

City Clerk File No. Ord. 13-039

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-039

TITLE: **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE NINTH AND BRUNSWICK REDEVELOPMENT PLAN**

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Ninth & Brunswick Redevelopment Plan area ("Plan") on December 14, 2011; and

WHEREAS, the Planning Board of Jersey City, at a public hearing on March 5, 2013, heard proposed amendments to this Plan which would increase the density bonuses available and expand the green space contribution requirements for development; and

WHEREAS, the proposed amendments also clarify permitted uses and permit a penthouse story; and

WHEREAS, Planning Board determined that the proposed amendments would encourage development in this underutilized part of the City, further enhancing the area and the City as a whole, with the addition of a new park and an increase in residential activity; and

WHEREAS, the proposed Ninth & Brunswick Redevelopment Plan amendments, 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 McGinley Square East Redevelopment Plan be, and hereby is, adopted as recommended by the Jersey City Planning Board.

BE IT FURTHER ORDAINED THAT:

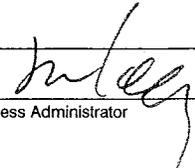
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City 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.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


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

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: 
Business Administrator

Certification Required

Not Required

Summary Sheet

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE NINTH AND BRUNSWICK REDEVELOPMENT PLAN

This ordinance amends the Ninth and Brunswick Redevelopment Plan to expand green space contribution options and contribution amounts, clarify permitted uses, add a penthouse story, and increase the density bonus.

PROPOSED AMENDMENTS TO THE
NINTH & BRUNSWICK REDEVELOPMENT PLAN
(Last Amended February 13, 2013 by Ord. 13-009)

February 18, 2013

New text to be included is shown as Bold Italic, *Thusly*.
Text to be removed is shown as a Strikethrough, ~~Thusly~~.

Section I. through Section VII. – NO CHANGE.

VIII. RESIDENTIAL DENSITY BONUS

This provision is applicable to all residential development and permits construction of up to ~~30~~
80 additional dwelling units per acre.

- A. All residential projects are eligible to receive an additional bonus density not to exceed an additional ~~30~~ **80** DU/AC, if the developer agrees to contribute to green space located within the plan area, as set forth more specifically below.
- B. The green space development requirement may be satisfied by any one or combination of the following methods approved by the Planning board as part of the Preliminary Site Plan:
- Monetary contribution to the City of Jersey City to be established in a separate account for the exclusive purpose of acquiring, developing and enhancing green space within the plan area, or adjacent areas.
 - Developer donation of real property for green space development; such property to be *dedicated* ~~deeded~~ to the City in perpetuity *by deed or easement as required by the City*.
- C. The amount of monetary contribution or value of an equivalent in-kind contribution of land shall be calculated as follows:
- \$7,500 for each additional bonus residential dwelling unit constructed under this provision over the base density permitted without this bonus.
 - *The value of the in-kind contribution shall include the value of the land itself; the cost of any demolition, environmental remediation and other land preparation costs; the cost of any improvements to the proposed open space such as grading, drainage, landscaping, paving, lighting, fencing, benches, play equipment, etc.; and other similar improvements and costs as appropriate.*
- D. Development utilizing this bonus provision must comply with all applicable criteria of the area, yard, and bulk chart, or be granted the appropriate deviations pursuant to the requirements of this plan.
- E. Satisfaction of 50% of the green space contribution requirement is a required pre-condition for the issuance of any building permit associated with the project. The remaining 50% shall be paid to the City of Jersey City prior to the issuance of any Certificate of Occupancy. *In the alternative, if the green space contribution is in the form of an in-kind contribution of land and improvements, then the Planning Board may require the developer to furnish performance guarantees pursuant to NJSA 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the Jersey City Corporation Counsel. The amount of any such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of the improvements.*

- F. The in-kind contribution of land within this Redevelopment Plan shall be located at the western end of Ninth Street so as to function as an extension of adjacent Enos Jones Park, and shall be designed to allow for the further extension of this greenspace to the north into the adjacent property and the Jersey Avenue Tenth Street Redevelopment Area.*

Section IX. – NO CHANGE.

Section X. SPECIFIC LAND USE PROVISIONS

Opening paragraphs - NO CHANGE

A. Permitted Uses

- Residential with ground floor retail *A minimum of 2% of all residential units shall be three-bedroom units.*
- *Retail Sale of Goods and Services (ground floor/first floor only)*
- *Offices (ground floor/first floor only)*
- *Restaurants, category one and two (ground floor/first floor only)*
- *Child Care Centers (ground floor/first floor only)*
- Parks/Public Open Space
- Public Utilities, except that natural gas transmission lines shall be prohibited
- Health clubs in residential buildings

B. Accessory Uses

- Garage on-Site/off-street Parking & Loading Facilities
- Fences & Walls
- Signs

Active Permitted and Accessory Uses are encouraged on parking levels adjacent to street lines, where feasible, in order to screen the parking use from pedestrian sidewalks within the street right-of-way.

C. Area, Yard and Bulk Requirements (See Chart)

AREA, YARD & BULK CHART

	RESIDENTIAL
MAX. HEIGHT	65 ' and 5 6 stories ³ of residential + 1 story of parking
MAX. LOT COVERAGE ¹	95%
MIN. LOT AREA IN SQ. FT ⁴ .	2,000 sq. ft.
MAX. DENSITY ²	55 DU/AC
MIN. FRONT YARD	5'
MAX. FRONT YARD	10'
MIN. EACH SIDE YARD	0'
MIN. REAR YARD	0'

1. Total percentage, buildings and impervious surfaces
2. Dwelling units per acre.
3. ~~Floor Area Ratio~~ *The 6th story must be setback a min. of 15 ft. from adjacent street right-of-way lines.*
4. Not including Park & Recreation Area space

Paragraphs D. through G. – NO CHANGE

Section XI. and Section XII. – NO CHANGE

Section XIV. MAPS

Revise maps to reflect current block number (i.e. Block # 6902) and current lot number (i.e. lot # 29) to reflect the new numbering system.

City Clerk File No. Ord. 13-042

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-042

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE BRIGHT STREET REDEVELOPMENT PLAN

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Bright Street Redevelopment Plan at its meeting of March 26, 2008; and

WHEREAS, the Municipal Council seeks to advance and promote mixed use construction on un-built lots within the Bright Street Redevelopment Plan; and

WHEREAS, a copy of the amended text is attached hereto and made a part hereof, and is available for public inspection at the Offices of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ; and

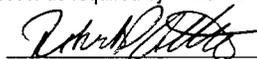
WHEREAS, the following amendments to the Bright Street Redevelopment Plan have been reviewed by the Jersey City Planning Board at its meeting of April 2, 2013; and

WHEREAS, the Planning Board voted to recommend adoption of these amendments by the Municipal Council;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the recommended amendments to the Bright Street Redevelopment Plan be, and hereby are, adopted.

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.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is hereby directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

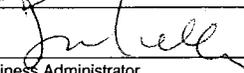
 Robert D. Cotter, PP, FAICP, Director of Planning

APPROVED AS TO LEGAL FORM



Paul Reddy Corporation Counsel

APPROVED: 

APPROVED: 

Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance/Resolution/Cooperation Agreement:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE BRIGHT STREET REDEVELOPMENT PLAN

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

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

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance/Resolution:

The amendment will adopt new bulk standards for mixed use development on Bright Street within the redevelopment plan area.

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

To attract mixed use redevelopment opportunities to vacant and un-built sites in the Bright Street Redevelopment Plan.

5. Anticipated Benefits to the Community:

Development of attractive mixed use construction in a transit accessible location .

6. Cost of Proposed Program, Project, etc.:

No expense to the city. All work done by in house staff.

7. Date Proposed Program or Project will commence:

Upon approval of the redevelopment plan amendment.

