

Planning Commission
229 Rehoboth Avenue
P.O. Box 1163
Rehoboth Beach, Delaware 19971



City of Rehoboth Beach
Telephone 302-227-6181
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July 13, 2020

Via E-mail and Regular U.S. Mail

Mr. Wesley Paulson
Clear Space Theatre
20 Baltimore Avenue
Rehoboth Beach, DE 19971

Mr. Wesley Paulson
Rehoboth Spotlight
20 Baltimore Avenue
Rehoboth Beach, DE 19971

Re: Applications for Site Plan Review Nos. 0620-03 Clear Space Theatre and Rehoboth Spotlight
Preliminary Review by City of Rehoboth Beach Planning Commission Held on July 10, 2020

Dear Mr. Paulson:

Thank you for your participation in the Preliminary Review of the captioned site plans at the virtual regular meeting of the City of Rehoboth Beach Planning Commission ("Planning Commission") held on Friday, July 10, 2020.

Enclosed are written comments and recommended action items for your consideration that reflect the primary concerns and requests for additional information of the Planning Commission to be addressed by Clear Space Theatre and Rehoboth Spotlight on or before the public hearing on the captioned applications, currently scheduled for Friday, August 14, 2020 at 1:00 pm. Unless there is a change in circumstances, we anticipate the public hearing will be a Virtual Public Hearing.

If you have any questions regarding the attached comments and recommended action items, please do not hesitate to contact the undersigned at richard@perryde.com or Jeffrey A. Trunzo, Vice Chairman at Trunzo.jeffrey@gmail.com.

We look forward to receiving your responses.

Best regards,



Richard J. Perry, Jr.
Chairman, Planning Commission

cc: Jeffrey A. Trunzo, Vice Chairperson
Stephen Lee Weber, Secretary
Members of the Planning Commission
Damalier Molina, Building Inspector
Matthew Janis, Assistant Building Inspector
Sharon Lynn, City Manager
Glenn A. Mandalas, Esq., City Solicitor
Ann M. Womack, City Secretary

CITY OF REHOBOTH BEACH PLANNING COMMISSION WRITTEN COMMENTS &
RECOMMENDED ACTION ITEMS FOR CLEAR SPACE THEATRE AND REHOBOTH
SPOTLIGHT, INC. APPLICANTS
PRELIMINARY SITE PLAN REVIEWS HELD ON JULY 10, 2020

The following comments and recommended action items apply individually as well as collectively to the Site Plan Review Applications No. 0620-03 made by Clear Space Theatre and Rehoboth Spotlight unless by its terms is/are clearly applicable to only one such application:

1. Address concerns of abutting residential property owners (your rear property line) regarding:

-Sound/noise including, but not limited to, sound and noise mitigation from within the building (e.g., during performances, intermissions, arrivals/departures). Are you willing to provide signage and reminders to patrons to be respectful of neighbors when arriving and departing?

-Landscaping: There is already a tall, green contiguous tree buffer established on the residents' landscape. Please describe what additional landscaping and/or rear exterior wall enhancements can you provide/are willing to provide.

2. Neighborhood relations: Undertake a comprehensive outreach to the neighborhood (abutting and adjacent property owners) with an emphasis on residents within reasonable proximity to the proposed property sites of the projects (e.g., within 1,000 feet). At the time of a public hearing on the Clear Space and Spotlight applications, provide a report that includes, at a minimum, details of the scope of your outreach (e.g., number of residents you reached out to and number with whom you had discussions or received responses, results of your outreach, and any issues raised and your responses. The Planning Commission highly recommends undertaking this outreach now, particularly on Sussex Street.

3. Please provide a full set of architectural drawings at a minimum size D, produced in a readable font, and include renderings that depict the proposed projects in relation to the Rehoboth Avenue Streetscape and impact on properties to the rear of the proposed projects.

