

City Clerk File No. Ord. 18-146

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 18-146

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MIXED USE "D" ZONE OF THE MORRIS CANAL REDEVELOPMENT PLAN

WHEREAS, the Municipal Council of the City of Jersey City adopted the Morris Canal Redevelopment Plan in March of 1999, and amended the Plan numerous times subsequently, most recently on October 10, 2018; and

WHEREAS, the amendments proposed herein to the Morris Canal Redevelopment Plan are limited to the paragraphs outlining the requirements and standards of the Mixed Use "D" Zone; and

WHEREAS, the Planning Board of Jersey City, at its meeting of November 27, 2018, reviewed amendments dated November 15, 2018; and

WHEREAS, the Planning Board determined the amendments proposed herein permit compatible development that effectuates the objectives of the Morris Canal Redevelopment Plan; and

WHEREAS, the Planning Board recommended to the Municipal Council that the proposed amendments to the Morris Canal Redevelopment Plan be adopted; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed amendments to the Morris Canal Redevelopment Plan, attached hereto, as recommended by the Jersey City Planning Board on November 27, 2018, be, and hereby is, 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- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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 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.

Tanya Marion, PP, AICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

Business Administrator

Certification Required
Not Required

ORDINANCE FACT SHEET

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MIXED USE "D" ZONE OF THE MORRIS CANAL REDEVELOPMENT PLAN

Initiator

Department/Division	HEDC	City Planning	
Name/Title	Tanya Marione, PP, AICP	Director	
	Matt Ward, PP, AICP	Principal Planner	<i>MW</i>
Phone/email	201-547-5010	tanyam@jcnj.org / mward@jcnj.org	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

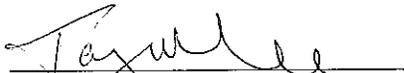
Please be advised that on November 27, 2018, at the Regular Meeting of the Planning Board of the City of Jersey City the Board reviewed and commented on the proposed ordinance listed above. The purpose of the amendments to the Ordinance is to modify requirements and standards of the Mixed Use "D" Zone. Most significant change is the implementation of an Affordable Housing/Open Space Bonus. The Bonus permits two extra stories subject to a Redeveloper Agreement. The Agreement requires provisions for 20% affordable units on the additional units (50% of units at 80% AMI and 50% units at 120% AMI). There is also a contribution of \$175,000 tied to the bonus. The funds are be used in the Berry Lane Park. Other standards in the zone were cleaned up and clarified as part of this amendment.

At their meeting, the Planning Board discussed, were provided the opportunity to ask questions and reviewed the amendment and its conformance to the Master Plan. Many members of the public came out in support. After public comments, the Board voted unanimously to recommend to the Council that this ordinance amending the Morris Canal Redevelopment Plan be adopted.

Public outreach was conducted in lead up to these amendments being scheduled before the Planning Board.

NW Financial memo is included for the consideration of the Council.

I certify that all the facts presented herein are accurate.



Signature of Division Director

12/7/18
Date



Signature of Department Director

12.7.18
Date

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO THE MIXED USE "D" ZONE OF THE
MORRIS CANAL REDEVELOPMENT PLAN**

The purpose of the amendments to the Ordinance is to modify requirements and standards of the Mixed Use "D" Zone. The most significant change is the implementation of an Affordable Housing/Open Space Bonus. The Bonus permits two extra stories subject to a Redeveloper Agreement. The Agreement requires provisions for 20% affordable units on the additional units (50% of units at 80% AMI and 50% units at 120% AMI). There is also a contribution of \$175,000 tied to the bonus. The funds are to be used in the Berry Lane Park. Other standards in the zone were cleaned up and clarified as part of this amendment.

Proposed Amendments to the Morris Canal Redevelopment Plan

Mixed Use Zones

11/15/2018

Text to be added is shown as bold italics like *this*
Text to be deleted is shown as strikethrough like ~~this~~
Text amended is highlighted yellow for ease of use

D. Mixed Use Zones

1. The purpose of the Mixed Use Zones is to recognize the existence and importance of neighborhood business districts and provide ground floor commercial to promote walkability. The Mixed Use Zones shall be further regulated as Mixed Use -A, -B, -C, -D, and -E.
2. General Requirements for all Mixed Use Zones:
 - A. Retail and/or other permitted active storefront type uses, which activate the adjacent sidewalk in all Mixed Use Zones. Active storefront type uses include, but not limited to, retail, storefronts, building lobbies, art galleries, bars and restaurants.
 - (1) Active storefront type uses shall occupy a minimum of 25% of a building's ground floor in all Mixed Use Zones.
 - B. Parking Requirements for all Mixed Use Zones:
 - (1) Parking is only required on lots at least 60 feet in width or greater.
 - (2) If a development site has street frontage on multiple streets, curb cuts shall be located on the lowest order street as determined by the Jersey City Planning Board; ***except where existing topography and slopes interfere with practical and safe access as determined by the Jersey City Planning Board.***
 - (3) Tandem parking spaces are acceptable for no more than 50% of off-street parking spaces.
 - (4) Any parking provided must be enclosed within the building and must be covered with a roof to the greatest extent possible. The roof shall be improved with tenant amenity space, landscaping and/or a green roof.
 - (5) Minimum Parking Requirements for lots with a lot width of at least 60 feet:
 - a. Residential: 0.25 off-street parking spaces per dwelling unit, exempting studio and one bedroom residential units in structures greater than 3 stories.
 - b. Retail and all other non-residential uses: minimum of 1 space per 1,000 square feet, exempting the first 5,000 square feet of commercial gross floor area.
 - (6) Maximum Parking Requirements for all lot sizes:
 - a. Residential: maximum of 1 off-street parking space per dwelling unit.
 - b. Retail and all other non-residential uses: maximum of 1.5 off-street parking space per 1,000 square feet of commercial gross floor area.
3. Mixed Use - A
(NO CHANGE)
4. Mixed Use - B
(NO CHANGE)

5. Mixed Use - C
(NO CHANGE)

6. *Mixed Use - D*

Retail/Residential

The district shall encompass Garfield Avenue Block 19702, Lots 14, 15 *and 16*.

