



**CLEAR SPACE THEATRE COMPANY
RESPONSE TO PUBLIC COMMENTS AND POTENTIAL CONDITIONS
FROM 1/29/2021 PUBLIC HEARING**

RESPONSE TO COMMENTS:

1. The Baymart property on Rt 1 is not for sale. We cannot build on property we do not own nor have any prospect of owning. This conversation should be closed. Clear Space Theatre purchased the Rehoboth Avenue property in December 2019 for the specific purpose of building its new facility.
2. Clear Space worked with Grimm and Parker and the City Building inspector on calculating FAR requirements in early 2020.
3. Clear Space Theatre Company is not a registered Elementary, Secondary, or Higher Education Institution.
 - Our Arts Institute programs are a logical extension of our theatre performances within the core approval of the buildings under the permitted use of "Theatre" (§270-13c(3)(e)). The programs are not operated as a school.
 - Our Arts Institute offers 11 programs each year. Of these programs, five camps are offered each summer on weekday mornings; the rest are offered in the off season.
 - The summer camps do not have activity on weekends.
 - As noted in testimony at the Public Hearing, there are three yoga studios, one gym, and a senior citizen center which all offer classes and do not require parking spaces (although we acknowledge that the senior citizen center has six (6) parking spaces). As an example, one such business, Soul Fire Collective, offers 23 classes the week of February 1 - 6, 2021 alone. Requiring parking would be holding Clear Space to a different standard than other businesses in town and such parking is not required under the Code.
4. The roof deck feature was eliminated in 2019. The current design does not offer patron access to the roof and roofing material is not designed for events. Clear Space accepted this condition in connection with August 14, 2020 Planning Commission approval resolution.
5. The term cabaret is defined as a form of theatrical entertainment featuring music, song, dance, recitation, or drama. This is the type of entertainment Clear Space is referring to as a "cabaret." Clear Space does not plan a "cabaret" as defined in City code.
6. The Spotlight Building includes space for a walk-up food service facility serving small plates and walk-up service. The facility is not operated as a café as defined in the City Code §270-4.

7. Clear Space will continue to offer refreshments for sale in the lobby of the Theatre.
8. Refuse containers are marked on the submitted drawings. There was a question of containers being inside the Theatre building. These containers will be located “behind stage” and will not contain food waste.
9. The elevator has been reviewed by state and local fire agencies, the architect at Grimm and Parker, and the City building inspector and meets or exceeds fire safety requirements. This was approved and agreed to prior to August 2020.
10. Clear Space will not hold simultaneous shows in the Theatre and Arts Institute building. As stated, this does not work with the Clear Space business model.
11. Clear Space has normal operating hours of 8 am to 10 pm except for a few shows. A possible Halloween show, an end of summer season final bow, or a few specialty shows that run past 10 pm might be scheduled, but ALL would be completed by midnight, meeting the requirement of §143-1 Hours of Entertainment. There are a number of businesses within a block of the theatre that have operating hours until 1 am. Requiring activity to end by 10pm would hold Clear Space to a standard that does not currently exist and would be discriminatory.
12. There is continued mention of “out of date” surveys. The last year Clear Space has complete survey data is 2019. Due to COVID 19 during the 2020 season, survey data would be skewed due to smaller audiences to meet the 30% capacity state guidelines and would not be representative of more typical years.
13. In the current design, office space has been removed to meet City Code. During the pandemic, staff has been successfully working from home and meeting virtually. If the need for offices arises, Clear Space is confident that it will be able to find suitable office space in the downtown area.

RESPONSE TO CONDITIONS:

1. Clear Space will work with Chief Banks, the State Fire Marshal, the Rehoboth Fire Chief, and DeIDOT, as we have over the past 2 years, to determine a safe and efficient use of the pull-off spaces and fire access in front of the building. Clear Space will be open to adjustments or removal of the spaces as recommended by the above-mentioned authorities as the facility is opened.
2. Clear Space has committed to working with Chief Banks to plan traffic management for routine operations. This will include car and pedestrian traffic.
3. Clear Space encourages the adjacent residents in the Pines to explore extended permit parking hours in the neighborhood. Clear Space pledges its support to this effort where appropriate.
4. Clear Space will encourage patrons, volunteers, and staff to take alternative transportation through emails and our website. Clear Space will offer alternative transportation incentives in the form of discounts at the gift shop or future shows. Clear Space will work with alternative transportation organizations on joint advertising where possible.
5. Clear Space has agreed to the following in regard to noise:
 - a. An eight-foot fence, or one that meets city code, on the north property line.
 - b. Increased soundproofing of the emergency doors

- c. An additional layer of gypsum on the roof
- d. Clear Space will test the sound systems in advance of opening to meet the City Code for 65db. During operations, Clear Space will abide by all City Codes in relation to sound.
- e. Clear Space will include review of recommendations by our consultant at the time of testing. If the appellants wish to have a consultant present at the time of testing, they may do so at their own cost. The addition of outdoor sound monitoring equipment will be addressed at this time.