

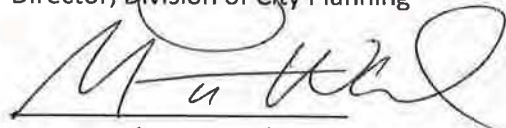
**REPORT CONCERNING THE DETERMIATION OF THE
CENTRAL AVENUE BLOCK 2901 STUDY AREA
AS AN AREA IN NEED OF REDEVELOPMENT AND AS A NON-CONDEMNATION
REDEVELOPMENT AREA**

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INTRODUCTION

The goal of this report is to specify whether the Central Avenue Block 2901 Study Area (“Study Area”) in Jersey City qualifies as an Area in Need of Redevelopment and more specifically as a Non-Condensation Redevelopment Area. The Study Area includes 24 parcels on the Jersey City Tax Map equaling approximately 2.65 acres of taxable real estate in and adjacent to the Central Avenue Special Improvement District within the Heights neighborhood of Jersey City. Portions of the Study Area are zoned Neighborhood Commercial and R-1, One and Two Family Housing District.

STATUTORY BASIS FOR THE DETERMINATION OF NEED

The Municipal Council of the City of Jersey City adopted Resolution 17-913 on November 29, 2017, authorizing the Jersey City Planning Board to:

Conduct a preliminary investigation of the physical and economic conditions of an area known as the Central Avenue Block 2901 Study Area, (hereinafter the Study Area) to determine whether or not this Study Area meets the statutory criteria necessary to be declared a “Non-Condensation Redevelopment Area” as outlined in NJSA 40A:12A-5 and NJSA 40A:12A-6.

This study is written pursuant to Section 6 of the Local Redevelopment and Housing Law (LRHL) P.L. 1992, c.79 (N.J.S.A. 40A:12A-1 et seq) which states:

“No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992, c.79 (C.40A:12A-5). Such determination shall be made after public notice and public hearing as provided in subsection b. of this section. The governing body of a municipality shall assign the conduct of the investigation and hearing to the Planning Board of the municipality”. The resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condensation Redevelopment Area").

The same legislation further states:

“After completing its hearing on its matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the

Planning Board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area”.

If the Study Area is found to be an area in need of redevelopment or rehabilitation, the City will then be permitted by statute to prepare a Redevelopment Plan to improve all or a portion of the Study Area. In the language of the Local Redevelopment and Housing Law, a “Redevelopment Plan” means:

“ . . . a plan adopted by the governing body of a municipality for the redevelopment or rehabilitation of all or any part of a redevelopment area, or an area in need or rehabilitation, which plan shall be sufficiently complete to indicate its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities, and other public improvements; and to indicate proposed land uses and building requirements in the redevelopment area or area in need of rehabilitation or both”.

The purpose of this study is to determine if the Study Area is in need of such redevelopment activities. The Planning Board acts in a fact-finding capacity prior to action by the governing body. It gathers facts and makes recommendations for the governing body to act upon. The New Jersey redevelopment statute does not require that all property in the Study Area be in need of redevelopment prior to such a determination being made. The Study Area may include individual parcels that do not reflect any of the eligibility criteria listed in the statute. NJSA 40A:12A-3 states that a Redevelopment Area may include lands, buildings or improvements that in and of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

Statutory revisions have further emphasized a clarification of the criteria such that a redevelopment designation cannot be justified solely on the basis that a property is underutilized, unless the property otherwise meets additional stated criteria for determination that the area is in need of redevelopment.

STUDY AREA BOUNDARY DESCRIPTION

The Study Area consists of 24 parcels located in Block 2901 as shown in Map A in Appendix 1 of this study. The Study Area is bounded by Central Avenue to the west, Griffith Street to the south, and Cambridge Avenue to the east and to the north other parcels in Block 2901 (which are not part of this study). The Parcel Map (Map A) indicates the real property limits of the Study Area and the Proposed Redevelopment Area Map (Map D) indicates a potential boundary of a redevelopment plan and includes adjacent public right-of-ways. The properties included in the Study Area are also known as Block 2901, Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27.01, 27.02, 28, 29, 30, 31, and 32 on the Jersey City Tax Map. Some properties also have qualifiers per the tax record. A full list of the taxable items by address, block, lot and qualifier is below as listed in the City’s Mod IV database:

Address	Block	Lot	Qualifier
109 Cambridge Avenue	2901	9	
103-107 Cambridge Avenue	2901	10	
91-101 Cambridge Avenue	2901	11	
89 Cambridge Avenue	2901	12	

Address	Block	Lot	Qualifier
87 Cambridge Avenue	2901	13	
85 Cambridge Avenue	2901	14	
83 Cambridge Avenue	2901	15	
81 Cambridge Avenue	2901	16	
130 Griffith Street	2901	17	
132 Griffith Street	2901	18	
134 Griffith Street	2901	19	
136 Griffith Street	2901	20	
138 Griffith Street	2901	21	
140 Griffith Street	2901	22	
142 Griffith Street	2901	23	
320 Central Avenue	2901	24	
324.5 Central Avenue	2901	25	
328 Central Avenue	2901	27.01	
328 Central Avenue	2901	27.01	BLDG
338-342 Central Avenue	2901	27.02	
338-342 Central Avenue	2901	27.02	BLDG
344 Central Avenue	2901	28	
346 Central Avenue	2901	29	
346.5 Central Avenue	2901	30	
348 Central Avenue	2901	31	
352 Central Avenue	2901	32	
352 Central Avenue	2901	32	B01
352 Central Avenue	2901	32	B02

