

PRINCIPAL POINTS STATEMENT

**500 COMMUNIPAW AVENUE, LLC
500-510 COMMUNIPAW AVENUE AND 22 PARK STREET
JERSEY CITY, NEW JERSEY
BLOCK 17003, LOT 36, 37, 38, 39, 40 AND 8**

The Applicant, 500 Communipaw Avenue ,LLC filed an application with the Jersey City Zoning Board of Adjustment for Preliminary and Final Major Site Plan Approval with variances pursuant to N.J.S.A. 40:55D-70(d)(1)(use) and N.J.S.A. 40:55D-70(c) (maximum permitted stories, if necessary; maximum permitted curb cut width; minimum rear yard setback) with regard to the property located at 500 – 510 Communipaw Avenue and 22 Park Street, Jersey City, New Jersey, which is also identified on the Jersey City tax maps as Block 17003, Lot 36, 37, 38, 39, 40 and 8 (“Property”). The Property is located in both the NC - Neighborhood Commercial District (“NC”)(Lots 36, 37, 38, 39 and 40; “NC Lots”) and the R-1, One and Two Family Housing District (“R-1”)(Lot 8; “R-1 Lot”).

The property is predominantly vacant land with an existing building located along Communipaw Avenue that will be demolished. The Applicant is proposing to construct a five (5) story mixed use building (this portion of the building is in the NC Zone) and four (4) story mixed use building (this portion of the building is only residential and is in the R-1 Zone) with ground floor commercial/retail along Communipaw Avenue, seventy-one (71) residential units (6 residential in the building will be dedicated as moderate income affordable units), and forty-seven (47) parking spaces within a garage, including mechanical spaces, that will be accessed from an existing curb cut/driveway from Park Street (“Project”). The Project will also have a room accessible from Communipaw Avenue that will be dedicated as community space that can be used by the tenants and public in coordination with ownership. This community room will provide for exhibits acknowledging the history of John Longo, and other rotating exhibits acknowledging the history of Jersey City.

As part of the application, the Applicant is requesting the following variances, exceptions and/or waivers from the Jersey City Land Development Ordinance:

1. The Applicant is requesting a use variance to permit a five (5) and four (4) story mixed use building on property that is located in the NC Zone and the R-1 Zone (a commercial and multi-family use with a portion of the building and multi-family residential use being in the R-1 Zone). The Project will include a five (5) story mixed use portion of the building in the NC Zone fronting on Communipaw Avenue (which is permitted), and the remainder of the building is reduced to a four (4) story building that is located in the R-1, One and Two Family Housing Zoning District (which makes the use variance request required). The portion of the building in the R-1 Zone will be a residential use only with garage parking.
2. The Applicant is requesting variance relief from the maximum permitted stories, if necessary, in the R-1 Zone.
3. The Applicant is requesting variance relief from the maximum permitted driveway width, if necessary (this includes an existing condition on Park Street); and for relief from the minimum drive aisle width for the parking.
4. The Applicant is requesting variance relief from the minimum required rear yard setback in the NC Zone, if necessary.
5. The Applicant is requesting any other variances, exceptions and/or waivers that the Jersey City Zoning Board of Adjustment shall deem necessary in connection with this application.

The current R-1 zoning permits the following uses: "1. One family dwellings, 2. Dwellings with two dwelling units, 3. Houses of worship, 4. Parks and playgrounds, 5. Essential services, 6. Schools, 7. Governmental uses. 8. Conversions of first floor commercial to a single residential unit..., 9. Assisted living residences, 10. Nursing Homes, 11. Senior Housing, 12. Public utilities...."

As set forth in the JCLDO and repeated in the Jersey City Master Plan regarding the R-1 District, "The purpose of this district is to accommodate existing housing and encourage compatible in-fill development with one and two family homes that preserve the streetscape, utilize on street parking where the frontages are narrow and maintain the low-rise character of the area."