Purpose: This area is in close proximity to the Garfield Avenue LRT Station, a residential zoned district outside the Plan area, and the planned Berry Lane area park. Flexibility should be allowed in permitting property owners to take advantage of the location, provided that the use does not have a negative impact on the nearby residential and park areas.

A. **Permitted Principal Use**

- (1) Artist Studio Workspace
- (2) Work/Live Artist Studio with no more than five full-time employees
- (3) ***Business incubators***
- (4) Automotive Services
- (5) Banquet or Catering Facility
- (6) ~~House of Worship~~
- (7) ~~Intermodal Transportation Facility, excluding commuter parking~~
- (8) Parking that serves a permitted principal use that is contained within the Mixed Use - D section of this Plan
- (9) Residential above the first floor (***due to grade changes, any second floor unit that appears at grade on Bramhall Avenue or Union Street shall be permitted.***)
- (10) Restaurant, category 1 and 2
- (11) Retail Sales of Goods and Services
- (12) Combination of any of the above, subject to approval by the Planning Board
- (13) Public Utilities, except that natural gas transmission lines shall be prohibited

B. **Design Standards**

- (1) Buildings should ***shall*** front on Garfield Avenue, ***which shall be the front yard of the project.*** ~~All parking shall be located to the side or rear of all buildings.~~ Any parking that fronts on Garfield Avenue must be screened with a low, brick-faced wall, black metal fence and evergreen hedge row.
- (2) Free standing signs are not permitted. The sign requirements shall be as in the Signage Standards section VII
- (3) All mixed use buildings should be multi-story, with the ***commercial retail, community facility, residential accessory uses,*** and/or day care use on the ground floor and the residential and/or office use above.
- (4) ~~Only masonry materials may be used for exterior cladding, except in the event of an overhang. Brick shall be the predominant material used for any façade visible from Garfield Avenue.~~

- (4) All lots shall contain at least $\pm 10\%$ landscaped area, of which at least one-third shall be in the front (Garfield Avenue) half of the lot *and which can include green roof elements*.
- (5) Work/Live Artist Studios must provide a minimum of 150 square feet of living space per occupant above and beyond studio space, kitchen space, and bathroom space.

C. Density and Height Requirements

- (1) *Density is not regulated by floor area ratio or units per acre in this zone, but shall be limited by the maximum building height*
- (2) *The floor-to-ceiling height on the ground floor shall be larger than the average upper story floor-to-ceiling height.*
- (3) *Maximum building height: 3 stories and 35 feet.*

D. Yard and Coverage Requirements

- (1) *All existing lots shall be deemed conforming lots.*
- (2) *Required setbacks shall be sufficient to provide a 15-foot sidewalk along Garfield Avenue and a 10-foot sidewalk along all other adjacent right-of-ways as measured from the ground floor building facade to the existing curb-line.*
- (3) *Minimum side yard setback: no requirement.*
- (4) *Rear yard setbacks and building setbacks:*
 - (a) *Ground floor level above grade can extend up to 120 feet from the Garfield Avenue property line.*
 - (b) *All floor levels above the ground floor can extend up to 90 feet from the Garfield Avenue property line.*
 - (c) *All floor levels above the ground floor, where parking is provided, can extend up to 140 feet from the Garfield Avenue property line.*

E. Affordable Housing/Open Space Bonus

- (1) *For the purposes of this bonus, the maximum permitted height of this zone shall increase to 5 stories and 56 feet. Developers will be required to fulfill certain performance standards, including but not limited to the obligation to provide community benefits of on-site affordable housing as described herein, for the successful implementation of the goals of the redevelopment plan. Subject to the terms and conditions of a redevelopment agreement with the Jersey City Redevelopment Agency (JCRA), twenty percent (20%) of the additional residential units resulting from the additional fourth and fifth floors shall be provided as affordable units within the development. The affordable units shall consist of fifty percent (50%) (a minimum of 5 units) of moderate affordable units (up to 80% of the Area Median Income - "AMI"), and the remaining required percentage amount of affordable units shall consist of work force housing units (up to 120% of AMI). The affordable units shall be mixed in throughout the development and not be restricted to the fourth and fifth floors, and shall be identified by the developer as part of a site plan application. The affordable units shall be deed restricted for a period of 30 years from the issuance of the*

certificate of occupancy, in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., and pursuant to the terms of a redevelopment agreement which shall set forth the controls on the affordable housing to be constructed as part of the redevelopment project. The developer shall also make a monetary contribution of \$175,000 towards improvements to Berry Lane Park pursuant to a redevelopment agreement with the JCRA. The monetary contribution shall be deposited with the JCRA. The payment to the JCRA of 50% of the monetary contribution requirement is a required pre-condition for the issuance of any building permit associated with the development. The remaining 50% of the monetary contribution shall be paid to the JCRA prior to the issuance of any Certificate of Occupancy. Nothing herein shall be construed to deprive or dispossess the Jersey City Redevelopment Agency of the discretionary exercise of its redevelopment powers enumerated in N.J.S.A. 40A:12A-1 et seq. including the designation of a redeveloper under the act.

