

REDEVELOPMENT PLAN FOR THE ATLANTIC CITY BEACH BETWEEN ARKANSAS AND ST. JAMES AVENUES REDEVELOPMENT AREA

CITY OF ATLANTIC CITY, NEW JERSEY

Prepared for:
The Atlantic City Planning Board

Prepared by:
The Atlantic City Division of Planning

Dated: November 9, 2011

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1 INTRODUCTION

1.1 AUTHORIZATION

On October 24, 2011, the Governing Body pursuant to Resolution No. 793 of 2011 directed the Atlantic City Planning Board to prepare a Redevelopment Plan intended for the development of entertainment and recreational uses within the Beach District. The design and implementation of the plan is in accordance with Resolution No. 889 of 1994 and N.J.S.A. 40A:12A-1 et. seq., whereby, the City Council of Atlantic City, declared the entirety of the City of Atlantic City as an "Area in Need of Rehabilitation."

1.2 PROJECT AREA

The Redevelopment Area will encompass 313,000 square feet located at the Beach between the west side of Arkansas Avenue at Atlantic Pier, to the east side of St. James Place abutting Central Pier. The specific location is provided on the Site Plan prepared by Arthur W. Ponzio Co. & Associates, dated 11/9/11 and attached as Exhibit A.

1.3 STATEMENT OF PURPOSE

Under the provisions of the Local Redevelopment and Housing Law, this document constitutes a Redevelopment Plan for the purpose of facilitating an entertainment attraction for a destination resort.

The Planning Board has undertaken the prescribed steps to determine (a) that this Redevelopment Area contains conditions which satisfy the statutory criteria for an "Area in Need of Rehabilitation" and (b) have determined that such conditions are susceptible to correction and mitigation by the concerted efforts on the part of Atlantic City and are not likely to be corrected or ameliorated by private efforts alone. The purpose of the directive in Resolution No. 793 of 2011 was to provide a mechanism for the orderly planning and redevelopment of this Redevelopment Area consistent with municipal goals and objectives as stated herein.

Upon adoption by the Governing Body, the Redevelopment Plan shall satisfy all statutory requirements and constitute the legal prerequisite for the Redevelopment actions outlined herein.

2. DEFINITIONS

For the purposes of this Redevelopment Plan, the terms:

- 2.1 "City" shall mean the City of Atlantic City, a body corporate and politic, and unless otherwise indicated includes its Governing Body, elected officials, officers and staff.
- 2.2 "Land Use Ordinance" shall mean Chapter 163 (Land Use Development) of the Atlantic City Code, as may be amended from time to time.
- 2.3 "Local Redevelopment and Housing Law" shall mean N.J.S.A. 40A:12A-1 et. seq.
- 2.4 "Lot Coverage" shall mean the percentage of lot area occupied by the principal and accessory buildings on such lot at grade level or above, excluding roof overhangs, architectural features, balconies, signage and similar building projections.
- 2.5 "Redeveloper" shall mean the corporation, partnership or other entity designated by the Redevelopment Entity as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et. seq. for the purpose of advancing this Redevelopment Plan.
- 2.6 "Redevelopment Entity" shall mean the City Council, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et. seq.
- 2.7 "Redevelopment Area" shall mean the area within the City of Atlantic City identified on the attached Exhibit A.
- 2.8 "Redevelopment Plan" shall mean this instant document entitled Redevelopment Plan for the Atlantic City Beach Redevelopment Area.
- 2.9 "Redevelopment Project" shall mean a project approved pursuant to this Plan.
- 2.10 "State" shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.
- 2.11 "Temporary Use" shall mean those uses, either directly or indirectly related to a permanent Redevelopment Project, and not intended to be permanent uses.

3. REDEVELOPMENT PLAN GOALS

- A. To provide entertainment and recreational uses which would not likely occur without the participation of public bodies.

- B. To foster entertainment and recreational uses and make available such assistance as may be necessary to aid development.

4. REDEVELOPMENT PLAN OBJECTIVES

- A. To provide for the development of entertainment and recreational uses that will support tourism, provide jobs and enhance revenue for the City.
- B. To provide a mechanism for a public/private partnership leading to the development of activities that foster and enhance a destination resort.
- C. To encourage the development of an area as to affect the highest and best use.

