

November 24, 2014

Lance B. Landgraf, Jr., P.P., AICP
CASINO REINVESTMENT DEVELOPMENT AUTHORITY
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

Re: Site Plan (4th Review)
Block 386, Lots 3 & 4; Block 387, Lots 9 & 10
Sunset Avenue
Applicant: Robert Boselli, Jr.
Zone: MUR, Mixed Use Recreation District
Application No 2013-12-897
Our File No CRDA13009



Dear Mr. Landgraf:

The above referenced application is a request for site plan review.

1.0 Project Description

1.1 Applicant's Proposal

The applicant has revised his previous application submitted on December 5, 2013. The applicant now proposes a 2-stage development plan. Stage 1 is to demolish the existing warehouse structures and reconstruct new ones using the same exact footprint on a temporary basis until feasible to implement Stage 2 of the development. Stage 1 will require a certificate of non-conformity and use and bulk variance approval. Stage 2 will remain as originally proposed, as follows:

The applicant seeks site plan approval to construct a five-story, mixed use building with parking at-grade both inside the building and across Sunset Avenue. The structure will include eight residential units on the upper three floors and three commercial units including 2 bar/restaurants and a water taxi service on the first and second floors. Waterfront improvements are also proposed, including a new bulkhead and floating dock. In order to achieve this development the applicant proposes to demolish the existing warehouses and other improvements.

1.2 Existing Conditions

The property in question is Block 386, Lots 3 and 4 and Block 387, Lots 9 and 10 and is located on Sunset Avenue. The property is zoned MUR, Mixed Use Recreation District. The property contains a one-story brick building consisting of garages on the south side of Sunset Avenue and a frame and stucco structure on the north side. Otherwise, the property is vacant and possibly contaminated from an adjacent, former manufactured gas plant. The applicant has entered into a remediation agreement with South Jersey Gas

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Company, the adjoining property owner, who has entered into an Administrative Consent Order with the New Jersey Department of Environmental Protection.

1.3 Adjacent Land Uses

Next to the garages are apartments above storage units and behind these structures is the former manufactured gas plant which may have caused the contamination. To the southwest is a residential neighborhood and to the north the Beach Thorofare.



2.0 Materials Reviewed

We have reviewed the referenced submission, received by our office on November 14, 2014, consisting of the following:

<u>Sheet</u>	<u>Title</u>	<u>Date</u>
--	Cover letter from Raymond J. Went, Jr., Esq.	November 13, 2014
C-1	Title Sheet	Last Revised November 13, 2014
C-2	Property Survey	Last Revised November 13, 2014
C-3	Previously Approved Application Plan	Last Revised October 13, 2014
C-4	Site Development Plan	Last Revised November 13, 2014
C-5	Site Details	Last Revised October 13, 2014
C-6	Grading, Drainage & Utility Plan	Last Revised November 13, 2014
C-7	Soil Erosion & Sediment Control Plan	Last Revised October 13, 2014

The plans are signed and sealed by Arthur W. Ponzio, Jr., P.P., P.L.S. and Jon J. Barnhart, PE, PP of Arthur W. Ponzio Co. & Associates, Inc. (AWP).

3.0 Submission Requirements

3.1 Requirements for Completeness are included in Chapter 163 of the Code of the City of Atlantic City, Land Use and Development. Based upon our review of the submitted items, we have determined that the site plan application is incomplete unless the following submission item(s) are granted a waiver for completeness or deferred by the Land Use Regulation and Enforcement Division (LURED) to be provided as a condition of approval:

§ 163-97 - Application for Preliminary Site Plan/Subdivision Plan

C. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the Land Use Administrator, but shall in all instances, unless an order of the LURED entered pursuant to § 163-82C or 163-90B provides otherwise, contain at least the following information and documentation, which information and



documentation, taken together, shall constitute a preliminary site plan/subdivision plat:

- (8) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed development, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or commitment for title insurance.

Note: The applicant has submitted deeds of all four (4) lots and requests a waiver from the requirement to submit an up-to-date abstract of title or commitment for title insurance.

