



Planning, Zoning, and Building Department

BOARD ACTION REPORT – APPEALABLE ITEM

Project Name: Midtown Delray

Project Location: The subject property is located on the south side of West Atlantic Avenue between SW 1st Avenue and Swinton Avenue and north of SW 1st Street. The development also includes the Sundy House property on the south side of SW 1st Street, between Swinton Avenue and SW 1st Avenue. The property also includes that area on the south side of SE 1st Street, between Swinton Avenue and SE 1st Avenue and at the northwest corner of SE 1st Avenue and SE 1st Street.

Request: Certificate of Appropriateness 2017-284, Class V Site Plan, Landscape Plan, Architectural Elevations, Waivers (2), Relocations (5), and Demolitions (2).

Board: Historic Preservation Board

Meeting Date: December 19, 2017

Board Actions: Denied the Class V Site Plan (2017-284), Landscape Plan, Architectural Elevations, Relocations (5), Demolitions (2), and recommendation of denial for the waivers (2).

Project Description:

The properties associated with the subject development proposal are zoned Old School Square Historic Arts District (OSSHAD) and located within the Old School Square Historic District. That portion of the project that fronts on West Atlantic Avenue and the proposed condominium that front on SE 1st Avenue are subject to the development standards of the Central Business District (CBD).

The project consists of the construction of 39,396 square feet of retail; 11,117 square feet of restaurant; 55,218 square feet of office; 45 dwelling units; and 39 residential-type inn units. The development proposal includes the relocation of five of the existing contributing buildings and demolition of two structures. The majority of parking for the project is located in a subgrade parking lot on Block 61 that will be utilized by valet and self-parking. The condominium on Block 69 also includes a subgrade parking garage. The condominium buildings on Block 69 and Block 70 also include mechanical parking lifts.

At its meeting of June 27, 2017, the HPB approved the relocation of three contributing buildings and the demolition of seven buildings on the subject property as part of the Swinton Commons project.

At its meeting of July 17, 2017, the Planning and Zoning Board recommended approval of the conditional use for the Residential-Type Inns and the abandonment of two alleys associated with the Swinton Commons project.

Board comments:

The Board was not supportive of the project.

Public Comments:

There were members of the public that spoke either in support or against the project.

Associated Actions:

At its meeting of December 19, 2017, the HPB recommended denial of the two waivers to the City Commission. These waivers together with the conditional use, alley abandonments, and Class V site plan, landscape plan, and building elevations (if appealed) will be considered at a future City Commission meeting to be determined.

Next Action:

HPB action is final unless appealed by the City Commission.

HISTORIC PRESERVATION BOARD

---STAFF REPORT---

CITY OF DELRAY BEACH

MEETING DATE:

December 19, 2017

ITEM:

Midtown Delray (2017-284): A Class V site plan application for Midtown Delray that includes 39,396 square feet of retail; 11,117 square feet of restaurant; 55,218 square feet of office; 45 dwelling units; and 39 residential-type inn units. The project also includes the relocation of seven of the existing contributing buildings, reconstruction of one existing building, and demolition of two buildings. The relocation of six of the contributing buildings will occur on Block 61 along Swinton Avenue. Another contributing building will be relocated from Block 61 to the Sundry House property.

RECOMMENDATION:

Approval

GENERAL DATA:

Applicant..... MGM Sundry House LLC

Agent..... Bonnie Miskel, Esq. – Dunay, Miskel and Backman LLP

Location..... Block 61, portions of Block 69, 70 and Sundry Block

Property Size..... 6.44 acres

Future Land Use Map..... Other Mixed Use (OMU)

Current Zoning..... OSSHAD
(Old School Square Historic Arts District)

Adjacent Zoning
North: OSSHAD & OSSHAD w/CBD (Central Business District) Overlay
East: OSSHAD & CBD
South: CF (Community Facilities) & OSSHAD
West: RM (Medium Density Residential), & CF

Existing Land Use..... Block 61 - vacant land, storage, retail, office, and financial service. Several contributing buildings such as the Rectory Park building and the Cathcart House.

Sundry Block - Sundry House-Restaurant with Residential-Type Inn and associated office space.

Block 69 – residential

Block 70 - Parking lot & Vacant Single-Family Residences.

Proposed Land Use.... Mixed use development consisting of Residential-type Inn, residential, hotel, retail, office, and restaurant uses.

Water Service..... Existing on-site.

Sewer Service..... Existing on-site.



ITEM BEFORE THE BOARD

The action before the Board is approval of COA 2017-284-SPM-HPB-CLV, which incorporates the following aspects of the development proposal for **Midtown Delray**, pursuant to LDR Section 2.4.5(F):

- Class V Site Plan
- Landscape Plan
- Architectural Elevations
- Waiver
- Structure Relocations
- Structure Demolitions

The subject property is located on the south side of West Atlantic Avenue between SW 1st Avenue and Swinton Avenue and north of SW 1st Street. The development also includes the Sundry House property on the south side of SW 1st Street, between Swinton Avenue and SW 1st Avenue. The property also includes that area on the south side of SE 1st Street, between Swinton Avenue and SE 1st Avenue and at the northwest corner of SE 1st Avenue and SE 1st Street.

BACKGROUND

The properties associated with the subject development proposal are zoned Old School Square Historic Arts District (OSSHAD) and located within the Old School Square Historic District. That portion of the project that fronts on West Atlantic Avenue and the proposed condominium that front on SE 1st Avenue are subject to the development standards of the Central Business District (CBD).

In 1998, the original conditional use request was approved by the City Commission for Sundry House (Lots 1-3, Sundry Estates Subdivision) and included 11 Residential-Type Inn units. The Class V Site Plan for the Sundry House and Inn was approved by the HPB on March 18, 1998. The Sundry House property is listed on the National Register of Historic Places, while Lots 4-20 within Block 61, contains seven (7) contributing structures, and Lots 15-20, within Block 70, contains four (4) contributing structures.

At its April 4, 2007 meeting, the Board considered the conditional use request to expand the residential-type inn use within the Sundry House property located on Block 62, and establish the residential-type inn use within Blocks 61 and 70, located to the north and east, respectively. The request would have placed a total of 87 units within the development. The City Commission approved the request at its meeting of May 1, 2007. However, the units were never built and the approval has expired.

It is important to note that throughout the Spring of 2006, the Treasure Coast Regional Planning Council (TCRPC) analyzed the existing conditions of the South Swinton Avenue corridor. After multiple public meetings, a final presentation was made to the City Commission where the TCRPC's final recommendations were submitted. The applicant has taken those recommendations and used them as the template for the subject proposal.

The property (31 SE 1st Avenue) that is north of the northwest corner of SE 1st Avenue and SE 1st Street contains an eleven space surface parking lot constructed in 2005. Prior to construction of the surface parking lot, the property contained a contributing 1,075 square foot mission style single-family dwelling constructed in 1925, and a detached studio apartment

constructed in 1977. At its meeting of February 2, 2005, the HPB granted approval to demolish the structures and replace them with a surface parking lot that included two landscape waivers.

The original structure at 36 SE 1st Avenue was classified as contributing to the Old School Square Historic District; in 2010 it was approved for relocation to the West Settlers Historic District where it was designated as The Harvel House. The reuse of this building in its location at 36 SE 1st Avenue was deemed to have been compromised by development pressures; therefore, the Delray Beach CRA has purchased the structure and relocated it to 186 NW 5th. The relocation was initially necessitated by the 2008 approval of an appeal request to the City Commission to overturn the Historic Preservation Board's denial of a Class V Site Plan application which included the relocation of the subject structure and subsequent redevelopment of the property. While the redevelopment has since expired, the CRA was prepared to take and reuse the structure rather than leave it to fall into disrepair.

The property at 48 SE 1st Avenue contains an existing two-story contributing 4,107 square foot building built in 1955 and designed by Sam Ogren, Jr. At its meeting of July 10, 1984, the City Commission approved a conditional use application for an Adult Living Facility for Mariposa subject to conditions including that a lease agreement and stabilized sod parking spaces be provided off-site on the adjacent property to the north. An off-site parking agreement was executed to allow nine sod parking spaces on the adjacent property.

At its meeting of June 27, 2017, the Historic Preservation Board denied the Class V site plan approval for the Swinton Commons project. The Swinton Commons project consist of 35,049 square feet of retail, 22,525 square feet of restaurant, 21,872 square feet of office, 44 dwelling unit, 39 residential-type in units, and 109 hotel rooms.

The action now before the Board is approval of a site plan, landscape plan, architectural elevations, and waivers for a revised project.

PROJECT DESCRIPTION

The development proposal incorporates the following:

- Construction of 39,396 square feet of retail; 11,117 square feet of restaurant; 55,218 square feet of office; 45 dwelling units; and 39 residential-type inn units.
- The development proposal includes the relocation of seven of the existing contributing buildings and reconstruction of one existing building. Relocation of six of the contributing buildings will occur on Block 61 along Swinton Avenue; and another contributing building will be relocated from Block 61 to the Sundry House property. The material of the structure to be reconstructed on the Sundry House property will be taken from the existing building on Block 70.
- Demolition of two structures. The remaining seven structures were approved by the HPB on June 26, 2017.
- Block 61 will include a wide pedestrian plaza that is in the location of the alley (to be abandoned) in the Block.
- Block 61 includes a valet queue at the north end of the block. The majority of parking for the project is located in a subgrade parking lot on Block 61 that will utilized by valet and self-parking. The condominium on Block 69 also includes a subgrade parking garage.

- The condominium buildings on Block 69 and Block 70 also include mechanical parking lifts.
- The primary loading and trash compound is located along SW 1st Avenue.

The development proposal includes waivers to the following sections of the Land Development Regulations:

1. A waiver to LDR Section 4.4.24(F)(4), which allows a maximum width of a building fronting a street shall be limited to 60', where 164', 156' 4", and 81' 4" respectively are proposed.

SITE PLAN ANALYSIS

COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

Building Setbacks:

The following tables indicate that the proposal complies with LDR Section 4.4.24[Old School Square Historic Arts District] and Section 4.4.13 [Central Business District (CBD)] zoning district.

Central Business District			
		Standard:	Provided:
Minimum Lot Area		2,000 sq.ft.	72,470.53 sq.ft.
Minimum Lot Width		20'	254' Block 61 150' Block 69 135' Block 70 220' Block Sundy
Building Height:		4 stories & 54' maximum	4 stories & 54' maximum
Building Setbacks:	Front	10' min/15' max	10' SW 1 st Av.
			10' Atlantic Av.
			11.5' Swinton Av.
			12' SE 1 st Av.
			15' SE 1 st Street
	Front above 3 rd story	20'	22' Block 61
			22' Block 69
			22' Block 70
	Rear	10'	10' Block 69
			24.7' Block 70
Density		12 du/ac	9.64 du/ac
Civic Open Space:	5% of area>20,000	Block 61 699 sq.ft.	1,557 sq.ft.
		Block 69 202 sq.ft.	251 sq.ft.

Old School Square Historic Arts District			
		Standard:	Provided:
Minimum Lot Area		8,000 sq.ft.	209,562 sq.ft.

Minimum Lot Width		80'	557.46' Block 61 135.02 Block 70
Minimum Lot Depth		100'	266.03 Block 61 138' Block 70
Max. Lot Coverage		40%	26%
Minimum Open Space		25%	29%
Building Height:		35' maximum	34' Block 70
			35' Block 61
Building Setbacks:	Front	25'	25' Block 61 25' Block 70 25' Sundry Block
	Side Street	15'	15' Block 61 33' Block 70
	Side Interior	7.5'	15' Block 70 59' Sundry Block

Central Business District (CBD) & Old School Square Historic Arts District (OSSHAD) Regulations:

Parking Requirements:

Per LDR Section 4.4.13(I), within the CBD zoning district, the parking required for the condominium is 90.75 parking spaces. The required parking for the office use is one space per 300 square feet of net floor. The parking requirement for retail and commercial uses is one space per 500 square feet of net floor area. The required parking for the restaurant is six spaces per 1,000 square feet of gross floor area.

Per LDR Section 4.4.24(G)(4), within the OSSHAD zoning district, all non-residential uses, with the exception of restaurants, and business and professional offices, shall provide one parking space per 300 sq.ft. of total new or existing gross floor area being converted to non-residential use. This requirement may be reduced to one parking space per 400 sq.ft. of gross floor area, or by at least one space, where there is a mix of residential and non-residential use in the same structure. Restaurants shall provide six spaces per one thousand square feet of total new or existing floor area being converted to restaurant use. Residential-type inns shall provide one parking space per guest room/unit. Business and professional offices shall provide one space per 300 sq. ft. of total new or existing net floor area being converted to office use. This requirement may be reduced to one parking space per 400 sq.ft. of net floor area, or by at least one space, where there is a mix of residential and office use in the same structure. The required alternative fuel parking is three parking spaces and five alternative fuel parking spaces are provided.

Based on the above, the required parking for the proposed development is a total of 379 spaces and 379 spaces are provided. Thus, the development has met the City's parking requirements. The site plan incorrectly indicates that 368 parking spaces are required. A condition of approval is attached that the site plan be revised to correctly note the required parking of 379 parking spaces prior to certification of the site plan.

OTHER ITEMS:

Auxiliary Power Generator:

Per LDR Section 4.3.3(OO), the condominiums are required to provide an auxiliary power generator for all interior corridor lighting and exit signs and at least one public elevator. Further, the generator needs to be designed and equipped to operate the full capacity of the equipment

being served for a period not less than 120 hours. The multi-story building along Atlantic Avenue also requires an auxiliary power generator. A condition of approval is attached that the location of these generators are provided on the plans together with the source of fuel prior to certification of the site plan.

Photometrics:

A photometric plan has been submitted that demonstrates compliance with the illumination standards of LDR Section 4.6.8.

Bicycle Parking:

Per LDR Section 4.4.13(I)(4), a minimum of 65 bicycle parking spaces are required. The development proposal complies with this requirement since 69 bicycle parking spaces are provided on the property.

WAIVER

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

Building Width:

Per LDR Section 4.4.24(F)(4), the maximum width of a building fronting a street shall be limited to 60' and shall have a minimum separation of 15' between buildings fronting a street in a development site that contains more than one structure. The two Residential-type Inn buildings along SW 1st Avenue, the Inn building along Swinton Avenue (building #3), and the Inn building at the southeast corner of Swinton Avenue and SE 1st Street exceed the 60-foot maximum.

The applicant has submitted the following verbatim narrative in support of the waiver:

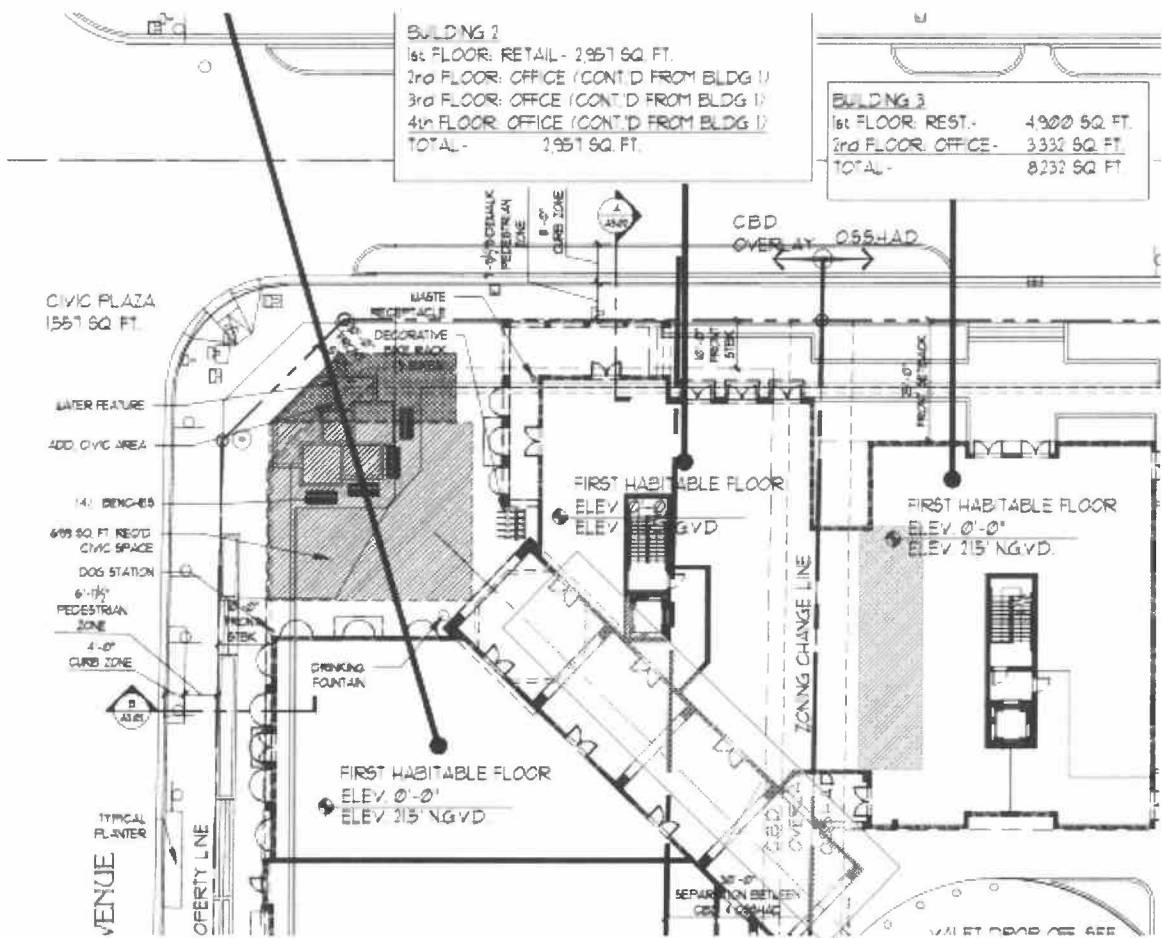
"Maximum Building Width – LDR Section 4.4.24(F)(4)"

LDR Section 4.4.24(F)(4) provides that the maximum width of a building fronting a street shall be limited to sixty (60) feet and shall have a minimum separation of fifteen (15) feet between buildings fronting a street in a development site that contain more than one structure, except for properties identified in Sections 4.4.24(F)(1) and (2) and the Old School Square Cultural Arts Complex. Specifically, the Midtown Delray Project requires the following waivers:

<u>Block</u>	<u>Building</u>	<u>Maximum Building Width Permitted</u>	<u>Proposed Building Width</u>
61	2	60 feet	71 feet 7 inches
61	8	60 feet	136 feet along S.W. First Avenue 100 feet along S.W. First Street

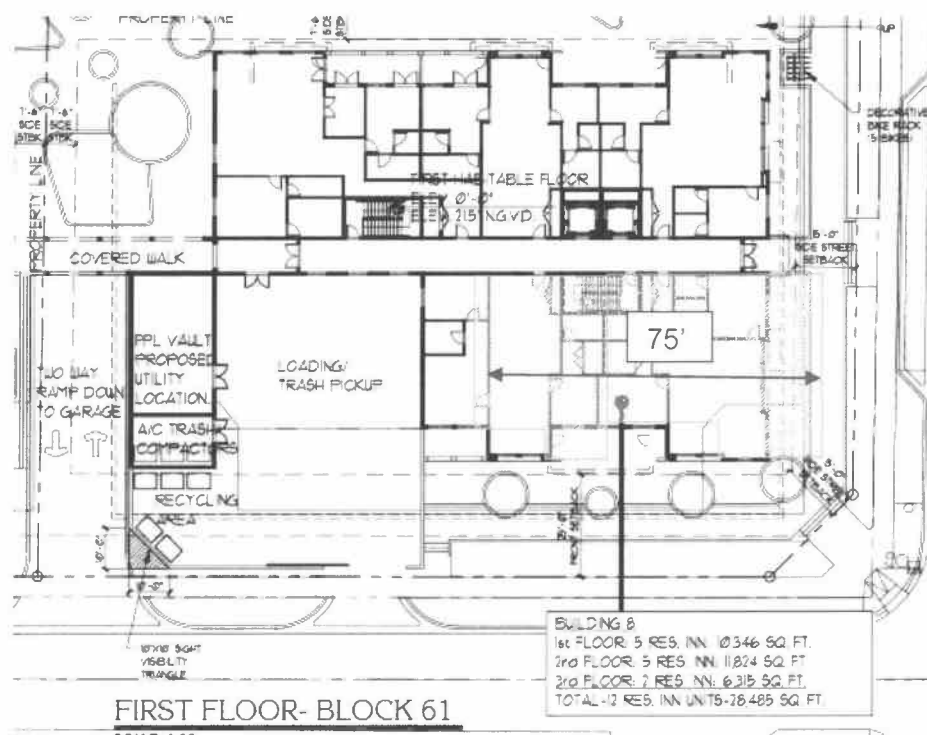
61	9	60 feet	164 feet along SW First Avenue
70	6/7	60 feet	104 feet 4 inches along SE 1 st Street 81 feet 7 inches along S Swinton Avenue

Block 61, Building 2 requires an additional eleven (11) feet and seven (7) inches in building width only to serve a first-floor connection to Building 1 in order to compensate for the usable retail space which was removed (yellow area) to create the main entry breezeway honoring Old School Square by virtue of its alignment. The breezeway is more than three times the area of the first connection (red area), which is part of the waiver. Also, the recess between Buildings 2 and 3 has been deepened to emphasize the separation in the facades. This first floor area connecting building 2 and 3 is similar to the type of permitted first connections between residential type inn buildings and will create the same visual separation for the remaining upper levels.

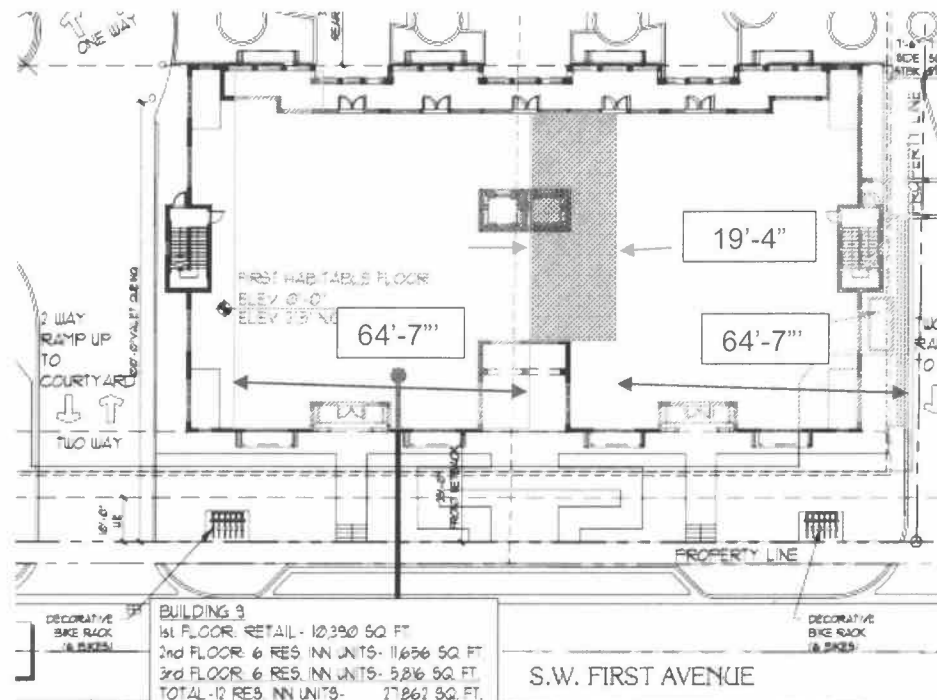


Block 61, Building 8 provides many of the necessary functional aspects of the Midtown Delray Project, which necessitates an additional seventy-six (76) feet in building width along S.W. First Avenue and forty (40) feet along S.W. First Street. Twelve (12) residential inn units comprise Building 8. It also houses a receiving, loading, and air conditioned and acoustically isolated solid waste area that has direct access to SW 1st

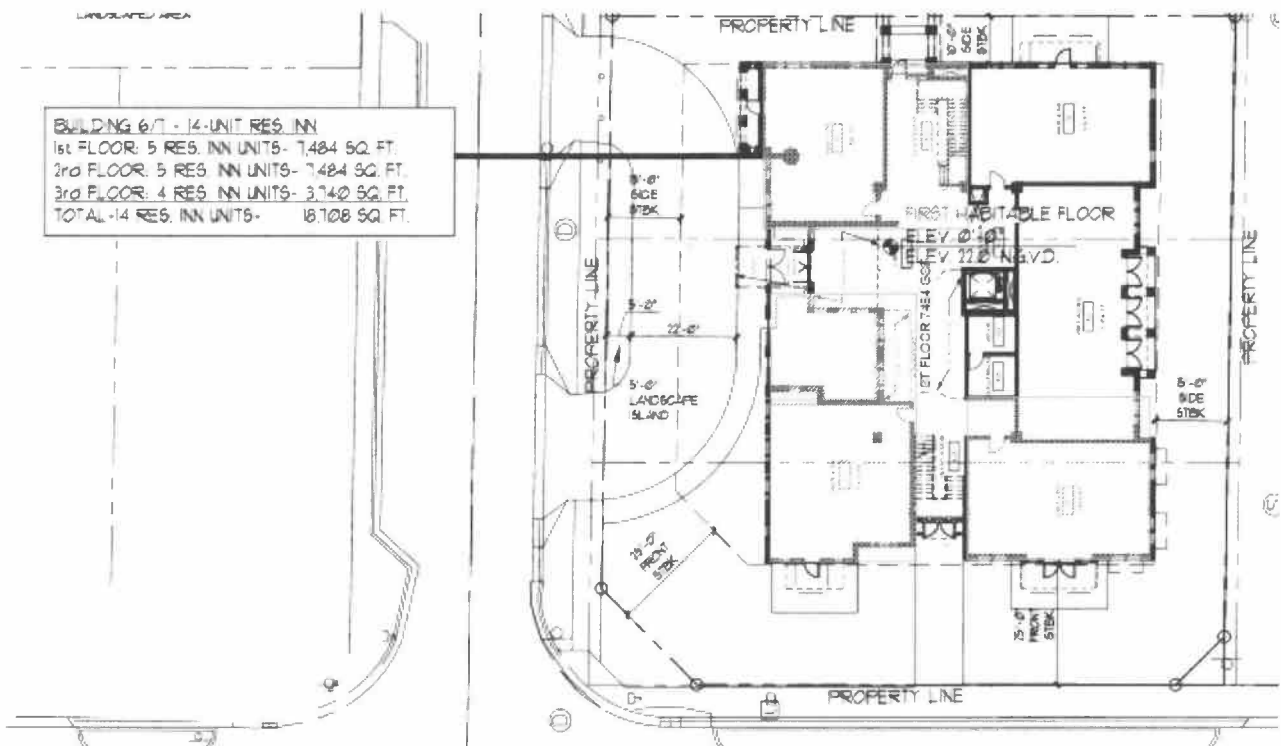
Avenue and whose street frontage consumes fifty (50) feet and three (3) inches. A recycling area consumes an additional twenty-one (21) feet and one (1) inch of street frontage. These project logistics have resulted in a façade that is broken up to reduce the continuous length and relieve the visual length the actual dimension suggests. Similarly, the overhead FPL electric lines that run through the center of the property will be reworked to underground facilities, which requires an electrical vault that is shown within Building 8 on Sheet A1.02 of the site plan.



