

City Clerk File No. Ord. 08-141

Agenda No. 3.A 1st Reading

Agenda No. 4.A. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 08-141

TITLE:

ORDINANCE AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT AMONG THE CITY OF JERSEY CITY, HONEYWELL INTERNATIONAL INC. AND BAYFRONT REDEVELOPMENT LLC PERMITTING HONEYWELL TO INSTALL AND MAINTAIN AN UNDERGROUND PIPELINE ON CITY-OWNED PROPERTY KNOWN AS BLOCK 1751, LOT 11 AND CITY-LEASED PROPERTY KNOWN AS BLOCK 1290.1, LOT 2E

WHEREAS, the City of Jersey City ("City") is the owner of Block 1751, Lot 11 on the Official Tax Map of the City of Jersey City ("Property"); and

WHEREAS, Honeywell International Inc. ("Honeywell"), having offices at 101 Columbia Road, Morristown, New Jersey 07962, is the owner of real property located at Block 1290.1, Lot 14J (also known as Block 1290.A, Lot 14J) on the Official Tax Map of the City; and

WHEREAS, Bayfront Redevelopment LLC ("Bayfront"), an entity whose sole member is Honeywell, located at 1500 West Dundee Road, Arlington Heights, IL 60004, purchased from and then leased back to the City certain real property known as Block 1290.1, Lot 2E (also known as Block 1290.A, Lot 2E) on the Tax Map of the City of Jersey City (the "Leaseback Property"), pursuant to a lease agreement between Bayfront and the City dated June 5, 2008 (the "Lease"); and

WHEREAS, Honeywell pursuant to a court order in connection with litigation before the United States District Court of the District of New Jersey captioned *Jersey City Municipal Utilities Authority v. Honeywell International Inc., Jersey City Incinerator Authority v. Honeywell International Inc., Hackensack Riverkeeper, Inc. et al v. Honeywell International Inc., et al. (consolidated as Civ. No. 06-0022 (DMC))*, has been identified as the party responsible for implementing a remedial action workplan for the cleanup of deep overburden groundwater of adjacent properties and the City's Property; and

WHEREAS, Resolution No. 08-230 approved on April 9, 2008 granted Honeywell a Construction License Agreement dated May 6, 2008 to install and construct the underground pipeline; and

WHEREAS, Honeywell has requested a Pipeline Easement from the City permitting it to use the Property for the purpose of operating, maintaining, repairing and replacing underground piping and electrical conduit that will connect with the water treatment plant located on Honeywell's property; and

WHEREAS, the easement area is shown and described in Exhibit A of the Easement Agreement attached hereto; and

WHEREAS, Honeywell has requested access to the Leaseback Property to run the aforementioned underground electrical conduit and underground water pipeline across the western boundary of the

Leaseback Property that will connect with the water treatment plant located on Honeywell's Parcel; and

WHEREAS, the Leaseback Property is shown and described in Exhibit A of the Easement Agreement attached hereto; and

WHEREAS, it is in the best interests of the City to grant a Pipeline Easement to Honeywell and to allow Honeywell to use the Leaseback Property for the purpose of installing and maintaining the underground pipeline extraction pump system for the remediation of deep overburden groundwater along the Hackensack River; and

WHEREAS, the Pipeline Easement will terminate twenty (20) years from the date of completion of the construction of the pipeline or upon the earlier occurrence of the following: 1) a final order and decree that Honeywell has discharged its obligations with regard to the remediation plan or 2) approval from the New Jersey Department of Environmental Protection that the groundwater extraction from the groundwater recovery well located on Block 1751, Lots 10K1 and 10K2 may cease.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

1. Subject to such modifications as deemed necessary or appropriate by the Business Administrator or Corporation Counsel, the Mayor or Business Administrator is hereby authorized to execute the Easement Agreement attached hereto granting Honeywell a non-exclusive easement to use Block 1751, Lot 11 and allowing Honeywell access to Block 1290.1, Lot 2E.
2. Subject to review and approval by Corporation Counsel, execute such other documents which may be necessary to effectuate the purpose of this ordinance.
 - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect at the time and in the manner as provided by law.
 - D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

08-141-0250

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____
APPROVED: _____
Business Administrator
ASST

Certification Required

Not Required

Prepared by: _____
Itza G. Wilson
Assistant Corporation Counsel

EASEMENT AGREEMENT

THIS AGREEMENT (the "Agreement"), made as of the _____ day of _____, 2008 among **CITY OF JERSEY CITY**, a public body corporate and politic existing under the laws of the State of New Jersey, having its offices at City Hall, 280 Grove Street, Jersey City, New Jersey 07302 (hereinafter referred to as the "City" or "Grantor"); **HONEYWELL INTERNATIONAL INC.**, having offices at 101 Columbia Road, Morristown, New Jersey 07962 (hereinafter referred to as "Honeywell" or "Grantee"); and **BAYFRONT REDEVELOPMENT LLC** ("Bayfront" or "Landlord"), c/o Honeywell International Inc., 1500 West Dundee Road, Arlington Heights, IL 60004.

WITNESSETH THAT:

WHEREAS, the City is the owner of certain real property known as Block 1751, Lot 11 on the Tax Map of the City of Jersey City, and as more particularly described on Exhibit A attached hereto (the "Property"); and

WHEREAS, Honeywell is the owner of certain real property known as Block 1290.1, Lot 14J (also known as Block 1290.A, Lot 14J) on the Tax Map of the City of Jersey City, and as more particularly described on Exhibit A attached hereto ("Grantee's Parcel"); and

WHEREAS, Bayfront Redevelopment LLC ("Bayfront"), an entity whose sole member is Honeywell, purchased from and then leased back to the City certain real property known as Block 1290.1, Lot 2E (also known as Block 1290.A, Lot 2E) on the Tax Map of the City of Jersey City, and as more particularly described in Exhibit A attached hereto (the "Leaseback Property"), pursuant to a lease agreement between Bayfront and the City dated June 5, 2008 (the "Lease"); and

WHEREAS, Honeywell pursuant to a court order in connection with litigation before the United States District Court of the District of New Jersey captioned *Jersey City Municipal Utilities Authority v. Honeywell International Inc, Jersey City Incinerator Authority v. Honeywell International Inc., Hackensack Riverkeeper, Inc. et al v. Honeywell International Inc., et al. (consolidated as Civ. No. 06-0022 (DMC))*, has been identified as the party responsible for implementing a remedial action workplan for the cleanup of deep overburden groundwater of adjacent properties and the City's Property; and

WHEREAS, Resolution No. 08-230 approved on April 9, 2008 granted Honeywell a Construction License Agreement dated May 6, 2008 to install and construct the underground pipeline, attached hereto as Exhibit B; and

WHEREAS, Honeywell requires an easement from Grantor on the western boundary of the Property to install an underground electrical conduit and underground water pipeline that will connect with the water treatment plant located on Grantee's Parcel; and

WHEREAS, Honeywell requires access to the Leaseback Property to run the aforementioned underground electrical conduit and underground water pipeline across the western boundary of the Leaseback property that will connect with the water treatment plant located on Grantee's Parcel; and

WHEREAS, it is in the best interests of the City to grant an Easement to Honeywell and to allow Honeywell to use the Leaseback Property for the purpose of maintaining the underground pipeline extraction pump system for the remediation of deep overburden groundwater along the Hackensack River; and

WHEREAS, the City is willing to grant the easement to Grantee and allow Grantee to use the Leaseback Property on the terms and conditions hereafter set forth;

NOW THEREFORE, for a consideration of \$100.00 DOLLARS, lawful money of the United States of America, and in consideration of the covenants contained herein, and pursuant to all applicable state and federal laws, Honeywell and the City agrees as follows:

1. **Pipeline Easement.** Grantor hereby grants and conveys to Grantee, a non-exclusive easement ("Pipeline Easement") over, upon and across the City's Property and the area shown on Exhibit A ("Easement Corridor"), for the purpose of installing, operating, maintaining, repairing and replacing underground piping and electrical conduit along the Hackensack River boundary of the Property, together with manholes, pipe cleanouts, leak detectors and related facilities appurtenant thereto (the pipeline, electrical conduit, manholes, pipe cleanout, leak detectors and related facilities are collectively, the "Easement Facilities"). The Easement Corridor will extend along the length of the western boundary of the Property. The Pipeline Easement will be located no more than 50 feet (except as necessary to avoid existing infrastructure) inboard of the retaining wall along the Hackensack River on the Property and shall encompass and be confined to an area approximately 25 feet wide along the Easement Corridor and include a mutually agreed upon route for ingress to and egress from the Easement Corridor and Easement Facilities. Grantee will provide Grantor notice not less than three (3) days in advance of entering the Easement Corridor for maintenance and repairs, except in an emergency. In an emergency, Grantee will endeavor to provide Grantor with reasonable notice to the extent practicable.

2. Grantee agrees that when it opens or disturbs the surface of any part of the premises subject to this Easement Agreement, Grantee will, at its own expense, return the Property to substantially the same condition as it existed prior to any construction or maintenance activity (except for the addition of the Easement Facilities) after: (i) the installation of the Easement Facilities; and (ii) any maintenance activities relating to the Easement Facilities conducted after their installation. Grantee further agrees to maintain access to the premises for the benefit of the CITY so as not to interfere unreasonably with the City's normal operations.
3. Grantee's ingress to and egress from the Easement Corridor and Construction Access Corridor shall comply with the reasonable security requirements of Grantor.
4. Upon completion of the initial installation of the Easement Facilities, and appurtenances thereto, the Easement Facilities shall become and remain the property of the Grantee and under its control and supervision until Termination of the Pipeline Easement as defined in Section 10 hereof.
5. Grantor shall not materially and unreasonably interfere with or cause injury or damage to the Easement Facilities or Grantee's access thereto. Except as set forth herein, no obstruction or encumbrance, physical or otherwise, shall be placed within the Easement Corridor which will obstruct or interfere with the easements herein granted.
6. In consideration for this Agreement, Grantee shall pay Grantor \$100.00, subject to adjustments for unforeseen or materially changed circumstances or conditions.
7. Grantee may alter or relocate, or both, the Easement Corridor and/or Easement Facilities, with Grantor's prior written consent, which consent shall not to be unreasonably withheld. Grantee shall be solely responsible for all costs incurred in connection with such relocation.
 - A. Grantee shall, upon Grantor's prior written request, relocate the Easement Corridor and/or Easement Facilities as necessary to accommodate redevelopment or other activities at the Property, provided: (i) the Easement Facilities can be relocated to another, mutually agreeable area of the Property; and (ii) relocation does not have a material detrimental impact on the operation of Grantee's deep overburden groundwater remedy wells or the transport of same to the water treatment plant on Grantee's Parcel. Grantee shall be solely responsible for all costs incurred in connection with such relocation.
 - B. Upon any relocation of the Easement Corridor, Grantor and Grantee shall execute, deliver to each other and cause to be recorded an amendment to this Agreement to provide a description of the amended location or locations of the Easement Corridor.

8. Except where caused by the negligence of Grantor, Grantee hereby agrees to indemnify, defend, and hold Grantor, its officers, directors, employees or agents harmless from and against any and all claims, suits, and any loss caused by or arising from: (i) Grantee's acts, errors or omissions in installing the Easement Facilities; (ii) Grantee's acts, errors or omissions related to maintenance of the Easement Facilities; and (iii) any release of contaminated groundwater from the pipeline onto the Property, except to the extent such release is caused by the negligence of Grantor. Grantee further agrees to indemnify and hold the City, its officers, directors, employees or agents from and against any and all claims, suits and demands based upon any of the risks so assumed, whether just or unjust, fraudulent or not, and for all costs and expenses incurred by them in the defense, settlement or satisfaction of any such claims, including attorney's fees and costs of suit. Grantee's liability under this Easement Agreement shall continue after the termination of it with respect to any liability, loss, expense or damage resulting from acts occurring prior to termination.
9. Grantee shall keep in effect Property Damage and Comprehensive General Liability Insurance for an amount not less than \$1,000,000 or such other type and amount as is deemed necessary or appropriate by the City's Risk Manager. Licensee shall furnish to the City a Certificate of Insurance for the benefit of Licensee, naming the City, its employees or agents as additional named insureds and covering the losses arising from Grantee's activities on the Property and any leak or release from the Easement Facilities of hazardous substances onto the Property. Delivery of Certificates of Insurance evidencing policies of insurance and proof of payment of premium shall be delivered to the City prior to exercising any rights under this Agreement but in no event later than five (5) days prior to the commencement of any activities conducted pursuant to this Agreement.
10. The Pipeline Easement will terminate twenty (20) years from the date of completion of the construction of the pipeline or upon the earlier occurrence of the following: (i) a final order and decree that Grantee has discharged its obligations with regard to the remediation of deep overburden groundwater in connection with the litigation before the United States District Court of the District of New Jersey captioned *Jersey City Municipal Utilities Authority v. Honeywell International Inc, Jersey City Incinerator Authority v. Honeywell International Inc., Hackensack Riverkeeper, Inc. et al v. Honeywell International Inc., et al. (consolidated as Civ. No. 06-0022 (DMC))*, and the separate action captioned *Interfaith Community Organization et al. v. Honeywell International Inc. et al., Civ. No. 95-2097*; or (ii) approval from the New Jersey Department of Environmental Protection that groundwater extraction from the groundwater recovery well located on Block 1751, Lots 10K1 and 10K2, may cease. After the cessation of remediation pumping, the piping shall not be removed, but shall be abandoned in place after being thoroughly flushed of all contaminants.
11. Grantor warrants that it has good and indefeasible fee simple title to the Property free and clear of any and all mortgages, liens and encumbrances.

12. Both parties hereto certify that, to the best of its knowledge and belief, all things required by law to be done and performed by it to enable it to carry out this Agreement have been done and performed.
13. This Agreement and the rights and obligations hereunder shall be governed by and construed in accordance with the laws of the State of New Jersey without regard to principles of conflicts of law. All judicial proceedings arising out of or relating to this Agreement or any obligations hereunder, shall be brought in any state or federal court of competent jurisdiction in the State of New Jersey.
14. This Agreement, together with the Exhibits attached hereto and made a part hereof, contains all of the terms agreed upon between the parties with respect to the subject matter hereof.
15. Nothing herein contained shall be understood or construed to create any third party benefits, rights or property interests unless the person claiming such rights is identified herein and the rights claimed are expressly set forth in this Agreement.
16. This Agreement may not be changed, modified or terminated except by an instrument executed by the parties hereto who are or will be affected by the terms of such instrument. No waiver by either party of any failure or refusal of the other party to comply with its obligations shall be effective unless in writing and shall not be deemed a waiver of any other or subsequent failure or refusal to so comply.
17. Neither Honeywell, any officer or employee thereof nor the City, and officer or employee thereof, shall be charged personally with any liability under any term or provision of this Agreement or because of its execution or attempted execution or because of any breach or alleged breach thereof.
18. Only with prior written consent and approval by the City Council of the City, which consent and approval shall not be unreasonably withheld, shall Grantee have the right to assign or otherwise transfer its rights under this Easement Agreement.
19. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law. This Agreement has been prepared or reviewed, or both, by counsel for Grantor and Grantee. Accordingly, Grantor and Grantee agree that it shall be construed as if both parties were equally responsible for drafting this Agreement and the rule of construction of construing ambiguities against the drafter shall not apply.

23. This Agreement may be executed in two or more counterparts, each of which when executed and delivered as prescribed shall constitute an original, but all of which taken together shall constitute one agreement. In order to expedite the transaction contemplated herein, this Agreement can be legally executed and delivered by telecopy from one party to the other or the other's counsel, provided at least two originally executed counterparts are sent to the other party or its counsel for delivery on the next business day.
24. With respect to the Leaseback Property, Grantee shall have the same rights, privileges and obligations that Grantee has with respect to the Property, as set forth in this Agreement, subject to the following terms and conditions:
- (a) Grantee acknowledges that Grantor's rights with respect to the Leaseback Property are subject to the Lease;
 - (b) Bayfront, as Lessor under the Lease, consents to Grantor's agreement as set forth herein to allow the Leaseback Property to be used by Grantee as provided herein;
 - (c) With respect to the Leaseback Property, the Easement Corridor is shown on Exhibit A and the Construction Access Corridor is the area shown on Exhibit C;
 - (d) Section 11 of this Agreement shall not pertain to the Leaseback Property. In lieu thereof, Grantor warrants that it has a valid leasehold estate in the Leaseback Property, free and clear of any liens or encumbrances caused, suffered or permitted by Grantor.

INTENDING TO BE LEGALLY BOUND, this Agreement has been duly executed as of the day and year first above set forth.

WITNESS:

Robert Byrne
City Clerk

WITNESS:

WITNESS:

**GRANTOR:
CITY OF JERSEY CITY**

By: _____
Name: Brian O'Reilly
Title: Business Administrator

**GRANTEE:
HONEYWELL INTERNATIONAL INC.**

By: _____
Name:
Title:

**As to Section 24:
Bayfront Redevelopment LLC
By: Honeywell International Inc., its sole
member**

By: _____
Name:
Title:

STATE OF NEW JERSEY,)
) ss.
COUNTY OF _____)

BE IT REMEMBERED that on this ____ day of _____, 2008 before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared _____, and this person acknowledged under oath, to my satisfaction, that:

(a) this person signed and delivered the attached document as _____, of Honeywell International Inc., a Delaware corporation, as the Sole Member of Bayfront Redevelopment LLC, a limited liability company of the State of Delaware;

(b) this document was signed and made by Bayfront Redevelopment LLC as its voluntary act and deed by virtue of the authority of its Sole Member.

Notary of the State of New Jersey
My Commission Expires

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 08-141

TITLE: 3.A. SEP 24 2008 4.A. OCT 07 2008



Ordinance authorizing the execution of an easement agreement among the City of Jersey City, Honeywell International, Inc. and Bayfront Redevelopment LLC, permitting Honeywell to install and maintain an underground pipeline on city owned property known as Block 1751, Lot 11 and city leased property known as Block 1290.1, Lot 2E.

RECORD OF COUNCIL VOTE ON INTRODUCTION								SEP 24 2008 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								OCT 07 2008 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	ABSENT			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE												OCT 07 2008 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.				
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓						
SPINELLO	✓			FULOP	✓			FLOOD	✓						
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓						

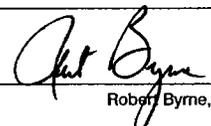
✓ Indicates Vote

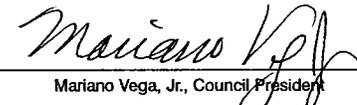
N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 24 2008

Adopted on second and final reading after hearing on OCT 07 2008

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 07 2008


 Robert Byrne, City Clerk

APPROVED: 
 Mariano Vega, Jr., Council President

Date: OCT 07 2008

APPROVED: 
 Jeremiah J. Healy, Mayor

Date to Mayor OCT - 8 2008

*Amendment(s):

City Clerk File No. Ord. 08-142

Agenda No. 3.B 1st Reading

Agenda No. 4.B. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 08-142

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE DANFORTH AVENUE TRANSIT VILLAGE REDEVELOPMENT PLAN

WHEREAS, the Municipal Council of the City of Jersey City, by Resolution 08-487, adopted June 25, 2008, authorized the Jersey City Planning Board to conduct a preliminary investigation and hold a Public Hearing to determine if the area known as the Danforth Station Study Area met the criteria necessary to be declared a Redevelopment Area; and

WHEREAS, the Municipal Council, upon the recommendation of the Jersey City Planning Board did declare, by Resolution, the Danforth Station Study Area to be "an area in need of redevelopment; and

WHEREAS, pursuant to *NJSA 40A:12A-4.a.(3)*, the governing body is empowered to adopt a redevelopment plan to regulate development within an area declared in need of redevelopment; and

WHEREAS, the Planning Board of Jersey City, at a public hearing on August 5, 2008, reviewed and amended the proposed Danforth Avenue Transit Village Redevelopment Plan and voted to recommend that the Municipal Council adopt Danforth Avenue Transit Village Redevelopment Plan; and

WHEREAS, the proposed Danforth Avenue Transit Village Redevelopment Plan, attached hereto and made a part hereof is available for public inspection in the Office of the City Clerk, City Hall, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the above referenced Danforth Avenue Transit Village Redevelopment Plan be, and hereby is, adopted as recommended by the Jersey City Planning Board.

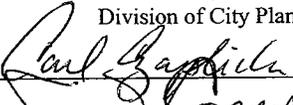
BE IT FURTHER ORDAINED THAT:

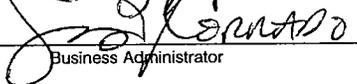
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.


Robert D. Cotter, PP, Director
Division of City Planning

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: 

APPROVED: 
Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING THE DANFORTH AVENUE TRANSIT VILLAGE REDEVELOPMENT
PLAN**

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl S. Czapliski, Director, Department of Housing, Economic Development, and Commerce

3. Concise Description of the Plan Proposed in the Ordinance:

Adopts a redevelopment plan for the Danforth Station Study Area.

4. Reasons (Need) for the Proposed Program, Project, etc.:

The Redevelopment Area consists of a variety of residential, commercial, and warehouse uses that contain a variety of negative influences, including vacant lots, vacant and dilapidated buildings, and underutilized or obsolete facilities, as well as contaminated soils, which contribute to a lack of private investment in the Area and underutilization of the Danforth Avenue light rail transit station. The plan provides for a unified and comprehensive approach to development for this segment of the City in a "transit village" format to promote smart growth in Jersey City.

5. Anticipated Benefits to the Community:

Encourage private investment in the Redevelopment Area, and ensure the responsible development of in-fill housing, mixed-use areas, retail shops, and services. This Plan can enhance municipal tax revenues and improve the quality of life of the Jersey City community.

