Powerhouse Arts District Redevelopment Plan

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CITY OF JERSEY CITY

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I. INTRODUCTION

The "Power House Arts District Study Area" was determined to be "an area in need of redevelopment," pursuant to New Jersey Local Housing and Redevelopment Law, P.L. 1991 c. 79 (N.J.S.A. 40A:12A-1 *et seq.),* by the Jersey City Municipal Council on July 14, 2004 following recommendation of the Jersey City Planning Board.

Prior to these actions, the following redevelopment area plans were adopted over a number of years by the Jersey City Municipal Council following recommendation of the Jersey City Planning Board: Hudson Exchange, Exchange Place North; Morgan and Washington, and Bay Street.

When properly redeveloped, the PAD will serve as an important component of Jersey City's cultural and entertainment industry. In addition, the provision of work/live space and related amenities will serve as a business incubator to the artist community. The agglomeration of arts based startup enterprises and studios of established artists enables a sharing of resources, exchange of ideas, and building of social networks and support systems that will support the artist community as an economic enterprise. The addition of residential units within the PAD will assure the creation of a more balanced and diverse community. This community in turn will support the local economy through purchase of both personal and business items, and by attracting new visitors to Jersey City who also purchase goods and services. The broader Jersey City economy will benefit from the attraction of new patrons, and from the economic diversification.

The attention to work/live loft style units that this Plan requires in the Rehabilitation and Transition Zones, as well as the arts oriented focus, is consistent with, and perpetuates the provisions of the Land Use Plan element of the Jersey City Master Plan, which was adopted by the Jersey City Planning Board in May 2000. The land use plan identified that there is an emerging artistic community in the Work and Live District Overlay (WALDO) area, which is attracted by the City's growing reputation as a cultural enclave with relatively affordable housing, a large inventory of old industrial buildings that can be adapted to studios, extensive mass transit service, and proximity to New York City. The Master Plan states that the purpose of the district is to permit and encourage artist's work and live space, and to permit art production, and other art related activities, including galleries, performance venues, arts supply stores and small restaurants and bars. One of the issues that is identified by the Master Plan is how to accelerate the pace of redevelopment in the district. The Master Plan provides seven recommendations, with the first recommendation to determine if the area qualifies as an area in need of redevelopment and establish a redevelopment plan to provide incentives that promote redevelopment. The Master Plan also recommends that the City plan for and recruit arts organizations and arts related uses that would anchor the artists community and serve as a catalyst for redevelopment; encourage additional linkages between artists community and the rest of the City's population, and coordinate the redevelopment of the Washington Street powerhouse with the district and recognize adaptive reuse as a preferable approach. At the same time, changing economic factors have come into play dictating the need for a broader range of housing opportunities open to all residents of Jersey City and the region. A report prepared by the Urban Land Institute in March, 2002 also recommended diversifying the uses permitted in the area in order to create a more diverse economic engine which would broaden the appeal of the subject area and accelerate the pace of redevelopment in the district.

II. REDEVELOPMENT OBJECTIVES AND POLICY STANDARDS

The statements that follow define the intent and purpose for which this Plan was created. These statements set out a series of policies and objectives by which the redevelopment requirements of subsequent sections of this Plan will be guided. Likewise, these statements may be used to determine the degree to which future applications for development of the lands within the Redevelopment Area meet Plan policies and objectives.

It is desired, in the creation and adoption of this Plan, to:

A. Create a plan that establishes a positive image and a sense of place; a place people will come to live, work, visit, shop, and enjoy, returning again and again.

B. Replace the WALDO Zoning District regulations with standards that encourage a variety of uses to transform this section of Jersey City into a vibrant neighborhood with primary emphases on the arts, entertainment and culture, while providing for a broad range of retail, restaurant and personal service uses that will help create a dynamic and economical sustainable community.

C. Create a mixed-use neighborhood with both rental and for sale residential and work/live loft style units, both affordable and market rate.

D. Maintain the district's historic industrial appearances while implementing design standards that will continue its architectural integrity.

E. Develop streets, sidewalks and public places that are safe, comfortable and interesting to the pedestrian and reflect the industrial past of the district.

F. Provide site improvements for the beautification of the redevelopment area.

G. Establish architectural requirements that complement and contribute to the community and its identity, maintaining an architectural style consistent with the character of the area's industrial heritage while allowing a blend of modern accents.

H. Establish a Special Improvement District to assist the city in management and maintenance of the district.

I. Retain and re-use the historic Hudson & Manhattan Railroad Power House and the historic warehouses of the district, which are important artifacts of Jersey City's industrial heritage.

J. Maintain a bridge between the new high-rise developments along the Hudson River waterfront and the 19th century neighborhoods to the west of the PAD.

K. Preserve the remaining viable industrial building stock through rehabilitation and adaptive re-use.

L. Require the creation and rehabilitation of buildings and shops that incorporate frontage on and direct access to a public sidewalk and public street.

M. Provide for the development of an artists' work/live project initiated by the City or its agents.

N. Accommodate at least one major arts anchor within the district; such as: an arts magnet high school, university program center, or museum.

O. Require public art be installed at each development site in the PAD pursuant to section VI.A.7. of this plan.

P. Require affordable work/live units be provided to income qualifying certified artists as a ten percent (10%) residential growth share requirement, except where alternative affordable housing arrangements are provided within the PAD.

Q. Provide places for safe pedestrian refuge and accommodation, such as separated cafe space and passive furnished open space nodes.

R. Accommodate automobiles in a manner that respects the pedestrian spaces and does not compromise the physical form of that pedestrian space or detract from the amount of ground floor retail, restaurant, gallery and lobby spaces.

S. Locate and design streets to eliminate or reduce cut-through traffic patterns through the use of traffic calming and other such design tools to minimize and discourage undesirable vehicular circulation.

T. Identify garage locations for district residents, visitors, employees, and users while prohibiting their use by daytime commuters to insure the PAD does not become a parking district for trans-Hudson commuters.

U. Pursue the installation of the necessary sewer and water improvements, and the burying of telecommunications and electric supply lines, concurrent with redevelopment activities to avoid disruptive construction after improvements are built and occupied.

V. Maximize the use of shared parking and mass transit reliance for existing and new development.

W. Eliminate the placement of on-street monthly permit parking within the District and replace with the Standard City Zone parking, creating its own zone district.

X. Provide for and encourage a mix of land uses that will generate a community that is active twenty-four / seven, and populated by residents, business workers and support personnel.

Y. Support the arts centric business incubator elements and nature of the PAD.

Z. Provide cultural, arts, entertainment and retail amenities to the nearby waterfront office and residential districts.

AA. Attract new and additional economic benefits to the city from residents, workers and visitors of the waterfront office and residential districts.

III. PROPOSED REDEVELOPMENT ACTIONS

The implementation of this Plan will substantially improve and upgrade the Redevelopment Area. The actions outlined herein will provide a uniform and consistent course of action that will displace the adverse influences that led to the deterioration and ultimate determination that the Redevelopment Area was an area in need of redevelopment. These will include but not be limited to:

A. Consolidation and re-subdivision of land within the Redevelopment Area into suitable parcels for development for the new residential and/or commercial land uses.

B. Provision of a full range of infrastructure necessary to service and support new development within the Redevelopment Area.

C. Preservation and rehabilitation of existing historic resources listed on the State or National Registers.

D. Construction of new structures and complementary facilities that are consistent with the goals, objectives and policy standards of this Plan.

E. Identify an area that can begin to be coordinated and managed as a special district, coordinating parking, affordable units, artist studio space, gallery space and other public amenities and special events.

F. Acquire certain properties by negotiation or eminent domain as may be necessary to effectuate this Plan.

IV. GENERAL ADMINISTRATIVE REQUIREMENTS

The following provisions shall apply to all property located within the Redevelopment Area:

A. Site Plan Review

1. A site plan shall be submitted by the redeveloper or property owner to the Jersey City Planning Board ("Planning Board") for review and approval prior to the commencement of any new construction, alteration or addition, reconstruction, rehabilitation, demolition, or any change to, or expansion in the use of, any structure or parcel. No building permit, foundation permit, demolition permit or Certificate of Occupancy, or any other such permit pertaining to site preparation or change shall be issued for any work associated with any of the items above without prior site plan review and approval of such work by the Planning Board.

B. Site Plan Requirements

1. Prior to commencement of construction, architectural drawings and site plans with detailed specifications for the construction and/or rehabilitation of improvements to the area shall be submitted by the developer to the Planning Board of the City of Jersey City for review and approval so that compliance of such plans with the redevelopment requirements and objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Applications may be submitted for the entire project or in any number of phases. Final Site Plan approval for any phase shall entitle an applicant to building permits.

   As part of any Final Site Plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the Jersey City Corporation Counsel. The amount of any such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of on and off site improvements within one (1) year of final site plan approval.

C. Effect on Land Development Ordinance

This Plan shall supersede all provisions of the Jersey City Land Development Ordinance (hereinafter referred to as the "LDO") on matters that are specifically addressed herein. All previously existing zoning classifications shall cease to exist and shall be replaced by the land use requirements of this Plan. Any zoning related question that is not addressed herein shall refer to the LDO for clarification. No variance/deviation from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant development decisions and /or deviations from the requirements of this Plan, as provided herein. Upon final adoption of this Plan by the Jersey City Council ("City Council"), the City's Zoning Map shall be amended to show the boundary of the Powerhouse Arts District Redevelopment Area.

D. Effect on previously existing Redevelopment Plans

Upon adoption of this Plan, all sections of the Hudson Exchange, Exchange Place North, Morgan and Washington, and Bay Street Redevelopment Areas that are within the PAD boundary (Map 1) shall be superseded by a new Powerhouse Arts District Redevelopment Area, and the Jersey City Zoning Map shall be amended to show the Powerhouse Arts District Redevelopment Area boundary that is delineated by Map 1 of this plan. Also, upon adoption of this Plan, the provisions of this Plan shall be in full force and effect for the PAD Redevelopment Area.

E. Subdivision Requirements

Any subdivision or consolidation of lots and parcels of land within the Redevelopment Area shall be in accordance with this Plan's requirements and those LDO provisions which remain applicable.

F. Interim Uses

The Planning Board may permit interim uses as may be consistent with the Jersey City Master Plan, at their sole discretion, for a term as shall be determined by the Planning Board, subject to site plan review and approval. The Planning Board shall only permit uses that it finds will not have an adverse effect upon the Plan or surrounding existing or contemplated development during the interim use period. Commercial surface parking lots shall be permitted as an interim use, except for use as commuter parking, which shall be prohibited as an interim use.

G. Deviation Requests

1. As a function of preliminary site plan approval, the Planning Board may use its powers as granted by NJSA 40:55D-60 and NJSA 40:55D-60.a. to: (1) Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an

extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any provision of this plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application relating to such property, a deviation from such strict application of such provision so as to relieve such difficulties or hardship; (2) where in an application relating to a specific piece of property the purposes of this redevelopment plan would be advanced by a deviation from the redevelopment plan requirements and the benefits of the deviation would substantially outweigh any detriment, grant a deviation to allow departure from the provisions of this redevelopment plan; provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a deviation under this clause and provided that no deviation from those departures enumerated in NJSA 40:55D-70.d shall be granted under this clause. An application for a deviation from the provisions of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a & b.

2 No deviation shall be granted for the reason of high cost.

3 No deviation shall be granted from this plan's Certified Artist Affordable Housing Growth Share Requirement, except in such case where the City Council has given its approval to the relief requested.

H. Effective Period

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the original date of approval of this Plan by the City Council. Subsequent amendments hereto shall not alter or extend this period of duration, unless expressly stated by such amendments.

I. Severability

If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of this Plan shall remain in full force and effect.

J. Easements

Nothing shall be constructed over or within a private easement in the Redevelopment Area without site plan review and approval of the Planning Board. Nothing shall be constructed over or within a public easement without review and approval of the City Council.

V. SITE DEVELOPMENT REQUIREMENTS

The following standards and requirements shall apply to all applications for development, including but not limited to: developments, redevelopments, rehabilitation, and or re-use applications within the Redevelopment Area:

A. Utilities and equipment

1. All utility distribution lines within the Rights-of-Way (ROW) and utility service connections from such lines to the Redevelopment Area's individual uses, utility, appliances, regulators, transformers and metering devices shall be located underground or within enclosed principal use structures. The redevelopers are required to arrange for connections to public and private utilities in conformance with the above standards, and such provisions shall be indicated on the site plans. All utility boxes shall be underground or located inside the principal structure. Within the Redevelopment Area, all utilities that are above ground currently shall be buried.

2. Transformers, junction boxes, lift stations, electrical meters, condensers, signal boxes, other such machinery, and the mechanical controls for same shall be located below ground or in the interior to the building, mid-block, and masked from street frontages by building elements in a manner consistent with the design of the building, incorporating false windows and dispersed venting to maintain the window rhythm and building pattern design. Any louvers or similar functioning exterior material must be screened with historically appropriate screening grates.

B. Screening of rooftop mechanicals

All rooftop mechanicals shall be enclosed or screened. For buildings less than 150 feet in height, enclosures or screening shall be constructed with metal or brick. For buildings that are 150 feet and above in height, enclosures or screening shall be by bulkhead walls with stucco application. Constructed screening shall be executed in a manner that is sympathetic with the architecture of the building, and shall not be visible from an elevation of five feet above the sidewalk on the opposite side of the public right-of-way. Screening shall not give a false historic appearance to a historic resource and it shall clearly distinguish new construction from old.

C. Advertising prohibition

No advertising shall be permitted on parking meters, light poles, benches or other street furniture within the ROW, sidewalk area or within public or private parking lots located inside the PAD. Notwithstanding the foregoing, for marketing purposes, temporary fence wraps, temporary boarding wraps, and temporary blade signs shall be permitted, as well as temporary building banners, provided that such banners cover windows. In the Arts Theater Residence

Overlay Zone, temporary plywood fencing may be installed for use by local artists.

D. Fencing - General Requirements

1. Chain link fencing, tubular steel, stockade fencing, wood picket and post and rail type fencing are prohibited within the Redevelopment Area, except that chain link may be used during demolition or construction. Any fencing permitted during demolition or construction shall be removed prior to the issuance of the first permanent or temporary certificate of occupancy for the property protected by such fencing.

2. Only cast or wrought iron-type fences, including aluminum fences having an appearance similar to wrought iron, shall be permitted.

3. Fences shall be no less than forty percent (40%) open. Translucent, transparent, or clear materials shall be considered as solid elements, but only where such materials are located on street level.

E. Post-demolition treatments

Upon demolition of any existing structures, the site shall be graded, planted, sodded, and/or developed, as applicable, in accordance with this Plan. Vacant lots may be graveled or paved, if used as interim surface parking lots, and shall be kept weed, litter and trash free.

F. Trash and Outdoor Storage

All trash and recyclables storage such as dumpsters and/or compactors shall be located within the principal buildings. All outdoor storage shall be prohibited, including products for sale, excepting in the event of periodic street fairs, sidewalk sales, and the like, as may be approved by the Municipal Council.

G. Streetscape and Landscape Requirements

1. The Planning Board may adopt a uniform schedule of approved streetscape design elements for the PAD, which shall at a minimum include the following:

   - Street lighting fixtures
   - Exterior wall mounted lighting fixtures
   - Bike racks
   - Waste and recycling receptacles
   - Tree grates
   - Planters and pots
   - Benches
   - Bollards

- Trees and shrubs
- Outdoor cafe furniture
- Newspaper Vending Machines
- Crosswalks

2. Building setback shall be determined by the available sidewalk easement width immediately adjacent. The sidewalk easement width, as measured from the existing curb to the building face, shall be no less than (16.5) sixteen and one half feet for all new construction. The Planning Board may, but shall not be obligated to, grant a waiver of this requirement if it finds that the street wall would be better served by having any particular facade of a newly constructed building line up with, or create some other relationship with, the vertical plane of adjacent historic buildings.

3. Sidewalk areas must be provided along both sides of all streets and shall be properly sized for the safe, convenient and ADA compliant movement of pedestrians through and around the Redevelopment Area. Existing buildings shall not reduce the sidewalk area along their street frontage(s). Existing elevated loading platforms that can be accessed through ramps and\or stairs shall be considered to be sidewalk area provided that ADA compliant movement can also be accommodated. Existing exterior elevated loading platforms shall be preserved.

4. All of the elements required by this provision shall conform to the uniform schedule of streetscape elements as shall be adopted by the Planning Board. Street trees shall be incorporated into each. Each development project shall also include in the adjacent public sidewalk area, or in ground level free open public space, all of the following elements: trash receptacles, benches, bicycle racks, and decorative fountain or sculpture. Sidewalks shall consist of a mix of French Gray tinted concrete or bluestone slabs not less than two inches nominal thickness and two feet by three feet horizontal measure; all subject to approval by the Planning Board. Newspaper vending machines are optional, but any newspaper vending machines shall be clustered in designated areas, with such designated areas separated by a distance of no less than four hundred feet.

5. All vegetative installations shall be irrigated under a written program that is approved by the Planning Board.

6. All plant material used must be able to withstand an active urban environment and shall be planted, balled and burlapped or in cans, as appropriate and as established by the American Association of Nurserymen. A planting schedule shall be included as part of the site plan. The Redeveloper or property owner shall be responsible for the replacement of any landscape material that dies or is damaged. The replacement shall be made not later than the next appropriate planting season for such material, with replacement materials of the same size as was that which died, provided, however, that after the third year following

planting of the material to be replaced, no replacement need be larger in size than the size which was achieved by the replaced material at the end of such third year.

7. Street trees shall be a minimum caliper of 3.5 to 4.0 inches as measured five (5) feet above the root ball.

8. Lighting fixtures shall be in scale with the street and the structure directly fronting thereon. They shall be selected from the Public Service's decorative fixtures catalog and be consistent with the lighting standards selected for the PAD. Street lighting fixtures shall be located at the outer edge of all sidewalks and have a comprehensive fixture design or theme, approved by the Planning Board as part of the unified streetscape design plan to be adopted by the Planning Board and made part of this plan.

