

**AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE
GATEWAY REDEVELOPMENT AREA**

**CITY OF ATLANTIC CITY, NEW JERSEY
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City of Atlantic City

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1. INTRODUCTION

1.1 AUTHORIZATION

In 1994 the City Council of the City of Atlantic City ("Governing Body"), pursuant to Resolution No. 889 of 1994 and N.J.S.A. 40A:12A-1 et seq., declared the entirety of the City of Atlantic City as an Area in Need of Rehabilitation. On November 14, 2007, the Governing Body pursuant to Resolution No. 854 of 2007, directed the Atlantic City Planning Board ("Planning Board") to prepare a Redevelopment Plan for an area within the Rehabilitation Area generally bounded by Lincoln Place to the west, Atlantic Avenue to the north, Hartford Avenue to the east and the mean high water line of the Atlantic Ocean to the south as well as the contiguous area bounded by Trenton Avenue to the west, Ventnor Avenues to the south, including all City rights of way within the bounded area and Lot 1 in Block 22 (the "Redevelopment Area"). On December 28, 2007, the Governing Body adopted Resolution 966 amending the proposed Redevelopment Area under review to include all of Blocks 18 and 19 and the Park. The Gateway Redevelopment Plan was adopted by City Council pursuant to Ordinance No. 28 of 2008. As the result of changes in the market, including gaming competition in neighboring states, it is necessary to further amend the Redevelopment Plan to further encourage investment within the Redevelopment Area. In addition, the recent approval by the State of New Jersey to allow for "boutique" casino hotel facilities also underscores the need to amend the Redevelopment Plan to facilitate new investment in the City. Accordingly, this Amended and Restated Redevelopment Plan encourages more efficient utilization of land and allows for greater creativity in design. Pursuant to Resolution _____, adopted June 29, 2011, City Council has directed the Planning Board to review the proposed amendments to the Redevelopment Plan and provide comments to City Council. Upon adoption, this Amended and Restated Redevelopment Plan shall supersede and replace the Redevelopment Plan for the Gateway Redevelopment Area.

1.2 PURPOSE

1.2.1 Having undertaken the prescribed process to determine that the City and, in particular, the Redevelopment Area contains conditions which meet the statutory criteria for an "Area in Need of Rehabilitation", and acknowledging that such conditions are amenable to correction and amelioration by the concerted effort of responsible public bodies and are not likely to be corrected or ameliorated solely by private effort, the purpose for the declaration of an Area in Need of Rehabilitation was to provide a mechanism for the orderly planning and redevelopment of the Redevelopment Area consistent with certain municipal goals and objectives as stated herein.

1.2.2 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. HISTORICAL OVERVIEW

The Redevelopment Area lies at the base of one of the main corridors leading into Atlantic City. It also lies at the intersection of the two primary east-west roadways within the City, Pacific and Atlantic Avenues, and marks the gateway from the west and north into the Atlantic City casino zone. The site's oceanfront enjoys some of the island's widest and most desirable beaches. Despite its location, however, a majority of the site has been vacant for over twenty years.

The area was originally the site of boarding and bath houses that occupied much of the Atlantic City waterfront in the late 19th and early 20th century. The properties within the area developed through the following fifty years into primarily high and mid rise multifamily housing buildings, hotel and ground floor retail and food and beverage establishments and, on a northern portion of the site, the former Atlantic City High School.

The stately President Hotel, one of the largest hotels built in its time, and the grand Mayfair Apartments occupied much of the beachfront property of the site for most of the last century until they were each demolished for casino hotel projects. On the President site, the Del Webb Company planned what was heralded as an east coast version of its Las Vegas Sahara casino. While it demolished the President Hotel in or around 1980, the company never built the proposed project. Similarly, the owner of Las Vegas' Dunes planned a seaside version of its desert casino on the Mayfair property. Construction began on the project in the early 1980's but was never completed. An incomplete steel skeleton survived for years until that structure was finally cleared.

On the northern portion of the Redevelopment Area, the City constructed the Atlantic City High School in the 1920s. The school served residents of Atlantic City until the 1990's when it was relocated further north. The high school building was subsequently demolished and that portion of the area is now, like most of the property, a parking lot.

