

JIM ELLISON, PLANNING COMMISSIONER

SUGGESTIONS FOR PROPOSED NEW FORMAT/LAYOUT

You have made the CDP much more readable, especially with regard to differentiating the structure and subsets of text. I still have a few suggested tweaks for your consideration.

- The second level of header (blue bold caps underlined) and third level (black bold caps) need further differentiation. The black tends to read as bolder than the blue. A simple fix for this is to drop the bold from the black cap header. This will allow the bold blue to more clearly read as a higher order, and will still allow an adequate differentiation between the third and fourth levels of headers.
- You seem inconsistent with regard to the fifth order of header/text. Perhaps at this low level it doesn't matter that much. In some instances, you have chosen blue italicized text indented. In others, you have chosen black bold text with indented bullets. Up to you whether it matters.
- I suggest that you return to a body text size of Calibri 11 rather than 12. This would make the headers stand out more and reduce the overall number of pages in the document.
- At the top of the chapters, I suggest capitalizing the principal topics in the chapter, in the orange box, as this is the way readers will see these topics as they appear in the subsequent text.

CHAPTER BY CHAPTER COMMENTS AND SUGGESTIONS

Chapter 1

- Page 1-6: City Positions: Chapter 4 goal 5 and Chapter 5 goal 1 are virtually identical. Do we need both?
- Page 1-7: Chapter 7 goal 6: Drop "maintain" and "improve". Too many descriptors.

Chapter 2

- Page 2-2: First bullet: Add "the" in "Meet the state requirement..."

Chapter 3

- Page 3-6: Move the "Architectural Design Manual" section to a position after the description of "Neighborhoods". It is a more logical fit there.
- Page 3-8: Neighborhoods: The Pines: The map incorrectly runs through the middle of Henlopen Avenue even though those of us who live on the north side of that street are surely in The Pines. The map line should be on the City line with Henlopen Acres.
- Page 3-11: Historical Resources: This section needs to be restructured as follows: Following the initial two paragraphs, insert the "Architectural Survey 1990" section, which will then be followed by the "National Register" section with its ending that indicates that Rehoboth Beach has only two recognized historic sites. Then add the following statement that indicates what Rehoboth Beach should do: N "It is recommended that the City take steps to increase public awareness of and appreciation for historic structures, and consider other actions to preserve and protect these valuable resources."
- Page 3-26: Goals and Actions for Community Profile: This is a very weak goal. This is where inclusivity needs to be featured. I suggest this goal: "Continue to support inclusivity with respect to City policies and its events and other activities."

Chapter 4

- Page 4-9: Section on Annexation: This text should include a statement that the City has no intention to initiate annexation.... This appears in the Goals and Action Plans that follow, but it should be in the main statement as well.
- Page 4-11: Action Item f: This item regarding the Architectural Design Manual should be moved to Chapter 3.

Chapter 5

- Page 5-10: City position: Change “would” to “will”.
- Page 5-14: Detailed information on Rehoboth Beach Main Street and several other agencies should be moved to an appendix.

Chapter 6

- Page 6-10: Pedestrian and Bicycle Initiatives: There is no mention of the Gordon’s Pond Trail, completed several years ago and extremely popular. You MUST include one or more references to this trail, whether or not the State data you are relying on doesn’t include it. Map 7 should also show this trail, as it shows the Junction & Breakwater Trail. If the map cannot be altered, some other indication of the existence of the Gordon’s Pond Trail should be included.
- Page 6-14: Action Item b: The City’s Bicycle Plan has always included the connection to the Gordon’s Pond trail. I know. I wrote it.
- Pages 6-16 and 17: All the descriptions of the City water system, Sourcewater, Stormwater, etc., could be trimmed or put in an appendix.

Chapter 7

- Page 7-5: AGAIN, is this the first reference to the Corps of Engineers???? If so, it should be spelled out instead of relying on the acronym.
- Page 7-6: Canal Dredging by the Corps has now been approved for 2022. This needs to be updated as well as the associated Goal/Action Plan.

Chapter 8

- Page 8-2: Plan (CDP) Update: Second paragraph: This is confusing. Are we looking at a 5-year update in 2025 or 2027? Is it correct to say that the 5-year update is to determine if the CDP “is sufficient to guide Rehoboth Beach development decisions through the next full update”? Does this mean until completion of the next full update? Sounds like it could mean through the ten-year period of the next full update, or 2040. Needs clarification.

Appendix C

- Page AC-2: First paragraph: “...based on information collected by the Planning Commission as a part of ~~their~~ its... interviews.”

