



DEVELOPMENT SERVICES

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

HISTORIC PRESERVATION BOARD STAFF REPORT

150 Marine Way

Meeting	File No.	Application Type
January 15, 2020	2019-271	Certificate of Appropriateness

REQUEST

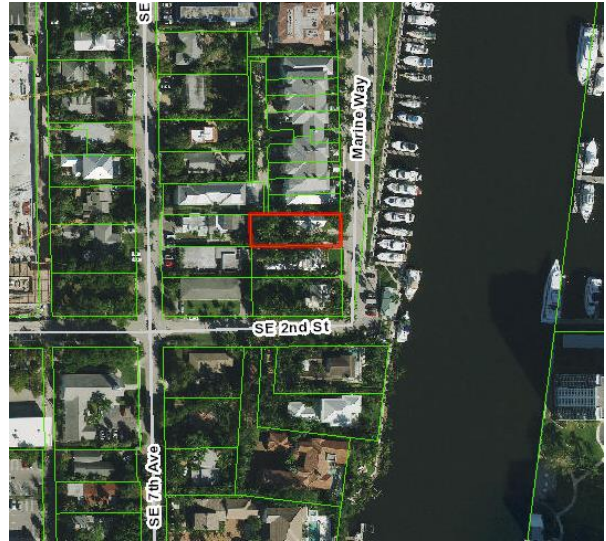
The item before the Board is in consideration of a Certificate of Appropriateness (2019-271) request associated with the demolition of a non-contributing structure and construction of a new 2-story single-family residence on the property located at **150 Marine Way, Marina Historic District**.

GENERAL DATA

Agent: Richard Jones
Owner: Azure 150 Marine, LLC
Location: 150 Marine Way
PCN: 12-43-46-16-01-126-0130
Property Size: 0.16 Acres
Zoning: RM - Multiple-Family Residential
FLUM: MD (Medium Density Residential)
Historic District: Marina Historic District
Adjacent Zoning:

- RM - Multiple-Family Residential (North)
- RM - Multiple-Family Residential (West)
- RM - Multiple-Family Residential (South)
- CF – Community Facility (East)

Existing Land Use: Residential
Proposed Land Use: Residential



BACKGROUND INFORMATION AND PROJECT DESCRIPTION

The subject 0.16-acre property is located on the east side of SE 7th Avenue between SE 1st Street and SE 2nd Street. The property is located within the Locally and Nationally Registered Marina Historic District and consists of Lot 13, Block 126, Town of Delray. The property contains a two-story, Modern Frame Vernacular style single-family, residence, approved by HPB in 1995 and built in 1996 which is classified as non-contributing to the Marina Historic District. On August 27, 1997 a sight easement was granted for the site. Also, On April 4, 1995 the City Commission granted approval of a waiver from the Land Development Regulation Section 4.1.4(C) "Use of Lots of Record" to allow the property owner to construct a single-family residence on the non-conforming lot. The code stated that when two or more adjoining lots of record are under the same ownership, they shall not be developed except in accordance with the minimum frontage and area requirements for the district. As the vacant lot was non-conforming with respect to lot width which at the time was required to be 60' where only 50' existed. HPB recommended approval of the request at their meeting of March 15, 1995 to allow the construction of a single-family residence, given that a single-family residence was more consistent with the historic neighborhood, than a multi-family development would have been.

The current proposal includes demolition of the existing, two-story, 1996 non-contributing single-family residence and construction of a new two-story Modern Florida Vernacular style residence. The COA is now before the board.

Project Planner: Project Planners: Katherina Paliwoda, Planner PaliwodaK@mydelraybeach.com	Review Dates: HPB: January 15, 2020	Attachments: 1. Architectural Plans 2. Demolition Report 3. Justification Statements 4. Photos
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REVIEW AND ANALYSIS

Pursuant to Land Development Regulation (LDR) Section 2.4.6(H)(5), 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 Land Development Regulation (LDR) Section 2.4.5(I)(5), Architectural (appearance) elevations, the Site Plan Review and Appearance Board or the Historic Preservation Board, as appropriate, may approve subject to conditions or deny architectural elevations or plans for a change in the exterior color of a building or structure, or for any exterior feature which requires a building permit.

ZONING AND USE REVIEW

Pursuant to LDR Section 4.4.6(F)(1) – Medium Density Residential (RM) Development Standards: the provisions for R-1-A shall apply for the single-family detached dwellings.

