



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING  
100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444  
(561) 243-7040

## HISTORIC PRESERVATION BOARD STAFF REPORT

4 E. Atlantic Avenue  
8 E. Atlantic Avenue

| Meeting          | File No.             | Application Type                                   |
|------------------|----------------------|----------------------------------------------------|
| January 15, 2020 | 2020-010<br>2020-011 | Certificate of Appropriateness & Class I Site Plan |

### REQUEST

The items before the Board are for consideration of Certificate of Appropriateness and Class I Site Plan Modification requests associated with exterior renovations to an existing contributing structure located on property located at **4 E. Atlantic Avenue, Old School Square Historic District**, along with exterior modifications to the site located at **8 E. Atlantic Avenue, Old School Square Historic District**.

### GENERAL DATA

**Agent:** Mathew Scott, Esq./Beth Schrantz, Land Planner

**Owner:** Leviathan Land Group Inc.  
Sure Ring, Inc.

**Location:** 4 E. Atlantic Avenue  
8 E. Atlantic Avenue

**PCN:** 12-43-46-16-01-069-0060  
12-43-46-16-01-069-0041

**Property Size:** 0.15 Acres  
0.22 Acres

**Zoning:** OSSHAD (Old School Square Historic Arts District)  
With CBD (Central Business District) Overlay

**FLUM:** OMU (Other Mixed Use)

**Historic District:** Old School Square Historic District

**Adjacent Zoning:**

- OSSHAD (North)
- OSSHAD (West)
- OSSHAD (South)
- OSSHAD (East)

**Existing Land Use:** Restaurant

**Proposed Land Use:** Restaurant



### BACKGROUND AND PROJECT DESCRIPTION

#### 4 E. Atlantic Avenue – File # 2020-010

The subject property is located within the OSSHAD (Old School Square Historic Arts District) zoning district; the Central Business District (CBD) zoning overlay and the Old School Square Historic District (OSSHD). The site consists of Lot 6, Block 69, Town of Delray and contains a masonry vernacular style building, which is considered a contributing building within the Locally and Nationally Designated Old School Square Historic District. Constructed in 1910 by the Rhoden family, early Delray pioneers, the building served as a general store and grocery store while the family lived in the apartment above. It is the oldest remaining, contributing commercial building on Atlantic Avenue. Over the years there have been numerous modifications to the building including rehabilitation of the structure to comply with the Delray Beach Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation. The current proposal relates to the portion of the building formerly occupied most recently by ROK BRGR.

In 1988, a blanket sign program was approved for four flat wall signs in rust brown, background ivory border 7' 11" in length and 2' height as this is a multi-tenant building which consisted of the restaurant and retail

**Project Planner:**  
Katherina Paliwoda, Planner  
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**Review Dates:**  
January 15, 2020

**Attachments:**  
1. Architectural Plans  
2. Applicant Justifications  
3. Photographs



uses. In 2000, the Historic Preservation Board (HPB) approved a Certificate of Appropriateness (COA) for a sign for Safari Steakhouse; then, in 2004 HPB approved for a sign for Sol Kitchen; in 2017 HPB approved a color change to the exterior of the building and signs for ROK BRGR, which included a subsequent City Commission approval for a waiver to the sign code allowing the sign to face the east elevation rather than a road right-of-way; and, finally in 2019 HPB approved a sign for TAPAS 35.

### **8 E. Atlantic Avenue – File # 2020-011**

The 0.22-acre subject property is located within the OSSHAD (Old School Square Historic Arts District) zoning district; the Central Business District (CBD) zoning overlay and the Old School Square Historic District (OSSHD). The property consists of the West 26' of Lot 4 (Less the South 14') and Lot 5, Block 69 and contains a two-story Masonry Vernacular commercial building constructed in 1950. The structure is classified as non-contributing to the Old School Square Historic District. The 2009 Old School Square Historic District Resurvey recommended that the subject property be reclassified as contributing, as the Period of Significance was being expanded to include those eligible resources constructed between 1944 and 1965; however, the owner requested that the subject property not be reclassified. Upon adoption of Ordinance 10-10 on June 1, 2010, the Period of Significance for the Old School Square Historic District was expanded to 1965, and 10 of the properties that were recommended for reclassification were not reclassified to contributing, including the subject property, because the property owners elected to "opt-out" of this process.