TO: Lauren Good, Wallace Montgomery
Michael Bryan, Chair, Planning Commission

FROM: Nan Hunter and Julie Davis

DATE: January 27, 2022

SUBJECT: Comments on CDP Draft #4

1. General Comments:

Chapter 1: Add Action Items from Chapters 3-7 and 8 for each set of Goals. We acknowledge that the Goals set forth in Chapters 3 through 8 have been included in the Chapter 1 Executive Summary in Draft #4. However, there was a strong consensus at the January 14th joint meeting of the Board of Commissioners and the Planning Commission that for ease of reference the Executive Summary in Chapter 1 should include all the substantive elements of the CDP, including the Action Items for each Goal. The Action Items, however, are still missing from the Executive Summary in Chapter 1.

Chapters 5 and 6, and Appendix C: The blackline versions of these Chapters and Appendix C include a significant amount of blacklined text that is identical to the text of these Chapters and Appendix in Draft #3. This inaccurately indicates that a substantial number of substantive changes have been made to these Chapters.

Tables and Figures: Although several of the 50+ tables and 30+ figures in Draft #3 have been edited or moved to a new Appendix B, the text of Chapters 3-7 in Draft #4 is still cluttered with tables and figures of questionable relevance to the City's future land use planning activities. Unfortunately, because issuance of Draft #4 was delayed by a week, there is insufficient time to give the tables and figures in Draft #4 and Appendix B the attention they need before the Planning Commission's special meeting tomorrow. We suggest that the consultants advise the PLUS group that there will be some additional editing of these tables and figures following submission of Draft #4 to the State.

Formatting Issues: Some of layout changes have been included in Chapter 7. We leave it to other members of the Planning Commission with more training in the visual arts to provide comments on these issues and work with the consultants on reformatting the entire document after Draft #4 has been submitted to the PLUS group.

City Committees and Community Organizations (Appendix C): As our prior comments have noted, the write-ups of City Committees are widely inconsistent in their length and level of detail. In addition, some of these write-ups were drafted by prior Committee chairs nearly three years ago. We believe that following submission of Draft #4 to the PLUS group, the consultants should return these Committee write-ups to the current chairs of each Committee for updating and editing to a specified length (e.g., by imposing a word limit).

In addition, although Appendix C in Draft #4 now distinguishes between “Community Organizations Primarily Serving Rehoboth Beach” and “Community Organizations Primarily Serving the Greater Region,” the write-ups were for the most part drafted several years ago, and they are widely inconsistent in terms of their length and detail. We also suggest that the write-ups for all these organizations (like the write-ups for City Committees) be sent back to the respective organizations for updating and editing to a specified word limit.

Terminology – “Mixed-Use”. One of the terms that the Planning Commission has repeatedly discussed, and which appears at various points throughout the CDP, is “mixed-use” to describe a potential zoning category and/or a type of development that includes both commercial and residential uses on the same site. Currently, the descriptive language varies slightly from place to place in the document.

Some examples include Goal 5 to Land Use & Annexation, which appears in Chapters 1, 4, and 8; Action item k) for Land Use & Annexation, which appears in Chapters 4 and 8; and Goal 1 for Housing, which appears in Chapters 1, 5 and 8. See also, the first paragraph of “Mixed-Use Zoning” section in Chapter 4. Although the language in these various Chapters is not contradictory, the inconsistency in wording may lead to confusion that can be avoided by eliminating different formulations of this zoning category or type of development.

For example, for purposes of coordinating this Goal with the CDP’s Future Land Use Map, we think it is important to make clear that any changes to the zoning code to allow mixed-use commercial and residential housing uses on a single site should be made to an existing or new commercial zone and applied only to properties within the City’s existing “commercial districts” (as opposed to its “commercial area,” “business area,” “business district,” etc.), subject to specified development controls and requirements re compatibility with surrounding residential and commercial properties.

In addition, we believe that the clear sense of our discussions has been to encourage community input, another point that is not now consistently included in the language regarding mixed-use zoning and/or development.

We therefore suggest that the following language be used in each statement of Goals and Action Items involving “mixed-use:”

Consider [or Examine and Evaluate] adopting a new mixed-use zone or amending an existing commercial zone to allow a mix of appropriately located and designed residential and commercial uses that would provide increased housing opportunities on individual properties within the City’s commercial districts without adversely impacting nearby neighborhoods or violating the overall small-town scale of the City, taking into account input from community and business stakeholders.

