



PLANNING & DEVELOPMENT
CITY OF NEWARK

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October 20, 2017

Mr. Michael DiSabatino
Manager
East Main Partners LLC
1 South Cleveland Avenue
Wilmington, DE 19805

RE: 92 E. Main Street – Project #17-09-01

Dear Mr. DiSabatino:

The City of Newark Subdivision Advisory Committee (SAC) has submitted their comments on the Major Subdivision, Special Use Permit, and Parking Waiver plan you submitted on behalf of East Main Partners LLC for the construction of a 4-story building with 3,000 square feet of commercial space and 15 apartments at the property located at 92 E. Main Street (Project #17-09-01).

As indicated in the comments below, one of the main concerns regarding this proposed project is the loss of parking spaces in City Parking Lot 3, the loss of access to City Parking Lot 3, and the addition of parking need. Planning staff recommends that the applicant explore options to address and mitigate these issues. This could include but not be limited to: de-coupling parking from the proposed rental units and offering off-site parking access through a lease arrangement; cooperatively working with the adjacent property owners to put forth a comprehensive parking solution; and improving one of the other entrances to Lot 3.

In addition, please find the Newark Downtown Partnership Downtown Design Committee project review report per Chapter 27 Appendix XIII Design Review for Downtown Commercial Properties, Section (d) (3).

The committee has the following comments:

Electric

1. Electric service is available.
2. Developer must pay all costs needed for the electric service to the building, including the transformer, underground cables, equipment, meters, etc.

3. Developer must also pay any pole rearrangements, electric service relocations and supply and install all conduits and primary and secondary cable.
4. An open utility easement is required and must be listed on the prints.
5. A suitable location approved by the Electric Department will be required for a pad-mounted transformer.
6. Existing aerial and underground services will need to be relocated and costs to be determined once electric service locations are finalized.
7. The developer must make all changes (trenching, conduit and cable installations, including as-built drawings) approved by the Electric Department to ensure the continued operation of all parking lot lighting, including adding light to main current light levels.
8. The developer must pay all costs for relocation of any electric services needed for the adjacent building.

Police

1. The Police Department has a concern that this will add more residents and, in turn, more vehicles to an already overloaded and backlogged area of town. They feel this will only add to the traffic jams and delays that are already experienced during peak travel times in the central business district.

Parks and Recreation

1. Parks and Recreation will require a landscaping plan to review as this project progresses.

Planning

Code Enforcement

1. Comments are based on 2012 ICC Codes. The proposed building must meet all applicable Building and Fire Code requirements. Complete architectural, structural, plumbing, HVAC, electrical and fire protection drawings required for review prior to permits. Building Height and Area will be determined by type of construction.
2. The architectural plans will need to match the architectural rendering/elevations submitted for the project. Confirmation that the elevations will match the rendering will need to be done at the time of architectural plan review. Code recommends that draft floor plans be presented to avoid issues during site plan review.

3. A Demolition Permit will be required. Proper abatement and disposal of any hazardous materials identified in the Environmental Survey to be done by registered abatement contractor. Site must be enclosed with proper barrier during demolition to ensure public safety. Demolition plan and sequence of events to be prepared and submitted by a licensed professional engineer. Pre-Demolition and Pre-Construction meetings are required.
4. All building, uses and parking shall comply with the 2009 ANSI 117.1; Accessibility Standards.
5. Compliance with LEED requirements as adopted by the City will be required.
6. Complete fire protection plans must be submitted for review. Please note:
 - a. Main entrance(s) need to be served by a 24' wide fire lane and located within 40' from the closest edge of the fire lane. Retail entrance appears to meet this requirement but the stair tower exit(s) may not meet this requirement;
 - b. The plan indicates the total perimeter is +/- 410 feet; residential needs 35% served by primary fire lane, mercantile/retail needs 50%;
 - c. For a 4-story building, fire lanes will need to be within 40 feet. Please note that the closest edge of fire lanes shall not be located further than 50 feet from the exterior wall if one or two stories in height; 40 feet if three or four stories in height, or 30 feet if over four stories in height;
 - d. Fire lane needs to be marked throughout the parking lot;
 - e. Access to the rear of the building through the parking lot will need to be improved for access for aerial and rescue trucks;
 - f. An addition hydrant in the rear parking area will be required;
 - g. FDC to be located at fire chief's discretion (usually Main Street side) and within 300 feet of hydrant.