6. Cost of Proposed Plan, etc.:

\$0.00 all work performed in house

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter
Division Director

Sept 10, 2008
Date

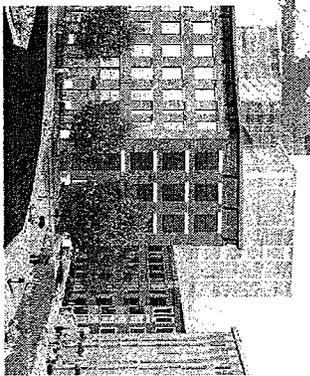
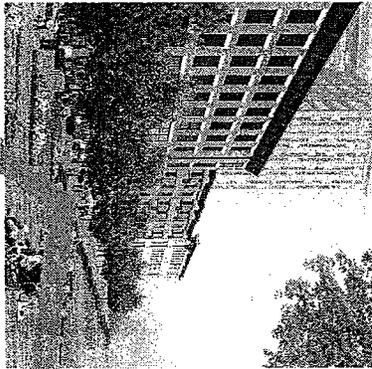
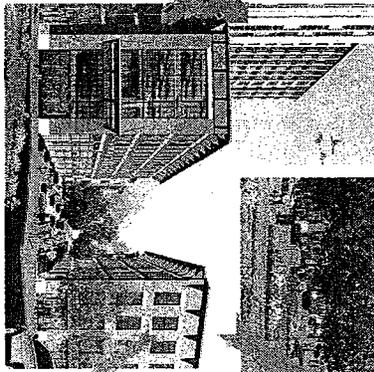
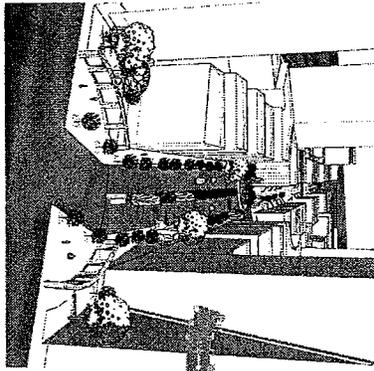
Carl Czapliski
Department Director Signature

9/10/08
Date

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE DANFORTH AVENUE TRANSIT VILLAGE REDEVELOPMENT PLAN

This ordinance adopts a redevelopment plan for the Danforth Station Study Area that permits the development of residential, commercial, and mixed use structures in a “transit village” format that will promote transit use around the Danforth Avenue light rail transit station.



Danforth Avenue Transit Village Redevelopment Plan

July 17th, 2008

DANFORTH AVENUE TRANSIT VILLAGE
JERSEY CITY, NEW JERSEY

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I. INTRODUCTION

The Danforth Avenue Transit Village Redevelopment Plan (the "Plan") will regulate development within the Danforth Avenue Transit Village Redevelopment Area (the "Redevelopment Area" or "Area"). The Redevelopment Area is located in the southeastern portion of Jersey City, generally situated between Linden Avenue on the south, Chapel Avenue on the north, the N.J. Turnpike Extension on the east and the Light Rail/Conrail roadbed on the west (See Local Setting Map)

Historically, this eastern section of the Greenville area of Jersey City has existed as primarily a railroad junkyard, warehouse and industrial area. Remnants of these industrial uses continue to exist today. This particular area developed as an industrial area because it was, at the time, on the outskirts of the City, isolated from residential neighborhoods and had good rail transportation access. Railroad lines with industrial spurs and sidings were built to serve the industrial land uses. These industrial uses contributed significantly to the economic vitality of the City, providing jobs and tax ratables through the early part of the 20th Century.

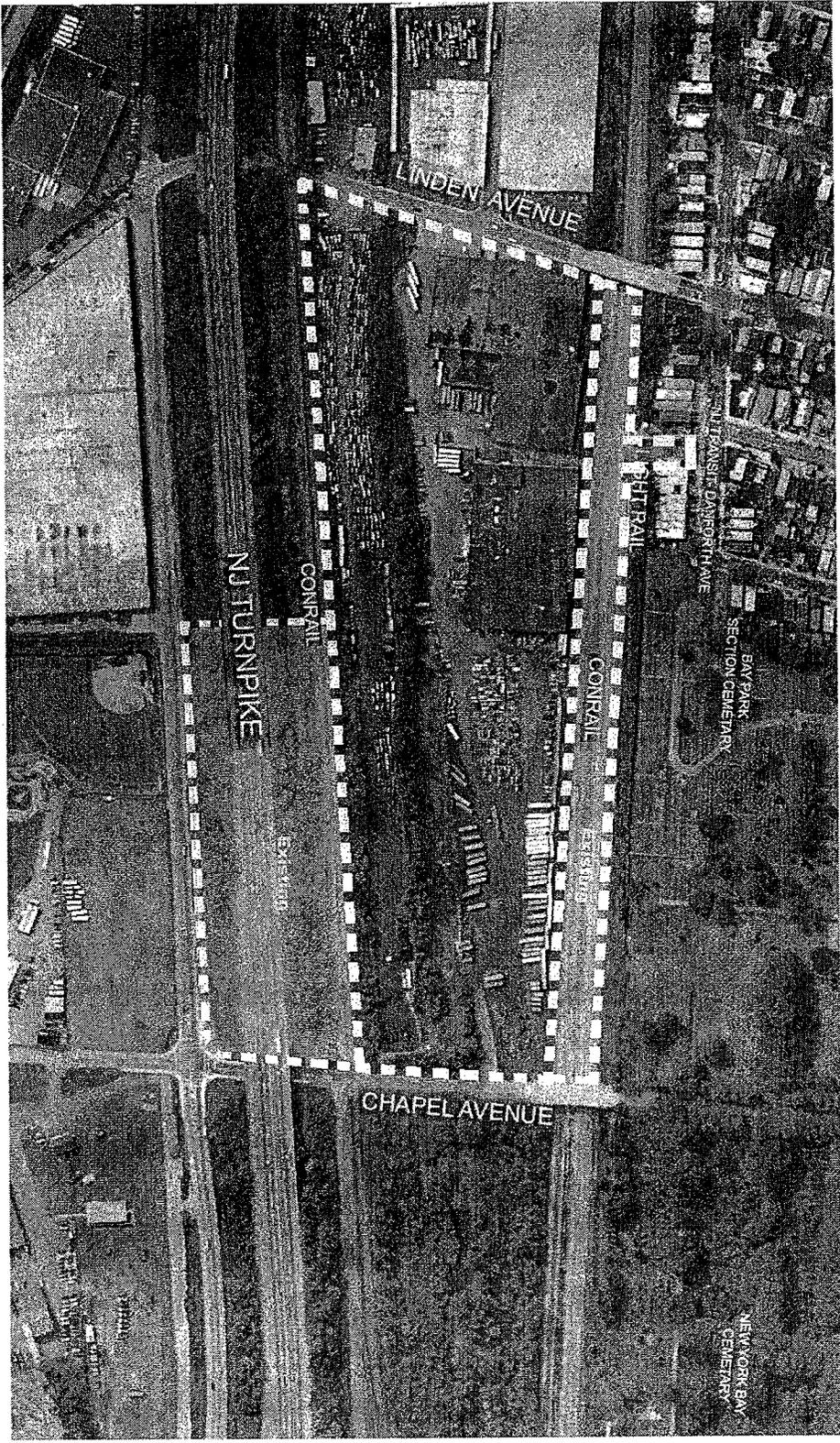
During the middle of the 20th Century, the character of the area began to change. Industrial uses within the surrounding area began to decline. This decline was due to the shift in the U.S. economy from mainly an industrial base to a service sector economy. Additionally, the decline of railroads as a primary mover of freight coupled with containerization and the creation of newer, larger physical warehouse spaces more adapted to the truck and computerized inventory environment made those older, smaller sized warehouses obsolete in the marketplace. Today, this area reflects its older industrialized history with junkyards and warehousing being the predominate land use.

Recognizing this shift in land use from industrial to commercial and residential uses, the Jersey City Master Plan dated May 2000 designated this portion of Jersey City with a Destination Tourism classification. Originally, the Destination Tourism zoning was designated for a much larger area encompassing the Jersey City waterfront from the Caven Point Area on the South to the Morris Canal Basin on the North. Currently the Destination Tourism Area has been redeveloped to include Liberty State Park, Liberty Science Center, Liberty Golf and include ferry service between the Jersey City waterfront and points in Manhattan leaving only this fragment of an area so designated. In fact, this area by itself is unsuitable for a Destination Tourism designation because:

- It is not physically linked to any tourism sites. The area is physically and visually isolated from other areas by the New Jersey Turnpike as well as rail freight lines.
- The real tourism sites of Ellis Island, Liberty State Park and Statue of Liberty are geographically away and apart from this isolated section of Jersey City.

• Although there is a light rail station within the Study Area, this light rail stop is located south of the major destination of Liberty State Park for many New York visitors. In fact, visitors from New York and New Jersey may utilize one or more closer light rail stations including one station nearby to Liberty State Park and Liberty Science Center. Furthermore, the Study Area is remote from ferry service which provides direct access to New York City when visiting Jersey City.

Clearly, some older industrial uses will continue to exist while this area undergoes its transformation into those uses more appropriate for the 21st Century. However, as the Master Plan has suggested, this area is much more suitable for redevelopment for an alternate use than its present configuration therefore, the Redevelopment Plan establishes mainly residential uses to make use of the existing, underutilized Light Rail Station. Limited commercial uses are also proposed primarily to service the residents of the projected housing.



Developable Portion

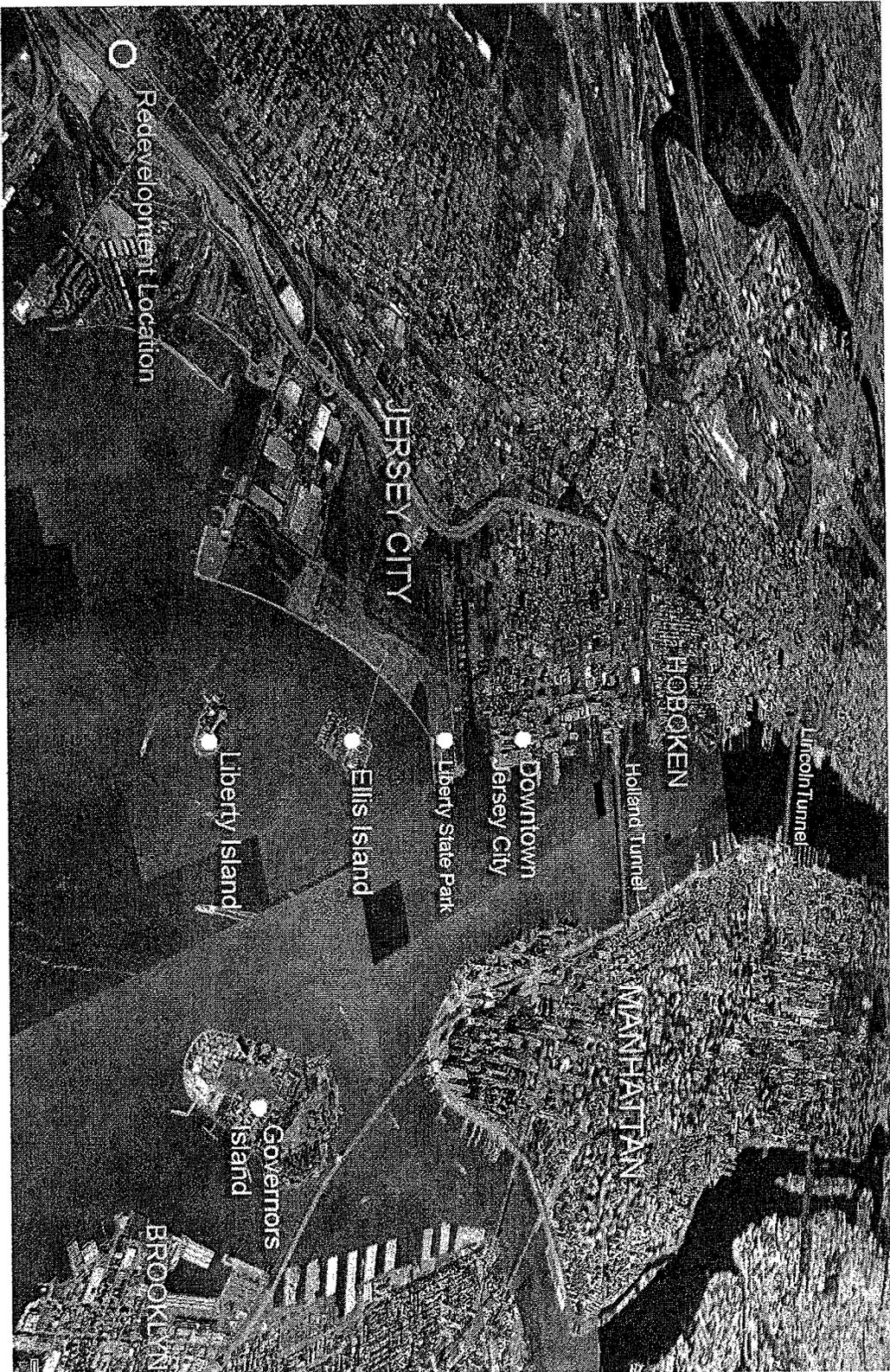
Aerial: Existing Conditions



North

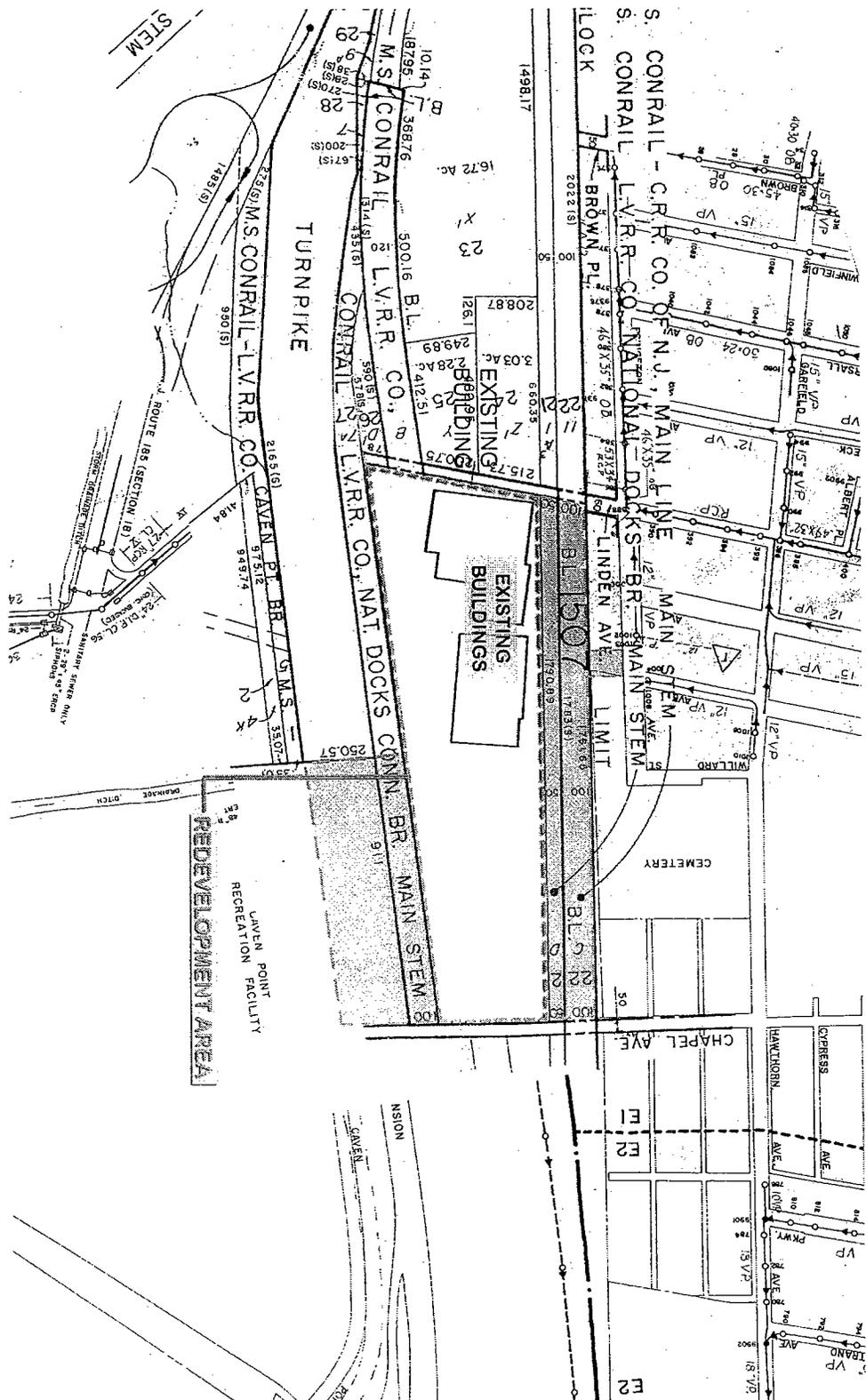
DANFORTH AVENUE TRANSIT VILLAGE
 JERSEY CITY, NEW JERSEY





Location Map





Developable Portion

BOUNDARIES

The Chapel and Linden Avenues Redevelopment Area is located just west of the New Jersey Turnpike. The Area is generally located in the southern portion of Jersey City.

The boundaries of the Redevelopment Area were selected to generally follow the Light Rail/Conrail roadbed on the west, Caven Point Road on the north, the New Jersey Turnpike Extension on the east and Linden Avenue on the south.

The Danforth Avenue Transit Village Redevelopment Area consists of four tax blocks containing eight different tax lots within the City of Jersey City. The lot and block numbers are as follows:

- Block 1440 Lot: 10
- Block 1500 Lots: D, Z 1, Z 2, 1, A, C, and 7A (Partial)
- Block 1507 Lot: C

The boundary of the Redevelopment Area is also depicted on the Boundary Map. Because block and lot numbers may change from time to time due to subdivisions, lot consolidations or renumbering, the Boundary Map located in this report shall prevail in the case of discrepancies between the Map and block and lot listed above.



Boundary Map

III. PROJECT DESCRIPTION

The existence of residential use in the areas surrounding the Study Area as well as the existence of the Danforth Avenue Light Rail Station, located in the southwest section of the Study Area, makes the Study Area especially suitable for transit village redevelopment. According to New Jersey Transit, the Danforth Avenue Light Rail Station has seen only a 0.1 percent increase in ridership from March 2007 to March 2008. This 0.1 percent increase represents the lowest percent change as compared to all stations located along the HBLRT.

Ultimately, the proximity of the Study Area to the light rail station, which is currently underutilized, represents a unique opportunity to redevelop an existing non-conforming area with transit village development that will be consistent with the principals of "Smart Growth."

"Smart Growth" and "Transit Oriented Development" emphasizes locating new development where existing infrastructure and mass transit opportunities exist. "Smart Growth" is the term used to describe well-planned and well managed growth. According to New Jersey's Office of Smart Growth, the principles of this approach to development include "mixed-use development, walkable town centers and neighborhoods, mass transit accessibility..." Techniques used to achieve these goals include focusing and directing future development to existing communities, using existing infrastructure, and including transportation options to residents.

The New Jersey Office of Smart Growth sums up the benefits of "Smart Growth" as such:

"Compact growth is a key tenet of Smart Growth, and that favors our cities and towns. More corporations and residents are seeing the diversity, accessibility, culture and infrastructure of New Jersey's cities as attractive alternatives to suburban sprawl. Coordinated, well-planned development and redevelopment will keep these places vibrant and relevant well into the future." Additionally, "[t]he Center for Urban Policy Research at Rutgers University projects tax savings of \$160 million annually in municipal, county and school taxes, \$870 million in local road costs and \$1.45 billion in water and sewer infrastructure costs if Smart Growth guidelines are followed in full. On the jobs front, urban revitalization will help more businesses to stay or locate in New Jersey, encouraging small business and improving New Jersey's status as a corporate location."

According to New Jersey Department of Transportation (NJDOT) the importance of "Transit Oriented Development" or the "Transit Village Initiative" is apparent.

