

July 17, 2014

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

**Re: Preliminary and Final Site Plan (2nd Review, Revised)
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 July 1, 2014, consisting of the following:

<u>Sheet</u>	<u>Title</u>	<u>Date</u>
—	Response letter from Jon J. Barnhart, PE, PP, CME	June 23, 2014
—	Compliance Statement	—
C-1	Title Sheet	Revised to June 23, 2014
C-2	Property Survey	Revised to June 23, 2014
C-3	Site Development Plan	Revised to June 23, 2014
C-4	Soil Erosion & Sediment Control Plan	Revised to June 23, 2014
C-5	Site Details	Revised to June 23, 2014
—	CD of Plans	—



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).

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:

- (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.
- (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: The proposed grading indicates cuts to the existing parking lot ranging from 2-3 feet. Additional proposed grading is necessary to establish how and where the proposed parking lot will match the existing parking lot.

(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:

[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.

(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) 21 and 24, which I recommend be deferred and provided as a condition of approval.



§ 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]

(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.

(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.

Note: I recommend the above listed submission items for final site plan approval be deferred and provided as a condition of approval.

Subject to action on the above items as recommended, I recommend completeness be granted.

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 proposed 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 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 0.1' 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.

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 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.

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 conforms to this requirement, since the existing parking lot to remain has existing perimeter curbed landscaped islands of 4'-5' in width which contain hedge-like landscaping and a 5' high black decorative aluminum fence noted to remain. A note should be added to the plan stating that any damaged or missing fence sections and any dead or missing bushes should be removed and/or replaced. A detail for the gates should also be provided on the plan.
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, since the existing spaces and aisles to remain are less than the minimum requirements. These represent pre-existing, non-conforming conditions.

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.



5. 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 13,715 sq. ft. As such, 46 spaces would be required exclusive of employees. A proposed employee count has not been given. The plan does not conform to this requirement, as no existing parking is proposed to be devoted to the retail units. Instead, existing parking is to remain paid public parking. As proposed, a variance is required.
6. 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 conform to this requirement. As proposed, a variance is required.
7. 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. The plan conforms to this requirement.
8. The designated loading area takes up a portion of the end drive aisle which is open to the public. The applicant should be prepared to address potential conflicts.

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.

5.0 Fees, Contributions and Obligations

5.1 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.

5.2 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.

5.3 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.

6.0 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 MUA;
- 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
Lance B. Landgraf, Jr., P.P., AICP
Scott Collins, Esquire
Mitchell Gurwicz
Jack Plackter, Esq.
Arthur W. Ponzio, Jr., P.P., P.L.S.

