



CITY OF NEWARK

220 South Main Street · Newark, Delaware 19711
302.366.7000 · www.cityofnewarkde.us

REQUEST FOR INFORMATION (RFI) NO. 16-01

PUBLIC-PRIVATE PARTNERSHIP MIXED-USE DOWNTOWN PARKING GARAGE OR OPTIONAL PARKING ENHANCEMENT CONSIDERATIONS (NOT SPECIFIC TO LOT #1)

SEPTEMBER 20, 2016

CITY OF NEWARK
Delaware

RFI NO.16-01

PUBLIC-PRIVATE PARTNERSHIP MIXED-USE DOWNTOWN PARKING
GARAGE OR OPTIONAL PARKING ENHANCEMENT CONSIDERATIONS
(NOT SPECIFIC TO LOT #1)

NOTICE

Sealed proposals for a mixed-use parking garage facility in Newark's downtown area or optional parking enhancement considerations (not specific to Lot #1) will be received in the Purchasing Office, Newark Municipal Building, 220 South Main Street, Newark, Delaware 19711 until 2 p.m., prevailing time, Tuesday, October 11, 2016.

All documents prepared and submitted pursuant to this RFI including optional parking enhancement considerations (not specific to Lot #1) shall be property of the City upon submittal and shall be read publicly and considered public documents. Your submission in its entirety will be made public.

Copies of this RFI may be obtained from the City website at www.cityofnewarkde.us by accessing the Bid/Proposal Opportunities link on the home page.

CITY OF NEWARK

Delaware

RFI NO. 16-01

PUBLIC-PRIVATE PARTNERSHIP MIXED-USE DOWNTOWN PARKING
GARAGE OR OPTIONAL PARKING ENHANCEMENT
CONSIDERATIONS (NOT SPECIFIC TO LOT #1)

I. INTRODUCTION

The City of Newark, Delaware is considering the possible construction of a mixed-use parking garage facility at Municipal Parking Lot #1, located off Delaware Avenue at the Galleria, to enhance the availability of off-street parking for the City's central business district. The City will consider entering into a public-private partnership with a selected developer that has significant experience in off-street parking facility design that can demonstrate a comprehensive and mutually beneficial proposal for the Newark community. Experience or suggested professional partners must be associated with planning and design that will result in the construction of a new, mixed-use parking garage facility.

The goal of this RFI is to provide Newark's Mayor and Council and community the opportunity to envision the potential benefit to entering into a public-private partnership for the development of this site with a garage component.

II. SCOPE OF SERVICES

- A. The scope of services required by the City in connection with this request for information should include the following:
1. Preparation of conceptual design for the site proposed, including conceptual front and side elevations.
 2. A proposed conceptual parking garage design that shall at least double the number of current parking spaces of Municipal Parking Lot #1 (estimated 400 total spaces in conceptual design), plus include additional parking inventory based on the proposed use of the non-parking elements of the mixed use facility. As a minimum requirement, first floor commercial frontage along Delaware Avenue must incorporate mixed-use concepts, and institutional/office space on the first floor will not be deemed appropriate.
 3. Preliminary cost estimates for the construction of a mixed-use parking garage facility and estimated lease back financial terms for the City.
 4. A cursory fiscal and traffic impact analysis estimation of mixed-use parking garage facility in terms of initial cost to construct, timeline, operating costs, and potential revenues, including revenues from possible commercial space if not already incorporated into A3, above, in estimated lease terms. Please note, if engaged

further, proposer will be obligated to fund a full traffic analysis in conjunction with DelDOT.

5. (OPTIONAL – Parking enhancement considerations) Additional conceptual designs for optional parking enhancements not specific to Lot #1 may be submitted. Such concepts shall utilize the full expertise and creativity of the submitter and should focus on parking solutions for the downtown business district not specifically identified in this request as associated with the property Newark owns and currently operates as Parking Lot #1. Any optional parking enhancement submissions shall also be provided the opportunity for a public presentation. Such submissions shall be submitted and **clearly identified as “Optional Parking Enhancement Considerations.”** **Please Note:** These submissions will be considered public documents and will be made available to the public in their entirety.

B. Relevant Studies and Plans (Attached)

1. Downtown Parking Supply & Demand Study – Final Report – This study analyzed current parking conditions of on- and off-street parking lots, and determined future parking demand projections. **(APPENDIX A)**
2. Administrative Subdivision Plan of Municipal Parking Lot #1 – identifies the lot which is controlled by the City of Newark (except the portion identified as being owned by James & Letitia Brennan, Trustee along the eastern boundary of the parking lot). The plan also shows the 60’ wide required setback from the University of Delaware dormitories that **must** be incorporated into any conceptual design and cannot be waived. **(APPENDIX B)**
3. BB Zoning District Uses – identifies the allowable uses of property zoned BB that the municipal lot resides. **(APPENDIX C)**

III. GENERAL PROPOSAL INFORMATION

- A. Addenda –in the event that it becomes necessary to revise any part of the RFI 16-01, revisions shall be made only by written addenda issued no later than four (4) days before proposals are due. Bidders shall bear the entire responsibility for being sure they have received any and all addenda. After the proposals have been received, no claim that the bidder did not have complete information will be considered. No verbal agreement or conversation with any officer, agent or employee of the City, either before or after the execution of this contract, shall affect or modify any of the terms or conditions outlined herein.
- B. Acceptance of Proposal Content – the contents of the proposal of the consulting firm selected, if any, will become part of any Memorandum of Understanding (MOU) or contract awarded as a result of this RFI 16-01 with modifications as a result of negotiations.
- C. Oral Presentation - firms submitting proposals shall be asked to provide a presentation to Mayor and Council at a public meeting. Mayor and Council reserve

the right to negotiate further or award a MOU or contract to a selected firm, or reject all submissions, after presentations are completed if deemed in the best interest of our community. Information regarding the date of the oral presentations and topics to be covered during the presentation will be confirmed after the submission of the proposals.

- D. Firm's Responsibility - the selected firm will be required to assume sole responsibility for the complete effort as required by this RFI 16-01. The City will consider the selected firm to be the sole point of contact in regard to all contractual matters.
- E. Rejection of Proposals - City Council reserves the right to reject any and all proposals or to award in whole, or in part, if deemed to be in the best interest of the City to do so. The receipt of proposals does not guarantee that a partnership will be entered. The City shall have the authority to award the contract to the firm best meeting specifications and conditions in its opinion and determination.
- F. Public Documents - All documents prepared and submitted pursuant to this RFI or resulting MOU or contract shall be property of the City upon submittal and shall be considered public documents. Your submission in its entirety will be made public.
- G. Advertisement - no firm may use the name of the City in any advertisement without the written consent of the City Manager.
- H. Licensing - the successful consultant must comply with the appropriate Delaware or City law(s) to contract business in this State or municipal jurisdiction.
- I. Non-collusion - no firm shall directly or indirectly enter into any agreement, participate in any collusion, or otherwise take any action in restraint of free completion for this MOU or contract.
- J. The City welcomes proposals in response to this RFI from qualified parking facility design-build teams.
- K. The Mayor and Council may authorize a MOU or contract through this request for information process.
- L. Indemnification - the contractor shall solely be responsible and liable for the accuracy and completeness of all work performed and shall agree to indemnify, defend and hold harmless the City of Newark, its officers, agents and employees, from and against any and all claims, actions, suits and proceedings arising out of, based upon or caused by negligent acts, omissions or errors of or the infringement of any copyright of patent, by the contractor, its officers, agents, employees or subcontractors, in the performance of the contracted agreement.
- M. Termination of Agreement - any agreement entered into with the City as a result of this RFI may be terminated by the City upon thirty (30) days written notice if the contractor fails to perform satisfactorily in accordance with the terms and conditions of the contract. In the event this agreement is terminated, the contractor shall be

paid for services satisfactorily rendered up to the termination date.

IV. PROPOSAL REQUIREMENTS

Firms interested in submitting a proposal for the Mixed-Use Downtown Parking Garage or Optional Parking Enhancement Considerations (not specific to Lot #1) for the City of Newark shall provide twelve (12) copies of their proposal which shall include the following:

- A. Introduction - background information of the firm including its history, size, number of registered professionals, services offered, and related information.
- B. Project Team
 - 1. Describe organization and management of team, including specific roles and responsibilities for this project.
 - 2. Resumes of all key professionals.
 - 3. Proposed use of any outside consultants, if any.
- C. Related experience with other public/private partnerships resulting in a mixed-use parking facility design including:
 - 1. Type of project.
 - 2. Dates of completion.
 - 3. Location.
 - 4. Size.
 - 5. Design concept.
 - 6. Budget vs. final cost.
 - 7. Client contact (with mailing address, phone # and email address).
- D. Technical Information
 - 1. An introduction outlining the overall technical approach to completing the project.
 - 2. A project schedule taking into account the University of Delaware schedule.
 - 3. Each firm must explain their interpretation of the Scope of Services and how they suggest the work be accomplished.
 - 4. A detailed summary of the problems or challenges that the firm might expect in completing the project and the approach to solving them.

V. SUBMISSION OF PROPOSAL

Twelve (12) copies of the Proposal must be received in the Purchasing Office, City of Newark Municipal Building, 220 South Main Street, Newark, Delaware 19711, no later than 2:00 p.m., prevailing time, on Tuesday, October 11, 2016.

VI. QUESTIONS

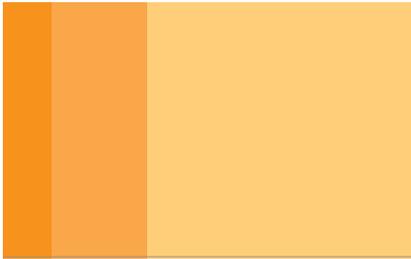
Any technical questions regarding the proposal may be directed to:

Andrew S. Haines, Deputy City Manager
ahaines@newark.de.us
(302) 366-7000

Contractual questions should be directed to:

Cenise Wright, Purchasing Administrator
cwright@newark.de.us
(302) 366-7000

APPENDIX A

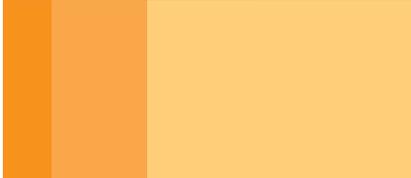


City of Newark, DE

Newark, DE

Downtown Parking Supply & Demand Study Final Report

June 3, 2015



PHL15113.00

TimHaahs

www.timhaahs.com

550 Township Line Road, Suite 100
Blue Bell, PA 19422
T: 484.342.0200
F: 484.342.0222

June 3, 2015

Mr. Mark F. Dunkle
Parkowski, Guerke, & Swayze, P.A.
116 West Water Street
Dover, DE 19903

RE: City of Newark Parking Supply and Demand Study
Newark, DE

Mr. Dunkle:

Thank you for the opportunity to work with you on this important project. We are submitting the Final Report for the City of Newark Downtown Parking Supply & Demand Study. This report includes the current parking conditions of on- and off-street public parking lots, private-owned customer parking lots within the study area, and the Trabant Parking Garage operated by the University of Delaware. It also contains our estimated future parking demand projections. Please feel free to call Todd Helmer, Vicky Gagliano, or Megan Leinart with any immediate questions.

