

May 21, 2014

Paul Weiss, Esquire
CASINO REINVESTMENT DEVELOPMENT AUTHORITY
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

Re: Preliminary and Final Site Plan (1st Review)
Block 32, Lot 8
2701 Boardwalk
Applicant: California Avenue Ventures, LLC
Zone: RS-C, Resort Commercial District
Application No 2014-04-1030
Our File No CRDA14001



Dear Ms. Weiss:

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

1.0 Project Description

1.1 Applicant's Proposal

The applicant seeks site plan approval for the construction of a new retail building containing nine (9) retail spaces varying in size from 1,296 sq. ft. to 1,653 sq. ft. each with onsite parking and other site improvements.

1.2 Existing Conditions

The property in question is Block 32, Lot 8 and is located at 2701 Boardwalk between California Avenue and Belmont Avenue. The 1.06± acre property is zoned RS-C, Resort Commercial District. Lot 8 contains an asphalt parking lot with approximately 109-111 parking spaces and an elevated, frame wall art exhibit. The remaining lots in this same block also contain parking.

1.3 Adjacent Land Uses

Adjacent land uses are predominantly residential in nature. Immediately to the southwest across Belmont Avenue is a multi-floor residential building known as "The Ritz" with 1-story retail along the Boardwalk frontage. To the northeast across California Avenue was previously a multi-family residential building known as "California Villas", since demolished, with 1-story retail along the Boardwalk frontage remaining. Across Atlantic Avenue is a hotel with associated parking.

J. Timothy Kernan, Inc.
Kingsway Commons
Suite 100
935 Kings Highway
Thorofare, NJ 08086

Phone 856.251.9500
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2.0 Materials Reviewed

We have reviewed the referenced submission, received by our office on April 25, 2014, consisting of the following:

<u>Sheet</u>	<u>Title</u>	<u>Date</u>
--	Correspondence from Jack Plackter, Esq.	April 15, 2014
--	Application Form	April 16, 2014
--	Disclosure Statement	April 9, 2014
--	Project Narrative	April 8, 2014
--	Request for List of Certified Property Owners	April 18, 2014
--	Retail Center Color Illustration	March 21, 2014
C-1	Title Sheet	January 29, 2014
C-2	Property Survey	January 29, 2014
C-3	Site Development Plan	January 29, 2014
C-4	Soil Erosion & Sediment Control Plan	January 29, 2014
C-5	Site Details	January 29, 2014
A-1.0	Architectural Proposed Floor Plan	March 21, 2014
A-2.0	Architectural Proposed Elevations	March 21, 2014
A-3.0	Proposed Roofscape Design	March 21, 2014

The plans are signed by Arthur W. Ponzio, Jr., PP, PLS and Jon J. Barnhart, PP, PE of Arthur W. Ponzio Co. & Associates, Inc. (AWP). The architectural drawings are signed and sealed by Albert Taus of Albert Taus & Associates Architects.

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 preliminary and final 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 Plat

- 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:





- (4) The street address and legal description of the subject property.

Note: The application states the correct address. The plans do not and should be revised accordingly.

- (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.

- (10) A written statement addressing each of the standards set forth in §§ 163-127 through 163-133 of this Part 5 and stating specifically how the proposed development relates to or meets each such standard.

Note: A brief statement is acceptable.

- (12) A statement of the applicant's intent with respect to the ownership, sale and leasing of the various completed units, structures, spaces and areas within the proposed development.

- (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.

- (16) Traffic, transit and pedestrian circulation studies indicating the relationship of the proposed development to existing and projected transit, vehicular and pedestrian traffic volumes and use in the immediate area, based upon both existing and proposed or planned traffic, transit and pedestrian systems and use and indicating any proposals of the applicant for upgrading those systems.

- (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.

- (21) A preliminary site plan or subdivision plat based on the latest Tax Map information and of a standard size not less than 15 x 21 inches as required by the Map Filing Act. (Editor's Note: See N.J.S.A. 46:23-9.9 et seq.) drawn to a scale of not more than 100 feet to the inch, on one or more sheets, illustrating the proposed development and use and including the following:



- (f) Contours. Existing contours, referenced to United States Geological Survey datum, shall be shown at two-foot intervals, except that in areas where the slope exceeds 5%, contour intervals may be five feet. Any proposed regrading shall be shown.

