



Determination of Significance at Applicant's Request

DATE: December 7, 2023

TO: Catherine Coyle, Chair
Jersey City Zoning Board of Adjustment
Jersey City Division of City Planning Staff

FROM: Margaret O'Neill, Senior Historic Preservation Specialist *man*

SUBJECT: 68 Wayne Street, Block 12901, Lots 28 and 29, Ward E
Zone: H / Van Vorst Park Historic District

At its regular meeting of July 17, 2023, the Historic Preservation Commission denied a Certificate of Appropriateness for a "C" variance for parking the above referenced address and recommended that Zoning Board of Adjustment also deny the application.

The scope and impact of the proposed project represented by the plans were reviewed according to the City of Jersey City Zoning Ordinance § 345-30 entitled Historic Preservation Review Procedures, the City of Jersey City Zoning Ordinance § 345-71 entitled Historic Design Standards and by the Secretary of the Interior's Standards for Historic Preservation, as adopted by the ordinance. Following testimony and public comment, the HPC finds the application to be inconsistent with both the Historic Design Standards and the Secretary of the Interior's Standards for Historic Preservation.

As mentioned in section II, this property is directly adjacent to the Columbus Corner redevelopment area, which consists of Block 12901, Lot 1, and is the larger portion of the parking lot in question with an entrance/exit on to Columbus Drive. As part of a prior approval on this lot (H22-101), "The commercial surface parking lot use must terminate prior to perfecting the proposed subdivision." Currently, the only way to for a vehicle to access these properties (66-68 Wayne, Lots 28 and 29) would be by removing this fence and granting a variance for a curb cut. Per § 345-58, surface parking lot is not a permitted use within the H zone. While the use is currently in place at the property, per the Zoning Determination Letter dated July 19, 2021 the applicant abandoned this curb cut and therefore parking lot entrance. The use of the lot may be allowed to currently exist, but it would require the granting of a "C" variance to access this use. The HPC determined that the recommendation of this variance to the Zoning Board of Adjustment would cause an adverse effect to the Historic District.

Per § 345-58.B, in the H zone "on-site parking for projects of less than ten (10) dwelling units is prohibited." The Commission agreed with HPC Staff's opinion that it is nonsensical to not only recommend the Zoning Board grant a variance for a curb cut at a site that does not have any dwelling units but to also recommend the Zoning Board grant a variance that would encourage a non-permitted use within a Historic District. Specifically, the non-permitted use of a surface parking lot has an adverse effect on the character, setting, and integrity of the Van Vorst Park Historic District.

Standards for "Off Street Parking" are defined in § 345-58.H.2.L, which is one of two types of parking permitted for projects of more than ten (10) dwelling units (the other is a private garage) and the closest

applicable use for this application. In the Historic Design Standards (§ 345-71.H.N), guidance is provided on the requirements when designed:

Off-Street Parking. All required off-street parking shall be enclosed, and the enclosure shall be in character with the design of the immediate surrounding historic structures as outlined in this chapter. Such parking shall be designed so as to be at least fifty percent (50%) below grade and covered and shall be located entirely under the building where feasible, but, if located within the rear yard area, at least fifty percent (50%) of the entire yard area, including the garage rooftop area, shall consist of landscaping which may be a combination of grass, groundcover and shrubs, and the remaining area shall be covered with decorative brick or concrete pavers, or comparable, durable materials.

This proposal meets none of the design standards required by that use, however HPC Staff notes that the standards above are obviously designed to be used for new construction. The proposed operable fence, seen on the plans prepared by Derk Garlick, is not an incompatible design for within the Historic Districts, and could remain on site provided that the design is altered to be non-operational.

During the public comment portion of the July 17th HPC meeting, seven members of the public provided comments to the HPC. All seven members of the public expressed concern over the proposed variance and recommended that the HPC deny the application.

A motion was made to deny a Certificate of Appropriateness for the application as presented and to recommend denial to the Zoning Board of Adjustment. The motion passed with eight votes in favor, none against with no abstentions. The standards applied by the Commissioners who voted to deny the application were Historic Design Standards, Jersey City Land Development Ordinance, Section §345-71:A.1, H.2.A, H.2.E, and H.2.K.1. Based on these standards, the Commissioners who voted for the motion to deny the application and recommend against the granting of a “c” variance concluded that the proposal was inappropriate for the site and the district, and would irrevocably harm the historic integrity of both the Van Vorst Park Historic District and the City as a whole.

CC: Michael Higgins, Esq.
Francisco Espinoza, Secretary, Zoning Board of Adjustment
Tanya Marione, Director of City Planning and Interim Zoning Officer
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