

HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

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

ITEM: 52 W Atlantic Avenue, Old School Square Historic District (Building 'T') – Consideration of a Certificate of Appropriateness for the demolition of a non-contributing structure.

RECOMMENDATION: Approve

GENERAL DATA:

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

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

Location: 52 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 ('T')

Year Built: 1998

Present Use: Commercial

Proposed Use: N/A



ITEM BEFORE THE BOARD

The item before the Board is a Certificate of Appropriateness (COA) for the demolition of Building 'T' located at 52 W. Atlantic 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 built in 1998 consists of Lot (01), Block 61 and is located on Atlantic Avenue between SW 1st Avenue and South Swinton with the Old School Square Historic District (OSSHAD). Built in 1998, outside the period of significance of OSSHAD (1902 – 1965) it is associated the developmental history of the area that occurred during the late 1990s. The 2,832 SF commercial building used for retail, referred to as Building 'T' in the *Demolition Justification Statement* is noted as a non-contributing, one-story, stucco exterior over cmu/concrete exterior wall. Building 'T' is a minimalist Art Deco style with porthole-like relief between the straight line parapet and contrasting colored banding, as well as eyebrow projections above the storefront windows and doors on all façades. The flat roof is most likely bar joists and metal deck or bar joists and tectum deck. The store front windows, doors are in good condition. Observation of the exterior walls and foundation indicate there are no structural defects noted.

Building 'T' has no noted deterioration or signs of neglect.

Building 'T' appears to have had no noted alterations since it was built in 1998.

Building 'T' is in good condition and appears to have been well maintained. The property is located within a Central Business District (CBD) overlay, which is intended to rejuvenate blighted areas such as West Atlantic Avenue and allows for more intense development. It is also consistent with its future land use designation of Other Mixed Use (OMU). The combination of CBD zoning and an OMU future land use allows for a mixed-use structure of up to 53' at a FAR of 1:1. Located within the Swinton Commons mixed-use redevelopment project, the existing 2,832 SF structure with a FAR of 0.169 makes it a prime property for redevelopment.

The current request is for the demolition of Building 'T', considered a non-contributing structure built outside the period of significance of OSSHAD (1902-1965) and is not eligible for listing in the National Register of Historic Places. It is also located within the CBD overlay and its size and footprint does not comply with the needs of the Applicant.

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 The applicable Standards are provided below: Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.

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).

Built in 1998, outside the period of significance of OSSHAD, Building 'T' is considered non-contributing. It is a minimal Art Deco Architectural style building located within a CBD overlay and OMU in OSSHAD, which allows for more intense development than Building 'T' can provide. The request before the Board is for demolition, not rehabilitation, restoration or reconstruction. Subsequent analysis of Building 'T' as non-contributing indicate Standards 2, 5, & 6 as noted above are not applicable pursuant to LDR Section 4.5.1(E)(5), Standards and Guidelines, and the Delray Beach Historic Preservation Design Guidelines.

Pursuant to LDR Section 4.5.1(F), Demolition, demolition of historic or archaeological sites, or buildings, structures, improvements and appurtenances within historic districts shall be regulated by the Historic Preservation Board and shall be subject to the following requirements:

- (1) No structure within a historic district or on a historic site shall be demolished before a Certificate of Appropriateness has been issued pursuant to Section 2.4.6(H).**

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

- (3) Demolition shall not occur until a building permit has been issued for the alterations or redevelopment as described in the applicable Certificate of Appropriateness.**

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

- (4) All structures approved for demolition and awaiting issuance of a building permit for the alterations or redevelopment shall be maintained so as to remain in a condition similar to that which existed at time that the Certificate of Appropriateness for demolition was approved unless the Chief Building Official**

determines that an unsafe building condition exists in accordance with Section 4.5.3(G).

At this time the Chief Building Official has not determined that that Building 'T' is unsafe, consequently, Building 'T' shall remain in existing condition until the CEO for demolition is approved.

This requirement is to ensure that either no 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 'T' proposed for demolition was built outside the period of significance of OSSHAD, is classified as non-contributing and is not individually designated. Based on Requirement (5) (a- b) above specified for contributing buildings, the Standards are not applicable to Building 'T'.

(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 criteria (6) (a-e):

- (a) Building 'T' is non-contributing and does not fulfill criteria for designation for listing in the National Register of Historic Places.
- (b) Building 'T' design, craftsmanship or material if reproduced would be an economically non-viable expense for the Applicant.
- (c) Building 'T' is not one of the last remaining examples of its kind within the city. There are other similar structures of this type through the commercially zoned areas of Delray Beach. Its construction date is later than the period of significance in OSSHAD.
- (d) Retaining Building 'T' is a non-contributing building of contemporary commercial construction. Its loss would not impede the study of local history, architecture and design would not promote the general and value of a particular culture and heritage.
- (e) The demolition application is submitted concurrently with the site plan application associated with Swinton Commons mixed-use redevelopment project. Those plans call for a mixed-use development that would occupy all the Block 61. This particular structure occupies the northwest corner of Block 61. Please see the associated structural condition report prepared by Robert J. Selinsky, P.E. that is contained within the appendix portion of this application. The report contains pictures of the property and structure.

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

The Applicant has not claimed undue economic hardship with respect to this request. If the Applicant decides to claim undue economic hardship, the Applicant must submit all the materials required in Article 4.5; Section 4.5.1 relating to undue economic hardship.

(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 'T' is non-contributing to OSSHAD, therefore requirements (10) (a-e) are not applicable. Building 'T' is located in the CBD area of Block 61, which allows for more intense redevelopment. This structure is very common and could easily be rebuilt in most any location. Relocation would not make economic sense and no interest has been expressed by 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 accordance with (11) (a – b) Salvage and Recordation of Historic Structures, at the expense of the Applicant with City staff, an inventory shall be conducted of all salvable materials from the structure to be demolished prior to release of demolition permits, including but not limited to flooring, doors, windows, and hardware. The Applicant would reuse materials on relocated properties where possible. A copy of the recorded inventory shall be provided to the City's Planning and Zoning Department, and to the Delray Beach Historical Society for archiving purposes.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the COA (Building T') for the demolition of a non-contributing structure located at 52 W. Atlantic 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 "T) for the demolition of a non-contributing structure located at 52 W. Atlantic Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F).

RECOMMENDATION

Move approval of the COA (Building 'T') for the demolition of a non-contributing structure located at 52 W. Atlantic 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).