

RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY

APPLICANT: 400 CLAREMONT URBAN RENEWAL, LLC
FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH DEVIATIONS
17-19 AND 53-63 YALE AVENUE AND 400 AND 148-430 CLAREMONT AVENUE, JERSEY CITY, NEW JERSEY
BLOCK 21801, LOTS 4, 5, 8, 9, 10, 15, 16, 17, 18 AND 19
CASE NO.: P18-206

WHEREAS, 400 CLAREMONT URBAN RENEWAL, 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 a Preliminary and Final Major Site Plan approval with deviations, to wit: Calendar No. P18-206 to approve a mixed-use building located between Claremont Avenue and Yale Avenue, Jersey City, New Jersey, identified as 17-19 and 53-63 Yale Avenue and 400 and 148-430 Claremont Avenue, Jersey City, New Jersey, also known as Block 21801, Lots 4, 5, 8, 9, 10, 15, 16, 17, 18 and 19 on the tax map of Jersey City.

WHEREAS, due notice of a hearing on the above said application before the Planning Board of the City of Jersey City, on March 26, 2019 and April 23, 2019 at 5:30 p.m., was duly published as prescribed in the Jersey City Land Development Ordinance ("JC LDO") and the Municipal Land Use Law; 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, the Applicant and its witnesses first having been sworn and all testimony having been formally heard for this application; and

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

FINDINGS OF FACT

1. All the Recitals hereinabove set forth are incorporated herein by reference and all the exhibits, drawings and documents, the architectural site plans, the civil site plans, and the Applicant's General Development Application and supporting documents (collectively, the "Applicant's Supporting Documents"), the testimony of the Applicant's expert witnesses, and City planner's testimony and reports, if any, are hereby incorporated by reference.
2. The Applicant has complied with the requirements of N.J.S.A. 40:55D-12 and the Jersey City Land Development Ordinance ("JCLDO") and provided adequate notice of the application.
3. The Applicant filed an application for Preliminary and Final Major Site Plan approval with deviations as it relates to the property identified as 17-19 and 53-63 Yale Avenue and 400 and

148-430 Claremont Avenue, Jersey City, New Jersey, also known as Block 21801, Lots 4, 5, 8, 9, 10, 15, 16, 17, 18 and 19 on the tax map of Jersey City (the "Property").

4. The Property is in the Route 440-Culver Redevelopment Plan ("Redevelopment Plan" or "Plan") in the Mid-Rise A District.
5. The Property is vacant. The Applicant intends to develop it with a new a mixed-use six (6) story building containing six hundred thirty-one (631) dwelling units, 12,044 sq. feet of permitted commercial space and two hundred seventy-nine (279) parking spaces (the "Project").
6. The Property is a 2.74 acre (119,496 sq. feet), mid-block site with approximately six hundred feet (600') of frontage along Yale Avenue and six hundred twenty-five feet (625') of frontage along Claremont Avenue. The site was formerly an industrial complex with loading/parking areas resulting in significant impervious coverage. The Property has since been cleared of all structures. The former industrial use was serviced by one (1) curb cut on Yale Avenue and two (2) curb cuts on Claremont Avenue. The Property is located across the street from a New Jersey Transit parking lot which serves the near-by West Side Avenue Light Rail Station. The Property elevation has a seven foot (7') drop in grade along Yale Avenue and five foot (5') drop along Claremont Avenue. Claremont Avenue has the drive aisle width of thirty feet (30') for two-way traffic and existing two-way bicycle lanes. Parking is not permitted on Claremont Avenue. Parking is permitted on both sides of Yale Avenue, which is an eastbound, one-way only street. The Project will be serviced by a 300 foot (300') stormwater detention tank located below the building's lower level garage which will detain off site stormwater and reduce the current rates of runoff in compliance with applicable storm water management regulations.
7. The Project contains six hundred thirty-one (631) dwelling units, two hundred seventy-nine (279) parking spaces, 12,044 sq. feet of permitted commercial space and resident amenity spaces. The Project is required to have two hundred eight (208) parking spaces under the Redevelopment Plan. The two hundred seventy-nine (279) spaces are seventy-one (71) more parking spaces than required by the Redevelopment Plan. Thus, the Project complies with the on-site parking space requirement of the Redevelopment Plan.
8. The parking garage ingress and egress will be provided through a single curb-cut on Claremont Avenue. The curb cut will also provide access through a service elevator for deliveries to the commercial space located on the ground floor of the Project. In addition to being able to accept deliveries for the commercial space, the parking garage including the ingress and egress lanes, turning radiuses and clearances, has been designed to, and will accommodate, refuse and trash disposal and removal so that such services will be provided within the building. A shuttle service provided by the Applicant will transport residents to and from the Journal Square Transportation Center. The shuttles will be parked in the garage when they are not in operation.
9. The unit breakdown is two hundred twenty-seven (227) studio units, three hundred sixty-seven (367) one-bedroom units, and thirty-seven (37) two-bedroom units. All of the units will be in a variety of sizes. There is no minimum unit size requirement in the Plan. The building is serviced by a main lobby, interior and exterior amenity spaces in the center of the building and fronting on Claremont Avenue. All of the permitted commercial space in the Project fronts on Claremont Ave. The Yale Avenue frontage will have only residential units with no commercial space. Except for the deviations expressly set forth herein, the

