

**REQUEST FOR QUALIFICATIONS
AND
REQUEST FOR PROPOSALS
(RFQ/RFP)**

FOR THE

**7 TO 27 NORTH WOOD AVENUE AND
FROM 11-15 TO 101 WEST ELIZABETH AVENUE
BLOCK 254, LOTS 1-10
REDEVELOPMENT AREA**

LINDEN, NEW JERSEY

DUE DATE: April 30, 2020

Issued by:

CITY OF LINDEN
301 NORTH WOOD AVENUE
LINDEN, NEW JERSEY 07036

Redevelopment Counsel
McManimon Scotland & Baumann, LLC
75 Livingston Avenue
Second Floor
Roseland, New Jersey 07068

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EXHIBIT H MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

GLOSSARY

Capitalized terms used herein shall have the meaning assigned to such terms below:

“Agreement” means any contractual arrangement entered into between a Qualified Respondent and the City with respect to all or a portion of the Redevelopment Area.

“City” or “Linden” means the City of Linden in the County of Union, State of New Jersey.

“County” means the County of Union, New Jersey.

“Day” means a calendar day of twenty-four hours measured from midnight to the next midnight.

“Designated Contact Person” means Alex Lospinoso, Chief of Staff to the Mayor, 301 N. Wood Avenue, Linden, New Jersey 07036.

“Issuer” means the City.

“Open Public Meetings Act” means *N.J.S.A 10:4-6 et seq.*, as may be amended or supplemented from time to time.

“Open Public Records Act” means *N.J.S.A 47:1A-1 et seq.*, as may be amended or supplemented from time to time.

“Project Concept” shall be as described in Section 3.3.6 hereof.

“Project Organization Plan” shall be as described in Section 3.3.7 hereof.

“Project Team” shall be as described in Section 4.1.

“Qualified Respondent” means a Respondent which, in the sole discretion of the Issuer, meets the requirements of this RFQ/RFP.

“Redevelopment Area” means the property commonly known as Block 254, Lots 1-10 on the tax map of the City of Linden, State of New Jersey.

“Redevelopment Law” means the Local Redevelopment and Housing Law, codified at *N.J.S.A. 40A:12A-1 et seq.*, as same may be amended or supplemented from time to time.

“Redevelopment Plan” means “Redevelopment Plan Block 254, Lots 1 through 10” prepared January 5, 2019 and adopted March 17, 2020, a copy of which is attached hereto as Exhibit A.

“Respondent” means an entity or individual who submits a Response to this RFQ/RFP.

“Response” means a submission to the Issuer prepared in accordance with Section 3 hereof.

“RFQ/RFP” means this Request for Qualifications and Request for Proposals.

“State” means the State of New Jersey.

SECTION 1 INTRODUCTION AND GENERAL INFORMATION

1.1

A. Overview

The City is issuing this RFQ/RFP to assess the qualifications of developers interested in the acquisition and redevelopment of the Redevelopment Area which is comprised of approximately 4.67 acres. Currently, Block 254, Lots 1-8 are developed as a shopping center. Block 254, Lots 9 and 10 are currently developed as surface parking lots owned by the City and New Jersey Transit Corporation, respectively. The City owns Block 254, Lot 9, and New Jersey Transit Corporation owns Block 254, Lot 10. The City can commence condemnation proceedings with regard to Block 254, Lots 1-8, in order to make same available for redevelopment purposes, unless same can be obtained by way of a privately negotiated sale, between Respondent and the current property owner(s).

Respondents are encouraged to provide a proposal that incorporates the entirety of the Redevelopment Area, including the potential purchase price of same, as well as what change(s) would be made to any proposal if Block 254, Lot 10 is not available to be incorporated in the project. Respondents will also be able to address any related impact(s) on City infrastructure and/or be prepared to highlight necessary improvements to City infrastructure resulting from the proposal, and how developers will address same.

B. Redevelopment Area

As a result of the conditions within the Redevelopment Area, on September 17, 2019, the City Council adopted a resolution designating the Redevelopment Area as an “area in need of redevelopment” (including the power of eminent domain) under the Redevelopment Law. The City intends to utilize the powers granted to it under the Redevelopment Law to encourage and incentivize the revitalization of the Redevelopment Area, including the undertaking of this RFQ/RFP.

On March 17, 2020, the City adopted the Redevelopment Plan which established the standards for any development within the Redevelopment Area with the goal of eliminating or reversing the conditions of blight within the area.

C. Redevelopment Plan Goals

The overall goal of the Redevelopment Plan for the Redevelopment Area is to revive an underutilized area with the creation of multifamily residential rental or condominium units, with retail and related uses to meet the needs of the surrounding market area. The City wishes to eliminate structures, which by reason of dilapidation, deterioration, age and obsolescence and related factors are unsafe or substantially impair the sound growth, planning and functioning of this portion of the City. The goal is to create an attractive and visually appealing environment. In

furtherance thereof, the Issuer is seeking Qualified Respondents for consideration in selecting a “redeveloper” (as such term is defined in the Redevelopment Law) for the Redevelopment Area.

The Redevelopment Plan, as currently written, allows for development of multifamily residential rental units, retail or management office uses. The City will consider proposals that offer alternatives to the Redevelopment Plan, recognizing that such a proposal may require an amendment to the Redevelopment Plan, pursuant to the process set forth in the Redevelopment Law.

D. Redevelopment Area Conditions

The Respondent to this RFQ/RFP should become familiar with the Redevelopment Area and the City, and should be prepared to provide a formal response that sets forth a comprehensive strategy for redevelopment of the Redevelopment Area.

E. Purchase Price

Respondents must provide a competitive offer to the Issuer for the acquisition of the Redevelopment Area, it being understood that the City, is currently the owner of only Block 254, Lot 9 in the Redevelopment Area. Any such competitive offer may also describe the Respondent’s estimate for obtaining the balance of the Redevelopment Area, and how same would be funded.

1.2 RFQ/RFP Documents

Each Respondent should inspect its copy of this RFQ/RFP to ensure that a complete set of the documents (including any Exhibits) is included. If a Respondent discovers that its copy of this RFQ/RFP is incomplete, it should immediately contact the Designated Contact Person. The Issuer will make appropriate and reasonable arrangements with the Respondent to provide any missing items. Each Respondent must prepare its Response using a complete RFQ/RFP, including any addenda issued by the Issuer prior to the date established for submission of all Responses. Neither the Issuer, nor its agents or employees, shall be responsible for errors, omissions, incomplete submissions or misinterpretations resulting from the Respondent’s use of an incomplete RFQ/RFP in preparing or submitting its Response.

1.3 Examination of Documents, Familiarity with the Services Required to be Performed

It is the responsibility of each Respondent before submitting a Response to (a) examine this RFQ/RFP thoroughly; (b) become familiar with and consider all federal, State and local laws, regulations, ordinances, permits, approvals and orders that may affect the cost, performance or furnishing of the services; and (c) notify the Issuer of all conflicts, errors or discrepancies in this RFQ/RFP.

The submission of a Response will constitute a conclusive and binding representation by such Respondents that such Respondent has agreed to, and complied with, every requirement of this RFQ/RFP.

1.4 Pre-Submission Conference

A Pre-Submission Conference with prospective Respondents, including a discussion of the overall Redevelopment Area and this RFQ/RFP, will take place telephonically on April 10, 2020 at 11:00 a.m. Respondents should email Alex Lospinoso at ALospinoso@linden-nj.com, with copy to Rebecca Tattoli at RTattoli@linden-nj.org to advise of the names of all representatives of Respondents planning to attend the Pre-Submission Conference. To access the conference call line, please use dial 973-622-3973, followed by ID: 10 and Pin: 2590#. Attendance at the Pre-Submission Conference is strongly suggested for all Respondents, but is not required.

1.5 Evaluation Process

The Issuer intends to evaluate all Responses in accordance with Section 4.1 hereof and may select a Qualified Respondent from among such Responses, however, the Issuer retains the discretion to reject all of the Responses.

1.6 Schedule

April 10, 2020	Pre-Submission Conference Call (11:00 a.m.) 973-622-3973; ID: 10; Pin: 2590#
April 14, 2020	Last Day to submit questions or requests for clarifications
April 30, 2020	Receipt of Responses (10:00 a.m. prevailing time)

1.7 Conditions

By responding to this RFQ/RFP, the Respondent acknowledges and consents to the following conditions relative to the submission, review and consideration of its Response:

- The issuance of this RFQ/RFP is not intended and shall not be construed to commit the City to execute any agreement with any Respondent.
- The Issuer reserves the exclusive rights set forth herein, including without limitation those set forth in Section 1.8 hereof.
- Neither the Issuer nor its staff, nor any of its consultants will be liable for any claims nor damages resulting from the solicitation or collection of Responses, nor will there be any reimbursement to Respondents for the cost of preparing the Response or for participating in this RFQ/RFP process.
- All Responses will become the property of the Issuer and will not be returned.
- Information of a confidential or proprietary nature will be kept confidential during and after the procurement process to the extent permitted by law when such

information is properly identified by the Respondents in accordance with Section 3.1.4 herein.

- All activities related to the provision of the services as contained herein shall be subject to compliance with all applicable federal, State and local laws, environmental regulations and/or other applicable requirements.

All documentation and information provided by the Issuer in connection with this RFQ/RFP is believed to be accurate and correct, however, the City makes no guarantees as to the accuracy of the information provided. Respondents are instructed to notify the Issuer (in writing, directed to the Designated Contact Person) of any information provided herein that it believes is not accurate or correct.

1.8 Rights of the Issuer

The Issuer reserves, holds, and may exercise, at its sole discretion, the following rights and options with regard to this RFQ/RFP process:

- To reject, for any reason, any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ/RFP from further consideration for this procurement;
- To eliminate any Respondent who submits incomplete or inadequate responses or is not responsive this RFQ/RFP;
- To reject all Responses or any non-responsive Responses;
- To supplement, amend, or otherwise modify this RFQ/RFP;
- To waive any technical, or other, nonconformance of the Responses, whether material or otherwise;
- To change or alter the schedule for any events called for in this RFQ/RFP;
- To conduct investigations of any or all of the Respondents and their Responses as the Issuer deems necessary or convenient, to clarify the information provided as part of the Response, including discussions with contact persons or prior clients, regulatory agencies and visits to the facilities or projects referenced in its Response, and to request additional information to support the information included in any Response;
- To decline to award an Agreement for any reason;

- To abandon this RFQ/RFP process at the Issuer's convenience at any time for any reason;
- To proceed with a Qualified Respondent that, in the Issuer's sole judgment, best serves the interest of the City;
- To facilitate the negotiation and execution of an Agreement with the City under applicable law;
- To designate or consult with another agency, group, consultant, individual, or public body to act at any time during the term of this procurement process in its place or on its behalf;
- To award any Agreement subject to final adoption of all necessary authorizations; and/or
- To interview any and all Respondents.

1.9 Submission Date

Responses shall be submitted via email to wnorthgrave@msbnj.com, with copy to jpolles@msbnj.com, on or before April 30, 2020 at 10:00 a.m., as more fully set forth in Section 3.1.

{END OF SECTION 1}

SECTION 2 THE REDEVELOPMENT AREA

2.1 City of Linden

The City of Linden is located in the eastern portion of Union County within the New York/New Jersey metropolitan area. The City is an older suburban community with a diverse population of approximately 42,500 citizens. Residents enjoy an exceptional quality of life with access to public services, numerous community facilities, and local parks.

2.2 Access

The main access roads include North Wood Avenue and West Elizabeth Avenue, with Linden Train Station abutting the eastern portion of the site.