Note: Partial existing contours/spot elevations have been provided for the area to be developed only. Existing contours/spot elevations have not been provided for asphalt parking areas to remain. Proposed grading of proposed access drives has not been provided and is necessary to address steep grade issues at these locations.

- (j) Easements. The location and extent of existing and proposed drainage and conservation easements, stream encroachment lines and utility easements.
- (l) Storm drainage. The plan or plat shall also show or be accompanied by plans and computations for any storm drainage systems, including the following:
 - [1] Drainage patterns: existing and proposed overland drainage patterns.
 - [2] Storm sewer details: all existing or proposed storm sewer lines on or within 200 feet of the subject property, showing size of lines, direction of flow, slope and the location of each catch basin, inlet and manhole, if any.
- (o) Public utilities. The plan or plat shall show all existing and proposed gas, electric and telephone lines, mains and related facilities serving the proposed development.
- (p) Proposed development. The plan or plat shall contain at least the following details with respect to the proposed development:
 - [1] The location, size, use and arrangement of proposed buildings and existing buildings which will remain, if any, including outside dimensions, height in stories and feet, floor area ratio, total floor area, total square feet and percent of ground area coverage and the number and size of dwelling units, rooming units and individual commercial, resort or industrial units.

Note: On architectural plan, not site plan.

- [3] The location, size and arrangement of all outdoor signs, lighting and refuse storage areas. Lighting details shall include the type of standards, location, radius of light and intensity in footcandles.
- [4] The location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.



[6] A preliminary landscaping plan.

[7] A preliminary plan of the proposed treatment of the perimeter of the proposed development, including materials and techniques to be used.

(q) Surrounding development. The plan or plat shall show the location, use, size and height, in stories and feet, of structures and other land uses on properties within 200 feet of the subject property and all access points to such uses.

Note: The "California Villas" as shown on the plan across California Avenue are no longer there.

(r) Development summary. The plan or plat shall include a tabulation of the following information:

[2] The total square feet of building floor area proposed for commercial uses, for resort uses and for industrial uses by general type of use.

[3] The proposed number of off-street parking and loading spaces for each proposed type of land use.

[5] Copies of any easements, declarations or covenants that are to be recorded in connection with the approval of the preliminary plan or plat.

(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.

(24) Documentation described in § 146-14 of Article II of Chapter 146 regarding underground storage tanks. [Added 4-11-2012 by Ord. No. 25-2012].

Note: The applicant has requested waivers of the above items which I support with the exception of item number(s) 4, 10, 21, and 24.

§ 163-111 Application for Final Site Plan/Subdivision Plat

D. 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 contain at least the following

information and documentation, which information and documentation, taken together, shall constitute a final site plan/subdivision plat:

- (6) Engineering plans, specifications and cost estimates. [Amended 6-15-1988 by Ord. No. 1-1988]
- (8) A tabulation for the stage or unit of the development being proposed for final approval of the following information:
 - (b) The total square feet of building floor area proposed for commercial uses, for resort uses and for industrial uses, by general type of use.
 - (c) The proposed number of off-street parking and loading spaces for each proposed type of land use.
 - (d) The total land area, expressed in square feet and as a percent of the total development area, proposed to be devoted to residential uses, by type of structure; commercial uses; resort uses; industrial uses; public and private open space; streets; off-street parking and loading areas; pedestrian circulation elements; and miscellaneous impervious areas.
- (9) Copies of all required easements, declarations and covenants to be recorded upon final approval.
- (10) Copies of all declarations, covenants and bylaws necessary to establish, activate and govern any entity that is to be responsible for the management and maintenance of any private common open space or facility.
- (11) Copies of all pre-construction permits and approvals required from any federal or state agency or, for any required permit not yet secured, a copy of the application as filed and a statement of its current status or a statement explaining why an application has not been filed and indicating when it will be filed.
- (12) Detailed landscaping plans and cost estimates.
- (14) A statement summarizing all changes which have been made in or have occurred with respect to any document, plan, data or information previously submitted, together with revised copies of any such document, plan or data.
- (15) Forms in easements and deeds to be executed upon final plan approval necessary to convey any easements, rights-of-way or other lands or interests in lands to be conveyed or dedicated to any governmental agency or public utility.
- (16) Forms of the performance guaranty and maintenance guaranty to be submitted pursuant to § 163-136 of this Part 5, upon final plan approval and of any other performance or maintenance guaranties required to ensure installation and completion of the entire



development or any specific portion of it or the future provision and improvement of common open space or facilities.

