

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANTS: KRE ACQUISITION CORP.

**FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH DEVIATIONS**

BLOCK 11508, LOT 3.01

351 MARIN BOULEVARD

CASE NO.: P18-123

WHEREAS, KRE ACQUISITION CORP. , (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 a mixed use high-rise development, to wit: Calendar No. P18-123, to contain 507 residential units, approximately 7,984 square feet of commercial space, a parking garage containing 203 parking spaces, including 95 compact parking spaces, and a 4,500 square foot pedestrian plaza. The project is located at 351 Marin Boulevard, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 11508, Lot 3.01 (the "Property"), which is located within the Morgan/ Grove/ Marin ("MGM") Redevelopment Plan; and

WHEREAS, due notice of a hearing on the application before the Planning Board of the City of Jersey City, on October 16, 2018 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 ("LDO") and the Municipal Land Use Law ("MLUL"); and

WHEREAS, the Applicants have submitted proof of compliance with the applicable procedural requirements including the payment of fees and public notices to the Board; and

WHEREAS, no members of the public appeared in opposition to the Applicant's application; however, Michael Bochner, the owner of 195 First Street, Block 11508, Lot 2 appeared and testified; and

WHEREAS, the Applicant, its witnesses, and members of the public first having been sworn and all testimony having been formally heard for and in opposition to this application; and

WHEREAS, after consideration of the application and the testimony and other evidence

in the application and presented at the hearings, the Planning Board has made the following findings of fact:

FINDINGS OF FACT

1. The Property is in the MGM Redevelopment Plan (the "Plan") area on Block 11508.

2. The Applicant is requesting a Preliminary and Final Major Site Plan Approval with deviations to develop a mixed use, high-rise building which will consist of an 8 story base and a 38 story tower containing 507 residential units, approximately 7,984 square feet of commercial space, a parking garage containing a total of 203 parking spaces, which includes 95 compact parking spaces, and a pedestrian plaza totaling 4,500 square feet (the "Project").

3. In order to develop the Project, the Applicant seeks to implement the Block 11508 Community Benefit Bonus provisions of the Plan which will allow the Property to have additional dwelling units above the base density set forth in the Plan up to a maximum of 507 dwelling units.

4. In order to implement the Block 11508 Community Benefit Bonus provisions of the Plan, the development parcel must be at least 25,000 square feet and the entire frontage must be on Marin Blvd. The Property is on the west side of Marin Blvd. encompassing the entire frontage of Marin Blvd. between Bay Street and First Street. The Property is 31,000 square feet. The remaining existing improvements on the Property will be demolished. The Project will cover the entire Property.

5. In order to implement the Block 11508 Community Benefit Bonus provisions, the development must have a landscaped open space area at the corner of Bay Street and Marin Blvd. that is at least 3,000 square feet at or close to street level that will contain plantings, seating, trees, and bike racks that will be open to the public. The Project includes a pedestrian plaza that is 4,500 square feet at the corner of Bay Street and Marin Blvd. that is partially at street level and partially raised by a series of steps and a ramping system. The grade changes will allow the building's residential lobby located off of the pedestrian plaza to comply with the State of New Jersey's flood hazard rules. The grade changes also allow the plaza to have a more features and a more diverse design for public gatherings. The plaza will have trees, benches, bike racks, plantings, seating, and an architectural feature made of glass and metal with water bubblers. The plaza will be located entirely on the Property. The Applicant stipulated that the plaza will be open to the public and that it will be maintained by the owner of the Project.

6. In order to implement the Block 11508 Community Benefit Bonus provisions, the base of the building must have windowed bays that encompass a

minimum of 75% of the first floor façade along Marin Blvd. and the frontage of the plaza. All of the façade frontage along Marin Blvd. and around the pedestrian plaza will contain windowed bays either for the commercial space or as entrance ways into the lobby of the building.

7. A project to be built using the Block 11508 Community Benefit Bonus provisions is permitted to have two additional residential stories above the permitted height of the building, provided that each of the two stories is stepped back at least 10 feet from the front façade of the building and that the total height of the building does not increase by more than 20 feet above the permitted height. The building is 38 stories. The 37th and 38th stories are bonus stories which will be used for residential amenity space and mechanical rooms to serve the residential component of the Project. Each of these stories is stepped back 10 feet from the front façade of the building. The maximum permitted height of the building with the bonus stories is 398 feet taking into consideration allowances provided for by the LDO based upon the Property's location in a flood hazard area. The total height of building with the 2 bonus stories is 396 ft., 6 in. taking into consideration the base flood elevation and other allowances provided for by the LDO. Thus, the Project complies with the height bonus provisions of the Plan.

