

**FORT MYERS BEACH, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT**

TYPE OF CASE: Special Certificate of Appropriateness

CASE NUMBER: FMBCOA2009-0001

HPB HEARING

DATE: March 24, 2009

TIME: 10:30 AM

I. APPLICATION SUMMARY

Applicant: Town of Fort Myers Beach

Request: Special Certificate of Appropriateness for rehabilitation work on the “Seven Seas” structure, including remodeling of the original home interior to transform it from its previous residential use to a community meeting facility; reconfiguring the original bathroom and upgrading the kitchen; restoring the original lanai for use as a covered picnic pavilion; adaptive reuse of the 1960 guest room/real estate office for use as a restroom; and the addition of an external disabled access ramp attached to the 1960 addition.

Subject

Property: 4650 Estero Boulevard, as legally described in “**Exhibit A.**”

Future Land

Use Designation: Recreation

Zoning: Residential Conservation (RC)

Current Uses: Unoccupied single-family dwelling unit

Adjacent Zoning, Future Land Use Map (FLUM) Category, and
and Existing Land Uses:

North: Across Estero Boulevard, Whitecap Condominiums,
Zoned: Residential Planned Development (RPD), Mixed
Residential FLUM

South: Beach, Zoned: Environmentally Critical (EC), Recreation
FLUM.

West: Newton Cottage, Zoning: RC, Recreation FLUM.

East: Single-family residences, Zoning: RC, Mixed Residential FLUM.

II. RECOMMENDATION

1. Staff recommends that the Historic Preservation Board **APPROVE** the Special Certificate of Appropriateness for the “Seven Seas” structure restoration and alteration. Staff recommends the finding that the application **meets** the standards of the Secretary of the Interior’s Standards for Treatment of Historic Properties included in 36 CFR Section 67.7, as provided in LDC Section 22-101. Staff further recommends the finding that the application meets the specific guidelines provided in the resolution that designated the “Seven Seas” structure a historic resource.

Recommended Findings and Conclusions

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.

The use of the property will be changed from a vacant home to a community meeting building. The former uses of the rooms in the building are shown on the floor plan attached as **Exhibit “B.”** The proposed new uses of the rooms in the building following the renovation project are shown on the floor plan attached as **Exhibit “C.”** The exterior appearance of the Seven Seas House will be altered minimally, primarily with the addition of a disability access ramp to the 1960 addition for compliance with the Americans with Disabilities Act.

The interior of the original home requires minor modifications to the bathroom and kitchen to make the building functional as a meeting space. The defining characteristics of the original home’s interior, such as the yellow pine wood flooring, wood trim, exposed rafters, and wood cabinetry, are to remain intact. The lanai will remain structurally unchanged, although its use will be changed to a picnic pavilion.

The 1960 addition will require some renovations to serve the new public nature of the building, but will not impact the defining characteristics of the building. A foyer will be added, serving as a waiting area for the renovations to include new bathrooms and bathhouse.

Staff recommends the finding that new use of the structure **will require minimal change** to the defining characteristics and its site and environment.

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.

The exterior of the home will retain its present character, with the exception of the addition of the ramp to the 1960 addition for ADA compliance. The interior modifications will preserve distinctive features rather than altering or removing them. Staff recommends the finding that the historic character of the property **will be** retained and preserved, and that the removal of historic material or alteration of features and spaces that characterize the property **will be** avoided.

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.

The Seven Seas House will remain as a physical record of its time, place, and use. It will remain beachside, and will retain the materials and craftsmanship that make it distinctive. Removal of historic finishes and elements is not proposed. No conjectural features or elements borrowed from other buildings are proposed to be added. Staff recommends the finding that changes that create a false sense of historical development **will not** be undertaken.

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

The only major change made to this structure during its history was the addition of the 1960 guest quarters/real estate office. The exterior of this addition will be retained in its present condition, except for the addition of the ramp. The interior modifications will not remove changed features that have gained historic significance in their own right. Staff recommends the finding that those changes to the property that have acquired historic significance **will be** retained and preserved.