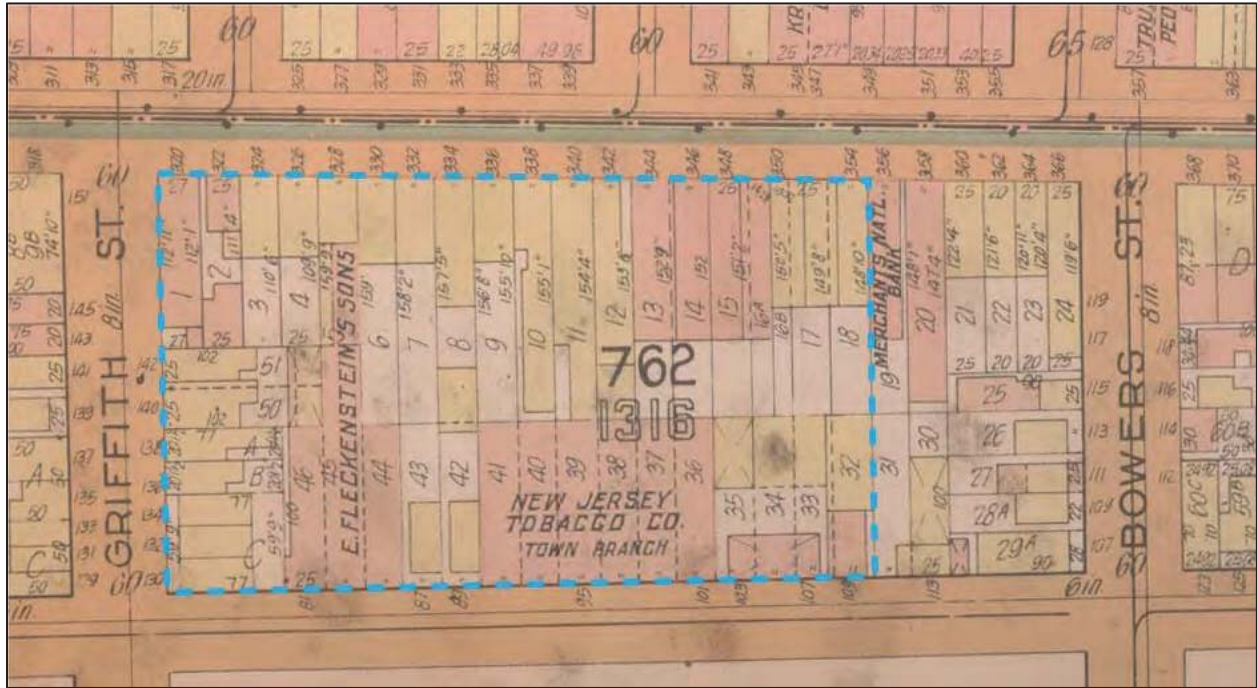
LOCAL SETTING AND BACKGROUND

The Study Area is located in the central north portion of the Heights, within and adjacent to the Central Avenue commercial district. The Study Area is bounded by Central Avenue to the west, Griffith Street to the south, Cambridge Avenue to the east, and numerous tax lots in Block 2901 to the north (which are not part of this study). The majority of the Study Area is comprised of a municipally owned, public parking lot. The remainder are fee simple lots developed as commercial, mixed use or apartment

buildings and two lots, which are municipal property with commercial buildings that were privately improved and currently leased. The adjacent public right-of-ways are included in this Study.

The Area was fully developed as early as 1928 as shown in the map below from the 1928 Jersey City Plat Book by G.M. Hopkins Company. A blue dotted line has been added to delineate the parcels within the Study Area.

1928 (study area with blue outline)



Source: 1928 Jersey City Plat Book by G.M. Hopkins Company

In the 1960's and 70's, Jersey City experienced some of the worst decades in its history, as large amounts of the City's population fled to newer suburbs while city neighborhoods experienced significant economic and social decline. Many long established commercial corridors were considered outdated and unable to accommodate growing auto-dependency and demand for auto-oriented development patterns. During these decades, much of the commercial development in Jersey City went to newer areas like Route 440, which encouraged residents to travel by car and shop outside of his or her neighborhood. Compared to other neighborhoods and main streets in Jersey City, the Heights and Central Avenue remained resilient. The significance of this Study Area for the Heights lies in the creation of off-street public parking. Since 1967, the Jersey City Parking Authority and the City has been purchasing and acquiring land for public parking within the Study Area as a strategy to curtail economic loss along the Central Avenue Corridor.

According to available city records, in October 31, 1967 the Jersey City Parking Authority gained site control of 350-354 Central Avenue and 109 Cambridge Avenue also known as Block 2901, lots 9 and 32 (old block 762, old lot 32, 17, 18 and part of 16, which is also referenced as 16B). Additional lots were purchased or acquired throughout the sixties, seventies and eighties. The public parking lot started as two separate parking lots until consolidation permitted joining the two. On September 11, 1997, the City of Jersey City gained site control of 89-105 Cambridge Avenue, the former Cambridge Frozen Bakery

Products, Inc. or Maple Leaf Bakery, Inc., also known as Block 2901, lot 12 and portions of lot 11 (old block 762, old lots 9B, 38A, 38B and 42A). This site was the most recent site acquired for use as a public parking lot.

