

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY
APPROVING PRELIMINARY AND FINAL MAJOR SITE PLAN WITH DEVIATIONS AND
CONDITIONS**

APPLICANT: COTTAGE 29 OWNER LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH
DEVIATIONS

PROPERTY: 11-29 Cottage Street
Block 7903, Lots 20-25

CASE NO. P20-172

WHEREAS, application has been made by Cottage 29 Owner LLC (hereinafter the “Applicant”) to the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey by Genova Burns LLC (Eugene T. Paolino, Esq. appearing) for approval of a Preliminary and Final Major Site Plan with Deviations filed under case no. P20-172, for the Applicant’s property located at 11-29 Cottage Street, designated as Block 7903, Lots 20-25 on the official Tax Map of the City of Jersey City, County of Hudson, State of New Jersey (the “Property”); and

WHEREAS, the Property is located within the Neighborhood Mixed Use (Zone 4) of the Journal Square 2060 Redevelopment Area (the “Area”) and governed by the Journal Square 2060 Redevelopment Plan (the “Plan”); and

WHEREAS, as set forth in the Section IV (U) of the Plan, the Property qualifies for the Homestead Place Extension Bonus (the “HPE Bonus”) insofar as the Property is a minimum assemblage of 20,000 sf, the Property is located immediately adjacent the proposed Homestead Place Extension, and the Applicant is contributing a portion of land through a grant of perpetual easement in the favor of the City of Jersey City to be exclusively used for the proposed Homestead Place Extension pedestrian walkway (the “HPE”); and

WHEREAS, since the Property qualifies for the HPE Bonus the Applicant is permitted to to construct a project utilizing Commercial Center (Zone 3) zoning standards of the Plan; and

WHEREAS, as set forth in Section IV(Q) of the Plan, the Applicant is also seeking to avail itself of the Office Space Bonus which permits an additional two (2) stories and 28 feet of building height; and

WHEREAS, after utilizing both of the above bonuses, the Applicant is seeking to construct a twenty-eight (28) story, approximately 293' high, mixed-use structure, located adjacent to and along the proposed HPE, containing 669 residential units, two (2) floors of office space (totaling approximately 44,551 sf), approximately 2,965 sf of ground floor commercial retail space, 338 bicycle parking spaces, and enhancements and improvements to the HPE, including a dedication of twelve feet (12') through a permanent grant of easement in favor of the City of Jersey City as part of the proposed HPE (collectively, the "Project"); and

WHEREAS, the Applicant has received redeveloper designation from the Jersey City Redevelopment Agency (the "Agency") and will be entering into a Redeveloper Agreement with the Agency in relation to the Project; and

WHEREAS, the Applicant has engaged with the local neighborhood associations, including a presentation to the New Journal Square Community Association and has also held discussions with the Hilltop Association; and

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

WHEREAS, due notice of the Tuesday, September 14, 2021 virtual hearing for the above-described application was provided in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the recent Executive Orders issued by Governor Phil Murphy due to the COVID-19 pandemic and as prescribed in the land development ordinance of the City of Jersey City ("LDO"); and

WHEREAS, the Board has formally heard and considered the evidence presented by Applicant in support of the within application including the sworn testimony of its four (4) expert witnesses: Joseph Mele of Dresdner Robin (civil engineering), Gary Handel of Handel Architects LLP (architecture), Thomas Bauer of Melillo + Bauer Associates (landscape architecture), Charles Heydt of Dresdner Robin

(professional planning), having offered to hear the comments of the public and, having obtained the comments and recommendations of Planning Staff; and

WHEREAS, having considered the within application, all supporting documents, the sworn testimony in support of the application, and the comments and recommendations of Planning Staff, and having offered to hear public comment, the Planning Board of the City of Jersey City hereby makes the following findings of fact and conclusions thereon:

FINDINGS OF FACT

1. All the Recitals hereinabove set forth are incorporated herein by reference and all exhibits, drawings and documents, including Applicant's General Development Application and Supporting Documents and City planner's testimony and reports, if any, are hereby incorporated herein by reference.

