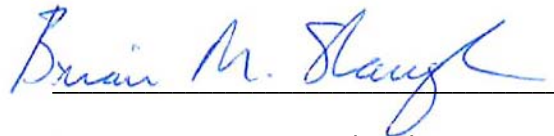


# Review 1

## Preliminary and Final Major Site Plan Bayonne Luxury Waterwalk, LLC

219 W. 5<sup>th</sup> Street  
Block 301.01, Lots 1 and 6  
219 W. 5<sup>th</sup> Street Redevelopment Area

*Prepared for the City of Bayonne by:*



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Professional Planning License No. 3743

With the assistance of Tristan Harrison, AICP

April 28, 2023



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## INTRODUCTION

### 1. Project Summary and Site Description

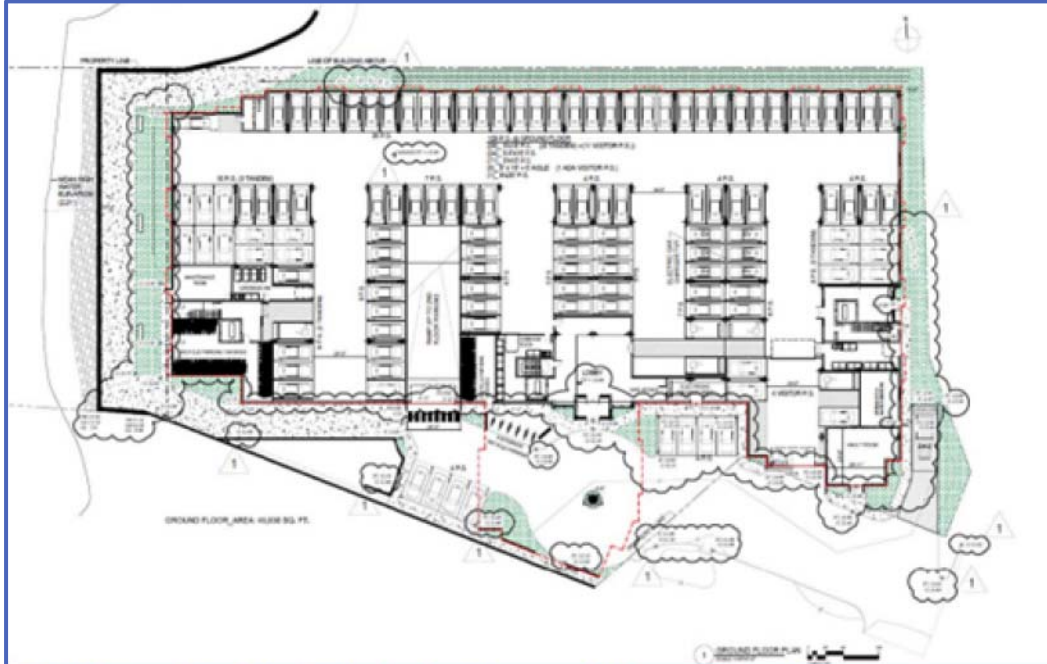
- 1.1. **Project Description.** The application requires an amended preliminary site plan and final site plan approval following a determination of the location of the FEMA moderate wave action limit and VE15 zone. This has meant a significant redesign of the project on the west end of the area to be developed from the site plan that was approved by the Planning Board on May 10, 2022 (Application P-21-020). However, the applicant still plans to develop a six-story, 180-unit multi-family residential building, with four floors of dwellings over two floors of parking and 248 parking spaces (with 4 surface parking spaces). A 64' diameter roundabout in the right-of-way of W. 5<sup>th</sup> St. would provide access to the garage, surface parking, trash pickup and the public walkway proposed on the western edge of the part of the site to be developed (about 60% of the total tract). The project is located within the 219 W. 5<sup>th</sup> Street Redevelopment Area encompassing Block 301.01, Lots 1 and 6.