Block 61, Building 9 requires an additional one hundred and four (104) feet in building width in order to provide first floor retail and an additional twelve (12) residential inn units. In order to create a more visual separation in the façade, an additional fifteen (15) foot recess and nearly a twenty (20) foot gap has been added to the middle of Building 9 with landscaping buffers. The main central entry has been eliminated in favor of two entries in the north and south wings. These sixty-five foot wings are connected by the elevator and stairway elements that are stepped back even more on the second and third floors to accommodate upper story planted roofs and a green-wall system. The roof line changes from a sloped roof to a flat roof above the center connection core that further presents the building as two connected facades rather than one long façade.



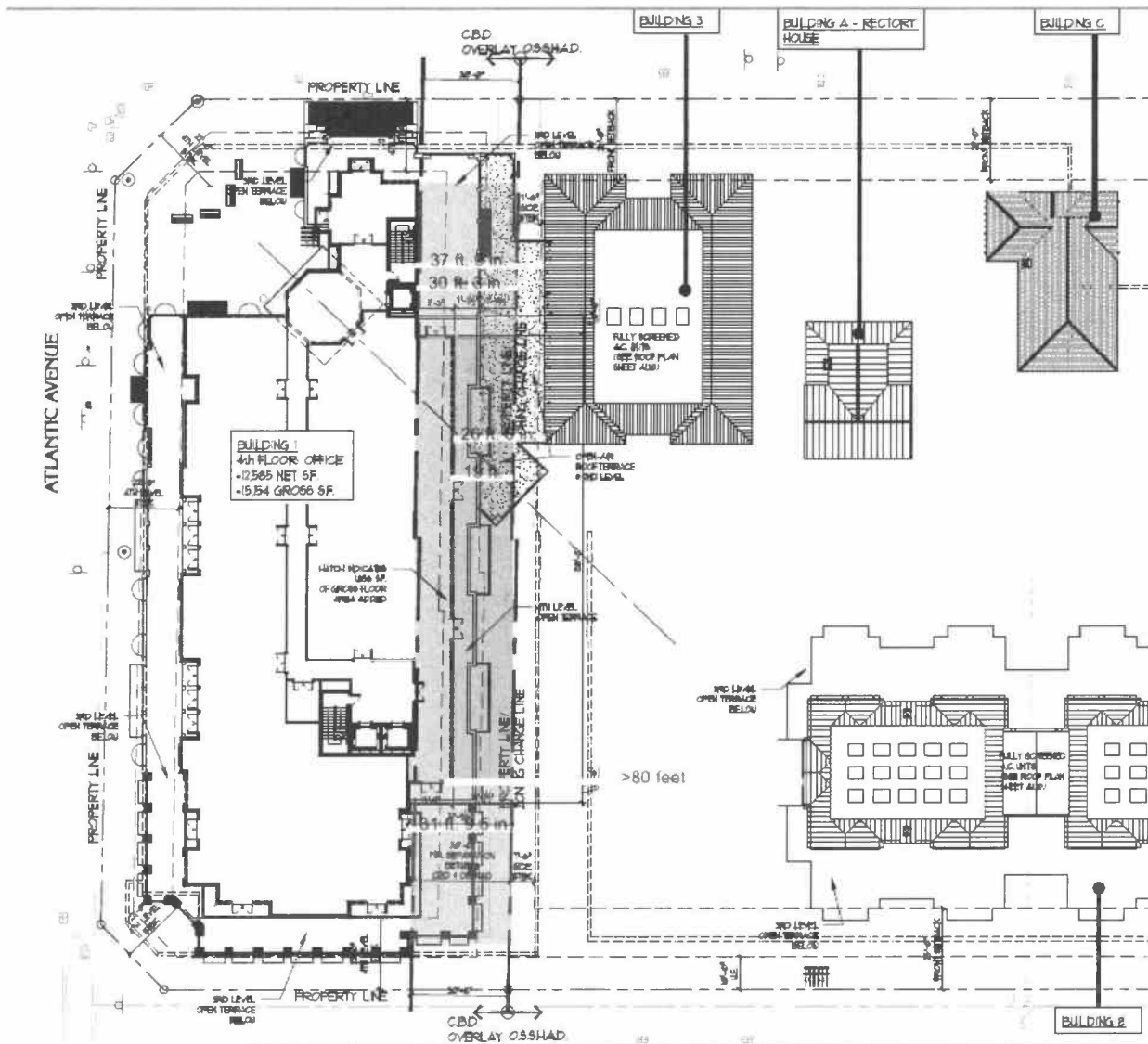
Block 70, Building 6/7 requires an additional forty-four (44) feet and four (4) inches in building width along SE First Street and twenty-one (21) feet and seven (7) inches along South Swinton Avenue in order to accommodate fourteen (14) residential inn units and to integrate the building with the Sundry House. The extension of the overall building beyond the sixty (60) foot façade lengths compensates for the reduction of the permitted three-story building along South Swinton Avenue down to two stories to better transition with the residential along the street and the Sundry House to the west. This is further emphasized with the zoning of the masses separated by the entry facing SE First Street and the stair entry facing South Swinton Avenue.



(Continued on next page)
Minimum Rear Setback – LDR Section 4.6.4(A)(1)(a)(ii)

LDR Section 4.6.4(A)(1) is applicable to properties subject to the development standards of the CBD. In this case, Buildings 1 and 2 on Block 61 are subject to the development standards of the CBD and abut an OSSHAD zoned district. LDR Section 4.6.4(A)(1)(a)(ii) requires a minimum thirty (30) foot rear setback if the property abuts a zoning district with a height limitation of thirty-five (35) feet and if the building exceeds three (3) stories in height. Here, Buildings 1 and 2 abut OSSHAD, which limits building heights to thirty-five (35) feet, and Building 1 exceeds three (3) stories in height. Therefore, this code provision requires a thirty (30) foot rear setback for Building 1. Additionally, LDR Section 4.6.4(A)(1)(a)(ii) also provides that the rear setback is measured from the property line to the top of the third story. The Applicant proposes the following: (see illustrations below)

<u>Block</u>	<u>Building</u>	<u>Minimum Rear Setback Required</u>	<u>Proposed Rear Setback</u>
61	1	30 feet	<p>19 feet for a portion of Building 1 from the top of the third floor to the property line only (Approx. 138 feet only)</p> <p>The remainder of Building 1 complies with the 30 foot minimum rear setback.</p>



The intent of this code provision is to create a visual separation between the height differentials of the CBD and OSSHAD zoning districts. The Applicant still meets the intent of the Code despite the proposed waiver request. On the southwest façade of Building 1, there is a significant distance separation (approximately over eighty (80) feet) between Building 1 in CBD and Building 9 in OSSHAD, which achieves the visual separation in excess of the minimum required. On the southeastern portion of the façade, there is a distance separation (approximately thirty-seven (37) feet and nine (9) inches) between Building 1 in CBD and Building 3 in OSSHAD, which also achieves the visual separation in excess of the minimum required. It is also important to note that the areas of Building 1 that do comply with the minimum rear setback are also the areas that are most visible from the adjacent right-of-ways. Therefore, the maximum amount of visual separation is achieved if the requested waiver is granted. Finally, the requested waiver is the minimum necessary to achieve the best site design and reasonable use of the property while balancing the interests of the community. As such, the Applicant respectfully requests that the waiver be granted because the proposed site design still meets the intent of this code provision.

Below, the Applicant will demonstrate that there are sufficient findings that justify granting the requested waivers. Pursuant to LDR Section 2.4.7(B), prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

(a) Shall not adversely affect the neighboring area;

Applicant's requested waivers will not adversely affect the neighboring area. LDR Section 4.4.24 was amended in October 2004 to regulate development size, massing, and scale in OSSHAD ("2004 Amendment") for each individual parcel. In particular, LDR Section 4.4.24(F)(1) was amended to limit the building width to sixty (60) feet and provide a minimum fifteen (15) foot separation between buildings fronting a street for a development site that contained more than one structure. At the time of the 2004 Amendment, these specific dimensions were selected to reflect the average lot width of seventy-five (75) feet and required side setbacks of seven and a half (7.5) feet. While these provisions were intended to regulate the development of individual lots within OSSHAD, the 2004 Amendment did not contemplate the redevelopment of an entire block within OSSHAD as proposed by Applicant. The redevelopment of Block 61 was chosen for the Midtown Delray Project because of the predominance of open vacant field and surface parking lots which offer little historical relevance to the overall block. In addition to all of Block 61, Applicant is proposing redevelopment of portions of neighboring blocks, such as the Sundy Block, Lot 69, and Lot 70. Therefore, Applicant is in a unique position and has the unique ability to layout an efficient site plan that results in sensible development size, massing, and scale and efficient integration of the neighboring area. Additionally, as mentioned above, the Applicant still meets the intent of LDR Section 4.6.4(A)(1)(a)(ii) by creating visual separations between building heights in CBD and in OSSHAD on the southwestern and southeastern portions of the façade for Building 1, which are most visible from the adjacent right-of-ways. Furthermore, the 2004 Amendment did not envision a mix of OSSHAD and CBD. Strict application of the LDR would impede the Applicant from proposing reasonable transitions between OSSHAD and CBD and from proposing a site plan that integrates not only all the lots located in Block 61, but also the redevelopment of three additional neighboring blocks in OSSHAD. Granting the requested waivers meets the original intent of LDR Section 4.4.24(F)(1) and gives the Applicant the flexibility to propose a site plan that efficiently lays out the Project's mixed uses that enhance the historic district, increase the pedestrian scale of the area, and integrate neighboring areas.

(b) Shall not significantly diminish the provision of public facilities;

Applicant's requested waivers will not significantly diminish the provision of public facilities. In fact, granting this waiver will result in the consolidation and protection of public facilities. Additionally, important provisions for parking access and loading/delivery areas necessitate a wider building than permitted by the City's LDR. The requested waiver is necessary to allow for functional site elements related to loading, delivery, parking, and utilities.

(c) Shall not create an unsafe situation; and

Applicant's requested waivers do not create an unsafe situation. In fact, the Midtown Delray Project creates a safer environment by increasing pedestrian activity and visibility. Presently, the area is greatly in need of redevelopment with little pedestrian activity and visibility. There is a predominance of open vacant field and surface parking lots that are hidden behind buildings, landscaping, and other parking lots. Applicant proposes a site plan that intentionally creates an attractive landscaped courtyard inviting pedestrian activity and visibility within and throughout the Midtown Delray Project. A valet drop-off available during all business hours is located within the development to provide an assisted option for patrons, residents and workers to have their vehicle parked in the underground parking facility. After hours security gates will be card or scan activated for all patrons and emergency personnel. Pedestrian walkways are available on the north, south, east and west side of the development. First floor retail and restaurants throughout the development will increase pedestrian traffic and activity; thus, providing for more visibility and security from other pedestrians, neighboring businesses, and on-site residents.

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

Applicant's requested waivers will not result in the grant of a special privilege and the same waiver could be granted under similar circumstances on other property for another applicant or owner. The requested waivers are necessary to meet the intent of OSSHAD, which is to provide for mixed uses of residential, office, and commercial activities to stimulate the preservation of historic structures. Another applicant or owner facing similar circumstances would have the opportunity to apply, justify, and request the same waivers for a project with similar lot areas and overall project scale.

The proposed waiver will have no meaningful impact on the neighboring area. The subject buildings border on SW 1st Avenue, which are located across from the library, surface parking lot, and the Palm Beach County parking garage. The streetscape of the library and parking garage will not be impacted by allowing buildings wider than 60'. The wider buildings will have no impact on the provision of public facilities and will not create an unsafe situation. Given the surrounding use of land, the waiver will not grant a special privilege and would be supported for other properties with similar circumstances."

The proposed waiver will have no meaningful impact on the neighboring area. The subject buildings border on SW 1st Avenue, which are located across from the library, surface parking lot, and the Palm Beach County parking garage. The streetscape of the library and parking garage will not be impacted by allowing buildings wider than 60'. The wider buildings will have no impact on the provision of public facilities and will not create an unsafe situation. Given the surrounding use of land, the waiver will not grant a special privilege and would be supported for other properties with similar circumstances.

LANDSCAPE ANALYSIS

On the Midtown Delray Tree Disposition Plans, as stated on the "Tree Disposition Summary", 105 trees are to be removed. There are 486 inches of DBH (Diameter at Breast Height) for trees greater than or equal to a 50% condition rating. There are 940 inches of DBH (Diameter at

Breast Height) for trees between 26% and 49% condition rating. The trees being removed include older Southern Live Oak, Mahogany, Gumbo Limbo and many larger fruit trees, such as Mango, Avocado, Lychee, Starfruit and Sapodilla. On the "Tree Disposition Summary", it is stated that 35 trees will be relocated within the project. The relocated trees include Live Oaks, Gumbo Limbo trees, Lycence trees and Sapodillas. The proposal includes the removal of 62 palms. The palms that are being removed, include Sabal, Coconut, Royal and Christmas palms.

On the Tree Disposition Plans, as stated on the "Tree Mitigation Summary", of the 1,426 inches required to be replaced for trees greater than eight inch DBH, 405 inches are being provided on the Landscape Plans. On the "Tree Mitigation Summary", of the 90 inches required to be replaced for trees between four and eight inch DBH, none are being provided for on the Landscape Plans. Also on the "Tree Mitigation Summary", it is stated that the 62 palms being removed will be replaced with 124 palms on the Landscape Plans. As stated on the "Tree Mitigation Summary", the remainder of the DBH will be replaced by a payment of \$139,800 into the City of Delray Beach Trust Fund. The site planning of the buildings and hardscape areas, was conducted with an attempt to preserve some of the larger "historical" Banyan trees, that are located on the Swinton Commons properties.

On the Landscape Plans, the "Plant Schedule" includes Trees: Gumbo Limbo, Silver Buttonwood, Sea Grape, Natchez Crape Myrtle, Guiana Chestnut, Bay Rum, Mast tree, Pigeon Plum, Vera Wood, Japanese Fern tree, Spanish Stopper, and Southern Live Oaks; Palm Trees: Christmas Palms, Satakentia Palms, Green Malayan Coconut Palms, Medjool Date Palms, Florida Thatch Palms, Florida Royal Palms, Montgomery Palms and Foxtail Palms; Shrubs: Raspberry and Fireball Bromeliads, Seabreeze Bamboo, Gold dust Croton, Auntie Lou Ti Plants, Small Leaf Clusia, Red-Tip Cocoplum, 'Queen Emma' Crinum Lily, Spanish Stopper, Green Island Ficus, Firebush, Myers Foxtail Ferns, Pink Muhly Grass, Burle Marx Philodendron, Slit Leaf Philodendron, Rojo Congo Philodendrum, Xanadu Philodendren, Wild Coffee, Lobster Claw Heliconia, Variegated Shellginger, and Dwarf Fakahatchee Grass; Ground Covers: Blueberry Flax Lily, Kawaii Pink Madagascar Periwinkle, Dwarf Yaupon, Emerald Goddess Liriope, White Pentas and ground covers. The street trees along Swinton Avenue, S.W. 1st Avenue and S.E. 1st Avenue are indicated to be Southern Live Oaks. The street trees along Atlantic Avenue, S.E. 1st Street, between S.E. 1st Avenue and Swinton Avenue are indicated to be Royal Palms. The street trees along S.E. 1st Street, between Swinton Avenue and S.W. 1st Avenue, are indicated to be Natchez Crape Myrtles.

Along Swinton Avenue, the existing landscape nodes were indicated on the Tree Disposition Plans to have the existing Southern Live Oak trees replaced with Montgomery Palms. The existing Southern Live Oak trees are being over-pruned, due to the existing overhead utility lines that are on the west side of Swinton Avenue. The replacement with palm trees was to alleviate this required over-pruned condition on the Southern Live Oak trees. If those utility lines are to be placed underground, then in the opinion of the City Planning staff, the replacement and plant palette for those landscape nodes should be revisited. It is the desire of staff to retain the shade trees or at least retain the existing plant species that are within the landscape nodes, located along the Swinton Avenue corridor: Southern Live Oaks and Sabal Palms.

The overall Landscape Plans have been designed to create detailed planting and a central hardscape "common" connecting the various structures and land uses throughout the Swinton Commons properties. Although the "common" is designed in fairly detailed manner, it is the opinion of staff that the landscape design, around some of the "historic buildings", once their final use is determined, should be increased and detailed to fit these residential scale structures.

<p style="text-align: center;">ARCHITECTURAL ELEVATIONS SECTION 4.5.1, HISTORIC PRESERVATION DISTRICTS AND SITES</p>
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Pursuant to LDR Section 2.4.6(H)(5), Procedures for Obtaining Permits and Approvals, Certificate of Appropriateness for Individually Designated Historic Structures and all Properties Located within Historic Districts, Findings, 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, and the Secretary of the Interior's Standards for Rehabilitation.

Pursuant to LDR Section 4.5.1(E), Historic Preservation Sites and Districts, Development Standards, all development regardless of use within individually designated historic properties and/or properties located within historic districts, whether contributing or noncontributing, residential or nonresidential, shall comply with the goals, objectives, and policies of the Comprehensive Plan, these regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Pursuant to LDR Section 4.5.1(E)(2)(b)(1), Major and Minor development, the subject proposal is classified as both Major and Minor Development. The portion of the property that is zoned OSSHAD and contains both contributing and non-contributing structures that is being modified by more than 25% is classified as Major development. The portion of the property which is zoned OSSHAD and is subject to CBD Overlay regulations is classified as Minor development.

Pursuant to LDR Section 4.5.1(E)(3)(b)(1), Buildings, Structures, Appurtenances and Parking, parking areas shall strive to contribute to the historic nature of the properties/districts in which they are located by use of creative design and landscape elements to buffer parking areas from adjacent historic structures. At a minimum, the following criteria shall be considered:

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

As previously noted, the project includes two types of parking areas, "underground" parking and surface parking. The "underground" parking is within two parking garages, Mechanical lift parking spaces are proposed within the Block 69 garage.

Two surface parking areas are proposed, one area behind each of the proposed condominium buildings located in Block 69 and 70. Access to these parking areas is provided from the adjacent alleyways to the rear of these buildings. Mechanical parking lifts are proposed for the parking area to the rear of Block 69 and to the rear of Block 70. These parking areas meet the intent of this code section as they are screened from adjacent rights-of-way. This creative design allows the parking areas to contribute to the historic nature of the properties and the district as a whole meeting the required criteria of this code 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.

Secretary of the Interior's Standards for Rehabilitation

According to the Secretary of the Interior, these Standards are for rehabilitation projects and are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility. The Standards apply to historic buildings of all periods, styles, types, materials and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent or related new construction.

Pursuant to LDR Section 4.5.1(E)(5), Standards and Guidelines, a historic site, building, structure, improvement, or appurtenance within a historic district shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.

Standard 1

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Standard 4

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Standard 5

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

Standard 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Standard 7

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Standard 8

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Standard 9

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Standard 10

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Existing Historic Component

These standards are to be applied to the existing historic structures within the scope of the overall subject development project. Several existing contributing structures are proposed for minor relocation and renovation, one structure is proposed to be reconstructed at a new location in the project and there are several new buildings proposed for construction. Further review and discussion of the new buildings is provided later in this analysis.

The existing structures are proposed to be placed in a new commercial use, which is common in OSSHAD as it is a mixed-use zoning district. The main changes to a majority of the structures involves their relocation within the block, which will not negatively affect the defining characteristics of each building. While the adaptive reuse of the properties requires changes, the necessary changes are not deemed to negatively impact the historic integrity of each of the structures. Changes to the individual structures that have acquired historic significance are planned to be retained and the proposal does not include changes, which add conjectural features or architectural elements to the structures.

Preserving the structures within the west side of South Swinton Avenue retains the original development pattern of the block and allows for the adaptive reuse of the structures while maintaining defining and distinctive characteristics of each structure. Historically, the structures involved in this block of South Swinton Avenue have not experienced a successful adaptive reuse. It is anticipated that the new construction will bolster the project affording success overall and attract businesses to South Swinton Avenue; thus, helping to protect the integrity of the structures, the property and the environment.

It is not anticipated that significant archeological resources exist on the subject property; however, should such resources be revealed during development of the project, mitigation measures shall be undertaken.

Chemical or physical treatments are inappropriate and should not be used.

New additions, exterior alterations, or related new construction is not proposed for the individual contributing structures. Overall, the proposal can be found to be in compliance with the intent of the Standards.

New Construction Component

In consideration of the Standards noted above and given the fact that the property contains many contributing principal and accessory structures as well as non-contributing structures such as the Rectory Office Building and the Check Cashing Store, the low-scale characteristic of the site and surrounding environment to the south and east will significantly change by the

proposed new construction. This is based upon its inherently larger scale and mass, which is notable in new construction.

The related new construction is proposed to not destroy historic materials that characterize the property through the site design. The scale of the new construction is larger than the context of the existing historic properties and is primarily situated around the perimeter of the site, which is on the edge of the OSSHAD historic district and adjacent to existing larger scale projects such as the Delray Beach Public Library, the Worthing Place Development and the Federspiel Parking Garage. This configuration provides for the desired buffer and transition between the adjacent larger scale CBD zoned properties and the existing smaller scale historic properties. Also, the site configuration provides for large separations between the existing structures and the new buildings with the design of the new common area in the center of the project.

The new construction is clearly influenced by the Vernacular and Spanish influenced architectural styles of OSSHAD as well as complimentary architectural styles such as Anglo-Caribbean and Art Deco, which are identified as acceptable styles for the area by the Delray Beach CBD Architectural Design Guidelines.