8. Anticipated Completion Date: N/A

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

Robert D. Cotter, Director, City Planning 547-5050
Jeff Wenger, City Planning 547-5453

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

APRIL 1, 2013
Date


Department Director Signature

APRIL 1, 2013
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE BRIGHT STREET REDEVELOPMENT PLAN

The amendment will adopt new bulk standards for mixed use development on Bright Street within Zone 3 of the Bright Street Redevelopment Plan. Design standards that require architectural conformity with the Van Vorst Park Historic District remain the same.

PROPOSED AMENDMENTS TO THE BRIGHT STREET REDEVELOPMENT PLAN

PRESENTED TO THE JERSEY CITY PLANNING BOARD ON APRIL 2, 2013

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Text that is deleted is in strike-thru ~~like this~~.

Text that is added is in bold **like this**.

PAGE 14:

C. Zone 3: Residential Infill (Van Vorst Park Historic District)

The purpose of this district is to provide for appropriate new infill construction and to redevelop the area as townhouses, four family dwellings, and multi-family residential consistent with the historic pattern of construction on this block and proximate historic resources within the district. Given the permitted bulk and lot size in this zone for residential buildings with 5 or more units, any building designed for and constructed in this area with five or more units must be particularly sensitive to the historic character of the neighborhood.

1. Principal Permitted Uses:
 - a. One, Two, and Three family townhouses.
 - b. Four unit multifamily.
 - c. Multi-family residential with 5 or more units.
 - d. **Professional offices (non-medical), on the ground floor, limited to lots greater than 10,000 square feet.**
 - e. **Mixed use buildings of any of the above permitted uses.**
2. Uses incidental and accessory to the principal use, including:
 - a. Fences and walls and stoops.
 - b. Home occupations.
 - c. Decks, patios.
 - d. Swimming pools.
 - e. Off-street parking
 - f. ~~Professional Office (non-medical), less than 2000 square feet.~~
3. Bulk and Density Standards for residential buildings with up to 4 units:
 - a. Required lot size: 2500 square feet.
 - b. Required lot width: 25 feet.
 - c. Required lot depth: 100 feet.
 - d. Required front yard setback: Must match prevailing setback of historic buildings on this block.
 - e. Minimum rear yard setback: 30 feet.

- f. Required side yard setback: zero.
- g. Maximum building height: 4 stories and 40 feet.
- h. Maximum building coverage: 70%
- i. Maximum lot coverage: 80%
- j. Maximum residential density: 75 units per acre
- k. Parking requirement: Not permitted.

4. Design Standards for residential buildings with up to 4 units:

- a. All buildings must be designed with a flat roof and cornice line to match those found on this block.
- b. A stoop of similar size and proportion and front areaway as those found on this block must be incorporated into the design.
- c. Window, Door, lintel, and sill sizes and proportions must match those found on this block.
- d. Front façade must be primarily brick of a historically appropriate color and size with mortar color and tooling to match other town homes on this block.

5. Bulk and Density Standards for residential buildings with 5 or more units:

- a. Minimum lot size: 10,000 square feet.
- b. Minimum lot width: 100 feet.
- c. Minimum lot depth: 100 feet.
- d. Required front yard setback: must match prevailing setback of historic buildings on this block.
- e. Minimum rear yard setback: 30 feet.
- f. Required side yard setback: zero feet.
- g. Maximum building height: 5 stories and 57 feet.
- h. Minimum building height: 4 stories and 40 feet.
- i. Maximum building coverage: 75%.
- j. Maximum lot coverage: 80%.
- k. Maximum permitted parking: 0.5 spaces per unit .
- l. Minimum bicycle parking: 1 space per unit .
- m. Maximum residential density: 110 dwelling units per acre.

6. Bulk and Density Standards for mixed use buildings with 5 or more units:

- a. Minimum lot size: 10,000 square feet.**
- b. Minimum lot width: 100 feet.**
- c. Minimum lot depth: 100 feet.**
- d. Required front yard setback: must match prevailing setback of historic buildings on this block.**
- e. Minimum rear yard setback: 5 feet.**
- f. Required side yard setback: zero feet within 15 feet of a right-of-way.**
- g. Maximum building height: 5 stories and 60 feet.**

- h. Minimum building height: 4 stories and 40 feet.**
- i. Maximum building coverage: 90%.**
- j. Maximum lot coverage: 90%.**
- k. Maximum permitted parking: 0.5 spaces per unit .**
- l. Minimum bicycle parking: 0.5 space per unit .**
- m. Maximum residential density: 180 dwelling units per acre.**
- l. Minimum rear building step back above the ground floor: 20 feet.**

6-7. Design Standards for residential buildings with 5 or more units or mixed use buildings:

- a. Front façade design shall be consistent with the design and architecture of proximate historic resources within the Van Vorst Park Historic District with an emphasis on compatibility with late nineteenth century architectural proportions and architectural detail.
- b. Front façade must be primarily brick of a historically appropriate color and size to be consistent with other town homes on this block, to be consistent with those used in paradigmatic nineteenth century resources in the district, and be consistent with the particular stylistic paradigm of the proposed architecture. The remainder of the front facade must be constructed of stone, cast stone, decorative metal, slate or simulated slate shingles, tile, terra cotta or other similar and appropriate materials. The use of polyurethane, vinyl, and asphalt shingles at facades visible from the street is prohibited.
- c. Building facade shall be broken down in scale by dividing the façade into smaller sections to resemble a series of smaller buildings typical of resources in the historic district with an emphasis on vertical proportions.
- d. Window, door, entrance, entablature, lintel, and sill sizes, proportions, and materials must be consistent with those found on this block and in compatible historic resources of note within the district. Windows shall be simulated double or single hung, although casement windows may be permitted where appropriate to the style of the building as an accent, and be consistent with the vertical proportion of windows typical of the resources in the Historic District and common in late 19th century vernacular architecture and set in 4" (one brick width) from the face of the brick facade. Snap in and internal muntins and external window screens are not permitted.
- d. A single decorative carriage house style garage door is permitted. The garage door must be partly glazed at the top, and made of wood.
- e. Appropriate decorative mounted light fixtures are required.
- f. A minimum of two entry stoops are required on the Bright Street facade with stone or metal railings consistent with other railings in the Historic District. Cast or wrought iron shall be used for railings, fences and gates along the street frontage. The use of mild and tubular steel for fencing and rails is prohibited.

- g. A minimum of one bay window is required on the Bright Street facade, which shall extend to the ground and project a maximum of 36" beyond the building face and shall be constructed of brick, stone and or cast stone decorative metal panels on a masonry base of stone cast stone or brick. Oriels with decorative metal paneling, facing and roofing above the first floor shall be permitted.
- h. Front landscaping and stoops may project into the right-of-way to align with stoops and other landscaping found on this block and curbed of a minimum of four inches high and four inches wide.
- i. A building base shall be clearly defined at the first floor level, using an appropriate design methodology such as an alternating brick pattern, shape, style, coursing and/or color and/or a variety of materials such as stone, cast stone and decorative window heads and sills.
- j. Floors 2, 3, 4, and 5 shall have an appropriate rich texture of brick using different patterns, shapes, colors mortar joints and coursing with decorative window heads and sills. The use of stone, cast stone and tile as design elements is permitted.
- k. The rooflines shall be clearly defined through the use of decorative cornice lines, detailed brick work, mansard roofs with slate or simulated slate, gables of brick or stone, and dormers with brick, stone or metal detailing and cornices of metal, fiberglass or another appropriate and durable substitute.
- l. All doors and framing elements must be wood, have a glazing component, and may not be solid. The use of double doors, sidelights, transoms, pilasters, panels, styles and rails and/ or entablatures, etc. in order to emphasize the importance of residential entryways is required.
- m. The building must include an elevator.
- n. Elevator penthouse may exceed the height requirement, but must have an appropriate facing material consistent with the character of the building and the utilitarian nature of the bulkhead. The use of stucco or vinyl or aluminum siding is not permitted.
- o. Grade level parking may be located within 20 feet of the front property line for a maximum of 60 linear feet along any public right-of-way.
- p. All secondary entryways, including fire exits and service entrances at the street frontages must be designed to be compatible with the surrounding architecture.
- q. All windows opening into a garage must be glazed and include the same treatments as applied to residential windows, such as lintels, sills, simulated divided lights, muntins, mullions etc. However the use of decorative, textured, stained, tinted, etched glass etc may be permitted at the garage windows where harmoniously integrated in the façade.
- r. All architectural design must be in accordance with the Historic Design Standards in the Jersey City Land Development Ordinance Chapter 345-71. However, the overall design of buildings in this area shall be consistent with historic design idioms, principals and proportions as

demonstrated by residential historic resources in the approximate area within the Van Vorst Park Historic District. The use of modern design elements within this area is discouraged.

