

Wilmington Design Review and Preservation Commission Wednesday, July 24, 2019

DRPC Commissioners present: Peter von Glahn (Chairperson), Stuart Baron, Sandra Dolan, Peter Jennings, Leo Lynch, Jay Macklin (new member, replacing William Krauss who retired after June 2019 meeting), and Edie Menser (7 members, a full Commission)

Staff: Ed Law; Planning Department: Pat Maley, John Kurth, and Herb Inden

Administrative Business

Reading of Rules of procedure was done by Peter von Glahn.

Move to accept minutes from June 2019 was made by Sandra Dolan, seconded by Leo Lynch and approved.

Commission membership discussion clarified that William Krauss had retired from the Commission at the end of June and that Dr. Ja'Naire Macklin had been reappointed to fill his seat (Jay had been on the commission about 10 years ago).

Staff report - Code revisions are being requested for CHD and NCD, and the matter will be discussed with Rose Tassone DiNardo in Law and Councilmember Bud Freel in the next week.

New Business

Permit Referral DR-1623: 825 West 9th Street. Request from Wilmington Land Bank for demolition of vacant building to clear site for new construction. Trinity Vicinity City Historic District. Resolution 21-19.

Presentation was made by David Mengers of Breckstone Architecture who described the overall project for that block, with renovations on the south side, and the current application being the second phase, new townhomes on the north side of the block. The house slated for demo (825) is small even in front, and then jogs down in width in the back.

Annotated Power Point slides were shown by John Kurth.

Peter von Glahn stated that upon careful examination, he was very pleased with the proposal. The design fits nicely and he has no complaint or concerns.

Sandra Dolan agreed, saying the architect has provided the reasons on why to demo, has the financial estimates, and other documents usually requested by the Commission. She closed by saying, "It will be a positive sight to see – definitively an improvement."

Edie Menser called the new proposal certainly in keeping with neighborhood.

Leo Lynch stated he was ecstatic about what is happening here.

Peter von Glahn noted the sightline while turning will be greatly improved.

Community Comments

Tracy President of Trinity Vicinity Neighborhood Association noted that the association had a letter of support submitted. She continued that, speaking as a neighbor, this block is the first view of Trinity for folks coming off I-95. The building that is proposed for demo is now visually out of place and very difficult to keep as is and still renovate West 9th Street. She lauded the proposal.

Sandra Dolan read the resolution as prepared; seconded by Edie Menser; unanimous approval

Permit Referral DR-1624: 1015, 1017, 1019, 1021 Park Place. Request for Renovation of residential apartment buildings. Cool Spring/Tilton Park City Historic District. Resolution 22-19.

Presentation by David Haney, representing the unnamed owners. He noted for the record that the site is now down to 3 parcels because the line between 1019 and 1021 has been extinguished by the County.

He stated that the owners want to renovate the buildings which have been vacant for “5 or 6 “years. (They bought them in 2013 and they have been registered vacant since 2016 - Tolemi).

Mr. Haney said that currently the buildings are constructed of brick with a “hodgepodge of many materials” – their idea is to make the two semi-detached buildings “Much more consistent” by changing many materials, such as using alternatives rather than slate siding. The interior would be a complete renovation – 22 current apartments – keep them intact.

Planning’s annotated Power Point of this case was shown by John Kurth.

Peter von Glahn,” We have all read your application.”

Dave Haney noted that he was with Rockland Design Build and they were responsible for the application.

Dr. von Glahn continued that, “a number of us have concerns about the design and the application.”

Peter Jennings began the commission comments. He stated that, in looking at all these fire escapes he had concern about what direction the developer was taking to meet code requirements.

Mr. Jennings, himself a retired architect, wondered aloud, "Who is the architect? Who reviewed codes/ fire codes, etc.?" He noted that code changes a lot from year to year. He again asked "Who is the architect? Who designed this?"

Mr. Haney stated that Donald Diehl was the author of the design, and said that Mr. Diehl is on their team, and that they have been working with the Fire Marshall on this.

Questions were raised about

- fire escapes are not a term used anymore
- fire escapes in place - discussion about elimination - says FMO said it would be better to keep the fire escapes

Mr. Jennings stated "If Mr. Diehl prepared these, the drawings do not meet state law which demands that drawings appear with the architect's name. He further stated that all such information was missing from the drawings in the application. He noted that "These deficiencies would be picked up at L & I." He further noted that under state law, the firm "ROCKLAND Design Build" can't be a design firm because they can't do design without a registered architect nor do they have the capacity to build to completion.

He further taught that the architect must be the one to certify that all is completed according to code. He finished by saying, "To that degree I think this application is premature – we are not subject to interior lay-outs consideration, but if ingress and egress changed, it would impact the design," which is within DRPC purview.

He continued, saying that docs presented don't tell us that the work has been done by a certified Delaware Architect. When Mr. Haney interjected Mr. Diehl's name, Mr. Jennings continued that "Documents – not words - are what is legally required." He ended by calling the application in violation of the Code requirements.

Peter Von Glahn read Mr. Jennings memo of 7/24/19 which summarized the Code issues, specifically "applicant, Rockland Inc" seems to (see e-mailed memo attached on page 4 for minutes)

The Law does not allow "Plan Stamping." (Putting a professional seal on another individual's work.)