2.3 Prospective Land Uses

Prospective land uses for the Redevelopment Area are reflected in the Redevelopment Plan. Respondents are encouraged to review the Redevelopment Plan and the proposed uses for the Redevelopment Area. Likewise, Respondents are encouraged to provide responses that can utilize the Redevelopment Area to its greatest potential, even if such development or uses are not consistent with the Redevelopment Plan. If a Response is not consistent with the Redevelopment Plan, the Respondent shall identify the revisions that would be required in said Redevelopment Plan that would serve to further the redevelopment of the Redevelopment Area and the City as a whole. As part of its Response, Respondent shall submit general information relative to its desired future use of all of the Redevelopment Area. If a proposal is accepted, the City will consider appropriate comments to the Redevelopment Plan.

2.4 Project Phasing

Respondent should indicate whether its proposed project will be conducted in phases or if Respondent is interested in developing one or more phases but less than the whole of the Redevelopment Area. If phasing is required, Respondent should provide a description of the phasing schedule, including specific dates for the completion of each phase.

2.5 Site Characteristics

The Redevelopment Area currently has two (2) surface parking lots and a shopping center.

2.6 Environmental Conditions

THE REDEVELOPMENT AREA IS BEING MADE AVAILABLE FOR PURCHASE AND REDEVELOPMENT “AS IS”, INCLUDING WITH RESPECT TO ANY

ENVIRONMENTAL CONDITIONS AT OR AFFECTING THE REDEVELOPMENT AREA, AND THE ISSUER DOES NOT MAKE ANY REPRESENTATIONS, WARRANTIES OR GUARANTEES OF ANY KIND, INCLUDING WARRANTIES OF MARKETABILITY OR FITNESS FOR PARTICULAR USE OF THE REDEVELOPMENT AREA, REGARDING THE CONDITION OF THE REDEVELOPMENT AREA. Without limiting the generality of the preceding paragraph, EACH RESPONDENT SHALL BE RESPONSIBLE FOR UNDERTAKING ITS OWN DUE DILIGENCE WITH RESPECT TO THE ENVIRONMENTAL CONDITIONS OF OR AFFECTING THE REDEVELOPMENT AREA. In no event will the Issuer pay or reimburse the costs associated with such due diligence efforts.

2.7 Redevelopment Plan, Approval Process and Zoning

The Redevelopment Area is located within a municipally-designated “area in need of redevelopment” in accordance with the provisions contained within the Redevelopment Law. This designation permits the City to undertake a review of the planning and zoning needs for the area. The Redevelopment Plan may be amended to reflect any necessary superseding zoning changes to conform to the applicable use of the Redevelopment Area. Once the City has identified and designated a redeveloper for the Redevelopment Area, the City will perform all necessary administrative oversight pursuant to an Agreement. Any amendments to the Redevelopment Plan necessitated by the proposed development of the Redevelopment Area must be considered and adopted by the governing body of the City.

The redeveloper will be solely responsible for all other approvals concerning the redevelopment of the Redevelopment Area, including those associated with utility service and appropriate environmental remediation. The City will provide reasonable cooperation to assist the redeveloper in making application and securing such approvals.

2.8 Affordable Housing

Respondents are expected to provide the means for producing the affordable housing required as a result of the proposed development.

2.9 Financing and Other Public Incentives

Respondents are encouraged to describe alternative financing methods and to describe their desired approach to financing the development of the Redevelopment Area. The City may consider a public participation and/or economic incentives if the proposed project so warrants, in the City’s sole discretion.

{END OF SECTION 2}

SECTION 3
INSTRUCTIONS FOR PREPARATION AND
SUBMISSION OF RESPONSES

3.1 General Provisions

In addition to the information submission requirements listed below, the Respondent may submit supplemental information that it feels may be useful in evaluating its Response.

3.1.1 Submission of Responses, Time and Place

Responses shall be submitted to the City before 10:00 a.m. on April 30, 2020. Responses shall be emailed to William W. Northgrave, Esq. at wnorthgrave@msbnj.com , with copy to James E. Polles, Esq. at jpolles@msbnj.com. To ensure receipt, Respondents are encouraged to send a follow-up email confirming same.

At a future date, Respondents should be prepared to provide the City with an original and ten (10) copies of the response, in addition to any additional documentation required by the City and its Purchasing Agent.

NO COPIES OF RESPONSES SHALL BE SENT DIRECTLY TO ANY PROJECT TEAM MEMBER.

At such later date as will be made clear by the City, one (1) copy of the Response must be clearly marked as the original and must contain the original documents and signatures. The remaining ten (10) copies may be reproductions. Respondents shall number each set of documents sequentially (numbers 1-11, with number 1 being the original) on the upper right hand corner of each cover.

All e-mailed submissions will remain unopened by the Project Team until the time and date established for the Response opening. Any Response or portions thereof that are submitted and received after the specified deadline will be marked “received late” and will be returned to the firm submitting same.

The electronic delivery of the Response on the above date and prior to the time specified herein is solely and strictly the responsibility of the Respondent. The City shall not, under any circumstances, be responsible for the loss of, delay or non-delivery of any Response sent or delivered, by electronic mail or otherwise, prior to the Response opening.

3.1.2 Questions/Clarifications Request

All communications, questions or clarifications pertaining to this RFQ/RFP should be directed, in writing, to the Designated Contact Person and received no later

than April 14, 2020. No communications, questions or clarifications, whether verbal or written, shall be presented to any member of the Project Team. During the period provided for the preparation of Responses, the Issuer may issue addenda to this RFQ/RFP. These addenda will be numbered consecutively and will be distributed to each of the firms who have requested in writing to receive a copy of this RFQ/RFP. These addenda will be issued by the Issuer and will constitute a part of this RFQ/RFP. Each Respondent is required to acknowledge receipt of all addenda at the time of submission of the Response by submitting an executed acknowledgment in the form set forth in Exhibit E. All responses to this RFQ/RFP shall be prepared with full consideration of the addenda issued prior to the Response submission date.

3.1.3 Cost of Presentation

Each Response and all information required to be submitted pursuant to this RFQ/RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Issuer, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Response or other information required by this RFQ/RFP.

3.1.4 Disclosure of Information in Responses

If the Respondent chooses to include material of a proprietary nature in the Response, the Issuer will keep such material confidential unless required to disclose such information pursuant to applicable law. The Respondent must specifically identify each page of its Response that contains such information by properly marking the applicable pages. Any sections which contain material of a proprietary nature shall be severable or removable from the Response to assist the Issuer in protecting this information. The Respondent also shall include the following notice in the introduction of the relevant Response:

The data on pages _____ identified by _____ (symbol) and labeled "Proprietary Information", contain information that is a trade secret and/or contains other information which, if disclosed, would cause substantial injury to (Respondent's) competitive position. (Respondent) requests that such data be used only for the evaluation of the Response, and understands that disclosure will be limited only to the extent that the Issuer is required to do so pursuant to applicable law. If an Agreement is awarded to (Respondent), the Issuer will have the right to use or disclose the data as provided in the Agreement executed with the Respondent.

To the extent permitted by law, the Issuer will use commercially reasonable efforts to prevent the unauthorized disclosure of this information in applying the proprietary standard to marked data. However, the Issuer assumes no liability for any loss, damage, or injury that may result from any disclosure or use of marked data or any disclosure of this or other information. Respondent understands that the Issuer is subject

to the dictates of the Open Public Meetings Act, the Open Public Records Act and other applicable laws and acknowledge that a court of competent jurisdiction could order the disclosure of all materials received as Responses hereto.

3.1.5 Response Acceptance or Rejection

The Issuer reserves the right to (a) abandon this RFQ/RFP process, (b) reject any or all Responses and (c) waive any informality or non-conformance in the Response.

3.1.6 Disposal of Responses

All Responses are the property of the Issuer and will not be returned. At the conclusion of the procurement process, the Issuer may dispose of any and all copies of Responses received in whatever manner they deem appropriate. However, prior to such disposal, the Issuer will use commercially reasonable efforts to prevent the unauthorized disclosure of proprietary information, provided same is properly identified in accordance herein. In no event will the Issuer assume liability for any loss, damage or injury that may result from any disclosure or use of marked data.

3.1.7 Withdrawal by Respondent

A Respondent may request withdrawal of its Response prior to the date and time set for the opening of the Responses provided that a written request to withdraw the Response is hand delivered to the Issuer, by or on behalf of an accredited representative of the Respondent, or the request is delivered by certified U.S. Mail. The request to withdraw the Response must be received by the Issuer prior to commencement of Response opening. While the Issuer will seek to honor such withdrawal request, the Issuer shall incur no liability for failure to do so.

3.1.8 Negotiations & Termination of Negotiations

The City reserves the right to engage in negotiations with any Qualified Respondent(s) recommended by the Project Team and reserves the right to terminate negotiations at any time for any reason, including without limitation, if a redevelopment agreement has not been agreed upon within 90 days of the date Project Team making its recommendation(s).

3.2 Submission Requirements

All Responses must be submitted complete with all requested information and are to be in conformance with the instructions set forth herein and as required by subsequent addenda, if and as applicable. The Response and all related information must be bound and must be signed and acknowledged by the Respondent in accordance with the directions herein.

The Respondent is referred to the following sections hereof, which summarize the documents and information required to be submitted pursuant to this RFQ/RFP.

3.3 Form and Content of Response

3.3.1 Organization

Responses submitted in response to this RFQ/RFP shall consist of the following:

- | | |
|-------------|--|
| Section I | Executive Summary, Respondent's Statement of Public Disclosure (see <u>Exhibit B</u> hereto), Respondent's Statement of Qualifications and Financial Responsibility (see <u>Exhibit C</u> hereto), Letter of Intent (see <u>Exhibit D</u> hereto), Acknowledgment of Addenda (see <u>Exhibit E</u> hereto) (pursuant to Section 3.3.2). Checklist, (See <u>Exhibit F</u> hereto), Non-Collusion Affidavit (<u>Exhibit G</u>) and Affirmative Action Statement (<u>Exhibit H</u>) |
| Section II | General Information (pursuant to Section 3.3.3) |
| Section III | Financial Information (pursuant to Section 3.3.4) |
| Section IV | Technical Information (pursuant to Section 3.3.5) |
| Section V | Proposed Redevelopment Plan (pursuant to Section 3.3.6) |
| Section VI | Administrative Information (pursuant to Section 3.3.7) |
| Section VII | Supplemental Information (pursuant to Section 3.3.8) |

3.3.2 Executive Summary; Letter of Intent; Acknowledgment of Addenda

Section I of the Response shall contain the Respondent's Executive Summary, Respondent's Statement of Public Disclosure, Respondent's Statement of Qualifications and Financial Responsibility, Letter of Intent and Acknowledgment of Addenda (all on Respondent's official letterhead) in the form and content exactly as set forth in Exhibits B, C, D & E herein. The Executive Summary shall include a summary of the key points of the Response including the proposed purchase price for the Redevelopment Area.

3.3.3 General Information Submission Requirements

Section II of the Response shall contain the following information set forth in the following order:

1. The name, address and telephone number of the Respondent's primary business office. If the Respondent's primary business office is located outside of the State, give the address and telephone number of the New Jersey location, if any, that will be responsible for participating in this procurement and the project.

2. Identify the parent company and any subsidiary or affiliated companies of the Respondent, giving the name, address and telephone numbers of each such company.
3. Option (if known at this time) - Does the Respondent intend to joint venture, partner or subcontract with any other company or firm or other entity in the submission of a Response? If so, identify such joint venturer, partner or subcontractor and provide for each the same information as required of the Respondent in paragraphs 1 and 2. Describe in narrative form the proposed contractual relationship and responsibilities, written or otherwise, of each of the firms or companies that will be participating.
4. All principal officers of Respondent, and all persons or entities that hold a ten percent (10%) or greater interest in Respondent.
5. All persons or entities that hold a ten percent (10%) or greater interest in an entity identified in paragraphs 2, 3 and 4.
6. In connection with 1 through 5 above, provide:
 - a. A complete identification of all principals or officers of any entities, firms, arrangements, associates, joint ventures, partnerships, or involvements described above;
 - b. Provide complete identification of all principals holding ten percent (10%) or more of net equity and all officers of all firms or entities so named;
 - c. A complete list of all criminal charges, or civil environmental complaints, brought against any of those entities, firms or persons that have been involved in any way with Respondent as identified in the foregoing answers and the disposition of all such criminal charges.
7. Complete the Respondent's Statement for Public Disclosure exactly as set forth in Exhibit B herein.