City Clerk File No. Ord. 13-043

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-043

TITLE: AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY AS LESSEE TO EXTEND A FOURTH AMENDED LEASE AGREEMENT WITH 115 CCD PARTNERS AS LESSOR FOR OFFICE SPACE AT 115 CHRISTOPHER COLUMBUS DRIVE, JERSEY CITY.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City ("City") leases office space on the third floor of 115 Christopher Columbus Drive, Suite 303 (Premises) for the Department of Health and Human Services' Preventive Medicine Clinic; and

WHEREAS, the lease expired on May 31, 2011; and

WHEREAS, The City has been a holdover tenant without a lease from June 1, 2011; and ...

WHEREAS, the owner of the Premises, 115 CCD Partners, LP ("115 CCD"), has offered to extend the lease until February 28, 2015; and

WHEREAS, the rental payment for 2,263 square feet will be \$28.00 per square foot for a monthly base rent of \$5,280.33 or \$63,364.00 annually; and

WHEREAS, the lease term will be for two (2) years effective as of March 1, 2013 and ending February 28, 2015; and

WHEREAS, the City will be required to pay electricity at \$2.00 per square foot in equal monthly installments of \$377.00 or \$4,524.00 annually; and

WHEREAS, the total annual cost for the first year of the lease for rent and electricity usage, shall not exceed the sum of \$67,888.00; and

WHEREAS, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance authorize the leasing of real property or personal property; and

WHEREAS, the sum of \$6,000.00 is available in the fiscal year 2013 budget account #01-201-31-432-304 for lease costs incurred for March 1, 2013.

WHEREAS, the balance of the lease funds will be made available in the 2013 calendar year temporary and permanent budget.

AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY AS LESSEE TO EXTEND A FOURTH AMENDED LEASE AGREEMENT WITH 115 CCD PARTNERS, LP AS LESSOR FOR OFFICE SPACE AT 115 CHRISTOPHER COLUMBUS DRIVE, JERSEY CITY

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JERSEY CITY THAT:

- 1) The Mayor or Business Administrator is authorized to execute the attached Lease Agreement with 115 CCD Partners, LP for office space at 115 Christopher Columbus Drive subject to such modification as may be deemed necessary or appropriate by Corporation Counsel.
- 2) The term of this Lease Agreement is for two years effective as of March 1, 2013 and ending February 28, 2015 for a total cost not to exceed \$ 135,776.00 payable in 24 equal installments of \$5,657.33.
- 3) The City shall have the right after the first year of this 4th Amendment, to terminate this Lease provided the City is not in material default, and provided the City gives the Landlord at least 60 days prior notice.
- 5) Funds in the amount of \$6,000.00 are available in Account # 13-01-201-31-432-304 for lease costs from March 1, 2013.
- 6.) The balance of the lease funds will be made available in the calendar year 2013 temporary and permanent budget.

I, _____ (Donna Mauer), Chief Financial Officer, hereby certify that these funds are available in Account # 13- 01-201-31-432-304.

P.O. # 109298

APPROVED AS TO LEGAL FORM

Raymond Reddy
Corporation Counsel

APPROVED: _____

APPROVED: Julia Kelly
Business Administrator

Certification Required
Not Required

FOURTH AMENDMENT TO LEASE AGREEMENT

Landlord: 115 CCD Partners, LP
115 Christopher Columbus Drive, Suite 400
Jersey City, New Jersey 07302

Tenant: City of Jersey City
280 Grove Street, Jersey City, NJ

Location of Property: 115 Christopher Columbus Drive, Suite 303
Jersey City, New Jersey 07302

Current Premises: Approximately 2,263 rentable square feet

Original Lease Date: February 1, 2000

Date of Amendment No. 1: April 12, 2002

Date of Amendment No. 2: May 2, 2005

Date of Amendment No.3: February 5, 2008

Current Expiration Date: May 31, 2011

Date of This Amendment: February 22, 2013

In consideration of the rents and covenants hereinafter set forth, Landlord and Tenant hereby agree as follows:

1. **Term:** Landlord and Tenant agree to extend the Lease and Amendments referred to above for a period of two (2) years, beginning March 1, 2013 and ending February 28, 2015 upon all of the same terms and conditions except that Base Rent and Tenant Electric shall be as set forth below.
2. **Rent:** Tenant covenants and agrees to pay to the Landlord as and for the Minimum Monthly Base Rent of the Premises the Minimum Monthly and Annual sums set out below, plus any other payments and additional rent set forth in the Lease, all of which shall be payable in equal monthly installments, due on the first day of each and every month in advance throughout the demised term. Said rent and all payments due hereunder shall be paid to the Landlord at 115 CCD Partners, LP, 115 Christopher Columbus Drive, Suite 400, Jersey City, NJ 07302 or its successor.

<u>Term</u>	<u>Rent Per Ft.</u>	<u>Monthly Base Rent</u>	<u>Annual Base Rent</u>
3/01/13 - 2/28/2015	\$28.00	\$5,280.33	\$63,364.00

3. Tenant Electric: Tenant's cost for electricity shall be \$2.00 per square foot, payable in equal monthly installments, due on the first of each and every month in the amount of \$377.00.
4. Tenant represents and warrants to Landlord and Landlord represents and warrants to Tenant that no broker was responsible for negotiated and was instrumental in consummating this agreement.
5. Early Termination: After the first year of this 4th Amendment, Tenant shall have the right to terminate this Lease, provided Tenant is not in material default, and provided Tenant gives Landlord at least 60 days prior notice.
6. All other terms and conditions of the Original Lease and Amendments referred to above shall continue in full force and effect.

In witness hereof, the parties hereto have hereunto set their hands and seals this ____ day of February, 2013.

Landlord: 115 CCD Partners, LLC
By: 115 CCD, Inc., its General Partner

Tenant: The City of Jersey City

By: Ephraim Hasenfeld, President

By:

Date: _____

Date: _____

City Clerk File No. Ord. 13-044

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-044

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AMENDING SECTION 332-22 (PARKING PROHIBITED AT ALL TIMES) OF THE JERSEY CITY CODE DESIGNATING NO PARKING ANY TIME ON THE NORTH SIDE OF THEODORE CONRAD DRIVE BEGINNING 325 FEET EAST OF EDWARD HART ROAD AND EXTENDING CLOCKWISE TO THE SOUTH SIDE OF THEODORE CONRAD DRIVE TO A POINT 325 FEET EAST OF EDWARD HART ROAD

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article III (No Parking Any Time) of the Jersey City Code is hereby supplemented as follows:

Section 332-22

PARKING PROHIBITED AT ALL TIMES

No person shall park a vehicle on any of the streets or parts thereof described.