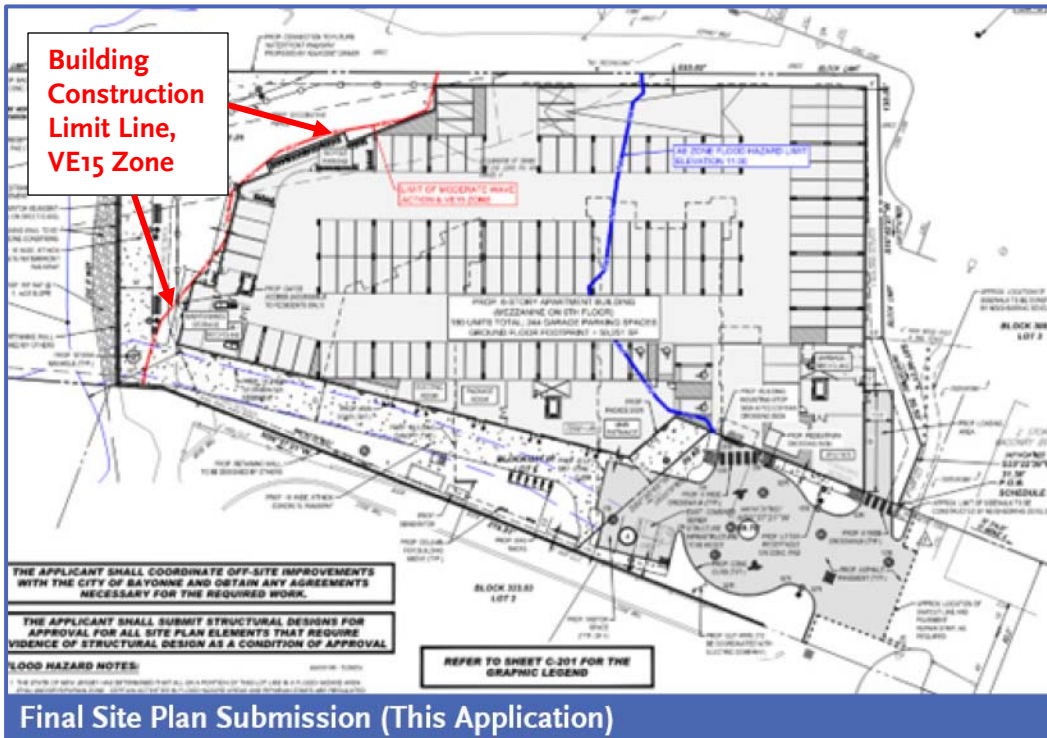
- 1.2. **Project History.** This project received preliminary site plan approval on May 10, 2022, as memorialized by planning board resolution adopted May 23, 2022. No conditions of approval were adopted at the preliminary approval hearing. The applicant submitted this application for final site plan review and minor subdivision in December 2022. The final site plan submission includes a letter from Ahmad Tamous, PE, of Bohler Engineering, with itemized responses to the preliminary site plan review reports from CME Associates, LLC and Matrix Engineering. This final site plan report assesses these documents in addition to the applicant's submission.

**BAYONNE LUX WATERWALK, LLC**  
**AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN**

- 1.3. **Changes from Preliminary Site Plan:** There are substantial changes from the approved preliminary plans to the submitted final plans. The most significant changes are to the building footprint, residential unit mix, parking and EV charging layout, site circulation, and landscape plan. Notably, the building footprint and site layout have been revised to accommodate the Limit of Moderate Wave Action and VE15 zone associated with Newark Bay to the west-northwest of the site.



Preliminary Site Plan Submission (Approved May 10, 2022)



Final Site Plan Submission (This Application)





- 1.4. **Existing Conditions.** The property consists of two existing lots at the end of 5<sup>th</sup> Street with a total area of 101,818 square feet. The rear of the property encompasses Newark Bay and associated flood zones and riparian zones. The property is currently an industrial use operated by a trucking company. As noted in the Redevelopment Plan, the site consists of 1.7 acres of upland area and 0.6 acres of riparian land.