Pursuant to LDR Section 4.3.4(K) - Development Standards: properties located within the R-1-A zoning district shall be developed according to the requirements noted in the chart below.

The proposal is in compliance with the applicable requirements; therefore, positive findings are made.

Development Standards	Required	Existing	Proposed
Open Space (Minimum, Non-Vehicular)	25%	55.4%	37.2%
Setbacks (Minimum):	Front (East)	25'	25-4 ¾'
	Side Interior (North)	7'6"	8' 6½" - 10'
	Side Street (South)	7'6"	7-6'
	Rear (West)	10'	10'
Height (Maximum)	35' Max.	24'	31'7"(Above BFE)

BFE = Base Floor Elevation

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)(4) – Major Development.

The subject application is considered “Major Development” as it involves “new construction within the RM zoning district.”

Pursuant to LDR Section 4.5.1(E)(3) – Buildings, Structures, Appurtenances and Parking: Buildings, structures, appurtenances and parking shall only be moved, reconstructed, altered, or maintained, in accordance with this chapter, in a manner that will preserve the historical and architectural character of the building, structure, site, or district:

Appurtenances: Appurtenances include, but are not limited to, stone walls, fences, light fixtures, steps, paving, sidewalks, signs, and accessory structures.

Fences and Walls: The provisions of Section 4.6.5 shall apply, except as modified below:

- a. Chain-link fences are discouraged. When permitted, chain-link fences shall be clad in a green or black vinyl and only used in rear yards where they are not visible from a public right of way, even when screened by a hedge or other landscaping.

- b. **Swimming pool fences shall be designed in a manner that integrates the layout with the lot and structures without exhibiting a utilitarian or stand-alone appearance.**
- c. **Fences and walls over four feet (4') shall not be allowed in front or side street setbacks.**
- d. **Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right of way.**
- e. **Decorative landscape features, including but not limited to, arbors, pergolas, and trellises shall not exceed a height of eight feet (8') within the front or side street setbacks.**

The proposal includes a planter wall to be placed within the front setback of the property. The proposed wall is used as a screening method to balance visual compatibility of the finished floor height with the front grade elevation as well as a perimeter wall for the front terrace. Materials for gate are aluminum with aluminum rails over smooth stucco masonry walls.

Garages and Carports:

- a. **Garages and carports are encouraged to be oriented so that they may be accessed from the side or rear and out of view from a public right of way.**
- b. **The orientation of garages and carports shall be consistent with the historic development pattern of structures of a similar architectural style within the district.**
- c. **The enclosure of carports is discouraged. When permitted, the enclosure of the carport should maintain the original details, associated with the carport, such as decorative posts, columns, roof planes, and other features.**
- d. **Garage doors shall be designed to be compatible with the architectural style of the principal structure and should include individual openings for vehicles rather than two car expanses of doors. Metal two car garage doors are discouraged; however, if options are limited and metal is proposed, the doors must include additional architectural detailing appropriate to the building.**

The subject proposal meets with the intent of the requirements of this subject regulation as the proposed 3 car garage and 2-car golf cart garage are subgrade under the proposed residence. They in effect are the ground floor of the structure and are out of view from a public right-of-way with access via a motor court along the south side of the subject property. The proposed garage doors will be white, metal with applied Azek, (a synthetic material).

Parking: Parking areas shall strive to contribute to the historic nature of the properties/districts in which they are located by use of creative design and landscape elements to buffer parking areas from adjacent historic structures. At a minimum, the following criteria shall be considered:

- a. **Locate parking adjacent to the building or in the rear.**
- b. **Screen parking that can be viewed from a public right-of-way with fencing, landscaping, or a combination of the two.**
- c. **Utilize existing alleys to provide vehicular access to sites.**
- d. **Construct new curb cuts and street side driveways only in areas where they are appropriate or existed historically.**
- e. **Use appropriate materials for driveways.**
- f. **Driveway type and design should convey the historic character of the district and the property.**

The subject proposal complies with the requirements of this subject regulation, as all new parking will be situated within enclosed, sub-grade, garages underneath the proposed structure, which are accessible by a paver brick motor court & driveway. In addition, a 2-car golf cart garage is also proposed at sub-grade, which is also not visible from the public right-of-way. The single point of access for both garages will be from the southeast side of the lower level on the subject property.