3. Area, yard and bulk requirements

Land Use	Maximum Height	Minimum Lot Size	Minimum Yards		
			Front	Side	Rear
Artist Studio Restaurant Retail Sales Residential	3-stories	5,000	40	one side 5, both sides-15	15
Automotive services	1-story	40,000	20	40	20
Banquet/Catering	2-stories	30,000	40	40	45
House of Worship	2-stories, plus steeple height	40,000	40	40	40
Intermodal Transportation Facility	2-stories	40,000	40	40	20
Parking	NA	40,000	5	5	5

**7. Mixed Use - E
(NO CHANGE)**

NO OTHER CHANGES

MEMORANDUM

To: Matt Ward, Principal Planner, City of Jersey City Division of City Planning

From: Michael Hanley, Principal, NW Financial Group, LLC
Timothy Eismeier, Managing Director, NW Financial Group, LLC

Date: November 28, 2018

RE: 975 Garfield Avenue – Proposed Plan Amendment

Summary

- The proposed amendment (the “Amendment”) to the Morris Canal Redevelopment Plan Mixed Use Zones (the “Redevelopment Plan”) will increase the maximum building height up to 5 stories from 3 stories for projects that designate 20% of the additional residential units resulting from the additional stories as affordable units; the affordable units shall consist of fifty percent of moderate affordable units (up to 80% of AMI) and the remaining required percentage amount of affordable units shall consist of work force housing units (up to 120% of AMI)
- The Amendment further provides that such projects will also provide a monetary contribution of \$175,000 towards improvements to Berry Lane Park
- The Amendment is being proposed in connection with a planned project at 975 Garfield Avenue (the “Project”) which will contain 91 residential units; the additional two stories will add 46 units
- The incremental value to the developer of the 46 additional units would be approximately \$1,096,576
- The value of the rent loss from the affordable units would be approximately \$617,322
- The net incremental value to the developer after taking into account the affordable units and monetary contribution would be approximately \$304,254

Background

The City requested that NW Financial Group, LLC (“NW Financial”), as the City’s financial consultant, review the proposed Amendment to provide the City with a valuation of the Project. NW Financial’s

approach to this analysis and the resulting valuation are summarized herein. With respect to this valuation, NW Financial relied on the following from both the City and the developer:

- Estimated project costs
- Projected rents
- Projected unit mix
- A copy of the proposed Amendment

Density Bonus Valuation (Market Capitalization)

The value of the additional 46 units can be calculated by projecting the Net Operating Income (“NOI”) that the additional units will generate, dividing the NOI by an assumed capitalization ratio and subtracting the estimated project costs allocable to such units. With respect to estimating NOI, NW Financial’s analysis used projections provided by the developer with respect to revenues and project costs. Exhibit 1 below provides an estimate of NOI of the Project at 100% market rate units:

Exhibit 1

Projected Net Operating Income

Gross Potential Revenue	\$1,159,009
Less: Vacancy	(54,579)
Annual Revenue	\$1,104,430
Operating Expenses	\$401,068
Net Operating Income	\$703,361

As Exhibit 1 indicates, the projected NOI of the additional 46 units at 100% market rate rents would be approximately \$703,361. To calculate a market value of the units, this NOI is divided by an assumed capitalization rate (in this case 5.75%, based on current market conditions plus a certain amount of cushion that considers the development risk associated with the Project). Exhibit 2 on the following page provides a summary of the market value of the Project based on the above NOI and assumed capitalization rate.

Exhibit 2

Market Value of Project at 100% Market Rate

Net Operating Income	\$703,361
Capitalization Rate	5.75%
Market Value	\$12,232,374

The net value of the Project is calculated by subtracting the estimated project costs to build the Project from the projected market value. In this case, we used the per unit project costs provided by the Developer (\$242,083). Exhibit 3 below provides a calculation of net value after project costs of the Project:

Exhibit 3

Net Value After Project Costs

Market Value	\$12,232,374
Estimated Project Costs	\$11,135,798
Net Value	\$1,096,576

As provided in Exhibit 3, the net value of the additional units under this methodology would be approximately \$1,096,576.

Value of Rent Loss from On-Site Affordable and Payment to Affordable Housing Trust Fund

As per the proposed Amendment, the Developer has proposed to include 9 affordable units in the Project. The value of this rent loss can be calculated by dividing the annual rent loss (\$35,496) by an assumed capitalization rate of 5.75%. **The resulting value of the rent loss from the on-site affordable units would be \$617,322.**

Conclusion

Exhibit 4 on the following page provides a comparison of Value to developer of proposed additional units to the concessions required by the existing Redevelopment Plan and the proposed Amendment.

Exhibit 4

Net Incremental Value to Developer

Net Project Value	\$1,096,576
Less: Affordable Rent Loss	(617,322)
Less: Monetary Contribution	(175,000)
Net Incremental Value	\$304,254

As Exhibit 4 indicates the net value under the existing Redevelopment Plan and the proposed plan Amendment is approximately \$304,254. Given the scope of the project, this net incremental value is a reasonable return for the developer.

It is important to remember that different sites and different redevelopment areas will produce significantly different results. Revenue, site conditions, efficiency of site, parking requirements and type of construction all have significant impact on value of land. In addition, larger scale projects will be unlikely to accept below market rates of return as might be seen on smaller projects with less-experienced developers.

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



ORDINANCE NO. Ord. 18-146
 TITLE: 3.B DEC 19 2018 4.B

JAN 09 2019

Ordinance of the Municipal Council of the City of Jersey City
 adopting amendments to the mixed use "D" Zone of the Morris
 Canal Redevelopment Plan

RECORD OF COUNCIL VOTE ON INTRODUCTION											
DEC 19 2018 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	ABSENT			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JAN 09 2019 9-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>BOGGIANO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
JAN 09 2019 8-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN		✓		RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 19 2018
 Adopted on second and final reading after hearing on JAN 09 2019

This is to certify that the foregoing Ordinance was adopted by
 the Municipal Council at its meeting on JAN 09 2019

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President
JAN 09 2019

Date

APPROVED:

Steven M. Fulop, Mayor
JAN 17 2019

Date

JAN 10 2019

Date to Mayor

City Clerk File No. Ord. 18-147

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 18-147

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 75 FEET ON THE EAST SIDE OF GARFIELD AVENUE, NORTH OF FIFTY-FIFTH STREET AS NO PARKING ANY TIME

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 Side Limits

Garfield Av East Cator Av to 150 ft south of the projected south east curb line of Union St
1,000 ft north of the projected north east curb line of Union St to Communipaw Av
120 feet north of the projected north east curb line of Fifty-Fifth St 75 ft north

West Bidwell Av to Myrtle Av
Carteret Av to Union St
Communipaw Av to Grand St

- 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 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.

