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July 10, 2020  
31623 20

Re: Bally's Park Place, LLC  
**Minor Subdivision with Bulk Variances  
Review Letter #1**  
Block 42, Lot 1  
2000 Pacific Avenue  
Atlantic City, NJ  
Application # 2020-02-2830

Lance B. Landgraf, Jr., AICP, PP, Director of Planning & Development  
Casino Reinvestment Development Authority  
15 South Pennsylvania Avenue  
Atlantic City, NJ 08401

Dear Mr. Landgraf:

An Application for Minor Subdivision with Bulk Variances has been received for the subject premises:

**Applicant Information**

- Applicant: Bally's Park Place, LLC  
c/o Amie Sabo, Esquire  
One Caesars Palace Drive, Las Vegas, NV 89109
- Owner: Bally's Atlantic City, LLC  
c/o Kramer, Levin, Naftalis & Frankel, LLP  
1177 Avenue of the Americas, New York, NY 10036
- Engineer: Jon Barnhart, PE, PP  
Arthur W. Ponzio Co. & Associates, Inc.  
400 North Dover Avenue, Atlantic City, NJ 08401
- Planner: Same as Engineer
- Traffic: None Noted
- Attorney: Joseph R. Dougherty, Esquire  
5409 Winchester Avenue, Ventnor, NJ 08401

**Documents Submitted**

1. Cover Letter from Joseph R. Dougherty, Applicant's Attorney, dated May 19, 2020
2. CRDA Land Use Application, dated May 28, 2020
3. Corporate Disclosure Statement
4. Supplemental Statement, prepared by Applicant, explaining the intent of the proposed minor subdivision.
5. Escrow Setup Information
6. 200' Owners List and Notices
7. Plans titled "2 Lot Minor Subdivision", prepared by Arthur W. Ponzio Co. & Associates, Inc., consisting of the following sheets:
  - a. C-1, Title Sheet, dated May 1, 2020
  - b. C-2, Property Survey, dated January 15, 2020
  - c. C-3, Minor Subdivision Plan, dated May 5, 2020

**Completeness Review**

We have reviewed the Application for completeness and it appears that the Application is complete, with the exception of the following items:

**"C" Variance Checklist**

6. Color photographs of site from four (4) different viewpoints.
21. Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.
22. Preliminary architectural plan and elevations and areas and type of each proposed use.

With respect to the color photographs, site plan and the preliminary architectural plan, we do not have any objection to the granting of the respective waivers as the information submitted is sufficient for the purposes of our review, and there is no new construction proposed in conjunction with the Application.

We have no objection to the Application being deemed complete.

**Technical Review #1**

The following comments are offered:

**A. Project Description and Background**

There is no construction proposed in conjunction with this Application. The Applicant's proposal includes the subdivision of one (1) existing lot (Block 42, Lot 1) into two (2) separate lots (Proposed Lots

1.01 and 1.02). The property, as it currently exists, consists of the Wild West Casino and a parking garage that are the two main elements of the Lot. The parking garage is a self-park garage that includes approximately 1,560 parking spaces that is utilized by patrons of Bally's Atlantic City Hotel & Casino. The Wild West Casino includes a casino and entertainment venue, food and beverage services, a poker lounge and a sports wagering area. The garage is connected to Bally's via pedestrian air bridges that span Michigan Avenue and Pop Lloyd Boulevard. The Wild West Casino is connected to Bally's by a pedestrian air bridge over Michigan Avenue and is also physically connected to the Caesars Atlantic City Hotel & Casino, part of which is also located within Block 42. The subdivision is being proposed in order to facilitate the sale of the garage and Bally's Casino, which are both currently under contract to be sold to a third party purchaser. Proposed Lot 1.01 contains the parking garage and Proposed Lot 1.02 contains the Wild West Casino. The garage will continue to function as an accessory to the Bally's casino. The Wild West casino is going to be transferred from Bally's to Caesars. The Applicant's narrative indicates that no change of use of either of the properties is proposed in conjunction with this Application.

The proposed subdivision creates several bulk variances on each of the proposed lots. The site is located in the Resort Commercial District (RC).

The Application and Plans have been reviewed for conformance to the Casino Reinvestment Development Authority Rules at N.J.A.C. 19:66 adopted and filed November 21, 2017, together with the Atlantic City Zoning & Tourism District Zones Map updated November 17, 2017; as well as for compliance with the 2012 Title Recordation Law (NJSA 46:26A-1 et seq.).

## **B. Minor Subdivision Review**

1. The Applicant's professionals should provide testimony regarding any and all easements present within Existing Lot 1. Any easements not illustrated should be added to the Plans.
2. The Applicant should verify the proposed lot and block numbers with the City Tax Assessor's office.
3. The Block and Lot numbers shall be shown on the Minor Subdivision Plan title block once confirmed by the City Tax Assessor's office.
4. A monument shall be set at each intersection of an outside boundary of the newly created lot or lots with the right of way line.
5. The Applicant shall ensure that a perimeter line is accurately established on the ground.
6. The Applicant shall send legal descriptions of the proposed lots for our review and the CRDA Land Use Board attorney's review.
7. The 200' Property Owners' list shall be included on the Final Plan.
8. The Plan should be shown in Datum NAD83, latest revision, as per the CRDA Minor Subdivision Checklist and a corresponding note should be added to the Plans.

