



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING  
100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444  
(561) 243-7040

## HISTORIC PRESERVATION BOARD STAFF REPORT

### 44 E Atlantic Avenue

Meeting	File No.	Application Type
October 2, 2019	2019-192	Certificate of Appropriateness

### REQUEST

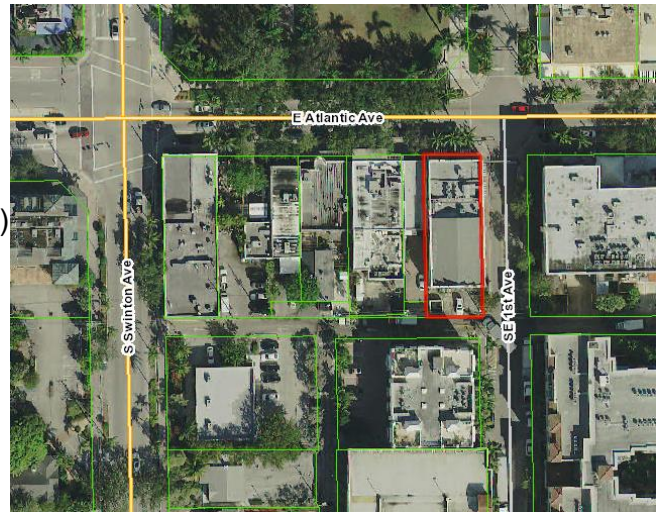
The item before the Board is for consideration of a Certificate of Appropriateness (2019-192) request for a mural and exterior modification of a contributing property, located at **44 E Atlantic Avenue, Old School Square Historic District**, pursuant to LDR Section 2.4.6(H)(5) and 2.4.5(I)(5). Specifically, the request includes: an exterior color change, replacement of 4 existing ground floor windows and doors, replacement of fabric on all awnings, replacement of lighting fixtures, refinishing of awning frames and outdoor staircase, replacement of a fabric entry awning with an aluminum, architectural canopy, and the painting of a mural on the top of the exterior of the building on the east, south, and west elevations.

### GENERAL DATA

**Agent:** Richard Jones Architecture  
**Owner:** Jetport II, LLC  
**Location:** 44 E Atlantic Avenue  
**PCN:** 12-43-46-16-01-069-0010  
**Property Size:** 0.1579 Acres  
**Historic District:** Old School Square Historic District  
**Zoning:** Old School Square Historic Arts District (OSSHAD)  
with Central Business District (CBD) Overlay  
**FLUM:** Other Mixed Use (OMU)  
**Adjacent Zoning:**

- OSSHAD (North) with CBD Overlay
- OSSHAD (West) with CBD Overlay
- OSSHAD (South) with CBD Overlay
- CBD (East)

**Existing Land Use:** Office/Retail/Restaurant  
**Proposed Land Use:** Office/Retail/Restaurant



### BACKGROUND INFORMATION & ITEM DESCRIPTION

The subject property is located at the southwest corner of E. Atlantic Avenue and SE 1<sup>st</sup> Avenue within the Locally and Nationally Designated Old School Square Historic District and is within the OSSHAD (Old School Square Historic Arts District) zoning district with CBD Overlay. The contributing building was constructed in 1924 as a two-story, Masonry Vernacular-style commercial building with stucco exterior, it was the home of the Delray Lodge of the Free and Accepted Masons. The building currently contains retail and restaurant uses on the first floor and offices on the second floor.

**Project Planner:**  
**Project Planners:** Katherina Paliwoda, Planner &  
Michelle Hoyland, Principal Planner  
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**Review Dates:**  
HPB: October 2, 2019

**Attachments:**  
1. Architectural Plans  
2. Photos  
3. Mural Renderings

In 1997, the HPB approved plans to renovate the building, which included the removal of the brick veneer on the exterior, restoration of the building's stucco exterior, exposing and recapping the parapet, replacing the storefronts and second floor windows, adding stucco banding to the parapet, and adding stucco lintels and sills. Subsequently, the CRA recorded a historic façade easement in 1998 which ensured additional review and required written approval by the CRA for any proposed exterior changes. The property owner received a \$45,000 façade easement grant for the approved renovation plans. The purpose of the easement was "to assure the preservation and maintenance of the historic structure."

