

HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

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

ITEM: 10 SE 1st Street, Old School Square Historic District (Building 'H') – Consideration of a Certificate of Appropriateness for the Relocation/Reconstruction 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: 10 SE 1st Street between South
Swinton Avenue and SE 1st Avenue

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

Historic District: Old School Square Historic
District

Building Reference: White House or Building 'H'

Year Built: 1905

Present Use: Vacant

Proposed Use: Possible incorporated into Sundy
House operations



ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation/reconstruction of Building 'H' located from 10 SE 1st Street, Block 70, within the Old School Square Historic District, to the Sundy House property at 106-116 South Swinton Avenue pursuant to LDR Section 2.4.6(B).

BACKGROUND / DESCRIPTION

Building 'H' a.k.a. the "White" House' was built in 1905. It is an early remnant of OSSHAD's period of significance and it retains many character defining features. Architecture - It is a 1-story 1,326 SF wood frame vernacular located at 6 S E 1st Street between South Swinton Avenue and SE 1st Avenue, Block 70 and is considered contributing to OSSHAD. It has a rectangular plan with a steeply pitched hip roof with a wide overhang. The roof is covered with wood shingles and is in extremely poor condition. Most of the windows are boarded up. What is visible is a wood sash non-impact 2/2 double hung window with vertical style wood shutters that are believed to be original. The main entrance is accessed by two-step wood porch enhanced and supported by classical wood Doric-like columns. The porch is full length on the north facade and partially wraps around the building on the east facade providing a side entrance on the north end of the east facade. North Façade exhibits a steep pitched hip roof with a lower hip roof covering a full length porch supported by four Doric-like columns. The half glaze half wood paneled door entrance is off center but its placement creates a symmetry of openings with the 2/2 window placements on the main facade. A 4-step full length platform porch rest on piers. South Façade exhibits a dual tiered high pitched roofline with 2/2 windows with vertical board shutters symmetrically located on the south facade. West Façade exhibits a dual tiered high pitched roofline with 2/2 windows with vertical board shutters symmetrically placed on the west facade. A brick fireplace chimney penetrates the wide eaves and is symmetrically placed on the east facade. Half glaze half wood panel doors are noted on the south and north ends of the east facade. The north end of the east facade has a partial colonnade roof protecting the main entrance.

Prior to demolition, features and materials will be removed including its chimney bricks, wood shingles, trim, dip, rafters and soffit, exposed sheathing, wood skirting, wood siding, shutters, window assembly, columns and porch assembly to either reuse or replicate. Building 'H' will be reconstructed to its original style with strict adherence to the Secretary of Interior Standards for Rehabilitation.

Since a portion of Block 70 has a CBD overlay there is pressure for more intense development making it more economically feasible for the applicant. Building 'H' at its existing site is where the applicant is proposing a more intense development including a 3-story terraced Residential Inn and 4-story hotels. Its small footprint and size is not compatible with the more intense development proposed on Block 70. The poor condition of Building 'H' requires it to be reconstructed. The applicant, therefore, is proposing to relocate and reconstruct Building 'H' on the Sundy Block where it will be more compatible with its surroundings and other historic buildings. As an early remnant of OSSHAD's period of significance, Building 'H's' existing and potential architectural integrity warrants it to be reconstructed at its proposed relocated site on the Sundy Block, where it can become a viable resource as it will be easily accessible to visitors to the Sundy House. Block 61, 69 and 70. Demo/Relocation and Master plan prepared by REG Architects shows Building 'H' in its proposed new location.

Landscaping Recommendations: The existing setting of the historic buildings on Block 61 and the Sundry Block exhibits an organic unplanned growth pattern that has evolved over time based on the buildings' occupant(s) and nature's determination. The Swinton Commons proposed development indicates the historic buildings will have adaptive uses and not used as a residences, as was their original purpose. Therefore, the overall landscaping palette and design for the historic buildings become an important and prominent aspect in their relocated "historic neighborhood."