In total, it has taken the Parking Authority and City roughly 35 to 40 years to acquire or purchase the majority of lots in the Study Area. Near the Burger King drive-through, a plaque was placed memorializing the last phase of the parking lot expansion, recording its ribbon cutting on December 7, 1999. Over the years, the City parking lot has evolved from a coin meter operation at each space to two centralized paystations. In 2014, by order of Municipal Council the Jersey City Parking Authority, an autonomous agency, was dissolved, consolidated and folded into Jersey City's Department of Public Safety by ordinance 14-107. As part of this process, the City assumed the Parking Authority assets, contracts and other obligations. In 2015, nighttime parking was permitted by ordinance 15-109 which amended chapter 332-58.1 of the municipal code. According to signage onsite, nighttime parking is free and only available to Zone 2 parking permit holders. More recently, Jersey City CCTV was installed to surveil the lot for public safety. The current configurations also has several informal access points for privately held lots, which front on Central Avenue. In total, the lot includes 164 parking spaces across all lots.

The remainder of the Study Area appears to have many of the same buildings and structures since 1928, with some modifications over the decades.

TRANSPORTATION ACCESS

Existing Infrastructure: The Study Area is served by 2 Hudson-Bergen Light Rail stations along the municipal border with Hoboken, to the east of Paterson Plank road: the 9th Street Station (reached via the Congress St. elevator) and the 2nd Street Station (reached via the 100 Steps/Franklin St.)

Bus routes to New York, Journal Square, Union City/Bergenline and the Hoboken PATH terminal are concentrated along Central and Palisade Avenues. These are operated both by NJ Transit as well as private jitneys. NJ Transit routes serving the Heights currently include:

Central Avenue:	119 to New York City
Palisade Avenue:	123 to New York City
	125 to New York City
	87 to Hoboken PATH terminal/Journal Square
	88c to North Bergen/Journal Square

As of September 2018 the Heights also has six CitiBike stations, located at Riverview Park, the Congress Street Elevator, Oakland Avenue, Christ Hospital, Pershing Field Park, and Leonard Gordon Park.

The Study Area is well connected for personal and commercial vehicles. Central Avenue is the main commercial corridor of the Heights neighborhood in Jersey City. The Heights is situated above Hoboken to the East and Tonnelles Avenue to the West. The Study area is conveniently located with easy access to Route 1/9, Pulaski Skyway, Route 3 and the Holland Tunnel. Other major thoroughfares include Kennedy Boulevard, Palisade Avenue, Route 139, and Paterson Plank Road.

MASTER PLAN AND ZONING

The Jersey City Master Plan was adopted in May of 2000 and designates the Study Area as "Neighborhood Commercial/Residential" and "One and Two Family Housing" as per the Master Plan Land Use Map dated 2001. The current zoning map for Jersey City designates the Study Area as a majority NC - Neighborhood Commercial, and ROZ – Restaurant Overlay Zone and a small portion R-1 - One and Two Family Housing.

The Master Plan notes several issues for Neighborhood Commercial/Residential Districts:

"The [neighborhood commercial/residential] district is confronted by significant challenges including competition from regional malls, limited parking, an uninviting streetscape and the need for additional investment."

"Increasing business investment in the district."

"Improving the mix of goods and services provided by the district."

"Providing opportunities for residential and office uses on the upper floors of underutilized buildings in the district to provide increased foot traffic and activity."

"Enhancing pedestrian access and circulation to the district."

"Addressing the need for additional shopper's and merchant's parking in the district."

Specific to Central Avenue, the Master Plan reads:

"Central Avenue has been significantly improved over the past several years, resulting in an economically viable and physically attractive district. The major issues relating to Central Avenue include shopper's parking and the mix of retail goods and services."

Streetscape improvements along Central Avenue were installed prior to 2000/2001 when the Master Plan was written as evidenced by the following:

"The JCEDC and the Division of Engineering have completed a major streetscape project within the Central Avenue SID that includes new street furniture, pedestrian-scale lights, improved sidewalks and landscaping."

The Master Plan also provides the purpose for the Neighborhood Commercial/Residential District:

"The purpose of [the Neighborhood Commercial/Residential district is to recognize the existence and importance of neighborhood activity districts and promote continued efforts to strengthen and revitalize them through public-private partnerships."

The New Jersey State Plan designates the whole of Jersey City as a Metropolitan Planning Area 1 and as an "urban center," and is thus an area where development and urban growth should be concentrated, as opposed to the evident underutilization, and disrepair that currently describes the generality of the Study Area.

PHYSICAL SURVEY METHODOLOGY

The following methods were used in gathering information and preparing a physical condition survey of the Study Area.

A. Parcel ownership, land use, lot assignments, size and assessed value were obtained from the municipal tax records for each parcel. If necessary, land use categories were modified through field surveys.

