

Principal Points Statement
227 Coles Street (Block 7001, Lots 1 & 2)
Jersey City, Hudson County, New Jersey

An application has been filed for the above noted property with the Jersey City Planning Board for Preliminary and Final Site Plan approval; approval of a bulk “c” variance from the Green Area Ratio (“GAR”) standards outlined in §345-66.1. of the Jersey City Land Development Ordinance (“JCLDO”); approval of a bulk “c” variance from the minimum loading space dimension requirement of §345-70 of the JCLDO; and design waivers from the minimum spacing requirements of the Jersey City Forestry Standards. The subject property is located in the Medium Rise District of the Jersey Avenue Park Redevelopment Plan (“Redevelopment Plan”).

The subject property is identified as Lots 1 and 2 on Block 7001. Lots 1 and 2 make up the entire block and are bounded by Coles Street, 12th Street, Monmouth Street, and 13th Street. The subject property is a total of 73,200 square feet. Lot 1 is currently developed with a vacant industrial/commercial building and a surface parking area along 12th Street. Lot 2 is currently developed with a 2-story commercial/office building (Moishe’s Moving) and a surface parking area with a construction trailer, sheds, and stockpiles for SUEZ along 13th Street. The project is proposing to retrofit the first and second floors of the existing building on Lot 2 to provide for a medical cannabis dispensary. The first floor will occupy approximately 8,103 square feet and provide a retail space, storage, lobby vestibule, ADA bathrooms, consultation room, and packing room. An ADA ramp will also be added interior to the building with access from a new ADA entrance along 12th Street. The second floor will occupy approximately 8,484 square feet and provide additional retail, storage, and bathrooms. In total, the dispensary will occupy 16,587 square feet. A 2,283-square-foot portion of the existing building will be occupied by a separate tenant for an office use. In addition, the project proposes exterior work to the existing building that includes the addition a one new exterior sign, “Harmony Dispensary”, compliant with the signage requirements, exterior lighting, and artist commissioned murals painted on the Coles Street façade, 12th Street façade, and the west façade.

The proposed project will also be utilizing the surface parking area along 12th Street on Lot 1 that abuts the west side of the building. The surface parking area will accommodate seventeen parking spaces, including two ADA parking spaces, and one loading space for the proposed medical cannabis dispensary. Various site improvements including the removal of impervious surface in the parking area and replacement with landscaped areas, new street trees along Coles Street and 13th Street, bike racks, new ADA sidewalk ramp, and widening of existing tree pits are proposed.

The requested bulk “c” variance from the GAR standards can be granted pursuant to N.J.S.A. 40-55.D-70.c.(1) where by exceptional and undue hardship upon the applicant by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property and/or pursuant to N.J.S.A. 40-55.D-70.c.(2) where the benefits of the proposed project would substantially outweigh any detriments. The subject property is located within the Flood Overlay, Subdistrict AE (“F Overlay”) zone. The JCLDO states that the GAR requirements apply to major and minor site plan application. Therefore, the GAR standards are applicable to proposed project, and noncompliance requires a “c” variance. The site

plan application is for a change of use within an existing building on Lot 2 and improvements to an existing surface parking area on Lot 1.

As stated, the proposed dispensary use will be within the existing building on Lot 2 and the parking and loading will be provided on Lot 1. The combined lot area of Lot 1 and Lot 2 is 73,200 square feet. The portion of the lots occupied by the medical cannabis dispensary use, including the existing building, parking and loading area, is 18,000 square feet, which is approximately 25% of the combined lot area. Based on the combined lot area of 73,200 square feet (Lots 1 and 2), which is used to calculate the required GAR, the project is proposing a GAR of 0.11 where 0.25 is required. In relative terms, the 18,000 square feet of the lot area that the dispensary use will occupy proposes a GAR of 0.26, which would meet the intent of the GAR standards and the specific required ratio of 0.25.

To meet the minimum required GAR standards, substantial additional site improvements would be required to account for the 55,200 square feet or 75% of the lot area is not occupied by the dispensary use. The project is proposing several GAR elements to address environmental concerns consistent with the intent of the GAR standards. The GAR elements proposed include expanding existing tree pits with new plantings and ten new street trees along Coles Street and 13th Street. In addition, the project will also be improving the conditions of the existing parking area on Lot 1 by reducing the amount of impervious coverage, while adding landscaped areas with native perennials and shrubs, six trees along the row of parking along 12th Street, and six trees along the back row of parking spaces. Furthermore, the project will also include Water Sense certified fixtures in the building. This is an exceptional situation since the applicant does not direct control over the entire combined area of Lots 1 and 2, which creates an undue hardship on the applicant to provide the GAR elements necessary to conform with the GAR standards.

