

CITY OF JERSEY CITY

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

DATE: April 7, 2022

TO: Board of Adjustment Commissioners

FROM: Lindsey Sigmund, PP, AICP, Senior/Environmental Planner

RE: Case #Z20-100 216 Palisade Avenue
Preliminary & Final Major Site Plan with D Variance

Documents Reviewed:

- City of Jersey City General Development Application, received by City Planning December 23 2020;
- Plans entitled "Proposed 5 Story Mixed Use Building in Medical District, 216 Palisade Avenue, Block 6001, Lot 8, Jersey City, NJ 07306", prepared by Minervini Vandermark Melia Kelly Architecture + Design, dated October 14, 2020, revised March 2020, May 2021, September 2021, January 2022, and January 10 2022;
- Statement of Principal Points, undated;
- Density Analysis, prepared by Dresdner Robin, dated December 22, 2021;
- Traffic Impact Study, prepared by Bertin Engineering, dated December 22, 2020, revised June 2, 2021;
- Stormwater Management Report, prepared by Bertin Engineering, dated December 22, 2020;
- Jersey City Engineering Memo, dated February 1, 2022;
- Jersey City Municipal Utilities Authority (JCMUA) Memo, dated October 1, 2021.

Site Location:



Application Background and Proposal:

The subject property, known as Block 6001, Lot 8 is located at 216 Palisade Avenue in the Medical (M) District. The site is comprised of one (1) parcel amounting to 6,600 SF. The site is developed with a two (2)-story residential building containing four (4) dwelling units and an asphalt parking area.

The Applicant is proposing to demolish the existing structure to construct a five (5)-story mixed-use building containing twenty (20) residential units, a medical office on the 2nd floor, and twenty-three (23) parking spaces. The proposal includes 17,723 SF of residential space distributed as sixteen (16) 1-bedroom units and four (4) 2-bedroom units. Six (6) of the 1-bedroom units include a den. Three (3) of the units will be affordable units. Two (2) of the units will be moderate-income and one (1) low-income unit. The ground floor includes parking, a lobby, and a trash room. The cellar plan includes bike storage and utilities. The fifth floor includes a twelve (12) foot front step-back and provides private terraces in that space. The proposed roof plan includes a common deck area, a 400 SF amenity space, HVACs with screening, and 1,230 SF of extensive green roof tiles to mitigate stormwater runoff. The project includes a below grade detention system.

The Applicant is proposing a multi-family building with a medical office in the Medical District where residential is not a permitted use therefore a D(1) Use Variance is required.

Table 1: Medical District Standards			
Standard	Required	Proposed	Conforming (Y / N)
Max. Height	10 Stories / 100 FT	5 Stories / 50 FT	Y
Max. Building Coverage	80%	100%	N
Max. Lot Coverage	80%	100%	N
Parking	1 space / 5,000 SF of GFA	23 spaces	Y
Min Buffer to Residential Zones	10 FT	N/A	N/A
Lot Area	No Standard	6,639.6 SF	N/A
Front Yard Setback	No Standard	1 st -4 th Floor - 0 FT 5 th Floor – 15 FT	N/A
Rear Yard Setback	No Standard	1 st Floor - 0 FT 2 nd -5 th – 22 FT	N/A
Side Yards	No Standard	0 FT	N/A

Staff Comments:

The applicant is not proposing an inherently beneficial use, therefore the applicant is required to provide proof that the proposed use can meet the purposes of zoning, the site is particularly suited for the use, and the proposal meets the enhanced burden of proof. Additionally, the applicant must demonstrate the variances can be granted without substantial impairment to the intent and purpose of the zone plan and zoning ordinance but can also be granted without substantial detriment to the public welfare.

The Applicant is proposing a mixed-use building, which is not a permitted use in the Medical District. thus requiring a D(1) use Variance.

D (1) Variance:

For a Use Variance, the project should be evaluated in terms of intensity of use. Site suitability of the proposed use and density should be considered. Findings must show that the site can accommodate issues that may be associated with the increased density and bulk of the building. There is no density or bulk standards for residential uses in this zone. However, recognizing that the subject property is located across from the R-1 Zone, the proposed project includes multiple step-backs in the front and rear of the building. Above the first floor, there is a rear yard step-back of 22 FT. In the front of the building, the fifth floor includes a 15 FT step-back. Additionally, the existing use on the site is a multi-family building with surface parking, rather than a permitted use for this zone.

It is the opinion of staff that this proposal advances the following purposes of Zoning, per NJSA 40:55D-2 of Municipal Land Use Law:

b. To secure safety from fire, flood, panic and other natural man-made disasters;
The applicant is proposing a green roof and below grade detention system.

It is the opinion of staff that the applicant meets the following intent of the Land Use Principles of the Jersey City Master Plan (2022):

“Ensure the City’s housing supply is balanced and meets the needs of all current and future City residents.”

The applicant is proposing three (3) affordable housing units, two (2) moderate-income and one (1) low-income units.

The purpose of the Medical District (M) is to recognize the existing medical facilities in the city and other medical related uses traditionally associated with these facilities. To help meet the purpose of the M District, the Applicant is proposing medical office space on the second floor of the building where there is currently no medical use on the property.

The Applicant’s experts shall address the following points:

1. The Applicant’s experts shall address through testimony the positive and negative criteria required to grant use relief.
2. The Applicant’s experts shall provide testimony regarding the retention capabilities of the green roof and below grade stormwater detention.
3. The Applicant’s expert witnesses shall provide testimony on the proposed façade elements and create a verbal record of the materials to be used on the project.

Staff Recommended Conditions:

1. No change to the site design 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. All street trees/landscaping shall be installed in accordance with 345-66 and the City’s Forestry Standards, prior to an issuance of a Certificate of Occupancy.
4. The Applicant shall enter into an Affordable Housing Agreement with the Division of Affordable Housing. Documentation of the Agreement shall be submitted to the Division of City Planning prior to the issuance of a Certificate of Occupancy.
5. All comments from JC Engineering and JCMUA shall be addressed and shown on final signature plans.
6. A copy of the memorialized resolution with amended deed shall be filed with the Hudson County Register’s Office with proof of such filing to be submitted to the Division of City Planning prior to application for construction permits.

APPENDIX:

Required Findings for “D” Variances (NJSA 40:55D-70d):

Positive Criteria

NJSA 40:55D-70d states that “in particular cases and for special reasons....” the types of variances already identified may be granted by the Board of Adjustment. These “special reasons” also are referred to as the positive criteria. The Applicant must demonstrate that a project advances the purposes of zoning listed in the MLUL.

A. Special Reasons/Positive Criteria for D(1) Use Variance

The 1975 Municipal Land Use Law lists the purposes of zoning in N.J.S.A. 40:55D-2. A-O. “Special reasons” is more generally referred to as the positive criteria for a use variance. NJSA 40:55D-4 defines an inherently beneficial use as a use that is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. If a use is held to be inherently beneficial, it presumptively satisfies the positive criteria.

The accepted standard for reviewing use variance application is set forth in Medici v. BPR, 107 NJ 1 (1987).

The application must show:

- 1) That the purposes of zoning are advanced, and**
- 2) That the use is particularly suited to the property, and**
- 3) Must also meet the enhanced burden of proof – the Applicant must reconcile why the use is not listed in the permitted or conditional uses for this zone.**

Negative Criteria

NJSA 40:55D-70 states that no Variance or other relief may be granted unless it can be done:

- 1) without substantial detriment to the public good, and**
- 2) without substantially impairing the intent and purpose of the zone plan and zoning ordinance.**