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December 4, 2023
31623 46

Re: Magicae Wellness, LLC (CRDA Application #2023-09-3516)
 Minor Site Plan with Bulk Variances
 Completeness Review #1
 Block 54, Lot 64
 1322-1324 Pacific Avenue
 Atlantic City, NJ, 08401

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 a Minor Site Plan with Variances has been received for the subject premise:

Applicant Information

- Applicant: Magicae Wellness, LLC
 1355 Springfield Avenue
 New Providence, NJ 07974
- Owner: Arsenis Properties LLC
 17 Ridgewood Ct.
 Northfield, NJ 08225
- Engineer: Mid Atlantic Engineering
 2026-B Briggs Road
 Mount Laurel, NJ 08054
- Planner: None Noted
- Traffic: None Noted
- Attorney: Kristopher J. Berr, Esq.
 21 E. Euclid Avenue, Suite 100
 Haddonfield, NJ 08033

- Architect: Nicholas Alun Coulter and Logan Dry
KCA Design Associates
6525 Tulip Street
Philadelphia, PA 19135

Documents Submitted

1. Application Cover Letter, prepared by Kristopher J Berr, Esquire, Applicant's Attorney, dated October 9, 2023.
2. Summary of Application, prepared by Kristopher J Berr, Esquire, Applicant's Attorney.
3. City of Atlantic City Land Use Application signed October 4, 2023.
4. Ownership Disclosure Statement, signed by Levar Clark dated September 28, 2023.
5. NJ CRDA- Minor Site Plan Checklist (Form #5).
6. NJ CRDA-"c" Variance Checklist (Form #12).
7. Proposed Cannabis Dispensary - for "Magicae Wellness, LLC" prepared by Nicholas Alun Coulter, AIA, RA, dated July 26, 2023, and consisting of the following sheets:
 - a. Sheet Z-1 Zoning Plan and Elevations
 - b. Sheet Z-2 Zoning Plan and Elevations
 - c. Sheet SK-1 Schematic Floor Plan
8. "1322-24 Pacific Ave Renderings" – Exterior Proposal prepared by Design Associates and consisting of one sheet.
9. Resolution No. 661 of the City of Atlantic City Council, adopted August 23, 2023, Memorialized
10. ALTA/NSPS Land Title Survey, "1322-1324 Pacific Avenue" by Lawrence E. Leso, Jr., PLS, dated September 29, 2023
11. Deed to Arsenis Properties, LLC from Mar-Cal Properties, dated June 12, 1996, recorded August 6, 1998, Book 6341 Page 024
12. Agreement of Sale from Arsenis Properties, LLC to Magicae Wellness, LLC dated May 22, 2023.
13. Safety and Security Plan for Magicae Wellness, LLC, consisting of ten sheets and three floor plans.

Completeness Review / Submission Waivers Required

Submission waivers are required from Minor Site Plan Checklist (Form # 5), Item Nos. 4, 12, 14, 17 (submit a copy of the title report), and 19; the applicant has requested submission waivers for Item Nos. 16, 21, 23, 24, 25, 26, 27, 28, 29, 30, and 32. Submission waivers are required from the "c" Variance Checklist (Form # 12) Item Nos. 4, 12, and 17 (submit a copy of the title report); the applicant has requested submission waivers for Item No. 16.

We do not have an objection to the granting of the requested submission waivers as many are not applicable to the proposal, however, there are key items missing from the submission. The FEMA Base Flood Elevation is not included in the submission. Without the proposed elevations, it is difficult to assess if the design standards are met. Additionally, it has been brought to our attention that the Applicant does not have legal access rights to Lot 45, which is proposed to accommodate trash removal and maintenance purposes.

We recommend that the application be deemed incomplete, until such a time that the Applicant submits sufficient information with regard to the FEMA Base Flood Elevation and proof of legal access rights to Lot 45.

Technical Review #1

Although the application appears to be incomplete at this time, the following comments are offered with respect to the site plan / variance aspects of the proposal for the Applicant's consideration with respect to future revised submission(s):

A. Project Description and Background

The Applicant proposes a tenant fit-out to convert the first floor and second floor of an existing approximately 2,509 square feet (SF) two-story mixed-use property into a Class 5 Cannabis Retailer sales facility in accordance with state and local regulations. The proposed development is located within the Resort Commercial (RC) Zoning District and is also located within the Green Zone Redevelopment Area. The lot in question fronts on the south side of Pacific Avenue between Ocean Avenue and Tennessee Avenue. Both units at 1322 Pacific Avenue and 1324 Pacific Avenue are currently vacant.

B. Bulk Variance Review

1. Section 19:66-5.10(a)(1)(iv)(2) of the Land Development Rules requires a minimum lot area of 7,500 square feet (SF) where 2,232 SF is proposed. This is an existing non-conforming condition. We defer to CRDA's attorney if a bulk variance is required.
2. Section 19:66-5.10(a)(1)(iv)(3) of the Land Development Rules requires a minimum lot depth of one hundred feet (100') where 99.97' is provided. This is an existing non-conforming condition. We defer to CRDA's attorney if a bulk variance is required.
3. Section 19:66-5.10(a)(1)(iv)(4) of the Land Development Rules requires a minimum lot width of fifty feet (50') where 24.3' is provided on Pacific Avenue. This is an existing non-conforming condition. We defer to CRDA's attorney if a bulk variance is required.
4. Section 19:66-5.10(a)(1)(iv)(5) of the Land Development Rules requires a minimum lot frontage of fifty feet (50') where 24.3' is provided on Pacific Avenue. This is an existing non-conforming condition. We defer to CRDA's attorney if a bulk variance is required.
5. Section 19:66-5.10(a)(1)(iv)(6) of the Land Development Rules permits a maximum building coverage of seventy percent (70%), whereas 85.2% is proposed. This is a pre-existing, non-conforming condition. We defer to CRDA's attorney if a bulk variance is required.
6. Section 19:66-5.10(a)(1)(iv)(7) of the Land Development Rules permits a maximum impervious coverage of 80%, whereas 100% is proposed. This is a pre-existing, non-conforming condition. We defer to CRDA's attorney if a bulk variance is required.
7. Section 19:66-5.10(a)(1)(iv)(10) of the Land Development Rules requires a minimum rear yard setback of 20', whereas 4.20' is proposed. This is a pre-existing, non-conforming condition. We defer to CRDA's attorney if a bulk variance is required.
8. Section 19:66-5.8(b)1 of the Land Development Rules requires a minimum onsite parking of 1 space per 300 SF of floor space, whereas 0 spaces are provided. The applicant should provide