Vacant and nearly vacant low-rise apartment buildings currently occupy the far western portion of the site. These buildings exist in a state of disrepair, having succumbed to an evident infiltration of the elements in many areas of the structures caused by an apparent lack of maintenance over much of the last decade.

The consolidation of ownership of most properties within the site occurred fairly recently. Before that consolidation, individual parcels within the Redevelopment Area, under separate ownership, were unattractive for significant investment because of their minimal size and configuration. The aggregation of those parcels finally permitted the development of the site in a commercially feasible manner. With the consolidation of the site, the potential inclusion of some interior roadways and the forward thinking and flexibility exhibited by the City's Planning Board to encourage casino development, the combined area now has the potential to be developed into the type of destination resort necessary to excel in the current competitive casino market.

Based on the foregoing history, it is anticipated that the Redevelopment Plan set forth herein will result in a public/private partnership as envisioned in the Local Redevelopment and Housing Law which will generate a productive and valuable asset for the City within the Redevelopment Area.

3. DEFINITIONS

For the purposes of this Redevelopment Plan, the terms:

3.1 "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.

3.2 "Destination Resort" shall mean an entertainment and recreation complex which may include casino hotel, hotels, condo hotels, residential multi-unit facilities, retail, restaurant, entertainment, and non-gaming attractions and other amenities.

3.3 "Land Use Ordinance" shall mean Chapter 163 (Land Use Development) of the Atlantic City Code, as may be amended from time to time or such other land use code adopted pursuant to law, as applicable.

3.4 "Local Redevelopment and Housing Law" shall mean N.J.S.A. 40A:12A-1 et. seq.

3.5 "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.

3.6 "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.

3.7 "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.

3.8 "Redevelopment Plan" shall mean this document entitled Amended and Restated Redevelopment Plan for the Gateway Redevelopment Area.

3.9 "Redevelopment Project" shall mean the Destination Resort proposed for development in all or a portion of the Redevelopment Area.

3.10 "Redevelopment Area" shall mean the area within the City of Atlantic City bounded by Lincoln Place to the west, Atlantic Avenue to the north, Hartford Avenue to the east and the mean high water line of the Atlantic Ocean to the south as well as the contiguous area bounded by Trenton Avenue to the west, Ventnor Avenue and O'Donnell Parkway to the north, Providence Avenue to the east and Pacific and Atlantic Avenues to the south, including all City rights of way within the bounded area and Lot 1 in Block 22, as more precisely shown on the attached Gateway Map No. 2 as all of Blocks 18, 19, 20, 21, 186, 187, 188 and 189 and Lot 1 in Block 22, which area shall also be known as the Gateway Redevelopment Area.

3.11 "Review Agency" shall mean the Casino Reinvestment Development Authority.

3.12 "State" shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.

3.13 "Temporary Use" shall mean those uses, either directly or indirectly related to a permanent Redevelopment Project, and not intended to be permanent uses.

4. REDEVELOPMENT AREA

4.1 SITE CONTEXT

4.1.1 The Redevelopment Area is specifically delineated on Gateway Map Nos. 1 & 2.

4.1.2 A significant portion of the Redevelopment Area is located in the City's Resort Commercial Development District ("RS-C" Zone), permitting casino-hotel development.

4.1.3 The Redevelopment Area consists of (approximately) 14 acres of land in the form of individual tax parcels.

4.1.4 The Redevelopment Area is comprised primarily of vacant land. Eminent domain is not required for any land acquisition within this Redevelopment Area.

4.2 BOUNDARIES

The Project Boundary Map (Gateway Map No. 2) delineates the boundaries of the Redevelopment Area.

5. STATEMENT OF PURPOSE AND INTENT

5.1 GENERAL STATEMENT

This document constitutes a Redevelopment Plan under the provisions of the Local Redevelopment and Housing Law for the purpose of facilitating the development of a Destination Resort. General redevelopment plan objectives are more particularly described as follows:

- A. To provide a mechanism for a public/private partnership leading to the development of a Destination Resort in the Redevelopment Area.
- B. To foster development of a Destination Resort, and to make available such assistance as may be reasonably necessary to aid development.
- C. To improve and abate the present conditions of the properties within the Redevelopment Area and to encourage the development of the area to encourage the highest and best use.
- D. To promote the redevelopment of an area which would not otherwise occur solely by private effort.