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

The restoration work proposed will not destroy features, finishes, and construction techniques or craftsmanship that are distinctive to this historic property. Distinctive finishes and features are to be preserved rather than removed. Staff recommends the finding that distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the historic property **will be** preserved.

6. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new

feature shall match the old in design, color, texture, or visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

No missing historic features are planned to be replaced. Cabinetry in the kitchen is to be preserved even as the use of the kitchen is altered. Proposed altered restroom fixtures are not distinctive. Staff recommends the finding that deteriorated historic features **will be** repaired rather than replaced, and that where replacement of distinctive features is necessary, the new features **will match** the old in design, color, texture, or visual qualities, and where possible, materials.

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.

Chemical or physical treatments such as sandblasting, which could damage historic materials, are not proposed to be used. Staff recommends the finding that treatments that cause damage to historic materials **will not** be used.

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

There are no known archaeological resources on this site and the site is not within a sensitive area identified in LDC Section 22-106 and figure 22-1. Excavation is not proposed. Staff recommends the finding that archaeological resources affected by the project, if any, **will be** protected and preserved.

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.

The only new exterior construction will be the addition of the handicapped ramp to the 1960 addition. The ramp is to be compatible with the massing, size, scale, and architectural features of the property, and will be clearly differentiated from the existing structure to protect the integrity of the property. Staff recommends the finding that the new addition **will not** destroy historic materials that characterize the property, that the new work **will be** differentiated from the old, and that the new work **will be** compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

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 new construction to be undertaken will not be done in such a manner as to impair the form and integrity of the historic property and its environment in the event the access ramp is removed. The form of the Seven Seas structure will remain essentially the same after the addition, and would remain essentially the same if the addition were later removed. Staff recommends the finding that the new addition **will 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.

11. Specific Guidelines contained in the resolution designating the subject property:

- a. Interior cabinetry:

Preserve natural wood or replace with similar natural wood.

Removal of cabinetry is not proposed.

- b. Exposed structural and nonstructural interior wood finishes:

Preserve natural wood or replace with similar natural wood where exposed.

Removal or alteration of interior exposed natural wood is not proposed.

- c. Exterior wood:

Preserve natural wood or replace with similar natural wood.

Removal or alteration of exterior natural wood is not proposed. Refinishing of exterior wood will restore the historic appearance of the natural wood.

- d. Ventilation features:

Maintain appearance of visible openings following rehabilitation.

Removal or covering existing ventilation features is not proposed.

- e. Interior flooring:

Preserve natural wood or replace with similar natural wood

Replacement or removal of existing wood flooring is not proposed.

Staff recommends the finding that the proposed work **does meet** the specific guidelines set out in the resolution designating the structure a historic resource (HPB Resolution 2009-XX).

IV. BACKGROUND, ANALYSIS, AND CONCLUSIONS

Introduction and Background

The Town of Fort Myers Beach has requested a Special Certificate of Appropriateness to allow the renovations and conversion of the “Seven Seas” structure into a community meeting facility. The Seven Seas Home was built in about 1954 for James and Eleanor Newton. The home served as their residence for many years, and is where James Newton authored his book “Uncommon Friends.” Some of the Newtons’ uncommon friends visited them at this site. “The Seven Seas” structure was declared a historic resource by the Town by Historic Preservation Board Resolution 2009-0_ , adopted March 10, 2009.

The project seeks to turn the “Seven Seas” structure into a community meeting building, which will be used in conjunction with Newton Park.

Analysis

Staff reviewed the proposed project according to the standards of LDC Sections 22-101 and 22-103, which apply to requests for special certificates of appropriateness, and the Secretary of the Interior’s “Standards for Treatment of Historic Properties” which are found in 36 CFR Section 67.7 and apply under LDC Section 22-101. Furthermore, the designation resolution (HPB Resolution 2009-0_) contains specific guidelines for treatment of the structure, according to which this project was also reviewed.