The following are landscaping concept recommendations for the proposed historic buildings relocated sites:

- The landscaping proposal should reflect sensitivity to the overall appearance of the historic "neighborhood" as the landscaping matures over time.
- The proposed functions of the historic buildings in their relocated sites are yet to be determined. It is important that proposed landscape settings relate to the scale and is sensitive to the architecture of the historic structures and not to the building's proposed function, since the function is likely to change over time.
- Most of the historic buildings were initially built as residences for the early settlers of Delray Beach with the early landscaping likely minimal, informal and possibly more oriented to food-producing vegetation/landscaping, which is not practical or recommended. The landscaping, however, should be in keeping with the scale of the historic buildings and complementary to its architecture.
- The relocated site(s) should reflect a somewhat informal setting that would be less of a "traditional commercial landscape" scheme and more "garden-like" in their plant palette and overall design.

To ensure the historic building sites are landscaped appropriately, compatible, complementary, and maintainable over time it is recommended:

- The developer provide a basic landscaping plan and maintenance program specifically for the historic building(s) that reflect a somewhat less "traditional commercial landscape" and more "garden-like" setting that is compatible and complementary to the historic buildings approved by the city landscape planner.
- A leased building is likely to have multiple lessees and functional changes over time. Consequently, a lessee is less likely to invest in costly landscaping. This may result in a setting that may or may not be complementary to, or compatible with the historic building site(s) unless landscaping standards are in place approved by the city landscape planner. The lessee of a historic structure would be allowed to embellish the proposed landscaping with complementary vegetation approved by the City landscaping planner.
- Privately owned historic properties should have an overall landscaping plan that would also be a less "traditional commercial landscape" scheme and be more "garden-like" in overall design that is compatible with and complementary to the historic building approved by the city landscape planner.

Consultant Requirement: It is important that the relocation of historic buildings do not create a false sense of historic placement if the project is approved. Therefore, it is imperative that the applicant be required to take measures to describe and explain the evolution and transition of Blocks 61, the Sundry Block, Block 69 and 70 as stated in the **Addendum** at the end of this

report. Other structures have been successfully relocated in the past within Delray and in particular the OSSHAD.

DEVELOPMENT STANDARDS

Zoning and Use Review

Pursuant to LDR Section 4.4.24(F), Development Standards, the development standards as set forth in Section 4.3.4 apply, as noted in the chart below:

| Setbacks: | Requirement | Proposed |
|-----------------------|--------------------|-----------------|
| Front (East) | 25' | 32'9" |
| Side Interior (North) | 7'-6" | N/A |
| Side Interior (South) | 7'-6" | 58'10" |
| Rear (West) | 10' | N/A |

As illustrated above, the proposal complies with the minimum setbacks of the Development Standards for the OSSHAD zoning district. Lot Coverage, Open Space, and Height will be reviewed for compliance with the Class V Site Plan.

**LDR SECTION 4.5.1
 HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS**

Pursuant to 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 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. Relief from Subsections (1) through (9) below may be granted by seeking a waiver approvable by the Historic Preservation Board, unless otherwise stated.

Pursuant to LDR Section 4.5.1(E)(2), Major Development, the subject application is classified as Major Development as it is the “alteration of a building in excess of twenty-five percent (25%) of the existing floor area, and all appurtenances...”, and “the construction, reconstruction, or alteration of any part of the front façade of an existing contributing residential or non-residential structure and all appurtenances...”

The proposed improvements are considered “Major Development” in accordance with the LDR noted above.

Pursuant to LDR Section 4.5.1(E), 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.

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 noted below:

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 2 - The applicant plans to reconstruct Building 'H' at its new location on the Sundy Block immediately south of the Sundy House, which is listed in the National Register of Historic Places. Standard 3 - Its reconstruction to bring Building 'H' back to its original design will be accomplished with strict adherence to the Secretary of Interior Standards for Rehabilitation and the Delray Beach Historic Preservation Design Guidelines. (Please see REG Associates proposed restoration architectural drawings (existing E.A7.ex and proposed E.A7.pr)

Pursuant to LDR Section 4.5.1(E)(6)(a), Relocation, Relocation of a Structures in a Historic District or on an Individually Designated Site, relocation of a contributing or non-contributing building or structure or an individually designated building or structure to another site shall not take place unless it is shown that preservation on their existing or original site would cause undue economic hardship to the property owner in accordance with definition and requirements of undue economic hardship found in Section 4.5.1(H) or a building permit has been issued.