In 2001, the HPB approved a COA request involving elevation changes that included a gate for the side entry along SE 1<sup>st</sup> Avenue, full length doors on Atlantic Avenue, and the striped bell canopy. This approval was not executed, and in 2002 the Board reviewed and approved a COA for additional elevation changes primarily relating to the installation of awnings, window replacement, and door replacement. A condition of approval was that the stucco exterior at the base of the windows (knee wall) on the north elevation be retained and that fixed windows be installed to mirror those which existed on the elevation.

Then, on August 2, 2009, HPB approved the following:

- North Elevation (Front-Facing East Atlantic Avenue)
  - Replacement of existing fixed-windows adjacent to entry with folding glass doors containing transoms at top, and panels at the base;
  - Replacement of existing fixed windows at west of elevation with folding glass windows containing transoms at top, with knee wall alterations to replicate panels on new doors;
  - Installation of cantilevered aluminum canopy above the aforementioned openings; and,
  - Replacement of existing entry door with single-pane French door.
- East Elevation (Side-Facing SE 1<sup>st</sup> Avenue)
  - Replacement of existing fixed-windows adjacent to entry with folding glass doors containing transoms at top, and panels at bottom;
  - Installation of cantilevered aluminum canopy above the aforementioned opening;
  - Installation of two (2) new fixed windows with one (1) vertical muntin dividing each window; and,
  - Painting of existing awnings above retail space located to the rear of the building (see colors below).
- New gooseneck lighting fixtures to be installed on north/front elevation and above arched entry on east/side elevation.
- Colors (All Elevations as applicable):

	<u>Existing</u>	<u>Proposed</u>
○ Windows:	White	White
○ Canopies:	N/A	Black
○ Awnings:	Green	Black (Paint Existing Awning)
○ Lighting:	N/A	Black

At its meeting of June 2, 2010, the HPB considered a request to install a purple and cream striped vinyl awning with black, aluminum framing in place of the approved awning noted above, as well as a color change from cream to "Roxbury Caramel." The awning was proposed to span the entire width of the front window openings. The request was approved with the condition that the awning span the width of the individual window openings as two separate awnings.

In July 2010, an administrative approval was granted to replace the HPB approved folding glass windows in the west opening on the front elevation with similar folding glass doors as those approved for the east opening.

At its November 3, 2010 meeting the HPB considered a request to alter the original western window opening by reducing its width by five feet (5') in order to match the smaller opening to the east. The existing width of the opening would not permit the full opening of the folding doors given the slope of the sidewalk, necessitating the reduction of the opening.

In 2018, administrative approvals were granted for a new aluminum storefront system on the front façade (north) and interior alterations, which separated the existing restaurant into 2 separate restaurants. There was no increase in square footage associated with this modification.

The subject COA request involves the replacement of 4 existing ground floor white, aluminum framed windows and doors for the located throughout the north and east elevations; replacement of all awning fabric; refinishing of all awning frames and the rear exterior staircase; repainting of the exterior of the building to white with sage trim; installation of a new architectural canopy over the side entrance on SE 1<sup>st</sup> Avenue; installation of new bronze gooseneck style light fixtures; and painting of a bronze colored abstract mural on the top of the building, wrapping the east, south, and west façades of the 2-story commercial structure. The Masonic crest under the top, center parapet is proposed to be restored to the front facade. The COA is now before the Board for consideration.

## REVIEW AND ANALYSIS

Pursuant to Land Development Regulation (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.

**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 the following policies:

**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 Historic Preservation Design Guidelines."

Pursuant to Land Development Regulation (LDR) Section 2.4.5(I)(5), Architectural (appearance) elevations, the Site Plan Review and Appearance Board or the Historic Preservation Board, as appropriate, may approve, approve subject to conditions or deny architectural elevations or plans for a change in the exterior color of a building or structure, or for any exterior feature which requires a building permit.

### LDR SECTION 4.5.1

#### **HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS**

Pursuant to LDR Section 4.5.1(E), Development Standards, all new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Development Standards of this Section.

Pursuant to LDR Section 4.5.1(E)(4) – Alterations: in considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.

The existing structure, and its remaining original form, has been considered with respect to the proposed addition and site improvements.

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.