5. CONSISTENCY WITH THE MASTER PLAN

In accordance with N.J.S.A. 40A:12A-7d, the Planning Board must examine the Redevelopment Plan for any inconsistencies with the goals and objectives of the Master Plan adopted by Ordinance 66 of 2008. To that end, the plan complies with the following core objective of the Master Plan.

"Provide opportunities for the continued growth of the City's resorts, and casinos in addition to diversifying its tourism economy and realizing its true potential as a world-class resort."

6. DESIGNATION OF A REDEVELOPER

As part of the City Council's adoption of this Redevelopment Plan, the Council may name a Redeveloper. The Redeveloper selected by the City shall, in the opinion of the City, be qualified to successfully develop an entertainment attraction that is consistent with the Public Policy Goals and Redevelopment Plan objectives. The City's general guidelines for confirmation of a Redeveloper are as follows:

- A. Financial capability and ability to obtain the financing required to construct an entertainment and recreational attraction.
- B. Organizational strength, business reputation and professional capability to operate the above-referenced activity.
- C. Ability to comply with the public policy goals and objectives of this Redevelopment Plan.

7. REDEVELOPMENT PLAN

Upon designation of the Redeveloper, it is the intent of this Redevelopment Plan that the Redeveloper proceed to develop the Redevelopment Area in accordance

with the Redevelopment Plan. The City shall commence negotiations with the Redeveloper for a Redevelopment Agreement that lease/use agreements and easements for use of the beach consistent with the Redevelopment Area.

8. LAND USE STANDARDS

The Redevelopment Area shall be governed by the Land Use Standards contained herein.

A. PERMITTED USES

- a. Permitted Uses in the Redevelopment Area shall be limited to entertainment and recreational attractions and appropriate accessory uses for the operation of an activity.

B. CONSTRUCTION STAGING

- a. Construction staging on City property shall be subject to approval by the City Engineering Division.

C. LAND USE APPROVALS

- a. City Council approval shall be required for any amendments that expand the type of uses not approved by this Redevelopment Plan and subject to comment of the Casino Reinvestment Development Authority ("CRDA").
- b. Air rights and subsurface agreements shall be contingent upon the execution and terms of the Redevelopment Agreement.

D. SETBACKS

- a. Structures greater than three (3) feet in height shall be setback five (5) feet from the Boardwalk. Access ramps are exempted.
- b. The location of structures and accessory facilities shall not obstruct views from the Beach Patrol Stations.

E. HEIGHT

- a. The maximum height of a principal structure is 200 feet from Boardwalk level. Accessory structures should not extend above 15 feet from Boardwalk level.

F. SIGNAGE

- a. Signage shall be subject to the designs approved by the Planning Board and thereafter, by the CRDA.

G. URBAN DESIGN

- a. Façade surfaces shall be well maintained. Towers shall remain open and unobstructed.

H. LIGHTING

- a. A lighting plan shall be included in the Redevelopment Agreement.

I. PARKING – NOT APPLICABLE

J. TEMPORARY USES

- a. Temporary uses shall be approved by the Planning Board and thereafter, by the CRDA.

K. UTILITIES

The Redevelopment Area is serviced by access to all required utilities, including electric, gas, sewer, water, communications (telephone) and cable television systems.

L. STANDARDS AND CONTROLS OF GENERAL APPLICABILITY

a. Jurisdiction

The provisions of this Redevelopment Plan are those of the City and do not substitute for any law, code, rule or regulation established by any State or Federal agency.

b. Applicability of Other Standards

1. In addition to the standards set forth in this Redevelopment Plan, all development within the Redevelopment Area shall comply with the applicable laws, codes, rules and regulations established by any State or Federal agency.
2. The provisions of the Land Use Ordinance or the prevailing zoning document, except as specifically provided for in this Redevelopment Plan, shall not be applicable within the Redevelopment Area.

9. EQUAL OPPORTUNITY

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Redeveloper (or any successors in interest) whereby the land or improvements in the Redevelopment Area is restricted, either by the Redevelopment Entity or the Redeveloper (or any

successors in interest) in violation of any State or Federal anti-discrimination law. The foregoing restrictions, as well as the provisions of N.J.S.A. 40A:12A-9 shall be implemented by appropriate covenants or other provisions in the Redeveloper's Agreement and/or disposition instruments as covenants running with the land.

