

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

**APPLICANT: JERSEY CITY URBY TOWER 2 LLC
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH
DEVIATIONS AND/OR WAIVERS
191-201 HUDSON STREET, JERSEY CITY, NEW JERSEY
BLOCK 11603, LOTS 28, 30, 31.01 (AS SUBDIVIDED – NEW LOT 31.04),
AND LOT 31.02 (AS SUBDIVIDED – NEW LOT 31.05)**

CASE NO.: P22-094

WHEREAS, the Applicant, **JERSEY CITY URBY TOWER 2 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 Amended Preliminary and Final Major Site Plan Approval with deviations pursuant to N.J.S.A 40:55D-70(c) and design deviations/waivers, to wit: Calendar No. P22-094 (number of stories; height, setbacks/stepbacks and façade and design treatment of the podium base, number of permitted signs, relief from the Jersey City forestry standards; and relief from design requirements) for approval to develop a project consisting of two sixty-nine (69) story residential towers on a podium base consisting of approximately 1,606 units in the towers, of which up to 164 units may be designated for hotel use, and the remaining units will be used as residential units; a health club and retail/commercial; and 272 parking spaces (with a valet option to provide for parking for up to 500 vehicles) on the property located at 191 to 201 Hudson Street, Jersey City, New Jersey, which is located within the Harborside West District of the Exchange Place North Redevelopment Plan, and also identified on the Jersey City Tax Maps as Block 11603, Lots 28, 30, 31.01 (as subdivided – to be new Lot 31.04), and Lot 31.02 (as subdivided – to be new Lot 31.05); and

WHEREAS, due notice of a hearing on the above said application before the Planning Board of the City of Jersey City, on July 26, 2022 at 5:30 p.m., was duly published as prescribed in the Zoning Ordinance 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, all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application and the testimony presented at the meeting, the Planning Board has made the following findings of fact:

FINDINGS OF FACT

1. The Applicant, Jersey City Urby Tower 2 LLC, filed an application with the Jersey City Planning Board (the “Board”) for Preliminary and Final Major Site Plan approval with deviations pursuant to N.J.S.A 40:55D-70(c) and design waivers, to wit: Calendar No. P22-094 (number of stories; height, setbacks/stepbacks and façade and design treatment of the podium base, number of permitted signs, relief from the Jersey City forestry standards; and relief from design requirements) for approval to develop a project consisting of two sixty-nine (69) story residential towers on a podium base consisting of 1,606 units in the towers, of which up to 164 units may be designated for hotel use, and the remaining units will be used as residential units; a health club and retail/commercial; and 272 parking spaces (with a valet option to provide for parking for up to 500 vehicles) on the property located at 191 to 201 Hudson Street, Jersey City, New Jersey, which is located within the Harborside West District of the Exchange Place North Redevelopment Plan, and also identified on the Jersey City Tax Maps as Block 11603, Lots 28, 30, 31.01 (as subdivided pursuant to Case #P22-095 – to be new Lot 31.04), and Lot 31.02 (as subdivided pursuant to Case #P22-095 – to be new Lot 31.05)(the “Property”). New Lot 31.05 (“215 Hudson Street”) will be the expanded private Bay Street right-of-way. Portions of Lots 28 (“Hudson Street”) and 30 (“185 Hudson Street”) will be improved with new accessory streetscape improvements.
2. The Property is located in the Harborside West District of the Exchange Place North Redevelopment Plan (“Redevelopment Plan”).
3. This Project, as defined herein, is the second phase and continuation of the “Urby” development that was envisioned and approved as part of amendments to the Harborside Financial Center Master Plan (“Master Plan”) in 2012. The development Project is consistent with the intent and goals of the Master Plan, as amended in 2012, and the intent and goals of the Redevelopment Plan.
4. The new lots that will be used for this development were subdivided and approved by this Planning Board as part of P22-095.
5. The development of the Property will consist of a mixed use development that will include an eight (8) story podium base consisting of retail/commercial/office/health club/restaurant uses, and a parking garage, along two sixty-nine (69) story residential towers on the podium base consisting of 1,606 units in the towers, of which up to 164 units may be used by Applicant for hotel use, and the remaining units will be used as residential units; a health club and retail/commercial uses; and 272 parking spaces (with a valet option to provide for parking for up to 500 vehicles)(the “Project”).
6. In connection with the application for this Project, the Applicant is seeking the following relief:
 - a. The Applicant is seeking deviation relief from the maximum permitted number of stories (69 stories proposed; the building will be complying with the permitted height regulations).