**Exterior Modifications**

Standards 2, 5, & 9 are applicable to the proposed modification of the structure. The proposal is to update the exterior of the structure and to restore original architectural elements such as, the replacement of the existing



fabric entry awning over the side entrance along SE 1<sup>st</sup> Avenue with an aluminum, architectural canopy similar to the original. The exterior improvements represent an ongoing maintenance of the building, which assists in maintaining the historic character and integrity of the building and historic district. These improvements represent a modification to the structure that will add appropriate visual and historic interest to the building and will ensure the structure is compatible with the overall streetscape.

### **Masonic Crest Restoration**

The proposal involves replacement of the Masonic crest on the front elevation with a fiberglass replica. The crest was removed from the building years ago. Originally, the missing crest would have likely been crafted of concrete not fiberglass. Based upon the requirements of Standard 6 as noted below, the crest should be match the old in design, texture and materials. This item is added as a condition of approval.

*“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.”*

### **Mural**

The proposal includes the painting of a mural around 3 sides of the upper portion of the building on the east, south, and west sides. Standards 1, 2, 3, 5, & 9 are applicable with respect to the proposed mural as follows:

#### **Standard 1**

The proposed mural represents a change to the property that changes the defining characteristics of the building and its site and environment and shall be avoided.

#### **Standard 2**

The proposed mural does not meet the intent of these Standards as it represents an alteration of features and spaces that characterize the property and shall be avoided.

#### **Standard 3**

The property shall be recognized as a physical record of its time, place, and use. The proposed mural represents a change that creates a false sense of historical development and shall not be undertaken.

#### **Standard 5**

The proposed mural introduces a new distinctive features and finishes that was not original to the structure and obscures the character defining features of the historic building.

#### **Standard 9**

The proposed mural represents an exterior alterations that will destroy historic materials that characterize the property. 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. The proposed mural is a new type of work that does not protect the historic integrity of the property nor its environment.

Based upon the above, with the exception of the mural, the proposed exterior modifications represent an appropriate update to the historic structure. The mural represents an exterior modification of the historic structure and was not an original feature. It will obscure and destroy character defining architectural features, having a potential negative effect on the historic integrity of the Old School Square Historic District. It is noted, that HPB has approved a mural on a perimeter wall that was set back from the streetscape (103 NE 4<sup>th</sup> Street, Del-Ida Park). A mural in a historic district may be seen to be more appropriate on an accessory structure such as a perimeter wall or dumpster enclosure. Based upon the above, a condition of approval is added that the mural be removed from the proposal as it does not meet the intent of the Secretary of the Interior's Standards for Rehabilitation.

Pursuant to LDR Section 4.5.1(E)(8) - 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. Visual compatibility for all development on individually designated properties outside the district shall be determined by comparison to other structures within the site.

The following criteria apply:

- a) **Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1(E)(2)(a), shall also be determined through application of the Building Height Plane.
- b) **Front Facade Proportion:** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.
- c) **Proportion of Openings (Windows and Doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.
- d) **Rhythm of Solids to Voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.
- e) **Rhythm of Buildings on Streets:** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.
- f) **Rhythm of Entrance and/or Porch Projections:** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.
- g) **Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.
- h) **Roof Shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.
- i) **Walls of Continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.
- j) **Scale of a Building:** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only:
  - a. For buildings wider than sixty percent (60%) of the lot width, a portion of the front façade must be setback a minimum of seven (7) additional feet from the front setback line:

- b. For buildings deeper than fifty percent (50%) of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five (5) additional feet from the side setback line:**
- k) Directional Expression of Front Elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.
- l) Architectural Style:** All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.
- m) Additions to individually designated properties and contributing structures in all historic districts:** Visual compatibility shall be accomplished as follows:
  - 1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.**
  - 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.**
  - 3. Characteristic features of the original building shall not be destroyed or obscured.**
  - 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.**
  - 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.**
  - 6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.**

The structure was built in the 1920's. The Delray Post Office occupied the ground level and the Masonic Temple was on the second floor; hence, the structure was a known landmark in the downtown for many years. The building occupies a prominent Atlantic Avenue corner with its central arcade plan and its Masonry Vernacular or Main Street Vernacular architectural style. The replacement of 4 existing ground floor white, aluminum framed windows and doors will be replaced with the same. The structure will be repainted white with sage trim. The existing awnings will have new "Chocolate" brown fabric and the frames will be repainted bronze. New bronze finish light fixtures are proposed. The existing eyebrow shaped awning over the side entrance on the east side of the building will be replaced with an aluminum, architectural awning to replicate an original design element. The proposal also includes restoration of the flagpole on the roof. The exterior alterations and improvements can be found to be compatible with adjacent buildings in the OSSHAD District. The restoration of the entrance canopy on the east side of the building along with the Masonic Crest on the north façade will aid in freshening the exterior elevations while maintaining the historic character of this building. The proposed modifications (excluding the mural) to the structure do not change the defining characteristics of the historic building nor its environment. The proposal can be found to be consistent with the review criteria above.

