

RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO PERMIT THE ADDITION OF A CABANA AND LOUNGE SEATING AREA IN AN EXISTING OPEN AREA CREATED AS PART OF A PREVIOUSLY APPROVED BEACHFRONT BAR WHICH IS AN ACCESSORY USE TO THE PROPERTY LOCATED AT 1000 BOARDWALK AT VIRGINIA AVENUE BLOCK 1, LOTS 143 - 145 UNDER APPLICATION 2018-05-2415

WHEREAS, pursuant to P.L. 2011, c. 18, as amended (the "Act"), the Casino Reinvestment Development Authority (the "Authority"): (i) designated the Atlantic City Tourism District by Resolution 11-25 adopted April 19, 2011, (ii) established the Land Use Regulation and Enforcement Division to, among other matter, hear applications for development in the Tourism District by Resolution 11-33 adopted April 19, 2011, and (iii) adopted the master plan, zoning and land use ordinances and regulations, and zoning maps approved by the City by Resolution 11-34 adopted April 19, 2011; and

WHEREAS, pursuant to Resolution 12-14 dated February 1, 2012, the Authority adopted the "New Jersey CRDA Atlantic City Tourism District Master Plan" prepared by Jones Lang LaSalle, LLC and dated February 1, 2012 (the "Master Plan") (as affirmed and readopted pursuant to Resolution 12-23 adopted February 21, 2012), subject to further comment and revision, which master plan became effective upon the adoption of design, development and land use regulations on January 2, 2018; and

WHEREAS, on June 7, 2018, the Authority's Land Use Regulation and Enforcement Division convened a public hearing on Application 2018-05-2415 in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and the Act, and subsequently prepared and delivered the Hearing Officer's Report and Recommendation dated June 13, 2018 (the "Report"), incorporated herein by this reference and appended hereto as Exhibit "A"; and

WHEREAS, Boardwalk 1000, LLC (the "Applicant") seeks preliminary and final site plan approval to permit the addition of a cabana and lounge seating area in an existing open area created as part of a previously approved beachfront bar in the Beach Zoning District, which is an accessory use to the property located at 1000 Boardwalk at Virginia Avenue Block 1, Lots 143 - 145 under application 2018-05-2415; and

WHEREAS, the proposed addition does not include any new lighting, utilities, signage or other physical improvements; and

WHEREAS, the Authority intends to adopt the findings, conclusions and recommendations of the Hearing Officer, as detailed in the Report; and

NOW THEREFORE, BE IT RESOLVED by the Casino Reinvestment Development Authority that:

1. The above recitals are incorporated herein, as if set forth in full.
2. Based on the record in this matter, Application 2018-05-2415 is hereby approved in accordance with the Hearing Officer's Report and Recommendation dated June 13, 2018.
3. A copy of this Resolution shall be immediately transmitted to the Governor. This Resolution shall take effect immediately but no action authorized herein shall have force and effect until the earlier of the passage of ten (10) days, Saturdays, Sundays and public holidays excepted, after the delivery of the copy to the Governor, or the Governor's approval.

I hereby certify that this document is a true and correct copy of Resolution 18-50 of the Casino Reinvestment Development Authority.



PAUL WEISS, ESQ., ASSISTANT SECRETARY

MEETING OF JUNE 19, 2018

*EXHIBIT "A" ATTACHED TO RESOLUTION 18-50 ADOPTED JUNE 19, 2018
HEARING OFFICER REPORT DATED JUNE 13, 2018*



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 18-50, ADOPTED 6/19/2018

TO: Members of the Authority

FROM: Lance B. Landgraf, Jr., Land Use Hearing Officer

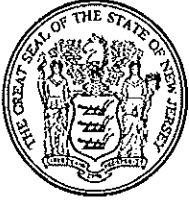
COPY: Christopher M. Howard, Executive Director

SUBJECT: Hearing Officer's Report and Recommendation
Application #2018-05-2415
Boardwalk 1000, LLC
Preliminary and Final Site Plan Approval
1000 Boardwalk at Virginia Avenue
Block 1, Lots 143, 144 and 145
B Beach Zoning District

DATE: June 13, 2018

EXECUTIVE SUMMARY

On June 7, 2018, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Boardwalk 1000, LLC (the "Applicant"), seeks Preliminary and Final Site Plan Approval to permit Phase II of the beachfront bar as an accessory use to the Hard Rock Hotel and Casino Atlantic City. Phase I of the development, which included the access from the Boardwalk, Beach Bar, storage area trailers, stage and portable restroom structure for 65 seats (53 bar seats and 12 cabana seats), was previously permitted by administrative approval. Phase II proposes the addition of 89 cabana and lounge seats in an existing open area created as Part of Phase I. No new lighting, utility, signage or other physical improvements are proposed under Phase II.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

The Applicant demonstrated by evidence and testimony that the development proposal generally conforms to the site plan standards and technical requirements of the Authority's Tourism District Land Development Rules. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority.

