

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY**

**APPLICANT: KRE/SILVERSTEIN 808 PAVONIA LLC**

**FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH  
DEVIATIONS FOR PHASES 1 AND 2 OF PROJECT**

**BLOCK 9404, LOTS 34, 35, AND 41  
BLOCK 10601, LOTS 38, 39, AND 41**

**808 PAVONIA AVENUE, 132-140 VAN REIPEN AVENUE, 12 BRYAN  
PLACE, 813 PAVONIA AVENUE, 270 MAGNOLIA AVENUE, 54  
JOURNAL SQUARE**

**CASE NO.: P22-137**

**WHEREAS**, the applicant, **KRE/SILVERSTEIN 808 PAVONIA LLC** (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 Preliminary and Final Major Site Plan Approval with deviations for Phases 1 and 2 of project to wit: Calendar No. P22-137, to develop a mixed-use project containing 1189 residential units, approximately 6,194 square feet of gallery & café space, parking for approximately 365 vehicles, and approximately 47 signs. In addition, as part of the project, the Applicant proposes the construction of a Pavonia Avenue to Van Reipen Avenue Street Connector, a public pedestrian walkway/art walk and alternative PATH access corridor, public open space and plaza areas, and a dog park, as well as the provision of 50-foot-wide public access easements allowing the future continuation of Pavonia Avenue, Van Reipen Avenue and Bryan Place to the Zone 2 boundary, all in accordance with an agreement between the Applicant and the Jersey City Redevelopment Agency, executed as of August 24, 2022 (“Redevelopment Agreement”). Further, subject to the terms of the Redevelopment Agreement, the Applicant will make improvements for the continuation of the public pedestrian walkway/art walk and alternative PATH corridor through Magnolia Street Plaza and Concourse West/Gloria Esposito Way, as well as clear, grade, and provide the property rights necessary for the required Loews Theater loading docks to be constructed by other parties. The project will be located at 808 Pavonia Avenue, 132-140 Van Reipen Avenue, 12 Bryan Place, 813 Pavonia Avenue, 270 Magnolia Avenue, and 54 Journal Square, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 9404, Lots 34, 35, and 41 and 10601, Lots 38, 39, and 41 (collectively the “Property”), which is located within Zone 10 and Zone 6 of the Journal Square 2060 Redevelopment Plan area; and

**WHEREAS**, due notice of a hearing on the application before the Planning Board of the City of Jersey City, on September 6, 2022 at 5:30 p.m., was duly published in the Jersey Journal and mailed to property owners within 200 feet of the Property as required by the Land Development Ordinance of the City of Jersey City and the Municipal Land Use Law; and

**WHEREAS**, the Applicant submitted proof that it complied with the applicable procedural requirements including the payment of fees and public notices to the Board; and

**WHEREAS**, consideration of the Application, sworn testimony and other evidence was presented in support of and against the Application at the September 6, 2022 hearing, public comments to the Application were heard, recommendations were made by the Planning Board staff and counsel, and as a result thereof, the Planning Board voted unanimously to close the public comment portion of the hearing, carry the Application with preservation of notice to the October 11, 2022 Planning Board hearing, give the Applicant time to review an objection to the Application from an adjacent property owner, and give the Applicant the option to re-open the hearing for the purpose of providing additional testimony and evidence in connection with the objection; and

**WHEREAS**, On October 11, 2022 the Board allowed the Applicant to re-open the hearing to address the objection of the adjacent property owner;

**WHEREAS**, additional sworn testimony and other evidence was presented to address the objection to the Application, further comments were heard from the public on the objection only, and a final recommendation was made by the Planning Board staff; and

**WHEREAS**, the public hearings were conducted virtually utilizing the Zoom service in accordance with the "Senator Byron M. Baer Open Public Meetings Act" of 2020, which permits a public body to conduct a meeting electronically during a state of emergency. Governor Murphy issued Executive Orders 103 and 107 declaring a "Public Health Emergency and State of Emergency" and directing residents to quarantine and practice social distancing; and

**WHEREAS**, after consideration of the application and the testimony and other evidence presented at the hearings as well as the comments and recommendations of the Planning Board staff, the Planning Board has made the following findings of fact:

#### **FINDINGS OF FACT**

1. The Property is located in Zone 10 and Zone 6 of the Journal Square 2060 Redevelopment Plan (the "Redevelopment Plan" or "Plan"). The Applicant filed an application for Preliminary & Final Major Site Plan Approval with Deviations for Phases 1 and 2 of the project with the Jersey City Planning Board for the Property. The purpose of the application is to develop a two-phase mixed-use project containing 1189 residential units, approximately 6,194 square feet of gallery & café space, parking for approximately 365 vehicles, and approximately 47 signs. In addition, as part of the project, the Applicant proposes the construction of a Pavonia Avenue to Van Reipen Avenue Street Connector, a public pedestrian walkway/art walk & alternative PATH access corridor, public open space and plaza areas, a dog park, and the provision of 50-foot-wide public access easements allowing the future continuation of Pavonia Avenue, Van Reipen Avenue and Bryan Place to the Zone 2 boundary, all in accordance with the Redevelopment Agreement. Further, subject to the terms of the Redevelopment Agreement, the Applicant will make improvements for the continuation of the public pedestrian walkway/art walk and alternative PATH corridor through Magnolia Street Plaza and Concourse West/Gloria Esposito Way, as well as

clear, grade, and provide the property rights necessary for the required Loews Theater loading docks to be constructed by other parties.