The application contains a detailed description of the project and the existing (**Exhibit “B”**) floor plan of the structure as well as the proposed (**Exhibit “C”**) floor plan of the structure.

Conclusion

Staff recommends the HPB find that the project will be comply with these standards, as proposed. For this reason, staff recommends that the HPB **approve** the application for special certificate of appropriateness for the “Seven Seas” structure.

Exhibits

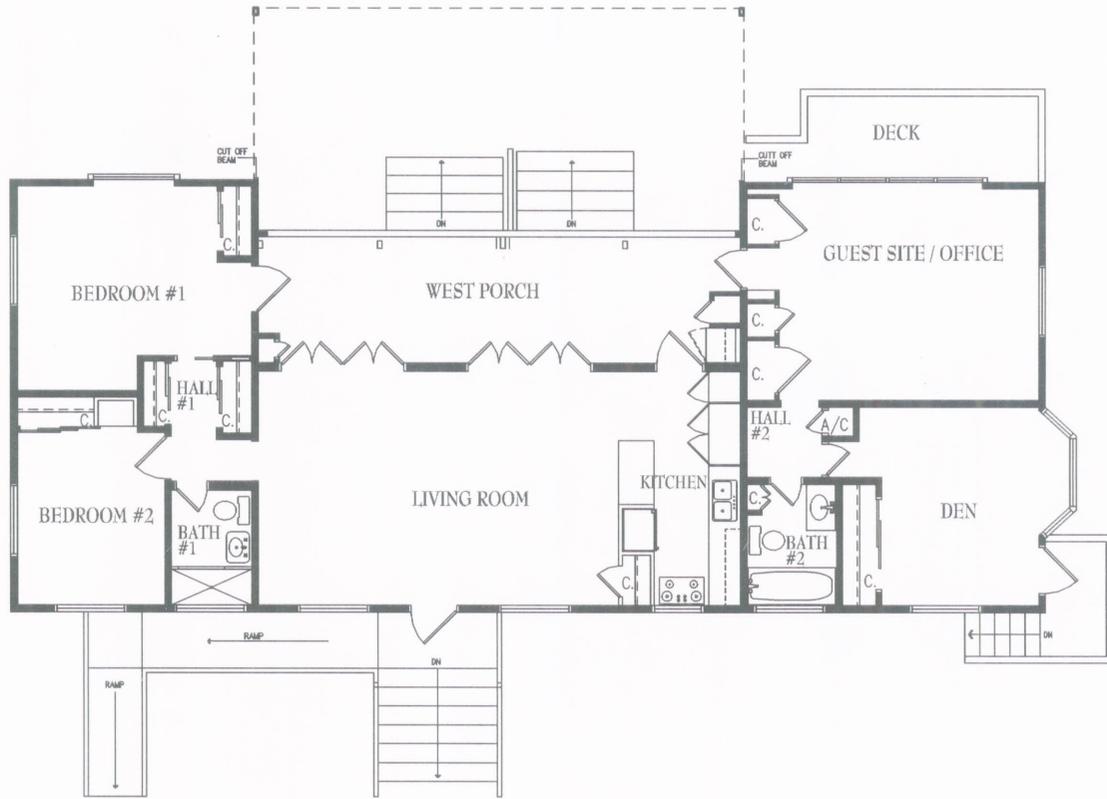
- “A”** Legal description of the subject property
- “B”** Existing floor plan of “Seven Seas” building
- “C”** Proposed floor plan of “Seven Seas” building

Attachment

- “A”** Standards for Treatment of Historic Properties (36 CFR 67.7)

Exhibit A
COA2009-0001
“Seven Seas” Structure

Lots 1, 2, and 6, Block H, HYDE PARK SUBDIVISION, as recorded in Plat Book 7,
Page 20, Public Records of Lee County, Florida.



