



**Clear Space Theatre Company and Rehoboth Spotlight, Inc.
Recap of requirements met for building permit
January 27, 2021**

Introduction

In August of 2020, Clear Space Theatre Company (CSTC) met the legal requirements to obtain the permits for The Spotlight Building, Lot No. 141 and Clear Space Theatre, Lot Nos. 137 and 139. During the August 14th meeting, the Rehoboth Beach City Planning Commission voted 7 to 2 to approve both applications.

According to the minutes of the August 14, 2020 meeting, the following reasons for approval were provided by the commissioners:

- “The site plan is fully compliant with the Code. It meets the spirit of the CDP in that arts and culture are very important to the community.”
- “...Specifically in the Executive Summary of the CDP in the very first sentence, it reads that cities and regions that thrive in the 21st Century will be identified by their lively neighborhoods and business districts, cultural and recreational attractions.”
- “...It will be a good addition and will work with the City.”
- “...and based upon a full and complete record which has had more than sufficient time to be considered and based upon that it is in full compliance with the existing CDP and the City's Zoning and Building Codes.”

At the August 2020 hearing the City Solicitor “...noted that the Public Hearings for both Applications were properly noticed and properly posted, and documentation was provided well in advance... He was satisfied that there is no legal flow with conducting the Public Hearings today.”

Below is a summary of requirements met by CSTC in the August 2020 approval of building permits for The Spotlight Building and Clear Space Theatre.

Motorized or non-motorized vehicular traffic flow, both on-site and off-site

Clear Space Theatre Company (CSTC) strives to add value to the City of Rehoboth Beach through live theatre at the beach. As part of adding value to the city, CSTC promotes safe and convenient transportation to the theatre. The following summarized traffic and safety concerns as they pertain to the permits.

The facilities are considered “other commercial uses” for purposes of calculating parking per City Code §270-35 (D)(8). Gross square footage and FAR are both calculated at less than 15,000 square feet for each building. No onsite parking is required.

Clear Space and Spotlight are NOT Educational Facilities as defined in City Code §270-4 Definitions for “Educational Facilities,” defined as Center for Higher Education, Elementary School and Secondary School. We are none of these.

A review of parking issues includes:

- There are 145 metered spaces from 4th street to the circle on Rehoboth Avenue and 75 metered spaces in Rehoboth Beach Convention Center Parking lot for a total of 220 metered spaces in the vicinity. This does not include additional side street metered parking.
- On an average night, Clear Space patrons would seek to use 54 spaces, utilizing less than half of the available spaces.
- On sold out nights, Clear Space patrons would seek to use 91 spaces, which is less than half the available spaces.
- Staff, actors, and volunteers are encouraged to use alternative transportation when coming to the theatre.
- We commit to continuing to promote alternative forms of transportation, as well as provide a map of available parking. The map will highlight available metered parking on Rehoboth Avenue and in the Convention Center Parking lot. Please see Appendix A for a mockup of text for our webpage dedicated to transportation.
- CSTC plans to offer an incentive program for proof of arriving by alternative transportation. This may be in the form of a gift shop credit or credit towards a future show.
- To reduce traffic, there is no plan to have simultaneous shows in the Spotlight and Theatre buildings.

In addition, Betty H. Tustin, of The Traffic Group, completed a traffic evaluation report in August 2020. This traffic evaluation summarizes traffic in Rehoboth Beach, particularly in the area of the proposed buildings. Highlights of this report include:

- In 2019, the average traffic per day was 26,454. Assuming a sold-out performance, 91 vehicles is only .03% of the total traffic. In 2019, CSTC had a total of 30 sold out shows for the calendar year.
- The report states that “Conversations with Police Chief Banks and DELDOT’s Chief of traffic Engineering indicated that traffic flow through the roundabout works well...”
- The report provides a summary of traffic data. Three years of crash data shows 31 crashes in the 1/3-mile section of roadway. Seven crashes resulted in injury, none were fatal, and 11 of the crashes were single vehicle. There were no pedestrian crashes. Three crashes involved motorcycles and two involved pedal cyclists.
- **The report concludes with the statement “...the relocation of Clear Space Theatre Company to 415-417 will not, in our opinion, present any detrimental nor undesirable transportation related impacts to the City of Rehoboth Beach, Delaware.”**

Access to structures

Access to the structures is on grade level with the sidewalk. Please see the drawings submitted for site plan review.

Access to public or private streets, easements, or other rights-of-way

The buildings are located on grade with the sidewalk in front of Rehoboth Avenue. There is no access to private streets or easements. The City-owned former railroad right-of-way borders the property between the property line and the sidewalk. Please see the drawings submitted for site plan review.

