

Date: 12/9/20
2/26/21

AMENDED PRINCIPAL POINTS STATEMENT
(changes are shown in bold italics and underlined)

134 BAY STREET, LLC

155 BAY STREET

Block 11506, Lot 2.01, f/k/a Block 171, part of Lots Y1 & Plot A

The Applicant, 134 Bay Street, LLC has filed an application with the Jersey City Planning Board for Amended Final Major Site Plan Approval with Deviations pursuant to N.J.S.A. 40:55D-70(c) with regard to the property located at 155 Bay Street (Block 11506, Lot 2.01, f/k/a Block 171, part of Lots Y1 & Plot A). The Applicant is proposing an amendment to develop Phase III: Section B - North Tower of the overall Provost Square development, which was previously approved by the Jersey City Planning Board by Resolutions dated April 7, 2009 and January 8, 2019.

The previously approved Provost Square development consists of a mixed-use project containing 950 residential units, consisting of 918 market rate residential units, including 12 work/live units (including 1 artist-in-residence unit), and 32 workforce housing units, as well as over 40,000 square feet of retail/commercial space, approximately 26,532 square feet of theater space (inclusive of art exhibition space), approximately 17,706 square feet of arts-related space, an approximately 26,644 square foot open space public pedestrian plaza, and structured parking spaces. In addition, as part of the overall Provost Square development, the façade of the former A&P Annex Building located on Block 11506 will be restored, except as necessary to provide an appropriately scaled two-story lobby at the entrance to the performing arts theater.

The proposed amended development of Phase III: Section B - North Tower will consist of a

mixed used project, comprised of a 79'-6" base building and a 355'- 6" (including base flood elevation plus one foot) tower containing 259 residential units (inclusive of 11 work/live units and 1 artist in residence unit), approximately 6,458 square feet of permitted commercial space, a parking garage containing 218 spaces, including 18 compact spaces, and 48 parking spaces provided by 27 mechanical stackers, approximately 17,673 square feet of arts-related space, 24,051 square feet of performing arts theater space, the entrance for which will be within the restored façade of the former A & P Annex Building, and the remaining 9,600 square foot portion of a 26,644 square foot public pedestrian plaza. Block 11506 currently contains the vacant former A & P Annex Building and vacant land.

The subject property is located within the Arts Theater Residence Overlay Zone of the Powerhouse Arts District Redevelopment Plan ("Redevelopment Plan") area.

The current zoning permits the following as permitted principal uses within the Redevelopment Plan, among other permitted uses: Work/Live Unit or Work/Live Artist Studio; Artist Work-Only Studio; Art Gallery; Retail and Restaurant (Retail Sales, Retail Services, Restaurant, Category 1, Restaurant, Category 2, Specialty Grocery Store not to exceed 30,000 s.f.); Theaters: Movie, Stage, or multi-purpose facilities; Personal health, recreation, or improvement services or instruction, such as a gym, yoga, or Pilates studio, alternative therapy center, or dance or music instruction space, but excluding medical offices; Bar; Nightclub or cabaret; Mixed Uses: mixed uses of any of the permitted uses; Shared usage of parking structure by all tenants and residents of the PAD and for users and visitors of the district; Residential uses, limited to the High Rise, Arts Theater Residence Overlay, and Powerhouse Arts Residence Districts, among others. Therefore, the proposed uses are permitted uses within the Redevelopment Plan.

As part of the application, the Applicant is seeking the following deviations, waivers and/or exceptions from the Redevelopment Plan zoning requirements and the Jersey City Land

Development Ordinance:

- Deviation from Section V.B of the Redevelopment Plan to permit relief from the requirement that screening of rooftop mechanicals shall not be visible from an elevation of 5' above the sidewalk on the opposite side of the public right of way, where mechanicals on the tower roof, ~~the 2nd floor Annex roof and the 6th floor Annex roof~~ are visible from an elevation of 5' above the sidewalk from Morgan Street and Marin Boulevard, ~~and Provost Square.~~
- Deviation from Section 345-60 of the Jersey City Land Development Ordinance to permit relief from the requirement that any rooftop structure or appurtenance covered by the section must be set back from any front façade by a distance of one foot one inch for every foot of rooftop structure or appurtenance height, where the proposed rooftop structures are 20'-9 1/2" 33'-7 1/2" in height on the tower roof and such rooftop structures are set back a minimum of 5'-2" from the West façade, ~~where the proposed rooftop structures are 12'-0" in height on the 2nd floor Annex roof and such rooftop structures are set back a minimum of 1'-6" from the South façade, and where the proposed rooftop structures are 9'-3" in height on the 6th floor Annex roof, and such rooftop structures are setback a minimum of 1'-5" from the South façade.~~
- Deviation from Section 345-60 of the Jersey City Land Development Ordinance to permit relief from the requirement that mechanical and other rooftop appurtenances and structures shall not exceed 20% of the roof area and shall be properly shielded, where the proposed mechanical and other rooftop appurtenances comprise 27.3% 55.9% of the tower roof ~~and 88.4% of the 2nd floor Annex roof.~~

The redevelopment objectives and policy standards of the Redevelopment Plan are set forth in Section II of the Redevelopment Plan. The proposed development will promote these objectives and policy standards, and the requested deviations will not have a detrimental effect on the zone plan.