- b. The Applicant is seeking deviations and/or design waivers to permit relief from the maximum permitted height of the building base; deviations and/or design waivers to permit relief from the design setback requirements; deviations and/or design waivers to permit relief from the requirements that the base be constructed of only masonry material, and deviations and/or design waivers to permit for relief from the minimum amount of glazing on the base façade.
 - c. The Applicant is seeking deviations and/or design waivers to permit relief from the maximum permitted number of signs for the residential, retail, and parking uses.
 - d. The Applicant is seeking a deviation and/or a design waiver to permit relief from the Jersey City Forestry Standards.
 - e. Any other deviations, variances, exceptions and/or waivers that this Board shall deem necessary in connection with this Project.
7. It is noted that the relief requested by the Applicant was listed as variance/deviation/waiver requests. The agenda referred to the requested relief as variances/deviations. The Board has reviewed all of the requested relief under the standards of relief for a variance/deviation, and accordingly any relief approved as part of this application has been approved as each a deviation, variance, and/or waiver.
8. The proposed development of the tower base and the two towers will take place on New Lot 31.04 as approved by P22-095 (lot line adjustment of former Lot 31.01). New Lot 31.05 (“215 Hudson Street”) will be the expanded private Bay Street right-of-way. Portions of Lots 28 (“Hudson Street”) and 30 (“185 Hudson Street”) will be improved with new accessory streetscape improvements.
9. The total height of the tower structures will be approximately 690’10” to the top of the residential towers (and 677’10” from the base flood allocation); 723’6” to the top of the towers’ mechanical space and screening (and 710’6” from the base flood allocation); and 748’6” to the top of all roof top appurtenances (and 735’6” from the base flood allocation). All of these heights are below the permitted building height of 800’.
10. The retail/commercial square footage includes 28,376 square feet of indoor retail space, and an additional 4,132 square feet of outdoor area that will be used for the health club spa, for the total square footage of 32,508 square feet. The additional 4,132 square feet of the outdoor health club/spa area is not included in the total gross floor area calculation as it is not enclosed area.
11. The Project will consist of 1,606 units. The Applicant is requesting an approval to allow up to 164 of the units to be designated for hotel use. The final determination of the number of units to be used for the hotel use will be determined by the Applicant from time to time based upon market conditions. Applicant shall comply with Jersey City requirements for hotel registration pursuant to the Jersey City Municipal Code. Units not used for hotel use will be used as residential units.
12. The Project will also provide for a total of 272 on-site parking spaces within the garage. The

Applicant has also requested approval for an option to increase the on-site parking up to 500 vehicle parking through valet parking option. The Applicant agreed to have the valet option further reviewed and approved by the Jersey City Division of Planning (“Planning Staff”) and the Jersey City Engineering Department prior to any implementation of the valet option.

13. The one thousand six hundred six (1,606) unit mix among the two towers will consist of ninety-five (95) studio units; one thousand one hundred twenty-eight (1,128) one bedroom units; and three hundred eighty-three (383) two bedroom units.

14. The hotel units may be spread out between the two towers, and can be up to one hundred sixty-four (164) units. The units will not be mixed with residential units on any single floor. The units will be operated and overseen by an operator selected by the Applicant, which may be an affiliate with experience in hotel management or other short term-rentals

15. The Floor Area Ratio (“FAR”) is 14.89 and complies with the permitted FAR in the Redevelopment Plan of up to an FAR of 15. The FAR calculation is based on the total lot areas of Lot 31.01, Lot 31.02 and Lot 31.03 (the existing Urby building), which were all a single development lot prior to the subdivision of these lots for the first Urby phase pursuant to P12-005. This FAR calculation is consistent with the regulations of the Redevelopment Plan and the Master Plan.