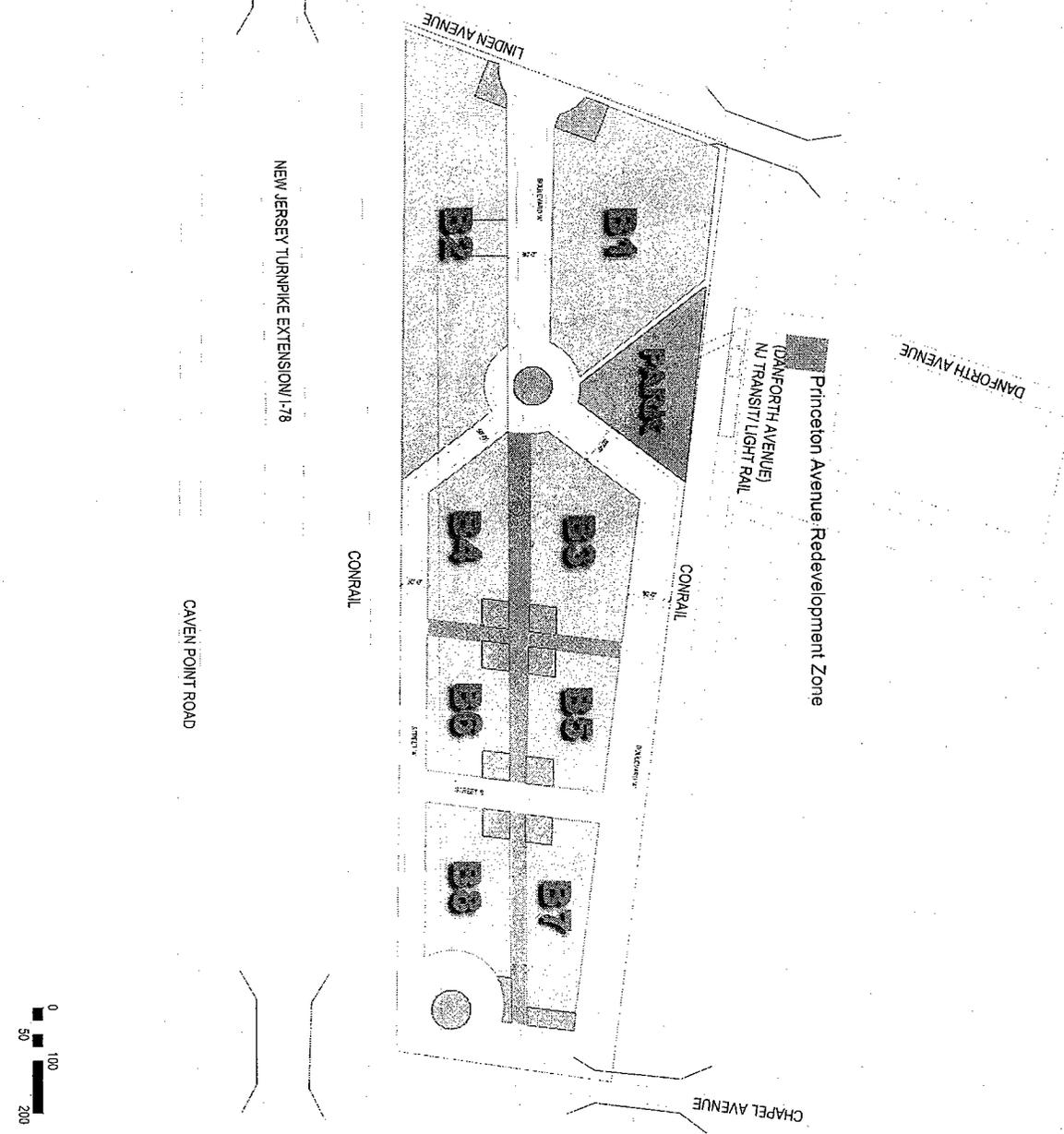
"Studies have shown that an increase in residential housing options within walking distance of a transit facility, typically a one quarter to one half mile radius, does more to increase transit ridership than any other type of development. Therefore, it is a goal of the Transit Village Initiative to bring more housing, more businesses and more people into communities with transit facilities." Since a large capital investment has been undertaken by New Jersey to construct the Hudson Bergen Light Rail system, any opportunity to help in the increase of ridership should be encouraged. Therefore, higher residential density near light rail stations is paramount to ensure that taxpayers' money, which was used to fund the construction of the light rail, is fully realized and helps to achieve the objective of the state's "Smart Growth" policies.

According to New Jersey Transit, a high quality living and working environment can be achieved by organizing land uses to support transit in the Transit Village Initiative. By encouraging mixed use development around transit facilities, automobile trips and the need to provide parking are reduced while promoting pedestrian activity. Additionally, a sense of security and an environment that is attractive and well maintained can be achieved if proper land uses are implemented around transit.

The establishment of a transit village redevelopment district will enable the achievement Smart Growth principles creating a high quality living and working environment while removing the obsolete, deleterious, and excessive land coverage which currently occupy the Study Area.

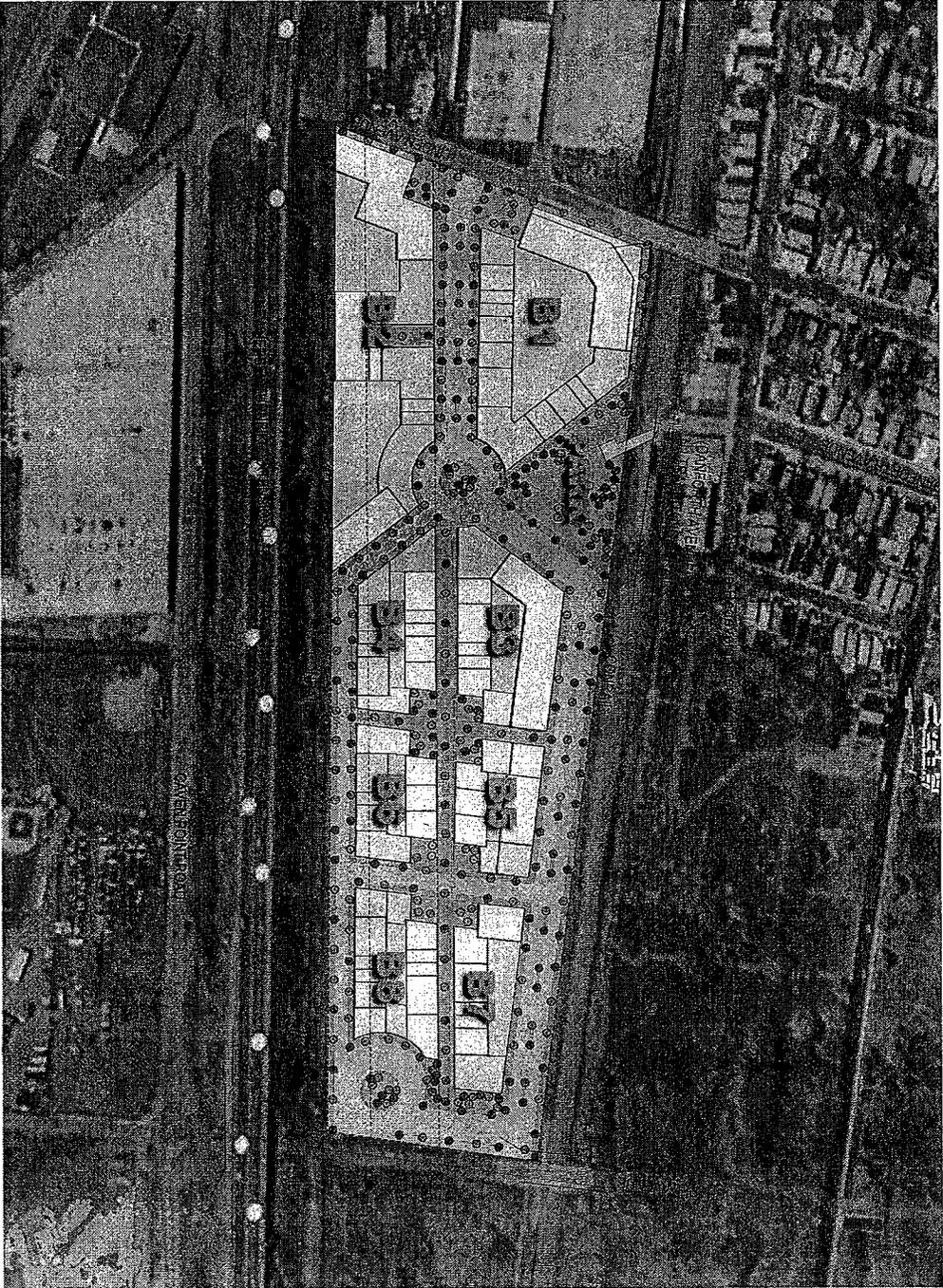
Furthermore, this Redevelopment Plan shall supersede the existing land use regulations contained in the Jersey City Development Ordinance: with the Princeton Avenue District regulating only Block 1440 Lots 28 and B.1.

Block Identification Map



DANFORTH AVENUE TRANSIT VILLAGE
JERSEY CITY, NEW JERSEY





- Small - 4 Stories
- Medium - 5-7 Stories
- Large - 12-22 Stories
- Private Open Space
- Public Open Space
- Linear Park/ Pedestrian Pathway

Concept Plan

DANFORTH AVENUE TRANSIT VILLAGE
 JERSEY CITY, NEW JERSEY

IV. GOALS AND OBJECTIVES OF THE REDEVELOPMENT PLAN

By adoption of this Redevelopment Plan, the Jersey City Planning Board and the Municipal Council of the City of Jersey City seek to promulgate the following objectives outlining what is sought to be achieved through the adoption and implementation of this Plan:

- A. The planning and development of the Redevelopment Area as a primarily residential area with limited ground floor retail and accessory parking.
- B. To integrate new development within the Area as well as the surrounding community by encouraging the creation of a viable primarily residential development in close proximity to a light rail transit stop. Connection to Chapel Avenue will be designed to accommodate for future development located north of the Redevelopment Area such that the connection will seamlessly connect to the existing roadway and meet all engineering standards. Furthermore, connections to Linden Avenue will be designed to accommodate for future development located south of the Redevelopment Area such that the connection will seamlessly connect to the existing roadway and meet all engineering standards.
- C. To provide new open spaces within the Redevelopment Area. Open spaces should be located so as to provide for maximum usability and to create a harmonious relationship between buildings, the streetscape, and the open space throughout the Redevelopment Plan Area.
- D. To promote the principles of "Smart Growth" and "Transit Village" development, i.e. sustainable economic and social development, including a variety of housing choices, providing pedestrian friendly streets and public rights-of-way, minimize automobile use by maximizing the appeal of mass transit, encourage reduced parking and shared use parking solutions, and creating a livable community with convenient access to commercial facilities.
- E. Provide on-site parking, while at the same time maximizing the use of mass transit in order to take advantage of the Redevelopment Area's proximity to the Danforth Avenue Light Rail Transit Station
- F. To limit opportunistic crime through encouraging development of defensible spaces.
- G. To recognize the significant opportunities for residential and limited commercial redevelopment that are afforded by the area's currently isolated, island-like location adjacent to existing redevelopment areas.
- H. To encourage development that provides for a mixture of uses and an intensity of development that will allow for a vibrant new neighborhood to be built that will combine retail, housing and parks, thereby serving as a model for healthy urban growth.
- I. To provide a variety of housing types and commercial establishments through new construction of low rise, mid-rise and high-rise structures.
- J. To provide for an intensity of development suitable to support the construction of necessary infrastructure improvements to support the street grid pattern of the new development.
- K. To eliminate substandard, obsolete and/or dilapidated structures and remove blighting influences.

L. To encourage innovative mixed-use and multiple-use blocks of development so that the goals of the Redevelopment Plan may be met by requiring and allowing greater variety in type, design, and layout of buildings and by providing a range of parks, plazas and parking ancillary to these new uses.

M. To require the interconnecting of uses, blocks and streets to create integrated districts and neighborhoods and a greater sense of community through the use of design techniques that provide for a modified grid street pattern.

N. To provide a layout of streets and open spaces that encourages pedestrian interconnections to the Light Rail station, residential buildings, commercial uses and plazas within the area and to the surrounding community. To establish a street and path network which accommodates an integrated multi-modal transportation system with the intent of providing safe pedestrian connections throughout it.

O. To establish an integrated healthy, vibrant, livable district, incorporating the traditional city block development while rejecting the modern sprawl development and zoning alternatives.

P. To provide a clearly articulated and rationally designed open space system consisting of plazas and lawns connected by sidewalks and shaded by street trees that further the goals of this Redevelopment Plan.

Q. To extend greater opportunities for housing and commercial facilities to residents of Jersey City.

R. To improve the pedestrian environment and general appearance of the Caven Point and Linden Avenue area.

S. To allow for a more efficient use of land and public services by directing development in a manner that reflects traditional blocks of multiple-use developments with a variety of building types.

T. To facilitate the construction of streets, infrastructure, open space and other public improvements which will benefit not just a single development site or property owner, but which benefit the residents of Jersey City as a whole and which will assure public improvements at an appropriate time given the progression of development within the area.

U. To allow the existing uses in the currently existing buildings to be maintained in use prior to any demolition activities being undertaken to further the objectives of this Plan. No expansion of the current uses are permitted.

V. To provide for the creation of places which promote citizen security, pedestrian activities, and social interaction.

W. To implement developments where the physical, spatial, and visual characteristics are established and reinforced through the consistent use of thoroughfare, architectural and urban design elements. Such elements shall relate the design characteristics of individual structures or development to other planned or existing structures or developments in a seamless manner, resulting in a coherent overall city fabric and streetscape.



V. PROPOSED REDEVELOPMENT ACTIONS

These actions are proposed to substantially improve and upgrade the Redevelopment Area through a combination of redevelopment measures that will provide a uniform and consistent attack on blight within the Area by systematically removing blighting influences in an orderly manner and allowing for new construction. These will include but not be limited to:

- A. The consolidation and/or re-subdivision of land within the Redevelopment Area into suitable parcels for development for the new land uses where necessary;
- B. Provision for a full range of public and/or private infrastructure necessary to service and support new development in the Area and adjacent areas;
- C. Execute these improvements with techniques incorporating architectural merit, and maintain the positive character of the surrounding neighborhood;
- D. Clearance of all dilapidated and underutilized structures;
- E. Furthermore, this Redevelopment Plan shall supersede the existing land use regulations contained in the Jersey City Development Ordinance, with the Princeton Avenue District regulating only Block 1440 Lots 28 and B.1.

Proposed Redevelopment Actions

VI. BUILDING DESIGN REQUIREMENTS

- A. All new structures within the Redevelopment Area shall be situated with proper consideration of their relationship to other buildings of architectural merit, both existing and proposed. In terms of material, light, air and usable open space, access to public rights of way and off-street parking, height, setback and bulk.
- B. Buildings shall be designed to be attractive from all vantage points, such that the same materials and detailing are used on all faces and sides of the building.
- C. Buildings shall maintain one main entrance on each principal/main street that their lot is adjacent to so as to contribute to the overall liveliness of the pedestrian environment. One main entrance shall be prominent, easily identifiable, and connect directly to the public street and sidewalk.
- D. Buildings shall have a clear base, middle and top. Architectural devices, of string courses, cornices and sub-cornices, lintels and sills, and/or horizontally differentiating surface treatments, shall be used to achieve the necessary transitions.
- E. The windows and glazing of a building are a major element of style that gives character to the building. Windows and glazing on ground floor commercial uses, if any, should be broad and expansive providing views into the store and display areas. At least seventy (70%) percent of the storefront facade shall be glass. Corner buildings shall have windows on both street frontages. If security gates are used on any part of the building or window, they shall be installed on the interior side of the window, hidden from view when not in use, and be of the open grate style. Similarly, windows and doors into residential lobby areas should be broad and expansive allowing views to and from the adjoining streets.
- Windows in residential portions of a building shall be arranged in a contemporary and organized manner. The tops of windows and doors shall be designed to avoid confusing perspective views. Windows shall not be scattered in a haphazard manner in the facade. Bay windows or other window features may be incorporated into the facade to provide architectural interest and character. Bays may be designed vertically or horizontally and may be angular. Irregular window patterns are prohibited. Corner buildings shall have windows on both street frontages. The window sill of any residential window shall not be less than six (6) feet above the elevation of the adjoining sidewalk.
- F. Cantilevered balconies and terraces may extend from the building when facing into interior courts. However, all balconies facing onto streets shall extend no more than 18 inches from the building face. All railings shall be designed to be semi-opaque in order to screen the view onto the balconies. All balconies shall be subject to review and approval by the Planning Board.
- G. All mechanical equipment, generators, HVAC equipment and similar equipment shall be visually screened such that they are not visible from adjacent buildings or public areas. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same or complementary materials used in the construction of the building, such that the screening appears to be an integral part of the building. Interior locations must be utilized where mechanically possible. Additionally, this equipment shall be acoustically buffered that any noise generated by the equipment shall be within the applicable standards as defined by the State of New Jersey for residential locations.
- H. All electronic communication equipment shall be visually buffered such that they are screened from view. This shall be achieved through creative disguises within the basic architecture of the building, such that it does not negatively impact the appearance of the building. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same materials used in the construction of the building, such that the screening appears to be an integral part of the building. Said equipment shall be located so as to minimize or eliminate the need for screening. Reference shall be made to the Wireless Communications section of the Jersey City Land Development Ordinance for appropriate permitted locations for these facilities. Wherever possible, buildings should be designed to support electronic systems being located internally.
- I. Building face material to be used on all sides shall be primarily of brick in the Standard Modular or Standard Norman sizes only with other appointment being Stone, wood, or metal EIFS (Exterior Insulating Finishing Systems, cementitious concrete systems, stucco, artificial stone, CME sized type block, jumbo brick, vinyl and/or aluminum siding, artificial brick veneer such as permastone or brickface, and plastic type artificial siding materials shall be prohibited. Additionally, no white NJDOT concrete is permitted.
- J. The base of all buildings shall meet the pedestrian level in a humane scale and manner. The base shall not have a cold or brutal feeling. Parking levels shall be screened and designed in compliance with the design standards found in Section VII. of this Plan. The height of the base must relate to other building architecture and design developed within this Area and must be proportional with the building's overall height. A landscaped front yard must be provided at grade between the property line and the building line, except where a commercial use or building lobby fronts onto the street or as necessary for pedestrian and vehicular access. Tops of buildings shall be designed to create architectural interest and must be designed consistent with the "Building Design Requirements" of this Plan. Stepbacks are to be provided consistent with the architectural design of each individual structure to provide additional architectural interest. The intent of these requirements is to create buildings that are vibrant and active in their appearance and do not read as uniform or continuous slabs along the streetscape. Historic or Post-modern tops are not appropriate to this district.
- K. The Redevelopment Area is not located within the vicinity of historic neighborhoods or structures. The developable portion of the Redevelopment Area (except for Block 1440 Lot 28 and B 1) is bounded on the west side by the Light Rail and the east side by Corral as well as the NJ Turnpike ROW. As such it is the intention of these building design requirements to facilitate contemporary (High Modern), fresh and bold designs/ideas that do not reference historic Jersey City architecture. References towards historic pre-cast lintels, watertables, cornices, double-hung windows, etc. are and will be discouraged within this Redevelopment Area. These elements may be used only in a contemporary manner using contemporary materials.
- L. Windows in residential portions of a building shall be arranged in a contemporary manner. Use of window divisions such as muntins are discouraged unless used in a contemporary manner. Bay windows or other window features may also be incorporated into the facade to provide architectural interest and character, provided that their use is in a contemporary manner or material. Bays may be designed vertically or horizontally and may be angular. Each facade shall present a composition that is well laid out and thought provoking. Corner buildings shall have windows on both street frontages. The window sill of any residential window shall not be less than five (5) feet above the elevation of the adjoining sidewalk, unless the facade containing the window is setback a minimum of five (5) feet from the sidewalk and adequate visual landscape screening is provided.

VII. PARKING AND LOADING REQUIREMENTS

A. Required Parking Provisions

All new construction projects shall provide off-street parking as follows:

Use	Minimum Parking	Maximum Parking
Residential	1.0 per unit	1.5 per unit
Office	n.a.	1.0/1,000 s.f.
Retail	n.a.	1.0/200 s.f.
Restaurant/Bar/Nightclub	n.a.	1.0/4 seats

The maximum parking requirement is only a limit. New construction projects are not required to provide the number of spaces shown under maximum parking in the above table.

B. Off-street parking shall be provided within a linear distance of 1,000 feet of the building that it serves to the extent possible.

C. Parking structures shall be masked from street view by way of an integrated design and/or a habitable building, either commercial or residential.

D. All parking/garage space flush to frontage line shall incorporate an external façade mimicking that of the balance of the building.

E. If possible, no mid-block parking structure shall be higher than the height of the shortest building masking it. If a mid-block parking structure is higher than the surrounding building, the external façade shall mimic that of the balance of the building including materials and window layout.

F. Parking under buildings may be placed directly against the street frontage where it is a minimum of five (5) feet below grade and hidden by a foundation wall articulated to appear as a half basement, with small vertically-proportioned glazed openings.

G. All such parking and loading areas shall be graded, paved with a durable dust-free surface, effectively drained, well landscaped, and all approaches shall be defined and limited in accordance with the Zoning Ordinance of the City of Jersey City.

H. All curbing shall be poured-in-place concrete or other suitable material such as Belgian-block or granite curbing as approved by the Planning Board. Asphalt curbing and/or anchored railroad ties (6" x 8") are not permitted. Curbs must run straight down to the edge of the asphalt roadway; gutter-pan type curbing is not permitted. Curbing and sidewalk to be tinted Scofield Charcoal.

I. Parking structures shall have pedestrian entrances with direct access onto a sidewalk.

J. Each building shall provide concealed space to house a garbage dumpster and recyclable containers.

K. Off-street loading docks shall be provided for each building or a group of buildings in one block. At a minimum, each building or group of buildings in one block shall have one loading dock. The number of loading docks required will be based on square footage of the building.

L. Bicycle parking shall be provided at all public plazas and inside at all residential buildings. At least one public bike rack shall be provided within each block plan. Bicycle parking shall be provided through bicycle racks and bicycle lockers.

Parking and Loading Requirements

VIII. SIGNAGE REQUIREMENTS

No signs or window graphics other than those specifically enumerated herein shall be permitted.