EXISTING CONDITION

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

RENKER EICH PARKS ARCHITECTS
1609 9th St. N., St. Petersburg, Florida, 33704 (727) 821-2866

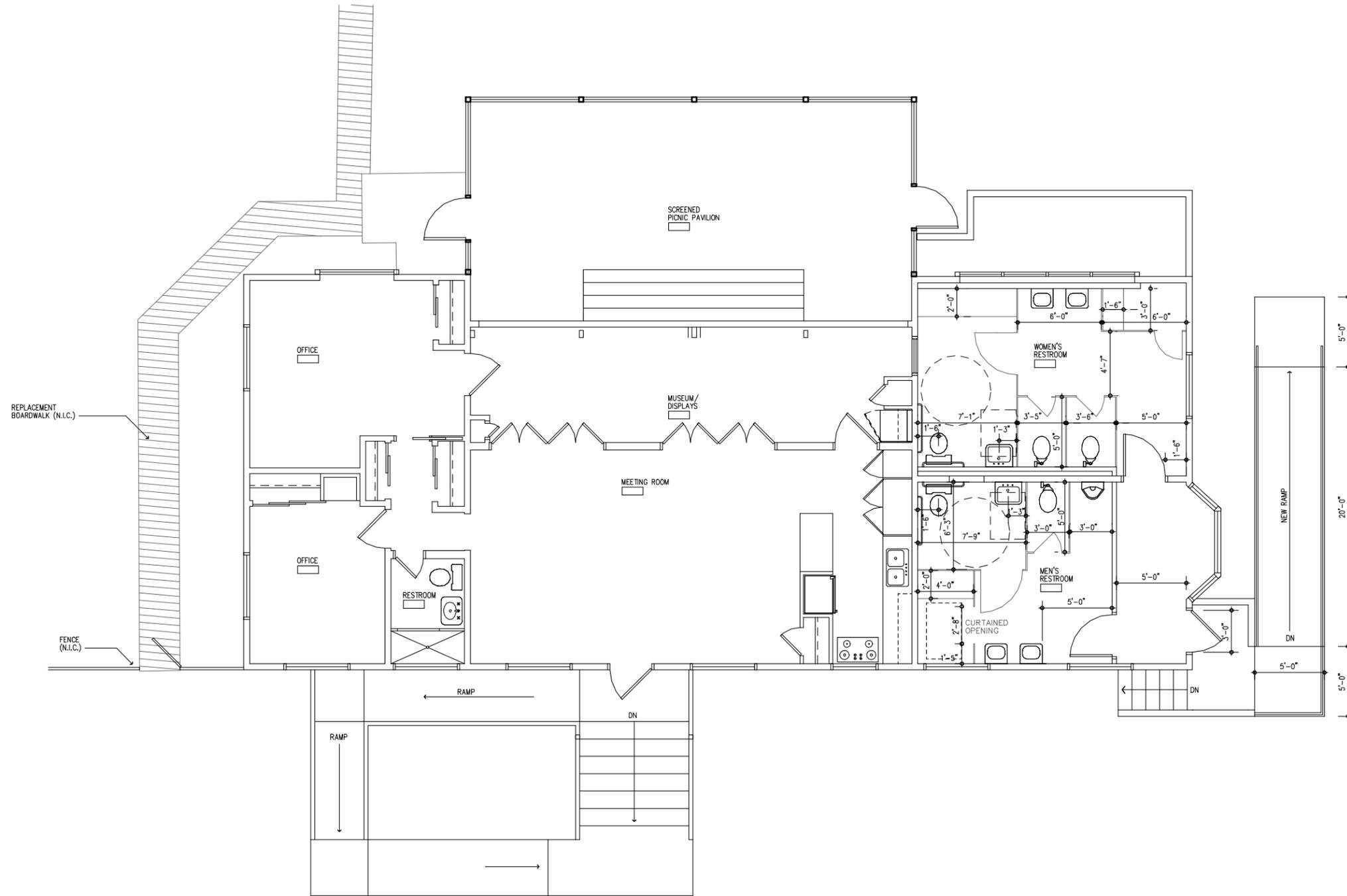
SEVEN SEAS
NEWTON BEACH PARK
4650 ESTERO BOULEVARD
TOWN OF FT. MEYERS BEACH

DATE:
MARCH 2007

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

SHEET NO.:

3.3



1
A1.1
PROPOSED FLOOR PLAN
SCALE: 1/4"=1'-0"

**SEVEN SEAS
 4650 ESTERO BOULEVARD
 NEWTON BEACH PARK
 TOWN OF FORT MEYERS BEACH**

PROJECT NO.: 0821
 DATE: 10-08-2008
 DRAWN BY: KAY, SKS
 REVISIONS:

SHEET TITLE:
 PROPOSED FLOOR PLAN

SHEET NO.:
A1.1
 OF SHEETS

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National Park Service, Interior

§ 67.7

application must be brought promptly to the attention of the Secretary by written statement through the SHPO to ensure continued conformance to the Standards; such changes should be made using a Historic Preservation Certification Application Continuation/Amendment Sheet (NPS Form 10-168b). The Secretary will notify the owner and the SHPO in writing whether the revised project continues to meet the Standards. Oral approvals of revisions are not authorized or valid.

(e) Completed projects may be inspected by an authorized representative of the Secretary to determine if the work meets the Standards for Rehabilitation. The Secretary reserves the right to make inspections at any time up to five years after completion of the rehabilitation and to revoke a certification, after giving the owner 30 days to comment on the matter, if it is determined that the rehabilitation project was not undertaken as represented by the owner in his or her application and supporting documentation, or the owner, upon obtaining certification, undertook further unapproved project work inconsistent with the Secretary's Standards for Rehabilitation. The tax consequences of a revocation of certification will be determined by the Secretary of the Treasury.

(f) If a proposed, ongoing, or completed rehabilitation project does not meet the Standards for Rehabilitation, an explanatory letter will be sent to the owner with a copy to the SHPO. A rehabilitated property not in conformance with the Standards for Rehabilitation and which is determined to have lost those qualities which caused it to be nominated to the National Register, will be removed from the National Register in accord with Department of the Interior regulations 36 CFR part 60. Similarly, if a property has lost those qualities which caused it to be designated a certified historic structure, it will be certified as noncontributing (see §67.4 and §67.5). In either case, the delisting or certification of nonsignificance is considered effective as of the date of issue and is not considered to be retroactive. In these situations, the Internal Revenue Service will be notified of the substantial alterations. The

tax consequences of a denial of certification will be determined by the Secretary of the Treasury.

§ 67.7 Standards for Rehabilitation.

(a) The following Standards for Rehabilitation are the criteria used to determine if a rehabilitation project qualifies as a certified rehabilitation. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass 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. To be certified, a rehabilitation project must be determined by the Secretary to be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located.

(b) The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. (The application of these Standards to rehabilitation projects is to be the same as under the previous version so that a project previously acceptable would continue to be acceptable under these Standards.)

(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.

(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.

(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.

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

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

(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.

(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.

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

(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.

(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.

(c) The quality of materials and craftsmanship used in a rehabilitation project must be commensurate with the quality of materials and craftsmanship of the historic building in question. Certain treatments, if improperly applied, or certain materials by their physical properties, may cause or accelerate physical deterioration of historic buildings. Inappropriate physical treatments include, but are not limited

to: improper repointing techniques; improper exterior masonry cleaning methods; or improper introduction of insulation where damage to historic fabric would result. In almost all situations, use of these materials and treatments will result in denial of certification. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will result in denial of certification. For further information on appropriate and inappropriate rehabilitation treatments, owners are to consult the Guidelines for Rehabilitating Historic Buildings published by the NPS. "Preservation Briefs" and additional technical information to help property owners formulate plans for the rehabilitation, preservation, and continued use of historic properties consistent with the intent of the Secretary's Standards for Rehabilitation are available from the SHPOs and NPS regional offices. Owners are responsible for procuring this material as part of property planning for a certified rehabilitation.