9. Lighting throughout the Redevelopment Area shall sufficiently illuminate all outdoor areas to prevent "dark corners." All lighting sources must be shielded if necessary to eliminate glare onto other properties, and be capped to prevent upward glare. The area of illumination shall have a uniform pattern of at least one-half (0.5) foot-candle but no more than one and one-half (1.5) foot-candles.

H. General Parking Requirements

1. All required parking spaces shall be a minimum of 8.5 feet wide by 18 feet deep, with the exception of up to a maximum of 5% permitted for compact car spaces, which shall be at least 8 feet wide by 16 feet deep. All parking space dimensions and parking area aisle widths shall comply with City standards.

2. Required parking shall be located off-street.

3. Parking structures shall provide shared parking for the residents, visitors, shoppers and employees of the PAD, subject to section VII. I. Parking Standards of this plan.

I. Loading Area Requirements

1. The Redeveloper shall demonstrate to the satisfaction of the Planning Board that sufficient loading area is provided to meet the needs of the proposed use, without obstructing street travel lanes. For new construction, loading areas shall be placed in the interior of the building. All buildings shall provide sufficient dedicated loading area to serve the artists in residence.

J. Parking Structure Requirements

1. All parking structures are to be designed to disguise the parking use within. It is preferred that all levels of a parking structure be internally mechanically ventilated. Where ventilation is not proposed, any exposed garage exterior wall shall not be detectable as a garage at the ground floor level. All parking related and mechanical related areas shall be wrapped on all sides by occupied active building uses such as commercial storefronts and residential units, excepting the location of the vehicular and pedestrian entrances and exits that serve the parking structure. Automobile parking related areas on the ground level shall only be permitted when its placement does not detract from the amount of ground floor retail, restaurant, gallery and lobby spaces to be established at that level.

   Utility rooms may occupy no more than fifteen (15%) percent of any single facade. Blank walls shall be prohibited above the ground floor level, and all openings in the parking structure facade shall be of the punched style. These openings shall be consistent with the rhythm and size of the window openings serving the principal uses within the building. They shall be covered by glass or metal in such a way that the exterior design, including window frame and window divisions, appears the same as the actual windows of the building. Only the glass tint and/or reflectivity may be different so as to decrease the visibility of the garage use within. In lieu of glass, the openings may be covered by a hinged solid metal plate/shutter, or recessed decorative grill over a louvered opening as described below. Blind windows, where appropriate shall also be permitted.

2. Where louvers are needed or proposed, decorative grills shall be installed over functional louvers, or other comparable decorative material shall be used in openings or portions of the openings resembling the windows provided above and/or below parking levels.

3. The parking structure must be adequately illuminated to maintain a safe and secure environment. The source of lighting within any level of the parking structure shall not be visible from the exterior of the building, either from the street or from other surrounding buildings and properties. Identification of the location and design of the internal lighting fixtures must be provided to the Planning Board for review at the time of site plan application and review in order for any site plan application containing a parking structure to be deemed complete.

4. Valet parking may be permitted when it can be demonstrated to the Planning Board that an efficient and safe means of operation will be provided. A valet parking layout/striping plan must be submitted for site plan review and approval.

5. Shared usage of the parking structure by all tenants and residents of the PAD may be arranged by the redeveloper with Planning Board approval.

Parking spaces shall be provided for users and visitors of the district only. Commuter parking is prohibited.

6. All parking shall have pedestrian entrances that give direct access onto a public sidewalk.

7. Rooftop parking is prohibited. Roofs of parking decks are to be landscaped and used for active and passive recreation, planting areas and open space; or outdoor restaurant seating space.

8. Where a restaurant or retail use occupies lower floor space in a parking structure or any other structure, all vents and exhausts from such uses shall be bundled to pierce the roof or walls through shared chimneys.

K. Circulation Plan and Street Requirements

l. All existing streets and right-of-way within the PAD shall remain open public vehicular streets, unless incorporated into a public pedestrian plaza/open space. Monthly permit parking shall be prohibited within the redevelopment area. In order to accommodate on-street resident, visitor and customer parking, a new Powerhouse Arts District Parking Zone should be established, which permits non-residents a maximum of three or four hours parking. In addition, a limited amount of 1 or 2 hour on-street metered parking should be provided at strategic locations.

2. No building or structure shall be located within any area of a designated right-of-way.

3. Provost Street between Morgan and Second Street shall remain as Belgian Block and be rehabilitated with adjacent development, except where the street is to be closed to traffic and incorporated into a pedestrian plaza/open space. Under such conditions, the street right of way may be constructed with a substitute material which is easier and safer to walk on, and the street right-of-way may include other design elements to incorporate and unify its appearance with the overall pedestrian plaza area including landscaping, pedestrian scale lighting and other street furniture. The Belgian Block removed from the street right of way shall be adaptively reused within the pedestrian plaza. Adequate access for emergency vehicles into and through the pedestrian plaza shall be provided. Developer contribution, grants and capital improvement funds to achieve this end are to be continually pursued.

4. Traffic signage shall not be affixed onto decorative lampposts, but may be affixed to traffic signal posts so as to reduce the overall number of poles and obstructions in the Area.

5. The City of Jersey City should prepare a new circulation plan for the PAD. The plan should at a minimum examine the following: the effect of

changing streets that are currently one-way into two way streets west of Warren Street, and the feasibility of adding a curb separated eastbound lane to Second Street between Warren Street and the entrance to BJ's wholesale club.

L. Phasing

Buildings required to be rehabilitated by this redevelopment plan shall be permitted a phased implementation of uses conforming to this plan and subject to Planning Board preliminary site plan approval.

VI. DESIGN REQUIREMENTS OF ALL DEVELOPMENTS

A. General Building Design Requirements

Applicable to all development sites, structures and zones within the PAD.

1. All structures within the Redevelopment Area shall be situated with proper consideration of their relationship to other nearby buildings, including those that are existing or approved, and inside or outside of the Redevelopment Area, in terms of light, air and useable open space, access to public and private rights-of-way, and off-street parking.

2. All rehabilitation and new construction should be designed to encourage conformance with The Secretary Of Interior's Standards For The Treatment Of-Historic Properties and JCLDO 345.71 Historic Design Standards as such relates to the impact of new construction on adjacent or nearby contributing and significant structures. Bulk and height limitations for new construction may be necessary depending upon the site's impact on proximate historic resources.

3. A balance shall be maintained between the need to preserve the historic character of an historic building and the need to accommodate ground floor retail and gallery space as required by this plan. Ground floor walls at street frontages shall be designed to incorporate store and window openings subject to the above consideration.

4. New buildings shall be designed to be attractive from all vantage points. No facade shall be any less detailed nor less important than another. Architectural materials shall be consistent on all sides of the building. The use of substitute building material on the secondary facades of the base or podium of any building is prohibited.

5. If security gates, other than historically appropriate fire shutters and or gates, are used on any part of a building or window, they shall be installed on the interior side of the window and be of the open grate style.

6. Reflective glass in exterior windows shall be prohibited.

7. Permanent public art is required to be installed within all development sites as part of the development or redevelopment project, and the art should be conceived at the earliest possible stage of project design. Pursuant to NJSA 40:55D-27, the mayor may appoint one or more persons as a Citizens' Advisory Committee to make non-binding recommendations to the planning board about proposed art installations.

8. At least one percent (1%) of the first $20,000,000 of "total building construction and rehabilitation costs minus the cost of constructing affordable units" and one-half of one percent (0.5%) of such amount thereafter up to a maximum contribution of $500,000 shall be dedicated to permanent public art, which may be applied to the permanent public art requirement above, or may be used to fund other permanent public art elsewhere within the Powerhouse Arts District. Preferred consideration should be given to acquiring works of art by Jersey City and Hudson County, New Jersey artists.

B. Entrances and Window Displays

1. Building entrances shall be oriented toward the street so as to contribute to the overall liveliness of the pedestrian environment. Direct open and functional pedestrian ingress and egress from commercial uses must be provided directly to the street and sidewalk areas.

2. Prominent Entries: Main-building entries shall be easily identifiable as such from the sidewalk.

C. Facade Articulation

1. Existing buildings shall implement rehabilitation that restores the building's exterior facade to its original profile to the extent possible within reasonable engineering methods and cost. The Secretary of the Interior's Standards shall provide a guide, but not a mandate, for such rehabilitation. Alteration of window openings or loading docks shall be considered with Planning Board approval when required for effective adaptive reuse of existing structures and for compliance with the Uniform Construction Code and the Americans with Disabilities Act. Restoration of original window and door openings is recommended to the extent feasible.

2. On new construction, the percentage of void area (windows and other openings) in a building facade shall be between 20% and 50%, except for towers designed in the High Rise, Arts Theater Residence Overlay and Power House Arts Residence Zones, which shall not be limited according to this provision. At street-level retail and commercial frontages, the percentage of void area shall not be less than 55% in a building facade.

3. Facade Composition: "Scattered-window" facades shall not be allowed at street frontages. Each facade shall present a unified, rational composition.

4. Facade Materials: To avoid visual distraction, facades shall consist of no more than three materials, textures or colors (windows and framing not counted), unless it is otherwise aesthetically appropriate. In general, any changes in primary wall material shall occur across a horizontal line, with the lighter-appearing material above the heavier (for example, wood over bricks, or bricks over stone).

5. Facade Color: For new construction, the color of building walls shall be within the white-to-russet quadrant of the color wheel, including cream, beige, tan, gray, yellow, ochre, red, and brown; and shall be historically appropriate and sensitive considering adjacent resources. For rehabilitation, the color shall be the original or historic building color. Other colors can be incorporated into a building, however, when aesthetically appropriate and subject to Planning Board approval.

6. Awnings: Metal canopies and awnings over loading docks shall be reconstructed if such loading docks are being retained as part of a rehabilitation of a building. If known, their design shall maintain their original/historic design profile. If new, they shall maintain a strong connection to the past industrial function of the building.

7. Blank Walls: Walls of new buildings along street frontages shall not be blank.

8. Expansion Joints: Facades shall be designed so that any expansion joints are rationalized by the logic of the composition, and thus made less obvious. Expansion joint gaps shall be colored to match the surrounding wall.

9. EIFS (Exterior Insulating Finishing Systems): EIFS treatments, artificial stucco, or other similar cementitious panel system may not be used as a facade cladding anywhere within the District. They may be used for isolated architectural accents. In no event shall the total EIFS treatment on any single facade exceed five percent (5%) of the surface area of any such single facade, and in no event shall it be used on the primary facade.

10. Balconies and terraces: Residential balconies and terraces are permitted. Commercial balconies and terraces are encouraged to face onto pedestrian areas. They may be large and may accommodate outdoor seating or dining areas.

11. Accenting Articulation: Accenting articulation of facades, if appropriate, shall be encouraged at the corners of the building, the cornice line, the water table, the area around entries, at sill and lintels, and at designated vista terminations.

12. All buildings shall incorporate flat roofs, except where existing roofs are sloped, gabled, or turreted or otherwise decoratively treated, in which case they shall remain. Roofs may contain HVAC equipment, provided however, that the equipment must be screened in accordance with this plan Section V. Site Development Requirements; B.

D. Windows

All windows shall contain both lintels and sills. For new construction, window sills of windows to residential units shall be at least six (6) feet above the elevation of the nearest sidewalk of pedestrian pathway in order discourage peering in windows by pedestrians. Blank walls beneath such sills shall be prohibited, and may be broken up through installation of above grade basement windows, false window panels, or other design that is appropriate to the architecture of the building.

E. Story Height

The first above-ground story shall be a minimum of 14 feet floor to floor in any newly constructed building.

F. Signage

Permitted Signage

1. Blade Signs - One Blade Sign for each tenant may be permitted. Second floor commercial uses and restaurants may also provide a blade sign. Each blade sign shall not exceed a maximum of 10 square feet and shall be externally lighted in accordance with the planning board approved uniform schedule of streetscape design elements. They shall be placed such that the lowest portion of the sign hangs at least 8 feet above the sidewalk. Signs may be attached above an awning or structural canopy and below a structural canopy. They are required to be located on the building facade directly on the sidewalk frontage or under the loading area canopy.

2. Window signs, (other than the lettering as specifically permitted) are prohibited.

3 Tenant directories and kiosks may be located within the lobby.

4. External wall signs shall not be permitted for upper level uses. Upper level uses are permitted window lettering and/or a second floor blade sign; provided that the Planning Board finds that the placement is compatible and consistent with the building's design.

5. Painted wall signage may be permitted at the discretion of the Planning Board, provided that it identifies a tenant of the building, and the Planning

Board finds that the placement and size is consistent with the building's design.

Prohibited Signage

1. The following signs and devices shall not be permitted within the PAD: Monument signs and internally or externally illuminated box signs, flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle, roof signs, billboards, signboards, window signs, posters, plastic or paper that appear to be attached to the window, pole signs, free-standing signs, fluorescent and/or glowing paint for any signage or building within the redevelopment area, waterfall style awnings, plastic awnings, product advertising signage of any kind. Product advertising signage is defined here to include, but not be limited to signage on: parking meters, signage in windows, on light poles, benches or other street furniture within the redevelopment area. Notwithstanding the foregoing, temporary marketing signage shall be permitted in accordance with Section V. C. Nothing in this paragraph shall be deemed to prohibit either lamppost mounted seasonal banners or traditional residential holiday decorations.

Specific Signage Standards and Requirements:

1. All signs are subject to minor site plan review;

2. All signs shall be attached to the first floor level of the building only, except for the blade sign when serving a 2nd floor retail, restaurant, or commercial use. Painted signs shall be permitted when found to be appropriate by the Planning Board.

3. All buildings within the Redevelopment Area must display the street address of the building in a location that is clearly visible from the adjoining street right-of-way while remaining in scale with the building.

4. Permitted signage material includes, but is not limited to: 1.) Painted wood; 2.) Painted metals including aluminum and steel; 3.) Brushed finished aluminum, stainless steel, brass, or bronze; 4.) Carved wood or wood substitute.

5. Permitted lettering material includes: 1.) Lettering forms applied to the surface of the sign; 2.) Single colored lettering forms applied to the surface of the sign; 3.) Metallic solid body letters with or without returns; 4.) Painted acrylic or metal letters, with returns; 5.) Neon style lettering.

6. Sign Lighting: Signs may be lit from gooseneck fixtures, backlit halo, up-lights. Internally lit signs and sign boxes are prohibited.

7. Window Lettering -Shall comprise up to three lines of text and/or logo with the overall sign and text area outside dimensions not to exceed 15% of the window panel. It may be of any color and material. The maximum letter height is 6 inches. Maximum logo height is 16 inches.

8. Wall Sign - Permitted signage to be located in the area of the first floor over the window opening. It shall not exceed 30 inches in height, nor extend more than 60% of the length of the bay. If a tenant occupies more than one bay, the individual sign area may not increase, however an identical sign is permitted over 1/2 of the windowed bay frontages of that tenant. Any lettering within the sign band area may not be greater than 24 inches in height.

9. Valance Signage - Every valance shall be a maximum of 8 inched in length. Lettering or logo on the valance shall comprise a maximum of 1/8 of the valance frontage. The street number on the valance shall not be considered valance signage.

G. Maintenance Requirements for Redevelopers

1. The Redeveloper, and any subsequent owner or owners, shall be responsible for maintenance of the Redevelopment Area improvements and the sidewalk and street area directly adjacent to their site.

2. All signage, banners, awnings and canopies shall be replaced prior to significant fading or tearing.

3. Storefronts and building facades shall be maintained so that the window displays are clean and are behind clean, unobstructed windows. Exterior cladding, paint and other associated facade elements shall be kept clean and in good repair.

4. Roadways, sidewalks, pathways and pedestrian crossings shall be maintained with a safe and smooth surface; healthy street trees and other plantings shall be properly maintained and cared for; and a properly functioning lighting and signalization system shall be maintained.

5. Landscaping and watering systems shall be maintained to insure that all elements are in working order. The property owners shall provide continual replacement of all planted material as approved by the site plan if there is any loss of the original planted material.

6. Plaza surfaces, sidewalks, and street furniture damaged or worn shall be replaced r repaired to their original profile, stability and appearances. Any damaged street furniture shall be replaced or repaired as soon as practicable.

7. Historic resources shall be regularly maintained to prevent the deterioration or loss of the historic fabric.

8. Vacant lots shall be kept free and clear of weeds higher than ten inches (10"), litter, garbage and debris.

H. Public Park and Open Space Requirements

1. Free public parks shall be provided as set forth on Map 2, Land Use Plan. Design shall be subject to site plan approval by the Planning Board. The area within Block 11603, Lot 41 shall be a sculpture garden, and shall contain a pathway to link the sidewalk at First Street to the sidewalk at Second Street. The area within Block 11609, Lots 1 partial, and 2 partial, and bounded by the HBLRT track shall be public plaza incorporating both bluestone hardscape and landscaping. The open space to be located on Block 11505 and within the right-of-way of Provost Street between Morgan and Bay Streets shall be a public park / pedestrian plaza which shall be constructed by the developer of Blocks 11505 and 11506, if the Arts Theater Residence Overlay Zone is utilized in accordance with Section VIII.F.11. This pedestrian plaza shall serve as a gathering place and principal entrance into the performing arts theater on Block 11506, and shall also serve as a location for the display of public art. Buildings fronting onto the pedestrian plaza shall provide active uses on at least the ground floor of all facades facing the pedestrian plaza; such as residential lobbies, art related and/or commercial uses.

2. At least 10% of the gross roof area, and a minimum of 1,500 SF, of a building containing 10 or more units shall be developed for recreational use, except in the case of high rise structures over 300 feet in height . For each additional dwelling unit, 100 square feet of additional roof area shall be developed for recreational use, up to a maximum requirement of 50% of the gross roof area. This area shall be accessible to all the occupants of the building.