- 1.5. **Neighborhood Context.** The site is located at the end of W. 5<sup>th</sup> Street. Neighboring uses include an Amazon distribution facility to the south, Palmer Asphalt and other industrial uses to the southwest, the Bayview shopping center anchored by Planet Fitness to the east-northeast, and a vacant tract of land along the Newark Bay to the north subject to a different redevelopment plan.
- 1.6. **219 W. 5<sup>th</sup> Street Redevelopment Area.** The subject property is located within the 219 W. 5<sup>th</sup> Street Redevelopment Area and the two boundaries are coterminous. The property is subject to the use, bulk, and design regulations of the Redevelopment Plan, which supersede the underlying zoning regulations and all prior redevelopment plans pertaining to the site, including the 8<sup>th</sup> Street Station Rehabilitation Area Plan.
- 1.7. **Relief Required.** A comprehensive list of the required relief and recommended conditions of approval are found in Section \_\_\_ of this report. \_\_\_ **variances are required.**

## ZONING

### 2. Use Standards

- 2.1. **Permitted Uses: Multifamily Residential Dwellings and Open Space.** Per §2.2.1, permitted principal uses include multi-family residential dwellings and open space available to the general public. The plan proposes a multi-family residential building with a public waterfront walkway. The proposed uses comply with the redevelopment plan.

2.2. **Accessory Uses.** Per §2.2.2, permitted accessory uses include outdoor seating, fences, signs, ride-sharing services and shelters, shared office/coworking space, parking, private residential recreation facilities, landscaping, utilities, refuse enclosures, and any other uses customary and incidental to a permitted principal use. The plan complies.

**3. Bulk Requirements**

3.1. **Redevelopment Plan Bulk Regulations.** Compliance with the bulk and lot standards of the Redevelopment Plan is summarized below in Table 1.0. **Several variances are required.**

<b>Table 1.0: Bulk Regulations §2.3</b>			
<b>Standard</b>	<b>Required</b>	<b>Approved (Preliminary)</b>	<b>Proposed (Final)</b>
Max. Building Height (stories / feet)	12 / 135'	6 / 70'	6 / 70'
Min. Building Step Back Above 7 <sup>th</sup> Floor (feet)	10'	n/a	n/a
Min. Building Setbacks (feet)	0' to 50'	-	-
From West 5 <sup>th</sup> Street	0'	0'	0'
From Block 333.03, Lot 2	3' <sup>1</sup>	5.2'	5.9'
From Block 300.01, Lots 1 & 3	6'	8.4'	6'
From Any Other Lot Line	6'	>6'	>6'
From Mean High Water Line (Per Redevelopment Plan)	30'	50.4'	50.6'
From Mean High Water Line (Per NJDEP Coastal Rules)	50'	50.4'	50.6'
Max. Building Coverage (Upland Area of Tract: 1.7 acres)	70%	62.7% 1 <sup>st</sup> Floor 69.23% Upper Floors	66.2% <sup>2</sup>
Min. Lot Coverage (Upland Area of Tract: 1.7 acres)	90%	83.27%	84.75%
Min. Open Space	20%	34±%	27.86%
Max. Dwelling Unit Count	180	180	180
Min. Dwelling Floor Area (square feet)			
Studio	550	>550	>550
One-Bedroom	725	>725	>725
Two-Bedroom	930	>930	>930
Max. % of Each Unit Type			
Studio	10%	7.78%	10%
One-Bedroom	70%	61.66%	65.6%
Two-Bedroom	70%	30.56%	24.4%
Min. % Units with Storage of 350 cf.	40%		40%
<b>(V) Variance Required</b>			
1 - Minimum setback shall be 20 feet except 3 feet where the development provides an emergency access roadway that lies underneath a pile supported elevated building with sufficient clearance to allow the passage of emergency vehicles.			
2 - See Section 3.2 of this report. A variance may be required for the uncalculated building overhang area.			

- 3.2. **Building Coverage.** Per §2.3.4, the Redevelopment Plan permits a maximum building coverage of 70% of the 1.7-acre upland tract area. The applicant’s calculation of 66.2% building coverage at ground level does not appear to include the overhanging residential floors over the proposed roundabout. This office measures an additional 4%, or 3,000 square feet, of building coverage attributable to the overhang, which if correct would mean a building coverage of 70.2% and a variance required. **The plans should be revised to reflect building coverage of the entire building footprint to determine if a variance is required.**

**SITE PLAN REVIEW**

**4. Circulation and Parking Regulations**

- 4.1. **Minimum Parking Requirements.** A summary of parking calculations per the requirements of §2.4 of the Redevelopment Plan is provided in Table 2.o, below. The plan complies.

