

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANT: 184 MORGAN STREET FEE OWNER, L.P.

FOR: AMENDED PRELIMINARY MAJOR SITE PLAN APPROVAL AND
FINAL MAJOR SITE PLAN APPROVAL WITH DEVIATIONS
331-349 MARIN BOULEVARD, 182-184 MORGAN STREET AND 181-
191 BAY STREET, JERSEY CITY, NJ
BLOCK 11507, LOTS 6-22

CASE NO.: P18-198

WHEREAS, the applicant 184 MORGAN STREET FEE OWNER, L.P. (the "Applicant"), per Connell Foley LLP, (James C. McCann, Esq., appearing) made application to the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey, for approval of an Amended Preliminary Major Site Plan and Final Major Site Plan to wit: Calendar No. P18-198 to approve amendments to a previously approved mixed-use building located on the corners of Marin Boulevard, Morgan Street and Bay Street, identified as 331-349 Marin Boulevard, 182-184 Morgan Street and 181-191 Bay Street, Jersey City, New Jersey, specifically to be known as Block 11507, Lots 6-22 in the Morgan/Grove/Marin Redevelopment Plan Area (the "Property");

WHEREAS, the Property is subject to the Morgan/Grove/Marin Redevelopment Plan (the "Redevelopment Plan");

WHEREAS, the project as initially approved by the Planning Board included a 41 story mixed use building with 448 residential units, approximately 5,000 square feet of retail space, 116 valet parking spaces, an amenity deck and a second floor theater of at least 6,250 square feet with a minimum capacity for 125 persons (the "Project");

WHEREAS, the Project as approved under Case No. P16-048 complies with all of the Community Benefit Bonus provisions for Block 11507 as set forth in Section VIII K of the Redevelopment Plan as well as the additional height provisions in Section VIII E 1 b of the Redevelopment Plan;

WHEREAS, amended project contains a 41 story mixed use building with 482 residential units, approximately 2,600 square feet of retail space, 121 valet parking spaces, an amenity deck and a first and second floor theater of at least 6,250 square feet with a minimum capacity for 125 persons (the "Amended Project");

WHEREAS, the Amended Project also seeks to utilize the Community Benefit Bonus provisions for Block 11507 as set forth in Section VIII K of the Redevelopment Plan as well as the additional height provisions in Section VIII E 1 b of the Redevelopment Plan;

WHEREAS, due notice of a hearing on the above said application before the Planning Board of the City of Jersey City, on May 7, 2019 at 5:30 p.m., was duly published as prescribed in the Land Development Ordinance ("JC LDO") of the City of Jersey City;

WHEREAS, the applicant has submitted proof that it has complied with the applicable procedural requirements including the payment of fees and public notices;

WHEREAS, all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application and the testimony presented at the meeting, the Planning Board has made the following findings of fact:

FINDINGS OF FACT

1. All the Recitals hereinabove set forth are incorporated herein by reference and all the exhibits, drawings and documents, including the civil site plans, the architectural site plans the Applicant's General Development Application and supporting documents (collectively, the "Applicant's Supporting Documents"), the testimony of the Applicant's expert witnesses, and City planner's testimony and reports, if any, are incorporated herein by reference.
2. The Applicant has complied with the requirements of N.J.S.A. 40:55D-12 and the Jersey City Land Development Ordinance (the "LDO") and provided adequate notice of the application.
3. The Applicant seeks an amended Preliminary Major Site Plan and Final Site Plan Approval to accommodate design changes including:
 - a. An interior reconfiguration of the floor plan layout to increase the number of residential dwelling units from 448 to 482. The building volume has not changed but the unit types have changed so that the Amended Project has a total of 153 studios, 243 one-bedroom units (some with dens), 77 two-bedroom units and 9 three-bedroom units.
 - b. Relocation of the majority of the theater to the ground floor as well as the interior reconfiguration of the theater space to provide a total square footage of 6,273 in addition to a 919 square foot shared loading/staging area;
 - c. A reduction in retail space from 5,000 to 2,600 square feet to account for the relocation of the theater;
 - d. A relocation of a previously approved deviation for a building step back along Marin Boulevard;
 - e. The Project included two potential building facade designs; a curtain wall or window wall. The Amended Project will utilize a curtain wall façade;
 - f. Utilization of an interior garage elevator as opposed to the previously approved interior ramp system resulting in a reconfigured valet parking layout. Valet parking will continue to be provided as previously approved by the Board. The number of valet parking spaces has increased from 116 to 121; and
 - g. The utility room frontage on Morgan Street has increased from 49 feet to 52 feet.

