



*Development Services Department*

**BOARD ACTION REPORT – APPEALABLE ITEM**

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**Project Name:** 22 SE 1st Avenue  
**Project Location:** 22 SE 1st Avenue, Old School Square Historic District  
**Request:** Certificate of Appropriateness (2019-254)  
**Board:** Historic Preservation Board  
**Meeting Date:** October 2, 2019

**Board Action:**

Approved the Certificate of Appropriateness (2019-254), by a vote of 5-0 for the property located at **22 SE 1st Avenue, Old School Square Historic District** by 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).

**Project Description:**

The subject property is located on the west side of SE 1<sup>st</sup> Avenue, between SE 1<sup>st</sup> Street and East Atlantic Avenue. At its meeting of February 21, 2001, the Historic Preservation Board approved a development proposal to construct a municipal parking garage on the 0.41-acre subject property. The garage was in association with the redevelopment of Block 77 known as the Worthing Place project. The mixed-use Worthing Place development includes residential units and ground floor commercial space. The Worthing Place development included construction of a parking garage on the subject property to replace parking spaces for the GRIP Building (110 E. Atlantic Avenue) and public surface parking spaces. The residential density from the subject property was transferred to Block 77/Worthing Place on the east side of SE 1<sup>st</sup> Avenue.

The proposal is for the approval of a mural to be painted on an interior wall of the garage. The wall will be visible to the adjacent SE 1<sup>st</sup> Avenue right-of-way. The mural is proposed as a visual aid to promote awareness on the effect of climate change and sea level rise associated with the October 2019 Delray Beach Climate and Art Festival Weekend .

**Board Comments:**

The Board comments were supportive.

**Public Comments:**

There was one public comment in support of the project.

**Associated Actions:** All required actions were taken.

**Next Action:** HPB action is final unless appealed by the City Commission.



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING  
100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444  
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## HISTORIC PRESERVATION BOARD STAFF REPORT

### 22 SE 1st Avenue – Federspiel Parking Garage

Meeting	File No.	Application Type
September 4, 2019	2019-254	Certificate of Appropriateness (COA)

### REQUEST

The action before the Board is approval of a Certificate of Appropriateness (COA) & Class I Site Plan Modification associated with the painting of a 8'x10' mural on an interior wall of a public parking garage (non-contributing structure) located at **22 SE 1<sup>st</sup> Avenue, Old School Square Historic District**, pursuant to Land Development Regulations (LDR) Section 2.4.6(H) and 2.4.5(I)(5).

### GENERAL DATA

**Owner/Applicant:** City of Delray Beach  
**Location:** 22 SE 1st Avenue  
**PCN:** 12-43-46-16-01-027-0070  
**Property Size:** 0.4503 Acres  
**Zoning:** OSSHAD (Old School Square Historic Arts District) with CBD Overlay  
**Historic District:** Old School Square Historic District  
**FLUM:** OMU (Other Mixed Use)  
**Adjacent Zoning:**

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

**Existing Land Use:** Public Parking Garage  
**Proposed Land Use:** Public Parking Garage



### BACKGROUND INFORMATION

The subject property is located on the west side of SE 1<sup>st</sup> Avenue, between SE 1<sup>st</sup> Street and East Atlantic Avenue. At its meeting of February 21, 2001, the Historic Preservation Board approved a development proposal to construct a municipal parking garage on the 0.41-acre subject property. The garage was in association with the redevelopment of Block 77 known as the Worthing Place project. The mixed-use Worthing Place development includes residential units and ground floor commercial space. The Worthing Place development included construction of a parking garage on the subject property to replace parking spaces for the GRIP Building (110 E. Atlantic Avenue) and public surface parking spaces. The residential density from the subject property was transferred to Block 77/Worthing Place on the east side of SE 1<sup>st</sup> Avenue.

The proposal is for the approval of a mural to be painted on an interior wall of the garage. The wall will be visible to the adjacent SE 1<sup>st</sup> Avenue right-of-way. The mural is proposed as a visual aid to promote awareness on the effect of climate change and sea level rise associated with the October 2019 Delray Beach Climate and Art Festival Weekend .

## REVIEW AND ANALYSIS

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.

**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)(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.

The Secretary of the Interior's Standards are not applicable as the mural is proposed on an interior wall of a non-contributing structure. The proposal will not obscure character defining architectural features

nor will it affect the exterior characteristics of the building.

Pursuant to LDR Section 4.5.1(E)(7) - **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 regarding 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). 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 Relationship of Material, Texture and Color of the façade of a building shall be visually compatible with the predominant materials use in the historic buildings and structures within a historic district. The mural is proposed on an interior wall that will be partially visible from the adjacent right-of-way. The proposal will not be in conflict with the Visual Compatibility requirements.

### **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 proposal mural would not have a negative effect on the character of the neighborhood as it is contained to an interior wall on a non-contributing structure.

**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 Historic District (OSSHAD) zoning district, which is a commercially zoned district. The mural is proposed on the interior of the structure and will be partially visible from the adjacent SE 1<sup>st</sup> Avenue right-of-way.

### **REVIEW BY OTHERS**

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

**Public Art Advisory Board (PAAB)** - The request was reviewed by the PAAB on July 13, 2019. The board recommended approval of the request.

**Downtown Development Authority (DDA)** – The request was provided to the DDA on August 12, 2019. The board voted to recommend denial of the mural as presented with direction that a mural review program be solidified before more murals are placed into the Downtown district.

It is noted that on August 20, 2019 the City Commission enacted a Zoning-in-Progress for murals, which is only applicable to applications made after that date. The subject request was in process prior to the Zoning-in-Progress and can legally cycle through the review and public hearing process.

#### ALTERNATIVE ACTIONS

- A. Move to continue with direction
- B. Approve the Certificate of Appropriateness (2019-254) for a Class I Site Plan Modification for the painting of a mural located at **22 SE 1st Avenue, Old School Square Historic District**, by adopting the findings of fact and law contained in the staff report and finding the request and approval thereof meets the criteria set forth in Land Development Regulations Section 2.4.6(H)(5) and 2.4.5(I)(5).
- C. Approve the Certificate of Appropriateness (2019-254) for a Class I Site Plan Modification for the painting of a mural located at **22 SE 1st Avenue, Old School Square Historic District**, by adopting the findings of fact and law contained in the staff report and finding the request and approval thereof meets the criteria set forth in Land Development Regulations Section 2.4.6(H)(5) and 2.4.5(I)(5), subject to conditions.
- D. Deny the Certificate of Appropriateness (2019-254) for a Class I Site Plan Modification for the painting of a mural located at **22 SE 1st Avenue, Old School Square Historic District**, finding the request does not meet the criteria set forth in Land Development Regulations Section 2.4.6(H)(5) and 2.4.5(I)(5).

#### 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 (August 28, 2019), 5 working days prior to meeting.



**PROPOSED MURAL  
LOCATION**