3. A Maximum of 25% of the roof area identified above may incorporate private rooftop outdoor recreational space. These outdoor spaces shall be situated such that any structure within them shall not be visible from an elevation of five feet above the sidewalk on the opposite side of the public right-of-way.

   These outdoor areas shall be linked to specific units or made available for separate purchase or lease. They shall be placed so they do not monopolize the best views or the best roof-top space. The requirement for such roof top open space may be waived or reduced by the Planning Board if the existence of other roof-top apparatus or if the design of the structure makes them impractical or inconsistent with the standards listed in the paragraph above. For example, on some roof-tops, the presence of water-towers, skylights and chimneys that have historic significance, even though not functional, are more important features to retain on the roof-top and the private open-space component in such a case, may be waived. The

first space to be reduced or waived shall always be the private space, and the last shall always be the space open to all residents of the building.

I. Design Criteria for Work/Live Units and Work/Live Artist Studios (hereafter referred to as "Section I"):

The work/live unit and work/live artist studio product needs to be established as a permanent fixture within the Powerhouse Arts District in order to ensure the availability of space that accommodates the needs of residents who are creative in their professional work at home, where the nature of their work requires the work space to contain certain physical characteristics. This availability of product will attract an agglomeration of creative professionals as residents within the PAD, which will foster a business and creative incubator environment that serves the PAD and the entire city.

The requirements of this provision shall be applicable to all residential units within the Rehabilitation Zone and Transition Zone of the PAD redevelopment area, except as otherwise provided in Section VIII F., in order to ensure that (i) the work/live product is created in those areas of the PAD, (ii) there is an appropriate range of work/live unit sizes to serve the diverse needs of the creative community, and (iii) the work/live units are suitable for residential habitation. Each work/live artist studio shall contain the following design features and improvements:

1. The unit shall have an open design and be flexible so working and living spaces can by configured by the individual resident to be separate or to flow together so the unit can serve a mix of uses. This open design shall allow for a relatively large and open working area, approximately 2/3 of the unit area.

2. Provisions for extra power shall be made so that a minimum 100 amp service is provided to each unit with at least one 220 volt outlet per unit.

3. Easy access for large work, materials and equipment shall be provided. At least one oversized freight sized elevator shall be provided in each building to serve all work/live units of the building. . Wide corridors with accommodating corners and higher and wider doorways shall be provided and maintained. These facilities should be sized to allow a 4'x 8' sheet of plywood to be easily transported through the building to individual units.

4. No work/live unit or work/live artist studio shall be less than 900 square feet in size. In order to encourage a diversity of options, some of the largest work/live units shall be located in the lower two-thirds of the building. In order to allow for greater flexibility in the layout of buildings, each structure that provides work/live units shall comply with one of the following two options:

a. A minimum of 75% of the Work/Live units and Work/Live Artist Studios, combined, shall be a least 1,200 square feet in size, or

b. A minimum of 50% of the Work/Live units and Work/Live Artist Studios, combined, shall be at least 1,200 square feet in size provided that Work/Live Artist Studios are also incorporated into the same building such that the Work/Live Artist Studios meet the following requirements:

i. The aggregate floor area of all of the Work/Live Artist Studios in a building shall be equal to or greater than twenty-five percent (25%) of the aggregate floor area of all work/live units of the building.

ii. All of the Work/Live Artist Studios that are created to comply with this provision shall be sized in the 500 square feet to 1,500 square feet range.

iii. It shall be encouraged, but not required, that some of the corridors adjacent to the Work/Live Artist Studios contain windows into the studios such that the visiting public can see the artist at work, and the artist may invite the public in to purchase art that is produced in the studio. Such corridors should be designed to be an extension of the retail areas of the building or street.

5. Minimum ceiling heights shall be 10 feet, provided, however, that in existing buildings to be rehabbed, the ceiling heights shall be retained as is, except as needed for lighting and HVAC and other utilities.

6. A work sink or rough-in plumbing for same shall be located within the work space. The kitchen sink or bathroom lavatory shall not be considered the work sink.

7. Natural light shall be provided wherever feasible, and all units shall contain at least fifty square feet (50 SF) of window openings in one or more windows facing the building exterior, a large size interior courtyard or an atrium. Skylights may substitute for up to one-half (1/2) of this glass requirement. Additional artificial light suitable for work space shall be provided. Should there be an instance where this requirement as it is applied to a particular building within the Warehouse Historic District conflicts with historic preservation requirements, an alternate requirement shall be that the unit be provided with at least two window openings, or a window and a skylight.

8. Tracked lighting or switched outlets in the ceiling of the work area shall be provided.

9. Sufficient mechanicals shall be provided to accommodate the ventilation of work/live units on an individual work/live unit basis with sufficient air changes per hour to ensure the safe habitation of the work/live unit.

10. Sound muffling shall be provided in the walls, floors and ceilings between work/live units and between work/live units and other uses.
11. Units that are long and narrow are to be avoided wherever feasible.

J. Suggested Amenities for Work/Live Units and Work/Live Artist Studios

These should be added to a work\live project when possible:

1. Accommodation for storage and disposal of toxic or flammable materials.
2. Accommodation for a utility room for table saws and other messy construction.
3. A Ventilation system with a separate air in-take and out-take mechanism.
4. Common facility for exhibition of work and socializing
5. Common storage areas and/or storage lofts within the units
6. Durable flooring that will not be easily damaged by work
7. Availability of some raw or unfinished units
8. Some special accommodation or adaptable units for user such as ceramicists, welders, and photographers who all typically require special physical structures and equipment support.
9. Easy up-grades to power system.
10. Data ports.
11. Common area business center for residents with computer, fax, copier. etc.

VII. SPECIFIC DISTRICT LAND USE REGULATIONS

This Plan employs a combination of development standards, requirements and controls given in text and maps. The maps and their purposes are:

Map 1 -Boundary Map: Identifies the PAD Redevelopment Area location and shows the specific blocks and lots within same.

Map 2 - Land Use Map: Identifies the location of various land use districts, open space, sculpture gardens, plazas and roads, and the Warehouse Historic District.

Map 3 - Acquisition Map: Identifies land and buildings for which the Jersey City Redevelopment Agency may acquire property through negotiation or condemnation, as may be necessary for the purpose of implementing this Plan.

A. Formula Business Restrictions:

All commercial retail areas within each structure or within a single tax lot shall limit formula business establishments, *exempt* Block 11609, as defined by the Land Development Ordinance, to a maximum of 30% of ground floor gross leasable commercial area. For the purposes of this area restriction, the formula

business definition shall apply to the following uses, whether functioning as a principal or accessory use:

1. Retail sales of goods and services.
2. Restaurants, all categories.
3. Bars.
4. Financial service facilities and banks.

Grocery stores greater than 15,000 square feet may exceed 30% of gross leasable commercial area, but shall be the only formula business within such structure or lot.

B. Permitted Principal Uses

Permitted Principal Uses shall be as follows for all zones except as noted below:

1. Work/Live Unit or Work/Live Artist Studio

2. Artist Work-Only Studio

3. Art Gallery

4. Hotel

5. Retail and Restaurant, only as provided by the following terms, as the Jersey City Land Development Ordinance: Retail Sales; Retail Services; Restaurant, Category 1; Restaurant, Category 2, Specialty Grocery Store not to exceed 30,000 s.f.

6. Manufacture, assembly, and/or repair of artifacts, including, but not limited to: art, crafts, and stage sets or scenery. This use shall be restricted to 20,000 square feet per tax block. The areas available for these uses are limited to the building interior only.

7. Civic Space.

8. Theaters: Movie, stage or mull-purpose facilities.

9. Offices: A limited amount of office uses per building shall be permitted. The amount of office space permitted in any single property shall not exceed 10% of the gross floor area of such building and shall not be permitted on the ground floor.

10. Personal health, recreation, or improvement services or instruction, such as a gym, yoga or Pilates studio, alternative therapy center, or dance or music instruction space, but excluding medical offices.

11. Bar

12. Museum

13. Nightclub or cabaret for all properties except the Powerhouse building in tax block 11609).

14. The 100'x100' parcel at the northeast corner of tax lot 1 within block 11611 shall be permitted PATH system power or switching station equipment.

15. Mixed Uses: Mixed uses of any of the above permitted principal uses shall be permitted. Similar uses within any building shall be clustered and if necessary, shall be separated by sound barriers in floors and walls wherever potentially conflicting uses are adjacent.

16. Shared usage of the parking structure by all tenants and residents of the PAD may be arranged by the redeveloper with Planning Board approval. Parking spaces shall be provided for users and visitors of the district only.

17. Residential uses, limited to the High Rise, Arts Theater Residence Overlay and Powerhouse Arts Residence Districts, and Block 11611, Lot 1 (f/k/a Block 107, Lot B) 335-341 Washington Street, Jersey City, NJ, of the Rehabilitation Zone with building rehabilitation as required within this plan.

18. Self storage facilities as an adaptive reuse of an existing building limited to Block 11503, Lot 1 (f/k/a Block 142, Lot A), 133 Second Street, Jersey City (also known as 142-144 First Street, Jersey City) provided such self storage facilities are in combination with at least three separate corner-oriented first floor commercial spaces and that the total area of all such first floor commercial space is at least 12 percent of the gross floor area of the first floor of the entire building. Provided further that 30 percent of the linear ground floor street frontage of the building shall be commercial space, exclusive of ground floor street frontage necessary for building support services, such as lobbies, garage entrances, utilities and loading areas. For the purposes of this section, commercial space may consist of art galleries, retail sales and services, restaurants, personal health, recreation, or improvement services or instruction, and bars all as otherwise permitted in the Rehabilitation subdistrict.

C. Permitted Accessory Uses

Permitted Accessory Uses shall be permitted where they are customary and incidental to the operation the Permitted Principal Use, and only on the same property as the principal use to which it is attached, unless otherwise permitted herein, as follows:

1. Retail sales of art that is produced on premises by the residential occupant.
2. Parking Structure that serves the residents, occupants or patrons of structures in the PAD. The parking structure may only be used by the residents, occupants or patrons of the principal use structure to which it is

accessory. A parking accessory use shall be permitted up to one hundred feet (100') from the principal use structure. A parking accessory use to Block 11609 (the Powerhouse) shall be permitted on Block 11612 (the High Rise district).

3. Rooftop facilities as outlined elsewhere in this plan.
4. Common areas, lobbies, swimming pools, and other uses that are customary and incidental to a residential building.
5. Indoor and outdoor public space, and parks.
6. Bus stops.
7. Dog run, provided that it is used no earlier than 7 am and no later than 11 pm, and provided that it is not within sight, nor sound of retail or restaurant uses, and provided that it uses ground cover materials that are approved by the Jersey City Health Officer.
8. Streetscape elements as outlined elsewhere in this plan.
9. Artist workplace in work/live style unit.
10. Any use that is customary and incidental to a hotel use shall be permitted as an accessory use to a hotel, including but not limited to Banquet facilities, conference rooms, business center, etc.
11. Bar as accessory to hotel, nightclub, restaurant or theater.
12. Restaurant, Category 1; or Restaurant, Category 2; as accessory to hotel, nightclub, theater or museum.
13. One caretaker dwelling unit, retail sales of storage-related products, and management offices, all accessory to self storage facilities in an existing building in Block 11503, Lot 1.

D. Required Principal Uses within each project:

Of the permitted principal uses above, the following uses shall be required in all zones and shall be subject to the ground floor street frontage (gfsf) requirements as listed parenthetically for each use. The gfsf requirements shall apply to the use as a percentage of gfsf for each building, exclusive of ground floor street frontage necessary for building support services, such as lobbies, garage entrances, utilities, and loading areas. Notwithstanding the foregoing, if the Arts Theater Resident Overlay Zone is developed as a comprehensive whole, the gfsf requirements shall apply to the use as a percentage of gfsf of the entire Arts Theater Residence Overlay Zone, exclusive of ground floor street frontage necessary for building support services, such as lobbies, garage entrances, utilities, and loading areas.

1. Retail, theater and/or restaurant (minimum gfsf- 85%)
2. Art Gallery (minimum gfsf- 10%). Where a theater for the arts is provided as part of ground floor street frontage, said 10% gfsf Art Gallery requirement shall be deemed satisfied.

E. Use Exceptions and Requirements Applicable to the PAD

1. Home Occupation: Square footage occupation limits of the LDO shall not apply to the artist work/live studios within the PAD due to its unique work/live purpose and intent.

2. Artists Certification Board: Allow for the continuation of the Board as set forth in Article II Section 345-11 of the LDO, which shall be amended so that the certification shall remain valid for 10 years and apply retroactively to all current Certifications. The Board shall maintain an active list of interested individuals for up-coming development projects and provide this list to all entities involved in marketing new development within the District.

3. Residents in all zones shall not be prohibited from the making of art inside work/live style units by lease agreement, purchase contract, deeds, condominium rule, or other instrument.

F. Residential Unit Style and Marketing Requirements

Except as otherwise provided in Section VIII. F., all work/live units within the PAD Redevelopment Area shall comply with the requirements of the design criteria for work/live units applicable in the particular zoning district of the PAD, and shall be affirmatively marketed to artists pursuant to SECTION IX of this plan.

G. Certified Artist Affordable Housing Growth Share Requirements

In accordance with law, in furtherance of the objectives of this redevelopment plan, and as consistent with the Jersey City Master Plan WALDO and Housing Element/Fair Share Plans, the Certified Artist Affordable Housing Growth Share Requirements are herein established to ensure the availability of work\live units to artists with low and moderate incomes. The Certified Artist Affordable Housing Growth Share Requirements shall be applicable to each structure within the Transition, Rehabilitation and High Rise zones of the PAD, and shall be a percentage of each development project as defined below. For the Powerhouse Arts Residence District, such units shall be provided for Certified Artists as provided for in Section VIII, E, 10. For the Arts Theater Residence Overlay District, the requirement for such units for Certified Artists shall be satisfied as provided for in Section VIII, F. The funding of these requirements shall be absorbed by the project, and this provision shall not be construed to be an obligation by the City to provide financial assistance to the project. However, the developer is free to apply to the City, state and/or federal governments for financial assistance that is available under various programs, subject to the requirements and limitations of the particular program.

1. At least ten percent (10%) of all work/live units within each building shall be restricted to the exclusive use and occupancy as affordable units by income qualifying Certified Artists and their families. For the purpose of enforcing this requirement, these restricted units shall be subject to the certified artist occupancy and affordability controls as set forth herein within this section.

2. The range of sizes of affordable units within a building shall be comparable to the range in sizes of market rate units within the same building. The amenities provided to affordable units within a building shall be equivalent to the amenities provided to comparably sized market rate units within the same building. The affordable units shall use the same building entrances and common areas as the market rate units and the affordable units shall be dispersed throughout the

building. The affordable units shall be scheduled for completion such that 100% of the affordable units are completed at the same time, or prior to, completion of 90% of the market-rate units.

3. The maximum rent of restricted units within each development shall be affordable to households earning no more than 60 percent (60%) of the median gross household income for households of the same size within the Jersey City housing region, at rental cost that complies with US Department of Housing and Urban Development or other recognized standards for affordable housing.

4. The maximum sales price of restricted units within each development shall be affordable to households earning no more than eighty percent (80%) of median income gross household income for households of the same size within the Jersey City housing region, at a sale price that complies with US Department of Housing and Urban Development or other recognized standards for affordable housing.

5. Within each development, at least 50 percent of the restricted units shall be low-income units and the remainder may be moderate-income units, as defined by NJAC 5:80-26.2, as amended.

6. In determining the initial rents and initial sales prices for compliance with the affordability requirements for restricted units, "Section I" studio and one bedroom units shall be considered as a one bedroom unit and shall be affordable to a one and one-half person household; however, should the unit be subsequently configured to contain more than one bedroom (although the unit must still comply with Section I), then the occupancy standard when determining rent and household affordability shall be based upon the newest configuration.

7. Restricted units shall remain subject to the affordability and certified artist occupancy requirements of this provision for a period of thirty (30) years from the date on which the first certified household takes title to the property if an ownership unit, or for a period of thirty (30) years from the date on which the first certified household occupies the unit if a rental unit. To ensure that the artist, occupancy and affordability controls remain in effect, a deed restriction shall be placed on the property which shall use deed restricted language substantially in the form set forth in Appendix A or Appendix B to this Plan to, and all conveyances of restricted ownership units shall use deed restricted language substantially in the form set forth in Appendix A or Appendix B to this Plan. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be filed by the developer or seller with the records office of Hudson County, and the original recorded instrument shall be provided promptly to the Administrative Agent. The deed restriction shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

8. A deed restricted unit shall remain subject to the certified artist and affordability controls of this provision despite the occurrence o£ any of the following events: a sublease or assignment of the lease of the unit; a sale or other voluntary transfer

of the ownership of the unit; or the entry and enforcement of any judgment of foreclosure.

9. An Administrative Agent, who shall be determined by the Jersey City Municipal Council, shall be responsible for the oversight of the disposition of the restricted units, annual compliance monitoring, and other applicable duties as described by NJAC 5:80-26.14. The Administrative Agent function may be delegated to the Jersey City Division of Community Development, the Jersey City Development Corporation, or some other entity.

10. A written lease is required for all restricted rental units. All lease provisions shall comply with applicable law.

11. The developer shall provide the Administrative Agent with sufficient information for the preparation of an inventory of all units (restricted and non-restricted) prior to issuance of a Certificate of Occupancy. The landlord or seller shall submit a copy of each lease or purchase contract entered into for restricted units to the Administrative Agent within ten business days after the execution of each lease or contract.