4. The Amended Project requires the following deviations from the Redevelopment Plan:
 - a. A deviation from Section VII.K.7 of the Redevelopment Plan pursuant to N.J.S.A. 40:55D-70(d)(2) as it relates to the required building step back at Marin Boulevard;
 - b. A deviation from Section VII.C.5 of the Redevelopment Plan pursuant to N.J.S.A. 40:55D-70(d)(2) as it relates to required parking space dimensions and drive aisle width to allow for valet parking; and
 - c. A deviation from Section VII.C.2.a of the Redevelopment Plan pursuant to N.J.S.A. 40:55D-70(d)(2) as it relates to the permitted location of utility rooms along street frontages.
5. Like the Project, the Amended Project seeks to utilize the Community Benefit Bonus provisions for Block 11507 as set forth in Section VIII K of the Redevelopment Plan as well as the additional height provisions in Section VIII E 1 b of the Redevelopment Plan.
6. The Property continues to be at least 25,000 square feet and have a minimum of 150 feet of frontage on Marin Boulevard as the Property is over 29,000 square feet and has 250 feet of frontage on Marin Boulevard; therefore, it complies with the lot size and Marin Boulevard frontage requirements in Section VIII K of the Redevelopment Plan.
7. The Amended Project has a new decorative streetscape including trees and decorative concrete and pavers on Morgan Street and on Marin Boulevard including the sidewalk area in front of the theater.
8. The Amended Project will continue to utilize valet parking; however, the number of valet space has increased from 116 to 121 in response to the increase in the number of residential units. The valet parking garage layout requires deviations from the requirements that all parking spaces must be a minimum of 9.5' x 18' and that drive aisles be 22 feet in Section VII.C.5 of the Redevelopment Plan. These deviations will allow for the increase of spaces from 116 to 121. The garage at the second floor and above does not meet these minimum requirements; however, the upper floors of the garage will be exclusively operated by valet parking attendants. The LDO permits valet parking when approved by the Board. Thus, there is no substantial detriment to the public good or impairment of the LDO or Redevelopment Plan, and any detriment is outweighed by the benefit of providing the additional valet parking spaces. The ground floor parking spaces which may be accessed by the general public comply with the parking space size and drive aisle requirements. There is no parking space requirement for the Property because it is approximately 400 feet from the Grove Street PATH Station.
9. The increase in the number of residential units from 448 to 482 and change in types of units is permitted by the Redevelopment Plan and responds to changing market conditions. A number of one-bedroom units will have dens which will not have doors and; therefore, they are not bedrooms per building code requirements. The Applicant agreed that it is prohibited from installing doors on the dens or utilizing the den rooms as bedrooms unless it obtains site plan amendment from the Board to do so. The residential units continue to comply with the required minimum unit sizes in the Redevelopment Plan. The volume of the building continues to comply with the requirements of the Redevelopment Plan.

10. The Amended Project contains a step back beginning at the 7th story which continues along the entire length of Marin Boulevard in order to create a cohesive design. The amended step back design element requires a deviation from Marin Blvd., fourth floor, 5 foot step back provision in Section VII.K.7 of the Redevelopment Plan. The Project was previously granted a step back deviation at the 6th story along Marin Boulevard. The seventh story step back is designed to accommodate the architectural features of the building while continuing to provide light and air to pedestrian activity to surrounding properties. The proposed change in architectural features necessitated the relocation of the setback to allow for a continuity of the building base as it wrapped around Morgan Street to Marin Boulevard. The relocation of the step back to the seventh floor continues to permit light and air and create a break in the building's design and mass. It is consistent with the step backs provided by other projects in the area. Thus, the intent of the Redevelopment Plan is met, there is no impairment of the zoning plan, and there is no substantial detriment to the public good. Thus, the deviation can be granted.
11. The Project was previously approved with a window wall design and a glass curtain wall design. The Amended Project is designed with a glass curtain wall.
12. The Amended Project contains utility room frontage in excess of the limitation in Section VII.C.2.a of the Redevelopment Plan which requires that no more than the lesser of 15 feet or 15% of the first floor street frontage may be dedicated utility rooms. A deviation was previously granted for the Project for 49.3 feet of utility frontage on Bay Street. The design of the Amended Project has increased the frontage to 52 feet. The increased frontage is required because of updated PSE&G requirements which require larger utility rooms for large projects. It will allow PSE&G to provide the required facilities efficiently and safely; therefore, the detriments of any deviation are outweighed by benefits and the deviation can be granted.
13. The design of the top of the building continues to meet the height bonus requirements in Section VIII L.4.c of the Redevelopment Plan in that it has two additional residential floors, which do not exceed 20 feet in height, and are set back 10 feet as required. The total height of the building is 420 feet in compliance with the Redevelopment Plan and the LDO. The top of the building is designed to meet the requirements of Section VIII K 9 of the Redevelopment Plan which requires a building top of significant design, depicted by more than lighting. The Amended Project contains a top designed with a lighting scheme with back lit panels and dark grey and silver grey grid patterned metal panels along two sides that can be lit from the exterior on all sides. Thus, the Amended Project meets the requirements of Section VIII K 9 of the Redevelopment Plan.
14. In the Amended Project the theater is located primarily in the building's ground floor with some support areas on the second floor. The theater has the following components all of which are required by Section VIII K of the Redevelopment Plan: (i) it is 6,273 square feet including an area for seating which is in excess the required 6,250 square feet; (ii) seating for an audience of 125 persons; (iii) a stage, (iv) a back stage, (v) a rehearsal area; (vi) dressing rooms, (vii) an entry lobby at street level; (viii) theater appropriate signage with a marque area; (ix) a lounge and café area with appropriate preparations facilities; (x) offices; and (xi) storage areas. In light of the fact that the theater contains Items (i) through (xi) the Amended Project complies with all of the criteria required in the theater design section of the Community Benefit bonus provisions in Section VIII K of the Redevelopment Plan. The design of the theater was done in conjunction with a professional theater group.