2. The Applicant is the contract purchaser of Block 9404, Lots 34, 35, and 41 and 10601, Lots 38 and 39 (the "Applicant's Property"). Block 10601, Lot 41 is owned by the City of Jersey City (the "City's Property").

3. The Applicant's Property consists of an asphalt surface parking lot and a four-level parking garage. The City's Property is improved with the Loews Theater.

4. Phase 1 will be situated on approximately 1.2 acres of the Applicant's Property and will contain a 49-story, approximately 560' high building ("Building 1") and a one-story, approximately 22' high building ("Building 2"), which in combination shall include approximately 595 residential units, approximately 6,194 square feet of gallery and café space, 237 parking spaces in a sub-surface garage, bicycle storage for approximately 300 bicycles, 26 signs, a turnaround/drop off area servicing Building 1, and rooftop amenity spaces, including a sundeck and outdoor pool for building residents.

5. The Phase 1 development will also include construction of a portion of the public pedestrian walkway/art walk, plaza, and alternative PATH access corridor, and a portion of the Pavonia to Van Reipen Avenue Street Connector, as well as open space, in accordance with the terms of the Redevelopment Agreement.

6. Subject to the terms of the Redevelopment Agreement, Phase 1 will further include improvements for the continuation of the public pedestrian walkway/art walk and alternative PATH corridor through Magnolia Street Plaza and Concourse West/Gloria Esposito Way on the City's Property, as well as provision of the property rights necessary for the required Loews Theater loading docks (to be constructed by other parties) and clearance and grading of the loading dock area.

7. Phase 2 will be situated on approximately 1.02 acres of the Applicant's Property and will contain a 55-story, approximately 620' high building ("Building 4"), which shall include approximately 594 residential units, approximately 128 parking spaces in the continuation of the sub-surface garage, bicycle storage for approximately 300 bicycles, 21 signs, rooftop amenity spaces, and a drop off area servicing Building 4.

8. Phase 2 will also include construction of the remaining portion of the public pedestrian walkway/art walk, open space and plaza, a dog park, and the remaining portion of the Pavonia to Van Reipen Avenue Street Connector, in accordance with the terms of the Redevelopment Agreement.

9. At the September 6, 2022 hearing Saro Cutri, the owner of 810 Pavonia Avenue which is immediately to the west of a portion of the Applicant's Property, objected to the design of the Building 4. He testified that in 2020 he received a site plan approval for his property that authorizes him to build a building with windows along a portion of his easterly lot line. He testified that if his approved building were to be built, and if Building 4 were to be approved and built, the pool deck of Building 4 will block some of the windows of his building.

10. At the October 11, 2022 hearing, the Board re-opened the hearing and the Applicant presented to the Board revised sheets A0-012, A2-104 and A2-105 of the architectural site plans illustrating a new design which moves the pool deck of Building 4 and a Phase I garage staircase back and away from the easterly lot line of 810 Pavonia Avenue so that neither component of the Project will block windows or light and air of the building approved for 810 Pavonia Avenue.

11. Based upon the Applicant's revised design for the Building 4 pool deck and the Phase 1 garage staircase as shown on revised sheets A0-012, A2-104 and A2-105 of architectural site plans, as presented by the Applicant, Mr. Cutri withdrew his objection to the Application.

12. The revised design for the Building 4 pool deck and the staircase for Phase 1 garage as shown on revised sheets A0-012, A2-104 and A2-105 of architectural site plans results in a decrease in the number of parking spaces in the Phase 1 garage to 232 and the overall parking space count for the Project to 363; however, it does not change or expand any deviations or variances applied for, or result in any new variances or deviations for the Project.

13. The Board authorized the Planning Board staff to work with the Applicant during resolution compliance to conform and revise all architectural, civil, and landscaping site plans to be consistent with revised sheets A0-012, A2-104 and A2-105.

14. Article VI(K)(3) of the Redevelopment Plan requires the Applicant to enter into a redevelopment agreement with the Jersey City Redevelopment Agency ("JCRA") memorializing the public easements to be granted to the City. Article VI(K)(3) further requires that any Applicant seeking to utilize the Open Space, Cultural Arts, or Affordable Housing Bonus described in Article VI(K)(10)(c) of the Plan must provide the Planning Board with a fully executed redevelopment agreement with the JCRA that determines the additional building height and floor area permitted by this bonus provision. The executed Redevelopment Agreement complies with the Plan and was provided to the Board by the Applicant.