Building 'H' is located on Block 70 where a portion of the block has a CBD overlay, which allows more intense development. The small footprint of Building 'H' is not compatible with the 3- and 4-story scale of redevelopment proposed for Block 70. The poor condition of Building 'H' requires it to be reconstructed. By relocating/reconstructing Building 'H' on Sundy Block within OSSHAD is a means of preserving a remnant of OSSHAD'S period of significance and preserving its architectural integrity. At this time the owner has not claimed undue economic hardship. If the owner decides to claim undue economic hardship, all data, information requested pursuant to Article 4.5, Section 4.5.1 (H) shall be submitted for review.

Pursuant to LDR Section 4.5.1(E)(6)(a)1., Relocation, Relocation of Contributing or Individually Designated Structures, Criteria, when considering the relocation of a contributing structure from a historic district, or an individually designated structure from a site, the Board shall be guided by the following, as applicable:

- a. **Whether the structure will be relocated within the same historic district, into a new historic district, or outside of a historic district;**
- b. **Whether the proposed relocation may have a detrimental effect on the structural soundness of the building or structure;**
- c. **Whether the proposed relocation would have a negative or positive effect on other historic sites, buildings, or structures within the originating historic district, at the new site;**
- d. **Whether the new surroundings of the relocated structure would be compatible with its architectural character; and,**
- e. **Whether the proposed relocation is the only practicable means of saving the structure from demolition.**

a) Building 'H' will be reconstructed on the Sundry Block immediately south of the Sundry House facing South Swinton Avenue within OSSHAD; b) is not applicable since Building 'H' is proposed to be reconstructed at its relocated site. c) Its proposed relocation/reconstruction will not have a negative effect on other historic sites, buildings, or structures within OSSHAD at the new site; d) Reconstructed Building 'H' will be compatible with its architectural character; e) The relocation/reconstruction of Building 'H' on the Sundry Block is a practicable means of saving the structure from permanent demolition due to the redevelopment proposed for its existing site.

Pursuant to LDR Section 4.5.1(E)(6)(a)2., Relocation, Relocation of Contributing or Individually Designated Structures, Relocation Plan, when considering the relocation of a contributing or individually designated structure, the Board shall require a Relocation Plan that includes the following:

- a. **A detailed explanation of the relocation method including the type of machinery and equipment to be utilized;**
- b. **A demolition plan illustrating any parts of the structure to be removed or modified to facilitate the relocation;**
- c. **An illustration of locations where the building will be split, as applicable;**
- d. **The name of the Florida Licensed Building Mover who will relocate the structure(s) and the following support materials, if available:**
 - i. **A description of the Florida Licensed Building Mover's past experience in moving historic buildings of a similar construction technique.**
 - ii. **Photographs of prior relocation projects completed by the Florida Licensed Building Mover taken before and after the relocation, if applicable.**
- e. **A certified engineering report which includes:**
 - i. **A relocation feasibility study with an assessment of the building's structural condition to determine any damage that might occur during the move.**
 - ii. **Details and a description of the historic structure's construction type including technique and materials and current condition of materials.**
 - iii. **Identification of any areas of concern, and how these areas will be addressed prior to the relocation.**

The Justification Statement and Relocation statements

a) "Buckingham Structural Moving Equipment" will comply (a-e) as applicable. Building 'H' is proposed to be demolished after its character defining features are salvaged for reuse or replication. All information relating to the relocation/reconstruction is found in the appendix of the application package.