- (15) Evidence of the financing plan the applicant proposes to use to complete the proposed development. Evidence of the applicant's prior successful completion of projects of similar scope may, if found sufficient by the Planning Board, be accepted in satisfaction of this requirement.

Note: The applicant has requested a waiver.

- (17) Studies indicating the adequacy of existing or proposed public improvements, public sites and rights-of-way and essential public or quasi-public facilities and services, such as transportation, police and fire protection, social and health services, education, recreation, sanitation and energy facilities and supplies, and indicating any proposals of the applicant for upgrading those improvements, sites, services and facilities. Such studies shall, when required by the Planning Board, include a full energy impact assessment prepared in accordance with the Board's regulations pertaining thereto.

Note: The applicant has requested a waiver.

- (22) Energy impact statement. Such statement shall include the following:

- (a) An analysis, with documentation, of the annual energy demand anticipated to be generated by the proposed development in terms of Btu's, the type and quantity of fuels and the energy systems which would meet this demand.
- (b) Information on energy conservation measures which the proposed project would employ and other pertinent data as needed for the assessment of the energy-conserving potential of the project.
- (c) Identification of the constraints, if any, which would restrict the energy conservation potential of the development.

Note: The applicant has requested a waiver.

Note: The applicant has requested waivers of the above items which I support and recommend completeness be granted, subject to action on the above items.



4.0 Zoning Requirements

4.1 Permitted Uses

1. In accordance with § 163-59A(4), the Mixed Use Recreation District has been established to integrate residential, commercial, cultural, transportation and transient oriented uses. Water-based uses that provide alternative modes of transportation to other locations throughout the City are encouraged. Public access along the waterfront is a major component of the district plan, to provide a scenic venue and pedestrian links to The Walk.
2. In accordance with § 163-59B, Schedule III, multiple-family dwellings at second floor or above (163 Attachment 8), restaurants (163 Attachment 12) and marinas (163 Attachment 25) are principal permitted uses in the MUR District.
3. The proposed water taxi, while not specifically listed as a permitted use, clearly meets the intent of the MUR District and can be considered an accessory use to the restaurant/bar.
4. In accordance with § 163-59B, Schedule III, general warehouses and storage facilities enclosed (163 Attachment 21) are not principal permitted uses in the MUR District. The existing warehouses represent a non-conforming use. Their removal will eliminate this non-conforming condition. The plans should clearly note their removal, including the structures on the north side of Sunset Avenue.

4.2 Bulk Requirements

1. **Maximum Height:** The maximum permitted principal building height is 60 feet and accessory building height is 15 feet. The plan conforms to this requirement, proposing a 5-story building at a height of 60 feet.
2. **Minimum Front Yard Setback:** The minimum required front yard setback is 5 feet to a height of 35 feet and 10 feet above a height of 35 feet. The plan conforms to this requirement for the proposed 5-story mixed-use building, proposing a front yard of 10 feet.
3. **Minimum Side Yard Setback:** The minimum required side yard setback is 10 feet. The plan conforms to this requirement for the proposed 5-story mixed-use building, proposing side yards of 10.0 and 10.9 feet.



4. **Minimum Rear Yard Setback:** The minimum required rear yard setback is 10 feet. The plan conforms to this requirement for the proposed 5-story mixed-use building, proposing a rear yard of 10.1 feet.
5. **Maximum Lot Coverage:** The maximum permitted lot coverage is 90%. The plan conforms to this requirement for the proposed 5-story mixed-use building, proposing coverage of 61%.
6. **Maximum Floor Area Ratio:** The maximum permitted floor area ratio is 4.0. The plan conforms to this requirement.