15. Pursuant to the Redevelopment Agreement, the Applicant has agreed to provide

a financial contribution to the Journal Square Cultural Arts Fund maintained by the City (“Cultural Arts Fund Contribution”). In accordance with Article VI(K)(10)(c) of the Redevelopment Plan, the Cultural Arts Fund Contribution permits the following bonuses:

- a. Building Height Bonus: Instead of the 37 stories and 390 feet that is as-of-right under the Redevelopment Plan, Building 1 shall be permitted a maximum height of 560 feet and 49 stories, and Building 4 shall be permitted a maximum height of 620 feet and 55 stories.
  - b. Floor Area Bonus: Instead of the 850,000 gross square feet that is as-of-right under the Redevelopment Plan, total above-grade floor area shall equal 1,125,000 square feet with the bonus floor area to be utilized in Building 1 and Building 4.
16. The project fully complies with the Building Height Bonus and Floor Area Bonus requirements outlined in Section VI(K)(10)(c) of the Redevelopment Plan and the Redevelopment Agreement.
17. Except for the requested deviations, the project fully complies with all public infrastructure, public access way, and easement requirements outlined in the Redevelopment Plan and the Redevelopment Agreement, including but not limited to:
- a. The Pavonia Avenue to Van Reipen Avenue Street Connector;
  - b. The public pedestrian walkway/art walk and alternative PATH access corridor;
  - c. The public open space and plaza areas;
  - d. The dog park;
  - e. The 50-foot-wide public access easements allowing the future continuation of Pavonia Avenue, Van Reipen Avenue and Bryan Place to the Zone 2 boundary;
  - f. The continuation and improvement of the public pedestrian walkway/art walk and alternative PATH corridor through Magnolia Street Plaza and Concourse West/Gloria Esposito Way; and
  - g. The clearing, grading, and provision of the property rights necessary for the required Loews Theater loading docks to be constructed by other parties.
18. The requested deviation from Section III.A.10.a. of the Redevelopment Plan to permit relief from the requirement that all mechanical equipment located on any roof of a building shall be screened from view from all vantage points with a material complementary with the facade of the structure, where the proposed rooftop building maintenance unit and lightning mast for each Phase will not be screened, will allow for the installation of building maintenance equipment as required for buildings of this size. These building maintenance units and lightning masts cannot be screened for functionality reasons. In particular, this maintenance equipment must have some portions elevated above the mechanical screening in order to function. Given the buildings’ height, the maintenance units and lightening masts will be difficult if not impossible to see from

ground level. Therefore, the benefits of the deviation outweigh any minimal detriment.

19. The requested deviation from Section III.A.13 of the Redevelopment Plan to permit relief from the prohibition against overhead walkways (skywalks) connecting buildings and/or parking above streets or rights-of-ways, where proposed Phase 1 will have two bridges that span over the proposed art walk/pedestrian path, will allow the proposed level 2 amenity deck of Building 1 in Phase 1 to connect to the amenity roof deck of Building 2 in Phase 1, which will animate the art walk. These bridges also provide additional required emergency egress routes and egress capacity for occupants on the Building 2 roof deck to exit through Building 1. Consequently, the benefits of the deviation outweigh any detriment.

20. The requested deviation from Section III.A.15 of the Redevelopment Plan to permit relief from the requirement that all new sidewalk concrete shall be tinted charcoal grey or equivalent tint, where the Plan specifically permits a waiver from this requirement for superior design relating to a public purpose, will allow Phase 1 and Phase 2 to have multi-tone Endurablend and concrete with a color treatment at certain areas of the art walk/pedestrian path/plaza areas. This will create a superior and cohesive design for the art walk/pedestrian pathway and plaza areas. Integration of similar materials throughout the art walk/pedestrian pathway and plaza areas will facilitate this continuous design for what is intended to become a key development of the Journal Square Redevelopment Plan area, connecting JFK Boulevard through the project to Bryan Place and serving a public purpose. The benefits of this superior design relating to a public purpose outweigh any detriment.

21. The requested deviation from Section III.A.17 of the Redevelopment Plan to permit relief from the requirement that ground floor storefront bulkheads below display windows be a maximum 18" above sidewalk grade will allow proposed Phase 1 to have a maximum 34" bulkhead above sidewalk grade and proposed Phase 2 to have maximum 36" bulkhead above sidewalk grade. Portions of the art walk/pedestrian path between Building 1 and Building 2 slope from the plaza site elevation down to the existing grade elevation adjacent to the Loews Theatre. The sill of the storefronts are set relative to the interior first floor elevation, which is higher than portions of the sloping art walk, therefore resulting in the taller storefront bulkhead. Similarly, the roadway adjacent to the Building 4 ground level slopes to meet the existing grade at Van Reipen Ave., resulting in taller storefront bulkheads at the ground level. Compliance with the maximum bulkhead height requirement would represent a hardship to the Applicant, given the existing grades/slopes of the Applicant's and City's Property. Furthermore, the benefits of the deviation outweigh any detriment.