2. The Applicant is the owner of the Property that is currently an assemblage of lots totaling 29,854 sf and consisting of three (3) one and two-family houses and an existing three (3) story commercial office building which are all immediately adjacent to the proposed HPE.

3. The Applicant proposes to demolish the existing structures and construct a Project, consisting of: twenty-eight (28) story, approximately 293' high, mixed-use structure, along the proposed HPE, containing 669 residential units, two (2) floors of office space (totaling approximately 44,551 sf), approximately 2,965 sf of ground floor commercial retail space, 338 bicycle parking spaces, and enhancements and improvements to the HPE, including a dedication of twelve feet (12') through a permanent grant of easement in favor of the City of Jersey City (the "Project")

4. The Property is located within the Neighborhood Mixed Use (Zone 4) of the Area but is being developed according to Commercial Center (Zone 3) standards of the Plan as a result of the Property qualifying for the HPE Bonus.

5. The Applicant has received redeveloper designation from the Agency and anticipates the execution of a Redevelopment Agreement.

6. As set forth in Section IV(U) of the Plan, the Property qualifies for the HPE Bonus since it includes an assemblage of a minimum of 20,000 sf, is located along or adjacent the proposed HPE, and the Applicant is contributing land to be used for the proposed HPE.

7. As set forth in Section IV(Q) of the Plan, the Project is also eligible for the Office Space Bonus, containing two (2) floors of office space totaling approximately 44,551 sf.

8. Joseph Mele of Dresdner Robin, a licensed New Jersey civil engineer testified as to all the civil engineering aspects of the Project.

9. Mr. Mele indicated that the Property is currently six (6) developed lots totaling 29,854 sf (.68 acres) with 245ft of frontage along Cottage Street and is located one block south of Newark Avenue, approximately 100ft west of Summit Avenue and 700ft from John F. Kennedy Boulevard.

10. Mr. Mele testified that Cottage Street is a one-way westbound street with eight-foot (8') sidewalks on both sides with one (1) street tree and southside only on-street parking with existing utilities. Mr. Mele also confirmed the Property is not located within the 100-year flood plain.

11. As to the proposed conditions of the Project, Mr. Mele said that there will be no basement level because of shallow groundwater. The ground floor of the building will contain 2,965 sf of retail space, residential lobby, office lobby, amenities, bicycle storage for 338 bikes, loading and trash pick-up areas, and other building services. Floors 2 and 3 will contain the proposed office space and floors 4-28 will contain the 669 proposed residential dwelling units.

12. Mr. Mele noted that the proposed HPE will be located along the west side of the Property. The Applicant has agreed to contribute a twelve-foot (12') portion of its Property by grant of permanent easement in favor of City of Jersey City that would result in a thirty-two-(32) foot to thirty-four (34) foot wide HPE with a land contribution from an adjoining landowner on the west side of the Property. At this point the HPE will boast the largest width of the HPE derived from private grants along any point of its route. The Project proposes pedestrian access points for the proposed ground floor commercial retail space and access for building maintenance along several points of the HPE adjacent to the Project.

13. Regarding the programming of the HPE, Mr. Mele testified that the specific amenities and design of the proposed HPE must be coordinated with the Division of City Planning, the Jersey City Redevelopment Agency, local community groups, and other adjacent owners located to the west and south of the Property to ensure a consistent, unified and cohesive design for the entire area of the proposed HPE.

14. Mr. Mele also testified that by virtue of Applicant's twelve (12) foot contribution of land, the Applicant is creating a twelve-foot (12') setback, from its Property line and is thus not providing a seven-foot (7') building setback as required by the Plan which is one of the Applicant's requested deviations.

15. Along Cottage Street, Mr. Mele testified the Project proposes the residential and office lobbies, service and mechanical rooms with an 8ft wide sidewalk and will plant fourteen (14) street trees. A waiver is being requested for the spacing of the proposed street trees.

16. As for loading zones, Mr. Mele testified that along Cottage Street there will be a forty-six foot (46') short term delivery loading/unloading zone.

