

HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: June 26, 2017 and June 27, 2017 (if needed)

ITEM: 18 SE 1st Street, Old School Square Historic District (Building 'X') – Consideration of a Certificate of Appropriateness for the demolition of a Contributing structure.

RECOMMENDATION: Approve

GENERAL DATA:

Owner/Applicant: Atlantic Ave Development, LLC
and MGM Sundy House, LLC

Agent: Bonnie Miskel, Esq. – Dunay,
Miskel and Blackman, LLP

Location: 18 SE 1st Street

Zoning District: Old School Square Historic Arts
District (OSSHAD)

Historic District: Old School Square Historic
District

Building Reference: Building ('X')

Year Built: 1928

Present Use: Residential

Proposed Use: Demolition



ITEM BEFORE THE BOARD

The item before the Board is a Certificate of Appropriateness (COA) for the demolition of Building 'X', located at 18 SE 1st Street, Old School Square Historic District, per LDR Sections 4.5.1 (E)(5) and 4.5.1(F).

BACKGROUND & PROJECT DESCRIPTION

Building 'X' is a 1,276 SF building located on Lot 24 on the east end of Block 70 between S.E. 1st Avenue and South Swinton Avenue within the Old School Square Historic District. *The 2008 resurvey of the OSSHAD classifies it as a contributing, one-story, frame building with stucco finish in the Mission Revival style built in 1928.*

The historic structure has significantly deteriorated over the years. The interiors exhibit deterioration around the fireplace mantel and falling ceilings. According the Swinton Commons redevelopment application index, the building has a lengthy five-year code enforcement history

Structures that are individually designated as historic or are located in historic districts shall be maintained in a secure and attractive manner. All defective structural and decorative elements of such building facades shall be repaired or replaced in a workmanlike manner, to match as closely as possible the original materials and construction of the building. All exterior walls shall have all loose material removed and patching or resurfacing shall be accomplished to match the existing or adjacent surfaces as to materials, color, bond, and joining. All cornices, trim and window frames that are damaged, sagging or otherwise deteriorated shall be repaired or replaced to be made structurally sound and all exposed materials painted, stained or otherwise treated in a consistent manner.

There were alterations made to Building 'X' that removed important character defining features of its original Mission Revival style. The flat roof and likely a curvilinear parapet was replaced with an inappropriate low-pitch gable roof. Research indicates the building had a flat roof in 1950 when a building permit (#1703) was pulled to add the carport addition. An expansion of a secondary building was also done in 1957. No records, however, could be found to determine when the gable roof replaced the flat roof. The gable end addition is covered with vertical wood sheathing, which are not in keeping with the design and stucco finish of a Mission Revival Style. A slightly curved masonry "parapet" is noted above the flat roof of the carport as a crude representation of the Mission Revival style, as does the entry at the structure's northeast corner. Based on the inappropriate changes made to "Building 'X'" suggest that it should no longer be characterized a Mission Revival style building, as its architectural integrity no longer exists.

The current condition of the interior and exterior of Building 'X' appear to have been neglected for some time. Based on the photos of the interiors, the failure of the wood ceiling, which indicate the roof has not been water tight for some time has deteriorated the ceiling as well as the wall above the fireplace mantel. Built in 1928, the floors are hard wood and, if original, could be Dade County Pine. The building has different window styles including 1/1 and 4/1 windows. The 4/1 interior window, which was likely enclosed when the carport was added in 1950, appears to be intact.

The Applicant should have the floors evaluated to see if they are made of Dade County Pine. If confirmed the Dade County Pine and the 4/1 window(s) should be salvaged for reuse. All the exterior windows are boarded up. The foundation appears to be intact, although the piers and ventilation openings that would have been necessary for wood floors are not visible in the photos provided in the report. Overall, the structure is in poor condition.

The current request is for the demolition of Building 'X'. Although the building is noted to be considered contributing in the 2008 resurvey of OSSHAD, the alterations to Building 'X' that took place sometime after 1950 as noted above, clearly destroyed the integrity of the character defining features of its original Mission Revival style. Building 'X' is located on the site where there is a CBD overlay and a new 4-story hotel is being proposed as part of the mixed-use Swinton Commons redevelopment project. The current request for the demolition of Building 'X' would not negatively impact the historic district.

