

DIVISION OF CITY PLANNING
1 Jackson Square
JERSEY CITY, NJ 07302
TEL: 201.547-5010
FAX: 201.547.4323

Receipt of Documents

This will serve to confirm that on, July 13, 2021 the Division of City Planning was in receipt of documents filed by Patrick T. Conlon, for:

**Application for Administrative Amendment
532 Summit Ave
Block 9606, Lot 29.01
Jersey City, NJ**

The land use review staff of the Division will review this submission for compliance with the City's requirements under the Zoning Ordinance and other applicable ordinances.

You will be notified within 45 days of the date listed above if the documents provided constitute a valid application. You will also be notified within this time period of the planning and zoning issues staff believes are relevant to the proposed Project, as well as our proposed recommendations to the Planning Board or Zoning Board of Adjustment.

We endeavor to reduce the statutorily allowed 45 day review period to the absolute minimum we need to certify the validity of your submittal. Please be informed that pursuant to NJSA 40:55D-10.3., and Chapter 345-22 through 345-25 of the Jersey City Code; your case cannot and will not be scheduled for a hearing date until the documents are determined to be a valid application and it is deemed complete by the Director of the Division of City Planning. **Please do not advertise or mail notice for a public hearing on this case until you are given a calendar date for the hearing by this office.** Mailing such notice without a scheduled date only serves to confuse and sometimes anger the members of the public who receive such notices.

If there are any questions in this regard, please direct them to the following personnel:

Planning Board: Matt Ward, 201-547- 5010

Zoning Board of Adjustment, Tanya Marione, 201-547-5488

If there are any problems or complaints about the manner in which your application is being processed, please direct your call to Maryann Bucci-Carter, Supervising Planner at 547-4499.

Signature of Staff Member Receiving Documents: _____

Signature of Person Filing Documents: _____

Patrick T. Conlon, Esq.

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Signature of Staff Member Receiving Documents: _____

Signature of Person Filing Documents: _____

Patrick T. Conlon, Esq.

		DATE 07-08-21		CHECK NO. 6685		VENUE NO. CITY JC	
INVOICE NO.	DUE DATE	AMOUNT	DISCOUNT		VOUCHER NO.	NET AMOUNT	
127478	07-08-21	100.00	0.00		437593	100.00	
TOTAL		100.00	0.00			100.00	

CONNELL FOLEY LLP

ATTORNEY BUSINESS ACCOUNT - JERSEY CITY
HARBORSIDE 5
185 HUDSON STREET SUITE 2510, JERSEY CITY, NJ 07311

Fraud Protected
by Positive Pay

JPMORGAN CHASE BANK, N.A.

WWW.CHASE.COM
1-2-210

6685

DATE 07/08/21 CHECK NO. 6685 AMOUNT *****100.00

ONE HUNDRED AND 00/100 Dollars

THE CITY OF JERSEY CITY

PAY TO THE
ORDER OF

AUTHORIZED SIGNATURE

⑈006685⑈ ⑆021000021⑆

587571071⑈

CONNELL FOLEY LLP - ATTORNEY BUSINESS ACCOUNT - JERSEY CITY

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A TRADITION OF LEGAL EXCELLENCE SINCE 1938

Connell Foley LLP
Harborside 5
185 Hudson Street, Suite 2510
Jersey City, NJ 07311
P 201.521.1000 F 201.521.0100

Charles J. Harrington, III
Partner

July 13, 2021

Via: Federal Express and E-mail

Tim Krehel, Principal Planner

Joey-Ann Morales

Division of City Planning

1 Jackson Square

Jersey City, New Jersey 07305

**Re: 575 Pavonia LLC
Application for Administrative Amendments
532 Summit Avenue, Jersey City, New Jersey
Block 9606, Lot 29.01 (formerly known as Lots 29, 32, 33, 34, & 35)
("Property")**

Dear Ms. Morales & Mr. Krehel:

As you may recall, this office represents 575 Pavonia LLC (the "Applicant"). Applicant is the owner of 532 Summit Avenue, also known as Block 9606, Lot 29.01 on the Official Tax Map of the City of Jersey City (the "Property"). The Property is located within Zone 3 in the Journal Square 2060 Redevelopment Plan ("Redevelopment Plan") and is subject to the requirements of the Redevelopment Plan and the Jersey City Land Development Ordinance (the "JC LDO").

The Applicant was most recently granted amended Preliminary and Final Major Site Plan Approval by way of Resolution P20-113, which was memorialized at the November 24, 2020 meeting of the Jersey City Planning Board (the "Amendment Approval"). The Amendment Approval, in sum, was for a twenty-five (25) story mixed use building, with retail/restaurant/sidewalk cafe space on the first floor fronting along Summit Avenue, office space on the ground floor, and 340 residential units on the upper floors ("Project") for the Property. The initial site plan approval was approved pursuant to Resolution P19-131 (the "Initial Approval")

The Applicant is now requesting administrative amendments that include the following:

1. A reduction in the number of residential units (340 to 317);
2. Façade changes;

3. Reconfiguration of the cellar space to add more bicycle parking spaces; and
4. Shifting of the east foundation wall 2' to the east.

The Amendment Approval was for a unit mix of 15 three bedrooms, 45 two bedrooms, 121 one bedrooms, and 159 studios. Applicant is now proposing a unit mix of 15 three bedrooms, 68 two bedrooms, 121 one bedrooms, and 113 studio units (collectively, the "Proposed Amendments"). The Proposed Amendments are described in greater detail on the enclosed summary table from HLW Architecture dated June 12, 2021.

Please allow this letter to serve as Applicant's request for Administrative Amendment approval. The Original Approval included approval for deviations and design waivers, but this application does not affect those deviations. We asked that these Amendments be approved at the next possible Planning Board hearing.

Please find attached the following as a supplement to the above-referenced requests:

1. Two (2) Administrative Amendment Request Receipts of Documents;
2. One (1) set of architectural drawings prepared by HLW Architecture dated July 7, 2021;
3. One (1) copy of the memorialized resolution for the Initial Approval and Amendment Approval;
4. One (1) summary table from HLW Architecture describing the changes;
5. One (1) copy of draft notice;
6. One (1) check number #6685 in the amount of \$100 representing the administrative amendment application fee;

Please respond with any additional documents that you will need to process this application. Applicant will follow up by phone for payment of fees.

Very truly yours,

Charles J. Harrington, III

CJH/
Enclosures

**NOTICE OF HEARING
PURSUANT TO N.J.S.A. 40:55D-12
FOR THE PROPERTY LOCATED AT
532 SUMMIT AVENUE, JERSEY CITY, NEW JERSEY
ALSO IDENTIFIED AS BLOCK 9606, LOT 29.01**

PLEASE TAKE NOTICE that an application has been filed by 575 Pavonia LLC (the "Applicant") with the Jersey City Planning Board for minor subdivision approval for the property located at 532 Summit Avenue, Jersey City, New Jersey also known as Block 9606, Lot 29.01 (formerly known as Lots 29, 32, 33, 34, & 35) on the Official Tax Map of the City of Jersey City (the "Property"). The Property is located within Zone 3 in the Journal Square 2060 Redevelopment Plan ("Redevelopment Plan") and is subject to the requirements of the Redevelopment Plan and the Jersey City Land Development Ordinance (the "JC LDO").