12. The following HMFA regulations shall apply, except where there is conflict with Section VILF. Certified Artist Affordable Housing Growth Share Requirements:

    a. NJAC 5:80-26.2 "Definitions"
    b. NJAC 5:80-26.4 "Occupancy Standards"
    c. NJAC 5:80-26.6 "Price restrictions for ownership units"
    d. NJAC 5:80-26-7 "Buyer income eligibility for ownership units"
    e. NJAC 5:80-26.8 "Limitations on indebtedness secured by ownership unit; subordination"
    f. NJAC 5:80-26.9 "Capital improvements to ownership units"
    g. NJAC 5:80-26.12 "Restrictions on rents"
    h. NJAC 5:80-26.13 “Tenant income eligibility”
    i. NJAC 5:80-26.15 "Household certification and referral"

13. The City of Jersey City hereby reserves for itself all of the rights and remedies available by law for the enforcement of this provision.

14. Appeals from all decisions of the Administrative Agent shall be filed in writing with the Jersey City Business Administrator. The Business Administrator may appoint one or more City employees to assist him or her in rendering the final decision. A written decision of the Business Administrator upholding, modifying or reversing an Administrative Agent's decision shall be a final administrative action, subject to judicial review.

H. Non-Residential Space Requirement:

For structures that are predominately non-residential in use, at least 20% of Gross Floor Area shall be designed and dedicated principally to the practice, display, sale

and/or production of the performing and/or visual arts. This artistic space shall be useable and shall begin to function as artistic space contemporaneously with the first principal use to occupy the building. This space shall not be used as storage space.

I. Ground Floor Use Requirements:

Required Uses at Ground Floor - Ground floor retail, theater and\or restaurant uses, generally available to the public, shall be incorporated into all buildings and projects and occupy at least 65% of the ground floor gross floor area, exclusive of gross floor area necessary for building support services. Notwithstanding the foregoing, if the Arts Theatre Residence Overlay Zone is developed as a comprehensive whole, the ground floor use requirements shall apply to the use as a percentage of the ground floor use of the entire Arts Theater Residence Overlay Zone, i.e., such ground floor use requirements shall not apply to each building on an individual basis. Of this retail, theater, restaurant area, 20% shall be devoted to Art Gallery floor area that is generally open to the public. Where a theater for the arts is provided on the ground floor, said 20% Art Gallery requirement shall be deemed satisfied. Such gallery or theater space shall be visible from the street and have direct pedestrian access from the street.

Empty windows to vacant ground floor space shall be avoided through the provision of art in the window. Such exhibits shall be illuminated by interior lighting.

For the purposes of identifying the ground floor in the PAD, it shall be defined as the level that is closest to street grade level but not more than (3) three feet below street level at any point along the building edge.

J. Off-Street Parking Standards

Off-street parking spaces may only be used by visitors to, residents of, and owners and employees of uses and buildings within, the PAD. All rehabilitation and new construction within the PAD shall be required to provide off-street parking pursuant to the standards contained within the following table~~:~~. Where space permits, and specifically within the High Rise, Arts Theater Residence Overlay and Power House Arts Residence Zones, additional parking spaces above that required by the permitted uses, may be provided within parking structures in order to provide for the parking needs of residents of the PAD, especially within the Transition and Rehabilitation Zones, which may not be able to provide parking due to the configuration of the property and/or buildings existing on these properties; and to provide a parking resource available for visitors to, patrons of, and owners and employees of uses and buildings within the PAD.

PRINCIPAL USE	REHABILITATION, Minimum where feasible	NEW CONSTRUCTION, Minimum Required	Maximum for Rehabilitation and New Construction

Work/Live Units, Work/Live Artist Studios, Residential units	0.7 space per unit, which shall be restricted to exclusive use by building residents only, and which shall be labeled as "Residents Only" on The preliminary site plan application and on parking space.	1.0 space per unit
Retail sales of goods and services, Restaurants, Bars, Theaters, Nightclubs, Civic space, Art gallery, Museums, Artist work-only studio, Manufacture, assembly or repair of artifacts	0.25 space per 1,000 square feet of gross floor area.	0.5 space per 1,000 square feet of gross floor area.
Hotels	0.1 space per room	0.3 space per Room
Offices	0.7 space per 1,000 square feet of gross floor area.	1.0 space per 1,000 square feet of gross floor area.
Self storage facilities in existing buildings with corner commercial uses.	Minimum of 20 parking spaces for self storage facilities which includes the requirement for an accessory caretaker dwelling unit and management and sales office. No parking is required for corner commercial uses.	30 spaces

VIII. SPECIFIC ZONING DISTRICT DEVELOPMENT REGULATIONS

All activity, development, use or re-use within the PAD shall comply with all requirements of this plan, paying close attention to the detailed standards of Section V. SITE REQUIREMENTS OF ALL DEVELOPMENTS and Section VI. DESIGN REQUIREMENTS OF ALL DEVELOPMENTS. In addition, specific zones are delineated on Map 2: Land Use Map, and the below listed specific zoning district requirements shall apply to all development projects within the zone. Should these specific zoning district requirements conflict with the general requirements of Section V or Section VI above, then the specific zoning district requirements below shall prevail.

A. **Rehabilitation Zone**

This zone is designed to accommodate the adaptive re-use of the existing historic resources in the district. It allows for a mix of uses, flexibility in phasing, and where it is found to be historically appropriate, the construction of specific penthouse additions on existing buildings, and new construction on vacant land.

The Rehabilitation Zone consists of the entirely of Blocks 11609 (partial), 11611, 11505, 11504 and 11503, as well as the easternmost portions of blocks 11506, 11509 and 11502, as noted in Map 2.

Development requirements for existing buildings and vacant land, and the development standards for specific buildings and lots shall be as follows, except they shall not apply to projects developed in accordance with Section VIII.F.:

1. Development Requirements for Existing Buildings:

   a. All existing buildings shall remain and be rehabilitated as per the JCLDO 345-71. Historic Design Standards and The Secretary of the Interior's Standards for the Treatment of Historic Properties. In addition to the building, specific objects, such as: rooftop water towers, chimneys, loading docks, awnings, windows, brick and stone accents, quoins, shutters, reinforced concrete or color and texture of brick and mortar, shall be maintained.

   b. All existing exterior building elements that contribute to the historic significance of the building shall be required to remain. Existing courtyard elements should be preserved where appropriate.

   c. Any ghost signage on existing buildings shall be refreshed and retained and/or refreshed with the same wording or message that existed historically.

   d. Penthouse additions shall be industrial in nature and incorporate appropriate materials and designs that will not hinder the significance of these historic buildings and may extend a maximum of two additional stories and be set back from the existing facade to the first bay or column below.

   e. Retain all awnings and restore and replace to their original profile. Repair and retain all roof top apparatus, chimneys, water tanks, and the like.

   f. Property owners shall institute a property maintenance regiment designed to prevent the deterioration and decay of buildings.

   g. Minimum separation distance between a new structure or addition within the Rehabilitation Zone and an existing facade within the Rehabilitation Zone, where the existing facade abuts the property line and contains windows that face the new structure or addition: 25 feet between structures, with street front screening provided at

the ground level that is consistent with the architecture of the new building.

2. Development Requirements for Vacant Land:

It is a clear purpose of this plan to perpetuate the historic character of the rehabilitation zone as a whole. This purpose shall be achieved through preservation and rehabilitation of existing structures, and by instituting design and bulk standards for new construction such that any new construction within the zone is appropriate and complementary to the character of the zone. Section VI. DESIGN REQUIREMENTS OF ALL DEVELOPMENTS above shall apply to all applications for new development, except that where there may be conflicts between Section VI and this section, the standards that are enunciated by this section shall prevail. The following shall apply to all new buildings on vacant land within the rehabilitation zone:

a. The footprint of new buildings shall match the footprint of the industrial building that previously existed on the site, including that there be provision for courtyards where courtyards previously existed.

b. The height of new buildings, including all penthouses and mechanicals, shall not exceed the height of the industrial building to the top of the parapet that previously existed on the site.

c. The combined FAR and gross parking area of new buildings shall not exceed the FAR of the industrial structure that previously existed on the site.

d. The height and vertical spacing of windows shall reflect the historic fenestration patterns of the industrial building that previously existed on the site.

e. All new construction shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the JCLDO 345-71 Historic Preservation Standards, particularly the Standards for New Construction.

f. Minimum separation distance between a new structure or addition within the Rehabilitation Zone and an existing facade in the Rehabilitation Zone, where the existing facade abuts the property line and contains windows that face the new structure or addition: 25 feet between structures, with street front screening provided at the ground level that is consistent with the architecture of the new building.

3. Development Standards for Specific Buildings and Lots:

a. Block 11609, Lot 1 and 2; Hudson & Manhattan Railroad Powerhouse, 1906-1908, Pivotal Individually listed, State and National Registers: Sensitive, historically appropriate interior and exterior rehabilitation of this resource is critical as this is the signature building of the PAD. There

shall be some public space within the restored building so that the public may appreciate the character of the building. Retain portions of the interior generating room at full height for interior lobby. Maintain roof profile. . No rooftop additions are permitted. Retain, stabilize, and cap stacks. Gently clean facades repoint and replace damaged brick, particularly decorative bricks. Restore existing windows if possible; otherwise install new replacement windows which match the original in terms of configuration, operation, details, material and finish. Eliminate modern exterior metal structures and electrical equipment to the west and maintain an open and public space along all exterior facades of the building. The Eastern part of block 11609 (vacant land) shall be developed into a public park. Construct an appropriate sidewalk on the north side between the building and the light rail tracks to create a pedestrian link between First Street and the waterfront.

b. Block 11611 Lot 2; Riegel Sack Company, c. 1900 Contributing. The building has recently been rehabilitated and was redeveloped in accordance with the Morgan Washington Redevelopment Plan. Further rooftop additions are prohibited.

c. Block 11611, Lot 1 (f/k/a Block 107, Lot B); Butler Brothers Warehouse, 1904-1905; Pivotal. Gently clean, repair or replace broken, damaged bricks and re-point façade. Replace windows deteriorated beyond repair. Restore the double bronze doors and surround at Warren Street near Morgan Street. Replace missing awnings above the Bay and Warren Street loading docks, if appropriate, based on site and archival evidence. Permit interior atria or courtyards if roof profile can be maintained. Rooftop additions that are visible from, an elevation of five feet above the sidewalk on the opposite side of the public right-of-way are prohibited. The one story, 100 x 100 power plant structure attached to the main building on the northeast corner of the block shall be retained. A mix of all uses permitted pursuant to Section VII.A and B shall be permitted. Notwithstanding anything herein to the contrary, the work/live and Work/Live Artist Studios unit requirements in Section VI.I, the marketing requirements in Section VII.E and the ground floor use and street frontage requirements in Sections VII. C and H may, but need not, be complied with. Residential units and amenities are permitted on the ground floor and along street frontages provided the ground floor contains a minimum of 3,500 sq ft of gallery space and a minimum of 4,000 sq ft of artist workspace and/or studios.

The following affordable Housing Requirement shall be applicable when the building located at Block 11611, Lot 1 (f/k/a Block 107, Lot B); known as the Butler Brothers Warehouse, will be rehabilitated and re-used consistent with the Rehabilitation Zone Standards in Section VIII. A3c. herein, (contained in the paragraph above):

1. At least ten (10%) percent of all traditional residential market rate units built in the Project shall be restricted to the exclusive use and occupancy as "work force" rental units by income qualifying persons and their families; and

2. The maximum rent of the work force rental units shall be affordable to households earning one hundred twenty percent (120%) of median income for Hudson County, as defined by the income limits/maximum rents of the New Jersey Housing and Mortgage Finance Agency for the Low Income Housing Tax Credit Program; and

3. The work force units shall remain subject to the above-described affordability and occupancy requirements for a period of thirty (30) years from the date of the issuance of the first Certificate of Occupancy for a work force unit; and

4. The work force units shall (i) be comparable in range and size to the range and sizes of traditional residential market rate units constructed within the building, (ii) use the same building entrances and common areas as the traditional market rate residential units, (iii) have access to the same common area amenities as the traditional market rate residential units, (iv) be disbursed throughout the building, and (v) be completed at the same time as the traditional market rate residential units; and

5. Up to sixty (60%) percent of the work force housing requirement may be provided off site; and

6. The offsite work force housing requirement may also be satisfied by a payment to the City in the amount of up to one-hundred-fifty thousand dollars ($150,000) per required work force unit. This payment shall be made in two (2) installments: (1) fifty percent (50%) shall be paid immediately prior to the issuance of a building permit for the building and (2) the remaining fifty percent (50%) shall be paid at the time of issuance of the first final certificate of occupancy for the building. These payments shall be earmarked to sustain or construct affordable housing in Jersey City. In recognition of the extraordinary work and effort associated with the rehabilitation and adaptive re-use of the building and the community benefits associated therewith, any gallery space and artist workspace/studios approved as part of the Project shall count as a credit against the total number of work force units required, calculated as a deduction of one work force unit for every one thousand square feet of gallery space and/or artist workspace/studio space approved; and

7. Nothing herein shall prohibit Certified Artists from qualifying for the work force rental units. The City may require that the work force units be subject to a 180-day exclusive marketing period to Certified Artists

who meet the income requirements for work force housing as described herein; and

8. These requirements for work force units shall supersede and replace the requirements for affordable artist housing found in Article VII.F of the PAD; and

d. Block 11505, west side of block (formerly lot A1); No structure exists on the lot. Treat construction as new development. New building may be up to six stories, plus a penthouse that is setback from the building facade on all sides so that it is not visible from an elevation of five feet above the sidewalk on the opposite side of the public Right-of-way.

e. Block 11505, east side of lot (formerly lot B1), There currently exist four structures on the lot, as follows:

- Northeast corner. Dairymen's Manufacturing Company, pre-1919; contributing; five story reinforced concrete building. Restore facade, repairing masonry walls where necessary and open blocked walls, replace windows.

- Southeast corner. Dairymen's Manufacturing Building, 1904 (a.k.a. Dairymen's milk can factory); Noncontributing two story structure. Originally five stories, the building has been radically altered. New building shall not exceed the height of the five story reinforced concrete building that is adjacent on the same lot. Treat construction as new development.

- Northwest comer and mid-lot. Two one story structures abutting Dairyman's Manufacturing Building at Northeast corner above. Non-contributing. New building shall not exceed one-story. Treat construction as new development.

f Block 11504, east side of Lot 2 (formerly Lot A2 East); A & P Bakery, 1915; Contributing. Permit a continuation of the current fourth floor addition to match the setback, profile and height of the existing. Permit one additional story set back two window bays on all street frontages. Retain cornice overhang/return to west on southern facade. Additions to the secondary two story addition on the southern facade shall be permitted to match the height of the additions to the primary building, but shall be set back behind the cornice overhang/return.

g. Block 11504, west side of Lot 2 (formerly Lot A2 West); A & P Auxiliary Building, 1914; Contributing. Restore to original Profile.

h. Block 11504, Lot 1; 140 Bay Street & 18-30 Provost Street; AKA, Eckerson Company, and later the J. Leo Cooke Warehouse; popularly known as the Morgan Lofts; Contributing. Approval granted by Zoning Board of Adjustment shall prevail and be incorporated herein by reference.

i. Block 11503, Lot 1 (formerly Block 142, Lot A),, AKA Merchants Refrigeration Company, ca. 1902; Contributing. Remove exterior cement parging and paint, if appropriate, by the gentlest means possible, avoiding damage to underlying brick. Unblock existing window openings. New window openings may be added if necessary, provided that the new openings reflect the rhythm of the historic window placement along the First or Second Street sides of the building. Rehabilitate loading docks and awnings and "ghost sign" bearing original company name along sixth floor of the Second Street facade. Center courtyards and atria permitted. Permit a one story penthouse, setback a minimum of one column bay from the building edge on all facades, not visible from an elevation of five feet above the sidewalk on the opposite side of the public right-of-way.

Adaptive reuse of the existing building as predominantly a self-storage facility shall also be subject to the following provisions and restrictions:

- Section V, Site Development Requirements, Subsection J, Parking Structure Requirements shall not apply to parking proposed within the existing building.

- Section V, Site Development Requirements, Subsection K.2., Circulation Plan and Street Requirements, shall not apply to the extent that the existing loading platforms and canopies within the public right-of-way may be modified to accommodate repairs, replacement, adaptive reuse, handicapped person accessibility, and safety modifications.

- Section VI, Design Requirements of All Developments, Subsection F. Signage shall not apply. Permitted signage for a self-storage facility shall comply with the following:

  1. Two blade signs referencing the self-storage user at the two corners of the building closest to Second Street, each not to exceed a sign area of 67 square feet for each face of a two-sided sign and each to have halo internal illumination of the lettering.

  2. One blade sign referencing a vehicular entrance location not to exceed a sign area of 58 square feet for each face of a two-sided sign and not to exceed an actual sign face area of 30 square feet for each face which shall be externally illuminated.

3. One blade sign referencing a vehicular exit location not to exceed a sign area of 14 square feet for each face of a two-sided sign which shall be externally illuminated.

4. Up to five wayfinding wall signs indicating generic information such as loading, office, and car entry locations provided that no one sign shall exceed a sign area of 10 square feet and provided that the loading signs shall be externally illuminated and the office and car entry signs may be internally illuminated.

5. One suspended overhead vehicle entry clearance bar sign not to exceed a lettering area of 2.5 square feet.

6. One canopy-mounted sign indicating the location of the office of the self-storage facility not to exceed a sign area of 18 square feet and to have internally illuminated channel letters.

7. Each separately demised commercial space shall be permitted one (1) wall sign per street frontage in accordance with Section VI. Subsection F. except that in place of a permitted wall sign, a commercial tenant shall be permitted to have a sign measuring the length of the store front it is associated with, with individual internally illuminated letters that measure no greater than twenty-four inches in height, mounted on a loading dock canopy.

j. Block 11506, Lot 2; The Great Atlantic & Pacific Tea Company Annex, original 1907-1908, -expanded 1915; Contributing. Maintain the 6 Story portion and restore to original profile.

k. Block 11509, Lot 2; 144-158 Bay Street; AKA, The Great Atlantic & Pacific Tea Company Headquarters, 1907-1915; individually listed, State and National Registers: Pivotal. This building maintains a unique place in the history of American industry. Redevelopment of this building requires a particularly sensitive approach with due consideration of the historic development of the building and the maintenance of historic building fabric. Rebuild to original/historic profile, maintain sky light and water-tanks, gently clean, re-point, and repair brick and concrete, repair existing and replace deteriorated and/or missing awnings and loading docks where appropriate. Permit a one story penthouse setback one column bay from all facades.

l. Block 11502, Lot 6; Juan Ribbon Machine Shop, South Section circa 1873, North Section 1887, Contributing: Remove exterior cement parging and paint, if appropriate, by gentlest means possible, avoiding damage to brick. Repoint and repair damaged brick. Unblock window openings and insert appropriate windows. Maintain existing gable roof. No rooftop additions are permitted.