Very truly yours,



Todd Helmer, PE
Project Manager/Vice President



Bo Kyung Choi, MCRP
Planning Analyst

CC: Vicky Gagliano, LEED AP, MBA, TimHaahs
Megan Leinart, LEED AP BD+C, TimHaahs

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Introduction

The City of Newark (the City) retained Timothy Haahs and Associates, Inc. (TimHaahs) to perform consulting services to identify the current parking supply and demand for a portion of the Central Business District (CBD). The City also seeks to assess the future parking adequacy based on the potential development plans within the study area. In order to achieve the goals and objectives of this study, the TimHaahs team conducted the parking condition assessment through visits and observations of the public and private downtown parking facilities, and quantified the preliminary future parking adequacy projections.



Scope of Services

1. Meet with the City of Newark and the Downtown Newark Partnership's Parking Committee to confirm study objectives, boundaries, procedures, and concerns about parking in the areas.
2. Obtain and review any existing reports, studies, surveys, and parking statistical information pertinent to the parking study, as well as obtain local zoning ordinances that pertain to parking.
3. Analyze and inventory the current public parking supply including type of facility, location, hours of operation, and rates for all existing parking facilities, on- and off-street, within the study area.
4. Meet with the University of Delaware to understand better the dynamics of the parking issues on campus in proximity to the stated boundary area.
5. Perform occupancy counts for all spaces within the target area throughout a typical busy day.
6. Receive information from the City concerning key activity levels for the actual survey day. This will allow us to adjust our model and graphically map out the fluctuations throughout the year, as the University enrollment has a significant impact on the parking conditions.
7. Evaluate pedestrian traffic patterns, specifically to and from the parking facilities.
8. Identify the areas of existing parking surpluses or shortages and, if necessary, the number of new parking spaces required to meet any existing shortages.
9. Recommend parking rates and time limits, if appropriate, which will allow the City to better manage the short-term, long-term, public and employee parking supply in the downtown area.
10. Obtain and review, with assistance from the City, all proposed, approved, on-going, and future development plans within the study area in order to better understand the impact on parking needs.
11. Determine the future parking demand based on planned-future developments, comparing the demand projections to the future parking supply.
12. Identify the areas where the greatest parking supply deficiencies will exist. If additional spaces are needed to satisfy the future parking demand, identify potential locations that could satisfy this demand.
13. Prepare a task report and provide draft to the City of Newark and the Downtown Newark Partnership's Parking Committee for review. Incorporate draft report comments into the final report.
14. Present the findings of the report to City of Newark representatives and Newark City Council.

Study Area

The City of Newark is located in New Castle County, Delaware. The study area is bordered by the CSX rail line to the north, Chapel Street to the east, E. Delaware Avenue to the south, and S. Main Street / New London Road to the west. We understand the 25 to 30 space Deer Park Tavern private parking lot is heavily utilized by customers during Friday evenings and due to the distance from the core downtown area, we do not believe this location significantly impacts the overall conditions for the customers and guests visiting the bulk of the businesses. The parking area was inadvertently excluded on the original survey maps which were reviewed by City representatives and therefore, we did not include the Deer Park Tavern private parking lot in this analysis. A map of the study area is shown on Figure 1.

Figure 1: Focus Area Map



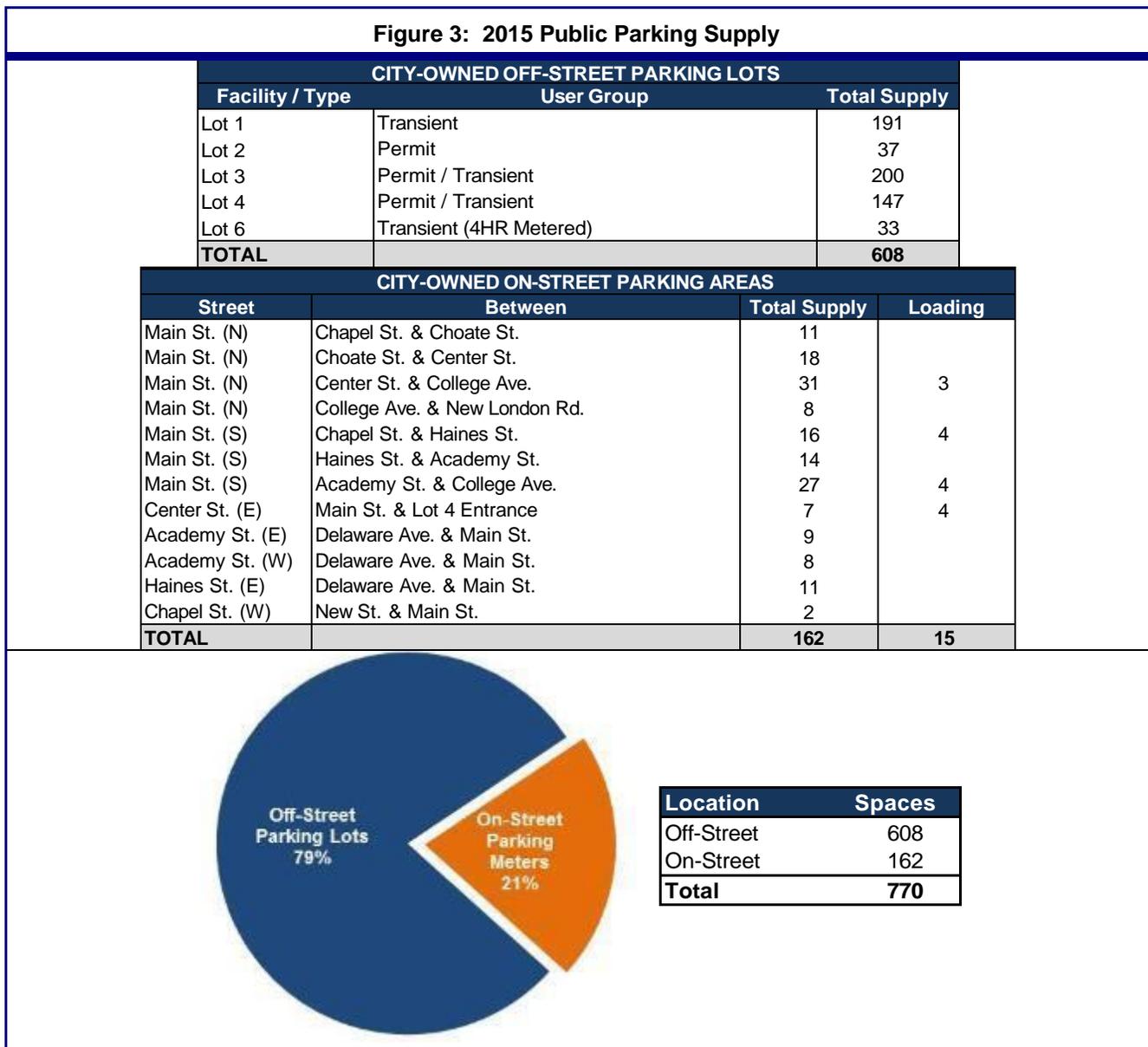
Source: Timothy Haahs & Associates, Inc. 2015

2015 Parking Conditions

TimHaahs collected parking inventory data of all City-owned parking lots and several private-owned customer parking lots within the study area during our field visit on Friday, April 10, 2015. Field observations and parking occupancy counts were conducted on the same day from 10AM until 8PM. Through conversations with City and University representatives, we understand the busiest day of the week is Friday. We also informally observed the parking conditions during our visit which further confirmed that the overall activity level on Friday is greater than most other days of the week.

Downtown City-Owned Parking Supply

The TimHaahs team physically verified the on- and off-street parking areas on Friday, April 10, 2015 during our site visit. Figure 3 illustrates the distribution of the study area parking supply.



Source: Timothy Haahs & Associates, Inc. 2015

A total of 770 city-owned public parking spaces, including 608 off-street spaces and 162 on-street spaces, were identified throughout the study area.

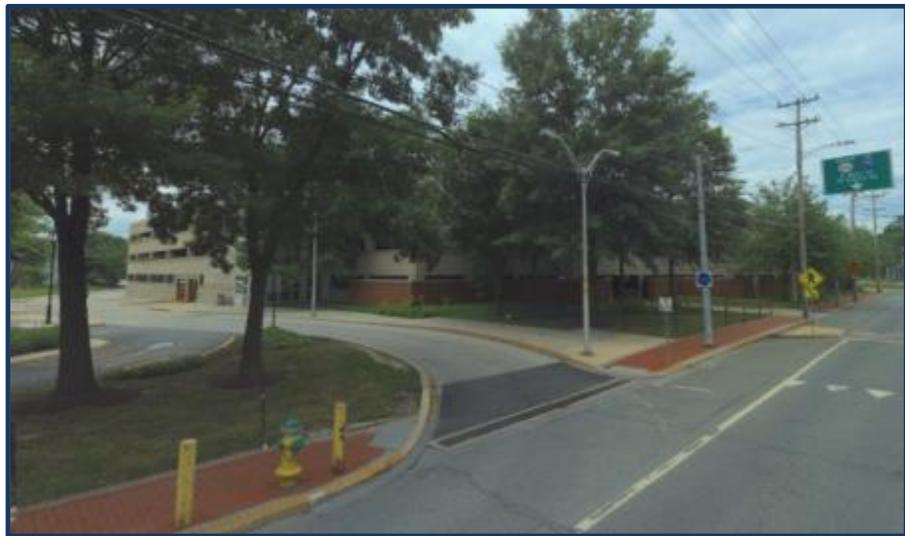
The parking fee for transient parkers is \$1.00 per hour at Lots 1, 3 and 4. All on-street parking meters, and those located within Lot 6 are \$1.25 per hour. Permit holders pay \$85.00 per month. A total of 15 on-street meters, including 11 meters on Main Street and 4 meters on Center Street, are reserved as loading zone areas. The City operates the loading zone from 6AM to 4PM on Main Street and from 4AM to 1PM on Center Street. These spaces are open to the public during the hours in which they are not utilized as a loading zone.

The TimHaahs team also observed the private-owned parking lots serving retail / restaurant customers and apartment residents, as well as the Trabant Parking Garage owned and operated by the University of Delaware. During our field study, we identified the parking supply of private customer parking lots. For the purpose of our analysis, we excluded all spaces within the private lots that were marked as reserved for apartment residents.

University of Delaware Trabant Garage

The University of Delaware provided data related to the 581-space Trabant garage for Friday, March 13th, 2015 as data that is representative of a typical busy Friday. Based on the data provided, there were 163 transient vehicles present between 9PM and 10PM. The Trabant Garage charges \$2.00 per hour for the transient parkers. Permit parkers pay \$90.00 per month.