17. The primary loading zone of the building will be located on the east side of the Property and Project in an area furthest away from the HPE. This type of on-site internal loading is required due to the office space being proposed as part of the Project.

18. Mr. Mele testified that the Plan requires a front-in/front-out design for all internal loading zones; however due to the building mechanical services, accessory areas, retail and lobby space, a loading zone utilizing a front- in/front-out design could not practically be provided, thus requiring a deviation from the Plan.

19. Accordingly, the loading zone was designed to allow for a head-in/back-out or back-in/head-out movements. This design by Applicant prevents the elimination of five (5) existing on-street parking spaces on Cottage Street. It also reduces the amount of existing curb-cuts from four (4) to one (1) on a one-way street with limited traffic.

20. As Mr. Mele testified the loading zone will accommodate single unit type trucks for trash/recycling removal, move-ins/move-outs for residential and to accommodate the retail spaces if necessary.

21. In addition, Mr. Mele testified that light indicators and other safety measures will be installed to warn pedestrians and vehicles of active loading/unloading situations, in addition to the deployment of flag persons. All loading and unloading activities will be scheduled and coordinated.

22. Regarding proposed utilities, Mr. Mele testified a 12" water main upgrade along Cottage Street is being coordinated with the Jersey City Municipal Utilities Authority ("JCMUA"). Discussions are ongoing with PSE&G to relocate all existing electric wires underground.

23. Mr. Mele confirmed his review of both the JCMUA and City of Jersey City Division of Engineering ("DOE") review comment letters. Regarding the JCMUA comments, Mr. Mele testified that Applicant will comply with and address all comments received.

24. Mr. Mele addressed several comments raised in the August 6, 2021, review letter of the DOE and testified that the Applicant will comply the comments received, including a two-inch (2") increase in width of the sidewalk along Cottage Street, one-foot (1') decrease in driveway apron width, application for a franchise ordinance, if required.

25. Finally, Mr. Mele confirmed that a traffic study was prepared and submitted which incorporated into its analysis future developments occurring adjacent and near to the Property.

26. Gary Handel of Handel Architects testified next regarding the architectural aspects of the Project.

27. Mr. Handel provided an overview of the Property and the proposed Project in relation to other buildings and projects already approved with some already under construction.

28. Mr. Handel indicated that the Project consists of a twenty-eight (28) story building by utilizing the HPE Bonus which permits a twenty-five (25') story building, plus the additional two (2) stories

based on the Office Space Bonus and the Applicant's request for a deviation from the Plan to add the one (1) additional story.

29. As to the deviation being requested, Mr. Handel testified that the Project is requesting the additional floor by virtue of the inability to excavate deeply because of groundwater conditions which required many uses normally reserved for the basement to be shifted to the ground level. The Project is 293' in linear height and does not exceed the maximum linear height set forth in the Plan.

30. Mr. Handel testified that the proposed building is broken down into two component parts, one piece fronting on Cottage Street and then the other fronting onto the HPE.

31. In order to create the HPE, Mr. Handel remarked that the Project will provide a twelve foot (12') permanent easement and is proposing to construct the building without a (7') setback required by the Plan-which will thus require a deviation.

32. Mr. Handel said that the Project will include approximately 2,965sf ground floor commercial retail space along and accessible from the HPE.

33. Mr. Handel confirmed the location of both the office and residential lobby being located along Cottage Street, and the loading dock being located on the easternly side of the Property.

34. In addition, there will be service corridors and other back of house service areas, package room, and other building services on the ground floor.

35. Mr. Handel remarked that the Project is proposing 338 bicycle parking spaces which complies with the Plan in terms of the percentage in relation to the total number of proposed residential dwelling units.

36. Regarding ceiling heights along the ground floor, Mr. Handel testified the Applicant is requesting a deviation from the Plan requirement of providing a twelve-foot (12') clearance height, the Applicant is proposing a floor to ceiling heights of sixteen feet (16') to eighteen feet (18') and a full clearance loading zone.

37. Mr. Handel testified that floors 2 and 3 will each contain approximately 22,000 sf of leasable office area. Each floor will have its own restrooms, mechanical spaces and dedicated bicycle storage.

