

**RESOLUTION OF THE PLANNING BOARD OF
THE CITY OF JERSEY CITY
APPROVING PRELIMINARY AND FINAL MAJOR SITE PLAN AND DEVIATIONS
P19-066
SUBMITTED BY TOWER COVE JERSEY CITY URBAN RENEWAL, INC.
(444 Washington Boulevard)
(Block 11603, Lot 6)**

WHEREAS, an application has been filed with the Planning Board of the City of Jersey City (hereinafter referred to as the “Planning Board”) by Tower Cove Jersey City Urban Renewal, Inc. (the “Applicant”) with respect to the property located at 444 Washington Boulevard and identified as Block 11603, Lot 6 on the tax maps of the City of Jersey City (the “Subject Property” or “Property”) for Preliminary and Final Major Site Plan Approval and deviations; and

WHEREAS, the Applicant was represented by Francis X. Regan, Esq. of the law firm DeCotiis, FitzPatrick, Cole & Giblin, LLP; and

WHEREAS, the property is currently improved with two 5-story multi-family residential buildings with garage and surface parking and associated site improvements, which buildings were constructed in the mid-1990s, the majority of which buildings are proposed to remain on the Property; and

WHEREAS, the Applicant proposes the construction of a mixed use high rise building with a 70-story tower with 950 units, an attached parking garage with ground floor retail and a multi-story health club on a portion of the Property, which will include both indoor and outdoor amenities for residential tenants of the buildings and public open space and recreation improvements including improved access to the waterfront walkway (the “Project”); and

WHEREAS, the Subject Property is located in the Harsimus Cove Station Redevelopment Area, specifically East Waterfront District, and is subject to the requirements of

the Harsimus Cove Station Redevelopment Plan, adopted in 1983, last amended on July 19, 2017 (the "Redevelopment Plan"); and

WHEREAS, the Planning Board considered the application at its regular meeting on September 10, 2019, as more fully set forth herein; and

WHEREAS, the Applicant provided notice of the Planning Board meeting by publication in the Jersey Journal and mailing notices to property owners located within 200 feet of the Subject Property, both at least ten (10) days prior to the August 23, 2019 regular meeting, with preservation of notice for application being carried to the September 10, 2019 regular meeting; and

WHEREAS, the Planning Board did consider the application and plans submitted, the exhibits in evidence identified as A-1 through A-4, consisting of notices, revised landscape plans and Memorandum from Matt Ward, Principal Planner, Jersey City Division of City Planning, dated August 1, 2019 existing; and the testimony of the applicant's witnesses, to wit Randolph Gerner, Gerner, Kronick + Valcarcel Architects, a licensed architect in the State of New Jersey, who was sworn and qualified as an expert in the field of architecture; Joseph Mele, PE, Dresdner Robin, a licensed professional engineer in the State of New Jersey, who was sworn and qualified as an expert in the field of civil engineering; Thomas Carman, LA, Melillo & Bauer Associates a licensed landscape architect in the State of New Jersey, who was sworn and qualified as an expert in the field of landscape architecture; and Charles Heydt, AICP/PP, Dresdner Robin, a licensed professional planner in the State of New Jersey, who was sworn and qualified as an expert in the field of urban planning, as well as a traffic engineering evaluation report, dated April 11, 2019 and revised July 24, 2019, prepared by Lee Klein, PE, PTOE, Klein Traffic Consulting, LLC; and

WHEREAS, the Planning Board also considered City Planning staff recommendations and the comments of applicant's counsel, all of which were reflected in the record of the hearing;

WHEREAS, all witnesses being were duly sworn prior to providing testimony; and

WHEREAS, all procedures have been followed as required by the Municipal Land Use, N.J.S.A. 40:55D-1, et seq. and the Code of the City of Jersey City; and

WHEREAS, the public was afforded an opportunity to be heard at the hearing on September 10, 2019; and

WHEREAS, the Planning Board, having considered the advice and comments of its staff, hereby finds the following:

A. FINDINGS OF FACT

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the City of Jersey City that the following facts are hereby made and determined at the Planning Board's hearing on September 10, 2019:

1. All real estate taxes due for the Subject Property are current.
2. Application and all other fees were paid;
3. The application has been deemed complete;
4. The application was opened to the public for comment without having anyone do so;
5. The witnesses for the applicant, the Board professionals and any members of the public providing comment were sworn according to law;
6. The Applicant is the owner of the Subject Property.

