

ARCHITECTURAL REVIEW BOARD MINUTES
November 18th, 2016 – 3:00 P.M.
On Site Emergency Meeting, 522 Dauphin Street

A. CALL TO ORDER

1. The Chair, Harris Oswalt, called the meeting to order at 3:00. Cart Blackwell, MHDC Staff, called the roll as follows:
Members Present: Carolyn Hasser, David Barr, Kim Harden, Harris Oswalt, Jim Wagoner, and Steve Stone.
Members Absent: Catarina Echols, Nick Holmes III, Robert Brown, Robert Allen, and Craig Roberts.
Staff Members Present: Cartledge W. Blackwell, Melissa Mutert and Paige Largue.

B. APPLICATIONS

1. **2016-23-CA: 522 Dauphin Street**
 - A. **APPROVED: CERTIFIED RECORD**

- A. Applicant: Mr. Trey Langus on behalf of BJE Properties
- B. Project: The reconstruction of the building (using salvaged materials) as based on site conditions and measured drawings so as to achieve exacting replication of profiles, dimensions, planes, and other design considerations.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
CERTIFIED RECORD OF EMERGENCY MEETING

2016-23-CA: 522 Dauphin Street

Applicant: Mr. Trey Langus on behalf of BJE Properties

Received: 10/5/2016

Meeting: 11/18/2016

INTRODUCTION TO THE APPLICATION

Historic District: Lower Dauphin Commercial

Classification: Contributing

Zoning: T5.1

Project: **deconstruction & reconstruction of the building** (using salvaged materials) as based on site conditions and measured drawings so as to achieve exacting replication of profiles, dimensions, planes, and other design considerations.

BUILDING HISTORY

This Antebellum building dates circa 1853. While the overall two-and-one-half-story form that defines 522 Dauphin Street remains intact, the building, as with so many downtown edifices, has evolved over the course of its existence. The exposed brick walls were faced with stucco circa 1900. The ground floor storefront has been altered on multiple occasions. Dormers and galleries were added in 1992. The former existed at an earlier date.

STANDARD OF REVIEW

Section 9 of the Preservation Ordinance states “the Board shall not approve any application proposing a Material Change in Appearance unless it finds the change...will not materially impair the architectural or historic value of the building, the buildings on adjacent sites or in the immediate vicinity, or the general visual character of the district...”

STAFF REPORT (Taken from Minutes of the 19 October 2016 Meeting)

- A. According to materials in this property’s MHDC vertical file, in 1992, the Board approved the reconstruction of dormers, installation of six-over-six windows, construction of a cast iron balcony, and painting of the exterior. 522 Dauphin last appeared before the Architectural Review Board on October 19, 2016. At that time, the Board approved the stabilization of the building and the selective demolition of the West wall and portions South wall. The Board ruled that if the need of a larger scope of work was determined, such as the reconstruction of building, the application would have to reappear before them.
- B. The Secretary of the Interior’s Standards and the Design Review Guidelines for Mobile’s Historic Districts state, in pertinent part:
 - 1. Accepted interventions for historic buildings include “preservation, restoration, rehabilitation, and reconstruction.”
 - 2. Preservation is defined as “the act of process of applying measures to sustain the existing form, integrity, and material of a building. Some work focuses on keeping a

property in good working condition by repairing features as soon as deterioration becomes apparent, using procedures that retain the original character and finish of the features.”

3. Restoration is defined as “the act or process of accurately depicting in the form, features, and character of a property as it appeared in a particular time or period. It may require the removal of features from outside the period(s).”

4. Rehabilitation is defined as “the process of returning a property to a state that makes a contemporary use possible while still preserving those portions or features of the property which are significant to its historical, architectural, or cultural values. This term is the broadest of the appropriate treatments and is often used in the standards with the understanding that it may also involve other appropriate treatments.”

5. Reconstruction is defined as “the act or process of depicting, by means of new construction, the form, features, and detailing of a site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific time and in its historic location.”

6. “Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.”

7. “Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.”

8. “Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties.”

9. “A reconstructed property will re-create the appearance of the non-surviving (or extremely deteriorated) historic property in materials, design, color, and texture.”

C. Scope of Work (per submitted plans, reports, etc...):

1. Reconstruct the building using salvaged materials, based on site conditions, and measured drawings so as to achieve exacting replication of profiles, dimensions, planes, and other design considerations.
 - a. Remove cement-based stucco.
 - b. Carefully remove, pallet, and store brick.
 - c. Stabilize the foundations/underpinnings of the site.
 - d. Reconstruct the building to match the existing.
 - e. The masonry sequence from the outside in will be as follows: true stucco, salvaged bricks (at least one course), and concrete block.
 - f. Use of appropriate mortar composition.
 - g. Reinstall the cast iron gallery, windows, etc...