The proposed commercial buildings that face Atlantic Avenue, Swinton Avenue and SW 1st Avenue (Buildings 1, 3, 4 & 9) incorporate a storefront design and courtyards on the first floor. The North and South condominium Buildings in Block 69 & 70, respectively, features planters and forecourts on the first floor. The Residence-Inn Building (Building 6/7) features loggias and courtyard areas on the first floor. Storefronts, planters, forecourts, loggias and courtyards are all common features of commercial buildings along Atlantic Avenue and in the downtown. The new commercial buildings and the proposed layout of the overall site will better engage pedestrian traffic along the historic Swinton Avenue corridor and adjacent streets creating an improved opportunity for walkability.

Further, the proposed design of the structure situated at the intersection of Swinton and Atlantic Avenues completes the needed connection to West Atlantic Avenue beginning with the Delray Beach Public Library; thus, improving the pedestrian connection between East and West Atlantic Avenue.

The proposed architectural styles of the new construction coupled with the site design is compatible and distinguished within the Old School Square Historic District. The new construction in and of itself will not impact the district, because if these lots were vacant said construction would be permitted. Should the new construction be removed in the future the area would be unimpaired; therefore, the proposal is generally in keeping with the applicable Standards. Further analysis is provided below with the Visual Compatibility Standards review section.

Pursuant to **LDR Section 4.5.1(E)(6), Relocation**, an individual analysis of each of the 8 individual properties proposed for Relocation has been provided and are attached as exhibits to this staff report.

Pursuant to LDR Section 4.5.1(E)(7)(a-m), Visual Compatibility Standards, new construction and all improvements to both contributing and noncontributing buildings, structures and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as

referenced in Section 4.5.1(E)(2) shall be determined by utilizing criteria contained in (a)-(m) below.

(a) **Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures shall also be determined through application of the Building Height Plane, First Floor Maximum Height, and Upper Story Height(s).

(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.

(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.**

The height of the proposed structures range from one-story to four-story buildings. The site has been designed to place a bulk of the taller buildings around the perimeter of the project boundary adjacent to larger scale CBD zoned properties such as the Delray Beach Public Library, the Worthing Place Development and the Federspeil Parking Garage. Visual Compatibility for the OSSHAD zoned properties requires compliance with respect to the Building Height Plane, First Floor Maximum Height of 14', and the Upper Story Height maximum of 12'. The Building Height Plane requires the additional setback of upper stories from the front setback line to mitigate an impact on the streetscape. The proposal meets these requirements. The portion of the property that is zoned OSSHAD but is subject to the CBD Overlay is exempt from the requirement for Building Height Plane, First Floor Maximum Height of 14', and the Upper Story Height maximum of 12'.

Aside from the Waiver request for Buildings 3, 6/7, 8, and 9 in relation to maximum building width, as required by LDR Section 4.4.24(F)(4), the front façade proportion for the existing contributing buildings in combination with the new construction is generally proportionate with the overall width of the development site which spans an entire city block.

The site is designed with the larger building mass fronting Atlantic Avenue and the smaller buildings "stepping down" in scale along South Swinton Avenue, and SE & SW 1st Streets. Open spaces, courtyards and civic spaces are proposed throughout the project and between each individual contributing structure as well as through the center of Block 61. The new lot formation and proposed overall development will have a substantial impact on the rhythm of buildings on street and it can be demonstrated that the proposal is an improvement to what currently exists along some of the existing road frontages, which include several surface parking lots. The proposal also includes new subterranean parking for the storage of automobiles, which subordinates the importance of the automobile in a physical way. Also, the existing above ground utility lines are proposed to be placed underground, which will have an impact upon the existing environments. The variety of proposed architectural styles in relation to the proportion of newly arranged open space areas demonstrates the proposals' compliance with visual compatibility in the context of Rhythm of Buildings on Streets.

The historic relationship of entrances and porch projections to the sidewalks of the newly relocated contributing structures will be re-established through the shifting of the structures within the block. The new construction has been designed to be generally in context with this historic relationship of entrances/porch projections to sidewalks through the use of arcades, storefronts, planters, loggias and courtyards.

The proportion of openings is appropriate for the different styles of each of the new buildings, and the overall rhythm of solids and voids is compatible. This is evident in each façade. The rhythm of the entrance and the upper story projections are appropriate, as well and are not incompatible for the historic district. These projections also assist in breaking up the front façade and creating additional visual interest.

The relationship of materials, primarily stucco, siding and glass, is appropriate, with colors and textures to accent the building details and overall variety of architectural styles. Proposed roof shapes have been designed to be compatible with the shape of existing structures and buildings within the Old School Square Historic District and with the architectural style of each building.

In consideration of the compatibility of the wall of continuity standard: while there are retaining walls proposed along portions of the street-side of the property, these walls are in response to the drastic grade change that occurs on the property. The design of the retaining walls are pedestrian in scale and landscaping is proposed to soften their edges, which is compatible with respect to continuity.

The directional expression of the front elevations of all structures (existing and proposed) and is clear and evident in the design, and is thereby compatible with the district. The proposed architectural style is consistent with the built environment and does not introduce a new style to the district. The proposal does not include additions to any of the existing contributing structures.

Given the above, positive findings can be made with respect to the Visual Compatibility Standards.

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 requirements. An individual analysis of each of the two individual properties proposed for Demolition has been provided and are attached as exhibits to this staff report.

ARCHITECTURAL ELEVATIONS (CBD)

OSSHAD with Central Business District (CBD) Overlay

Four new buildings are located within the OSSHAD with CBD Overlay: Building 1, Building 2, North condominium, and South condominium. LDR Section 4.4.13(F), "Architectural Standards," sets forth regulations for buildings in the downtown area, which apply to all buildings in the CBD and in the OSSHAD with CBD Overlay. The regulations intend to ensure high quality design through standards related to façade composition and the use of appropriate architectural style(s).

Pursuant to LDR Section 4.4.13(F)(2)(a), Buildings articulations that respond to the site's unique urban condition, such as but limited to, locations on corners, near public open spaces, terminating the visual axis of a street, and/or that emphasize main building entries, shall be clearly expressed in the design.

1. **Building articulations in the form of a change in building height and building placement shall be incorporated so that building façade proportions do not exceed height to width ratios of 3:1 or 1:3 (Figure 4.4.13-29).**
2. **Building articulations shall be reinforced by changes in roof design, fenestration patterns, or architectural elements.**

Pursuant to LDR Section 4.4.13(F)(2)(b) Tripartite Composition (Base, Middle, Top), all buildings shall have a clearly expressed base, middle, and top in the façade design.

Pursuant to LDR Section 4.4.13(F)(3) Appropriate Architectural Styles. The "Delray Beach Central Business District Architectural Design Guidelines", adopted by Ordinance 28-15 on December 8, 2015, identifies seven architectural styles as appropriate for downtown Delray Beach based on historical precedent, climate, and building scale. Defining characteristics and character examples are provided for each of the styles as guidance.

The seven architectural styles are described and illustrated in the Central Business District Architectural Design Guidelines (the "Guidelines"): Florida Vernacular, Anglo-Caribbean, Mediterranean Revival, Classical Tradition, Art Deco, Masonry Modern, and Main Street Vernacular. Mixing elements of various styles together is not permitted; however, projects

comprised of multiple buildings may use more than one style (one per building), and portions of facades on long buildings may be designed using different styles, provided one style per portion is used.

In addition to architectural style, Section 4.4.13 regulates frontage standards.

Pursuant to LDR Section 4.4.13(E) Frontage Standards. Frontage Standards define architecture and design components for the entrance(s) to buildings and the area between building facades and streets. Building setbacks and other development standards are coordinated with street cross-sections to ensure a superior public realm results, improving both the overall visual appearance and multi-modal uses of downtown streets.

Frontage Standards are comprised of Streetscape Standards [LDR Section 4.4.13(E)(2)] and Frontage Types [LDR Section 4.4.13(E)(4)]. Streetscape Standards regulate minimum curb zone, pedestrian clear zone, and landscaping, including the provision of street trees. Frontage Types provides seven distinct options for detailing the main entry to a building: porch, stoop, bracketed balcony, forecourt, storefront, arcade, or lobby entry.

As previously noted, since these four buildings are entirely new construction within the OSSHAD with CBD overlay, they are classified as minor development. As such, they are evaluated pursuant to the criteria in LDR Section 4.4.13 and Section 4.6.18(E) as set forth below. If the following criteria are not met, the application shall be disapproved.

1. The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

Building 1

Building Articulation

Building 1 is the largest building in the project, extending 205'-1" along Atlantic Avenue. The proposed building is four stories tall. The most significant building articulation is achieved by the civic open space located on the corner of Atlantic Avenue and Swinton Avenue. Building 1 and Building 2 are positioned to frame the plaza. An open-air breezeway between the two buildings connects the plaza to an internalized pedestrian walkway and is physically denoted with a tower element. Extending from the plaza westward, the façade has articulations generally consistent with the intent of the code. These articulations are achieved by slight shifts in building façade location and differing roof lines. Changes in fenestration shape and pattern, detailing material, and the use of balconies are used to distinguish different portions of the façade.

Tripartite Composition (Base, Middle, Top)

The building has a base, middle, and top generally consistent with the intent of the code. The base of the building is the first story, which is defined by storefronts with awnings. The middle is the upper stories of the building. The building sets back at the top of the second story, which reduces the scale of the building, but also divides the middle portion of the building. In some

instances, windows change in size and shape on the fourth story, which distinguishes the top floor. The roof line detailing denotes the top of the building.

Architectural Style

Building 1 uses three of the approved CBD Architectural Styles. Mediterranean Revival is used on the easternmost portion of the façade at the corner of Swinton Avenue; Anglo Caribbean is used in the central portion of the building; and Art Deco is the style at the corner of SW First Ave.

The Mediterranean Revival portion of the building has the following defining characteristics identified in the guidelines: smooth stucco finish with minimal window surrounds, attached arcade elements, wood brackets and corbels supporting balconies and overhangs, metal railings, and concrete "S" tile roofs. A tower element provides a variation in height and massing, which is consistent with the style.

The Anglo Caribbean portion of the façade has the following defining characteristics identified in the guidelines: smooth stucco finish, a sculptural parapet element, symmetrical façade composition, standing seam metal roof with brackets supporting the overhang, and metal railings.

The Art Deco building has simple geometries in a traditional, rather than streamline modern execution of the style. The Art Deco portion of the building has the following defining characteristics identified in the guidelines: smooth stucco finish with geometric motif stucco adornments, cantilevered balconies, metal railings, and flat roof with parapet. Cantilevered eyebrows are provided on the west façade.

Frontage Standards

Building 1 uses the Storefront frontage type along the entire base of the building with an arcade element on the east side of the north facade. Dimensional requirements for the required streetscape components and the Storefront and Arcade frontage types are analyzed in the table below.

Frontage Standards	Required	Provided
Curb Zone	4 feet min.	SW 1 st Avenue: 4'-0" Atlantic Avenue: 4'-2 ½" S Swinton Avenue: 8'-0"
Pedestrian Clear Zone	6 feet min.	SW 1 st Avenue: 8'-3 ½" Atlantic Avenue: 6'-11 ½" S Swinton Avenue: 10'-0"
Street Trees (30 feet o.c.)	SW 1 st Avenue: 4 trees Atlantic Avenue: 7 trees S Swinton Avenue: 3 trees	SW 1 st Ave: 6 Montgomery Palms Atlantic Avenue: 5 Royal Palms S Swinton Ave: 5 Montgomery Palms
Storefront Frontage Type*	Required	Provided
Store Width on Req. Retail Street	75 feet max.	40 feet – 53 feet
Storefront Base	9 inches min. / 3 feet max.	9 inches
Glazing Height	8 feet min.	10 feet
Required Openings	80% min.	84%
Arcade Frontage Type*	Required	Provided
Arcade Depth	10 feet min. / 20 feet max.	10 feet
Arcade Height	10 feet min. / 20 feet max.	10 to 14 feet
Column to Face of Curb	2 feet min. / 4 feet max.	N/A (Not in Public ROW)*
Column Width and Depth	1 foot min.	1 foot

*It is important to note that grading and finished floor elevation requirements result in a site design configuration where the finished floor elevation is at the sidewalk level at the corner of Atlantic Avenue and South Swinton Avenue, but gradually slopes to an elevation of approximately 2'-4 ½" at the corner of Atlantic Avenue and SW 1st Avenue. The site plan design provides the required curb and pedestrian clear zones within the public right-of-way and also establishes a parallel pedestrian route with landscaping along the front of the building. Storefront and Arcade frontage types are used at the sidewalk level. Despite the grade changes, the site design is consistent with the intent of the code.

As designed, the project meets the streetscape standards, except for the provision of street trees along Atlantic Avenue. At a maximum spacing of 30 feet on center, the block should be planted with at least 7 trees; 5 trees are provided. The species is Royal Palm, which is established along the corridor though used in conjunction with oak trees.

Prior to certification, the site plan and landscape plan shall be revised to incorporate at least two more trees of an oak species in the Atlantic Avenue streetscape and this is attached as a condition of approval.

Building 2

Building Articulation

Building 2 is a Mediterranean Revival style building located on the corner of Atlantic Avenue and South Swinton Avenue. The proposed building is four stories tall. Building articulation is achieved by an arcade element facing South Swinton Avenue and building setbacks above the second story. An open-air breezeway between Building 1 and 2 that connects the adjacent plaza to an internalized pedestrian walkway is physically denoted with a tower element. The overall façade compositions are asymmetrical, which is consistent with the style.

Tripartite Composition (Base, Middle, Top)

The building has a base, middle, and top generally consistent with the intent of the code. The base of the building is the first story, which is defined by storefronts with awnings facing the civic open space and an arcade element with storefronts facing South Swinton Avenue. The middle is the upper stories of the building. The building sets back at the top of the second story, which reduces the scale of the building, but also divides the middle portion of the building. The fourth story balcony element and roof line detailing denotes the top of the building.

Architectural Style

The building has the following defining characteristics of Mediterranean Revival as identified in the guidelines: smooth stucco finish with minimal window surrounds, an attached arcade element, wood brackets and corbels supporting balconies and overhangs, metal railings, and concrete "S" tile roofs. The tower element provides a variation in height and massing, which is consistent with the style.

Frontage Standards

Building 2 uses the arcade frontage type on the east facade. Dimensional requirements for the required streetscape components and Arcade frontage type are analyzed in the table below.

Frontage Standards	Required	Provided
Curb Zone	4 feet min.	8'-0"
Pedestrian Clear Zone	6 feet min.	10'-0"
Street Trees (30 feet o.c. max)	3 trees	5 Montgomery Palms
Arcade Frontage Type*	Required	Provided
Arcade Depth	10 feet min. / 20 feet max.	10 feet

Arcade Height	10 feet min. / 20 feet max.	10 to 14 feet
Column to Face of Curb	2 feet min. / 4 feet max.	N/A (Not in Public ROW)*
Column Width and Depth	1 foot min.	1 foot

The project meets the minimum standards for the streetscape and frontage type standards.

North Condominium

Building Articulation

North condominium is designed using the Classical Tradition style. The building is located on the northwest corner of Southeast 1st Street and Southeast 1st Avenue. The proposed building is four stories tall. The façades are generally symmetrical, composed using a vertically proportioned bay spacing, which is consistent with the style. Building articulation is provided by distinctions in the façade defined by pediments punctuating the hipped roof line and changes in the fenestration pattern.

Tripartite Composition (Base, Middle, Top)

The building has a base, middle, and top generally consistent with the intent of the code. The base of the building is the first story, which is defined by a series of arched openings and a cornice line. The middle is the second and third stories of the building. The recessed fourth story defines the top, with a balcony element and pediments.

Architectural Style

The building has the following defining characteristics of Classical Tradition as identified in the guidelines: a rational and symmetrical arrangement of elements, simplified classical detailing (moldings and cornices), thickened corners with quoining, a limited palette of window and door sizes, and a hipped roof line with pediments.

Frontage Standards

A Forecourt frontage type is the main entry of the North Condominium facing Southeast 1st Street. Stoop Frontage type provides access from Southeast 1st Avenue. Dimensional requirements for the required streetscape components and Forecourt and Stoop frontage types are analyzed in the table below.

Frontage Standards	Required	Provided
Curb Zone	4 feet min.	SE 1 st Avenue: 4'-6 ½" SE 1 st Street: 4'-1 ½"
Pedestrian Clear Zone	6 feet min.	SE 1 st Avenue: 6'-0" SE 1 st Street: 7'- ½ "
Street Trees (30 feet o.c. max)	SE 1 st Avenue: 6 trees SE 1 st Street: 3 trees	SE 1 st Avenue: 6 Live Oak SE 1 st Street: 2 Jatropha & 2 Silver Buttonwood
Forecourt Frontage Type	Required	Provided
Depth	10 feet min. / 20 feet max.	19'-2"
Width	20 feet min. / 50% of Façade max.	32 feet
Elevation	3 feet max.	2'-8"
Stoop Frontage Type	Required	Provided
Depth	5 feet min. / 8 feet max.	8 feet
Width	4 feet min.	10 feet
Elevation	1 foot min. / 4 feet max.	3'-9"

The building meets the required streetscape and frontage type standards. The remaining set back area not used for required streetscape components is proposed to be landscaped;

however, the change in grade between the sidewalk and building is not resolved in the landscape design. The slope is too steep from the building towards the street to be viable over time. Prior to site plan certification, the proposed landscaping in the front setback areas shall be redesigned to terrace the slope to prevent run off on the sidewalk and erosion and this is attached as a condition of approval.

South Condominium

Building Articulation

The south condominium is designed using the Classical Tradition style. The building is located on the southwest corner of Southeast 1st Street and Southeast 1st Avenue. The proposed building is four stories tall. The building has a corner lobby entrance. The remaining portion of the north façade is composed of vertically proportioned bays with symmetrical elements, which is consistent with the style. The remaining portion of the east elevation is symmetrical in design (with the exception of one ground floor door) which is generally consistent with the style. Building articulation is provided by distinctions in the façade defined by the corner lobby entry and pediments punctuating the hipped roof line and changes in the fenestration pattern.

Tripartite Composition (Base, Middle, Top)

The building has a base, middle, and top generally consistent with the intent of the code. The base of the building is the first story, which is defined by a series of arched openings. The middle is the second and third stories of the building. The recessed fourth story defines the top with the roofline and pediments.

Architectural Style

The building has the following defining characteristics of Classical Tradition as identified in the guidelines: a rational and symmetrical arrangement of elements, simplified classical detailing (moldings and cornices), thickened corners with quoining, a limited palette of window and door sizes, and a hipped roof line with pediments.

Frontage Standards

A Lobby frontage type is the main entry of the South Condominium facing Southeast 1st Street. The Lobby frontage type is an architectural feature that emphasizes the main entry to the building. Dimensional requirements for the required streetscape components and the Lobby frontage types are analyzed in the table below.

Frontage Standards	Required	Provided
Curb Zone	4 feet min.	SE 1 st Avenue: 4'-0" SE 1 st Street: 4'-0"
Pedestrian Clear Zone	6 feet min.	SE 1 st Avenue: 6'-0" SE 1 st Street: 6'-0"
Street Trees (30 feet o.c.)	SE 1 st Avenue: 4 trees SE 1 st Street: 4 trees	SE 1 st Avenue: 4 Live Oak SE 1 st Street: 5 Royal Palms & 1 Silver Buttonwood
Lobby Frontage Type*	Required	Provided
Depth	10 feet min. / 20 feet max.	19'-2"
Width	20 feet min. / 50% of Façade max.	32 feet

REQUIRED FINDINGS

Pursuant to Section 3.1.1 (Required Findings), prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials

submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the Future Land Use Map and Comprehensive Plan Consistency, Concurrency, and Compliance with the Land Development Regulations. At its meeting of May 7, 2002, the City Commission made positive findings with respect to the Future Land Use Map, Comprehensive Plan Consistency, and Concurrency provided conditions of approval are addressed. However, the following is provided:

Section 3.1.1 (A) - Future Land Use Map:

That subject property has a FLUM (Future Land Use Map) designation of OMU (Other Mixed Use) and zoning designation of OSSHAD. That portion of the property that fronts on West Atlantic Avenue and at the northwest and southwest corners of SE 1st Avenue and SE 1st Street are subject to the development regulations of the CBD (Central Business District). The OSSHAD zoning district is consistent with the OMU FLUM designation. Thus, positive findings can be made with respect to Future Land Use Map consistency.

Section 3.1.1 (B) - Concurrency:

As described in Appendix A, a positive finding of concurrency can be made as it relates to water, sewer, streets and traffic, drainage, parks and recreation, open space, schools, and solid waste.

Section 3.1.1 (C) - Consistency (Standards for Site Plan Actions):

As described in Appendix B, a positive finding of consistency can be made as it relates to Standards for Site Plan Actions.

Section 3.1.1 (D) - Compliance With the Land Development Regulations:

As described under the Site Plan Analysis of this report, a positive finding of compliance with the LDRs can be made, provided that all outstanding items attached as conditions of approval are addressed.

Comprehensive Plan Policies:

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives or policies were noted:

Future Land Use Element Objective A-1 - Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.

The residents of the condominiums will provide a customer base for the surrounding businesses. These guests will provide economic stability for businesses in the area, particularly with respect to the restaurant and entertainment sectors. This is also true of the office portion of the development. The office employees will provide a day-time customer base for area businesses with a particular emphasis on restaurants together with the residents and customers of the Residential-type Inns.

Transportation Element Policy D-2.2 – Bicycle parking and facilities shall be required on all new development and redevelopment. Particular emphasis is to be placed on development within the TCEA Area.

Bicycle parking is provided throughout the project.

Section 2.4.5 (F)(5) - Compatibility (Site Plan Findings): The approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.

The subject property is bordered to the north and east by the OSSHAD zoning district and to west by CF, CBD, RO, and RM zoning districts and to the south by CF and OSSHAD zoning districts. The adjacent land uses include: to the north across Atlantic Avenue by restaurant uses, to the south by a church and residential, to the east by restaurant uses and multiple family, and to the west by a library and multiple family residential. The proposed redevelopment will provide year-round customer and employment base for the nearby commercial redevelopment along West Atlantic Avenue as well as new opportunities for businesses. The stability of the downtown area will be enhanced by the addition of the hotel Residential-type Inn guests that will patronize area businesses and contribute to the long term revitalization of this redevelopment area together with employment base of the commercial uses.

REVIEW BY OTHERS

The development proposal is located in an area which requires review by the WARC (West Atlantic Redevelopment Coalition), the CRA (Community Redevelopment Agency), and the DDA (Downtown Development Authority).

Community Redevelopment Agency (CRA)

At its meeting of December 14, 2017, the CRA reviewed the revised development proposal and there was no consensus regarding the project.

Downtown Development Authority (DDA)

DDA reviewed the proposal at its meeting of December 14, 2017 and recommended approval.

West Atlantic Redevelopment Coalition (WARC)

The project will be considered by WARC at its meeting of January 4, 2018. The consensus of the WARC will be reported to the City Commission.

Courtesy Notice:

Courtesy notices have been provided to the following homeowner's associations, which have requested notice of developments in their areas:

- Chamber of Commerce
- Southwest Neighborhood

Any letters of support or objection will be presented at the Historic Preservation Board meeting.

ASSESSMENT AND CONCLUSION

The mixed-use development will further enhance the vibrancy of the historic district, the downtown area and the continued redevelopment of the Atlantic Avenue area. The proposed uses are consistent with the policies of the Comprehensive Plan and Chapter 3 of the Land Development Regulations. Positive findings can be made with respect to Section 2.4.5(F)(5) and 2.4.6(H)(5) regarding compatibility of the proposed development with surrounding properties. Positive findings can be made with respect to compliance with the Land Development Regulations provided the conditions of approval are addressed.

ALTERNATIVE ACTIONS

- A. Postpone with direction.
- B. Move approval of COA 2017-284-SPM-HPB-CL-5, associated waiver, Class V site plan, landscape plan, design elements for **Midtown Delray**, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, meets criteria set forth in Chapter 3, Section 2.4.5(F)(5), 2.4.6(H)(5), 2.4.5(H)(5), 2.4.5(I)(5), and Section 2.4.7(B)(5) of the Land Development Regulations and Comprehensive Plan, subject to conditions of approval.
- C. Move denial of COA 2017-284-SPM-HPB-CL-5, associated Class V site plan modification, landscape plan, design elements, and waivers for **Midtown Delray**, by finding that the request, and approval thereof, does not meet criteria set forth in Chapter 3, Section 2.4.5(F)(5), 2.4.6(H)(5), 2.4.5(H)(5), 2.4.5(I)(5), and Section 2.4.7(B)(5) of the Land Development Regulations and Comprehensive Plan.