B. A physical survey of all buildings and property was conducted to determine the general physical condition for all parcels within the Study Area, and where necessary to modify characteristics obtained from the tax records. The survey involved an exterior evaluation, and several properties received an internal evaluation as well by staff from the Division of City Planning. The criteria for evaluating the condition of the buildings and properties consisted of those factors that would indicate the generality of active maintenance and investment, or the lack thereof, in the residence, business, or property surveyed. Building and property condition was determined by focusing on certain indicators such as the following: windows, entranceways, siding, brickwork, cornices, sidewalks and curbing, evident rubbish, foundations and retaining walls, fencing, arrangement of driveways, parking and loading areas, relationship of buildings and land use to the surrounding area, condition of pavement and the grounds in general. Factors which weighed against a positive rating included: cracks and fissures in masonry or concrete, broken glass, rotted and deteriorated wood elements, missing or damaged siding sections, evident debris and poor maintenance of the grounds, rusted or broken fencing elements, damaged or missing sidewalk areas and overcrowding or excessive coverage of buildings and land-use. Emphasis was placed on the most visible areas of each property and areas where the general public pass by the property, as these areas are most significant in creating the public's general impression of the area, and therefore contributes the most to the blighting effect on adjacent properties and the neighborhood at large that visible disinvestment can bring. The Study Area was surveyed on December 20, 2017, June 1, 2018 and September 12, 2018. Buildings and properties were classified as Good, Fair, or Poor.

STUDY AREA ANALYSIS

Below is a description of each property and a discussion as to which criteria each property meets to be designated as an area in need of redevelopment. The Study Area was broken down into 9 sites for this analysis as depicted on Map B and Map C in Appendix 1 of this study. Properties or sites are listed as being in Good, Fair or Poor condition and are summarized in the conclusions below. Photo documentation of each site is located in Appendix 3 of this study.

The Study Area is 2.65 acres of real property. The majority of the Study Area consists of Sites 1 and 2, which are described below. The Study Area also includes all the adjacent sidewalks, which are in poor condition. There are numerous tripping hazards caused by settling or street trees. Some areas of broken concrete, which is deteriorating. Uneven sidewalks also causes pooling and the generality of the sidewalks were strewn with debris.

Due to the urban, well-connected infill location of the Study Area, all lots and sites as described below meet criteria "h" as an area in need of redevelopment.

SITE 1: Municipal Parking Lot North

**Block 2901 / Lots 9, 10, 11, 12, and 32
89-109 Cambridge Avenue and 350-354 Central Avenue**

Site 1 includes 4 different tax lots roughly 43,422 square feet in size owned by the City of Jersey City and is developed as a surface parking lot for public use. This site is adjacent to Site 2 and operates as a single parking lot, but the two sites are described separately for the purposes of this Study.

Site 1 is in poor condition and lacks proper drainage, grading, curbing, landscaping, and other elements common and necessary for the proper and safe function of a parking area. Numerous storm drains and catch basins on site are not functioning evidenced by the collection of sediment and debris. The site is not properly graded as shown by ponding near Central Avenue. There are multiple layers of uneven and failing asphalt due to a lack of proper milling and resurfacing. Most landscaping along the perimeter and in medians have been removed and replaced with concrete contributing to excessive land coverage. The trees and tree pits that remain onsite are either causing more dilapidation by pushing up concrete and asphalt surfaces and curbing and/or creating tripping hazards and other unsafe conditions. Wheel stops are improperly spaced from curbing and infrastructure leading to the dislodgement of lampposts. Some wheelstops were even dislodged. Near the Central Avenue entrance, there are two billboards, where billboards are not a permitted use. In its current configuration, the lot is undersized for a proper and efficient parking lot layout requiring more space to be dedicated to aisles than a typical parking lot. The parking area of Site 2, therefore, meets criteria “d” as an area in need of redevelopment.

Site 1 is irregularly shaped and abuts several lots in the study area. This configuration has allowed for the creation of access to the rear lot lines of lots 28, 29, 30 and 31 for off-street parking and/or egress. It is unknown if agreements or easements are in place to legitimize these parking and access arrangements, but any development of Site 1 could be impeded by these either informal or formal claims. Site 1, therefore, meets criteria “e” as an area in need of redevelopment.

The sidewalks around Site 2 are cracked, uneven and impede drainage to the curb. The tree grates are collect trash and are choking the street trees. On Cambridge Avenue in particular, trash, liquor bottles and excessive amounts of dog feces were found on the sidewalk and in tree pits contributing to unwholesome conditions.

Site 1 overall, comprised of the north parking area, meets criteria “d”, “e” and “h” as an area in need of redevelopment.

**SITE 2: Municipal Parking Lot South (and commercial buildings)
Block 2901 / Lots 13, 14, 15, 16, 22, 23, 27.01, and 27.02
81-87 Cambridge Avenue; 140-142 Griffith Street; 328-342 Central Avenue**

Site 2 includes 9 different tax lots is roughly 39,468 square feet in size owned by the City of Jersey City and is largely developed as a surface parking lot for public use. This site is adjacent to Site 1 and operates as a single parking lot, but the two sites are described separately for the purposes of this Study.

Site 2 is developed with two commercial buildings fronting on Central Avenue - the detached Burger King restaurant and a two-story commercial building with multiple subtenants such as Papa John’s Pizza and Lucille Roberts Health Club are in fair condition. Between the two commercial buildings, there is pedestrian access-way from Central Avenue to a municipal parking lot, which is in poor condition.