STAFF ANALYSIS

This property has been the subject of thoughtful attention by the current owners, the City of Mobile, and independent stakeholder groups, most notably the Downtown Mobile Alliance. The ensuing narrative provides a chronological timeline of meetings, processes, and engagement efforts concerning the property:

Following the recent purchase of the building (within the calendar year), Historic Development staff met with applicant's representative upon the conscientious introduction by a staff member of the Downtown Mobile Alliance. That first city visit occurred in early June of 2016. The owner's representative, contractor, and engineers were present. Structural concerns on the building's western wall (Cedar Street side) were observed and discussed. A tour of the interior followed. The applicant's representative showed Historic Development staff interior conditions related to and independent of the problems related to the exterior condition. MHDC staff familiarized the applicant's representative with the two part design review process for properties located within the Henry Aaron Loop's three historic districts - appearance before the Downtown Development District's (DDD) Certified Review Committee (CRC) and the City of Mobile's Architectural Review Board (ARB). So to better inform members of the CRC, a site visit was arranged in advance of that body's standing Thursday meeting. Said site visit occurred on June 20, 2016. The exterior and interior structure was scrutinized. The property appeared before the CRC on June 23, 2016. A structural report commissioned by the owner was provided. The application up for called for the demolition of the building. No plans were provided, but reconstruction was mentioned from the onset. The CRC requested more information as to extent of the deterioration. The CRC convened a second site visit. Several structural engineers and a City inspector were in attendance. The building was not deemed a life-safety concern at that time. The Downtown Mobile Alliance and the developer entered into exchanges regarding the securing of reports for the building. A stabilization plan was provided. In the intervening time period, the building's condition worsened. MHDC staff was notified and examined worsening conditions. Senior City staff was alerted. Investigations took place. Emergency stabilization efforts were put in place on October 3, 2016.

*On October 19, 2016 an application came before the Board for either stabilization or reconstruction of the building. At that time the application called for either the continued implementation of structural stabilization efforts (pending results a second structural analysis) & restoration of the building per said report or the reconstruction of the building (using salvaged materials) as based on

site conditions and measured drawings so as to achieve exacting replication of profiles, dimensions, planes, and other design considerations.

For purposes of awareness, it should be noted that National Parks Service outlines for four principle preservation strategies. Those interventions are as follows:

Preservation - the act or process of applying measures to sustain the existing form, integrity, and material of a building. Some work focuses on keeping a property in good working condition by repairing features as soon as deterioration becomes apparent, using procedures that retain the original character and finish of the features.

Restoration - the act or process of accurately depicting in the form, features, and character of a property as it appeared in a particular time or period. It may require the removal of features from outside the period(s)."

Rehabilitation - the process of returning a property to a state that makes a contemporary use possible while still preserving those portions or features of the property which are significant to its historical, architectural, or cultural values. This term is the broadest of the appropriate treatments and is often used in the standards with the understanding that it may also involve other appropriate treatments.

Reconstruction - the act or process of depicting, by means of new construction, the form, features, and detailing of a site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific time and in its historic location

See B 1-5.

Review of the aforementioned preservation approaches reveals the nuanced and interrelatedness of all those approved preservation strategies. Any given project might entail multiple forms of intervention. Take for instance that both of the proposed approaches up for review embrace rehabilitation. The first proposal represents a combination of preservation and restoration interventions, while the second approach includes preservation and restoration in the form of reconstruction.

Reconstruction, again the act or process of recreating the form, features, and detailing of a site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location of building, is a logical and secure course of action for ensuring the preservation of the of the architectural and experiential character of the building. The Secretary of the Interior's Standards state that reconstruction will be used in situations when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture (See B-6.). The three exposed elevations of this corner lot building (Dauphin Street façade, Cedar Street side, and rear/back lot), while endangered at multiple locations, exist and have been measured so to ensure exacting replication. Additionally, historic and later elements that contribute to the streetscape would be preserved in an effort to retain material spatial relationships that define the building and the streetscape (See B-7.). Bay sequences of windows & doors, location & treatment of the galleries, and other elements that comprise the overall design would be recreated. As testified by the drawings and regardless of the two approaches, either partial or complete reconstruction will be based on the a duplication of historic features and elements substantiated by both documentary and physical conditions rather than on conjectural designs or the availability of different features from other historic properties (See B-8.). The reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture (See B-9.).