Name of Street	Limits
<u>Theodore Conrad Drive</u>	<u>North side; beginning 325 feet east of Edward Hart Drive extending clockwise to the south side of Theodore Conrad Drive to a point 325 feet east of Edward Hart Drive</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material to be inserted is new and underscored.

CFL:pc1
(4.2.13)

APPROVED AS TO LEGAL FORM

Raymond Reddy
Asst. Corporation Counsel

APPROVED: [Signature] 4/3/13
Municipal Engineer

APPROVED: [Signature] 4/3/13
Director, Dept. of Public Works
APPROVED: [Signature]
Business Administrator

Certification Required

Not Required

FACT SHEET

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance/resolution/cooperation agreement:

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AMENDING SECTION 332-22 (PARKING PROHIBITED AT ALL TIMES) OF THE JERSEY CITY DESIGNATING NO PARKING ANY TIME ON THE NORTH SIDE OF THEODORE CONRAD DRIVE BEGINNING 325 FEET EAST OF EDWARD HARD DRIVE AND EXTENDING CLOCKWISE TO THE SOUTH SIDE OF THEODORE CONRAD DRIVE TO A POINT 325 FEET EAST OF EDWARD HART DRIVE

2. Name and title of person initiating the ordinance/resolution, etc.:

Lee D. Klein, P.E., PTOE, Assistant City Engineer, Division of Engineering, Traffic and Transportation, Department of Public Works, 201.547.4440 at the request of Chuck F. Lee, P.E., Municipal Engineer on behalf of Sysco located on Theodore Conrad Drive

3. Concise description of program, project or plan proposed in the ordinance/resolution:

Designate "no parking any time" on Theodore Conrad Drive beginning 325 feet east of Edward Hart Drive, extending clockwise to the south side of Theodore Conrad Drive 325 feet east of Edward Hart Drive.

4. Reasons (need) for the proposed program, project, etc.:

Designate both sides of Theodore Conrad Drive and the cul-de-sac in the vicinity of Sysco with "no parking any time" to prevent truck drivers from parking tractor trailers during the day and overnight.

5. Anticipated benefits to the community:

It is in the best interest of public safety to keep this area clear of parked vehicles, especially tractor trailers.

6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, state, and Federal Funds to be used, as well as match and in-kind contribution:

Approximately \$100.00 per u-post and sign installation.
Six (6) signs and u-posts needed at a total cost of \$1,200.00

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

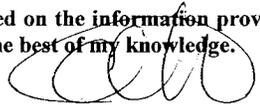
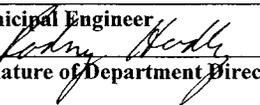
Twenty days after adoption by the Jersey City Municipal Council

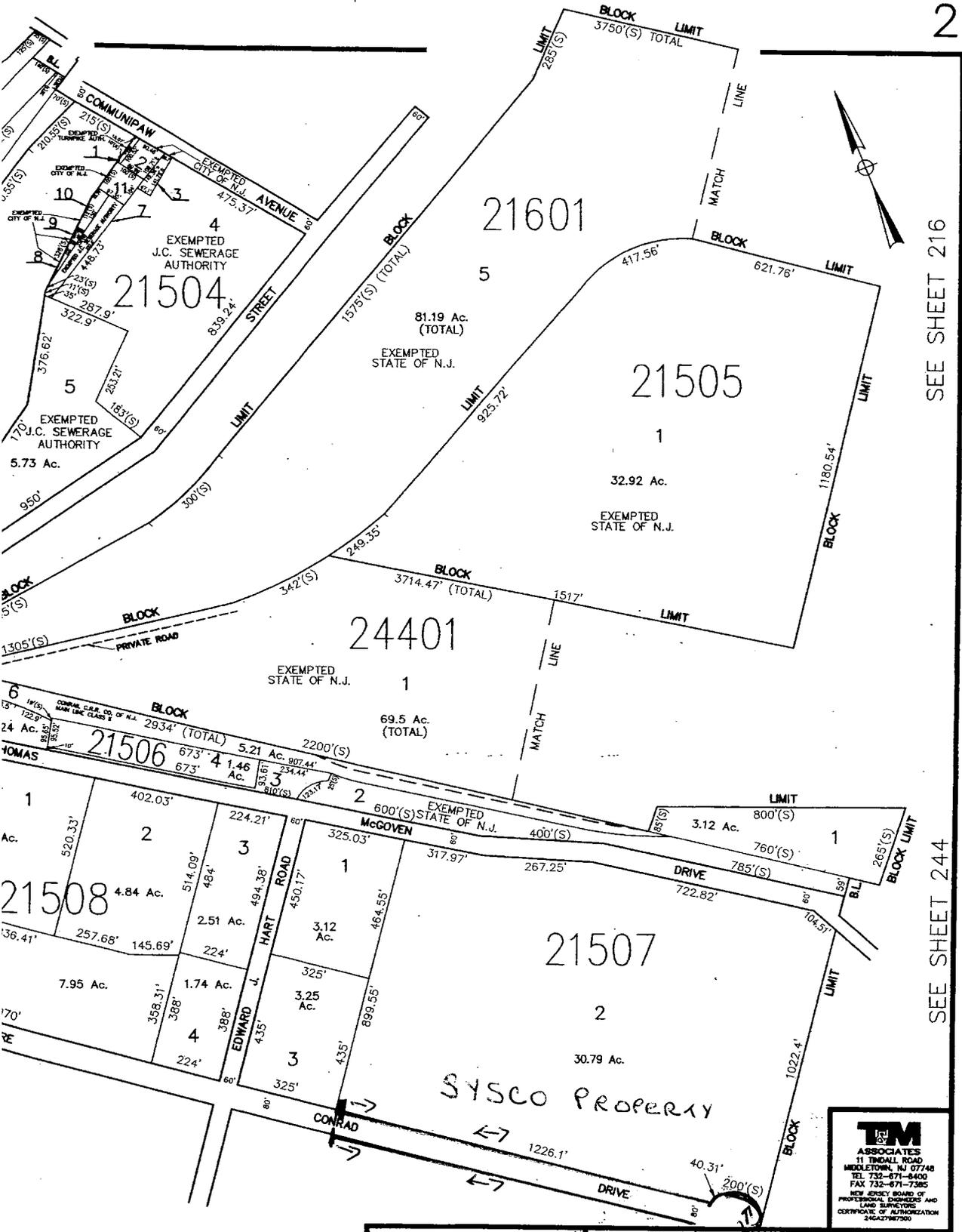
9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation, Department of Public Works, 201.547.4492

10. Additional comments:

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.

	4/3/13
_____ Municipal Engineer	_____ Date
	4/3/13
_____ Signature of Department Director	_____ Date



SEE SHEET 216

SEE SHEET 244

T & M ASSOCIATES
 11 TINDALL ROAD
 MIDDLETOWN, NJ 07748
 TEL: 732-671-8400
 FAX: 732-671-7365
 NEW JERSEY BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
 CERTIFICATE OF AUTHORIZATION 246A27067900

NEW JERSEY DEPARTMENT OF THE TREASURY
 DIVISION OF TAXATION
 PROPERTY REASSESSMENT
 APPROVED AS A TRUE AND CORRECT COPY TO THE AGENCY OF
 N.J.S.A. 52:1-18 & 52:1-1
 FOR THE COUNTY, DIVISION OF TAXATION
 COUNTY OF HUDSON, LOCAL ENTITY, FIELD REPRESENTATIVE
 RICHARD A. MORALLE, P.E., P.L.S.
 DATE: MAY 18 - 2006 SERIAL NO. 036

TAX MAP
 CITY OF JERSEY CITY
 HUDSON COUNTY, NEW JERSEY
 SCALE: 1" = 200' AUGUST, 2006
 RICHARD A. MORALLE, P.E., P.L.S.
 T & M ASSOCIATES
 11 TINDALL ROAD, MIDDLETOWN TOWNSHIP
 NEW JERSEY, 07748

THIS MAP HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) AND COORDINATE GEOMETRY.