B. Transition Zone:

The Transition Zone consists of portions of the redevelopment area to the south and west of the warehouse district for which a portion of the tax block is also within the warehouse district. In other words, each block that is partially within the Transition Zone is also partially within the warehouse district. In several instances individual historically significant structures abut the Transition Zone. In other instances, portions of the Transition Zone are located directly across the street from the historically significant Great Atlantic & Pacific Tea Company Headquarters building located at Block 11509, Lot F2 (144-158 Bay Street), which is 114'8" in height from grade to the base of the primary cornice. In one instance, there is an approval that was granted prior to adoption of this redevelopment plan for a new building on lot 4 within block 11502 (159 Second Street), which allows for the construction of a new building that is 90'4" in height from grade to the base of the primary cornice.

The Transition Zone includes portions of Blocks 13002 and the Western portions of Blocks 11506, 11509 and 11502.

The purposes of the Transition Zone are as follows: to create a buffer through the use of design and bulk standards to protect and enhance the historic and visual character of the adjacent warehouse district. and in particular the Great Atlantic & Pacific Tea Company Headquarters building; to create an attractive and appropriate gateway to the warehouse district from the West; to create a cohesive neighborhood that includes the warehouse district, the Transition Zone, and the community to the west: to encourage the consolidation of undersized lots; and to create an attractive street front along Marin Boulevard that extends the building lines that were created by the existing structures along Marin Boulevard in Block 11502.

Specific Requirements of Building Design shall be as follows for all development within the Transition Zone~~:~~, except as otherwise provided in Section VIII.F.:

1. All new buildings in the Transition Zone shall be modern buildings designed to recall the style and grace of the nearby historic industrial warehouses located to the west of Washington Street and within the PAD. Specific elements, such as, but not limited to: roof pitches and material; window rhythm and size; brick and stone accents, quoins, and the use of limestone accents; the size, color and texture of the brick, shall be incorporated in the design of new buildings. Building design may be include modern, commercial interpretation, and elements such as: tinted mortar; larger windows; skylights; storefronts embellished with natural materials, recessed balconies, may be employed, subject to Planning Board site plan approval.

2. Minimum Lot Area: 15,000 Sq. Ft.

3. Maximum Height: Ninety feet (90'), excepting the following:

   a. Block 13002 shall be permitted a maximum height of one hundred and twenty-five feet (125').

   b. Block 11502, Lots 1, 11, 12, 13, and 14, (formerly Block 173 lots C, D, E, F, and G) as they exist at the time of adoption of this plan, shall be permitted a maximum height of sixty-five (65) feet.

   c. Block 11506 Lot 1, portion at the corner of Provost and Morgan Streets (formerly Block 171, Lot 1), as it exists at the time of adoption of this plan, may not match nor exceed the height of The Great Atlantic & Pacific Tea Company Annex that is adjacent on lot 2.

   d. For locations where a building height of ninety feet (90') is permitted without exceptions, a one story penthouse that is set back from the facade along all street frontages may be added to the structure, provided that the penthouse is not visible from an elevation of five feet above the sidewalk on the opposite side of the public right-of-way.

4. Maximum FAR: 7:1, except block 13002 which shall be permitted a maximum FAR of 8:1.

5. Setback Requirements:

   a. Front Yard Maximum: 10 feet.

   b. Side Yards: Maximum Zero, excepting separation distance requirements below. Where there are multiple street frontages, exterior walls that are perpendicular to the street shall be considered to be a side.

   c. Rear Yard: Minimum 25 feet.

6. Maximum Lot Coverage: Eighty (80%) percent for both building and parking facilities. No part of the remaining lot shall be left unimproved.

7. Minimum Setback Requirements:

   a. Abutting Marin Boulevard: A minimum ten foot (10') setback is required at the top of the fourth story.

b. Block 13002: A minimum ten foot (10') setback is required at the top of the ninth story for all facades.

8. Minimum separation distance between a new structure or addition within the Transition Zone and an existing facade within the Rehabilitation Zone, where the existing facade abuts the property line and contains windows that face the new structure or addition: 25 feet between structures, with street front screening provided at the ground level that is consistent with the architecture of the new building. Block 11506, Lot 1 (portion only at corner of Morgan and Provost Streets, formerly Lot 1), as it exists at the time of adoption of this plan, shall be exempt from this separation distance requirement, provided that the Provost Street setback for the new structure is sufficient to reveal the full height of the side of the adjacent structure on lot 2 to a depth of at least one window bay.

9. Garage entry/Exit to street: A maximum of (1) One shall be permitted. No garage opening shall be located on Luis Munoz Marin Blvd.

10. Retail entrances shall be provided along all ground floor street frontages, and along Marin Boulevard there shall be at least three retail entrances within each block front.

11. In order to encourage the consolidation of undersized lots, the following standards shall apply to new development undertaken on Block 173, when two (2) or more existing vacant lots are consolidated to achieve a new lot with a total area of at least 10,000 square feet.

a. Permitted Uses – In addition to the permitted uses listed in Section VII of this Plan, residential apartments shall also be a permitted use. At least 40% of residential units provided shall be a minimum of 900 square feet in area.

b. Maximum Height – Buildings constructed pursuant to this section shall be permitted to match the height of the Great Atlantic and Pacific Tea Company building located on Block 172. One additional floor shall also be permitted above this height, provided that this additional floor is setback from the front parapet a distance sufficient so that it will not be visible to a person of average height standing on the loading dock of the A&P building across the street.

c. Floor to Ceiling Height – Floor to ceiling height shall be a minimum of nine (9) feet.

d. FAR shall be regulated by the required height, setback and other applicable bulk criteria.

e. Setback Requirements:

- Front Yard – 10 foot maximum. Buildings may also be constructed to the front property line in order to align with the building located on Lot 129.
- Side Yard – Zero foot maximum, except as necessary to provide air and light to the proposed and/or adjacent buildings for windows, and provided that the portion of the proposed building along the street line maintains a zero side

yard setback so as to give the appearance of a continuous building streetscape; or as necessary to provide ingress and egress easements to existing adjacent buildings.

- Rear Yard – Zero for ground floor areas, and a minimum of 20 feet for all portions of any building above the ground floor.

f. Coverage – Total building and lot coverage may be 100% at the ground floor level. All portions of buildings above the ground floor shall not exceed 80% lot coverage.

g. Parking – No parking shall be required.

h. Loading – Interior loading areas are not required.

i. Certified Affordable Artist Growth Share Requirements – Buildings constructed pursuant to this section shall provide ten percent (10%) of all residential units (as rounded to the nearest whole number) as moderate income affordable units or workforce affordable units for Certified Artist. These units shall be restricted to workforce or affordable housing units for a period of thirty (30) years, beginning with the issuance of the first certificate of occupancy for a workforce or affordable unit. In lieu of any other requirement outlined in this redevelopment plan for Certified Artist affordable units, including the marketing and control of any such Certified Artist affordable units, the City may require that any workforce units constructed on-site shall be subject to a 180-day exclusive marketing period to qualified Certified Artists who meet the income requirements for workforce housing defined in this section. Up to 50% of the workforce or affordable housing requirement may be provided off-site and shall be exempt from Certified Artist residency requirements. This off-site workforce housing option may also be satisfied through the provision of a financial contribution to the City of Jersey City in an amount up to one hundred and fifty thousand ($150,000) dollars per required workforce residential unit. This contribution shall be paid by the developer to the City in two (2) installments: (1) fifty percent (50%) of the contribution shall be paid upon a final non-appealable site plan approval granted by the City of Jersey City Planning Board for any development, and (2) the remaining fifty percent (50%) of the contribution shall be paid at the time of issuance of the first final certificate of occupancy. These contributions shall be specifically earmarked for the construction of affordable housing within the City of Jersey City**.**

C. <u>High-rise Zone</u>:

To provide for the transition from the Christopher Columbus High rise development to the warehouse district core to the south. The height for this district is to be comparable to the height of the Evertrust building that is directly adjacent. It shall provide for the parking to accommodate redevelopment of the Butler Brothers Warehouse.

The High Rise Zone consists of the entirety of Block 11612.

Specific Requirements of Building Design shall be as follows for all development within the High-rise zone:

1. Minimum Lot Area: 29,500 Sq. Ft.
2. Maximum height: 250 Ft.
3. Maximum FAR: 10:1
4. Setback Requirements: Front Yard Maximum: 10 feet; Side and Rear Yards Minimum shall be 25 feet. The front yard maximum setback requirement may be waived in order to provide a significant outdoor street level public plaza that has the longest side of the plaza parallel to the street, and which accommodates ground floor retail, restaurant, or art gallery frontage, outdoor cafe seating, public art or a decorative fountain, and landscaping in the ground or in built in planters. Such a plaza is encouraged to be located at the comer of Warren and Morgan Streets, but may instead be placed mid-block along Morgan Street, or elsewhere along the street.
5. Maximum Lot Coverage: Ninety-five percent (95%)for both building and parking facilities, provided that sidewalks are provided along all street fronts in compliance with the requirements of this plan.
6. Minimum Stepbacks: All required stepbacks shall affect all sides of the structure. At the height of the lowest parapet on the Morgan Street side of the Butler Brothers Warehouse Building, all buildings in this zone shall provide a minimum fifteen-foot (15 ') stepback from the building face. A second stepback of at least five feet (5') shall be provided within five stories above the required first stepback, and at least two additional stepbacks of at least five feet (5') shall occur above that point, and occur at no less than 3 stories from the top level. Additional stepbacks may be provided at the discretion of the architect.
7. Maximum Garage entry/Exit to street: Two (2) with access from Steuben Street which shall act as the service side of the building although still treated as a front facade in terms of design and detail. Garage entry and exit shall not be permitted to and from Washington Blvd.
8. Minimum separation distance between structures above the fifth floor: 100 feet.
9. The building shall have a significant top, incorporating a cap and enclosure over the elevator shed and rooftop mechanical equipment.

D. <u>Bonus and Incentive</u>:

Block 11612, Lot 1 shall be permitted an additional 100 feet of height and an additional FAR of 4:1, provided that the 100 feet by 100 feet parcel at the northeast corner of 11611, Lot 1 (at the corner of Washington and Bay Streets) is first donated to, and accepted by, the City of Jersey City or the Port Authority of New York and New Jersey, at no cost to the City of Jersey City nor to the Port Authority of New York and New Jersey, for a public purpose that is compliant with this Plan.

E. <u>Power House Arts Residence Zone</u>:

The purposes of the Zone are to provide for the transition from the historic Hudson and Manhattan Power House and existing high rise residential developments to the North

and East of the District, namely the, Marbella and Portofino properties, and the approved Athena and Trump properties, and also to provide a transition to the warehouses in the district to the south and west of the district. The height for this district is to be comparable to the height of the buildings that are directly adjacent.

The Power House Arts Residence Zone consists of the entirely to Block 11610 and Lots 41 and 42 of Block 11603.

Specific Requirements of Building Design shall be as follows for all development within this zone:

1. Minimum Lot Area: The entire area of Block 11603 within the district for development on Block 11603, and the entire area of Block 11610 for development in Block 11610.

2. Maximum Height: 550 Ft. excluding any base structure and mechanical penthouses, rooftop structures and architectural features at Block 11610, and a maximum height of 350 feet, excluding mechanical penthouses, rooftop structures and architectural features at Block 11603.

3. Maximum FAR 15: l.

4. Maximum Lot Coverage: Ninety-five percent (95%) for both building and parking facilities, provided that sidewalks are provided along all street fronts in compliance with the requirements of this plan.

5. Maximum Garage Entry/Exit to street: Two (2) with access from Warren, First or Bay Street any one of which may act as the service side of the building although still treated as a front facade in terms of design and detail. Garage entry and exit shall not be permitted to and from Washington Boulevard.

6. Artists housing design requirements shall be as follows:

    a. The unit shall have an open design and be flexible so working and living spaces can be configured by the individual resident so the unit can serve a mix of uses. This open design shall allow for a relatively large and open working area, approximately 2/3 of the unit area. All designs and construction must comply with applicable building, life safety, construction and fire codes.

    b. Provisions for extra power shall be made so that a minimum 100 amp service can be extended to such units.

    c. Easy access for large work, materials and equipment shall be provided. At least one freight sized elevator shall be provided to serve all work/live units of the building. Wide corridors and higher and wider doorways shall be provided and maintained. These facilities should be sized to allow a 4' x 8' sheet of plywood to be easily transported through the building to individual units.

    d. No work/live unit shall be less than 900 square feet in size.

    e. Minimum ceiling heights shall be ten (10) feet.

f. A work sink or rough-in plumbing for same shall be located within the work space. The kitchen sink or bathroom lavatory shall not be considered the work sink.

g. Natural light shall be provided wherever feasible, and all units shall contain at least fifty square feet (50 SF) of window openings in one or more windows facing either the building exterior, a large size interior courtyard or an atrium. Skylights may substitute for up to one-half (1/2) of this glass requirement. Additional artificial light suitable for work space shall be provided.

h. Tracked lighting or switched outlets in the ceiling of the work area shall be provided.

i. Provisions shall be made to accommodate the ventilation of work/live units on an individual work/live unit basis at the option and expense of the unit resident, with sufficient air changes per hour to ensure the safe habitation of the work/live unit.

7. Suggested Amenities for Work/Live Units and Work/Live Artist Studios

These should be added to a work/live project when possible:

a. Accommodation for handling of any work materials.

b. Accommodation for a utility room for table saws and other equipment.

c. Common facility for exhibition of work.

d. Durable flooring that will not be easily damaged by work.

e. Availability of some raw or unfinished units.

f Some special accommodation or adaptable units for users such as ceramicists, welders and photographers who all typically require special physical structures and equipment support.

g. Easy up-grades to power system.

8. The parcel at Block 11603, Lot 41 shall be utilized to establish a public sculpture garden with passive recreation space, landscaping improvements, and an appropriate pedestrian pathway connecting First Street to Second Street.

9. Ten percent of the units constructed in the zone shall be work/live units. In lieu of any other financial obligation or requirement for affordable work/live units, the marketing, and control of purchases of the work/live studios; one half of those units shall be offered at a discount in the initial purchase price in the amount of thirty percent (30%) only at closing of title from its offering sale price for the same or similar units to only those artists who are certified by the City for the initial 90 day exclusive marketing period.

F. Arts Theater Residence Overlay Zone:

The Arts Theater Residence Overlay Zone shall consist of Blocks 11505 and 11506 in their entirety, as well as Lot 3 on Block 11509.

From its adoption in October 2004, a primary goal of the PAD has been the development of Certified Artist Affordable and market-rate work/live loft units. There now is to be developed within the PAD a stock of affordable and market rate work/live units to address the housing demands of the artist community. It is the intention of the amendments and this Arts Theater Residence Overlay Zone to not only continue with that goal, but also expand growth within the PAD to advance the cultural, arts, and entertainment centric incubator elements of the plan in order to sustain a diversified artistic community as a viable educational and economic enterprise, and to further diversify the housing stock to include traditional residential units and workforce housing. The expansion of the artistic community to integrate a variety of artistic expertise shall broaden the ability of the district to achieve ongoing economic stability. To that end, the purposes of this zone include the creation of a significant arts related anchor within this zone, in the form of a performing arts theater and associated arts related ancillary spaces such as rehearsal space, artists studios, and/or arts classrooms. It is also the purpose of this zone to provide a significant open space/pedestrian plaza which will function as a gathering place for residents of and visitors to the area and an entrance space to the performing arts theater, and further serve as a gateway in to the Powerhouse Arts District from the south. The pedestrian plaza will be further activated by ground floor commercial and active uses, including, but not limited to, restaurants, cafes, nightclubs, cabarets, and bars surrounding and opening onto the plaza and the inclusion of public art in the plaza.

The intent of the Arts Theater Residence Overlay Zone is to promote the comprehensive redevelopment of this overlay zone in a unified manner. Therefore, the Arts Theater Residence Overlay Zone may only be utilized when development of the overlay district is to be undertaken as a common scheme. If the Arts Theater Residence Overlay Zone is to be utilized, the following criteria and requirements must be met, and these criteria and requirements supersede and replace the requirements of the underlying Transition and/or Rehabilitation Zones and any other development criteria or requirements of this redevelopment plan that are inconsistent herewith and LDO #345-30 and 71:

1. A&P Annex Building - As part of any development or redevelopment utilizing the Arts Theater Residence Overlay Zone, the street façade of the former original A & P Annex Building fronting onto Provost Street and extending along Bay Street for the entire depth of what remains of the original structure must be preserved and incorporated into the design and construction of any new development on Block 11506. The remaining portion of the A & P Annex Building will be demolished. The facade of the base or podium of any building on Block 11506 must be designed in a manner that is consistent with the industrial character of the surrounding buildings in the district.

2. Arts Contribution - Development utilizing the Arts Theater Residence Overlay Zone must make a financial contribution in the amount of at least one percent (1%) of the first $20,000,000 of "total building construction and rehabilitation cost minus the cost of constructing workforce units" and one-half of one percent (.5%) of such amount thereafter up to a maximum contribution of $1,150,000, which shall be dedicated towards the cost of the ongoing operation and continued viability of the cultural and arts-related uses developed within the Arts Theater Residence Overlay Zone. This arts contribution

shall be paid by the developer for the purpose of operating and maintaining any cultural and/or arts-related uses that are constructed within this Zone, including, but not limited to, a performing arts theater, rehearsal space, arts classrooms, artist workspace and/or studios. The contribution shall be made by the developer upon the issuance of the first building permit for development on Block 11506. This arts contribution shall supersede and replace the contribution for permanent public art required under Section VI. A. 8.

