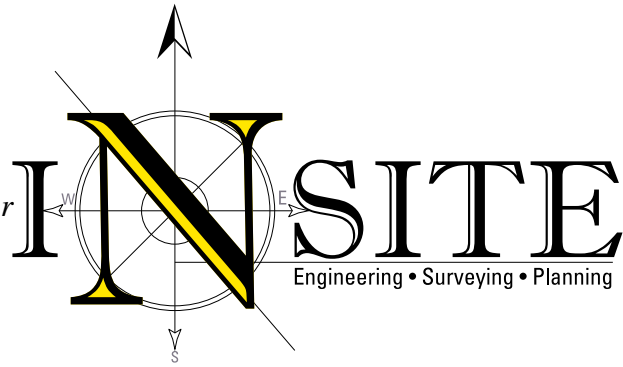


Casino Reinvestment Development Authority
c/o: Robert L. Reid, AICP, PP
Land Use Regulation Enforcement Officer
15 South Pennsylvania Avenue
Asbury Park, NJ 08401



Via Email: rreid@njcrda.com

January 19, 2016

Subject: 1st ENGINEERING & PLANNING REVIEW
Site Plan - Atlantic City Polercoaster
Block 48; Lot 13, 18 & 19
151 South Martin Luther King Drive & 1637-1639 Boardwalk
City of Atlantic City, Atlantic County, NJ

Mr. Reid:

In accordance with your request, we have reviewed the application by ACB Ownership, LLC for compliance with the Casino Reinvestment Development Authority's ("Authority") completeness submission checklist for the above-referenced property. A list of documents provided to InSite is included at the end of this review letter.

PROJECT DESCRIPTION

The applicant is seeking site plan approval from the CRDA for the development of a multilevel amusement-entertainment complex located at the Boardwalk, at 151 South Martin Luther King Boulevard, 1637-1639 Boardwalk, Block 48, Lot 13, 18 and 19. The property is located within the Redevelopment Plan for the Boardwalk and MLK Boulevard,¹ ("Redevelopment Plan") previously known as the RS-C District per the Atlantic City Zoning Map. It is currently surrounded by a mix of retail, public parking, public park, hotel, and community uses.

According to the applicant, the complex will have a total area of approximately 110,000 gross square feet and be comprised of a roller coaster attraction commercially known as the "Polercoaster", which will consist of an approximately 350 foot tall tower (above street level) with the roller coaster rail attached. The complex will also include a two-car drop ride, a surf club and wave pool, other rides and attractions, amusement games and redemption areas, event space, retail space, and food areas located throughout. The applicant is not requesting any variances or design waivers with respect to this application.

¹ "Redevelopment Plan for the Boardwalk and MLK Boulevard", dated November 11, 2015, as prepared by the Atlantic City Division of Planning.

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COMPLETENESS REVIEW

From an engineering perspective, **we find the application satisfactorily complete** pursuant to our January 6, 2015 “Completeness Review” letter. Please refer to this document for a list of checklist items that shall be addressed through testimony or added to the plans prior to final approval.

ZONING & DEVELOPMENT REVIEW

The following are comments/observations related to the Zoning & Development Standards of the City of Atlantic City, as applicable to our review of the proposed improvements:

1. The Redevelopment Plan specifically allows, as permitted principle uses, amusement rides, including but not limited to roller coasters and related rides, restaurants, cafes and similar uses, either individually or as part of an integrated use. *Redevelopment Plan – Section 8.A*
2. The applicant is proposing zero (0’) foot setbacks within the front, rear, and side (adjacent to boardwalk) yards. A 5.67’ foot setback is provided to the northern property line. Pursuant to the Redevelopment Plan, zero (0’) setbacks are permitted. *Redevelopment Plan – Section 8.C*
3. The tower portion of the Polercoaster will measure three hundred and fifty (350’) feet above street level. Pursuant to the Redevelopment Plan, structure heights of up to three hundred and eighty five (385’) feet are permitted. *Redevelopment Plan – Section 8.D*
4. Pursuant to the Redevelopment Plan, coverage within the Rehabilitation Area shall not exceed the allowable coverage per New Jersey Department of Environmental Protection CAFRA requirements. The applicant is currently awaiting approval from the NJDEP for the proposed coverage onsite of ninety seven (97%) percent. While this is a reduction of the existing one hundred (100%) percent impervious coverage, ultimate approval of the proposed surfacing will be subject to the NJDEP. *Redevelopment Plan – Section 8.E*

The applicant shall provide testimony with respect to the status of this approval.