16. The Harborside West District of the Redevelopment Plan provides as follows:

Maximum Height

Fifty (50) stories, however any story where a minimum of eighty percent (80%) of that level’s gross floor area is used for parking and/or mechanical shall not be considered in the maximum number of stories permitted. In no case shall any structure exceed 800 feet.

The proposed Project will be complying with maximum permitted height requirements (See Paragraph 9 as to the building heights vs. the permitted 800’), but the Project will not be within the permitted number of stories (69 stories vs. 50 stories permitted). The Redevelopment Plan permits the proposed residential use. The initial Master Plan had envisioned a comprehensive office development at this location, and the development of the residential towers vs. the office towers results in different needs and spacing for the structures, as well as different design elements. The Master Plan envisions that the towers (whether office or residential) throughout the Redevelopment Plan area and this District “as a group are landmarks that identify the development and Jersey City as important locations in the metropolitan area.” The intent of the higher towers is to create landmark towers that will bring attention to the Jersey City skyline from distant views. The Applicant is asking for relief to permit sixty-nine (69) stories. In this instance, the number of stories in the towers are both insignificant and irrelevant because the height of the buildings is not more than the building height that is permitted.

17. This deviation for relief from the permitted number of stories was also granted for the Phase 1 building now occupied. It is noted that the floor area being proposed in the Project is still conforming

notwithstanding the additional floors. This is because the proposed residential towers are more slender than a commercial building might be where the footprint of the floors would be larger to accommodate larger floor areas on each story. The slender towers provide for more air and light and better visual view sheds than would a larger footprint building, which is a beneficial aspect of this design approach. The granting of this deviation will not result in any substantial detriments to the intent of the Redevelopment Plan in that the overall height of the towers still conform, and the overall total floor area also conforms to the Redevelopment Plan. Accordingly, there are no substantial detriments to the public good, and in fact this design approach provides greater benefit to the public.

18. Consistent with the first Urby development on the adjacent property, the proposed development is providing for unique and state of the art architectural design that will result in signature towers along the Jersey City waterfront, and all of which will be within the height limitations of 800 feet. The residential use creates the demand for sleek towers and signature design elements with the additional stories, and the additional stories are a benefit because it will serve to increase the height of the towers as envisioned as identifying landmarks. Additionally, the number of stories will not have any substantial detrimental impact on the neighboring properties with regard to light, air or otherwise. The office towers that were initially proposed as part of the Master Plan in years past, while still complying with the height requirements, would have had more massing. The residential towers could be developed with more massing as well, but that would sacrifice a superior design and layouts. Therefore, those office buildings or bulky residential towers would have had more of an impact on height, air or view corridor issues. In the alternative, the proposed residential towers are point towers that allow for superior light, air and view corridors, while at the same time creating a much more superior landmark skyline. Accordingly, the proposed tower structures and design are consistent with the intent of the Redevelopment Plan and Master Plan, and the benefits of granting relief to permit more stories than are permitted, while still being within the permitted height, outweigh any detriments and can be granted. Therefore, this deviation for relief from the permitted number of stories can be granted pursuant to the c.(2) criteria where in the benefits substantially outweigh any substantial detriments.

19. The Redevelopment Plan provides for general design requirements and setback/stepbacks for buildings and parking structures in Section VI. The proposed Project and architectural design do not strictly adhere to the guidelines, but are consistent with the goals and objectives of the Redevelopment Plan guidelines and the Master Plan. The unique architecture of the towers, consistent with the architectural design of the Urby 1 Tower on the adjacent property, will continue to create the landmark signature buildings as envisioned by the Master Plan, and the proposed architectural designs and features create architectural interest. The design and architectural breaks and materials in the building are consistent with the intent of the design guidelines to create a visually interesting buildings vertically. The specific requests will be addressed in the following paragraphs, but as set forth below, it has been concluded that there are no substantial detrimental impacts from the requested design deviations/waivers, and the benefits of granting the deviations/waivers from the design guidelines outweigh any substantial detriments and can be granted.