The cultural and arts-related uses, including, but not limited to, the theater, rehearsal space, arts classrooms, artist workspace and/or studios ("facilities"), shall be operated by a non-profit entity (the "Non-Profit"). The Non-Profit does not contemplate pecuniary gain or profit to the members thereof and the specific purpose for which it will be formed is to provide for the successful and sustained utilization of the facilities. To accomplish this specific purpose, the Non-Profit will, among other things, adopt an annual budget and operational plan that raises sufficient funds and charges user fees necessary to pay all expenses to sustain the utilization, operation, management and maintenance of the facilities and provide for the management, administration, utilization, and maintenance of the facilities. The Board of Trustees of the Non-Profit will consist of seven (7) members, four (4) of which shall be appointed by the developer. Three (3) members shall consist of an appointed employee from the Office of the Mayor, an appointed employee from the Department of Housing and Economic Development, and an individual appointed by the Mayor who is a member of an arts-related organization established within the City. The duties of the Board of Trustees shall include, but not be limited to, hiring of an executive director and the establishment of an annual budget and operating plan for the Non-Profit. The day-to-day operation of the Non-Profit shall be managed by the executive director. The executive director will be, among other things, responsible for establishing programming, guidelines and regulations, user fees, and qualifying companies, groups, artists, musicians, and educators, or other performers or art related educational associations for use of the facilities. When establishing programming, the executive director will attempt to create a diversity of culture, arts, entertainment and educational opportunities and experiences for residents of the PAD and greater Jersey City.

Any applicant who has submitted a complete application to use the theatre and agreed to comply with all guidelines and regulations; pay the user fees; and comply with insurance requirements, but who has been rejected by a decision by the executive director due to the type of program or performance submitted, may appeal the decision of the executive director to the Board of Trustees. Only rejections relevant to programming may be appealed, and only applicants aggrieved by a programming decision of the executive director may appeal. The Board of Trustees shall review all such appeals and shall either uphold or overrule the decision of the executive director on the applicants program or performance. No decisions of the executive director other than programming decisions are appealable to the Board of Trustees.

3. Minimum Lot Area - There shall be no minimum lot size requirement because the Arts Theater Residence Overlay District is to be constructed as a comprehensive whole.

4. Maximum Height -

Block 11505: Base - 80 feet Tower - 300 feet

Block 11506:	Base - 80 feet	North Tower - 350 feet
		South Tower - 395 feet
	Former A&P Annex Structure - As existing or not to exceed 100 feet with any permitted extensions.	
Block 11509:	125 feet	

5. Setback Requirements - There are no required setback requirements, except as necessary to meet minimum sidewalk width requirements and/or coverage requirements.

6. Minimum Ceiling Height Requirements - 9 feet, floor to floor.

7. Maximum Coverage - 95%, for all buildings and parking structures, provided that a pedestrian plaza is provided that meets the requirements of Section VIII. F. 11 below. Towers above the base building on Block 11505 and Block 11506 shall occupy no more than 50% of the block area.

8. Minimum Distance between Tower Elements - All buildings extending above the base height shall be no closer than 35 feet to any other building extending above the base height. On Block 11506 where two towers may be proposed, the towers shall be staggered or off-set such that the north tower is located toward the east of the block and the south tower is located toward the west of the block and the closest distance at any given point between the towers on the block is not less than 35 feet.

9. Minimum Stepback of Tower Elements - With the exception of the west-facing façade of any tower located on Block 11505, where no stepback is required, all buildings extending above the base height shall be stepped back a minimum of 7.5 feet from the perimeter of the base building on all sides.

10. Parking Garage Locations & Entry/Exit to Street - Structured parking may be located within the base of the buildings located on Block 11505 and Block 11506. Not more than two access points per block may be provided to the structured parking facilities. These access points may be provided on Warren Street, Morgan Street, or Bay Street. No vehicular access may be provided from Marin Boulevard or Provost Street. No parking may be provided on Lot 3 on Block 11509. Required parking for development located on Block 11509 may be provided on Block 11506 or Block 11505.

11. FAR and Density Bonuses - Provided that those public community benefits outlined in this Section VIII. F. 11 are constructed, development utilizing the Arts Theater Residence Overlay Zone shall be permitted FAR and density bonuses totaling up to a maximum FAR of 13.0 and a maximum density of 300 dwelling units per acre, both of which are to be averaged over the entire Arts Theater Residence Overlay Zone. In no event shall any City-owned right-of-way, including Provost Street between Morgan and Bay Street, be included in the FAR or density calculations for any development within the Arts Theater Residence Overlay Zone. The design criteria for work/live units contained in Section VI. I. shall not apply to residential development within the Arts Theater Residence Overlay Zone. All of the following public community benefits must be met in order to receive these FAR and density bonuses:

- Block 11506: Performing Arts Theater and Arts-Related Space - Development utilizing the Arts Theater Residence Overlay Zone must construct a performing arts theater of at least 550 seats, which shall serve as the arts related anchor and gateway into in the Powerhouse Arts District from the south. Said theater is to be located in that portion of the new building on Block 11506 that is directly behind the Provost Street façade of the former A & P annex building such that the entrance into the theater shall be through the preserved former A & P Annex façade on Provost Street. In addition to the performing arts theater, the first floor of the building shall also incorporate commercial and active uses, including, but not limited to, restaurants, cafes, nightclubs, cabarets, and bars to enliven the corridor surrounding the open space/pedestrian plaza. These commercial and active uses shall be buttressed by the creation of vitrines on the ground floor façade in areas where commercial/active uses are not feasible due to building systems. The second and third floors of the building shall be dedicated to arts-related classrooms, rehearsal space, and/or artist workspace/studios, and the fourth and fifth floors of the building shall contain a minimum of twelve (12) artists work/live units of varying designs to accommodate a variety of arts-related professions. This minimum of twelve (12) artists' work/live units shall include the artist in residence unit referenced below in this Section VIII. F. 11. In an effort to promote artistic diversity and accommodate the requirements of a wide range of artistic expertise, these twelve (12) work/live units need not be developed in accordance with the design criteria for work/live units outlined in Section VI. I. or Section VIII. E. 6. In lieu of any other financial obligation or requirement for affordable work/live units, including the marketing and control of purchases of such work/live units, eleven (11) work/live units shall be offered at a discount in the initial purchase price in the amount of thirty percent (30%) from the offering sale price for the same or similar unit at the closing of title to only those artists who are certified by the City for the initial 180-day exclusive marketing period.

- Block 11506: Artist in Residence Unit - As one (1) of the twelve (12) work/live units required above in this Section VIII. F. 11, development utilizing the Arts Theater Residence Overlay Zone must provide an Artist in Residence Unit ("AR Unit"), which shall be dedicated in fee to the City of Jersey City, or the appropriate City agency, upon the issuance of a Certificate of Occupancy for the unit. Upon dedication of the AR Unit to the City, the City shall be responsible for the payment of all condominium or homeowner maintenance fees and other condominium or homeowner assessments for the unit. Said AR Unit shall be temporarily occupied for periods of not less than 6 months at a time by artists visiting and working within the PAD; occupancies by such visiting artists shall be determined, overseen, and monitored by the City of Jersey City or its designated agent. The AR Unit is to be located in that new portion of the new building on Block 11506 that is directly behind the Provost Street façade of the former A & P Annex Building.

- Block 11505: Creation of Pedestrian Open Space Plaza - Development utilizing the Arts Theater Residence Overlay Zone must construct a public open

space/pedestrian plaza that shall occupy the right-of-way of Provost Street between Morgan Street and Bay Street, which shall be vacated or subject to a franchise granted by the City, and shall utilize not less than 14,000 square feet of Block 11505 for this pedestrian plaza, consisting of an area measuring approximately 70 feet deep from Provost Street and extending the entire width of the block from Morgan Street to Bay Street. The total area of the Plaza, inclusive of the Provost Street right-of-way and the portion of Block 11505, shall be at least 24,000 square feet. The pedestrian plaza shall be dedicated to the City as a public park. The Belgian Block contained within the Provost Street right-of-way shall be removed and adaptively reused in the Open Space Pedestrian Plaza. The pedestrian plaza shall be improved with decorative paving, pedestrian scale lighting, shade trees, flowering trees and other decorative landscape elements; and shall also be utilized for the display of public art. Such public art may be subject to regular rotation. The developer or subsequent owner(s) of the adjacent properties within the Arts Theater Overlay Zone shall be responsible for all required regular maintenance of the pedestrian plaza, which shall be specified in a dedication agreement between the City and/or its agents and the developer and/or owners of the adjacent properties. If development of this pedestrian plaza is undertaken by the developer, the existing buildings on Block 11505 may be demolished.

- Affordable Housing - Development utilizing the Arts Theater Residence Overlay Zone shall provide workforce residential housing units as part of said residential project. Workforce housing is defined herein as housing sold or leased to buyers or lessees who make eighty percent (80%) to one hundred twenty percent (120%) of median income, as defined by the median income limits of the New Jersey Housing and Mortgage Finance Agency for its Smart Start Program. The number of workforce housing units to be provided shall be equal to at least ten percent (10%) of all market rate residential units proposed in the Arts Theater Residence Overlay Zone. These units shall be restricted to workforce housing units, as defined herein, for a period of thirty (30) years, beginning with the issuance of the first certificate of occupancy for a workforce unit. These units may be located on-site within any specified individual building. In lieu of any other requirement outlined in this redevelopment plan for Certified Artist affordable units, including the marketing and control of any such Certified Artist affordable units, the City may require that any workforce units constructed on-site shall be subject to a 180-day exclusive marketing period to qualified Certified Artists who meet the income requirements for workforce housing defined in this section. Up to 50% of the workforce housing requirement may be provided off-site. This workforce housing requirement may also be satisfied through the provision of a financial contribution to the City of Jersey City in an amount up to one hundred and fifty thousand ($150,000) dollars per required workforce residential unit. This contribution shall be paid by the developer to the City in two (2) installments: (1) fifty percent (50%) of the contribution shall be paid upon a final non-appealable site plan approval granted by the City of Jersey City Planning Board for any development within the Arts Theater Residence Overlay Zone, and (2) the remaining fifty percent (50%) of the contribution shall be paid at the time of

issuance of the first final certificate of occupancy for any building constructed within the Zone. These contributions shall be specifically earmarked for the construction of affordable housing within the City of Jersey City. The provision of a performing arts theater and any associated arts related ancillary spaces shall count as a credit against the total number of workforce units required, calculated as a deduction of one workforce housing unit for every one thousand square feet of theater and/or associated arts related space constructed. In addition, if an artist in residence unit is provided in accordance with this Section VIII. F. 11, such unit shall count as one credit against the total number of workforce units required. These requirements for workforce housing shall supersede and replace the requirements for affordable artist housing found in Section VII, Paragraph F of this redevelopment plan. Nothing herein shall prohibit Certified Artists from qualifying for the above workforce housing units.

- Shared Use Parking - Development utilizing the Arts Theater Residence Overlay Zone must provide additional parking spaces equal to 100 parking spaces above the minimum required by the specific use(s) to be developed within the Arts Theater Residence Overlay Zone. Said spaces are to be made available to residents of the PAD, especially residents of the Transition and Rehabilitation Zones, which may not be able to provide parking due to the configuration of the property and/or buildings existing on these properties. These 100 additional spaces shall also serve as a parking resource available for visitors to, patrons of, and owners and employees of uses and buildings within the PAD on a shared use basis.

G. Southern Edge Transition Zone:

The Southern Edge Transition Zone consists of Lots 13, 17, 18, 20 and 21 on Block 13002 within the Powerhouse Arts District (PAD) Redevelopment Area. These lots are located between high rise development along Christopher Columbus Drive to the south and the high rise Arts Theater Residence Overlay Zone to the north. The Grove Point high rise development is located just to the west of Block 13002 and the High Rise Zone of the PAD Redevelopment Area is located immediately east of Block 13002. However, not all properties on this block are within the PAD Redevelopment Area. Those properties which are not within the PAD Redevelopment Area are zoned R-2 and R-3 which permits development of between 4 and 8 stories. Existing buildings on the block range for 3 to 10 stories in height. The purpose of this district is to provide for a transition from the high-rise development and zoning in the surrounding area to the existing zoning on the block and to provide incentives to consolidate existing vacant lots and provide additional floor area dedicated to the arts.

Specific Requirements of Building Design shall be as follows for all development within the Southern Edge Transition Zone:

1. All new buildings within the Southern Edge Transition Zone shall be of contemporary design to be representative of the current era and shall not be designed as an imitation of an architectural style of a previous period. The building shall have a significant

top, incorporating architectural features to enclose the elevator penthouse and other rooftop equipment so as to screen these elements from surrounding buildings.

2. Permitted Uses: Permitted principal and accessory uses shall include all permitted uses listed in Section VII. A and B inclusive of residential.

3. Minimum Lot Area: 10,000 Sq. Ft.

4. Maximum Height: One Hundred and Twenty-five (125) Feet.

5. Minimum Ground Floor Height: Twelve (12) Feet, floor to ceiling, and Fourteen (14) Feet, floor to floor; excepting parking areas, utility rooms, storage areas and other similar spaces.

6. Minimum Floor to Ceiling Height above Ground Floor: Nine (9) Feet.

7. Maximum FAR: 8:1.

8. Setback Requirements:
   a. Front Yard: Buildings shall be setback along all front and street lines a distance sufficient to meet the minimum sidewalk width standards of this plan. In the alternative, the sidewalk width may be reduced to match other sidewalks on the street, provided that a minimum sidewalk width of 14 feet is maintained. Balconies, bays and other similar architectural features may project from the building façade up to 4 feet into this setback area provided they are located above the second floor and are not less than 25 feet above the adjacent sidewalk.
   b. Side Yard: Zero foot maximum. Where a side lot line is a street line, the Front Yard requirements above shall apply. Where a proposed building of 10 stories or greater adjoins an existing building of 5 stories or less; the proposed building shall provide some form of architectural relief along the side wall in order to provide windows and visual interest within the side façade of the proposed building visible above the existing building. No blank walls along any side wall shall be greater than 30 feet in width.
   c. Rear Yard: Zero for ground floor areas, and a minimum of 20 feet for all portions of any building above the ground floor. For corner lots, lot lines not adjoining a street shall be considered side lot lines and shall adhere to the side yard requirements above, provided that the rear wall of any proposed building above the ground floor shall not extend for a depth greater than 75 feet, or 75% of the lot depth, from the street line so as to form an open area at the rear corner of the lot.

9. Coverage: Total building and lot coverage may be 100% at the ground floor level. Portions of buildings above the ground floor shall not exceed 80% lot coverage. Corner lots may exceed this requirement, up to 90% coverage, consistent with the rear setback exception above.

10. Parking and Loading Requirement: Recognizing the unusual shape of Block 13002 no off-street parking or loading is required. However, where feasible, the provision of some parking is encouraged up to a maximum of .25 spaces per unit. Where

parking is provided, a maximum of one (1) garage exit/entry point shall be permitted, and shall be limited to no more than 12 feet in width.. No garage opening shall be located on Luis Munoz Marin Boulevard.

11. Certified Affordable Artist Growth Share Requirements – Buildings constructed pursuant to this section shall provide ten percent (10%) of all residential units (as rounded to the nearest whole number) as workforce affordable units. These units shall be restricted to workforce affordable units for a period of thirty (30) years, beginning with the issuance of the first certificate of occupancy for a workforce unit. In lieu of any other requirement outlined in this redevelopment plan for Certified Artist affordable units, including the marketing and control of any such Certified Artist affordable units, the workforce units constructed on-site shall be subject to a 180-day exclusive marketing period to qualified Certified Artists who meet the income requirements for workforce housing defined in this section. At the end of this 180-day period, the workforce units may be offered to anyone in the general public who meet the income requirements for workforce housing. Up to 50% of the workforce housing requirement may be provided off-site and shall be exempt from Certified Artist residency requirements. This off-site workforce housing option may also be satisfied through the provision of a financial contribution to the City of Jersey City in an amount up to one hundred and fifty thousand ($150,000) dollars per required workforce residential unit. This contribution shall be paid by the developer to the City in two (2) installments: (1) fifty percent (50%) of the contribution shall be paid prior to the issuance of any building permit for the project, and (2) the remaining fifty percent (50%) of the contribution shall be paid at the time of issuance of the first final certificate of occupancy. These contributions shall be specifically earmarked for the construction of affordable housing within the City of Jersey City.