<b>Proposed Use</b>	<b>Standard</b>	<b>Units / SF proposed</b>	<b>Parking Required</b>	<b>Parking Proposed</b>
Multi-Family Residential	1.3 spaces per dwelling unit	180	234	234
Open Space	Minimum of 12	n/a	12	12 (4 surface spaces, 8 within structure)
<b>Total</b>			<b>248</b>	<b>248</b>

- 4.2. **RSIS Waiver.** Per RSIS parking requirements, 333 parking spaces are required. **The applicant is requesting a *de minimus* waiver or acceptance of alternative standards per N.J.A.C. 5:21-4.14(c).** Since the number of parking spaces is consistent with the prior application and the number of units is the same, we have no objection to the grant of this waiver.
- 4.3. **Electric Vehicle Parking.** Per §2.4.2.a.vi, the Redevelopment Plan requires a minimum of one EV parking space per 30 parking spaces, rounded up to the nearest whole number. The zoning table indicates that 38 EV spaces are proposed, including 13 EVSE spaces and 25 Make-Ready spaces. A note on the site plan refers to the architectural plans for locations, but the architectural plans do not indicate EV spaces. **The architectural plans should be revised to indicate the EV charging supply equipment spaces and Make-Ready spaces. The applicant should provide testimony to clarify how the proposed EV spaces will be distributed among residential and public use and that the EV spaces will not be located within the AE Zone Flood Hazard Limit.**

- 4.4. **Electric Vehicle Parking.** Pursuant to *N.J.S.A. 40:55D-66.20*, there is a statutory requirement that a minimum number of parking spaces be developed as electric vehicle (EV) parking spaces in order to obtain preliminary site plan approval. Pursuant to *N.J.S.A. 40:55D-66.20.a(1)(a)*, the applicant is required to prepare at least 15% of the required off-street parking spaces as electric vehicle spaces, of which one-third must have electric vehicle supply equipment installed and two-thirds may be Make-Ready spaces. The proposal requires 38 EV spaces, of which 13 must have EVSE installed. **The proposed number of spaces complies, but locations are not indicated on the architectural plans. The plans should be revised.**
  
- 4.5. **EV Spaces Count as Two Spaces.** Pursuant to *N.J.S.A. 40:55D-66.20*, a parking space prepared with electric vehicle supply equipment or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking spaces requirement. The applicant has not taken advantage of this opportunity.
  
- 4.6. **Parking Stall Dimensions.** Per §2.4.3.b, standard (non-compact) parking stalls are required to be a minimum of 9 feet wide and 18 feet deep for surface parking and 8.5 feet wide by 18 feet deep for structured parking. The plan complies.
  
- 4.7. **Minimum Drive Aisle Width Within Parking Area.** Per §2.4.3.6, the minimum drive aisle width is 22 feet for a two-way drive aisle within a parking garage. The plan proposes a drive aisle of 24 feet. The plan complies.
  
- 4.8. **Bicycle Parking for Residential Uses.** Per §2.4.2.b, 0.5 bicycle spaces per residential unit are required. The plan proposes 180 residential units and two bike storage rooms containing a total of 94 bicycle parking spaces. The plan complies.
  
- 4.9. **Bicycle Parking for Public Spaces.** Per §2.4.2.b.ii, a bicycle rack accommodating at least 5 bikes is required near the public access path. The plan proposes six exterior bicycle parking spaces adjacent to the public access drive on the south side near the front entrance and under the residential building overhang. It is next to the public path leading to the waterfront walkway path. The plan complies.
  
- 4.10. **Bicycle Parking Enclosure.** Per §2.4.2.b.iv, at least 50% of proposed bicycle parking racks shall be enclosed. 114 (95%) of the total 120 proposed bicycle spaces are located indoors. The plan complies.
  