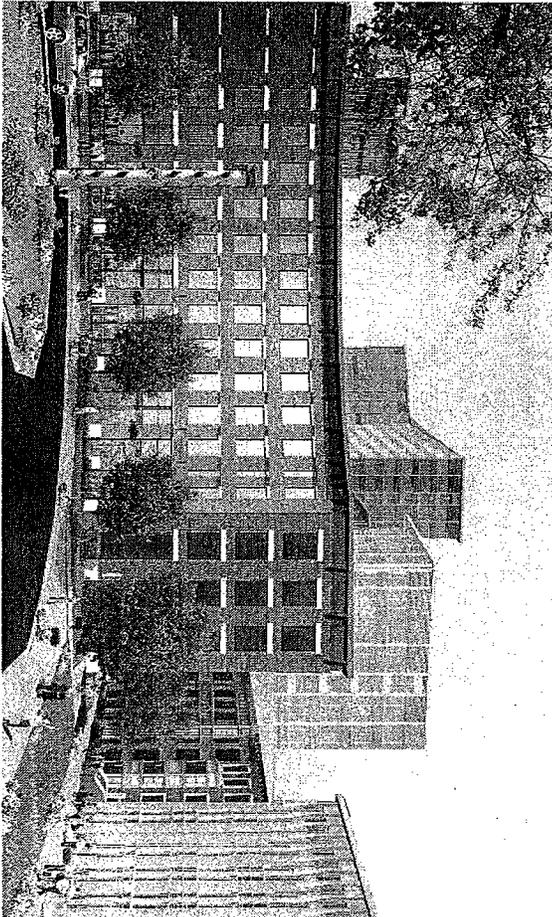
- A. Under no circumstances shall fluorescent or glowing paint be permitted for any signage within the area.
- B. All signage shall be subject to site plan review and approval by the Planning Board for non-conforming uses.
- C. Billboards are expressly prohibited throughout the Redevelopment Area.
- D. Rooftop, flashing moving or intermittently illuminated signs or advertising devices are prohibited, as are signs that may be mistaken for traffic control devices.
- E. Kiosks listing tenants and giving direction may be provided but no advertising will be permitted. Such kiosks may not exceed eight (8) square feet of sign areas.
- F. Freestanding signs are prohibited. Except that way-finding identification as per City standard shall be permitted.
- G. No sign shall be attached above the first story of any structure.
- H. All signage shall be externally lit. Signs may be lit from gooseneck fixtures, backlit halo, and up-lights. Internally lit signs and sign boxes are prohibited.
- I. Permitted signage material includes: 1.) Painted wood; 2.) Painted metals including aluminum and steel; 3.) Brushed finished aluminum, stainless steel, brass, or bronze; 4.) Carved wood or wood substitute.
- J. All signs shall be flush mounted, although blade signs may be attached to and perpendicular to the first floor facade
- K. Window signs (other than lettering as specifically permitted) shall be prohibited. Lettering shall be limited to decorative gold-leaf, flat black or etched / frosted glass style lettering and shall be limited to the name of the business occupying the commercial space / store front and shall cover no more than twenty (20%) of the window area.
- L. All buildings within the Redevelopment Area shall display the street address of the building such that it is clearly visible from the adjoining street right of way.
- M. In order to facilitate the overall redevelopment of the Study Area, surrounding area and the City of Jersey city in general, all advertising, signage and other promotion of the development and redevelopment of the Study Area shall contain references to the proposed projects location in the City of Jersey City so as to promote the positive aspects of the project, Study Area and the City of Jersey City.

N. The following additional signage restrictions shall apply to specific uses:

- a. Office, Civic/Public/school: Total exterior signage shall not exceed fifty (50) square feet. One (1) use shall be permitted no more than one (1) sign. Buildings with multiple uses shall not have more than one (1) sign per use and the aggregate of all signs shall not exceed the maximum area permitted.
- b. Residential: One (1) sign per building may be allowed, not to exceed ten (10) square feet.
- c. Retail, Restaurant, and all other uses not specifically identified: Each establishment is allowed one sign and one blade sign per street frontage. (Establishments on corners are thus allowed two sets of signs.) Signage shall not exceed 30 inches in vertical dimension. Blade signage shall not exceed 18 inches in vertical dimension.
- d. Accessory Parking – Since commuter and commercial parking is not permitted, the location of parking facilities may only be indicated by use of the international parking symbol. Said signage may not exceed five (5) square feet and must be flush mounted to the building. Informational and directional signage may also be provided, but only flush mounted on interior walls within the structure.
- O. The Planning Board at its discretion may waive some of the above regulations if a proposed sign is presented as a site-specific piece of civic art. All signs are subject to minor site plan review when not included as part of a major site plan application.
- P. Prohibited Signage: The following signs and devices shall not be permitted within the Canal Crossing Redevelopment Area:
Monument signs and internally or externally illuminated box signs, flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle, roof signs, billboards, signboards, window signs, posters, plastic or paper that appear to be attached to the window, pole signs, free-standing signs, fluorescent and/or glowing paint for any signage or building within the redevelopment area, waterfall style awnings, plastic awnings, product advertising signage of any kind. Product advertising signage is defined here to include, but not be limited to signage on parking meters, signage in windows, on light poles, benches or other street furniture within the redevelopment area. Nothing in this paragraph shall be deemed to prohibit signage within New Jersey Transit Light Rail Stations or bus stop shelters, or either lampost mounted seasonal banners or traditional residential holiday decorations.

IX. UTILITIES AND INFRASTRUCTURE REQUIREMENTS

- A. All applicants shall satisfy the Municipal Engineer and the Planning Board that provisions for the necessary utilities is accomplished in a way that advances the health safety and welfare of the general public.
- B. Utility Placement – All utility distribution lines and utility service connections from such lines to the project area's individual uses shall be located underground. Utility appliances, such as transformers, regulators and metering devices (including gas, electric and water meters) shall be located underground or within the building. Remote readers are required for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities.
- C. If it becomes evident to the Planning Board and the Municipal Engineer during the implementation of this development that a long term utility and infrastructure plan is needed and desired, a Utility Plan which shall include the on-tract and off-tract infrastructure improvements needed to serve the development shall be provided by the designated developer.
- D. The Planning Board and/or the City of Jersey City may require a pro-rata fair share assessment to be paid by each development within the Redevelopment Area to off-set the cost of infrastructure improvements, expansion or new construction. The value of the assessment shall be based upon a formula to be developed by the City of Jersey City and/or the Planning Board, with the assistance of their professional staff and consultants, and shall be determined at the time of developer designation or site plan approval as appropriate. In the alternative, the City may create a Revenue Allocation District pursuant to State law to fund these improvements
- E. No development or redevelopment of any parcel in the Plan Area that will result in an increase in wastewater from that parcel shall be permitted unless and until the planned project wastewater piping and systems for the removal of effluent and storm water are approved by the City of Jersey City Division of Engineering and Municipal Utilities Authority, and the municipal wastewater piping and systems for the removal of effluent and storm water are certified by the City of Jersey City Planning Board, Division of Engineering and the Municipal Utilities Authority as being of sufficient capacity and good condition to accommodate uses that will occupy said parcel. Such approval may be contingent upon requisite improvements to the drainage system in the street, as determined by the Planning Board, Division of Engineering and the Municipal Utilities Authority.



X. OPEN SPACE, STREETSCAPE AND LANDSCAPE STANDARDS

Public open space areas, streetscape and landscape improvements shall be developed as directed by this Plan and are subject to site plan approval by the Planning Board.

A. Prior to the commencement of any construction within this Redevelopment Plan Area, an overall open space design plan shall be presented for each project to and approved by the Jersey City Planning Board. This plan shall be prepared by a licensed landscape architect / public space planner or architect.

The plan shall respect and incorporate the design parameters and light-of-way landscaping requirements provided within this Plan, but provide more detail to insure all roadway segments incorporate consistent design patterns and materials. Also included within these standards shall be standards for the Hudson Bergen Light Rail right-of-way design improvements, greenway improvements, and park improvements. The Planning Board shall assure that any such plan or plans are consistent with the design requirements of this Plan and compatible with other previously approved plans within the Redevelopment Area.

B. A unified streetscape plan shall be required. The streetscape plan shall be submitted to the Jersey City Planning Board for its review and approval in conjunction with the project site plan application and implemented contemporaneously with the construction of the redevelopment project. The streetscape plan shall include all street frontages, existing and proposed. The plan shall identify, but not be limited to: decorative paving materials, curbing materials, colors, tree pit treatments, trash receptacles, benches, bicycle racks, decorative street lighting planters and planting pots. The streetscape plan shall respect and incorporate the design requirements provided within this Plan. The Planning Board shall assure that any such plan or plans are consistent with the design requirements of this Plan and compatible with other previously approved plans within the Redevelopment Area.

C. The Planning Board may require a pro-rata fair share assessment to be paid by each development within the Redevelopment Area to offset the construction costs of new public open space and streetscape improvements within the boundaries of the redevelopment plan. The value of the assessment shall be based upon a formula to be developed by the City of Jersey City and/or the Planning Board, with the assistance of their professional staff and consultants, and shall be determined at the time of developer designation or site plan approval as appropriate. In the alternative, the City may create a Revenue Allocation District pursuant to State law to fund these improvements.

D. Trees shall be planted as specified in the "Thoroughfare Standards" as included in this Plan. All tree pits shall be covered with metal grates, decorative fencing, tree guards, and/or decorative pavers. Open tree pits or planting strips in any street right of way are prohibited.

E. All open space, including yards, decks over parking structures and green rooftops shall be landscaped with trees, shrubbery, ground covers and other appropriate plant material unless said open space is specifically designated for other activities which require paving or other treatment. Screen planting shall consist of evergreen plant materials. Additional decorative plants may be incorporated into the design of the screen planting area to provide seasonal variety. Only species with proven resistance to the urban environment in this area will be acceptable.

F. All street lighting shall be of decorative design and comply with the approved standard fixture types. Street lights shall be located at the outer edge of all sidewalks, and shall correspond to the Regulating Plan as follows:

F. Mailboxes, bicycle racks, and other pedestrian impediments shall be located at the outer edge of the sidewalk. Exceptions: Sidewalk dining may encroach into the sidewalk providing that a 5' clear pedestrian aisle is maintained.

G. All street lighting shall be of decorative design and comply with the approved standard fixture types. Street lights shall be located at the outer edge of all sidewalks, and shall correspond to the Regulating Plan as follows:

Public Open Space: One lighting standard (no more than 15' tall) for every 30 linear feet of sidewalk average.

Required Retail Frontages: One lighting standard (no more than 15' tall) for every 30 linear

feet of sidewalk average.

Optional Retail Frontages: One lighting standard (no more than 15' tall) for every 50 linear feet of sidewalk average.

Undesignated Frontages: One lighting standard (no more than 20' tall) for every 70 linear feet of sidewalk average.

Residential-Only Frontages: One lighting standard (no more than 25' tall) for every 90 linear feet of sidewalk average.

Where more than one use occurs along any frontage the more stringent requirement shall prevail. These requirements may be adjusted relative to one another in response to the photometric specifications of the chosen light standards. Street lights shall be placed beginning at corners (without blocking crosswalks) and then working inward to the block middle. Street lights shall produce a spectrum in the daylight-incandescent range. (Bluish and very yellowish lamps are not allowed.)

H. Soil Handling and Top Soil: Soil excavated from construction areas shall be removed from the site. The top soil placed on all areas to be landscaped shall be friable, fertile natural loam, free of subsoil, stones, rocks, noxious plants and extraneous matter to a depth of 3 feet from finished grade as a subsoil cap and new planting root growth zone. Under each tree location, extend topsoil trench to 5-foot depth. Provide continuous 3-foot-deep trenches of high quality topsoil for planting of street trees along street boulevards to widths as specified between municipal curb and sidewalk in lieu of individual tree pits. Under each tree location, extend topsoil trench to 5-foot depth. This sub-section is subject to any over-riding NJ DEP regulations, agreements or mandates.

I. Soil Compaction: The deep soil structure of planting areas within parks and street rights-of-way shall be protected by barriers during construction from compaction by heavy equipment and stockpiling of materials.

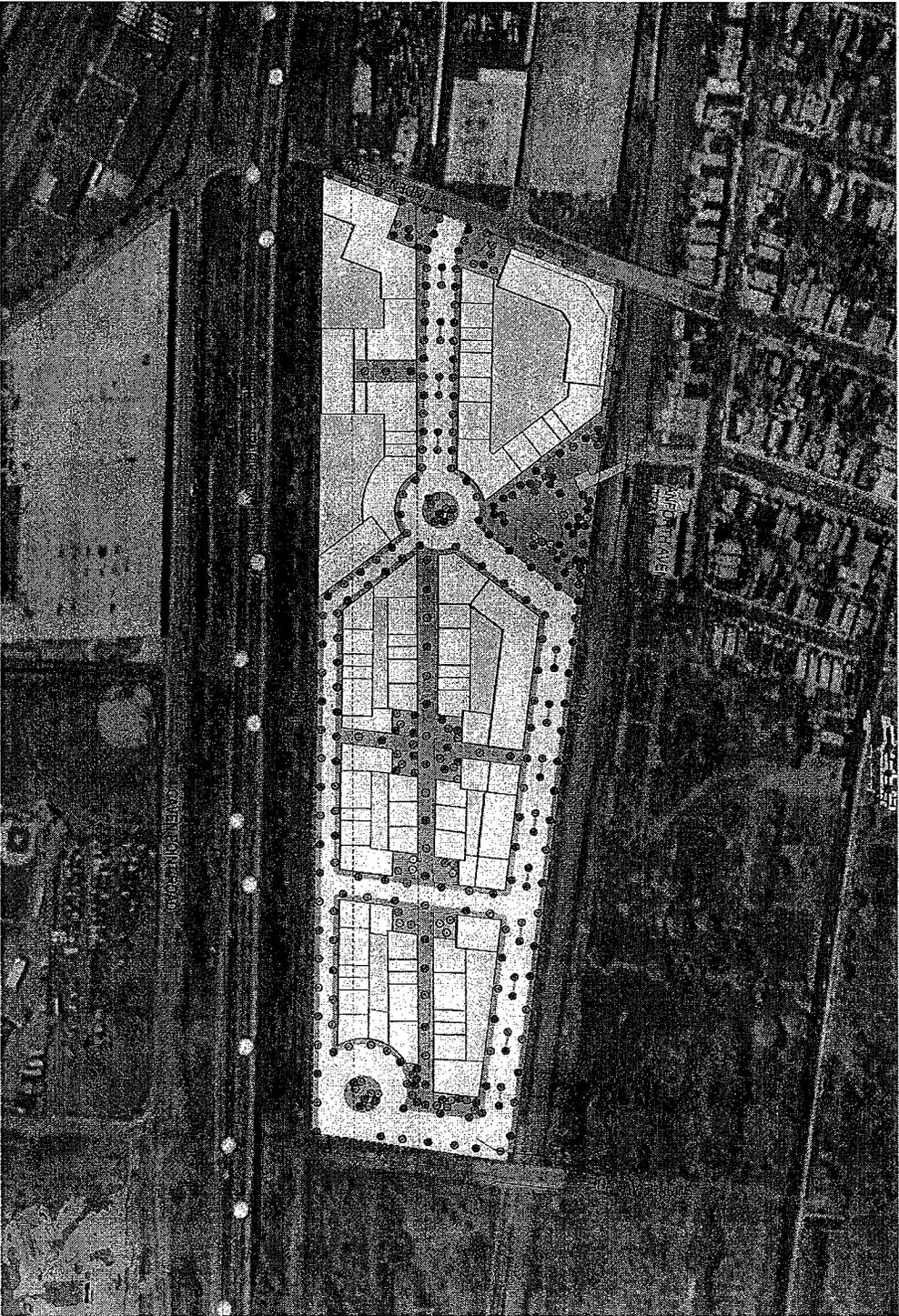
J. Hydrology: All boulevard street tree plantings shall have surface watering/fertilizing access pipes and subsurface drainage outlets. All sodded areas and planting beds in parks shall have irrigation systems. Site grading and permeable surfaces shall promote maximum return of clean rainwater within parkland, with flat areas graded to 2% maximum. Contaminated surface drainage shall be carried away from landscaped areas.

K. Plant Stock: Listed plant species shall be thoroughly searched by a plant broker before consideration of alternative species. Street trees shall have a minimum branch height of 10 feet above finished grade at planting. All trees shall be of 3.5 inches caliper minimum. Lawns shall be carefully graded, leveled and sodded with a drought resistant and low-maintenance grass mixture.

L. Planting and Plant Care: Strategically phase street tree planting to ensure procurement of large quantities of uniform and consistently sized specimens of specifically selected species. Plant trees only during appropriate Spring and Fall planting seasons to the highest arboricultural industry standards. Fertilization shall be yearly with a balanced, full spectrum inorganic commercial fertilizer applied at a rate adjusted to remedy deficiencies identified by soil testing reports. All trees shall be monitored and treated annually by the owner for potential disease or decline in physical condition.

M. Every reasonable attempt shall be made to reach the most appropriate and cost effective Leeds Certification. All High-Rise portions of the Redevelopment Area shall have a combination of a green roof as well as usable open space for the residents.