In the mid 1970's the Jersey City Parking Authority gained site control of what is now referred to as Lots 13-16, 22, 23, 27.01 and 27.02. These lots were assembled for the provision of public parking. According to a planning board approval for case SP-73-77 on November 10, 1977, Site 2 was to be developed as a surface parking lot with 56 public parking spaces and two commercial buildings – one a restaurant the other a bank (See Appendix 2, Exhibit B). The site plan shows several access points – two ingress points from Central Avenue and an ingress/egress point on both Griffith Street and Cambridge Avenue.

On November 30, 1977, the Jersey City Parking Authority entered into an agreement with a tenant, which is set to expire October 31, 2027 that is encumbering utilization of Site 2 (See Appendix 2, Exhibit A). The agreement (referred to as the "Indenture") was made between the Jersey City Parking Authority (the "Landlord") and P.B.P. Associates LLP (the "Tenant") regarding development of a portion of Lots 27.01 and 27.02 (called the "demised premises"). Upon request, the Jersey City Division of Real Estate forwarded a copy of the following: 1977 Indenture and Acknowledgements; 1981 Encroachment Agreement and acknowledgement; a letter dated 2000 from B.P.B exercising the right to renew the terms for another 25 years; recorded certificate of limited partnership for B.P.B Associates; and, what appears to be an Addendum to Article XXVIII of the Indenture, but is mislabeled as Article XXVII. As stated earlier in this study, the passing of Ordinance 14-107 dissolved, consolidated and folded the Jersey City Parking Authority into Jersey City's Department of Public Safety. As part of that process, the City assumed the Parking Authority assets, contracts and other obligations. The Indenture for Site 2 being one of them.

The following covenants and takeaways from the Indenture are pertinent to this Study:

1. The "demised premises" is a 200-foot wide by 60-foot deep area located at the most westernly portions of lots 27.01 and 27.02 abutting Central Avenue (description paraphrased and updated to current block and lot assignments).
2. P.B.P. is in the second 25-year term set to expire October 31, 2027.
3. Article VIII(d): All improvements and alterations (other than the Tenant's movable trade fixtures and equipment) made or installed by the Tenant shall become the property of the [City of Jersey City] without payment therefor by the Landlord and shall be surrendered to the Landlord upon the expiration or sooner termination of the initial term or any renewal term of this lease.
4. Article XIII: The Tenant covenants that in the event the proposed restaurant on the Demised Premises maintains a take-out service that the Tenant will place receptacles for the disposal of litter and the Tenant agrees to police and sweep the adjoining areas on and about the demised premises.
5. Lastly, there are covenants articulated in the Indenture under Article XXVIII and what appears to be an addendum to the Indenture related to parking, access, use, and layout.
 - a. Article XXVIII requires the Landlord grant access and provide parking facilities pursuant to an attached plan adjacent and contiguous to the Demised Premises. Said plans are not in possession of the Division of Real Estate and therefore cannot be reviewed; however, plans from planning board case SP-73-77 were reviewed and presumed to be similar if not the same. Additionally, said access shall be subject to all enforcement and traffic regulations, pertaining to said parking lot. Lastly, the [P.B.P. Associates] agrees to indemnify the [City] from any and all claims against the Lessor arising out of the use of such access as a means of egress to Cambridge & Griffith Streets by business invitees of [P.B.P. Associates] or its subtenants.
 - b. Assumed addendum to Article XXVII states: The Landlord covenants and agrees to allow tenants access to the parking lot owned and operated by the Landlord and which is

contiguous to the demised premises pursuant to the attached plan. Said access shall provide a means of egress from the demised premises to both Griffith Street and Cambridge Street and shall be kept in full force and effect during the entire term of this lease or any renewal thereof. The Landlord also covenants and agrees that the said parking lot shall not be used for any other purpose other than public parking during the initial term of this lease and any renewal thereof.

- c. There is no explicit number of parking required or reserved for the sole use of the Tenant.

Due to existing covenants on Site 2, there is a growing lack of proper utilization of the area which impedes land assemblage and discourages the undertaking of improvements, resulting in a stagnant condition of land exhibiting a negative social and economic impact and detrimental to the safety, health, morals or welfare of the surrounding area. Site 2 is encumbered by the existing indenture until October 21, 2027. The generality of Site 2 is strewn with trash and other debris to the detriment of the health, morals, and welfare of the surrounding area. Only 1 trashcan was found on Site 2 and adjoining sidewalks. It does not appear that the Tenant is regularly policing and sweeping the adjoining areas on and about the demised premises to a proper degree as stipulated in the lease agreement. The general design, access and amount of parking in the parking area shall be kept as is during the entire term of the lease or any renewal thereof. Additionally, the parking areas shall not be used for any other purpose other than public parking during the lease or any renewal thereof. Site 2, therefore, meets criteria "e" as an area in need of redevelopment.

Site 2 exhibits signs of continual deterioration and a systemic lack of repair exacerbated by dilapidation, obsolescence, faulty arrangement and design, and obsolete layout and constitutes a potentially harmful or damaging condition conducive to unwholesome conditions for users of this parking lot.