Pursuant to LDR Section 4.5.1(E)(6)(a)3., Relocation, Relocation of Contributing or Individually Designated Structures, Supplemental Documentation, the following information shall be provided with the application for a Certificate of Appropriateness for relocation of a contributing or individually designated structure prior to Board consideration:

- a. As built drawings of the building as it exists on its originating site before undertaking the move, particularly if the move will require substantial reconstruction, including but not limited to floor plans, elevations, and architectural details and profiles;**
- b. Photographs of the site and the interior and exterior of the building, including but not limited to all elevations and exterior details.**
- c. History of any code violations applied to the structure and property, along with an explanation of any pending violations or structure violations which have been issued within five (5) years of the application request.**

REG Associates provides drawings of existing conditions at its original site, floor plans, elevations and architectural details and profiles. Multiple photographs of the site and interior and exterior of building are provided. The building has no history of code violations within the past 5 years.

Pursuant to LDR Section 4.5.1(E)(6)(a)4., Relocation, Relocation of Contributing or Individually Designated Structures, Concurrent New Development Review, applications for a Certificate of Appropriateness for relocation shall be submitted concurrently with the application for a Certificate of Appropriateness for the new development on the originating site.

The applicant will submit COA for demolition/reconstruction and relocation concurrently with application for a Certificate of Appropriateness for the new development on the originating site

Pursuant to LDR Section 4.5.1(E)(6)(a)5., Relocation, Relocation of Contributing or Individually Designated Structures, Site Maintenance, if the originating site is to remain vacant and construction of the new development will not commence for more than 90 days following the relocation, the lot shall be sodded and maintained in a manner consistent with other open space in the historic district.

If the originating site of Building H on Block 70 remains vacant and construction of the new development does not commence for more than 90 days following the relocation, the lot shall be sodded and maintained in a manner consistent with other open space in the historic district.

Pursuant to LDR Section 4.5.1(E)(6)(a)6., Relocation, Relocation of Contributing or Individually Designated Structures, Successful or Unsuccessful Relocation, the relocation of a historic structure is deemed successful when either no damage occurs during or as a result of the relocation or minimal damage occurs which is not deemed to compromise the integrity (structurally and architecturally) of the structure, and when the relocation is completed in accordance with the approved Certificate of Appropriateness, including the associated Relocation Plan.

- a. If damage occurs during the relocation, then the property owner, applicant and/or Licensed Building Mover shall notify the Historic Preservation Planner and Chief Building Official within 24 hours of completion of the move to determine if the**

- damage has compromised the integrity of the structure, thereby deeming the relocation as unsuccessful.**
- b. If a relocation is not successful, then the property owner and/or applicant shall notify the Historic Preservation Planner and Chief Building Official within 24 hours of the failed relocation, or before the close of business on the next business day.**
 - c. Failure of any degree to successfully relocate the historic structure may result in the revocation of any site development relief (waivers, variances, internal adjustments, or other relief) associated with the relocation that has been granted by the Board or the City Commission, as required by the Planning and Zoning Director.**
 - d. The applicant or property owner may submit a written request for the reconsideration of any previously approved site development relief associated with the unsuccessfully relocated structure in accordance with the following:**
 - i. The reconsideration request shall be submitted to the Planning and Zoning Director within five business days of notification of the unsuccessful relocation. The reconsideration will be placed on the next available agenda of the recommending or approving body as appropriate**
 - ii. Requests for reconsideration shall include a statement regarding the relocation, documentation of the relocation, an explanation of the relocation failure, and how the relocation failed to meet the Relocation Plan of the approved Certificate of Appropriateness and the corrective actions to address issues caused by failed relocation.**

Building 'H' will be reconstructed at the proposed relocated site on the Sundry Block utilizing its salvageable and replicated parts and materials. Applicant shall comply with LDR Section 4.5.1(E)(6)(a)6 (a - d) as applicable.

Pursuant to LDR Section 4.5.1(E)(6)(a)7., Relocation, Relocation of Contributing or Individually Designated Structures, Public Notice: All applications for a Certificate of Appropriateness for the relocation of a contributing structure or an individually designated structure shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(B)(f)(j).

Applicant shall meet LDR Section 4.5.1(E)(6)(a)7 and Additional Public Notice requirements of LDR Section 2.4.2(B)(f)(j), relating to public notices.