7. The Subject Property is located in the Harsimus Cove Station Redevelopment Area and is subject to the requirements of the Redevelopment Plan.
8. The property is currently improved with two 5-story multi-family residential buildings containing 504 units with garage and surface parking and associated site improvements, which buildings were constructed in the mid-1990s, the majority of which buildings are proposed to remain on the Property.
9. The Applicant proposes the construction of a mixed-use high-rise building with a 70-story tower with 950 units, an attached parking garage with ground floor retail and a multi-story health club on a portion of the Property (the "Project").
10. The Applicant has proposed to redevelop the Subject Property in accordance with the Redevelopment Plan. The Board specifically finds that the elements and requirements of the application, as set forth herein, as proposed by the Applicant are in conformance with the Redevelopment Plan, except as to:
 - a) Section I.4.C.8. Parking structure to be wrapped by principal use;
 - b) Section I.4.F. Signage – number of signs, type of signs, size of signs and location of signs;
 - c) Section II.B.1. Minimum yard factor; and
 - d) Section 345-60.B. of the Jersey City Land Development Ordinance – Two principal structures on one lot.

All of which require deviations from the requirements of the Redevelopment Plan.

11. Randolph Gerner, a licensed professional architect, provided testimony and has knowledge of the project and substance of the application since he oversaw the preparation of the architectural plans for the Subject Property. Mr. Gerner's

testimony focused on proposed mixed-use high-rise building with a 70-story tower with 950 units, an attached parking garage with ground floor retail and a multi-story health club on a portion of the Property which new building will be connected to the northernmost 5-story residential building with both existing buildings to remain and an elimination of seven existing residential units. Mr. Gerner further described the proposed building including the lobby, residential floor plans, retail space, parking garage and health club. Mr. Gerner described the 382 spaces in five level deck with access internally from the proposed building and the space for 487 bikes in the garage and existing building. Mr. Gerner described the unit breakdown in the proposed 950-unit building is to consist of a mix of 505 studios, 265 one-bedrooms, 160 two-bedrooms and 20 three-bedroom unit along with outdoor roof area for passive recreation. Mr. Gerner discussed the deviations being required from the Redevelopment Plan for the proposed building including minimum yard factor, requirement to wrap the parking garage with the principal use – residential and signage proposed which is not compliance with the Redevelopment Plan. Mr. Gerner indicated that the existing residential buildings contain 504 units which will be reduced to 497 units as a result of the construction of the proposed 950-unit building resulting in a total number of units at the property of 1,447 after completion of the project. Mr. Gerner discussed the maximum density permitted at the Property under the Redevelopment Plan for 300 units per acre with existing being 85 units per acre and with the proposed building the density increasing to 130 units per acre thus additional density and floor area being permitted under the current Redevelopment Plan. Mr. Gerner

also stated that the existing FAR at the Property is 1.5:1 and will be increased by 2.2:1 for a total FAR after completion of the Project of 3.7:1 which is in compliance with the Redevelopment Plan that permits an FAR of 8:1, thus excess FAR remains. Mr. Gerner described the surrounding neighborhood and the context of the proposed building with other high-rise buildings in the area through the visual assessment. Mr. Gerner described the result of the shade study for the proposed building. Mr. Gerner then presented proposed elevations and renderings of the building and described the materials for the façade of the building and its features.

12. Joseph Mele, PE, a license professional engineer, provided testimony and has knowledge of the Subject Property and substance of the application since he was involved in the preparation of the site plans for the Subject Property. Mr. Mele's testimony focused on reviewing the existing conditions of the Subject Property, the proposed site improvements, including additional points of access to the Property on Washington Boulevard and Second Street, sidewalks and surface parking lot improvements. Mr. Mele noted the Applicant's pending waterfront development permit and other approvals required for the Property. Mr. Mele described truck access and circulation around the Subject Property. Finally, Mr. Mele indicated that he had reviewed the memos from City Engineering, dated August 26, 2019 and from the Division of City Planning, dated August 1, 2019 and that the Applicant will address the comments and recommendations in those memos.

