

PRINCIPAL POINTS
JOURNAL SQUARE TOWER LLC
2966 KENNEDY BOULEVARD (formerly 2958 KENNEDY BOULEVARD)
AND 67-73 COTTAGE STREET
BLOCK 7903, LOT 1.01 (formerly LOTS 1, 2, 3), AND LOT 4

An application has been filed by Journal Square Tower LLC with the Jersey City Planning Board for Preliminary and Final Major Site Plan Approval with design waivers and deviations pursuant to N.J.S.A. 40:55D-70(c) with regard to the property located at 2958 John F. Kennedy Boulevard and 67-73 Cottage Street, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 7903, Lot 1.01 (formerly Lots 1, 2, 3), and Lot 4 (“Property”). The Property is located within Zone 3 in the Journal Square 2060 Redevelopment Plan (“Redevelopment Plan”) Area. The application will be utilizing the Office Space Bonus and the Corner Lot Bonus D regulations as part of this development.

The Property is an irregular parcel of 20,849 square feet that is currently improved with a one story commercial service garage and a single family house. Applicant proposes to clear the Property to construct a new thirty-five (35) story mixed-use building (and a cellar level for parking) with two hundred fifty-two (252) residential units, one hundred fifty-four (154) hotel rooms, ground floor retail and office uses permitted pursuant to the office use bonus and the Corner Lot Bonus D in the Redevelopment Plan, banquet hall and restaurant uses, and two hundred two (202) vehicle parking spaces (the “Project”).

The Applicant was previously granted an approval for former Lots 1, 2, and 3 (now Lot 1.01), and Lot 4 in Block 7903 by the Jersey City Planning Board by way of Resolution P21-151, which was memorialized at the March 22, 2022 Planning Board meeting (the “Original Approval”). The Original Approval was for the development of a new thirty-one (31) story (one of which is a mezzanine story / level) mixed-used building with two (2) floors of commercial space pursuant to the Office Space Bonus of the Redevelopment Plan; one (1) ground floor retail space; a banquet hall; a restaurant; one hundred eight (108) hotel rooms; two hundred fifty-two (152) residential units; and two hundred two (202) vehicle parking spaces. The Original Approval was for the property located at 2958 Kennedy Boulevard, 71-

73 Cottage Street, Jersey City, New Jersey, also known as Block 7903, Lots 1, 2, 3 and 4. The Applicant is now seeking an amended Preliminary and Final Major Site Plan Approval with deviations if necessary regarding the previously approved deviations, from the Jersey City Planning Board. The deviations being requested are being requested if they are necessary as they are the same deviations that were approved for the Original Approval, but in this application are related to the proposed four (4) additional floors to be added to the Project.

This application is an application for an amended site plan application. If necessary, the deviations being requested for the Project are the same deviations and/or waivers that were previously approved as part of the Original Approval.

As part of the application, if it is deemed necessary as a result of the additional four (4) stories being proposed pursuant to the Corner Lot Bonus D, that the Applicant should seek approval again of the deviations and/or waivers that were previously approved, then the Applicant requests that the Planning Board grant the following deviations, variances, waivers, and/or exceptions from the Redevelopment Plan and the Jersey City Land Development Ordinance (“JC LDO”):

1. A deviation for relief to permit thirty-five (35) stories (including one permitted mezzanine level / story) and for a height variance (“c” deviation) to permit additional building height.
2. A deviation to permit relief from the minimum required rear yard setback and step backs and to permit relief from the requirement that all floor levels above the ground floor shall not extend greater than eighty-five (85’) feet from any right-of-way fronting the subject Property.
3. A deviation for relief from Redevelopment Plan requirement that requires a 30 foot Tower set back from any adjacent property’s rear property line except ground floor, which may cover 100% of the lot, as well as relief from minimum floor to ceiling height requirements.
4. A deviation and/or design waiver for relief from the design requirements of the loading garage including that all loading and parking facilities have a head-in/ head-out design and to permit a valet parking drop off lane.

5. A deviation and/or design waiver for relief from tower on a base setback requirements.
6. A deviation to permit two hundred two (202) vehicle parking spaces, which is greater than the maximum permitted number of vehicle parking spaces in the Redevelopment Plan area.
7. Any additional approvals, permits, deviations, variances, interpretations, waivers or exceptions reflected in the plans and materials filed (as same may be amended or revised from time to time without further notice) or determined to be necessary during the review and processing of this application.