5.2 REDEVELOPMENT PLAN OBJECTIVES

5.2.1 To stimulate private development by allowing maximum flexibility in land use, project design and building regulations.

5.2.2 To provide land and incentives as permitted by N.J.S.A. 40A-12A-1 et. seq. to promote growth of new private sector development in the form of a Destination Resort which will strengthen and diversify the City's economic base.

5.2.3 To maximize tax revenue and generate new tax ratables by constructing on and thus increasing the assessed value of lands currently undeveloped or underdeveloped.

5.2.4 To return to productive use currently unimproved vacant land which, as a whole, has remained unproductive or under productive and which is not likely to be developed or redeveloped without the active participation of public bodies.

5.2.5 To prevent the spread of blight by the application of comprehensive Redevelopment Plan controls.

5.2.6 To stimulate private development by allowing maximum flexibility in land use, project design and building limit controls. In keeping with this objective, more moderate building setbacks, coverage standards and other building controls in favor of innovative and functional design solutions are particularly important.

5.3 DESIGNATION OF REDEVELOPER

5.3.1 As part of the City Council's adoption of this Redevelopment Plan, the Council shall formally name a Redeveloper. The Redeveloper selected by the City shall, in the opinion of the City, be qualified to successfully develop a significant portion of the Redevelopment Area consistent with the Public Policy Goals and Redevelopment Plan Objectives outlined herein. The City's general guidelines for confirmation of a Redeveloper are as follows:

- A. Financial capability and ability to obtain the financing required to develop the type of Destination Resort envisioned by this Redevelopment Plan.
- B. Organizational strength, business reputation and professional capability to operate the type of Destination Resort envisioned by this Redevelopment Plan.
- C. Ability to comply with the Public Policy Goals and Objectives of this Redevelopment Plan.
- D. Demonstrated interest in a redevelopment project in the Redevelopment Area.
- E. The Redevelopment Plan contemplates that the Redeveloper and the City shall enter into a Redevelopment Agreement in connection with the Redevelopment Project.

6. REDEVELOPMENT PLAN

6.1 REDEVELOPMENT AGREEMENT INTENTION

Upon designation of the Redeveloper, it is the intent of this Redevelopment Plan that: (i) the Redeveloper proceeds to develop the Redevelopment Area in accordance with the Redevelopment Plan and (ii) the City commence negotiations with the Redeveloper for a Redevelopment Agreement for use of the beach, public road improvements, other public improvements and other issues specified herein, including a project schedule. Such Redevelopment Agreement shall include, at a minimum:

- A. The development concept(s) and description of project elements for the undertakings proposed.
- B. The Redeveloper's plan for compliance with the Public Policy Goals and Objectives of this Redevelopment Plan.
- C. Such provisions as may be required by law.

6.2 LAND USE PLAN

The Land Use Plan is comprised of the Land Use Standards, Street/Air Rights/ Vacation Plan, Easement Plan, and related issues, Building Limit Controls, Utility Controls, and Additional Controls.

6.2.1 General

- A. The controls and regulations governing land use specified herein are designed to promote the redevelopment of the Redevelopment Area in accordance with the Statement of Purpose and Intent of this Redevelopment Plan and are intended to provide a setting within which the Redeveloper and its architects are encouraged to generate plans in order to produce a Redevelopment Project of outstanding design and superior quality.
- B. The development concepts and description of project elements proposed for the Redevelopment Area will be reviewed and approved by the Redevelopment Entity.
- C. The Review Agency shall review and approve the development plans of the Redeveloper in accordance with the requirements for review and approval of subdivisions and site plans as set forth by ordinance adopted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.).

6.2.2 Land Use Standards

The Redevelopment Area shall be governed by the Land Use Standards contained herein except that parcels not under common control or ownership by the Redeveloper (Out Parcels) shall continue to be subject to the land use standards relevant to their location in accordance with the Land Use Ordinance, however, that upon acquisition of any of the Out Parcels by the Redeveloper, the Redevelopment Plan standards shall become applicable to those parcels.

These Provisions are intended to provide for and foster the development of a Destination Resort.