Wilmington Design Review and Preservation Commission

July 24, 2019

p.4

From: phjma Jennings@comcast.net <phjma Jennings@comcast.net>

Sent: Wednesday, July 24, 2019 2:11 PM

To: Pat Maley <pmaley@wilmingtonde.gov>

Subject: Re: FW: summary of discussion re Park Place. CHANGE in DATE of DRPC to 4th Wed of July, July 24th location TBA

Dear Pat:

As your memo stated you previously showed the Rockland folks an example of a Breakstone submission. The applicant, Rockland, Inc. seems to have failed to grasp the basic issue that a project of the is nature (apartments) requires that the submission be submitted by an Architectural firm. The Architectural firm doing the design work must, by the requirements of Title 24, Chapter 3 of the Delaware Code also hold a business Certificate of Authorization. To obtain a certificate of Authorization, the business entity (partnership, corporation or LLC) must have a director, officer or partner who is registered as an Architect under the Title 24, Chapter 3. See the details within Section 312A of Chapter 3

Regulations of the Board of Architects spell out all of the requirements of all the items that must be included on each drawing when practicing architecture. This includes the name, address, registration number, etc. of the registered individual. On the Rockland submission there is nothing about who the Architect is on this project. It is important to note that in Section 312A, "The privilege of engaging in the practice of architecture is *personal*, based upon...the individual and is *not transferable*."

Upon review of the State of Delaware records, Rockland Design-Build, Inc. does *not hold a Certificate of Authorization*. Please also note that the letterhead of Rockland, used as the first page of their submission, uses the phrase "From Concept to Completion" and then includes "Architectural Design" as a service. Delaware Code, Title 24, Chapter 3 and related adopted regulations clearly do not allow this business entity to offer these services. And, of course, the law does not allow "plan stamping" by a registered individual of drawings he or she did not produce under his or her direct supervision and control.

I will bring copies of Tile 24, Chapter 3 with me to the meeting. Will also bring copies of the Board adopted Regulations.

VTY,

Peter Jennings

Stuart Baron stated that the application seemed incomplete – it was not sufficiently specific in regard to materials, especially windows and other materials.

Further discussion continued along these lines.

Sandra Dolan agreed the application was incomplete and said she would not feel comfortable moving forwards.

Other agreed, saying, “It is clear we don’t have all the necessary info to move forward.”

Peter von Glahn read from a list of elements of missing information that the applicant needs to provide–

The missing info includes -

1) on the front façade, there is a specific request that you keep the compass windows because they are a character defining feature – it’s just not appropriate to remove them – they may have been a window or louvers behind the boards in the one that is boarded up – investigate the interior.

2) slate, including the rear top floors is all visible from public right –of–way, is a character defining feature - and it is part of the arch that should NOT be removed – Slate is quite repairable –

3) On rear of areas that are not visible from Public Right of Way – Hardie plank may be acceptable

4) Specifications for shingle are necessary

5) Specifications for all windows proposed are necessary

6) Specifications for all proposed doors are necessary

7) On 1015 and 1017 Park Place – repaint the beige areas on front to be a color closer to the brick

8) Repair methods were not addressed – west addition (single story) They must be specified.

9) Cove soffit has damage between it and the garage – the plans have no indication on how that will be resolved. This is a Unique feature to this building and should be not changed.

10) The Top of the towers (bays) have intricate detailing between tower and roof – on 3 of 4 of the addresses/buildings that detail has been totally removed and replaced with aluminum – so the far west one is the only remaining original - but there are no design details are provided for proposed or how to replicate the original.

DRPC is Not going to approve anything that is not detailed.

11) Fascia replacement on west 1021 Park Place needs details.

12) Vinyl windows – the application says there are vinyl windows existing in the buildings, but the documents do NOT show where those windows are. DRPC has never approved them as a commission – given the 50% + change to the exterior it is not clear that they should be retained, but rather replaced with appropriate wood or clad wood windows.

13) There is extensive repointing that needs to be done and that is not mentioned in your docs, it must be done properly by a restoration expert and reviewed by the Planning dept – important because these are brick buildings.

14) On 1021 Park Place there is fishtail slate – the other 3 bays have a fishtail roofing that has replaced this. The chair expressed he had no qualms with replacing all 4 if design matched the original – BUT all four must match, whatever pattern is selected.

15) Pent roof should be added over the front entrances to match those pents that are seen on buildings at the eastern end of block.

16) Last – what are you doing with the garage? There is no mention at all in the application – garage door has obviously been reconstructed – it needs to be addressed since it is part of the property.

Dr. von Glahn continued after his litany that, “Based on all this I too find it an incomplete application. Not even sure that we have enough to consider for a conceptual.”

Dr. Macklin nodded agreement.

There was no further commission discussion.

Community Comments

Christian Willauer and Thomas Wilming (?), residents in the neighborhood representing themselves and other residents noted that the buildings, while vacant, had not been not vacant that long, and that they are still in good shape – but they are not secured and have many openings for illegal entries (squatters).

They discussed the City’s Nuisance property review system and stated that there have been 17 intrusions since January 2019. They expressed concern about impact on the historical buildings and the neighborhood.

They requested that property owners board the first-floor openings at least.

Further comments came from Kevin Malloy, resident and realtor, stated the neighborhood was very sensitive to high profile vacant /eyesores. He supported the application for use of the buildings as multi units (apartments) and encourages the applicants to please immediately secure the properties to end the public safety issue which has been going on for a year.

It was noted that the Applicant was present and had heard the comments, but the Community's concerns are beyond the purview of the Commission's scope.

There were no further community comments.

The Commission stated that they wished to table for lack of information, and offered the services of the commission to the applicant, describing the pro-bono subcommittee consulting approach that they offer.

Stuart Baron made the motion to adjourn, it was seconded by Edie Menser, and approved unanimously.

Motion to adjourn was made by Peter Jennings, seconded by Edie Menser and approved unanimously