- (18) Such other and further information as the Planning Board shall find necessary to a full consideration of the entire proposed development or any stage or unit thereof.

4.0 Zoning Requirements

4.1 Permitted Uses

1. In accordance with § 163-58A, the RS-C Resort Commercial District is intended to apply to established resort areas in the City. Its purpose is to provide for the City's main industry, consisting predominantly of transient and tourist-oriented uses, at such intensity as is justified by the City's limited land resources, high land values and infrastructure capacity. Residential development is also encouraged for the purpose of preserving and enhancing the family-resort character of the City and integrating the specialized activities of the Resort Commercial District with the rest of the community.
2. In accordance with § 163-58B, Schedule III, specific types of general retail stores are a permitted use in the RS-C zoning district (i.e. clothing, gifts, novelty & souvenir, bookstores, jewelry, specialty, etc.)

4.2 Bulk Requirements (Schedule 1)

1. **Maximum Height:** The maximum permitted principal building height is 385⁴ feet and accessory building height is 35 feet. Per the architectural plans, the building conforms to this requirement, indicating the 1-story building is a maximum of 23 feet high.
2. **Maximum Lot Coverage (aggregate):** The maximum aggregate lot coverage is 80%. The plan conforms to this requirement.
3. **Minimum Front Yard Requirement:** Refer to note⁵ of Schedule 1 for minimum required front yard. The plan does not conform

⁴ The maximum height may be increased to four hundred eighty-five (485) feet for that portion of the former Uptown Urban Renewal Tract Parcels 3, 8, A, B and C, general bounded by Pacific, Virginia and Delaware Avenues and the Boardwalk. The stated maximums are in feet above sea level and shall apply unless some lesser height is required by applicable federal or state regulations.

⁵ For properties abutting the Boardwalk, no setback from the Boardwalk shall be permitted up to a height of thirty-five (35) feet above the Boardwalk level; provided, however, that the Planning Board may, as part of the site plan/subdivision review process, authorize a setback between the Boardwalk and a building upon finding that such setback will be





to these requirements. The plan proposes front yard setbacks to a public street that are less than the minimum 10' required (0' to Belmont Avenue and 1' to California Avenue). As proposed, variances are required.

4. **Minimum Side Yard Requirement:** Refer to note⁶ of Schedule 1 for minimum required side yard (each). The plan conforms to this requirement.
5. **Minimum Rear Yard Requirement:** Refer to note⁷ of Schedule 1 for minimum required rear yard. Not applicable.
6. **Maximum Floor Area Ratio:** The maximum permitted floor area ratio is 8.0⁸. The plan conforms to this requirement.

4.3 Off-Street Parking and Loading

1. 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 as the existing parking lot to remain is less than the required front yard setback (4'-5'± vs. 10' required). This represents a pre-existing nonconforming condition.
2. In accordance with § 163-70A(2)(b)[1][b], a perimeter landscaped open space of a width of at least five feet or a durable and well-maintained solid wall, fence, compact evergreen hedge or other screening device of three to four feet in height shall be provided along every street line. The plan does not conform to this requirement. Per a site visit, the existing parking lot to remain has existing perimeter curbed landscaped islands of 4'-5' in width. The curbed areas (per Google 9/2013) previously contained substantial hedge-like landscaping and a black decorative fence. The plan does not show this existing or proposed landscaping or the perimeter fencing. As proposed, a variance is required.

developed in a manner designed to promote the continuity, unity and functionality of the Boardwalk as an active pedestrianway. For properties fronting on a public street, a front setback of ten (10) feet is required up to a height of thirty-five (35) feet. Above thirty-five (35) feet, an additional setback of twenty (20) feet shall be provided.

⁶ No side yard is required up to a height of thirty-five (35) feet; above thirty-five (35) feet, a side yard of twenty (20) feet is required.

⁷ No rear yard is required up to a height of thirty-five (35) feet; if a rear yard is provided it shall be not less than thirty (30) feet in depth. Above thirty-five (35) feet, a rear yard of at least fifty (50) feet shall be provided.

⁸ The stated maximum is in addition to floor area devoted to off-street parking.