A. Permitted Uses

Permitted Uses within the Redevelopment Area, excluding O'Donnell Memorial Park ("Park") in Block 188, may include, but shall not be limited to: hotels; casino-hotels; condo hotels; residential multi-family facilities; convention meeting space; retail space; restaurants; bars; museums; spas; nightclubs; entertainment uses including, but not limited to, theaters, arenas, amusement parks, theme parks, water parks, active/passive recreation facilities, cultural facilities and other like and similar attractions; and support uses including, but not limited to, laundry, office, storage and parking including, but not limited to, surface and structured parking. Permitted accessory uses in the Redevelopment Area shall include all customary accessory uses, including, but not limited to, heliports, heating and cooling facilities and other support uses.

B. Temporary Uses

In addition to Permitted Uses, this Redevelopment Plan permits the Redeveloper to utilize the land within the Redevelopment Area for such Temporary Uses as may be proposed from time-to-time.

Temporary Uses may include, but shall not be limited to, open-air or indoor uses housed in a temporary structure constructed for such purpose, and may include amphitheatres, skating rinks, circus/carnival attractions, miniature-golf courses, parade staging, film shooting or like and similar attractions, including parking, or may include support elements for Permitted Uses such as ancillary parking and shall be subject to compliance with the Section 163-69 A, B, C, D, F, G and H of the Land Use Ordinance.

C. Construction Staging

Staging for construction conducted in the Redevelopment Area, including parking and all other activities normally attendant there, shall be permitted, subject to compliance with the provisions set forth in Section 163-69(D)3 of the Land Use Ordinance.

D. Land Use Approvals

Unless site plan approval is required by this Redevelopment Plan or by Section 163-81 of the Land Use Ordinance, land use approvals shall be granted administratively, pursuant to the Land Use Ordinance, provided, however, such administrative approvals shall only be granted for projects without variance or waiver relief.

6.2.3 Street Vacation Plan/Air Rights Vacation Plan/Easement Plan.

The Street Vacation Plan/Air Rights Vacation Map and the Subsurface and Above Grade Easement Map (Gateway Map Nos. 3 & 4) have been generated in order to promote the cohesive development of the Redevelopment Area, to maximize efficiency in land utilization and traffic control internal and external to the Redevelopment Area to better accommodate traffic for that region of the City. The street/air rights/ vacations and easement plans are outlines herein and are described on Gateway Map Nos. 3 & 4, but are contingent upon the execution, and further subject to the terms, of the Redevelopment Agreement.

A. Street Vacation

The following right-of-way within the Redevelopment Plan Area, along with all air rights and subsurface rights attendant thereto (shown on Gateway Map No.3), are hereby vacated; provided, however, that such street vacation shall become effective upon commencement of construction of the Destination Resort by Redeveloper as contemplated by this Redevelopment Plan: that portion of Albany Avenue between the Boardwalk and Atlantic Avenue.

B. Air Rights Vacation

The following air rights within the Redevelopment Area are hereby vacated (as shown on Gateway Map No. 3); provided however, that such air rights vacation shall become effective upon commencement of construction of the Destination Resort by Redeveloper as contemplated by this Redevelopment Plan:

1. The air rights above Atlantic Avenue from the north right of way boundary to the south right of way boundary between the easterly line of Roosevelt Avenue and extending easterly two hundred thirty feet (230') therefrom.
2. The air rights above the Boardwalk located one hundred sixty feet (160') from the easterly line of Roosevelt and extending sixty feet (60') in width.

C. Subsurface Easements

The following easements are granted within the Redevelopment Area; as shown on the Gateway Map No. 4 provided however, that such easements shall become effective upon commencement of construction of the Destination Resort by Redeveloper as contemplated by this Redevelopment Plan:

1. The area immediately below the Boardwalk and beach to the high water line in front of Blocks 19, 20 and 21 for a depth of twenty five (25') below the surface (measured from the surface of the beach) and any additional depth necessary for subsurface pilings;
2. The area immediately below Atlantic Avenue between the easterly line of Trenton Avenue and the westerly line of Albany Avenue for a depth of twenty five feet (25') below the surface (measured from the surface of the roadway) and any additional depth necessary for subsurface pilings, foundations and utilities, including, but not limited to, private thermal heating and cooling pipes, conduits and other equipment;
3. The area immediately below the westerly half of Hartford Avenue between the southerly line of Pacific Avenue and the Boardwalk for a depth of twenty five feet (25') below the surface (measured from the surface of the roadway) and any additional depth necessary for subsurface pilings;
4. The area immediately below Albany Avenue and the area of the Park for a depth of twenty five feet (25') below the surface (measured from the surface of the roadway) and any additional depth necessary for subsurface pilings; and
5. The area immediately below the first ten feet (10') of the rights of way within and surrounding the Redevelopment Area to be measured from the property line into the rights of way and extending for a depth of twenty

five feet (25') below the surface (measured from the surface of the right of way) and any additional amount necessary for subsurface pilings.

D. Relocation of Albany Avenue Monument

Upon request of the Redeveloper and subject to the terms of the Redevelopment Agreement, the City approves of the relocation of the monument located at Albany and Ventnor Avenues to a location within the adjacent O'Donnell Memorial Park ("Park"). The location within the Park shall be approved by the City.

E. Public Improvements

1. The Redevelopment Area and surrounding area currently requires road improvements to facilitate the free flow of traffic. Such improvements are also necessary to accommodate redevelopment of the Redevelopment Area. Redeveloper and the City, along with other governmental entities, shall work to develop a plan of road improvements, which will be set forth in the Redevelopment Agreement. The Redevelopment Plan recognizes that vehicular circulation to and from the Redevelopment Area is critical to achieving the goals of the Redevelopment Plan to foster redevelopment. One improvement encouraged by the Redevelopment Plan is the development of a vehicular tunnel under Albany Avenue to facilitate efficient traffic circulation from the Redevelopment Project to the road system. If constructed by the Redeveloper, such tunnel shall provide an important public road improvement.
2. The Redeveloper is encouraged to expand the Boardwalk to allow for development of entertainment, recreation and/or restaurant uses and facilities.
3. Redeveloper may propose public improvements on the beach, including relocation of public facilities. Any such improvements and the schedule for such improvements shall be set forth in the Redevelopment Agreement.

6.2.4 Building Controls

The following regulations, controls and restrictions provide standards for the physical development of the Redevelopment Area. The Redeveloper and its designers are encouraged to exercise maximum ingenuity, creativity and freedom of design consistent with the Statement of Purpose and Intent of this Redevelopment Plan.

A. Redevelopment Area

1. Site Coverage

The maximum impervious coverage within the Redevelopment Plan Area shall be ninety (90%) percent.

2. Building Setbacks

Setbacks are required where indicated on the attached Gateway Map No. 5 and are described below. Setbacks shall be a clear space measured at a right angle between a right of way line and a building limit line or parking limit line as applicable except as otherwise noted herein. Setbacks shall be unoccupied and unobstructed from grade to sky, except for the following Permitted Encroachments: awnings, canopies, flag poles, ornamental architectural features, including but not limited to signage and multi-media graphic devices, street furniture, fences, pedestrian bridges, signage, landscaping, lighting, benches, trash receptacles, walkways, access drives, and the like. Permitted Encroachments shall also be permitted over the public right of way, subject to customary license agreements by the City.

- A. Trenton Avenue (East Side): Eight (8') foot setback up to one hundred seventy five feet (175') in height above grade with an additional thirty foot (30') setback required above one hundred seventy five feet (175') in height above grade.
- B. Atlantic Avenue: No setback required.
- C. Pacific Avenue: No setback required.
- D. Ventnor Avenue: No setback required up to thirty five feet (35') in height above grade then a five foot (5') setback up to one hundred seventy five feet (175') in height above grade with a ten foot (10') setback required above one hundred and seventy five feet (175') in height above grade.
- E. Lincoln Place: No setback required up to one hundred and seventy five feet (175') in height above grade with an additional ten foot (10') setback required above one hundred and seventy five feet (175') in height above grade.
- F. North Albany Avenue: From a point at the intersection of Albany Avenue and Ventnor Avenue and extending along Albany Avenue to Atlantic Avenue, no setback required up to one hundred and seventy five feet (175') in height above grade with ten foot (10') setback required above one hundred and seventy five feet (175') in height above grade.
- G. South Hartford Avenue: From a point at the intersection of Pacific Avenue and Hartford Avenue and extending 250 feet south along Hartford Avenue, a five (5') foot setback required. From the point measuring 250 feet south of the intersection of Pacific Avenue and Hartford Avenue and extending to the Boardwalk, no setback is required.
- H. Boardwalk: No setback shall be required along the Boardwalk up to a height of one hundred feet (100') above Boardwalk level;

above one hundred feet (100') above Boardwalk level, a fifty feet (50') setback is required.