The Project advances the purposes of the Redevelopment Plan as well as the Municipal Land Use Law (the “MLUL”). If necessary, the following reasoning is additionally provided in support of the requested design waivers and deviations (which were approved as part of the Original Approval) is sets forth as follows:

Deviations:

- 1. A deviation for relief to permit thirty-five (35) stories (including one permitted mezzanine level / story) and for a height variance to permit additional building height (362’ 8” proposed vs. 353’ permitted).**

The Project is requesting relief from the maximum height in stories and in feet. The deviation is less than ten feet total, so the Planning Board has jurisdiction to grant the deviation. Both deviations may be granted because the benefits of granting the deviations outweigh any substantial detriments. The Project is proposed to be 9’—8” taller than what is permitted and four (4) stories more than what is permitted (consistent with the Original Approval). For a building this tall, such a small deviation will hardly be noticeable from the street level. The additional height is incorporating the additional floors and uses permitted by the most recently enacted Corner Lot Bonus D provisions, which will benefit the Project. The height in stories deviation is mitigated by the fact that one (1) of the additional stories is a permitted mezzanine level, which although defined as a story, is not visible from the exterior of the building. For these reasons, there will not be any substantial detriments associated with granting these deviations. The benefits of the deviation are that the Project will incorporate the uses envisioned by the Corner Lot Bonus D provisions, and will replace a non-conforming

commercial auto services use with a mixed-use building that is much more in line with the intent and goals of the Redevelopment Plan. For these reasons, the benefits of granting these height deviations outweigh any substantial detriments. A deviation related to this requested relief was granted as part of the Initial Approval.

2. A deviation to permit relief from the minimum required rear yard setback and step backs and to permit relief from the requirement that all floor levels above the ground floor shall not extend greater than eighty-five (85') feet from any right-of-way fronting the subject Property.

This deviation being requested by the Project is with regard to the requirement that all floor levels above the ground floor shall not extend greater than 85 feet from any right of way fronting the subject property. It is submitted that this regulation should not be applicable to this Project for a number reasons. First, the Property is a corner lot, and this regulation does not take into account corner lots as it would result in somewhat odd configurations of a development. Additionally, this Property is a tower on a base, and the regulation is inconsistent with the requirements of a tower on the base. Therefore, this regulation is inconsistent with the other goals and intent of a tower on a base development, and it is not consistent with the goals and intent of the overall regulations. The Project still provides for adequate light and air, which is one of the primary objectives of this regulation on typical square or rectangular interior properties (not corner lots). Accordingly, the benefits of granting this relief outweigh any substantial judgments and the relief can be granted.

Similarly, the rear yard setback and stepback deviations are being requested because of the nature of the Property as a corner lot. The rear yard setback and stepback requirements were designed for traditional lots and would result in an odd configuration if applied to a corner lot such as the Property. Further, the neighboring property is a medical / office use, that will not be negatively impacted by the granting of this deviation. The rear yard here is not a traditional rear yard and so the requirements were not designed for this type of property. The upper floors provide a terrace at the rear yard, which will help reduce the appearance of the building's bulk. In general, the reasons for granting this deviation are that the standards were not designed for a corner lot such as the Property. The benefits of replacing the non-

conforming commercial auto services use and the fact that the neighboring property is a commercial / office use means that any substantial detriments are mitigated. Therefore, the benefits of granting the deviations outweigh any substantial detriments. A deviation related to this requested relief was granted as part of the Initial Approval.

3. A deviation for relief from Redevelopment Plan requirement that requires a 30 foot Tower set back from any adjacent property's rear property line except ground floor, which may cover 100% of the lot, as well as relief from minimum floor to ceiling height requirements.

The Project is also requesting relief that there is a 30 foot setback for the tower from any adjacent properties' rear property line, except the ground floor, which may cover 100% of the lot. In this instance, as noted previously, it is submitted that the architectural design of the project outweighs any strict compliance with this regulation. The overall design of the Project is providing for light and air and contextual design and building massing consistent with the other projects and immediate area. It is also submitted that this that these requirements maybe misplaced with regard to this lot as the property is a corner lot and approximately 20,849 feet, so the results would not be appropriate. In this instance the "rear lot line" of the property at Lot 59 acts more like the side yard of that property. Adequate light and air is provided to that property and these requirements are impractical to comply with on a corner lot such as this. It is submitted that these requirements are more properly applied to the larger properties in the core of the Redevelopment Plan and that would be the intent for these more expansive setbacks.