We understand that roughly 150 spaces are available to the general public as there are 431 users with permits. However, due to the nature of the University environment, many of the permit holders are only present Monday through Friday between 8AM and 5PM which allows for additional transient vehicle capacity during other hours and days of the week. It is therefore very difficult to quantify the actual number of transient spaces available at this location as it fluctuates on a daily and hourly basis pending the utilization of the existing permit holders.



Entrance to the UD Trabant Garage from W. Main Street

Furthermore, in our opinion, this location may not be desirable by most downtown customers and visitors due to the walking distance and absence of a vibrant streetscape between the garage and the central area in downtown. In order to include this data in our analysis, we would need more detailed information including the total number of transient spaces available by hour which is more difficult to calculate. In addition the number of spaces could significantly change on a week by week basis pending the weather, campus events, etc. The photographs on the following page illustrate the pedestrian view east along Main Street looking from the Trabant Garage, and another view just two blocks east from The Green where the streetscape and walkability is significantly more attractive.

Figure 4: Trabant vs. The Green Streetscape (looking east along Main Street)



Source: Bing Maps and Timothy Haahs & Associates, Inc. 2015

The hourly data for the Trabant Garage is reflected in the table on the following page, but in order to not skew the results by over or understating the availability of transient parking in this facility; we are excluding it from the calculation of the occupancy and adequacy tables later in this report.

Hour	Vehicles
12AM	24
1AM	23
2AM	23
3AM	23
4AM	23
5AM	23
6AM	29
7AM	30
8AM	43
9AM	89
10AM	104
11AM	145
12PM	145
1PM	137
2PM	121
3PM	109
4PM	80
5PM	85
6PM	104
7PM	130
8PM	154
9PM	163
10PM	138
11PM	127

Source: University of Delaware, and Timothy Haahs & Associates, Inc. 2015

While the Trabant garage may be capable of meeting the needs of downtown customers and visitors, its location makes it less desirable than other on- and off-street parking areas. If additional parking supply is needed in order to meet the future parking demand, and funds to build more proximate parking areas are not available, then we would recommend exploring ways to better integrate the Trabant garage into the overall downtown parking system. Some potential options may include a program that encourages all downtown employees to park in the Trabant garage with the incentive of a new direct shuttle circulator for their safety and convenience. Customers and visitors could also utilize the Trabant garage for overflow parking and to ride on the same shuttle circulator.

Downtown Privately Owned Parking Supply (Non-Reserved)

There are 170 spaces located within the 5 private parking lots, which are available for customer use, given they are shopping or dining at one of the adjacent businesses. Table 2 outlines the privately owned parking supply within the study area.

Facility / Type	User Group	Total Supply	Reserved	Transient
CP 1	Customers / APT Residents (123 Delaware Ave)	37	21	16
CP 2	Customers / APT Residents (Trader's Alley)	87	6	81
CP 3	Customers (Papa John's)	25		25
CP 4	Bank Customers (TD Bank)	26		26
CP 5	Customers / APT Residents (Astra Plaza)	34	12	22
TOTAL		209	39	170

Source: Timothy Haahs & Associates, Inc. 2015

General Field Observations

Parking Lot Ingress / Egress

Our general observation was that the parking lots throughout the city were fairly easy to navigate into and out of with signage and traffic routes providing a convenient entry/exit experience. However, we did find that the experience of driving into Lot 2 presented some significant challenges that may be addressed. The entry/exit into Lot 2 is only wide enough for one vehicle, which could create a challenge with cars attempting to enter and exit at the same time. In addition, we found that during times of high pedestrian activity, this entry/exit caused significant vehicular/pedestrian conflicts as well. Specifically, exiting the parking lot made it difficult to see if pedestrians were coming, which could create a safety issue if people are not paying attention. Given that this lot is permitted, most people parking there would likely be familiar with the entry/exit configuration and the pedestrian conflicts, but it is still a concern to address given the safety considerations. We understand the 2015 capital budget includes a line item to address the ingress/egress concerns noted above.

Pedestrian/Vehicular Conflicts

Pedestrian traffic between the parking areas and the main destinations in the downtown core was overall well-marked, with signage and sidewalks providing adequate pedestrian travel between the parking areas and the main destinations. Improvements could be made, specifically in the larger parking lots, in the area of signage to more clearly direct patrons via the appropriate pedestrian routes. Specifically, pedestrian/vehicular conflicts could occur as people attempt to utilize the alley between Lot 3 and Main Street. Providing additional signage to direct people to the correct exits could help to limit these conflicts.

Loading Zones

As previously mentioned, a total of 15 on-street meters including 11 meters on Main Street and 4 meters on Center Street, are reserved as loading zone areas. The City operates the loading zone from 6AM to 4PM on Main Street and from 4AM to 1PM on Center Street. These spaces are open to the public during the hours in which they are not utilized as a loading zone. During our site visit, we noted the signage posted regarding the hours of operation for the loading zone parking spaces. Of particular note, it is very difficult for a driver to read the sign, while operating a vehicle, and understand that parking is permitted in those spaces after 1PM or 4PM, pending location. We recommend installing new signage that more clearly states the hours restricted for Loading so that a motorist can actually view and understand that parking in those areas is permitted during certain hours of the day. During the evening hours, we noted that many of those spaces were unoccupied and assume it is because they are painted yellow and the signage is not clear or easy to read while driving at night.



Instead of signing those spaces as a loading zone, it may be more appropriate to sign them as “No Parking; 6AM – 4PM; Monday thru Friday” with a note at the bottom in smaller font stating that deliveries and loading is permitted during those hours. By flipping the message, drivers can quickly gauge the availability of those spaces based on the time of day and if in error, the message on the meter will remind them that parking is not legal as it is an active loading zone only.

Residential Parking Areas

The City requested our observation of the use of residential permits within the Special Residential Parking District. We drove through the residential areas periodically throughout the morning, afternoon, and evening hours during our survey day. Based on our observation, there were some non-permit parkers on Center St. and Choate St., particularly the north side of those streets. The number of illegal vehicles is not significant but more than half of the vehicles on those streets were displaying guest parking permits. We understand each residential address is eligible for up to two (2) resident and two (2) guest permits per household free of charge. Based on our observation, the guest permits may be utilized full-time by another resident of the household (beyond the first two) or used by a student or employee wishing to avoid downtown parking fees.

We recommend revising the RPP program and charging a monthly rate for each guest permit requested (up to two (2) permits) or selling daily and weekly guest parking permits to each resident upon their request. These adjustments will significantly reduce any abuse to the residential guest permits and in turn, free up more on-street parking spaces which can be metered and opened to the general public to generate revenue.

Parking Rates

At the current time, the parking rates appear appropriate, if not a little low, within the core downtown parking area. Given the future parking needs, it may be helpful to increase the parking rates in order to generate additional revenue in order to financially support any future parking additions, improvements, or expansions.

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2015 Survey Day Parking Demand

TimHaahs collected parking demand during our site visit on Friday, April 10, 2015 from 10AM to 8PM. Based on discussions with City officials prior to the field visit, the TimHaahs team understands that the peak parking demand is commonly generated on Friday due to the visitors to the various downtown attractions.

According to the result of our field study, the parking supply including public and private lots, and on-street parking meters, within the study area experienced a peak hour demand between 8PM and 10PM. Figure 5 quantifies and illustrates the parking demand by hour for the survey day.

Figure 5: 2015 Survey Day Parking Demand (Study Area)



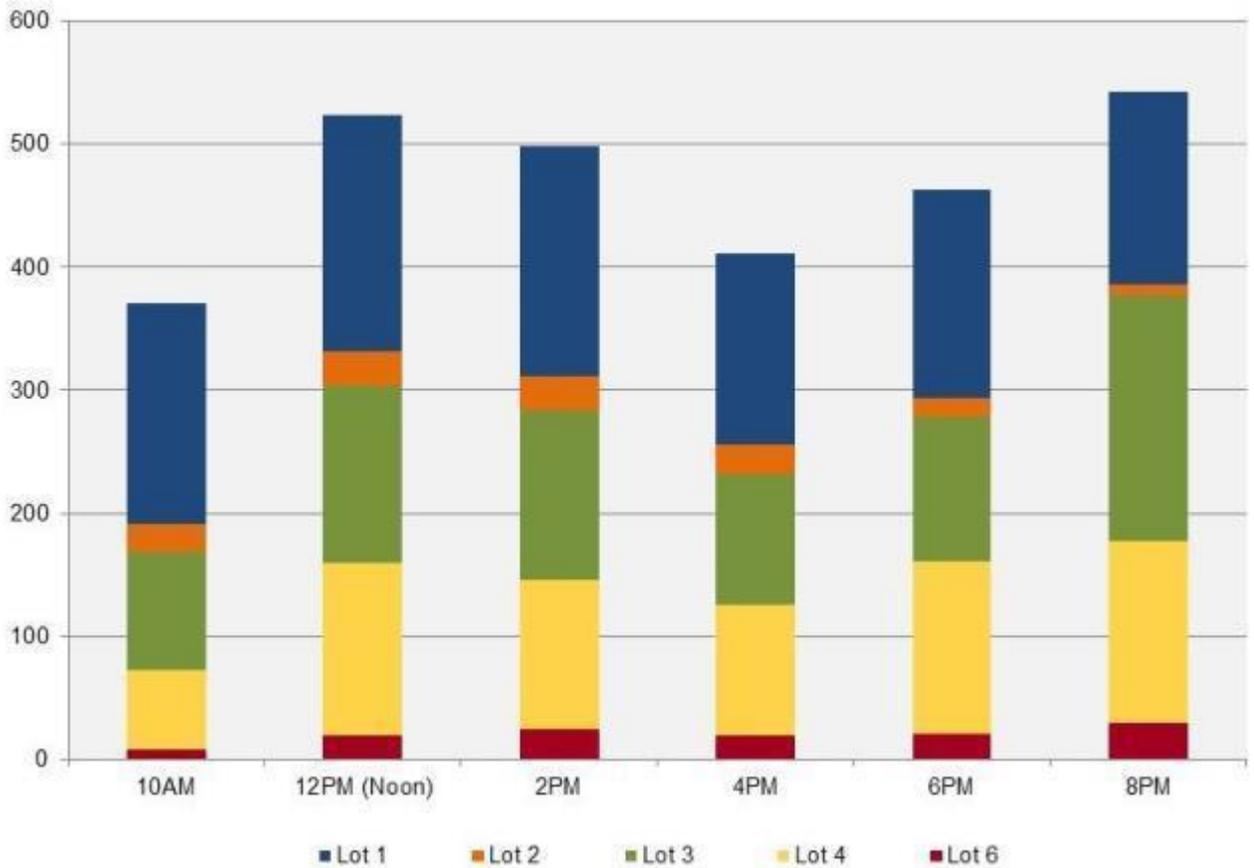
Source: Timothy Haahs & Associates, Inc. 2015

The city-owned off-street parking lots experienced the peak demand between 8PM and 10PM on the survey day. Lots 1 and 2 experienced a peak hour demand between 12PM and 2PM while the other lots experienced a peak hour demand between 8PM and 10PM on the survey day. On-street parking meters experienced peak demand between 12PM and 2PM on the survey day.