3.3.4 Financial Information Submission Requirements

Respondents must provide evidence that the development entity has the financial capacity to implement the proposed development. The Respondent must provide the following information:

- a. A summary of the amount and source of investment capital (debt and equity) anticipated to be available for the successful redevelopment of the Redevelopment Area, including the purchase price of the Redevelopment Area.
- b. A list of three (3) financial references, including a banking reference, noting the names, addresses and telephone numbers.
- c. Financial statements (audited preferred) for the general partner or controlling entity of the development team for the last three (3) years.
- d. Evidence of its ability to secure builder's risk insurance and performance bonding capacity.
- e. Disclosure of any negative information that would be deemed material under generally accepted accounting practices and, in addition thereto, any history of bankruptcy, insolvency, receivership, or similar declaration or status determination with respect to individuals or entities associated with the Respondent or any entity or affiliate thereof or individuals, or entities that are principals of said Respondent.
- f. Specific information on how Respondent's firm has financed major projects. Indicate the source and amount of debt and equity funds Respondent's firm has arranged in the past.

Additionally, the City is interested in how outside lenders, investors and business prospects may view each development opportunity. Although the City is not requiring firm, binding financing and/or leasing commitments from outside financial entities (debt & equity) at this time, proposals providing evidence of same will be viewed favorably. The Respondent is also required to complete the Respondent's Statement of Qualifications and Financial Responsibility exactly as set forth in Exhibit C herein.

3.3.5 Technical and Project-Related Information Submission Requirements

Section IV of the Response shall contain Respondent's technical and related experience. Respondents to this RFQ/RFP shall demonstrate their ability to undertake the development of the Redevelopment Area by providing the technical qualifications of the Respondent, principal subcontractors, and individual team members. The Issuer reserves the right to conduct an independent investigation of the Respondent and its subcontractor's technical qualifications by contacting project references, accessing public information, or contacting independent parties. Additional information may be requested during the evaluation of technical qualifications. At a minimum, the Respondent and its subcontractors shall provide the following information to demonstrate its technical qualifications.

3.3.5.1 Summary of Related Projects

The Respondent shall include a description of its prior projects with a strong retail component including those in which any person or entity identified in

response to Section 3.3.3 was involved. The portfolio may include visual and descriptive information sufficient to judge the quality and use of the project. For each project, Respondent shall provide the following information:

3.3.5.1(a) Project Development:

- X Specify the scope, cost, time and completion, completion date and sources of funding for all projects.
- X Demonstrate the project's post-construction success in terms of design, use, construction, management, income, employment, tax assessment, and associated expansions or spin-off development.
- X Discuss any unanticipated problems that arose with any of the above issues, as well as discussion of how the firm has addressed them.

3.3.5.1(b) Project Operations:

- X Identify the current ownership and/or property management for each project.
- X Provide contact names, addresses and telephone numbers for each project.
- X List any project defaults in which any of the principals have been a general partner or had a controlling ownership of Respondent during the last ten (10) years.

3.3.5.2 Current or Pending Projects:

Briefly describe any current or pending projects being undertaken by all members of the Respondent's team. Identify the current and future workload of staff members being assigned to this project. Identify the location of any current project, and include a contact name, address, and telephone number for each current client.

3.3.5.3 Project References:

Include three (3) references from public entities for whom the Respondent has developed similar projects, indicating whether the work was that of the Respondent and/or specific staff who will be assigned to the Redevelopment Area. Identify the contact name, organization, type of work provided, and the contact's address and telephone number. The Issuer reserves the right to contact

entities for whom the Respondent has developed a similar project that are not listed by the Respondent as a reference.

3.3.6 Redevelopment Plan

Project Concept

Respondents should review the Redevelopment Plan. The City encourages proposals that maximize the potential of the Redevelopment Area, even if such proposal is not strictly in accordance with the Redevelopment Plan. Respondents must provide a project description that includes, but is not limited to, the following elements (please be as specific as possible) (collectively, the “**Project Concept**”):

- a. Uses;
- b. Square feet and number of structures;
- c. FAR;
- d. Parking;
- e. Design scheme (this shall include but not limited to: scale, height, context, access, and parking. This may be presented in the form of plans and sketches);
- f. Phasing Plan, if required;
- g. Prospective tenant/occupant profiles;
- h. Targeted rent/sales price – per square foot;
- i. Market research, if applicable;
- j. Project completion timetable;
- k. Methods of satisfying affordable housing obligation; and
- l. Green Building/LEED compliance.

Include in the description how the Project Concept conforms and responds to or diverges from the Redevelopment Plan principles, goals, and design standards.

Conceptual Site Plan

Submit a preliminary conceptual site plan at a scale of 1:50. This plan should illustrate all elements proposed in the Project Concept. Please provide sufficient information suitable to understand the project layout and design.

Please indicate, at a minimum, the following information: the number of floors, approximate height, building foot print and setbacks, landscaped and paved areas, sidewalks and public plazas, building square footage; and the location of proposed curb cuts, parking lots, and interior roadways that service the project. Also provide a sufficient overview to illustrate how the project will respond and relate to the surroundings.

Infrastructure

Provide an infrastructure improvement plan necessary for the project implementation which includes:

- a. Description of anticipated infrastructure improvements;
- b. Costs;
- c. Phasing;
- d. Conformance with improvements as specified in the plan;
- e. Funding plan; and
- f. Any additional improvements necessary in adjacent areas.

Financial Plan

Describe the financing plan for the proposed project:

- a. Total project budget;
- b. Sources and uses of funds;
- c. Terms of financing;
- d. Multi-year cash flow statements of project;
- e. Documentation of the basis of the financial projections;
- f. Estimated market value of the total project and phases (if appropriate);
- g. Include all on- and off-site infrastructure improvements supporting all uses to be developed; and
- h. Estimate of taxes to be paid.

3.3.7 Administrative Information Submission Requirements

Section VI of the Response shall include the following information in the following order:

1. Project Organization

X The Respondent shall submit a Project Organization Plan. The plan should describe, in narrative form and as a chart, the Respondent's proposed organizational structure for this Redevelopment Area. The chart shall display:

- the firms involved, their interrelationships and responsibilities (if known); and
- key management personnel identified by name and firm; and

- resumes of key personnel to be assigned to the Redevelopment Area, including those to be involved in project implementation, are to be provided in the Response.
2. Describe briefly any significant pending legal and administrative proceedings (other than ordinary routine litigation incidental to Respondent's business) in which the Respondent or any person or entity identified in response to Section 3.3.3 is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, and the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities. Administrative or judicial proceedings arising under any federal, State, or local laws or ordinances that have been enacted or adopted for purposes of environmental protection shall not be deemed "ordinary routine litigation incidental to the business" and shall be described.
 3. A complete list of all criminal charges and civil environmental complaints brought against Respondent or any person or entity identified in response to Section 3.3.3 identified in the foregoing answers and the disposition of all such criminal charges and/or civil environmental complaints, if any.
 4. Describe briefly any occasion in which Respondent or any person or entity identified in response to Section 3.3.3, has ever been disqualified, removed or otherwise prevented from participating in, or completing a federal, State, or local governmental project because of a violation of law or a safety regulation.
 5. Describe briefly any occasion in which Respondent or any person or entity identified in response to Section 3.3.3 has been in a position of default in a federal, State or local government project, such that payment proceedings and/or execution on a payment, performance or bid bond have been undertaken.
 6. Willingness to provide a Tax Clearance Certificate from the Director of the New Jersey Division of Taxation applied for and received by all Respondents.
 7. State whether the Respondent or any person or entity identified in response to Section 3.3.3 now or has been during the past three (3) years delinquent on any tax payments or obligations owed to any taxing jurisdiction.
 8. State whether the Respondent, or of any affiliated corporation of the Respondent or said parent corporation, or any of the Respondent's officers or principal members, shareholders or investors, or other interested parties been adjudged bankrupt, either voluntary or involuntary, within the past ten (10) years.

9. State whether the Respondent or anyone referred to above as “principals of the Respondent” been indicted for or convicted of any felony within the past ten (10) years.
10. List all threatened and pending claims, litigation and judgments or settlements, including but not limited to government investigations and enforcement actions against Respondent or any person or entity identified in response to Section 3.3.3.
11. State whether the Respondent or any of its officers or principals refused to testify or waive immunity before any state or federal grand jury relating to any public construction project within the last ten years. If so, provide details.
12. If multiple organizations are participating (e.g., subsidiaries, parent companies, joint ventures and/or subcontractors), the information requested in this Section 3.3.7 shall be provided regarding each of the respective organizations.

3.3.8 Supplemental Information to be Provided at Respondent’s Option

The Respondent may include in Section VII any other information that it deems relevant or useful for the Issuer to consider in evaluating Respondent’s Response. Respondent should also include any concerns regarding this project or any information or suggestions that the Respondent deems relevant to the Issuer. Some suggested topics for supplemental information include:

- X ownership issues;
- X potential future uses;
- X potential for additional properties to be included in Redevelopment Area; and
- X environmental concerns.

3.3.9 Form

The Respondent shall provide the appropriate information required for each Section in accordance with the following content and format requirements.

- X Each volume and all related information shall be bound as a single document (with the exception of the one (1) unbound copy), unless that is impractical, in which case an Exhibit document accompanying the volume may be submitted.
- X The Response shall be concise, clear, factual, and complete with a minimum of extraneous material.
- X The Response shall be indexed and sectioned and shall be prefaced with a table of contents.

X Maps and drawings should be attached.

{END OF SECTION 3}

SECTION 4

EVALUATION AND SELECTION PROCESS

4.1 Evaluation Process

Generally, the Issuer will identify Qualified Respondents giving due regard to past experience, conformance to the goals and objectives articulated in this RFQ/RFP, as well as financial strength and other qualifications and experience which are deemed, at the sole discretion of the Issuer, to be relevant. Only those Respondents that are deemed qualified by the Issuer will be considered. The Issuer reserves the right to select or reject a Respondent on any basis it deems appropriate or to waive any item or requirement set forth in this RFQ/RFP.

All responses will first be evaluated to assure that they meet the requirements of this RFQ/RFP. Responses will be evaluated by a Project Team composed of the following individuals:

- Mayor Derek Armstead
- Council President Michele Yamakaitis
- Councilwoman Lisa Ormon
- Alex Lospinoso, Chief of Staff to the Mayor of the City of Linden
- Paul Ricci, City of Linden, Planner
- Nicholas Pantina, City of Linden, Engineer

Responses will be evaluated based upon the following criteria (not ranked in order of importance):

- Understanding of the goals, nature and scope of the City's redevelopment efforts in the Redevelopment Area;
- Level of creativity, innovativeness and resourcefulness of past projects;
- Respondent's experience and qualifications with similar projects (redevelopment properties, joint venture or other partnerships, public entities);
- Project references;
- Financial strength and available capital;
- Innovativeness of development concept(s);
- Competency and thoroughness evidenced in the Project Concept;
- Demonstrated experience in building development projects;
- Demonstrated ability to arrange debt and equity financing for projects;
- Ability to provide superior qualified staff and professionals;
- Viability of proposed development uses; and
- Economic benefit to the City.

Overall, a Qualified Respondent to this RFQ/RFP must evidence, either directly or as part of an existing or proposed joint venture, partnership or other organization or firms or through the

use of subcontractors, the technical ability, financial strength and the willingness to provide the required performance-related guarantees for the services contemplated in this RFQ/RFP. The Issuer reserves the right in its sole discretion to interview one or more Respondents as to their proposals as part of its evaluation process.

