

# Past Forward Architecture

## Summary Report

### City of New Castle - Historic Area Commission Design Guidelines Update

New Castle, Delaware

11 May 2015

**Linda Ratchford, City Council President**

**William J. Barthell, City Administrator**

City of New Castle

220 Delaware Street

New Castle, DE 19720

Dear Linda and Bill:

Past Forward Architecture (PFA) has completed Phase 1 of the *City of New Castle Historic Area Commission Design Guidelines (Guidelines) Update* project, and is pleased to submit the final draft for City Council review, comment and approval.

This report summarizes the consultation process that informed the development of the updated Guidelines, presents the key tenets that are at the core of the Guidelines, lists items that will require action by City Council, and provides recommendations for next steps beyond the adoption of the updated Guidelines.

#### **A. SUMMARY BACKGROUND**

The intention of the Guidelines update project was to generate an updated document, with a preservation philosophy and recommendations informed by recent technological advances in materials and building technology where physical integrity, sensitive interventions and cost-effectiveness go hand-in-hand with conformance to the Secretary of the Interior Standards for the Treatment of Historic Properties.

The Guidelines update was to address not only appropriate and inappropriate treatment recommendations for various building features, but also modifications to the application and review processes currently in place, in order to clarify the steps for potential applicants, streamline the process and, in some cases, expedite the review.

Updating the HAC Guidelines to address both appropriate treatments and the application process was one of the recommendations of the Historic and Cultural Resources Plan developed in the *City of New Castle Comprehensive Plan 2009 Update*.

PFA was assisted in its efforts by the Historic Area Review Committee (HARC), an advisory group whose members represent a range of New Castle residents and stakeholders, including: Michael Connolly (Resident/New Castle Historical Society Executive Director), Doug Lovett (Owner Blue

Heron Gallery/Property Owner), Joseph Day (Resident/Land Use Administrator New Castle County), and James Meek (Resident/Trustee of the New Castle Common).

PFA and HARC pursued a consensus-building approach to the update, gathering input from City of New Castle residents and from current members of the Historic Area Commission (HAC).

Note: Phase 2 of the project (graphic design of layout that would combine text, drawings, photographs, and organization charts in a printed document, including reworking of print materials for use as website content) has been postponed to a later date. However, as discussed, PFA will generate an interim draft layout for distribution to the public upon final approval by City Council.

## **B. CONSULTATION PROCESS:**

The Guidelines update process was informed by three levels of consultation: public input, discussion with the City of New Castle’s Legal Counsel, and HAC review.

### **Public Input**

PFA and HARC held four public meetings/work sessions at the New Castle Town Hall, on October 15<sup>th</sup>, 2014, December 18<sup>th</sup>, 2014, February 26<sup>th</sup>, 2015 and March 24<sup>th</sup>, 2015. At these meetings citizens were given an opportunity to present their views, ask questions, and get feedback from HARC and PFA. These comments are summarized in the HARC public meeting minutes that are attached to this report in Appendix A.

The public also provided feedback throughout correspondence and emails to City Council and HARC. Copies of these are attached to this report in Appendix B.

### **Meeting with Daniel Losco, City of New Castle Legal Counsel**

PFA met with Daniel Losco at the Wilmington offices of Lorco & Marconi P.A. on March 4<sup>th</sup>, 2015 to discuss the application process and some of the changes PFA and HARC were considering such as tiered review and a more formalized preliminary consultation process. PFA also discussed proposed updates that would require changes to the current ordinance.

### **Historic Area Commission Input**

A draft of the Guidelines was provided to HAC members and discussed at the March 12<sup>th</sup>, 2015 meeting of HAC, with input from David Bird, William Hentkowski, Michael Quaranta, and Sally Monigle. HAC comments are summarized in the meeting minutes attached to this report in Appendix C.

### **Historic Area Review Committee**

The successive drafts of the Guidelines have been reviewed extensively by all members of HARC, and discussed in the four public meetings noted above. The proposed text and the recommendations to City Council represent a consensus supported by all members of HARC.

### **Other**

PFA also held informational meetings with representatives of the National Park Service - Northeast Region, in Philadelphia, PA and the Delaware Division of Historical and Cultural Affairs, in Dover, DE.