22. The requested deviation from Section III.A.18 and Section III.D.10.C of the Redevelopment Plan to permit relief from the requirement that all storefront facades shall incorporate a minimum of 80% transparent glass, will allow proposed Building 1 in Phase 1 to have 53% transparent glass, Building 2 in Phase 1 to have 55% transparent glass and Building 4 in Phase 2 to have 36% transparent glass. This relief will allow for project access and other necessary building services such as emergency exits, loading deck entry doors, and mechanical spaces to operate the project. Moreover, the departure from the requirement is minimal and, as shown on the development plans, these proposed percentages represent the most conservative interpretation of the requirements. The benefits of providing appropriate project access and necessary building services outweigh any detriments.

23. The requested deviation from Section III.C.3 of the Redevelopment Plan to permit relief from the requirement that ground floor floor-to-ceiling height for buildings with 13 stories and above shall have a minimum of 20' and a maximum of 30' ground floor floor-to-ceiling heights will allow proposed Phase 1 to have 16' ground floor floor-to-ceiling heights and proposed Phase 2 to have 18' ground floor floor-to-ceiling heights. The Building 1 floor to floor height at the ground floor will be 20' and the Building 4 floor to floor height at the ground floor will be 22'. The finished ceiling to the ground floor lobby of each building are set to match the exterior soffit below the level 2 terrace slab in an effort to create more continuity between the interior and exterior of the buildings. The benefits of continuity between building interiors and exteriors outweigh any detriment.

24. The requested deviation from Section III.D.10.e of the Redevelopment Plan to permit relief from the requirement that no more than fifteen (15) percent of the first-floor street frontage and no more than 30 consecutive linear feet along a public right-of-way may be dedicated to other uses such as meter rooms, blank walls, emergency exits, etc., will allow proposed Building 1 to contain 19% & more than 30 consecutive linear feet of such uses, proposed Building 2 to contain 27% & more than 30 consecutive linear feet of such uses, and proposed Building 4 to contain 22% & more than 30 consecutive linear feet of such uses. This departure is necessary to facilitate required emergency exits, loading dock entry doors, mechanical space, and façade design, as is unavoidable for a project of this scale. The benefits of having sufficient back of house building services for a project of this size outweigh any minor detriment.

25. The requested deviation from Section III.G.6 of the Redevelopment Plan to permit relief from the requirement that street trees shall be planted along curb lines of streets in a regular pattern, spaced at one-half the mature spread of the tree canopy, will allow for the construction

of a curbless proposed Pavonia Avenue & Van Reipen Avenue connector road without street trees to encourage pedestrians to freely utilize the entire area as a social space, where a varied landscape design that maintains sight lines is proposed throughout the pedestrian pathway and plaza areas. In addition, a portion of the street connector road is located under Building 4, making the inclusion of street trees in this area problematic. Therefore, the benefits of the deviation and proposed superior design outweigh any detriment.

26. The requested deviation from Section III.G.9 of the Redevelopment plan to permit relief from the requirement that all landscaping must be fully enclosed by curb or seating wall constructed of a masonry or metal material with a minimum of 6 inches in height, will allow (for proposed Phase 1) no curb or seating wall at the proposed landscaping along Zone 2 boundary and at the area between below-grade transformer vaults and the Zone 4 boundary and (for proposed Phase 2) no curb or seating wall at the proposed landscaping along the Zone 2 boundary and at the outdoor dog run at Site 7. This will facilitate a better alternative to compliance with the requirement by providing curbless landscaping in select areas as part of the overall woonerf design concept for the ground level streetscape. Consequently, the benefits of the deviation and design concept, outweigh any detriments.

27. The requested deviation from Section VI.K.7.f of the Redevelopment Plan to permit relief from the requirement that along the Zone 4 boundary, retaining walls or privacy walls shall be constructed to shield the adjacent homes and rear yard areas in Zone 4 will allow a design having no privacy walls along (1) the western and southern façades of Building 2, (2) the western property bounds north of Pavonia Avenue, and (3) the Zone 4 boundary at Phase 2. The construction of privacy walls is impractical and detrimental given the proposed building wall locations and the intention that these building walls will act as privacy walls to shield adjacent homes and rear yard areas. At open spaces, the Applicant proposes to screen with landscaping instead of privacy walls, due to the close proximity of neighboring buildings' windows to the property line. Landscape screening in these areas is a superior alternative to the privacy wall requirement to allow for light and air. Therefore, the benefits of the deviation outweigh any detriment.

28. The requested deviation from Section VI.K.9.e of the Redevelopment Plan to permit relief from the requirement that Building 2 of Phase 1 shall generally align with the front facades along the south side of Pavonia Avenue will allow Building 2 to be setback from the front facades along the south side of Pavonia Avenue. The face of Building 2 along Pavonia Avenue is the parking garage entry. The setback is intended to maintain pedestrian traffic flow at a safe

distance from the garage entry and allow for visibility for vehicular entry and exit. The benefits of pedestrian safety afforded by this deviation outweigh any detriment.