10. AUTHORITY AND PLAN INTERPRETATION

1. Pursuant to N.J.S.A. 40A:12A-13, the Casino Reinvestment Development Authority ("CRDA") shall have the sole authority to determine conformance of a Redeveloper's concept and design with this Redevelopment Plan. The Redevelopment Plan further amends the zoning district map with respect to the Redevelopment Area.
2. Subject to the provisions of this Redevelopment Plan herein, the CRDA shall have sole authority for the interpretation or clarification of any provision of this Redevelopment Plan.

11. GENERAL CONSTRUCTION AND APPLICATION OF PLAN PROVISIONS

All provisions of this Redevelopment Plan, including all building controls, regulations and/or restrictions imposed, shall be applicable to all real property and improvements within the Redevelopment Area. The Redeveloper will be deemed in compliance with the Redevelopment Plan so long as an approved Redevelopment Project is constructed in the Redevelopment Area.

12. DURATION OF PROVISIONS AND EFFECTIVE DATE

1. This Redevelopment Plan, as it may be amended from time to time, shall be in effect until the goals of the Redevelopment Plan are satisfied and the Redevelopment Area is fully redeveloped to the maximum extent permitted under the Redevelopment Plan.
2. Upon completion of construction and the issuance by the City of all permanent Certificate(s) of Occupancy for the Redevelopment Project, and at the request of the Redeveloper, the City shall issue the Redeveloper a 'Certificate of Completion and Compliance' for the entire Redevelopment Project or such portions thereof as the Redeveloper shall have completed, certifying that the Redevelopment Project or the specific portions thereof were completed in accordance with this Redevelopment Plan and further certifying that the applicable provisions of the Redevelopment Agreement, if applicable, including provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.

13. PROCEDURES FOR AMENDING THE APPROVED REDEVELOPMENT PLAN

1. This Redevelopment Plan may be amended from time to time upon

compliance with all applicable laws and statutes and upon approval of the Governing Body and the CRDA.

2. The Building Limit Controls of this Redevelopment Plan may be modified or changed at any time by the CRDA. However, any modification or change of more than twenty percent (20%) of the applicable building control shall necessitate a formal amendment to this Redevelopment Plan in accordance with law.
3. Modifications or changes in the Land Use Provisions or Building Controls, which are inconsistent with the intent of this Redevelopment Plan, shall not be approved in the absence of a formal amendment to this Redevelopment Plan.

14. CONSISTENCY WITH THE MASTER PLAN

In accordance with N.J.S.A. 40A:12A-7d, the Planning Board must examine the Redevelopment Plan for any inconsistencies with the goals and objectives of the Master Plan adopted by Ordinance 66 of 2008. To that end, the plan complies with the following core objectives of the Master Plan.

Maintain a compact urban form and growth pattern which provides adequate space to meet housing, employment, business and public service needs.

- a. Strengthen and improve City-wide and neighborhood commercial districts as centers of employment, shopping, services, entertainment and education.