NOTE: New material to be inserted that is underscored.

AV:pcj
(11.14.18)

APPROVED:
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:
Municipal Engineer
APPROVED:
Business Administrator

Certification Required
Not Required

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

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 75 FEET ON THE EAST SIDE OF GARFIELD AVENUE, NORTH OF FIFTY-FIFTH STREET AS NO PARKING ANY TIME

Initiator

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, P.E	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

The purpose of this Ordinance is to prohibit parking on the east side of Garfield Avenue beginning at the driveway located at the northern entrance to the Twin City Shopping Mall extending 75 feet south. This parking prohibition is necessary to ensure the safety of motorists exiting and entering the shopping center by preventing large trucks and other vehicles from parking at or near the driveway which obstructs the motorist's vision of traffic along Garfield Avenue.

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation

11/15/18
Date

Signature of Department Director

Date

W 55th St & Garfield Ave



Imagery ©2018 Google, Map data ©2018 Google 20 ft

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



ORDINANCE NO. Ord. 18-147
 TITLE: 3.C DEC 19 2018 4.C

JAN 09 2019

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 75 feet on the east side of Garfield Avenue, north of Fifty-Fifth Street as No Parking Any Time

RECORD OF COUNCIL VOTE ON INTRODUCTION											
DEC 19 2018 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	ABSENT			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JAN 09 2019 9-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>RIVERA</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
JAN 09 2019 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **DEC 19 2018**
 Adopted on second and final reading after hearing on **JAN 09 2019**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **JAN 09 2019**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:
 Rolando R. Lavarro, Jr., Council President

Date **JAN 09 2019**

APPROVED:
 Steven M. Fulop, Mayor
JAN 17 2019

Date to Mayor **JAN 10 2019**

City Clerk File No. Ord. 18-148

Agenda No. 3.D 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 18-148

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC)
ARTICLE II (TRAFFIC REGULATIONS) AMENDING SECTION 332-5 (ONE-WAY
STREETS) OF THE JERSEY CITY CODE EXTENDING THE ONE-WAY EAST ON
CLENDENNY AVENUE FROM MARCY AVENUE TO ROUTE 440

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

1. Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) of the Jersey City Code is hereby supplemented as follows:

Section 332-5 ONE-WAY STREETS

The streets or parts of streets listed below are hereby designated as one way streets in the direction indicated.

Name of Street	Direction	Limits
Cleldenny Av	East	<u>Entire Length</u> [Marcy Av to Bergen Av]

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 new material to be inserted is underscored; material to be repealed is in [brackets].

AV:pcl
(10.03.18)

APPROVED:
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:
Municipal Engineer
APPROVED:
Business Administrator

Certification Required
Not Required

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) AMENDING SECTION 332-5 (ONE-WAY STREETS) OF THE JERSEY CITY CODE EXTENDING THE ONE-WAY EAST ON CLENDENNY AVENUE FROM MARCY AVENUE TO ROUTE 440

Initiator

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, P.E at the request of Councilwoman Ridley and Councilwoman Prinz-Arey	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

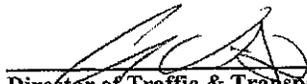
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

Clendenny Avenue is currently a "one way" eastbound from Marcy Avenue to Bergen Avenue. This ordinance extends the "one way" one block west to Route 440.

Extending the one way "east" from Marcy Avenue to Route 440 will prevent motorists from "blocking the box", thus improving traffic flow on Route 440 and surrounding roadways.