STAFF RECOMMENDATION

By Separate Motions:

Waiver:

Recommend approval to the City Commission of the waiver to LDR Section 4.4.24(F)(4), the maximum width of a building fronting a street shall be limited to 60' and shall have a minimum separation of 15' between buildings fronting a street in a development site that contains more than one structure. The two Residential-type Inn buildings along SW 1st Avenue, the Inn building along Swinton Avenue (building #3), and the Inn building at the southeast corner of Swinton Avenue and SE 1st Street exceed the 60-foot maximum, based on a positive finding with respect to LDR Section 2.4.7(B)(5).

Site Plan Modification:

Approve COA 2017-284-SPM-HPB-CL5 and associated Class V site plan for **Midtown Delray**, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, meets criteria set forth in Chapter 3, Section 2.4.5(F)(5), and Section 2.4.6(H)(5) of the Land Development Regulations and Comprehensive Plan, subject to the following conditions of approval.

1. That the locations of the generators are provided on the plans together with the source of fuel prior to certification of the site plan.

2. That the site plan be revised to correctly note the required parking of 379 parking spaces prior to certification of the site plan.

Landscape Plan:

Approve COA 2017-284-SPM-HPB-CL5 and associated landscape plan for **Midtown Delray**, based on positive findings with respect to LDR Section 4.6.16 and Section 2.4.5(H)(5), subject to the condition that a payment of \$139,800 to the Delray Beach Tree Trust Fund for remediation of the trees to be removed.

Elevations:

Approve COA-2017-284-SPM-HPB-CL5 and associated design elements for **Midtown Delray**, based on positive findings with respect to LDR Section 4.6.18 and Section 2.4.5(I)(5).

Relocations:

Exhibit 1

Move approval of COA 2016-069 (Rectory, Building 'A'), 14 S. South Swinton for the relocation of the contributing structure on the property located at 20 W Atlantic Avenue, Block 61 to the property located at further south on Block 61 fronting on South Swinton Avenue (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the 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.

Exhibit 2

Move approval of COA 2016-070 (Rectory, Building 'B') for the relocation of the contributing structure on the property located at 20 W Atlantic Avenue, OSSHAD to the property located at southwest section of Block 70 (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the 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.

Exhibit 3

Move approval of COA 2016-071 (Building 'C') for the relocation of the contributing structure on the property located at 22 South Swinton Avenue, OSSHAD to the property located at north section of Block 70 (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the 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.

Exhibit 5

Move approval of COA 2016-063 (Building 'E'), a.k.a. Cathcart House for the relocation of the contributing structure on the property located at 38 South Swinton Avenue, OSSHAD to the property located approximately 20 feet south of its existing location on Block 61 (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the 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.

Exhibit 6

Move approval of COA 2016-060 (Building 'F'), a.k.a. Peach House for the relocation of the contributing structure on the property located at 40 South Swinton Avenue, OSSHAD to property located on the Sundry Block, OSSHAD (address to be determined) by adopting the findings of fact and law contained in the staff report, and finding that the 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.

Demolitions:

Exhibit 9

Move approval of COA 2016-064 (Building 'E-1') for the demolition of a contributing structure located at 38½ South Swinton 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), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Exhibit 10

Move approval of the COA 2016-061 (Building 'G-ACC') for the demolition of a (contributing structure/accessory structure secondary building to Building 'G' a contributing structure) located at 44½ South Swinton 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).

Attachments:

- Appendix A
- Appendix B
- Site Plan
- Architectural Elevations
- Landscape Plan
- Exhibit 1 (14 South Swinton Avenue – Relocation)
- Exhibit 2 (20 West Atlantic Avenue – Relocation)
- Exhibit 3 (22 South Swinton Avenue – Relocation)
- Exhibit 5 (38 South Swinton Avenue – Relocation)
- Exhibit 6 (40 South Swinton Avenue – Relocation)
- Exhibit 9 (38 ½ South Swinton Avenue – Demolition)
- Exhibit 10 (44 South Swinton Avenue – Demolition)

Report prepared by: Scott D. Pape, AICP, Principal Planner

APPENDIX A CONCURRENCY FINDINGS

Pursuant to Section 3.1.1(B) Concurrency as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Water and Sewer:

With respect to water and sewer service, the following is noted:

- Water service will be available to the site via lateral connection to a proposed 18" main along SW 1st Avenue.
- Sewer service exists to the site via an 8" sewer main located along Swinton Avenue.

Pursuant to the City's Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to these levels of service standards.

Streets and Traffic:

The subject property is located in the City's TCEA (Traffic Concurrency Exception Area), which encompasses the CBD, CBD-RC, and OSSHAD zoning districts, as well as the West Atlantic Avenue corridor. The TCEA was established in December, 1995 to aid in the revitalization of downtown, with a purpose of reducing the adverse impacts of transportation concurrency requirements on urban infill development and redevelopment. These revitalization efforts are achieved by exempting development within the TCEA from the requirements of traffic concurrency. The project will generate 3,399 average daily trips, 171 a.m. peak trips, and 301 p.m. peak trips. Therefore, a positive finding can be made with respect to traffic concurrency.

- Construction of 39,396 square feet of retail; 11,117 square feet of restaurant; 55,218 square feet of office; 45 dwelling units; and 39 residential-type inn units.

Parks and Recreation Facilities:

The 84 condominium units and residential-type units will not have a significant impact with respect to level of service standards for parks and recreation facilities. However, pursuant to LDR Section 5.3.2(C), Impact Fee Required, whenever a development is proposed upon land which is not designated for park purposes in the Comprehensive Plan, a impact fee of \$500.00 per dwelling unit will be collected prior to issuance of building permits for each unit. Thus, an impact fee of \$42,500 will be required of this development.

Solid Waste:

Trash generated each year by the mixed use project is 664 tons. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2048, thus a positive finding with respect to this level of service standard can be made.

Drainage:

Preliminary drainage plans were submitted which indicate that drainage will be accommodated via sheet flow to culverts that will direct storm water to exfiltration trenches. Based on the above, positive findings with respect to this level of service standard can be made.

APPENDIX B STANDARDS FOR SITE PLAN ACTIONS

- A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.**

Not applicable _____
Meets intent of standard X
Does not meet intent _____

- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.**

Not applicable _____
Meets intent of standard X
Does not meet intent _____

- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.**

Not applicable X
Meets intent of standard _____
Does not meet intent _____

- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.**

Not applicable _____
Meets intent of standard X
Does not meet intent _____

- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.**

Not applicable X
Meets intent of standard _____
Does not meet intent _____

- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.**

Not applicable _____
Meets intent of standard X (Subject to Conditions of approval)
Does not meet intent _____

- Not applicable X
Meets intent of standard
Does not meet intent

- Not applicable _____
 Meets intent of standard X (Subject to Conditions of approval)
 Does not meet intent _____

- | | |
|--------------------------|-------------------------|
| Not applicable | <u> </u> |
| Meets intent of standard | <u> X </u> |
| Does not meet intent | |

- Not applicable X
Meets intent of standard _____
Does not meet intent _____

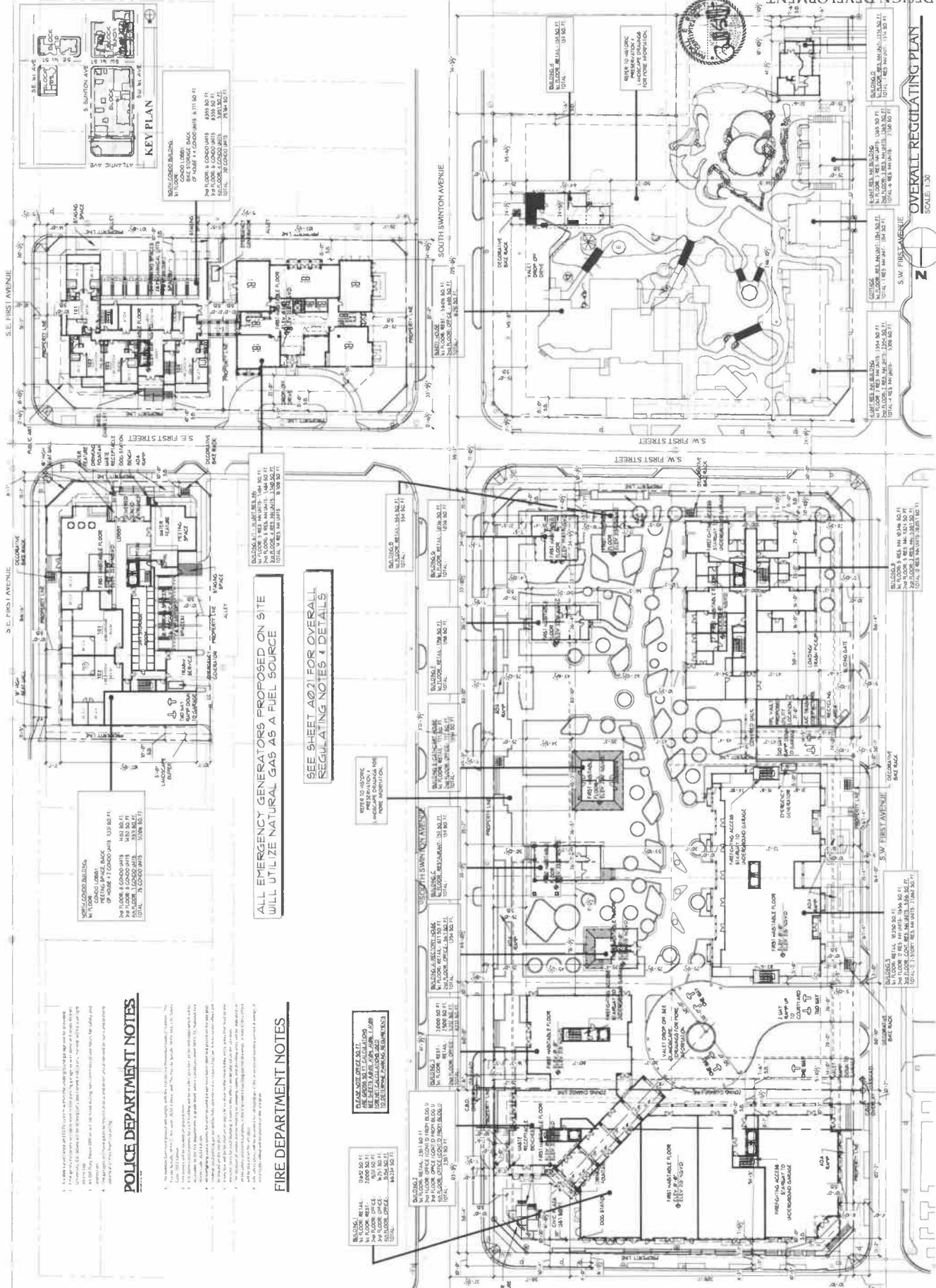
DATE	BY	REVISION
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11/20/17	AS NOTED	1.2
11/20/17	AS NOTED	1.3
11/20/17	AS NOTED	1.4
11/20/17	AS NOTED	1.5
11/20/17	AS NOTED	1.6
11/20/17	AS NOTED	1.7
11/20/17	AS NOTED	1.8
11/20/17	AS NOTED	1.9
11/20/17	AS NOTED	1.10
11/20/17	AS NOTED	1.11
11/20/17	AS NOTED	1.12
11/20/17	AS NOTED	1.13
11/20/17	AS NOTED	1.14
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11/20/17	AS NOTED	1.16
11/20/17	AS NOTED	1.17
11/20/17	AS NOTED	1.18
11/20/17	AS NOTED	1.19
11/20/17	AS NOTED	1.20
11/20/17	AS NOTED	1.21
11/20/17	AS NOTED	1.22
11/20/17	AS NOTED	1.23
11/20/17	AS NOTED	1.24
11/20/17	AS NOTED	1.25
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11/20/17	AS NOTED	1.94
11/20/17	AS NOTED	1.95
11/20/17	AS NOTED	1.96
11/20/17	AS NOTED	1.97
11/20/17	AS NOTED	1.98
11/20/17	AS NOTED	1.99
11/20/17	AS NOTED	2.00

RANDALL STOFFT
ARCHITECTS
distinctive inspirational architecture

MIDTOWN
DELRAY

STOFFT COONEY
ARCHITECTS
distinctive inspirational architecture

0.20
SCALE 1:30
OVERALL REGULATING PLAN
DESIGN DEVELOPMENT



- POLICE DEPARTMENT NOTES**
1. Review all proposed building footprints and setbacks for compliance with the City of Delray Beach Police Department's regulations. The City of Delray Beach Police Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.01, and the City of Delray Beach Police Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.02.
 2. Review all proposed building footprints and setbacks for compliance with the City of Delray Beach Police Department's regulations. The City of Delray Beach Police Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.01, and the City of Delray Beach Police Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.02.
 3. Review all proposed building footprints and setbacks for compliance with the City of Delray Beach Police Department's regulations. The City of Delray Beach Police Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.01, and the City of Delray Beach Police Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.02.
 4. Review all proposed building footprints and setbacks for compliance with the City of Delray Beach Police Department's regulations. The City of Delray Beach Police Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.01, and the City of Delray Beach Police Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.02.
- FIRE DEPARTMENT NOTES**
1. Review all proposed building footprints and setbacks for compliance with the City of Delray Beach Fire Department's regulations. The City of Delray Beach Fire Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.01, and the City of Delray Beach Fire Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.02.
 2. Review all proposed building footprints and setbacks for compliance with the City of Delray Beach Fire Department's regulations. The City of Delray Beach Fire Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.01, and the City of Delray Beach Fire Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.02.
 3. Review all proposed building footprints and setbacks for compliance with the City of Delray Beach Fire Department's regulations. The City of Delray Beach Fire Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.01, and the City of Delray Beach Fire Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.02.
 4. Review all proposed building footprints and setbacks for compliance with the City of Delray Beach Fire Department's regulations. The City of Delray Beach Fire Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.01, and the City of Delray Beach Fire Department's regulations are located in the City of Delray Beach Code, Chapter 10, Section 10.02.

SEE SHEET A021 FOR OVERALL REGULATING NOTES & DETAILS

ALL EMERGENCY GENERATORS PROPOSED ON SITE WILL UTILIZE NATURAL GAS AS A FUEL SOURCE

BLDG 1001
1ST FLOOR
2ND FLOOR
3RD FLOOR
TOTAL
1001 SQ. FT.
1001 SQ. FT.
1001 SQ. FT.
1001 SQ. FT.

BLDG 1002
1ST FLOOR
2ND FLOOR
3RD FLOOR
TOTAL
1002 SQ. FT.
1002 SQ. FT.
1002 SQ. FT.
1002 SQ. FT.

BLDG 1003
1ST FLOOR
2ND FLOOR
3RD FLOOR
TOTAL
1003 SQ. FT.
1003 SQ. FT.
1003 SQ. FT.
1003 SQ. FT.

BLDG 1004
1ST FLOOR
2ND FLOOR
3RD FLOOR
TOTAL
1004 SQ. FT.
1004 SQ. FT.
1004 SQ. FT.
1004 SQ. FT.

BLDG 1005
1ST FLOOR
2ND FLOOR
3RD FLOOR
TOTAL
1005 SQ. FT.
1005 SQ. FT.
1005 SQ. FT.
1005 SQ. FT.

BLDG 1006
1ST FLOOR
2ND FLOOR
3RD FLOOR
TOTAL
1006 SQ. FT.
1006 SQ. FT.
1006 SQ. FT.
1006 SQ. FT.

BLDG 1007
1ST FLOOR
2ND FLOOR
3RD FLOOR
TOTAL
1007 SQ. FT.
1007 SQ. FT.
1007 SQ. FT.
1007 SQ. FT.

BLDG 1008
1ST FLOOR
2ND FLOOR
3RD FLOOR
TOTAL
1008 SQ. FT.
1008 SQ. FT.
1008 SQ. FT.
1008 SQ. FT.

BLDG 1009
1ST FLOOR
2ND FLOOR
3RD FLOOR
TOTAL
1009 SQ. FT.
1009 SQ. FT.
1009 SQ. FT.
1009 SQ. FT.

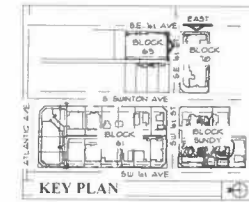
BLDG 1010
1ST FLOOR
2ND FLOOR
3RD FLOOR
TOTAL
1010 SQ. FT.
1010 SQ. FT.
1010 SQ. FT.
1010 SQ. FT.



FRONT (NORTH) ELEVATION
SCALE: 1/8" = 1'-0"



FRONT (EAST) ELEVATION
SCALE: 1/8" = 1'-0"



MATERIAL & PAINT SPECIFICATIONS - BLOCK 70

ROOFING

ROOF: FLAT, COATED TPO
COLOR: WHITE - COTTON WHITE

WINDOWS

WINDOW: 1" DOOR TRIPLE PANELED ALUMINUM
COLOR: SAGE/SLATE

WALLS

WALL: FABRIC
TYPE: BRICK
COLOR: RED
FINISH: CRACKING
SHEATH: 1/2"

TRIM

TRIM: CORNICE, PICTURE MOULD, POLYURETHANE
COLOR: WHITE - COTTON WHITE

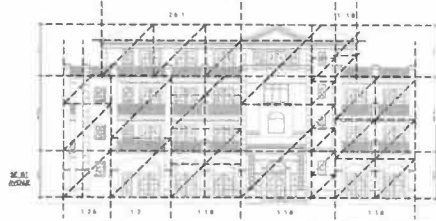
PAINT

PAINT: EXTERIOR
COLOR: WHITE - COTTON WHITE
FINISH: CRACKING

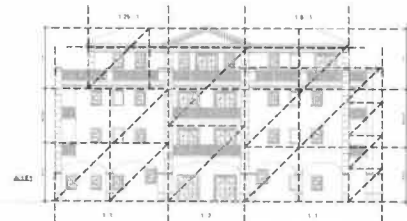
LANDSCAPE

LANDSCAPE: PLANTING, LIGHTING, FURNITURE, ETC.

ALL CORNICES & HOLDINGS IN "C" DISTRICT TO HAVE A MINIMUM 2" PROJECTION FROM FACE OF WALL. SURFACE ATTACHED TO



FRONT (NORTH) ELEVATION
SCALE: NOT TO SCALE



FRONT (EAST) ELEVATION
SCALE: NOT TO SCALE

MATERIAL LEGEND

ITEM	DESCRIPTION	ITEM	DESCRIPTION	ITEM	DESCRIPTION
1	FLAT CONCRETE ROOF TPO	11	POWDER COATED ALUMINUM WALL PANEL	21	POWDER COATED ALUMINUM LATTICE WORK
2	TRIMMED STUCCO FINISH SEE COLOR PALETTE FOR SELECTION	12	CONSTRUCTED SO THAT 4" SPHERE SHALL NOT PASS	22	POWDER COATED ALUMINUM LATTICE WORK
3	IMPACT RESISTANT WINDOW OR DOOR REFER TO WINDOW AND DOOR SCHEDULES (7201)	13	PAINTED STUCCO GUTTERS	23	POWDER COATED ALUMINUM LATTICE WORK
4	PRECAST STONE 18"	14	PAINTED STUCCO GUTTERS	24	POWDER COATED ALUMINUM LATTICE WORK
5	PAINTED STUCCO GUTTERS	15	PAINTED STUCCO GUTTERS	25	POWDER COATED ALUMINUM LATTICE WORK

SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION ON LANDSCAPE DRAWINGS FOR MORE INFORMATION ON LOCATION OF LANDSCAPE, PAVING AND RAMP

SOUTH CONDO

REVISIONS

NO.	DATE	DESCRIPTION
1	09-09-17	ISSUED

RANDALL STOFFT
ARCHITECTS
distinctive traditional architecture

MIDTOWN DELRAY

STOFFT COONEY
ARCHITECTS
distinctive traditional architecture

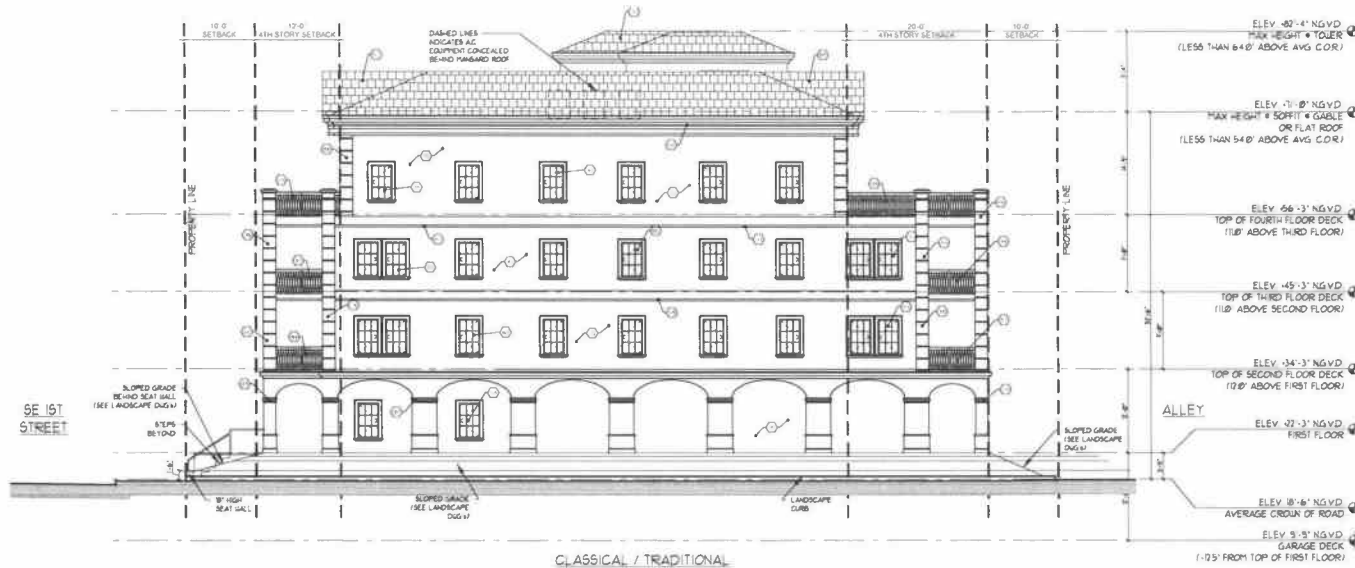


DESIGN DEVELOPMENT

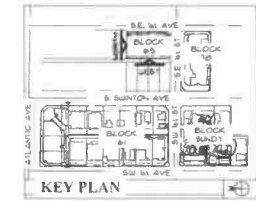
Scale	AS NOTED
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Date	09-09-17
Sheet	1 of 1

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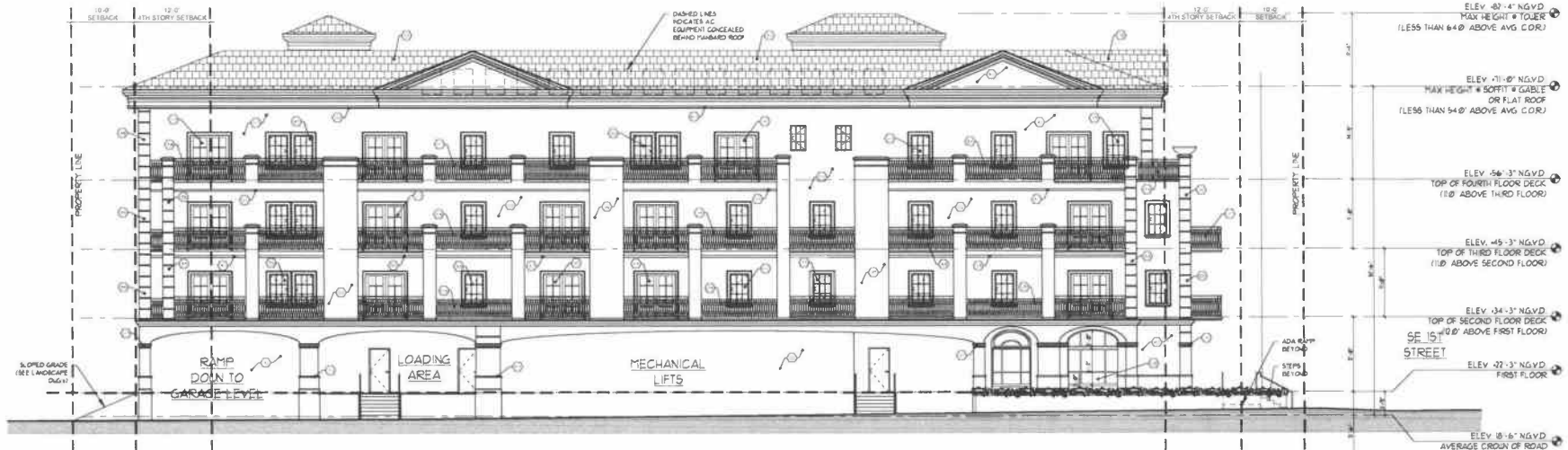
LICENSE # AA 20000793