Based on the visual observations regarding pedestrian movement in the downtown area, TimHaahs assumes that restaurant visitors for lunch and dinner on Friday drive the high parking demand within the study area. Figure 6 quantifies and visually depicts the parking demand of the city-owned off-street parking facilities.

Figure 6: 2015 Survey Day Parking Demand (Off-Street Public Lots)

Facility / Type	Total Supply	10AM	12PM (Noon)	2PM	4PM	6PM	8PM
Lot 1	191	179	193	187	155	170	156
Lot 2	37	23	27	27	24	14	9
Lot 3	200	96	144	138	106	118	200
Lot 4	147	64	140	121	106	140	147
Lot 6	33	8	20	25	20	21	30
TOTAL	608	370	524	498	411	463	542

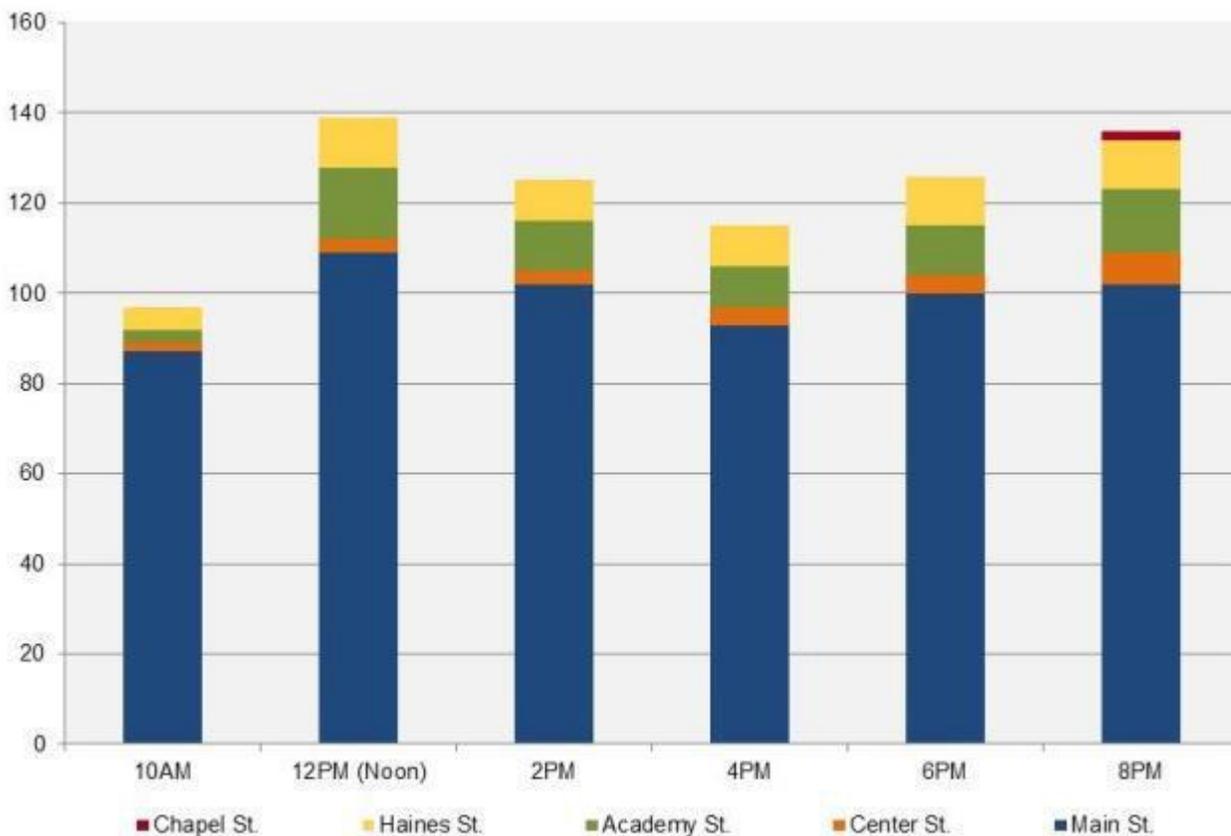


Source: Timothy Haahs & Associates, Inc. 2015

On-street parking meters experienced peak demand between 12PM and 2PM on the survey day. Based on the visual observations regarding pedestrian movement in the downtown area, TimHaahs assumes that restaurant visitors for lunch and dinner on Friday drive the high parking demand within the study area. Figure 7 quantifies and visually depicts the parking demand of the city-owned on-street parking meters.

Figure 7: 2015 Survey Day Parking Demand (On-Street Public Meters)

Street	Between	Total Supply	10AM	12PM (Noon)	2PM	4PM	6PM	8PM
Main St. (N)	Chapel St. & Choate St.	11	5	9	6	9	9	10
Main St. (N)	Choate St. & Center St.	18	13	17	18	15	14	17
Main St. (N)	Center St. & College Ave.	31	25	28	26	21	16	25
Main St. (N)	College Ave. & New London Rd.	8	8	8	6	6	6	1
Main St. (S)	Chapel St. & Haines St.	16	9	12	11	15	16	16
Main St. (S)	Haines St. & Academy St.	14	11	12	12	12	14	13
Main St. (S)	Academy St. & College Ave.	27	16	23	23	15	25	20
Center St. (E)	Main St. & Lot 4 Entrance	7	2	3	3	4	4	7
Academy St. (E)	Delaware Ave. & Main St.	9	2	9	7	6	6	7
Academy St. (W)	Delaware Ave. & Main St.	8	1	7	4	3	5	7
Haines St. (E)	Delaware Ave. & Main St.	11	5	11	9	9	11	11
Chapel St. (W)	New St. & Main St.	2	0	0	0	0	0	2
TOTAL		162	97	139	125	115	126	136

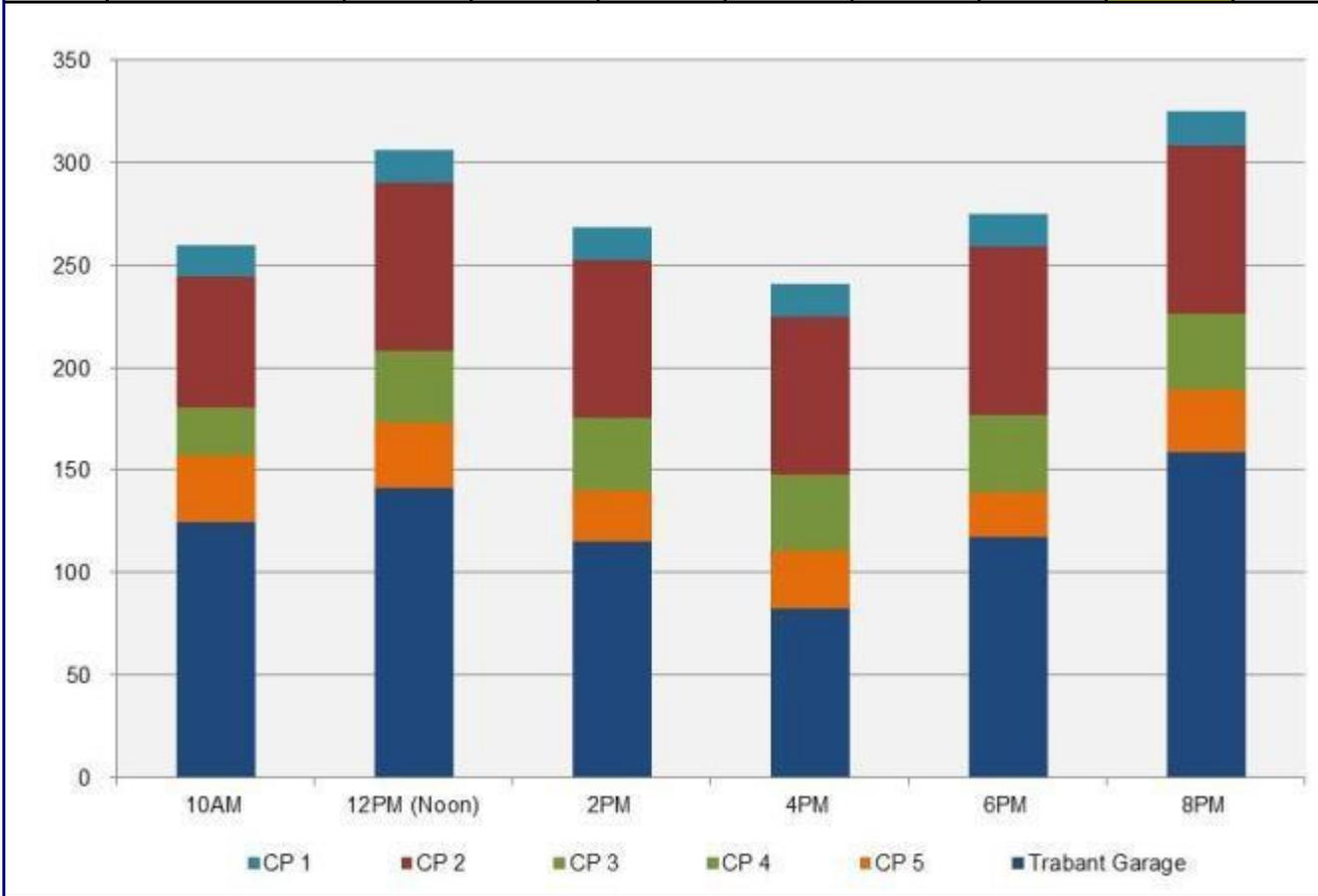


Source: Timothy Haahs & Associates, Inc. 2015

TimHaahs also observed the private-owned parking facilities serving retail and restaurant customers to identify the utilization patterns of the entire downtown study area. As previously mentioned, we did not include spaces within the private lots which were marked as reserved. Also note we did not include the transient supply for the Trabant garage as it varies based on the occupancy of the permit holders. In addition, the parking lot adjacent to the Deer Park Tavern is not included in the below table, however, we understand it is often fully utilized during Friday evenings. Figure 8 quantifies and illustrates the parking demand of the private lots during the survey day and excludes all vehicles parked in reserved spaces.