5. Parking spaces, at a rate of one (1) space per one and one half (1.5) employees, are required for uses within the Rehabilitation Area. This requirement is further allowed to be reduced by eighty-five (85%) percent for developments within three hundred (300’) feet of a transit route. The applicant is indicating up to sixty (60) parking spaces to be provided, with a reduction of 51 spaces allowed per the ordinance and redevelopment plan. The Redevelopment Plan established the entire Rehabilitation Area as being within the three hundred (300’) foot requirement, so the applicant satisfies the necessary conditions. *Redevelopment Plan – Section 8.F, Ordinance Section §163-165.I(1), & §163-70A(3)(a)*

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6. The Redevelopment Plan also allows for the above required parking spaces to be located off-site within any commercial zone, which the applicant intends to utilize. *Redevelopment Plan – Section 8.F*

At least one (1) of the key maps on the plans should be revised to indicate the off-site parking location. Testimony should also be provided with respect to the capacity of this location to handle the surplus in the number of parked vehicles. Additionally, testimony should be provided with respect to any developers agreements that may be required as a result.

7. The Redevelopment Plan requires one (1) loading space for up to 500,000 net square feet of commercial space. As such, the applicant is indicating one (1) proposed loading space for trash collection purposes. The space will be accessed via a curb cut within MLK Boulevard at the southwestern corner of the property, and appears to be contained within the building. *Redevelopment Plan – Section 8.G*

8. No loading space shall be so located as to require or permit any vehicle it is designated to accommodate to extend into any front yard or across any lot line while being loaded or unloaded. As currently proposed, it appears that any truck utilized for trash hauling services will be required to extend into the MLK Boulevard right-of-way.
Ordinance Section §163-70B(2)(a)

Testimony shall be provided by the applicant to clarify the location of vehicles when loading and unloading. A variance may be required.

9. No required loading space shall be less than twelve (12') feet in width or thirty-five (35') feet in length or have a vertical clearance of less than ten (10') feet.
Ordinance Section §163-70B(2)(c)[1]

The plans should be revised to include dimensions of the proposed loading zone. Testimony shall be provided to indicate that the loading space provided complies with the required dimensions, if not a variance will be required.

10. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner which will create the least possible interference with traffic movement. As currently proposed, it appears that the loading space will create vehicular and pedestrian conflict within the MLK Boulevard right-of-way by blocking the sidewalk and a portion of the cartway. Ordinance Section §163-70B(2)(c)[2]

Testimony shall be provided as to whether the loading space will interfere with traffic movement. A variance may be required.

11. Signage may equal up to 25% of the area of any elevation (regardless of different vertical planes of the elevation) and may be constructed on any single or combination of vertical planes per elevation. Signage may be LED, flashing, running or equivalent. The applicant is currently indicating on the Zoning Schedule that all signage installed will comply with these requirements, but no specific details of such signage have been provided at this time. *Redevelopment Plan – Section 8.H*

The applicant should provide testimony with respect to the signage they intend to install to ensure compliance. Additionally, no signage shall be installed prior to being reviewed and approved by the Authority.

12. The Redevelopment Plan indicates that the entire Rehabilitation Area is serviced by access to all required utilities, including electric, gas, sewer, water, communications (telephone) and cable television systems. However, with the existing use of the property being a parking lot, there will be a significant increase in the utility service demand under proposed conditions. Of particular concern is the capacity of the existing water and sewer mains. *Redevelopment Plan – Section 8.K*

The applicant should provide testimony to demonstrate that there will be no adverse effects to any of the existing services as a result of the proposed development. Additionally, existing and proposed water and sewer demand calculations shall be submitted for review.