SIDE (NORTH) ELEVATION
SCALE: 1/8"=1'-0"



MATERIAL & PAINT SPECIFICATIONS - BLOCK 69	
ROOF: FLAT CONCRETE TILE	COLOR: BURNING COTTON WHITE
WOOD: DOOR FRAMES, PAINTED ALUMINUM	COLOR: SANDPAPER
ALUMINUM: WINDOW CASINGS, SHUTTERS, RAILS	COLOR: BURNING COTTON WHITE
ALUMINUM: WINDOW CASINGS, SHUTTERS, RAILS	COLOR: BURNING COTTON WHITE
ALUMINUM: WINDOW CASINGS, SHUTTERS, RAILS	COLOR: BURNING COTTON WHITE
ALUMINUM: WINDOW CASINGS, SHUTTERS, RAILS	COLOR: BURNING COTTON WHITE
ALUMINUM: WINDOW CASINGS, SHUTTERS, RAILS	COLOR: BURNING COTTON WHITE
ALUMINUM: WINDOW CASINGS, SHUTTERS, RAILS	COLOR: BURNING COTTON WHITE
ALUMINUM: WINDOW CASINGS, SHUTTERS, RAILS	COLOR: BURNING COTTON WHITE
ALUMINUM: WINDOW CASINGS, SHUTTERS, RAILS	COLOR: BURNING COTTON WHITE



SIDE (WEST) ELEVATION
SCALE: 1/8"=1'-0"



ALL CORNICES & MOLDINGS IN
CIRCULAR DISTRICT TO HAVE A
MINIMUM 1" PROJECTION FROM FACE OF
WALL SURFACE ATTACHED TO

MATERIAL LEGEND	
DESCRIPTION	DESCRIPTION
FLAT CONCRETE ROOF TILE	POWDER COATED ALUMINUM WINDOW CASINGS, SHUTTERS, RAILS
POWDER COATED ALUMINUM WINDOW CASINGS, SHUTTERS, RAILS	POWDER COATED ALUMINUM WINDOW CASINGS, SHUTTERS, RAILS
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POWDER COATED ALUMINUM WINDOW CASINGS, SHUTTERS, RAILS	POWDER COATED ALUMINUM WINDOW CASINGS, SHUTTERS, RAILS

DESIGN DEVELOPMENT

Date	07/26/17
Revisions	1
Drawn By	STOFFT COONEY
Checked By	STOFFT COONEY
Reviewed By	STOFFT COONEY

RANDALL STOFFT ARCHITECTS
distinctive inspirational architecture

MIDTOWN DELRAY

STOFFT COONEY ARCHITECTS
distinctive inspirational architecture

Scale: AS NOTED
Job No.: 07/26/17 DWD
Date: 07/26/17
Sheets: 1 of 1

A2.11

1998

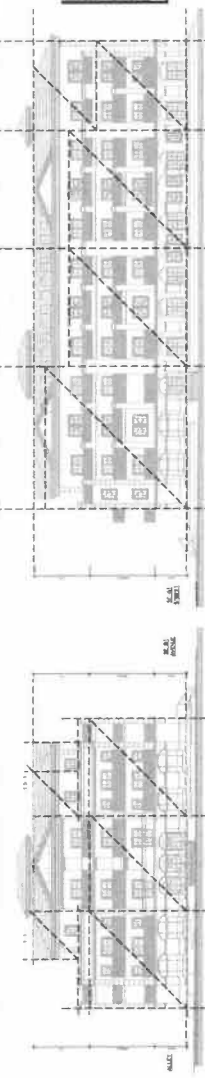
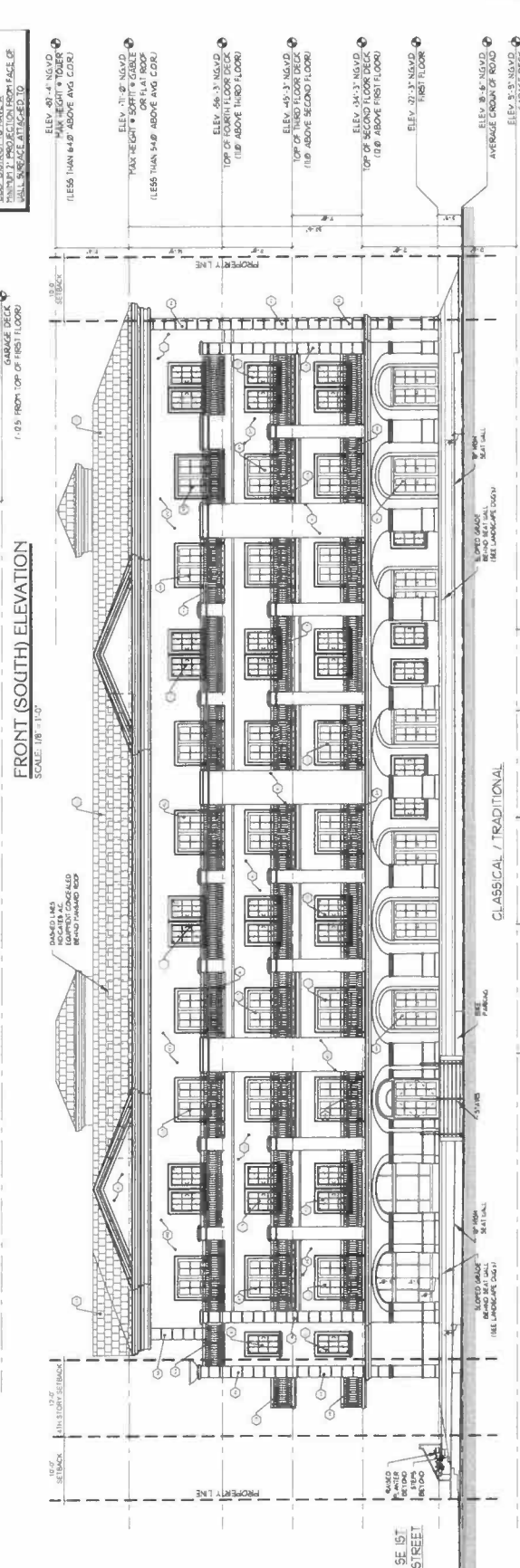
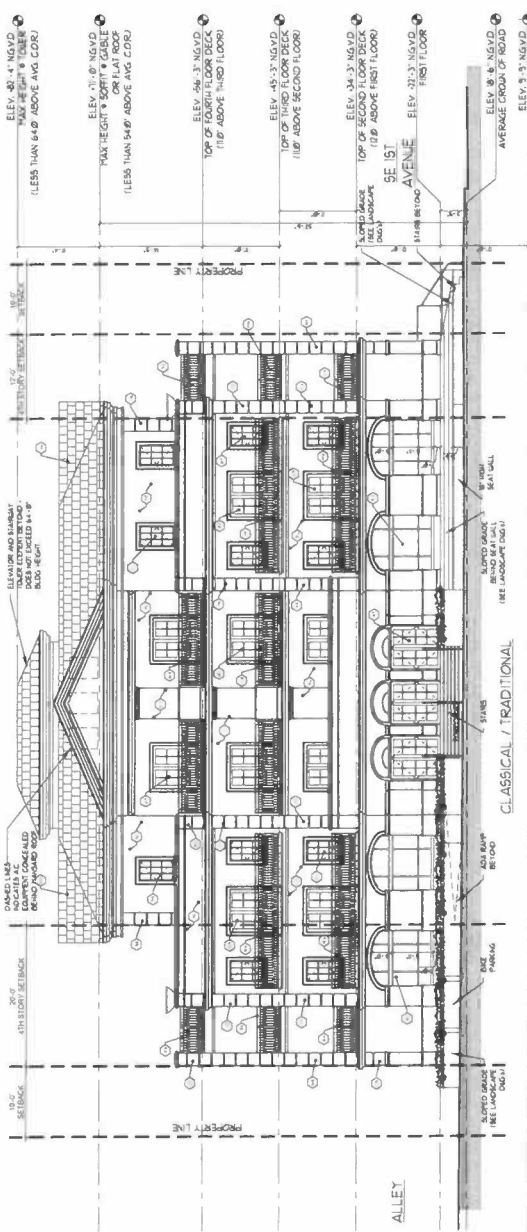
1998

SCALE: 1" = 1'-0"

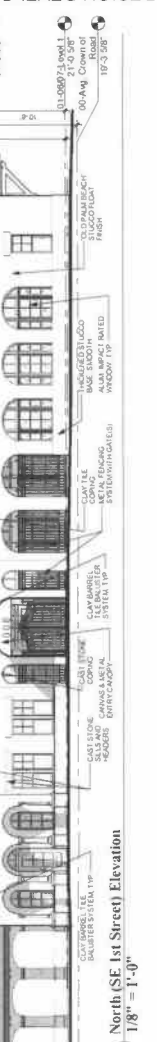
SCALE: 1/8" = 1'-0"

MINIMUM 2" PROJECTION FROM FACE OF

60 שנות - חינוך ופיתוח



Revisions
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1 North (SE 1st Street) Elevation
1/8" = 1'-0"

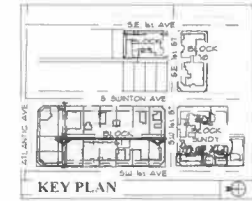
North (SE 1)
1/8" = 1'-0"

MATERIAL & PAINT SPECIFICATIONS - BLOCK 61	
BLDG 8	
WALLS: EXTERIOR PAINTED ALUMINUM CLADDING	
WALLS: EXTERIOR PAINTED ALUMINUM CLADDING	
WALLS: EXTERIOR PAINTED ALUMINUM CLADDING	
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MATERIAL & PAINT SPECIFICATIONS - BLOCK 61	
BLDG 9	
WALLS: EXTERIOR PAINTED ALUMINUM CLADDING	
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WALLS: EXTERIOR PAINTED ALUMINUM CLADDING	
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OVERALL (EAST) COURTYARD ELEVATION
SCALE: 1/20



MATERIAL LEGEND			
MARK	DESCRIPTION	MARK	DESCRIPTION
(01)	CONCRETE 15" STYLE ROOF TILE	(06)	POWDERCOATED ALUMINUM SHUTTER/LOUVERED PANEL
(02)	STANDING SEAM METAL ROOF	(07)	PRECAST STONE TRIM
(03)	SMOOTH STUCCO FINISH, SEE COLOR PALETTE FOR SELECTION	(08)	POWDER COATED ALUMINUM RAILINGS, NOTE: RAILINGS CONSTRUCTED SO THAT 4" SPHERE SHALL NOT PASS
(04)	IMPACT RESISTANT WINDOW OR DOOR, REFER TO WINDOW AND DOOR SCHEDULES (15.01)	(09)	PAINTED WOOD BRACKETS/CORBELS/OUTRIGGERS
(05)	SMOOTH STUCCO SIDING, SEE COLOR PALETTE FOR SELECTION	(10)	FABRIC AWNING
(11)		(11)	SMOOTH STUCCO SIDING, SEE COLOR PALETTE FOR SELECTION
(12)		(12)	STUCCO TRIM / DETAIL



PARTIAL (LEFT) EAST COURTYARD
SCALE: 1/8" = 1'-0"



PARTIAL (RIGHT) EAST COURTYARD
SCALE: 1/8" = 1'-0"

DATE	11/11/2020
BY	STOFFT
CHECKED	COONEY
APPROVED	

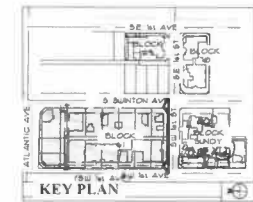
RANDALL STOFFT ARCHITECTS
distinctive inspirational architecture

MIDTOWN DELRAY

STOFFT COONEY ARCHITECTS
distinctive inspirational architecture

Scale: AS NOTED
Job No:
Date: 05.06.17
Sheets: 1 of 1

2.06

[illegible][illegible]

BLDG G
RIGHT (SOUTH) ELEVATION
SCALE: 1/8" = 1'-0"

Revisions	Date
SPRINT RELEASED	09 08 17
RE VOUCH 1	10 08 17
RE VOUCH 2	11 08 17

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DELRAY

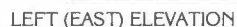
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[illegible]



JCENSE • AA 260000793

SCALE 1:20

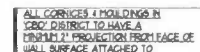


SCALE: 1/8" = 1'-0"

[illegible]

A. $10^1 \cdot 10^4$

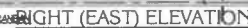
- A = BUILDING WIDTH
- B = RETAIL SPACE WIDTH
- C = WINDOW & DOOR OPENINGS EQUAL AT LEAST 80% OF 'B'

[illegible][illegible]

SEE SHEET A2.01 FOR TYPICAL
STOREFRONT GLAZING SECTION



SCALE 1/8" = 1'-0"



SCALE: 1/8" = 1'-0"

Revisions	Date
REVISED BY: JLM	07/08/17
REVISED BY: 1	10/20/17
REVISED BY: 2	11/03/17

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MIDTOWN
DELRAY

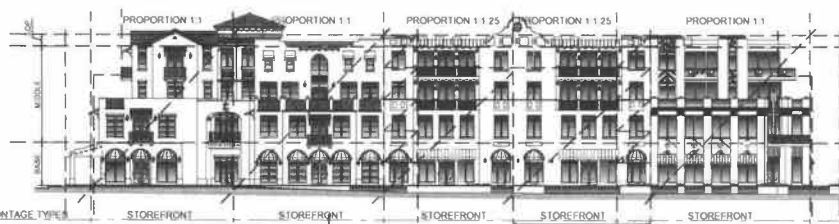
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ARCHITECTS
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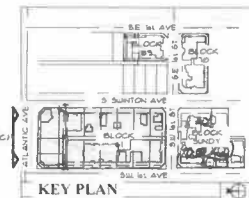
33 Ninth Street North Suite 300 • Naples, Florida 34102

ICFENSE# AA 26000793

MATERIAL & PAINT SPECIFICATIONS - BLOCK 61		
ITEM NO.	DESCRIPTION	FINISH / COLOR
001	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
002	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
003	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
004	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
005	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
006	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
007	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
008	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
009	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
010	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
011	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
012	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
013	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
014	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
015	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
016	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
017	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
018	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
019	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL
020	CONCRETE FLOOR & WALL	CONCRETE FLOOR & WALL



BRACKET DETAIL
SCALE: 3/8" = 1'-0"



KEY PLAN

ELEV. 48'-0" NGVD
MAX HEIGHT OF ARCHITECTURAL FEATURES

ELEV. 47'-0" NGVD
MAX HEIGHT OF SOFFIT & GABLE
OR FLAT ROOF

ELEV. 46'-0" NGVD
TOP OF FOURTH FLOOR DECK
(10' ABOVE THIRD FLOOR)

ELEV. 44'-0" NGVD
TOP OF THIRD FLOOR DECK
(10' ABOVE SECOND FLOOR)

ELEV. 42'-0" NGVD
TOP OF SECOND FLOOR DECK
(10' ABOVE FIRST FLOOR)

ELEV. 41'-0" NGVD
FIRST FLOOR/COURTYARD DECK

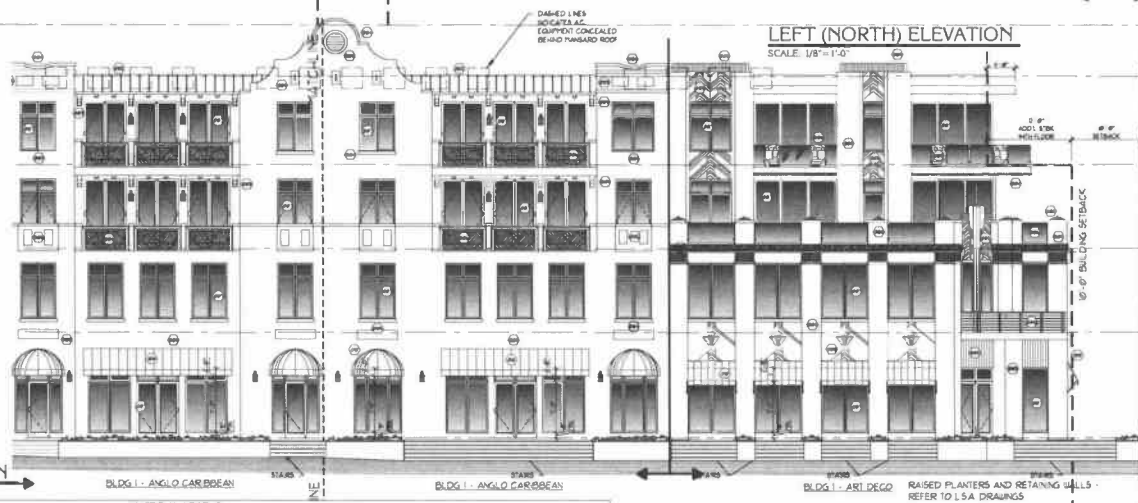
ELEV. 40'-0" NGVD
AVERAGE CROWN OF ROAD

ELEV. 39'-0" NGVD
GARAGE DECK
(1'-0" FROM TOP OF FIRST FLOOR)

STOREFRONT LEGEND:	
A	BUILDING WIDTH
B	RETAIL SPACE WIDTH
C	AT WINDOW & DOOR OPENINGS EQUAL AT LEAST 80% OF B

ATLANTIC AVENUE STOREFRONT:	
A	340'-0"
B	78'-0"
C	73'-0"
CD	84%

OVERALL (NORTH) ELEVATION
SCALE: 1/20



LEFT (NORTH) ELEVATION
SCALE: 1/8" = 1'-0"

ELEV. 48'-0" NGVD
MAX HEIGHT OF SOFFIT & GABLE
OR FLAT ROOF

ELEV. 46'-0" NGVD
TOP OF FOURTH FLOOR DECK
(10' ABOVE THIRD FLOOR)

ELEV. 44'-0" NGVD
TOP OF THIRD FLOOR DECK
(10' ABOVE SECOND FLOOR)

ELEV. 42'-0" NGVD
TOP OF SECOND FLOOR DECK
(10' ABOVE FIRST FLOOR)

SW 1ST
AVENUE

ELEV. 41'-0" NGVD
FIRST FLOOR

ELEV. 40'-0" NGVD
AVERAGE CROWN OF ROAD

ELEV. 39'-0" NGVD
GARAGE DECK
(1'-0" FROM TOP OF FIRST FLOOR)

TYP. 'CBD' STOREFRONT SECTION
SCALE: 3/8" = 1'-0"

MATERIAL LEGEND	
ITEM NO.	DESCRIPTION
001	CONCRETE 12" STILE ROOF TILE
002	CONCRETE 12" STILE ROOF TILE
003	CONCRETE 12" STILE ROOF TILE
004	CONCRETE 12" STILE ROOF TILE
005	CONCRETE 12" STILE ROOF TILE
006	CONCRETE 12" STILE ROOF TILE
007	CONCRETE 12" STILE ROOF TILE
008	CONCRETE 12" STILE ROOF TILE
009	CONCRETE 12" STILE ROOF TILE
010	CONCRETE 12" STILE ROOF TILE
011	CONCRETE 12" STILE ROOF TILE
012	CONCRETE 12" STILE ROOF TILE
013	CONCRETE 12" STILE ROOF TILE
014	CONCRETE 12" STILE ROOF TILE
015	CONCRETE 12" STILE ROOF TILE
016	CONCRETE 12" STILE ROOF TILE
017	CONCRETE 12" STILE ROOF TILE
018	CONCRETE 12" STILE ROOF TILE
019	CONCRETE 12" STILE ROOF TILE
020	CONCRETE 12" STILE ROOF TILE

RIGHT (NORTH) ELEVATION
SCALE: 1/8" = 1'-0"

DESIGN DEVELOPMENT



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MIDTOWN
DELAIR

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Scale AS NOTED
Job No.
Date 09.06.17 DLD
Sheets



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LICENSE # AIA 26000193

TREES AD	COMMON NAME Bosque
BA	Yucca
BS	Gumbo Limbo Transplant
BSR	Gumbo Limbo
CD	Pigeon Plum
CS	Silver Buttonwood
CU	Sea Grape
FU	Spanish Sloop
ED	Japanese Fern Tree
JI	Jatropha
LCL	Witch Transplant
LRI	Notcher Grape Myrtle
MG	Dwarf Southern Magnolia
MIR	Sapodilla
PA	Guiana Chestnut
PL	Moss Tree
PR	Bay Rum Tree
QV	Southern Live Oak
QVR	Live Oak Transplant
PALM TREES	
CM	COMMON NAME Christmas Palm
AN	Green Malaysian Coconut Palm
PD	Medjool Date Palm
PE	Alexander Palm
RE	Lady Palm
RR	Florida Royal Palm
RRR	Royal Palm Transplant
SRL	Sabalina Palm
SO	Sabal Palm
TR	Florida "Hatch" Palm
VM	Singie Montgomery Palm
VM3	Tripid Montgomery Palm
WS	Fecial Palm

BUILDING 2

WASTE
RECEPTACLE
(4) BENCHES
BICYCLE RACK
DRINKING FOUNTAIN
DOG STATION

BUILDING 3

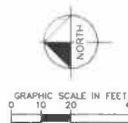
BLD

BL

PLAZA
AREA

MATCHLINE - SEE SHEET L 201

NOTE: SEE SHEET L 206 FOR FULL
PLANTING SCHEDULE



NOTE:
ABOVE GROUND AIR CONDITIONING UNITS
AND ALL OTHER ABOVE GROUND UTILITIES
SHALL BE SCREENED PER DETAIL A/E 205

Kimley»»Horn

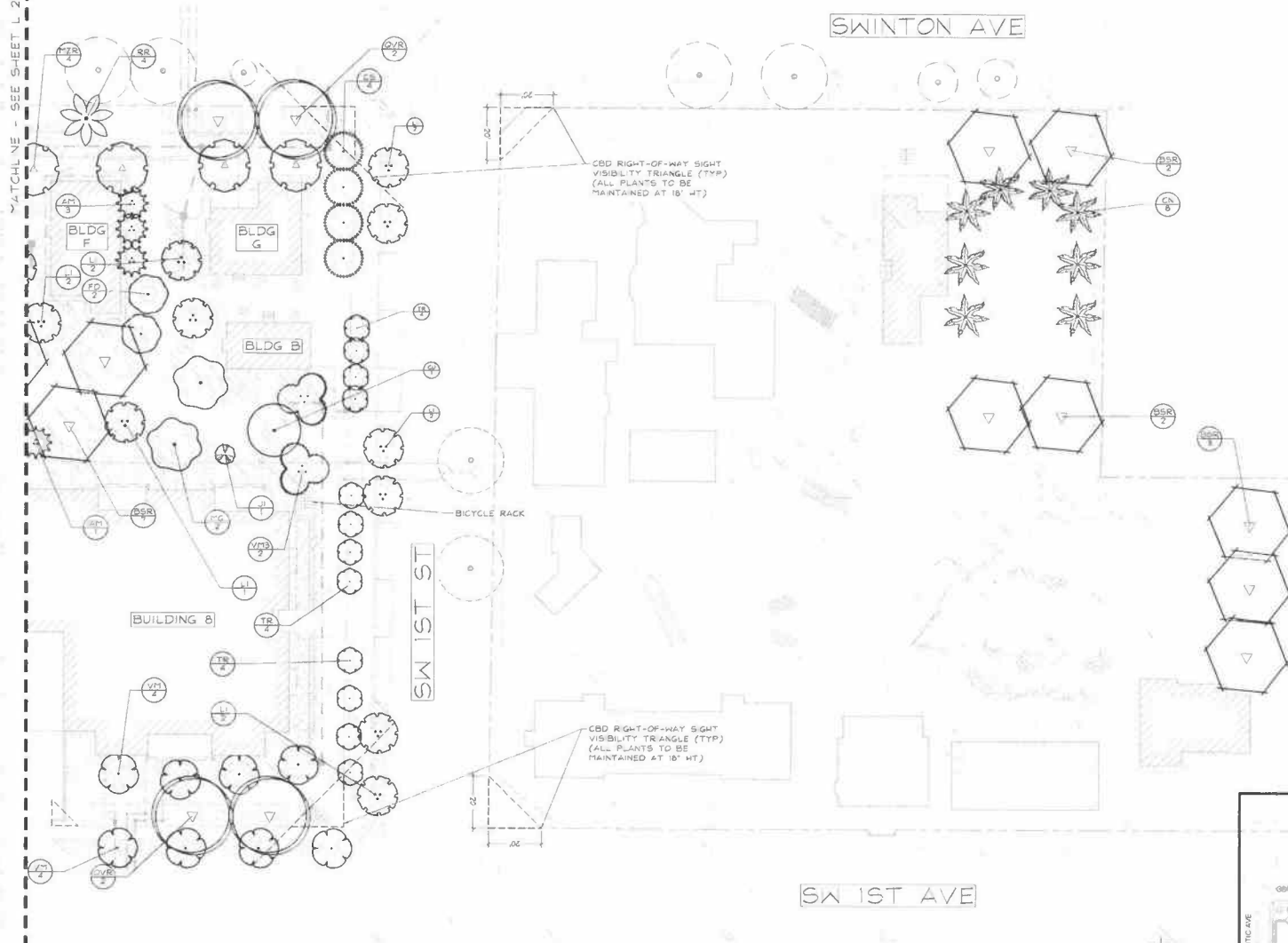
140135000	DATE	OCT 2017	SCALE AS SHOWN
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LANDSCAPE TREE