Open Space, Streetscape and Landscape Requirements



 Public Park Area
80,000 GSF/ 1.8 Acres

 Private Elevated Terraces
129,000 GSF/ 2.9 Acres

 Linear Park, Public and Private
pedestrian pathways
52,169 GSF/ 1.2 Acres

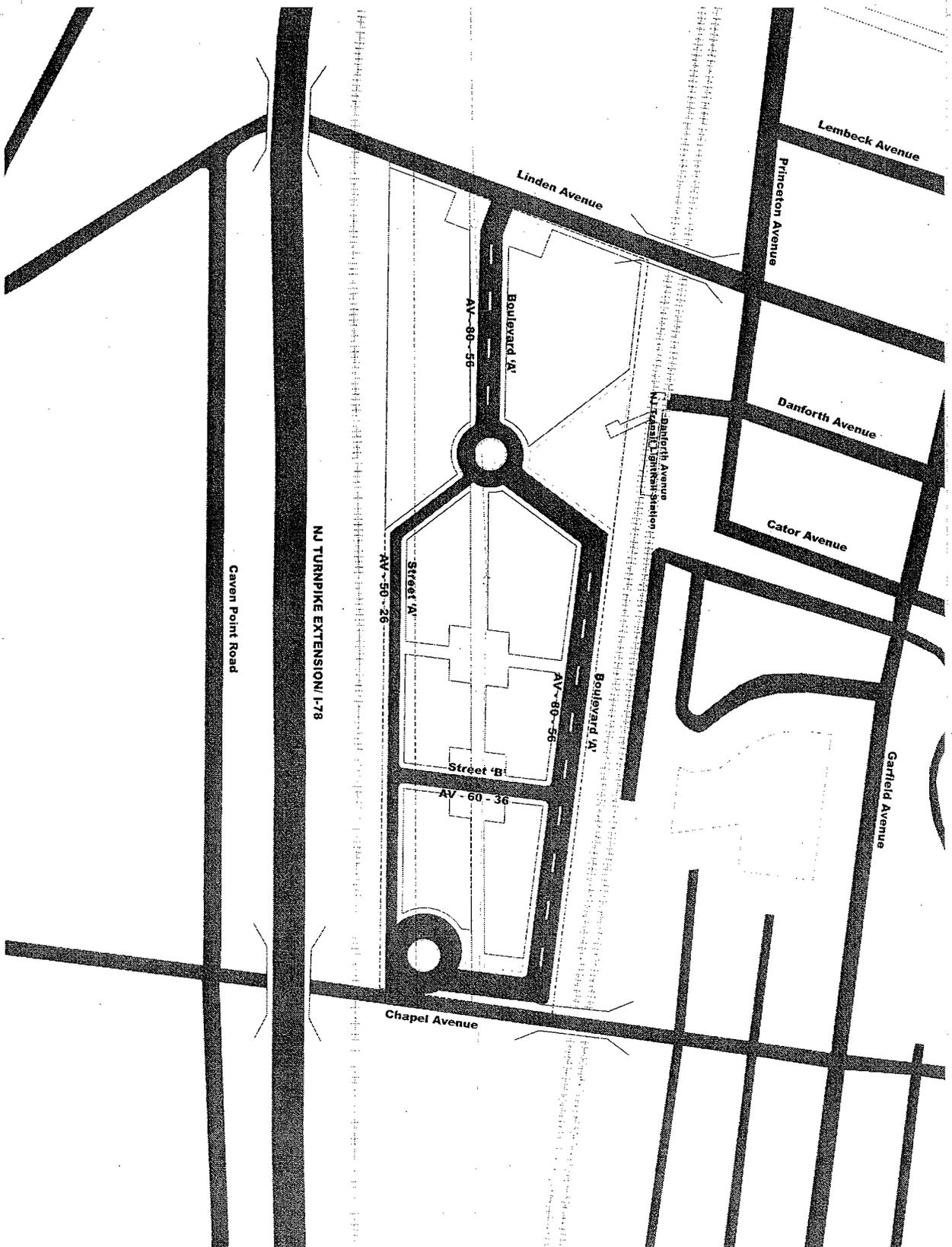
Total open space
261,169 GSF/ 6 Acres

Open Space Plan



XI. CIRCULATION PLAN

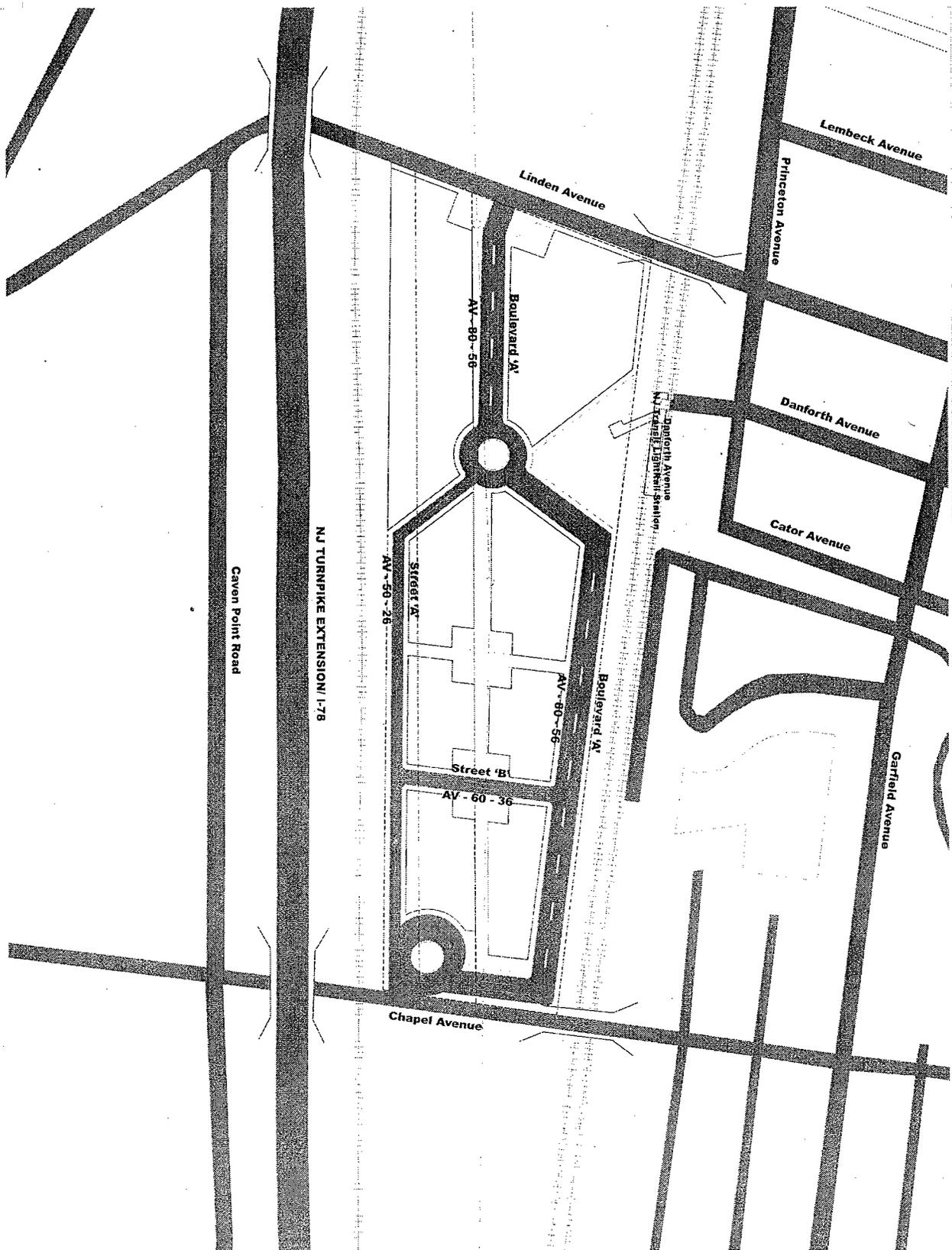
- A. The streets have been designed to calm traffic, provide a sense of enclosure, enhance district character, visually terminate at desired locations and to provide physical and visual access to public places both in and beyond the study area. The street configurations and locations have been designed to meet the projected traffic, pedestrian volume and circulation needs of the plan area and greater neighborhood area.
- B. All new streets, sidewalks, R-O-W, roadways, driveways and access easements constructed within the redevelopment area shall conform to the Street Network Map and Thoroughfare Standards as identified herein.
- C. No building structure shall be located within the area of designated street rights-of-way of this plan.
- D. Each street type has been dimensioned and specified for: Type, Movement Direction, Traffic Lanes, Parking Lanes, Right-Of-Way Width, Pavement Width, Curb Radius, Vehicular Design Speed, Pedestrian Crossing Time, Sidewalk Width, Planter Area Width, Planter Boulevard Treatment, Tree Species, and any other specific consideration that may apply within the Thoroughfare Standards.
- E. All designated Streets, Avenues, Boulevards and other Thoroughfares are ultimately required in order to execute the stated objectives of this plan and satisfy the needs identified in item A above. However, phased construction is acceptable as approved by the Planning Board.
- F. Walkway areas, including all sidewalks and plazas, shall be properly paved, landscaped and lighted in accordance with the requirements of this Plan and the approved design plans, and sound planning and design principles.
- G. All traffic control signals shall be installed or modified by the redeveloper, as determined necessary by the Planning Board and local and state agencies.
- H. In maintaining the interrelated and comprehensive nature of this plan, all streets adjacent to each block, on all sides, shall be concurrently constructed with the development of any project or building within that block. The Planning Board may at its discretion, in an extreme case, waive this requirement and alternatively allow for only a portion of the street/streets required to develop the block if it finds that the ownership of the roadway area differs from the site plan applicant and the delay in the construction of the roads around other portions of the block do not in any way inhibit access, circulation, and provision of required utilities, for either the project under consideration, or the access of the overall development area and other projects within.
- I. No Certificate of Occupancy of any type shall be issued for any development or construction until such streets identified in Paragraph H have been completed; or the planning Board has given final site plan approval and required performance guarantees for the completion of such streets, and the performance guarantee has been deposited with the City.
- J. Wherever applicable, traffic signage shall be consolidated and affixed onto lamp and traffic signal posts so as to reduce to the minimum the number of poles and obstructions in the streetscape and pedestrian environment. Design and color shall conform to the overall design theme.



Street Network Map

AV - 80 - 56 =
80' ROW + 56'w Street



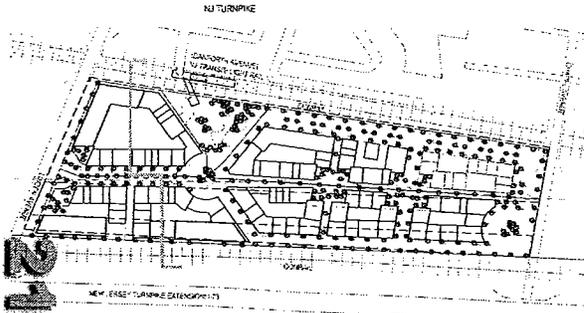
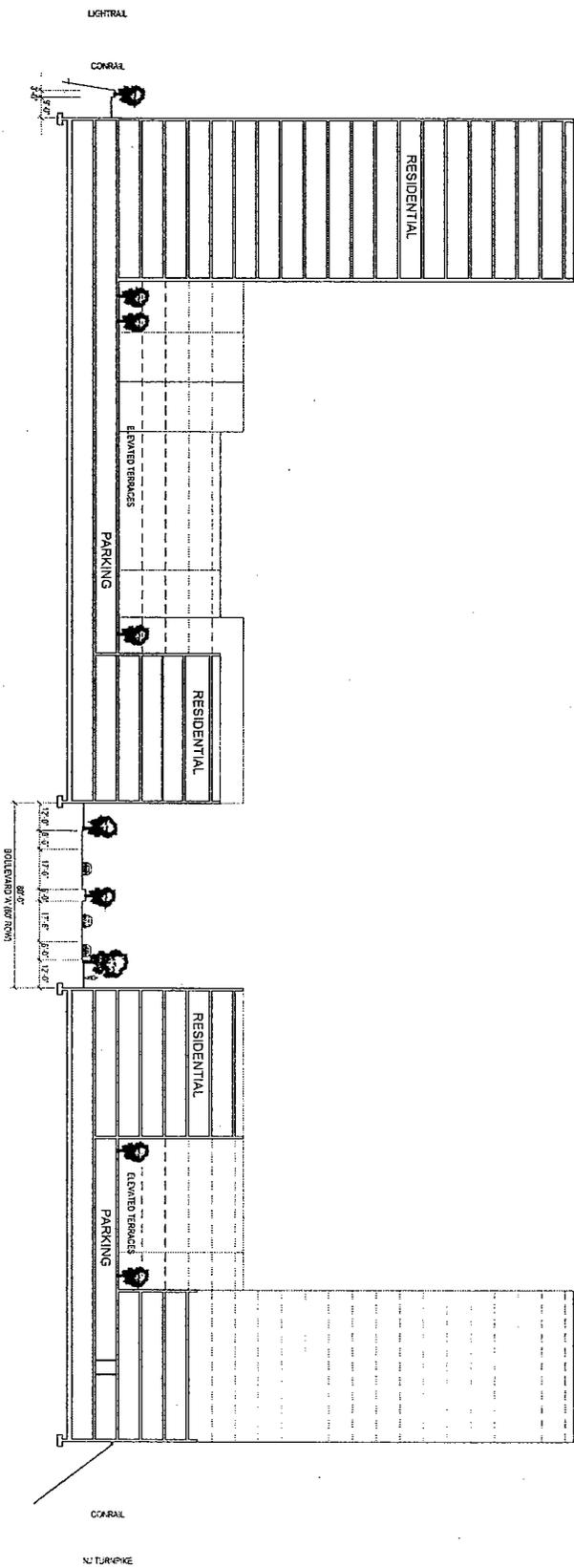
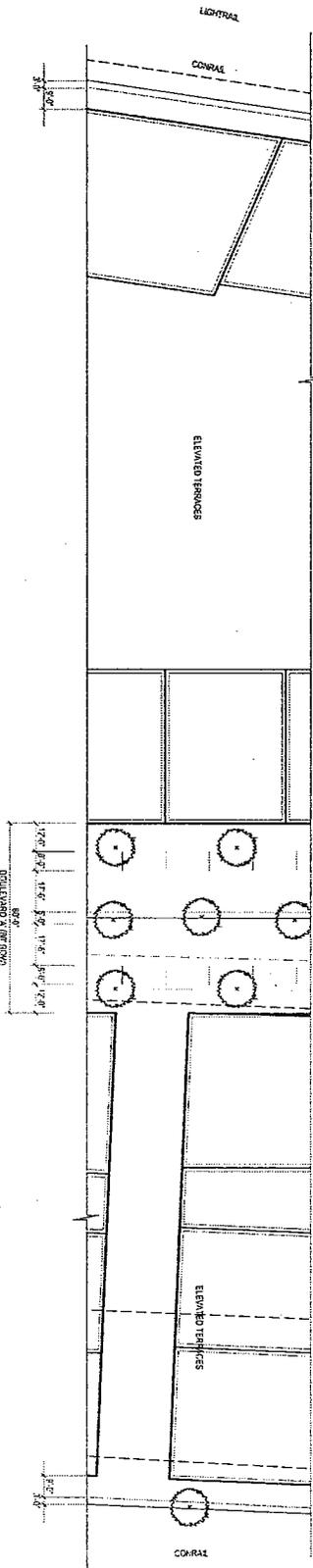


Vehicular Circulation Map

DIRECTION OF TRAVEL

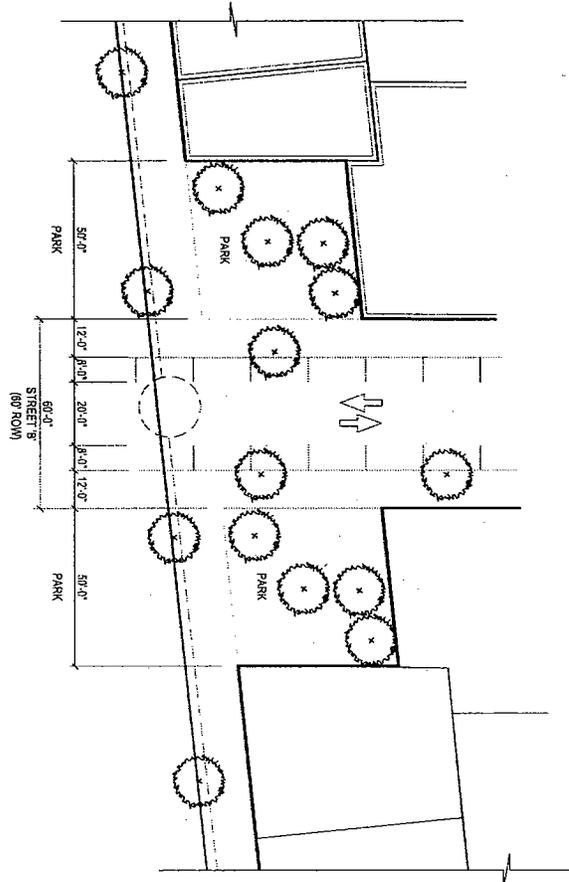
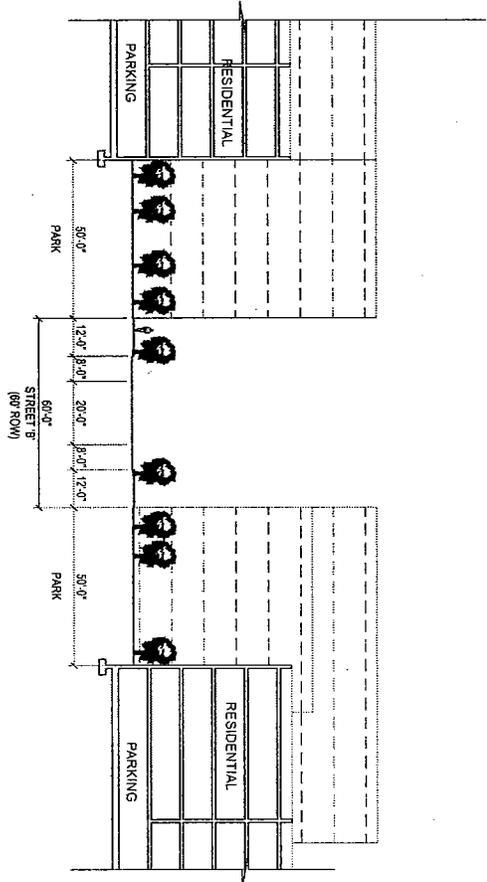


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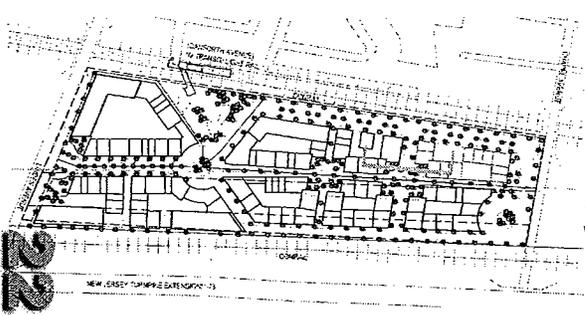


Site Sections and Right of Ways

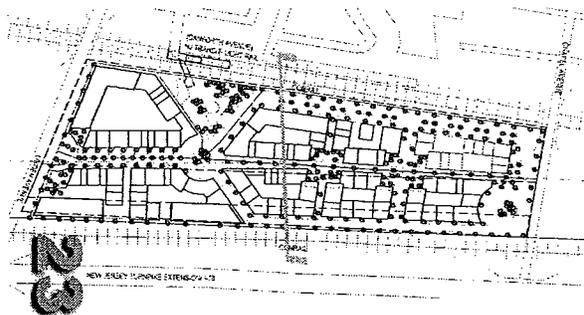
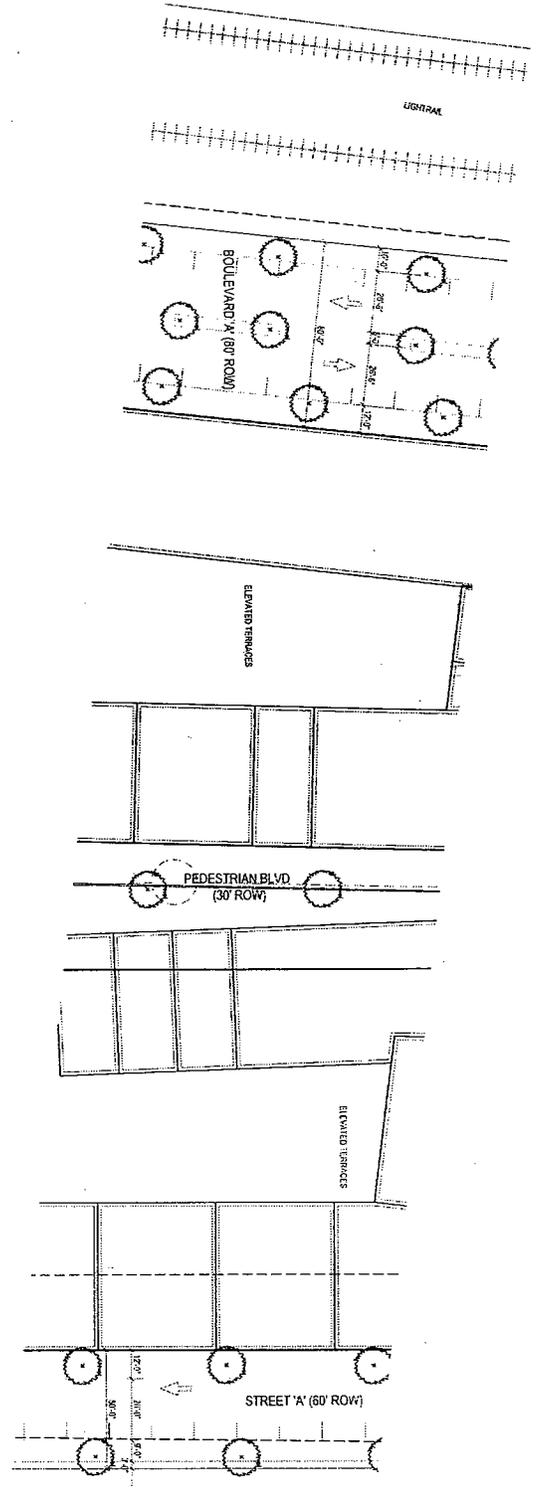
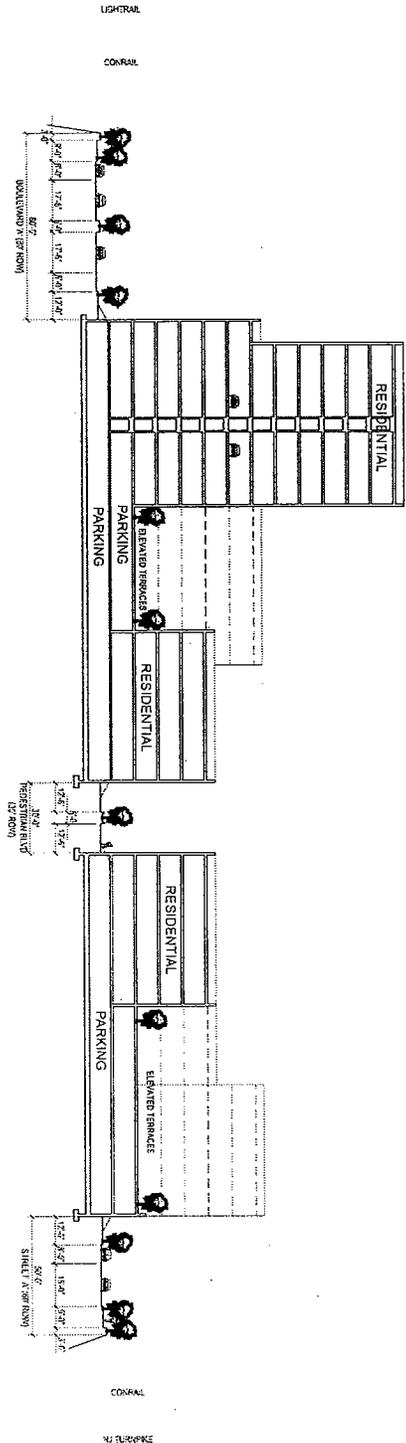
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 JERSEY CITY, NEW JERSEY



Site Sections and Right of Ways



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Site Sections and Right of Ways

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 JERSEY CITY, NEW JERSEY

XII. LAND USE DEVELOPMENT REGULATIONS

A. Permitted Uses:

1. Residential
2. Office
3. Hotels
4. Appropriate mixed use of any of the above
5. Public parks and open space

B. Accessory Uses- as part of a building containing one or more principal uses, (see also frontage regulating plan for locations where ground floor commercial uses are permitted and required)

1. Retail Sales of Goods and Services
2. Restaurants, Bars and Nightclubs
3. Banks and Financial Institutions
4. Health Clubs, Day Care Centers, Adult Care Centers
5. Meeting rooms, conference and banquet facilities as part of a Hotel.
6. Theaters, Museums and Art Galleries
7. Private open space, recreation and amenity spaces such as indoor and outdoor pools, active and passive recreation areas and rooms, meeting rooms, exercise facilities and other similar facilities.
8. Off street parking and loading facilities. Parking and loading facilities must be located within a building containing a principal permitted use. Parking serving a principal or permitted use may be located within the same building as the use it serves or within another building within the PWD provided that it is located within one thousand (1,000) feet of said use.
9. Fences and walls
10. Signs

C. Adverse Influences - No use or re-use shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fume, glare, electro-magnetic disturbance, radiation, smoke, odors, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare. The existing uses in the currently existing buildings may be maintained in use prior to any demolition activities being undertaken to further the objectives of this Plan.

D. Permitted Height: Building heights shall be as indicated on the Building Height Regulating Plan.

1. Additional Height Requirements:

- a. All residential floors above the first floor shall have a minimum floor to ceiling height of 9 feet and a maximum of 12 feet. Residential units on the first floor shall have a minimum floor to ceiling height at least 1 foot higher than the residential floors above.
- b. Ground floor commercial areas shall have a minimum floor to ceiling height of 12 feet. In addition, ground floor commercial space may include a mezzanine level, which shall not be counted as a floor. The maximum ceiling height of the commercial ground floor area shall not exceed 20 feet.
- c. The floor of all residential uses provided on the first floor of any building shall be located at least 30 inches above finished grade adjoining the building
- d. Parapets and other roof-top appurtenances may exceed the permitted height within the limitations imposed by this Redevelopment Plan.

E. Required Lot Size: Each block shall be developed as a unified whole as indicated on the Block Identification Plan. This requirement may be modified by the Planning Board pursuant to Section X111, paragraph H, (Deviation Clause) of this Redevelopment Plan.

F. Maximum Permitted Intensity of Development:

The development potential of each development block shall be based on the maximum permitted unit count as indicated on the Development Potential Map contained herein. Intensity of development is further regulated by the Block Identification Map and the Concept Plan, and the bulk and minimum unit size requirements contained herein. As such, depending on these requirements and the unit size mix proposed for the particular development, the maximum permitted unit count contained within the Unit Count Summary Table may, or may not, be achievable. Non residential uses provided in areas where ground floor retail is either required or optional shall be allowed in addition to the permitted unit count; however, where non-residential uses are provided above the ground floor, the permitted unit count shall be reduced by one dwelling unit for each 1,000 square feet of non-residential use.