The Applicant was most recently granted amended Preliminary and Final Major Site Plan Approval by way of Resolution P20-113, which was memorialized at the November 24, 2020 meeting of the Jersey City Planning Board (the "Amendment Approval"). The Amendment Approval, in sum, was for a twenty-five (25) story mixed use building, with retail/restaurant/sidewalk cafe space on the first floor fronting along Summit Avenue, office space on the ground floor, and 340 residential units on the upper floors ("Project") for the Property. The initial site plan approval was approved pursuant to Resolution P19-131 (the "Initial Approval").

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3. Reconfiguration of the cellar space to add more bicycle parking spaces; and
4. Shifting of the east foundation wall 2' to the east.

The Amendment Approval was for a unit mix of 15 three bedrooms, 45 two bedrooms, 121 one bedrooms, and 159 studios. Applicant is now proposing a unit mix of 15 three bedrooms, 68 two bedrooms, 121 one bedrooms, and 113 studio units (collectively, the "Proposed Amendments"). The Proposed Amendments are described in greater detail on the enclosed summary table from HLW Architecture dated June 12, 2021.

In connection with the Project, the Applicant is requesting that the Planning Board grant any additional approvals, permits, 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 by the Planning Board during the review and processing of this application.

Any person interested in this application will have the opportunity to address the Planning Board at the Virtual Zoom meeting on Tuesday, _____, 2021 at 5:30 P.M. via Zoom, a web-based video conference application, or by telephone using the following:

Zoom link to join meeting:			
Call-in	Number	and	You may also call in to access the meeting. All public users

Webinar ID#:	calling in must use +1 929 205 6099 or +1 312 626 6799 and
	Webinar ID:

PLEASE TAKE FURTHER NOTICE that application materials, including digital plans, are available on the Jersey City Data Portal by searching for the address or case number at data.jerseycitynj.gov. The City of Jersey City is utilizing the Zoom service to conduct virtual meetings in compliance with the New Jersey Open Public Meetings Act.

MORE INFORMATION on how to access virtual meetings, participate, provide public comment, and review agendas and digital plans and applications materials can be found on the Jersey City, Division of City Planning website at jerseycitynj.gov/planning. Any person who requires technical assistance for accessing the meeting or the Applicant's plans should contact the Planning Board Secretary for assistance at the phone number or e-mail listed below.

ANY QUESTIONS can be directed to the City Planning main line during business hours at 201-547-5010 or via email at cityplanning@icnj.org.

By: Charles J. Harrington, III
 Connell Foley LLP
 Attorney for the Applicant
 575 Pavonia LLC
 201-521-1000

URBY JSQ Pavonia

Design Change		PB Set	Revision
No.	Architecture		
1	Cellar		
a	East foundation wall	on property line	cellar east foundation wall moved 2' west
b	Bike room	228 bikes and 1,632 SF	demising wall between storage room and bike room move south. Bike room SF increased to 1,649 SF, Bike rack along demising wall removed and reconfigured; 228 bike remain
2	2nd-24th		
c	Unit mix	Unit mix (159) Studios , (121) 1BR, (45) 2BR and (15)3BR	combined south east one bedroom unit and two studios units to create a new two 2br unit and a new one bedroom unit. New Unit mix (113) studios , (121)1BR, (68) 2BR and (15) 3BR.
d	Unit count	unit count = 340 units	Revised unit count per new unit mix. New Unit count = 317 units
3	East Façade		
e	Windows	two(2) operable windows on floors 2nd-9th . Wider windows on floors 10-24th.	One(1) operable window 2nd-9th floor. Narrower windows 10th-24th floor.

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANT: 575 PAVONIA LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN AMENDMENT
APPROVAL WITH A DESIGN WAIVER AND DEVIATION
532 SUMMIT AVENUE, JERSEY CITY, NEW JERSEY
BLOCK 9606, LOT 29.01 (FORMERLY LOTS 29, 32, 33, 34 AND 35)

CASE NO. P20-113

WHEREAS, the Applicant, **575 PAVONIA LLC** (the "Applicant"), per **CONNELL FOLEY, LLC**, (Charles J. Harrington, III, 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 Amendment approval with a design waiver and a deviation pursuant to N.J.S.A. 40:55D-70(c), to wit, Calendar No. P20-113, in connection with the prior approval (P19-131 – the "Initial Approval") to develop a twenty-five (25) story mixed use building, with retail/restaurant/sidewalk cafe space on the first floor fronting along Summit Avenue, office space on the ground floor, and 340 residential units on the upper floors ("Project") for the property located at 532 Summit Avenue and 571, 573, 575 and 577 Pavonia Avenue, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 9606, Lot 29.01 (formerly known as Lots 29, 32, 33, 34 and 35) ("Property"), which is located within Zone 3 in the Journal Square 2060 Redevelopment Plan ("Redevelopment Plan") area; and

WHEREAS, due notice of a virtual hearing via Zoom before the Planning Board of the City of Jersey City, November 17, 2020 at 5:30 P.M. was duly published as prescribed in the Jersey City Land Development Ordinance ("JC LDO") of the City of Jersey City; and

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

WHEREAS, the Applicant and its witnesses first having been sworn and all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application and the testimony presented at the meeting on behalf of the Applicant, and the oral and written comments and recommendations of the Division of Planning professional staff, and the testimony of members of the public, the Planning Board has made the following findings of fact:

FINDINGS OF FACT

1. The Applicant, 575 Pavonia LLC filed an application with the Planning Board for Preliminary and Final Major Site Plan Amendment approval with a design waiver and a deviation pursuant to N.J.S.A. 40:55D-70(c), in connection with the development of the Property with a twenty-five (25) story mixed use building, with retail/restaurant/sidewalk cafe space on the first floor fronting along Summit Avenue, office space on the ground floor, and 340 residential units on the upper floors ("Project"), for the property located at 532 Summit Avenue and 571, 573, 575 and

577 Pavonia Avenue, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 9606, Lot 29.01 (formerly known as Lots 29, 32, 33, 34 and 35) ("Property").

2. The Applicant received its initial approval pursuant to P19-131 ("Initial Approval").

3. The property is located within Zone 3 in the Journal Square 2060 Redevelopment Plan ("Redevelopment Plan") Area.

4. The proposed amendments include the following:

- Material alterations on the façade
- Unit distribution changes to increase the number of 2 bedroom units (the overall unit count remains the same)
- The location of the dog run (the dog run was moved from the 2nd floor to the 25th floor amenity deck)
- Additional signage for the café and loading dock for improved wayfinding
- Increase in the bicycle storage from 171 bikes to 228 bikes
- A reduction in the overall height of the building by 15'
- Changes/updates to comply with the Planning Board conditions of approval.
- A decrease in glazing for the café/restaurant
- Safety and Utility changes/upgrades

5. The Applicant presented and testified with regard to Exhibit A-2, which was an exhibit identifying and highlighting amendments to the Initial Approval.