The Issuer may select one or more of the Respondents with whom to undertake negotiations of an Agreement that will set forth the obligations and responsibilities relating to the development of the Redevelopment Area and/or to assist the Issuer in its development of the Redevelopment Area. The issuance of this RFQ/RFP in no way obligates the Issuer to negotiate an Agreement with any of the Respondents. Such negotiations, if conducted, will proceed for a reasonable time acceptable to the Issuer and shall culminate in the execution of an Agreement, termination of such negotiations and the Issuer's selection of another Qualified Respondent for the commencement of negotiations, or the Issuer's abandonment or revision of the selection process contemplated by this RFQ/RFP.

{END OF SECTION 4}

EXHIBIT A
REDEVELOPMENT PLAN

Redevelopment Plan

Block 254, Lots 1 through 10

City of Linden

Union County, New Jersey

Prepared: January 5, 2020

Adopted: March 18, 2020

Prepared by:

ricciplanning

177 Monmouth Avenue
Atlantic Highlands, NJ 07716



Paul N. Ricci, PP, AICP
New Jersey Professional Planner
License No.: LI005570

*The original of this document was signed
and sealed in accordance with New Jersey Law*

FIRST READING: February 18, 2020

ORD. No. 64-07

2ND AND FINAL READING: March 17, 2020

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN ENTITLED “REDEVELOPMENT PLAN – BLOCK 254, LOTS 1 THROUGH 10” PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute “areas in need of rehabilitation” and/or “areas in need of redevelopment”; and

WHEREAS, on June 18, 2019, the City Council of the City (the “**City Council**”), pursuant to *N.J.S.A. 40A:12A-6*, authorized the Planning Board of the City (the “**Planning Board**”) to determine whether the property identified as Block 254, Lots 1-10 on the official tax map of the City (“**Study Area**”), met the statutory criteria for designation as an “area in need of redevelopment” pursuant to the Redevelopment Law; and

WHEREAS, on September 10, 2019, the Planning Board undertook said investigation and conducted a public hearing, all in accordance with *N.J.S.A. 40A:12A-6*, and recommended to the City Council that the Study Area satisfied certain statutory criteria and thus constituted an area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, on September 17, 2019, the City Council adopted a resolution which designated the Study Area as an area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, in order to facilitate the redevelopment of the Study Area, the City Council also authorized the preparation of a redevelopment plan for the Property pursuant to the authority granted under the Redevelopment Law, that was adopted, after review and comment by the Planning Board, by the City Council on; and

WHEREAS, Ricci Planning prepared the redevelopment plan entitled “Redevelopment Plan – Block 254, Lots 1 through 10,” (the “**Redevelopment Plan**”), providing the development standards for the Study Area, as more fully set forth and attached hereto as Exhibit A; and

WHEREAS, on January 21, 2020, pursuant to the Redevelopment Law, the City Council referred the Redevelopment Plan to the Planning Board for review and comment; and

WHEREAS, on February 11, 2020, the Planning Board reviewed and recommend the Redevelopment Plan, as more fully set forth and attached hereto as Exhibit A; and

WHEREAS, upon review of the Planning Board’s recommendation regarding the Redevelopment Plan, the City Council has determined to adopt the Redevelopment Plan, as more fully set forth and attached hereto as Exhibit A, to ensure the success of redevelopment within the Redevelopment Area in conformity with the City’s redevelopment objectives.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Linden, County of Union, New Jersey that:

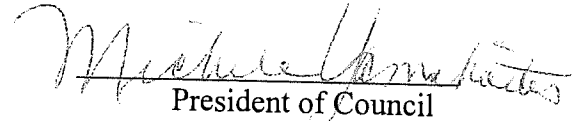
Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Redevelopment Plan, as amended and attached hereto as Exhibit A, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7.

Section 3. A copy of this Ordinance and the Redevelopment Plan, as amended and attached hereto as Exhibit A, shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 4. This Ordinance shall take effect in accordance with all applicable laws.

PASSED: March 17, 2020


President of Council

APPROVED: March 18, 2020


Mayor

ATTEST:


City Clerk

I, JOSEPH C. BODEK, City Clerk of the City of Linden, in the County of Union and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the ordinance adopted by the City Council of the City of Linden at a meeting held on , 2020 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Linden, this 18 day of MARCH, 2020.


JOSEPH C. BODEK, City Clerk

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List of Appendices

Appendix A: Resolution No. 2019-266

Appendix B: Unnumbered Planning Board Resolution

Appendix C: Resolution No. 2019-348

Appendix D: Tax Maps

Appendix E: Aerial Imagery

Appendix F: Concept Plan

1.0 — Introduction

On June 19, 2019, the Linden City Council adopted Resolution No. 2019-266, which authorized the Linden Planning Board to undertake a preliminary investigation to determine whether or not Block 254, lots 1 through 10 in the City of Linden may be designated as an area in need of redevelopment in accordance with applicable New Jersey Law. A copy of Resolution No. 2019-256 is provided in Appendix A.

A report dated August 21, 2019 and entitled “Redevelopment Study and Preliminary Investigation Report, Block 254, Lots 1 through 10”, was subsequently prepared by Paul N. Ricci, PP, AICP of the firm of RicciPlanning, LLC. The report concluded that the aforementioned parcels met requirements for being designated as an “area in need of redevelopment” as outlined in the criteria set forth at N.J.S.A. 40:12A-1 et seq. (Local Redevelopment and Housing Law). Specifically, the report concluded that Block 254, lots 1 through 10 met the “d” and “h” criteria for being designated as an area in need of redevelopment. On September 10, 2019, the Linden Planning Board held a public hearing and recommended to the Mayor and City Council that the collective designation of the aforementioned parcels as an area in need of redevelopment. A copy of this finding is provided in Appendix B.

The Linden City Council subsequently adopted Resolution No. 2019-348 on September 17, 2019, which designated the aforementioned parcels as an area in need of redevelopment and authorized the preparation of a redevelopment plan. A copy of Resolution No. 2019-348 is provided in Appendix C.

This redevelopment plan has been prepared to codify the goals, objectives, and specific land use and development standards for the redevelopment of Block 254, lots 1 through 10.

2.0 — Statutory Requirements

As per the Local Redevelopment and Housing Law, a redevelopment plan shall include an outline for the planning, development, and redevelopment of a designated redevelopment area that is sufficient to indicate:

- Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;
- Proposed land uses and building requirements;
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
- An identification of any property within the redevelopment area that is proposed to be acquired in accordance with the redevelopment plan; and,
- Any significant relationship of the redevelopment plan to: the master plans of adjacent municipalities; the master plan of the county within which the municipality is located; and, the State Development and Redevelopment Plan, as adopted pursuant to the State Planning Act (P.L. 1985, c.398; C. 52:18A-196 et al.).

The Local Redevelopment and Housing Law further requires that a redevelopment plan describe its relationship to pertinent municipal development regulations.

3.0 — Redevelopment Area Description

The redevelopment area is located in the central part of the city and have frontage on North Wood Avenue and West Elizabeth Avenue. The parcels are contiguous and have a combined area of 4.67 acres.

Appendix D provides a copy of Sheet 49 of the official tax map of the City of Linden. Appendix E provides aerial imagery dating from 2015.

3.1 — Existing Land Use

New Jersey's MOD-IV property tax assessment database indicates that: Block 254, lots 1 through 8 are assessed as commercial; Block 254, Lot 9 is assessed as public; and, Block 254, Lot 10 is assessed as "other tax exempt".

The observed land uses indicate that: Block 254, lots 1 through 8 are currently developed as a shopping center; and, Block 254, lots 9 and 10 are developed as parking lots.

Downtown commercial and limited light industrial uses predominate to the north, west and south of the redevelopment area. The east of the redevelopment area abuts the railroad right-of-way that is popularly known as the Northeast Corridor. The Linden Train Station and residential uses are located to the east of said railroad right-of-way.

4.0 — Overall Goal and Objectives

The overall goal of the redevelopment plan is to eliminate those conditions that cause the redevelopment area to be an area in need of redevelopment. To help achieve this goal, the following objectives are defined:

- Promote redevelopment in a manner that will advance the health, safety, welfare and morals of the community.
- Improve and upgrade the redevelopment area with development that responds to current market needs.
- Increase the supply of high-quality multifamily housing.
- Encourage mixed-use transit-oriented development within the Linden Station Area.
- Capitalize on the availability of rail and bus transit within close proximity of the redevelopment area.
- Enhance Linden's image with high-quality building and site aesthetics.
- Stimulate private investment that provides increased tax ratables.

- Promote economic growth and vitality.

5.0 — Redevelopment Standards

5.1 — Relationship to Municipal Land Development Regulations

The provisions of this redevelopment plan shall supersede the existing Zoning and Development Regulations of the City of Linden in accordance with New Jersey's Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.c).

The Official Zoning Map of the City of Linden is hereby amended to designate the redevelopment area, which consists of Block 254, lots 1 through 10, as the "Block 254 Project Area". All other municipal development regulations shall remain applicable.

5.2 — Permitted Land Uses

Permitted land uses are described in the following subsections.

5.2.1 — Principal Permitted Land Uses

The principal permitted land uses include the following:

1. Multifamily Residential. Multifamily residential uses are premises available for long-term human habitation, but excluding premises offered for rental periods of less than one month. The residential uses may be either rental or condominium units and may not be boarding houses and rooming houses. All multifamily residential units shall be located on the upper stories (i.e., floor two or above) of mixed-use buildings. of the units shall not have more than two-bedrooms.
2. Retail. Retail uses include stores, restaurants, and similar facilities including, by way of example, but not limited to, markets, entertainment establishments, restaurants, cafes, bars, health and fitness clubs, clothing stores, childcare, clubs, community centers, community meeting rooms and boutique retailers. All retail businesses shall be located on the ground floor of

- mixed-use buildings. Stand-alone retail businesses are prohibited. Drive-through or drive-in retail uses are prohibited.
3. **Management Office.** Management offices are offices used for the professional management of multifamily residential rental developments located within the redevelopment area. Activities related to the professional management and leasing of such developments may occur within management offices. Management offices may not be located within, or directly connected to, the residence of an on-site manager. One management office per multifamily residential rental development is permitted. Management offices shall be located on the ground floor of mixed-use buildings.
 4. **Residential Model Unit.** Residential model units are uninhabited residential units that are used by the professional management of an onsite multifamily residential rental development to show the type of units available for lease to potential lessee. A maximum of one residential model unit per multifamily residential rental development is permitted. Residential model units shall be located on the upper stories (i.e., floor two or above) of mixed-use buildings.
 5. **Mixed-Use.** Buildings may include any two or more of the above-permitted uses, subject to the restrictions listed above for each use.

5.2.2 — Permitted Accessory Land Uses

The permitted accessory land uses include the following:

1. **Enclosed Parking:** Enclosed parking is parking that is located on the ground floor or second floor, and below the third floor of a mixed-use building. Enclosed parking areas may also include below-grade levels. Enclosed parking is enclosed by an exterior wall of the same quality of construction as the mixed-use building and is screened from view from all public roadways and site boundaries. Enclosed Parking may be used as public parking provided that: all parking requirements are met and approved by the City Engineer; the retail parking requirements contained in this redevelopment

- plan are fully met; and, the required number of residential parking spaces are provided as reserved parking.
2. Surface parking may be provided, subject to the condition that the no less than two-thirds of all parking spaces provided in the redevelopment area are provided within ground floor enclosed parking facilities.
 3. Rooftop terraces and amenity decks for passive recreation use by residents of the redevelopment area. Rooftop terraces and amenity decks may be located on any roof/deck that is situated above the second floor of a multistory building.
 4. Indoor amenity areas (e.g., lounges, gyms, meeting rooms) for the use and enjoyment of residents. Indoor amenity areas shall be located above the second floor.
 5. Outdoor seating areas for passive recreation use by residents and visitors of the redevelopment area.
 6. Pocket parks for use by residents and visitors of the redevelopment area.
 7. Loading areas for use by residential and retail uses.