4.3 Off-Street Parking and Loading

1. In accordance with § 163-70A(1)(c)[4], 100% of required parking shall be provided on-site. The plan does not conform to this requirement. As proposed, a variance is required.
2. In accordance with § 163-70A(2)(a)[2][a], no part of any parking lot, other than driveways for ingress and egress, shall be located closer to a street than the minimum front yard setback required for a one-story principal building in the relevant district or the face of the principal building on the lot in question facing such street, whichever is greater. The plan does not conform to this requirement, proposing parking on the property line of Lots 9 and 10. As proposed, a variance is required.
3. In accordance with § 163-70A(2)(a)[2][b], no part of any parking lot other than driveways for ingress and egress, shall be located in any required side yard or between a side lot line and the side of any principal building on such lot, unless located to the rear of the rear of such building. The plan does not conform to this requirement, proposing parking within 2 feet of the side lot lines on the south side of Sunset Avenue and within 5 feet on the north side. As proposed, a variance is required.
4. In accordance with § 163-70A(2)(b)[1][a], a perimeter landscaped open space of a width of at least 10 feet shall be provided along every street line. The plan does not conform to this requirement, proposing approximately 2 feet of landscaping along Lots 3 and 4 and no landscaping along Lots 9 and 10. As proposed, a variance is required.
5. In accordance with § 163-70A(2)(b)[1][d], shade trees shall be provided at a ratio of one tree for every 10 parking spaces. The plan does not conform to this requirement, as only 2 ornamental trees and no shade trees are proposed. As proposed, a variance is required.



6. In accordance with § 163-70A(2)(b)[2], a perimeter landscaped open space of a width of at least 15 feet is required for parking lots adjoining residential uses. The plan does not conform to this requirement, proposing parking within 2 feet of a lot line to a residential use. As proposed, a variance is required.
7. In accordance with § 163-70A(2)(c)[1], each required off-street parking space shall have a vertical clearance of at least 6 ½ feet. For 90° parking, a minimum width of 9 feet, length of 19 feet and aisle width of 24 feet are required. For 45° parking, a minimum width of 9 feet, perpendicular length of 19.8 feet and aisle width of 13 feet are required. The parking spaces in the garage are 18 foot long. The parking spaces on Lots 9 and 10 do not have a perpendicular length of 19.8 feet or an aisle width of 13 feet. The plan does not conform to these requirements. As proposed, a variance is required.
8. In accordance with § 163-70A(2)(c)[7], car stops or curbs shall be provided. The parking on Lots 9 and 10 conforms to this requirement. The parking in the garage does not indicate curbs or car stops. Bollards are proposed on one side. As proposed, a variance is required.
9. In accordance with § 163-70A(3)(a), off-street parking spaces shall be provided in accordance with the required off-street parking spaces set forth in Schedule IV, Schedule of Required Off-Street Parking Spaces. In addition to the number of spaces shown on the schedule, each use having employees on the premises shall provide one space for each 1 ½ employees. Eight (8) apartment units are proposed. In accordance with the RSIS, two-bedroom apartments require 2.0 spaces per unit. Therefore, 16 spaces are required for the residential aspect of the project. The applicant also proposes a restaurant and bar in 8,000 square feet and water taxi service in 444 square feet. The applicant's engineer has calculated these uses require an additional 161 parking spaces for a total of 177 spaces. The plan does not conform to this requirement, proposing 16 spaces. As proposed, a variance is required.
10. In accordance with Schedule V, one (1) loading space is required. The plan conforms to this requirement.
11. In accordance with § 163-70B(2)(a), no loading space shall be so located as to require or permit any vehicle it is designed to accommodate to extend into any front yard or across any lot line while being loaded or unloaded. The plan does not conform to this requirement. As proposed, a variance is required.

12. In accordance with § 163-70B(2)(c)(1), no required loading space shall be less than 12 feet in width or 35 feet in length or have a vertical clearance of less than 10 feet. The plan does not conform to these requirements, proposing a width of approximately 10 feet and length of 31 feet to the right-of-way line. As proposed, a variance is required.

4.4 Signs

1. Two (2) business signs are indicated on the provided plans. Details of the signs should be provided to address conformance with §163-71D.
2. A total area of 84 square feet of signage is proposed on the southern façade. The plans indicated that the sign area is 3.3% of the wall area and therefore conforms to the requirements of §163-71I(4)(c).