The retail space exceeds the minimum ceiling height in areas that will be adequate to achieve the purposes of the Redevelopment Plan. Twenty feet plus is a double height ceiling and will create a sense of scale in line with what the Redevelopment Plan envisioned. Additionally, the proposed floor to ceiling heights help to keep the overall building height within the limits prescribed by the Redevelopment Plan.

Finally, the Applicant is seeking a deviation to permit a ground floor to ceiling height of 20' within 30 feet of a rear lot line, where 12' is the maximum permitted by Redevelopment Plan.

The reason for this deviation is that this is a corner lot and the “rear lot line” is defined as such by the JC LDO but does not function as a traditional rear yard. Indeed, the main entrance lobby to the hotel is located on the rear lot line. This is the grandest part of the building and is an important component of the Project. This requirement was drafted with a traditional rear yard in mind, but this Property does not have a traditional rear yard. The “rear yard” is actually the most visible part of the Project from the streetscape. For this reason, the benefits of granting the deviation outweigh any substantial detriments and the deviation may be granted. A deviation related to this requested relief was granted as part of the Initial Approval.

Accordingly, the benefits of granting this relief outweigh any substantial detriments and the relief can be granted.

4. A deviation and/or design waiver for relief from the design requirements of the loading garage including that all loading and parking facilities have a head-in/ head-out design and to permit a valet parking drop off lane, and parking drive aisle width.

This deviation is requested because the loading area is not a through driveway, but will require a truck to back into the loading dock. This condition has not changed from the Original Approval, the reason for this deviation request is that the Property cannot accommodate a through loading zone. Given the configuration of the Property and its location on a corner lot, it would difficult if not impossible to design a compliant loading zone. The Project instead proposes a loading dock that fronts onto Cottage Street. This location was selected to minimize the impact of any traffic impacts of the loading zone. Cottage Street is a much less travelled street than Kennedy Boulevard, which is a major regional thoroughfare and a county road. The loading dock cannot comply with the head-in / head-out parking requirement, but the Project was designed to minimize the loading zone’s effect on circulation in the area. Without the loading zone, the restaurant, hotel, and office uses would not have a dedicated loading zone; the traffic impact of not providing a loading zone would be far greater.

Similarly, the deviation to permit a valet parking drop off lane may be granted because the benefits of providing the valet drop off lane outweigh any substantial detriments. The valet lane is located on Cottage Street to minimize its traffic impact. The location where the valet drop off lane is proposed does not currently have any legal on-street parking spaces because of the curb cuts associated with the current service station garage bays. The valet will be a benefit to the hotel, restaurant, and banquet hall uses and will help to mitigate the traffic and parking impact of the Project.

The parking drive aisle width deviation may be granted because the majority of the parking spaces will be serviced by a valet provider. This will mean that, although the parking drive aisle is less than what is permitted, the people who will actually use the parking garage will be professional and will be familiar with its layout. Further, any residents who use the parking garage will be familiar with its layout. For these reasons, the benefits of granting the deviation outweigh any substantial detriments.

A deviation related to this requested relief was granted as part of the Initial Approval. Therefore, the benefits of granting this deviation outweigh any substantial detriments.

5. A deviation and/or design waiver for relief from tower on a base setback requirements.

The Property is an irregular shape, which creates a hardship with respect to the tower on a base setback requirements. Those requirements were drafted for a rectangular lot, rather than the Property's unusual shape. Granting these requested design waivers / deviations will not substantially impair the zoning ordinance, because the Project works within the confines of the Property's shape to center the tower on the base to provide adequate light and air to surrounding properties. There is a hardship that prevents the Project from complying with the tower on a base setback requirements. The Project satisfies both the positive and negative criteria, as the deviations / design waivers will not negatively affect the neighboring properties nor the surrounding area. Adequate light and air is being provided by centering the tower within the unusually shaped lot. The Project advances the purposes of the MLUL

and the Redevelopment Plan. Therefore, the tower on a base design waivers / deviations may be granted.

