

Statement of Principal Points
804-810 West Side Avenue (Block 14803, Lots 1, 74, 75, and 76)
Jersey City, Hudson County, New Jersey
May 5, 2021

An application has been filed for the above-noted site with the Jersey City Planning Board for Preliminary and Final Site Plan Approval; approval of bulk “c” variances for building height, for a curb cut on West Side Avenue and for drive aisle width pursuant to N.J.S.A. 40:55D-70.c.

The project site at 804-810 West Side Avenue is identified as Lots 1, 74, 75, and 76 on Block 14803 and is located on the east side of West Side Avenue, mid-block between Montgomery Street to the north and Fairmount Avenue to the south. The site consists of four (4) tax lots, which combined have approximately 100 feet of frontage along West Side Avenue, a lot depth of approximately 99 feet, and a total lot size of 9,906 square feet (0.22 acres). The project site is currently a vacant surface parking lot. The project site is in the Neighborhood Commercial (NC) District.

The purpose of this application is to develop the project site with a 5-story, 32-unit mixed-use building with two (2) ground floor commercial spaces and sixteen (16) parking spaces in the cellar. The first floor will consist of two (2) commercial/retail space for a total square footage of 4,568 square feet, a residential lobby and fire stair access and a residential amenity space. The second through fifth floors will each consist of five (5) one-bedroom units, and three (3) two-bedroom units. All rear facing units will have a balcony. A 1,334-square-foot common roof deck will be accessible from the elevator and stair bulkheads, surrounded by a green roof totaling 1,350 square feet. One 10-foot curb cut will provide access to sixteen (16) off-street parking spaces in the building cellar. A total of four (4) new street trees will be provided. In the rear yard a 600-square-foot terrace and 919-square-foot grass area will be accessible from the ground floor residential amenity space.

The Planning Board has the jurisdiction to grant the requested bulk “c” variances pursuant to N.J.S.A. 40:55D-70.c.(2), wherein the benefits of the proposed project would substantially outweigh the detriments.

Positive Criteria: In terms of the height variance, the project proposes 5 stories/60 feet where 5 stories/55 feet is permitted for buildings with residential apartments above the ground floor. The additional height is due to greater than typical minimum floor heights (9 feet floor-to-ceiling), with the ground floor at 12 feet-6 inches floor-to-ceiling and the upper floors having 10-foot floor-to-ceiling heights. Overall the building height is less than the maximum 64 feet permitted in the district for commercial only buildings per §345-45.E.9.b.

The additional 5 feet in building height will not have a substantial impact on light and air between adjacent properties. The project provides compliant yard setbacks, including a 15-foot rear yard setback. Furthermore, due to the orientation of the project site, shadows from the building will mainly fall on the West Side Avenue right-of-way, and the commercial uses to the north and northeast of the project site.

The project proposes a 10-foot curb cut along West Side Avenue, which is not permitted per §345-45.F.1, and results in zero (0) parking spaces being required. The project would reduce the existing non-conforming condition of the site, where there are two (2) oversized curb cuts along West Side Avenue providing access to the existing parking lot. No street parking would be affected as on-street parking is not permitted along this block frontage. The reduced 10-foot curb cut provides access to the off-street parking spaces in the building's cellar. The provision of parking, which is not required, would be a considerable amenity as the project site is located approximately 1 mile south of the Journal Square Transportation Center and 1.1 miles north of the West Side Avenue Light Rail Station.

Furthermore, the project would activate the streetscape with two (2) retail spaces occupying 4,568 square feet (57%) of the ground floor. These new retail spaces, which would replace an existing parking lot, will reinforce the commercial character of the West Side Avenue corridor.

With regard to the drive aisle width, the drive aisle does not meet the minimum 22-foot width for a two-way aisle with 90-degree parking. At the entrance/egress the drive aisle width is 18 feet. The portion of the garage where cars would maneuver into and out of parking stalls meets the minimum 22-foot width required. While the entrance/egress drive aisle area does not meet the requirements, there will be a limited number of cars that will utilize the garage, and there will be limited traffic and activity in the garage which would necessitate the larger aisle widths. In addition, drivers within the garage will be familiar with the layout and parking procedures as the garage will be limited to tenants of the building. Another benefit is that less of the street frontage is used for non-active use.

Overall, the benefits of the proposed project outweigh the detriments, with the benefits including redevelopment of a non-conforming parking lot with a permitted mixed-use building, reduction in lot coverage with the creation of 919 square feet of grass area, new commercial spaces to reinforce the character of West Side Avenue, removal and reduction of existing non-conforming curb cuts, provision of new sidewalks and four (4) new street trees.

Purposes of the MLUL: Granting the requested variances will advance the purposes of the Municipal Land Use Law and promote the general welfare. Approval of the project would result in the appropriate use and development of the site, in a manner which will promote the public health, safety, morals and general welfare consistent with N.J.S.A. 40:55D-2.a, by redeveloping a non-conforming parking lot with a new mixed-use development that will reinvigorate and reinforce the character of West Side Avenue. The project will provide adequate light, air and open space consistent with N.J.S.A. 40:55D-2.c. through the proposed compliant yard setbacks. The proposed project will promote a desirable environment through creative development techniques consistent with N.J.S.A. 40:55D-2.i. by constructing a new mixed-use building that will consist of a varied façade and new street trees on a currently vacant lot.

Negative Criteria: Granting the requested variances will not result in a substantial detriment to the general welfare. The project proposes a mixed-use building with ground floor commercial space which will re-enforce the commercial character of the corridor. The additional building height will allow for generous floor-to-ceiling heights at the ground floor

commercial and upper residential floors. The project also eliminates and reduces the existing non-conforming curb cuts, will replace the sidewalk and provide four (4) new street trees. The proposed project will provide sixteen (16) off-street parking spaces and sixteen (16) bicycle parking spaces in the cellar. The proposed building meets all current building codes. The proposed setbacks will provide adequate light and air to adjacent structures.

Granting the variances will likewise not result in a substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The purpose of the NC District is to “provide ground floor commercial in mixed-use buildings to promote walkability”. The project promotes the purposes of the NC District by eliminating a non-conforming parking lot and constructing a mixed-use building with two ground floor commercial/retail spaces, while providing sixteen (16) off-street parking spaces in a cellar. The removal and reduction of the existing non-conforming curb cuts will also promote walkability on the block.

The requested variances necessary for the proposed project can be granted in that both the positive and negative criteria have been met pursuant to N.J.S.A. 40:55D-70.c.

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