Deconstruction and reconstruction involves the assessment and salvage of historic fabric as a preemptive against structural collapse. The belated engagement with and ultimate loss of the Masonic Building (formerly – Saint Joseph Street) serves an example and a reminder of the time sensitive nature of addressing major structural decay. Mobile has lost significant portions of its 19th

century building stock, most notably in its downtown and waterfront areas. Reconstruction has saved numerous Mobile landmarks of the same period and construction method. The following examples can be cited:

Trinity Episcopal Church (1900 Dauphin Street)

Phoenix Fire Station/House (203 South Claiborne Street)

Marx House, Seaman's House (University of South Alabama)

Telegraph Building (303 South Conception Street)

Durand Houses (205 Saint Emanuel Street)

Riley House (315 Chatham Street)

Those aforementioned instances of buildings saved by reconstruction involved relocation to alternative sites. Instances of reconstruction onsite include the following:

Rear Wing of the Spear-Barter House (163 Saint Emanuel Street)

6 North Jackson Street (NOJA – substantial deconstruction of the first floor and the reconstruction of the lost second floor and garret).

STAFF RECOMMENDATION

Based on B (1-9), Staff recommends approval of deconstruction and reconstruction due to life safety concerns. If complete reconstruction should be employed said approved rehabilitative intervention would save the building and preserve the streetscape. Staff does not believe this application would impair either the architectural or the historical character of the building or the district.

MEETING MINUTES

PUBLIC TESTIMONY

Mr. David Martin was present to discuss the application.

BOARD DISCUSSION

Mr. Blackwell thanked the assembled Board members for their attendance. Addressing the timing of the meeting, Mr. Blackwell stated that the City's Legal Department stated that less than twenty-four (24) hours of notice can be given for an emergency meeting for reason of life-safety concerns. Ms. Mutert reiterated that under open meeting regulations life safety-concerns are reason for exception. Mr. Blackwell stated that the staff report of the 19 October 2016 meeting would serve as the Staff's recommendation. Mr. Blackwell spoke of reconstruction in terms of the National Parks Service's approved practices.

The Board discussion took place concurrently with the public testimony. Mr. Oswalt welcomed Mr. Martin and asked if he had any questions to ask, comments to make, or clarifications to address.

Mr. Martin further explained the urgency of the situation, noting the walls of the building had moved six inches within the past several weeks.

Per Mrs. Hasser's request, Mr. Martin explained the deconstruction plan for a multi-story deconstruction approach.

Mr. Stone asked if the only drawing was a one page document drawn to scale showing the West and South Elevations. Mr. Martin replied that was correct. He noted that photographic documentation and complete measurements had been taken, and that a full set of construction drawings were being drawn.

Mr. Martin responded to a request made by an audience member regarding stabilization efforts for the building. Mr. Martin stated several plans for stabilization and bracing of the building had been developed, but those efforts had not been taken on account of continuing destabilization of the building.

Per query made by audience member David Newell, Mr. Martin noted deconstruction would be for the North, West and South elevation per a structural engineering report provided in the previous Architectural Review Board meeting on October 19, 2016.

Mrs. Harden asked Mr. Martin to describe the deconstruction process. Mr. Martin responded he could not yet do so with exacting precision. He elaborated by saying that he current plan was to stabilize the building with equipment if possible, remove historic fabric, and beginning stacking salvaged materials.

Mr. Newell expressed concern over the percentage of materials that could be able to be salvaged and that the reconstructed building having to meet code so would look new.

Mr. Martin confirmed that new materials would be employed where salvaged materials could not.

Mr. Blackwell mentioned examples of relocated and reconstructed buildings such as the Durand houses, and portions of two buildings relocated to Fort Conde Village.

Mrs. Harden expressed concern that the building could possibly collapse during disassembly. She inquired if the applicant was prepared to save as much material as possible in that event. Mr. Martin responded that it was a possibility of collapse and that materials would be salvaged.

Per Mr. Stone's request, Mr. Martin stated that deconstruction was scheduled to being on Saturday morning so as to allow for barricades to be removed at the earliest possible date if issued approval by the Board.

Mr. Stone inquired if the architect would have detailed drawings by the following week. Mr. Martin replied that more detailed drawings were being produced, but they would not be ready by the following week.

Mr. Oswalt then asked if there was plenty of photographic evidence. Ms. Harden further asked if there were interior dimensions for the building. Mr. Martin replied yes to all. Mr. Blackwell noted the interior dimensions prove most useful in informing the exterior dimensions.