The Project is requesting relief from the requirement that there is a 5 foot setback at the tower base and an additional 30 foot setback for the tower when a project is located adjacent to a “low density” zone*” (*there are no density standards in the Redevelopment Plan; so it is presumed that this refers to a lower potential development zone). In this particular instance, there is a small portion of the adjacent properties, specifically Lot 5, which is located in the Zone 4 (the lower “density” zone). Lot 59 is not currently used as residential, and is in the same zone as the subject Property, so any future development would be a higher density use. Lot 5, however, is vacant. A deviation related to this requested relief was granted as part of the Initial Approval.

The side yard setback deviation is necessary to accommodate the parking spaces and the loading zone. Given the irregular shape of the Property, the tower cannot provide any greater setback than what is provided. Any substantial detriments to the neighboring Lot 5 will be mitigated by the fact that the property is vacant. Therefore, although the Project will be closer to that property than what is permitted, the effect will be mitigated by the unique circumstances that affect this lot.

For this reason, the benefits of granting the deviations and replacing a non-conforming use outweigh any substantial detriment.

6. A deviation to permit two hundred two (202) vehicle parking spaces, which is greater than the maximum permitted number of vehicle parking spaces in the Redevelopment Plan area.

The maximum number of permitted parking spaces for the Project is one hundred ninety-three (193), but the Project is proposing two hundred two (202) vehicle parking spaces. It is submitted that this proposed parking number will advance the purposes of the Redevelopment Plan and the MLUL. The Project’s parking spaces are largely not intended for use by the residents or office tenants of the building. The majority of the full time users of the building will be arriving via PATH train, which is a 0.1 mile walk from the Property.

Instead, the bulk of the proposed parking spaces are anticipated to be used by the restaurant and banquet hall uses when those spaces are hosting large events. The Project advances the goals of the Redevelopment Plan including the goal to “reduce automobile dependency by encouraging high density development in close proximity to mass transit with low automobile parking ratios and with bicycle parking requirements.” Redevelopment Plan § III (7). The Project’s parking is anticipated for large events, such as weddings, where many guests will be arriving by car. If the Project strictly complied with the parking maximum requirement, there would be a situation where guests of a large event at the banquet hall had to resort to street parking. This would be a detriment to the neighborhood as well as to the Project. Instead, by providing on-site parking, the Project will be able to accommodate larger events and conferences, even if the attendees will be arriving by car, without disrupting the surrounding neighborhood.

For these reasons, the benefits of granting the maximum parking deviation outweigh any substantial detriments.

Overall, the Project advances the purposes of the MLUL and the Redevelopment Plan. It will advance the purposes of the MLUL as outlined in N.J.S.A 40:55D-2:

- The Project will guide development of land to promote public health, safety, morals, and general welfare. N.J.S.A 40:55D-2(a).
- The flood and stormwater mitigation elements of the Project will help secure safety from fire, flood, panic, and other natural and man-made disasters. N.J.S.A 40:55D-2(b).
- The Project will establish appropriate population densities close to public transit and will promote the well-being of persons, neighborhoods, and the community by adding office space for employers as well as bringing retail space into the area. N.J.S.A 40:55D-2(e).
- The Project will promote a desirable visual environment through creative development techniques and good civic design and arrangement. N.J.S.A 40:55D-2(i).

The Project also advances the purposes of the Redevelopment Plan, including but not limited to:

- Helping to re-establish Journal Square as Jersey City's primary central business district and activity center, by including office and retail space. Redevelopment Plan § III.1.
- Promoting a pattern of mixed and multiple-use development. Redevelopment Plan § III.4.
- Reducing automobile dependency by encouraging high density development in close proximity to mass transit. Redevelopment Plan § III.7.
- Providing for urban amenities such as transit, housing variety, open space and entertainment that will attract new employers and a range of new residents to the area while sustaining existing neighborhoods. Redevelopment Plan § III.8.
- Removing the vacant, deteriorated, and obsolete service garage. Redevelopment Plan § III.11.

In summary, the requested deviations are appropriate for the Project will benefit the immediate neighborhood, and will promote the general welfare. The Project advances the purposes of the MLUL and the Redevelopment Plan. It is submitted that the proposed waivers and deviations will not cause any substantial detriments to the public good, or impair the intent and purpose of the Jersey City Zoning Plan, Journal Square 2060 Redevelopment Plan or the Jersey City Land Development Ordinance, and accordingly, all of the requested deviations can be granted.

The Applicant reserves its right to supplement the foregoing with the testimony of its professionals at the hearing.