District and is located within the Low-Density Multi-Family Residential (MF-20) Zoning District.

Staff: J. Hodges presents case findings and analysis. The dual frontage lot has had substantial renovation over the years. The massing of the first floor, decorative chimney stucco application window opening sizes and wood double-hung windows has left staff with the belief that the original form was a single-story Mission or Mediterranean Revival despite sparse file documentation. The proposal does not meet Historic Preservation Design Guidelines with regard to the grey glass; clear glass is historically accurate.

Chronology: February 2020 – the applicant met with staff and discussed the windows at length. Several iterations of the exterior design plan were submitted to Historic staff prior to permitting. March 5, 2020 - the final preliminary design included the window schedule depicting “laminated, clear glass”. At this point staff advised to move forward with administrative Certificate of Appropriateness. June 11, 2020- staff failed the permit application partially to the absence of NOA’s. The resubmittal on June 23, 2020 indicated grey glass. Staff contacted the applicant to confirm the glass would be clear; the contractor responded stating the glass would be Grey low-E. A site visit on July 9, 2020 revealed the tint level was not correct, necessitating review by the Board. The windows were already manufactured. HRPB has set the precedent allowing Clear Low-E to be administratively approved. Prior to the adoption of the Guidelines, varying degrees of grey glass have been approved both by Board and administratively.

Agent for the owner: John Szerdi for Joseph Triangelo- there is confusion in the code over clear low-E is an option. The applicant did not want green hue. The manufacturer offered light grey to go with blue accents on the house. Suggests the light grey is more efficient than the clear low-E. Due to this being hurricane season and the lead time necessary for manufacturing, the windows were ordered. References the home across the street (with light grey windows) in the justification. Agrees manufacturers and suppliers should know the area and not confuse homeowners. Suggests that the light grey low-E option could be added as it is more efficient than clear and more color neutral.

Board: R. D’Arinzo- It is clear what was presented to staff, explain the mix-up. **Agent for the owner:** Owner did not want greenish hue of clear Low-E so he chose the grey.

J. Just states either is ok with her and would be flexible and Board has approved other grey windows. **Staff:** Staff only recommends clear or Clear Low-E gives a greenish hue. J. Fox asks if the manufacturer made the change from clear low-E to grey? **Staff response:** With the preliminary review finalized showing (clear low-E) the applicant was told to submit for permitting, when the permit came for review, it stated grey. Ask the applicant when the change occurred. **Agent for the owner:** J. Szerdi states the contractor R.J. Hunt was privy to all staff emails.

Board: O. Ona- perhaps guidelines could be revisited for a change for efficiency. Questions how to avoid this confusion in the future. W. Feldkamp asks about value of the windows including

doors which are clear. **Agent for the owner** confirms \$70 K and the doors are clear. W. Feldkamp asks who's at fault for the ordering of the windows with wrong color glass. **Owner** states R.J. Hunt, RQ Building Supplies in Delray Beach (contractor) stated 'grey is better is not seeing anything unjust with what you are asking for in this Historic area.' Chairman asks if the owner is stating Board is irrelevant or is claiming responsibility?

W. Feldkamp: Inquires about (VT) Visual Transmittance (between 0-1) green has a higher VT than grey. J. Just: Does building code currently require VT? Response: No- Clear low-E glass without color has recently become available.

B. Guthrie: In the photos depicting both types, does the documentation also state Low-E grey.

Public Comment: Eight letters of support.

Wendy Rosten- 1101 S. Palmway

Kerri G.- previous resident of 330 S. Palmway

Shayne Regan - 535 S. Palmway

Jonathan Stewart -116 5th Ave South

Kim Lingle -1615 N Lakeside Dr

Ed Johnson - 802 S Palmway

Bryant Park Neighborhood Association

Board: O. Ona wonders about changing guidelines.