8. The ground floor of the base building along Marin Blvd. will be lined entirely with commercial space. The residential entrance and lobby of the building will be on the corner of Marin Blvd and Bay Street directly off the Plaza. The parking garage will be in the base of the building on the second through sixth stories of the base. The garage entrance will be on Bay Street. The garage exit, together with a loading berth and other building service areas will be on First Street to avoid burdening any street frontage with an excessive amount of building service areas. The tower will contain market rate residential units together with building service areas and resident amenity areas.

9. The architecture and façade treatments being used for the building contain modern accents. The architecture and glass façade treatment in the base of the building will enhance the modern accents and will maximize the use of glass along Marin Blvd. and Bay Street to create an active street frontage for the pedestrian plaza.

10. The roof levels of the 6th, 7th, and 8th stories of base of the building and the 37th story of the tower will contain common and private recreation space. The recreation space will include decks with amenities, a roof top pool, a planting garden, and a dog run for use by the building residents.

11. The Project is required to have 131 parking spaces (0.25 spaces per dwelling unit ($0.25 \times 507 = 127$) and 0.5 spaces per 1,000 sq. ft. of commercial space ($7,165 / 1000 \times 0.5 = 3.5$) ($127 + 4 = 131$). The Project will have a parking garage with 203 parking spaces including 95 compact spaces which complies with the parking space requirement of the Plan. There is no maximum limitation on parking spaces in the Plan.

12. The Plan permits the following as permitted principal uses among other

permitted uses: Multi-family Apartment Buildings. The Plan also permits uses incidental and accessory to the principal use, including but not limited to Commercial uses; Retail sales of goods and services; Restaurants, category one and two; Bars; Off-street parking, Signs and others. Thus, all of the other uses proposed by the Project are permitted uses within the Plan.

13. With the exception of the deviations granted below, the Project complies in all respects with the bulk, volume, and dimension requirements of the Plan, including but not limited to minimum dwelling unit size, tower dimensions, floor plate size, maximum permitted coverage, base and tower height, bonus stories provisions, required setbacks and step backs, and building façade and fenestration.

14. The Applicant requested and was granted the following deviations, variances, waivers and/or exceptions from the Plan as follows:

a. Section VII.B.5 of the Plan, which requires that street trees be spaced no more than 35' on-center apart, where street trees planted approximately 37' on-center apart are proposed along Bay Street, First Street, and Marin Boulevard. The proposed street tree spacing deviation is required, in part, to coordinate tree spacing with the architecture of the base including the column spacing and the hardscape design on the sidewalk, and in part, to accommodate, utilities, street lighting, driveways, and bicycle racks. The proposed street tree spacing will not result in fewer trees being planted around the Project and the pedestrian plaza which exceeds the minimum required plaza size by approximately 1,500 square feet includes a significant amount of plantings and greenery for public enjoyment; therefore, there is no detriment to the public good or impairment of the Plan from this deviation.

b. Section VII.C.2 of the Plan, which requires that no more than the lesser of 15 feet or 15% of the first floor street frontage may be dedicated to utility rooms, where 58 feet of the first floor frontage is dedicated to utility rooms along Bay Street and 76 feet is dedicated to utility rooms along First Street. In order for the Marin Blvd. frontage and the pedestrian plaza frontage to be free of utility rooms, and in order to comply with PSE&G above ground vault requirements for access to utility rooms, utility room areas in excess of the Plan requirements could not be avoided on Bay Street and First Street. Overall, the design of the Project maximizes active frontages and minimizes frontages dedicated to utility rooms; therefore, the intent of this requirement of the Plan is satisfied; therefore, there is no impairment to the Plan. The benefits of having a fully active frontage on Marin Blvd and the pedestrian plaza with no utility areas far exceed any detriments of not fully meeting the frontage requirements on Bay Street and First Street

c. The sidewalk widths surrounding the Project comply with Section VII.B.2 of the Plan, which requires that sidewalks surrounding the project be a minimum of 15' wide. However, there is a limited area near the corner of Marin Blvd. and Bay Street adjacent to the pedestrian plaza where the sidewalk is only 12.6 feet wide. Despite this, the plaza provides an additional 6.75' wide pathway at this location to connect the

sidewalk of Marin Boulevard and Bay Street, providing a total useable sidewalk width of 17' at this corner. Thus, the sidewalk is not diminished and, in fact, will appear to be larger than required to pedestrians. The 2.4 foot deviation will permit the glass and metal architectural feature in the plaza to line up geometrically with the plaza and the lobby of the building. Moreover, having the glass and metal architectural feature on the corner will makes the plaza more inviting and will draw more pedestrians into it. As such, there is a definitive benefit to this deviation and there is no detriment to the public good or impairment of the Plan from it.