Project complies with the permitted height, floor area ratio, lot coverage, front and side yard setback, and density requirements of the Plan.

10. The Project will have an open space pedestrian plaza in front of the main entrance of the building and the commercial space on Claremont Avenue. A portion of the building is setback 30 feet to create the plaza. The entire plaza will be located on the Property. The plaza will be privately owned, operated and maintained by the Applicant; however, it will be accessible to the public for passive recreation. The plaza will contain seating, trees, and plantings.
11. The Project will also have a drop off/pick up area in front of the main entrance of the building. The entire drop off/pick up area will be located on the Property. The drop off/pick up area will be 9 feet wide and 160 feet long and is intended to serve as a temporary stopping area for vehicles picking up or dropping off residents and guests of the Project, or the dropping off or picking up packages and goods for residents of the Project. The drop off/pick up area will make it possible for vehicles to temporarily stop in the front of the Project without impeding vehicular traffic flow on Claremont Avenue. The shuttles from the Applicant's shuttle service will stop in the drop off/pick up area to pick up and drop off riders; however, they will not park in the drop off/pick up area when not in use. In order to accommodate the drop offs and pick ups contemplated above, the length of the drop off/pick up area exceeds the maximum permitted length of 30 feet for a loading zone; therefore, it requires a deviation. The Applicant will file a petition the Jersey City Municipal Council for an ordinance for municipal approval of the drop off/pick up area.
12. The streetscape, landscaping and sidewalk widths along the Claremont Avenue side of the Project comply with the Plan requirements with the exception of the sidewalk width and tree separation in front of the pedestrian plaza each of which require a deviation. The streetscape, landscaping and sidewalk widths along the Yale Avenue side of the Project comply with the Plan requirements.
13. The façade of the building on Yale Avenue and Claremont Avenue has been designed using numerous small setbacks, different kinds of materials and color variations, different types of elevations, shapes, patterns, architectural styles, different kinds of glass and windows, all to bring the building into scale with other buildings in the neighborhood, give the Project textural depth, visual interest and architectural significance. The Project complies with all of the design and material and façade requirements of the Plan.
14. The Applicant applied for and was granted the following deviations, waivers, variances, or exceptions from the Plan and the JCLDO:
 - (a) Section VII.A.9 of the Plan which requires that the window sill of any residential window shall either be at least five (5) feet above the elevation of the adjoining sidewalk, or shall be set back at least five (5) feet from the property line and protected by a fence and/or landscape bed in order to provide adequate visual screening where on Yale Avenue 39.5% of the windows sills in the ground floor units on the eastern portion of the building are lower than five (5) feet above the sidewalk and the windows are not set back five (5) feet from the property line. This condition occurs because there is a significant grade change along Yale Avenue. In order to keep the entire building at a single grade and level certain window sills are below the required five (5) feet and they are not setback five (5) feet from the