29. The requested deviation from Section VI.K.9.i. of the Redevelopment Plan to permit relief from the requirement that Site 7 be situated such that an 8' minimum clearance for pedestrian circulation be maintained between Site 7 and Zone 4 will allow this area to be landscaped with an evergreen hedge, as well as ground cover, perennial, and/or ornamental grass plantings in order to provide light and air to the adjacent buildings' windows in Zone 4 and likewise improve the aesthetics in that area over pedestrian circulation. Pedestrian circulation is being provided to the northeast. Therefore, the benefits of the deviation outweigh any detriments.

30. The requested deviation from Section VI.K.9.i. of the Redevelopment Plan to permit relief from the requirement that Site 7 be situated such that a 5' minimum clearance for pedestrian circulation be maintained between Site 7 and Bryan Place will allow this area to be landscaped in a consistent manner with the existing Bryan Place streetscape. Bryan Place will provide the necessary circulation. The benefits of this deviation outweigh any detriment.

31. The requested deviation from Section VI.K.15.b of the Redevelopment Plan to permit relief from the requirement that all roadway turning radii at approximate right-angle turns shall not exceed 8 feet unless sidewalk bump-outs or other traffic calming features require a larger radius, will permit proposed turning radii to be a maximum of 12' in Phase 1 and 15' in Phase 2 as required for emergency vehicles and truck circulation for the project. Given the need for safe emergency vehicle and truck circulation, as well as traffic calming elements, the benefits of this deviation outweigh any detriment.

32. The requested deviation from Section III.E.4.r of the Redevelopment Plan to permit relief from the requirement that a head-in/head-out design be required for all loading and parking facilities and the requirement that driveway widths be a maximum of 18' for parking facilities with more than 30 spaces, will allow back-in/head-out design for the proposed loading facilities and will allow a proposed 23' driveway width for the parking facility. Head-in/head out design for the loading facilities is not possible due to site planning arrangements. The proposed back-in/head-out circulation is being provided in the turn around, which is off the main right of way, and in the street connector right of way, which is not a through street. The proposed 23' driveway width will facilitate improved safety by allowing sufficient two-way drive widths, as safe, necessary and reasonable for a project of this size. Therefore, the benefits of the proposed loading facilities deviation and driveway width design deviation outweigh any detriment.

33. The requested deviation from Section IV.B.4.a(i) to permit relief from the

requirement for signs along all rights-of-way where retail is not required, for retail, restaurants, bars, nightclubs, and other similar storefront uses, that each such use fronting on a public street may be permitted one (1) exterior sign per store front bay on each street frontage, will allow proposed Building 2 in Phase 1 to have two (2) signs for the proposed gallery/café. Deviation from this signage requirement promotes the cultural/active uses within the project. Promoting these uses via signage is critical to the success and, ultimately, full build-out of the project, which, similar to the Journal Squared project, will create a sense of place for the Journal Square neighborhood. Therefore, the benefits of the deviation outweigh any detriment.

34. The requested deviation from Section IV.B.4.a(ii) of the Redevelopment Plan to permit relief from the requirement for signs along all rights-of-way where retail is not required, for retail, restaurants, bars, nightclubs, and other similar storefront uses, that maximum sign height shall be 18 inches, will allow a proposed directional sign at the proposed gallery/café in Building 2 of Phase 1 that will be 56" and a proposed sconce sign for the proposed café in Building 1 of Phase 1 that will be 40". Deviation from this signage requirement promotes the uses within the project. Promoting the uses via signage is critical to the success and, ultimately, full build-out of the project, which, similar to the Journal Squared project, will create a sense of place for the Journal Square neighborhood. Wayfinding signage calling out points of interest within the project site encourages pedestrian traffic flow. The benefits of this deviation outweigh any detriment.

35. The requested deviation from Section IV.B.4.b(i) of the Redevelopment Plan to permit relief from the requirement for signs along all rights-of-way where retail is not required, for all other uses, that each such use fronting on a public street may be permitted one exterior sign per entryway per street frontage and that buildings with multiple uses shall have not more than one sign per use, will allow (1) two building address/primary signage band signs for Building 1 of Phase 1, one at main entry facing Pavonia Avenue and one at secondary entry facing the proposed art walk, (2) four building lobby sconce signs for Building 1 in Phase 1, (3) five directional signs for Building 1 in Phase 1, and (4) ten signage sconces for Building 4 in Phase 2. Deviations from these signage requirements appropriately identify and promote the uses within the project. Promoting the uses and directing pedestrian movements via signage are critical to the success and, ultimately, full build-out of the project, which, similar to the Journal Squared project, will create a sense of place for the Journal Square neighborhood. The benefits of this deviation outweigh any detriment.