13. Thomas Carman, LA, Melillo + Bauer, a licensed landscape architect provided testimony and has knowledge of the Subject Property and substance of the application since he was involved in the preparation of the landscape plans for the Subject Property. Mr. Carman's testimony was supported not only by the landscape plans submitted with the application but by Exhibits 2 and 3, revised landscape plans depicting proposed open space and surface parking landscape requirements at the Property. Mr. Carman's testimony focused on the existing open space and amenities, as well as the proposed public and private space, including a requirement under the Redevelopment Plan for open space at the Property equal to 6% of the new construction and how that requirement is being met. Mr. Carman also discussed the waterfront walkway access improvements, children's play area to be open to the public, and additional landscaping on the Property. He pointed out the proposed pedestrian access to the waterfront from Second Street, which does not currently exist and will expand the public access not only to the waterfront walkway but also to the public open space and recreation improvements proposed by the Applicant such as the plaza with water feature in the center of the Property and the children's play area accessible to the general public on the north side of the Property. Access through the center of the Property will be expanded with the elimination of parking on one side and the addition of landscaping to provide another means of access to the waterfront. The northeast corner of the Property sits at a key intersection of the East Coast Greenway which runs through the City and connects to the waterfront at this location. Therefore, consideration was given with regards to the proposed

improvements to create a new plaza area in this location and provide more space and seating for public access. Mr. Carman described the streetscape improvements proposed along Washington Boulevard including additional trees to comply with the City's Forestry requirements. Additionally, Mr. Carman described the proposed private dog run that will be located north of the existing building and east of the proposed building. Mr. Carman also described the revisions in the landscape plans as recommended by City Planning staff to eliminate open space designations in the parking areas since it is not usable open space. Mr. Carman testified that the landscape plans were revised to comply with the required 10% of surface parking facilities to be landscaped. He concluded his testimony by describing the green wall that is proposed for the east side of the parking garage and the private rooftop open spaces with amenities in the proposed building.

14. Charles Heydt, AICP/PP, a licensed professional planner, provided testimony relying on the prior testimony of the Applicant's experts and has knowledge of the Subject Property and substance of the application for the Subject Property. Mr. Heydt's testimony focused on the proposed plans for the Subject Property and deviations required, including the reasons for the Planning Board to grant the relief requested by the Applicant. According to Mr. Heydt's testimony, per Section II(1)B.1. of the Redevelopment Plan, "Height shall be regulated by yard requirements.", therefore, the Jersey City Planning Board can grant the bulk "c" deviation for minimum yard factor pursuant to N.J.S.A. 40:55D-70.c.(2), wherein the benefits of the proposed project would substantially outweigh any detriment.

The minimum yard factor required is 134.05 feet on 3 sides of the proposed tower and the following are the proposed yards for the tower: North = 19'11"; East = 316'9"; South = 796'7"; and West = 13'1". Additionally, the existing setback regulations within the Redevelopment Plan were developed at a time when the subject area was a railroad freight yard that did not have a defined street network or traditional block and lot configuration, therefore, the required setback standards cannot be reasonably applied to development projects given that a new street grid pattern and block and lot system have been implemented and this is evident in the surrounding high-rise buildings at the corner of Washington Boulevard and Thomas Gangemi Drive, which do not meet the minimum yard factor and based on these existing conditions, the proposed project is consistent with the surrounding development and therefore the benefits would substantially outweigh the detriments.

Mr. Heydt stated that it should also be noted that the East – Waterfront District of the Redevelopment Plan controls intensity of development with a maximum floor area ratio (FAR) and the maximum FAR permitted on the Subject Property is 8:1 excluding mechanical and parking areas. He continued that the proposed project will add a FAR of 2.2:1 to the existing 1.5:1 FAR for a total FAR of 3.7:1, which is significantly less than the permitted FAR. He also stated that the maximum density permitted in the East – Waterfront District is 300 units per acre and the proposed project combined with the existing density on the subject property is 130 units/acre, which is significantly less than the maximum density permitted and though the proposed project does not meet the minimum yard factor on 3

sides as required, the Subject Property is a significantly large lot and is particularly well suited to accommodate the proposed 70-story, mixed-use building.

Mr. Heydt also discussed the relief requested for the proposed parking structure, noting that the Redevelopment Plan requires “all parking is structured or on Street and the structured parking is wrapped with a principal use to separate and shield it from view.” His testimony continued noted that the ground floor portion of the parking deck is wrapped with retail uses and the upper floors are not wrapped with principal uses, but are screened with appropriate materials to allow for airflow, while also being consistent with the architectural theme of the other principal structures, therefore this request can be granted under N.J.S.A. 40:55D-70.c.(2), wherein the benefits of the proposed signage would substantially outweigh the detriments, where the additional parking spaces provided are adequate for the proposed use and the intent of the requirement is met on the ground floor.