12. Bonus Incentive: Among the goals and objectives of the Powerhouse Arts District is to encourage a concentration of "Arts-centric" uses such as theaters, art galleries, art studios, rehearsal spaces, museums and other cultural and entertainment amenities. Therefore, developments that provide additional space dedicated to the arts shall be permitted a development bonus as more fully described below.
    a. In order to qualify for the development bonus the proposed development must meet the following standards:
        i. The subject property must meet or exceed the minimum required lot size.
        ii. The development must dedicate the entire second floor of the proposed building only to Principal Uses related to the performing arts and fine arts such as: Theaters, Art Galleries, Museums, Artist Work Studios, Dance Studios, Music Studios, Film Studios, Photography Studios, Rehearsal Studios, and such other similar arts related uses as the Planning Board deems acceptable. Accessory Uses customarily associated with, subordinate and incidental to an arts related principal use as listed above are also permitted.
        iii. The gross floor area of the second floor must measure a minimum of 10,000 square feet, and have a minimum floor to ceiling height of 12 feet. Larger windows along all street frontages shall be provided to allow for visibility into the arts related spaces from the street. At least one-third (1/3) of the gross floor area of the second floor must be dedicated to a

"black box theater" suitable for the performance of live theatrical or dance productions. The owner shall contract with a Jersey City based theater/arts related not-for- profit 501(c)(3) corporation to operate the "black box theater". Prior to the engagement of the 501(c)(3) corporation, the owner shall publicly advertise its search for the 501(c)(3) corporation and require that the selected entity be committed to serving and promoting the arts community within Jersey City and the youth of Jersey City. The minimum floor to ceiling height within a "black box theater" shall be 18 feet. Appropriate ventilation, lighting and sound attenuation systems shall be provided pursuant to the needs of the anticipated uses and in conformance with all applicable codes.

iv. A separate entrance lobby must be provided on the ground floor to provide access to the second floor art related uses, including an elevator, and must be designed to accommodate the anticipated occupancy loads of the arts related spaces pursuant to the appropriate building and fire code standards. The elevator shall be sized to accommodate the need to transport art works, raw materials, stage sets, etc.

b. Development projects meeting the criteria outlined above are permitted the following bonus provisions:

i. Maximum Height – One Hundred and Ninety (190) feet. Within this height, the building shall include a ground floor containing permitted commercial uses and art related uses as required by this Redevelopment Plan; a second floor dedicated to art related uses as specified above; and up to 15 stories of residential or other permitted uses. An amenity penthouse level is also permitted above the permitted height if it is used exclusively for recreational and building amenity space for residents of the building, and is setback at least ten (10) feet from all facades of the building.

ii. FAR – The permitted floor area shall be determined by the permitted height, setback and coverage requirements.

iii. Coverage – In addition to the 100% coverage permitted for the ground floor level, the second floor containing the arts related uses may also occupy up to 100% of the lot area.

iv. Arts Contribution – The requirement for a monetary contribution to public art as described in Section VI. A. 8. of this Plan shall be waived.

v. Affordable Housing – In recognition of the extraordinary costs of constructing and maintaining such a significant portion of the building restricted to only art related uses; a portion of the developer's workforce housing obligation as found in paragraph 11 above shall be waived as follows: For each one thousand (1,000) square feet of gross area dedicated to arts related uses provided, one (1) workforce housing unit shall be deducted from the developers obligation. The units may be deducted from the required on-site and/or off-site workforce units at the developer's discretion.

IX. MARKETING REQUIREMENTS

REQUIRED MARKETING TO ARTISTS FOR ALL RESIDENTIAL DEVELOPMENT IN TRANSITION, HIGH RISE AND POWERHOUSE ARTS RESIDENCE DISTRICTS OF THE POWERHOUSE ARTS DISTRICT JERSEY CITY, NEW JERSEY

As outlined below and as permitted by applicable law, marketing of all work/live units (except for those units reserved for low/moderate income artists) shall be directed specifically at artists continuously through the life of each project until all such units have been sold or rented, unless otherwise specified. The marketing of all work/live units in the Powerhouse Arts Residential Zone and High Rise Zone shall be guided by the concepts of the artist specific marketing for the 90 day Exclusive Marketing Period.

The definition of "artist" shall he the definition given in the Land Development Ordinance of the City of Jersey City and shall apply to Certified Artists or those who would qualify for certification.

THE EXCLUSIVE MARKETING PERIOD - DEFINITION

The first phase of marketing of the work/live units in any project shall be referred to hereafter as the Exclusive Marketing Period (EMP). During the EMP, marketing shall be directed exclusively to artists. Marketing, selling and renting of work/live units to the general public during the EMP is strictly prohibited. Marketing, selling and renting to the general public may begin at the conclusion of the EMP, but marketing to artists must continue as well.

The EMP for for-sale units must include the first three months during which binding agreements can legally be made between sellers and interested buyers and the first three months during which the project is legally marketed with no exceptions. The EMP may begin sooner at the discretion of the seller, but no sooner than the date the seller obtains approval to solicit non-binding reservations, (NBR) with advertising approval from the Department of Community Affairs, Planned Real Estate Development Section. Should the seller begin the EMP during the NBR period, it must comply with the following criteria:

1. All advertising must be performed in accordance with of the Artists Specific Marking Requirements set forth in Artist - Specific Marketing Requirements located herein;

2. The purchase price in any Non-binding agreement (NBR) entered into between the seller, and/or its assigns, and any Artist shall not be increased by the seller, and/or its assigns, at any time so long as the Artist continues to be a party to the NBR agreement. The seller's commitment that it will not increase the purchase price above the NBR agreement price shall be exclusive to the Artist signing the NBR. If an Artist assigns its NBR agreement (with the exception of the creation of a corporate entity wherein the Artist is at least 90 percent owner/principal) or withdraws from the NBR, then the Seller and/or is assigns shall no longer be obligated to maintain the same purchase price for the reserved live/work unit in any future NBR agreement or contract;

3. The seller shall submit the Marketing Reports required herein.

In the event the seller begins the EMP during the NBR period and complies with subparagraphs 1, 2, &3 above, the Seller will have satisfied its EMP requirement for the project shall continue to directly market to artists as required herein, and to continue to provide monthly marketing reports, and comply with other applicable requirements included herein.

The EMP for rental units must include the first three months during which at least one typical, finished, on-site live/work unit (the "Model Unit") and detailed plans of all other units are available for inspection by the public, and during which binding leases are offered. The EMP may begin sooner at the discretion of the landlord.

Direct Market Mailings.

During the EMP, at least 2 direct marketing mailings containing detailed information and giving notice of the proposed development and the intended creation of artists live/work lofts shall be disseminated to the following: all artists who are currently certified by the Artist Certification Board (ACB); any compiled waiting list of artists that is available; artists included in the current Hudson County Artists Directory; and Pro Arts. The direct mailings must contain the information specified in section 5.d. below.

ARTIST-SPECIFIC MARKETING REQUIREMENTS TO BE CONDUCTED FROM THE BEGINNING OF THE EXCLUSIVE MARKING PERIOD UNTIL ALL UNITS ARE SOLD OR RENTED

All projects must:

1. Conduct artist-targeted marketing, including advertising.

   At least fifty percent of all paid advertising, including advertising for open houses, must be in publications focusing on Artists living outside Jersey City. Advertising must also be placed in publications commonly known to be circulated and read in the Artist community and must focus on Artists living outside of Jersey City. During the EMP, each month at least one of the non-classified advertisements must be placed in each of the following publications: the Jersey Journal, and the Jersey City Reporter and other publications commonly known to be read and circulated in the Artists –community outside of Jersey City.

2. Maintain on each building at least 2 banners, no smaller than 12 feet in length each. These banners shall give notice of the proposed artists' live/work lofts along with a valid contact telephone number.

3. Maintain at least one sales/rental or other office location where prospective artist buyers and renters can view colored plans and at least one 3-D model of the project. Each such location will display at least one poster no smaller than 24"x36". All of these materials must be designed for the artist market.

4. Conduct at least three open houses, one of which must be on-site and at least two of which must take place during the EMP, to familiarize potential artist occupants with the building amenities, prices, unit sizes, floor plans, elevations, samples of cabinets, flooring, wall coverings, trim hardware fixtures, and appliances. A contact phone number shall be provided to prospective artist buyers and tenants.

   Each open house must be advertised to artists through paid advertising in at least 2 publications for each open house, with a collective circulation greater than 300,000 for each open house.

5. Mount artist-targeted paid-advertising campaigns with the following additional requirements:

   a) Each project will place at least 4 paid advertisements each month in newspapers, magazines or journals (in addition to advertisements for open houses) with a collective circulation greater than 600,000 each month.

   b) At least fifty percent of all paid advertisements must be more than classified listings.

   c) At least twenty-five percent of all paid advertising must be placed in professional arts publications. (See suggested venues in attached Exhibit I, "Local Art Specific Advertising Venues for Residential Developments in PAD.")

   d) Advertising materials targeted to artists must include all relevant information that is contained in the attached Exhibit II, "Recommended list of amenities to include in marketing materials":

      1) Unit size (average or range)
      2) Accessibility details (freight elevator, loading docks, wide doors, etc.)
      3) Location
      4) Availability of floor plan or design options
      5) Other art-related amenities (storage, ventilation, sound-proofing), etc.

   e) All advertising, banners, posters, press releases, articles, and any other marketing during the EMP, and all subsequent advertising, banners, posters, press releases, articles, and any other marketing targeted to artists, must highlight amenities specifically attractive to artists over other amenities of interest to the general public.

6. The Developer, and/or its assigns, shall agree that the purchase price for a residential unit agreed to in any non-binding reservation entered into between the Developer, and/or it assigns, and any Artist that is certified by the ACB, or any Artist that is subsequently certified as an Artist by the ACB, shall not be increased by the Developer, and/or its assigns, at any time so long as the Artist continues to be a party to the non binding reservation agreement and closes title to the residential unit. The Developer's commitment that it will not increase the purchase price above the non binding agreement reservation price shall be exclusive to the Artist(s) signing the non binding agreement. If an Artist(s) assigns its non binding reservation agreement (with the exception of the creation of a corporate entity wherein the Artist(s) is at least 90% owner/principal) or

withdraws from the non binding reservation agreement, then the Developer and/or its assigns are no longer obligated to maintain the same purchase price for that residential unit in any other agreement.

REQUIRED MARKETING REPORTS

As part of the marketing program, the Developer shall request that the prospective purchasers and persons visiting the marketing location complete a questionnaire to provide the following information, including but not limited to the following information; name; occupation; how did the prospective purchaser become aware of the project (e.g. advertising or word of mouth); whether the person is an artist or an artist certified by the local ACB.

By the 10th of each month, beginning with the second month of the EMP and continuing until all units are sold or rented, each developer shall submit to the Division of City Planning staff a report of all advertising and marketing providing publication, advertisement or article copy, cost, and time ran, along with copies of the questionnaires received, questionnaires for sold units, and the type of finish on sold units conducted during the previous month and a list of all reservations by potential buyers and renters. However, after the EMP is completed, only artist-targeted efforts must be documented. Reports must include copies (or other documentation, where applicable) of all advertisements, open houses, and other required marketing.

ENFORCEMENT, VIOLATIONS AND PENALTIES

During the EMP, marketing, selling and renting of artists' live/work units to the general public is strictly prohibited and shall be heavily penalized. All violations of this restriction shall be subject to enforcement, violations and penalties as provided for by Article VIII of the Jersey City Land Development Ordinance, as amended, and all other remedies that are available under all applicable law.

Violations of other marketing requirements shall result in the following:

All violations during the EMP shall be subject to enforcement, violations and penalties as provided for by Article VIII of the Jersey City Land Development Ordinance, as amended, and all other remedies that are available under all applicable law. Violations shall also trigger a review whereby the Director of the Division of City Planning shall have the authority to extend the EMP an additional one month for each violation.

Any monies received as fines will be placed in a fund for community-generated art projects in PAD.

PAD Artist Marketing Plan - Exhibit I

Local Art Specific Advertising Venues for Residential Developments in PAD

Some points to emphasize:
Large, open space suitable for live-work
Freight elevator
Wide doorways and corridors
Large community of artists already in the area
Only minutes to Manhattan via PATH, ferry or the Holland Tunnel

Certified Artists database and waiting list available

Advertising Venues:

Gallery Guide, The Village Voice, FYI, Dance Magazine, The Artists Proof, Art in America, 11211, Art Calendar, The Brooklyn Rail, Art Times.

Note: Contact information and Ad specification information is available for the above referenced venues though the Division of City Planning.

PAD Artist Marketing Plan - Exhibit II

Recommended list of amenities to include in marketing materials are as follows:

Artists Live/Work Loft Condominiums

(Address), Jersey City, NJ

Located in the Powerhouse Arts District

Newly Converted Historic Warehouse * (date of Occupancy)

Available Features and Amenities Designed for Artists to live and work

Flexible/open floor plans
Double, oversized unit entrance doors
Freight elevator access for most units; passenger elevator for all units
Extra-wide corridors in hallways and inside units
Loading docks and ramps
Good light with oversized windows
Work-sink hookups
Optional hoist installation in multi-level units
Cable pre-wired
Ventilation

Neighborhood Features

Directly across the Hudson River from Tribeca
Outstanding transportation to Manhattan and within New Jersey - a few blocks from the PATH station (3 minutes to Manhattan), NY Waterway Ferry (6 minutes to Manhattan), NJ Transit's Light Rail; 1 mile from the Holland Tunnel.

Near the Hudson River waterfront walkway, 19th century historic residential districts, and the waterfront financial district
Large, active community of artists already working in the vicinity
Near shopping, restaurants, and supplies

Other Building Features and Amenities

List other amenities specific to the project

Currently taking binding reservations. For more information, please contact

(Sales office information)

X. ACQUISITION PLAN

The PAD is comprised of a compact and defined area within the City, and is important to the community as a cultural and entertainment destination, and for its anticipated positive effect on the local economy. Its redevelopment and success are essential to the health of the surrounding retail and commercial community. Incompatible land uses, vacant land, dilapidated buildings and other impediments to proper development must be removed in an orderly, planned and phased manner.

Most properties within the PAD are "proposed to be acquired" pursuant to NJSA 40A: 12A-7.a(4). The properties that are "proposed to be acquired" are indicated on Map 3, and shall be subject to acquisition through condemnation by the Jersey City Redevelopment Agency (JCRA). It is anticipated that the objectives of the plan will primarily be met through private sector investment in private property without the need for such intervention. However, the JCRA shall be authorized to acquire property by condemnation in order to further the goals and intents of this plan, and the decision to condemn property that is indicated on Map 3 as "proposed to be acquired" shall rest with the City or the JCRA. The financing of such acquisition may come from a number of public or private sources, including but not limited to a municipal bond issue, and/or loans that may be secured by a redeveloper.

XI. DESIGNATION OF REDEVELOPER

The Jersey City Redevelopment Agency (JCRA) may designate a private entity as redeveloper of a property within the PAD and subsequently enter into contract with said redeveloper, pursuant to NJSA 40A:12A-1 et seq.

XII. CIRCULATION IMPROVEMENTS

A. No part of any public right-of-way shall be vacated and eliminated from public travel use, except as otherwise provided in Section VIII.F.

B. The Redeveloper shall implement any right-of-way improvement the City Council and/or the Planning Board deem necessary relative to all streets and right-of-way areas adjacent to and within the Redevelopment Area, in a manner consistent with this plan. These improvements or alterations shall be identified at the time of site plan application and implemented contemporaneously with the development of the project. If the City must undertake these improvements prior to the commencement of the project, a reimbursement of the City costs so incurred shall be provided by the Redeveloper of the Redevelopment Area.

XIII. OTHER PROVISIONS TO MEET STATE AND LOCAL REQUIREMENTS

In accordance with NJSA 40A: 12A-1 et seq., Chapter 79, Laws of New Jersey 1992, known as "The Local Redevelopment and Housing Law", the following statements are made:

A. The Plan herein has delineated a definite relationship, as described herein, to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements.

B. The Plan has laid out various strategies that need to be implemented in order to carry out the objectives of this Plan.

C. The Plan has given proposed land uses and building requirements for the Redevelopment Area.

D. The Acquisition Map and Acquisition Plan, which are a part of this Plan, indicate all property to be acquired.

F. The Plan is not in full compliance with the Jersey City Master Plan and the Strategic Revitalization Plan of the County of Hudson, as described herein**;** although the Plan does promote several of the recommendations of the Master Plan with respect to the former WALDO zoning district. In particular, the Plan has achieved the first recommendation of the Master Plan in determining that the area is in fact an area in need of redevelopment. The Plan also eliminated the underlying industrial zoning as recommended by the Master Plan, and the Plan includes a "percent for the arts" requirement as recommended by the Master Plan.

The Plan complies with the goals and objectives of the New Jersey Development and Redevelopment Plan in that this Plan and the State's plan both recognize the need to redevelop the mature urban areas such as this.

In November of 2006, the Municipal Council approved the June 2006 amendments to this plan despite its failure to effectuate the purposes of the Jersey City Master Plan as the Master Plan relates to the WALDO district due to the changes that have occurred with respect to the WALDO zoning district becoming a redevelopment area, the grant of several site plan approvals with significant variances and to settle protracted litigation.. However, the Municipal Council of the City of Jersey City believed that it was in the public interest to adopt the June 2006 amendments to continue the progress being made to create and arts and entertainment district in the Powerhouse Arts District. The April 2008 amendments are also intended to continue the progress being made to implement the Powerhouse Arts District by continuing to promote certain of the recommendations of the Master Plan both as related to the former WALDO zoning district and the achievement of additional affordable housing. Although certain aspects of the April 2008 amendments are inconsistent with the historic preservation element and WALDO zoning district element of the Master Plan, the Municipal Council believes that it is in the public interest to adopt the April 2008 amendments because, among other things, they will continue to promote the recommendations of the Master Plan as described in Section 1. In addition, these amendments are intended to encourage the creation of an arts related anchor, in the form of a performing arts theater, which can help stimulate and accelerate the pace of redevelopment of the Area and attract artists, as well as people interested in the arts, to the district. It has also become apparent that there is a growing need to continue to provide affordable housing, not only for the artist community, but for all eligible residents of Jersey City. The housing element of the Master Plan specifically states that there is a significant need for affordable housing. The Fair Share Plan also says that the City continues to have a demand for more affordable housing units to meet the needs of its residents, and states that providing a full range of affordable housing will continue to be a priority of the City. Therefore, it is important to balance the recommendations of the Master Plan relative to the need for affordable housing with the recommendations related to the former WALDO district. The provision of additional market rate housing is also important in order to provide a more diverse and balanced resident population and provide for an appropriate density of population necessary to support the arts and entertainment venues as well as the ancillary retail and commercial components necessary to create an economically viable and sustainable community. Finally, these amendments seek to create a much needed public pedestrian open space at the southern end of the PAD to function as a gateway into the district from the nearby Grove Street PATH Station and further support and enhance the performing arts district. This along with the additional support parking to be created will help ensure the success and continued redevelopment of the entire PAD.

For these reasons, the Municipal Council of the City of Jersey City believes that it is in the public interest to adopt the April 2008 amendments in order to continue the progress being made to create an arts and entertainment district in the Powerhouse Arts District.