MIDTOWN DELRAY
PREPARED FOR

FLORIDA
DOLLEY BEACH

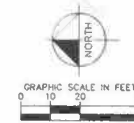
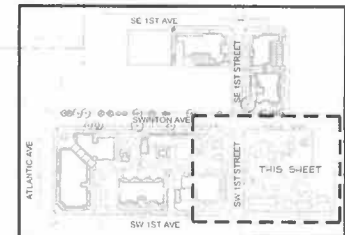
ATCHLINE - SEE SHEET L 200



PLANT SCHEDULE

TREES	COMMON NAME
AD	Basswood
BA	Verawood
BS	Gumbo Limbo Transplant
BSR	Gumbo Limbo
CD	Pigeon Plum
CS	Silver Buttonwood
CU	Sea Grape
EU	Spanish Scaevola
FD	Japanese Fern Tree
JI	Jatropha
LGR	Litsea Transplant
LI	Hutchins Crabapple
MG	Dwarf Southern Magnolia
MZR	Sapodilla
PA	Gumbo Chestnut
PL	Mast Tree
PR	Bay Rum Tree
QV	Southern Live Oak
QVR	Live Oak Transplant
PALM TREES	COMMON NAME
AM	Christmas Palm
GN	Green Malaysian Coconut Palm
PD	Mexican Date Palm
PE	Alexander Palm
RE	Lady Palm
RR	Florida Royal Palm
RGR	Royal Palm Transplant
SL	Sabal Palm
SP	Sabal Palm
TR	Florida Thatch Palm
VM	Single Montgomery Palm
VMB	Triple Montgomery Palm
WB	Forster Palm

NOTE: SEE SHEET L 206 FOR FULL
PLANTING SCHEDULE



NOTE:
ABOVE GROUND AIR CONDITIONING UNITS
AND ALL OTHER ABOVE GROUND UTILITIES
SHALL BE SCREENED PER DETAIL 4/4 209

Kimley»Horn
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1000 N. W. 10TH AVE., SUITE 1000
MIAMI, FL 33136
PHONE: 305-375-1000 FAX: 305-375-1001
WWW.KIMLEY-HORN.COM CA 0000086

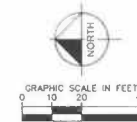
PROJECT: 140135000
DATE: OCT 2017
SCALE: AS SHOWN
DESIGNED BY: [blank]
DRAWN BY: [blank]
CHECKED BY: [blank]
DATE: 11/17/2017

**LANDSCAPE TREE
PLAN**

**MIDTOWN DELRAY
PREPARED FOR
HUDSON HOLDINGS**

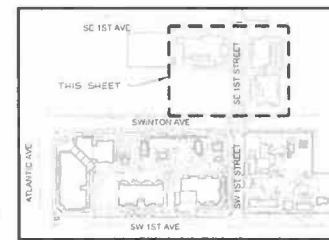
SHEET NUMBER
L 201

NO.	REVISIONS	DATE	BY



TREES AD	COMMON NAME
B4	Verawood
B5	Gumbo Limbo Transplant
BSR	Gumbo Limbo
CD	Pigeon Plum
CS	Silver Buttonwood
CW	Sea Grape
EU	Spanish Stopper
FD	Japanese Fern Tree
JI	Jatropha
LCR	Litsea Transplant
LI	Nalcher Grape Myrtle
MG	Dwarf Southern Magnolia
MTR	Sapodilla
PA	Guano Chestnut
PL	Mast Tree
PR	Bay Rum Tree
QV	Southern Live Oak
QVR	Live OakTransplant
<u>CALY TREES</u>	COMMON NAME
AM	Christmas Palm
CN	Green Malayan Coconut Palm
PD	Medjool Date Palm
PE	Alexander Palm
QE	Loay Palm
QR	Florida Royal Palm
QRR	Royal PalmTransplant
SL	Isisakia Palm
SP	Sabal Palm
TR	Florida "Trash" Palm
VM	Single PlantGomery Palm
VM3	Triple PlantGomery Palm
WB	Foxtail Palm

NOTE: SEE SHEET L 206 FOR FULL
PLANTING SCHEDULE



NOTE:
ABOVE GROUND AIR CONDITIONING UNITS
AND ALL OTHER ABOVE GROUND UTILITIES
SHALL BE SCREENED PER DETAIL A/L 205

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LANDSCAPE TREE
PLAN

MIDTOWN DELRAY
PREPARED FOR
HUDSON HOLDINGS

SHEET NUMBER
1202

MATCHLINE - SEE SHEET L 203

SWINTON AVE

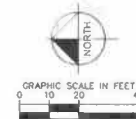
CBD RIGHT-OF-WAY SIGHT
VISIBILITY TRIANGLE (TYP)

BICYCLE RACK

SW 1ST ST

CBD RIGHT-OF-WAY SIGHT
VISIBILITY TRIANGLE (TYP)

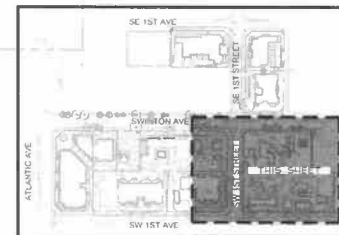
SW 1ST AVE



PLANT SCHEDULE

SHRUBS	COMMON NAME
AC	Copperleaf
AE	Cast Iron Plant
AK	Charlie Plant
AP	Red Ginger
AR	Rosemary Bromeliad
AV	Variegated Shell Ginger
BC	Dwarf Budae Bellii Bamboo
BM	Seasidee Bamboo
CB	Black Magic Ti
CE	Black Elephant Ear
CF	Auntie Lex Ti
CG	Small Leaf Gladiol
CI	Red Tip Coccoloba
CQ	Queen Emma Crinum
CK	Gold Dust Croton
EF	Spanish Stopper
FG	Green Island Ficus
HL	Lobster Claw Heliconia
HP	Fire Bush
MD	Split Leaf Philodendron
NB	Fireball Bromeliad
PC	Raja Congo Philodendron
PN	Wild Coffee
SR	Bird Of Paradise
SHRUB AREAS	COMMON NAME
AF	Myers Foxtail Fern
MC	Pink Tully Grass
PB	Burke More Philodendron
PK	Xanadu Philodendron
TF	Dwarf Fokanaceae Grass
GROUND COVERS	COMMON NAME
CR	Kauai Pink Madagascan Periwinkle
DB	Blueberry Flax Lily
IN	Dwarf Yucca
JM	Emerald Goddess Liriod
PW	White Pentas
SO	Ground Orchid
SOD	Floradon St. Augustine Sod

NOTE: SEE SHEET L 206 FOR FULL
PLANTING SCHEDULE



NOTE:
ABOVE GROUND AIR CONDITIONING UNITS
AND ALL OTHER ABOVE GROUND UTILITIES
SHALL BE SCREENED PER DETAIL A/L 205

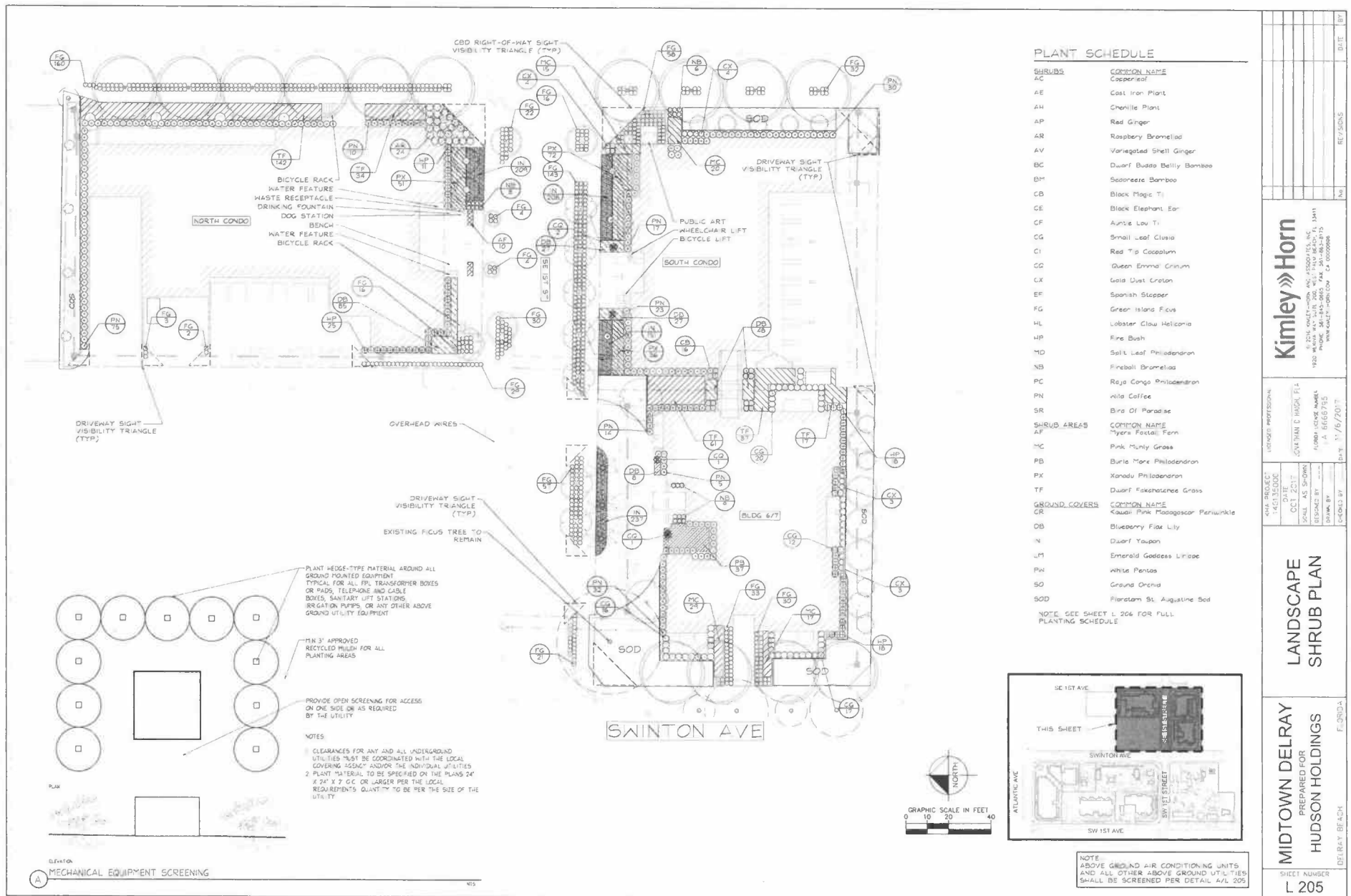
NO.	REVISIONS	DATE

Kimley»Horn
KIMLEY-HORN & ASSOCIATES, INC.
1000 W. 10TH AVE., SUITE 200
DENVER, CO 80202
PHONE: 303-733-0888 FAX: 303-733-8175
WWW.KIMLEY-HORN.COM

REGISTERED PROFESSIONAL
JAMES E. HORN, P.E.
J.E. HORN & ASSOCIATES, INC.
L.S. 6667765
DATE: 11/14/2017

**LANDSCAPE
SHRUB PLAN**

MIDTOWN DELRAY
PREPARED FOR
HUDSON HOLDINGS
DELRAY BEACH, FLORIDA
SHEET NUMBER
L 204



HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: December 19, 2017

ITEM: 14 S. Swinton Avenue, Old School Square Historic District, The Rectory, (Building 'A') – Consideration of a Certificate of Appropriateness for the **Relocation** of a contributing structure.

RECOMMENDATION: Approve the Certificate of Appropriateness for the relocation of Building 'A'

GENERAL DATA:

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

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

Location: 14 S Swinton Avenue between West
Atlantic Avenue and SW 1st Street.

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

Historic District: Old School Square Historic
District

Building Reference: The Rectory (Building 'A')

Year Built: 1905

Present Use: Coffee shop on the first floor and
offices on the second floor

Proposed Use: Commercial



ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation of Building 'A', a.k.a. the Rectory (hereafter referred to as the Rectory) from 14 South Swinton, Block 61, Old School Square Historic Arts District, (OSSHAD) to approximately 150' south of its existing location. Its relocation meets the setbacks of the OSSHAD zoning district pursuant to LDR Section 2.4.6(B).

BACKGROUND / DESCRIPTION

The subject building known as the Rectory is located at 14 South Swinton Avenue, Block 61, OSSHAD, south of West Atlantic Avenue with a setback of approximately 78' west of South Swinton Avenue. It is classified as a contributing building to OSSHD. The Midtown Delray redevelopment proposes to permanently relocate the Rectory south of its existing site with an approximate front setback of 70' off South Swinton Avenue. The building will be moved approximately 221.5' south of West Atlantic Avenue and approximately 7 feet closer to South Swinton Avenue. It will be relocated north and contiguous to the Cathcart House, a.k.a.(Building 'E'), Block 61, OSSHAD where it will retain its original orientation fronting on South Swinton Avenue, Pursuant to LDR Section 2.4.6(B).

The Rectory was built in 1905 and is located at 14 South Swinton Avenue, Block 61, OSSHAD. The 1922 and 1926 Sanborn maps show the Rectory in its existing location and the footprint of the First Methodist Church immediately southeast of the Rectory. Historically, The Rectory was the parsonage associated with the First Methodist Church serving many religious denominations. Being the only rectory and church in Delray Beach at that time, multiple European settlers in Delray Beach of various religions attended services in the church until their own church was built. The First Methodist Church was severely damaged in the 1926 Hurricane and ultimately demolished. The 1946 and 1963 Sanborn maps show an addition to the west façade of the Rectory with an alley running along the west and north sides of the building. Over time the Rectory has had adaptive uses including serving as a residence, dress boutique, and currently as a coffee shop on the first floor and offices on the second.

The Rectory is a 1,782 SF 2-story wood frame modest Victorian Queen Anne architectural style. It has an irregular plan with a high pitch cross-gable roof covered with standing seam metal. The exteriors are covered with painted wood siding. The front gable end is adorned with patterned wood shingles. The windows are single hung non-impact 4/1 and 2/2 with louvered wood shutters that appear in good condition. The East Façade (front) exhibits a cross-gable roof line and patterned shingles adorn the front end gable. An exterior brick chimney penetrates the metal roof on the first floor. All the historic windows are 2/2 with louvered shutters. The front door entry has single multi-pane door. The West Façade (rear) exhibits side gable high pitch roof with a 1-story non-historic addition with a shed roof and small porch on the south end with railing and 3-step entry. The North Façade exhibits a gable end adorned with patterned shingles, 2/2 windows and louvered shutters. 4/1 windows are noted on the partial infill on the first floor. An exterior chimney penetrates the metal roof on the first floor. A 1-story non-historic addition with a shed roof is on the west end of the north facade. The South Façade exhibits a central steep gable roof and patterned shingles adorn the gable end. The west end exhibits a non-historic 1-story partial porch with railing and two step entry with a multi-pane French Doors entrance. The east end exhibits a partial wrap around 1-story metal roof, balustrades, columns and 2/2 windows. Its existing lush foliage setting appears to have evolved organically over time.

The applicant is requesting to permanently move the Rectory from its existing location at 14 South Swinton, Block 61 to a site approximately 221.5' further south where it will have a front setback of approximately 70' from property line on South Swinton to accommodate the proposed Midtown Delray redevelopment project.

The massing and scale of the newly constructed buildings along South Swinton with the revised knee wall, individual placement and 2-story height limit appear to be compatible with the 2-story Rectory and Cathcart House. The revised plan of allowing the existing historic buildings immediately south of the Cathcart House to remain in their approximate location eliminates concerns of dramatically changing the streetscape of South Swinton Avenue as noted in previous submittals

Since the north end of Block 61 has CBD overlay, which is intended to rejuvenate blighted areas such as West Atlantic Avenue and allows for more intense development, there is pressure for develop the CBD overlay with greater density. The 2-story Rectory's small footprint, square footage and existing location is incompatible with the proposed redevelopment on the north end of Block 61, where 4-story mixed-use buildings are being proposed. The 4-story structures and altered setting would overshadow the 2-story Rectory. Consequently, The Rectory is proposed to be permanently relocated approximately 89.5' south of its existing site and north and contiguous to the historically significant Cathcart house (Building 'E'). The applicant's *Justification Relocation Statement* indicates that attempts over the past 15 to 20 years to find uses to occupy and sustain the historic structures on Block 61 have not been successful as a whole or have only worked temporality. Relocation of the Rectory within the redevelopment of Block 61 will provide the foot traffic needed to sustain potential businesses. This will allow it to remain viable, contribute to the local economy, express Delray Beach's important heritage and become an important component of the redevelopment on Block 61.

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	Existing	Proposed
Front (East)	25'	77.18'	70'
Side Interior (North)	7'-6"	3"	9'
Side Interior (South)	7'-6"	44'	37'
Rear (West)	10'	10.64'	25.5'

As illustrated above, the **proposal complies with the minimum setbacks** of the Development Standards for the OSSHAD zoning district.

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 intent is to restore the Rectory, (Building 'A') to its original design. Prior to relocation, selective demolition of non-historic features will be removed. The non-historic 1-story addition, wood porch, steps and railing on the western side of the existing structure as well as the historic wood porch on the east, shutter system, and partial infill of north side of the building will be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines.

Standard 3: The historic porch on the east and partial north side of the Rectory will be reconstructed in the new location in a manner consistent with its historic design. All work shall be accomplished with strict adherence to the Secretary of Interiors Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines.

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.

Since the north end of Block 61 has a CBD overlay intended to rejuvenate blighted areas such as West Atlantic Avenue and allows for more intense development, there is pressure to develop the CBD overlay area with a higher density. The small footprint of the 2-story Rectory does not comply with the needs of the applicant. Additionally, the Rectory at its existing site would be overshadowed by the 4-story mixed use development that is proposed in the CBD overlay area immediately north of the Rectory's existing site. At this time the applicant has not claimed undue economic hardship. If the owner decides to claim undue economic hardship, the owner must comply and submit all materials requested in Article 4.5, Section 4.5.1 (H).

Pursuant to LDR Section 4.5.1(E)(6)(a)1., 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) The Rectory (Building 'A') will be relocated within the same historic district, OSSHD; b) According to the applicant's *Justification Statement and Relocation Criteria*, A Field Report by Robert J. Selinsky, P.E., August 13, 2015 and Mike Brovant of Wolfe House and Building Movers indicate that Building 'A' shows no signs of structural distress and no structural defects are noted in the exterior walls; c) Its relocation will not have a negative effect on other historic sites, buildings, or structures at its new site. Its relocation will be complementary to the historic buildings at its new site; d) The Rectory will be compatible with the massing and scale of the proposed individual new construction on South Swinton and also will be compatible with the historic Cathcart House (Building 'E') and other historic buildings that are proposed to be relocated along South Swinton Avenue; e) Because of its small footprint, the Rectory does not

comply with the needs of the applicant in its existing location. Additionally, the CBD overlay immediately north of the Rectory along West Atlantic Avenue allows 4-story buildings to be built, create an incompatible setting, and would overshadow the Rectory in its existing location. Relocating the Rectory to its proposed new site further south on South Swinton Avenue is a way to preserve and restore it to its original design, place it in a more compatible setting away from more intense development, and it can serve as a heritage center or other compatible uses, as well as make it viable and contributing to the local economy as part of the Midtown Delray redevelopment project. By relocating the Rectory as noted above is a practicable means of saving the structure from consideration for demolition by the applicant.

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.**

a) The applicant's *Justification Statement and Relocation statements*, indicate that "Buckingham Structural Moving Equipment" will be used to move the structure, which shows the type of equipment that have been used to move buildings throughout the country. Information is found in the appendix of the application package;

b) Non-historic features will be removed prior to relocation of the Rectory. The front porch will also be removed prior to relocation and reconstructed on its relocated site;

c) The small footprint of The Rectory does not require it to be split for moving to new location; d) Wolf House and building Movers will register as a subcontractor under a Florida General Contractor who supposedly will perform the preparatory work related to the right-of-way preparation, relocation of overhead utilities, traffic signals and general maintenances of traffic during the preparation for any relocation. Backup information relating to the experience of Wolf House and Building Movers are included in the application found in the appendix.

d) The Rectory is a two-story woodframe structure that shows no signs of structural distress, defects observed in the exterior walls noted by consulting engineers McCarthy and Associates;

e) A Certified engineering report as necessary shall be provided.

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.**

Pursuant to LDR Section 4.5.1(E)(6)(a)3 (a-e) 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.

Pursuant to LDR Section 4.5.1(E)(6)(a)4, The applicant will submit COA of Rectory at 14 S. South Swinton for 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 remains vacant and construction of the new development does not commence after 90 days following the relocation, the applicant shall sod and maintain the lot 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.

Applicant shall comply with LDR Section 4.5.1(E)(6)(a)6, (a.- d.) if there is damage that compromises the integrity of the structure and it is deemed a failure in relocation.

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 Additional Public Notice.

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 vandalism, potential weather damage, maintaining structure awaiting permit and comply with "Moving Historic Structures" requirements.

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 Historic Rehabilitation of historically significant housing, especially where such housing is an identifying characteristic of a particular neighborhood.

Comprehensive Plan, Pursuant to the Future Land Use Element, Objective A-4: By relocating the Rectory, from the north end of Block 61 to further south on Block 61 within OSSHAD, the applicant preserves the historic resource meeting Comprehensive Plan Objective A-4. The proposed 2-story new construction on South Swinton does possess characteristics that relate to the placement, setting, scale, and proportion of the Rectory particularly having it paired with the Cathcart House in a garden park-like setting as recommended. The redevelopment of Block 61 with a partial CBD overlay allows more intense redevelopment, which will substantially change the character of north end of Block 61. The development along South Swinton, however, is less intense than along West Atlantic Avenue. By relocating the Rectory, (Building 'A') further south on Block 61, it preserves the historic resource and its historic fronting on South Swinton Avenue that is an identifying characteristic of OSSHD. It also keeps the Rectory viable and contributing to Delray Beach's local economy and evolving environment.

ALTERNATIVE ACTIONS

- 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 (Rectory, Building 'A'), 14 S. South Swinton for the relocation of the contributing structure on the property located at 20 W Atlantic Avenue, Block 61 to the

property located further south on Block 61 fronting on South Swinton Avenue (address to be determined) within OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the 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 (Rectory, Building 'A') 14 S. South Swinton for the relocation of the historic structure on the property located at 20 W Atlantic Avenue, Block 61 to the property located south section of Block 61 (address to be determined) OSSHAD by 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 Historic Rehabilitation.

RECOMMENDATION

Move to approve the COA (Rectory, Building 'A'), 14 S. South Swinton for the relocation of the contributing structure on the property located at 20 W. Atlantic Avenue, Block 61 to the property located at further south on Block 61 fronting on South Swinton Avenue (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the 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.

HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: December 19, 2017

ITEM: 20 West Atlantic Avenue, Old School Square Historic District (Building 'B') – Consideration of a Certificate of Appropriateness for the **Relocation** of a contributing structure.