ANALYSIS

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.

The applicable Standards are provided below:

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 1)

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 2)

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. (Standard 5)

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 6)

Building 'X', is noted as being contributing and may contain historically significant features, such as the 4/1 window(s) and possibly Dade County Pine floors. If confirmed to be Dade County Pine, the windows and wood floors shall be removed and preserved for future use. The building is in deteriorating condition. The Applicant does not intend to rehabilitate, restore, or reconstruct the building. The Applicant is requesting to demolish Building 'X'. Classified as contributing the Applicant shall comply with *The Secretary of Interiors*

Standards for Rehabilitation Standard 1.2, 5 & 6 and the Delray Beach Historic Preservation Design Guidelines are not applicable.

Pursuant to LDR Section 4.5.1(F), Demolition, 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).**

Building 'X' shall not be demolished until a COA 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.**

Building 'X' shall not be demolished until a COA for the redevelopment of the property has been issued

- (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.**

The subject COA is accompanied by a Class V Site Plan for Swinton Commons, which encompasses the subject property. The demolition permit shall not be issued until the building permit is issued for the entire project, which includes other demolitions and relocation of structures.

- (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).**

At this time the Chief Building Official has not determined that that Building 'X' is unsafe although it has a lengthy five-year code enforcement history. Building 'X' will remain in existing condition until the CEO for demolition is approved.

This requirement is to ensure that either further neglect takes place, if already in a bad condition, or that the building not fall into disrepair due to neglect while awaiting a building permit. Some properties, although there is an approved site plan, are not redeveloped, and therefore, the structure should be maintained to ensure its viability in the future.

(5) A Certificate of Appropriateness for demolition of 25% 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 alterations or redevelopment shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(b)(1)(i).**

Since Building 'X' is classified contributing and is proposed for demolition, the existing plans have been provided for the entire structure to illustrate compliance with this requirement. The additional Public Notice requirements include a mailing to all property owners within a 500' radius of the property, as well as the posting of a Public Notice sign on the property.

(6) The Board upon a request for demolition by a property owner, shall consider the following guidelines in evaluating applications for a Certificate of Appropriateness for demolition of designated historic sites, historic interiors, or buildings, structures, or appurtenances within designated historic districts;

- (a) Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register.**
- (b) Whether the structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or economically nonviable expense.**
- (c) Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city.**
- (d) Whether retaining the structure would promote the general and value of a particular culture and heritage.**
- (e) Whether there are approved plans for immediate reuse of the property if the proposed demolition is carried out, and what effect those plans will have on the historic district designation or the individual designation of the property.**

In accordance with the criteria above:

- (a) Building 'X' does not fulfill criteria for designation for listing in the National Register of Historic Places.
- (b) Building 'X' design, craftsmanship or material does not warrant being reproduced and would be an economically non-viable expense.
- (c) Building 'X' is not one of the last remaining examples of its kind in the designated historic district within the city. There are other similar buildings noted within and outside the historic district that were built for utilitarian purposes with no architectural significance.
- (d) Retaining Building 'X' would not promote the general and value of a particular culture and heritage.
- (e) There are proposed plans for immediate reuse of the property if the proposed demolition is carried out. The plans call for a mixed-use development that would occupy part of Block 69. Building 'X' is located in the northeast corner, where there is a CBD overlay and where a 4-story hotel is proposed. It is part of the overall mixed-

use Swinton Commons redevelopment project. The demolition of Building 'X' will not negatively impact the designation of the historic district.

- (7) No decision of the Board shall result in undue economic hardship for the property owner. The Board shall determine the existence of such hardship in accordance with the definition of undue economic hardship found in Section 4.5.1(H).**

The Applicant has not claimed undue economic hardship with respect to this request. If the Applicant does claim undue economic hardship all materials must be submitted pursuant to Section 4.5.1(H).

- (8) The Board's refusal to grant a Certificate of Appropriateness requested by a property owner for the purpose of demolition will be supported by a written statement describing the public interest that the Board seeks to preserve.**

Should the Board deny the request for COA for demolition, the Board shall provide an explanation within the motion supported by a written statement describing public interest that the Board seeks to preserve.