6. As part of the application, the Applicant requested the following variances, deviations, exceptions and/or waivers from the Jersey City Land Development Ordinance ("JC LDO") and the Journal Square 2060 Redevelopment Plan.

a) Design Waivers and/or Deviations:

1. A design waiver for relief from Section III.A.18 of the Redevelopment Plan that all storefront facades incorporate a minimum of 80% transparent glass (56% was previously approved, and 33.75% is now proposed).

b) Deviations:

1. A deviation for relief from Section IV.B to permit three (3) signs for the café/restaurant use.

7. A design waiver and/or deviation has been requested for relief from Section III.A.18 of the Redevelopment Plan that all storefront facades incorporate a minimum of 80% transparent glass. The Project is proposing that approximately 33.75% of the store fronts will have a transparent glass, which is below the minimum requirement of 80% transparent glass. The Project was previously approved for a deviation to permit 56% of transparent glass. The revised design of the first floor front façade, similar to the initial approved design, is consistent with the intent of the Redevelopment Plan to provide for an open and transparent view of the interior of the retail/restaurant space. Some of the areas that are not being provided as a transparent space are instead using an architectural element for the design of the building consistent with the intent of

the Redevelopment Plan to provide for open and active streetscapes. Accordingly, the benefits of providing for the proposed facade and glass percentage outweigh any substantial detriments, or otherwise, and the relief can be granted.

8. A deviation has been requested for relief from Section IV.B to permit three (3) signs for the case/restaurant use. The Redevelopment Plan permits one exterior sign per store front bay on each street frontage. In this instance, there are not multiple "store front bays", but instead, it is programmed as a single user. Therefore, if there were multiple store front bays there could be multiple signs along the first floor for the multiple uses. The proposed three (3) signs are not inconsistent with the intent of the zoning as to the number of signs permitted, and accordingly, there are not any substantial detriments to the proposed additional signs. Additionally, as a corner lot additional signage is necessary and appropriate to place along the Pavonia Avenue and Summit Avenue facades. This is also a unique intersection so there are visual points to and from numerous angles and points of interest. The additional signage is appropriate at this intersection to alert pedestrians of the café/restaurant use. Accordingly, the benefits of the additional signage outweigh any substantial detriments and the requested deviation can be granted.

9. The deviations and waivers that were approved as part of the Initial Approval that were not impacted or changed as part of this application remain approved.

10. The requested design waiver and/or deviation(s) are appropriate for the Project and will benefit the immediate neighborhood, and will promote the general welfare. The Project will also promote a desirable visual environment by developing a creative and appropriate mixed-use development for the neighborhood to meet the needs of the growing population. The proposed design waiver and/or deviation(s) 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, the requested design waiver and/or deviation(s) can be granted.

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 Amendment approval with a design waiver and/or deviation(s) pursuant to N.J.S.A. 40:55D-70(c), to wit, Calendar No. P20-113, for the amendments set forth herein and in the Applicant's plans and Exhibits in connection with the prior approval (P19-131) to develop a twenty-five (25) story mixed use building, with retail/restaurant/sidewalk cafe space on the first floor fronting along Summit Avenue, office space on the ground floor, and 340 residential units on the upper floors ("Project"), for the property located at 532 Summit Avenue and 571, 573, 575 and 577 Pavonia Avenue, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 9606, Lot 29.01 (formerly known as Lots 29, 32, 33, 34 and 35), and in accordance with the plans and testimony submitted to the Planning Board of the City of Jersey City, subject to the following conditions:

1. The Applicant shall address and comply with all comments and recommendations of the municipal review agents and will submit revised plans reflecting those comments to the Division of Planning.

2. All materials and color selections shall be shown on final plans. No changes 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 Planning staff.

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

4. Architect of record, HLW Architecture, LLC, shall submit a signed and sealed affidavit confirming that the building was constructed as approved, prior to the issuance of the Certificate of Occupancy.

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANT: 575 PAVONIA LLC


FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN AMENDMENT
APPROVAL WITH A DESIGN WAIVER AND DEVIATION
532 SUMMIT AVENUE, JERSEY CITY, NEW JERSEY
BLOCK 9606, LOT 29.01 (FORMERLY LOTS 29, 32, 33, 34 AND 35)

CASE NO. P20-113

VOTE: 8 - 0


COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
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Christopher Langston, Chairman	X		
Dr. Orlando Gonzalez, Vice Chairman	X		
Geoffrey Allen, Commissioner	X		
Edwardo Torres, Commissioner	X		
Dr. Vijay Desai, Commissioner	X		
Peter Horton, Commissioner	X		
Harkesh Thakur, Commissioner	X		
David Cruz, Commissioner	X		



Christopher Langston (Nov 25, 2020 16:25 EST)


CHRISTOPHER LANGSTON, CHAIRMAN
JERSEY CITY PLANNING BOARD
OF THE CITY OF JERSEY



Erica Baptiste (Nov 25, 2020 15:42 EST)

ERICA BAPTISTE, SECRETARY
JERSEY CITY PLANNING BOARD
OF THE CITY OF JERSEY CITY

APPROVED AS TO LEGAL FORM:



Santo T. Alampi (Nov 30, 2020 09:53 EST)
SANTO T. ALAMPI, ESQ.

DATE OF HEARING:
DATE OF MEMORIALIZATION:

November 17, 2020
November 24, 2020

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANT: 575 PAVONIA LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH DESIGN
WAIVERS AND DEVIATIONS
532 SUMMIT AVENUE AND 571, 573, 575 AND 577 PAVONIA AVENUE,
JERSEY CITY, NEW JERSEY
BLOCK 9606, LOTS 29, 32, 33, 34 and 35

CASE NO. P19-131

WHEREAS, the Applicant, **575 PAVONIA LLC** (the "Applicant"), per **CONNELL FOLEY, LLC**, (Charles J. Harrington, III, 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 design waivers and deviations pursuant to N.J.S.A. 40:55D-70(c), to wit, Calendar No. P19-131, to develop a twenty-five (25) story mixed use building, with approximately 2,416 square feet of retail/restaurant/sidewalk cafe space on the first floor fronting along Summit Avenue, approximately 1,631 square feet of office space on the ground floor, and 341 residential units (reduced to 340 residential units at the hearing) on the upper floors ("Project"), for the property located at 532 Summit Avenue and 571, 573, 575 and 577 Pavonia Avenue, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 9606, Lots 29, 32, 33, 34 and 35, ("Property"), which is located within Zone 3 in the Journal Square 2060 Redevelopment Plan ("Redevelopment Plan") Area; and

WHEREAS, due notice of a hearing before the Planning Board of the City of Jersey City, October 29, 2019 at 5:30 P.M. was duly published as prescribed in the Jersey City Land Development Ordinance ("JC LDO") of the City of Jersey City; and

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

WHEREAS, the Applicant and its witnesses first having been sworn and all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application and the testimony presented at the meeting on behalf of the Applicant, all of the plans and reports filed and presented on behalf of the Applicant, the oral and written comments and recommendations of the Division of Planning professional staff, and the testimony of members of the public, the Planning Board has made the following findings of fact:

FINDINGS OF FACT

1. The Applicant, 575 Pavonia LLC filed an application with the 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), to develop the Property with a twenty-five (25) story mixed use building, with approximately 2,416 square feet of retail/restaurant/sidewalk cafe space on the first floor fronting along Summit Avenue, approximately 1,631 square feet of office space on the ground floor, and 341 residential units on the upper floors (reduced to 340 residential units at the hearing)("Project"), for the property located at 532 Summit Avenue and 571, 573, 575 and 577 Pavonia Avenue, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 9606, Lots 29, 32, 33, 34 and 35, ("Property").