13. Testimony should be provided regarding prevention of any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive, or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance, glare or heat; liquid or solid refuse or wastes; or other substance, condition or elements in a manner or amount so as to adversely affect the surrounding area. Ordinance Section §163-73

ENGINEERING CONSIDERATIONS

14. Please note that our review of the application documents does not include a structural engineering review. We defer this to the Construction Official. If requested, we can provide a structural engineering review to support the Authority or Construction Official.
15. Since the development will be comprised of amusement games, retail space, food areas, etc., it is anticipated that loading/unloading activity other than trash hauling will be required. The applicant should provide testimony which describes the frequency and type of anticipated deliveries to the site. Any loading activity which would occur within the right-of-way shall be appropriately signed with delivery times and will require approval by the governing body, plans shall be revised accordingly.

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16. The applicant should provide testimony with respect to their intention on providing building mounted lighting features to ensure that safe and adequate lighting levels will be present along all pedestrian pathways. The applicant should also submit details and specifications of lighting methods for the Authority's review. The plans shall be revised to incorporate a point by point lighting analysis as well as the proposed lighting details.
17. We have reviewed the Stormwater Policy Compliance Report for conformance with both City and State Regulations. The applicant is proposing an eighteen (18") inch ductile iron pipe conveyance system within MLK Boulevard to convey roof runoff to the existing municipal sewer system. The ultimate outfall for this system is the Atlantic Ocean. We find the applicant's stormwater system to be in compliance with these directives with the exception that conduit capacity calculations have not been provided. The Compliance Report should be revised accordingly to properly demonstrate that the capacity of the existing and proposed conveyance system will not be exceeded during the twenty-five (25) year design storm event.
18. The site is within a FEMA flood zone, with an elevation of 10 (NAVD88) on the preliminary flood map and an elevation of 10 (NGVD29) on the effective flood map. The site plans indicate a finished floor elevation of 6.00 (NAVD88) with the grades surrounding the building lower than 6.00. In the event of a flood, water will be able to get to the building. Testimony shall be provided to clarify how the building will be safeguarded from flooding. Finished floor elevations and any proposed flood proofing is subject to NJDEP CAFRA review and approval.
19. Testimony should be provided to demonstrate that the development is in full compliance with ADA Standards. It appears that several areas along the newly constructed sidewalk within MLK Boulevard will exceed the two (2%) percent cross slope requirement. The plans shall be revised to comply with the applicable standards.
20. We have reviewed the applicant's Traffic Engineering and Air Quality Analysis Report and take no exception to the findings. Testimony, however, should be provided to summarize for the Authority and ensure no adverse conditions will be generated as a result of the development.
21. A detail of the proposed method to connect the storm sewer conduit to the existing inlet must be added to the plans.
22. The applicant is urged to contact the City for the purpose of determining and calculating the anticipated sewer connection fees that will be associated with the development.

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23. The applicants 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 Ordinance Section §163-136. In addition, an inspection escrow account shall be established.
24. Upon receipt of CRDA approval, resolution compliance, and outside agency approvals, copies of all approvals along with eleven (11) sets of the complete site plans and architectural plans shall be submitted to this office for signature.
25. The applicant must contact the CRDA Land Use Regulation & Enforcement Official to settle any outstanding review escrow accounts prior to the plans being signed.

PLANNING CONSIDERATIONS

The goals of the Redevelopment Plan are as follows:

1. To provide local and tourism uses and amenities which would not likely occur without the participation of public bodies
2. To foster family oriented tourist attraction uses as well as restaurants and cafes and related uses as part of the overall plan to redevelop this area of the City and make available such assistance as may be necessary to aid development

The objectives of the redevelopment plan are as follows:

1. To provide the development of family oriented tourist attraction uses, including, specifically, amusement rides and entertainment uses as well as restaurants and cafes and related uses that will support redevelopment of the City, encourage tourism, provide jobs and enhance revenue for the city.
2. To provide mechanism for a public/private partnership leading to the development of activates that foster and enhance redevelopment of the City and support the City as a destination resort.
3. To encourage the development of an area as to affect the highest and best use.

