



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240





September 24, 2021



PROPERTY: The Bradley Park Hotel, 280 Sunset Avenue, Palm Beach, FL
PROJECT NUMBER: 40370
APPLICATION: Part 2
DECISION: Final Appeal Decision

Dear 

I have concluded my review of your representative Jonathan Mellon's appeal of the December 8, 2020 Decision of Technical Preservation Services (TPS), National Park Service, denying certification of the Part 2 – Description of Rehabilitation application for the property cited above (the Decision). The appeal was initiated and conducted in accordance with Department of the Interior regulations [36 C.F.R. part 67] governing certifications for federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank your representatives, 
 for meeting with me via videoconference on April 7, 2021, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the materials presented as part of your appeal, the additional materials submitted at my request, and online research I conducted, I have determined that the rehabilitation of the Bradley Park Hotel is not consistent with the historic character of the property and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation (the Standards). I hereby affirm the denial of certification of the Part 2 – Description of Rehabilitation application issued in the TPS Decision of December 8, 2020.

The Bradley Park Hotel is a four-story Mediterranean-Revival style building constructed in 1924 at the intersection of Bradley Place and Sunset Avenue in Palm Beach. The U-shaped plan surrounding an open courtyard is set back approximately twenty feet from Sunset Avenue sidewalk, a primarily residential street. The façade along Bradley Place, a commercial street, is flush with the sidewalk. TPS certified the building as contributing to the significance of the Royal Poinciana Way Historic District on June 27, 2019.

The proposed work described in the Part 2 – Description of Rehabilitation application noted an estimated start date of March 1, 2019 and an estimated completion date of October 15, 2019. Although you signed the Part 2 application on February 19, 2019, it was not received by the National Park Service until November 15, 2019. TPS noted that the estimated completion date had already passed, requested more information about areas of concern and the then current status of the work, and placed the project review on hold on January 23, 2020. After several requests for additional time, the additional information was received from [REDACTED] on August 5, 2020, and TPS issued its Decision to deny certification of the Part 2 application on December 8, 2020.

TPS determined that the rehabilitation did not meet Standards 2, 3, 5, 6, and 9 of the Standards, citing “. . . *the construction of a new pool with fenced enclosure within the historic lawn area between the sidewalk and the building, changes to the historic courtyard and decorative terracotta features, the replacement of the historic windows, and the subdivision of the historic first-floor lounge.*” TPS further noted that, “*Although a complete set of current photographs was requested, only a few photographs of completed and in-progress work were provided. Therefore, there may be additional treatments that do not meet the Standards.*”

Regarding the new pool and fence along Sunset Avenue, TPS determined that the “. . . *development of what had been an open, semi-private lawn and landscaped area into an enclosed space changes the character and appearance of the property along Sunset Avenue and does not meet Standards 2 and 9. This alteration alone causes the overall project to fail to meet the Standards.*” Standard 2 states, “*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 9 states, “*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.*”

In the appeal meeting [REDACTED] presented a series of historic photographs which demonstrated that the space between the building facade and the Sunset Avenue sidewalk

historically had been landscaped in a variety of ways, including perimeter hedges and heavy vegetation along the edge of the sidewalk. Consequently, the plantings that surround and hide the metal fence around the new pool are compatible with historic landscape treatments and thus do not compromise the historic character of the space and are compliant with Standards 2 and 9. Placing the pool at grade outside the two historic walls that define the front edge of the courtyard maintains the historically flat plane of the space. Further, its location leaves the historic courtyard space unimpaired. Consequently, I have dismissed the new pool and the plantings that screen it as denial issues.

██████████ photographs demonstrated that the courtyard had a variety of treatments over time, including plantings, palm trees, and most recently decorative paving. Regarding the barrel tiles in the railings surrounding and overlooking the courtyard, TPS determined that, *“The paint conceals the historic material, color, and unglazed finish of the terracotta and diminishes a character-defining feature of the Mediterranean-Revival style. As a result, the project does not meet Standard 5.”* Standard 5 states, *“Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.”* ██████████ explained that they are not terracotta tiles, as TPS had believed, but cast concrete painted a terra-cotta color but now repainted black to match the color scheme of the new White Elephant Hotel. Consequently, I have dismissed the barrel tiles in the courtyard railings as a denial issue.