G. Minimum Unit Size: The minimum dwelling unit size for each type of dwelling unit (by bedroom count) is indicated below, along with the minimum and maximum percentage of each unit type permitted.

Unit Type / Bedroom Count	Minimum Unit Size	Min / Max Percentage
Studio	550 Sq. Ft.	0% to 10%
1 - Bedroom	700 Sq. Ft.	20% to 60%
2 - Bedroom	900 Sq. Ft.	20% to 60%
3 - Bedrooms Up	1100 Sq. Ft. plus 150 sq. ft. for each additional bedroom.	2% to 30%

H. Furthermore, this Redevelopment Plan shall supersede the existing land use regulations contained in the Jersey City Development Ordinance, with the exception of Block 1440, lots 28 and B-1 which shall remain as an R-3 zone having all of the restrictions that so apply to that zone. No regulation contained in this redevelopment plan shall apply to Block 1440, lots 28 and B-1.

I. Princeton Avenue Development Zone

The purpose of this district is to provide for appropriate new construction and to redevelop the area consistent with the historic pattern on this block.

1. Principal Permitted Uses:

- a. First floor: retail, restaurant, day care, or office. Bars are prohibited.
- b. Residential.
2. Uses incidental and accessory to the principal use, including:
 - a. Fences and walls.
 - b. Home occupations.
 - c. Decks, patios.
 - d. Swimming pools.
 - e. Off-street parking
3. Bulk and Density Standards:
 - a. Required lot size: 4000 square feet.
 - b. Required front yard setback: Must match prevailing setback of historic buildings on this block.
 - c. Required rear yard setback: 30 feet.
 - d. Required side yard setback: zero required adjacent to residential uses.
 - e. Maximum building height: 3 stories and 35 feet.
 - f. Maximum lot coverage: 80%
 - g. Maximum residential density: 4 units above non-residential first floor or 6 units if all floors are residential
 - h. Parking requirement: no requirement.
4. Design Standards:
 - a. All buildings must be designed with a flat roof and cornice to match those found on this block.
 - b. Window, Door, lintel, and sill sizes and proportions must match those found on this block.

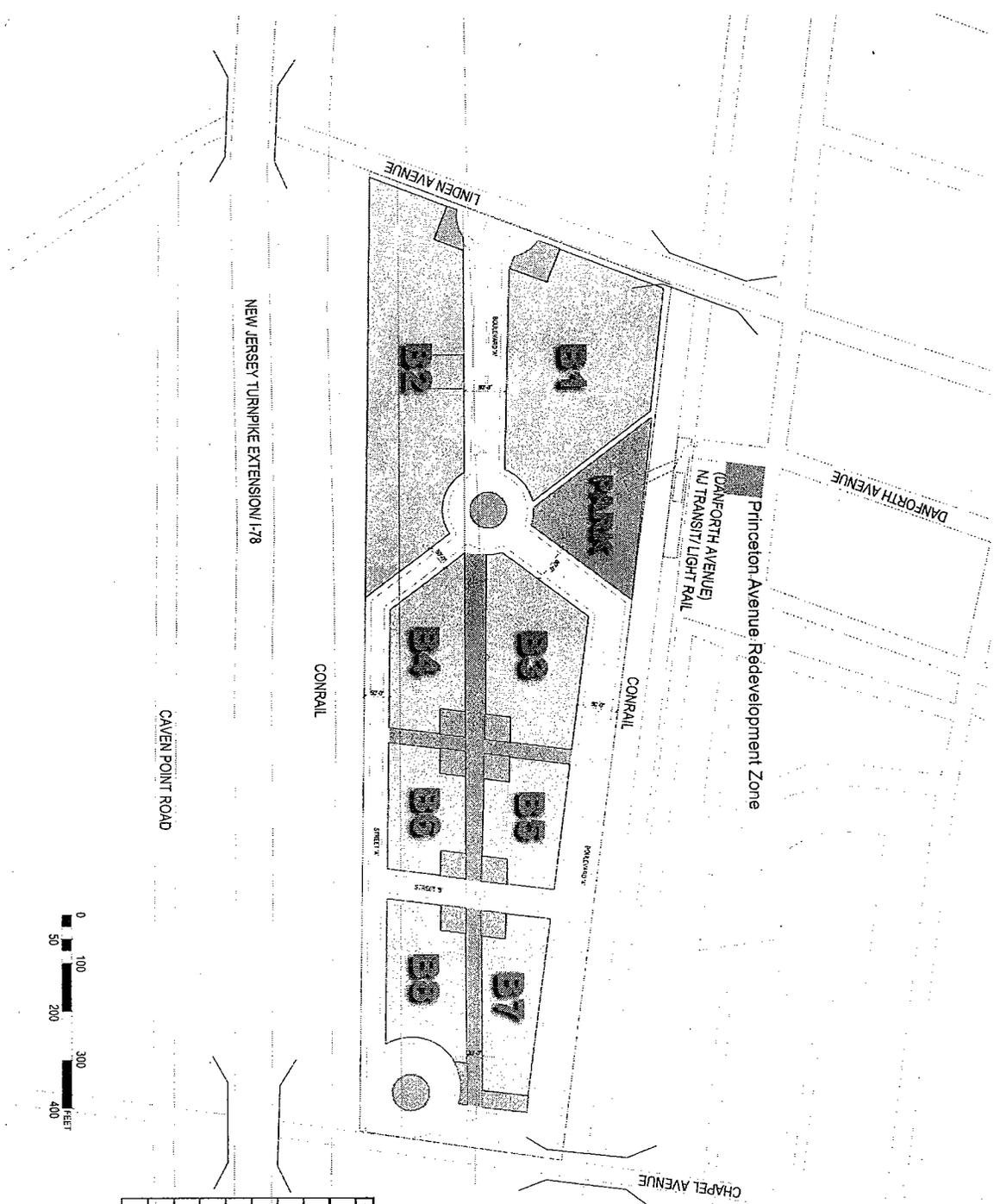
Planning Board Floor Amendment. Page 24. Changes are in bold:

Princeton Avenue Development Zone

The purpose of this district is to provide for appropriate new construction and to redevelop the area consistent with the historic pattern on this block.

1. Principal Permitted Uses:
 - a. First floor: retail, restaurant, day care, or office. Bars are prohibited.
 - b. Residential.
2. Uses incidental and accessory to the principal use, including:
 - a. Fences and walls.
 - b. Home occupations.
 - c. Decks, patios.
 - d. Swimming pools.
 - e. Off-street parking
3. Bulk and Density Standards:
 - a. Required lot size: 4000 square feet.
 - b. Required front yard setback: Must match prevailing setback of historic buildings on this block.
 - c. Required rear yard setback: 30 feet.
 - d. Required side yard setback: zero required adjacent to residential uses.
 - e. Maximum building height: 3 stories and 35 feet at the front of the building. **4 stories and 45 feet are permitted at the rear of the building due to the grade change on site, permitting an additional floor under the first floor along Princeton Avenue.**
 - f. Maximum lot coverage: 80%
 - g. Maximum residential density: 4 units above non-residential first floor or 6 units if all floors are residential. **1 additional unit is permitted at the rear of the building under the first floor.**
 - h. Parking requirement: no requirement.
4. Design Standards:
 - a. All buildings must be designed with a flat roof and cornice to match those found on this block.
 - b. Window, Door, lintel, and sill sizes and proportions must match those found on this block.

Development Potential Map



Block	Block Area	Buildings			# D.U.
		Large	Medium	Small	
B1	114,855	399,840	276,900	0	535
B2	128,713	553,575	164,825	66,385	620
B3	61,645	341,000	45,960	73,360	364
B4	43,197	0	82,960	77,000	126
B5	35,390	100,020	91,000	0	151
B6	34,416	0	71,060	57,720	102
B7	38,673	66,960	37,540	52,200	124
B8	42,807	0	113,820	52,260	131
	36,000	1,461,395	894,055	378,925	2153

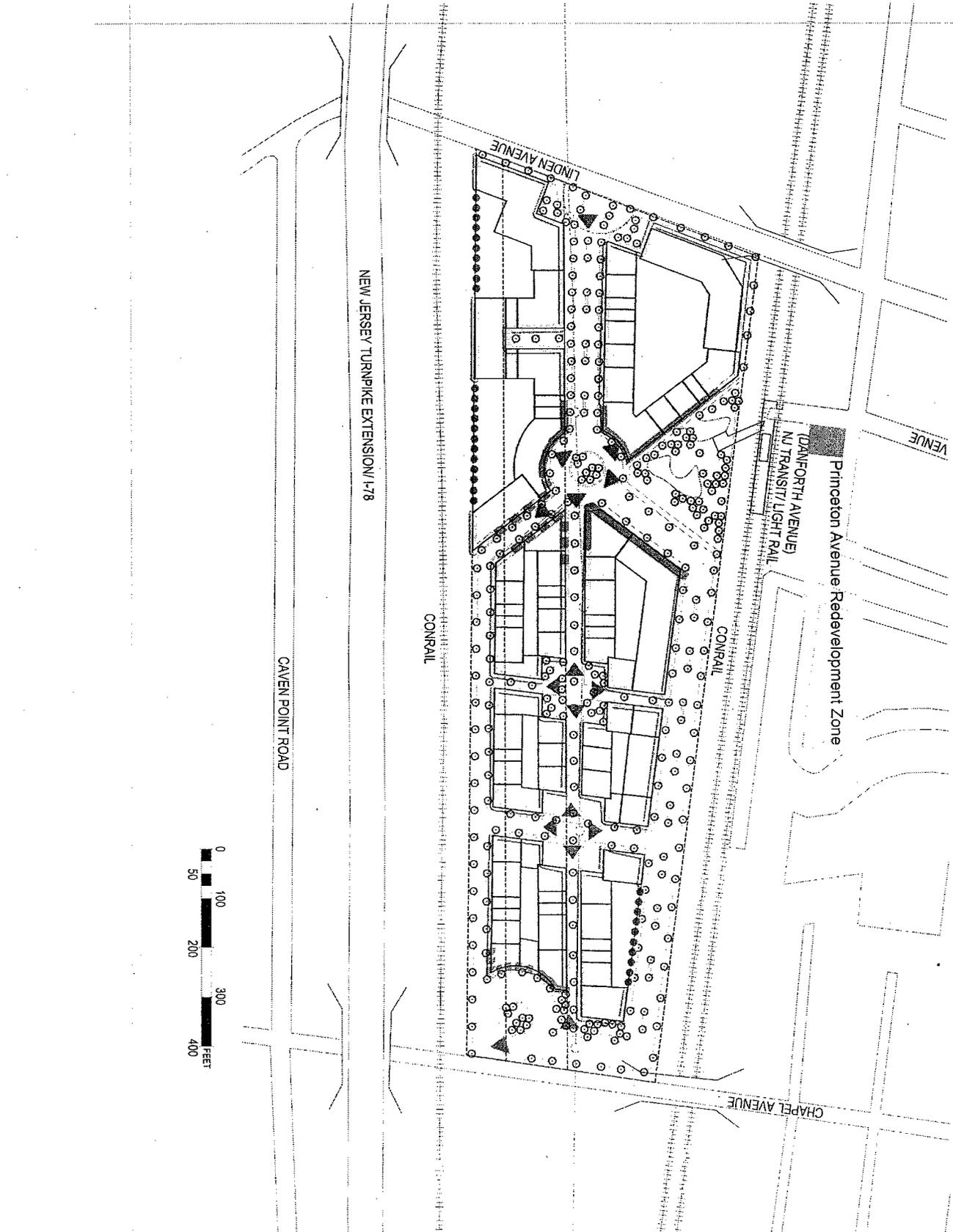
Block Designation

 Park Designation

 Linear Park/ Pedestrian Pathways

 All block designations are approximate and are subject to change



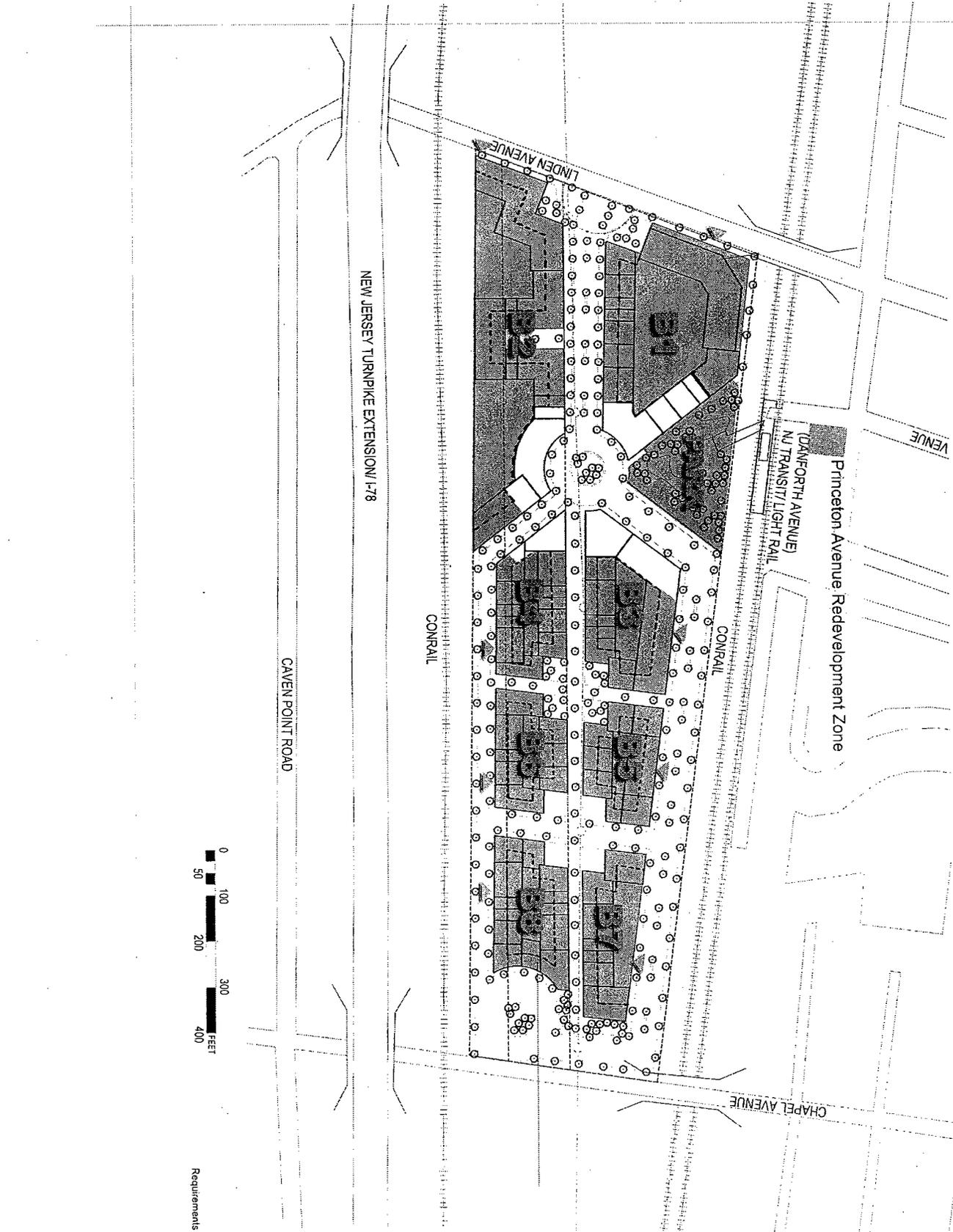


Building Frontages

- ◻ Residential Frontage
- Visible Parking Frontage
- ▤ Optional Commercial Frontage
- ▥ Required Commercial Frontage
- ▲ Nodes/ Strategic Foci



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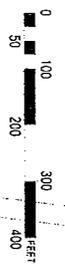
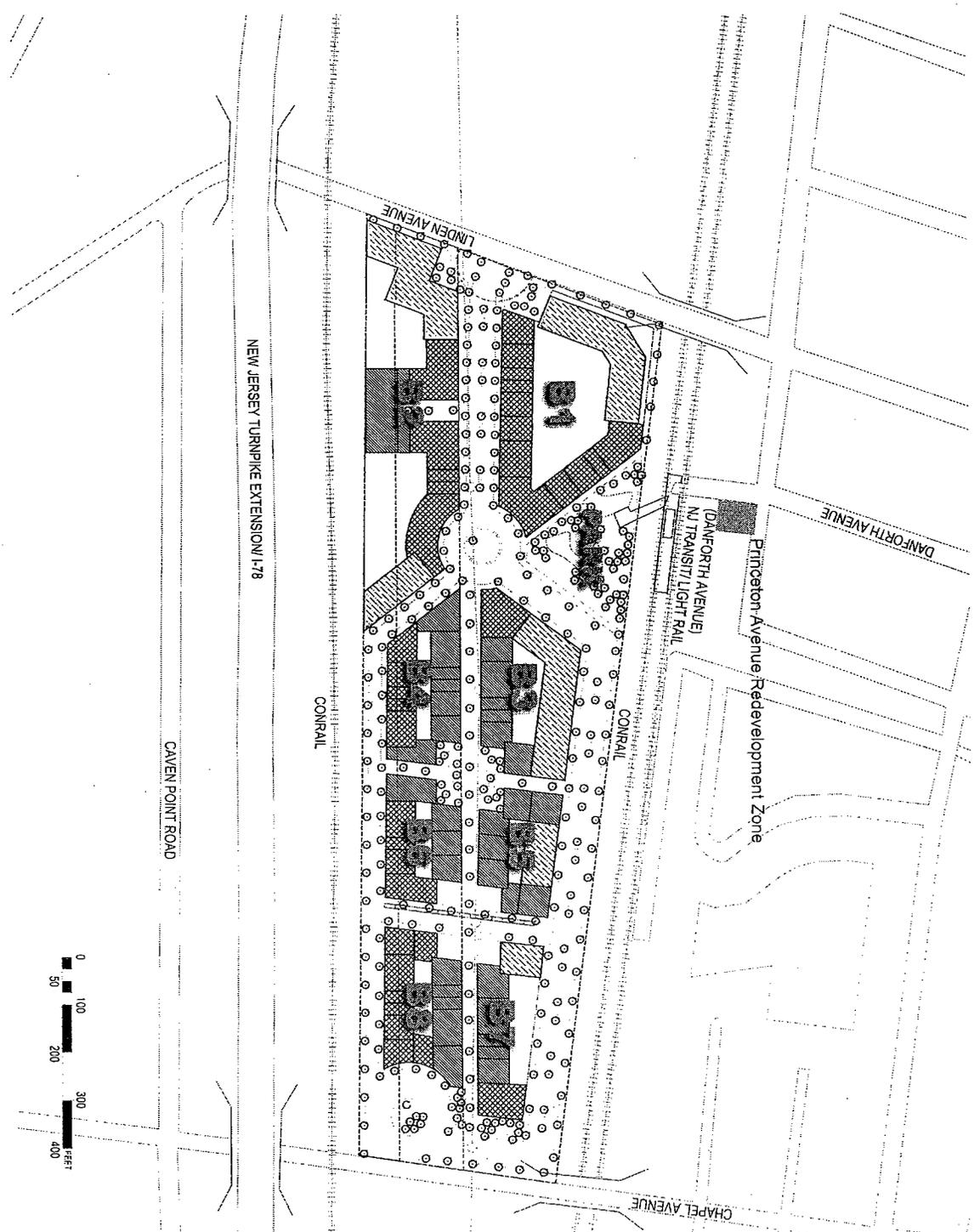


Block	Parking Analysis
B1	178,500 510
B2	206,309 589
B3	90,000 257
B4	55,650 159
B5	44,000 126
B6	42,370 121
B7	54,500 156
B8	55,430 158
Park	46,300 132
Street	170
	779,059 2,379

Parking Designation

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- Small 4 Stories
- Medium 5-7 Stories
- Large 12-22 Stories

