



**HISTORIC PRESERVATION BOARD STAFF REPORT**

**824 E Atlantic Avenue**

Meeting	File No.	Application Type
September 4, 2024	2024-180	Certificate of Appropriateness

**REQUEST**

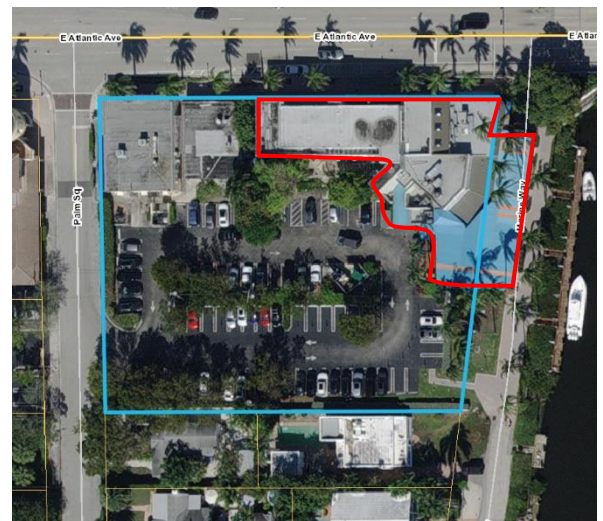
The item before the Board is consideration of a Certificate of Appropriateness (2024-180) for a partial exterior color change on a contributing commercial structure located at **824 E. Atlantic Avenue, Marina Historic District.**

**GENERAL DATA**

**Owner** Delray Beach Associates Inc.  
**Agent:** Kristen Sarubbe  
**Location:** 824 E. Atlantic Avenue  
**PCN:** 12-43-46-16-34-000-0470  
**Property Size:** 1.1813 Acres  
**Zoning:** CBD – Central Business District  
**LUM Designation:** Commercial Core  
**Historic District:** Marina Historic District  
**Adjacent Zoning:**

- OSR – Open Space & Recreation (North)
- CBD – Central Business District (West)
- CBD – Central Business District (East)
- CBD – Central Business District (South)

**Existing Land Use:** Commercial  
**Proposed Land Use:** Commercial



**BACKGROUND AND PROJECT DESCRIPTION**

The subject property is located on the south side of East Atlantic Avenue and is zoned CBD (Central Business District). The property consists of a three-story structure built in 1939 in the Art Moderne style and is known as the “Boyd Building” and a one-story structure on the east side of the property that was constructed in 1945, also in the Art Moderne style. In 1975, a glass front addition was constructed connecting the one and three-story buildings. Additional alterations have occurred throughout the years, which have not significantly impacted the historic integrity of the property, as it is classified as contributing to the Marina Historic District. The three-story portion of the building consists of retail and office uses, in a multi-tenant occupancy and the one-story portion of the building contains the Deck 84 restaurant.

In 2010, staff administratively approved a COA request for Deck 84 for the installation of new awnings, a color change for a 1-story east side of the building, as well as the new signage for the restaurant.

<b>Project Planner:</b> Katherina Paliwoda, Historic Planner, paliwodak@mydelraybeach.com Michelle Hoyland, Principal Planner, hoylandm@mydelraybeach.com	<b>Review Dates:</b> HPB: September 4, 2024	<b>Attachments:</b> 1. Photographs 2. Color and Materials
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At its meeting of September 21, 2011, HPB approved Class 1 Site Plan Modification, Certificate of Appropriateness, and Waiver (2011-143) request for alterations to the subject contributing structure which consisted of the following:

- Attachment of six, twelve foot tall, blue flags on the dock pilings.
- North (Front) Elevation:
  - Replacement of fixed, storefront windows with aluminum framed, impact sliding doors;
  - Installation of 42" high steel tube and cables railing along outside of sliding doors; and,
  - Infill of planter area adjacent to sliding doors, finished with travertine tiles to match inside flooring.
- Northeast (Rear/Side) Elevation:
  - Removal of existing wood metal and wood deck area adjacent to handicap ramp access to rear bar area;
  - Construction of new concrete block deck to provide screening and drainage of utility area:
    - Lower portion finish: grade to approximately 3'6" - travertine tiles to match finish of entry wall;
    - Upper portion finish: 3'6" to 9' – painted to match Deck 84 colors (striped of blues, orange, and yellow);
    - Wood frame wall and lattice on east elevation to close up area.
- A waiver to reduce the required front setback approximately eight inches (8") from the required five feet (5'), in association with the proposed sliding doors along the front (north) elevation, per LDR Section 4.4.13(F)(4)(a)2. Development Standards, Front Setbacks.

In 2021, the east portion of the three-story existing structure was painted to match the Deck 84 portion of the site. The owner did not receive approval from the city for repainting this portion of the building (see photo below).



The request before the board is for a color change to majority of the existing three-story contributing commercial structure that fronts Atlantic Avenue. The request excludes the portion of the building occupied by Deck 84, the existing pale beige color will remain. The applicant is requesting for the existing beige portion of the building to remain.

