

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

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

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

**BLOCK 10601, APPROVED LOT 34.02 A/K/A BLOCK 9404, A  
PORTION OF EXISTING LOT 34 AND BLOCK 10601, EXISTING  
LOTS 38 AND 39 AND TO BE KNOWN AS LOT 34.03.**

**808 PAVONIA AVENUE, 813 PAVONIA AVENUE, 270 MAGNOLIA  
AVENUE**

**CASE NO.: P22-226**

**WHEREAS**, the applicant, **KRE/SILVERSTEIN 808 PAVONIA LLC (the “Applicant”)**, per **CONNELL FOLEY, LLP** (James C. McCann, Esq. appearing) made application to the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey, for an Amended Preliminary and Final Major Site Plan Approval with deviations, Calendar No. P22-226, to allow the Applicant to make changes to the approved site plans for Phase 1 of the project located on approved Lot 34.02 in Block 10601 identified on the Jersey City Tax Maps as Block 9404, a portion of Lot 34 and Block 10601, Lots 38, 39 and 41 and commonly known as 808 Pavonia Avenue, 813 Pavonia Avenue, 270 Magnolia Avenue, and 54 Journal Square (the “Property”); and

**WHEREAS**, as approved by the Planning Board on October 11, 2022, Phase 1 includes 595 residential units, approximately 6,194 square feet of gallery and café space, 237 parking spaces in 2 buildings described on the approved site plans as Building 1 and Building 2, 26 signs, and a portion of a publicly accessible pedestrian walkway/art walk/plaza & alternative PATH access corridor, a portion of a street to connect Pavonia Avenue to Van Reipen Avenue, as well as publicly accessible landscaped open space, and subject to the terms of the Redevelopment Agreement with the Jersey City Redevelopment Agency, improvements to the Loews Theater property (Block 10601, Lot 41) for the continuation of the public pedestrian walkway/art walk and alternative PATH corridor through Magnolia Street Plaza and Concourse West/Gloria Esposito Way, as well as clear, grade, and provide the property rights necessary for loading docks to be constructed by third parties for the Loews Theater (Phase 1”); and

**WHEREAS**, notice of a hearing on the application before the Planning Board of the City of Jersey City, on January 10, 2023 at 5:30 p.m., was duly published in the Jersey

Journal and mailed to property owners within 200 feet of the Property as required by the Land Development Ordinance of the City of Jersey City and the Municipal Land Use Law; and

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

**WHEREAS**, consideration of the application, sworn testimony and other evidence was presented in connection with the application at the January 10, 2023 hearing, public comments to the Application were heard, recommendations were made by the Planning Board staff and counsel; and

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

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

#### **FINDINGS OF FACT**

1. Phase 1 is located on approved Lot 34.02 in Block 10601 identified on the Jersey City Tax Maps as Block 9404, a portion of Lot 34 and Block 10601, Lots 38, 39 and 41 and commonly known as 808 Pavonia Avenue, 813 Pavonia Avenue, 270 Magnolia Avenue, and 54 Journal Square (the “Property”) which is in Zone 10 and Zone 6 of the Journal Square 2060 Redevelopment Plan (the “Plan”) area.
2. As approved by the Board on October 11, 2022, the Phase 1 includes 595 residential units, approximately 6,194 square feet of gallery and café space, 237 parking spaces in 2 buildings described on the approved site plans as Building 1 and Building 2, 26 signs, a portion of a publicly accessible pedestrian walkway/art walk/plaza & alternative PATH access corridor, a portion of a street to connect Pavonia Avenue to Van Reipen Avenue, as well as publicly accessible landscaped open space, and subject to the terms of the Redevelopment Agreement with the Jersey City Redevelopment Agency, improvements to the Loews Theater property for the continuation of the public pedestrian walkway/art walk and alternative PATH corridor through Magnolia Street Plaza and Concourse West/Gloria Esposito Way, as well as clear, grade, and provide the property rights necessary for loading docks to be constructed by third parties for the Loews Theater.