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation

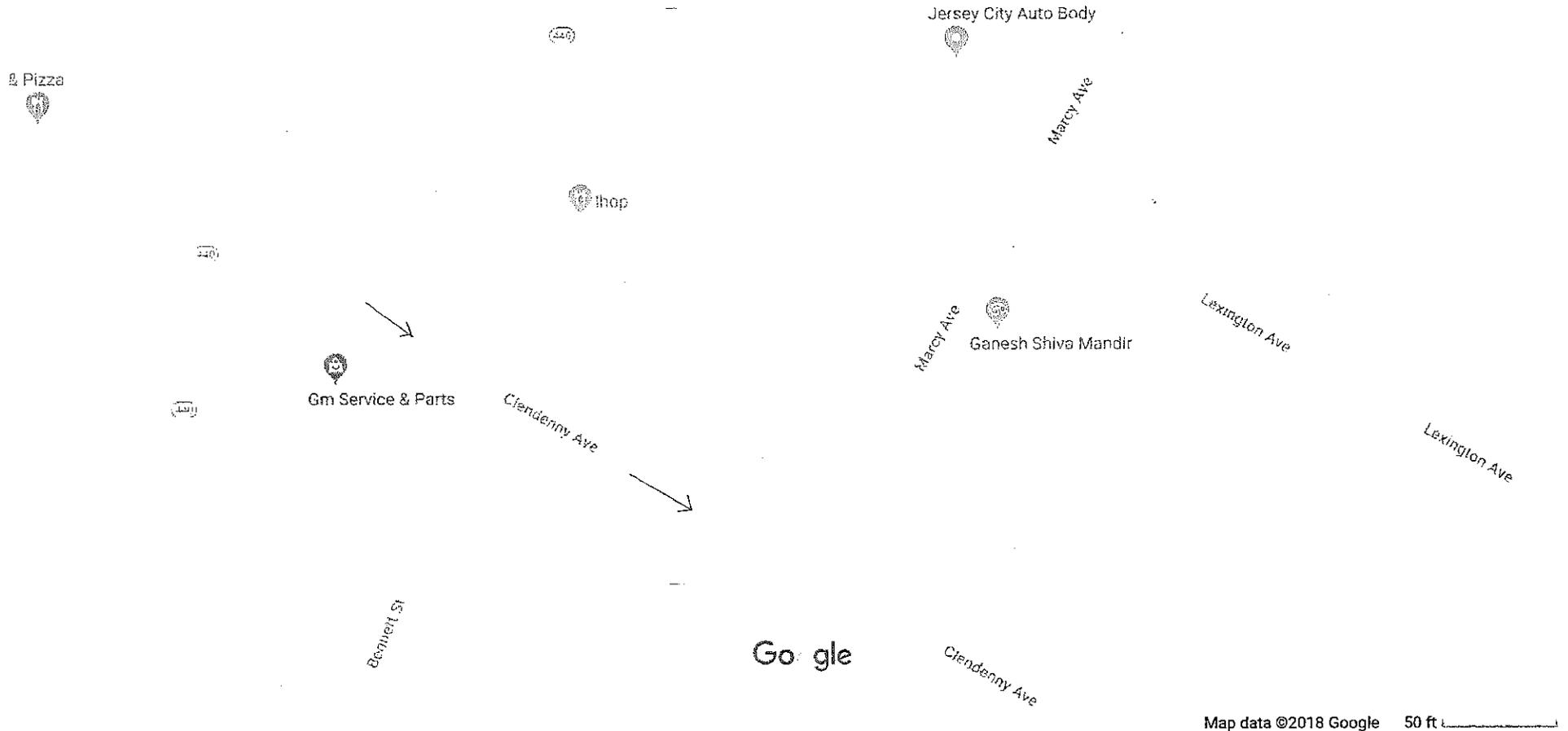
11/28/18

Date

Signature of Department Director

Date

Clendenny Ave



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



ORDINANCE NO. Ord. 18-148
 TITLE: 3.D DEC 19 2018 4.D **JAN 09 2019**

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) amending Section 332-5 (One-Way Streets) of the Jersey City Code extending the One-Way east on Clendenny Avenue from Marcy Avenue to Route 440.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
DEC 19 2018 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	ABSENT			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JAN 09 2019 9-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>RIDLEY</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
JAN 09 2019 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 19 2018
 Adopted on second and final reading after hearing on JAN 09 2019

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **JAN 09 2019**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **JAN 09 2019**

APPROVED:

Steven M. Fulop, Mayor

Date **JAN 11 2019**

Date to Mayor **JAN 1.0 2019**

City Clerk File No. Ord. 18-149

Agenda No. 3.E 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 18-149

TITLE:

AN ORDINANCE RESCINDING ORDINANCE 16-021 AND TERMINATING THE TAX EXEMPTION AND FINANCIAL AGREEMENT WITH NINTH STREET TWO URBAN RENEWAL, LLC

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

WHEREAS, on or about May 21, 2015, Ninth Street Two Urban Renewal, LLC, ["the Entity"] applied for a long term tax exemption under N.J.S.A. 40A:20-1 et seq., for improvements to be constructed on property located within the Ninth & Brunswick Redevelopment Plan, on the Tax Map known as Block 6902, Lot 29, Qual. C0002 and more commonly known by the street address of 360 Ninth Street, Jersey City ["the Property"]; and

WHEREAS, by the adoption of Ordinance 16-021 on September 7, 2016, the City of Jersey City ["the City"] approved a 15 year long term tax exemption with a service charge equal to eleven percent (11%) of Annual Gross Revenue each year, and a term that would expire on or about September of 2031; and

WHEREAS, the Project is a six (6) story mixed-use condominium building with sixty-six (66) residential units, approximately 10,121 square feet of ground-floor retail/commercial space and seventy-seven (77) parking spaces ["the Project"]; and

WHEREAS, the Entity and the City entered into a Financial Agreement dated as of September 7, 2016 ["the Financial Agreement"]; and

WHEREAS, in addition, pursuant to Section V of the Financial Agreement, the Entity signed a Project Employment and Contracting Agreement ["the PECA"] whereby the Entity agreed to provide Jersey City residents with certain employment and other economic related opportunities as set forth in the PECA; and

WHEREAS, the Office of Tax Abatement Compliance issued the Entity a Notice of Default for failure to adhere to the terms and conditions of Section V of the Financial Agreement and for failure to adhere to the terms and conditions of the PECA; and

WHEREAS, that Notice was dated October 23, 2018 and is attached hereto as Exhibit "A"; and

WHEREAS, the Entity never cured the deficiencies cited in the Notice of Default; and

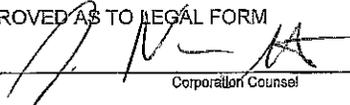
WHEREAS, as a consequence of the Entity's failure cure the deficiencies cited in the Notice of Default, it is in the City's best interest that the Tax Exemption and the Financial Agreement granted to Ninth Street Two Urban Renewal, LLC be terminated and the Property be returned to the conventional tax rolls.

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

1. The Tax Exemption and the Financial Agreement with Ninth Street Two Urban Renewal, LLC is hereby terminated and the Property shall be returned to the conventional tax rolls and assessed as an added/omitted property, subject to the conditions set forth below.
2. Nothing in this ordinance shall prohibit the Entity from applying for a new tax exemption for the Project.
3. The Mayor, Business Administrator and the Corporation Counsel are authorized to execute any agreements or documents appropriate or necessary to effectuate the purposes of the within Ordinance, including but not limited to the issuance of a Memorandum confirming the rescission and termination of the tax exemption and Financial Agreement for the Project to be constructed by Ninth Street Two Urban Renewal, LLC.
4. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed, including but not limited to Ordinance 16-011.
5. This Ordinance shall be 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.
6. This Ordinance shall take effect at the time and in the manner provided by the law.

JJH 12/11/18

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____


APPROVED: _____
Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AN ORDINANCE RESCINDING ORDINANCE 16-021 AND TERMINATING THE TAX EXEMPTION AND FINANCIAL AGREEMENT WITH NINTH STREET TWO URBAN RENEWAL, LLC

Initiator

Department/Division	Office of the Mayor	
Name/Title	John Minella	Aide to the Mayor
Phone/email	201-547-5201	jminella@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This Ordinance terminates the 15-year Tax Exemption granted to Ninth Street Two Urban Renewal, LLC

I certify that all the facts presented herein are accurate.