RECOMMENDATION: Approve the Certificate of Appropriateness for the relocation of Building 'B'

GENERAL DATA:

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

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

Location: 20 W Atlantic Avenue between
SW 1st Avenue and Swinton Avenue

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

Historic District: Old School Square Historic
District

Building Reference: (Building 'B')

Year Built: 1940

Present Use: Office

Proposed Use: Retail or professional offices



ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation of Building 'B', annex to the Rectory located at 16 South Swinton Avenue, Block 61, Old School Square Historic Arts District, (OSSHAD) **pursuant to LDR Section 2.4.6(B).**

BACKGROUND / DESCRIPTION

The 1963 Sanborn Map shows Building 'B' footprint in approximately the same location as a shed that once occupied the site. Building 'B' was built partially on the shed site and slightly to the east. The building currently functions as an office, and appears to be in good condition. Built in 1940, the subject property, Building 'B', is classified as contributing to the OSSHAD. Architecture - It is a 736 SF 1-story wood frame Minimal Traditional building located immediately south of the Rectory (Building A), oriented north between SW 1st Avenue and S. Swinton Avenue. It has a simple plan with a low pitch side gable roofline covered with standing seam metal roof that appears to be in good condition. The exteriors are covered with painted wood siding, and adorned with patterned shingles on the pediment of the small gable front porch. The windows are single hung non-impact 6/6 with louvered wood shutters. The North Façade exhibits a low pitch side gable roofline. A small pediment style entry porch supported with two columns is noted on its main façade facing north and a single multi-pane door accesses the main entrance. The East Façade exhibits an exterior gable fireplace chimney flanked by a shuttered multi-pane window on the north side of the fireplace. The West Façade has a central single 6/6 window with louvered shutters. The South Façade exhibits a single multi-pane door centrally located flanked by 6/6 windows with louvered shutters.

The north end of Block 61 has a CBD overlay that allows for more intense development, consequently there is pressure for more intense development in the CBD overlay to make the area more viable and contributing to the local economy. Building 'B's small footprint and existing location on the north end of Block 61 (approximately 181' south of West Atlantic Avenue and 83' west of South Swinton) is viewed by the applicant as being incompatible with the redevelopment proposed for Block 61. For Building 'B' to remain at its existing location, it would be overshadowed by the 4-story mixed use development proposed to the north. The applicant is requesting that Building 'B' be relocated temporarily and also permanently to the south end of Block 61. It is proposed to be permanently relocated approximately 15' from SW 1st Street. Its permanent relocation is approximately 362' south with a 90 degree reorientation from its existing site.

The CBD overlay along West Atlantic Avenue, Block 61 allows 4-story commercial structures, which would overshadow Building B's one-story small footprint were it to remain at its existing location. Its relocation on the south end of Block 61, co-located with other 1-and 2-story historic buildings with similar architectural characteristics creates a more compatible setting. The intended use of the historic buildings proposed for relocation/reconstruction on Block 61 is for small scale retail, boutiques and professional offices that will attract office workers, hotel guests and visitors from the nearby hotels, offices, retail and restaurants in Midtown Delray redevelopment on Blocks 61, 69, 70 and the Sundry Block, providing the foot-traffic needed for a small business proposed for Building 'B' and other historic buildings to be successful. Additionally, Building 'B's architectural integrity is preserved. Its new location will help it remain a viable and contributing historic resource. Please refer to overall Site Building

Demo/Relocation and Master plan prepared by REG Architects, which shows Building 'B' in its proposed relocation on Block 61.

DEVELOPMENT STANDARDS

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	Existing	Proposed
Front (East)	25'	83.5'	82'
Side interior(North)	7'-6"	65'	22'
Side Street (South)	7'-6"	7.34'	14'
Rear (West)	10'	14.67'	28'

As illustrated above, the proposal complies with the minimum setbacks of the Development Standards for the OSSHAD zoning district.

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.

Building 'B' will be relocated intact including its fireplace. Building 'B' will be preserved. There are no historic features, alterations planned for its relocation complying with Standard 2 & Standard 3. Any changes shall be in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, pursuant to **LDR Section 4.5.1(E)(5), Standards and Guidelines,**

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 'B' is located near property that has a CBD overlay, which was intended to rejuvenate blighted areas such as West Atlantic Avenue and allows more intense development. The small footprint of Building 'B' does not comply with the needs of the owner, however, the developer does intend to preserve the contributing historic building at its proposed relocation site. Additionally, Building 'B' in its existing location would be over shaded by the 4-story mixed use development proposed in the CBD overlay area north of its existing site. At this time the owner has not claimed undue economic hardship. If the owner decides to claim undue economic hardship, the owner must comply and submit all materials requested in Article 4.5, Section 4.5.1 (H).

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 'B' will be relocated within the same historic district;
 - b) According to *Justification Statement and Relocation Criteria*, A Field Report by Robert J. Selinsky, P.E., August 13, 2015 and Mike Brovant of Wolfe House and Building Movers indicate that Building 'B' shows no signs of structural distress and no structural defects are noted in the exterior walls. That the building could be moved to its new location, including the existing fireplace
 - c) Its relocation will have a positive effect on exiting and relocated historic buildings at its new site
 - d) Its new surroundings will be compatible with its architectural character;
 - e) Relocating Building 'B' is a practical means of saving it from demolition.

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.**
- a) "Buckingham Structural Moving Equipment" will be used to move the structure, which shows the type of equipment that have been used to move buildings throughout the country. Information is found in the appendix of the application package.
 - b) There are no modifications to the building planned to move Building 'B' to its new location.
 - c) The small footprint of Building 'B' does not require it to be split for moving to new location.

- d) Wolf House and building Movers will register as a subcontractor under a Florida General Contractor who supposedly will perform the preparatory work related to the right-of-way preparation, relocation of overhead utilities, traffic signals and general maintenances of traffic during the preparation for any relocation. Backup information relating to the experience of Wolf House and Building Movers are included in the application found in the appendix.
- e) Building 'B' is a one-story wood frame structure that shows no signs of structural distress, defects observed in the exterior walls noted by consulting engineers McCarthy and Associates. A Certified engineering report as necessary will be provided by the applicant.

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 shall submit COA for 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 remains vacant and construction of the new development does not commence after 90 days following the relocation, the applicant will sod and maintain the lot 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.**

Applicant shall comply with LDR Section 4.5.1(E) (6) (a) 6., (a- d) if there is damage that compromises the integrity of the structure and it is deemed a failure in relocation.

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 meeting "Additional Public Notice."

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 securing for vandalism, weather damage, be maintained awaiting permits and comply with requirements of Moving 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.

Comprehensive Plan, Pursuant to the Future Land Use Element, Objective A-4: Relocating Building 'B' from the north end Block 61 to south end of Block 61 within OSSHAD, the applicant preserves the historic resource meeting Comprehensive Plan Objective A-4. Building 'B' scale, and architecture possesses identifying characteristics of the existing neighborhood. The redevelopment of Block 61 with a partial CBD overlay which was intended to rejuvenate blighted areas such as West Atlantic Avenue allows more intense redevelopment, which will substantially change the areas of Block 61. Consequently, Building 'B' would no longer possess identifying characteristics with the new construction on the north end of Block 61. By relocating it to the south end of Block 61, Building 'B' is preserved and will identify with the setting and other historic buildings are also relocated or reconstructed on Block 61 as proposed.

ALTERNATIVE ACTIONS

- 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 'B') for the relocation of the contributing structure on the property located at 20 West Atlantic Avenue, Block 61 to the property located at **the** south end of Block 61 (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the 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 'B') for the relocation of the historic structure on the property located at 20 West Atlantic Avenue, Block 61 to the property located at the south end of Block 61 (address to be determined) OSSHAD by 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 'B') for the relocation of the contributing structure on the property located at 20 West Atlantic Avenue, OSSHAD to the property located at southwest section of Block 70 (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the 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.

HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: December 19, 2017

ITEM: 22 S Swinton Avenue, Old School Square Historic District (Building 'C') – Consideration of a Certificate of Appropriateness for the Relocation of a contributing structure.

RECOMMENDATION: Approve the Certificate of Appropriateness for the relocation of building 'C'

GENERAL DATA:

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

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

Location: 22 South Swinton Avenue between
West Atlantic Avenue and
SW 1st Street

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

Historic District: Old School Square Historic
District

Building Reference: Building 'C'

Year Built: 1925

Present Use: Office

Proposed Use: Offices



ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation of Building 'C' from 22 South Swinton Avenue, Block 61, Old School Square Historic District, to a site further south on Block 61, pursuant to LDR Section 2.4.6(B).

BACKGROUND / DESCRIPTION

Built in 1925, the subject property, Building 'C', a.k.a. the Bakery is located at 22 South Swinton Avenue, Block 61 between West Atlantic Avenue and SW 1st Street, and classified contributing to the OSSHAD.

Building 'C' is a 2,732 SF 1-story wood frame Bungalow architectural style. It has a simple plan with a low-pitch hip roof covered with asphalt shingle and appears to be in good condition. The wood frame structure has a stucco finish. The windows are 4/1 double and ribbon style fenestration. East Façade (front) a central front gable roof projects from the side gable roof that is supported with elephantine piers and 3/1 ribbon style windows. The south end displays a single glazed door flanked by 3/1 windows. A port cochere supported with elephantine piers is located on the north end of the main façade. West Façade (rear) exhibits a low-pitch hip roof with double windows on the south end and double glazed doors with 5-step concrete platform entry with railings on the north end of the facade. North Façade exhibits a port cochere supported by elephantine piers, a central door flanked by double and single 3/1 windows. An exterior chimney projects beyond the roofline. The remaining wall is single, double and 4-ribbon style window fenestration. South Façade exhibits ribbon style windows beneath a low-pitch gable projection flanked by elephantine piers. Double windows are noted on the remaining exterior wall.

The 1926, 1946 and 1963 Sanborn Maps show no change in the location of Building 'C'. Originally built as a residence, it has recently functioned as a bakery and appears to be in good condition. The porte cochere will be reestablished after its relocation. The concrete steps and stoop noted on the rear of the building will be replaced with wood steps and decking. Concrete steps will access the main entrance on the east façade.

Since West Atlantic Avenue of Block 61 has a CBD overlay, which was intended to rejuvenate blighted areas such as West Atlantic Avenue, there is pressure for more intense development and makes it economically feasible for the applicant. Building 'C's existing location is approximately 247' south of West Atlantic Avenue with a 31.31' setback from property line off South Swinton Avenue. Its 1-story small footprint is incompatible with the proposed redevelopment on the central and northern area of Block 61. The applicant is requesting to relocate Building 'C' to a site approximately 34' further south of its existing site but maintaining it's a similar setback from property line off South Swinton Avenue. Temporally Building 'C' will be reoriented 90 degrees, facing north. At its permanent relocation site it will remain at 34' south of its existing location, with a 31.31' setback, and reoriented to face South Swinton consistent with its existing location. The co-location of the Buildings 'C' with other historic buildings with similar architectural characteristics assists in demonstrating the need to maintain some relevance of their existing and proposed locations within the OSSHAD.

The applicant's *Justification Relocation Statement* indicates that attempts over the past 15 to 20 years to find uses to occupy and sustain the historic structures that occupy Block 61 have not been successful as a whole or have only worked temporality. The historic and architectural

integrity of Building 'C' is preserved. The Midtown Delray redevelopment will create the foot traffic need to help Building 'C' become a viable and economically contributing historic resource.

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	Existing	Proposed
Front (East)	25'	31.31'	31.31'
Side Interior (North)	7'-6"	39'	N/A
Side Interior (South)	7'-6"	8'	N/A
Rear (West)	10'	44'	N/A

As illustrated above, the proposal complies with the minimum setbacks of the Development Standards for the OSSHAD zoning district.

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.

Building 'C' will be relocated mostly intact including its interior fireplace. The elephantine piers of the port cochere, may need to be removed prior to relocation. They will be rebuilt after relocation if necessary. The building will be in harmony with other historic buildings that will be relocated or reconstructed at its proposed location. All work will be changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines.

Standard 3: It is important that the relocation of this and other historic buildings, as proposed do not create a false sense of historic placement, if the project is approved. The historic elephantine piers of the port cochere of Building 'C' will be reconstructed in the new location in a manner consistent with its historic design. All work shall accomplished with strict adherence to the Secretary of Interiors Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines.

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.

The existing property is located near property that has a CBD overlay, which allows more intense development. The small size and footprint of Building 'C' does not comply with the needs of the applicant at its existing location. The relocation site of Building 'C' is in a more compatible setting for Building 'C' where other 1- and 2-story historic buildings are located. At this time the applicant has not claimed undue economic hardship. If the owner decides to claim undue economic hardship, the owner must comply and submit all materials requested pursuant to **Article 4.5, Section 4.5.1 (H).**

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 'C' will be relocated within the same historic district, OSSHAD.;
- b) According to the applicant's *Justification Statement and Relocation Criteria*, A Field Report by Robert J. Selinsky, P.E., August 13, 2015 and Mike Brovant of Wolfe House and Building Movers indicate that Building 'C' shows no signs of structural distress and no structural defects are noted in the exterior walls. It can be moved to its new location, including the existing fireplace without having a detrimental effect on Building 'C';
- c) Its relocation will not have a negative effect on other historic buildings, within the originating historic district, at the new site;
- d) The new surroundings of the relocated structure will be compatible with its architectural character;
- e) Moving it is a practical means to making it viable again and less likely to be considered for demolition by the applicant.

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.

- a) The applicant's *Justification Statement and Relocation statements*, indicate that "Buckingham Structural Moving Equipment" will be used to move the structure, which shows the type of equipment that have been used to move buildings throughout the country. Information is found in the appendix of the application package.
- b) There are no modifications to the building planned to move Building 'C' to its new location. The elephantine piers of the port cochere may be removed and reconstructed after relocation.
- c) The small footprint of Building 'C' does not require it to be split for moving to new location.
- d) Wolf House and building Movers will register as a subcontractor under a Florida General Contractor who supposedly will perform the preparatory work related to the right-of-way preparation, relocation of overhead utilities, traffic signals and general maintenances of traffic during the preparation for any relocation. Backup information relating to the experience of Wolf House and Building Movers are included in the application found in the appendix.
- e) A certified engineering report as required as part of the Relocation plan will be provided as required. Building 'C' is a one-story woodframe structure with stucco finish that shows no signs of structural distress, defects observed in the exterior walls noted by consulting engineers McCarthy and Associates.

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 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 remains vacant and construction of the new development does not commence after 90 days following the relocation, the applicant will sod and maintain the lot 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.

Applicant will comply with LDR Section 4.5.1(E)(6)(a)6, (a- d), if there is damage that compromises the integrity of the structure and it is deemed a failure in relocation.

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 damage during relocation, failure of relocation and requests for relief if necessary.

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 vandalism, weather damage, maintenance requirements, and compliance with Moving 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.

Relocating Building 'C' from its existing location to a site further south on Block 61 within OSSHAD, the applicant preserves the historic resource thus meeting Comprehensive Plan Objective A-4. Building 'C's scale, and architecture possesses identifying characteristics of the existing neighborhood. The redevelopment of Block 61 with a partial CBD overlay allows more intense redevelopment, which will change the character of Block 61. Consequently, Building 'C' would not possess identifying characteristics with the new construction proposed on Block 61 in its existing location. By relocating it further south on Block 61 and co-locating it with other historic buildings, Building 'C' is preserved and is an identifying characteristic of the surroundings where other historic buildings are relocated on Block 61. Additionally, it will be complementary to the streetscape. Prior to approval or recommending approval the Historic

Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of LDRs relating to historic sites and districts and the "Delray Beach Design Guidelines".

ALTERNATIVE ACTIONS

- A. Continue with the following direction:
- B. Move to approve the COA (Building 'C') for the relocation of the contributing structure on the property located at 22 South Swinton Avenue, Block 61 to the property located further south on Block 61 (address to be determined), OSSHD by adopting the findings of fact and law contained in the staff report, and finding that the 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 'C') for the relocation of the historic structure on the property located at 22 South Swinton Avenue, Block 61 to a property further south on Block 61 (address to be determined) OSSHD by 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 'C') for the relocation of the contributing structure on the property located at 22 South Swinton Avenue, OSSHD to the property further south on Block 61 (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the 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.

HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: December 19, 2017

ITEM: 38 South Swinton Avenue, The Cathcart House, Old School Square Historic District (Building 'E') – Consideration of a Certificate of Appropriateness for the Relocation of a contributing structure.

RECOMMENDATION: Approve the Certificate of Appropriateness for the relocation of building 'E'

GENERAL DATA:

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

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

Location: 38 South Swinton Avenue between
West Atlantic Avenue and
SW 1st Street

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

Historic District: Old School Square Historic
District

Building Reference: The Cathcart House or Building
'E'

Year Built: 1902

Present Use: Vacant

Proposed Use: Retail, accessory use to Sundry
House, 1st floor lounge, guest
rooms 2nd floor.



ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation of Building 'E', The Cathcart House located at 38 South Swinton Avenue, Block 61, Old School Square Historic District, (OSSHD) to its same location following construction of the subgrade parking area, pursuant to LDR Section 2.4.6(B).

BACKGROUND / DESCRIPTION

Built in 1902, the subject property, Building 'E' a.k.a. Cathcart House' located at 38 South Swinton Avenue, between West Atlantic Avenue and SW 1st Street, Block 61 is classified as contributing to the OSSHAD. The Cathcart name is associated with its early pioneer family who lived in the house from 1902 to 1966. Subsequently, the Themines also a well-known family in Delray Beach lived there. Virginia Snyder, a well-known reporter and a private investigator bought the Cathcart House in 1998 until she sold the property it to Rectory Park LC in 2000. The Florida Master Site File (FMSF, #8PBO345 indicates Building 'G', a.k.a the Yellow House located at 44 South Swinton Avenue was also owned by Ross and Virginia A. Snyder.

The Cathcart House is a 2-story 3,112 SF woodframe French Colonial architectural style considered the "crown jewel" on South Swinton in OSSHAD. It has mostly a regular plan exhibiting a wide hipped roof extending over the 2nd floor veranda (galleries), an identifying feature of the French Colonial style. The roof is covered with oxidized copper shingles and a 2-3 foot wide band near the eaves. The roof appears to be in good condition. The exterior walls are painted wood siding but poorly maintained. The second floor veranda is somewhat fragile, although no signs of structural deficiencies noted. The windows are 1/1 single hung non-impact.

The Sanborn Insurance Map of 1922 shows the veranda wrapped most of the north façade, the entire east and south façades and an outside kitchen is located contiguous to the west end of the south veranda. A classic feature of a French Colonial architecture is a 360° wrap-around veranda on the first and 2nd floors. Sanborn Maps of 1926, 1946 and 1963 exhibit the veranda wrapping around the building including most of the west façade and the outside kitchen is detached and located southwest of the main building.

East Façade (front) exhibits a high pitch hip roof extending to support the second story veranda. All the windows are 1/1 wood framed with vertical wood shutters symmetrically placed on the façade. Two centrally located single half-glaze half-wood panel doors provide separate entrances to the first floor. Likely operable transoms appear to be located above the doors and windows on the first floor. West Façade (rear) the west façade underwent the most change. The 2nd floor veranda was also partially eliminated by infill to create an interior space and has small villa-like windows. The outdoor kitchen was at some point attached to the main house, thus eliminating the veranda on the first floor. South Façade exhibits a full veranda on the second floor with ornamented wood balustrades supported by lattice bracketed columns. The first floor exhibits a veranda with an entry on the east end. The 1-story non-historic structure can be seen projecting on the west end of the building. North Façade exhibits a partial veranda (3/4 of the façade) and ornamented balustrade on the second floor to the infilled structure on the west end. The first floor exhibits a partial veranda up to where a non-historic structure with a 1/1 window is located. The north wall of the 1-story structure can be seen extending from the west end.

Since a portion of Block 61 has a CBD overlay, which was intended to rejuvenate blighted areas such as West Atlantic Avenue, there is pressure for more intense development on that block to make it more economically feasible for the applicant. The request is to relocate Building 'E', Cathcart House at 38 South Swinton Avenue on Block 61 to a site approximately 20 feet further south on South Swinton Avenue, Block 61 (address to be determined) to allow more intense development on the northern end of Block 61. The Cathcart House will continue to front on South Swinton Avenue behind the coquina stone wall that is historically associated with the Cathcart House. The coquina wall will also be moved southward to accommodate the relocated Building 'E'. Prior to relocation, the non-historic 1-story addition, the infill walls on the 2nd floor veranda and veranda ramp will be removed. Once relocated, the Cathcart House will be restored to its original French Colonial design exhibiting a 360° first and second floor wrap-around veranda done with strict adherence to the Secretary of Interior Standards for Rehabilitation and Delray Beach Historic Preservation Design Guidelines.

The temporary relocation of Building 'E' will allow it to remain viable, contribute to the local economy, express Delray Beach's important heritage and become an important component of the redevelopment on Block 61. Please refer to overall Site Building Demo/Relocation and Master plan prepared by REG Architects, which shows Building 'E' in its proposed new location. Other structures have been successfully relocated in the past within Delray and in particular the OSSHAD. It has been a way to preserve and restore historically significant structures.

At its meeting of June 27, 2017, The Historic Preservation Board denied the proposed relocation.

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'	59'
Side Interior (North)	7'-6"	N/A
Side Interior (South)	7'-6"	N/A
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: Before relocating the Cathcart House back to its existing site on Block 61, the non-historic additions, including veranda ramp, infill walls on the 2nd floor veranda and 1-story addition in the rear of the building will be removed. Standard 3: Once relocated to its new site, the applicant will restore the Cathcart House with strict adherence to the Secretary of Interior Standards and 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.

The property is adjacent to an area on Block 61 that has a CBD overlay, which allows more intense development. It preserves an important historic resource and allows it to remain on the same block and near its existing site, become viable. 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) must 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 'E' will be relocated within the same block, approximately 20' south of its existing site;

b) According to the applicant's *Justification Statement and Relocation Criteria*, A Field Report by Robert J. Selinsky, P.E., August 13, 2015 and Mike Brovant of Wolfe House and Building Movers indicate that relocation of Building 'E' will not have a detrimental effect on the structural soundness of the building;

c) Its relocation will have a positive effect on other historic buildings on Block 61;

d) Its new surroundings will be compatible with its architectural character, if the applicant is sensitive to landscaping it with a less formal setting than the landscaping proposed for the new construction; and

e) By temporarily moving the Cathcart House until the subgrade parking area is constructed allows the applicant to redevelop the nearby sites without having to consider demolition of the Cathcart House.

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.**

a) The applicant's *Justification Statement and Relocation statements*, indicate that "Buckingham Structural Moving Equipment" will be used to move the structure, which shows the type of equipment that have been used to move buildings throughout the country. Information is found in the appendix of the application package;

b) a demolition plan illustrating any parts of the structure to be removed or modified to facilitate the relocation are provided indicating that the non-historic veranda ramp, one-story addition and enclosure on the 2nd floor veranda will be removed. The verandas will remain and be restored;

c) the building's small footprint and short relocation distance do not require it being split for a successful relocation;

d) Wolf House and building Movers will register as a subcontractor under a Florida General Contractor who supposedly will perform the preparatory work related to the right-of-way preparation, relocation of overhead utilities, traffic signals and general maintenances of traffic during the preparation for any relocation. Backup information relating to the experience of Wolf House and Building Movers are included in the application found in the appendix;

e) Building 'E' is a two-story woodframe structure. Although its painted wood siding finish needs maintenance it shows no signs of structural distress or defects observed in the exterior walls noted by consulting engineers McCarthy and Associates.

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 not 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 Cathcart House at 38 South Swinton Avenue 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 remains vacant and construction of the new development does not commence after 90 days following the relocation, the applicant will sod and maintain the lot 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.

a. 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.

- b. 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.**
- c. 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.**

Applicant shall comply with LDR Section 4.5.1(E)(6)(a)6, (a - d) if there is damage that compromises the integrity of the structure and it is deemed a failure in relocation.

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 relating to Additional Public Notice requirements of LDR Section 2.4.2(B)(f)(j).

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.

Applicant shall meet all requirements pursuant to LDR Section 4.5.1(E)(6)(d), Relocation, Supplemental Requirements, (1-3) relating to vandalism, potential weather damage, maintaining structure awaiting permit and comply with "Moving Historic Structures" requirements.

Relocating the Cathcart House, Building 'E' within Block 61, OSSHAD, the applicant preserves the historic resource meeting Comprehensive Plan Objective A-4. Building 'E's scale, and its architecture possesses identifying characteristics of the existing neighborhood. By relocating it to its new site approximately 20' south of its existing site, Building 'E' is preserved and will remain a viable historic resource. The Historic Preservation Board will determine that the requested action requested by the applicant is consistent with Section 4.5 of LDRs.