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Existing Site

The site is currently fully developed with a surface parking lot located on the northern portion of the site (lot 13) which contains approximately 163 parking spaces to be removed. The southern portion of the site (lot 18 & 19) contains retail shops which are to be removed to accommodate the proposed development. This southern property will be utilized as a link between the proposed development and the boardwalk.

Proposed Development

The applicant has proposed to redevelop the entire subject property with an 110,000 S.F. multilevel entertainment and amusement complex, which is consistent with the Goals and Objectives of the Redevelopment Plan. The development will contain the following:

- 4,000 S.F. roller coaster known as the Polercoaster consisting of a 350-foot tall tower with the rollercoaster attached to it
- 2,000 SF, 2 car drop ride incorporated into the Polercoaster tower
- 4,300 SF surf club and wave pool located on the roof level
- 1,000 SF air chamber/indoor skydiving ride
- 1,800 SF ninja climbing course
- 300 SF laser maze
- 4,300 SF unicoaster ride
- 2,300 SF cloudcoaster zip line ride
- 1,000 SF XD motion theater
- 5,500 SF amusement games and redemption area
- 2,000 SF event space
- 1,000 SF branded retail space
- 10,000 SF of floor areas located throughout the project
- Misc. circulation areas, mechanical areas, administrative areas, and service areas

The Redevelopment Plan permits all uses permitted in the RS-C Zone, with the addition of amusement rides, including but not limited to roller coasters and related rides, restaurants, cafes and similar uses, either individually or as part of an integrated use. The maximum building height permitted is 385 feet. The proposed development is a permitted use, and within the maximum height. Per the City ordinance, the RS-C zone permits a maximum floor area ratio of 8.0. The project site is 53,486 SF; – based on the permitted FAR the site could support a total floor area of 427,888. Based on the criteria set forth within. NJSA 40:55D-70d, there are no ‘d’ variances required with the associated project.

Parking

Per the Redevelopment Plan, parking within the rehabilitation area shall be provided per the requirement of ordinance §163-165 I (1) and (2). Any required parking may be located off-site within any commercial zone. All uses shall be eligible for the parking reduction as set forth in ordinance §163-70A(3)(b)(2) of the Land Use Ordinance because the location of the Rehabilitation Area is within 300 feet of an established public transit route.

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Ordinance §163-165 I (1) states that *“No parking for patrons shall be required unless the Planning Board finds that the uses included on the commercial planned development pier generate substantial parking needs beyond the rates customary for Boardwalk activates and the parking tolerance of the Boardwalk area, in which case the Planning Board shall prescribe the necessary parking requirements.”*

Ordinance §163-70A(3)(b)(2) states that *“Reductions in parking requirements. In locations within 300 feet of an established public transit route, the parking requirements established in Subsection A(3)(a) above may, if approved by the Planning Board at the time of site plan/subdivision approval be reduced as follows: [2] For retail and similar uses, up to 85%, except that no such reductions shall be permitted for hotel/casino.”*

The site plans indicate up to 60 spaces to be acquired off-site for employees. Utilizing the 85% reduction permitted, a total of 9 parking spaces are required to be provided off site for employees.

The applicant should provide testimony as to the total number of employees and whether or not 9 parking spaces will be provided off site, and if so where they will be located. If the spaces will not be provided, a bulk “c” variance will be required in accordance with N.J.S.A. 40:55D-70c. Testimony should be provided by a licensed planner as to the positive and negative criteria in support of such a variance.

Architecture

The proposed architectural plans do not indicate the finish or colors of the proposed building and amusement rides. Colored renderings along with detailed testimony regarding the finishes of the various surfaces should be presented for consideration by the Authority.

Signage

The Redevelopment Plan permits signage to equal up to 25% of the area of any elevation (regardless of different vertical planes of elevation) and may be constructed on any single or combination of vertical planes per elevation. Signage may be LED, flashing, running or equivalent. The site plan indicates that the signage is to comply. The applicant should provide testimony regarding the proposed signage. We recommend exhibits for the Authority’s consideration.