5.3 — Building and Site Requirements

This redevelopment plan contains a concept plan at Appendix F. Said concept plan dictates the envisioned features for the redevelopment area. Proposed redevelopment projects shall be generally consistent with the concept plan at Appendix F.

The building and site requirements are outlined in the following subsections.

5.3.1 — Bulk Regulations

The following bulk regulations shall apply:

1. Tract and Lot Size Requirements:
 - a. Minimum Tract Size: 200,000 square feet
 - b. Minimum Lot Size: 80,000 square feet
 - c. Minimum Lot Width: 250 feet

- d. Minimum Lot Depth: 250 feet
- 2. Setback Requirements (Principal Building):
 - a. Minimum Front Yard Setback: No requirement
 - b. Minimum Side Yard Setback (One Side): No requirement
 - c. Minimum Side Yard Setback (Two Sides): No requirement
 - d. Minimum Rear Yard Setback: 40 feet
 - e. Minimum Setback from Block 254, Lot 14: 40 feet
- 3. Setback Requirements (Accessory Building):
 - a. Minimum Side Yard Setback (One Side): 7 feet for corner lots, no requirement for other lots
 - b. Minimum Side Yard Setback (Two Sides): 7 feet for corner lots, no requirement for other lots
 - c. Minimum Rear Yard Setback: 40 feet
 - d. Minimum Setback from Block 254, Lot 14: 40 feet
- 4. Height Requirements:
 - a. Maximum Height (Principal Building): 70 feet, as measured to the deck of a flat or mansard room, or eave line of a sloped roof
 - b. Maximum Height (Accessory Building): 25 feet, as measured to the deck of a flat or mansard room, or eave line of a sloped roof
- 5. Maximum Building Coverage: 85 percent
- 6. Minimum Open Space and Landscaping: 15 percent of total lot area
- 7. Maximum Residential Density (Applied to Tract): 110 dwelling units per acre
- 8. Maximum Number of Residential Units (Applied to Tract): 504 units
- 9. Minimum Habitable Floor Area (Principal Building): 200,000 square feet (all uses)
- 10. Gross Floor Area of Residential Units:
 - a. Minimum Average Gross Floor Area (One-Bedroom Unit): 675 square feet

- b. Minimum Average Gross Floor Area (Two-Bedroom Unit): 950 square feet

11. Unit Distribution:

- a. Distribution of Residential Units: A minimum of 68% of the units shall be 1-bedroom units. No more than 32% of the units shall be 2-bedroom units. 3-bedroom units shall not be permitted.

5.3.2 — Ground Floor Restrictions

The “ground floor” is defined as the level of the building that is closest to the grade of the street or adjoining public walkway at a given point.

The following ground floor restrictions shall apply:

1. Retail uses are encouraged on the ground floor of buildings and are required on North Wood Avenue and West Elizabeth Avenue as follows. A minimum of 17,000 sq. ft. of retail space shall be provided along North Wood Avenue and “wrap” around the intersection onto West Elizabeth Avenue for a minimum of 100 feet. The entire ground-floor building frontage along North Wood Avenue shall contain retail/restaurant space.
2. Ground floor retail space shall have a minimum height of 14 feet.
3. Retail uses must be accessed by means of an exterior door from the sidewalk that provides access to an individual retail use.
4. Lobbies leading to uses on upper stories are permitted from entry points along West Elizabeth Avenue.
5. Ground floor enclosed parking areas shall be adequately ventilated to the satisfaction of the City Engineer. Disruptions to exterior walls resulting from the need to ventilate ground floor enclosed parking areas shall be decorative in nature and utilize such architectural adornments as: arches; wrought iron; or, decorative millwork.

5.3.3 — Exterior Building Design

5.3.3.1 — Architectural Features

Buildings shall be of high-quality design and contribute to an improved appearance and image of the Linden Station Area. To achieve this, the following architectural features shall apply:

1. Buildings shall include a basecourse of between three and four feet in height along all façades. The color of such basecourse shall contrast with the remainder of the façade surface.
2. Façade surfaces shall be primarily covered with brick and contrasting neutrally toned decorative paneling.
3. The use of E.I.F.S. on exterior façade surfaces is prohibited.
4. The inclusion of stringcourses above the ground floor is encouraged.
5. The color of window and door surrounds shall contrast with the façade surface.
6. The use of exterior millwork as a façade adornment is encouraged.
7. Façade surfaces shall be articulated so that no more than 60 horizontal feet of building surface is unbroken.
8. Inclusion of roof parapets in building design is encouraged.
9. Balconies or balustrades are permitted. A maximum depth of 3.5 feet is permitted for all balconies visible from a public roadway or right-of-way. Full balconies are permitted and envisioned within interior building courtyards and other similar locations. When provided, such elements shall be an integral part of the overall building design.
10. In order to create a stimulating and attractive pedestrian environment, the base of the building (i.e., the ground floor and second story) shall be more richly adorned and articulated than upper stories.
11. All buildings in their design and layout shall be an integral part of the total development of the redevelopment area.

12. Mass and Scale. The apparent mass and scale of large buildings should be reduced through the use of modulation and articulation that provides a pedestrian scale and architectural interest.
13. Integration. Large buildings should integrate features along their facades visible from the public right-of-way, and pedestrian routes and entries, to reduce the apparent building mass and achieve an architectural scale consistent with other nearby structures.
14. Articulation. Buildings shall be articulated to reduce the apparent scale of buildings. Architectural details that are used to articulate the structure may include three-dimensional details that create shadow lines, or intervals, and break up the flat surfaces of the facade. The following are ways to achieve building articulation:
 - a. Tripartite Articulation. Provide tripartite building articulation (building top, middle, and base) to provide pedestrian scale and architectural interest.
 - b. Window Treatments. Provide articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale with mullions, recesses, as well as applying complementary articulation around doorways and balconies. Articulated window treatments shall be provided within street-facing facades.
 - c. Architectural Elements. The mass of long or large-scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, bay windows, dormers, or columns.
 - d. Materials. When there is a change in the building plane, a change in the building materials, colors, or patterns is appropriate.
 - e. Upper Story Setback/Build into Roofline. Setting back upper stories or building the upper story into the roofline, i.e. dormers, mansard roof, helps to reduce the apparent bulk of a building and promotes human scale.

5.3.3.2 — Blank Walls.

1. Intent. To reduce the appearance and mass of large walls through the use of various architectural and landscaping treatments.
2. Large, blank walls shall not be permitted.
3. All blank walls shall be treated in one or more of the following ways:



An example of a decorative wall mural

- a. Installing windows or a vertical trellis in front of the wall with climbing vines or plant materials;
- b. Providing a landscaped planting bed at least five feet wide or raised planter bed at least two feet high and three feet wide in front of the wall, with plant materials that obscure or screen at least 50 percent of the wall's surface within three years;
- c. Providing artwork (mosaic, mural, sculpture, relief, etc.) over at least 50 percent of the blank wall surface;
- d. Proposing alternative techniques or by providing an architectural justification for the blank wall as part of the technical review process.

5.3.3.3 — Exterior Building Materials Consistent with Concept Plans at Appendix F (need to expand Appendix F with additional concept plans)

1. Intent. To provide visual interest, distinct design qualities, and a pleasing transition from the natural to the built environment, and to promote compatibility through architectural detailing and the use of sustainable and high-quality materials.
2. Use building materials of high durability and high quality. The use of brick is encouraged on walls or as accents on walls. Vinyl siding is prohibited. The use of synthetic stucco (EIFS) is prohibited. Wood-textured, cementitious fiberboard products, i.e., hardieboard should be considered in lieu of vinyl or wood siding for mixed-use buildings.

3. The predominant building materials shall be materials characteristic of traditional developments in northern New Jersey, such as brick, wood, stone, traditional clapboard or fiber-cement plank, and stylized shingles.
4. Mansard roofs shall be finished with shingles that replicate slate stone.
5. Alternative siding, metal panels or roofs, mirrored glass surfaces, or faux facade materials shall require the approval of the Redevelopment Entity and special care would be needed to not detract from the overall visual conformity of the traditional styles.
6. Buildings may not be painted in bold colors, patterns, checks or stripes.
7. The use of earth-tone colors (browns, beige, grays, soft greens, and the like) and/or other colors generally associated with traditional building design is encouraged on all buildings. Accent or complementary colors that harmonize with the main facade color(s) shall be permitted for trim, awning and other building details.

5.3.3.4 — Rooflines

1. Building rooflines visible from a public street, open space, or public parking area shall incorporate features to create a varied and visually distinctive roof form through features, such as prominent cornice or fascia, stepped roofs, emphasized dormers, chimneys, gables, or an articulated roofline.



An example of a mansard roof with faux slate shingles

5.3.3.5. —Projections

1. Projections serve to break up the mass of a building and create variety and interest in a building design. Projections for individual bays of buildings shall not result in a cantilever above the ground floor. Projections are encouraged

Redevelopment Plan
Block 254, Lots 1 through 10

to break up the building façade in a subtle manner. It is recommended that such building projections range from 12 inches to 4-feet and run the full vertical height of the building as determined by the Planning Board.



An example of a cantilevered projection



An example of a "minor" projection

5.3.3.6 — Corner Treatments/Key Architectural Elements

1. The intersecting corners of buildings frame the central location and important gateway views from Linden Station. Architectural treatments of the intersection of North Wood Avenue and West Elizabeth Avenue will emphasize its role as a gateway and central location within the downtown. Therefore, major special corner treatment is required at this intersection as



An example of a corner treatment

well as the corner of the building on North Wood Avenue that is most proximate to the Northeast Corridor rail line.

2. The corner treatment should provide additional visual interest in the building, which may be expressed with projections; towers; variation in materials, massing, or setbacks for bays; variation in roof forms and height, or other architectural appurtenances appropriate to the scale and style selected.

5.3.3.7 — Ground-Level Building Frontage Standards

1. Retail storefronts shall be framed by canopies or awnings. Canopies are flat projecting elements that may or may not be supported by wires. Awnings are fabric and hang diagonally. Awnings shall be straight (not curved), and awning ends shall be open (not boxed). Awnings and canopies shall project between 4 to 12 feet from the building façade and shall maintain a minimum vertical clearance of 8 feet above the sidewalk at all points.



An example of a modern metal canopy

5.3.3.8 — Building Transparency

1. Fenestration of retail storefronts must be at least 40 percent and not more than 90 percent.
2. Fenestration of upper floors must be at least 25 percent.

5.3.3.9 — Facade Treatment

1. Multi-tenant buildings shall provide offset storefronts, doorways, windows, awnings and/or other design features for all ground-floor tenants. At a minimum, the upper floor of said buildings shall be coordinated with the ground floor through the use of common materials and colors.

2. Commercial and mixed-use building facades shall have finished materials on all building elevations.
3. New or renovated facades should incorporate rhythms that carry through a block, such as storefront patterns, window spacing, entrances, canopies or awnings.
4. The use of creative lighting schemes to highlight building facades and related areas is encouraged as long as it would not interfere with residential uses.
5. Clearly defined, highly visible customer entrances are encouraged, such as through the use of canopies, porticos, arches, wing walls, integral planters and similar features.

5.3.3.10 — HVAC Equipment and Rooftop Mechanical Equipment

1. Exterior-mounted mechanical and electrical equipment shall be architecturally screened or placed on a rooftop in a location that is not visible from the public right-of-way or adjoining residences.
2. PTAC or similar HVAC units with exposed “window air conditioner type” venting shall not be permitted in the Redevelopment Area.

5.3.4 — Parking Requirements

Off-street parking shall be provided within an enclosed ground level parking area, and at the following rates:

- One-bedroom dwelling unit: 1 space
- Two-bedroom dwelling unit: 1.5 spaces
- Retail: 1 parking space for every 500 square feet
- Management Office: 1 parking space for every 500 square feet

Available on-street parking shall not be used in fulfillment of any part of the off-street parking requirements.