9. As a condition of any approval, blanket easements for utilities, parking and access arrangements should be provided for each of the proposed lots. The easements should be provided to this office as well as the CRDA Land Use Board attorney for review and comment.

### **C. Bulk Variance Review**

1. Section 19:66-5.10(a)(1)(iv)(8) of the CRDA Rules requires a minimum front yard setback of twenty feet (20') for structures higher than thirty five feet (35') in the RC Zoning District. Proposed Lot 1.01 has front yard setbacks of 9.9' (Pacific Avenue frontage) and 5.9' (Michigan Avenue frontage). Variances are required. It should be noted that this is an existing non-conforming condition that is not being exacerbated by the proposed subdivision. The Zoning Schedule on the Subdivision Plan should be revised to reflect the correct required front yard setback (20' required for structures higher than 35').
2. Section 19:66-5.10(a)(1)(iv)(8) of the CRDA Rules requires a minimum front yard setback of twenty feet (20') for structures higher than thirty five feet (35') in the RC Zoning District. Proposed Lot 1.02 has front yard setbacks of 0.0' on the Michigan Avenue, Arkansas Avenue and Pacific Avenue frontages. Variances are required. It should be noted that this is an existing non-conforming condition that is not being exacerbated by the proposed subdivision. The Zoning Schedule on the Subdivision Plan should be revised to reflect the correct required front yard setback (20' required for structures higher than 35').
3. Section 19:66-5.10(a)(1)(iv)(9) of the CRDA Rules requires a minimum side yard setback of twenty feet (20') for structures higher than thirty five feet (35') in the RC Zoning District. Proposed Lot 1.01 has side yard setbacks of 0.7' (West property line) and 0.0' (South P.L.). Variances are required. The Zoning Schedule on the Subdivision Plan should be revised to reflect the correct required side yard setback (20' required for structures higher than 35').
4. Section 19:66-5.10(a)(1)(iv)(9) of the CRDA Rules requires a minimum side yard setback of twenty feet (20') for structures higher than thirty five feet (35') in the RC Zoning District. Proposed Lot 1.02 has side yard setbacks of 0.0' on its borders with both Proposed Lot 1.01 and existing Lot 4.01 (Caesars Centurian Tower). Variances are required. The Zoning Schedule on the Subdivision Plan should be revised to reflect the correct required side yard setback (20' required for structures higher than 35').
5. Section 19:66-5.10(a)(1)(iv)(10) of the CRDA Rules requires a minimum rear yard setback of twenty feet (20') in the RC Zoning District. Proposed Lot 1.02 has a rear yard setback of 0.0'. A variance is required. It should be noted that this is an existing non-conforming condition that is not being exacerbated by the proposed subdivision.
6. Section 19:66-5.10(a)(1)(iv)(6) of the CRDA Rules limits building coverage in the RC Zoning District to a maximum of seventy percent (70%). A building coverage of 94% is proposed for Proposed Lot 1.01. A variance is required.

7. Section 19:66-5.10(a)(1)(iv)(6) of the CRDA Rules limits building coverage in the RC Zoning District to a maximum of seventy percent (70%). A building coverage of 88% is proposed for Proposed Lot 1.02. A variance is required.
8. Section 19:66-5.10(a)(1)(iv)(7) of the CRDA Rules limits impervious coverage in the RC Zoning District to a maximum of eighty percent (80%). An impervious coverage of 100% is proposed for Proposed Lot 1.01. A variance is required.
9. Section 19:66-5.10(a)(1)(iv)(7) of the CRDA Rules limits impervious coverage in the RC Zoning District to a maximum of eighty percent (80%). An impervious coverage of 100% is proposed for Proposed Lot 1.02. A variance is required.
10. The Applicant should, via testimony and/or supplemental information, address the current allotment of parking spaces in the parking garage that are dedicated to Bally's Casino and Wild West Casino, respectively, and whether the transfer of ownership of the parking garage will create a lack of the number of required spaces for the Wild West Casino. Should the Wild West Casino need any of the spaces within the parking garage to meet their land use ordinance requirement, a cross access easement for the appropriate arrangements will be necessary otherwise a variance will be required.
11. With respect to Item Nos. 1 through 10, for "c" variances the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property.

### **Outside Agency Permits and Approvals**

1. The following permits and approvals are required:
  - a. Atlantic County Planning Board
  - b. Atlantic City Tax Assessor's Confirmation of Block and Lot Numbers
  - c. All others as necessary

If you require any additional information or have any questions please contact the undersigned. We are pleased to be of service.

Sincerely,



G Jeffrey Hanson, PE, CME  
CRDA Land Use Board Engineer and  
Planning Consultant

Cc: Bally's Park Place, LLC, c/o Amie Sabo, Esq.  
Bally's Atlantic City, LLC, c/o Kramer, Levin, Naftalis, & Frankel, LLP  
Joseph R. Dougherty, Esq.  
Arthur W. Ponzio, Jr., PP, PLS  
Jon J. Barnhart, PE, PP  
Scott Collins, Esquire, CRDA Land Use Attorney, Headquarters Plaza, One Speedwell Ave., Morristown, NJ 07962-1981

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