- 4.11. **Tandem Parking Spaces.** Per §2.4.3.e, tandem parking stalls shall only be permitted for two-bedroom units. The plan proposes 27 tandem spaces and 44 two-bedroom units. **The applicant should provide testimony clarifying that the tandem spaces will be assigned only to two-bedroom units. Each dwelling unit should have at least one parking space with unobstructed egress to a parking aisle.**
  
- 4.12. **Barrier Free Spaces.** The number of spaces proposed requires a minimum of seven barrier free spaces, two of which are required to be van accessible. The site plan indicates these required numbers and thus complies.



- 4.13. **Shuttle Services.** Per §2.4.3.d, a free, operating shuttle service is required to be provided throughout the Redevelopment Area to provide service to the nearest Hudson Bergen Light Rail Train Station, which is at the terminus at 8<sup>th</sup> Street. **The applicant should provide additional testimony if deemed necessary by the Board.**
- 4.14. **Parking Structure Striping.** No directional striping or signage is indicated in the parking structure on the plans. The applicant should provide testimony as to whether directional striping and signage is proposed. **This office defers to the Board Engineer regarding whether arrows and/or centerlines are recommended or required.**
- 4.15. **Parking and Roundabout Use.** If the exterior parking spaces and roundabout are intended for the use of the residents and its visitors, then we suggest that there be an ongoing agreement for its maintenance and future capital improvement at the end of its lifecycle, for as long as the building remains in use.
- 4.16. **Safe Bicycle and Pedestrian Access to Avenue A.** The plans indicate the approximate location of a sidewalk to be constructed by neighboring development. The applicant should provide testimony regarding the so far unsuccessful provision of bicycle and pedestrian access to Avenue A via Bayview Court and/or West 5<sup>th</sup> Street. We note that the Board Engineer has requested additional documentation on alternative concepts for providing such pedestrian and bicycle travel given the testimony with the prior application and findings of the prior resolution. **If ongoing coordination with the developer of the neighboring site to the north and City officials is proposed, documentation of correspondence, agreement, and an exhibit should be provided as a condition of approval.**
- 4.17. **Snow Removal.** The applicant should provide testimony regarding removal and/or storage of snow.
- 4.18. **Emergency Access.** The building footprint has changed since preliminary approval. **The applicant should provide testimony to confirming and describing emergency access through the building overhang.**
- 4.19. **Lot Consolidation.** We recommend that Lots 1 and 6 be consolidated by deed if they have not been consolidated already.

## **5. Architectural and Building Design Standards**

- 5.1. **Building Design.** Per §2.6.1, building design should follow design principles including the incorporation of base, middle, and top elements in the façade designs, a color palette that complements the architectural context of the surrounding area; variation in materials and changes in the vertical planes of the building to prevent blank walls and additional architectural features that create visual interest and respond to the site's location. We are mindful that the use is displacing an industrial use and that W. 5<sup>th</sup> Street will remain otherwise industrial. **The applicant should provide testimony to meeting the building design requirements of the Redevelopment Plan.**
- 5.2. **Rooftop Equipment.** Per §2.6.13, all mechanical equipment serving the building shall be placed on the roof and screened in a manner consistent with the architecture of the



building. The applicant provided testimony in the prior application. The applicant's legal counsel could stipulate or its architect could testify that this remains the same with this plan revision to ensure that the plan complies.

## **6. Stormwater Management**

- 6.1. Comments relating drainage and stormwater management are deferred to the Board Engineer.

## **7. Site Lighting**

- 7.1. **Rooftop Lighting.** Per §2.6.4.d, lights attached to the building are permitted, provided they are shielded downward and directed towards the site. Rooftop open space plans and details, such as rooftop lighting, have not been provided, however, so we are unable to comment on what effects may be created from their use. **The applicant should provide testimony regarding how rooftop areas will be lighted and whether light fixtures will be shielded to prevent glare.**
- 7.2. **Color Temperature Recommendation.** The plan proposes light fixtures with a color temperature of 4000°K. **This is the highest range of what we would consider acceptable and a lower temperature would create more a warmer and more pleasant lighting without compromising safety, especially for residential purposes.**