## C. UPDATED GUIDELINES OVERVIEW

The content of the updated Guidelines focuses on four distinct components:

- A brief overview of the history of New Castle, to set the context.
- A summary of the architectural styles - and their distinctive features - prevalent in the Historic Residential, Historic Commercial and National Historic Landmark districts.
- The HAC application and review process.
- Treatment guidelines for various building and site components.

Some of the recommended adjustments to the existing process will require changes to Article VII of the City of New Castle Zoning Ordinance; these changes are outlined below.

### ***History Overview:***

The “history” component of the Guidelines has been streamlined to provide background information to potential applicants, and individuals looking to purchase property in New Castle. The history is presented as a summary timeline, which illustrates the continuum of construction activity in New Castle since the 17<sup>th</sup> century throughout the mid-twentieth century. The revised guidelines acknowledge this continuity by referencing the *historic* character of the Historic Districts, without limiting it to the colonial period.

### ***Architectural Styles***

The architectural styles section has been revised, and streamlined to focus on identifying key architectural elements as a reference guide for proposed interventions. The styles section is to be illustrated with some graphics, but mainly photographic documentation of New Castle-only examples. In an effort to make the Guidelines inclusive to all residents, and representative of the wide range of styles and scales in New Castle, PFA has selected approximately 100 buildings that will help illustrate not only styles, but also recommended treatments. This database intentionally avoids high level buildings, such as Town Hall, the Courthouse, or the Arsenal, and focuses on more common examples. Furthermore, illustrations have been selected from all the main arteries and cross streets, from the Strand up to 6<sup>th</sup> Street and along Cherry Street, and east to west from Chestnut Street to South Street.

### ***Application and Review Process***

The updated Guidelines provide a summary review of the role and purview of HAC, clarify the application process, timeline and required steps, and propose a tiered review that will allow for opportunities to expedite the review. The updated Guidelines include:

- An organization chart outlining all the steps of the application process, as well as various scenarios and the follow-up action they will require. The intent is for the applicant to have a clear sense of each milestone, from the initial determination of whether a HAC review is necessary through the final HAC decision and appeal options.
- A two-tiered review based on the proposed scope of work, and the historic character and significance of the building (Key, Contributing, Non-Contributing). This establishes a hierarchy of applications: some to be addressed directly at the staff level, others requiring a presentation to HAC in the monthly public meeting. The first tier applications can thus be approved by City staff (or consultant) on a rolling basis, in an

expedited manner which will streamline the process for most routine, and emergency repair applications.

- A formal process for pre-application consultations, which will allow residents to gather feedback prior to finalizing their scope of work and submitting their application. As a result of this consultation, HAC will be able to enter into the minutes a *Recommendation for Conceptual Approval* if it finds the proposed work is appropriate, with details to be reviewed and approved at a later date.
- A short glossary, which includes definitions of what constitutes a Key, Contributing or Non-Contributing building, as well as which scope of work is considered routine maintenance or in-kind repair for the purposes of an expedited review.
- A detailed list of what supporting documentation is required for each scope of work for which an application is submitted. This documentation is included in each section outlining appropriate and inappropriate treatments.

### ***Design Guidelines***

The updated Design Guidelines determine what an appropriate treatment is based on two factors: the architectural and historical significance of the building, and the proposed scope of work. This is reflected in the tiered approach of the *Guidelines*, both in terms of who conducts the review (staff/consultant or Commission) and which treatments are deemed appropriate.

The Guidelines retain an emphasis on retaining the overall form, materials and details of a historic building or site, protecting historic materials and features through regular maintenance and appropriate temporary protection from adjacent work, and new construction/infill compatible in size, massing, siting and detailing with the character of the Historic District. But the updated Guidelines also reflect more contemporary concerns by specifically addressing:

- The appropriate use of alternate modern materials, in a manner that will not negatively impact the character and significance of the Historic District.
- The issue of barrier-free access and compliance with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.
- Alterations to allow for adaptive reuse rather than demolition and new construction.