Figure 8: 2015 Survey Day Parking Demand (Private Lots and Trabant Garage)

Facility	Supply	10AM	12PM	2PM	4PM	6PM	8PM
CP 1	16	15	16	16	16	16	16
CP 2	81	64	82	77	77	82	82
CP 3	25	12	21	12	23	22	20
CP 4	26	11	14	23	14	16	17
CP 5	22	33	32	25	28	22	31
Sub-Total	170	135	165	153	158	158	166
Trabant Garage	Variable	125	141	115	83	117	159
Total	170*	260	306	268	241	275	325



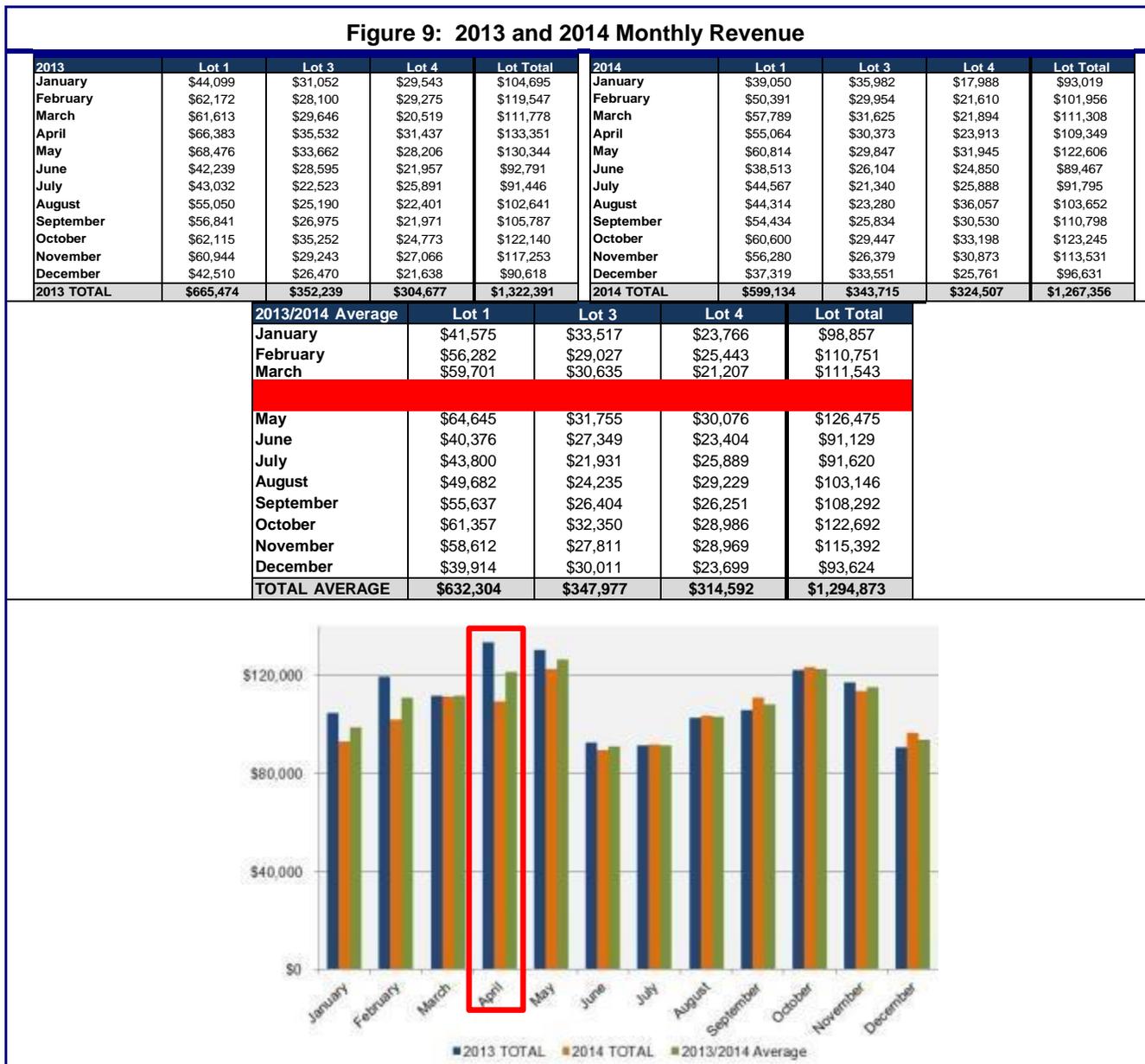
Source: Timothy Haahs & Associates, Inc. 2015

* Trabant Garage transient supply varies by hour based on utilization of monthly permit holders

Seasonal Calibration

When performing a downtown parking study, it is necessary to calibrate the survey day data to a design day which is representative of typical busy conditions. For a downtown study, we typically like to calibrate our data to the 85th percentile or the 2nd or 3rd busiest month of the year. Designing and planning for peak demand results in parking facilities which are underutilized most of the year, vice versa, designing for the average demand results in parking facilities only meeting the demand for half of the year. Therefore, by designing to the 85th percentile, we are able to balance the need to meet the downtown demand while not overbuilding and using up valuable land and financial resources.

Based on the monthly revenue data provided by City representatives, the parking demand during the month of April is representative of typical busy conditions or the 2015 Design Day. The following figure outlines the data provided and illustrates the monthly fluctuation in revenue for 2013 and 2014.



Source: City of Newark and Timothy Haahs & Associates, Inc. 2015

2015 Design Day Parking Occupancy

Since the survey day data is anticipated to reflect typical busy conditions, we are able to utilize the data as our Design Day. The city-owned off-street parking system experienced a peak hour occupancy of 90% between the hours of 8PM and 10PM. During that time, 98% of the private lots were occupied. However, on-street parking meters experienced a peak hour occupancy of 95% between 12PM and 2PM and only 84% during the overall peak hour of 8PM to 10PM. The following table outlines the parking occupancy during the survey day for the overall study area. Again, since the Trabant garage supply is variable, it has been excluded from the occupancy analysis.

Facility / Type	Total Supply	10AM	12PM (Noon)	2PM	4PM	6PM	8PM
City-Owned Off-Street Parking Lots	608	94%	101%	98%	81%	89%	82%
On-Street Parking Meters	162	60%	86%	77%	71%	78%	84%
Private Owned Parking Lots	170	79%	97%	90%	93%	93%	98%
TOTAL	940	64%	88%	83%	73%	79%	90%

Source: University of Delaware, and Timothy Haahs & Associates, Inc. 2015

2015 Effective Parking Supply

When calculating the parking adequacy, a cushion is applied to the parking supply in order to compensate for mis-parked vehicles (i.e. oversized vehicles which cannot fit within the stall striping and end up taking up two spaces or vehicles parked over the stall lines which do the same, etc.), spaces lost due to maintenance or snow removal, and the flow of vehicles in and out of parking spaces. Industry standards typically apply a cushion between 85 and 95 percent to reflect the inability for a parking system or facility to operate at a constant 100 percent efficiency with a single vehicle ready to occupy a parking space at the same moment another vehicle is leaving.

Based on the one-way streets within the downtown area, the existing use of signage, and the number of parking facilities in the study area, a 90 percent cushion has been applied to all city-owned, on-street parking areas and the transient parking lots 1, 3, 4 and 6, as well as all identified private customer lots. In addition, a 95 percent cushion has been applied to the city-owned permit parking lot, Lot 2, since the parking permit holders are regular users and typically use that facility on a daily basis. The table below outlines the calculations for the effective supply.

Facility / Type	Total Supply	Factor	Effective Supply	Cushion
City-Owned Off-Street Parking Lots (Transient)	571	90%	514	57
City-Owned Off-Street Parking Lots (Permit)	37	95%	35	2
On-Street Public Parking Meters	162	90%	146	16
Private Owned Customer Parking Facilities	170	90%	153	17
TOTAL	940		848	92

Source: Timothy Haahs & Associates, Inc. 2015

There is a 92-space cushion after applying the effective supply factor to the actual supply resulting in an effective parking supply of 848 spaces within the study area that are available for use by the general public.

2015 Design Day Parking Adequacy

In order to calculate the parking adequacy (parking surplus or shortage), we compare the peak hour parking demand against the effective parking supply as previously calculated. Table 5 summarizes the parking adequacy for each type of parking facility captured in this analysis.

Street	Between	Total Supply	Factor	Effective Supply	10AM	12PM (Noon)	2PM	4PM	6PM	8PM
Main St. (N)	Chapel St. & Choate St.	11	90%	10	5	1	4	1	1	(0)
Main St. (N)	Choate St. & Center St.	18	90%	16	3	(1)	(2)	1	2	(1)
Main St. (N)	Center St. & College Ave.	31	90%	28	0	(3)	(1)	7	12	3
Main St. (N)	College Ave. & New London Rd.	8	90%	7	(1)	(1)	1	1	1	6
Main St. (S)	Chapel St. & Haines St.	16	90%	14	2	(1)	(0)	(1)	(2)	(2)
Main St. (S)	Haines St. & Academy St.	14	90%	13	2	1	1	1	(1)	(0)
Main St. (S)	Academy St. & College Ave.	27	90%	24	5	(2)	(2)	6	(1)	4
Center St. (E)	Main St. & Lot 4 Entrance	7	90%	6	1	(0)	3	2	2	(1)
Academy St. (E)	Delaware Ave. & Main St.	9	90%	8	6	(1)	1	2	2	1
Academy St. (W)	Delaware Ave. & Main St.	8	90%	7	6	0	3	4	2	0
Haines St. (E)	Delaware Ave. & Main St.	11	90%	10	5	(1)	1	1	(1)	(1)
Chapel St. (W)	New St. & Main St.	2	90%	2	2	2	2	2	2	(0)
TOTAL		162		146	35	(7)	11	27	20	10

Source: Timothy Haahs & Associates, Inc. 2015

For the 2015 Design Day, there is an overall parking surplus of four spaces during the peak hour. More importantly, there is an estimated 19-space shortage in the City-owned parking areas available for transient use and only a 10-space surplus in the on-street parking areas.

On the other hand, with the exception of the mid-day lunch hour, the parking adequacy ranged from a surplus of 62 to 232 spaces during the rest of the day.