At its meeting of April 4, 2018, a Class II Site Plan Modification, Landscape Plan, and COA request was approved for façade improvements, exterior color changes, installation of a new pergola & retractable fabric shade covering, new cabana in the outdoor area, aluminum railing system, a wood fence, and signage.

The items before the board are Class I Site Plan modifications and COA requests for each property. The Tin Roof business is currently located at 8 E. Atlantic Avenue and is expanding its use into the building to the west - 4 E. Atlantic Avenue (formerly ROK BRGR).

The proposal includes minor renovations to the outdoor space for 8 E. Atlantic Avenue include:

- Installation of a new 8' tall artificial hedge divider fence on the south side of the outdoor seating area;
- Installation of faux, plastic Ivy hedge material on the metal roll down gates surrounding the stage;
- Relocation of the existing handicap lift from the north of the stage to the south side;
- Extension of the existing railing on the north (front) side of the site; and,
- Relocation of the existing cooler from the patio area to the kitchen.

The proposal includes exterior architectural modifications to the east façade of 4 E. Atlantic Avenue as follows:

- Demolition of a portion of the east exterior wall and installation of a new 8' x 9'6" aluminum, sliding door system and a new single 8' x 3' swinging door; and,
- Replacing the existing aluminum, swinging door storefront system on the east elevation with a new 8' x 10' aluminum, sliding door system.

The request is now before the board for review.

### **REVIEW AND ANALYSIS**

**Pursuant to LDR Section 2.4.5(G)(5) Modification to site and development plans - Findings. Formal findings are not required for a Class I or II modification. A finding that the proposed changes do not significantly affect the originally approved plan must be made concurrent with approval of a Class III modification. Class IV modification is subject to the same findings required of a new submittal.**

The proposed modifications to the site are minor and will allow for a connection between the two properties (4 and 8 E. Atlantic Avenue) for the Tin Roof restaurant. Proposed changes to the site at 8 E. Atlantic Avenue include modification of the existing railing on the north side of the property to extend the railing to the west; installation of a new 8' tall artificial hedge divider fence on the south side of the outdoor seating area; relocation of the handicap lift from the north side of the cabana/stage area to the south side; relocation of the



existing cooler from the patio area to the kitchen. Relocation of the handicap lift to the rear side of the cabana/stage will improve the appearance of the outdoor seating area from the front of the property. The proposed changes to 4 E. Atlantic Avenue include exterior alterations to the east side of the building to allow for connectivity between the two spaces.

It is noted that the combined life safety plan indicates a total number of 271 seats are proposed between the 2 spaces; however, only 267 seats are illustrated on the plan. A site plan technical item is that the combined life safety plan be updated to correctly illustrate the number of proposed seats.

**Pursuant to LDR Section 2.4.6(H)(5), Certificate of Appropriateness – Findings. Prior to approval, a finding must be made that any Certificate of Appropriateness which is to be approved is consistent with Historic Preservation purposes pursuant to Objective A-4 of the Land Use Element of the Comprehensive Plan and specifically with provisions of Section 4.5.1, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior’s Standards for Rehabilitation.**

**Pursuant to LDR Section 2.4.5(I)(5), Architectural (appearance) elevations - Findings. At the time of action on architectural elevations the approving Board shall make findings with respect to the objectives and standards as contained in the architectural regulations, Section 4.6.18. An overall determination of consistency with respect to the above is required in order for an architectural plan to be approved.**

**LDR SECTION 4.5.1 - HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS**  
**Pursuant to LDR Section 4.5.1(E), Development Standards, all new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior’s Standards for Rehabilitation, and the Development Standards of this Section**

**Pursuant to LDR Section 4.5.1(E)(2)(c)(2) & (4) – Minor Development.**

The subject application is considered “Minor Development” as it involves modifications to both existing contributing and non-contributing structures in the Old School Square historic district which is subject to CBD regulations. Alterations are less than 25 percent of the contributing structures located at 4 E. Atlantic Avenue and 8 E. Atlantic Avenue.

**Pursuant to LDR Section 4.5.1(E)(3)(a)(1.)(d) – Fences and Walls - Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right-of-way.**

The previous COA approved by HPB included construction of a raised cabana area for seating with a covered pergola on the west side of the outdoor space and this space is now utilized as a stage. The existing metal roll down gate enclosure was not a part of the previous approval; it was later installed as a security solution to protect band equipment.