2. The Applicant presented the testimony of four witnesses in support of its application. Erikjan Vermeulen of Concrete Architectural Associates testified as to the overall Project and Urby brand. Tom Bauer of Melillo and Bauer was qualified as an expert in landscape architecture and testified with regard to the landscaping of the Project. John Gering of HLW Architects was qualified as an expert in architecture. Ed Shim of HLW Architects, testified as the Project architect under John Gering, and testified with regard to the architecture of the Project and the relation of the requested waivers and deviations to the overall design of the Project. Ed Kolling of Dresdner Robin was qualified an expert in Planning and testified in support of the requested waivers and deviations. The Applicant also had its civil engineer, Eric Ballou of Insite Engineering, available to testify with regard to the civil plans submitted on behalf of the Applicant, and its traffic expert, Gary Dean of Dolan and Dean Consulting Engineers, LLC, available to testify with regard to the traffic study report that he submitted in support of the application (cumulatively the above individuals are the "Applicant's Witnesses and Experts"). The Planning Board did not have any questions for Mr. Ballou or Mr. Dean.

3. The Planning Board relied on the testimony, plans, and reports submitted on behalf of the Applicant's Witnesses and Experts, the oral and written testimony of the Division of Planning Staff, and the comments of the public.

4. The Applicant amended the application at the hearing to include a dog run on the second level of the Project, which resulted in the elimination of a residential unit. Therefore, the Project will consist of 340 residential units.

5. The property is located within Zone 3 in the Journal Square 2060 Redevelopment Plan ("Redevelopment Plan") Area.

6. The Property is currently used as a commercial surface parking lot. The Property has been used as a commercial parking lot for numerous years. Surface parking as a principal or accessory in Zone 3 is prohibited. Therefore, the existing parking lot is a pre-existing non-conforming use. The Property also had a multi-story building located on the southern edge until it was demolished within the last few years.
7. The Property is located at the corner of Pavonia Avenue and Summit Avenue and is 19,195 square feet. Accordingly, the Property fronts on both Pavonia Avenue and Summit Avenue.
8. The grade of the Property slopes down to the east along Pavonia Avenue, which creates a hardship in strictly complying with certain Redevelopment Plan regulations.
9. A church structure is located directly to the south of the Property. The property that the church is located on is approximately 9,480 +/- square feet and is also located within Zone 3 of the Redevelopment Plan. The church also owns an adjacent lot that is approximately 2,570 +/-square feet and is located in the Zone 4a of the Redevelopment Plan (both parcels being the "Church Property").
10. Journal Square Plaza and specifically the new Journal Squared properties and residential towers are located across the street to the west of the Property. The Journal Squared towers are 53 stories in height (existing) and 71 stories in height (under construction). Journal Square and the PATH station and bus terminals are located directly behind the Journal Square Towers.
11. The Hudson County Administration Court House building is located to the north of the Property. This building is used currently for the Hudson County Superior Courts, but the building is planned to be demolished when the new courthouse will be built on the north side of Newark Avenue. Pursuant to the Redevelopment Plan, the property will be replaced with a public park after the demolition.
12. The Hudson County Administration annex building is located directly to the west of the building.
13. The Project is proposed to be 25 stories with a building height of 265 feet, with an additional permitted bulkhead height of 30 feet for a total of 295 feet in height.
14. The Project has been designed to break down the mass of the building in order to create an architectural context. The building has been broken down in to different volumes and the

volumes have been collaged together to make them better fit into the urban fabric and have a better relationship with the streetscape.

15. The proposed building includes a low two story section that is adjacent to Summit Avenue and Pavonia Avenue. On the ground floor a café is proposed that is a component of the Urby brand and will be created in similar fashion to other Urby buildings and open to the public. The concept of Urby, and this building, to open the building at the ground level and create a connection between the residents of the building and the neighborhood.

16. The two story café element fits in with other two story structures along Summit Avenue.

17. The second element of massing of the building is the nine stories section along Pavonia Avenue. This section of the building fits in the range of the heights and the proportions of the buildings that exist along that side of Pavonia Avenue. Therefore, the building will match the mean and mode of the neighboring buildings and fit into the scale of that part of the immediate area.

18. The tower section of the building starts behind a setback from the streets. The tower is then massed in two different volumes. The bulkhead and the highest portion of the tower are toward the corner of Pavonia Avenue and Summit Avenue, a lower portion of the tower will be located on the southeast side toward Magnolia Avenue and the adjacent neighborhood area.

19. The building will activate the street front along Summit Avenue as it opens up towards the café and building entrances. The building and the main tower will be set back, which creates a small entry plaza to the café and building, which is also heavily landscaped.

20. On the top of the building, where the amenity spaces are located, there is a substantial amount of green space with natural elements on the roof.

21. The building is not only massed down in volumes and heights, but also as to the materials. The highest portion of the tower is an aluminum glass tower. The windows and the architectural louvers at the highest portion are made from a darker bronze aluminum. These materials create verticality to the building.

22. The second portion of the tower is made out of a copper anodized aluminum, and the windows and the architectural louvers are a darker copper.