## REVIEW AND ANALYSIS

Pursuant to Land Development Regulation (LDR) Section 2.4.12(A)(5), prior to approval, a finding must be made that any Certificate of Appropriateness is consistent with Historic Preservation purposes pursuant to Objective HPE 1.4 of the Historic Preservation Element of the Comprehensive Plan; the provisions of Section 4.5.1; the Delray Beach Historic Preservation Design Guidelines; and, the Secretary of the Interior's Standards for Rehabilitation.

### ZONING USE AND REVIEW

Pursuant to LDR Section 4.4.13(A) Central Business District is established to preserve and protect the cultural and historic aspects of downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area.

Retail use is a permitted use within the Central Business Zoning (CBD) district. No changes to the use are proposed at this time.

### 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)(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 subject request is for a partial exterior color change to the Art Moderne style commercial structure.

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.

### SECRETARY OF THE INTERIOR'S STANDARDS

#### 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, and 5 are applicable to the request. There is concern with regard to Standards 2, 3, and 5, as the fluted pilasters on the side of Deck 84 (see image below) have been painted the same beige hue as the walls of the structure, the muted designs along with the wall color difference from the rest of the building giving the illusion that these are separate structures and diminishing the architectural detailing of the building. This method of painting a structure is not typical as it creates a conjectural design which is not recommended for an historic structure as it does not fully communicate the style and detailing of the Art Moderne architecture.



Furthermore, pursuant to the National Park Service Preservation Brief 17, “*Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character*”, a building’s character can be irreversibly damaged or changed in many ways. The following excerpts are noted from Brief 17:

The Secretary of the Interior’s “Standards for Historic Preservation Projects” embody two important goals: 1) the preservation of historic materials and, 2) the preservation of a building’s distinguishing character. Every old building is unique, with its own identity and its own distinctive character. Character refers to all those visual aspects and physical features that comprise the appearance of every historic building. Character-defining elements include the overall shape of the building, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environment.

If the various materials, features and spaces that give a building its visual character are not recognized and preserved, then essential aspects of its character may be damaged in the process of change.

In order to protect the building’s distinguishing character and the pilaster elements, which contribute to the visual character of the Art Moderne building design, the pilaster elements should be painted the same color, consistently across the span of the façade (not the same color as the wall facades). Consideration could be given to painting the walls of the structure one consistent color in order to protect the character and simplicity of the Art Moderne style building. However, it could be seen appropriate for the one-story portion of the structure and with the associated glass façade to remain as they exist.

**Delray Beach Historic Preservation Design Guidelines:**

**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(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(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.

With respect to **Relationship of Materials and Color** the subject proposal consists of painting the walls beige (Sherwin Williams-“Stucco” 7569) with doors and trim to be painted a crème color (Sherwin Williams-“Natural Choice” 7011). Portions of the building where the Deck 84 restaurant exists will remain a separate darker beige color. There is concern with regards to the request as the structure as a whole should be painted in its entirety and not in sections to accommodate the different businesses. Doing so diminishes the architectural detailing of the Art Moderne building causing disharmony and color clashes. Also, it is recommended that all design features and trim be painted an accent color different from the body color in order for the pilaster elements to remain visible and prominent features of the Art Moderne design of the structure.

The Delray Beach Design Guidelines note the following regarding paint:

*“Paint is essentially a protective covering that is applied to both frame and masonry surfaces. The choice of paint color for the exterior of a historic property is a combination of personal taste, and in historic districts, consideration as to how that paint color will affect the character of the neighborhood.”*

*“The combination of colors selected for wall mass, trim and decorative elements should be complimentary and should avoid disharmony or color clashes.”*

The board will need to make a determination that the request is appropriate for the contributing Art Moderne structure.



**COMPREHENSIVE PLAN**

Pursuant to the Historic Preservation Element (HPE), Objective 1.4, Historic Preservation Planning: Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.

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:

**HPE Policy 1.4.1 - Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior’s Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.**

The proposal is for a partial color change to the exterior of a contributing structure. The board will need to make a determination that the request can be found to be consistent with the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the Secretary of the Interior’s Standards and the Delray Beach Historic Preservation Design Guidelines.

**ALTERNATIVE ACTIONS**

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness (2024-180), for the property located at **824 E. Atlantic Avenue, 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 (2024-180), for the property located at **824 E. Atlantic Avenue, 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:
- D. Deny Certificate of Appropriateness (2024-180), for the property located at **824 E. Atlantic Avenue, 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**

<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Courtesy Notices were provided to the following, at least 5 working days prior to the meeting: <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Marina Historic District Homeowners Association</li></ul>	<input checked="" type="checkbox"/> Public Notices are not required for this request. <input checked="" type="checkbox"/> Agenda was posted on (08/27/24), 5 working days prior to the meeting.
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