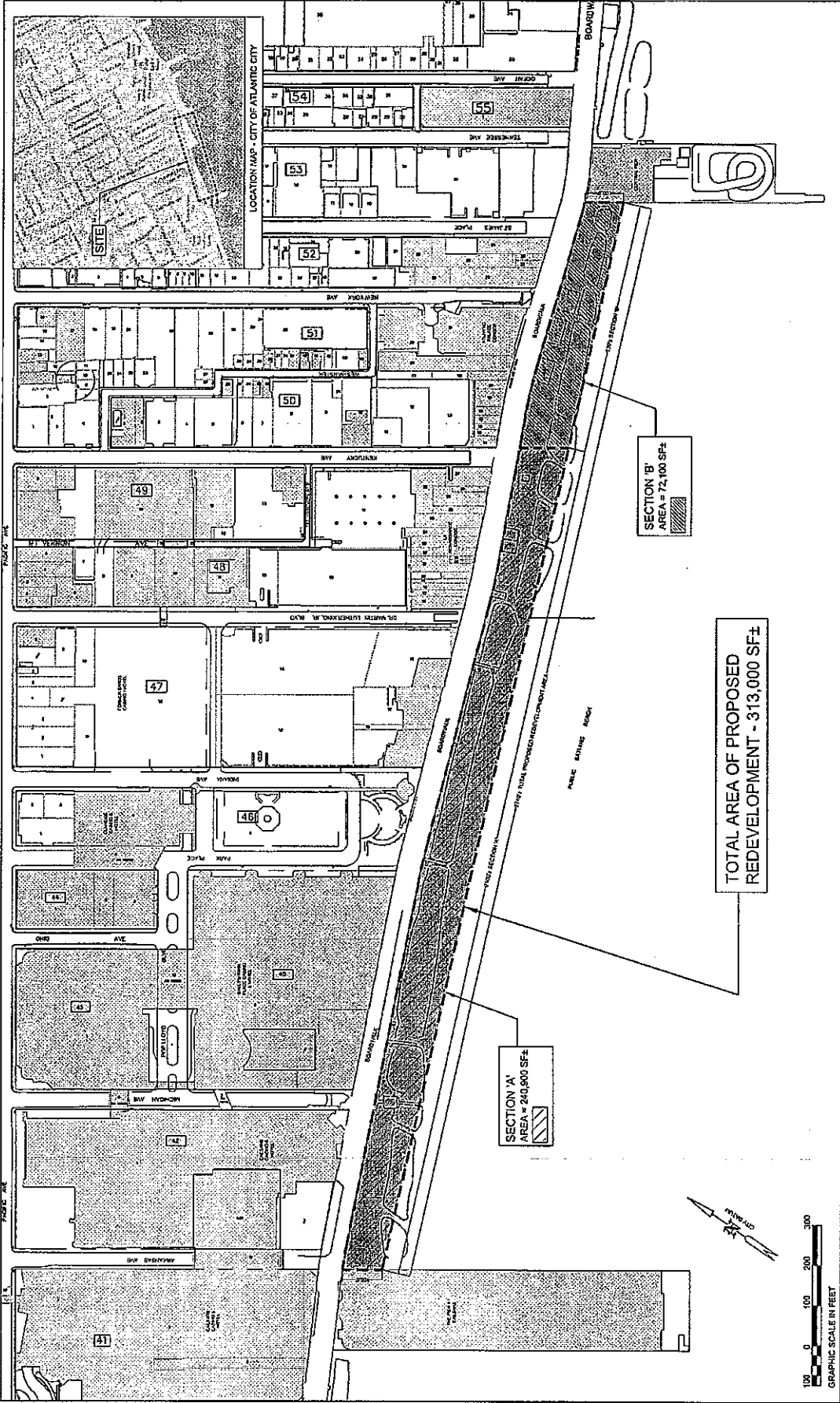
15. COMPLIANCE WITH N.J.S.A. 40A:12A-7 ADOPTION OF ORDINANCE

The Redevelopment Plan satisfies the statutory requirements of the Local Redevelopment and Housing Law as follows:

- A. Its relationship to definite local objectives.
See Section 5, Consistency with the Master Plan.
- B. Proposed land uses and building requirements.
See Section 8, Land Use Standards.
- C. Adequate provisions for temporary/permanent relocation.
Not applicable.
- D. An identification of any property within redevelopment area which will be acquired in accordance with the redevelopment plan.
Not applicable.
- E. Any significant relationship of the redevelopment plan to the Master Plan of contiguous municipalities, the County or State Plan. There is no significant relationship of the redevelopment plan to other local master plans. CAFRA approval is required for projects at the beach location.

- F. Inventory of housing units to be removed within Redevelopment Area.
Not applicable.
- G. Compliance with the provisions of the Fair Housing Act.
Not applicable.

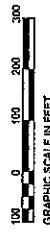
16. EXHIBIT: EXHIBIT A-REDEVELOPMENT AREA



SECTION 'B'
AREA = 72,100 SF±

TOTAL AREA OF PROPOSED
REDEVELOPMENT - 313,000 SF±

SECTION 'A'
AREA = 240,900 SF±



SITE PLAN
ATLANTIC CITY BOARDWALK / PUBLIC BEACH AREA (BLOCK 1)
CITY OF ATLANTIC CITY ATLANTIC COUNTY NEW JERSEY
SCALE: 1/8" = 1'-0"
DATE: 11/14/11

JON J. BARNHART DATE
PROFESSIONAL ENGINEER
PROFESSIONAL ENGINEER NO. 35248
ATLANTIC COUNTY, NEW JERSEY

ARTHUR W. PONZIO, JR. DATE
PROFESSIONAL LAND SURVEYOR
PROFESSIONAL LAND SURVEYOR NO. 35254
ATLANTIC COUNTY, NEW JERSEY

NO.	REVISION	DATE	BY	DESCRIPTION

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