The [presently proposed] October 2013 amendments represent a continuing effort to implement the PAD by promoting certain recommendations of the Master Plan in the former WALDO zoning district. Although permitting traditional residential units may be inconsistent with the work live unit component of the WALDO zoning district element, it is in the public interest to adopt the October 2013 amendments because they will facilitate the rehabilitation of the recently landmarked Butler Brothers Warehouse with traditional residential units, commercial and arts-related uses, which will provide a diverse and balanced resident population and an appropriate density of population necessary to support the planned arts and entertainment venues and to create an economically viable and sustainable community. This is likewise consistent with the December 2, 2005 Reexamination Report of the Master Plan, which recommends that this building and other nearby recently landmarked buildings (part of the former Warehouse District) be converted "to residential uses with an emphasis on arts district economic development." Thus, it is in the public interest to adopt the October 2013 amendments in order to continue the progress being made to create an economically sustainable arts and entertainment district in the Powerhouse Arts District.

F. The City of Jersey City or the Jersey City Redevelopment Agency (JCRA) will provide relocation services for redevelopment projects as required by law. The City or the JCRA may contract with another qualified provider to perform relocation services.

XIV. PROCEDURE FOR AMENDING THE PLAN

A. This Plan may be amended from time to time upon compliance with the requirements of law. An minimum escrow deposit of $10,000.00 shall be payable to the City of Jersey City for any request to amend this Plan, from which all costs incurred to amend the plan, as authorized by the Jersey City Escrow Ordinance, shall be paid. If there is a designated Redeveloper, as provided for under NJSA 40A: 12A-1, et seq., said Redeveloper shall provide this -escrow.

B. No amendment to this Plan shall be approved without the review and recommendation of the Planning Board, and a public hearing and adoption by the City Council. A copy of any proposed change to the Plan shall be filed with the Office of the City Clerk.

C. Public Notice of intent by the Planning Board to consider amendments to this plan shall be provided. Such notice shall be given by publication in the official newspaper of the municipality at least 10 days prior to the date of the Planning Board meeting. Such notice shall be undertaken and paid for by the party requesting to amend the Plan.

XV. MAPS

APPENDIX A

CERTIFIED ARTIST AFFORDABILITY DEED RESTRICTION FOR OWNERSHIP UNITS

In this Deed Restriction, the real estate described in this deed, including the land and all buildings and improvements, is called the "Property." The person (or persons) transferring ownership of the Property is called the "Grantor," and the person (or persons) receiving ownership of the Property is called the "Grantee."

This Deed Restriction consists of two promises made by the Grantor and the Grantee:

1. The Property will be used as an owner-occupied dwelling for a certified artist household that is also either a low-income household or a moderate-income household if applicable, add: as well as an associated rental dwelling].

2. The Property will be governed by the regulations known as the Certified Artist Affordable Housing Growth Share Requirements that appear in Section VII.F. of the Powerhouse Arts District Redevelopment Plan as adopted by the City of Jersey City. Should those regulations cease to exist, the Property will be governed by the regulations known as the Uniform Housing Affordability Controls that appear in the New Jersey Administrative Code at Title 5, Chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1 et seq.), as those regulations may be revised from time to time.

This Deed Restriction shall remain in effect until [supply the date that is 30 years from the date on which the first certified household took title to the Property]. It will remain in effect despite any judgment of foreclosure rendered in connection with any mortgage or other lien on the Property.

This Deed Restriction will be considered, for legal purposes, to consist of "covenants running with the land." While it is in effect, this Deed Restriction will be binding on any person who may come to own the Property, and every deed, contract, mortgage or other legal instrument concerning the Property will be considered to include this Deed Restriction, and be governed by it, whether or not the Deed Restriction is actually mentioned in the legal instrument. If the ownership of only a part of the Property is transferred to anyone while this Deed Restriction is in effect, this Deed Restriction will still apply to every part of the Property.

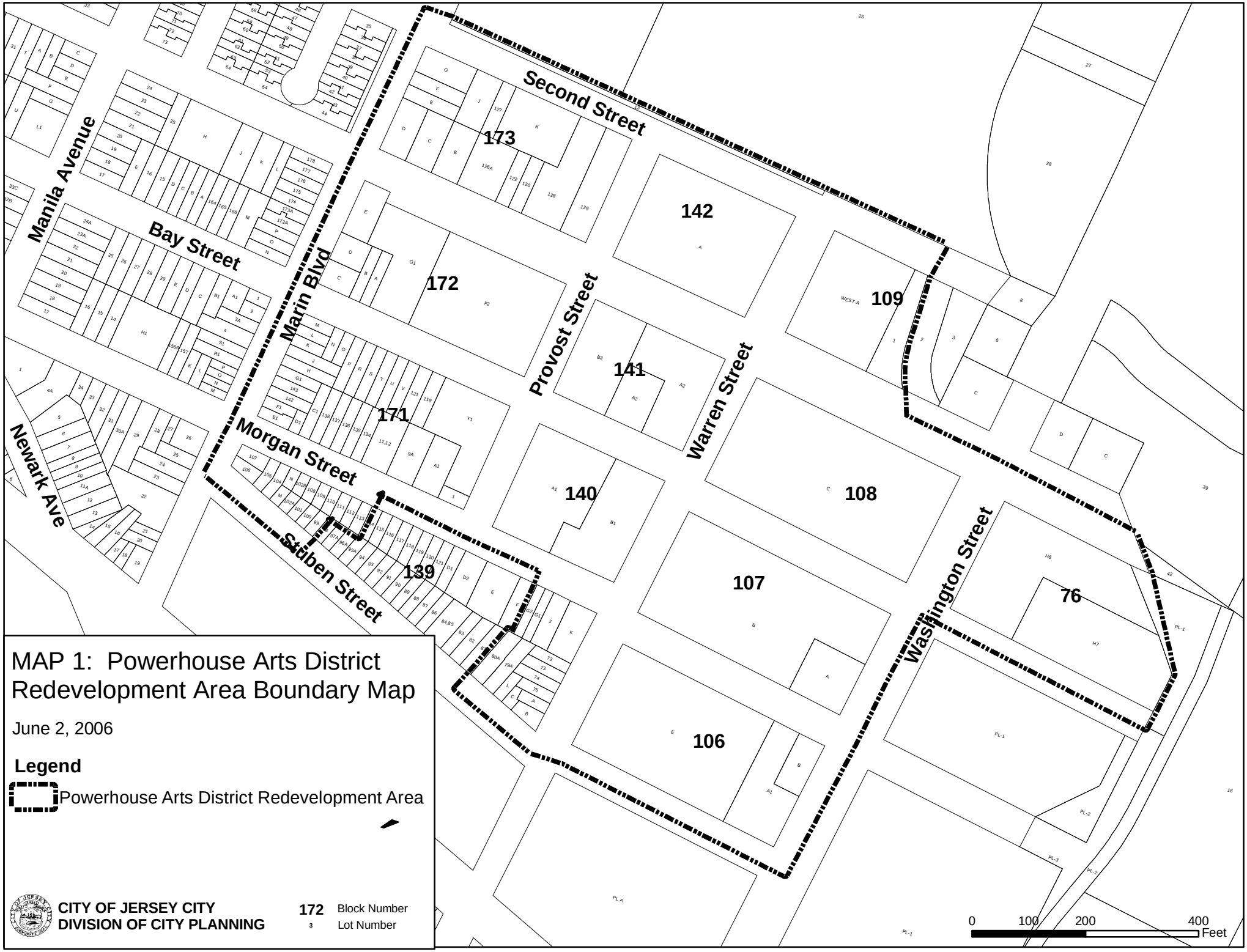
APPENDIX B

CERTIFIED ARTIST AFFORDABILITY DEED RESTRICTION FOR RENTAL UNITS

Grantor and Grantee covenant that the real estate conveyed by this deed, including the land and all improvements thereto, which shall be referred to hereinafter as the "Property," shall be used for the purpose of providing ten percent of the work/live units for certified artist households that are also low- or moderate-income households and shall be subject to regulations known as the Certified Artist Affordable Housing Growth Share Requirements that appear in Section VII. F. of the Powerhouse Arts District Redevelopment Plan as adopted by the City of Jersey City. Should those regulations cease to exist; the Property will be governed by the regulations known as the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as they may from time to time be amended. The time period during which the Certified Artist Affordable Housing Growth Share Requirements or Uniform Housing Affordability Controls shall be applicable shall be determined separately for each rental unit, with the controls becoming applicable for a unit on the day on which the first certified household occupies the unit and expiring on the thirtieth (30th) anniversary date of such initial occupancy, with the controls becoming applicable for a unit on the day on which the first certified household occupies the unit.

The covenants, reservations and restrictions set forth in this deed restriction shall be deemed covenants running with the land and shall pass to and be binding upon Grantee's assigns and successors in title to the Property. Each and every contract, deed, mortgage or other instrument hereafter executed covering, pertaining to or conveying the land or any improvements thereto, and any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to such covenants, reservations and restrictions, regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed, mortgage or other instruments. If a portion or portions of the Property is conveyed, all such covenants, reservations and restrictions shall run to each portion of the Property.

This deed restriction shall remain in full force and effect despite the entry of any judgment of foreclosure with respect to any mortgage or other lien secured by the Property.



MAP 1: Powerhouse Arts District Redevelopment Area Boundary Map

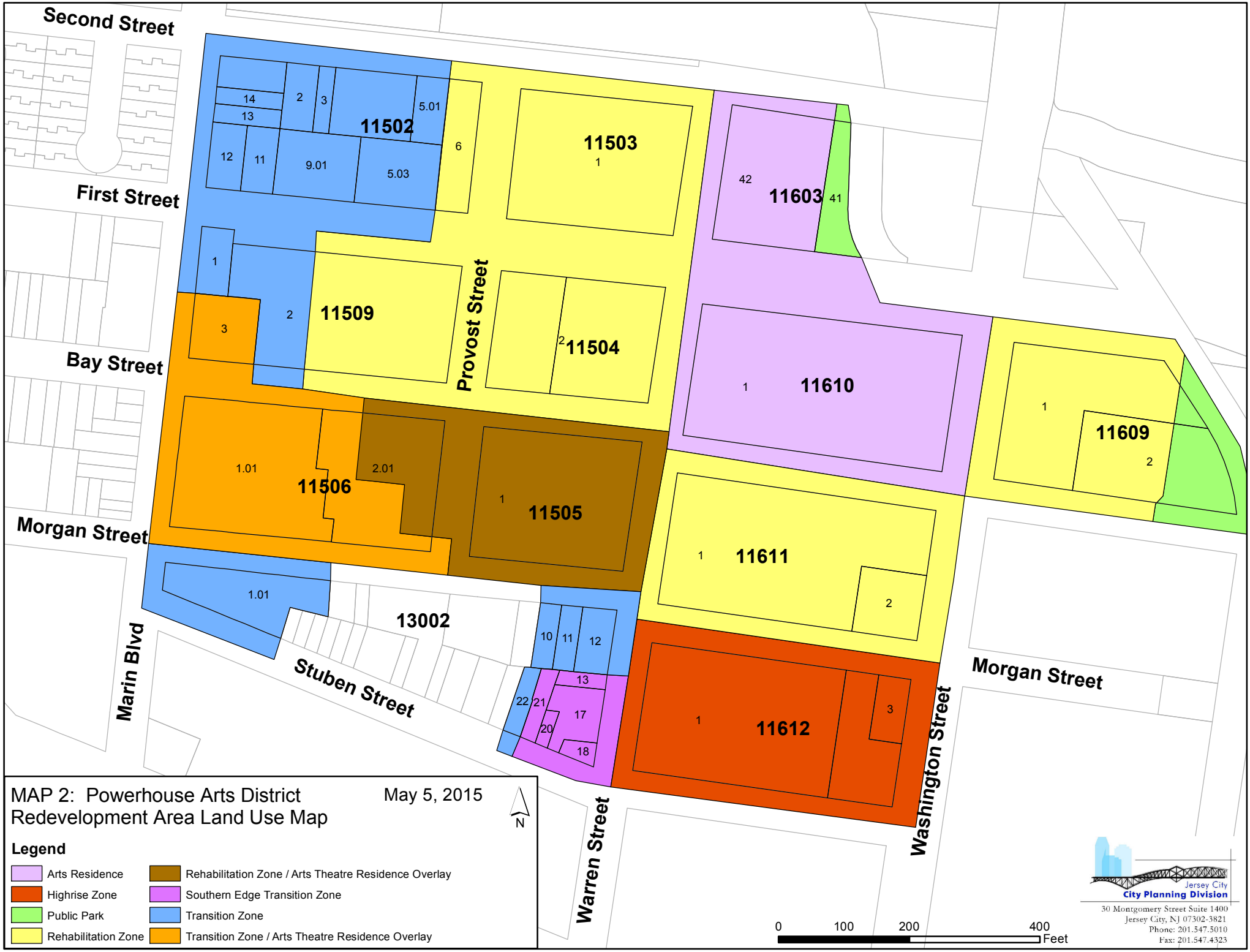
June 2, 2006

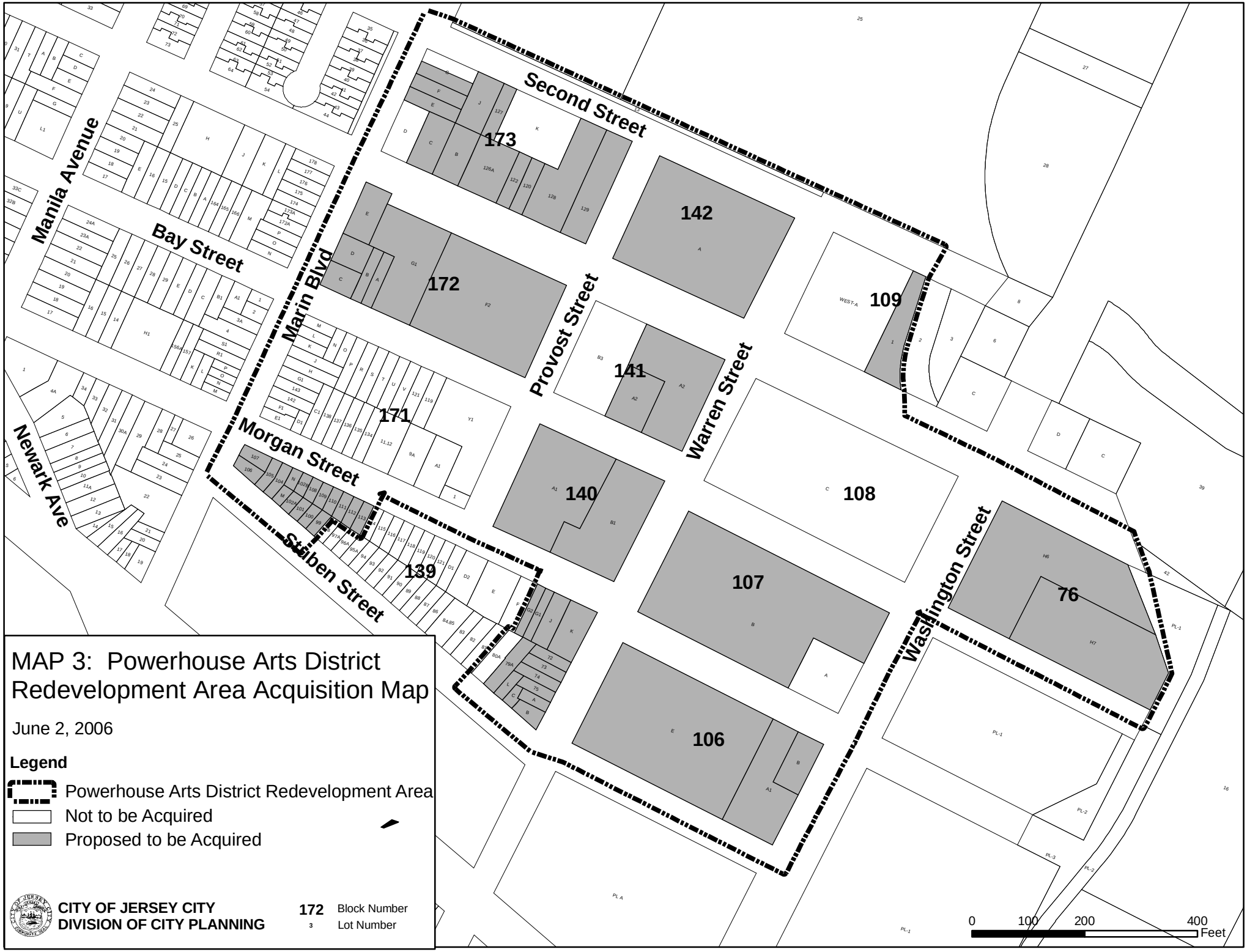
Legend

Powerhouse Arts District Redevelopment Area

CITY OF JERSEY CITY
DIVISION OF CITY PLANNING

172 Block Number
3 Lot Number


Second Street
First Street
Bay Street
Morgan Street
Marin Blvd
Stuben Street
Provost Street
Warren Street
Washington Street
Morgan Street
11502
11503
11504
11505
11506
11509
11603
11610
11609
11611
11612
13002
MAP 2: Powerhouse Arts District Redevelopment Area Land Use Map
May 5, 2015
N
Legend
Arts Residence
Highrise Zone
Public Park
Rehabilitation Zone
Rehabilitation Zone / Arts Theatre Residence Overlay
Southern Edge Transition Zone
Transition Zone
Transition Zone / Arts Theatre Residence Overlay
0
100
200
400
Feet
Jersey City
City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323



MAP 3: Powerhouse Arts District Redevelopment Area Acquisition Map

June 2, 2006

Legend

- Powerhouse Arts District Redevelopment Area
- Not to be Acquired
- Proposed to be Acquired

CITY OF JERSEY CITY
DIVISION OF CITY PLANNING

172 Block Number
3 Lot Number