(d) In certain limited cases, it may be necessary to dismantle and rebuild portions of a certified historic structure to stabilize and repair weakened structural members and systems. In such cases, the Secretary will consider such extreme intervention as part of a certified rehabilitation if:

(1) The necessity for dismantling is justified in supporting documentation;

(2) Significant architectural features and overall design are retained; and

(3) Adequate historic materials are retained to maintain the architectural and historic integrity of the overall structure.

Section 48(g) of the Internal Revenue Code of 1986 exempts certified historic structures from meeting the physical test for retention of external walls and internal structural framework specified therein for other rehabilitated buildings. Nevertheless, owners are cautioned that the Standards for Rehabilitation require retention of distinguishing historic materials of external and internal walls as well as structural systems. In limited instances, rehabilitations involving removal of existing external walls, *i.e.*, external walls that

detract from the historic character of the structure such as in the case of a nonsignificant later addition or walls that have lost their structural integrity due to deterioration, may be certified as meeting the Standards for Rehabilitation.

(e) Prior approval of a project by Federal, State, and local agencies and organizations does not ensure certification by the Secretary for Federal tax purposes. The Secretary's Standards for Rehabilitation take precedence over other regulations and codes in determining whether the rehabilitation project is consistent with the historic character of the property and, where applicable, the district in which it is located.

(f) The qualities of a property and its environment which qualify it as a certified historic structure are determined taking into account all available information, including information derived from the physical and architectural attributes of the building; such determinations are not limited to information contained in National Register or related documentation.

§ 67.8 Certifications of statutes.

(a) State or local statutes which will be certified by the Secretary. For the purpose of this regulation, a State or local statute is a law of the State or local government designating, or providing a method for the designation of, a historic district or districts. This includes any by-laws or ordinances that contain information necessary for the certification of the statute. A statute must contain criteria which will substantially achieve the purpose of preserving and rehabilitating properties of historic significance to the district. To be certified by the Secretary, the statute generally must provide for a duly designated review body, such as a review board or commission, with power to review proposed alterations to structures of historic significance within the boundaries of the district or districts designated under the statute except those owned by governmental entities which, by law, are not under the jurisdiction of the review body.

(b) When the certification of State statutes will have an impact on districts in specific localities, the Sec-

retary encourages State governments to notify and consult with appropriate local officials prior to submitting a request for certification of the statute.

(c) State enabling legislation which authorizes local governments to designate, or provides local governments with a method to designate, a historic district or districts will not be certified unless accompanied by local statutes that implement the purposes of the State law. Adequate State statutes which designate specific historic districts and do not require specific implementing local statutes will be certified. If the State enabling legislation contains provisions which do not meet the intent of the law, local statutes designated under the authority of the enabling legislation will not be certified. When State enabling legislation exists, it must be certified before any local statutes enacted under its authority can be certified.

(d) Who may apply. Requests for certification of State or local statutes may be made only by the Chief Elected Official of the government which enacted the statute or his or her authorized representative. The applicant shall certify in writing that he or she is authorized by the appropriate State or local governing body to apply for certification.

(e) Statute certification process. Requests for certification of State or local statutes shall be made as follows:

(1) The request shall be made in writing from the duly authorized representative certifying that he or she is authorized to apply for certification. The request should include the name or title of a person to contact for further information and his or her address and telephone number. The authorized representative is responsible for providing historic district documentation for review and certification prior to the first certification of significance in a district unless another responsible person is indicated including his or her address and telephone number. The request shall also include a copy of the