3. As approved by the Board on October 11, 2022, Phase 1 is part of a two phase mixed-use project containing 1189 residential units, approximately 6,194 square feet of gallery & café space, parking for approximately 365 vehicles to be located in three buildings with a subsurface parking garage, approximately 47 signs, the construction of a Pavonia Avenue to Van Reipen Avenue Street Connector, a public pedestrian walkway/art walk and alternative PATH access corridor, public open space and plaza areas, a dog park, improvements to the Loews Theater property (Block 10601, Lot 41) for the continuation of the public pedestrian walkway/art walk and alternative PATH corridor through Magnolia Street Plaza and Concourse West/Gloria Esposito Way, as well as clear, grade, and provide the property rights necessary for the required Loews Theater loading docks to be constructed by other parties as well as the provision of 50-foot-wide public access easements allowing the future continuation of Pavonia Avenue, Van Reipen Avenue and Bryan Place to the Zone 2 boundary, all in accordance with an agreement between the Applicant and the Jersey City Redevelopment Agency, executed as of August 24, 2022 (the "Project"). The second phase of the Project will be developed on Block 9404, approved Lot 34.01.
4. The Property (Block 10601, Lot 34.02) and Block 9404, Lot 34.01 were established via a subdivision approval granted by the Planning Board on October 11, 2022 and memorialized by Resolution on October 11, 2022 (Case No. P22-136).
5. As approved, Building 1 in Phase 1 is to be a 49 story, approximately 560' high tower, and Building 2 is to be a one (1) story approximately 22' high building.
6. The Applicant is proposing changes to the approved site plans for Phase 1 which include: a decrease in height of Building 1 from 560 feet to 548 feet, 6 inches; a decrease in the number of stories of Building 1 from 49 to 48 stories; an increase to the floor to floor height of the top 2 floors of Building 1 to make space for mechanical equipment as well as other design changes to Phase 1 that include but are not limited to changes to the gross floor areas in Building 1 and Building 2; adjustments of exterior walls of Building 1; the replacement of exterior steps along a section of the art walk with planters; an increase in exterior recreational space; the enclosure of the ramp of the parking garage with fire rated walls to comply with building codes; an increase in building coverage; revisions to ground floor use frontages and transparency; a decrease in the square footage of gallery and café space from 6,194 sq. ft. to 6,038 sq. ft; changes to building energy efficiency; and a minor change to the signage plan, all in accordance with those certain amended site plans of Handel Architects, LLP dated December 9, 2022; Langan Engineering and Environmental Services, Inc. dated December 9, 2022; Melillo, Bauer, and Carmen dated December 9, 2022; and associated documents; all filed with the Jersey City Planning Division on December 16, 2022.

7. As part of the Application, the Applicant seeks the following deviations, variances, waivers and/or exceptions from the Plan and the Jersey City Land Development Ordinance:
- A. Section VI.K.13 of the Plan, limiting the maximum building coverage for all structures within Zone 10 to 38%, where 40% building coverage is proposed. The increased building coverage is required due to the incorporation of the parking ramp in Building 2 into the building coverage calculation. Because of fire code requirements, the walls of the ramp at the ground floor level of Building 2 have been changed from open to solid fire rated walls; therefore, the parking ramp is now included as part of building coverage. This is a benefit to Phase 1 and the overall project because it creates improved safety conditions for residents of the buildings and it shields the neighboring properties from vehicles entering and exiting the parking garage. Consequently, the benefits of the deviation outweigh any detriment.
  - B. Section III.H.3 of the Plan, requiring all new construction to demonstrate 15% improvement in energy efficiency of the building envelope and mechanical systems over ASHRAE 90.1.2007 or the most recently adopted energy standards by the NJ Department of Energy. Phase 1 will be in full compliance with ASHRAE 90.1.2016 which has been incorporated into the New Jersey Construction Code as the applicable standard for all buildings in New Jersey. ASHRAE 90.1.2016 contains energy efficiency standards far in excess of the 2007 originally required standard; therefore, compliance with the ASHRAE 90.1.2016 standard provides a very high energy standard for a building of this scale and size in and of itself.
  - C. Section III.D.10.e of the Plan to permit relief from the requirement that no more than 15 percent of the first-floor street frontage and no more than 30 consecutive linear feet along a public right-of-way may be dedicated to other uses such as meter rooms, blank walls, emergency exits, etc., where Building 1 was previously approved for a deviation allowing 19% & more than 30 consecutive linear feet of such uses and will now contain 20% & more than 30 consecutive linear feet of such uses and where proposed Building 2 was previously approved for a deviation allowing 27% & more than 30 consecutive linear feet of such uses and will now contain 47% & more than 30 consecutive linear feet of such uses. The increase in the deviation for Building 1 is a result of design refinements and coordination with required emergency service connections and access points in the building, including fire department equipment connections. The increase in the deviation for Building 2 arises from the inclusion of the garage entry ramp as part of the street frontage façade. The increase in this previously granted deviation is warranted because it facilitates fire code compliance and creates improved

safety conditions. For Building 2 the change to the garage entry ramp does not negatively impact the portion of the building that fronts on the art walk. For Building 1 as previously determined by the Board, it is essential for a building of this size to have sufficient back of house services such as emergency exits, loading dock entry doors, and mechanical and utility areas for it to function properly and safely. The additional access point does not negatively impact the aesthetics of the entrance of the building. The benefits of providing appropriate building access and necessary building services outweigh any detriments.