## **8. Trash and Recycling**

- 8.1. **Trash/Recycling.** Per §2.6.5, all trash, recycling and refuse storage shall be fully enclosed within the building or, if outside, screened by a six-foot masonry wall. Trash and waste storage is proposed in two enclosed rooms accessed from the ground floor. The plan complies. **The applicant should testify as to the process for waste storage and removal, and whether the building will utilize public garbage collection or a private trash hauler.**

## **9. Open Space and Recreation**

- 9.1. **Open Space and Recreation Requirement.** Per §2.6.6, a minimum of 20% of the redevelopment area shall consist of open space, which may include common rooftop terraces and passive recreation and/or indoor amenity space such as a gym or club room. The plan suggests that there are 834 square feet of indoor amenities, 11,169 square feet of rooftop amenities, and a 9,126-square-foot public waterfront walkway for a total of 21,129 square feet, or 27.86% of the lot area. The plan calculations comply, but no rooftop amenity plan or details are provided. The architectural plan indicates a blue rectangular with the word "pool", but it is not clear if the floor below it has the headroom to permit this recreational amenity and no other details are should except to label the areas as courtyards. The applicant's architect was contacted for additional information, but no response has been received about the use and extent of amenities above the garage roof at the third floor or on top of the sixth floor. The roof plan indicates a "green roof" on the sixth floor but there is no access from units on the top floor to the rooftop and no windows to provide a view of the green space. It appears to consist of HVAC compressor units and a ground cover with access from two doors at the top of stair towers. It is difficult to reconcile the



term “amenity” with what is effectively mechanical space with grass that is not even visually accessible. The applicant should indicate if the third floor is intended for the amenity space and the sixth floor is only intended to meet green building standards. **As the rooftop amenity space comprises nearly half of the required open space area, the applicant and its professionals should testify as to the purposes of the two roof areas and the degree to which they comply with the requirement to be, “Common roof top terraces with passive recreation” per page 12 of the redevelopment plan.**

- 9.2. **Design of Waterfront Walkway.** The walkway along the waterfront, which runs roughly north and south on the west side of the developed portion of the site is proposed with a 16-foot wide concrete walkway. This walkway connects to a similar sized concrete walkway on the southside of the building that leads to the roundabout. It indicates that on the north side it will connect to the approved development on its abutting lot. **We recommend that this development be shown ghosted in to indicate how these two projects will meld together, particularly because it also requires coordination with the construction of a retaining wall on the north side.** We defer to the Board Engineer as to whether the design details of concrete texture/scoring, benches, lighting, and fencing meet the standards of the Hudson River Waterfront Walkway.

## 10. Signs

- 10.1. **Proposed Multi-Family Sign.** Per §2.6.9, multi-family residential buildings are limited to one façade sign no larger than 30 square feet. The plan proposes a residential façade sign of 28.75 square feet. The plan complies.

## 11. Landscaping

- 11.1. **Proposed Plantings.** Per §2.6.10.d, green space plantings shall be used as buffers and to accent entrances, arcades and sidewalks. The plan proposes a planting area along the waterfront walkway composed of shrubs and ornamental trees and additional plantings around the perimeter of the site. Plantings do not accentuate building entrances, circulation or driveway islands. **This office recommends shrubs, perennials, and other plantings in lieu of the proposed lawn areas in the front of the building.**
- 11.2. **Rooftop Landscaping.** Per §2.6.10.b, courtyards, gardens, and terraces shall be attractively and uniformly designed with pavers, plantings, furniture and lighting. No rooftop design plan has been provided. The architectural plan set appears to depict only groundcover. **Plans and details for the rooftop open space areas should be provided.**
- 11.3. **Structural Soil Detail.** Details regarding proposed structural fill shall be provided as a condition of any approval.

## 12. Development Fees for Affordable Housing

- 12.1. **Development Fee:** The applicant will be responsible for affordable housing development impact fees to be paid to the City’s affordable housing trust fund. **The applicant should be prepared to pay the fees as established in the Redevelopment Agreement.**



### 13. Consideration of the “C” Variance, if Necessary

13.1. **Overall Comment.** The following sections summarize the “c” variance criteria for the purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the “c” variances. The applicant must justify the “c” variances separately and each variance must satisfy both parts. We defer to the Board Attorney for any additional comment on the “c” variance criteria.