Pedestrian movement

Per the traffic evaluation report, “Pedestrians are accommodated via sidewalks and designated crosswalks with pedestrian signals at 1st Street/Bayard and at 2nd Street. Please see the complete traffic evaluation by The Traffic Group for additional information.

At the August 2020 Public Hearing, the Chief of Police testified “He did not see a problem with converting the parking spaces to 15 minutes for loading/unloading of patrons.” It was also noted that the City of Rehoboth Beach is willing to work with CSTC on this matter.

Fire equipment and other emergency access

Fire equipment and other emergency access has been approved by the State Fire Marshal. Details can be found in the drawings on file in site plan.

Refuse removal

Refuse removal from the Spotlight Building will be contained by external totes. Refuse in the theatre building will use totes stored in the building as shown on the site plan drawings. Both plans were approved by the City Building Inspector on June 12, 2020.

Landscaping and maintenance of natural features

The landscaping and maintenance of natural features can be found in the tree plan submitted to the City of Rehoboth Beach.

Drainage flow and structures

Drainage flow and structures were approved by Sussex County Water Conservation District. Please see site plans for additional information.

Stormwater management

Stormwater management was approved by Sussex County Water Conservation District on December 29, 2020. A drawing and letter of approval is on file with the City of Rehoboth Beach.

Signage

There is no specific exterior signage designed at this time. Any signage will be in compliance with the City of Rehoboth Beach code.

Lighting

Lighting design is shown in design plans on file with the City of Rehoboth Beach. These plans have been approved by the Chief Building Inspector.

In addition, through discussion with the neighbors, CSTC has agreed to use the minimum lighting required by city and state codes in the back of the building to limit neighbors’ exposure to light. Where permitted by Code, lighting density (watts/lumens) will be distributed over multiple fixtures to distribute the intensity of light in lower watts/lumens over a broader area.

Screening for certain uses

Use of the property located at 415 and 417 Rehoboth Avenue is permitted based on city code. A theatre is a permitted use as a matter of right under §270-13c(3)(e) Theatres and halls for the entertainment of guests.

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The City of Rehoboth Beach 2010 CDP plan, §8.3 states “The indicators of long-term stability in a downtown community - a grocery, a pharmacy, doctors, churches, a movie theater, residences.” And §9.3 of the CDP states “Today’s consumer requires diversity, entertainments, and relaxation.”

Recreational and open space areas

CSTC will provide a patio and walkway for patrons entering and exiting the buildings. Please see the plans for additional information

Utilities and community facilities

Utilities and community facilities are installed in compliance with City of Rehoboth Beach code.

Height of buildings

The buildings have a maximum height of 42 feet. Please refer to the drawings on file.

Existing scale and character of nearby properties

The exterior style of the buildings reflects its civic function: simple, modern but with a beachy flair, using lighting on the canopies and overhangs. The design compliments the mid-century design of the adjacent laundromat on the west and the Ark Condominium on the east. The scale and character of the buildings in relation to nearby properties can be found in the drawings provided for the site plan review.

Streetscape

The design and materials for the patio will complement the specifications for the existing pavers and concrete patterns in the City Streetscape.

Impact on nearby properties or the neighborhood

Traffic/Parking – Through discussions with neighbors, CSTC has agreed to promote alternative transportation methods to avoid increased traffic and parking. Please see Appendix A for a mockup of website text in reference to transportation. It should be noted that CSTC is already a successful business within the City of Rehoboth Beach. By moving and building a new theatre, based on patron surveys and past attendance receipts, CSTC will ONLY bring an additional 14 cars to the city on average performance days and 22 cars on sold out performance days. In 2019, CSTC had 30 sold out performances.

Operational Hours – Through discussion with neighbors, a concern on operating hours arose. CSTC has normal operating hours from 8 am to 11 pm. In addition, CSTC commits to adhering to all City of Rehoboth Beach ordinances relating to operating hours.

Noise – CSTC has been working with acoustic experts to determine additional steps that can be taken to mitigate noise. Through these discussions, CSTC has agreed to additional sound proofing on the roof in the form of an additional layer of gypsum, and CSTC will increase the sound proofing on rear emergency exit doors. These exit doors will be alarmed and only used in the case of an emergency. The acoustic report can be found on file.

Air flow, natural light, and similar environmental considerations

Air flow and natural light are brought onto the property by providing a 10 ft setback from the north property line and 10-15 ft, depending on location, open space between buildings. Natural light is provided to the buildings through large sea glass-colored window panes on the southside of the building.

Other public health, safety, and welfare concerns; and Comments and recommendations received from the City Engineer, City Departments, and the public.