23. The nine story section of the building on the north side of the building will have a stone type façade material that is created from a glass fiber reinforced concrete.
24. The café section of the building is designed to create its own identity. This section of the building will use wooden clad window frames with brick work along the ground area. A dark blue glassed tile or stone will complement the design. The second floor of the café section will blend a lighter and darker brick work with gray tones, with the windows recessed to create an historical feel.
25. The plaza area will be heavily landscaped with a pergola to identify the entrance to the building.
26. The building will be using PTAC units that have been blended in to the architecture of the building.
27. The building will also have a mural on the southern façade of the building. The design and application of the mural will be coordinated with the Jersey City mural program.
28. The Project is also developing extensive landscaping along the sidewalk areas. In addition to the open plaza associated with the café and building entrance, the Summit Avenue frontage will have continuous plantings along the curb line in a five foot wide linear planter. There will be seven street trees along Summit Avenue (only six street trees are required pursuant to the Forestry Standards). The plantings will be continuous to create a barrier between the sidewalk and the adjacent road, which is a heavily trafficked road with four lanes of traffic.
29. The sidewalks will be a colored concrete, saw cut, and textured.
30. There will be a wider sidewalk along Pavonia Avenue. There will be two street trees (seven are required) along Pavonia Avenue because of proposed utility vaults in the sidewalk, the traffic lights at the corner, and overhead lines. The Applicant is mitigating the lack of street trees by adding a street tree along Summit Avenue, and by providing for planters along the building along the Pavonia Avenue side of the building, and by developing a bioswale, if possible, in the tree pit at the corner of Pavonia Avenue and Summit Avenue.
31. The respective roofs of the building will also have green elements and amenity spaces. A dog run is being provided on the second floor that will also be adjacent to private residential terraces on that roof level. The third floor level roof above the cafe will have additional

terraces, and there will be additional terraces at the 10th floor roof level along Pavonia Avenue. The top floor amenity level will also have soil depth so that trees can be planted.

32. The Redevelopment Plan Objectives in Section III of the Redevelopment Plan include, but are not limited to, the following objectives that are advanced by this Project:

- 1) Re-establish Journal Square as a Jersey City's primary central business district and activity center.
- 3) Integrate open space into the Area by incorporating a system of parks, plazas, and natural amenities.
- 4) 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.
- 5) Make walking and biking an easy, safe, desirable, and convenient mode of transport.
- 6) Encourage local quality retail within the greater Journal Square area.
- 7) Reduce automobile dependency by encouraging high density development in close proximity to mass transit with low automobile parking ratios and with bicycle parking requirements.
- 8) 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.
- 15) Encourage the private sector to consolidate development parcels to allow for sufficient building setbacks providing, light and air to the street and adjacent properties.
- 16) Provide for redevelopment without public acquisition or relocation of residents and business concerns.
- 21) 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.
- 22) Maintain and improve pedestrian access to the Journal Square PATH Station from the surrounding communities.
- 23) To maximize the use of rooftop open space for recreation and/or green roofs.
- 24) Utilize setbacks, architectural design elements, and building massing regulation to maintain light and air to the street and adjacent properties.
- 25) 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.

33. As part of the Project, the Applicant is seeking the following variances, deviations, exceptions and/or waivers from the Jersey City Land Development Ordinance ("JC LDO") and the Journal Square 2060 Redevelopment Plan.

Design Waivers and/or Deviations:

1. A design waiver for relief from Section III.A.17 of the Redevelopment Plan that requires ground floor storefront bulkheads below the display windows shall be a maximum of 18 inches in height above sidewalk grade.
2. A design waiver for relief from Section III.A.18 of the Redevelopment Plan that all storefront facades incorporate a minimum of 80% transparent glass.
3. A design waiver for relief from Section III.B.1 of the Redevelopment Plan that buildings that are taller than adjacent buildings by 50% or more shall utilize a contextual building feature in the façade design.
4. A design waiver for relief from Section III.D.10.e of the Redevelopment Plan that requires that no more than fifteen percent (15%) of the first floor 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.

Deviations:

1. A deviation for relief from Section III.C.3: Table 1 of the Redevelopment Plan regarding the minimum ground floor floor-to-ceiling height for a non-residential uses in a building 13 stories or higher, and the maximum building height of a building within 30 feet of the rear lot line.
2. A deviation for relief from Section III.D.2: Table 2 of the Redevelopment Plan regarding the building base height requirements in Zone 3.
3. A deviation for relief from Section III.D.4 of the Redevelopment Plan requiring that the building Towers shall be setback from side lot lines a minimum of 20 feet.
4. A deviation for relief from Section III.D.7 of the Redevelopment Plan that requires a 5 foot set back at the tower base, and a 30 foot setback for the tower that is adjacent to a low density zone (Zone 4a - partial).
5. A deviation for relief from Section III.D.8 of the Redevelopment Plan 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.
6. A deviation for relief from Section III.J.1 of the Redevelopment Plan that prohibits the use of a synthetic stucco material ("EIFS") on the façade.

7. A deviation for relief from Section VI.C (Zone 3).8.a.ii of the Redevelopment Plan that permits that up to 30% of a building may be set back up to an additional 10 feet to accommodate outdoor seating areas or public space.
8. A deviation for relief from Section VI.C (Zone 3).8.c.ii of the Redevelopment Plan that requires that all floor levels above the ground floor shall not extend greater than 85 feet from any right-of-way fronting the subject property.
9. A deviation for relief from Section IV.B of the Redevelopment Plan for relief to permit signage 24" in height; to permit more than one sign for the retail/café/restaurant use; to permit reverse channel neon signs for the retail/café/restaurant use; and to permit an illuminated sign for the residential building identification.
10. A deviation for relief from requirements of the Jersey City Forestry Standards to permit the installation of two trees where seven trees are required.

34. A design waiver is being requested for relief from Section III.A.17 of the Redevelopment Plan that requires ground floor storefront bulkheads below the display windows shall be a maximum of 18 inches in height above sidewalk grade. The Project is proposing a design along the retail/café/restaurant frontage with the bulkheads higher than the maximum 18 inches. This is a partly the result of a design issue/concept of the building and the ground floor café (providing for a sill height to accommodate interior chairs and tables in the café), as well as the hardship of the grade change of the Property that slopes downward along Pavonia Avenue. The design is still keeping with the intent of providing substantial glazing as part of the design element and transparency to the passing pedestrians, and therefore, there are not any substantial detriments to the intent of the Redevelopment Plan. Accordingly, the requested relief is consistent with the intent and goals of the Redevelopment Plan, and the benefits of providing the aesthetically pleasing design for the proposed facade and glass percentage outweigh any substantial detriments, and the relief as a design waiver or deviation can be granted.

35. A design waiver is being requested for relief from Section III.A.18 of the Redevelopment Plan that all storefront facades incorporate a minimum of 80% transparent glass. The Project is proposing that approximately +/- 64% of the store fronts will include transparent glass, which is below the minimum requirement of 80% transparent glass. However, the design of the first floor facade is consistent with the intent of the Redevelopment Plan to provide for an open and transparent view of the interior of the retail/restaurant space, and encouraging local quality retail use. Some of the areas that are not being provided as a transparent glass are instead using an architectural element and spandrel glass for the design of the building consistent with the intent of the Redevelopment Plan to provide for open and active streetscapes. The spandrel glass acts as a screen for the interior mechanical utilities and other uses. There are no

substantial detriments as the design elements are consistent with the intent of the Redevelopment Plan to encourage the central business district and quality retail use. Accordingly, the benefits of providing for the proposed facade and glass percentage as a design waiver or deviation outweigh any substantial detriments, or otherwise, and the relief can be granted.