Mr. Stone stated that due to reconstruction the historic windows would not be able to be reused. Mr. Blackwell noted the options of approved windows outlined by the Design Review Guidelines for Mobile's Historic Districts.

Mr. Wagoner asked if the circa 1992 iron work were to be removed. Mr. Martin replied the iron work was bracing the South wall elevation. Taking into account the aforementioned, Mr. Martin said that efforts would be taken to secure and reemploy the ironwork if at all possible.

Mr. Oswalt asked if there was anyone present who wished to speak either for or against the application.

Mr. David Newell inquired as to the number of contractors who has visited the site. Mr. Martin noted three contractors had visited the site. Mrs. Kim Harden then stated the City of Mobile's Architecture and Engineering Department, which handles Nuisance Abatement, had hired structural engineer Mark Barter

to execute plans to stabilize the interior and exterior of the building. The information was provided to the owner, at which point they decided to contact their own structural engineer to shore the building.

Mr. Martin explained that none of the contractors he had contacted would agree to shore up or stabilize the building.

After asking the applicant, audience, and Board if they had any more questions, comments, or concerns, Mr. Oswalt closed the period of public discussion.

FINDING OF FACT

Mr. Stone moved that, based upon the evidence presented in the application and during the public testimony that the Board finds the facts (staff report of 19 October 2016) as written. The motion received a second and was unanimously approved.

DECISION ON THE APPLICATION

Mrs. Hasser moved that, based upon the facts as written by staff, the application does not impair the historic integrity of the district or the building and that a Certificate of Appropriateness be issued on account of the life-safety concerns informing the building's condition and the nature of the deconstruction-reconstruction approach.

The motion received a second and was approved.

Mr. Stone voted in opposition.

Certificate of Appropriateness Expiration Date: 11/18/2017

TO: ARCHITECTURAL REVIEW BOARD MEMBERS
FROM: FLORENCE A. KESSLER
DATE: JANUARY 18, 2017
RE: RESPONSES TO COMMENTS OF ARB MEMBER BOB ALLEN

At the ARB meeting of December 21, 2016, member Bob Allen presented six comments on the Board's emergency meeting of November 18, 2016, called to consider an application for the deconstruction and reconstruction of 522 Dauphin Street. Replies to Mr. Allen's comments are as follows:

1. That the notice of the meeting given to ARB members was insufficient in that it did not properly describe a legal basis for the call of the meeting.

Answer: The notice of a meeting properly includes the time, date, and place of the meeting. The notice is not required to include the legal basis for the call of the meeting, ALA CODE Section 36-25A-3(c).

2. That there was no legal basis for the insufficiency of notice of the meeting given to ARB members and that, therefore, there was no legal basis for the emergency meeting.

Answer: The notice of a meeting may be posted less than 24 hours before the meeting is scheduled to begin if emergency circumstances require immediate action to avoid physical injury to persons or damage to property, ALA CODE Section 36-25A-3(b). On or about November 17 City officials received a report from a structural engineer that 522 could collapse without warning and that immediate action to deconstruct the building was necessary to prevent physical injury to persons or damage to property. The meeting was scheduled under the authority of State law, i.e., Section 36-25A-3(b), as noted on page 3 of the meeting minutes, under the heading "Board Discussion."

3. That I questioned the legal basis for the notice of the meeting given to ARB members and specifically did not waive my right to proper notice of the meeting and that I was, therefore, improperly excluded from the "emergency" meeting.

Answer: A notice of the meeting was sent by the best means practicable to all of the ARB members. You have stated that you were out of town and unable to attend. Although it was unfortunate that you were out of town, the meeting was attended by a quorum of the Board.

4. That I requested a clarification of what the phrase "in accord with site conditions" in staff recommendation meant but I did not receive that clarification.

Answer: Staff was responding to an emergency and resources were focused on solving a problem that threatened physical injury to persons or damage to property. Your concerns were addressed at a later time.

5. That the measured drawings which the staff recommendations implied existed did not exist.

Answer: Staff relied on scaled drawings, consistent with its actions on other applications.

6. That the decision to allow demolition was made contrary to the ordinance governing the ARB which requires that the approval of a demolition request be based on, among other things, "replacement construction plans" and there were no such plans.

Answer: The decision on the application, as reported on page 8 of the minutes, was "that a Certificate of Appropriateness be issued on account of the life-safety concerns informing the building's condition and the nature of the deconstruction-reconstruction approach." The Board did not decide to allow demolition.