With respect to the proposed mural, there is concern that the Visual Compatibility requirements will not be met. Specifically, in relation to Visual Compatibility Standard #7 - "Relationship of Materials, Texture, and Color of building façade shall be compatible with predominant materials used in historic buildings and structures within the district". There are no existing murals painted on structures within the Old School Square Historic District; thus, the proposal would not be visually compatible with surrounding structures. The Rhythm of Solids to Voids involves the relationship of a structure with existing buildings and structures within the subject historic district with particular attention paid to the street facing façades. The proposed mural will compromise the rhythm of the structures along SE 1<sup>st</sup> Avenue and within the overall Old School Historic District. It is noted, that HPB has approved a mural on a perimeter wall that was set back from the streetscape (103 NE 4<sup>th</sup> Street, Del-Ida Park). A mural in a historic district may be seen to be more appropriate on an accessory structure such as a perimeter wall or dumpster enclosure.

### **The Delray Beach Historic Preservation Design Guidelines**

When painting a structure, the DB Guidelines state:

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

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

**Certain architectural styles lend themselves to different color treatments. For example, Mediterranean Revival designs are generally associated with warm colors in which the dominant hues are reds and yellows. Cool colors are at the opposite end of the color wheel, and blues and greens are dominant. These cool colors, when used in a lighter intensity, create the pastels that have frequently been associated with Art Deco designs. Paint color changes must be administratively, or Board approved.** Based upon the above, the proposed mural may have a negative effect on the character of the neighborhood; and thus, may be visually compatible with the Old School Square Historic District.

Based upon the above analysis, with the exception of the proposed mural the project meets the requirements of LDR Section 4.5.1(E)(7). A condition of approval is added to delete the mural from the proposal.

**Pursuant to LDR Section 4.6.7(F)(3)(e) Murals and signs within mural, A large painting or drawing affixed to the wall of a building located in commercially zoned districts shall be subject to approval by the Site Plan Review and Appearance Board or the Historic Preservation Board.**

The subject property is within the Old School Square (OSSHAD) zoning district with a Central Business District (CBD) overlay, which is a commercially zoned district.

### **REVIEW BY OTHERS**

The development proposal is in a geographic area requiring review by the **Community Redevelopment Agency (CRA)**, **Public Art Advisory Board (PAAB)** and the **Downtown Development Authority (DDA)**.

**Community Redevelopment Agency (CRA)** – The CRA is in review of the request with respect to the existing façade easement. Their action, if any, will be reported to the board at the meeting.

**Public Art Advisory Board (PAAB)** – The PAAB has reviewed the request at its board meeting on August 26, 2019, to which the request for mural was recommended for approval.

**Downtown Development Authority (DDA)** – The DDA reviewed the request at its board meeting on August 12, 2019 to which the project request was recommended.

### **ALTERNATIVE ACTIONS**

- A. Move to continue with direction
- B. Approve Certificate of Appropriateness (2019-192) request for the property located at **44 E 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 and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Sections 2.4.6(H)(5) and 2.4.5(I)(5) of the Land Development Regulations.
- C. Approve Certificate of Appropriateness (2019-192) request for the property located at **44 E 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 and approval thereof is consistent with the Comprehensive Plan and meets the



criteria set forth in LDR Sections 2.4.6(H)(5) and 2.4.5(I)(5) of the Land Development Regulations, subject to the following condition(s):

1. That the proposed Masonic crest on the façade match the originally designed crest in design, texture and materials; and,
2. That the mural be deleted from the proposal.

D. Deny Certificate of Appropriateness (2019-192) request for the property located at **44 E Atlantic Avenue, Old School Square Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Sections 2.4.6(H)(5) and 2.4.5(I)(5) of the Land Development Regulations.

#### Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request

☐ Courtesy Notices were provided to the following, at least 5 working days prior to the meeting:

☒ Public Notices are not required for this request.

☒ Agenda was posted on (9/24/19), 5 working days prior to meeting.