City Clerk File No. Ord. 13-045

Agenda No. 3.E 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 13-045

TITLE:

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ABDEL AMIN, HIS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO THE PUBLIC RIGHT OF WAY AT THE PROPERTY LOCATED AT 60 SUSSEX STREET A/K/A 67 GREEN STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 14304, LOT 5.

The Municipal Council of the City of Jersey City does hereby ordain:

WHEREAS, Abdel Amin is the owner of the property located 60 Sussex Street, Jersey City, and known as Block 14304, Lot 5 on the current tax maps of the City of Jersey City ("Property"); and

WHEREAS, pursuant to a Resolution for a "D" variance for an expansion of a nonconforming use and "C" variances for front yard setback, minimum rear yard and maximum building coverage, the Jersey City Zoning Board of Adjustment (Case # Z 11 - 031) approved the applicant's proposed expansion of a ground floor restaurant into both floors of a separate two-story accessory garage (carriage house) at the rear of the lot and granting front yard setback, minimum rear yard, and maximum building coverage variances ; and

WHEREAS, a portion of the development approval granted by the Jersey City Board of Zoning Adjustment includes overhanging storefronts, a new entry stoop, and maintaining the existing basement hatch door and existing stoop, a new residential trash enclosure, reorientation of the carriage house door swing opening onto the sidewalk, and installation of removable screens on the sidewalk, all of which are more particularly depicted and described in the Franchise Plans, Exhibit A, attached hereto; and

WHEREAS, there will remain sufficient area in the public right-of-way for pedestrian use (at least nine [9] unobstructed feet), and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, Abdel Amin 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 interest and essential for the successful growth of this neighborhood small business; and

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

1. The contemplated improvements will address installation of overhanging storefronts, a new entry stoop, and maintaining the existing basement hatch door and existing stoop, a new residential trash enclosure, reorientation of the carriage house door swing opening onto the sidewalk, and installation of removable screens on the sidewalk.
2. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

WHEREAS, a franchise 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 in which this property is situated, the said improvements will enhance the aesthetic and character of the property 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;

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ABDEL AMIN, HIS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO THE PUBLIC RIGHT OF WAY AT THE PROPERTY LOCATED AT 60 SUSSEX STREET A/K/A 67 GREEN STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 14304, LOT 5.

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 Abdel Amin, his successors and assigns, to complete private improvements to the public right of way at 60 Sussex Street, Jersey City, and known as Block 14304, Lot 5 on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on survey with metes and bounds description and plan attached hereto as Exhibit "A" and Exhibit "B" respectively.

1. The contemplated improvements will include the installation of overhanging storefronts, a new entry stoop, the existing basement hatch door and stoop, a new residential trash enclosure, reorientation of carriage house door-opening swing, and installation of removable screens on the sidewalk.
2. There will remain sufficient area in the public right-of-way (at least nine [9] unobstructed feet) for typical pedestrian use.
3. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Board of Adjustment, the Jersey City Zoning Officer and Building Department.
4. All costs associated with these improvements will be incurred by the Petitioner.
5. 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 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 of 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. Abdel Amin and his successors and assigns, shall maintain all improvements installed by him for the entire term of this Franchise at no cost 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 Abdel Amin.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Abdel Amin, his 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. Abdel Amin, his 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 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.

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ABDEL AMIN, HIS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO THE PUBLIC RIGHT OF WAY AT THE PROPERTY LOCATED AT 60 SUSSEX STREET A/K/A 67 GREEN STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 14304, LOT 5.

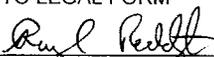
SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress 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 therein 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.

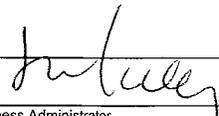
SECTION X.

- 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



Asst. Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

PETITION

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

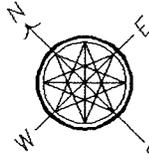
Your Petitioner, Abdel Amin, having offices located at 60 Sussex Street, Jersey City, New Jersey 07302, respectfully says that:

1. Petitioner is the owner of the property located at 60 Sussex Street a/k/a 67 Green Street, Jersey City, and known as Block 14304, Lot 5, on the current tax maps of the City of Jersey City (the "property"). The Petitioner is proposing to expand its current sidewalk café on the Green Street frontage to in front of the carriage house and also to a portion of the front yard on Sussex Street.
2. The Jersey City Zoning Board of Adjustment approved the improvements consistent with the recommendation from the Historic Preservation Commission.
3. Petitioner proposes to make the following site improvements within the area of the public right-of-way:
 - A. The contemplated improvements will include construction of overhanging storefronts in the style of the building in 1933, a new entry stoop, approval of an existing basement hatch and stoop, carriage house door swings opening on to the sidewalk, trash enclosures for residential apartments, and installation of removable screens on the sidewalk.
 - B. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.
4. The contemplated improvements are necessary to modify the Property's current appearance consistent with the development approvals, and will greatly benefit the Petitioner's property and the surrounding area and neighborhood.
5. A copy of the Resolution of the Zoning Board of Adjustment of the City of Jersey City is attached.

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 Sussex Street and Green Street, all is more particularly shown on the plans annexed hereto and made a part hereof.



ABDEL AMIN



BEHAR SURVEYING ASSOCIATES, P.C.

Professional Land Surveying and Planning

61 Locust Lane, East Rutherford, NJ 07073

Phone: 973-778-0010

Fax: 973-778-0027

<http://www.beharsurveying.com>

60 Sussex Street

Tax Block 14304, Lot 5

(Formerly known as Tax Block 68, Lot A-1)

City of Jersey City

Hudson County, New Jersey

Beginning at a point on the intersection of the westerly line of Greene Street (60' Wide Right-of-Way), and the northerly line of Sussex Street (60' Wide Right-of-Way), running thence;

1. N 81° 38'15" W 19.90', along the said line of Sussex Street, to a point, thence;
2. N 08° 21'45" E 75.03', leaving the said line of Sussex Street to, through and beyond a centerline party wall to a point on the southerly face of a brick garage, thence;
3. N 81° 38'15" W 1.11', along said southerly brick face to a point on the westerly face of said brick garage, thence;
4. N 08° 18'58" E 24.97', along the westerly face of said brick garage and beyond to a point, thence;
5. S 81° 38'15" E 21.03', to a point on the westerly line of Greene Street, thence;
6. S 08° 21'45" W 100.00', along the said line of Greene Street to the point and place of beginning.

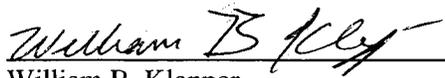
Subject to easements and restrictions of record.

Franchise Easement

Beginning at a point on the westerly line of Greene Street (60' Wide Right-of-Way), said point being distant 8.00' northerly from the corner formed by the intersection of the northerly line of Sussex Street (60' Wide Right-of-Way) and the said line of Greene Street, running thence;

1. N 08° 21'45" E 92.00', along the said line of Greene Street to a point, thence;
2. S 81° 38'15" E 5.67', leaving the said line of Greene Street to a point resting in the right-of-way of Greene Street, thence;
3. S 08° 21'45" W 92.00', continuing in the right-of-way of Greene Street to a point, thence;
4. N 81° 38'15" W 5.67', to the point and place of beginning.

In accordance with a survey prepared by Behar Surveying Associates, PC dated September 12, 2011, and later revised July 1, 2012.



William B. Klapper

Licensed Land Surveyor 24GS03317500

General Notes

A written waiver and direction not to set corner markers has been obtained from the ultimate user pursuant to N.J.A.C. 13:4-5.1 (D). This map or any part thereof is not to be reproduced without written consent by Behar Surveying Associates, P.C.