20. The Redevelopment Plan provides for design requirements for the height of the “Base” to the

towers, and for design standards as to the type of masonry material to be used, and the minimum amount of glazing on the base (40%). The maximum permitted Base height is 85 feet. The applicant is requesting relief from this maximum as a result of design and programming features on the amenity deck level on the roof of the Base. The heights of the Base vary from 83'10" to the amenity deck; to 88'10" to the Pool deck; and to 93'10" to the top of the parapet wall. As the architectural and landscaping plans demonstrate, the amenity deck level proposes a step up to the pool deck as a design feature. As a result, this step up raises the level of the amenity level in this portion of the amenity deck. Therefore, in order to accommodate the feature and the appropriate parapet heights for the amenity deck level, the height of the parapet level has been raised as well. These minor deviations will not be discernible from the street and will not result in any detriment to the public good or to the intent of the Redevelopment Plan. In fact, this project advances many of the goals and objectives of the Redevelopment Plan in terms of improvements to the circulation pattern: the creation of a well-planned development that will provide opportunities for employment, housing, commercial and retail facilities; providing for a variety of land uses, and generally providing for the successful implementation of the redevelopment plan. These are design and programming features that are a benefit to the amenity deck and the implementation of the Project and the intent of the Redevelopment Plan. There will not be any substantial detriments as the additional height is negligible at this level and the additional height serves to provide better function of the design and programming of the amenities, and provide for the appropriate height for the parapet. Accordingly, the benefits of the relief requested outweighs any substantial detriments and this deviation/waiver relief can be granted.

21. There is also a requirement that the tower Base be constructed of masonry, including brick, stone and textured concrete. Glass should constitute between 40% and 75% of the surface area of the base. The Applicant is proposing a mix of materials at the Base that includes masonry, glass and metal. Masonry has been incorporated into the architecture of the Base, especially in the area of the Café. However, other high-quality materials have also been utilized as described by the architect. The percentage of glass is also less than 40%, but nonetheless, the retail areas and building entrances provide ample visibility into and from the building. The mix of these materials result in a better design and aesthetics for the tower Base. The ground level of the tower Base has a large amount of glazing provided at the retail frontages and the residential lobbies. However, there is also a large amount of utility rooms and loading areas at the ground level where glazing would not be appropriate. It is also noted that a large portion of the tower Base is also used for the parking garage and utility rooms on the second floor, and again, the glazing is not a recommended material for those uses. The design of the screening of the garage area has mimicked the Urby 1 design, and the resulting design is a superior design all around. As this Board saw in the presentation, and consistent with the design of the first phase of this project (Urby 1), these buildings are of high-quality materials and of a distinctive and exciting contemporary design. These buildings will be an excellent addition to the Redevelopment Plan area and the Project will advance the intent and purpose of the Redevelopment Plan and will not result in any substantial detriments to the public good. Accordingly, the benefits of the relief requested outweighs any substantial detriments and this deviation/waiver relief can be granted.

22. There is also a requirement in section VI.B.1. of the Redevelopment Plan for a step-back of 10 feet from all sides of the base at a height of between 30 feet and 120 feet. As noted by the Applicant's Planner,

there is also a reference to a step-back option found in section VI.A.3. which references a recommendation to provide visual cues within the base of the building such as cornices, belt coursing, changes in the glass to solid ratio and other design features to add architectural interest to the base. The architect has achieved this recommendation of the Redevelopment Plan, and the Redevelopment Plan states that if this option as found in section VI.A.3. is utilized, then the requirement of VI.B.1. are considered to be met. The proposed siting and spacing of the towers, and the architectural design and features of the Project meet the intent and goals of the Redevelopment Plan and any proposed setbacks or stepbacks. The Project design will advance the intent and purpose of the Redevelopment Plan and will not result in any substantial detriments to the public good. Accordingly, the benefits of the relief requested outweighs any substantial detriments and this deviation/waiver relief can be granted.