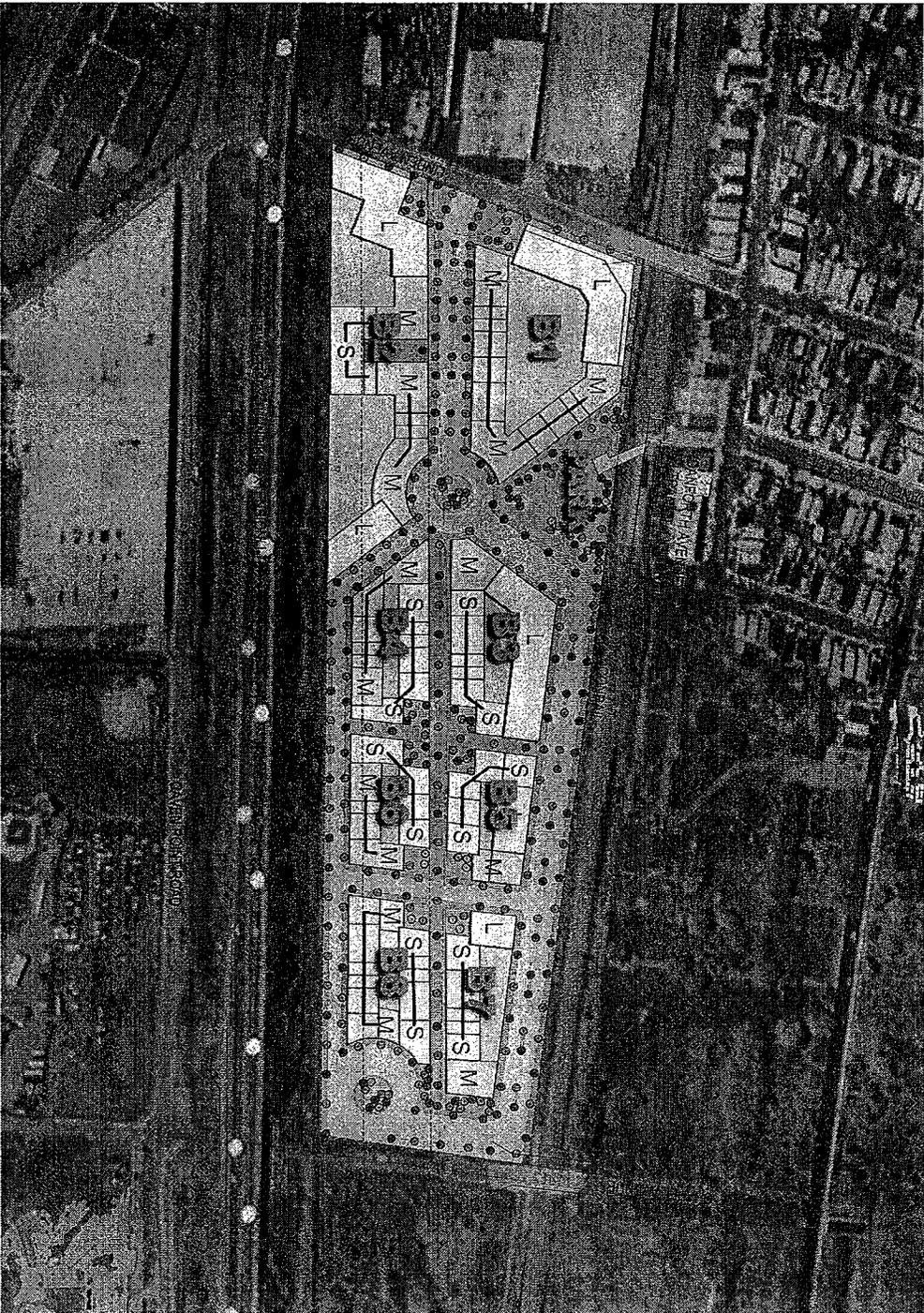
Building Heights

Block	Residential Acreage			# D.U.		
	Block Area Commercial	Large	Medium		Small	
B1	114,855	10,000	398,840	276,900	0	535
B2	128,713	10,000	553,575	164,825	66,385	620
B3	61,645	8,000	341,000	45,980	73,380	364
B4	43,197	6,000	0	82,890	77,000	126
B5	35,390	0	100,020	91,000	0	151
B6	34,416	0	71,050	57,720	0	102
B7	38,673	66,980	37,240	52,200	0	124
B8	42,807	2,000	113,820	52,260	0	131
	36,000	36,000	1,461,395	884,055	378,925	2,153

Requirements -
 20.24 Acres - 106.4 DU/Acre = 2,153 Dwelling Units
 2,724,375 GSF Residential (2,153 Dwelling Units)
 1,461,395 GSF - Large Buildings (1,155 Dwelling Units)
 884,055 GSF - Large Buildings (699 Dwelling Units)
 378,925 GSF - Town Houses (299 Dwelling Units)
 773,059 GSF Parking
 36,000 GSF Commercial
 80,000 GSF Public Open Space
 129,000 GSF Private Open Space



DANFORTH AVENUE TRANSIT VILLAGE
 JERSEY CITY, NEW JERSEY



Building Heights

- Small - 4 Stories
- Medium - 5-7 Stories
- Large - 12-22 Stories
- Private Open Space
- Public Open Space
- Linear Park/ Pedestrian Pathway

Residential Analysis

Block	Block Area	Commercial	Large	Medium	Small	# D.U.
B1	114,885	10,000	389,840	276,900	0	535
B2	128,713	10,000	553,575	164,825	66,385	620
B3	61,645	8,000	341,000	45,980	73,350	364
B4	43,197	6,000	0	82,980	77,000	128
B5	35,390	0	100,020	91,000	0	151
B6	34,416	0	0	71,030	57,720	102
B7	38,673	0	68,980	37,540	52,200	124
B8	42,807	2,000	0	113,820	52,260	131
	36,000	36,000	1,461,395	884,055	378,925	2153

Requirements - 20.24 Acres - 106.4 DU/ Acre = 2,153 Dwelling Units
 2,724,375 GSF Residential (2,153 Dwelling Units)
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 884,055 GSF - Large Buildings (699 Dwelling Units)
 378,925 GSF - Town Houses (299 Dwelling Units)
 773,059 GSF Parking
 36,000 GSF Commercial
 80,000 GSF Public Open Space
 128,000 GSF Private Open Space



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DANFORTH AVENUE TRANSIT VILLAGE
 JERSEY CITY, NEW JERSEY

XIII. ACQUISITION PLAN

No acquisition will occur for this Redevelopment Area.

No housing units which are affordable to low, moderate, middle or upper income people will be removed from this Redevelopment Plan's area. Therefore, the One for One Affordable Housing Replacement Plan for this Redevelopment Area is specified as denoting that no one for one replacement of any affordable housing will be required.

XIV. RELOCATION PLAN

No relocation will occur for this Redevelopment Area.

No housing units which are affordable to low, moderate, middle or upper income people will be removed from this Redevelopment Plan's area. Therefore, the One for One Affordable Housing Replacement Plan for this Redevelopment Area is specified as denoting that no one for one replacement of any affordable housing will be required.

XV. LOCAL ADMINISTRATIVE PROVISIONS

The following provisions shall apply to all property located within the Redevelopment Area.

A. Prior to the commencement of: (a) any new construction, (b) reconstruction, (c) rehabilitation (d) any change in the use of any structure or parcel, or (e) any change in the intensity of use of any structure or parcel, a site plan for such shall be submitted by the developer or property owner to the Planning Board for review and site plan approval. No temporary or permanent Building Permit shall be issued for any work associated with a, through e, above, without site plan review and approval of such work by the Planning Board.

B. Duration - The provisions of this Plan specifying the redevelopment of the Area and the requirements and restrictions with respect thereto shall be in effect for a period of thirty (30) years from the original date of approval of this Plan by the Jersey City Municipal Council. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such amendments.

C. Approval requirements of the Planning Board - Site plan review shall be conducted by the Planning Board, pursuant to N.J.S.A. 40:55D-4 et. seq. Site plan review shall consist of a preliminary and final site plan application. Submission of a site plan and site plan application shall conform to the requirements of the Jersey City Zoning Ordinance and this Plan. Applications may be submitted for an entire project or in phases. Final Site plan approval for any phase shall entitle an applicant to building permits. Final site plan approval for any phase shall not be granted until performance guarantees for site improvements for that phase have been furnished by the redeveloper in accordance with N.J.S.A. 40:55D-53.

D. As part of final site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53. Such performance guarantees shall be in favor of the City of Jersey City, and be in a form approved by the Planning Board attorney. The amount of any such performance guarantees shall be determined by the City Engineer in conformance with applicable law, and shall be sufficient to assure completion of site improvements within one (1) year of final site plan approval, or such other time period as determined by the Planning Board if particular circumstances dictate a longer time frame. No Certificate of Occupancy (CO) of any type, either permanent or temporary, shall be issued for any development until any necessary performance bonds have been posted with City.

E. Subdivision - Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with this Plan's requirements and the Jersey City Land Subdivision Ordinance.

F. Interim Uses - All interim uses may be permitted, subject to site plan review and approval by the Planning Board. The Planning Board shall only permit uses that it finds will not have an adverse effect upon surrounding existing or contemplated development during the interim use period. Interim uses must be approved by the Planning Board. The Board shall establish an interim use period of up to three (3) years in duration. The Planning Board may grant additional one (1) year renewals of interim uses upon application, review, and approval.

G. No covenant, lease, conveyance or other instrument shall be effected or executed by the Jersey City Redevelopment Agency or by a redeveloper or any successors or assignees, whereby land within the Redevelopment Area is restricted by the Jersey City Redevelopment Agency or the redeveloper upon the basis of race, creed, color or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments.

H. No building shall be constructed over an easement in the Redevelopment Area without site plan review and approval of the Jersey City Planning Board and prior written approval of the Redevelopment Agency and the Division of Engineering.

I. Deviation Clause - The Planning Board may grant deviations from the regulations contained within this Plan where, by reason of exceptional topographic conditions, pre-existing structures or physical features unduly affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan, and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting: (1) a use or principal structure in a district restricted against such use or principal structure; (2) an expansion of a non-conforming use; (3) an increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district; (4) an increase in the permitted floor area ratio; (5) an increase in the permitted density.

An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12. a. & b.

J. The approximately 20 acre Redevelopment Plan as envisioned permits the construction of 2,153 residential units, approximately 36,000 square feet of retail/commercial space, a 1:1 ratio for parking spaces to residential units and approximately 1.8 acres of open space. Hotel and office development, although unlikely, are permitted uses on a substitution basis for the residential component of this Plan.

It must be noted that because of the potential for unexpected construction complications which may arise from the chromium contamination of the site as well as the presence of a sewer line that bisects the Redevelopment Area, nothing in this Redevelopment Plan shall prohibit the Planning Board from modifying the physical design of this Redevelopment Area. Should the Planning Board in its best judgment deem that the objectives of the Redevelopment Plan would be best accomplished by way of a modification to the land plan as so displayed by the contents of this Plan, then the Planning Board may approve a site plan that does not conform to the land plan/physical design as shown herein. However, any increase in density, proposed building heights or open space area beyond ten (10%) percent is not permitted without the adoption by the Planning Board and City Council of an amended Redevelopment Plan.

K. Severability Clause - If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.

L. If redevelopment of Block 1440 lots B, 1 and 28 is not initiated within 12 months of approval of this Redevelopment Plan, then the Planning Board may impose a Neighborhood Public Use Fee upon the submission of the first site plan for any other parcel within the Redevelopment Area. This financial contribution shall not exceed \$350,000 and must be utilized to provide for a neighborhood public use to improve the generalized entrance area of the Duran Avenue Light Rail station. This fiscal contribution shall be a one time requirement assessed only upon that first site plan application. No other or second such fee payment is required. Furthermore, such a fee must be paid prior to the start of construction of any residential building.

XVI. OTHER PROVISIONS NECESSARY TO MEET STATE & LOCAL REQUIREMENTS

In accordance with N.J.S.A. 40A:12A-1 et seq., chapter 79, Laws of New Jersey 1992, known as "The Local Redevelopment and Housing Law", the following statements are made:

- A. The various elements of this Redevelopment Plan set forth above are in compliance with the requirements of State and Local Law and there are no additional requirements with respect to a Redevelopment Plan that have not been complied with.
- B. This Redevelopment Plan contains all provisions necessary to fulfill statutory requirements of the City of Jersey City.
- C. The Redevelopment Plan proposes to attain identifiable local objectives as to appropriate land use, density of population, improved public utilities, traffic circulation, recreational and community improvements and other public renovations.
- D. Text referencing provisions for the temporary relocation and permanent re-housing of persons residing within the Redevelopment Plan Area presented to comply with statutory requirements of the State of New Jersey are not applicable because no individuals or families will be relocated as a result of this project since none live within the Redevelopment Plan's boundaries.
- E. The Standards outlined within this Plan are consistent with the goals and objectives outlined in the Hudson County Strategic Plan and the New Jersey State Development and Redevelopment Plan. The Standards outlined within this Plan are not consistent with the adopted Master Plan of the City of Jersey City. The Master Plan for Jersey City was adopted by the Jersey City Planning Board in August of 2000. The Master Plan designates the Redevelopment Area as DT - Destination Tourism District. The purpose of the district was to further develop this area of the City as a national tourist attraction which can be the catalyst for economic development and provide improved amenities to residents. The district was envisioned to include a convention center, conference center, hotels, active recreation uses, support retail and restaurants. However, the Study Area has not been redeveloped in conformance with these objectives. The Study Area continues to exist as it did at the time of the adoption of the Master Plan as well as the last forty-five years (45 years); consisting primarily of industrial land uses such as warehouses and a junkyard. The DT objectives have not, and cannot be accomplished with the Redevelopment Area given the Redevelopment Area's limited size, isolation from other destination type uses in the district and remoteness from transportation servicing the New York City visitor base.

Conversely, the existence of a residential neighborhood in the areas surrounding the Study Area to the west, as well as the existence of the Danforth Avenue Light Rail Station, located in the southwest section of the Redevelopment Area, would indicate that the Redevelopment Area is more suitable for redevelopment along more residential / mixed-use lines. The establishment of a transit village redevelopment district will help achieve Smart Growth principles as established by the State of New Jersey, better support mass transit and the State's investment in the Light Rail system by providing primarily residential development on both sides of the Light Rail Station, while at the same time remove the obsolete and deleterious land-uses which currently occupy the Redevelopment Area.

G. This Redevelopment Plan shall supersede all provisions of the Jersey City Zoning Ordinance that are specifically addresses herein. Any zoning related question that is not addressed herein shall refer to the Jersey City Zoning Ordinance for clarification. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this Plan, as provided herein. Upon final adoption of this Plan by the Municipal Council of Jersey City, the Jersey City Zoning Map shall be amended to rezone the Study Area covered by this Plan as the Redevelopment Area and all underlying zoning will be voided.

XVII. PLAN MODIFICATION

Plan Modification

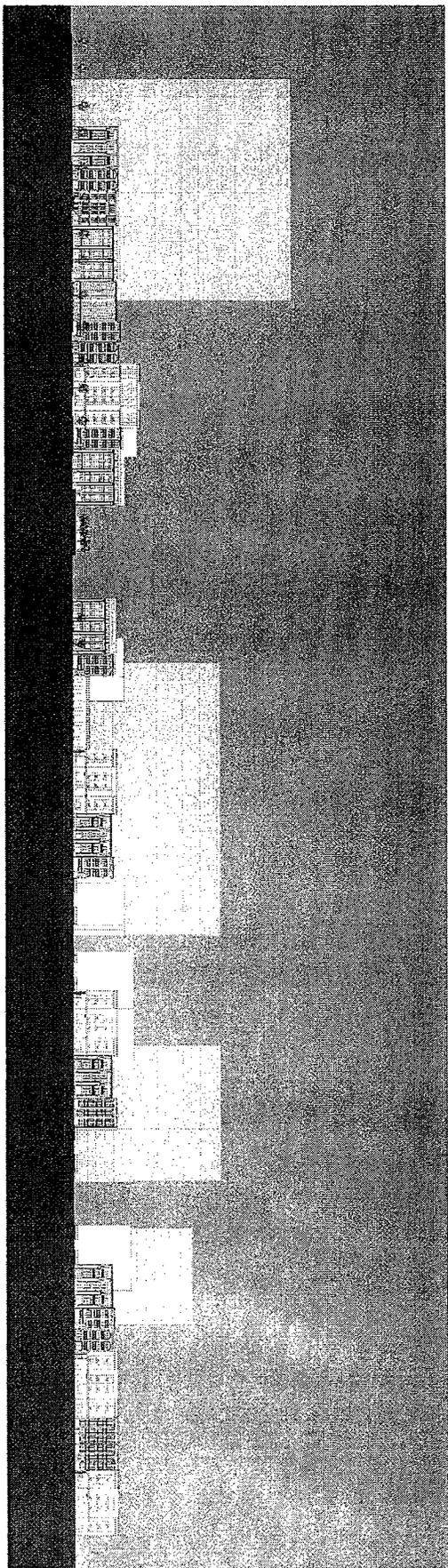
- A. The approximately 20 acre Redevelopment Plan as envisioned permits the construction of 2,153 residential units, approximately 36,000 square feet of retail/commercial space, a 1:1 ratio for parking spaces to residential units and approximately 1.8 acres of open space. Hotel and office development, although unlikely, are permitted uses on a substitution basis for the residential component of this Plan.
- B. It must be noted that because of the potential for unexpected construction complications which may arise from the chromium contamination of the site as well as the presence of a municipally owned sewer line that bisects the Redevelopment Area, nothing in this Redevelopment Plan shall prohibit the Planning Board from modifying the physical design of this Redevelopment Area. Should the Planning Board in its best judgment deem that the objectives of the Redevelopment Plan would be best accomplished by way of a modification to the land plan as so displayed by the contents of this Plan, then the Planning Board may approve a site plan that does not conform to the land plan/physical design as shown herein. However, any increase in density, proposed building heights or open space area beyond ten (10%) percent is not permitted without the adoption by the Planning Board and City Council of an amended Redevelopment Plan.

XVIII. PROCEDURE FOR AMENDING THE PLAN

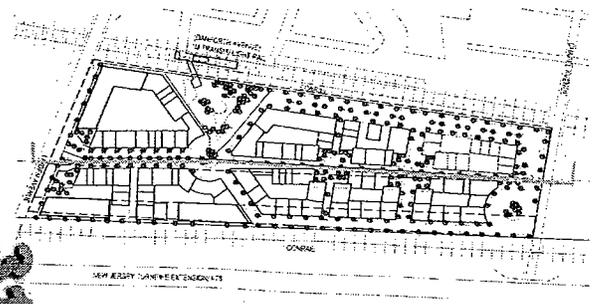
- A. This Plan may be amended from time to time upon compliance with the requirements of law. A fee of ten thousand dollars (\$10,000), plus all costs for copying and transcripts shall be payable to the City of Jersey City for any request to amend this Plan. If there is a designated developer, as provided for under N.J.S.A. 40A: 12A-1 et seq., said developer shall pay these costs. If there is no developer the appropriate agency shall be responsible for any and all costs.
 - B. No amendment to this Plan shall be approved without the review and recommendation of the Planning Board, and a public hearing and adoption by Municipal Council. A copy of any proposed change to the Plan shall be filed with the Office of the City Clerk.
- This Plan may be amended in the future provided that amendments are made in compliance with the requirements of the law. For any amendment, a fee of five thousand dollars (\$5,000); plus all costs for transcripts and copying shall be payable to the City of Jersey City for any request to amend this Plan. Furthermore, a fee for employee time, at their accepted hourly rate, shall be applied for all time spent on plan revisions.

State and Local Administrative Provisions/ Plan Amendment Procedure

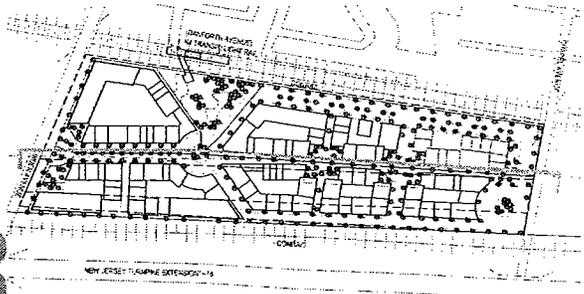
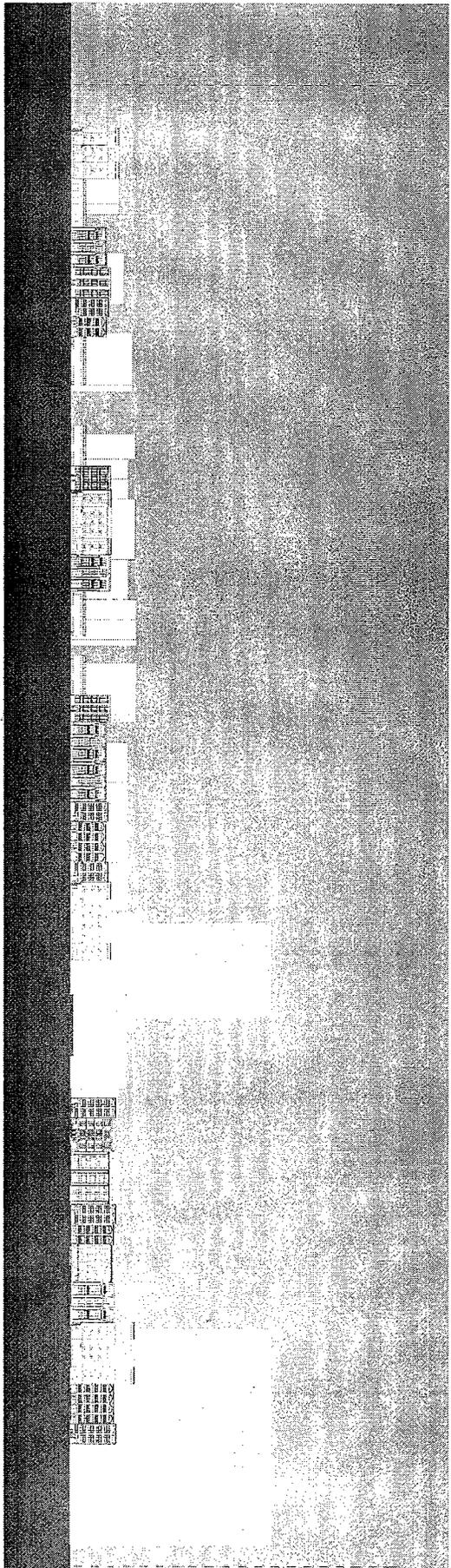
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Site Elevations