The Applicant is requesting a use variance to permit a multi-family building with seventy-one (71) residential units, of which 6 units will be moderate income affordable units. The affordable units represent 8.45% of the overall project, and approximately 20% of the total number of units being proposed with the R-1 Zone portion of the Project (which is the zone that requires the use variance). The Project is particularly suited for the Property. While the front portion of the Project is within the NC Zone, and would be "as of right" with the exception of the rear yard setback (which is the result of the continuation of the building to the R-1 Zone lot), and could be developed independently, the interior R-1 Lot has remained vacant for a very long time. While the R-1 lot is oversized, it is an irregular interior lot that would be very difficult to develop independently as one of two family homes, or the other permitted uses in the R-1 Zone. In that regard, access by fire trucks has consistently been an issue for any proposed development of the R-1 Lot when it was considered to be developed independently, which is a hardship associated with the development of the R-1 lot independently.

Multi-family residences are located around the vicinity of the Project as the NC Zone fronts along Communipaw Avenue and Grand Street, and a multi-family apartment building fronting on Park Street is located directly adjacent to the R-1 Lot. The zoning for the NC Zone, which is the front portion of this Project, permits up to five stories and 55 feet in height (for residential over commercial) and 64 feet (for buildings without residential uses). The NC Zone also does not have any density standard. The Project adheres to the Master Plan by providing appropriate infill development and appropriate population densities that will contribute to the well-being of persons, neighborhoods and communities. The granting of the requested variance will promote the establishment of appropriate population densities because of the site's larger size, which allows the Property to accommodate the proposed multi-family building without any substantial negative impact to the surrounding area.

The current condition and surface parking lot use of the R-1 lot is inconsistent with the intent of the R-1 residential zone. The proposed Project will accomplish the goals of the Municipal Land Use Law, which includes promoting a desirable environment through creative development techniques and good civic design and arrangement and promoting the conservation of resources.

The extension of the Project in to the R-1 Lot will provide for a use that that is compatible with the neighborhood. It will also provide for the opportunity to provide for parking for the overall project, including the permitted NC portion, which would not require any parking if developed independently. Additionally, the Project fulfills the objective of promoting a desirable environment by removing a non-conforming surface parking use and repurposing the Property into a visually desirable multi-family dwelling.

The Project is also providing for affordable housing units in site. The affordable units are an inherently beneficial use. The affordable units represent 8.45% of the total Project, and approximately 20% of the units being proposed on the R-1 Lot (30 units). It is also noted that hypothetically based on the lot area of the R-1 Lot, assuming fire code and truck access were not an issue, could yield approximately 10 units based on the creation of 5 lots. Therefore, the affordable units represent approximately 30% of the units that are being proposed beyond the permitted unit count of 10 (6 of the 20 additional units).

The Project is also proposing numerous green elements that help to satisfy the positive criteria. Therefore, based on all of the forgoing, the proposed Project satisfies the positive criteria for granting of the requested use variance.

The Project will also provide for parking ingress/egress off of Communipaw Avenue. The NC Zone requires a parking ratio of .2 spaces per bedroom. It does not prohibit curb cuts along Communipaw Avenue similar to other roads with heavy traffic. Therefore, a stand along project on the NC Lots would require approximately eleven (11) parking spaces (based on an estimated bedroom count of approximately fifty-seven (57) bedrooms). While it appears that these space could be accommodated on the NC Lots, it would require ingress/egress along Communipaw Avenue, and a reduction in the proposed retail/commercial space. It is submitted that it is a benefit to remove the curb cuts along Communipaw Avenue and to use the existing curb cut/driveway along Park Street.

The Project will also not result in any substantial detriments to the general welfare or zone plan. The Project will result in a residential use that is consistent with the intent of the R-1 Zone. The

traffic generated to and from the project will be consistent of what would be expected of a use in the R-1 Zone. It is also noted that the scale and massing of the Project is consistent with what could be developed if one and two family structures were developed at the site, and actually smaller in some respects. The back portion of the Project, which is the four (4) story section (three residential floors over the garage) is at a height consistent with at permitted for one and two family structures. The upper floors are also setback from the various lot lines to create separation from the adjacent properties and buildings. So the bulk of this proposed Project is actually a little smaller in height than what could be developed as-of-right, and therefore, the bulk of the proposed Project is envisioned on Property this size in the R-1 Zone, and the Project will not result in any substantial detriments. Accordingly, the benefits outweigh any substantial detriments and the requested use variance can be granted accordingly.

