

CITY OF JERSEY CITY

Department of Housing, Economic Development & Commerce
Division of City Planning



Memorandum

DATE: 5/5/2023
TO: Planning Board Commissioners
FROM: Francisco Espinoza, Assistant Planner
Matt Ward, AICP, PP, Supervising Planner
RE: Case P22-231
Block: 9601 Lot: 14 535 Newark Ave.
Conditional Use
Staff Comments

APPLICATION SUMMARY

The Applicant is proposing a Class 5 Cannabis Retailer at an existing ground floor commercial space. The applicant is proposing interior alterations and minor façade signage additions to the building on Newark Ave.

The retailer is located at 535 Newark Ave. The site is listed as Block 9601, Lot 14 on the Jersey City Tax Map.

The retailer is in the Neighborhood Commercial (NC) Zone in Jersey City. This zone permits Retail Sales of Goods and Services. Notice was given per the MLUL.

The applicant has received approvals from the Cannabis Control Board (CCB) on December 12, 2022.

Conditional Use Standards:

Requirement	Proposed	Complies Y/N
Permitted Zone - Class 5 is a permitted conditional use in the following zoning districts: Neighborhood Commercial (NC), Residential Commercial District 2 (RC-2), Commercial/Automotive (C/A), Highway Commercial (HC) , Waterfront Planned Development (WPD), Central Business District (CBD), and Office/Residential (O/R). Any district, zone, overlay, or sub district of a Redevelopment Plan where retail sales of goods and services is a permitted principal use.	Neighborhood Commercial (NC)	Y
Separation Distance from Schools: The main entry door of any Cannabis Establishment subject to a class 5 license shall be at least two hundred (200) feet from any school identified on the City's Official Drug Free School and Park Zones Map, pursuant to Section 151-1 of the Jersey City Municipal Code and pursuant to regulations and definitions in N.J.S.A. 2C:35-7 et seq., and N.J.S.A. 2C:35- 7.1 et seq.. A copy of said map may be made available by the Division of Engineering or City Clerk. Distance is measured from the parcel boundary on which the School is located.	Not within 200 feet of a school.	Y

Exception to school distance requirement: If a business was operation prior to February 21, 2021 and can prove a majority of sales were cannabis or hemp products, they may remain at their current location and are rendered exempt from the two hundred (200)-foot school distance requirement.		
Separation Distance from other Class 5 Retailers: The main entry door of any Cannabis Establishment subject to a Class 5 license (including microbusinesses) shall be separated from one another by a distance of at least six hundred (600) feet. For lots wholly or partially within a Neighborhood Commercial (NC) zone, there shall not be more than two (2) cannabis establishments on the same block. A block includes all lots fronting on both sides of a right-of-way between intersections. Corner lots are on two blocks.	There are no other applications approved or concurrent.	Y
General Provision. Odor. A cannabis establishment shall have the equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor.	Applicant to provide testimony.	
General Provision. Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.	Applicant to provide testimony.	
General Provision. Security. All cannabis establishments shall be secured in accordance with State of New Jersey statutes and regulations and shall have a round-the-clock video surveillance system, 365 days a year.	Applicant to provide testimony.	
The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply.		Y

BACKGROUND

The city adopted zoning in August of 2021 regarding this use and other related cannabis uses. The applicant is not a microbusiness as defined in the state law. The applicant is not seeking a Cannabis Consumption Area. If the Planning Board approves this application, the Applicant will be required to seek approval by Jersey City's City Council and the State's Cannabis Regulatory Commission ("CRC").

Pursuant to General Provisions of 345-60.5:

- A. The regulations of this Section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- B. Prior the operation of any cannabis establishment, a permit or license must be obtained from the State of New Jersey and from the City of Jersey City for the applicable type(s) of cannabis establishment and for cannabis consumption area endorsement. No cannabis establishment shall be permitted to operate without State and municipal permits or licenses.
- C. Permitted conditional uses shall, at all times, comply with the terms and conditions of the licensee's cannabis establishment license for permits and licenses issued by the State of New Jersey and the City of Jersey City.

Cannabis Retailers are required to provide the following submittals.

- a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
- b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
- c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
- d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
- e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.

STAFF COMMENTS

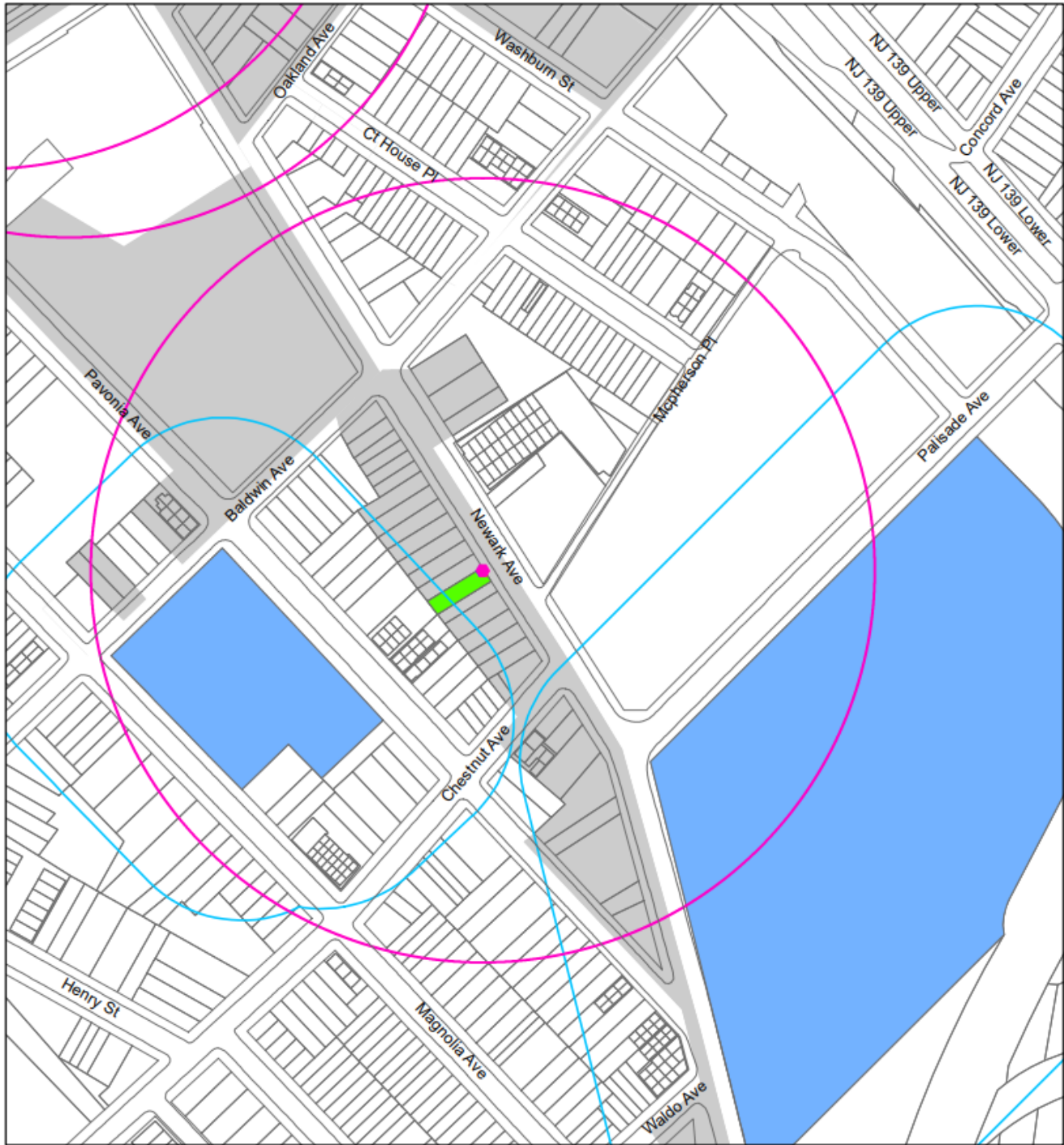
- 1. Applicant shall provide testimony regarding the zoning regulations and project compliance.
- 2. Applicant shall provide testimony regarding the additional submittal items referenced above.
- 3. Applicant shall provide testimony for, but not limited to, the following: façade, interior work, signage, security, odor, rear yard work and use, and trash removal.

STAFF RECOMMENDED CONDITIONS

In the event a motion is made to approve this application, staff recommends the following conditions:

- 1. All materials and color selections shall be shown on Final Plans. No change to the facade and site design, including materials as well as any changes that may be required by the Office of Construction Code, shall be permitted without consultation with and approval by planning staff.
- 2. All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding.
- 3. Prior to the issuance of any permit, the Applicant shall seek and receive approval by the Cannabis Control Board and Cannabis Regulatory Commission.
- 4. Architect of record shall provide an affidavit confirming the development is built in accordance with the approved plans prior to the issuance of the first certificate of occupancy.

5. The memorialized resolution shall be recorded with the office of the County Registrar and made part of the deed. In addition, documentation of same shall submitted to the Division of City Planning prior to application for construction permits.
6. Applicant shall comply with all conditions of approval set forth on the record by the planning board and/or the Division of City Planning staff.



CANNABIS RETAILER BUFFER MAP **535 NEWARK AVE - P22-23.228**

MAY 2, 2023

Legend

- Subject Parcel
- Schools (per Ord. 20-024)
- Concurrent Class 5 Applicants
- Front Door Locations
- School Buffer (200 ft)
- Retail Zones *
- Class 5 Buffer (600 ft)
- Day Care Centers
- Parcels

* Disclaimer: The areas shown in gray may include subdistricts or zones within redevelopment plans where retail of goods and services is NOT listed as a permitted principal use.



1 inch = 200 feet