- I. Roosevelt Avenue: From a point at the intersection of Atlantic Avenue and Roosevelt Avenue and extending 300 feet south along Roosevelt Avenue, a five (5') foot setback is required. From the point measuring 300 feet south of the intersection of Pacific Avenue and Roosevelt Avenue and extending to the Boardwalk, no setback is required.
- J. Providence Avenue: No setback required up to one hundred feet (100') in height above grade with a five foot (5') setback required above one hundred feet (100') in height above grade.
- K. All side yards setbacks within the Redevelopment Area shall be five (5') feet.
- L. Development on the southerly side of the current Boardwalk right of way shall have a maximum height of one hundred (100') feet above grade and shall be set back from the Redevelopment Area boundaries by a minimum of fifty (50') feet.
- M. The Review Agency, at its sole discretion, may decrease any of the setback provisions for a project of superior design.

3. Building Height

- A. Maximum building height shall be eight hundred feet (800') above grade; provided, however, that mechanical rooms/equipment, architectural and similar features may extend to a height of nine hundred feet (900') above grade; that the maximum building height in the areas shown as Blocks 186 and 187 on the Gateway Map No. 2 shall be three hundred and eighty five (385') feet; and that the maximum building height in the areas shown as Block 18 and 19 on the Gateway Map No. 2 is two hundred and twenty five (225') feet except that in those Blocks 18 and 19 the mechanical rooms/equipment, architectural and similar features may extend to a height of two hundred and fifty feet (250') above grade.
- B. The Review Agency, at its sole discretion, may increase any of the height provisions for a project of superior design.

4. Floor Area Ratio

Maximum floor area ratio shall be ten and zero-tenths (10.0) excluding floor area devoted to off-street parking and calculated in relation to the development as a whole within the Redevelopment Area.

5. Signage

Signage shall be subject to the standards of the Land Use Ordinance for casino zoned areas; provided, however, that the Review Agency may allow for deviation from such standards for projects of superior design. No electronic moving signs shall be permitted on the westerly side of the Atlantic Avenue skybridge.

6. Parking and Loading

- A. Parking shall be subject to compliance with Section 163-70 A(2)(a)[1], (c)[1] -[11], (3)(a), of the Land Use Ordinance. For purpose of the above, the controls of the relevant district shall be the controls provided for the Redevelopment Area in this Redevelopment Plan.
- B. Loading spaces shall comply with Section 163-70 (b)(2)(b)[3] of the Land Use Ordinance. The number of loading spaces shall be provided based upon square footage devoted to commercial uses (excluding parking areas, back of house, storage, areas used by employees and outdoor public areas), as follows: (i) 1 per 10,000 square feet to 150,000 square feet; 2 per 150,000 square feet to 300,000 square feet; 3 per 300,000 square feet to 500,000 square feet; 4 per 500,000 square feet to 750,000 square feet; 5 per 750,000 square feet to 1,250,000 square feet; and 1 per each additional 500,000 square feet.
- C. All parking for residential dwellings shall conform to the New Jersey Residential Site Improvement Standards pursuant to N.J.A.C. 5:21-1.1 et. seq. including waiver provisions.
- D. An adequate area, internal to the property, shall be provided for taxi and limousine staging.

7. Performance Standards

The project shall be subject to Section 163-73 of the Land Use Ordinance except for subsection H.

8. Urban Design Standards

The project shall be subject to the following:

- A. Every face of the structure fronting on a public sidewalk shall, at the sidewalk level adjacent to said structure, be designed predominantly for pedestrian oriented uses including, but not limited to, entrance, lobby, retail commercial areas, architectural elements, theatrical elements, or landscaping, exclusive of parking facilities or lots. Mechanical equipment, storage and similar uses shall not be allowed along any such frontage. Loading areas shall be screened to minimize pedestrian views into the loading area.