The parking area lacks proper drainage, grading, curbing, landscaping, and other elements common and necessary for the proper and safe function of a parking area. Numerous storm drains and catch basins on site are not functioning evidenced by the collection of sediment and debris. There are multiple layers of uneven and failing asphalt due to a lack of proper milling and resurfacing. Most landscaping along the perimeter and in medians have been removed and replaced with concrete contributing to excessive land coverage. The trees and tree pits that remain onsite are either causing more dilapidation by pushing up concrete and asphalt surfaces and curbing and/or creating tripping hazards and other unsafe conditions. Wheel stops are improperly spaced from curbing and infrastructure leading to the dislodgement of a transformer and several lampposts. Pavers indicating pedestrian ways and striping for spaces in the parking lot are fading. The lot was once coin metered and now has a centralized station near the pedestrian access-way, yet holistic upgraders were not completed. The posts for the meters were left in place and siting of the centralized meter was hastily installed where a tree was planted yet not fully removed. In its current configuration, the lot is undersized for a proper and efficient parking lot layout requiring more space to be dedicated to aisles than a typical parking lot. The parking area of Site 2, therefore, meets criteria "d," "e" and "h" as an area in need of redevelopment.

Although updates to the Burger King façade appear to have taken place within the last few years, the layout of the Burger King is obsolete. Tire tracks and on the curbing at the Burger King driveway indicate a faulty arrangement and design. There is also the foundation of a street lamppost foundation at the drive through and it is presumed that a lamppost was hit by a drive through patron and never replaced. Although its location on Central Avenue, the entrance to Burger King does not face the street and is located along the Pedestrian Access to the parking lot. Sustained leakage from the trash enclosure has

stained the concrete loading area and appears unsanitary. There is also a pylon sign onsite, which was to be removed as a condition of the approval back in 1977 but never carried out.

The other commercial building also known as 338-340 Central Avenue possesses characteristics conducive of an unwholesome working condition. Windows on the rear of the building have been boarded up. Roll-down exterior security gates are installed on all lower windows and entrances. Excessive signage is displayed in windows further blocking light for workers.

The sidewalks around Site 2 are cracked, uneven and impede drainage to the curb. The tree grates are collect trash and are choking the street trees. On Cambridge Avenue in particular, trash, liquor bottles and excessive amounts of dog feces were found on the sidewalk and in tree pits contributing to unwholesome conditions.

Site 2 overall, comprised of the two commercial buildings and associated south parking area, meets criteria "d", "e" and "h" as an area in need of redevelopment.

**SITE 3: One-Story Commercial Buildings
Block 2901 / Lot 31, 30, and 29
346, 346.5 and 348 Central Avenue**

Site 3 contains three one-story commercial buildings in fair condition. The three lots in this site have separate fee simple ownership. The façades range from stucco, brick and aluminum. In general, the signage is oversized and exceeds regulations in the municipal ordinance. Two of the commercial spaces have exterior roll-down security gates. There is also parking in the rear yard on two of the three lots accessible only from Site 1. It is unknown if there are agreements or easements in place to legitimize these parking and access arrangements in the rear yards, but it may impede alternative layouts and development. The three lots are extra deep and exhibit 100% impervious lot coverage. Site 3 meets criteria "d", "e" and "h" as an area in need of redevelopment.

**SITE 4: 344 Central Ave, LLC
Block 2901 / Lot 28
344 Central Avenue**

Site 4 contains a two-story mixed-use building with apartments above the ground floor in fair condition. The front façade is comprised of brick and cast stone with a wood cornice and overall design is rather ornate. The rear of the property is fenced with a tall chain link fence that is topped with razor wire. There is also parking in the rear yard accessible only from Site 1. It is unknown if there is an agreement or easement in place to legitimize this parking arrangement in the rear yard, but it may impede alternative layouts and development. Additionally, the lot is 100% impervious coverage. Site 4 meets criteria "d", "e" and "h" as an area in need of redevelopment.

**SITE 5: Monka, Inc. A N.J. Corp.
Block 2901 / Lot 25
324.5 Central Avenue**

Site 5 is a two-story commercial building in poor condition. The structure is a wood frame building with an old and failing stucco application. In areas around windows, other punched openings and near grade, the stucco is deteriorating and some cases exposing the wood siding underneath. Overall, the building

exhibits signs of continual deterioration and a systemic lack of repair exacerbated by dilapidation. The site exhibits excessive lot coverage. In the rear yard, there a concrete landing with no fence leaving the yard accessible from the municipal parking lot. It appears the rear yard is used for waste disposal and storage in connection with a restaurant use in the building. The lack of a trash enclosure in the rear yard is a sanitary issue and could pose a health risk due to faulty arrangement of sanitary facilities. The front façade has signage that is oversized and exceeds regulations in the municipal ordinance building fronting Central Ave. Site 5 meets criteria "d" and "h" as an area in need of redevelopment.

**SITE 6: 320 Central Owner LLC % Standard GRP
Block 2901 / Lot 24
320 Central Avenue**

Site 6 is a doublewide lot consisting of a 4-story mixed-use building and a 2-story mixed-use building with a roof structure/penthouse near the rear property line. The site is in fair condition. The main structures appear to be in structurally sound and occupied with commercial tenants on the ground floor and apartments above. On top of the 2-story portion of the building is a dilapidated penthouse structure visible from Site 2. It is unclear if the penthouse structure is occupied for housing or serves some other function. The siding on the penthouse is a mix of materials cobbled together which appear to be failing and dilapidated. There are little windows and what appears to be pigeon coop. Overall, the penthouse exhibits signs of obsolescence and faulty arrangement, lacking in ventilation, light and sanitary facilities. Site 6 meets criteria "d" and "h" as an area in need of redevelopment.