36. A design waiver is being requested for relief from Section III.B.1 of the Redevelopment Plan that buildings that are taller than adjacent buildings by 50% or more shall utilize a contextual building feature in the facade design. The Project is not strictly complying with this design element that requires a contextual building height feature in the facade of design. The adjacent church building does not really have a contextual building feature to associate within the design. The design of the building is viewed as an overall design concept and how it relates to the existing buildings and the proposed buildings that will be developed in the area in the near future in accordance with the Redevelopment Plan and the Zone 3 development regulations. The Project is bordered by an existing church on the south side of the Property and the existing County Administrative building annex on the east side of the Property. The Property is also directly across the street from the Journal Squared 53 story and 71 story buildings. The height of the building along its north elevation is consistent with and in context with the height and scale of the County Administration building annex to the east. While it is not envisioned that the County Administrative building annex will be demolished in the near future, the church building could be demolished. The Church Property could be developed consistent with the Zone 3 development regulations, and accordingly, similar in height and bulk as this Project. Therefore, the Project is also consistent with and contextual with the potential permitted development of the Church Property to the south. Consistent with the intent of the Redevelopment Plan to promote a pattern of mixed and multiple use development, the architectural design of the building, including the tower in the base, will break up the building with architectural elements that result in the building being viewed at different heights and materials from the ground level, and the Project will be contextual with the existing and future allowable development in the immediate area. The design of the building still provides for adequate light and air, and there are not any substantial detriments as a result of the proposed overall design. Accordingly, the benefits of the proposed Project design outweigh any substantial detriments, and the relief can be granted.

37. A design waiver is being requested for relief from Section III.D.10.e of the Redevelopment Plan that requires that no more than fifteen percent (15%) of the first floor 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. In this instance, as a result of the size and scope of this Project, it would be impossible or infeasible to meet this requirement. The Project is meeting the intent of the Redevelopment Plan by

providing substantial quality retail/restaurant space along the Summit Avenue right of way. However, when the Project turns the corner to the Pavonia Avenue right of way, there are requirements for the mechanical and utility rooms to service the Project. The Summit Avenue façade is the more appropriate right of way for the retail/restaurant component, and the active uses, which is the intent of this regulation. The Pavonia Avenue side of the Project provides for larger sidewalks and the Applicant also agreed to provide additional landscaping/bioswales any plantings, where possible, and bicycle parking along the Pavonia Avenue side to mitigate any inactive wall space. Accordingly, the design and programming of the Project is consistent with this intent and goals by creating the active uses along the Summit Avenue and Pavonia Avenue corridors with larger sidewalks and more pedestrian friendly experiences. Any possible detriments from providing the continuous façade are mitigated by the additional landscaping being provided by the Applicant. Therefore, the benefits of granting this relief as a design waiver or deviation outweighs any substantial detriments and the relief can be granted.

38. A deviation is being requested for relief from Section III.C.3: Table 1 of the Redevelopment Plan regarding the minimum ground floor floor-to-ceiling height for a non-residential uses in a building 13 stories or higher, and the maximum building height of a building within 30 feet of the rear lot line. The Applicant is requesting relief from the minimum required floor-to-ceiling heights for non-residential uses on the first floor. In this instance, the ground floor is a mix of the residential lobby and retail/commercial uses, which meet the intent of the Redevelopment Plan. The requirement for non-residential uses is a minimum floor to ceiling of twenty (20') feet for buildings that are thirteen (13) stories and higher, while the Project is proposing approximately 18' in height (including structure and mechanical plenum and a clear ceiling height of 14'). The 14' clear ceiling heights for the retail/café component and the lobby are appropriate heights. The proposed floor to ceiling heights are also appropriate for a number of other reasons. The mix of the uses creates a conflict in appropriate floor to ceiling heights, and the proposed height is an appropriate height for all of the uses. The proposed heights are also consistent with the other projects that have been approved in the immediate area. There are no substantial detriments because the ceiling heights are appropriate for the uses interior to the Project. Accordingly, it is submitted that the benefits of the proposed heights outweigh any substantial detriments as the proposed height is consistent with the intent of the regulations, and an appropriate height for all of the ground floor uses. As part of this requested relief, the Applicant is also requesting a deviation from the maximum permitted "floor to ceiling" height of 12' for non-residential uses within thirty (30') feet of the rear lot line. The Property slopes down at this portion of the Property. The proposed first floor "floor to ceiling" height is approximately 18' (depending on the slope of the grade). The slope of the Property creates a hardship and this standard is inappropriate to apply to this Project as it would create a very awkward development scheme internally and disrupt the internal flow of the Project. The lower floor to ceiling heights as part of the first floor level would also adversely

affect the uses. Therefore, the hardship of the sloped Property and the benefits of granting relief from the standard outweigh any substantial detriments, and the deviation can be granted.

39. A deviation is being requested for relief from Section III.D.2: Table 2 of the Redevelopment Plan regarding the building base height requirements in Zone 3 (the minimum is 30' and the maximum is 60'). The Project is requesting relief from the building base height requirements and is providing for a lower level at the east side of the building. The Property slopes down to the eastern side of the Property. The eastern section of the Property is being used for the loading area of the building. While this part of the building base is lower than what is required (lower than 30 feet), it does provide adequate light and air for the buildings to the east and the south of the Project. Additionally, the minimum base for the tower is at the appropriate height along the street frontage on Summit Avenue and a large portion of Pavonia Avenue. The design and utility of the interior spaces and the uses also results in varying programming while accounting for the slope of the Property, which as noted is a hardship condition related to the Property. Therefore, the base of the tower will read from the street consistent with the intent of the Redevelopment Plan to promote a pattern of mixed and multiple-use development in the area, and the Project will provide light and air to the street and adjacent properties. The properties to the east of the Property are located in Zone 4a of the Redevelopment Plan, which has a lower maximum permitted building height. . Therefore, the lower base height of the tower at this location is actually a benefit because it serves to transition into the lower bulk zoning. Accordingly, the benefits of granting this relief outweigh any substantial detriments, and the request for relief is appropriate and can be granted.

40. A deviation is being requested for relief from Section III.D.4 of the Redevelopment Plan requiring that the building Towers shall be setback from side lot lines a minimum of 20 feet. This request is being made with regard to certain locations of the tower. The tower is being set back along the eastern and western ends of the building (the front and rear lot lines of the Property) which creates adequate light and air to adjacent properties. The proposed setbacks do not create any substantial detriments because the setting of the tower still provides for adequate light and air and also adds distinguishing features of the tower as envisioned by the Redevelopment Plan. The proposed setbacks and the architectural elements are consistent with the intent and goals of these requirements in the Redevelopment Plan. Accordingly, the benefits of the overall design of the building outweigh any substantial detriments from the strict compliance with the tower setback requirements, and this relief can be granted accordingly.