23. The Applicant is also seeking relief from the number of permitted signs for the residential, parking and retail/commercial uses. The Redevelopment Plan permits one (1) residential sign, and the Applicant is proposing four (4) signs; the Redevelopment Plan permits one (1) parking sign per vehicle entrance, and the Applicant is proposing two (2) signs; and the Redevelopment Plan permit one (1) sign per use fronting on a public street and the permitted size is 10% of the ground floor area, and the Applicant is proposing nine (9) signs. This project will have frontage on three right-of-way street fronts as well as an interior easement area that will be traversed by the pedestrian public (essentially a fourth street frontage). There are 6 commercial spaces, including the café; and 3 of them are corner spaces with the café actually having 3 frontages. Accordingly, one might expect that 9 signs would be permitted. However, not all of these frontages are public streets. The property fronts on Hudson Street, which is a private street, Bay Street (also a private street), and the green way that runs from Hudson Street to Greene Street on the south side (also private property) and is essentially a pedestrian street extension of Morgan Street. For the residential use, only one sign is permitted of 50 square feet, and four (4) signs are proposed. The Project has two separate entrances for the residential use. One is from the Morgan Street green way, the other is on Hudson Street, and each has a different address and each street number address is considered a sign. Each entrance also indicates the name of the building resulting in the four signs. Therefore, there is a need for the additional signs to alert the residents and general public of the residential, parking, and retail/commercial entrances and uses. As this is a large, but contained Project, there is not an overabundance of signage, and the signage meets the intent of the Redevelopment Plan. Accordingly, the approval of these deviations/waivers would not result in any substantial detriments to the public good, and the benefits of the additional signage outweigh any substantial detriments, and the deviation/waiver relief can be granted.

24. The Applicant is also seeking relief from the Jersey City Forestry Standards. The relief request is with regard to the planting of trees along the Greene Street side of the Project; relief from the approved species to be planted; and the sizing of tree grates. The Project is proposing that the ingress and egress to the loading area, parking garage, and garbage area are made from Greene Street, which will then take up frontage along this sidewalk area. There are also underground transformers being proposed along this area of Greene Street. Accordingly, it would not be practicable to have street trees planted in this specific area. In order to mitigate that street trees will not be planted in this location, the Applicant is proposing additional street trees be planted as part of the Project along the additional street to offset the absence of trees proposed on Greene Street, and with tree species that currently exist in the area. The requirement for the number of

trees is being met although the precise requirement for the location of the trees cannot be met. The Board also acknowledges that there are substantial improvements being made to the streetscape surrounding the Project site, including a pedestrian greenway between Hudson Street and Greene Streets adjacent to 185 Hudson Street (Harborside Plaza 5 building). The Applicant is also making a donation of \$2,500 towards the purchase and planting of trees elsewhere. The benefits of the alternatives proposed by the Applicant to address the requested relief outweigh any substantial detriments, and the deviation/waiver relief can be granted.

25. The Applicant explained and the Board acknowledges that this Project, in its entirety, is the second phase of the overall Urby development that was initially approved in 2012. However, it is also acknowledged that the intent of the Applicant is to build out the Base of the Project first, and then to build out the First Tower” on the east side of the base (the Hudson Street side). At or around the time that the superstructure of the “First Tower” is completed, the Applicant intends on starting construction on the “Second Tower” on the west side (the Greene Street side). It is intended that around the time the First Tower is complete the superstructure of the Second Tower will be complete, as well as the Base, and that the Applicant will apply for a certificate of occupancy to occupy the First Tower.