4.5 Performance Standards

1. In accordance with § 163-59J(1), all uses established in any commercial district shall comply with the performance standards set forth in § 163-73.
2. No outdoor display or storage of merchandise or equipment shall be permitted in any commercial district unless located to the rear of the principal building on the lot in question.
3. In accordance with § 163-73H(1), in no event shall the sound-pressure level of noise radiated continuously from a use or activity in any district exceed, at the lot line, the values given in the Maximum Sound Level Table (found in the code) in any octave band of frequency. However, where the lot line adjoins or lies within 25 feet of the boundary of a residential district, the sound-pressure levels of noise radiated shall not exceed, at the lot line, the values given in the Residential Sound Level Table (found in the code) in any octave band of frequency.

Note: The applicant and applicant's engineer should be prepared to provide testimony as to the proposed sound levels anticipated including, but not limited to, sounds originating from music (live or recorded), water taxi, outdoor crowd noise, etc.

4.6 Urban Design Standards

1. In accordance with § 163-74G(1), at least 50% of the total exposed surface of all flat roofs, including but not limited to decks, balconies and parking garage roofs, shall be landscaped as roof gardens. The landscaping may be either distributed on every exposed roof surface or concentrated in selected areas.





Note: The applicant should be prepared to address this requirement.

2. In accordance with § 163-74G(3), side surfaces should be treated with nonreflective materials. The use of reflective materials may be allowed, provided that reflective surfaces do not have adverse impacts on surrounding uses, such as increasing the cooling loads of the structures upon which they reflect heat, causing visual discomfort and the like.

Note: The applicant should be prepared to address this requirement.

5.0 Design Standards

5.1 Stormwater Management

The applicant does not propose an increase in impervious area greater than $\frac{1}{4}$ acre nor a total disturbance of more than 1 acre. Therefore, the project does not fall under the jurisdiction of the NJDEP Stormwater Management Rules (NJAC 7:8).

6.0 General Comments

- 6.1 The landing for the proposed ramp will be into the driveway for the parking garage, which is already 5 feet narrower than the garage's drive aisle. In addition, its elevation at a slope of 12:1 would be 7.5. This does not agree with the proposed driveway grades. The applicant should be prepared to discuss.
- 6.2 Perhaps the sidewalk in front of the building should be increased to 4 feet and the cartway reduced to 15 feet?

7.0 Fees, Contributions and Obligations

7.1 Approval Process

Upon receipt of CRDA approval, resolution compliance and outside agency approvals, copies of the approvals along with eleven (11) sets of the site plan should be submitted to this office for signature.

7.2 Performance Bond and Inspection Escrow

The applicant's engineer should submit a schedule of quantities to be reviewed and utilized for the purpose of preparing a cost estimate for the installation of all improvements. Such estimate shall be the basis for the applicant to furnish performance and maintenance guarantees in accordance with § 163-136. In addition, an inspection escrow account shall be established.

7.3 Escrow

The applicant must contact the CRDA Land Use Regulation & Enforcement Officer to settle any outstanding review escrow accounts prior to the plans being signed.

8.0 Outside Agency Approvals

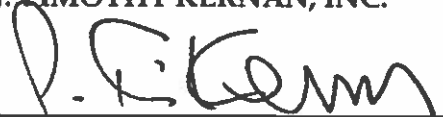
This application is subject to the review and approval of the following outside agencies with jurisdiction, if not already received, including but not limited to the following. Evidence of these approvals must be submitted to LURED.

- Atlantic City Municipal Utilities Authority;
- Atlantic City Fire Official;
- Cape-Atlantic Soil Conservation District;
- Atlantic County Planning Board;
- Atlantic County Utilities Authority;
- New Jersey Department of Environmental Protection;
- U.S. Army Corps of Engineers (approved 7/15/14); and
- Any others as may be required.

The above comments and/or recommendations are submitted for your review and consideration. Should you have any questions with regard to this matter or require additional information, please do not hesitate to contact our office at (856) 251-9500.

Best regards,

J. TIMOTHY KERNAN, INC.



J. Timothy Kernan, P.E., P.P., C.M.E.
President

JTK/rld

cc: Robert Reid, Land Use Regulation & Enforcement Officer
Paul Weiss, Esq.
Scott Collins, Esquire
Robert Boselli, Jr.
Raymond J. Went, Jr., Esq.
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