Mr. Heydt testified with respect to signage, stating that the Redevelopment Plan provides for a set of design guidelines and specific bulk requirements and the relief is requested for (1) freestanding monument signs, where freestanding signs are prohibited, (2) number and size of retail signage, where one exterior sign permitted per use to exceed 10% of store front, (3) retail blade signs are proposed, where retail blade signs are not permitted, and (4) height of signage letters is permitted to be 18 inches, where proposed letters of blade signs exceed 18 inches. He stated that the bulk “c” deviations for signage can also be granted pursuant to

N.J.S.A. 40:55D-70.c.(2), wherein the benefits of the proposed signage would substantially outweigh the detriments, also concluding that the proposed wayfinding signs will provide for safe circulation for vehicles, bicycles, and pedestrians throughout and around the subject property, and finally that the proposed residential and commercial signage is consistent with the scale of the proposed building and is designed to be consistent with the architectural elements of the building.

In conclusion, Mr. Heydt stated that the granting of the deviations will advance the purposes of the Municipal Land Use Law and promote the general welfare. Granting the requested deviations will guide the appropriate use and development of the subject property in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2.a. through the provision of a permitted and appropriate mixed-use building that is consistent with the surrounding development. The project is proposing a density that is permitted and consistent with Harsimus Cove Station Redevelopment Plan, and therefore promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities; consistent with N.J.S.A. 40:55D-2.e. The proposed project will develop a parking lot with a new building, which will promote a more desirable visual environment through creative development techniques consistent with N.J.S.A. 40:55D-2.i. Furthermore, the proposed project will promote Goals 1 and 3 of the Jersey City Master Plan (2000), which are to “provide unique, attractive, and high quality residential areas that will serve existing residents and attract new residents with a

wide range of housing and life-style choices,” and “increase availability of community resources for residents through an efficient system of shared citywide resources (such as libraries, hospitals, colleges and universities, recreational facilities, waterfront amenities, police facilities, etc.) and residential area-specific resources (such as schools, community centers, pocket parks, daycare facilities, and senior centers).” The proposed project will also achieve several of the policy statements in the Redevelopment Plan, by developing a mixed-use high-rise building that is consistent with the surrounding area. Granting the deviations will not result in a substantial detriment to the general welfare. The proposed project will be developed on a portion of the subject property that is currently used as a surface parking lot and garages for the current Avalon Cove development. The proposed project will include commercial spaces along Washington Boulevard, which will significantly improve the streetscape and pedestrian experience. In addition, the project is proposing to add open space along Thomas Gangemi Drive, which will replace a surface parking lot on the subject property and provide a connection from Washington Boulevard to the Hudson River Waterfront. Granting the deviations will likewise not result in a substantial detriment to the intent and purpose of the zone plan and zoning ordinance. The proposed project provides uses and an intensity of development that is permitted in the Harsimus Cove Station Redevelopment Area and is consistent with the surrounding area. As mentioned, the proposed project is also consistent with the Redevelopment Plan policy statements and the Jersey City Master Plan (2000) goals.

15. Matt Ward, PP, AICP, Principal Planner from the City Division of City Planning, a license professional planner provided testimony on behalf of the City on the application. Mr. Ward reviewed his staff memo of August 1, 2019 to the Planning Board regarding the application including the deviations requested by the Applicant, staff comments, staff findings and staff recommended conditions of an approval of the application by the Planning Board. Mr. Ward's testimony also pointed out that the current design has public access through and around the site, but the current design does not facilitate and invite access. The wayfinding signage plan and proposed design is meant to improve the public's access to the waterfront and proposed open space elements. Mr. Ward also noted the memo from Lichuan Wang, P.E., Division of Engineering, Traffic & Transportation.
16. Matt Ward, PP, AICP, Principal Planner from the City Division of City Planning, a license professional planner provided a staff memo of August 1, 2019 to the Planning Board. The Planning Board incorporates by reference the findings from the staff memo. The proposed open space to gross floor area percentage is closer to 12% and a final calculation is to be worked on with staff. Nonetheless, the proposed open space is still in excess of the 6% minimum.
17. The Planning Board incorporates by reference herein the Application, plans, documents and information submitted in support thereof, reports of various City departments and agencies, the transcript of the hearing and testimony of witnesses heard at the Planning Board's meeting on September 10, 2019.