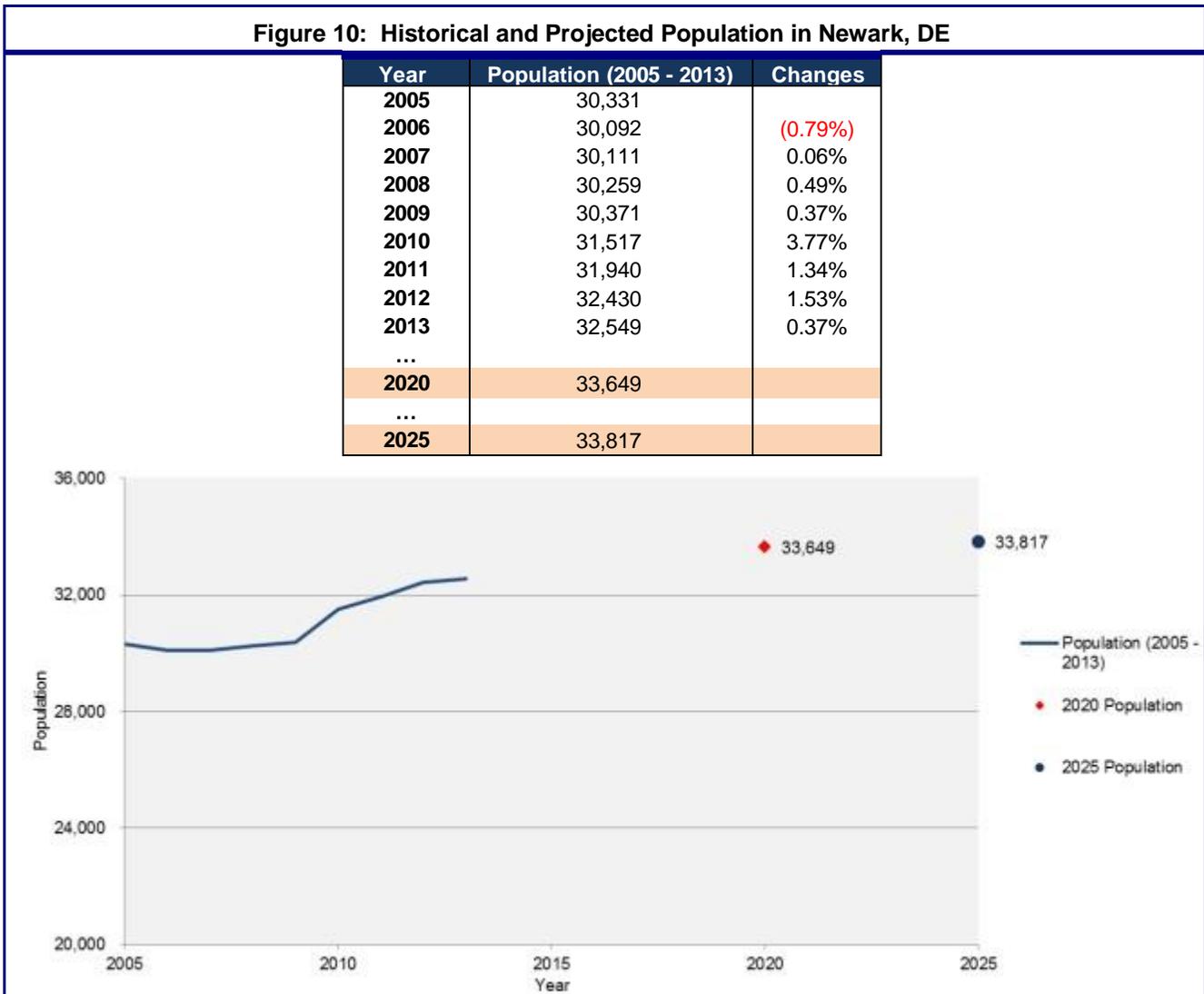
Future Parking Conditions

There are several factors which may impact the future parking conditions in downtown Newark. Normal demand growth is caused by general changes in population while development demand growth is caused directly from new development projects in the study area. This section describes each factor and quantifies an estimated range for the potential increase or decrease in parking demand.

Population Growth

In general, one consistent factor in parking demand growth is the projected population growth estimate. When looking back to 2005, the average annual growth rate is approximately 0.35%; however, the data is partially skewed by the recession. If we evaluate the growth rate from 2009 until 2013, near the end of the recession, the average annual growth rate is approximately 0.80%. Based on the 2020 and 2025 population projections, we have applied a 0.5% annual population growth factor from 2015 until 2020 and a 0.1% annual population growth factor from 2021 to 2025.

Figure 10: Historical and Projected Population in Newark, DE



Source: City of Newark, U.S. Census, and Timothy Haahs & Associates, Inc. 2015

After applying the normal growth rate to the 2015 Design Day Peak Demand, we are able to estimate the future demand and adequacy as follows:

Table 6: Estimated Future Demand and Adequacy from Normal Growth ONLY

Demand	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
City-Owned Off-Street Parking Lots	542	545	547	550	553	556	556	557	557	558	558
On-Street Parking Meters	136	137	137	138	139	139	140	140	140	140	140
Private Owned Parking Lots	166	167	168	169	169	170	170	171	171	171	171
Total	844	848	852	857	861	865	866	867	868	869	870

Surplus/Shortage	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
City-Owned Off-Street Parking Lots	7	4	2	(1)	(4)	(7)	(7)	(8)	(8)	(9)	(9)
On-Street Parking Meters	10	9	8	8	7	6	6	6	6	6	6
Private Owned Parking Lots	(13)	(14)	(15)	(16)	(16)	(17)	(17)	(18)	(18)	(18)	(18)
Total	4	(0)	(5)	(9)	(13)	(17)	(18)	(19)	(20)	(21)	(22)

Source: Timothy Haahs & Associates, Inc. 2015

Proposed Future Developments

The City representatives provided the following list of developments which are expected to impact the study area parking conditions. For the purpose of this analysis, we have assumed all of these projects would be completed by 2020.

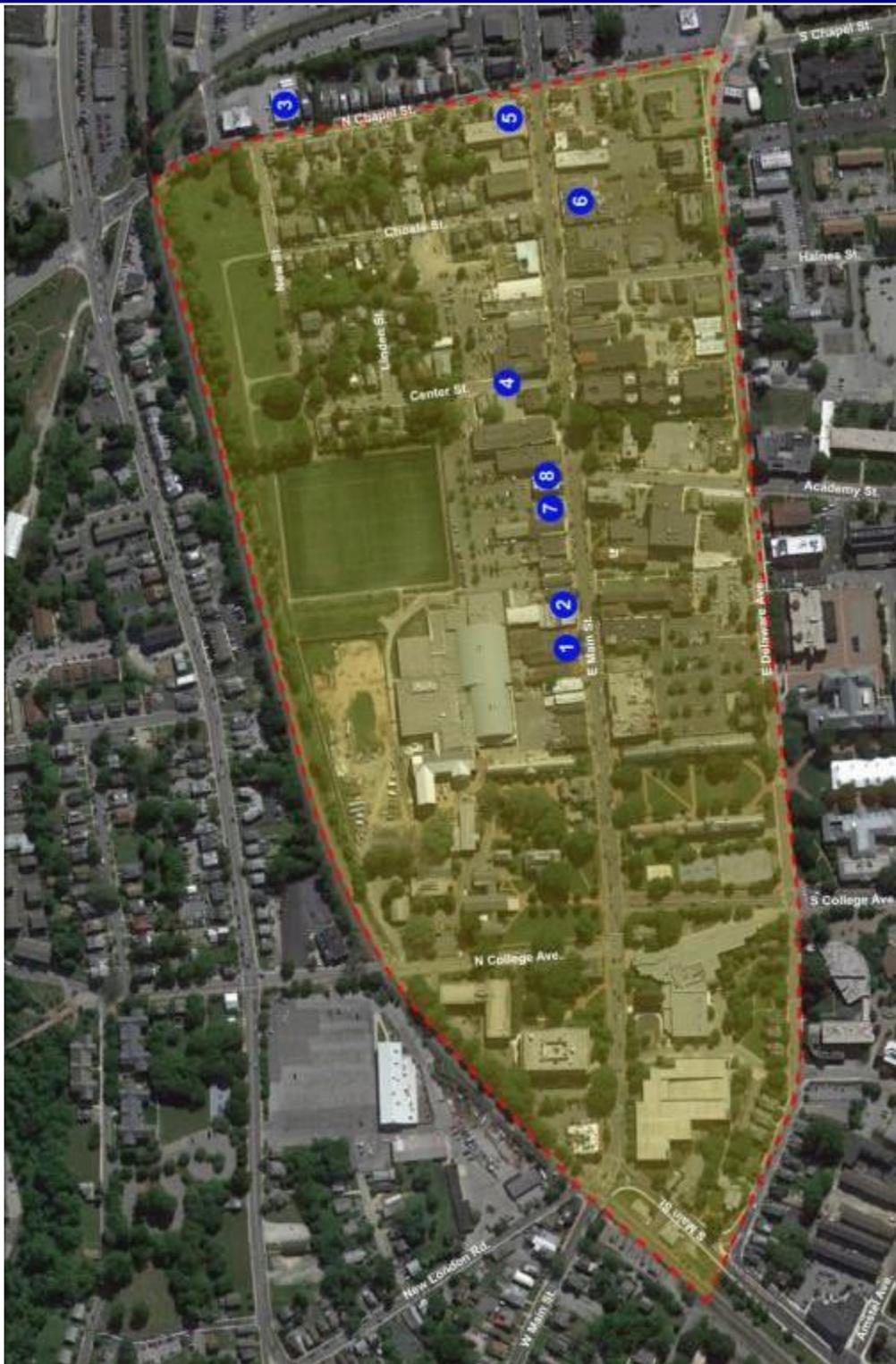
Table 7: List of Proposed Future Developments

No.	Address	Proposed Plan	Parking	Estimated Parking Impact	Status
1	58 E. Main Street	39,050 GSF Mixed-Use Building (24 Floor Apartment / 6,800 sq.ft. 1st Floor commercial Space)	Takes out a small private parking lot and replaces it with a 23 space parking lot which will be rented to the City (\$1 a year for 99 years) for long term (monthly) parking lot. The project received a 51-space parking waiver.	Estimated negative 30 to 40-space net impact	Approved
2	70 E. Main Street	2 Apartment Units	Does not displace parking. Needs a 4 space parking waiver.	Increases demand by 4 spaces Negative 4-space net impact	Currently Under Review
3	52 N. Chapel Street	3,382 sq.ft of Office / 12 Apartment Units	Takes out a commercial private parking lot but replaces it with code compliant parking lot.	Net zero impact	
4	Lofts at Center Street	3,000 sq.ft. of Office / 30 Apartment Units	Code compliant and does not displace any existing parking	Net zero impact	
5	174 E. Main Street & 21 Chapel Street	8 Apartment Units	It will take out some residential and commercial parking in an existing private lot and replace it with nearly Code compliant parking for the residential piece of the development. Still requires a 4 space parking waiver, which will be added to the 63 space waiver already granted for the property, if approved – and will remove at least 12 spaces currently serving the commercial building associated with it.	Estimated negative 20 to 40-space net impact	
6	147 E. Main Street	12 Apartment Units	If approved will be code compliant for residential. Private commercial and residential property, which already has a 40 space parking waiver. Spaces will be lost during construction only	Negative 40 to 50-space net impact	Potential Project – 12+ mos.
7	92 E. Main Street	Conceptual Plan submitted w 5000 sq ft retail/14 apartments	Will disrupt Lot #3 during construction. Depending on plan actually submitted may take out some parking. Will require a parking waiver.	Estimated negative impact 22 to 25 spaces	
8	96 E. Main Street	No plan submitted. Potential redevelopment project.	Will disrupt Lot #3 if pursued during construction. Depending on plan actually submitted may take out some parking. Will require a parking waiver.	Uncertain impact	

Estimated negative 116 to 159-space net impact

Source: City of Newark and Timothy Haahs & Associates, Inc. 2015

Figure 11: Map of Proposed Future Developments



Source: City of Newark and Timothy Haahs & Associates, Inc. 2015

After applying the estimated impact from development, we anticipate a 133 to 176-space shortage by 2020 and a 137 to 176-space shortage by 2025. This does not include the transient spaces which may be available in the Trabant Garage. The table below summarizes the estimated 2020 and 2025 parking adequacy.