This survey is subject to easements and restrictions of record.

This certification is made only to those named parties for purchase or mortgage of herein delineated property by one of the named parties. No responsibility or liability is assumed by surveyor for use of survey for any other purpose, including but not limited to, use of survey for a survey of flood, resale of property, or to any other person not listed in certification, either directly or indirectly.

Successor's Notes:

Jersey City Municipal Maps show a sewer line along Sussex Street. The gasoline on Greene Street was depicted based on Aerial Maps provided by Google Street Maps.

A utility markout was not ordered.

Parcel of land is designated as being located in Flood Zone X. Zone X is described as an area of land that is subject to a 0.2% chance of flooding annually.

No access easements were found on the deed of record.

References:

Survey prepared by Manolio & Manolio dated September 11, 1992. Deed 4529, Page 170
 Jersey City Municipal Utilities Authority Maps Sheet 21 dated Feb. 2, 1986

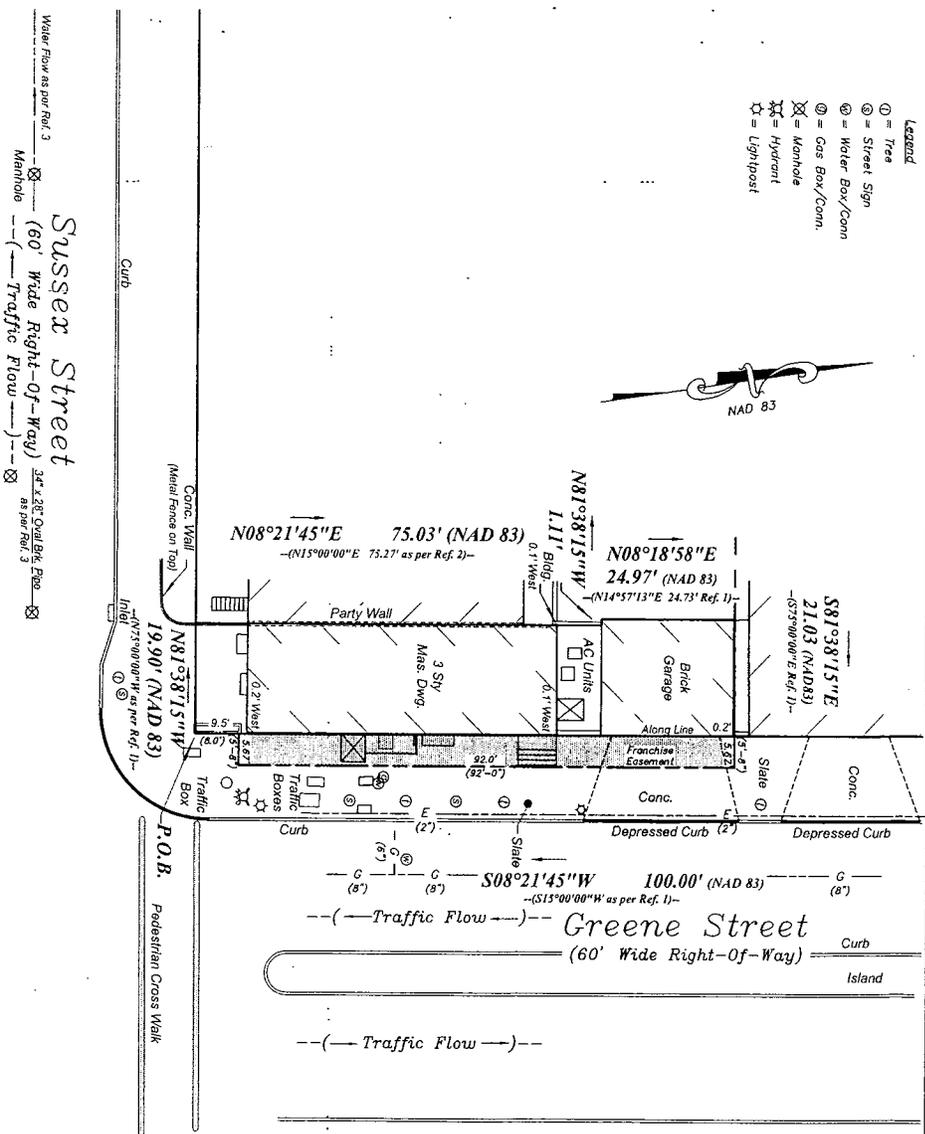
SURVEY FOR THE PROPERTY LOCATED AT:
60 SUSSEX STREET
TAX BLOCK 14304, LOT 5
 (FORMERLY KNOWN AS TAX BLOCK 68, LOT A-1)
CITY OF JERSEY CITY
HUDSON COUNTY, NJ

THIS SURVEY IS CERTIFIED AS HAVING BEEN PREPARED UNDER AN DIRECT SUPERVISION TO THE FOLLOWINGS:

1. Abdel Homed Amin

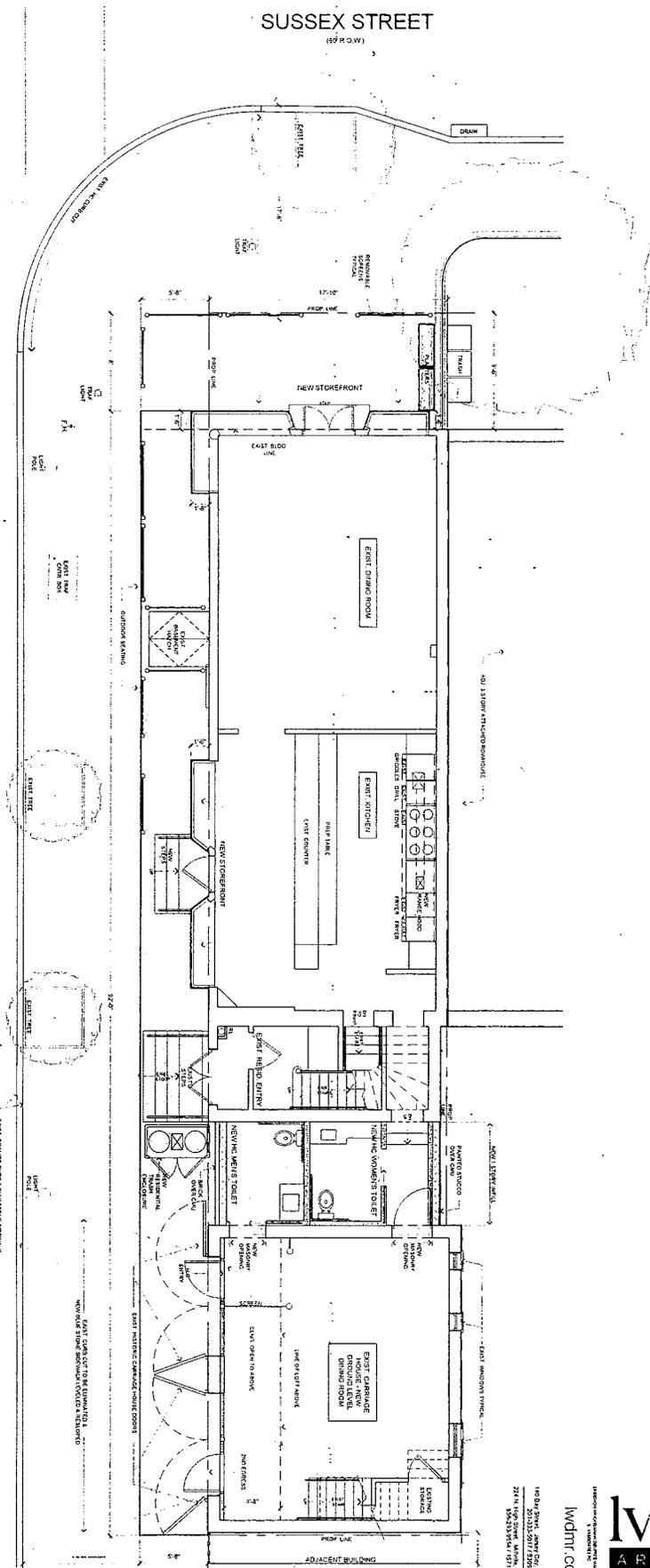
William B. Klapper
WILLIAM B. KLAPPER
PROFESSIONAL LAND SURVEYOR
NJ LICENSE 246503317500