Regarding the replacement windows, TPS determined that, *“Even if the documentation can be provided to show that complete window replacement was justified, the new windows that were installed do not appear to match the appearance of the historic windows, as required by Standard 6 for the replacement of historic features deteriorated beyond repair. This change to the building on its own causes the overall project to contravene the Standards.”* TPS focused on the most dramatic visual change in the windows, the dark color of the new windows and trim, as contravening Standard 6. Standard 6 states, *“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.”*

The materials submitted by ██████████ in August 2020 described a windows survey assessing their existing conditions for potential repair completed prior to the start of the project but did not share a copy of the survey. Consequently, even if the replacement of the windows could be justified to meet the Miami-Dade building code requirements for wind and impact resistance, TPS had no information on the profiles and sizes of the individual window components and surrounding trim to be able to determine if the proposed replacement windows would comply with Standard 6. This lack of adequate information is itself a cause for denial of the project. The

regulations state, *“In all cases, documentation, including photographs adequate to document the appearance of the structure(s), both on the exterior and on the interior, and its site and environment prior to rehabilitation must accompany the application. Where necessary documentation is not provided, review and evaluation may not be completed and a denial of certification will be issued on the basis of lack of information.”* [36 C.F.R. 67.6(a)(1)]. The demolition drawings show that the contractor is to demolish existing windows and doors on all four floors. There is no requirement in the drawings to keep samples of window and door trim to be able to match their profiles in the replacement trim, nor is there evidence in the project file that the project architects gathered information on the existing trim to be able to comply with Standard 6. Further, there is no evidence in the project file that the new windows will match those replaced in character-defining features such as frame width, muntin size and profile, and trim profiles. The pre-rehabilitation photographs from [REDACTED] show that the existing windows had thin muntins with a three-dimensional profile, wide, stepped surrounds for the interior trim, and brick molds on the exterior. By comparison, the post-rehabilitation photographs from [REDACTED] and online photographs of the White Elephant Hotel show that the replacement windows have wider and flat muntins and meeting rails, and are set in simple squared openings without interior surrounds or exterior brick molds or wood windowsills, and thus do not comply with the requirements of Standard 6.

Although I agree with TPS that the most dramatic visual difference in the new windows is their color, the lack of adequate documentation justifying their replacement and the photographic evidence that the replacement windows do not match those removed in sizes, profiles, and trim, are the critical deficiencies in term of complying with Standard 6.

Regarding the proposed changes to the first-floor lounge, including installing restrooms and relocating a historic fireplace mantle, TPS determined that the *“. . . loss of the only intact historic interior space does, on its own, cause the overall project to fail to meet the Standards.”* TPS further noted that the relocation of the mantle and loss of its historic tile firebox contravenes Standard 3 and Standard 5, cited above. Standard 3 states, *“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.”*

I compared the pre-rehabilitation photographs of the first-floor lounge submitted by [REDACTED] to the post-rehabilitation photographs submitted by [REDACTED] after the appeal meeting and to photographs found online. Prior to the rehabilitation, the historically open volume of the lounge had been divided into three rooms, one of which served as access to the building’s elevator. The other two were used as storage spaces, but the pre-rehabilitation photographs showed that all three retained their historic decorative features, including cove cornices, paired brackets under the structural beams, and the historic mantle on the rear wall. Although the

rehabilitation removed the two non-historic cross walls, the space was instead divided longitudinally to create restrooms, leaving the remaining space significantly compromised, serving as a passageway connecting the new hotel lobby to the restaurant and the elevator along what had been four paired doors with transoms opening onto the loggia and courtyard. The post-rehabilitation photographs show that the historic cove cornices and paired brackets have been removed and replaced with a dropped ceiling with square coffers and stepped cornices, set at the height of the bottom of the historic beams, cutting off the top of the historic transom heads above the loggia doors. The historic mantle has been relocated on the new longitudinal wall as a decorative artifact, having lost its firebox and tile firebox surround. The flooring in front of it lacks even a color change to hint at the outline of a hearth. The furnishings in the space, tables and chairs and large planters blocking the glazed doors into the loggia and courtyard, further compromise its historic character. The cumulative impact of these changes has destroyed the historic character of the lounge and created a false sense of history in violation of Standards 2, 3, and 5, cited above.

Finally, the Part 2 application TPS received on November 15, 2019, stated that the estimated start to construction had been March 1, 2019, and the estimated completion had been October 15, 2019, making the project likely complete before TPS received the Part 2 application. It is unfortunate that the project was not received for review until it was effectively complete. The regulations state, "*Owners are strongly encouraged to submit part 2 of the application prior to undertaking any rehabilitation work. Owners who undertake rehabilitation projects without prior approval from the Secretary do so strictly at their own risk.*" [36 C.F.R. 67.6(a)(1)].

Although I have dismissed two of the TPS denial issues, the overall impact of the rehabilitation still significantly compromises the historic character of the property. Accordingly, I affirm the Part 2 denial of certification issued by TPS in its December 8, 2020 Decision.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to TPS's December 8, 2020 Decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA, FAPT
Chief Appeals Officer
Cultural Resources

cc: FL SHPO
IRS