Please note, per the UD representatives, approximately 150 transient spaces are regularly available within the Trabant Garage. However, between 8PM and 10PM on the Friday night which data was provided, 159 transient vehicles were present, implying that the transient supply may be more than 150 spaces (because the permit holders have vacated the facility). We were not able to quantify the actual number of spaces available for transient use between 8PM to 10PM but we do anticipate there may be availability for transient use during the evening hours.

We **did not** include the Trabant Garage in the overall impact because:

- 1.) We know that the busiest time for the entire study area is between 8PM and 10PM on a Friday evening with a surplus of 4 spaces **BUT, we also know that the second busiest time is between 12PM and 2PM** with a surplus of only 20 spaces.
- 2.) Since the Trabant Garage serves University users, it is regularly utilized by the permit holders Monday through Friday between 8AM and 5PM, and therefore, **it is not a viable long-term solution for the City to rely on for its downtown transient parking needs.**
- 3.) While the Trabant Garage may have excess transient capacity during the evening hours, it **did not** have excess capacity between the hours of 12PM and 2PM (Table 1), in fact, after adjusting for the effective supply factor, **there is a 14-space shortage of transient spaces within the Trabant garage between 12PM and 2PM.**

Timeline Summary	Adequacy
2015 Effective Supply	848 spaces
2015 Design Day Demand	844 spaces
2015 Design Day Adequacy	4-space surplus
2020 Normal Growth Demand Impact	negative 21-space net impact
2020 Development Impact	negative 116 to 159 net impact
2020 Parking Adequacy	133 to 176-space shortage
2025 Normal Growth Demand Impact	negative 4-space net impact
2025 Development Impact	none included
2025 Parking Adequacy	137 to 180-space shortage

Source: Timothy Haahs & Associates, Inc. 2015

Summary

We anticipate a future parking shortage based on the impact from proposed development and normal growth. In addition, the privately owned parking facilities were also observed as being very well utilized during the peak hours and clearly signed for their specific customers only. Note that our analysis does not include the parking available in the University's Trabant Garage based on its proximity to the core downtown area. Even though the Trabant Garage is at the far west end of the study area, it is still within a 4 to 5 minute walk to the commercial area.

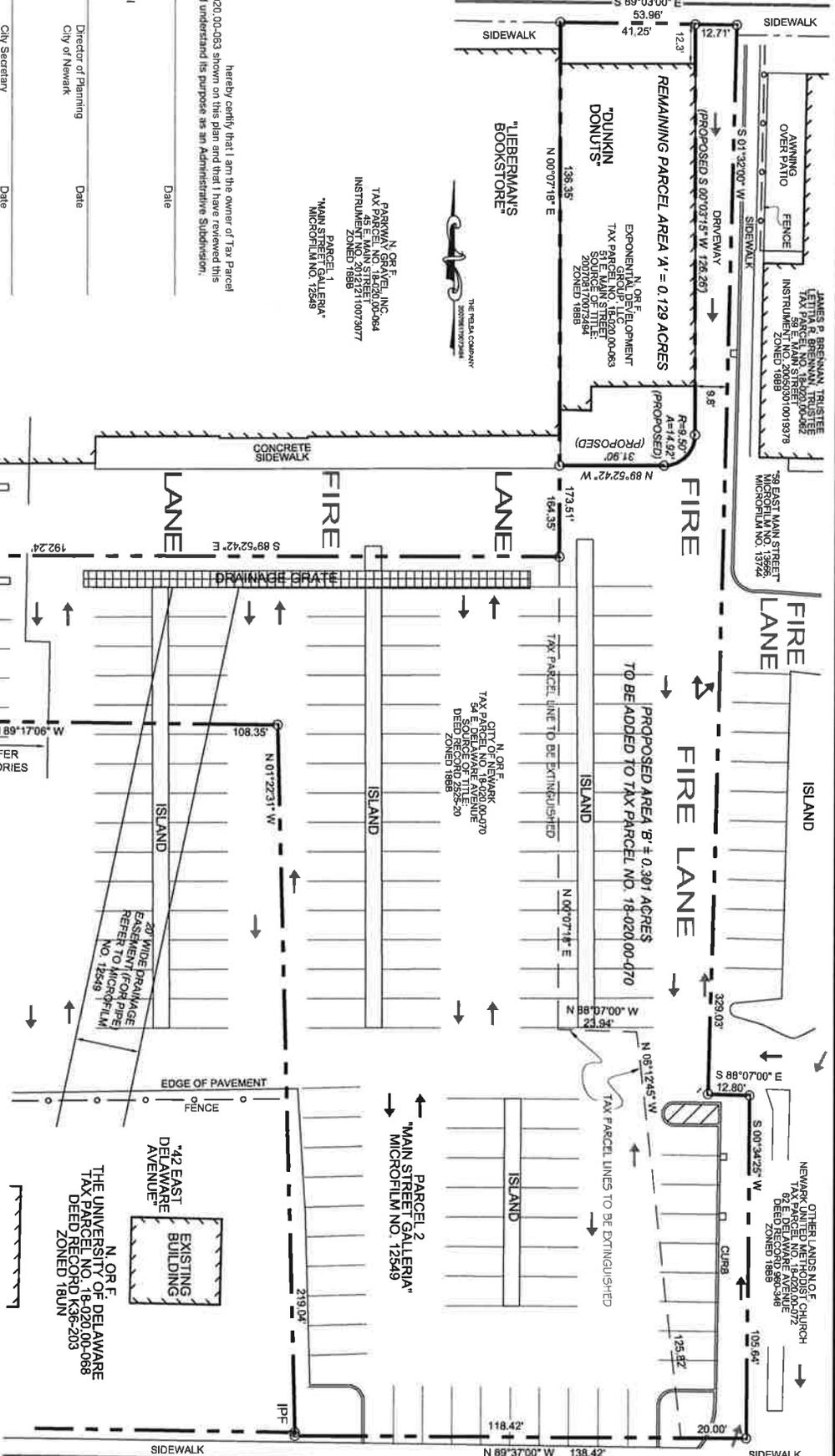
As development occurs, it may be necessary for more customers and visitors to utilize the Trabant Garage during busy hours or it may be feasible to promote employee use to free up more downtown parking spaces for customers and visitors.

Understanding that the City would like to encourage downtown growth and development, while maintaining a sufficient amount of proximate public parking to support the commercial district, it may be necessary to consider a parking structure. Based on the existing inventory of city-owned surface parking lots, only Lot 1 is capable of accommodating an efficient footprint for a parking garage. The other city-owned lots are either too small (Lots 2 and 6) or the odd shaped geometrics of the lot are not conducive to accommodating an efficient parking garage (Lots 3 and 4).

If the City decides to build a parking garage, consideration should be given to the use of the Trabant garage as an interim solution to address all displaced parking areas during the construction of a centralized parking garage. We would recommend coordinating with University representatives in order to mitigate the impact of the parking conditions during construction.

**EAST MAIN STREET
(WIDTH VARIES)**

ONE WAY



I, _____ hereby certify that I am the owner of Tax Parcel No. 18-020-00-063 shown on this plan and that I have reviewed this plan and understand its purpose as an Administrative Subdivision.

Approval	Date
Director of Planning	Date
City of Newark	Date
City Secretary	Date

Administrative Subdivision Plan

for
51 E. Main Street &
54 E. Delaware Avenue
City of Newark
New Castle County, Delaware

Prepared by: [Faint text]

THE PELSA COMPANY
Index Sheet
1 of 2
Engineering, Surveying, Environmental Sciences

610 PEOPLES PLAZA
NEWARK, DE 19702
(302) 854-5771 (410) 358-9890

Date: 08/02/11
Scale: 1" = 40'
Project Number: M011-0747

DEGREE OF ACCURACY: _____

APPENDIX C

Sec. 32-18. - BB districts (central business district).

- (a) In a BB district, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used, except for one or more of the following uses:
- (1) Retail and specialty stores.
 - (2) Retail food stores up to 5,000 square feet in maximum floor area, limited to bakeries, confectionery, candy, gourmet shops, small convenience grocery, and meat sales facilities. Goods produced on the premises shall be sold only on the premises.
 - (3) Restaurants, bakery-restaurants, and delicatessens.
 - (4) Finance institutions, banks, loan companies.
 - (5) Offices for professional services and administrative activities.
 - (6) Personal service establishments.
 - (7) Studio for artists, designers, photographers, musicians, and sculptors.
 - (8) Repair and servicing, indoor and off-site, of any article for sale which is permitted in this district. A 20 foot setback is required for this with no vehicular parking permitted in the required front yard area.
 - (9) Related indoor storage facilities are permitted as an accessory use to any of the permitted uses in this district, excluding highly combustible or explosive products or materials which are likely to burn with extreme rapidity, or which may produce poisonous fumes or explosions, or products and materials which involve highly corrosive, toxic, or noxious alkalies, acids, or other liquids or chemicals producing flames, fumes, poisonous, irritant, or corrosive gases.
 - (10) Accessory buildings or structures, no impact, and accessory uses, no impact.
 - (11) Public parking garages and parking lot.
 - (12) Parking, off street.
 - (13) Public transportation facilities, including bus or transit stops for the loading and unloading of passengers; stations and depots.
 - (14) Street right-of-way.
 - (15) Utility transmission and distribution lines.
 - (16) Water tower, water reservoir, water storage tank, pumping station and sewer.
 - (17) Social club, fraternal, social service, union, and civic organizations, except on ground floor locations.
 - (18) Photo developing and finishing.
- (b) The following uses require special use permits as provided in Article XX, Section 32-78 of this chapter:
- (1) Retail food stores with more than 5,000 square feet in floor area.
 - (2) Drive in and curb service, for other than eating establishments, with a minimum setback from all street lines of 65 feet.
 - (3) Fast food restaurants, subject to the following special requirements:
 - a. Minimum lot size shall be one acre.