John Minella
Aide to the Mayor

December 11, 2018

Date

EXHIBIT A



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
OFFICE OF TAX ABATEMENT AND COMPLIANCE
DEPARTMENT OF ADMINISTRATION

13-15 LINDEN AVENUE EAST | JERSEY CITY, NJ 07305
P: 201 547-4538



PIERRE E. LEANDRE
DIRECTOR

**** DEFAULT NOTICE ****

October 23, 2018

Ninth Street Two Urban Renewal, LLC
ATTN: Eyal Shuster
155 Second Street
Jersey City, New Jersey 07302

RE: Violation of Article V Section 5.1 of Financial Agreement
360 Ninth Street; Block 6902, Lot 29, C0002

Dear Mr. Shuster:

Ninth Street Two Urban Renewal, LLC (hereinafter, "Recipient") and the City of Jersey City entered into a Financial Agreement on September 7, 2016. As part of the Financial Agreement indicated in Article V Section 5.1, Recipient agreed to execute and comply with a Project Employment & Contracting Agreement (hereinafter referred to as "PECA") which is attached to the executed Financial Agreement as Exhibit 8. As such, please be advised that this letter serves as a default notice that the aforementioned project is **not in compliance** with its executed PECA. This determination was made based on the following violation: *insufficient number of Jersey City workers on-site with insufficient documentation (i.e. "Good Faith Efforts") to support / justify the deficiency.*

Recipient has failed to comply with the following section of the executed PECA:

Section V – Good Faith Goals:

...

1. *Employment (Construction and Permanent Jobs): The Recipient shall make a Good Faith effort to achieve the goal of a work force representing fifty-one (51%) percent City residents, fifty-one (51%) percent of whom are residents who are Minorities and, in Non-Traditional Jobs, six point nine (6.9%) percent of whom are residents who are women, it being understood that one employee may satisfy more than one category.*

...

In order for this tax abated project to be found in compliance, one of the following two (2) events must occur:

- (1) the Workforce goal must be met, or
- (2) "Good Faith" documentation must be presented to justify the efforts undertaken to meet the goal, or in the alternative, documentation must be presented explaining why the goal was not met

On August 27th, 2018, a 2nd Quarter Advisory Notice was issued to the Recipient, as it was determined that the project was non-compliant after reviewing the submitted manning and payroll reports from April 2018 to June 2018. It is clear that the aforementioned Workforce goal was not met. Please see the attached quarterly compliance report. It should also be noted that no "good faith" documentation was presented for this Office to

consider during the period in question. Subsequently, on September 28, 2018, a Remediation Meeting was conducted to re-explain the PECA requirement, "Good faith" documentation, and the opportunities available to remedy this project's deficiency. On October 12th, 2018, the Recipient submitted to this Office a collection of statements from subcontractors which attempted to demonstrate "Good faith" efforts in satisfying the Workforce goal. However, after a careful analysis by the Director and myself, it has been determined that the statements and documentation provided are neither plausible nor sufficient in demonstrating "Good faith" efforts. The reasons are as followed:

1) Ryco Construction Management, the Recipient's subcontractor, claims they subcontracted MPL, "a Jersey City company with all Jersey City labor" through the months of April 2018 to June 2018. However, after a thorough review, there was only 1 Jersey City employee recorded;

2) Centrim Electric, the Recipient's electrical subcontractor, claims they posted Craigslist.com "job advertisements for skilled labor professionals for the duration of the 360 Ninth Street Phase 2 Project" and included a photocopy of the advertisement along with their statement. However, upon visiting the advertisement online, it was discovered that this advertisement was posted on October 1, 2018, which does not constitute "Good faith" efforts for the period in question;

3) Centrim Electric also provided a collection of applicants' resumes that responded to their advertisement. "Centrim specifically requested that Jersey City residents apply for positions. Attached are the resumes of workers that applied... Centrim hired the workers that were qualified for the positions." However, upon contacting all of the resumes that Centrim provided, each so-called applicant informed this Office that they were never contacted by Centrim or the Recipient nor were they provided with any employment opportunities. I do note that all but one of the applicants were able to be reached;

4) Recipient claims they met with Office of Diversity and Inclusion on or about February 28th, 2018 to discuss potential subcontractors that would be available for open work, and that subsequent emails were sent to further inquire about potential subcontractors. However, it is understood by this Office and the Office of Diversity and Inclusion that the meeting was at the request of the Office of Diversity and Inclusion, so they may gain a better understanding of what General Contractors look for when hiring subcontractors, and that the subsequent emails were specifically in reference to 323-325 Pine Street, another project for which Shuster is a General Contractor, and was not for the project in question. This documentation, which, still not provided by the Recipient, does not account for 360 Ninth Street's "Good faith" efforts, and shall not be accepted;

5) Recipient provided "Agendas" documentation which serve as minutes for periodic meetings with subcontractors. Recipient claims that, "PECA compliance was a monthly agenda item that was discussed in the weekly meetings with the sub-contractors". However, after review there is nothing to substantiate "Good faith" efforts in reaching out to potential Jersey City workers. The Agenda line item appears to only serve as a reminder to submit monthly Manning and Payroll reports to this Office, and does not indicate a call for "Good faith" action to be undertaken by the Recipient's subcontractors;

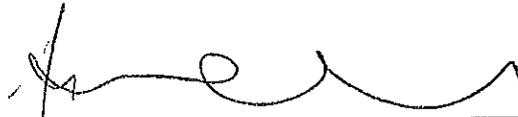
6) Counsel for the Recipient claims that it would be "reasonable to expect/hope that Jersey City subcontractors would also have Jersey City residents". However, projects cannot make this assumption, as the two requirements, Workforce and Business Contracting, are independent of each other, as was explicitly stated in the Initial and Preconstruction Meetings held on January 10th, 2017 and January 31st, 2017, respectively. It was further communicated that it is the direct responsibility of the Recipient to abide by the PECA, not the subcontractors, in hiring of Jersey City businesses and residents since the Recipient is privy to contract with the City; and