41. A deviation is being requested for relief from Section III.D.7 of the Redevelopment Plan that requires a 5 foot set back at the tower base, and a 30 foot setback for the tower that is

adjacent to a low density zone where a small portion of the Project is adjacent to the Zone 4a, which is zone that allows for lower potential development. In this particular instance, the small portion of the adjacent properties (10' to 12'), specifically Lot 27, is located in the Zone 4a (the lower "density" zone). The church located within the higher density Zone 3 area is set back from the property line at this location. Nevertheless, a majority of the adjacent parcels, all of which are owned by the adjacent church, are located within the higher density Zone 3 area (and this regulation does not apply to these parcels in the higher/equal density zone). It is likely that the adjacent Church Property will be developed in accordance with the Zone 3 regulations. The Redevelopment Plan provides that for any consolidated development site that overlaps multiple zone districts that the zone that covers the largest portion of the site shall govern the entire development site. The Church Property has a majority of its property within the Zone 3 area. Accordingly, any potential development of the Church Property will most likely be pursuant to the Zone 3 regulations, which are the same regulations as the proposed Project. Nevertheless, the requirement that relief is being requested applies only to a small portion at the rear of the Project. The tower base is lower at the location of the lower density zone and the tower is not located in the area of the Property that is directly adjacent to the lower density Zone 4a area. Adequate light and air is being provided by the Project, adequate light and air is provided to the lower density zone to the south and the southeast, and therefore, the setbacks do not create any substantial detriments. Additionally, the future development of the adjacent Church Property will most likely not be through the "lower development" zone and will be in accordance with the Zone 3 regulations that govern the Project. Accordingly, the benefits of the design and function of the Project and the granting relief for these deviations outweigh any substantial detriments, and the relief can be granted.

42. A deviation is being requested for relief from Section III.D.8 of the Redevelopment Plan 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. The reasoning for the relief requested set forth in the preceding Paragraph 41 with respect to the limited portion of the Project that is adjacent to a lower development zone also supports this deviation request as well. In this instance, the architectural design of the Project also outweighs any strict compliance with this regulation. The overall design of the Project is providing for adequate light and air, contextual design and building massing consistent with the other projects within the immediate area that are also governed by the Redevelopment Plan. These requirements also appear to be misplaced with regard to this lot as the property is a corner lot and 19,195+/- feet, so the results would not be appropriate. In this instance the "rear lot line" of the Church Property is adjacent to the Project's side yard lot line, which creates a unique situation not envisioned by the Redevelopment Plan. Although this lot line is a rear lot line by definition, because the Project has frontage along both Pavonia Avenue and Summit Avenue it functions as a side lot line for all practical purposes and is perpendicular to Summit Avenue, which is a major street frontage and

serves as the front of the Church. In addition, these requirements are more properly applied to the larger properties in the core of the Redevelopment Plan and the more expansive setbacks would be more appropriate for those types of properties and application of those requirements is not appropriate in this area of the Project. Adequate light and air is still being provided to the properties to the southern and southeastern properties, and therefore, there are no substantial detriments. Accordingly, the benefits of the architectural design and function of the Project outweigh any substantial detriments and the relief can be granted.

43. A deviation is being requested for relief from Section III.J.1 of the Redevelopment Plan that prohibits the use of a synthetic stucco material ("EIFS") on the façade. The Project is proposing to use an EIFS system with drainage on the southern façade of the building. While a synthetic stucco material ("EIFS") is prohibited by the Redevelopment Plan, since the adoption of this Redevelopment Plan the EIFS systems have greatly improved and are now generally accepted as appropriate for facade materials. This material will not be the primary material on the façades and the southern facade will most likely eventually be covered up by an adjacent development on the Church Property. In the interim, the EIFS material will provide for a smooth surface that can be utilized, consistent with the intended mural on this façade, as a space saver until there is future development (the design and application of the mural will be coordinated with the Jersey City mural program). The material is also consistent with the design intent and requirements in the Redevelopment Plan that provides that any stucco material used must be fine grained with a smooth finish. Further, this Planning Board recognizes that this material has greatly improved over the years and that it is a material that the Planning Staff is comfortable with using on certain portions of developments in the City. The use of the mural as a design element serves to mitigate any possible visual detriment that might have been perceived from the use of this material or a large "blank" facade. The Applicant has also agreed that the EIFS material will not be applied on the southern façade until 10 feet above grade, which further mitigates any possible visual impact. In addition to this height, the façade materials are also not accessible so they would not be subject to any damage that could be done if it were located at the ground floor level or adjacent to any amenity areas. Accordingly, the mitigating measures taken by the Applicant, and the benefits of providing this relief outweigh any possible substantial detriments and the relief can be granted.

44. A deviation is being requested for relief from Section VI.(Zone 3)C.8.a.ii of the Redevelopment Plan that permits that up to 30% of a building may be set back up to an additional 10 feet to accommodate outdoor seating areas or public space. This relief is consistent with the overall design of the Project and the setbacks that will promote more light and air, as well as additional sidewalk area, a plaza, and public use area along the Summit Avenue frontage associated with the café area and the public seating area, which is consistent with the Redevelopment Plan. The additional setbacks and areas at the ground level are

benefits to the general public as they create open space and a plaza, and help to create a safe and desirable streetscape and pedestrian flow. There are no substantial detriments by creating this additional open area. Accordingly, the benefits of providing for this relief outweigh any substantial detriments and the relief can be granted.

45. A deviation is being requested for relief from Section VI(Zone 3).C.8.c.ii of the Redevelopment Plan that requires that all floor levels above the ground floor shall not extend greater than 85 feet from any right-of-way fronting the subject property. This regulation is not appropriate for and should not be applicable to this Project for a number of reasons. First, the Property is a corner lot, and this regulation does not take into account corner lots as its application would result in an odd development configuration and a substantially constrained and irregular footprint for such a development that would be inconsistent with the Redevelopment Plan. Additionally, this Project is governed by the tower on base regulations, and this 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 Planning Board finds that the Project is a superior design and provides for adequate light and air, which is one of the primary objectives of this regulation and the Redevelopment Plan. Accordingly, the benefits of granting this relief outweigh any substantial detriments and the relief can be granted.

46. A deviation is being requested for relief from Section IV.B of the Redevelopment Plan for relief to permit signage 24" in height; to permit more than one sign for the retail/café/restaurant use; to permit reverse channel neon signs for the retail/café/restaurant use; and to permit an illuminated sign for the residential building identification. The relief sought with regard to the signage is related to the development concept and brand. The Project is to be an "Urby" brand development. The design and number of signs are consistent with the branding. None of the signs are oversized for the Project or the immediate area, and there is no signage being proposed along Pavonia Avenue. Additionally, if the retail space was broken up in to additional uses and bays, then additional signage would be permitted as of right. Therefore, the additional signage will not create any substantial detriments. The signage is consistent with the intent of the Redevelopment Plan, and accordingly, the benefits of granting this relief outweigh any substantial detriments and the relief can be granted.