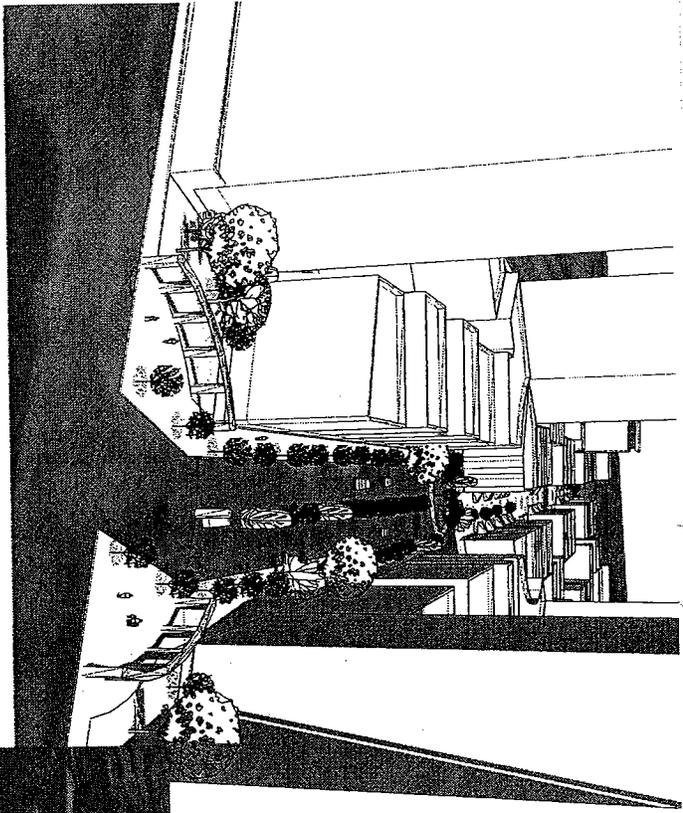
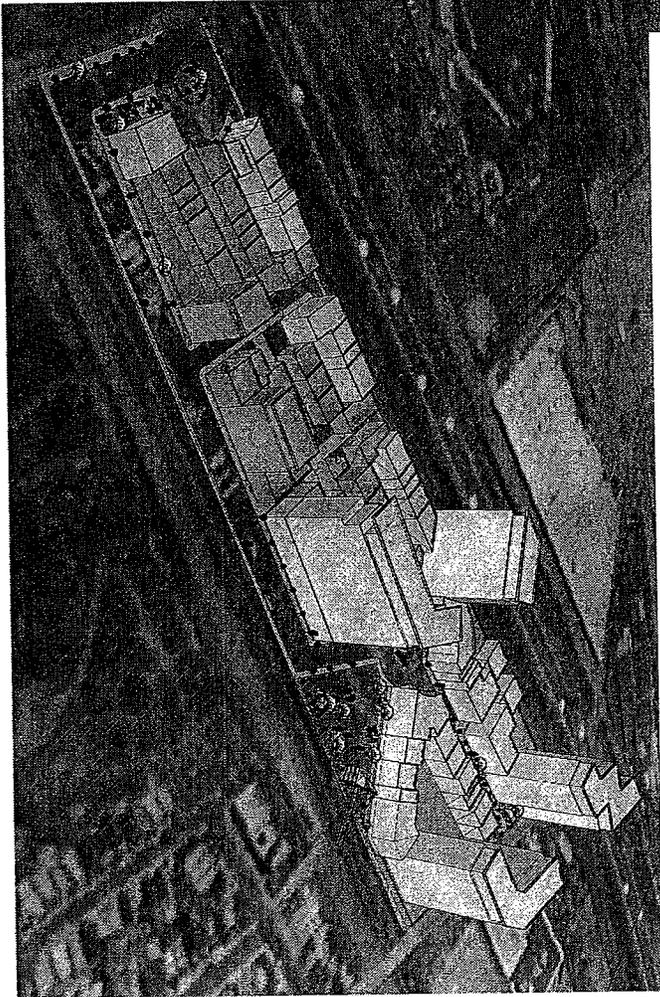


DANFORTH AVENUE TRANSIT VILLAGE
JERSEY CITY, NEW JERSEY

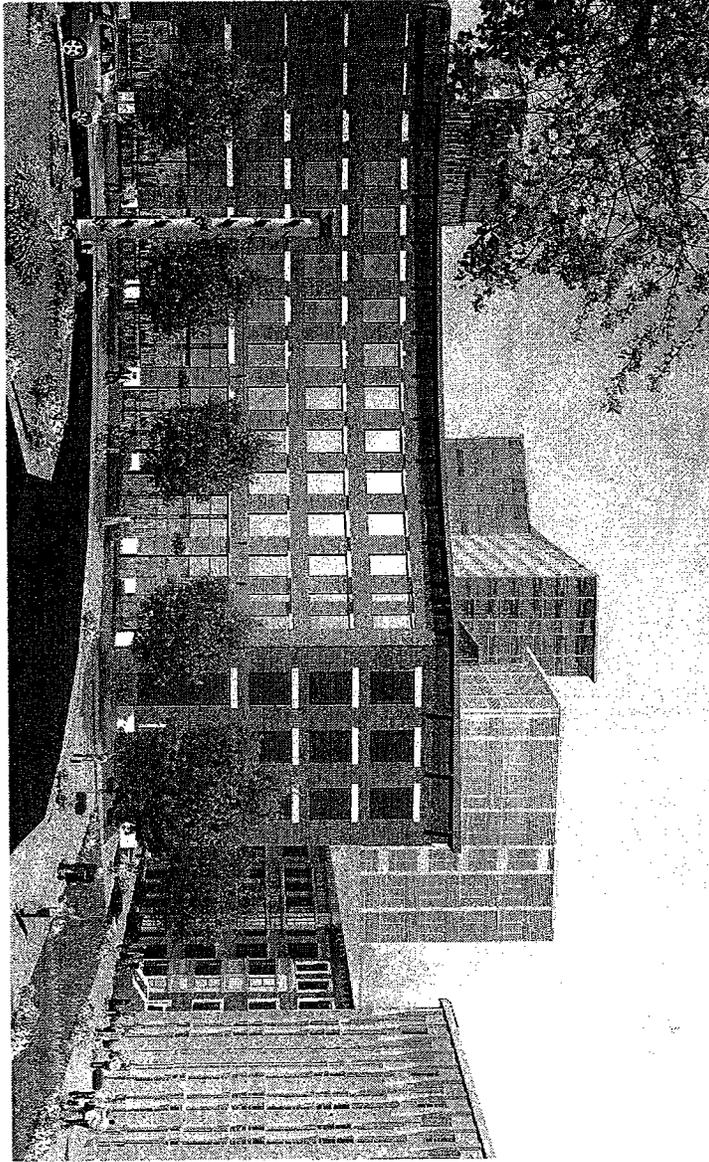


Site Elevations

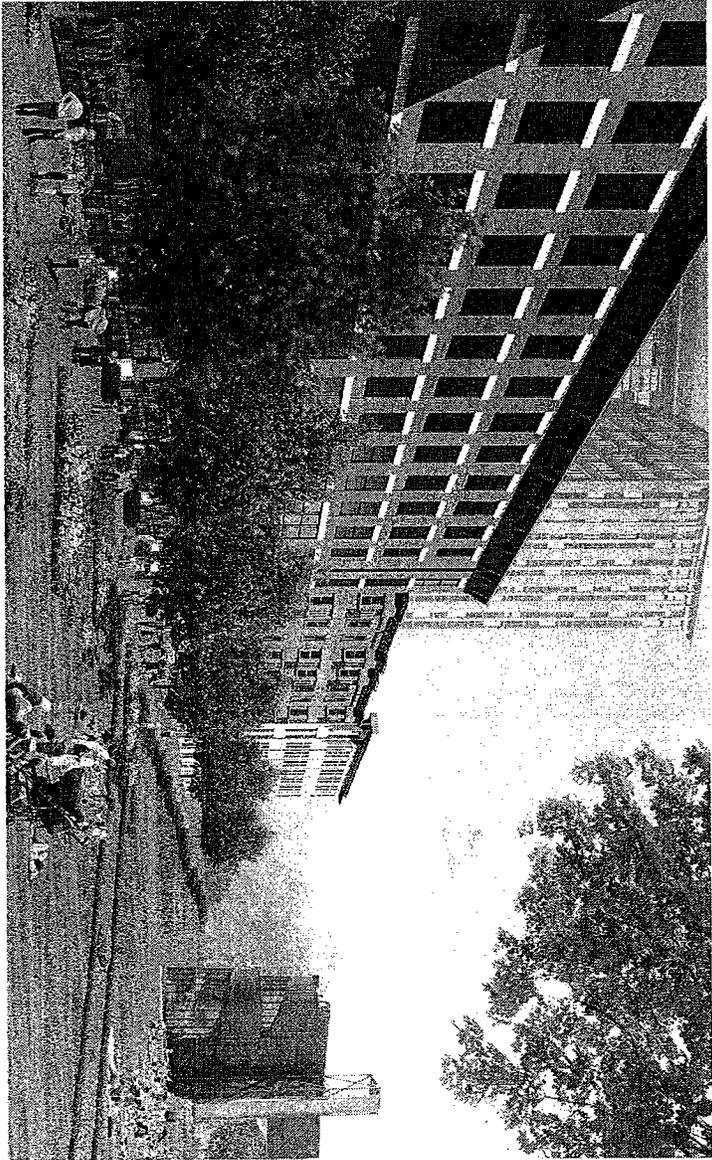
DANFORTH AVENUE TRANSIT VILLAGE
IRRSBY CITY, NEW JERSEY



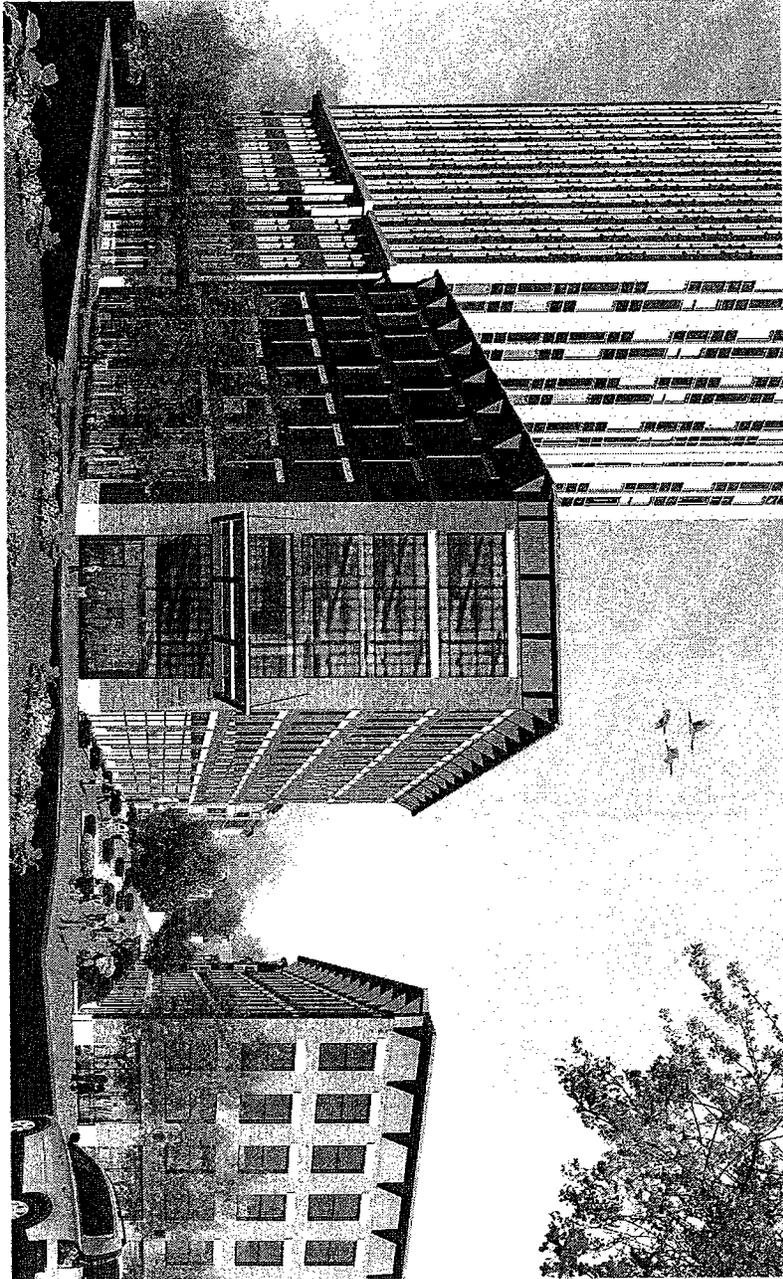
DANFORTH AVENUE TRANSIT VILLAGE
JERSEY CITY, NEW JERSEY



Site Vignettes



Site Vignettes



Site Vignettes

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DANFORTH AVENUE TRANSIT VILLAGE
JERSEY CITY, NEW JERSEY

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 08-142
3.B. SEP 24 2008 **4.B. OCT 07 2008**

TITLE:

Ordinance of the Municipal Council of the City of Jersey City
 adopting the Danforth Avenue Transit Village Redevelopment
 Plan.



RECORD OF COUNCIL VOTE ON INTRODUCTION								SEP 24 2008 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								OCT 07 2008 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	ABSENT			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE								OCT 07 2008 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

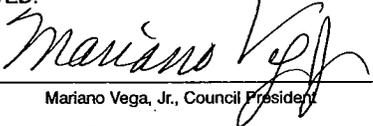
✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 24 2008

Adopted on second and final reading after hearing on OCT 07 2008

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 07 2008


 Robert Byrne, City Clerk

APPROVED: 
 Mariano Vega, Jr., Council President

Date: OCT 07 2008

APPROVED: 
 Jeremiah T. Healy, Mayor

Date: OCT 10 2008

Date to Mayor OCT - 8 2008

*Amendment(s):

City Clerk File No. Ord. 08-143

Agenda No. 3.C 1st Reading

Agenda No. 4.C. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 08-143

TITLE: AN ORDINANCE GRANTING PERMISSION TO FTD NEWARK, LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY ADJACENT TO THE PROPERTY LOCATED AT 209-217 NEWARK AVENUE, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 311 LOT 68.

WHEREAS, FTD Newark, LLC, having offices located at c/o Fields Development, 1 Henderson Street, Hoboken, NJ 07030, is the owner of the property located at 209-217 Newark Avenue, Jersey City, and known as Block 311, Lot 68 on the current tax maps of the City of Jersey City; and

WHEREAS, pursuant to a Resolution for the Final Site Plan Amendment Approval, Case #Z02-003.1, FTD Newark, LLC was granted approval to develop a five (5) story building with seventy-six (76) residential units, three (3) commercial units, and fifty (50) on site parking spaces on the property; and

WHEREAS, part of the initial development approval granted in Case #Z02-003.1, includes the construction of storm water detention pipes to be located approximately six (6) feet below the surface, extending into the subsurface of the Newark Avenue right of way, which is more particularly depicted and described in the Franchise Plans, Exhibit A, Utility Plan, Exhibit B and Metes and Bounds Description, Exhibit C, attached hereto; and

WHEREAS, the storm water detention pipes to be located approximately six (6) feet below the surface shall be accessible through two (2) manholes to be located within the Newark Avenue right of way which is more particularly depicted and described in the Franchise Plans, Exhibit A, Utility Plan, Exhibit B and Metes and Bounds Description, Exhibit C, attached hereto; and

WHEREAS, part of the development also includes the construction of an outflow pipe extending out of the proposed building connecting to the storm water detention pipes, to be located approximately six (6) feet below the surface, extending into the subsurface of the Newark Avenue right of way, which is more particularly depicted and described in the Franchise Plans, Exhibit A, Utility Plan, Exhibit B and Metes and Bounds Description, Exhibit C, attached hereto; and

WHEREAS, the Petitioner was required to file the Petition for a Franchise Ordinance as a condition of its approval; and

WHEREAS, there will be no impact or diminishment of right-of-way for pedestrian use as the contemplated improvements are to be located beneath the surface, and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, FTD Newark, LLC has filed a Petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests and essential for the completion of the construction of the development; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by FTD Newark, LLC to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The storm water detention pipes are specifically designed and engineered to receive and temporarily hold large amounts of storm water to protect areas from flooding and to keep existing drainage systems from exceeding capacity.
2. The contemplated improvements will include the installation of storm water detention pipes to be located approximately six (6) feet below the surface, extending into the subsurface of the Newark Avenue right of way.

3. The contemplated improvements will also include the construction of an outflow pipe extending out of the proposed building connecting to the storm water detention pipes, to be located approximately six (6) feet below the surface, extending into the subsurface of the Newark Avenue right of way.

4. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

WHEREAS, the Jersey City Zoning Officer, Building Department, Engineering Department and Municipal Utilities Authority have approved the construction of the improvements at the subject property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

WHEREAS, a franchise ordinance is required to permit the completion of the construction of the private improvements within the public right-of-way; and

WHEREAS, by reason of the character of the development of the area within which this property is situated, the said improvements will enhance the property's ability to manage storm water and greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City, that:

SECTION I. Permission be, and is hereby granted to FTD Newark, LLC, its successors and assigns, to complete private improvements to a portion of lands located within the public right of way adjacent to 209-217 Newark Avenue, Jersey City, and known as Block 311, Lot 68 on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on the Franchise: Plan, 'Utility Plan and Metes and Bounds description and foundation plan attached hereto as Exhibit A, Exhibit B and Exhibit C respectively.

1. The contemplated improvements will include the installation of storm water detention pipes to be located approximately six (6) feet below the surface, extending into the subsurface of the Newark Avenue right of way.

2. The contemplated improvements will also include the construction of an outflow pipe extending out of the proposed building connecting to the storm water detention pipes, to be located approximately six (6) feet below the surface extending into the subsurface of the Newark Avenue right of way.

3. There will remain sufficient area in the right-of-way for typical pedestrian use.

4. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Planning Board, the Jersey City Zoning Officer and Building Department.

5. All costs associated with these improvements will be incurred by the Petitioner.

6. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals and will benefit the Petitioner's property and the surrounding neighborhood.

SECTION II. All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State or New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. FTD Newark, LLC, and its successors and assigns, shall construct, operate and maintain all improvements installed by It for the entire term of this Franchise at no cost or inconvenience to the City.

SECTION III. This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to, cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said FTD Newark, LLC.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, FTD Newark LLC, its successors and assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term

of this Ordinance. FTD Newark, LLC, its successors and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event, that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

SECTION IX. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

SECTION X.

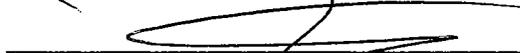
A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.

C. This ordinance shall take effect at the time and in the manner as provided by law.

D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeals of existing provisions.

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED:

APPROVED:



Business Administrator

Certification Required
Not Required

PETITION

TO: THE HONORABLE, THE MAYOR AND MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY:

Your Petitioner, FTD Newark, LLC having offices located at c/o Fields Development, 1 Henderson Street, Hoboken, NJ 07030, respectfully says that:

1. Petitioner is the owner of the property located at 209-217 Newark Avenue, Jersey City, and known as Block 311, Lot 68 on the current tax maps of the City of Jersey City on the current tax maps of the City of Jersey City (the "property"). The Petitioner is proposing to develop a five (5) story building with seventy six (76) residential units, three (3) commercial units, and fifty (50) on site parking spaces on the property.

2. Petitioner proposes to make the following site improvements within the areas of the public right-of-way:

A. The contemplated improvements will include the installation of storm water detention pipes to be located approximately six (6) feet below the surface, extending into the subsurface of the Newark Avenue right of way.

B. The contemplated improvements will also include the construction of an outflow pipe extending out of the proposed building connecting to the storm water detention pipes, to be located approximately six (6) feet below the surface, extending into the subsurface of the Newark Avenue right of way.

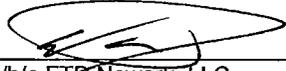
C. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

3. Petitioner has presented the proposed improvements to the Jersey City Zoning Officer, Building Department, Engineering Department and Municipal Utilities Authority which have approved the proposed improvements conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City.

4. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals, and will greatly benefit the Petitioner's property and the surrounding area and neighborhood.

WHEREFORE, your Petitioner respectfully prays for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within and under the sidewalk area of the public right-of-way of Newark Avenue, all as more particularly shown on the plans annexed hereto and made a part hereof.

By:



o/b/o FTD Newark, LLC
William D. Deveau, Attorney for the Petitioner

EXHIBIT C

Description of Franchise Agreement for Lot 68; Block 311
City of Jersey City, Hudson County, New Jersey

BEGINNING at a point on the westerly side line of Newark Avenue (66' r.o.w.), said point being measured the following two courses North 34°33'11" West a distance of 125.08' to a point, thence North 32°48'14" West a distance of 55.57' from the intersection of the same westerly side line of Newark Avenue (66'r.o.w.) and the Northerly side line of Jersey Avenue (80'r.o.w.) running, thence

1. North 32°48'14" West along the westerly side line of Newark Avenue a distance of 54.98' to a point, thence
2. North 60°00'00" West, along the westerly side line of First Street a distance of 11.84' to a point, thence
3. North 57°11'46" East a distance of 14.90' to a point, thence
4. South 32°48'33" East a distance of 65.51' to a point, thence
5. South 57°11'27" East a distance of 9.50' to a point and place of Beginning.

Total Area: 650 SF = 0.0150 Acres

Robert F. Hogan, L.S.
Land Surveyor
New Jersey License No. 34860

Macdel Engineering, P.C.

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 08-143
 TITLE: 3.C. SEP 24 2008 4.C. OCT 07 2008



An ordinance granting permission to FTD Newark, LLC and its successors and assigns, to make private improvements in the public right of way adjacent to the property located at 209-217 Newark Avenue, Jersey City, New Jersey, also known on the tax maps of the City of Jersey City as Block 311, Lot 68.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
SEP 24 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 07 2008 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
<i>BRENNAN / FLOOD</i>											
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	<i>ABSENT</i>			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

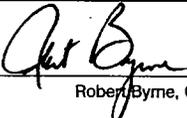
✓ Indicates Vote N.V.-Not Voting (Abstain)

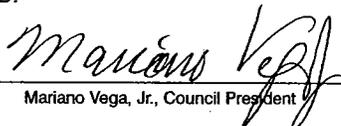
RECORD OF FINAL COUNCIL VOTE											
OCT 07 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 24 2008
 Adopted on second and final reading after hearing on OCT 07 2008

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 07 2008


 Robert Byrne, City Clerk

APPROVED:

 Mariano Vega, Jr., Council President

Date: OCT 07 2008

APPROVED:

 Jeremiah T. Healy, Mayor

Date: OCT 10 2008

Date to Mayor OCT - 8 2008

*Amendment(s):