7) Counsel claims that, with the Workforce deficiency, "there is an inherent problem with the good faith efforts requirement as some of these efforts are within the control of third parties, and not the beneficiary of the tax abatement... this was/is a consistent problematic issue for the

projects that were formally subject to Project Labor Agreements and the GC and beneficiary of the tax abatement would be subject to the actions of the respective union trades, and their compliance or lack thereof with good faith efforts." Counsel's argument would be correct if this was Project Labor Agreement. However, this project is a PECA and thus has no relation to the PLA. The PLA requirements are strictly determined and controlled by the Labor Unions where developers and/or principals do not have direct influence on the hiring requirements. Conversely with respect to the PECA, the Recipient has full control over the hiring requirements and can subsequently instruct their respective contractors to abide by the Workforce and Business Contracting requirements.

In summation, due to the fact there were minimal to no Jersey City workers reported on-site with insufficient documentation to justify and/or support the lack of Jersey City workers on-site, **this Office finds this project in non-compliance. This violation constitutes a clear material breach of Article V Section 5.1 of the Financial Agreement and Sections V(I) of the executed PECA. As such, this Office recommends the assessment of Liquidated Damages as set forth in Section XI(B)¹ of their executed PECA.** Please note that this Default Notice shall not be withdrawn from this Office.

Respectfully Submitted,



Rupert T. Verano, Deputy Assistant Director

cc: John Minella, Chief of Staff
Peter Baker, Esq., Corporation Counsel
Nick Strasser, Esq., First Assistant Corporation Counsel
Brian D. Platt, Business Administrator
Ernest Borja, Fiscal Officer / Office of the Tax Collector
Pierre E. Leandre, Esq., Director / Office of Tax Abatement & Compliance
Kevin A. Kane, Assistant Director / Office of Tax Abatement & Compliance
Charles J. Harrington, III, Esq., Counsel for Developer

¹ "Failure to allow record or work place access or submit any other required reports (all categories): an amount equal to three (3%) percent increase service charge as set forth in the Financial Agreement for each quarter or part thereof that the Recipient is non-compliant."



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
OFFICE OF TAX ABATEMENT AND COMPLIANCE
DEPARTMENT OF ADMINISTRATION

13-15 LINDEN AVENUE EAST | JERSEY CITY, NJ 07305
P: 201 547-4538



PIERRE E. LEANDRE
DIRECTOR

August 9, 2018

QUARTERLY PROJECT REPORT

Type of Project: PECA

Quarter: April - June 2018

Developer Name (U.R. and/or LLC): Ninth Street Two Urban Renewal, LLC

Project Site Location: 360 Ninth Street

Principal(s): Adam Knoll (as to Notice)

Attorney (if applicable): Charles J. Harrington, III, Esq.

General Contractor: Shuster Management, LLC (Adam Knoll & John Janiec)

Project in Compliance? (Select One) YES / NO

If No, what action(s) was/were taken if any to bring project into compliance?
If Yes, please specify the reasons why the project is in compliance.

(1) WORKFORCE REQUIREMENT – ~~Non-Compliant~~

<u>Month ('18)</u>	<u>Total Workers</u>	<u>Male/Female</u>	<u>Minority Workers</u>	<u>Jersey City Workers</u>
April	100	100/1	72	5
May	100	100/1	78	3
June	123	123/1	105	3

Jersey City resident worker representation is non-sufficient; high number of minority workers. Additionally, this Office has not received "good faith" effort documentation this Quarter with respect to this requirement.

(2) BUSINESS CONTRACTING REQUIREMENT – ~~Compliant~~

The project's estimated cost of construction is roughly \$21.7 million. The General Contractor, Shuster Management, LLC, is a Jersey City business. Only one of the seventeen companies on site this quarter are a JC Company: Four of the fifteen subcontractors on site this quarter are Jersey City Businesses: Clara Construction. However "good faith" documentation has been received in the form of explanations as to why bids were awarded, etc. Moving forward however, this information should be confirmed by reaching out to the JC companies who have lost bids.

3) ACTIONS TO BE TAKEN – This Office will provide this project with an “Advisory Notice” and this project will have seven (7) business days from the time of receipt to cure the aforementioned defects. If the defect is not cured and/or addressed within such time frame, a Default Notice will thereafter be issued.

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



ORDINANCE NO. Ord. 18-149
 TITLE: 3.E DEC 19 2018 4.E **JAN 09 2019**

An ordinance rescinding Ordinance 16-021 and terminating the tax exemption and financial agreement with Ninth Street Two Urban Renewal, LLC.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
DEC 19 2018 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	ABSENT			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JAN 09 2019											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

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

SPEAKERS:

WYONNE SALCER
 BOB MILLER
 JASON BURG
 CHARLES HARRINGTON
 EYA SHUSTER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

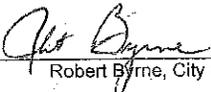
RECORD OF FINAL COUNCIL VOTE											
JAN 09 2019 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

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

Adopted on first reading of the Council of Jersey City, N.J. on DEC 19 2018

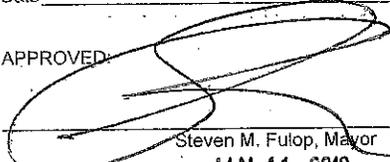
Adopted on second and final reading after hearing on JAN 09 2019

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **JAN 09 2019**


 Robert Byrne, City Clerk

*Amendment(s):