Spelling throughout: Please correct misspellings of the word “ambience.”

2. Specific Comments:

Chapter 2, page 2-5, Key Focus Areas/Priority Actions: The comments from JWD/NDH on Draft #3 noted that the Priority Actions in the table below all involve traffic management issues and strategies. We acknowledge that these Priority Actions were included for this Key Focus Area in the 2010 CDP. However, we continue to believe that these Priority Actions should also address the subject matter of this Key Focus Area: the City's "continued residential ambience," its "resort attractiveness," and its "favorable business climate."

Key Focus Area: The continued residential ambience, resort attractiveness, and favorable business climate of the city.	Priority Actions: <ul style="list-style-type: none">• Develop clear, well-defined, publicly supported policies for traffic management based on the following principles: (1) Access for people should not be inhibited; rather access by people must be increased while traffic is decreased. In other words, Rehoboth will accept more people, it will not accept more cars. (2) Rehoboth is essentially built-out; traffic management must rely on improving connections within and without the City and improving knowledge and acceptance of how to use the connections. (3) The overall aim of traffic management in Rehoboth to retain the pedestrian orientation of the City by getting cars off the streets and allowing people use alternate means of moving about the City such as walking, biking, and shuttle services.• Adopt a "Complete Streets" policy to assure that as opportunities to revamp streets occur such streets are designed and operated to enable safe access for all users and connected in a City-wide integrated network.• Prepare a plan defining City-wide alignments for a connected bikeway system.• Adopt an Emergency Operations Plan with appendices that spell out specific responses to public emergencies that is kept updated, widely publicized, and made readily available.• Explore the creation, possibly as a public-private joint venture, of a water taxi connection with Lewes.
--	--

Chapter 4, pages 4-8 and 4-11; and Chapter 8, Land Use Action Item j): Delete the reference to "ocean block" structures from the descriptive text and the Action Item. The Action Item should read, "Add the category of oceanfront commercial buildings to those for which site plan review is required."

Chapter 5, page 5-10, and Chapter 8, page 8-6, Housing, Action Item a), edit as follows:

- a) ~~Continue to~~ **Strictly** enforce the City's vacation rental housing regulations, health and safety inspections, and licensure.

Note that the JWD/NDH comments on Draft #3 recommended that "Continue to enforce" should be changed to "Strictly enforce" based on our view that the City can and should exercise strict regulatory control over all rental housing within its limits, especially seasonal rentals. Our comment was also based on the sentence that appears in both Draft #3 and #4 in Chapter 3, page 3-23, Community Character & Profile, at the end of the section headed "**SUMMARY OF POPULATION DATA**":

"The City should also ensure that its rental licensure, occupancy limits, and occupancy tax requirements are strictly enforced." (Emphasis added.)

Chapter 7, pages 7-2 and 7-19, Environment Protection: The first paragraph of the Chapter discusses the “importance of free open access, which is a core value associated with Rehoboth’s beaches.” The sentence is repeated in the section headed “Water Resources” and “Ocean and Beach.” As the JWD/NDH comments submitted on Draft #3 noted, there is already widespread concern that the beach and Boardwalk are becoming overcrowded, thereby creating safety and other problems for visitors as well as for residents and property owners.

Significantly, the responses to the 2019 Survey of the City’s Business Community reflect widespread safety and other concerns about overcrowding of the beach and on the Boardwalk, especially by “day trippers” who contribute little to the City’s economy. This suggests that preserving uncontrolled public access to the City’s beach and Boardwalk may not be feasible and/or desirable in the future. This sentence should thus be edited to delete any suggestion that “free open access” to the City’s beach and Boardwalk is now, or should be in the future, a core City priority. Instead, the sentence should clarify that the City should allow “public access consistent with health and safety concerns”.

Chapter 7, page 7-25, Greenhouse Gases: Our Comments on Draft #3 noted that reduction of greenhouse gases should be a high priority with respect to City efforts regarding environment protection, However, our Comments also noted that the discussion of this issue in Draft #3 focused almost exclusively on State initiatives to address fossil fuel emissions and climate change, stating only that the City is actively considering adding more electric vehicle charging stations within City limits. Surely the City has or should develop more plans to address climate change in general, and reduction of greenhouse gasses in particular, which could be discussed in Draft #4.

