



**ARTHUR W. PONZIO CO. & ASSOCIATES, INC.**  
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**California Avenue Ventures, LLC**  
**Block 32 Lot 8**  
**2701 Boardwalk**  
**Compliance Statement to Ordinance Standards**

**§163-127 Consistency with other Standards and Regulations**

**Requirement:**

No application for site plan/subdivision plat approval shall be granted unless the Planning Board shall find that, in addition to complying with each of the standards made applicable to site plans and subdivision plats by Articles XIX through XXV, the proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this chapter, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed or to the particular area in which the development is proposed or to any special approvals required in connection with such a development or area; and complies with all other federal, state, county and City laws, ordinances and regulations applicable to it.

**Response:**

It is the applicant's position that the proposed project will comply with all application standards, unless otherwise waived, as well as all federal, state, county and City laws, ordinances and regulations applicable to it.

**§163-128 Adequacy of Public Improvements**

**Requirement:**

General standard. No application for site plan/subdivision plat approval shall be granted unless the Planning Board shall find, pursuant to the provisions of this section, that the proposed use in the proposed location is or can and will be, by reason of the developer's compliance with conditions imposed pursuant to the provisions of this section, adequately served by and will not impose an undue burden upon the public improvements, sites and rights-of-way by which it will be served or benefited or which exist or are planned for installation within its boundaries or their immediate vicinity.

**Response:**

All public improvements surrounding the subject site are sufficient to adequately serve the project without undue hardship being placed upon the public facilities. The municipal infrastructure, including the utility systems, adjacent roadways, and boardwalk will not be adversely affected by the proposed development.

**§163-129 Elimination of Impacts of Specified Developments**

**Requirement:**

General Standard:

1. The requirements set out in § 163-128 above for public improvements and public sites shall be deemed the minimum requirements necessary to protect the public health, safety and welfare in connection with all developments requiring site plan/subdivision approval but otherwise permitted as a matter of right as permitted uses in the various zoning districts established by this chapter. In addition to such requirements, the Planning Board shall have authority, in connection with its review and approval of any site plan/subdivision plat for any proposed development requiring planned development, conditional use or variance approval, to impose as a condition on any of said discretionary approvals and on any related site plan/subdivision approval pursuant to Articles XIX through XXV additional requirements intended and designed to eliminate or ameliorate the physical, economic and social impacts of the proposed development on its immediate environs and on the general health, safety and welfare of the City and its residents and visitors.
2. No application for such a development shall be granted unless the Planning Board shall find, pursuant to the provisions of Subsection B below and the provisions of this chapter applicable to the granting of the aforesaid discretionary approvals, that the proposed use in the proposed location will not result in any undue adverse physical, economic or social impacts upon its immediate environs or the general health, safety and welfare of the City, its residents and its visitors, which will not be eliminated by reason of the developer's compliance with conditions imposed pursuant to Subsection B below and the provisions of this chapter applicable to the aforesaid discretionary approvals

**Response:**

It is the applicant's position that the proposed use in the proposed location will not result in any undue adverse physical, economic or social impacts upon its immediate environs or the general health, safety and welfare of the City, its residents and its visitors.



### **§163-130 Installation of Public Improvements, Site and rights-of-way**

#### **Requirement:**

General standard. No application for site plan/subdivision approval shall be granted unless the Planning Board shall find that the proposed development is adequately served by public improvements, either existing or to be provided by the developer pursuant to § 163-128 or 163-129 above, which are in compliance with the provisions of the Master Plan, the capital improvements program, the Official Map and this chapter.

#### **Response:**

It is the applications position that the proposed development is adequately served by public improvements, either existing or to be provided by the developer, which are in compliance with the provisions of the Master Plan, the capital improvements program, the Official Map and this chapter.

### **§163-131 Standards for Visibility at Street Corners**

#### **Requirement:**

Standards for visibility across corners. Except as provided in § 163-71D(7)(b) of this chapter with respect to sign poles, no building, structure, landscaping or other obstruction to sight shall be located more than 2 1/2 feet above grade and less than nine feet above the grade at the curb or street line within a triangle formed by connecting the center lines of any two intersecting streets as herein provided.

#### **Response:**

The subject site is not located at the intersection of two street corners that permit vehicular traffic. Accordingly, this section of the ordinance is not applicable.

### **§163-132 Energy Efficiency Standards**

#### **Requirement:**

No application for site plan/subdivision approval shall be granted unless the Planning Board shall find that the proposed development meets the energy efficiency requirements.

#### **Response:**

The proposed project will comply with all applicable energy efficiency standards required as part of the project construction code review.



## **§163-133 Negative Standards**

### **Requirement:**

No application for site plan/subdivision approval shall be granted unless the Planning Board shall find that, in addition to meeting the specific standards set forth in §§ 163-127 through 163-132 above, the proposed development is not subject to any of the deficiencies specified in this section. Compliance with the aforesaid specific standards shall create a presumption that no such deficiency exists, and the Planning Board shall not deny any application pursuant to this section except on the basis of specific written findings fully documenting one or more of the following deficiencies

1. The application is incomplete in specified particulars or contains or reveals violations of this chapter or other applicable development regulations which the applicant has, after written request, failed or refused to supply or correct
2. In the case of a site plan/subdivision plat submitted in conjunction with an application for a planned development, a conditional use or a use variance, the site plan fails to adequately meet specified standards required by this chapter with respect to such development or use
3. The proposed development interferes unnecessarily, and in specified particulars, with easements, roadways, rail lines, utilities and public or private rights-of-way
4. The proposed development unnecessarily, and in specified particulars, destroys, damages, detrimentally modifies or interferes with the enjoyment of significant natural, topographic or physical features of the site
5. The proposed development unnecessarily, and in specified particulars, is injurious or detrimental to the use and enjoyment of surrounding property
6. The circulation elements of the proposed site plan unnecessarily, and in specified particulars, create hazards to safety on or off tract, disjointed pedestrian or vehicular circulation paths on or off tract, undue dependence on automobile travel or undue interferences and inconveniences to pedestrian travel
7. The screening of the site does not provide adequate shielding from or for nearby uses which may be incompatible with the proposed use
8. The proposed structures or landscaping unnecessarily, and in specified particulars, is lacking amenity in relation to or is incompatible with nearby structures and uses
9. The proposed development unnecessarily, and in specified particulars, creates drainage or erosion problems

### **Response:**

It is the applicant's position that all negative standards itemized above have been adequately addressed within the submitted development plans.