Land Use

1. When reviewed as a 0.23 acre parcel as proposed with 0.18 acre parking lot given to the City, plan exceeds allowable number of units – 8.74 allowed and 15 proposed. If reviewed as a 0.41 acre parcel, it is now the allowable number of units is 15.58 (Sec 32-18 (b)(13)a. 4.)
2. Square feet (SF) of apartment living space not shown on plan – must be average of 800 SF across units. Floor plan not provided, must verify when plans are submitted for building permit. (Sec 32-18 (b)(13)b.)
3. Proposed building is 53 feet high, so a 20 foot setback is required. Proposed building is shown with a 14 foot setback, so a 6 foot variance from the Board of Adjustment is

- required. Plan should include note indicating intent to seek required variance. (Sec 32-18 (d)(5))
4. When considering the parking lot donated to the City, the plan shows rear yard of 1.5 feet with 15 feet required, so a 13.5 foot variance from the Board of Adjustment is required. If the rear portion of the property is not given to the City, the plan has a rear yard of about 150 feet and meets requirements. (Sec 32-18 (d)(6))
 5. Plan indicates that the footprint of building is about 6,000 SF, but only 3,000 of that is shown as retail on the first floor. It isn't clear what the other 3,000 SF is designated. The City needs to know what the other 3,000 SF of ground floor space is used for to complete parking evaluation. If it is office space, the parking requirement could increase.
 6. Applicant indicated during Downtown Newark Partnership Design Committee review that they agreed they should include space for ducts and include separate sewer for potential restaurant use. It should be noted that restaurant use is not indicated in the parking analysis provided. If a restaurant use is contemplated, then the parking analysis should include this calculation. (Section 32-45(a)).
 7. Applicant should articulate reasons for Parking Waiver per Section 32-45 (b).
 8. If 0.18 acres of parking lot is given to the City, then the plan provides no parking and requires a 49 space parking waiver. If applicant ends the lease agreement with the City, the proposed parking lot has about 22 spaces (if the proportional part of the partial spaces are included in the count) and the applicant requires a 27 space parking waiver.
 9. Plan improperly indicates the parking portion of the parcel includes 28 spaces when part of 11 of those spaces is across property line. When counting only the portion of the spaces that are in the parcel, the lot includes only 22 spaces.
 10. This plan removes 7 spaces from existing City parking lot and removes an entrance into City Parking Lot 3 (Lot 3). This entrance is utilized by solid waste trucks that serve the businesses accessed by Lot 3. Should this entrance be closed, improvements will need to be made to one of the two other entrances to provide access.
 11. No bike parking is indicated on the plans. Site Data Column indicates 10 bike parking spaces provided but the location is not shown on the plan. Bike rack design must conform to City Bike Design Guidelines.
 12. Plan indicates area of parcel is 0.41 acres, but does not indicate intent to subdivide parcel for donation of parking area to City of Newark. Plan should indicate area of each subdivided parcel.

13. Plan does not consider dedication of property to City in values in Area Regulation Table or Density Calculations. Proposed building must be considered in the new proposed 0.22 acre parcel.
14. Plan title should include Parking Waiver.
15. Plan should include City of Newark Project Number PR#17-09-01.
16. Four employees may not reasonably represent the actual number of employees during shift of greatest employment. There are currently 3 businesses in this space. Most businesses have more than 1 employee during the shift of greatest employment. Applicant should reassess and confirm.
17. Plan seems to indicate construction on neighboring property with no mention of any existing or proposed easement agreements.
18. Applicant should address provisions and submittal requirements described in Chapter 21 Appendix XIII Design Review for Downtown Commercial Properties.

Parking

1. Parking has a concern with the proposed closing of the entry lane going into Lot 3. These concerns include:
 - I. This entrance is the most visible and used entry lane into Lot 3 (50%+). The Parking Division is trying to get more patrons to park in Lot 3 over Lots 1 or 4, and this does not help to reach that goal.
 - II. This is the entrance used by solid waste trucks. A loss of this entrance would need to be balanced by improvements to another entrance. Necessary improvements to the other Main Street or Center Street entrance would include, but not be limited to, widening the driveway, so the Center Street entrance is the most likely possible entrance that could be improved. Improvements to the Center Street entrance could also possibly include, but not be limited to, relocating the existing transformer.
 - III. The closing of the entrance into Lot 3 would also make the 5 spaces to the east of the building difficult to access and to pull vehicles in and out of.
2. The Parking Division wants to lose as few parking spaces in the lot as possible.