d. Section VIII.E.1.e of the Plan, which requires commercial areas along Marin Boulevard to have a minimum floor to ceiling of 16 feet, where a 15'-4" floor to ceiling height is proposed in a commercial area facing the proposed open space plaza along Marin Boulevard. The deviation from Section VIII.E.1.e of the Plan, which requires commercial areas along Marin Boulevard to have a minimum floor to ceiling height of 16', will permit a 15'-4" ceiling height for the commercial area facing the proposed open space plaza along Marin Boulevard. This ceiling height is necessary due to the finished floor being raised to comply with FEMA and New Jersey's flood elevation requirements. The benefits of complying with the flood requirements outweigh any detriment. The deviation is 8 inches and, thus, is de minimis in nature; therefore, there is no impairment of the Plan.

e. Section VII.D.1 of the Plan, which permits a maximum of one (1) exterior 20-square-foot residential sign for a major residential building, where three (3), 20-square-foot exterior residential signs are proposed. This deviation will permit 2 additional residential signs on the exterior of the building. In light of the design and size of the Project, one sign above the residential lobby would not be sufficiently visible to identify the building along all three street frontages. Thus, the two additional signs are appropriate for building identification. Moreover, as designed, the signs are an architectural feature integrated into the façade of the base of the building adding a place making feature to the Project and the plaza. In light of the above, there is no detriment to the public from the two (2) additional residential signs and there is no impairment of the Plan.

f. The building complies with all of the setback and step back requirements in Section VIII.L.7 of the Plan except for where there will be an exterior stairway within the 10 foot stepback between the 7th and 8th floor of the base of the building. The stairway will connect the 7th floor amenities deck to the 8th floor amenities deck. The staircase itself is de minimis in size and only encroaches upon the stepback in a very limited area. The staircase will allow residents to move freely between the community garden level and main amenities level without having to re-enter the building thereby unifying the overall recreational experience for the residents. The stairway does not reduce light and air to the adjoining property and does not create any additional living area; therefore, the intent of the stepback requirement is fully satisfied; therefore, there is no impairment of the Plan and no detriment to the public good in granting this deviation.

g. Section VII.A.5 of the Redevelopment Plan, which requires that ground floor storefronts consist of a minimum of 75% glass, where 66.9% glass is proposed along Bay Street and 74.2% glass is proposed along Marin Boulevard. The use of glass in the design of the commercial storefronts and the frontage along the pedestrian plaza have been maximized to their fullest extent. The reduction in glass is de minimis and is necessary to accommodate the unique and distinct façade design of the base of the building which requires triangular column placements. It also allows for metal panel bands above the glass to provide future commercial/retail signage for each tenant. In light of the unique architectural design of the Project, the benefits of this deviation outweigh any detriment and there is no impairment of the purpose of the Plan.

15. Although the Applicant noticed for a deviation from Section VIII.L of the Plan, which requires that 75% of the first floor façade along the plaza and Marin Boulevard frontages be windowed bay areas, the Project complies with this requirement because all of the façade frontage along Marin Blvd. and along the pedestrian plaza contain windowed bays either for the commercial space or as entrance ways into the lobby of the building. Even if a deviation is required, the use of windows in the design of the commercial storefronts and the window fronts along the pedestrian plaza have been maximized to their fullest extent, except for required structural column placements and metal panel bands located above the glass that are necessary to accommodate future signage; therefore, the design satisfies the intent and spirit of the requirement; therefore, there is no impairment of the purpose of the Plan.

16. In summary, the plans and testimony presented establish that the benefits of granting the deviations listed above substantially outweigh any detriments. The development and deviations are appropriate for the development of the Property and will benefit the immediate neighborhood and will promote the general welfare and the objectives and policies of the Plan. The development will also promote a desirable visual environment by integrating new development within the Plan area into the surrounding community. Lastly, the deviations, some of which are de minimis, and most of which would otherwise be considered only design waivers if part of a traditional site plan ordinance, will not cause substantial detriment to the public good, or impairment to the intent and purpose of the Plan, the Jersey City Zone Plan, or the LDO.

17. The Project will significantly upgrade the pedestrian experience on Marin Blvd., First Street, and Bay Street by expanding sidewalks, providing new pavement treatments, decorative lighting, and street trees and landscaping, and 4,500 square foot open space plaza for public gatherings.

18. Based upon the application, the site plans, the testimony and the Applicant's stipulations on the record, because the Project complies with the Block 11508 Community Benefit Requirements, it is permitted to have 507 residential dwelling units which is 390 more dwelling units than the 117 dwelling units permitted by the Plan. However, in order to build the additional dwelling units the Applicant must make a \$10,430.34 per bonus

dwelling unit donation to the City of Jersey City in accordance with the time frames and other requirements of Section VII L. 1a through g of the Plan. The Applicant has stipulated that per the Plan requirements the payment due calculated through December 31, 2018 is \$10,430.34 per bonus dwelling unit for a total payment of \$4,067,833.57 (390 x 10,430.34) and that such payment shall be made: 50% upon the issuance of the first building permit for the Project and 50% upon the issuance of the first certificate of occupancy for the Project.