B. CONCLUSION

The Planning Board having considered all of the evidence and testimony produced which is incorporated herein by reference hereby makes the following conclusions of law, based upon the foregoing findings of fact:

NOW THEREFORE BE IT RESOLVED, that the application for Preliminary and Final Major Site Plan Approval and deviations, #P19-066 submitted by Tower Cove Jersey City Urban Renewal, Inc. with respect to the property located at 444 Washington Boulevard and identified as Block 11603, Lot 6 for the construction of a mixed use high rise building with a 70-story tower with 950 units, an attached parking garage with ground floor retail and a multi-story health club on a portion of the Property, which will include both indoor and outdoor amenities for residential tenants of the buildings and public open space and recreation improvements including improved access to the waterfront walkway, is hereby approved and granted as follows:

1. The application has met the requirements of preliminary and final major site plan approval pursuant to the authority of N.J.S.A. 40:55D-46.

2. The deviations from the requirements of the Redevelopment Plan as noted herein can be granted since they will not result in a substantial detriment to the surrounding properties, nor will there be a substantial impairment to the master plan, redevelopment plan or zoning ordinance.

3. The purposes and goals/objectives of the Redevelopment Plan are advanced by the application.

4. The approval is subject to the applicant complying with the following conditions as set forth below, as same were imposed by the Planning Board by its approval on September 10, 2019.

C. CONDITIONS

The Planning Board's approved is hereby subject to the following conditions:

1. The testimony given by the Applicant, its counsel and its expert witnesses in accordance with the application shall be binding.
2. The testimony given by Matt Ward, Principal Planner, Division of City Planning with respect to the application shall be binding.
3. The Applicant shall pay all fees, costs and escrows due or to become due within thirty (30) days of said request by the Secretary to the Planning Board.
4. All street trees and landscaping shall be installed in accordance with Chapter 355-66, prior to the issuance of the certificate of occupancy.
5. The Applicant shall comply with and/or address all comments and recommendations contained in the August 26, 2019 memo from Lichuan Wang, P.E., Jersey City Division of Architecture, Engineering, Traffic & Transportation.
6. No change to the façade 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.
7. The applicant shall address or comply with all review agent comments by the JCMUA and JC Division of Engineering.
8. The applicant shall work with planning staff regarding the accuracy and revision of the proposed open space plan a/k/a LA-3 of the landscape architecture plan in order to remove landscaped parking areas.
9. The applicant shall work with planning staff regarding the wayfinding signage and signing areas designated for public access or use.

10. The applicant shall forward copies of any waterfront development permits associated with this development application.

11. Prior to the issuance of any Certificate of Occupancy, the applicant agrees to enter into an agreement with the City regarding the onsite public access and public open spaces in the form of a non-exclusive perpetual public access easement agreement

12. Applicant agrees to record the executed deed of easement, referenced in condition 11 above, with the Hudson County Registrar prior to the issuance of any Certificate of Occupancy.

APPLICANT: TOWER COVE JERSEY CITY URBAN RENEWAL, INC.

FOR: PRELIMINARY AND FINAL SITE PLAN APPROVAL AND DEVIATIONS

PROPERTY: 444 WASHINGTON BOULEVARD, JERSEY CITY, NEW JERSEY BLOCK 11603 LOT 6

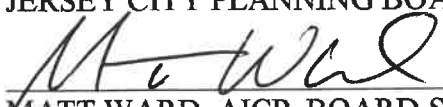
CASE NO. P19-066

MOTION: TO APPROVE WITH CONDITIONS

VOTE: 9-0

COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Christopher Langston, Chairman	<u>X</u>	___	___	___
Dr. Orlando V. Gonzalez, Vice Chair	<u>X</u>	___	___	___
Edwardo Torres, Commissioner	<u>X</u>	___	___	___
Harkesh Thakur, Commissioner	<u>X</u>	___	___	___
John Seborowski, Commissioner	<u>X</u>	___	___	___
Joyce E. Watterman, Councilwoman	<u>X</u>	___	___	___
David Cruz, Commissioner	<u>X</u>	___	___	___
Dr. Vijaya Desai, Commissioner	<u>X</u>	___	___	___
Vidya Gangadin, Commissioner	<u>X</u>	___	___	___


CHRISTOPHER LANGSTON, CHAIRMAN
JERSEY CITY PLANNING BOARD


MATT WARD, AICP, BOARD SECRETARY

APPROVED AS TO LEGAL FORM


SANTO ALAMPI, ESQ.

DATE OF HEARING: September 10, 2019

DATE OF MEMORIALIZATION: October 15, 2019