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 structure is proposed for demolition. The structure is not old enough to be considered for historic designation and has been considered with respect to improvements.

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.

Standard 1, 2, 5, 9, & 10 are applicable. The proposal includes the demolition of an existing non-contributing structure used as a single-family residence, which due to the age of the structure, is not eligible for designation as a historic structure. These circumstances allow for the construction of a new building without harming any aspect of historic materials on the property. The new structure will also have the same use as a residential property that the site and its surrounding environment was historically used.

Regarding Standard 5, the compatibility of the proposed structure is defined as a Florida Vernacular architectural style. Masonry vernacular structures within the district are typically one to two story while almost all Frame Vernacular with the Marina Historic District are one-story. Marine Way consists of a variety of styles ranging from one to two story, such as Vernacular styles to Mediterranean Revival architecture. The proposed Vernacular style is compatible with the overall streetscape; however, its architectural style seems to be more closely relatable to styles seen on newer modern structures within the district more than the actual historic detail of the street. The proposed structure includes a galvalume metal roof, smooth stucco siding as well as hardiboard and simulated stucco board & batten siding, aluminum framed windows, aluminum shutters, aluminum rails and trellis. There were modifications made to the FEMA Flood Maps in 2017, requiring new construction and additions in the area to be constructed at a higher finished floor elevation due to increased coastal flooding hazards. This effect has changed the minimum base flood elevation to be 7' NAVD (North Atlantic Vertical Datum) and an additional foot is allowed up to 8' NAVD. In this case the applicant has chosen to construct the finished floor elevation of the 1st floor at 14' NAVD. This practice is known as "Freeboarding". Per city code, height is measured from the 8' NAVD and height of the structure is 31'6". This height is more comparable to a 3-story structure and while the design includes a "ground floor" of space, this area only contains the garages and not any habitable floor area. The Delray Beach historic regulations include massing controls such as Building Height Plane and Scale of a Building in order to encourage new construction and additions to be in harmony with the surrounding area. These massing controls help to create articulation and detail in the proposed structure. The massing of the proposed structure can be considered to be compatible with newer construction within this block; however, not with the historic structures that flank the block at each end.

Pursuant to LDR Section 4.5.1(E)(7) - Visual Compatibility Standards: new construction and all improvements to both contributing and noncontributing 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.

- a. **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.
- b. **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.
- c. **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.
- d. **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.

- e. **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.
- f. **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.
- g. **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.
- h. **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.
- i. **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.
- j. **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:
- k. **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.
- l. **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.

The design of the proposed residence reduces the overall massing of the structure on the front elevation, due to a sight easement as well as the Building Height Plane (BHP) incentive, requiring the bulk of the structures' mass to be setback further from the road. With the additional height to Freeboard the structure, design elements such as Building Plane Height (BHP) ensures the proposal will meet the requirements for size and massing of the structure appropriate for the historic district. With respect to the BHP, it is noted that the proposal takes advantage of the BHP Incentive as noted in LDR Section 4.5.1(E)(8), with a 2nd floor open air balcony and a first-floor trellis on the front elevation extending above the permitted BHP. It is important to note that due to the allowed height to freeboard the actual Finish Floor Level doesn't actual begin for the first habitable floor until

14.50' NAVD. The "ground floor" contains non-habitable space such as the garages and a portion of this "floor" is constructed below the base building elevation. A building code requirement for this design will include flood vents to ensure the garages do not retain water during a flood event.

Regarding the Relationship of Materials, Texture, and Color states that 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. The exterior finish of the residence includes a combination of smooth stucco on the first story and Hardie Board or board & batten siding on the second story. Aluminum framed casement and fixed windows with dimensional muntins are proposed. Historically, the predominant materials used in and on historic structures within the Marina Historic District are authentic such as wood. With new construction, typically aluminum is utilized for doors, windows and railings with wood elements being utilized for both decorative and structural elements such as shutters, railings, rafter tails, corbels etc. The use of authentic materials guarantees the longevity and authenticity of the district, ensuring there will be future resources that will contribute to the architectural and historical context of the historic district. The proposal can be considered compliant with the intent of this standard.