Staff: J. Hodges reminds all of State Guidelines; arrived at the sole recommendation of clear low-E as a result of a state reviewer making the recommendation. Many local historic districts regulate the VT level to a set rate (the possibility of looking at more types of glass).

Board: W. Feldkamp-codes change over time and we are required to conform to what is in effect now. J. Fox -There are rules and we need to stick to them, the owner did everything right, must decide if we want to change the guidelines. J. Just asks how the house across street received the grey glass? **Staff:** J. Hodges states nothing in permitting stated grey. The windows do not look grey. B. Guthrie: Is glad the property is being restored to its original glory. Low-E going forward is going to be happening more frequently. In this case every other detail has been met. J. Just agrees there is confusion about the color, it says clear low-E. As a consumer why would anyone question if it were green hue or grey?

J. Hodges states the initial conversation was clear glass, not clear low-E or grey low-E. The topic was never again broached. Green is the standard for "clear low-E".

W. Feldkamp: dislikes indulgence rather than permission.

Board Attorney: Advises Board they are on firm ground to deny the application. That R.J. Hunt, contractor, is the negligent elephant in the room. Reads from the Design Guidelines are to help, not confuse. It is clear, they were to use clear glass. Board is being asked to forgive or indulge with total disregard for process. Board does not have to forgive. Need to tighten up regulations even more. We know the applicant is not a novice in the historic restoration field. R.J. Hunt who said he knew but likes the look.

Board: J. Fox: Is precedent being set?

Board Attorney: yes, the problem with changing the rules is getting the State of Florida to agree to more tint. They may be open to a tightening of the rules.

Staff: E. Sita states the City of Delray has allowed a VT rating of 20%

Board: J. Just: amend the code – timeline.

Staff: J. Hodges- compile research- to make the language clearer to avoid this type of problem.

Board: Chairman states RJ Hunt is clearly at fault, not present and if he were the owner there would be some legal issues. Dislikes the muddled look of clear doors and grey windows.

Motion: J. Just moves to approve HRPB 20-00100164 based on the fact that the Guidelines are somewhat unclear as to what clear low-E means, clarifying the Visual Transmittance (VT) reading and the applicant's testimony, not upon the staff report; B. Guthrie 2nd.

Vote: 4/2 motion passes; J. Fox and W. Feldkamp dissenting.

Motion: B. Guthrie moves that a moratorium shall exist on future Board cases determining anything other than clear glass approvals. The moratorium shall exist until such time as Board can establish a performance standard for light transmittance that can be incorporated within the approval matrix. R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: The 2021 budget has been submitted with the same level of service as the 2020 year. Restoration St. Louis will soon be making another presentation to the residents. There have been 3 submittals for the L& M Street site. On-line payments will be phased in with PZHP being the last unit sometime in January 2021. Code Compliance Nov-Dec Compassionate Magistrate.

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: Historic Awards program to occur in October with nominations in September. Different options are being explored for the ceremony itself. The two (2) State grants are nearly complete with 600 resources surveyed in Old Lucerne and SE Lucerne. Many previously non-contributing properties are expected to become contributing properties. The digitization grant will have archived one of the largest known architectural file collections. Both grants will close out on September 11, 2020. The Historic Division is the envy of many with the Historic guidelines. In addition to the Board cases, the planners also review a high volume of Certificate of Appropriateness applications that do not come before the Board. Their time is also spent reviewing building permits with Historic elements, zoning in the Historic districts as well as consulting with the homeowners, contractors and architects. As relates to becoming a contributing property, the flood maps have shown a three (3) foot increase. Only contributing properties are eligible for a waiver to the base flood elevation when building an addition or with a substantial renovation. This is why the surveys are so important. Non-contributing properties are not eligible for the waiver. The hope is to create a GIS story map depicting the differences and effect on flood insurance.

BOARD MEMBER COMMENTS: J. Fox asks if the Gulf Stream has completed their financing. W. Waters states it will be finalized after the entitlements are received.

ADJOURNMENT: 8:51 PM