lot line. However, the public right-of-way in this area is five (5) to eight (8) feet wider than needed to provide for nine (9) to ten (10) foot wide sidewalks which are required by the Plan. As such, the Applicant will provide nine (9) to (10) foot wide sidewalks as required by the Plan and it will install a five (5) to eight (8) foot buffered landscape area enclosed with a three (3) foot high garden fence which will encroach on the public right-of-way area to effectively create a small yard in front of the building. This will mask, separate and screen the lower than five (5) foot high window sills from the sidewalk. The Applicant will install and focus security cameras on this section of the building to enhance security for these windows. The landscaped buffer area with the fence will satisfy the privacy and separation concerns intended by the Plan requirement; therefore, there is no impairment to the Plan. Yale Avenue is largely residential and accordingly does not require sidewalks wider than 9 to 10 feet in width. The landscaping is consistent with the frontage of other buildings on Yale Avenue and the sidewalk width in this area still meets the Plan requirement; therefore, there is no detriment to the public good. Accordingly, even with the lower window sill heights the Project meets the intent of the Plan. Granting the deviation allows the façade and window locations on the building to line up geometrically and maintain architectural consistency of the building which benefits the surrounding neighborhood. Thus, the benefits of granting this deviation outweigh any detriment. The Applicant has agreed to petition the Jersey City Municipal Council for a franchise.

- (b) Section VIII.B.2 of the Plan as it relates to maximum floor-to-ceiling height at the ground floor where the requirement is a maximum of twelve (12') feet and the proposed ground floor-to-ceiling height for the commercial space, utility rooms, and amenity space ranges from 11'-2" to 14'-6". This deviation is necessary due to the grade change along Claremont Avenue in order to keep the entire building at a single grade and level which is required for constructability. Commercial space and utility rooms often require higher floor-to-ceiling height to accommodate drop ceilings, wall displays and overhead utilities. The higher floor to ceiling height at the ground floor does not trigger a height deviation because there is no maximum height limitation in feet in the Plan; the Project is only limited by stories. The deviation is minor in nature; therefore, there is no impairment of the Plan. It is not perceptible from the outside of the building; therefore, there is no detriment to the public good. Granting the deviation allows the building to maintain the architectural and aesthetic consistency. Thus, the benefits of granting the deviation outweigh any potential detriment to the public good.
- (c) Section VII.D.5 of the Redevelopment Plan which requires the sidewalk width on Claremont Avenue to be 15 feet where the sidewalk widths in between the drop off/pick up area and the pedestrian plaza is only 10 feet. Despite the reduced sidewalk width in this area because it occurs only in the area adjacent to the plaza the usable pathway for pedestrians to walk exceeds 15 feet in width. Thus, the sidewalk is not diminished. As such, there is no detriment to the public good and no impairment of the Plan from this deviation. This deviation makes it possible to create the drop off/pick up area in front of the Project which will allow vehicles to temporarily stop in the front of the Project without impeding vehicular traffic flow on Claremont Avenue. As such, there is definitive benefit to the public in granting this deviation which outweighs any potential detriment.

- (d) Section VII.E.7 of the Plan which permits a 30 foot maximum on-street loading area where the drop off/pick up area in front of the Project is 160 feet in length. Granting this deviation makes it possible to create the drop off/pick up area which will allow vehicles to temporarily stop in the front of the Project without impeding vehicular traffic flow on Claremont Avenue. It will also allow the Applicant to have a shuttle service that will stop in front of the Project and transport residents to and from the Journal Square Transportation Center which promotes smart growth planning, enhanced access to mass transit, and reduces automobile dependency. As such, there is definitive benefit to the public in granting this deviation and such benefit outweighs any potential detriment to the public good.
- (e) Section VII.F.7 of the Redevelopment Plan as it relates to maximum permitted street tree separation where there are no trees being planted in front of the drop off/pick up area. Granting this deviation makes it possible to create the drop off/pick up area which will allow vehicles to temporarily stop in the front of the Project without impeding vehicular traffic flow on Claremont Avenue. It will also allow the Applicant to have a shuttle service that will stop in front of the Project and transport residents to and from the Journal Square Transportation Center. Placing trees within the sidewalk area in front of the drop off/pick up area would limit inhibit its use and also block access/sightlines of the plaza. The absence of trees in this limited area is also mitigated by the fact that it is adjacent to the plaza which contains trees and planting. As such, there is definitive benefit to the public in granting this deviation and there is no detriment to the public good.
- (f) Section IX.C of the Redevelopment Plan as it relates to the number, size and type of building mounted and awning commercial signage where the Applicant is seeking deviations for retail/restaurant awnings (required maximum 12' above sidewalk; proposed 13' – 6" to 14' – 6"); the proposed sign band (required 15' above sidewalk; proposed 17' – 6" to 18' – 3"); and to permit canopy mounted commercial signs which are not permitted in the Plan. The increased awning heights are a function of the grade change. Granting the deviation permits awnings to be installed at a height that consistent with the higher floor-to-ceiling height and entrances of the commercial spaces. The increased sign band height is caused by the grade change and the higher floor-to-ceiling heights as discussed above. Granting the deviation permits sign bands to be installed at a height that consistent with the higher floor-to-ceiling height and entrances of the commercial spaces. The building identifier sign and the commercial space canopy signs are appropriate in all locations due to the size of the building and its proposed location as a landmark. The address identifier sign will permit identification of the project from a distance as well as distinguish the residential entrance from commercial entrances as will the canopy signs. All of the proposed signs are proportional to the spaces they occupy and are appropriated for the size of the, building, plaza and lobby entrance and all are consistent with the architectural style and materials used in the building and plaza. Thus, although the signage deviates from the specific requirements of the Plan, it is appropriate for the Project and complies with the intent and objectives of the Plan to establish a modern, integrated, mixed use building in the community. Accordingly, the benefits outweigh any detriments and the deviations can be granted pursuant to N.J.S.A. 40:55D-70(c)(2).
- (g) All of the deviations listed above are granted for the reasons set forth above and