ALTERNATIVE ACTIONS

- A. Continue with the following direction:
- B. Move to approve the COA for the temporary relocation of The Cathcart House, a contributing structure on the property located at 38 South Swinton Avenue, Block 61 back to its existing location on Block 61, by adopting the findings of fact and law contained in the staff report, and finding that the 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 for the temporary relocation of The Cathcart House located at 38 South Swinton Avenue, Block 61 back to its existing location on Block 61 (address to be determined) OSSHD 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 for the temporary relocation of The Cathcart House, a contributing structure back to its existing location on Block 61, by adopting the findings of fact and law

contained in the staff report, and finding that the 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.

HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: December 19, 2017

ITEM: 40 South Swinton Avenue, Old School Square Historic District (Building 'F') – Consideration of a Certificate of Appropriateness for the **Relocation** of a contributing structure.

RECOMMENDATION: Approve the Certificate of Appropriateness for the relocation of building 'F'

GENERAL DATA:

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

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

Location: 40 South Swinton Avenue between
West Atlantic Avenue and
SW 1st Street

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

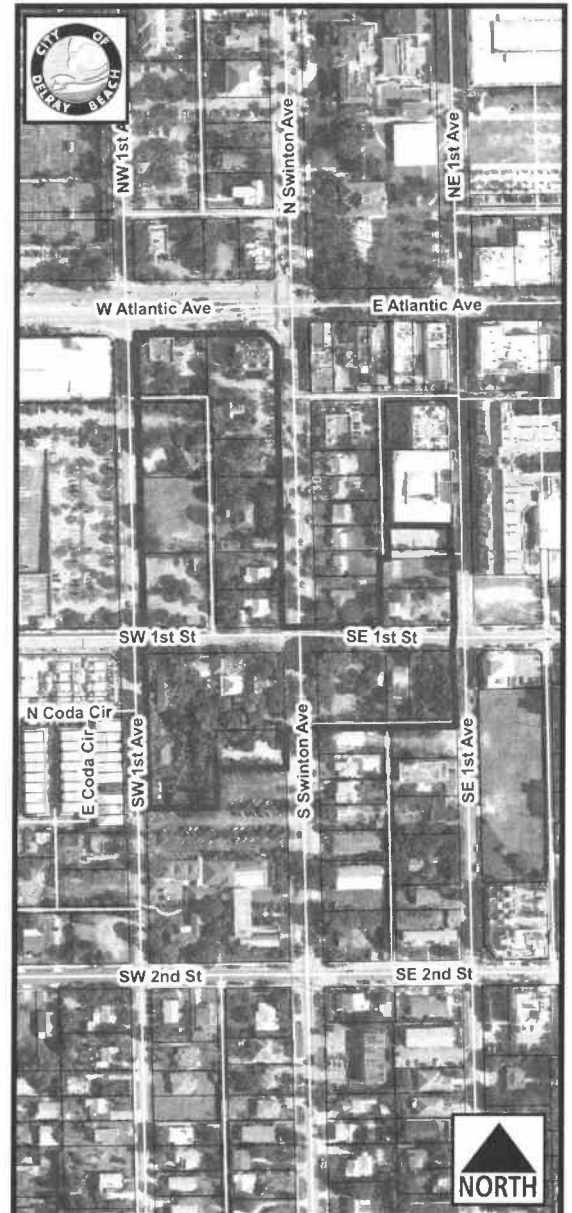
Historic District: Old School Square Historic
District

Building Reference: Peach House or Building 'F'

Year Built: 1925

Present Use: Residence

Proposed Use: Integration 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 of Building 'F', from 40 South Swinton Avenue, Old School Square Historic District, (OSSHD) to a site further south on Block 61.

BACKGROUND / DESCRIPTION

According to the Florida Master Site File (FMSF – 8-PB12967) and Palm Beach County Property Appraiser report 'indicate the subject property, Building 'F' a.k.a. the "Peach" House located at 40 South Swinton Avenue between West Atlantic Avenue and SW 1st Street, OSSHAD was built in 1925. The footprint of Building 'F', however, is not seen on the 1926 Sanborn Map. Its footprint is noted on the 1946 & 1963 Sanborn maps. It is classified as contributing to OSSHD.

Building 'F' is a 1-story 1,169 SF wood frame bungalow style. It has an irregular plan with intersecting gable roofline. The roof is covered with asphalt shingles and appears to be well maintained. Rafter tails are noted along the eaves. The windows are single hung non-impact 1/1 style. East Façade (front) exhibits a full front gable roof line, a centrally located front door entrance with a small shed roof supported by metal post and railing and a one-step stoop. The front door is non-impact half glaze, half wood panel flanked by 2 and 3 1/1 windows. West Façade (rear) exhibits a side gable roofline interrupted by a front gable extension on the south end. A multi-paneled front door is centrally located with double awning style windows flanking the north side of the door. North Façade exhibits an elongated front gable roof line with a brick fireplace chimney extending through the eaves above the roofline. Double 1/1 single hung, non-impact windows of various sizes make up the west façade. South Façade exhibits a central wide low-pitch front gable roof line extending from the main side gable roof. Four pairs of double 1/1 and a single 1/1 window dominate the south façade. Once relocated, Building 'F' will be restored to its original bungalow style. The aluminum siding will be replaced with wood siding, the windows, front door, porch roof and metal posts and railing will be restored with historically compatible style. The restoration will be accomplished with strict adherence to the Secretary of Interior Standards for Rehabilitation and Delray Beach Historic Preservation Guidelines.

The request is to temporarily relocate Building 'F' from its existing site at 40 S Swinton Avenue on Block 61 where it is currently used as a single-family residence to its existing site on Block 61 (address to be determined), where it will continue to front on S Swinton Avenue with an approximate 37' setback from the property line. Its relocation meets the setbacks of the OSSHAD zoning district pursuant to LDR Section 2.4.6(B). Temporarily, Building 'F' will be reoriented to face north and moved approximately 20' south of its existing site and east to the property line on S Swinton. Once Building 'F' is permanently relocated it will remain approximately 20' south of its existing location, have an approximately 25' setback off S. Swinton, and reoriented consistent with its existing location. Once restored, Building 'F' will be a viable historic resource, as it is proposed to become integrated as part of the operations of the Sundy House as an accessory building.

At its meeting of June 27, 2017, The Historic Preservation Board denied the proposed relocation.

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'	25'
Side Interior (North)	7'-6"	N/A
Side Interior (South)	7'-6"	N/A
Rear (West)	10'	N/A

As illustrated above, the proposal complies with the minimum setbacks of the Development Standards for the OSSHAD zoning district.

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 & Standard 3 - The applicant plans to move Building 'F' intact including its front porch, restore it back to its original Bungalow style, following the Secretary of Interior Standards for Rehabilitation and the Delray Beach Historic Preservation Design Guidelines (Please see REG Associates proposed restoration architectural drawings).

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.

The property is located on Block 61 where a portion of the block has a CBD overlay and allows more intense development, therefore, there is pressure for more intense development to make it economically feasible for the applicant. Building 'F' will remain compatible with the historic structures nearby and it preserves the historically significant building. 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) must 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 'F' will be relocated within Block 61 within OSSHAD;
- b) According to the applicant's *Justification Statement and Relocation Criteria*, A Field Report by Robert J. Selinsky, P.E., August 13, 2015 and Mike Brovant of Wolfe House and Building Movers indicate that Building 'F' shows no signs of structural distress and no structural defects are noted in the exterior walls;
- c) The proposed relocation will have a positive effect on other historic sites, buildings in OSSHAD. Wolfe House and Building Movers;
- d) The relocated structure would be compatible with its architectural character; and
- e) The proposed relocation is a practicable means of saving the structure from demolition.

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.**
-
- a) The applicant's *Justification Statement and Relocation statements*, indicate that "Buckingham Structural Moving Equipment" will be used to move the structure, which shows the type of equipment that have been used to move buildings throughout the country. Information is found in the appendix of the application package;
 - b) Building 'F' will be moved intact including its front porch and exterior fireplace;
 - c) The footprint of Building 'F' and the short distance does not require it to be split for moving to its new location.
 - d) Wolf House and building Movers will register as a subcontractor under a Florida General Contractor who supposedly will perform the preparatory work related to the right-of-way preparation, relocation of overhead utilities, traffic signals and general maintenances of traffic during the preparation for any relocation. Backup information

relating to the experience of Wolf House and Building Movers are included in the application found in the appendix;

- e) Building 'F' is a one-story woodframe structure. It shows no signs of structural distress or defects observed in the exterior walls noted by consulting engineers McCarthy and Associates.

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 submitted this COA for Building 'F' at 40 South Swinton Avenue 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 remains vacant and construction of the new development does not commence after 90 days following the relocation, the applicant will sod and maintain the lot 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.

Applicant shall comply with LDR Section 4.5.1(E)(6)(a)6, (a - d) if there is damage that compromises the integrity of the structure and it is deemed a failure in relocation.

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** relating to Additional Public Notice requirements of LDR Section 2.4.2(B)(f)(j).

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.

Relocating Building 'F', a.k.a. the Peach House within Block 61 OSSHAD, the applicant preserves the historic resource meeting Comprehensive Plan Objective A-4. Building 'F's scale, and architecture possesses identifying characteristics of the existing neighborhood. The redevelopment of Block 61 with a partial CBD overlay allows more intense redevelopment, which and will change the character of Block 61. By temporarily relocating Building 'F', it will be restored and identify with the other historic buildings also relocated as proposed, and will remain a viable historic resource. The Historic Preservation Board will determine if the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations.

ALTERNATIVE ACTIONS

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| <p>A. Continue with the following direction:</p> <p>B. Move to approve the COA (Building 'F'), for the relocation of the contributing structure on the property located at 40 South Swinton Avenue, Block 61 within OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the 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.</p> <p>C. Move to deny the COA (Building 'F'), for the relocation of the historic structure on the property located at 40 South Swinton Avenue, Block 61 slightly south within OSSHAD (address to be determined) by finding that the request is inconsistent with the</p> |
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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 of the COA (Building 'F'), a.k.a. Peach House for the temporary relocation of the contributing structure on the property located at 40 South Swinton Avenue to its existing location within OSSHD (address to be determined) by adopting the findings of fact and law contained in the staff report, and finding that the 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.

HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: December 19, 2017

ITEM: 44 S South Swinton Avenue, Old School Square Historic District (Building 'G-ACC') Consideration of a Certificate of Appropriateness for the demolition of a contributing accessory structure.

RECOMMENDATION: Approve the Certificate of Appropriateness for the demolition of building 'G-ACC'

GENERAL DATA:

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

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

Location: 44 S Swinton Avenue between West Atlantic Avenue and SW 1st Street

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

Historic District: Old School Square Historic District

Building Reference: Building 'G-ACC'

Year Built: 1930s

Present Use: Garage



ITEM BEFORE THE BOARD

The item before the Board is a Certificate of Appropriateness (COA) for the demolition of Building 'G-ACC' located at 44½ South Swinton Avenue, Old School Square Historic District, pursuant to LDR Sections 4.5.1 (E)(5) and 4.5.1(F).

BACKGROUND & PROJECT DESCRIPTION

The subject property consists of Lot 16, Block 61 and is located at 44½ South Swinton Avenue between West Atlantic Avenue and SW 1st Street and referenced as Building 'G-ACC' within the Midtown Delray mixed-use redevelopment project. It is a one-story, frame vernacular structure with a low pitch hip roof, rafter tails, and vinyl/aluminum siding. A single 1/1 window and storage addition is noted on the west elevation. A one-car garage door is on the south elevation. The north elevation is a solid vinyl/aluminum covered wall. A single access door is located on the east elevation. The building has been utilized as a single-car garage. This secondary building to Building 'G' is associated with the developmental history of the area that occurred during the 1930s, although there is no date-certain as to when the secondary building was actually constructed.

The historic structure appears to be in fairly good condition.

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.

The main alteration noted to Building 'G-ACC' is a partial addition on the west elevation likely used for storage. The vinyl/ aluminum siding was added later, date undetermined.

Building 'G-ACC' appears to be in good condition. As already noted, Building 'G-ACC' is located within the proposed Midtown Delray mixed-used redevelopment area on Block 61. It is a secondary building to principal Building 'G', which will be relocated within the OSSHAD where it will function as part of the proposed commercial adaptive reuse program as part of the Midtown Delray redevelopment project.

Due to the limited space and setback requirements, where the historic buildings will be relocated as part of the redevelopment project, Building 'G-ACC,' as a secondary building, its small footprint and purpose would not contribute to the proposed commercial adaptive use area. Accordingly, the Applicant does not find it feasible to relocate Building 'G-ACC' and is requesting a COA for demolition.

At its meeting of June 27, 2017, the Historic Preservation Board denied the demolition of building 'G-ACC'.

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 'G-ACC', classified as contributing is located within the Midtown Delray mixed-use redevelopment project. Building 'G-ACC' has been altered, is covered with vinyl/aluminum siding and has had additions over time. It has no distinctive features, defining characteristics, construction techniques or examples of craftsmanship that warrant being preserved. Its small footprint and function would not contribute to the purposed new development. The request before the Board is for demolition of 'Building 'G-ACC'. In demolishing Building 'G-ACC', the Applicant shall adhere to Standards and Guidelines 1, 2, 5 & 6, pursuant to LDR Section 4.5.1(E)(5), as applicable, and in accordance to The Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time. .

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 'G-ACC' 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 'G-ACC' 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 Midtown Delray, 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 historic 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).**

Building 'G-ACC' appears in good condition and the Chief Building Official has not determined that that Building 'G-ACC' is unsafe, consequently, Building 'G-ACC' 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 'G-ACC', classified as contributing is proposed for demolition. The Applicant shall comply with Requirement Standard (5) (a- b) as applicable.

- (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 (6) (a-e) the following information is provided:

- (a) Building 'G-ACC' does not fulfill criteria for designation for listing in the National Register of Historic Places.
- (b) Building 'G-ACC' design, craftsmanship or material if reproduced would be an economically non-viable expense.
- (c) Building 'G-ACC' 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 'G-ACC' 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 current site will become part of a setting where other historically significant buildings will be ultimately located. The demolition of Building 'G-ACC' will not negatively impact the designation of the historic district. OSSHAD will continue to be a designated 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 thus far has not claimed undue economic hardship with respect to this request. If the Applicant decides to claim undue economic hardship, the Applicant shall submit information required by the Delray Beach Historic Preservation Ordinance; ARTICLE 4.5; 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.**

Building 'G-ACC is classified as contributing to OSSHAD and is a secondary building to Building 'G'. The applicant shall provide A Justification Statement to accompany the application for a Certificate of Appropriateness in compliance with Standard (10) (a-e) as noted above as applicable. Relocation would not make economic sense and no interest has been expressed by the parties as to its location.

(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 Salvage and Recordation of Historic Structures: (11) (a & b), at the expense of the Applicant with City staff, shall conduct an inventory of all salvable materials from the structures 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. The Applicant shall provide a copy of the recording to Planning & Zoning Department and Delray Beach Historical Society for archival purposes.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the COA (Building 'G-ACC') for the demolition of an accessory building located at 44½ South Swinton 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 'G-ACC') for the demolition of an accessory building located at 44½ South Swinton Avenue, Old School Square Historic District, by 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 'G-ACC') for the demolition of an accessory building to Building 'G' a contributing structure located at 44½ South Swinton 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).

HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: December 19, 2017

ITEM: 38½ South Swinton Avenue, Old School Square Historic District (Building 'E1') – Consideration of a Certificate of Appropriateness for the demolition of a contributing accessory structure.

RECOMMENDATION: Approve the Certificate of Appropriateness for the demolition of building 'E1'

GENERAL DATA:

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

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

Location: 38½ South Swinton Avenue (outbuilding
between W. Atlantic Avenue and
SW 1st Street

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

Historic District: Old School Square Historic
District

Building Reference: Building ('E1')

Year Built: 1940

Present Use: Small residential/storage unit to
principal Building 'E'



ITEM BEFORE THE BOARD

The item before the Board is a Certificate of Appropriateness (COA) for the demolition of Building 'E1', located at 38½ South Swinton Avenue, Old School Square Historic District, pursuant to LDR Sections 4.5.1 (E)(5) and 4.5.1(F).

BACKGROUND & PROJECT DESCRIPTION

The subject property at 38½ South Swinton Avenue on Lot 13, Block 61 is located between West Atlantic Avenue and SW 1st Street in OSSHAD. This 621 SF small structure appears to have served possibly as a garage and at some point as a small guest house to the main house known as the Cathcart House (Building 'E'). According to Property Appraiser PAPA report, it was built in 1940. The Sanborn maps indicate there was a garage footprint on maps 1926, 1946 & 1963 basically at the same location. The existing building appears to be a replacement of the original. It is a one-story, simple frame vernacular with a low pitch gable roof, and lap siding walls. The interior floor plan indicate it has a kitchen, bathroom, living room and one bedroom. The west end of the building is unfinished and used for storage. There is a finished enclosed porch on the east elevation. Building 'E1' is within the Midtown Delray mixed-use redevelopment project. It is associated with the developmental history of the area that occurred during the 1940s.

Building 'E1' is a secondary building to Building 'E'. The building appears to be structurally sound, although there is some level of decay and in need of maintenance.

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.

The Property Appraiser's report indicate Building 'E1' was built in 1940 possibly replacing an earlier garage whose small footprint appeared on Sanborn map 1922. Later Sanborn maps 1926, 1946, 1963 indicates it was enlarged and later a small porch was added on the east facade. It now exhibits a one bedroom, living room with a bathroom, possibly used as a small guest house associated with Building 'E.'

The current condition of Building 'E1' appears to be structurally sound, although has some level of decay and maintenance issues. Although Building 'E1' is considered contributing, it is a secondary building to Building 'E' and has no architecturally significant features associated with the principal Building 'E'. The Applicant is requesting demolition of Building 'E1' as there is no use or rationale to include in the mixed-use redevelopment associated with Midtown Delray.

The Applicant's request is for demolition of Building 'E1', a secondary building to the Cathcart House ('E'). The request is based on the following: a) 'E-1's' utility is limited to serving as an outbuilding to the main structure, which is proposed to be relocated within Block 61; b) The proposed future use of the Cathcart House would no longer require the

utility of 'E-1'; c) Independently, 'E-1' has little individual merit; d) Its small footprint and limited use and lack of architectural significance does not warrant its relocation within the proposed Midtown Delray Redevelopment project, and; e) It does not make economic sense to relocate it and no interest has been expressed by other parties for its relocation. Additionally, the demolition of 'E-1' would not negatively affect OSSHAD, it will continue to be a designated historic district. It was built in 1940 to replace an earlier structure. It would not individually fulfill criteria for designation as a listing in the National Register. 'E-1' has no significant features and can be easily be reproduced, and it is not one of the last remaining examples of this kind in the historic district or the city in general.

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 'E1' is classified as contributing, however, it does not share any of the defining features finishes, construction techniques or has examples of craftsmanship that characterize its principal building, the Cathcart House, that should be preserved. While built in 1940 within the period of significance of OSSHAD, it is of little individual merit itself. Its demolition would not negatively affect OSSHAD as a historic district. OSSHAD would continue to be a designated historic district. The request before the Board is for demolition of 'E-1'. To demolish Building 'E-1' the applicant shall adhere to Standards and Guidelines 1, 2, 5 & 6, pursuant to LDR Section 4.5.1(E)(5) noted above as applicable, and in accordance to The Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.

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 'E1' 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 'E1' 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 Midtown Delray, which encompasses the subject property. The demolition permit for Building 'E1' 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 'E1' is unsafe, consequently, Building 'E1' shall be properly maintained in its existing condition until the COA 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 'E-1' classified as contributing is proposed for demolition. The Applicant shall adhere to the COA requirements (5) (a- b) as noted above and in compliance with of LDR Section 2.4.2(b) (1) (i).

- (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 following is in compliance with the guidelines for COA for demolition as noted above.

- (a) Building 'E1' does not fulfill criteria for designation for listing in the National Register of Historic Places.**
 - (b) Building 'E1' design, craftsmanship or material if reproduced would be an economically non-viable expense.**
 - (c) Building 'E1' 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.**
 - (d) Retaining Building 'E1' 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 current site will become part of a proposed Midtown Delray mixed-use redevelopment. The demolition of Building 'E1' should not negatively impact the designation of the historic district. The OSSHD will continue to be a designated 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, the Board shall provide an explanation within the motion supported by a written statement 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.**

Building 'E-1' is classified as contributing to OSSHD and is a secondary building to the Cathcart House. The applicant shall provide A Justification Statement to accompany the application for a Certificate of Appropriateness in compliance with Standard (10) (a-e) as noted above as applicable. Relocation would not make economic sense and no interest has been expressed by the parties as to its location.

(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), at the expense of the Applicant with City staff an inventory should be conducted of all salvable materials from the structures 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 recording shall be submitted to the City's Planning, Zoning and Building Department, and to the Delray Beach Historical Society for archiving purposes.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the COA (Building 'E-1') for the demolition of the contributing accessory structure located at 38½ South Swinton 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 'E-1') for the demolition of the contributing accessory structure located at 38½ South Swinton Avenue, Old School Square Historic District, by 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 'E-1') for the demolition of the contributing accessory structure located at 38½ S Swinton 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).

Historic Preservation Board-Voting Sheet

HPB MEETING HELD: Dec. 19, 2017	ATTEND		III Agenda	VI.A Midtown Delray FAILED Waiver Bldg. #3	VI.A Midtown Delray FAILED Waiver #2 Bldg. #1	VI.A Midtown Delray FAILED Site Plan Mod.	VI.A Midtown Delray Class 5 COA FAILED Landscape	VI.A Midtown Delray Class 5 COA FAILED Elevation
Attorney: Lynn Gelin			VOTE to Approve AIF	VOTE to Approve to CC 0-7	VOTE to Approve 3-4	VOTE to Approve 0-7	VOTE to Approve 0-7	VOTE to Approve 0-7
Bill Bathurst	P		Y	NO	Y	NO	NO	NO
John Klein	P		Y	NO	Y	NO	NO	NO
Andrea Sherman	P		Y	NO	Y	NO	NO	NO
Angela Budano	A ^{720P}		A	NO	NO	NO	NO	NO
Andrea Harden	P		Y	NO	NO	NO	NO	NO
Price Patton	P		Y	NO	NO	NO	NO	NO
John Miller	P		Y	NO	NO	NO	NO	NO

***with additional conditions added by the Board

Historic Preservation Board-Voting Sheet

HPB MEETING HELD: Dec. 19, 2017	ATTEND		VI.A Midtown Delray Class 5 COA 14 S.Swinton Block 61 Bldg. A Rectory Exhibit 1 FAILED RELOCATION	VI.A Midtown Delray COA 20 W. Atlantic Block 70 Bldg. B Rectory Exhibit 2 FAILED RELOCATION	VI.A Midtown Delray COA 22 S Swinton Block 70 Bldg. C Exhibit 3 FAILED RELOCATION	VI.A Midtown Delray COA 38 S Swinton Block 61 Bldg. E Cathcart House Exhibit 5 FAILED RELOCATION	VI.A Midtown Delray COA 40 S Swinton Bldg. F Peach House Exhibit 6 FAILED RELOCATION
Attorney: Lynn Gelin			VOTE to Approve 2-5	VOTE to Approve 2-5	VOTE to Approve 2-5	VOTE to Approve 3-4	VOTE to Approve 2-5
Bill Bathurst	P		Y	Y	Y	Y	Y
John Klein	P		Y	Y	Y	Y	Y
Andrea Sherman	P		NO	NO	NO	Y	NO
Angela Budano	P		NO	NO	NO	NO	NO
Andrea Harden	P		NO	NO	NO	NO	NO
Price Patton	P		NO	NO	NO	NO	NO
John Miller	P		NO	NO	NO	NO	NO

***with additional conditions added by the Board

Historic Preservation Board-Voting Sheet

HPB MEETING HELD: Dec. 19, 2017	ATTEND		VI.A Midtown Delray COA 38-1/2 S Swinton Ave Bldg. E-1 Exhibit 9 FAILED DEMOLITION	VI.A Midtown Delray COA 44-1/2 S Swinton Bldg. G-ACC Exhibit 10 FAILED DEMOLITION
Attorney: Lynn Gelin			VOTE to Approve 3-4	VOTE to Approve 2-5
Bill Bathurst	P		Y	Y
John Klein	P		Y	Y
Andrea Sherman	P		Y	NO
Angela Budano	P		NO	NO
Andrea Harden	P		NO	NO
Price Patton	P		NO	NO
John Miller	P		NO	NO

***with additional conditions added by the Board

ADJOURNED : 10PM