38. Mr. Handel pointed out that floor 4 is the first floor of residential dwelling units as well as approximately 7,700 sf of indoor tenant amenity space and 7,500 sf of outdoor tenant amenity space, with floors 5-28 containing only residential dwelling units.

39. Mr. Handel testified that the Project proposes a total of 669 residential dwelling units, broken down as follows: 327 studios (47% of total units), ranging in size from 400sf to 525sf; 303 one-bedroom units (49% of total units), ranging in size from 650sf to 925sf; 24 two-bedroom units (4% of total units), ranging in size from 950sf to 1,000sf; 15 three-bedrooms units (2% of total units) at approximately 1,100sf in size.

40. At the roof deck level, Mr. Handel testified that it is broken down into two sections, the west side will contain building mechanical equipment and elevator core and the east side dedicated to indoor and outdoor residential amenity space.

41. Mr. Handel confirmed that the indoor amenity space does not exceed 20% of roof area and is approximately 2,300sf in size and that the outdoor amenity space will be approximately 8,000sf in size.

42. Mr. Handel noted that the Applicant is seeking a deviation from the Plan regarding the required 10 foot (10') minimum setback for the proposed amenity space bulkhead from the building parapet. The Project proposes a setback varying from a minimum of eight feet (8') to eleven feet (11') and the reasoning behind the requested deviation is as a result of the building design and the creation of the undulating glass architectural articulation.

43. Mr. Handel provided detailed descriptions of materials and colors to be used on the Project, following the drawings and renderings set forth on Exhibit A-2, a Power Point of the Project.

44. Mr. Handel noted that Applicant is requesting a deviation from the Plan with regard to the requirement that all signage be located on the first floor. Mr. Handel testified that the proposed entrance

sign to the building is located on the top of the canopy which is actually on the second floor of the proposed building.

45. The last two deviations being requested by the Applicant relate to the percentage of transparent glass for the retail spaces and the height of the sills of all storefronts. On that connection, Mr. Handel testified the Plan requires 80% of transparent glass to be used for retail storefronts but in order to meet applicable building code requirements the Applicant is only able to provide 62% of transparent glass.

46. Mr. Handel also testified that the Plan requires that all sills of retail storefronts to be a maximum of eighteen inches (18") above grade and again due to lot line separation building code requirements the Applicant is locating the sills of the retail storefronts thirty-two inches (32") above grade.

47. Mr. Handel concluded his testimony by saying that the design of the HPE reflected the aspirations of the Applicant that the HPE be an active pedestrian corridor to be constructed in conjunction with adjacent landowners, the City and other stakeholders with costs equitably shared by the adjacent landowners.

48. Mr. Thomas Bauer of Mellilo + Bauer next testified as to the landscaping aspects of the Project.

49. At the ground floor and along the streetscape, Mr. Bauer testified the Project proposes to install eight (8) feet of sidewalk which will have the standard Jersey City concrete color and the planting of fourteen (14) street trees in several groups with the low fencing required by the City of Jersey City forestry standards.

50. The pavement in the immediate vicinity of both the residential and office lobbies will be granite pavers, complementing the base of the proposed structure in terms of both color and texture. The balance of the area between the curb and the proposed sidewalk area will be a geometric patterned concrete paver, complementing the articulation of the proposed building façade.

51. As for the proposed HPE, Mr. Bauer testified that as presently shown it is a decorative colored concrete paver system with saw-cut pattern but subject to change as the proposed HPE is refined.

52. Mr. Bauer noted that no street lighting is being proposed because the architectural lighting on the Project provides the necessary foot-candle coverage and, therefore, the installation of street lighting is unnecessary.

53. Regarding the 4th floor amenity level, Mr. Bauer described a variety of both indoor and outdoor space, include grill/barbeque area, green roof, outdoor bar and seating area, lawn area and outdoor garden space, 7-8ft high screen walls and will be ADA accessible.

54. The roof level will also contain programmed amenity space, including a number of grade changes involving a lower level that will contain a pool and pool deck area and upper level that will contain chaise lounges. He also noted that noise levels will be compliant with the City's noise ordinance.