36. The requested deviation from Section IV.B.4.b(ii) of the Redevelopment Plan to permit relief from the requirement for signs along all rights of way where retail is not required, for

all other uses, that the total exterior sign area shall not exceed the equivalent of two (2) percent of the first story portion of the wall to which it is attached and in no case shall a sign on any structure exceed 8 square feet, will allow (1) a building address/primary signage band on the Phase 1 Building 1 main entry of 26 square feet and a building address/primary signage band on the Phase 1 Building 1 secondary entry of 19 square feet and (2) a building address/primary signage band on Phase 2 Building 4 of 21 square feet. Deviations from these signage requirements appropriately identify and promote the uses within the project. Promoting the uses within via signage is critical to the success and, ultimately, full build-out of the project, which, similar to the Journal Squared project, will create a sense of place for the Journal Square neighborhood. Consequently, the benefits of this deviation outweigh any detriment.

37. The requested deviation from Section IV.C.1 of the Redevelopment Plan to permit relief from the requirement that all signs be attached to the first floor level of the building only will allow (1) two monument wayfinding signs that will not be attached to a building in Phases 1 and 2, (2) an analog clocktower that will not be attached to a building in Phase 1, and (3) 1 wayfinding sign that will be attached to landscape elements in Phase 2, all of which will allow for a better design alternative than compliance with this requirement by providing signage that effectively directs pedestrian movements and helps to ensure the success Phases 1 and 2 of the project. Moreover, this signage will help to promote the project as key project in the Journal Square neighborhood, creating a sense of place for Journal Square residents. Therefore, the benefits of this deviation outweigh any detriment.

38. The requested deviation from Section IV.C.4 of the Redevelopment Plan to permit relief from the prohibition against window signs, except lettering or logos limited to decorative metal leaf, flat black or etched / frosted glass style lettering that shall be further limited to the name of the business occupying the commercial space/storefront and that shall cover no more than twenty (20%) of the window area will allow a surface mounted graphic metal panel logo in the shape of a bicycle covering less than 20% of the window area to be located at the entry to the back of house corridor for Buildings 1 & 4. These window signs are designed to direct individuals to bike storage access, while complementing the overall design scheme of the project. Thus, the benefits of this deviation outweigh any detriment.

39. The requested deviation from Section IV.C.5 of the Redevelopment Plan to permit relief from the requirement that signage materials be painted wood, painted metals including aluminum and steel, brushed finished aluminum, stainless steel, brass, copper, or bronze, carved wood or wood substitute, and/or channel letters will allow the proposed analog clocktower sign to

be constructed with glazed tiles in Phase 1. This monument sign design represents a better design alternative because the proposed materials complement the building entry material. Therefore, the benefits of the deviation outweigh any detriment.

40. The requested deviation from Section IV.C.7 of the Redevelopment Plan to permit relief from the requirement that signs be lit from backlit halo and up-lights will allow eight (8) internally illuminated wall sconce signs in Phase 1, ten (10) internally illuminated wall sconce signs in Phase 2, and one (1) internally lit analog clocktower sign in Phase 1.

This represents a better design alternative than compliance with the requirement by promoting a cohesive aesthetically unified project design, which appropriately promotes the uses within the project, including during night-time hours. Moreover, this signage will help to promote the project as a key development of the Journal Square neighborhood, creating a sense of place for Journal Square residents. The benefits of this deviation outweigh any detriment.

41. The requested deviation from Section IV.D of the Redevelopment Plan to permit relief from the requirement that one (1) sign shall be provided per entrance to garages indicating the parking facility by the international parking symbol and direction arrow will allow no parking sign to be provided. The proposed project parking is for private use by building residents and their visitors. The elimination of this sign requirement will therefore be a benefit by avoiding confusion that could otherwise result for drivers from the general public who may otherwise erroneously seek access to the project to park their vehicles. Thus, the benefits of this deviation outweigh any detriment.

42. The requested deviation from Section IV.F of the Redevelopment Plan to permit relief from the prohibition against monument signs will allow a total of three (3) monument directional wayfinding signs (i.e., one (1) in Phase 1 and two (2) in Phase 2) and one (1) analog clocktower monument sign. This represents a better design alternative than compliance with the requirement by promoting a cohesive aesthetically unified project design, which appropriately promotes the uses and directs pedestrian traffic within the project. Moreover, this signage will help to promote the project as a key development of the Journal Square neighborhood, creating a sense of place for Journal Square residents. Consequently, the benefits of this deviation outweigh any detriments.

43. The phasing plan presented sets forth phases of the project which are designed to be independent and outlines an ordered plan for a phased build out, so that once built, each phase will be self-sustaining and self-contained as required by the LDO.

44. The utility connections for the project and permanent storm water retention systems comply with the Plan and the LDO.

45. The access drives leading to and from the project site and parking garage will provide safe and efficient ingress and egress to and from the project site and parking garage.