The project is requesting a design waiver from the minimum spacing requirements of the Jersey City Forestry Standards. The project is proposing one street tree along Coles Street and two street trees along 13th Street that are 12 feet from a utility pole where a minimum of 15 feet is required. The project is also proposing street trees with a spacing of less than 20 feet where a minimum spacing of 20 feet is required. The benefits of the additional street trees proposed would substantially outweigh any detriments.

The requested bulk "c" variance for loading can also be granted pursuant to N.J.S.A. 40-55.D-70.c.(1) and/or N.J.S.A. 40-55.D-70.c.(2). The Redevelopment Plan refers to the loading requirements of the JCLDO, which requires one loading birth after 10,000 square feet of retail. Again, this application is for a change of use within an existing building and does not including any additions or new construction. The existing building does not currently have a loading birth within the building and the Redevelopment Plan does not specifically exempt rehabilitation projects from the loading requirement. Notwithstanding the existing conditions and operations of the site, the project proposes to use the surface parking area on Lot 1 for loading and deliveries. The proposed loading space will be 15 feet wide by 26 feet deep where loading spaces are required to have a minimum width of 10 feet and minimum depth of 40 feet. The proposed width exceeds the minimum requirement. The proposed length is shorter than what is required. The proposed loading space has been

designed to accommodate delivery vehicles for the proposed medical cannabis dispensary. The location of the loading will provide for direct access to the storage area of the dispensary through the side entrance from the adjacent parking area. The proposed loading will be off-street to avoid any interference in vehicular street traffic or sidewalk pedestrian traffic. In addition, the dimensions of the loading space will provide sufficient space so that there will be no interference with any of the proposed parking spaces or circulation with the parking area during deliveries.

The project will add a permitted retail use in a building that is partially vacant. The project will construct an ADA ramp interior to the building allowing for ADA access into the retail space meeting building code requirements. The project will add lighting in the parking lot, at the entrance and along the 12th Street and Coles Street façades providing for increased safety and security. The project will also be adding 12 bike rack spaces split between Coles Street and 12th Street complying with the bike parking requirements. The proposed outdoor bike racks will be a benefit to the greater community and is consistent with the Jersey City Bicycle Master Plan with a dedicated bike lane along Coles Street. The proposed murals on the building facades will significantly improve the streetscape creating a more attractive visual environment. The ADA ramp, street trees, and bike racks will all be within the right-of-way at the discretion of the Applicant providing for benefits to the community. Therefore, the benefits of granting the variances would outweigh any detriments.

The granting of the variances will advance the purposes of the Municipal Land Use Law and promote the general welfare. Granting the requested variances will guide the appropriate use and development of the property in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2.a. The proposed project will promote a more desirable visual environment through the creative development techniques consistent with N.J.S.A. 40:55D-2.i. by improving the streetscape and the façade of the existing building. The proposed development will also promote the conservation of energy resources and natural resources, by providing sustainable landscape elements consistent with N.J.S.A. 40:55D-2.j.

Granting the variances will not result in a substantial detriment to the general welfare. The project will not be intensifying any environmental or stormwater conditions on the subject property. In fact, the project will be substantially improving the conditions of the property by providing sustainable landscape elements meeting the intent of the GAR standards. The proposed medical cannabis dispensary will be a secure facility and will not have any nuisance impacts related to noise, heat, odor, etc. The facility will have security measures in place to protect customers, employees, and the surrounding community. The proposed facility will not create any cannabis-related odor impacts.

Granting the variances will likewise not result in a substantial detriment to the zoning ordinance or the zone plan. The purpose of the Medium Rise District is to,

“Provide a range of development activities which shall encourage uses to those which currently exist in the area. Through the encouragement of compatible building design, new construction and rehabilitation in this district shall respect, reinforce and preserve existing characteristics and east-west views, while providing transitional elements linking this district to the Hamilton Park Historic District to the south and other existing and proposed land uses to the north, east and west.”

The proposed retrofit of the existing building to provide for a permitted and compatible retail use is consistent with the goals and objectives of the Redevelopment Plan and will promote the purpose of the Medium Rise District. The proposed project will maintain the building bulk that is consistent with the surrounding area. The proposed project is also consistent with the Master Plan by providing a new retail use consistent with the predominantly commercial area.

The Applicant reserves the right to supplement the foregoing reasons with expert testimony at the Planning Board Hearing.