The theater also contains a coat room and ticket room. The seating area will be column free so that no columns will block the view of the stage. The theater has a mezzanine that houses some of the back of house space made reference to in items (i) through (xi) above. The theater will be sufficiently built out by the Applicant to be fully operational with electric systems, HVAC equipment and facilities necessary for the operation of the theater and the theater will be donated to a local nonprofit or community group for a period of not less than 20 years. As such, the Amended Project complies with all of the operational requirements of Section VIII K of the Redevelopment Plan.

15. In light of all of the above, the Amended Project complies with all of the requirements and criteria set forth in Section VIII K of the Redevelopment Plan as well as the additional height provisions in Section VIII E 1 b of the Redevelopment Plan; and therefore, qualifies for the additional height and Community Benefit bonuses available under those respective sections of the Redevelopment Plan.
16. The Applicant has a redevelopment agreement in execution form for review and discussion by the Jersey City Redevelopment Agency and intends to enter into such agreement as the next step for the Amended Project once the Amended Project is approved.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, approves the within application for Amended Preliminary Major Site Plan and Final Major Site Plan Approval with deviations, to wit: Calendar No. P18-198 to approve amendments to a previously approved mixed-use building located on the corner of Jersey Avenue and Grand Street, Jersey City, New Jersey, identified as 331-349 Marin Boulevard, 182-184 Morgan Street, and 181-191 Bay Street, Jersey City, New Jersey, specifically to be known as Block 11507, Lots 6-22, subject to the following conditions:

1. The Applicant will comply with the following conditions of approval as set forth in the Amended Resolution memorialized on October 10, 2017 in connection with Preliminary and Final Major Site Plan Approval granted on October 30, 2016 in Case No. P16-048;
 - a. The Applicant will amend its redeveloper agreement to be consistent with the Amended Project and to comply with the community benefit provisions of the Redevelopment Plan;
 - b. The Applicant will work on a deed restriction with the City prior to any certificate of occupancy regarding the community benefit to outline the 20 year time period of the free rent and ensure the use of the theater space as a theater.
2. All materials and color selections shall be shown on Final Plans. No change to the facade and site design, including materials as well as any changes that may be required by the Office of Construction Code, shall be permitted without consultation with and approval by planning staff.
3. All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding.

4. Dens shall not be converted into bedrooms unless that unit meets the minimum unit sizes permitted in the Redevelopment Plan and is compliant with building code requirements.
5. That the applicant works with all review agents including JCMUA and JC Division of Engineering to address their comments as set forth in their review agent memorandums.

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RESOLUTION
City of Jersey City
Planning Board
In the Matter of MORGAN STREET FEE OWNER
P18-198
Decided on May 7, 2019
Memorialized on June 4, 2019
Application for A Preliminary/ Final Major Site Plan Approval with Deviations

DATE OF HEARING: May 7, 2019

VOTE: 8-0

VOTING IN FAVOR: COMMISSIONERS

1. Chairman Christopher Langston
2. Commissioner Hakesh Thakur
3. Commissioner David Cruz
4. Commissioner Allison Solowsky
5. Commissioner John Seborowski
6. Commissioner Edwardo Torres
7. Commissioner Joyce Watterman
8. Commissioner Dr. Vijay Desai

VOTING AGAINST: NONE

ABSTAINING: NONE



CHRISTOPER LANGSTON, Chairman
JERSEY CITY PLANNING BOARD



MATT WARD, Secretary
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:



SANTO T. ALAMPI, ESQ.
JERSEY CITY PLANNING BOARD

DATE OF MEMORIALIZATION: June 4, 2019