55. Mr. Charles Heydt of Dresdner Robin, a licensed New Jersey professional planner, testified as the Applicant's planning expert and provided his opinion as to the necessity of the requested deviations and compliance with the Plan.

56. Mr. Heydt examined in detail the deviations the Applicant is seeking from the Plan and that the bulk deviations being requested are cognizable by the Planning Board.

57. He pointed out that the benefits of the proposed deviations outweigh any detriment and meet the applicable standards of promoting the purposes set forth in the Municipal Land Use Law.

58. In reviewing the negative criteria and any potential detriment to the public good, Mr. Heydt stated unequivocally that there is no detriment to the public good and no substantial impairment to the zone plan or ordinance.

59. He noted that the Project-with the proposed deviations-meets the goals and objectives of the Plan and the City of Jersey City Master Plan.

60. Mr. Heydt concluded by saying that the proposed deviations being requested for the Project meet all required legal standards and are necessary for the construction of the Project. Mr. Heydt further concluded there is no substantial detriment to the public good or a substantial impairment to the intent or purpose of the zone plan and that the deviations have met the proof standard and are justified.

61. Following Applicant's testimony, the matter was offered for public comment but none was given. Thereafter, the staff report of the Planning Division of the City of Jersey City was presented by Timothy Krehel. Mr. Krehel concluded his report by recommending approval of the Project, subject to the conditions set forth in his staff report.

62. The Board finds that the Project and its proposed improvements will benefit the community through the promotion of the intent and purpose the Municipal Land Use Law. The proposed Project meets the intent of the Plan, and, therefore, the granting of the deviations and design waivers will guide the appropriate use and development of this Project in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2a. The Project includes multiple landscaped outdoor areas including a grant for the HPE and thus provides adequate light, air and open space pursuant to N.J.S.A. 40:55D-2c. Finally, the Project will promote a desirable visual environment through creative development techniques and good civic design and arrangement, consistent with N.J.S.A. 40:55D-2i.

63. The Board further finds that the proposed improvements will benefit the community through the promotion of the intent and purpose of the Plan in that the Property will be developed as a mixed-use building containing office space and employment opportunities, ground floor commercial uses and the contribution of land to be used in the creation and development of the proposed Homestead Place Extension pedestrian walkway.

64. The Board further finds that granting all the deviations requested will not result in a detriment to the public good. The Project is consistent with the purpose and intent of the Plan, the LDO and the City's Master Plan and will advance the purposes and intent of the Plan. The granting of the requested deviations will not substantially impair the intent and purpose of the Plan. Accordingly, the requested deviations can be granted in that the positive and negative criteria of the Municipal Land Use Law have been satisfied. Moreover, the benefits of granting the requested deviations would substantially outweigh any detriments relative to any adjustments, variances or deviations from any bulk criteria.