**SITE 7: 138 Griffith Associates, LLC
Block 2901 / Lot 21
138 Griffith Street**

Site 7 is a two-story mixed use building on a shallow lot in the R-1 Zone in fair condition. The first floor contains a barbershop, which does not have ADA access, is a non-conforming use, and has rolldown security gates. The barbershop signage is a blade sign up at the two-story level. The front steps of the building encroach on the right-of-way and span across the full width of the property along Griffith Street. The structure is clad brick and aluminum siding. Because the lot is shallow the structure takes appears to be in excess of 80% lot coverage and a rear yard of about 10 feet in depth. This building exhibits excessive land coverage and obsolete layout regarding the lack of a barrier free commercial space. This lot meets criteria "d" and "h" as an area in need of redevelopment.

**SITE 8: 2-story residential building
Block 2901 / Lot 20
136 Griffith Street**

Site 8 contains a 2-story, 2-family frame building in fair condition. The property is a mix of brick and vinyl siding. On the ground floor are two undersized windows, a clear sign of faulty arrangement or design contributing lot a lack of ventilation and light. Over the front door, there is a dilapidated white metal awning. There is a pervious rear yard and shade tree. The front steps encroach on the public right-of-way exhibiting obsolete layout. This site meets criteria "d" and "h" as an area in need of redevelopment.

**SITE 9: 3-story residential buildings
Block 2901 / Lots 17, 18, and 19
130, 132, and 134 Griffith Street**

Site 9 contains three 3-story multifamily buildings. The generality of the properties are in fair condition. All four properties have stoops that appear to encroach into the public right-of-way. There is excessive impervious coverage and little to no landscaping. Concrete was poured in all the former sidewalk tree pits in front the properties in Site 9. Within the front yard fence line of the properties is concrete or stone pavers. In the rear yards is deteriorating asphalt for vehicular parking accessible from Cambridge Avenue. The structures in Site 9 otherwise appear structurally sound and operable residential buildings. This site meets criteria “d” and “h” as an area in need of redevelopment.

CRITERIA FOR DETERMINATION OF NEED FOR REDEVELOPMENT

The purpose of the New Jersey Local Redevelopment and Housing Law (LRHL) is to promote the physical development and improvement of “. . . conditions of deterioration in housing, commercial, and industrial installations, public services and facilities and other physical components and supports of community life, [which] without this public effort are not likely to be corrected or ameliorated by private effort”. The LRHL empowers local governments in their efforts to reverse these conditions and promote the advancement of community interests through programs of redevelopment, rehabilitation, and incentives to expand and improve commercial, industrial, residential and civic facilities.

In order to declare an area in need of redevelopment, the governing body of the municipality must conclude, after investigation and public hearing, that within the delineated area at least one of the following conditions set out in this statute must exist (NJSA: 40A; 12A-1, et seq.):

- A. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to conducive to unwholesome living or working conditions.
- B. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- C. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- D. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.
- E. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.

F. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

G. Area in any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L. 1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c.79 (C.40A:12A-1, et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

H. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to laws or regulation.

In addition, a redevelopment area may include individual parcels that do not reflect any of the eligibility criteria listed in the statute.

NJSA 40A:12A-3 states that a Redevelopment Area may include lands, buildings or improvements that in and of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

CONCLUSION

A review of the characteristics of the Study Area indicates that the Study Area qualifies as a “Non-Condemnation Area in Need of Redevelopment” as defined in NJSA 40A: 12-5; because the Study Area meets the criteria of subsections “d”, “e”, and “h” of NJSA 40A:12A-5.

1. Statutory Criterion “d” - *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.*

All sites in the Study Area meet criteria “d” to be qualified as a “Non-Condemnation Area in Need of Redevelopment.” The majority of the study area (Sites 1 and 2) is improved as surface parking lot. The surface parking lot improvements exhibit dilapidation, obsolescence, faulty arrangement or design, excessive land coverage and obsolete layout detrimental to the safety, health, morals and welfare of the community. The parking areas lack proper drainage, grading,

curbing, landscaping, and other elements common and necessary for the proper and safe function of a parking area. Numerous storm drains and catch basins are not functioning evidenced by the collection of sediment and debris. There are multiple layers of uneven and failing asphalt due to a lack of proper milling and resurfacing. Most landscaping have been removed and replaced with concrete contributing to excessive land coverage. The trees and tree pits that remain are either causing more dilapidation by pushing up concrete and asphalt surfaces and curbing and/or creating tripping hazards and other unsafe conditions. Wheel stops are improperly spaced from curbing and infrastructure leading to the dislodgement of a transformer and several lampposts. The remainder of the sites are improved with buildings. The building sites exhibit a combination of dilapidation, faulty arrangement or design, and excessive land coverage detrimental to the safety, health, morals, and welfare of the community.

2. Statutory Criterion “e” - *A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.*

Sites 1, 2, 3, and 4 meet criteria “e” to be qualified as a “Non-Condemnation Area in Need of Redevelopment.” These sites are evidence of a growing lack of proper utilization of areas caused by conditions resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare. There are vertical improvements (AKA Burger King et al) stifling any reconfiguration or proper utilization. Many of these sites also share access points across interior lot line boundaries. It is unknown if there are agreements or easements in place to legitimize these parking and access arrangements in the rear yards, but their existence may impede alternative layouts and development.