5.3.5 — Off-Street Loading Requirements

Off-street loading spaces shall be provided at the following rates:

- Residential Unit: 1 space per mixed-use building

- Non-Residential Space: 1 space for every 17,000 square feet

Off-street loading spaces may be provided at location to the side or rear of a principal building that does not impair emergency access and is deemed suitable by the Linden Planning Board. Off-street loading shall not be accessed from North Wood Avenue or 50 feet therefrom.

Available on-street parking areas shall not be used in fulfillment of any part of the off-street loading requirements.

5.3.6 — Car Sharing/Electric Vehicle Charging

1. The redeveloper is encouraged to explore the possibility of providing an onsite car-sharing service in order to enable residents to own fewer or no cars. One or more parking spaces in an enclosed ground level parking area may be dedicated to this purpose.
2. The following requirements to provide electric vehicle charging stations (EVCS) or electric vehicle charging equipment (ECVE) stations shall apply to all new site plans and all site plans coming before the Planning Board for substantial modifications to a previously approved preliminary or final site plan approval.
 - a. All developments shall provide either Level 2 EVCE with a minimum output rate of 7.2 kilowatts per hour or DC fast charging stations in parking areas in an amount equal to 3% of the required number of parking spaces, subject to a minimum of two EVCS per location.
 - b. Appropriately sized electrical conduit shall be installed to additional spaces in order to allow for future expansion of the number of EVCS to 7% of the required number of parking spaces. These additional EVCS shall be installed within six months of notification by the City.

5.3.7 — Separation from Amtrak/New Jersey Transit Railroad Right-of-Way

Due to the need to adequately separate the redevelopment area from said right-of-way in order to ensure safety and high-quality aesthetics, the provision of a

retaining wall along or near the eastern boundary of the redevelopment area shall be required.

The required retaining wall shall be constructed of bricks, stone, or concrete. The use of gabion mesh, wood, or sheet piling is prohibited.

The wall shall be six feet in height. The incorporation of articulations within the retaining wall surface is strongly encouraged and required when constructed with bricks.

5.3.8 — Landscaping and Street Trees

The applicant shall provide a detailed landscaping plan that has been prepared under the seal of a licensed landscape architect. At a minimum, landscaping shall be provided at the base of all principal buildings, and at the base of the required retaining wall. The use of perennial and native species is encouraged. Areas not covered by buildings, driveways, or parking areas shall be covered with a well-maintained lawn. To ensure maximum lawn health and vitality, the provision of an automatic lawn sprinkler system is required.

Street trees shall be planted within sidewalk areas and regularly spaced at approximately 30- to 40-foot intervals. Street trees shall be a minimum of 3.5 inches in caliper and 16 feet high at the time of planting. All street tree types and sizes shall be recommended by the Linden Share Tree Commission or a licensed landscape architect that has been designated by the Linden Planning Board.

In addition to the above, it is noted that street trees shall be planted in adequately sized tree wells, and appropriate watering and feeding techniques shall be employed. The area around the street tree may be planted with groundcover, covered with decorative grates, or paved with decorative pavers. Where possible, the area around the street tree shall be protected by a low fence.

5.3.9 — Sidewalks and Curbing

A sidewalk of at least ten feet in width shall be provided along the frontage of North

Wood Avenue and West Elizabeth Avenue. All streetscape improvements shall be consistent with the City's Special Improvement District established design theme.

Interior sidewalks, however, may be brick pavers or poured concrete.

Asphalt curbing is expressly forbidden throughout the redevelopment area.

5.3.10 — Bicycle Racks

Bicycle racks shall be provided within all enclosed ground level parking areas.

Bicycle parking areas shall be separated from automobile parking areas by means of bollards, curbing and elevated surface, or some other means deemed suitable by the Linden Planning Board. The provision of bicycle air pumps and other amenities within bicycle parking areas is encouraged.

5.3.11 — Lighting

A lighting plan shall be submitted. All lighting plans shall include lighting within the enclosed ground floor parking area, streetlights, and at the bases and entrances of all buildings.

Decorative streetlights are required to be provided at the midpoint between all street trees. Streetlights should produce a spectrum in the daylight-incandescent range.

All lighting shall be selected to comply with "dark sky" standards and shielded to minimize leakage into the night sky and prevent direct glare into adjacent residential windows. The Linden Planning Board shall give final approval of all aspects of the lighting plan.

5.3.12 — Signage

Signage shall be an essential and permanent component of the building design and shall be compatible with building materials and colors. Only signs that identify uses within the building are permitted. The Linden Planning Board shall review and give

final approval of proposed signage. The Linden Planning Board's review shall supersede existing city code.

Temporary signs unrelated to the advertisement of available residential units or retail space within the redevelopment area are prohibited. The use of signage with flashing lights, or animation is also prohibited.

5.3.13 — Disposal Requirements

Each principal building shall be designed so as to accommodate easy access to garbage and recycling containers by residents and carters. Enclosed garbage and recycling facilities shall be provided within each principal building. All garbage and recycling facilities shall be screened from view from the exterior of the building in which they are located.

5.4 — Concept Plans

Site layout shall be in general conformance with the concept plan that is provided in Appendix F.

6.0 — Property Acquisition

The Linden City Council designated Block 254, lots 1 through 10 as a "Condemnation Redevelopment Area". Thus, the City identifies the entire redevelopment area as potentially necessary for acquisition via eminent domain in order to effectuate the redevelopment of the area. Nonetheless, this redevelopment plan acknowledges that acquisition should, in the first instance and to the greatest extent possible, be achieved by private agreement between the redeveloper and property owners.

6.1 — Relocation

To the greatest extent possible, it is anticipated that the designated redeveloper will mitigate the need for relocation assistance through acquisition of parcels.

Nonetheless, it is noted that the City of Linden will provide any displaced tenants and landowners with the appropriate relocation assistance, pursuant to applicable State and Federal law, should relocation be necessary. Such assistance will be provided through an appropriately designated office.

It is further noted that the City of Linden and the surrounding area contains sufficient land and buildings that would be appropriate for relocation, should the need arise. However, if relocation is not directly caused by the execution of the redevelopment plan and not required by applicable State and Federal law, the City assumes no responsibility.

6.2 — Redevelopment Agreement

No activity shall be undertaken within the redevelopment area unless the activity is undertaken pursuant to a redevelopment agreement that has been approved by the redevelopment authority.

6.3 — Redeveloper Obligations

The redeveloper shall be required to:

1. Submit development plans that include, but are not limited to, drawings of site and building plans and elevations in sufficient detail to show building layout, building construction, road access, etc. in accordance with the City's development regulations. These documents shall be submitted to the Linden Planning Board and the Linden City Council, acting as the redevelopment authority, for review and approval in order to determine compliance of such plans with the redevelopment plan before working drawings are prepared. It is expressly understood that the approval of any plans by either the Linden Planning Board or the redevelopment authority applies to any and all features shown thereon. Any and all subsequent additions, deletions or other

- modifications of the plans must be submitted to the Linden Planning Board for final approval before construction can begin.
2. Submit a written development schedule and commence the undertaking of the development in accordance with the development schedule.
 3. Agree that no covenant, conveyance agreement or other instrument relating to the property shall be effected or executed on the basis of race, creed, sex, religion, color, age, national origin, or ancestry in the lease, use or occupancy thereof.
 4. Maintain the structures and facilities in accordance with all codes and ordinances of the City.

6.4 — Deviation Requests

The Linden Planning Board may grant deviations from the requirements of this redevelopment plan in cases where the strict application of a particular requirement would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper.

The Linden Planning Board may also grant deviations when it finds that the overall goal and objectives of this redevelopment plan would be advanced, and that the benefits of a deviation would outweigh any detriments. No deviation may be granted under the terms of this section unless the Linden Planning Board finds that such deviation can be granted without substantial impairment of the redevelopment plan's overall goal and objectives.

Public notice of any application for deviation from the requirements of this redevelopment plan shall be required and conform with the standards for public notice of N.J.S.A. 40:55D-12(a) and 12(b).

The following types of deviations shall only be permitted by means of an amendment to the redevelopment plan by the Linden City Council, and only upon a finding by same that such deviation would be consistent with and promote the

furtherance of the overall goal and objectives of this redevelopment plan: deviation to allow a land use that is not permitted in this redevelopment plan; deviation to increase permitted floor area, density, or other aspect of development intensity; deviation to allow a material departure from the concept plans at Appendix F; and, deviation to allow an increase in building height that exceeds the permitted building height that is outlined in this redevelopment plan by ten feet or ten percent, whichever is less.

6.5 — Planning Board Review

Pursuant to N.J.S.A. 40A:12A-13, all development applications shall be submitted to the Linden Planning Board for review and approval.

The following provisions shall govern the Linden Planning Board's review:

1. No building permit shall be issued by the construction or zoning official for any work resulting in a change of intensity of development or change of use for any properties or building within the area governed by the redevelopment plan without prior review and approval of the work by the Linden Planning Board.
2. Regular maintenance and minor repair shall not require Linden Planning Board review and approval.
3. The Linden Planning Board shall conduct its review pursuant to N.J.S.A. 40:55d-1 et seq. and the City's Land Development Ordinances.
4. As part of the site plan approval, the Linden Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53. The performance guarantees shall be in favor of the City and the City Engineer shall determine the amount of any performance guarantees.

5. Any subdivision of land within the area governed by the redevelopment plan shall be in compliance with same and reviewed by the Linden Planning Board pursuant to N.J.S.A. 40:12A-1 et seq. and N.J.S.A. 40:55D-1 et seq.
6. Once a property has been redeveloped in accordance with the redevelopment plan, it may not be converted to any use not expressly permitted in same. No nonconforming use, building, or structure may be expanded or made more nonconforming in nature after adoption of this redevelopment plan. A use or structure not conforming to the requirements of this redevelopment plan may not be reconstructed in the event of its destruction. The Linden Planning Board shall determine the issue of whether the nonconforming use, building or structure has been “destroyed”.
7. Any and all definitions contained within the redevelopment plan, be they expressed or implied, shall prevail. In the absence of a definition, the definition found within the City’s zoning and land development ordinances shall prevail. Any and all definitions that are found to be inconsistent with N.J.S.A. 40A:12-3 shall be rendered invalid.
8. A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the City’s Land Development Ordinance and applicable New Jersey Law. Additionally, a redeveloper may be required to pay for their proportional share of the cost of any studies, plans, reports, or analysis prepared by the City or its design professionals as part of plan review. Any such payments are required to reimburse the City or the redevelopment authority.
9. All of the above provisions are subject to approval by ordinance or resolution according to law. If a court of competent jurisdiction finds any word, phrase, clause, section or provision of the redevelopment plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be

deemed several and the remainder of the redevelopment plan and implementing ordinance(s) shall remain in full force and effect.

6.6 — Relationships to State, County and Local Plans

6.6.1 — New Jersey State Development and Redevelopment Plan

The entire Rehabilitation Area is located in State Planning Area 1, which is defined in the New Jersey State Development and Redevelopment Plan. As provided in the New Jersey State Development and Redevelopment Plan, State Planning Area 1 is intended to:

- Provide for much of the state’s future redevelopment.
- Revitalize cities and towns.
- Promote growth in compact forms.
- Stabilize older suburbs.
- Redesign areas of sprawl.
- Protect the character of existing stable communities.

The overall goal and objectives of this Rehabilitation Plan is consistent with the intended purpose of State Planning Area 1.

6.6.2 — Union County Master Plan

Among the generalized goals of the Union County Master Plan are to:

- Promote the provision of a broad range of housing opportunities for all income levels and household types by encouraging the maintenance or rehabilitation of the existing housing stock, and through the construction of new housing units.
- Facilitate the development of Union County by directing new growth to environmentally suitable areas that can be provided with essential infrastructure and support facilities, and to revitalize urban centers and corridors within the county.