4. Façade: Both the public and members of the Planning Commission expressed concerns regarding the "warehouse/industrial" finish or "tone" of the Rehoboth Avenue façade of Clear Space, in particular. Please consider whether you can make the façades more aesthetically harmonious with the character of the Rehoboth Beach seaside community character. Please consider use of other exterior wall surface coverings, window designs and/or artwork on façade that speaks to a seaside community as well as other enhancements to reflect the prominent location at the entrance to our beach community.

5. Mobility: Provide an updated analysis of how you anticipate people will arrive and depart the proposed facilities (e.g., methods of transportation to include walking, biking, scooters, carpooling, Lyft, Uber, taxi, vanpooling, water taxi, Jolly Trolley, driving, and any other mode known or likely to be used by patrons). We recommend that you contact the Planning Department at DeDOT to discuss issues involved in a "complete streets program".

6. Public Space in front of the property line, not owned by Clear Space/Spotlight, extending to the curb: Currently there are three (3) parking spaces and three (3) curb cuts. Please provide status of

discussions with involved parties, such as DelDOT and the City to reconfigure these areas for delivery and pick-up, and possibly a layby/drop-off or other means of facilitating safe drop off and pick up of patrons and deliveries? Please discuss whether and to what extent Clear Space/Spotlight is willing to consider extending and implementing the street appeal of its courtyards and walkways by integrating upgrades with the City sidewalk infrastructure and harmonizing with the Rehoboth Avenue Streetscape.

7. Programming details: Please provide proposed hours of operations (including details of production hours (starting and ending – estimated if necessary), address safety considerations before and after performances that you reasonably foresee, and any plans to provide traffic and pedestrian assistance, such as hiring/paying for extra duty police officers to address pedestrian/traffic concerns at certain critical times (e.g., start times/ending times of productions).

8. Wayfinding: What, if any, discussions have you had or plan to have with the City regarding integration with the City's wayfinding program?

9. Underground building options: What, if any, options exist to build any aspect of the facilities below grade? Have you considered them? What are your conclusions?

10. COVID-19 implications: What consideration have you given to the impact of the current COVID-19 pandemic's impact on your operations? Recovery plan? How does it impact your future operations (e.g., potential for fewer patrons, need to continue to social distance, impact on financial sustainability)? To the extent available, what plans for continuity of operations during future public safety or public health emergencies do you have?

11. PLEASE NOTE: Each proposed project application will be acted upon individually. If and when any approvals are granted by the Planning Commission, either or both approvals of the Clear Space and Spotlight applications may be subject to certain conditions, including, but not limited to, conditions relating to the matters enumerated above as well as any others that the Planning Commission considers reasonable (e.g., conditions that required that each of the applications is conditioned upon approval of the other, that the approval of an application is conditioned upon the construction of the proposed project pursuant to the other application, restrictions/limitations on use of rooftop areas).

Dear Mr. Paulson: Subsequent to our recent transmittal to you of the list of comments and recommended action items pertaining to the captioned applications, several of the Planning Commission members believe an actual traffic analysis of potential impacts should be performed by a qualified traffic consultant. This should have been included in our earlier communication to you inasmuch as it was a topic of discussion during our Planning Commission meeting on July 10, 2020. As contemplated during those discussions, it would not require a full study including actual traffic counts but rather an analysis which could be based on national traffic standards utilized for theaters of the size proposed by Clear Space. The analysis could also include any modality information previously gathered by Clear Space itself.

Accordingly, we recommend Clear Space seek a proposal(s) from a qualified traffic consultant for such a limited scope of work, prior to the scheduled public hearing on August 14, 2020. We do not believe the cost of such a limited analysis would be prohibitive and would be of benefit to Clear Space in addressing public concerns expressed at our recent preliminary site plan review as well as be of benefit to the Planning Commission in its consideration of a site plan review of your proposal.

Further, we request that you obtain such a proposal as soon as possible in order for the analysis to be provided to the Planning Commission members prior to the August 14th public hearing. Lastly, if for any reason an analysis cannot be completed prior to the public hearing, in which case we request that you submit what efforts you have made to secure such an analysis, it may still be required as part of any subsequent conditions placed on any approval of Clear Space's application if and when approved.

On behalf of the members of the Planning Commission, thank you for your urgent attention to this request.