- b. Minimum lot width shall be 200 feet.
 - c. Minimum depth of lot on one site shall be 218 feet.
 - d. Minimum setback from all street lines shall be 75 feet.
 - e. Minimum distance from all property lines other than street lines shall be 50 feet.
 - f. Parking requirements shall be subject to the requirements listed in Article XIV.
 - g. Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists.
 - h. A solid fence or wall and/or a landscape screen a minimum of six feet in height shall be erected along all property lines separating the site from residential lot zones or any lot developed or approved for development for residential use in accordance with Article XXV of this chapter.
- (4) Motels and hotels.
 - (5) Commercial indoor recreation and indoor theaters.
 - (6) Instructional, business, or trade schools.
 - (7) Substation, electric, gas, and telephone central office, subject to the following special requirements:
 - a. No storage of materials and trucks is allowed. No repair facilities are allowed except within completely enclosed buildings.
 - (8) Tower, broadcasting and telecommunications installed on existing buildings or structures only. Such facilities shall be subject to the following special requirements:
 - a. Tower applications shall be accompanied by a professional engineer's report containing the following:
 - 1. A technical evaluation of the utilization of existing towers for telecommunications or other equipment intended for installation on the proposed tower.
 - 2. Written certification of compliance with the Federal Communications Commission Safety Standards for exposure to nonionizing electromagnetic radiation.
 - 3. Copies of all applicable state and federal permits.
 - b. The tower must be installed on a building or structure at least three stories in height. Towers shall not extend beyond 22 feet above the highest point of the building or structure. Accessory buildings or facilities for towers located on existing buildings or structures shall be located either in or on top of such buildings or structures.
 - c. No artificial light shall be installed upon any such tower unless required by the Federal Aviation Administration. If such light is required, it shall be screened so as not to project its light below the horizontal plane in which it is located.
 - d. Unless otherwise required by the Federal Aviation Administration or the Federal Communications Commission, the tower shall be light gray in color.
 - e. New telecommunication facilities may be attached to an approved tower without applying for an additional special use permit so long as the new facility is in compliance with the requirements and standards of this section.
 - f. No interference with existing television, cable television, radio signals, or other electronic devices shall be permitted from the tower. If interference occurs, it shall be immediately remedied by the operators of the tower.
 - g. If a tower is abandoned, unused for two years, or no longer operable, it shall be removed within six months of its abandonment. If a tower is not dismantled as specified in this

subsection, the city shall arrange to have the facility dismantled and will assess the landowner all costs associated with the removal of the tower. If the full amount due the city is not paid by the owner, or person in control of the property, or his or her agent, within 90 days of receipt of a bill from the city, the city finance director shall cause a special assessment to be recorded in the municipal lien docket. The recordation of such special assessment shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest until final payment has been made.

- h. A tower shall be located so as not to encroach into any established public or private airport approach as established by the Federal Aviation Administration.
- i. That the owner of such tower shall provide proof to the city that the tower has undergone a triennial inspection for structural integrity. Said inspection is to be performed by a certified engineer, or other qualified professional, at the expense of the owner of the tower. If structural deterioration is found to be present, and such deterioration affects the physical stability or aesthetic integrity of the tower, the owner shall be required to correct such deterioration within a time limit to be established by the building department.

In addition, the operator of such tower shall provide annual proof to the city that the tower has undergone field measurements to ensure compliance with all applicable Federal Communication Commission safety standards for exposure to nonionizing electromagnetic radiation. Such field measurements, and submission of the results to the city, shall be conducted upon start up of the facility and annually thereafter; except that every third year, such proof of compliance shall be submitted on behalf of the operator by an independent nonionizing electromagnetic radiation evaluator. All such field measurements, and submission of the results, are to be performed by a certified engineer, or other qualified professional, at the expense of the operator. If such field measurements demonstrate noncompliance with Federal Communication Commission safety standards specified in this section, transmission at the facility shall be suspended until such time as full Federal Communication Commission safety standards compliance is demonstrated to the satisfaction of the city.

- j. The owner of such tower shall give proof to the city that any damages which may occur to surrounding properties or injury which may occur to persons, which damages or injuries are caused by a failure of the tower and/or its associated structural supports, regardless of whether such failure is a result of human error or an act of God, shall be paid by the owner of the tower and/or insurers of the tower.

(9) Police and fire stations.

(10) Library, museum, and art gallery.

(11) Church, or other place of worship, seminary or convent, parish house, or Sunday school building.

(12) Restaurant, cafeteria style.

(13) Apartments are permitted in conjunction with any nonresidential uses permitted in this district, except on ground floor locations, and subject to the following special provisions:

- a. Maximum number of such dwelling units shall be as follows:
 - 1. Twenty units per gross acre for apartments with three or more bedrooms each;
 - 2. Fifty units per gross acre for apartments with a maximum of two bedrooms and limited to occupancy by one family or up to four unrelated tenants each;
 - 3. Ninety units per gross acre for owner occupant dwellings units, defined as fee simple or condominium dwelling units limited to occupancy by one family or up to two unrelated tenants each.

4. For apartment buildings consisting of various combinations of dwelling unit categories in subsections 1., 2. and 3. above, the maximum number of dwelling units shall be calculated by using the following formula:

Number of units in subsection 1 multiplied by 20, plus
Number of units in subsection 2 multiplied by 50, plus
Number of units in subsection 3 multiplied by 90, divided by
the total number of units, multiplied by gross acreage =
total number of units permitted at site.

- b. Minimum floor area shall not be less than an average of 800 square feet for each habitable dwelling unit.
- c. Height. For all structures three stories or less, the maximum allowable height shall be 35 feet. This maximum height may be exceeded within special provisions of Section 32-18(d)(4) of this chapter.
- (14) Restaurants, with alcoholic beverages, except as otherwise regulated in this chapter, subject to the requirements in Section 32-56.4.
- (15) Accessory buildings or structures, with impact, and accessory uses, with impact.
- (16) Indoor theaters, with alcoholic beverages, except as otherwise regulated in this chapter, and subject of the requirements in section 32-56.4(f) and requirements of the Delaware Code.
- (c) Every applicant for subdivision approval, rezoning, or a building permit who wishes to develop a site or erect a structure in a manner different from that which is specified in the BB district area regulations as stated in this chapter, shall first file for site plan approval as provided in Article XXVII of this chapter.
- (d) *Area regulations.*
- (1) *Minimum lot area.* Except as specified in Article XVI, Section 32-56.2(a) of this chapter, the minimum lot area for any permitted use, together with its accessory buildings, shall be 3,000 square feet, provided parking space and loading space are provided in accordance with the requirements in Article XIV of this chapter.
- (2) *Maximum lot coverage.* Buildings or other structures used exclusively for business purposes may occupy the entire lot, subject, however, to the provisions of Article XXV of this chapter and to the provisions of Section 32-18(d)(4), (6) below, except for those uses which are otherwise regulated as specified in this section.
- (3) *Minimum lot width.* Except as specified in Article XVI, Section 32-56.2(b) of this chapter, the minimum width of a lot shall be 20 feet, except for those uses which are otherwise regulated as specified in this section, and subject to the provisions of Article XXV.
- (4) *Height of buildings.* Except as specified in Article XVI, Section 32-56.2(c)(2) of this chapter, permitted uses in a BB district may be erected to a height of over three stories or 35 feet, but no more than four additional floors, provided that the following provisions apply; and except as noted herein in subsection c. below.
- a. Within the minimum required setback, an additional floor may be permitted for each floor whereon 60% of a floor is used for off-street parking purposes and/or building mechanical equipment, provided that the height of such additional floors shall not exceed an average of 11 feet each. Off street parking for buildings exceeding three stories in height shall be construed to mean either:
1. Subgrade parking facilities designed as an integral part of the permitted use's structure; or
 2. Leased or privately owned parking spaces in a separate parking garage or structure, provided that such garage or structure is located so that it is not greater than 600 feet from the permitted use to which its parking spaces are assigned.

- b. Within the minimum required setback, and as defined within this subsection, an additional floor may be permitted for an open plaza, or for each floor whereon 60% of a floor is used as exhibition, lobby, or gallery area, or for each floor whereon 40% of a floor is used as a terrace, provided that the height of such additional floors shall not exceed an average of 11 feet each.

A plaza area and its corresponding bonus height provision may consist of:

1. Continuous open area along the front lot line for 50 feet or the entire frontage, whichever is greater, which is at least 20 feet wide at its narrowest point and has a total area of more than 750 square feet; or
 2. Continuous arcaded area from street to street on a through lot not less than 40 feet wide at any point;
 3. An open area on a corner lot bounded on two sides by intersecting street lines which has an area of at least 750 square feet and a minimum least dimension of 10 feet.
- c. Within the minimum required setback up to three additional floors may be added, provided that the height of such a building hereafter erected or altered shall not exceed 15 feet per floor and a maximum total height of 78 feet, and further provided that except for the ground floor, to qualify for additional floors as specified herein, such buildings shall consist of more than one-half of their apartment dwelling units with a maximum of two bedrooms and occupancy by one family or up to four unrelated tenants each.
- (5) *Building setback lines.* Except as specified in Article XVI, Section 32-56.2(d)(1), (2) no setback is required for all structures three stories or 35 feet in height or less. A 20 foot setback shall be required for all buildings above three stories or 35 feet in height, subject to the provisions of Article XXV.
 - (6) *Rear yards.* Except as specified in Article XVI, Section 32-56.2(e)(1), (2) a rear yard of 15 feet shall be provided for all structures in the BB district, and such rear yard may be used to meet the applicable parking requirement, subject to the provisions in Article XXV.
 - (7) *Side yards.* No side yards are required for buildings up to 35 feet in height. For buildings with floors above 35 feet in height, a minimum side yard of eight feet is required when the property is contiguous to another lot in the same zoning district. When a side lot line forms the boundary line with any residential district, a side yard shall be required equal to the minimum side yard required for that residence district, subject to the provisions of Article XXV.

(Ord. No. 70-31, Art. VI, § 3, 7-21-70; Ord. No. 72-10, 2-14-72; Ord. No. 72-62, 11-27-72; Ord. No. 73-26, 6-11-73; Ord. No. 74-7, 2-25-74; Ord. No. 76-22, Amend. No. 3, 5-10-76; Ord. No. 77-3, Amend. No. 1, 1-10-77; Ord. No. 77-42, Amend. No. 1, 9-12-77; Ord. No. 77-45, Amend. Nos. 1, 2, 9-12-77; Ord. No. 77-62, Amend. No. 4, 11-28-77; Ord. No. 78-6, Amend. No. 2, 2-13-78; Ord. No. 78-33, Amend. No. 11, 9-11-78; Ord. No. 88-21, Amend. No. 2, 8-8-88; Ord. No. 96-14, Amend. No. 3, 9-23-96; Ord. No. 96-21, Amend. No. 3, 11-25-96; Ord. No. 97-14, Amend. No. 2, 6-9-97; Ord. No. 02-22, Amend. No. 2, 9-23-02; Ord. No. 04-16, Amend. Nos. 1, 2, 7-12-04; Ord. No. 05-15, Amend. No. 3, 5-23-05; Ord. No. 05-15 (Revised), Amend. No. 3, 5-23-05; Ord. No. 12-11, Amend. Nos. 1, 2, 3-26-12; Ord. No. 15-18, Amend. No. 12, 9-14-15; Ord. No. 16-16, Amend. No. 1, 4-25-16)