47. A deviation is being requested for relief from requirements of the Jersey City Forestry Standards to permit the installation of two trees along the Pavonia Avenue frontage where seven trees are required. This relief is being requested due to site conditions and conflicts with utility placements along Pavonia Avenue. The placement of the utilities along Pavonia Avenue and below ground is a benefit to the façade of the building as well since the ground floor will

not have a series of transformer vaults as part of the ground floor elevation. In order to mitigate any substantial detriments, contributions will be made in lieu of the planting of these trees as required by the Jersey City Forestry Standards; where possible, planters will be placed adjacent to the building along Pavonia Avenue; and a bioswale will be created along Pavonia Avenue adjacent to the northwestern tree pit, if possible. A substantial area of landscaping is proposed along Summit Avenue exceeding the planting requirements. This additional landscaping is not required, but the benefits of the additional landscaping along Summit Avenue substantially outweigh and mitigate the inability of the planting of the additional five required trees along Pavonia Avenue. Accordingly, the benefits of granting this relief outweigh any substantial detriments and the relief can be granted.

48. The Project and the requested waivers and deviations will promote the objectives of the Redevelopment Plan as set forth in Paragraph 32 herein.

49. The granting of the requested waivers and deviations will promote purposes of the Municipal Land Use Law inasmuch as:

- a) The granting of the waivers and deviations will be a municipal action that will guide the appropriate use and development of this property as a mixed-use building in Zone 3 of the Redevelopment Plan in keeping with the character of the area, and remove a non-conforming surface parking lot that detracts from the neighborhood and is contrary to the intent of the zone plan. This will promote the public safety and general welfare consistent with NJSA 40:55D-2.a.
- b) The granting of the waivers and deviations will support the goal of providing adequate light, air, and open space by providing for a site plan and architectural design providing these consistent with NJSA 40:55D-2.c.
- c) The granting of the waivers and deviations will promote the establishment of appropriate population densities and concentrations consistent with NJSA 40:55D-2.e.
- d) The granting of the waivers and deviations will promote a desirable visual environment through the removal of non-conforming surface parking lot and replacing it with an attractive mixed-use structure consistent with NJSA 40:55.D-2.i.

50. The granting of the waivers and deviations will not result in any substantial detriments to the public good or the general welfare. Pavonia Avenue and Summit Avenue is a mixed-use commercial/residential area and the proposed Project is consistent with the character of the area, and will provide a positive impact on the area. The Project will remove a non-conforming surface parking lot use and replace it with uses that comply with and promote the objectives of the Redevelopment Plan. There will be no adverse impacts as a result of waivers and deviations and any substantial impacts of the waivers and deviations are mitigated by the overall design of the building and other mitigating factors set forth herein.

51. The granting of the variances waivers and deviations will not result in any substantial detriments to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The proposed uses are permitted in Zone 3 of the Redevelopment Plan and the proposed development is consistent with and will promote the intent and purpose of the Redevelopment Plan rather than resulting in any substantial detriments. In addition, the proposed development will remove an existing non-conforming use that is inconsistent with the intent of the zone plan.

52. All of the requested design waiver and/or deviations are appropriate for the Project and will benefit the immediate neighborhood, and will promote the general welfare. The Project will promote a desirable visual environment by developing a creative and appropriate mixed-use development for the neighborhood to meet the needs of the growing population and to comply with the objectives of the Redevelopment Plan. The proposed design 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. Accordingly, accordingly, all of the requested design waivers and/or deviations can be granted.

53. The Applicant has satisfied both the positive and negative criteria in support of the requested waivers and deviations N.J.S.A. 40:55d-70(c)(1) and (c)(2) wherein the benefits of granting the waivers and deviations, and the existing site hardships, outweigh any substantial detriments, and the requested waivers and detriments can be granted.

54. There were members of the public that expressed their concerns regarding the Project, and also a member of the public that represented the adjoining Church Property that spoke in favor of the Project. There was no expert testimony presented in opposition to the testimony and reports provided by the Applicant's Witnesses and Experts.

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 design waivers and deviations pursuant to N.J.S.A. 40:55D-70(c), to wit, Calendar No. P19-131, to develop the Property with a twenty-five (25) story mixed use building, with approximately 2,416 square feet of retail/restaurant/sidewalk cafe space on the first floor fronting along Summit Avenue, approximately 1,631 square feet of office space on the ground floor, and 340 residential units (as amended from 341 residential units to 340 residential units on the record) on the upper floors for the property located at 532 Summit Avenue and 571, 573, 575 and 577 Pavonia Avenue, Jersey City, New Jersey, and identified on the Jersey City Tax Maps as Block 9606, Lots

29, 32, 33, 34 and 35, and in accordance with the plans and testimony submitted to the Planning Board of the City of Jersey City, subject to the following conditions:

1. The Applicant shall address and comply with all comments and recommendations of municipal review agents and will submit revised plans reflecting those comments to the Division of City Planning.
2. All materials and color selections shall be shown on Final Plans. No changes 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 planning staff.
3. All testimony given by the Applicant and their expert witnesses shall be binding.
4. Architect of record, HLW Architecture, LLC shall submit a signed and sealed affidavit confirming that the building was constructed as approved, prior to issuance of the Certificate of Occupancy.
5. The Applicant shall provide planters along the Pavonia Avenue side of the Project (not blocking any egress or mechanical doors).
6. The Applicant shall work with the Planning Staff to provide for a bioswale on Pavonia Avenue, where possible.
7. The Applicant shall provide a garage warning light related to the ingress and egress to the garage.
8. No left turn shall be permitted from the garage on to Pavonia Avenue.
9. The application of the EIFS material on the southern façade shall not be applied lower than ten (10) feet from grade.

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANT: 575 PAVONIA LLC

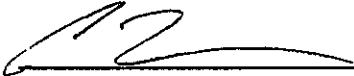
FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH DESIGN
WAIVERS AND DEVIATIONS
532 SUMMIT AVENUE AND 571, 573, 575 AND 577 PAVONIA AVENUE,
JERSEY CITY, NEW JERSEY
BLOCK 9606, LOTS 29, 32, 33, 34 and 35

CASE NO. P19-131

VOTE: 8 - 1

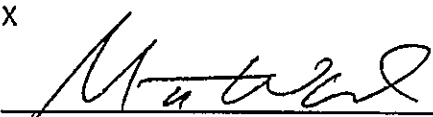
COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
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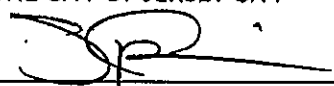
Christopher Langston, Chairman	X		
Joyce Watterman, Councilwoman	X		
Edwardo Torres, Commissioner	X		
Dr. Vijay Desai, Commissioner	X		
Allison Solowsky, Commissioner	X		
Harkesh Thakur, Commissioner	X		
David Cruz, Commissioner	X		
Vidya Gangadin, Commissioner	X		
John Seborowski, Commissioner			X


CHRISTOPHER LANGSTON, CHAIRMAN
JERSEY CITY PLANNING BOARD
OF THE CITY OF JERSEY

APPROVED AS TO LEGAL FORM:

DATE OF HEARING:
DATE OF MEMORIALIZATION:


MATT WARD, SECRETARY
JERSEY CITY PLANNING BOARD
OF THE CITY OF JERSEY CITY


SANTO T. ALAMPI, ESQ.

October 29, 2019
November 26, 2019