

# HISTORIC PRESERVATION BOARD

## CITY OF DELRAY BEACH

### ---STAFF REPORT---

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

**ITEM:** 48 SE 1<sup>st</sup> Avenue, Old School Square Historic District (Building 'Z') – Consideration of a Certificate of Appropriateness for the demolition of a non-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:** 48 SE 1<sup>st</sup> Avenue, Southeast corner  
of SE 1<sup>st</sup> Avenue and SE 1<sup>st</sup> Street,  
between East Atlantic Avenue and  
SE 1<sup>st</sup> Street

**Zoning District:** Old School Square Historic Arts  
District (OSSHAD), CBD overlay

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

**Building Reference:** Building ('Z')

**Year Built:** 1956

**Present Use:** Mixed-Use  
Residential/Commercial

**Proposed Use:** Demolition



## ITEM BEFORE THE BOARD

The item before the Board is a Certificate of Appropriateness (COA) for the demolition of Building 'Z' located at 48 SE 1<sup>st</sup> Avenue, Old School Square Historic District, pursuant to LDR Section 4.5.1(E)(5) and Section 4.5.1(F)

## BACKGROUND & PROJECT DESCRIPTION

The subject property is located on the southeast corner of SE 1<sup>st</sup> Street and SE 1<sup>st</sup> Avenue between East Atlantic Avenue and SE 1<sup>st</sup> Street on Lot 16, Block 69 within the Old School Square Historic Arts District (OSSHAD) and partially within in a CBD overlay, which allows for more intense development. The 3,425 SF two-story multi-family masonry/wood Mid-Century structure referred to as Building 'Z' was built in 1956. Originally, Building 'Z' was built as a 1-story residence in the Mid-Century style with a low-pitch hip roof, masonry walls with stucco finish and little ornamentation. The garage was eventually transformed into two bedrooms and a 2-story addition was built with in appropriate board and batten wood finish, which diminishes its architectural integrity and not in keeping with its original design. Additionally, a carport, handicap ramp, and utility room were added in 1969. The original 2001 FMSF and updates in 2005 and 2008, as well as 2015 OSSHAD map indicate Building 'Z' lacks sufficient architectural distinction for individual listing in the National Register of Historic Places, although it does contribute to the historic district as a representative example of domestic architecture.

Building 'Z' appears in fairly good condition, however, it does have a lengthy five-year code enforcement history that is included as part of the appendix to the application.

According to the floor plans and elevation documents (City of Delray Beach Planning Department) dated 6-4-55, Building 'Z' was designed by Sam Ogren in 1955 as a residence for E.M. Scott. Further research, however, indicates the architect was Sam Ogren, Jr., the son of Sam Ogren, Sr. (the well-known architect in Delray Beach who designed multiple buildings including Old School Square and the Sandoway House). Research also shows that Sam Ogren, Sr. closed his practice and retired to Windermere, Orange County, Florida in 1950, five years before Building 'Z' was designed. Sam Ogren, Jr. is associated with Mid-Century style architecture characterized by unornamented wall surfaces with no decorative detailing at doors or windows, and asymmetrical facade, which was common style used in 50s-70s and in keeping with the design of Building 'Z'. In the late 60s the two-car garage became an apartment and a 2-story addition finished with board and batten was added to the rear of the building in 1969, along with a carport, utility room and handicap ramp. These additions greatly diminished the Mid-Century architectural integrity and significance of Building 'Z'.

The current condition of the Building 'Z' appears to be fairly good, although it does have a lengthy five-year code enforcement history that is included as part of the appendix to this application. Building 'Z' is located in block 69 that has a CBD overlay, which allows for more intense development and where a 4-story hotel is planned as part of the Swinton Commons redevelopment project. The Applicant is requesting demolition of Building 'Z' to be able to go forward with the redevelopment of project.

The current request is for the demolition of Building 'Z'. FMSFs 8PB10585, 2001, and 2003 indicate that, although it may contribute to the historic district, it is not eligible for individual designation nor is it eligible for listing in the National Register of Historic Places. Furthermore, the alterations to the building as described above, substantially diminishes its

architectural integrity. The Applicant is requesting demolition of Building 'Z' located in a CBD overlay on Block 69 where more intense development is allowed. Building 'Z's footprint and elevation do not comply with the needs of the Applicant in redevelopment of Block 69, as part of the overall Swinton Commons Development.