There are individual Design Guidelines sections for roofs, cladding, exterior masonry, doors, windows, porches, streetscape, barrier-free access, new construction and new additions to existing construction. Each section has been designed to be a stand-alone document that can be copied or downloaded from the City website as needed, with the following format:

- A policy summary of what is or is not appropriate for key, contributing and non-contributing buildings;
- Definitions relevant to the specific scope of work of the section;
- Design considerations and detailed guidelines for key and contributing buildings;
- Design considerations and detailed guidelines for non-contributing buildings;
- Use of alternate materials;

- Documentation (drawings, photographs, material information, samples, etc) to be submitted with the application for effective processing;
- References.

#### **D. RECOMMENDATIONS SUMMARY**

The updated Guidelines include changes to streamline the process and clarify the design parameters. Some of the proposed changes pertain to the rules and procedures of the Historic Area Commission, and will not require any changes to existing regulations; other recommended improvements will require modifications to the current zoning ordinance. The proposed changes - noted below - were discussed with the City of New Castle’s legal counsel.

Throughout the update process, PFA also identified action items that were not included in the scope of this project but will be critical to improve the application and review process. These items are listed in the “next steps” section below.

##### ***Recommendations***

1. ***General:*** Remove references to “colonial period” and focus on the *historic* character of Old New Castle which includes a majority of mid-to late nineteenth century buildings (§230-52.A (3)).  
*Requires change to the Zoning Ordinance*
2. ***Term Limits:*** Include term limits for HAC members other than the Architect who is a consultant to City Council. Members of HAC would serve for three year terms, with no more than two-consecutive terms.  
*Requires change to the Zoning Ordinance*
3. ***Architect Member:*** stipulate that the Architect member be an architect registered in the State of Delaware (not an AIA member).  
*Requires change to the Zoning Ordinance*
4. ***Architect Member:*** voting member or serving in advisory capacity without voting

The issue of whether the Architect member should be allowed to vote or serve in an advisory capacity was raised in a number of public comments and discussed by the HARC and by current HAC members (the current Architect did not participate in this discussion other than to respond to background information questions and did not provide any recommendation on this matter):

- A number of members of the public were of the opinion that as a non-resident, the Architect should not be a voting member.
- The consensus of the HARC, confirmed at the March 24<sup>th</sup>, 2015 meeting, is that the Architect should remain a voting member of HAC.
- HAC members consulted in the meeting of March 12<sup>th</sup> 2015 were of the opinion that the Architect member should have an advisory role, and not be allowed to vote.

The draft Guidelines reflects the consensus opinion of the HARC that the Architect should remain a **voting** member of HAC. If it is determined that the Architect member must not have voting privileges, then the membership of the HAC will have to be increased by one additional member to provide a tie-breaking vote. It will also have to be determined how the fifth member will be selected.

*May require change to the Zoning Ordinance*

5. Tiered Review: Implement a tiered review approach, based on the significance of the building (Key, Contributing, Non-Contributing), the scope of work, and its visibility from the public right-of-way. This will allow some applications to be reviewed by City staff or a qualified consultant on a rolling, expedited basis without full HAC review.

Note: The definition of a “Key” building is: *A building, site, structure or object of outstanding quality and state of conservation, which individually significantly enhances the Historic District’s significance.* Examples in New Castle would be Old City Hall, the Arsenal, the Read House, the Old Library, the Amstel House, etc.

To date, buildings have been classified in the 1984 National Historic Landmark District inventory as contributing or non-contributing. An updated classification of which buildings are currently considered to be key, contributing or non-contributing can be addressed with an updated inventory of the buildings in the Historic Districts (see next steps section below). Until then, buildings may be identified as key based on their outstanding historic significance and integrity; most of them in the Historic Residential and Commercial Districts are easily identifiable.

6. Pre-Application Consultations: Include in the process Pre-Application Consultations, which may result in a *Recommendation for Conceptual Approval* if the HAC finds the proposed work is appropriate, with details to be reviewed at a later date. This will require modifying the Application Form to include a line item and finding for a Pre-Application Consultation.

*May require change to the Zoning Ordinance*

7. Review and Inspection: Implement the “Review and inspection” of completed project by HAC to ensure compliance, prior to issuance of certificate of occupancy, stipulated in §230-45.B of the Zoning Ordinance. The Application Form must be modified to ensure HAC members have right-of-entry to inspect the work not visible from the public right-of-way, and to officially document for the record the finding of the inspection. Legal counsel recommends that it be stipulated the inspection must be conducted by two members of HAC.