Public Works and Water Resources

Site

1. Add the planning number (#17-09-01) to all future submissions.
2. Provide more detail in the Site Data column as to what the purpose of the plan is. In general, explain what is being removed and what is being proposed.
3. A list of all utility owners shall be added to the Site Data column as part of the Subdivision Plan submission.
4. The Site Data indicates there are 10 bicycle parking spaces required. Provide the location of the proposed bike rack(s).
5. The bike racks and rack layout will need to conform to the City of Newark Bicycle Plan and [DelDOT Standard Construction Detail M-4 – “Bike Rack Layout Details”](#).
6. Accessible parking and an accessible route to the building will be required per ADA guidelines. For a site providing 28 parking spaces, two (2) spaces will need to be accessible and one (1) of those spaces will need to be van accessible.
7. There are no curb ramps shown on the plan. Show curb ramps and provide typical curb ramp symbol on the legend.
8. Provide additional spot elevations at high and low points, building corners, tops of structures and any other critical elevations to help determine surface water flow directions.
9. Revise Limit of Disturbance to include utility work within the East Main Street Right-of-Way.
10. Show all existing and proposed utilities.
11. Show existing and proposed contours.
12. Provide a Landscape Plan for review during the Subdivision Plan phase.
13. A DelDOT change of use application is required for the project. An Email of No Impact (EONI) must be furnished to the City prior to recordation.

Water and Sewer

1. Is the proposed water service for both domestic and fire service? If so, the existing 2”

service line shall be terminated at the main.

2. Specify a 10"x6" Mueller H-615 tapping sleeve and valve at the proposed service tie-in.
3. All fire and domestic water services shall have individual valves located at the edge of the right of way.
4. It is recommended that the sanitary lateral be run under or through the building and the water service be run along the west side of the building where it will be easier to access in the event of any future issues.
5. A single head meter shall be provided for the apartments and a separate meter will be required for the commercial space. The water services to the apartment shall be individually plumbed in a meter bank configuration so that each unit can be metered separately in the event the units are ever converted to condos. The developer will be responsible for the cost of the meters. The City will determine the size of the meters in coordination with the developer.
6. The Developer shall investigate the capacity of the water system to determine if sufficient capacity exists to handle the proposed development and provide the report to the city for review and approval. Contact the Public Works and Water Resources Department to schedule a flow test at a cost of \$300 per test.
7. The Developer will be responsible for the installation of additional transmission equipment as necessary should the proposed building negatively affect the performance of the City's wireless meter reading system.
8. The Developer shall provide a set of water system drawings in accordance with the State Department of Health Drinking Water Standards for their review and approval. A copy of the approval letter (Approval to Construct) shall be provided to the City prior to CIP approval. A copy of the "Approval to Operate" from the Department of Public Health shall be provided to the City prior to the issuance of any certificate of occupancy.
9. Provide the City of Newark with a signed and sealed copy of the Department of Public Health approved water as-built plans within 30 days of DPH approval. Delaware State Pane Coordinates shall be provided for all fittings, valves, bends and hydrants.
10. Will the proposed mixed-use building contain a restaurant? If so, a dedicated sanitary sewer lateral with a grease trap will be required in addition to the residential sanitary sewer lateral.
11. Provide size, material, and invert elevations for all proposed and existing sanitary sewer manholes, mains, and laterals. The existing sanitary manholes immediately upstream and downstream from the tie-in location will need to be shown on the plan.

12. Provide a wastewater flow generation summary on the plan which shows **existing** and proposed average and peak wastewater flows using New Castle County Department of Special Services flow generation standards. Apartment and townhouse units with an occupancy greater than four unrelated tenants shall use a flow generation rate of 300 gallons per day. A peaking factor of 4 shall be used for all projects. The proposed sewer flow has been shown correctly. Please provide the existing flows.
13. Projects that generate more than 2000 gallons per day average sewer flow require a DNREC "Construction of Wastewater Collection and Conveyance Systems" permit. Plans which do not meet the 2000 gallons per day threshold shall be submitted to DNREC but do not need to submit the accompanying permit application and review fee. A copy of the approved permit shall be provided to the City prior to CIP approval.
14. Provide the City of Newark with a signed and sealed copy of the DNREC approved sanitary sewer as-built plans within 30 days of DNREC approval. Delaware State Plane coordinates shall be provided for all manholes, lateral connections, and cleanouts. Diameter and depth shall be provided for all cleanouts.
15. Add the following notes to the plan:
 - a. "The required fire protection flow rate for the building is _____."
 - b. "Water meters shall be located within one or more centrally located meter room(s) that will be readily accessible to the City of Newark. A locking ball valve will be associated with each meter in a meter bank set up."
 - c. "Any damage to the City storm sewer, water, or sanitary sewer infrastructure shall be repaired or replaced to the satisfaction of the Public Works and Water Resources Director."
 - d. "Unused water and sewer services shall be terminated at the utility main unless a more suitable location is determined by the PWWR Department during construction."
 - e. "The Developer shall pay the Sewage Treatment Plant (STP) fee prior to receiving a building permit." A credit for the existing building will be given when determining the STP fee.
 - f. "The Developer shall pay fees associated with the new water meters prior to issuance of a building permit."