There is concern with respect to the Front Façade Proportion, the Proportion of Openings (windows and doors), the Rhythm of Buildings on Streets, and the Directional Expression of Front Elevation as the front elevation includes large storefront type sliding windows/doors and not a defined front door entrance. This design makes the front of the structure appear to look more like a rear elevation than a front. This could be confusing to the pedestrian experience as visitors would not be able to distinguish how to access the front door. Further, the proposed windows/doors are not consistent with other windows within the historic district. It is understood that the windows which overlook the pool from the dining room are designed to create a vista type view of the pool and intracoastal beyond; however, the windows which overlook the covered loggia could appear to be more like traditional windows if there was a base incorporated at the bottom of the window/door system. This would still allow the windows/doors to slide open for access onto the covered loggia. Alternatively, these doors could instead be windows with an entry door. This item is attached as a condition of approval.

The Texture and Color of the new structure will be visually compatible with the District. Specifically, architectural elements to include the use of smooth stucco siding, board & batten and 6' Hardie Board siding, wood fascia, wood columns in Sherwin Williams 7005-Pure White, with roof, railings, fence, windows, and doors to be bronze.

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 development proposal involves the demolition of an existing two-story, non-contributing residence to be replaced with the construction of new two-story residence within the subject property. There are no concerns with respect to soil, topographic or other physical considerations. With respect to the adjacent land uses, the property is in an area surrounded by single-family and multi-family residential uses. 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".

DEMOLITION ANALYSIS

Pursuant to LDR Section 4.5.1(F), Demolitions – Demolition of historic or archaeological sites, or buildings, structures, improvements and appurtenances within historic districts shall be regulated by the Historic Preservation Board and shall be subject to the following requirements:

1. No structure within a historic district or on a historic site shall be demolished before a Certificate of Appropriateness has been issued pursuant to Section 2.4.6(H).
2. The application for a Certificate of Appropriateness for demolition must be accompanied by an application for a Certificate of Appropriateness for alterations to the structure or the redevelopment of the property.
3. Demolition shall not occur until a building permit has been issued for the alterations or redevelopment as described in the applicable Certificate of Appropriateness.
4. All structures approved for demolition and awaiting issuance of a building permit for the alterations or redevelopment shall be maintained so as to remain in a condition similar to that which existed at time that the Certificate of Appropriateness for demolition was approved unless the Chief Building Official determines that an unsafe building condition exists in accordance with Section 4.5.3(G).
5. A Certificate of Appropriateness for demolition of 25 percent or more of contributing or individually designated structure shall be subject to the following additional requirements:
 - a. A demolition plan shall accompany the application for a Certificate of Appropriateness for demolition. The plan shall illustrate all portions of the existing structure that will be removed or altered.
 - b. The Certificate of Appropriateness for demolition and the Certificate of Appropriateness for alternation or redevelopment shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(B)(1)(j).

The proposal is for the demolition of the existing non-contributing two-story residence as it was constructed in 1996, outside of the period of significance for the Marina Historic District. According to the demolition report, the current condition of the existing structure is not suitable for sustained living conditions due to the deteriorated structural conditions. A review of the applicable code requirements relating to demolition of non-contributing structures has been completed and is noted below. The applicant has provided a request for demolition via the subject application for COA. The proposed demolition is not proposed to occur until a building permit has been issued for construction of the new structure. It is noted that the existing structure is to be maintained so as to remain in a condition similar to that which existed at the time of the application for the COA. The applicant has not claimed undue economic hardship with respect to the subject COA request. Should the Board deny the request, the Board shall provide an explanation within the motion and a written supporting statement for the record describing the public interest that the Board seeks to preserve. An additional delay period has not been requested and is not anticipated to be necessary.

OPTIONAL BOARD MOTIONS FOR ACTION ITEMS

- A. Move to continue with direction
- B. Approve Certificate of Appropriateness (2019-271), request for the property located at **150 Marine Way, Marina Historic District** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. Approve Certificate of Appropriateness (2019-271), requests for the property located at **150 Marine Way, Marina Historic District** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations subject to the following conditions:
 1. That the windows on the east elevation which overlook the covered loggia appear or function to be more like traditional windows which include a base.

D. Deny Certificate of Appropriateness (2019-271), requests for the property located at **150 Marine Way, Marina Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

PUBLIC AND COURTESY NOTICES

Courtesy Notices were provided to the following, at least 5 working days prior to the meeting:

Marina Historic District Homeowners Association

Agenda was posted on (1/8/20), 5 working days prior to meeting.