because the intent of the Redevelopment Plan is to provide for the orderly phased conversion of vacant land and antiquated industrial land uses and buildings to residential or mixed use. The Project as proposed meets this intent by removing a blighting influence; promoting smart growth principles by encouraging the development of a variety of housing choices; utilizing sustainable building and site design; modern parking and transportation solutions; and publically accessible open space. Further, in addition to meeting the intent of the Plan, the Project conforms to nationwide planning trends, smart growth, sustainable development, as it relates to unit size, transportation and resident proximity to amenity and commercial spaces

(h) Deviations from Section IXB.3 and Section IX.C of the Plan for type, size and number of signs which were requested in connection with the freestanding sign proposed in the plaza are denied as the Applicant has agreed not to install that sign at the Project.

15. The Redevelopment Plan requires that all projects provide five (5) sustainable design items. The Project meets these criteria by providing the following:
 - a. Ten percent (10%) of the roof will be constructed with solar panels; forty (40%) of the roof will be constructed with green roof, while the remainder will utilize a cool roof membrane;
 - b. A rooftop garden bed will be provided;
 - c. A rooftop amenity deck will be provided;
 - d. Two (2) reserved car-sharing spaces will be located in the garage; and
 - e. Six (6) electrical car charging stations are also located in the garage.

16. With regard to any impact that the Project could have on neighborhood traffic, based in part on a Traffic Evaluation dated April 8, 2019 prepared by Klein Traffic Consulting, LLC filed with the Planning Dept. as part of the Application, and based in part on expert testimony, the Project will have a negligible impact on traffic conditions on Claremont Avenue, and at the intersections of Claremont Ave and West Side Avenue, and Claremont Avenue and Mallory Avenue during AM and PM peak commuter traffic hours. After the completion of the Project these intersections are expected to continue to operate at acceptable levels of service. Most increases in in average vehicle delay will be imperceptible to the motoring public; therefore, no mitigation measure can be imposed upon the Applicant at the present time. The Applicant's traffic expert will re-evaluate the traffic impact of the Project on those intersections six (6) months after the issuance of the final certificate of occupancy for the Project and twelve (12) months after the issuance of the final certificate of occupancy for the Project. If traffic generated by the Project results in a degradation of the level of service at the intersections the Applicant' traffic expert will work with the Planning Staff and Jersey City Engineering Dept. to adjust the timing signals to accommodate the increase in traffic.

17. With regard to the Project' design and access to Claremont, based in part on a Traffic Evaluation filed with the Planning Dept. as part of the Application, and based in part on expert testimony, the Project is designed with adequate parking and circulation for the residents, visitors and services associated with the Project. Access to the parking garage via one, two-way driveway is adequate to serve the proposed traffic demand.