INTRODUCTION

Application Information

Boardwalk 1000, LLC
Preliminary and Final Site Plan Approval
1000 Boardwalk at Virginia Avenue
Block 1, Lots 143, 144, 145
B Beach Zoning District

A hearing on the Application was conducted in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

The Applicant seeks Preliminary and Final Site Plan Approval to permit Phase II of the beachfront bar as an accessory use to the Hard Rock Hotel and Casino Atlantic City. Phase I of the development, which included the access from the Boardwalk, Beach Bar, storage area trailers, stage and portable restroom structure for 65 seats (53 bar seats and 12 cabana seats), was previously permitted by administrative approval. Phase II proposes the addition of 89 cabana and lounge seats in an existing open area created as Part of Phase I. No new lighting, utility, signage or other physical improvements are proposed under Phase II.

Evidence List

- A-1 Application Materials
- A-2 Parking Analysis

- B-1 Letter from ARH Associates dated June 4, 2018

FINDINGS OF FACT

The Applicant seeks Preliminary and Final Site Plan Approval to permit Phase II of the beachfront bar as an accessory use to the Hard Rock Hotel and Casino Atlantic City. Phase I of the development, which included the access from the Boardwalk, Beach Bar, storage area trailers, stage and portable restroom structure for 65 seats (53 bar seats and 12 cabana



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

seats), was previously permitted by administrative approval. Phase II proposes the addition of 89 cabana and lounge seats in an existing open area created as Part of Phase I. No new lighting, utility, signage or other physical improvements are proposed under Phase II.

The attorney for the Applicant, Jack Plackter, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant.

The Applicant presented the testimony of John Barnhart, P.E., P.P., who was qualified as an expert in the fields of professional engineering and professional planning. He described the location of the site, existing conditions, development proposal and site layout.

Mr. Barnhart testified that it is anticipated that the majority of patrons at the beach bar will be guests at the Hard Rock Hotel and Casino Atlantic City or other hotel/casinos along the Boardwalk and therefore the beach bar itself will not generate a significant parking need. He noted, however, that the Applicant undertook a conservative analysis to determine parking need for the beach bar. Mr. Barnhart testified that under the Tourism District Land Development Rules, the beach bar would require 45 parking spaces as a stand-alone use. He further testified that the Hard Rock Hotel and Casino Atlantic City facility has an excess of 281 parking spaces. Accordingly, the parking need for the beach bar can easily be met existing parking at the Hard Rock Hotel and Casino Atlantic City facility.

Finally, Mr. Barnhart represented that the Applicant will comply with all condition of the ARH Associates review letter dated June 4, 2018.

Christine Cofone, P.P. was qualified as an expert in professional planning and provided testimony on behalf of the Authority. William England, P.E. was qualified as an expert in professional engineering and provided testimony on behalf of the Authority.

Both Ms. Cofone and Mr. England testified that the Applicant had provided sufficient testimony to support approval of the Application.

CONCLUSIONS OF LAW

Preliminary and Final Site Plan Approval

A land use agency's authority in reviewing an application for site plan approval is limited to determining whether the development plan conforms to the zoning ordinance and the applicable provisions of the site plan ordinance. See Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994).



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

Here, based on the evidence and testimony, the Applicant has demonstrated that development proposal generally conforms to the site plan standards and technical requirements of the Tourism District Land Development Rules.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Preliminary and Final Site Plan Approval be approved. The grant of approval of this Application shall be expressly conditioned upon the Applicant complying with all conditions of prior approvals, satisfying all representations made by the Applicant or by others on its behalf during the course of the hearing on this matter before the Hearing Officer.

The grant of approval shall be further conditioned upon compliance with all applicable requirements of the Tourism District Land Development Rules, city of Atlantic City Ordinances, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws.

CRDA BOARD TALLY

June 19, 2018

BOARDWALK 1000, LLC (1000 BOARDWALK) – Minor Site Plan Approval and bulk variance(s) for signage.

MOTION

WM

SECOND

RT

Debra DiLorenzo

A

Edward Gant

y

Mark Giannantonio

Recusal

Mayor Frank Gilliam

y

Michael I. Hanley

y

Gary Hill

y

Howard Kyle

y

James Plousis

y

William Mullen

y

Kevin C. Ortzman

y

Dave Rebeck for the State Attorney General

y

Robert Shaughnessy for the State Treasurer

y

Stacy Spera for the DCA Commissioner

y

Frank Spencer

y

Richard Tolson

y

Robert Mulcahy, Chairman

y

CRDA BOARD TALLY

June 19, 2018

BOARDWALK 1000, LLC (1000 BOARDWALK) – Preliminary and Final Major Site Plan Approval for Phase 2 Beach Bar (LL)

MOTION

HK

SECOND

JP

Debra DiLorenzo

A

Edward Gant

Y

Mark Giannantonio

Recusal

Mayor Frank Gilliam

Y

Michael I. Hanley

Y

Gary Hill

Y

Howard Kyle

Y

James Plousis

Y

William Mullen

Y

Kevin C. Ortizman

Y

Dave Rebeck for the State Attorney General

Y

Robert Shaughnessy for the State Treasurer

Y

Stacy Spera for the DCA Commissioner

Y

Frank Spencer

Y

Richard Tolson

Y

Robert Mulcahy, Chairman

Y