3. 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, proposing no trees. As proposed, a variance is required.
4. In accordance with § 163-70A(2)(c)[1], each required off-street parking space shall have a vertical clearance of at least 6 1/2 feet. For 90° parking, a minimum width of 9 feet, length of 19 feet and aisle width of 24 feet are required. The plan does not conform to these requirements, with the existing spaces to remain along the perimeter landscaped islands at only 16'± long. As proposed, a variance is required.
5. In accordance with § 163-70A(2)(c)[3], each parking space shall be provided with a sufficient backup area to permit egress in one maneuver consisting of one backward and one forward movement. Dimensions of onsite accessways have not been given. However, the plan appears to conform to this requirement.
6. 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. Schedule IV requires one space for each 300 sq. ft. of floor area for general retail uses. The nine retail spaces total approximately 13,225 sq. ft. As such, 44 spaces would be required exclusive of employees. A proposed employee count has not been given. Plan conformance cannot be determined at this time.

Note: Block 32, Lot 8 shows about 67 spaces to remain onsite, however there are adjacent lots completing the block as a parking lot. Testimony should be provided to the Board regarding the ownership, existing cross easement (if any) and collective parking lot use and capacity. If under the same ownership, and to serve the same use, collective parking facilities and development shall be consolidated into a single contiguous lot.

7. In accordance with § 163-70B(2)(b)[3], loading areas accessory to commercial uses or resort uses shall be located and screened as to be visually insulated from public awareness. The plan does not appear to conform to this requirement.
8. 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. Loading spaces shall be denoted on the plan with dimensions to determine compliance.



4.4 Signs

1. A sign package has not been submitted with this application for review. The requirements of § 163-71 shall apply. As such, sign compliance will be addressed at the time of individual sign permit applications.

4.5 Performance Standards

1. Testimony should be provided regarding compliance with the requirements of § 163-73 regarding prevention of any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive, or other hazardous conditions; 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 element in a manner or amount so as to not adversely affect the surrounding area.

4.6 Urban Design Standards

The requirements of § 163-74 as applicable to the proposed development appear to be met with the following exceptions:

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. The proposed roofscape does not conform to this requirement. As proposed, a variance is required.
2. In accordance with § 163-74G.(2), the balance of flat surfaces should be developed in such a manner as to be totally acceptable from an aesthetic point of view and built of nonreflective materials in order to secure agreeable visual conditions in the roofscaping of the City. Rooftops at the level of 385 feet above sea level are not subject to landscape treatments since they are not visible. The applicant should confirm that the proposed roofscape is of nonreflective materials.

5.0 General Comments

- 5.1 The property address on Sheet C-1 should be corrected to reflect the parcel in question.
- 5.2 The site shape should be corrected on both the USGS & FEMA maps on Sheet C-1.



- 5.3 The multi-story residential structure known as "California Villa's" across California Avenue is no longer in existence. The plans should be revised accordingly.
 - 5.4 The property survey does not accurately reflect the existing fence locations or curbed landscape islands which most likely are to remain. The plan also incorrectly shows fence to be removed. The plans should be revised accordingly. Height and type should also be provided.
 - 5.5 The existing and proposed vegetation within the perimeter landscape islands should be noted on the plans. The plan should also note if there are any shade trees.
 - 5.6 Ownership of adjacent lots and parking facilities should be noted on the plans. Cross easements if required shall be provided for review.
 - 5.7 Required loading spaces should be shown on the plan with dimensions.
 - 5.8 Parking space aisle counts are incomplete and misleading. The plan should be revised accordingly.
 - 5.9 Curbing should be provided to complete the landscape islands at the new service drive locations. Due to steep slope conditions, proposed grading details should be provided which may require retaining walls, etc.
 - 5.10 A total square foot area for the proposed building as well as the total number of anticipated employees and overall parking assessment should be added to the plans.
 - 5.11 The proposed F.F elevations should be added to the plans.
 - 5.12 Handicapped parking spaces should be provided.
 - 5.13 The soil erosion and sediment control plan is drawn on the existing conditions and should be revised.
- 6.0 Fees, Contributions and Obligations
- 6.1 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.



6.2 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.

6.3 Escrow

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

7.0 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 the LURED.

- New Jersey Department of Environmental Protection;
- Cape-Atlantic Soil Conservation District;
- Atlantic County Planning Board;
- Atlantic City Fire Official; 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: Rose Ann Lafferty, Land Use Regulation & Enforcement Officer
Scott Collins, Esquire
Jack Plackter, Esq.
Arthur W. Ponzio, Jr., P.P., P.L.S.
Albert Taus, AIA