- D. Section III.A.18 and Section III.D.10.C of the Plan to permit relief from the requirement that all storefront facades shall incorporate a minimum of 80% transparent glass, where Building 2 was previously approved for a deviation allowing 55% transparent glass and will now contain 30% transparent glass. As previously determined by the Board, it is essential for certain space to have sufficient back of house services areas for functionality. Although the redesign of the Building 2 contains less transparent glass, it retains the openness appropriate for the space; therefore, the benefits of providing and necessary service areas outweigh any detriments.
  - E. Section IV.B.4.b(i) of the Redevelopment Plan to permit relief from the requirement for signs along all rights-of-way where retail is not required, for all other uses, that each such use fronting on a public street may be permitted one exterior sign per entryway per street frontage, and that buildings with multiple uses shall not have more than one sign per use, where a deviation allowing four (4) building scone signs were previously approved for Building 1 and five (5) building scone signs are now proposed for Building 1. Promoting the uses via signage is critical to the success of the project, which, will create a sense of place for the neighborhood; therefore, the benefits of providing appropriate signage for a project of this size and scale outweigh any deminimis detriment from the increase in this deviation.
- 8. The deviations requested are minor, or are minor expansions of primarily design deviations previously granted and recognized as important to advance the overall objectives and purposes of the Plan; therefore, they are warranted.
  - 9. Granting the requested deviations or expansions of deviations previously granted will advance the purposes of the Municipal Land Use Law, as they will promote safety and the general welfare by encouraging high density development in close proximity to mass transit creating major new employment, cultural, housing, educational, recreational, commercial and retail opportunities for the residents of the surrounding neighborhood and greater Jersey City; promoting the principles of "Smart Growth" and "Transit Village" development, and creating a livable community with convenient access to commercial facilities; and maintaining and improving

pedestrian access to the Journal Square PATH Station from the surrounding communities. The deviations and overall development will promote a desirable visual environment by providing a project that is designed and maintained so as to improve the visual impact of the Jersey City skyline as viewed from within and beyond the City's borders.

10. The benefits of granting the requested deviations and expansions of those previously approved deviations substantially outweigh any detriments, and the requested deviations will not cause a substantial detriment to the public good, nor impairment to the intent and purpose of the Master Plan or the Plan. All of the requested deviations or expansions of deviations will enhance the design of Phase 1 and are in keeping with the spirit and intent of the Plan.
11. Based upon the application, the site plans, the testimony, and the Applicant's representations on the record, apart from the requested deviations, the amended site plans for Phase 1, meet the requirements of the Plan, the LDO, and the Redevelopment Agreement.
12. The Property (Block 10601, Lot 34.02) is also the subject of a separate application filed with the Planning Board (Case No. P22-225), which is requesting permission subdivide the Property into 2 lots so that a portion of the Property can be conveyed to the Jersey City Redevelopment Agency for the construction of a loading dock to service to Loews theater. Upon approval of Case No. P22-225, the Property referenced in this application will be known as Block 10601, Lot 34.03.
13. Any variances and deviations previously granted and not changed by the amended site plans remain in effect.

**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 an Amended Preliminary and Final Major Site Plan Approval with Deviations for Phase 1 of the Project to wit: Calendar No. P22-226, to develop a mixed-use project containing 595 residential units, approximately 6,038 square feet of gallery and café space, 237 parking spaces in 2 buildings described on the amended site plans as Building 1 and Building 2, 27 signs, a portion of a publicly accessible pedestrian walkway/art walk/plaza & alternative PATH access corridor, a portion of a street to connect Pavonia Avenue to Van Reipen Avenue, as well as publicly accessible landscaped open space, and subject to the terms of the Redevelopment Agreement with the Jersey City Redevelopment Agency, improvements to the Loews Theater property for the continuation of the public pedestrian walkway/art walk and alternative PATH corridor through Magnolia Street Plaza and Concourse West/Gloria Esposito Way, as well as clear, grade, and provide the property rights necessary for loading docks to be constructed by third parties for the Loews Theater all in accordance with the amended site plans, documents, and testimony, submitted to the Planning Board of the City of Jersey City, subject to the following

conditions:

1. All conditions set forth in the Preliminary and Final Site Plan Approval granted by the Planning Board on October 11, 2022 and memorialized by Resolution on October 11, 2022 shall remain in full force and effect.
2. All testimony given by the Applicant and its expert witnesses in accordance with this Application shall be binding.
7. The Applicant will work with the Jersey City Engineering Division to address the comments in its Memorandum dated \_\_1.10.2023.

**[SIGNATURE PAGE TO FOLLOW]**

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

**FOR: AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL  
WITH DEVIATIONS FOR PHASE 1 OF PROJECT  
BLOCK 10601, APPROVED LOT 34.02 A/K/A BLOCK 9404, A  
PORTION OF EXISTING LOT 34 AND BLOCK 10601, EXISTING  
LOTS 38 AND 39 AND TO BE KNOWN AS LOT 34.03.  
808 PAVONIA AVENUE, 813 PAVONIA AVENUE, 270 MAGNOLIA  
AVENUE**

**CASE NO.: P22-226**

**VOTE: 8-0**


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


  
Christopher Langston (Jan 29, 2023 15:47 EST)

CHRISTOPHER LANGSTON, CHAIRMAN  
JERSEY CITY PLANNING BOARD  
Digitally Signed

  
Cameron Black (Jan 27, 2023 13:58 EST)

CAMERON BLACK, SECRETARY  
JERSEY CITY PLANNING BOARD  
Digitally Signed

APPROVED AS TO LEGAL FORM:

  
Santo T. Alampi (Jan 30, 2023 10:10 EST)

SANTO T. ALAMPI, ESQ.  
Digitally Signed

DATES OF HEARING: January 10, 2023

DATE OF MEMORIALIZATION: January 10, 2023