



COFONE CONSULTING GROUP, LLC

CHRISTINE A. COFONE, PP, AICP
Principal

July 16, 2019

Paul G. Weiss, Esq.
General Counsel
New Jersey Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, New Jersey 08401

RE: **Celebrity Corners, Inc.**
3119 Boardwalk/Montpelier Avenue
Block 28, Part of Lot 1
Application #2018-03-2364
SECOND REVIEW

Dear Mr. Weiss:

We have deemed this application **complete** for review. *Please note that this is the second of this application, with the first issued on April 22, 2019.*

In the subject application, the Applicant is seeking preliminary and final site plan approval and variance approval for the renovation and expansion of the outdoor seating area for the Celebrity Corner Restaurant located at the Ocean Club Condominium building situated at 3119 Boardwalk at Montpelier Avenue (the outdoor seating area is located on the adjoining Atlantic City Boardwalk right-of-way). The site is known as Block 28, Part of Lot 1 within the Resort Commercial "RC" Zone District.

As part of our analysis, we undertook the following tasks: an inspection of the subject premises; a survey of surrounding land uses; review of the Casino Reinvestment Development Authority Tourism District Land Development Rules and Tourism District Zoning Map; review of the Applicant's Application submission package; and review of a "CRDA Application Plan" site plan consisting of one sheet, prepared by Arthur W. Ponzio Co. & Associates, dated January 17, 2019 and revised to July 8, 2019.

We offer the following analysis and comments for your consideration.

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Description of Site and Summary of Development Proposal

The Celebrity Corner Restaurant is located at the Ocean Club Condominium building along the Atlantic City Boardwalk. The restaurant has an existing seating area on the boardwalk. The restaurant, a permitted use, was previously approved when the Ocean Club Condominium project was constructed.

The Applicant is seeking to expand the previously approved outdoor seating area. The existing "license area" is 2,086 sf pursuant to a 9/6/17 license agreement with the City of Atlantic City. Previously, the Applicant's outdoor seating area had a license area of 1,287 sf. The outdoor seating area will contain a total of 80 seats in a bar, lounge, and restaurant arrangement. The Applicant also proposes two 12' x 4' backlit signs and one 4' x 8' backlit sign as well as removal of a 1' x 3' and a 2' x 2' sign. The total sign package does not exceed the maximum permitted square footage (245 square feet, or 25% of the total facade area). The Applicant also proposes a four-foot high aluminum fence along the license area perimeter.

In a July 8, 2019 letter from the Applicant's attorney, it is noted that the January 17, 2019 site plan was updated to July 8, 2019, specifically including perimeter landscaping (along the western and eastern portion of the license area, per the revised site plan), decorative lighting (overhead rope lighting, per the revised site plan), and wind screen (plastic material and eight-feet high, per the revised site plan). The Applicant's attorney further noted that the Applicant had prior City approval for up to 92 outdoor restaurant seats.

The Application requires variances, as specified later in this report.

Surrounding Land Uses

The Site is located in the northeastern section of the Tourism District and along the boardwalk on the beach-side in an area defined by resort commercial uses.

Zoning Compliance

The property is located in the Resort Commercial (RC) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.10, the purpose of the RC District is as follows:



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The purpose of the RC Resort Commercial District is to provide an array of land uses that will capitalize on the zoning district's geographical advantages of the zoning district's proximity to the boardwalk and the Atlantic Ocean. The Resort Commercial District also offers the highest intensity residential offerings within the Tourism District with a variety of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings seamlessly integrate.

The existing and proposed uses are permitted.

Variances are required for parking, outdoor seating, and signage.

The CRDA Land Development Rules regulate parking at Section 19:66-5.8, titled "Onsite parking and loading requirements." The standard for "restaurants and bars" is "One space for each customer based upon 30 percent of building capacity or 150 square feet of floor area, whichever is greater." A variance is required since 0 parking spaces are proposed, whereas 24 parking spaces are required.

The CRDA Land Development Rules regulate outdoor seating at Section 19:66-5.5, titled "Outdoor seating areas," specifically requiring: "The outdoor seating area for restaurants shall not exceed the maximum interior seating capacity, not including bar and lounge seating." A variance is required since the new outdoor seating (54) exceeds the number of new indoor seating (24).

The CRDA Land Development Rules regulate signage for the RC District at Section 19:66-5.7(j), titled "Sign rules for commercial and special purpose districts." Among other requirements, the regulations permit "two wall signs and either one ground sign or one pole sign per street frontage." A variance is required since there are three wall signs on one site frontage whereas two are permitted.

Master Plan Review

The subject property is located within the Atlantic City Tourism District. Pursuant to the New Jersey CRDA Atlantic City Tourism District Master Plan, the overall intention and vision is to "reinvigorate Atlantic City in the near-term as the leading resort destination in the Northeast and beyond (Page 4, New Jersey CRDA Atlantic City Tourism District Master Plan). Among others, overarching objectives are to "develop an economically viable and sustainable tourism district" and "[expand] Atlantic City's tourism and economic bases" (Id, Page 1-2).

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Planning Analysis and Issues for Consideration by the Board

In regard to the “c” variances, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just to the applicant or property owner. A “c” variance application also must address the “negative criteria.”

We offer the following for your consideration in reviewing the Application:

- 1) The Applicant states in its CRDA application form that it will be seeking the required variance relief through a hardship (C-1) proof. The Applicant shall provide such statutorily required testimony through a New Jersey licensed professional planner.
- 2) The Applicant shall provide testimony relative to the entire proposal and its relationship to the surrounding area. Specifically, discuss any potential adjustments to operations to accommodate the expansion area. The Applicant shall also comprehensively discuss the site plan changes included in the July 8, 2019 revised plan.
- 3) The Applicant’s professional planner should discuss the required variances in the context of the site, immediate area, and consistency with land uses in the area.
- 4) The Applicant shall provide testimony relative to the parking standard, parking availability in the surrounding area, and off-site parking in the surrounding areas.
- 5) The Applicant shall discuss its existing and proposed signage package.
- 6) We note that the Applicant is proposing to remove a fire hydrant within the license area. It is reasonable to expect that the Atlantic City Fire Department will want the fire hydrant to be relocated and not removed. The Applicant shall notify the Atlantic City Fire Department prior to the hearing and provide proof of contact.



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- 7) The Applicant shall comply with the conditions of all previous approvals received for the site.
- 8) The Applicant shall furnish all prior approvals from, and agreements with, the City of Atlantic City.

We would be happy to address any questions or comments on the above at the public hearing.

Respectfully submitted,

Christine A. Nazzaro-Cofone, AICP, PP
CRDA Consulting Planner

cc: Scott Collins, Esq., Board Attorney
William England, PE, Board Engineer
Applicant's Attorney
Applicant's Engineer