19. Based upon the application, the site plans, the testimony and the Applicant's stipulations on the record, the Property satisfies the Block 11508 Community Benefit Requirements of the Plan; therefore, the Project qualifies under the Plan to have 507 residential dwelling units.

20. Based upon the application, apart from the minor deviations requested, the site plans, the testimony and the Applicant's stipulations on the record, the Project meets the requirements of the Plan, and the LDO.

21. Based upon the application, the site plans, the testimony and the Applicant's stipulations on the record, the Applicant has met the burden of proof required under the MLUL to qualify for the deviations, variances, waivers and/or exceptions from the Plan requested; therefore, all such deviations are hereby granted.

22. The Applicant is permitted to use all or a portion of the commercial space as leasing and/or sales offices for the residential units and commercial spaces on a temporary basis. This will afford the Applicant an opportunity to lease or sell the residential units during construction of the Project. This use is consistent with the accessory and incidental use provisions of the Plan.

23. The Memorandum of the Jersey City Engineering Department dated September 17, 2018 recommended that the Applicant be required to provide a traffic study for the Project. The Applicant requested relief from this request. Based upon the recommendation of the Division of Planning staff, the Board determined that the Applicant shall not be required to provide a traffic study for the Project.

24. The Applicant will mount LED lighting on the exterior façade of the base of the building opposite the windows of an existing one (1) story warehouse at 195 First St., Block 11508, Lot 2 which is adjacent to the Property to provide the interior of the warehouse with illumination that is equivalent to the illumination provided by sunlight. These lights will remain on Monday through Thursday 7am to 6pm; Friday from 7am to 2pm; and Sunday 7am to 2pm.

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 a Deviations to wit: Calendar No. P18-123, to develop the Property with a mixed use high-

rise building to contain 507 residential units, approximately 7,984 square feet of commercial space, all or a portion of which will be used as leasing and/or sales space on an interim basis, a parking garage containing 203 parking spaces, including 95 compact parking spaces, and a 4,500 square foot pedestrian plaza all in accordance with the plans, exhibits, documents, and testimony, submitted to the Planning Board of the City of Jersey City, subject to the following conditions:

1. The Applicant will work with Division of Planning staff and the Jersey City Engineering Department to remove from the site plans the proposed planted bioswale with curb bump outs at the corners of Marin Blvd. and Bay Street and Marin Blvd. and First Street and to replace them with more typical curbs.

2. The Applicant will work with the Jersey City Engineering Department Division to address the comments contained in its September 17, 2018 memorandum with the exception of performing a traffic study which the Board has determined is not required.

3. All materials in color selections shall be shown on the final site plans.

4. Any changes to the materials and colors selections that were stipulated and any other conditions agreed to when working with any neighborhood association shall be reflected on the final site plans.

5. No changes to the façade and site design including materials as well as any changes that may be required by the office of the construction code official may be made without first consulting with the Planning staff, or obtaining the approval of the Planning Board, if necessary.

6. All testimony given by the Applicant and its expert witnesses shall be binding on the Applicant.

7. All street trees and landscaping (as approved by this Resolution) shall be installed in accordance with the Plan or section 345-66 of the LDO, subject to any deviations granted herein, prior to the issuance of a final certificate of occupancy for the Project.

8. The Block 11508 Community Benefit Bonus payment shall be made in 2 installments as required by the Plan: 50% prior to the issuance of a building permit for the Project; and 50% prior to the issuance of any certificate of occupancy for the Project.

APPLICANTS: KRE ACQUISITION CORP.

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH DEVIATIONS

BLOCK 11508, LOT 3.01

351 MARIN BOULEVARD

CASE NO.: P18-123

VOTE: 8 - 0


COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Christopher Langston, Chairman	X			
Dr. Orlando Gonzalez,, Commissioner	X			
Joyce Watterman, Councilwoman	X			
Arnold Bettinger, Commissioner	X			
John Seborowski, Commissioner	X			
Michael Sims, Commissioner	X			
Dr. Vijay Desai, Commissioner	X			
Allison Solowsky, Commissioner	X			


CHRISTOPHER LANGSTON, CHAIRMAN
JERSEY CITY PLANNING BOARD


MATT WARD, SECRETARY
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:


SANTO ALAMPI, ESQ.

DATE OF HEARING:

October 16, 2018

DATE OF MEMORIALIZATION:

November 13, 2018