APPROVED: 
 Rolando B. Lavarro, Jr., Council President
 Date **JAN 09 2019**

APPROVED: 
 Steven M. Fulop, Mayor
 Date **JAN 11 2019**

Date to Mayor **JAN 10 2019**

City Clerk File No. Ord. 18-151

Agenda No. 3.G 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 18-151

TITLE:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 304 (TAXATION), ARTICLE VI (LONG TERM AND FIVE YEAR TAX EXEMPTIONS; AFFORDABLE HOUSING TRUST FUND) TO MANDATE THAT ALL RECIPIENTS OF LONG TERM AND FIVE YEAR TAX EXEMPTIONS ENTER INTO PROJECT EMPLOYMENT AND CONTRACTING AGREEMENTS (PECAs)

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

WHEREAS, all of the City's form Financial Agreements contain a provision, Article V, which requires that an entity receiving a Long Term or a Five Year Tax Exemptions agrees to enter into a Project Employment and Contracting Agreement (PECA) as a condition of having received the Tax Exemption; and

WHEREAS, this requirement is contractual but it is not mandated by Ordinance; and

WHEREAS, the Municipal Council finds that it is in the City's best interest for this requirement to be both included in all of the City's form Financial Agreements and codified by Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that Chapter 304 (Taxation), Article VI (Long Term and Five Year Tax Exemptions; Affordable Housing Trust Fund) shall be amended to read:

CHAPTER 304 TAXATION

ARTICLE VI LONG TERM AND FIVE YEAR TAX EXEMPTIONS; AFFORDABLE HOUSING TRUST FUND

§ 304-28. - Affordable Housing Trust Fund Contribution; execution of a Project Labor & Contracting Agreement (PECA) required.

- A. No long term tax exemption permitted under N.J.S.A. 40A:20-1 et seq., or five year tax exemption permitted under N.J.S.A. 40A:21-8 and Section 304-12 of the Jersey City Municipal Code, for any market rate housing project or any commercial or industrial project, shall be approved unless the recipient makes a contribution to the Jersey City's Affordable Housing Trust Fund, in accordance with N.J.S.A. 40A:12A-4.1 et seq., and this Chapter, and agrees to execute a Project Labor & Contracting Agreement (PECA).
- B. No contribution shall be required of a recipient that by a recorded deed or agreement, restricts (thereby setting aside) a minimum of fifteen percent (15%) of

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 304 (TAXATION), ARTICLE VI (LONG TERM AND FIVE YEAR TAX EXEMPTIONS; AFFORDABLE HOUSING TRUST FUND) TO MANDATE THAT ALL RECIPIENTS OF LONG TERM AND FIVE YEAR TAX EXEMPTIONS ENTER INTO PROJECT EMPLOYMENT AND CONTRACTING AGREEMENTS (PECAs)

the gross number of residential units within the project for low and moderate income affordable housing in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

C. Contributions to Jersey City's Affordable Housing Trust Fund shall be paid in accordance with N.J.S.A. 40A:12A-4.1 et seq., for a term equal to the length of the tax abatement.

D. The standard PECA forms shall be in substantially the same format as those approved by the Corporation Counsel and on file in the Office of the City Clerk.

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

II. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

III. This Ordinance shall take effect at the time and in the manner as provided by law.

IV. 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; words ~~struck through~~ are omitted. For the purposes of advertising only, new matter is in **boldface** and matter to be repealed is in *italics*.

JJH 12/10/18

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____


APPROVED: _____
Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 304 (TAXATION), ARTICLE VI (LONG TERM AND FIVE YEAR TAX EXEMPTIONS; AFFORDABLE HOUSING TRUST FUND) TO MANDATE THAT ALL RECIPIENTS OF LONG TERM AND FIVE YEAR TAX EXEMPTIONS ENTER INTO PROJECT EMPLOYMENT AND CONTRACTING AGREEMENTS (PECAs)

Initiator

Department/Division	Office of the Mayor	
Name/Title	John Minella	Aide to the Mayor
Phone/email	201-547-5201	jminella@icnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This Ordinance mandates that any entity receiving a Long Term or a Five Year Tax Exemption must agree to enter into a Project Employment and Contracting Agreement (PECA) as a condition of having received the Tax Exemption.

I certify that all the facts presented herein are accurate.



John Minella
Aide to the Mayor

December 11, 2018

Date

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



ORDINANCE NO. Ord. 18-151
TITLE: 3.G DEC 19 2018 4.G

JAN 09 2019

An ordinance amending and supplementing Chapter 304 (Taxation), Article VI (Long Term and Five Year Tax Exemptions; Affordable Housing Trust Fund) to mandate that all recipients of Long Term and Five Year Tax Exemptions enter into Project Employment and Contracting Agreements (PECAs).

RECORD OF COUNCIL VOTE ON INTRODUCTION												DEC 19 2018		8-0	
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.				
RIDLEY	✓			YUN	✓			RIVERA	✓						
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓						
BOGGIANO	✓			ROBINSON	ABSENT			LAVARRO, PRES.	✓						

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING												JAN 09 2019	
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>SOLOMON</u> to close P.H.													
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.		
RIDLEY	✓			YUN	✓			RIVERA	✓				
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓				
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓				

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

JASON BURG
MICHAEL GRIFFITH

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE												JAN 09 2019		8-1	
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.				
RIDLEY	✓			YUN	✓			RIVERA	✓						
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓						
BOGGIANO		✓		ROBINSON	✓			LAVARRO, PRES.	✓						

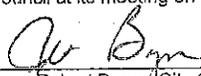
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 19 2018

Adopted on second and final reading after hearing on JAN 09 2019

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 09 2019

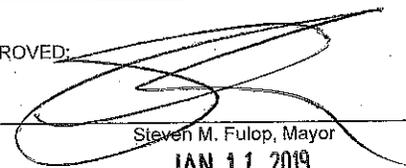

Robert Byrne, City Clerk

APPROVED:


Rolando F. Lavarro, Jr., Council President

Date JAN 09 2019

APPROVED:


Steven M. Fulop, Mayor

Date JAN 11 2019

Date to Mayor JAN 10 2019

*Amendment(s):