- (9) The Board may grant a certificate of appropriateness as requested by a property owner, for demolition which may provide for a delayed effective date. The effective date of the certificate will be determined by the Board based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The Board may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months while demolition of non-contributing buildings within the historic district may be delayed for up to three months.**

If approved, the property owner is not permitted to demolish the structure until a building permit is issued concurrently with the approved development. Therefore, an additional delay is not necessary, unless the Board can determine that additional time would assist in finding an alternative to the demolition.

- (10) Request for Demolition Justification Statement: A justification statement shall accompany the application for a Certificate of Appropriateness for demolition of any contributing structure in a historic district or individually designated historic structure. The justification statement must include the following:**
- (a) A certified report from a registered architect or engineer which provides documentation explaining that the building is structurally unsound and is damaged beyond the ability to repair it at a reasonable cost. The report must include photographs to substantiate the damage.**
 - (b) A certified report from an engineer, architect, general contractor, or other qualified professional which documents the projected cost of repairing the structure and returning it to a safe and habitable condition.**
 - (c) An appraisal of the property in its current condition, its value as vacant land and its potential value as a preserved and restored historic property.**

- (d) Documentation that reasonable efforts have been made to find a suitable alternate location for the structure within the City of Delray Beach to which the contributing/ individually designated historic.**
- (e) Documentation that the APPLICANT or property owner has taken such steps as it deems necessary to preserve the structure requested for demolition including consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies, or agencies and exploration of the possibility of moving one or more structures or other features.**

In accordance with the criteria above:

- (a) Building 'X', although noted as being "contributing, no longer exhibits the character defining features of its original Mission Revival architecture. Alterations done sometime after 1950 dramatically changed its architecture from Mission Revival to wood/masonry vernacular, destroying its architectural integrity. Part of building's interior shows the building is not water tight and the ceiling in one of the rooms has failed. Overall the building appears to be structurally sound and having a certified report from a registered architect or engineer stating that the building is structurally unsound does not seem necessary at this time.
- (b) Building 'X' is in declining condition. A statement of probable costs for repair and restoration submitted by BSA Corporation indicates the total cost is estimated at \$258,800.
- (c) An exhaustive appraisal report was repaired for all structures in that area that are the subject for demolition request. It is contained in the appendix portion of this application.
- (d) Although Building 'X' is considered "contributing", its extensive alterations has destroyed its architectural integrity. The owner has not sought an alternate location for Building 'X'.
- (e) This structure is very common and could easily be rebuilt in most any location. Relocation would not make economic sense and no interest has been expressed by parties as to its relocation. It is part of Block 70, which has a CBD overlay and allows for more intense development. It is associated with the mixed-use redevelopment project known as Swinton Commons, specifically with a site where a 4-story hotel is proposed. That site plan application accompanies this demolition application and includes all associated properties.

(11) Salvage and Recordation of Historic Structures:

- (a) The property owner shall contact the Delray Beach Historical Society for the purpose of salvaging and preserving specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of the other historic properties. Confirmation of such efforts shall be provided in a written statement and submitted with the other demolition application prior to consideration by the Historic Preservation Board.**
- (b) The Board may, with the consent of the property owner, request that the Delray Beach Historical Society, or the owner, at the owner's expense, record the architectural details for archival purposes prior to demolition.**

- i. **The recording may include, but shall not be limited to photographs, documents and scaled architectural drawings to include elevations and floor plans.**
- ii. **One (1) copy of the recording shall be submitted to the City's Planning and Zoning Department, and one (1) copy shall be submitted to the Delray Beach Historical Society for archiving purposes.**

In compliance with (11) (a)&(b), and at the expense of the Applicant with City staff, an inventory should be conducted of all salvable materials from the structure to be demolished prior to release of demolition permits, including but not limited to flooring, doors, windows, and hardware. If it is determined the floors are Dade County Pine, the Applicant shall reuse materials on relocated properties where possible. Copies of the recording shall be submitted to the City's Planning and Zoning Department, and to the Delray Beach Historical Society for archiving purposes.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the COA (Building' X') for the demolition of the structure located at 18 SE 1st Street, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F).
- C. Move denial of the COA (Building' X') for the demolition of the structure located at 18 SE 1st St, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F).

RECOMMENDATION

Move approval of the COA (Building' X') for the demolition of a the structure located at 18 SE 1st St, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F).