There is concern with the metal roll down gates and their associated metal storage box. First, they have an industrial appearance which is not compatible with the historic district and architectural style of the buildings on the property. The applicant is proposing to screen the gates with faux, plastic ivy hedge material to soften the look of the gates; however, there is concern with the use of synthetic materials within the historic district as they are discouraged when visible from a public right-of-way. It is also noted that such material does not hold up well to the elements and eventually loses its green appearance. Typically, the gates are rolled up at night during performances and are rolled down during the day, storing into a metal storage box, which is mounted at the top of the cabana roof. Neither the gate storage boxes nor the gates are adequately screened.

The applicant has indicated that they are currently considering other options for screening the roll down gates that would be more visually appropriate and that they would like to work with the city to decide on a compatible material for the gates prior to the issuance of building permit. An acceptable solution to screen



the storage boxes would be to clad the boxes with a wood valence or fascia. An added condition of approval is that the roll down gates and metal gate storage boxes be screened with authentic materials that are appropriate to the historic district.

Additionally, the proposal includes a faux ivy hedge on the fence along the south side of the outdoor patio, which is also visible from the right-of-way. This area could accommodate an authentic living wall with real plant material or a hedge. This item is added as a condition of approval.

**Pursuant to LDR Section 4.5.1(E)(4) – Alterations: in considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.**

The existing structures, and their remaining original forms, have been considered with respect to the proposed site improvements. Changes to the exterior elevation of 4 E. Atlantic Avenue are minimal and have been designed to allow for better functioning of the two spaces as one business.

**Pursuant to LDR Section 4.5.1(E)(5) - Standards and Guidelines: a historic site, building, structure, improvement, or appurtenance within a historic district shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.**

#### **Standard 1**

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

#### **Standard 2**

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

#### **Standard 3**

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

#### **Standard 4**

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

#### **Standard 5**

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

#### **Standard 6**

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

#### **Standard 7**

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.



**Standard 8**

**Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.**

**Standard 9**

**New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.**

**Standard 10**

**New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**

Standards 2, 3, 5, 9, & 10 are applicable to the proposed renovations and improvement to the structures and the adjoining exterior space.

Regarding Standard #5, the artificial hedge proposed for screening the roll down gates and divider fence wall uses inauthentic materials for the historic district.

The previous COA approved by HPB included construction of a raised cabana area for seating with a covered pergola on the west side of the outdoor space and this space is now utilized as a stage. The existing metal roll down gate enclosure was not a part of the previous approval; it was later installed as a security solution to protect band equipment.

The use of artificial hedges and ivy is not considered appropriate to the historic character of the building as it is not a feature or finish that was used during the time period to which the property was constructed. The use of actual foliage and greenery, or some other type of authentic material used to screen yet enhance the craftsmanship of the façade would be more suitable.

**The Delray Beach Historic Preservation Design Guidelines note the following with respect to Fences and Walls:**

**“Fencing, and garden and retaining walls add distinction to individual buildings and historic districts. They serve a practical purpose of forming property line boundaries, and to distinguish lines between the yard, sidewalk and street. Whenever possible, the original walls and/or fences should be preserved.**

**New materials, some of them synthetic, may be approved on a case-by-case basis.”**

With regards to the proposed faux ivy hedge, this material is not considered to be durable and will likely fade quickly giving an unattractive appearance. As discussed in a previous area of the staff report, a condition of approval has been added to allow for a more visually compatible material for the roll down gates and the fence on the south side of the patio.

**Pursuant to LDR Section 4.5.1(E)(8) - Visual Compatibility Standards: new construction and all improvements to both contributing and non-contributing buildings, structures and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.1(E)(2) shall be determined by utilizing criteria contained in (a)-(m) below. Visual compatibility for all development on individually designated properties outside the district shall be determined by comparison to other structures within the site.**



The following criteria apply:

1. **Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1(E)(2)(a), shall also be determined through application of the Building Height Plane.
2. **Front Facade Proportion:** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.
3. **Proportion of Openings (Windows and Doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.
4. **Rhythm of Solids to Voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.
5. **Rhythm of Buildings on Streets:** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.
6. **Rhythm of Entrance and/or Porch Projections:** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.
7. **Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.
8. **Roof Shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.
9. **Walls of Continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.
10. **Scale of a Building:** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only:
  - a. For buildings wider than sixty percent (60%) of the lot width, a portion of the front façade must be setback a minimum of seven (7) additional feet from the front setback line:
  - b. For buildings deeper than fifty percent (50%) of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five (5) additional feet from the side setback line:
11. **Directional Expression of Front Elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.
12. **Architectural Style:** All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another



style.