Pursuant to LDR Section 4.5.1(E)(6)(d), Relocation, Supplemental Requirements, all buildings and structures approved for relocation shall comply with the following:

- 1. The building to be relocated shall be secured from vandalism and potential weather damage before and after its move, in a manner as approved by the Chief Building Official.**
- 2. All structures approved for relocation and awaiting issuance of a building permit for the new development on the originating site shall be maintained so as to remain in a condition similar to that which existed at the time of the application.**
- 3. All structures to be relocated pursuant to this Section shall comply with the requirements of Section 7.10.11, "Moving of Building: Historic Structures".**

Applicant shall meet all requirements pursuant to LDR Section 4.5.1(E)(6)(d), Relocation, Supplemental Requirements, (1-3) relating to being secured from vandalism, maintained so as

to remain in a condition similar to that which existed at the time of the application and will comply with Section 7.10.11, "Moving of Building: Historic Structures".

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:

Pursuant to the Future Land Use Element, 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".

Pursuant to the Future Land Use Element, Objective A-9, the City shall support the conservation and rehabilitation of historically significant housing, especially where such housing is an identifying characteristic of a particular neighborhood.

Reconstructing Building 'H', a.k.a. the "White House" on the Sundry Block within OSSHAD, the applicant preserves the historic resource meeting Comprehensive Plan Objective A-4. The Historic Preservation Board determines whether the requested action is consistent with LDR Section 4.51. Building 'H's scale, and architectural integrity possesses identifying characteristics of the existing neighborhood. The redevelopment of Block 70 with a partial CBD overlay allows more intense redevelopment which will change the character of Block 70. Consequently, Building 'H' is proposed to be reconstructed on the Sundry Block where it will identify with the characteristic of the neighborhood and can become a viable historic resource being accessible to the foot traffic produced by the overall redevelopment.

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| ALTERNATIVE ACTIONS |
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- A. Continue with the following direction:
 - 1. That justification regarding the relocation be provided which addresses its viability in its current location;
 - 2. That information regarding the relocation method be provided;
 - 3. That a report regarding the structural stability including an analysis of the original building materials of the structure be provided; and,
 - 4. That a complete demolition plan be submitted which includes the interior of the structure.

- B. Move to approve the COA (Building 'H') for the relocation/reconstruction of the contributing structure from 10 SE 1st Street on Block 70 to the Sundry House property located at 106 and 116 South Swinton Avneue, based on a findings of fact and law contained in the Staff report and finding he request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

- C. Move to deny the COA (Building 'H'), a.k.a. White House for the relocation/reconstruction of the contributing structure on the property located at 10 SE 1st Street on Block 70 to the

Sundy Block, based on a finding of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

RECOMMENDATION

Move to approve the COA (Building 'H') for the relocation/reconstruction of the contributing structure from 10 SE 1st Street on Block 70 to the Sundy House property located at 106 and 116 South Swinton Avneue, based on a findings of fact and law contained in the Staff report and finding he request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

ADDENDUM-1 - The above Recommendation is based on the following: The Swinton Commons mixed-use redevelopment project, if approved will substantially change the character of Block 61, the Sundy Block, Block 69 and Block 70, as it relocates/reconstruct eight historically significant resources on their proposed sites.

The Swinton Commons mixed-use redevelopment should only be approved if the applicant, at a minimum commits to the following:

- a) The applicant should be required to provide a standing "Historic Marker" or equivalent that clearly describes the relocations or reconstruction of historic buildings within OSSHAD based on the Swinton Commons mixed-use redevelopment project as proposed.
- b) The applicant would commit to keeping residents and visitors alike informed of the changes that have taken place within OSSHAD south of West Atlantic Avenue by dedicating space in the Cathcart House and/or Rectory for exhibits and sponsoring a knowledgeable individual to give presentations (timeframe to be determined) of the changes that have occurred on Block 61, 69, 70 & Sundy Block with the Swinton Commons redevelopment project.

Additionally, to avoid a false sense of history, particularly in a historic district, all buildings that have been relocated into or within a historic district should have a plaque or marker expressing its relocation history. These Actions would, at the very least educate the public, demonstrate honesty, avoid claims of presenting a false sense of history and appearance to the general public, and as importantly exhibit serious interest in preserving our historic resources in today's evolving environment.