Chapter 7, page 7-27, Action Item e): The text states categorically that the City should require “that all municipal facilities, City-funded projects, and City infrastructure projects be constructed, renovated, operated, maintained, and deconstructed using Green Building, Low-Impact Development (LID), green infrastructure, and Conservation Landscaping principles and practices.” Our comments to Draft #3 questioned what is meant by “Conservation Landscaping.” No explanation has been provided in Draft #4. Reference to a standard source may provide explication for “Conservation Landscaping” as well as other technical terms used in this sentence.

Good, Lauren E.

From: Michael Strange <njmresearch@yahoo.com>
Sent: Wednesday, January 26, 2022 2:02 PM
To: Good, Lauren E.
Subject: Re: 221026.0001 - Rehoboth Beach Comprehensive Plan - File Transfer: Updated CDP Draft #4 - For Initial PC Review [EXTERNAL]

Hi Lauren, wow what an effort, thanks. Moving data to the Appendices and dumping irrelevant issues/photos was excellent. I only have one specific comment which reflects my previous comment on a single paragraph that might be put as a preface before everything else in the 2020 CDP. Paragraph #4 from the Executive Summary of the 2010CDP on page 11 is an excellent "stage setting" observation that was true previously and is still true in 2020 and probably for the next 10-20 years. In the current rewrite of the 2020 CDP it was paraphrased in paragraph 3 of the Executive Summary, but in my opinion the rewrite talked more and said less! The original wording is far more compelling and direct, regardless of any individual's social leaning on where the future lies, it is still true, Thanks, Mike.

On Tuesday, January 25, 2022, 08:49:55 PM EST, Lauren Good <lgood@wallacemontgomery.com> wrote:

Project: 221026.0001 Rehoboth Beach Comprehensive Plan

Notification about File Transfer Updated CDP Draft #4 - For Initial PC Review

Remarks

Good Afternoon,

Included in this file transfer, you'll find the following:

- PDF of full draft
- Individual chapter drafts in Word/track changes
- Compiled comment spreadsheet with notes/recommendations (comments listed by chapter/page and can be sorted in Excel)

Please note that Chapter 7 has a different look than the others. Based on comments received and a suggested example document provided by Jim Ellison, we revised the formatting/layout of this chapter for your review/comments. Based on any requested changes to this format/layout discussed during Friday's PC meeting, we'll update the remaining chapter formats accordingly.

We've also taken a stab at relocating some initial tables/figures to Appendix B (as well as deleting some that had little impact on the CDP). If there are others you would like moved from content chapters to the appendix, moved back from the appendix to the content chapters, etc., please either let us know or be prepared to identify on Friday.

Since we will be updating the entire CDP's formatting/layout, the Table of Contents **has not been updated** for the draft we are transmitting. We will do so as we are finalizing the draft for submission to PLUS. We will also cross-reference all table/figure/map/chapter numbers that are referenced within the draft itself as part of this effort - **some of the table/figure numbers may not**

Good, Lauren E.

From: Michael Bryan <mbryan@michaelbryanlaw.com>
Sent: Thursday, January 27, 2022 10:07 AM
To: Good, Lauren E.
Subject: FW: CDP Draft #4 [EXTERNAL]

Lauren—please see Luke Mette's comments below. This message just arrived.

Michael L. Bryan
116 South Braddock Street
Winchester, VA 22601
540-545-4130
mbryan@michaelbryanlaw.com

From: Luke W. Mette <LMette@atltp.com>
Sent: Thursday, January 27, 2022 9:45 AM
To: Michael Bryan <mbryan@michaelbryanlaw.com>
Cc: Luke W. Mette <LMette@atltp.com>
Subject: CDP Draft #4

Good morning Mike.

I reviewed relevant portions of Draft #4 that Lauren Good circulated on Tuesday.

Overall, I think this draft is a good, impressive document that is ready for continued, additional public comment (beyond the public engagement measures already undertaken in this process) and PLUS review before presentation to the Commissioners for adoption.

I have just a few observations:

- The Executive Summary restates all the Goals but none of the Action Items.
- In the meat of the document and in the Implementation chapter, both Goals and Action Items are stated.
- The PC may want to continue to review Action Items in particular, as some of them seem to be conflated with the Goals, and some of the wording is not consistent with the Goals.

Happy to discuss in detail.

Regards, Luke

***** PRIVATE AND CONFIDENTIAL *****

This transmission and any attached files are privileged, confidential or otherwise the exclusive property of the intended recipient, Armstrong Teasdale LLP or its subsidiaries. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is strictly prohibited. If you have received this transmission in error, please contact us immediately by email (admin@atltp.com) or by telephone (+1 800.243.5070) and promptly destroy the original transmission and its attachments. Opinions, conclusions and other