65. The Board takes note of the following deviations with approval, requested by the Applicant from the Plan:

- a. Section VI(C)(6) of the Journal Square 2060 Redevelopment Plan wherein the maximum building height utilizing the Office Space Bonus and the Homestead Place Extension bonus is 27 stories and 293' in height and the Applicant proposes a 28 story and 293' structure consistent with the permitted measurement of the height in linear feet.
- b. Section IV (U) of the Journal Square 2060 Redevelopment Plan wherein for developments utilizing the Homestead Place Extension Bonus a minimum of a seven-foot (7') building step-back is required and the Applicant is proposing no building step-back.
- c. Section III (E)(4)(r) of the Journal Square 2060 Redevelopment Plan wherein a head-in/head-out design is required for all loading and parking facilities and the Applicant is proposing an internal loading zone for the proposed building use utilizing a restricted head-in/back-out or back-in/head-out design.
- d. Section III (C)(3) of the Journal Square 2060 Redevelopment Plan regarding non-residential first floor height within thirty feet (30') of rear lot line wherein the maximum floor height permitted is twelve feet (12') and the Applicant proposes varying maximum floor to ceiling heights of sixteen to eighteen feet (16'-18') within thirty feet (30') of rear lot line.
- e. Section III (A)(10)(g) of the Journal Square 2060 Redevelopment Plan wherein an enclosed roof deck amenity space is required to be a minimum of ten feet (10') from the edge of the roof or parapet and the Applicant proposes a screened rooftop amenity space within eight and half feet to eleven feet (8.5'-11') from the edge of the parapet.
- f. Section III (A)(17) of the Journal Square 2060 Redevelopment Plan wherein ground floor storefront bulkheads below display windows are required to be a maximum of eighteen inches (18") in height above sidewalk grade and the Applicant is proposing ground floor store front bulkheads at thirty-one inches (31") above sidewalk grade.
- h. Section III (A)(18) of the Journal Square 2060 Redevelopment Plan wherein all storefront facades are required to incorporate an area of a minimum of 80% transparent glass and the Applicant is proposing storefront facades with an area of 62% transparent glass.
- i. Section IV(c)(1) of the Journal Square 2060 Redevelopment Plan wherein all signage is required to be attached to the first-floor level of the building only and the Applicant is proposing signage to be installed on the first and second floors of the proposed structure.

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, as well as those reasons stated on the record herein, which reasons are incorporated herein by reference, having heard Applicant's testimony, having offered the Application for public comment and having received and reviewed the report of the staff of the Jersey City Planning Division, **HEREBY APPROVES** the within application, Case P20-176, for Preliminary and Final Major Site Plan with the Deviations set forth, to construct a twenty-eight (28) story, approximately 293' high, mixed-use structure, located adjacent to and along the proposed HPE containing 669 residential units, two (2) floors of office space totaling approximately 44,551 sf, approximately 2,965 sf of ground floor commercial retail space, 350 bicycle parking spaces, and enhancements and improvements to the HPE, including a dedication of twelve (12) feet along the length of the Property in order to create the proposed HPE through a grant of permanent easement in favor of the City of Jersey City as part of the proposed Homestead Place pedestrian walkway subject to the following conditions:

1. All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding.
2. All material and color selections shall be shown on the final plans. No change to the façade and site design, including materials as well as any changes that may be required by the Construction Code Official, shall be permitted without consultation and approval by the Planning staff.
3. All street trees (if any) and landscaping shall be installed prior to an issuance of Certificate of Occupancy.
4. The architectural firm of record, shall submit a signed and sealed affidavit confirming that the building was constructed as approved, prior to issuance of the Certificate of Occupancy.
5. Any comments from the Division of Engineering's report by Lichuan Wang, PE; dated March 19th, 2021, must be resolved prior to the issuance of a Certificate of Occupancy.
6. Upon approval of this application, the Applicant and the other developers along and adjacent to the HPE will cooperate and work with one another on the design, staging, and construction of the Homestead Place Pedestrian Walkway and the construction of their respective projects.

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY
APPROVING PRELIMINARY AND FINAL MAJOR SITE PLAN WITH DEVIATIONS AND
CONDITIONS**

APPLICANT: COTTAGE 29 OWNER LLC

FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH
DEVIATIONS

PROPERTY: 11-29 Cottage Street
Block 7903, Lots 20-25

CASE NO. P20-172

DATE OF HEARING: September 14, 2021

VOTE: 5-0

**VOTING IN FAVOR:
COMMISSIONERS**

1. Chairman Christopher Langston
2. Vice Chairman Dr. Orlando V. Gonzalez
3. Commissioner Dr. Vijay Desai
4. Commissioner Edwardo Torres
5. Commissioner Geoffrey Allen



Christopher Langston (Nov 15, 2021 16:06 EST)

CHRISTOPHER LANGSTON, Chairman
JERSEY CITY PLANNING BOARD



Cameron Black (Nov 15, 2021 09:26 EST)

CAMERON BLACK, Secretary
JERSEY CITY PLANNING BOARD



Santo T. Alampi (Nov 18, 2021 14:26 EST)

SANTO ALAMPI, ESQ.
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:

DATE OF MEMORIALIZATION:

NOVEMBER 9, 2021