13.2. **Consideration of the Positive Criteria.** To satisfy the positive criteria for a “c” variance, the applicant has two choices. First, known as “c(1)” variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
- By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Alternatively, and known as “c(2)” variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:

- Where in an application or appeal relating to a specific piece of property to purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

13.3. **Consideration of the Negative Criteria.** Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. These factors are referred to as the negative criteria.

### SUMMARY

#### 14. Applicant / Owner / Consultants

14.1. **Applicant/Owner.** Bayonne Luxury Waterwalk, LLC. 670 Myrtle Ave #166, Brooklyn, NY 11205.

14.2. **Attorney.** Matthew Posada, Esq., of Sills Cummis & Gross. 1 Riverfront Plaza, Newark, NJ 07012. Email: mposada@sillscummis.com. Tel: 973.643.2409. Facsimile: 973.643.6500.

14.3. **Engineer.** Keith Cahill, Bohler Engineering NJ, LLC. 10000 Midlantic Drive, Suite 410W, Mount Laurel, NJ 08054. Email: kcahill@bohlereng.com. Tel: 856.930.4000.

- 14.4. **Planner.** John McDonough, John McDonough Associates, LLC. 101 Gibraltar Drive, Suite 1A, Morris Plains, NJ 07950. Email: jmcdonoughpp@gmail.com. Tel: 973.222.6011.
- 14.5. **Architect.** Christiano Pereira, RA, CPA Architecture. 6401 Park Avenue, Suite 201, West New York, NJ 07093. Email: pereira@cpaarchitecture.com. Tel: 201.868.0701.

## 15. Materials Reviewed

- 15.1. *City of Bayonne Application for Development Form*, with attachments, dated December 20, 2022.
- 15.2. *Statement of the Applicant*, undated.
- 15.3. *Transmittal Letter from Applicant's Engineer*, dated December 9, 2022.
- 15.4. City of Bayonne Resolution P-21-020.
- 15.5. *Traffic Impact Study*, prepared by Dynamic Traffic, LLC, dated June 28, 2021, revised through December 6, 2022.
- 15.6. *Stormwater Management & Engineers Report*, prepared by Bohler Engineering, dated March 2021, revised through December 2022.
- 15.7. *Environmental Impact Statement*, prepared by Bohler Engineering, dated October 2021.
- 15.8. *Final Major Site Plan & Minor Subdivision*, 15 sheets, prepared by Bohler Engineering, dated November March 24, 2021, revised through December 9, 2022.
- 15.9. *Architectural Drawings*, 11 sheets, prepared by Christiano Pereira RA, CPA Architecture, dated March 19, 2021, revised through December 12, 2022.
- 15.10. *Topographic & Location Survey*, 1 sheet, prepared by Control Point Associates, Inc., dated December 20, 2019, revised through December 22, 2021.

## 16. Relief Required

- 16.1. **Potential Variances.** The following may be variances depending on additional information to be submitted by the applicant (sections refer to Redevelopment Plan):
  - §2.3.4 Maximum Building Coverage of 70%
  - §2.6.6 Minimum Open Space of 20% (not recommended)
    - §2.6.6.a Common roof top terrace with passive recreation.
- 16.2. **Design and Performance Exceptions:**
  - RSIS Parking Requirements
  - §2.6.10.d Landscaping to be a combination of trees, shrubs and perennials (not recommended)
- 16.3. **Conditions of Approval:**



**BAYONNE LUX WATERWALK, LLC**  
**AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN**

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- Payment of development fees to the City's housing trust fund.
- Documentation of correspondence and/or agreements regarding bicycle and pedestrian access to Avenue A.
- Agreement for maintenance and future improvement to roundabout and other improvements in public right-of-way.
- Submittal of rooftop open space plans and associated details.
- Proof of all outside agency permits.

Note that additional variances and exceptions may be identified by the Board or the other professionals employed by the Board. The same applies to the conditions of approval.

We would be pleased to answer any questions regarding this report.