- The project is supported by over 250 City residents and business owners signing a petition that was published in the Cape Gazette and provided to the Planning Commission.
- The project is supported by the Ark Condominium board of directors.
- The project is supported by Double J LLC, owner of the adjacent property on the west at 419 Rehoboth Ave.

Based on comments from the City of Rehoboth Beach and community members, the following changes have been made to the CSTC plans.

With respect to noise, we have committed to:

- Moving the HVAC unit on the roof of the Spotlight Building.
- Adding a water feature to create white noise on the patio between the buildings.
- Hiring a sound consultant, who verified that that existing plans are designed to limit noise in compliance with (or exceeding) City of Rehoboth code requirements and best practices.
- Upgrading the sound-insulating rating of the rear emergency doors.
- Adding a layer of sound-deadening gypsum to the roof and green glue between layers.
- Adding an 8-foot fence along the back side of the property abutting neighboring properties to the north.
- Planting 16 trees as a buffer between the rear of the buildings and the north property line.
- Adding a fence between the buildings to discourage wandering at the rear (north side) of the property.

With respect to traffic and parking, we have committed to:

- Commissioning an independent traffic study, with The Traffic Group, which concluded the relocation of the theatre would not present any “detrimental or undesirable transportation related impacts to the City of Rehoboth Beach”.
- Developing a parking map to discourage patrons from parking on Sussex, Kent and adjacent streets
- Promoting alternate forms of transportation to the theatre through CSTC website, ticket emails, and word of mouth.

Appendix A

By Public Transportation:

Tired of feeding the meters in the summer? Clear Space highly recommends taking the DART Park and Ride bus, the water taxi, UBER, or the Jolly Trolley from just outside of town. You can avoid the hassle of downtown traffic and parking altogether! Bring proof of using alternate transportation to the theatre on show days and Clear Space will give you a voucher for the gift shop or for a future performance.

DART:

If you'd like to avoid the traffic hassles and parking headaches in downtown Rehoboth, use DART First State's Park & Ride Lots located at Transit Centers in Lewes and on Shuttle Road. All buses are air-conditioned and equipped with wheelchair lifts. Ride in comfort on DART First State buses to the Boardwalk. **PARK FREE IN LEWES.** Click here for more information

In 2020, Rehoboth meters were \$3 per hour. Most patrons park for three hours = \$9.00 (or more if they are including dinner or other related activities). Park at the park and ride for free and travel into town by bus. Bus fares in 2020 were: \$2 per person one-way, \$.80 for seniors one-way, and \$4.20 for an all-day pass. All busses are airconditioned and equipped with wheelchair lifts. Ride in comfort on DART First State boardwalk shuttle buses to the bus stop at State Road and Rehoboth Avenue which is a short walk to the theatre. A return bus stop is located in front of the theatre. With bus stops conveniently located throughout the resort area, you won't need to worry about where to park, feeding the meter, or how to get from one place to another.

JOLLY TROLLEY:

The Jolly Trolley provides transportation between Rehoboth Beach and Dewey Beach. The trolley has a stop in front of city hall, a short walk to the theatre.

View the Jolly Trolley and Park and Ride maps and schedules.
DART BUS: 800.355.8080 DART Resort Transit Bus Service
JOLLY TROLLEY: 302.227.1197 www.Jollytrolley.com

Water Taxi:

Details to be filled in once the taxi is in operation.

By Car:

Parking:

Clear Space Theatre shares its property line with private residences located on Sussex Street, 5th Street, Columbia Avenue among others in the Pines neighborhood. We ask that you respect our neighbors and not seek parking on these streets as shown on the map below.

Please click on the map for an enlarged view.



Off-Season:

Meters are not in effect & there are no parking restrictions for non-metered spaces in downtown Rehoboth after the second Sunday following Labor Day. Please do not park on Sussex Street, 5th Street, Columbia Avenue among others in the Pines neighborhood adjacent to the Theatre as described above.

Summer Season:

Free Spaces – At this time, there are a limited number of free, unreserved parking spaces available to Theatre patrons at Grove Park and M&T Bank.

Non-Metered Spaces - Parking Permits are required for non-metered spaces from the Friday before Memorial Day through the second Sunday after Labor Day, 10:00 am to 5:00 pm daily. All Non-Metered parking spaces in downtown Rehoboth are available after 5:00 pm every day. No parking permit is required. Please do not park on Sussex Street, 5th Street, Columbia Avenue among others in the Pines neighborhood adjacent to the Theatre as described above.

Metered Spaces- Parking meters are in effect from the Friday before Memorial Day through the second Sunday following Labor Day, from 10 am until 10 pm. All street parking is metered in-season and first come first serve. In addition to street parking, Rehoboth Beach offers metered parking at the Convention Centered

located behind Town Hall.

For more information about parking rules, permits and meters, please visit Rehoboth Main Street