Variances Required

There are no use ‘d’ variances required as part of this application

The following bulk ‘c’ variances may be required as part of this application:

- Vehicles loading/unloading in the front yard setback of over a property line – subject to clarification
- Loading zone size – subject to clarification
- Interference of vehicles loading and unloading with traffic movement – subject to clarification

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If any variances are required, the applicant should provide testimony, via a NJ licensed Professional Planner, regarding all of the variances required for the proposed development. The applicant's planner must present all proofs to satisfy the statutory requirement, including both the positive and negative criteria. Positive criteria shall be satisfied by demonstration of a hardship or by way of the "Flexible c". Negative criteria shall be satisfied by demonstration that the proposed development will not cause a substantial detriment to the public good, and will not substantially impair the intent and purpose of the zone plan.

The applicant's proposed development appears to follow the spirit of the Redevelopment Plan. The application appears to achieve the goals and objectives of the Redevelopment Plan. The proposed development is complimentary of the Boardwalk and other surrounding uses, as evidenced by the conforming nature of the application.

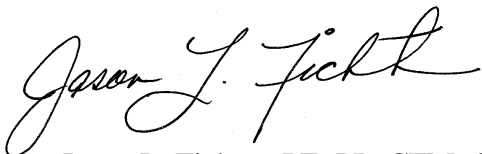
OUTSIDE AGENCY APPROVALS

This application is subject to the review and approval of the following outside authorities having jurisdiction. It is the applicant's responsibility to identify any and all other approvals required for the proposed development. Evidence of applicable approvals must be furnished to the Land Use Regulation Enforcement Division:

- New Jersey Department of Environmental Protection
- Cape Atlantic Soil Conservation District
- Atlantic County Municipal Utilities Authority
- Atlantic County Planning Board
- Atlantic City Fire Official;
- Any others as may be required


If you have any questions or require further information, please feel free to contact us anytime by phone or email (Greg@InSiteEng.net).

Sincerely,
InSite Engineering, LLC



Jason L. Fichter, PE, PP, CFM, CME
CRDA Review Engineer & Planner

Sincerely,
InSite Engineering, LLC



Gregory B. Domalewski, PE
CRDA Review Engineer

Attachment A: Documents Reviewed

cc: Lance Landgraf, PP, AICP; CRDA, Director of Planning
John J. Barnhart, PE, PP, CME; Applicant's Engineer
Nicholas F. Talvacchia, Esq.; Applicant's Attorney

llandgraf@njcrda.com
jbarnhart@awponzio.com
ntalvacchia@cooperlevenson.com

InSite Job #15-833-04

Attachment A: Documents Reviewed

Received 12/23/2015

1. One (1) copy of the application submission cover letter, being dated 12/23/15, as prepared by Cooper Levinson Attorneys at Law;
2. One (1) completed application form to the Casino Reinvestment Development Authority for Site Plan approval;
3. One (1) copy of the Checklist Item Response Letter, being dated 12/22/15, as prepared by Arthur W. Ponzio Co. & Associates, Inc;
4. One (1) copy of a Stormwater Management Policy Compliance Report, being dated 12/10/15, as prepared by Arthur W. Ponzio Co. & Associates, Inc;
5. One (1) copy of the Traffic Engineering and Air Quality Analysis, being dated 12/14/15, as prepared by Shropshire Associates, LLC;
6. One (1) signed and sealed copy of the architectural plans entitled, “1637 & 1639 Boardwalk, 1 MLK Boulevard, Atlantic City, NJ,” being dated 12/22/15, with no current revisions, totalling nine (9) sheets, as prepared by John Fotiadis Architect, PLLC; and
7. One (1) signed and sealed copy of the site plan entitled, “Atlantic City Polercoaster Issued for NJDEP CAFRA & CRDA Plan Set,” being dated 12/11/15, with the most current revisions (#1) being dated 12/22/15, totalling eight (8) sheets, as prepared by Arthur W. Ponzio Co. & Associates, Inc.

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