- Promote the development of an improved and balanced, multi-modal transportation system that integrates and links highway, bus, rail, air, waterborne transport systems and pedestrian and bicycle facilities.
- Continue county-sponsored economic development efforts to reduce unemployment, provide year-round employment opportunities and enhance the tax base by encouraging compatible industrial, commercial, office and retail facilities to locate or expand in Union County.

Execution of this redevelopment plan will contribute to the achievement of the aforementioned generalized goals of the Union County Master Plan.

6.6.3 — Linden Master Plan

The redevelopment plan's relationship with the Linden Master Plan is described in the following subsections.

6.6.3.1 — Comprehensive Reexamination Report

The last comprehensive reexamination of the City of Linden's Master Plan was prepared in 2008. The 2008 reexamination identifies the following objectives, which are applicable to the redevelopment of Block 254, lots 1 through 10:

- Provide for mixed-use development and redevelopment that can successfully integrate compatible light industrial and merchandising uses or that can integrate compatible residential and nonresidential uses.
- Preserve and enhance the City's industrial and commercial economic base;
- Improve the City's visual environment and image by restricting or eliminating eyesores such as, but not limited to, storage containers or trailers in retail commercial areas;
- Promote a desirable visual environment;
- Provide sufficient space, in appropriate locations, for commercial, residential, industrial, recreation and open space uses;
- Maintain and attract beneficial commercial and industrial uses;

- Encourage municipal actions that will guide the long-range appropriate use and management of lands within Linden in a manner that will promote the public health, safety, morals, and general welfare of present and future residents;
- Prevent the degradation of the environment through the improper use of land; and,
- Encourage development which contributes to the enhancement and improvement of the community.

Implementation of this redevelopment plan will advance the fulfillment of the foregoing objectives of the City of Linden's Master Plan.

6.6.3.2 — Transit Village Plan

In addition to the above, it is noted that the Linden Planning Board adopted a Transit-Oriented Development Plan for the Linden Station Area as an element of the city's master plan in 2008. The Linden Planning Board subsequently amended the Transit-Oriented Development Plan in 2010. The Office of Smart Growth (now the Office of Planning Advocacy) funded the preparation of the Transit-Oriented Development Plan. The Transit-Oriented Development Plan was informed by extensive public outreach and a series of visioning sessions.

The redevelopment area is located within close proximity of Linden Station and is included in the planning area of the aforementioned Transit-Oriented Development Plan. The Transit-Oriented Development Plan, as originally adopted and subsequently amended, indicates the following vision for the Linden Station Area:

The Linden Station Area in 2020 is a thriving vibrant destination that diversifies the city's economic base, provides significant employment, modern infrastructure, upscale housing and an expanding tax base. Linden Station is the city's retail, service and entertainment hub with a low vacancy rate, an enhanced streetscape and lively street activity. There is new mixed-use development, a hotel with banquet facilities,

restaurants, office, and entertainment uses. Outstanding civic design creates a pedestrian friendly environment and strengthens the sense of place and supports retail spending.

Adjacent to the train station, the core area of mixed-use development revitalizes the downtown as the city's retail, service and entertainment hub with an enhanced streetscape and lively street activity.

Redevelopment has attracted people to a corridor of restaurants, shops, and public spaces, residential uses on upper floors, attractive street furniture and public art. Public spaces create a sense of place and allow space for seasonal outdoor dining, exhibits, and entertainment. The transit-oriented development is one of Union County's most desirable places to live, work and play and offers a higher quality of life for residents, commuters, visitors and workers.

Attractive landmarks and landscape treatments coordinated with architectural treatments and building design create distinctive entrances into the station area and create a Station Area that is:

- Unique;*
- Provides opportunities for shopping experiences in a revitalized and busy transit hub;*
- Clean and safe;*
- Friendly/personable;*
- A place where people gather and linger to shop, dine and recreate;*
- Pedestrian-friendly; and,*
- Promoted by the business community.*

In addition to outlining a vision for the Linden Station Area, the Transit-Oriented Development Plan identifies the following, well-established principles for transit-oriented development in the Linden Station Area:

- 1. Create and implement the city's vision for the Station Area that is*

stakeholder centered, focused on implementation, and flexible on realizing opportunities for implementation;

- 2. Create public/private partnerships and public/public partnerships;*
- 3. Encourage higher density around the rail station;*
- 4. Provide enough parking, but not too much;*
- 5. Improve the sense of place or attractiveness of Linden as a place rather than just building independent projects;*
- 6. Develop a strategy that can be counted on to support retail development.*
- 7. Create employment opportunities for reverse commuters and off-peak commuters;*
- 8. Incorporate buses into redevelopment and rehabilitation plans;*
- 9. Provide a diversity of housing choices for all income levels;*
- 10. Involve corporations in transit-oriented development planning;*
- 11. Encourage shared structured parking in comparison to surface lots;*
- 12. Encourage sustainable site and building design (Leadership in Energy and Environmental Design); and,*
- 13. Encourage adaptive reuse of historic or architecturally significant buildings.*

The Transit-Oriented Development Plan also identifies the following plan principles for Linden Station:

- 1. Enhance the appearance of the Wood and Elizabeth avenue corridors;*
- 2. Create a new identity and niche markets for Linden;*
- 3. Concentrate development intensity within one block of Linden Station and lower intensity as one moves outward to provide a core area and the ability for private entities to make public improvements (e.g., station platforms, plazas, etc.);*
- 4. Build a “sense of place” with good urban design (e.g., building massing, streetscape improvements, furnishings, roadway improvements, plazas, etc.);*

5. *Increase pedestrian connections across the Northeast Corridor Line;*
6. *Build a public partnership with New Jersey Transit and private developers to implement this plan;*
7. *Incorporate other types of transit service (express bus) into future development/redevelopment;*
8. *Provide transit-oriented uses and discourage uses that create little or no ridership;*
9. *Encourage a mix of uses;*
10. *Create convenient pedestrian connections;*
11. *Create good urban design:*
 - a. *Create streetscape improvements;*
 - b. *Require high quality architecture;*
 - c. *Relate the ground level to pedestrian users;*
12. *Create compact development where buildings are clustered near the street edge;*
13. *Manage parking:*
 - a. *Provide enough parking, but not too much;*
 - b. *Locate parking to the rear and sides of buildings;*
 - c. *Over time, phase surface parking to structures; and,*
14. *Create a sense of place, not a project:*
 - a. *Retain sight lines to the train station;*
 - b. *Create public open spaces; and,*
 - c. *Orient buildings to the street.*

This redevelopment plan is compatible with and supports the attainment of the vision and principles of the Transit-Oriented Development Plan for the Linden Station Area.

6.6.3.3 — Land Use Element

Finally, it is noted that the City adopted a new, updated Land Use Element in 2019. As provided in the 2019 Land Use Element, a key impetus of which was the need to

continue and improve transit village initiatives in the City's downtown areas. Block 254, lots 1 through 10 are located in the SA-1 (Station Area — Core Transit Village District — Mixed Use) Land Use District, which represents no change over the City's previous Land Use Element. Thus, given the permitted uses that are prescribed herein, this redevelopment plan is consistent and compatible with the 2019 Land Use Element.

6.6.4 — Master Plans of Adjacent Municipalities

The redevelopment area is located in the central part of the City and not within immediate proximity of any adjacent municipality. Given the separation from adjacent municipalities, it is anticipated that the redevelopment plan will have no impact on the planning efforts of adjacent municipalities.

6.7 — Administrative and Procedural Requirements

Administrative and procedural requirements are discussed in the following subsections.

6.7.1 — Amending the Redevelopment Plan

As circumstances may warrant, the Linden City Council may amend, revise, or modify this redevelopment plan in accordance with applicable law.

6.7.2 — Duration of the Redevelopment Plan

The provisions of this redevelopment plan shall remain in effect until such time as a certificate of completion has been issued.

Appendix A: Resolution No. 2019-266

RESOLUTION: 2019-266

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN ON THE CITY'S TAX MAPS AS BLOCK 254, LOTS 1-10 (A/K/A IN THE AREA OF 7 NORTH WOOD AVENUE TO 27 NORTH WOOD AVENUE, AND FROM 11-15 WEST ELIZABETH AVENUE TO 101 WEST ELIZABETH AVENUE) SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT (CONDEMNATION), PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1, et seq.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the city council ("**City Council**") of the City of Linden (the "**City**") must authorize the planning board of the City (the "**Planning Board**") to conduct a preliminary investigation of the area and make recommendations to the City Council; and

WHEREAS, the City Council believes it is in the best interest of the City that an investigation occur with respect to certain parcels within the City and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known on the City tax maps as Block 254, Lots 1-10 (a/k/a in the area of 7 North Wood Avenue to 27 North Wood Avenue, and from 11-15 West Elizabeth Avenue to 101 West Elizabeth Avenue, the "**Study Area**"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder authorizes the City and City Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "**Condemnation Redevelopment Area**").

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment (condemnation).

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

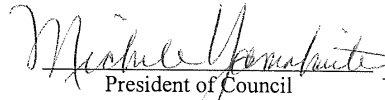
Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall authorize the City or City Council to exercise the power of eminent domain to acquire property in the delineated area, for the Study Area is being investigated as a possible Condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

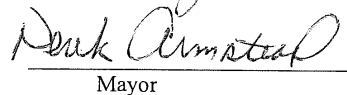
Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the City Council as to whether the City Council should designate all or some of the Study Area as an area in need of redevelopment (condemnation).

Section 7. This Resolution shall take effect immediately.

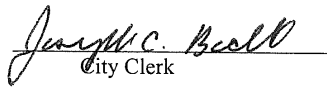
PASSED: June 18, 2019


President of Council

APPROVED: June 19, 2019

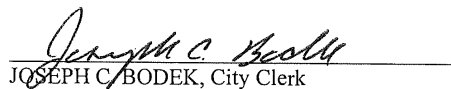

Mayor

ATTEST:


City Clerk

I, JOSEPH C. BODEK, City Clerk of the City of Linden, in the County of Union and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the resolution adopted by the City Council of the City of Linden at a meeting held on JUNE 18, 2019 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Linden, this 19 day of JUNE, 2019.


JOSEPH C. BODEK, City Clerk

Appendix B: Unnumbered Planning Board Resolution



MARILYN COPLAN
SECRETARY

September 11, 2019

City of Linden

Union County, New Jersey

PLANNING BOARD

City Hall - 301 North Wood Avenue

Linden, New Jersey 07036

Office: (908) 474-8453

Fax: (908) 862-0729

mcoplan@linden-nj.org

Honorable Mayor

Council President

COUNCIL MEMBERS

Re: Clark Property

BK254 Lots 1-10

Ladies and Gentlemen:

At the September 10, 2019 meeting, the Planning Board had a presentation from Paul Ricci on the Clark Property. There was a long discussion on the matter. A vote was taken and the Clark Property was passed with a seven to two majority.