testimony regarding how parking can be provided. We defer to CRDA's attorney if a bulk variance is required.

9. With respect to Item Nos. 1 through 8, 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. In addition, the applicant will have to demonstrate that the benefits of granting any variance outweigh the detriments.

C. Site Plan Review / General Comments

1. The Applicant should provide testimony regarding how the loading and unloading of the delivered products, cash, and any other products/supplies will be achieved in a safe and secure manner in lieu of having a dedicated loading space and what types and sizes of vehicles are anticipated to execute such deliveries.
2. The area at the rear of the subject property is labeled as both a "3' Wide Alley" and "4' Wide Alley" and the Mid Atlantic survey plan, however this is a privately owned lot (Lot 45) and not a public alley. The survey and site plan should be revised accordingly.
3. Block 54 Lot 4 is labeled as an "alley" on the Mid Atlantic survey, the Applicant shall verify whether this is a public right of way or if it is a privately owned lot and the plan should be revised accordingly.
4. The Applicant should provide information and/or testimony demonstrating compliance with Section 5.1.2.a. to 5.1.2.d of the Green Zone Redevelopment Plan.

a. There are four identical storefronts along Pacific Avenue corner with Ocean Avenue. The properties are:			
1318 Pacific Ave	Block	56	Lot 63
1320 Pacific Ave	Block	56	Lot 63
1322 Pacific Ave	Block	56	Lot 64
1324 Pacific Ave	Block	56	Lot 64

The applicant proposes to remove the tile roof overhang along Pacific Avenue and replace it with a standing seam metal roof. This presents a question as to whether a standing seam roof is "consistent" with the existing terra cotta roof on 1318-1320 Pacific Avenue.

5. The Applicant should provide information demonstrating compliance with Section 5.1.2-(d)1 of the Green Zone Redevelopment Plan which regulates building colors for cannabis facilities.
6. The Applicant should provide information demonstrating compliance with Section 5.1.2-(d)2 of the Green Zone Redevelopment Plan which regulates lighting for cannabis facilities.
7. The Applicant shall provide testimony on the color and type of windows proposed and how the design goals of Section 5.1.2-(d)3 of the Green Zone Redevelopment Plan are being met. The applicant has provided a proposed front elevation of the structure. The elevation provided is for illustration.

8. Per the Green Zone Redevelopment Plan Section 5.1.2-(d)4, storefront doors shall be recessed from the storefront wall when possible. The Applicant should provide testimony regarding compliance with the same. The architectural plans do not show that the applicant provides a vestibule entrance.
9. The applicant proposes a separate application for identification signage which will have to comply with Section 5.1.2-(d)7 of the Green Zone Redevelopment Plan.
10. Per the Green Zone Redevelopment Plan Section 5.1-(d)8i (Land Use Provisions, Security), an electronic alarm system that automatically notifies the police and the business owner shall be installed. The Applicant shall provide testimony / supplemental information regarding the proposed security and surveillance measures. It is recommended that any approval be conditioned upon the proposed measures being submitted to the City Police Department for their review and approval prior to the granting of a Certification of Occupancy.
11. The Applicant should provide information demonstrating compliance with Section 5.1.2-(d)8a to h and j of the Green Zone Redevelopment Plan which regulates security.
12. The Applicant shall provide testimony on the nature and volume of as well as the proposed method(s) for handling and storage of trash and recycling. Sections 19:66-7.12(c) and 19:66-7.12(k) of the Land Development Rules stipulate the design requirements for outdoor trash and recycling areas. The applicant proposes a fenced area on the Tennessee Avenue side of the building. The applicant shall provide sufficient information regarding the means for removing trash and recycling from the property. Currently the Applicant is proposing to remove these materials across adjacent Lot 45, however the Applicant has not provided any information demonstrating that it has legal right to utilize the privately owned property.
13. A licensing agreement from the City of Atlantic City shall be sought and received should any signage, building projections, awnings, etc. encumber the City right-of-way.
14. The Applicant should provide testimony regarding the encroachment of the rear one-story addition onto Block 54, Lot 1. Appropriate approvals for the encroachment shall be sought and received as a condition of any approval granted.

D. Outside Agency Permits and Approvals

1. The following permits and approvals are required:
 - a. Atlantic City Building Code Official
 - b. City of Atlantic City – Green Zone Redevelopment Zone Design Standards
 - c. City of Atlantic City – any proposed encumbrances into the City right-of-way
 - d. Atlantic City Police Department
 - e. All others as necessary

We reserve the right to make further comments as revised submittals are received. If you require any additional information or have any questions, please contact the undersigned.

Sincerely yours,



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

Gjh/djb

Cc: Harry Moody, Magicae Wellness, LLC, 832 E. Upsal St., Philadelphia PA 19119, Email: bear_company@hotmail.com
Arsenis Properties LLC, Email: jnapmlc@comcast.net
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Rob Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer
Scott Collins, Esquire, CRDA Land Use Board Attorney

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