- B. The Boardwalk frontage of the structure, with the exception of entrance lobbies, shall be designed predominantly for Boardwalk-oriented restaurants, bars, retail uses, architectural elements, and theatrical elements.
- C. All horizontal flat surfaces shall be developed in such a manner as to be aesthetically acceptable in order to secure agreeable visual conditions in the roofscaping of the City; provided, however, that this requirement shall not apply above a height of three hundred eighty five feet (385') above grade.
- D. Vertical surfaces may be treated with reflective surfaces provided that they do not have an adverse impact on surrounding uses causing visual discomfort or any other adverse impact.
- E. The largest dimension of any structure abutting the Boardwalk and extending higher than sixty (60) feet above the level of the Boardwalk shall be oriented approximately perpendicular to the Boardwalk.
- F. All street ends abutting the Boardwalk within the Redevelopment Area shall be designed and re-constructed with significant landscape/hardscape treatments.

B. Bridging

Atlantic Avenue – Bridging of Atlantic Avenue and the Boardwalk shall be permitted in the entirety of the vacated air rights space as defined herein. Any bridging shall be constructed at a minimum height of twenty (20') feet above the surface below. No bridge improvement shall be constructed over a height of one hundred seventy-five (175') feet above grade. The area between the bridge and the surface below shall be adequately illuminated.

C. Review Agency Authority

Consistent with Section 9.3 of this Redevelopment Plan, the Review Agency, at time of site plan review and without formal amendment to this Redevelopment Plan, may approve modifications in or changes to the Building Limit Controls if requested by Redeveloper.

6.2.5 Utility Controls

- A. The Redevelopment Area is serviced by access to all required utilities, including electric, gas, sewer, water, communications (telephone) and cable television systems.
- B. Distribution lines for all utility systems within the Redevelopment Area shall be placed underground. All easements shall comply with City requirements. Exact locations for utility lines and easements shall be established at time of site plan review and approval. Existing above ground utilities shall be incorporated into the underground systems at the boundaries of the Redevelopment Area in the areas where improvements are undertaken.

6.2.6 Additional Controls

Loading, mechanical equipment, storage and similar uses shall not be visible by pedestrians on the Boardwalk.

Interpretation and modifications to these provisions shall be made by the Review Agency at time of site plan review and approval.

6.2.7 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 above notwithstanding, whenever local codes or regulations (other than those found in the Land Use Ordinance) contain comparable but more restrictive provisions or requirements than set forth in this Redevelopment Plan, the standards set forth herein shall govern.
3. The provisions of the Land Use Ordinance, except as specifically provided for in this Redevelopment Plan, shall not be applicable within the Redevelopment Area.

7. 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 applicable 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.

8. PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

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

8.1 The Redevelopment Plan is an outline for the planning, development, and redevelopment of the Redevelopment Area sufficient to indicate:

A. Appropriate Land Uses

The Redevelopment Plan provides for land uses consistent with the RS-C district which comprises a large portion of the Redevelopment Area.

B. Density of Population

The Redevelopment Plan permits residential uses. Residential uses and any increase in population associated with such residential uses are consistent with the redevelopment of the City.

C. Traffic and Public Transportation

The roadway improvements contemplated by this Redevelopment Plan will improve overall traffic flow in the Chelsea area of the City and will help to accommodate existing traffic, and prepare for future development in the region serviced by the Route 40 corridor.

In addition, significant public infrastructure is in place for public transportation, including public bus and Jitney service, New Jersey Transit rail service and, more regionally, the Atlantic City International Airport. The Redevelopment Area has substantial highway access via the Atlantic City Expressway, U.S. 322/40 (Black Horse Pike) and U.S. 30 (White Horse Pike).

D. Public Utilities

The Redevelopment Area is served by public utilities which are adequate for the proposed uses set forth in the Redevelopment Plan.

E. Recreational and Community Facilities and Other Public Improvements

The development intended within the Redevelopment Area will provide for significant public improvements, including expanding the Boardwalk, creating street/landscaped features along many right of way areas, improving traffic flow and providing for a host of uses which will foster the continued redevelopment of Atlantic City.