Very truly yours

Joseph J. LaPlaca
(MC)
Joseph J. La. Placa, Chairman

C: Joseph Bodek, City Clerk

Mayor Armstead

Law Department



An Equal Opportunity Employer

Appendix C: Resolution No. 2019-348

RESOLUTION: 2019-348

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY DESIGNATING THE PROPERTY COMMONLY KNOWN ON THE CITY'S TAX MAPS AS BLOCK 254, LOTS 1-10 (A/K/A IN THE AREA OF 7 NORTH WOOD AVENUE TO 27 NORTH WOOD AVENUE, AND FROM 11-15 WEST ELIZABETH AVENUE TO 101 WEST ELIZABETH AVENUE) ON THE CITY TAX MAP AS AN 'AREA IN NEED OF REDEVELOPMENT' (CONDEMNATION) PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 *et seq.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the city council ("**City Council**") of the City of Linden (the "**City**") must authorize the planning board of the City (the "**Planning Board**") to conduct a preliminary investigation of the area and make recommendations to the City Council; and

WHEREAS, on June 18, 2019, the City Council adopted a resolution authorizing and directing the Planning Board to conduct an investigation of the property commonly known as Block 254, Lots 1-10 (a/k/a in the area of 7 North Wood Avenue to 27 North Wood Avenue and from 11-15 West Elizabeth Avenue to 101 West Elizabeth Avenue) on the tax maps of the City (hereinafter the "**Study Area**"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment providing that a redevelopment area determination would authorize the City and City Council to use all those powers permitted by the Redevelopment Law, other than the power of eminent domain; and

WHEREAS, on September 10, 2019, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law and determined that the Study Area qualified as an area in need of redevelopment and recommended that the City Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, the City Council has determined that, based upon the recommendations of the Planning Board, the Study Area should be designated an area in need of redevelopment under the Redevelopment Law, such designation authorizing the City and City Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The recommendations and conclusions of the Planning Board are hereby accepted by the City Council.


Section 3. Based upon the findings and recommendations of the Planning Board, the Study Area is hereby designated an area in need of redevelopment other than the power of eminent domain pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law (the "**Condemnation Redevelopment Area**").

Section 4. The City Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to Section 6(b)(5) of the Redevelopment Law.

Section 5. The City Clerk is hereby directed to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Condemnation Redevelopment Area, as reflected on the tax assessor's records, and (ii) each person who filed a written objection prior to the hearing held by the Planning Board, service to be in the manner provided by Section 6 of the Redevelopment Law.

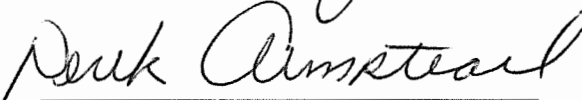
Section 6. This Resolution shall take effect immediately.

PASSED: September 17, 2019




President of Council

APPROVED: September 18, 2019



Mayor

ATTEST:



City Clerk

I, JOSEPH C. BODEK, City Clerk of the City of Linden, in the County of Union and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the resolution adopted by the City Council of the City of Linden at a meeting held on September 17, 2019 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Linden, this 18 day of Sept., 2019.



JOSEPH C. BODEK, City Clerk

Appendix D: Tax Maps

Appendix E: Aerial Imagery

Aerial Imagery
City of Linden, Union County, New Jersey



-  Redevelopment Area
-  Redevelopment Area Parcel
-  Tax Parcel (Block/Lot)

Date of Aerials: 2015



0 50 100
Feet

ricciplanning

Paul Ricci, AICP, PP
177 Monmouth Avenue
Atlantic Highlands, NJ 07716

908.642.0070 (Phone)
908.350.4501 (Fax)
paul@ricciplanning.com

Appendix F: Concept Plans



Concept Elevation (Viewed from West Elizabeth Avenue)

EXHIBIT B

RESPONDENT'S STATEMENT FOR PUBLIC DISCLOSURE

A. RESPONDENT

1.
 - a. Name of Respondent:
 - b. Address of Respondent:
2. If the Respondent is not an individual doing business under his own name, the Respondent has the status indicated below and is organized or operating under the laws of

___ A corporation
___ A non-profit or charitable institution or corporation
___ A partnership known as
___ A business association or joint venture known as
___ A federal, state or local government of instrumentality thereof
___ Other (explain)

1. If the Respondent is not an individual, give date of establishment of entity.
2. Names, addresses, title or position (if any), and nature and extent of the interest of the officers and principal members, shareholders and investors of the Respondent, are set forth as follows:
 - a. If the Respondent is a corporation, the officers, directors or trustees, and each stockholder owning more than 10 percent or any class of stock.
 - b. If the Respondent is a partnership, each partner, whether a general or limited partner, and either the percent of interest or a description of the character and extent of interest. *The developer should be sure to include any prospective partners it is aware of at the time of the submission.*
 - c. If the Respondent is a business association or a joint venture, each participant and either the percent of interest or a description of the character and extent of interest.
 - d. If the Respondent is some other entity, the officers, the members of the governing body, and each person having an interest of more than 10 percent.

Name, Address and Zip Code

Position Title (if any) and Percent of Interest or Description of Character and Extent of Interest

CERTIFICATION

I, (We) _____

Certify that this Respondent's Statement for Public Disclosure is true and correct to the best of my (our) knowledge and belief.

Dated: _____

Dated: _____

Signature

Signature

Signature

Title: _____

Title: _____

Address and Zip Code:

Address and Zip Code:

Notary:

If the Respondent is an individual, this statement should be signed by such individual, if a partnership, by one of the partners; if a corporation or other such entity, by one of its chief officers having knowledge of the facts required by this statement.

EXHIBIT C

RESPONDENT'S STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

1. Name, Address and Zip Code of Respondent:
2. Is the Respondent a subsidiary of or affiliated with any other corporation or corporations or any other firms? Yes ____ No ____

If yes, list each such corporation or firm by name and address, specifically its relationship to the Respondent, and identify the officers and directors or trustees common to the Respondent and such other corporation or firms.

3.
 - a. The financial condition of the Respondent, as of _____, is as reflected in the attached financial statement. (Note: Attach to this statement a certified financial statement showing the assets and liabilities, including contingent liabilities, fully itemized in accordance with acceptable accounting standards and based on a proper audit. If the date of the certified financial statement precedes the date of this submission by more than six months, also attach an interim balance sheet not more than sixty (60) days old).
 - b. Name and address of auditor or public accountant who performed the audit on which said financial statement is based.
 - c. If funds for the development of the Project Concept proposed are to be obtained from sources other than the Respondent's own funds, provide a statement of the Respondent's plan for financing the acquisition and development of the land:
4. Sources and amount of cash available to Respondent to meet equity requirements of the proposed undertaking:

- a. In Banks:

<u>Name, Address and Zip Code of Bank</u>	<u>Amount</u>
	\$
- b. By sale of readily saleable assets:

<u>Description</u>	<u>Market Value</u>	<u>Mortgages or Liens</u>
	\$	

5. Names and addresses of bank references:
6.
 - a. Has the Respondent or any person or entity identified in Section 3.3 hereto been adjudged bankrupt, either voluntary or involuntary, within the past ten (10) years?

Yes ____ No ____

If yes, give date, place and under what name.

- b. Has the Respondent or anyone referred to above as “principals of the Respondent” been indicted for or convicted of any felony within the past ten (10) years?

Yes ____ No ____

7.

- a. Undertakings comparable to the proposed redevelopment completed by the Respondent or any of the principals of the Respondent, including identification and a brief description of each project and date of completion:
- b. If the Respondent or any of the principals of the Respondent has ever been an employee, in a supervisory capacity, for a construction contractor or builder on undertakings comparable to the proposed development work, name such employee, name and address of employer, title of position, and brief description of work:

8. If the Respondent or a parent corporation, a subsidiary, an affiliate or a principal of the Respondent is to participate in the development of the land as a construction contract builder:

- a. Name and address of such contractor or builder:
- b. Has such contractor or builder within the last ten (10) years ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract. Yes ____ No ____ If yes, explain:

- c. Total amount of construction or development work performed by such contractor or builder during the last five (5) years:

\$ _____

- d. Construction contracts or developments now being performed by such contractor or builder:

<u>Identification of</u> <u>Contract of Development</u>	<u>Location</u>	<u>Amount</u>	<u>Date to be</u> <u>Completed</u>
--	-----------------	---------------	---------------------------------------

- e. Outstanding construction-contract bids of such contractor or builder:

<u>Awarding Body</u>	<u>Amount</u>	<u>Date Opened</u>
	\$	

9. Does any member of the governing body in the City or any other appointed official in the City, have any direct or indirect personal or financial interest in the Respondent or in the development rehabilitation of the property upon the basis of such proposal?

Yes ____ No ____ If yes, explain:

10. Statements and other evidence of the Respondent’s qualifications and financial responsibility (other than the financial statement) are attached hereto and hereby made a part hereof as follows:

EXHIBIT D

LETTER OF INTENT

(Note: To be typed on Respondent's letterhead.

The Issuer shall accept no modifications to the language of the letter).

The undersigned, (Name of Respondent) has submitted the attached Response to the Request for Qualifications/Request for Proposals (the "RFQ/RFP"), issued by the City of Linden (the "Issuer"), relative to the development of the Redevelopment Area and the Block 254, Lots 1-10 Redevelopment Area.

THE RESPONDENT HEREBY STATES:

- I. The attached Response contains accurate, factual and complete information.
- II. The Respondent agrees to participate in good faith in the application process as described in the RFQ/RFP and to adhere to the Issuer's schedule.
- III. The Respondent acknowledges that all costs incurred by it in connection with the preparation and submission of the Response, or any negotiations which result therefrom shall be borne exclusively by the Respondent.
- IV. The Respondent hereby declares that the only persons participating in this Response as principals are named herein and that no person other than those herein mentioned has any participation in the Response or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating principals, but only if acceptable to the Issuer. The Respondent declares that this Response is made without connection with any other person, firm or parties who has submitted a Response, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.
- V. The Respondent acknowledges and agrees that the Issuer may modify, amend, suspend and/or terminate the RFQ/RFP process (in its sole judgment) or may decide not to proceed with development of the Redevelopment Area described in the RFQ/RFP. In either case, neither the Issuer nor any of their officers, agents or representatives shall have any liability to the Respondent for any costs incurred by the Respondent with respect to the application activities described in the RFQ/RFP.
- VI. The Respondent acknowledges that any contract executed with respect to implementation/effectuation of the project described in the RFQ/RFP must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

VII. The Respondent hereby acknowledges receipt of the RFQ/RFP.

Very truly yours,

(NAME OF RESPONDENT)

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT E

ACKNOWLEDGMENT OF ADDENDA

The Respondent hereby acknowledges receipt of _____ dated
and Addenda Nos. _____ through _____, inclusive.

(NAME OF RESPONDENT)*

By:

Name:

Title:

*If a joint venture, partnership or other formal organization of firms submit this Response, all such firms shall be listed and each such participant shall execute this Acknowledgment of Addenda.

EXHIBIT F

REQUEST FOR QUALIFICATIONS CHECKLIST

THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL:

**Please initial below, indicating that your proposal includes the itemized document.
A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR
REFUSAL.**

INITIAL BELOW

A. An original and six (6) signed copies of your complete proposal.

B. Non-Collusion Affidavit properly notarized.

C. Authorized signatures on all forms.

D. Business Registration Certificate(s).

E. Affirmative Action Statement

Note: N.J.S.A 52:32-44 provides that the City shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal. The contracting party must also collect the state use tax where applicable.

**THE UNDERSIGNED HEREBY ACKNOWLEDGES
THE ABOVE LISTED REQUIREMENTS.**

NAME OF PROPOSER:

Person, Firm or Corporation

BY: (NAME)

(TITLE)

EXHIBIT G

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF UNION

ss:

I AM

OF THE FIRM OF
UPON MY OATH, I DEPOSE AND SAY:

1. THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;
2. THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;
3. THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT THE CITY OF LINDEN RELIES UPON THE TRUTH OF THE STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THE STATEMENTS CONTAINED IN THIS AFFIDAVIT IN AWARDED THE CONTRACT FOR THE SAID ENGAGEMENT; AND
4. THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL SELLING AGENCIES OF THE PROPOSER. (N.J.S.A.52: 34-25)

SUBSCRIBED AND SWORN TO

BEFORE ME THIS DAY

OF _____ 20____.

(TYPE OR PRINT NAME OF
AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF

MY COMMISSION EXPIRES: _____, 20____

EXHIBIT H

**N.J.S.A. 10:5-31 and N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable city employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable city employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

- § Letter of Federal Affirmative Action Plan Approval
- § Certificate of Employee Information Report
- § Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.