46. The deviations and development overall advance the objectives and purposes of the Plan, which require a project to:

- Re-establish Journal Square as Jersey City's primary central business district and activity center.
- Integrate open space into the Area by incorporating a system of parks, plazas, and natural amenities.
- Promote a pattern of mixed and multiple-use development. New buildings within the Area should appropriately combine residential, commercial, and entertainment uses and encourage a balance of jobs-to-housing.
- Make walking and biking an easy, safe, desirable, and convenient mode of transport.
- Encourage local quality retail within the greater Journal Square area.
- Reduce automobile dependency by encouraging high density development in close proximity to mass transit with low automobile parking ratios and with bicycle parking requirements.
- Provide 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.
- The overall improvement of traffic circulation through the development of new and improved vehicular and pedestrian circulation systems which provide for separation of vehicular and pedestrian traffic and the maximum use of public transportation.
- Provide for redevelopment without public acquisition or relocation of residents and business concerns.
- Creation of major new employment, housing, educational, recreational, commercial and retail opportunities for the residents of Jersey City.
- To promote the principles of "Smart Growth" and "Transit Village" development, including a variety of housing choices, providing wider sidewalks, minimize automobile use by maximizing the appeal of mass transit, encourage reduced parking and shared use parking solutions, and creating a livable community with convenient access to commercial facilities.
- Maintain and improve pedestrian access to the Journal Square PATH Station from the surrounding communities.

- To maximize the use of rooftop open space for recreation and/or green roofs.
- Utilize step backs, architectural design elements, and building massing regulation to maintained light and air to the street and adjacent properties.
- All structures within the project area shall be designed and maintained so as to improve the visual impact of the Jersey City skyline as viewed from within and beyond the City's borders.

47. The deviations and overall development of the project will advance the purposes of the Municipal Land Use Law, as they will promote safety and the general welfare by: making walking and biking an easy, safe, desirable, and convenient mode of transport; reducing automobile dependency by encouraging high density development in close proximity to mass transit with low automobile parking ratios and with bicycle parking requirements; creating major new employment, housing, educational, recreational, commercial and retail opportunities for the residents of Jersey City; promoting the principles of "Smart Growth" and "Transit Village" development, including a variety of housing choices, providing wider sidewalks, minimizing automobile use by maximizing the appeal of mass transit, encouraging reduced parking and shared use parking solutions, and creating a livable community with convenient access to commercial facilities; and maintaining and improving pedestrian access to the Journal Square PATH Station from the surrounding communities. The deviations and overall development will promote a desirable visual environment by providing a project that is designed and maintained so as to improve the visual impact of the Jersey City skyline as viewed from within and beyond the City's borders.

48. The benefits of granting the requested deviations substantially outweigh any detriments, and the requested deviations will not cause a substantial detriment to the public good, nor impairment to the intent and purpose of the Master Plan or the Plan. All of the deviations will enhance the project's design and are in keeping with the spirit of the Plan.

49. Based upon the application, the site plans, the testimony, and the Applicant's representations on the record, apart from the requested deviations, the project, including but not limited to the principal & accessory uses, building coverage, floor areas, building heights, parking, tower dimensions, building setbacks, vertical clearances, pedestrian clearances, roadway design, recreation areas, amenities, the Pavonia Avenue to Van Reipen Avenue Street Connector, the public pedestrian walkway/art walk, the alternative PATH access corridor, the public open space and plazas, the dog park, the 50-ft wide public access easements to the Zone 2 boundary, the

continuation of the pedestrian walkway/art walk and PATH corridor through Magnolia Street Plaza and Concourse West/Gloria Esposito Way, the clearing, grading, and provision of property rights necessary for the required Loews Theater loading docks, and all other project components meet the requirements of the Plan, the LDO, and the Redevelopment Agreement.

**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 Preliminary and Final Major Site Plan Approval with Deviations for Phases 1 and 2 of the project for a period of twelve (12) years from the date of adoption of this Resolution to wit: Calendar No. P22-137, to develop a mixed-use project containing 1189 residential units, approximately 6,194 square feet of gallery & café space, parking for approximately 365 vehicles, and approximately 47 signs. In addition, as part of the project, the Applicant will construct a Pavonia Avenue to Van Reipen Avenue Street Connector, a public pedestrian walkway/art walk & alternative PATH access corridor, public open space and plaza areas, and a dog park, as well as provide 50-foot-wide public access easements allowing the future continuation of Pavonia Avenue, Van Reipen Avenue and Bryan Place to the Zone 2 boundary, all in accordance with the Redevelopment Agreement. Further, subject to the terms of the Redevelopment Agreement, the Applicant will make improvements for the continuation of the public pedestrian walkway/art walk and alternative PATH corridor through Magnolia Street Plaza and Concourse West/Gloria Esposito Way, as well as clear, grade, and provide the property rights necessary for the required Loews Theater loading docks to be constructed by other parties. The project will be located at 808 Pavonia Avenue, 132-140 Van Reipen Avenue, 12 Bryan Place, 813 Pavonia Avenue, 270 Magnolia Avenue, and 54 Journal Square, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 9404, Lots 34, 35, and 41 and 10601, Lots 38, 39, and 41, which are located within Zone 10 and Zone 6 of the Journal Square 2060 Redevelopment Plan area, all in accordance with the attached plans, documents, and testimony, submitted to the Planning Board of the City of Jersey City, subject to the following conditions:

1. The Applicant will revise all approved architectural, civil engineering and landscaping site plans to ensure that they are consistent with revised sheets A0-012, A2-104 and A2-105 of architectural site plans presented to the Board at the October 11, 2022 hearing as part of resolution compliance and prior to submitting such plans for the signature of the Chairman and Secretary of the Board.