- Legend**
- ⊙ = Tree
 - ⊗ = Street Sign
 - ⊕ = Water Box/Conn
 - ⊖ = Gas Box/Conn
 - ⊗ = Manhole
 - ⊗ = Hydrant
 - ⊗ = Lightpost



Revised: 07-1-2012 to depict proposed franchise easement.
 SCALE: 1"=20' DATE: SEPTEMBER 12, 2011
BEHAR SURVEYING ASSOCIATES, P.C.
LAND SURVEYING AND PLANNING
 61 LOCUST LANE
 EAST RUTHERFORD, NJ 07073
 PHONE: 973-778-0010 FAX: 973-778-0027 **A15129**

60 SUSSEX ST. / 67 GREENE ST.
 PROPOSED FRANCHISE ORDINANCE



FIRST FLOOR / SITE PLAN
 SCALE: 1/8" = 1'-0"



[Handwritten signature]

City Clerk File No. Ord. 13-046

Agenda No. 3.F 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 13-046

TITLE:

AN ORDINANCE GRANTING PERMISSION TO 593 JERSEY AVENUE, LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE JERSEY AVENUE PUBLIC RIGHT OF WAY ADJACENT TO THE PROPERTY LOCATED AT 587 JERSEY AVENUE, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 315, LOT B.

WHEREAS, 593 Jersey Avenue, LLC, having offices located 1 Harrison Avenue, Harrison, New Jersey 07029, is the owner of the property located at 587 Jersey Avenue, Jersey City, and known as Block 11103 Lot 18 (formerly Block 315, Lot B) on the current tax maps of the City of Jersey City ("Property"); and

WHEREAS, the Property is located within the Harsimus Cove Historic District and applied for and was approved for a Certificate of Appropriateness by the Jersey City Historic Preservation Commission ("Historic Approval") to subdivide the property and develop separate residential developments on the lots, one being a four story, three unit townhouse on the Property located at 587 Jersey Avenue and the other being a conversion of a former funeral home into residential units on the remaining lot; and

WHEREAS, pursuant to a Resolution for the Minor Subdivision approval and the Preliminary and Final Site Plan Approval with "c" and "d" variances, Case #Z06-021 (subdivision) and #Z06-022 (site plan), the Zoning Board of Adjustment granted approval ("Zoning Board Approval") to subdivide the property and develop separate residential developments on the lots, one being a four story, three unit townhouse on the Property located at 587 Jersey Avenue and the other being a conversion of a former funeral home into residential units on the remaining lot; and

WHEREAS, as part of the Historic Approval and the Zoning Board Approval, the development of the Property with the four story, three unit townhouse includes the construction of entry stairs and landscaping located within fencing that will be located within a portion of the Jersey Avenue public right-of-way, which is more particularly depicted and described in the Franchise Plans, Exhibits A and B, attached hereto; and

WHEREAS, the construction of the entry stairs and landscaping located within fencing that will be located within a portion of the Jersey Avenue public right-of-way is the result of the recommendation of the Historic Preservation Commission, the Division of Planning staff, and the Zoning Board of Adjustment for aesthetic and historic preservation purposes to match existing fence lines, setbacks, and entry stairs along the street, and more specifically, to match the existing decorative fencing located in front of the former funeral home, and as stated in the Resolution attached hereto as Exhibit C, attached hereto; and

WHEREAS, the Petitioner is required to file the Petition for a Franchise Ordinance to make any private improvements within the public right-of-way; and

WHEREAS, there will remain sufficient area in the right-of-way for pedestrian use (at least ten [10] feet), and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, 593 Jersey Avenue, 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 593 Jersey Avenue, LLC to grant permission to construct private improvements within the public right-of-way for the following purposes:

AN ORDINANCE GRANTING PERMISSION TO 593 JERSEY AVENUE, LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE JERSEY AVENUE PUBLIC RIGHT OF WAY ADJACENT TO THE PROPERTY LOCATED AT 587 JERSEY AVENUE, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 315, LOT B.

1. The improvements will include the installation of entry stairs and landscaping located within fencing that will be located within a portion of the Jersey Avenue public right-of-way.
2. There will remain sufficient area in the right-of-way (at least 10 feet) for typical pedestrian use.
3. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

WHEREAS, the Jersey City Zoning Officer and the Building Department can approve 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 aesthetic and character of the property, promote historic preservation, 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 and 593 Jersey Avenue, LLC, its successors and assigns, to complete private improvements to a portion of lands located within the public rights of way adjacent to 587 Jersey Avenue, Jersey City, and known as Block 315, Lot B on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on the topographic survey and metes and bounds description attached hereto as Exhibit A and Exhibit B respectively.

1. The improvements will include the installation of entry stairs and landscaping located within fencing that will be located within a portion of the Jersey Avenue public right-of-way.
2. There will remain sufficient area in the right-of-way (at least 10 feet) for typical pedestrian use.
3. The improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Board of Adjustment, the Jersey City Zoning Officer and Building Department.
4. All costs associated with these improvements will be incurred by the Petitioner.
5. The improvements are necessary to construct the proposed development consistent with the development approvals and will greatly 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 of 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. 593 Jersey Avenue, LLC, and its successors and assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost 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 593 Jersey Avenue, LLC.

AN ORDINANCE GRANTING PERMISSION TO 593 JERSEY AVENUE, LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE JERSEY AVENUE PUBLIC RIGHT OF WAY ADJACENT TO THE PROPERTY LOCATED AT 587 JERSEY AVENUE, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 315, LOT B.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, 593 Jersey Avenue, 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. 593 Jersey Avenue, 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. 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 VIII. 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 IX.

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

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 13-047

Agenda No. 3.6 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-047

TITLE:

ORDINANCE ESTABLISHING CHAPTER 37 (IMMIGRANT AFFAIRS COMMISSION) OF THE JERSEY CITY CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

A. The establishing of Chapter 37 (Immigrant Affairs Commission) of the Jersey City Code is hereby adopted:

WHEREAS, Jersey City, sometimes known as "America's Golden Door," is home to immigrants from Africa, Asia, Europe, and Latin America; and

WHEREAS, New Jersey's immigrants, including undocumented immigrants, contribute significantly to its economy; and

WHEREAS, for example, Latinos and Asians (both foreign-born and native-born) alone wield roughly \$73 billion in consumer purchasing power in the state, and the businesses they own had sales and receipts of \$40.1 billion and employed more than 160,000 people at last count, according to a 2010 study by the Selig Center for Economic Growth; and

WHEREAS, a 2008 study by the Eagleton Institute for Politics showed that immigrant workers contributed at least \$47 billion to the state economy, and at a time when the economy is in a slump, New Jersey can ill-afford to alienate such a critical component of its labor force, tax base, and business community; and

WHEREAS, the same study reports that immigration to New Jersey has raised the wages of native-born workers without a high school diplomas by 3.0% between 1990 and 2000; and

WHEREAS, immigrants are also critical to New Jersey as a center of innovation; and

WHEREAS, a 2008 study by Rutgers University reveals that over 40 percent of the state's scientists and engineers with higher degrees are foreign-born; and

