

Principal Points Statement
Use Variance
244 St. Paul's Avenue (f.k.a. 3060 Kennedy Boulevard)
Block 6401, Lot 7.02
Jersey City, NJ

A development application has been filed for the above noted property with the Jersey City Zoning Board of Adjustment for an use variance pursuant to N.J.S.A. 40:55D-70(d). The subject property is located at the intersection of St. Paul's Avenue and Kennedy Boulevard and is approximately 1/3 of a mile from the Journal Square Transportation Center. It is located in the R-4 Multi-Family High-Rise District.

The Property is currently improved with a six (6) story mixed-use building with ninety-nine (99) residential units and fifty (50) vehicle parking spaces for the Property. The purpose of this application is to obtain an use variance pursuant to N.J.S.A. 40:55D-70(d) to permit medical office / office uses on the ground floor in addition to the previously approved retail uses.

The R-4 Zone permits retail and office uses in high-rise buildings. The use variance is necessary because this is a mid-rise building. The purpose of the R-4 Multi-Family High-Rise District is to: *“accommodate...high-rise multi-family housing in appropriate locations that are served by mass transit, off-street parking and adequate public infrastructure. The location of these districts in close proximity to shopping, employment and recreational amenities is intended to promote an increased mix of uses, twenty-four hour activity and pedestrian traffic[.]”*

The building's location and size make it particularly suited for medical office and office uses. Such use will result in substantial benefits to the public good as the medical office and office uses will serve and therefore be a benefit to the neighborhood, including to the adjacent senior housing development. The sidewalk along the property's frontage on John F. Kennedy Boulevard was specifically designed to shield pedestrians from the passing cars on that busy thoroughfare so as to activate the ground floor for non-residential uses. Allowing the medical office and office uses will also help to make John F. Kennedy Boulevard more pedestrian-friendly and provide variety to the streetscape in accordance with the zone plan. Moreover, the medical office and office uses would have been permitted if the property contained a high-rise, instead of a mid-rise, building.

(The property's frontage on John F. Kennedy Boulevard is only a few feet lacking of meeting the requirements were it a high-rise, so therefore the streetscape presented by the property is comparable to that of a high-rise which is allowed medical office and office uses as of right.). The negative criteria for granting the requested variance has been satisfied because the use will not create any substantial detriments to the general welfare because the use is consistent with the intent and purpose of the R-4 Zone. For these reasons, both the positive and negative criteria for the use variance can be met. The granting of the variance will also promote the purposes of the Municipal Land Use Law by promoting the public health, safety and general welfare (N.J.S.A. 40:55D-2(a)); by contributing to the well-being of persons, the neighborhood and community (N.J.S.A. 40:55D-2(e)); and by activating the pedestrian environment and creating a desirable visual environment (N.J.S.A. 40:55D-2(i)).

Conclusion: The variance for medical office / office uses may be granted because, as discussed above, the resulting use promotes the general welfare and is inherently beneficial and the granting of the variance will not result in a substantial detriment to the public good, will not substantially impair the intent and purposes of the zone plan and the benefits of granting the variance substantially outweigh any detriment.

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