The Project will create a desirable visual environment by removing a surface parking lot and vacant land along a major corridor (Communi paw Avenue) with a residential building that is designed to be consistent with the surrounding neighborhood. Since the proposed Project will be similar in use, height and density to the surrounding buildings in the neighborhood, the proposed Project and use will also not substantially impair the zone plan, nor the intent and purpose of the zone plan or ordinance, nor will it be a substantial detriment to the public good or immediate neighborhood. Therefore, the use variance can be granted accordingly.

The Applicant also requests, if necessary, relief from the permitted amount of stories and building height. The variance requests are provided "if necessary" because R-1 Zone does permit principal structures in the R-1 Zone on lots 10,000 square feet or greater to be a height of seven (7) stories and seventy (70) feet for senior housing and assisted living uses (these are residential type uses). Although the proposed "multi-family use" is not permitted in the R-1 Zone, the Project is not proposed to exceed this maximum permitted stories or height. The proposed height and the proposed four (4) stories of the Project in the R-1 Zone are less than the permitted height and stores of a permitted principal structure on this Property and Project is consistent with the development in the immediate area. While the proposed development will be four (4) stories in height in the R-1 Zone, it is one (1) story more than permitted in the R-1 One and Two Family Zone for one and two family structures (a "similar residential use). In addition, as previously

mentioned, the Project is within the NC Zone as well, which permits up to fifty-five (55') feet and five (5) stories. Thus, the proposed height is consistent with the permitted and existing heights in the zone and immediate areas to the east. Accordingly, the height and stories of the building will not result in any substantial detriments to the immediate area and the requested variances for the building height and stories, if necessary, are warranted and can be granted.

The Applicant is also requesting a variance to permit relief from the maximum curb cut width (an existing condition) and the proposed drive aisle width for the parking. The Project is proposing forty-seven (47)- on-site parking spaces, which includes mechanical parking. The existing curb cut exceeds the maximum 10-foot-wide permitted curb cut in the R-1 Zone. Very simply, the Project is proposing to reuse this curb cut as part of the Project. It is submitted that this will facilitate the two-way traffic in and out of this driveway as well. The larger width will permit a safer ingress/egress to the parking garage (two way). The larger widths will not negatively effect on street parking as it exists already. Additionally, the drive aisle within the garage will be sufficient as this will be used by people familiar with the garage. The garage will have parking stackers, so that will be conducive to slower movements in the garage as well. Therefore, the benefits of providing forty-seven (47) on-site parking spaces, eliminating the curb cuts along Communipaw Avenue, providing additional street parking, and improving site conditions outweigh any substantial detriments.

The Applicant is requesting relief from the minimum required rear yard setback for the NC Zone, if necessary. This would be required if the NC Lots were being developed independently, but it would not make sense in this instance as this is a comprehensive development over two zoning districts. Moreover, there would not be any detriment to the owner in the rear as the Applicant is that owner and continues the building on that lot. Notwithstanding the foregoing, the rear of the Project building maintains a rear yard setback in excess of the minimum 15' requirement to the closest property to the rear of the Project that ranges from approximately 14'9" to 18'7".

Lastly, as this Board might recall, there was an issue related to the proposed demolition of an existing building on the site. This Board affirmed the Historic Preservation Specialist decision that the building could be demolished. As part of that approval the Applicant agreed to acknowledge the history related to John Longo somehow as part of a new development. In that regard, instead

of a symbolic plaque or similar acknowledgement, the Application has created and would be dedicating a community room to be used by the tenants and the public in coordination with ownership that will acknowledge the history related to Mr. Longo with exhibits within it, and to provided rotating exhibits to acknowledge the history of Jersey City. This will be a benefit to the community and serve as a meeting gathering place similar to the historical meetings in the John Longo/Frank Hague era.

The proposed and requested variances are appropriate for the development of the Property and will benefit the immediate neighborhood, promote the general welfare, promote appropriate population densities, and promote a desirable visual environment. The proposed use and the bulk of the Project is an appropriate use of the land and an appropriate build out of the land, and the proposed Project will not affect any permitted uses in the neighborhood, nor cause any substantial detriments. The proposed variances will not cause a substantial detriment to the public good, nor impairment to the intent and purpose of the Jersey City Zone Plan and Zoning Ordinance, and can be granted accordingly.

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