WHEREAS, despite these contributions, immigrants in New Jersey continue to face socio-economic disparities compared to the native-born Americans; and

WHEREAS, for example, a 2012 report from the Center of Immigration Studies details that of New Jersey immigrants and their U.S.-born children (under 18), 13 percent live in poverty compared to 9 percent of natives and their children; and

WHEREAS, of New Jersey immigrants and their U.S. born children (under 18), 29 percent lack health insurance, compared to 11 percent of natives and their children (under 18), and immigrants and their children account for 51 percent of those without insurance in the state; and

WHEREAS, New Jersey immigrants' home ownership rate is 54 percent, compared to 70 percent for natives; and

WHEREAS, this same study reveals that the lower socio-economic status of New Jersey's immigrants is not because most are recent arrivals given their average length of residence in the United States is 19 years; and

WHEREAS, current and proposed laws at the local, state, and Federal levels can significantly impact the contributions and socio-economic status of New Jersey's immigrants; and

WHEREAS, Congress and the President of the United States have also begun discussions to reform the nation's immigration laws; and

WHEREAS, it is critical that policies at the local, state, and Federal level are not only just and humane but also serve to promote and protect the contributions, socio-economic status, and universal human rights of immigrants in New Jersey; and

WHEREAS, New Jersey state Executive Order No. 78 (2007) created the Blue Ribbon Advisory Panel on Immigrant Policy, which, among other things, was charged with developing recommendations for a comprehensive and strategic approach to successfully integrate the rapidly growing immigrant population in New Jersey; and

WHEREAS, in its 2009 report, the Blue Ribbon Advisory Panel on Immigrant Policy specifically recommended the establishment of "local immigrant advisory councils," which could assist local elected and appointed leaders with immigrant communities to "not only [learn] how to gain access but how to do so in a respectful and culturally appropriate manner;" and

WHEREAS, the report also states that local immigrant advisory councils, which "usually include civic leadership, experts, and other knowledgeable persons, can fill important informational functions in city government and help city leaders, thereby avoiding costly or embarrassing decisions;" and

WHEREAS, New Jersey State Executive Order No. 164 (2010) created a state-wide Commission on New Americans, which was charged, among other things, to assist municipalities with integration of their immigrant communities.

WHEREAS, immigrants make up 1 in 5 residents of New Jersey, and half of them are naturalized U.S. citizens; and

WHEREAS, immigrants make up 38.4% of Jersey City, amounting to approximately 20% of New Jersey's foreign born population; and

WHEREAS, given the significant size of the immigrant community in Jersey City and its proportion to the immigrant community in New Jersey, it is crucial that Jersey City's immigrants have a formal voice in policy matters at the local, state, and federal level; and

WHEREAS, pursuant to Jersey City Code § 3-126, the Municipal Council of the City of Jersey City is empowered to create boards, agencies, and commissions; and

WHEREAS, Chapter 37 of the Jersey City Municipal Code is, with this Ordinance, established; and

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

Chapter 37 - Immigrant Affairs Commission

§ 37-1. Establishment.

A. An Immigrant Affairs Commission ("Commission"), to consist of nine (9) members, is hereby established for the City of Jersey City. The Mayor, with the advice and consent of the Council, shall appoint five members. The Council shall appoint four members.

§ 37-2. Composition.

A. All members of the Commission shall be residents of Jersey City, except two members may be non-residents. Best efforts shall be utilized to compose the Commission to represent the diversity of the immigrant population in Jersey City. All members shall serve without compensation. Members shall have:

(1) Experience with established public, non-profit, and/or voluntary community organizations and agencies concerned with the immigrant community in Jersey City and/or the State of New Jersey, and

(2) Demonstrated a dedication to, and knowledge of, the needs of the immigrant community in Jersey City and/or the State of New Jersey.

(3) At least two members shall be professional specialists, such as attorneys, with substantial records in the area(s) of civil rights and/or human rights of immigrants to the United States.

§ 37-3. Appointment.

A. Of the members first appointed, three shall serve for a term of two years; three shall serve for three years; and three shall serve for four years. Thereafter, each member shall serve for a four-year term. The Mayor, with the advice and consent of the Council, shall appoint members of the Commission to complete the unexpired term cause by an unexpected vacancy, such as the resignation of a Member, in accordance with §3-125.

B. The initial members of the Commission shall be appointed within 60 days of the effective date of the ordinance.

§ 37-4. Removal.

A. The Municipal Council may remove any member of the Commission for cause, on written charges. Cause includes, but is not limited to, when a member misses three consecutive meetings or five meetings within any twelve-month period. The Municipal Council must serve the written charges upon the member, and afford the member the opportunity to be heard on the allegations in person or by counsel.

§ 37-5. By-laws and Officers.

A. The Commission shall have power to promulgate rules and regulations governing the conduct of its meetings and the performance of its duties and shall elect a chairperson and vice-chairperson from among its members. The Commission may have such other officers as it deems necessary.

§ 37-6. Meetings and Official Action.

A. The Commission shall hold at least one (1) regular meeting each month. A majority of members of the Commission shall constitute a quorum for the transaction of business. A majority vote of the quorum shall be required for official action by the Commission.

§ 37-7. Department Assignment.

- A. Pursuant to Jersey City Code § 3-123, the Commission is allocated and assigned to the Office of Equal Employment Opportunity/Affirmative Action within the Department of Business Administration.

§ 37-8. Purposes. The Commission shall:

- A. Advise the Municipal Council and/or Mayor on issues of common concern to immigrants, particularly in the areas of health and human services, civil and human rights, education, business development, and the demographic makeup of the Jersey City immigrant community;
- B. Monitor requirements of federal, state, and local immigration, welfare and other laws that affect immigrants, and recommend to the Municipal Council and/or Mayor actions to maximize the positive impacts to local immigrants under existing laws and to minimize the adverse impacts to local immigrants under the laws; benefits
- C. Review and comment on proposed federal, state, and local legislation, regulations, policies, and programs and make policy recommendations on issues affecting the health, safety, and welfare of the immigrant community;
- D. Promote recognition and preservation of the contributions of immigrants to the economic and cultural vitality of Jersey City; and
- E. Promote the availability of, and promote accessibility to, local educational, economic, legal, and social resources for immigrants.
- F. The Commission shall have all powers reasonable and necessary to carry out its purpose. Such powers shall include, but are not limited to, the power to conduct public meetings, studies, and surveys. The Commission shall have the power to issue public statements and resolutions to the extent those are advisory only and would have no binding affect on the governing body.

§ 37-9. Public Comments at Regular Meetings.

- A. Any person may address the Commission at its regular meetings on any subject of interest to the Commission. Public participation shall be limited to five minutes per person unless otherwise stated by the Chairperson.

§ 37-10. Records and Annual Report.

- A. The Commission shall keep minutes of its meetings, records of its activities, and shall make an annual report to the Municipal Council. A staff person assigned by the Office of Equal Employment Opportunity/Affirmative Action shall serve as secretary to record minutes of the Commission's meetings.

§ 37-11. Website and Official Documents.

- A. The City of Jersey City shall maintain a dedicated page for the Commission on the City's official website. The page shall contain the following:
- (1) A list of all members of the Commission, including biographical information;
 - (2) Current Vacancies on the Commission
 - (3) A schedule of meetings for the calendar year;

(4) Agendas for upcoming meetings, to be posted no later than one week prior to the meeting;

(5) Minutes for past meetings, to be posted no later than two weeks subsequent to the meeting;

(6) Official documents, such as bylaws, resolutions, reports, and studies; and

§ 37-12. Effective Date.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This Ordinance shall become effective one hundred eighty (180) days after the date of enactment.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of the ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; works in [~~brackets~~] are omitted. For purposes of advertising only, new matter is **boldface** and repealed in *italics*.

WM/igp
4/3/13

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required

Not Required