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 Amended Preliminary and Final Major Site Plan Approval with deviations, pursuant to N.J.S.A 40:55d-70(c), and design deviations/waivers, to wit: Calendar No. P22-094 (number of stories of the towers; height, setbacks and treatment of the facade of podium base, relief from the Jersey City forestry standards; and relief from design requirements and other design waivers or deviations) for approval to develop a project consisting of two sixty-nine (69) story residential towers on a podium base consisting of approximately 1,606 units in the towers, of which up to 164 units may be designated for hotel use, and the remaining units will be used as residential units; a health club and retail/commercial; and 272 parking spaces (with a valet option to provide for parking for up to 500 vehicles) on the property located at 191 to 201 Hudson Street, Jersey City, New Jersey, which is located within the Harborside West District of the Exchange Place North Redevelopment Plan, and also identified on the Jersey City Tax Maps as Block 11603, Lots 28, 30, 31.01 (as subdivided – to be new Lot 31.04), and Lot 31.02 (as subdivided – to be new Lot 31.05); in accordance with the plans and testimony submitted to the Planning Board of the City of Jersey City, subject to the following conditions of approval:

1. All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding.
2. All materials and color selections shall be shown on Final Plans. No change to the facade 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 or approval by the Planning Board.

3. The Applicant shall address and comply with all Jersey City Review Agent comments as part of resolution compliance.
4. All street trees and landscaping shall be installed in accordance with the Jersey City Forestry Standards prior to the final CO, or the that applicant would be required to provide a performance bond with the City for any uninstalled landscaping prior to a final CO. The purpose being, to allow planting to occur at the appropriate time for the plantings to thrive.
5. The Applicant shall address comments from the Engineering memo dated 07/18/22 on signature sets.
6. The Applicant shall pay a total of \$2,500 for a payment-in-lieu for the five street trees that are unable to be planted on Greene Street.
7. Staff recommends that the Applicant explore the possibility of locating planters along Greene Street (not blocking any egress or mechanical doors) as a way to add greenery and soften the streetscape in the absence of street trees. Applicant to inquire with PSE&G if this is possible. Applicant to coordinate with Planning Staff and incorporate in signature sets if feasible.
8. The Applicant shall provide some small scale signage identifying the publicly accessible area at the south of the site as available for public use and enjoyment. Applicant to coordinate with Planning Staff and include “POPS” (Privately Owned Public Space) signage in signature sets.
9. If the Applicant shall pursue the valet option in the garage, the Applicant shall submit the valet plan with a parking management plan to the Planning Staff and the Jersey City Engineering Department for review and approval. If approved, the Applicant shall not be required to return to the Planning Board unless it is determined that a deviation would be triggered as part of the valet option and parking management plan.
10. The Applicant shall meet with the Planning Staff to further review the proposed fencing around the dog run area. In the event it is determined that this fencing would be defined as “chain link” fencing, then the Applicant shall review and choose a fencing that is acceptable to the Planning Staff.
11. The Applicant shall further review with the Jersey City Division of Engineering whether the proposed building lighting along Greene Street is sufficient to meet the required lighting levels.

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PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH
DEVIATIONS
191-201 HUDSON STREET, JERSEY CITY, NEW JERSEY
BLOCK 11603, LOTS 28, 30, 31.01 (AS SUBDIVIDED – NEW LOT 31.04,
AND LOT 31.02 (AS SUBDIVIDED – NEW LOT 31.05)

CASE NO.: **P22-094**

VOTE: **6 - 0**

<u>COMMISSIONER:</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSEN</u>
Christopher Langston, Chairman	X			
Steve Lipski, Commissioner	X			
Vidya Gangadin, Commissioner	X			
Geoffrey Allen, Commissioner	X			
Dr. Orlando V. Gonzalez, Commissioner	X			
Edwardo Torres, Commissioner	X			


Christopher Langston (Aug 12, 2022 21:05 EDT)

CHRISTOPHER LANGSTON, CHAIRMAN
JERSEY CITY PLANNING BOARD


Cameron Black (Aug 12, 2022 15:25 EDT)

CAMERON BLACK, SECRETARY
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:


Santo T. Alampi (Aug 12, 2022 15:37 EDT)

SANTO ALAMPI, ESQ.

DATE OF HEARING:

July 26, 2022

DATE OF MEMORIALIZATION:

August 9, 2022