## **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

FMSFs as noted above indicate that, although Building 'Z' contributes to the historic district, it is not eligible for individual designation nor is it eligible for listing in the National Register of Historic Places. It has no distinctive features, finishes, or construction techniques or examples of craftsmanship that characterize the property that should be preserved. Building 'Z' has undergone multiple alterations through the years changing it from a masonry 1-story residence to a 2-story masonry/wood (board and batten finish) that is not in keeping with its original architecture. The request before the board is for demolition. As a contributing building, the Applicant shall comply with Standards 1, 2, and 5 & 6, pursuant to LDR Section 4.5.1(E)(5), Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines.

**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 'Z' 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 'Z' 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 'Z' is unsafe, consequently, Building 'Z' shall 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).**

Building 'Z' is proposed for demolition of over 25% and is considered contributing. The Applicant shall comply with requirement (5) (a-b) as applicable. The existing plans have been provided for the entire structure and a demolition plan shall accompany the application for COA for demolition 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.**

The Applicant shall consider following the Guidelines (6) (a-e):

- (a) Building 'Z' does not fulfill criteria for designation for listing in the National Register of Historic Places.
- (b) Building 'Z' design, craftsmanship or material if reproduced would be an economically non-viable expense.
- (c) Building 'Z' is not one of the last remaining examples of its kind in the designated historic district (?) within the city. There are many masonry vernacular style buildings within the OSSHAD, according to the survey completed in October 2008.
- (d) The loss of Building 'Z' would not impede the study of local history, architecture and design and would not promote the general and value of a particular culture and heritage.
- (e) The demolition application is submitted concurrently with the site plan application associated with Swinton Commons' redevelopment project. The project plans call for mixed-use development that would occupy all of Block 61, part of Block 70 and part of Block 69. This particular building occupies the southeast corner of Block 69, where there is a CBD overlay and allows for more intense development and where a new 4-story hotel also be part of the Swinton Commons mixed-use redevelopment project.

- (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 decides to claim undue economic hardship all materials must be submitted in compliance with 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, 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.

**(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.**

Since Building 'Z' is considered contributing, the Applicant shall comply with (10) items (a-e).

- (a) Building 'Z' is not damaged or structurally unsound, therefore does not require documentation accordingly.
- (b) Building 'Z': BSA, a general contractor has prepared an estimate for the restoration of this structure and it appears in the appendix of this application. The owner plans to demolish the building and apply more intense redevelopment provided by the overlays of CBD and OMU. Therefore a certified report from an engineer, architect, and general contractor is not applicable.
- (c) An exhaustive appraisal report was repaired for all structures that area the subject of demolition request. It is contained in the appendix portion of this application.
- (d) Although Building 'Z' is considered contributing to OSSHAD for its domestic contribution, it is not worthy of individual designation or for listing in the National Register of Historic Places. There are many masonry vernacular mid-century building within OSSHAD. It would not make economic sense for the Applicant to relocate the building nor has there been any interest expressed by other parties to do so, although efforts have been made.
- (e) Building 'Z' 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 other parties as to its relocation, although efforts have been made. It is part of Block 69, which is the proposed site for the mixed-use redevelopment project known as Swinton Commons, specifically the site of a future hotel. 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. The Applicant would reuse materials on relocated properties where possible. A copy of the recording shall be submitted to the City's

Planning and Zoning Department, and to the Delray Beach Historical Society for archiving purposes.

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| <b>ALTERNATIVE ACTIONS</b> |
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- A. Continue with direction.
- B. Move approval of the COA (Building 'Z') for the demolition of the structure located at 48 SE 1<sup>st</sup> Avenue, 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 'Z') for the demolition the structure located at 48 SE 1<sup>st</sup> Avenue, 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).

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| <b>RECOMMENDATION</b> |
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Move approval of the COA (Building 'Z') for the demolition of the structure located at 48 SE 1<sup>st</sup> Avenue, 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).