Stormwater

1. The SAS checklist and SAR have not been submitted for review. The Sediment and Stormwater Program Project Application Meeting will need to be scheduled with the City's Planning and Design Engineer (Ethan Robinson, Phone: 302-366-7000 Ext. 2108).
2. This is a redevelopment project that shall comply with the latest Delaware Sediment and Stormwater Regulations. As a redevelopment project, runoff reduction practices shall be

employed to achieve a 30% reduction in the effective imperviousness based on the existing conditions.

3. Redevelopment projects that require a detailed Sediment and Stormwater Management Plan require NPDES permit coverage through submittal of a Notice of Intent (NOI). Proof of the NOI submission to DNREC will be required. There is no record of an NOI Project ID for this project. Add the NOI Program ID to the Plan.
4. A subsurface stormwater facility or a green roof would be good candidate technologies to comply with Delaware Sediment and Stormwater Regulations.
5. Clarification on the sizes and material makeup of existing pipes entering and the storm sewer manhole and catch basin on Main Street is needed.
6. Show the location of downspouts and roof leaders on the plans.

This review is solely based upon the information and detail provided on the submitted plan. Additional comments may be generated during any successive reviews by our department.

I hope that you find this information helpful. Should you have questions, concerns or need more information, please let me know.

Sincerely,



Mary Ellen Gray, AICP
Planning and Development Director

MEG/tf



DESIGN COMMITTEE PROJECT REVIEW REPORT

PROJECT NAME: 92 East Main Street
 OWNER: East Main Street Partners, LLC
 PROJECT ADDRESS: 92 east Main Street

THIS PROJECT HAS BEEN SUBMITTED TO THE DESIGN COMMITTEE FOR REVIEW FOR COMPLIANCE:

OVERALL ASSESSMENT

Project was reviewed by the Design Committee on 10/3/17 and found to meet the DNP Guidelines. The general opinion of the Design Committee favored the architectural design of the building and site elements including several recommendations enumerated below. The Design Committee recommends that the project be forwarded to the Planning Commission for further consideration.

Criteria	Remarks		
	Exceeds Guidelines	Meets Guidelines	Does Not Meet Guidelines
<input checked="" type="checkbox"/> PLANNING "LAYER"			
Pedestrian Connectivity	X		
Parking (Auto and Bicycle)		X	
Locations for art and parks	X		
Preservation			X
BASE "LAYER"			
Height		X	
Width		X	
Overall Proportion		X	
Roof & Cornice Lines		X	
DETAIL "LAYER"			
Composition		X	
STOREFRONT "LAYER"			
Proportions of Openings		X	
Rhythm		X	
Materials and Color		X	
SIDEWALK "LAYER"			
Landscaping		X	
Relationship To Street		X	
Arts & Parks	X		
SUSTAINABILITY "LAYER"			
Energy Conservation			
Energy Demand Reduction			
Water Conservation			
Rainwater Management			

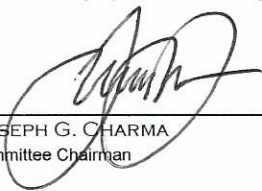
RECOMMENDATION

RECOMMEND **DO NOT RECOMMEND**

KEY ELEMENTS AND RECOMMENDATIONS

Use of contrasting stone, metal, and composite panels (recommend considering a lighter contrasting metal color or other color metal variations); recessed patio/corner entry; provision of public green space; consider use of tinted glass and the same window blind/shade treatment on all apartment windows; consider incorporating commercial signage design at this level of the design process to avoid awkward fits between signage and available façade space.

SUBMITTED BY:


 JOSEPH G. CHARMA
 Committee Chairman

10/3/17
DATE