8.2 Proposed Land Uses and Building Requirements

The proposed land uses outlined herein are consistent with the RS-C district and recent State legislation designed to increase investment in the City and will help foster the redevelopment of the City. The proposed building requirements are either in conformance with the current municipal code or are consistent with other recently adopted redevelopment plan building controls for casino hotel developments within the City.

8.3 Provisions for Temporary and Permanent Relocation

The Redevelopment Plan does not require any relocation of residents other than relocations required as a result of negotiated property sales.

8.4 Property to be Acquired

The Redevelopment Plan does not require the acquisition of any privately owned property not already owned or controlled by the Redeveloper and its affiliates other than that which may be necessary for roadway improvements.

8.5 Significant Relationships of the Redevelopment Plan to Other Plans

The Redevelopment Plan is consistent with New Jersey State public policy in that the Redevelopment Plan seeks to foster redevelopment of the City consistent with the express goals of the State Constitutional amendment authorizing casino gaming in Atlantic City and is also consistent with recent State legislation to promote new investment in the City. It is also consistent with the goals and objectives of the New Jersey State Planning Commission, N.J.S.A. 52:18A-196 et. seq. in that it encourages development, redevelopment and economic growth in a location that is well situated with respect to available infrastructure and capacity to support the development and with the goals of the Atlantic County 2000 Master Plan which states that the continued expansion of the gaming industry results in the diversification and strengthening of the County's economy. Finally, this Redevelopment Plan is consistent with the goals of the current (2008) City Master Plan in that it provides an opportunity for the continued growth of the City's resorts and casinos and improves roadway infrastructure.

8.6 Overriding Effect

The Redevelopment Plan expressly supersedes the applicable provisions of the Land Use Ordinance except as expressly set forth in the Redevelopment Plan. The Redevelopment Plan further amends the zoning district map with respect to the Redevelopment Area. Any property within the Redevelopment Area that was formerly included in another redevelopment area shall be released from that area to the extent it is included in this Redevelopment Area.

9. AUTHORITY AND PLAN INTERPRETATION

9.1 Pursuant to N.J.S.A. 40A:12A-13, the Planning Board shall have the sole authority to determine conformance of a Redeveloper's concept and design with this Redevelopment Plan.

9.2 Subject to the provisions of this Redevelopment Plan herein, the Review Agency shall have sole authority for the interpretation or clarification of any provision of this Redevelopment Plan.

9.3 The Review Agency shall have the has authority to grant waivers or variances from building limit controls contained within this Redevelopment Plan provided that any such variance or waiver shall not deviate by more than 20% from the control set forth in this Plan. Any modification or change of more than 20% of the applicable building code shall necessitate a formal amendment to this Redevelopment Plan in accordance with law.

10. 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 except that parcels not under common control or ownership by the Redeveloper (Out Parcels) shall continue to be subject to the land use standards relevant to their location in accordance with the existing Land Use Ordinance, provided however, that upon acquisition of any of the Out Parcels by the Redeveloper, the Redevelopment Plan standards shall become applicable to those parcels.

11. DURATION OF PROVISIONS AND EFFECTIVE DATE

11.1 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 a maximum extent permitted under the Redevelopment Plan.

11.2 Upon completion of construction and the issuance by the City of all permanent Certificate(s) of Occupancy (or Temporary Certificate(s) of Occupancy with the consent of the City, which consent shall not be unreasonably withheld) for individual portions or all of 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 therefore 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.

12. PROCEDURES FOR AMENDING THE APPROVED REDEVELOPMENT PLAN

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. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-13, mutual agreement between the City and the Redeveloper is required where a Redevelopment Agreement is in place and where an amendment would change the controls governing the use of land under such Redevelopment Agreement.

13. LIST OF EXHIBITS [MAPS BEING UPDATED

GATEWAY MAP NO. 1: REDEVELOPMENT AREA MAP, SITE LOCATOR MAP
GATEWAY MAP NO. 2: REDEVELOPMENT AREA BOUNDARY MAP
GATEWAY MAP NO. 3: STREET/AIR RIGHTS VACATION MAP
GATEWAY MAP NO. 4: SUBSURFACE AND ABOVE GRADE EASEMENT MAP
GATEWAY MAP NO. 5: BUILDING SETBACKS MAP