**(m) Additions to individually designated properties and contributing structures in all historic districts: Visual compatibility shall be accomplished as follows:**

- 1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.**
- 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.**
- 3. Characteristic features of the original building shall not be destroyed or obscured.**
- 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.**
- 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.**
- 6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.**

With respect to the Proportion of Openings (Windows and Doors) the proposal depicts new sliding glass doors on the east elevation of on 4 E. Atlantic Avenue, flanking the outdoor stage. The proposed doorways on the north side of the stage will replace an existing opening and a portion of the wall on the south side of the stage will be demolished to allow an additional opening into the shared outdoor space. As the style of the existing storefront doors has no historic significance, the request allows both openings to be visually compatible.

Overall and provided the conditions of approval are met, the relationship and Rhythm of Solids to Voids of the proposed is visually compatible with other structures in OSSHD. The Relationship of Materials, Texture and Color of the building are being retained in that with the exception of the proposed 8' storefront door and 10' sliding glass doors to the left and right of the stage on the east elevation of 4 E. Atlantic Avenue, no color changes or alterations are being proposed to the front facades of 4 E. Atlantic Avenue and 8 E. Atlantic Avenue.

#### **Architectural Elevations Analysis**

**Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the following criteria shall be considered by the Historic Preservation Board (HPB) in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved:**

- 1. The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.**
- 2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.**
- 3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.**

The development proposal is also subject to the requirement for Visual Compatibility pursuant to LDR Section 4.5.1(E)(7), which provides for a specific analysis of the historic exterior of the proposal. The existing structures are both in the masonry vernacular commercial style of architecture with storefront windows and doors on the front facades. There are minor changes proposed to the exterior elevation of 4 E. Atlantic Avenue and improvements to the outdoor space of 8 E. Atlantic Avenue. The most significant change proposed is the addition of sliding glass doors to the east side of elevation of 4 E. Atlantic Avenue. Overall, the modifications allow for an improved appearance to the outdoor space of the Tin Roof restaurant. Provided the conditions of approval are addressed, the proposed architectural elevations present design elements that will contribute to the general area, will maintain the architectural harmony, compatibility, and quality of the neighborhood. It will not cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.



### **Comprehensive Plan**

Pursuant to the Future Land Use Element, Objective A-4, the redevelopment of land and buildings shall provide for the preservation of historic resources. The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and, where applicable, to architectural design guidelines through the following policies:

**Future Land Use Policy A-4.1** Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".

The proposal can be found to be consistent with the requirements of the Comprehensive Plan and provided the conditions of approval are addressed, the request will be considered to be consistent with the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the "Delray Beach Historic Preservation Design Guidelines".

### **Review by Others:**

The projects are within the CRA boundary, the HPBs action will be reported to the CRA.

The projects are within the DDA boundary and were reviewed at its board meeting on November 18, 2018 to which the request was recommended for approval.

### **Courtesy Notice:**

This development proposal is not in a geographic area requiring courtesy notices.

## **OPTIONAL BOARD MOTIONS FOR ACTION ITEMS**

- A. Move to continue with direction.
- B. Move approval of the Class I Site Plan Modification and Certificate of Appropriateness (2020-010 & 2020-011), requests associated with the renovation of the existing contributing commercial structure on the property located at **4 E. Atlantic Avenue and 8 E. Atlantic Avenue, Old School Square Historic District**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. Move approval of the Class I Site Plan Modification and Certificate of Appropriateness (2020-010 & 2020-011), requests associated with the renovation of the existing contributing commercial structure on the property located at **4 E. Atlantic Avenue and 8 E. Atlantic Avenue, Old School Square Historic District**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations, subject to the following conditions:
  - 1. That the roll down gates and metal gate storage boxes be screened with authentic materials that are appropriate to the historic district and are visually appealing from the public right-of-way; and,
  - 2. That the real plant material be utilized on the fence along the south side of the outdoor patio.

### **Site Plan Technical Items:**

- 1. That the combined life safety plan be updated to correctly illustrate the number of proposed seats.
- D. Move denial of the Class I Site Plan Modification and Certificate of Appropriateness (2020-010 & 2020-011), requests associated with the renovation of the existing contributing commercial structure on the property located at **4 E. Atlantic Avenue and 8 E. Atlantic Avenue, Old School Square Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.