2. Take such actions required by the Redevelopment Agreement to transfer not less than 6,400 square feet of the southerly portion of existing Lot 39 in Block 10601/proposed Lot 34.02 to the Jersey City Redevelopment Agency for the City's use as a loading dock to service the Loew's theater.

3. Provide the financial contribution to the Journal Square Cultural Arts Fund in accordance with the executed Redeveloper's Agreement.

4. Within one year of the Applicant's receipt of the last certificate of occupancy for Phase 1 and prior to its filing of an application for a certificate of completion under the Redevelopment Agreement, in accordance with the final signature plans, the Applicant shall:

- a. Complete all Phase 1 proposed improvements to the public pedestrian walkway/art walk/plaza & alternative PATH access corridor through Magnolia Street and Concourse West/Gloria Esposito Way;
- b. Complete the relevant Phase 1 portion of the Pavonia Avenue to Van Reipen Avenue Street Connector;
- c. Provide a copy of the memorialized, executed Permanent Maintenance Easement Agreement for the Concourse West and the Magnolia Street Plaza Permanent Maintenance Easement Agreement; Pavonia-Van Reipen Connector Public Easement Agreement; and the PATH access corridor/Public Access area;
- d. Provide property rights for required loading dock at Site 6 in accordance with executed Redeveloper's Agreement;
- e. Install all street trees and landscaped improvements for Phase 1.

5. Within one year of the Applicant's receipt of the last certificate of occupancy for Phase 2 and prior to its filing of an application for a certificate of completion under the Redevelopment Agreement, in accordance with the final signature plans, the Applicant shall have:

- a. Completed the remaining proposed improvements to the public pedestrian walkway/art walk/plaza.
- b. Completed the remaining proposed portion of the Pavonia Avenue to Van Reipen Avenue Street Connector.
- c. Installed all streets and landscaped improvements for Phase 2..

6. All testimony given by the Applicant and their expert witnesses in accordance with this Application shall be binding.

7. All material and color selections shall be shown on the final plans. No change to the façade and site design, including materials as well as any changes that may be required by the Construction Code Official, shall be permitted without consultation and approval by the Planning staff.

8. All street trees and landscaping shall be installed in accordance with the Jersey City Forestry standards.

9. The Applicant will work with the Jersey City Engineering Division to address the comments in its Memorandum dated August 30, 2022.

10. The Applicant will work with the Jersey City Municipal Utilities Authority to address the comments in its letter dated September 22, 2022.

11. The Applicant will investigate the comments of the owner of 278-282 Magnolia Avenue relevant to a mature tree, a gate along the Applicant's property line opening on to Concourse West, and storm water runoff flowing from that property on to the Property.

**[SIGNATURE PAGE TO FOLLOW]**

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APPLICANT: KRE/SILVERSTEIN 808 PAVONIA LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH DEVIATIONS FOR PHASES 1 AND 2 OF PROJECT

BLOCK 9404, LOTS 34, 35, AND 41  
BLOCK 10601, LOTS 38, 39, AND 41

808 PAVONIA AVENUE, 132-140 VAN REIPEN AVENUE, 12 BRYAN PLACE, 813 PAVONIA AVENUE, 270 MAGNOLIA AVENUE, 54 JOURNAL SQUARE

CASE NO.: P22-137

VOTE: 8 - 0

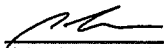
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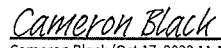
COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Christopher Langston, Chairman	X			
Dr. Orlando Gonzalez, Vice-Chairman	X			
Vidya Gangadin, Commissioner	X			
Steve Lipski, Commissioner	X			
Edwardo Torres, Commissioner	X			
Darlene Green, Commissioner	X			
Dr. Vijaya DeSai, Commissioner	X			
David Cruz, Commissioner	X			
Joyce Watterman, Commissioner				X
Jessica Ramirez, Commissioner				X


  
\_\_\_\_\_  
Christopher Langston (Oct 17, 2022 20:06 EDT)

CHRISTOPHER LANGSTON, CHAIRMAN  
JERSEY CITY PLANNING BOARD

  
\_\_\_\_\_  
Cameron Black (Oct 17, 2022 11:19 EDT)

CAMERON BLACK, SECRETARY  
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
Santo T. Alampi (Oct 18, 2022 09:10 EDT)

SANTO T. ALAMPI, ESQ.

DATES OF HEARING:

September 6, 2022 and October 11, 2022

DATE OF MEMORIALIZATION:

October 11, 2022