18. The Applicant's presentation materials marked for identification at the hearings as Exhibits A-2 and Exhibit A-3 are incorporated into the record.
19. Comments were heard from the public in reference to a construction project being implemented by New Jersey Transit in the vicinity of the Property. The Applicant is unaware of the details of such construction project; however, the Applicant will work with New Jersey Transit and other municipal agencies to coordinate construction activities.
20. Comments were then heard from Matt Ward, PP, AICP, Principal Planner of the Division of City Planning who advised that the testimony provided by the Applicant and its experts addressed the comments in the March 4, 2019 Staff Memorandum of the Division of City Planning and other comments that were made by the public. The record is clear that for two-way traffic and existing two-way bicycle lanes on Claremont Avenue shall remain. In conclusion the Planning staff is satisfied with the testimony presented by the Applicant.

NOW, THEREFORE, BE IT RESOLVED that to the Planning Board of the City of Jersey City, County of Hudson and State of New Jersey, for approval of a Preliminary and Final Major Site Plan approval with deviations (windowsill height and setback along Yale Ave; minimum sidewalk width on Claremont Avenue; maximum ground floor floor-to-ceiling height, maximum permitted loading area; street tree separation; and residential and commercial signage, all as described above), to wit: Calendar No. P18-206 to permit construction of a mixed-use building located between Claremont Avenue and Yale Avenue, Jersey City, New Jersey, identified as 17-19 and 53-63 Yale Avenue and 400 and 148-430 Claremont Avenue, Jersey City, New Jersey, also known as Block 21801, Lots 4, 5, 8, 9, 10, 15, 16, 17, 18 and 19 on the tax map of Jersey City, consisting of a mixed-use six (6) story building containing six hundred thirty-one (631) dwelling units, 12,044 sq. feet of permitted commercial space and two hundred seventy-nine (279) parking spaces subject to the following conditions:

1. 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 and approval by planning staff.
2. All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding.
3. That the applicant will comply with or work with Planning Staff on all Jersey City review agent comments.
4. With exception of the proposed tree spacing, all street trees and landscaping shall be installed in accordance with 345-66, prior to an issuance of a Certificate of Occupancy.
5. The applicant shall work with staff and detail the Yale Avenue planters for the landscaping in the ROW on the architectural site plans prior to signature.
6. Architect and/or general contractor shall provide an affidavit confirming compliance with the proposed sustainable features prior to the issuance of the first certificate of occupancy.

7. Architect shall provide an affidavit confirming the development is built in accordance with the approved plans prior to the issuance of the first certificate of occupancy.
8. The Applicant, at its own expense, will have the Applicant's traffic expert re-evaluate the traffic impact of the Project at the intersections of Claremont Ave and West Side Avenue, and Claremont Avenue and Mallory Avenue, six (6) months after the issuance of the final certificate of occupancy for the Project and twelve (12) months after the issuance of the final certificate of occupancy for the Project. If traffic generated by the Project results in a degradation of the level of service at those intersections, the Applicant' traffic expert will work with the Planning Staff and Jersey City Engineering Dept. to adjust the timing signals to accommodate the increase in traffic.
9. The Applicant shall delete the proposed free standing sign on columns located at the entrance to the plaza from the architectural site plans prior to signature because that sign was withdrawn and never approved by the Board.
10. The Applicant shall work with the Planning Staff to include the five (5) sustainable design items set forth in paragraph 15 hereof on the final approved site plans.

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RESOLUTION
City of Jersey City
Planning Board
In the Matter of 400 CLAREMONT URBAN RENEWAL, LLC
P18-206
Decided on April 23, 2019
Memorialized on May 7, 2019
Application for A Preliminary/Final Major Site Plan Approval with Deviations

DATES OF HEARING: March 26, 2019 and April 23, 2019

VOTE: 6-1

VOTING IN FAVOR: COMMISSIONERS

1. Chairman Christopher Langston
2. Commissioner Michael Sims
3. Commissioner Allison Solowsky
4. Commissioner Vijaya Desai
5. Commissioner David Cruz
6. Commissioner Bettinger

VOTING AGAINST: 1. Commissioner Edward Torres

ABSTAINING: NONE



CHRISTOPER LANGSTON, Chairman
JERSEY CITY PLANNING BOARD



MATT WARD, Secretary
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:



SANTO T. ALAMPI, ESQ.
JERSEY CITY PLANNING BOARD

DATE OF MEMORIALIZATION: May 7, 2019