8. Purview: The existing ordinance extends the purview of HAC to all work performed in the Historic Residential (HR) District, or Historic Commercial (HC) District (§239-2(5), §230-45).

Note: There is a discrepancy between the limits of the 1984 expanded boundaries of the National Historic Landmark (NHL) District, and the boundaries of the HR and HC Districts. As a result, there are areas of the NHL District that are outside the purview of the HAC. There are also individual buildings, listed on the National Register of Historic Places, that are outside the boundaries of the HR and HC Districts, and thus currently outside the purview of HAC. The *City of New Castle Comprehensive Plan 2009 Update* recommended that the City explore the possibility of extending the applicability of the HAC to resources outside the boundaries of the HR and HC Districts.

In the current code, Chapter 130 – Floodplain Management, provides accommodations for Historic Structures defined as (§130-2) any structure listed, or deemed eligible for listing, in the national or local register of historic places, or part of, or deemed eligible for listing as part of, a registered historic district in the national or local register of historic places. There is also a provision in Chapter 141 - Dangerous or Vacant Buildings, that requires consultation with HAC for any repairs, vacation, or demolition of a building determined to be dangerous which is located within an historic district or is eligible for nomination to the National Historic Register (§141-5.A(1)). Both of these definitions extend beyond the boundaries of the HR and HC Districts.

It is not the intent of this work to significantly extend the purview of the HAC at this time; however, it is recommended that it be made consistent with the definition of a *Historic Structure* as noted in §130-2,

and the buildings provided protection under §141-5.A(1). For this reason, the updated Guidelines propose the purview of HAC should include the Historic Residence District, the Historic Commerce District, and buildings eligible for listing on the National Register of Historic Places. This would allow the inclusion of both the National Historic Landmark District, and individual buildings outside the current limits; however this would not extend the limits to the extent recommended in the Comprehensive Plan Update.

*Requires change to the Zoning Ordinance*

### **Next Steps**

#### **1. Applying for Certified Local Government Status**

The City of New Castle intends to apply for *Certified Local Government* (CLG) status. The Delaware CLG Program is administered by the Delaware State Historic Preservation Office (DE SHPO) in partnership with the National Park Service (NPS). The CLG status would make New Castle eligible for grant funding to support a range of non-construction activities such as preservation-related public outreach projects (brochures, websites, walking tours, etc.), training for staff and HAC members, National Register nominations and architectural and archaeological surveys.

One of the requirements to qualify for CLG status is that the local code should include a local designation process, with local designation criteria, to designate buildings individually or as part of a district. This local designation process differs from the National Register of Historic Places designation as it entails specific restrictions (such as HAC oversight, etc). Although it is not required, typically local designation criteria are influenced by the National Register criteria.

#### **Recommendation:**

Since including a designation process and criteria is a pre-requisite to obtaining the CLG status, PFA recommends that new language be added to the ordinance and has included sample language for reference purposes only (Appendix D).

**Note:** Including the designation process and criteria will require changes to the ordinance. The City of New Castle may want to consider adding this language when it updates the ordinance to implement the updated Guidelines recommendations in order to go through the ordinance update process only once.

#### **2. Historic Buildings Inventory:**

The National Historic Landmark District includes an exhaustive list of all the buildings within the limits of the NHL district, which overlaps significantly with the HR District. This inventory has categorized the buildings as contributing or non-contributing, based on their level of physical integrity and significance. This inventory is now over 30 years old, and conditions may have changed significantly over time.

In order for residents to easily effectively which properties or buildings are subject to HAC review, they should have easy access to up-to-date information. As part of this Guidelines update effort an Excel database was developed listing all buildings in the NHL District, including buildings within, and beyond the boundaries of the HR and HC Districts. It is recommended that an updated inventory of the resources in the HR and HC Districts be

conducted using the National Historic Landmark District information as a starting point. This will help clarify the classification of each building as key, contributing or non-contributing, and help applicants determine which treatments are appropriate.

3. *Implementation of City of New Castle Comprehensive Plan 2009 Update Recommendations*

Develop a map identifying one single boundary of the area under the purview of HAC, as well as the buildings in New Castle listed or eligible for listing on the National Register of Historic Places should be developed.