Among the goals and objectives of the Redevelopment Plan are the following:

- Create a plan that establishes a positive image and a sense of place; a place people will come to live, work, visit, shop, and enjoy, returning again and again;
- Replace the WALDO Zoning District regulations with standards that encourage a variety of uses to transform this section of Jersey City into a vibrant neighborhood with primary emphasis on the arts, entertainment and culture, while providing for a broad range of retail, restaurant and personal service uses that will help create a dynamic and economical sustainable community;
- Create a mixed-use neighborhood with both rental and for sale residential and work/live loft style units, both affordable and market rate;
- Develop streets, sidewalks and public places that are safe, comfortable and interesting to the pedestrian and reflect the industrial past of the district;
- Establish architectural requirements that complement and contribute to the community and its identity, maintaining an architectural style consistent with the character of the area's industrial heritage while allowing a blend of modern accents;
- Provide site improvements for the beautification of the redevelopment area;
- Require the creation and rehabilitation of buildings and shops that incorporate frontage on and direct access to a public sidewalk and public street;
- Require public art to be installed at each development site in the PAD;
- Provide places for safe pedestrian refuge and accommodation, such as separated café space and passive furnished open space nodes;
- Accommodate automobiles in a manner that respects the pedestrian spaces and does not compromise the physical form of that pedestrian space or detract from the amount of ground floor retail, restaurant, gallery and lobby spaces;
- Identify garage locations for district residents, visitors, employees, and users while prohibiting their use by daytimes commuters to insure the PAD does not become a parking district for trans-Hudson commuters;
- Maximize the use of shared parking and mass transit reliance for existing and new

development;

- Provide for and encourage a mix of land uses that will generate a community that is active twenty-four/seven, and populated by residents, business workers and support personnel;
- Support the arts centric business incubator elements and the nature of the PAD;
- Provide cultural, arts, entertainment and retail amenities to the nearby waterfront office and residential districts;
- Attract new and additional economic benefits to the city from residents, workers and visitors of the waterfront office and residential districts.

The proposed development promotes each one of these goals and objectives.

The requested deviation from Section V.B of the Redevelopment Plan, which would otherwise require that rooftop mechanicals not be visible from an elevation of 5' above the sidewalk on the opposite side of the public right of way, will permit mechanicals on the tower roof, ~~the 2nd floor Annex roof, and the 6th floor Annex roof~~ to be visible from an elevation of 5' above the sidewalk on the opposite side of Morgan Street and Marin Boulevard, ~~and Provost Square~~. These mechanicals are a necessity for a development of this size. In particular, these mechanicals will better serve the Performing Arts Theater and the Arts Related Spaces with enhanced mechanical systems required in the current environment.

The requested deviation from Section 345-60 of the Jersey City Land Development Ordinance, which would otherwise require that any rooftop structure or appurtenance covered by the section must be set back from any front façade by a distance of one foot one inch for every foot of rooftop structure or appurtenance height, to permit rooftop structures that are 20'-9 1/2" 33'-7 1/2" in height on the tower roof and set back a minimum of 5'-2" from the West façade, ~~to permit rooftop structures that are 12'-0" in height on the 2nd floor Annex roof and set back a minimum of 1'-6" from the South~~

~~façade, and to permit rooftop structures that are 9'-3" in height on the 6th floor Annex roof and set back a minimum of 1'-5" from the South façade,~~ thereby affording the installation of rooftop mechanicals that are required for a development of this scope and size. Furthermore, these mechanicals will better serve the residential units, Performing Arts Theater, and the Arts Related Spaces with enhanced mechanical systems required in the current environment.

The requested deviation from Section 345-60 of the Jersey City Land Development Ordinance, which would otherwise require that mechanical and other rooftop appurtenances and structures shall not exceed 20% of the roof area and shall be properly shielded, to permit mechanical and other rooftop appurtenances that comprise 27.3% ~~55.9%~~ of the tower roof ~~and 88.4% of the 2nd floor Annex roof,~~ thereby affording the installation of rooftop mechanicals that are required for a development of this scope and size. Furthermore, these mechanicals will better serve the residential units with increased interior amenity space, and the Residential units, Performing Arts Theater, and the Arts Related Spaces with enhanced mechanical systems required in the current environment.

Accordingly, the benefits of granting the deviations substantially outweigh any detriments.

The proposed development and requested 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 Redevelopment Plan. The development will also promote a desirable visual environment by developing a vibrant cultural, arts, entertainment district that will generate a community that is active twenty four/seven, which is appropriate and desired for the neighborhood. Lastly, the proposed deviations will not cause substantial detriment to the public good, or impairment to the intent and purpose of the Redevelopment Plan, the Jersey City Zone Plan, or the Jersey City Land Development Ordinance.

The Applicant reserves the right to supplement the foregoing with testimony at the hearing.