3. Statutory Criterion “h” - *The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to laws or regulation.*

Subsection "h" speaks to the “Smart Growth” principles of New Jersey. The State Planning Act (N.J.S.A 52:18A-196 et seq.), adopted in 1985, establishes the framework for State policies and regulations related to smart growth principles. One of the findings of the State Planning Act is that:

“It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this State...”

The Study Area is part of a dense infrastructure network of existing streets, sidewalks, water and sewer systems, utility connections, is serviced by NJ Transit bus lines. Additionally, the Study Area is a pedestrian friendly, walkable neighborhood where residents and visitors can walk to nearby stores, schools, restaurants, shops and other facilities. This location is overwhelmingly well situated with respect to present or anticipated public services and facilities. The Study Area

is designated to be within Metropolitan Planning Area 1 and as an "urban center" by the New Jersey State Plan and the Smart Growth Areas map.

The New Jersey's State Development and Redevelopment Plan defines *smart growth* planning initiatives of the State of New Jersey and recommends *smart growth principles* for local municipalities to follow and implement. The plan provides detailed policy recommendations, including to, "direct investment to priority areas, such as innovation corridors, major cities, transit-served communities, and ports, to capitalize on existing infrastructure and deliver jobs." The Study Area is clearly a transit served community within a neighborhood commercial core of New Jersey's second largest city. Redevelopment of this area capitalizes on the existing infrastructure where development potential is at its highest. The State Plan defines smart growth as:

"...well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland, and environmental resources. Smart Growth supports livable neighborhoods with a variety of housing types, price ranges and multi-modal forms of transportation. Smart Growth is an approach to land-use planning that targets the State's resources and funding in ways that enhance the quality of life for residents in New Jersey. Smart Growth principles include mixed-use development, walkable town centers and neighborhoods, mass transit accessibility, sustainable economic and social development and preserved green space. Smart Growth can be seen all around us: it is evident in larger cities such as Elizabeth and Jersey City; in smaller towns like Red Bank and Hoboken, and in the rural communities like Chesterfield and Hope."

The redevelopment of deteriorated urban districts and improvement of the built environment in this Study Area is consistent with Smart Growth principals and promotes that agenda. The Study Area clearly meets the State's definition of a *smart growth area*, thereby satisfying the criterion of Subsection "h" for the entire area.

Based upon the conditions described herein - relating to dilapidation, obsolescence, faulty arrangement or design, excessive land coverage and obsolete layout as well as the presence of circumstances illustrating a lack of proper utilization resulting in stagnation, and further noting the Study Area's designation within Metropolitan Planning Area 1; the preliminary investigation concludes that a lawful basis exists for declaring the entirety of the Study Area to be a "Non-Condemnation Area in Need of Redevelopment" based upon the Criteria "d", "e", and "h" of NJSA 40A: 12A-5.

Therefore, it is recommended that the City Council of the City of Jersey City and Jersey City Planning Board, after public notice and hearing, make said determination according to law.

APPENDIX 1

MAPS

Map A: Parcel Map

Map B: Site Map

Map C: Aerial Map

Map D: Proposed Redevelopment Area Map



CENTRAL AVENUE BLOCK 2901 STUDY AREA
MAP A: PARCEL MAP

AUGUST 21, 2018



Legend

- Study Area Parcels
- Parcels



CENTRAL AVENUE BLOCK 2901 STUDY AREA
MAP B: SITE MAP

AUGUST 21, 2018



Legend

- Study Area Sites
- Parcels



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**CENTRAL AVENUE BLOCK 2901 STUDY AREA
MAP C: AERIAL MAP**

AUGUST 21, 2018



Legend

- Study Area Sites
- Parcels

Jersey City
City Planning Division
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Jersey City, NJ 07302-3821
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**CENTRAL AVENUE BLOCK 2901 STUDY AREA
MAP D: PROPOSED REDEVELOPMENT AREA**

OCTOBER 1, 2018



Legend

- Proposed Redevelopment Area
- Parcels

APPENDIX 2

EXHIBITS

Exhibit A: The agreement (referred to as the “Indenture”) and attachments made between the Jersey City Parking Authority (the “Landlord”) and P.B.P. Associates LLP (the “Tenant”) regarding development of a portion of Lots 27.01 and 27.02 (called the “demised premises”) as it relates to Site 2 of this Study.

Exhibit B: Approval documents for case # 73-77, 328-342 Central Avenue

ENCROACHMENT AGREEMENT

THIS AGREEMENT, made this 8th day of June, 1961 between P.B.P. ASSOCIATES, a New Jersey Limited Partnership (hereinafter referred to as "Lessee") and the PARKING AUTHORITY OF THE CITY OF JERSEY CITY, a Body Corporate Politic of the State of New Jersey (hereinafter referred to as the "Lessor")

W I T N E S S E T H :

WHEREAS, the Lessee has leased from the Lessor certain premises known as 328-342 Central Avenue, in the City of Jersey City; and

WHEREAS, the Lessee has constructed thereon certain buildings, to wit, a Burger King and a two story 60 x 90 foot masonry and steel building, the rear of which building extends over the eastern portion of the lease line, two feet one inch (2'1") onto the Lessor's property which is not a part of the demised premises; and

WHEREAS, the Lessor is the owner in fee of the premises encroached upon,

NOW THEREFORE, for SEVEN THOUSAND SEVEN HUNDRED FIFTY (\$7,750.00) DOLLARS and other good and valuable consideration which will be paid for as follows: