

Principal Points Statement
682 Route 440 and 11 Bennett Street
Block 20403, Lots 1 and 2
Jersey City, NJ

A development application has been filed with the Jersey City Planning Board for Preliminary and Final Major Site Plan approval and approval of deviations (maximum number of stories, commercial floor to ceiling height; exterior parking spaces between building line and street; minimum number of residential parking spaces; parking spaces outside the building envelope), pursuant to NJSA 40:55d-70.c, with regard to the property located at 682 Route 440 and 11 Bennett Street, Jersey City, New Jersey, also known on the Jersey City Tax Maps as Block 20403, Lots 1 and 2 (the “Property”). The Property is located within the Highway Mixed-Use (High-Rise) district of the Water Street Redevelopment Plan (“Redevelopment Plan”) area, and is subject to the requirements of the Redevelopment Plan and the Jersey City Land Development Ordinance (the “JC LDO”).

The Property is an oversized irregular 29,755 square foot parcel that is currently improved with a one (1) story commercial building and unimproved land used as a surface parking lot. Applicant proposes to clear the Property and construct a new fifteen (15) story mixed use building with two hundred eighteen (218) residential units, one hundred five (105) vehicle parking spaces (103 of which will be reserved for residents, while 2 spaces will be reserved for retail use) (the “Project”). Eighteen (18) of the parking spaces will be temporary spaces that will be eliminated upon the development of the planning Route 440 Boulevard.

The Applicant is requesting the following deviations:

1. A deviation from to permit a fifteen (15) story structure (within the permitted building height), where twelve (12) is the maximum number of permitted stories.
2. A deviation to permit a commercial floor to ceiling height of 22’ where 15’ is the maximum permitted.
3. A deviation to permit eighteen (18) exterior temporary parking spaces between the building line and the street, and to permit eighteen (18) proposed temporary parking spaces to be located outside the building envelope.
4. A deviation to permit eighty-seven (87) permanent parking spaces, where one hundred five (105) is the minimum permitted for the proposed Project.

Permitted Number of Stories: The Redevelopment Plan permits building height in accordance with the below chart:

Use	Min height	Max height	Min floor-to-ceiling height	Max floor-to-ceiling height
Low Rise	1 story	3 stories	Res: 9 ft Com: 12 ft	Res: 12 ft Com: 15 ft
Mid Rise	4 stories	7 stories	Res: 9 ft Com: 12 ft	Res: 12 ft Com: 15 ft
High Rise	8 stories	12 stories	Res: 9 ft.	Res: 12 ft.
			Com: 10 ft.	Com: 15 ft.

The Project is a high rise building subject to the 12 story maximum requirement in the Redevelopment Plan. The Redevelopment Plan does not list a maximum height in feet, but there is an implied maximum height of 175 feet.

That number is reached because the maximum permitted residential floor to ceiling height is 12 feet, with a 1-foot structure for ceiling to floor structure—this implies a permitted floor to floor height of 13 feet. Eleven total residential stories are permitted. Thirteen feet x 11 stories result in 143 feet.

The maximum commercial floor to ceiling height is 15 feet. A mezzanine is permitted on commercial floors (Redevelopment Plan § VIII.B.3.h). Adding 1-foot of ceiling to floor structure yields a first floor commercial floor to floor height of 16 feet. If we assume the same floor to ceiling height for the permitted commercial mezzanine level as the commercial ground floor use of 15 feet (plus 1-foot of floor structure), then an additional 16 feet is permitted by way of the mezzanine. Therefore, the maximum floor to floor height for a commercial first floor plus permitted mezzanine level would be 32 feet. The permitted residential height of 143 feet plus the permitted commercial height of 32 feet results in a permitted maximum building height of 175 feet. This Project proposes a height of 170’—8”, which is a permitted maximum height.

The Applicant is seeking a deviation to permit a fifteen (15) story structure (within the maximum permitted building height) where twelve (12) stories is the maximum permitted. The redevelopment of this Property as a mixed-use high-rise building is consistent with the objectives of the Redevelopment Plan (Redevelopment Plan § III.A.) As part of the

Project, the Applicant is providing a 60' front yard setback to accommodate the planning Route 440 Boulevard in compliance with JC LDO § 345-60.2. The Redevelopment Plan contemplates a 0' front yard setback. This required setback forces the building to be built on a smaller footprint. This provision of the JC LDO constitutes an extraordinary and exceptional situation uniquely affecting a specific piece of property, making the Project eligible for a c(1) hardship deviation.

There are special reasons to grant this deviation. The positive criteria involve redeveloping a pre-existing non-conforming use to develop a new mixed-use high-rise tower consistent with the goals of the Redevelopment Plan. The Project will not create any detrimental effects to light and air, because the Project is consistent with the Redevelopment Plan's requirements for maximum height in feet. The Project complies with the maximum permitted Floor Area Ratio of 7.7. The Project is providing a large on-site stormwater detention tank as well as two separate green roof elements. The Applicant is further proposing to install twelve (12) street trees. As for the negative criteria, granting this deviation will advance the purposes of the Redevelopment Plan and the Jersey City Master Plan by providing a compliant use, with permitted building height and bulk, while providing for the future creation of a Route 440 Boulevard. The Project advances the purposes of the Redevelopment Plan and the Jersey City Master Plan. For these reasons, the deviation may be granted because of the hardship imposed by providing a front yard setback greater than what is required by the Redevelopment Plan.

Even if the front yard setback requirement imposed by JC LDO § 345-60.2 (but not required by the Redevelopment Plan) is deemed to not be a hardship, the Project advances the purposes of the Municipal Land Use Law (the "MLUL") and the benefits of approving the deviation outweigh any substantial detriments. Specifically, this Project advances the following purposes of the MLUL, as outlined in N.J.S.A. 40:55D-2:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air, and open space;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions, and preservation of the environment; and
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement.

The Project will advance the purposes of the MLUL as well as the JC LDO and the Redevelopment Plan.

The benefits of granting the requested deviation outweigh any substantial detriments. As noted above, the inclusion of storm water mitigation elements (underground detention tank and green roof elements) will be benefits to the Project, in addition to the benefits of redeveloping the Property in accordance with the Redevelopment Plan. The Project is located in a flood zone and will dramatically improve the existing conditions. There will be no substantial detriments, as the height in feet and bulk of the Project are complying with the Redevelopment Plan. For these reasons, the deviation to permit fifteen (15) stories within the permitted building height may be granted.

Maximum permitted commercial floor to ceiling height: The maximum permitted commercial floor to ceiling height in the Redevelopment Plan is 15 feet, but the Project is seeking relief to permit a floor to ceiling height of 22 feet. This deviation may be granted because the Project advances the purposes of the MLUL (as outlined above) and because the benefits of granting it outweigh any substantial detriments. There are a number of benefits to granting the floor to ceiling height deviation. First, the increased height is necessary to accommodate the proposed mechanical parking system; it will allow the Project to maximize the number of parking spaces available while still providing the required 60' front yard setback to accommodate the proposed Route 440 Boulevard. The additional floor to ceiling height will also make the commercial space more visually appealing and will help to attract

pedestrians to the retail uses proposed for this space. This benefit will be even more pronounced upon the completion of the Route 440 Boulevard. The additional space will also help house transitional stairs, structural elements, and utility areas. There will not be any substantial detriments associated with granting this deviation, because the Project will still be complying with the maximum permitted building height in feet. The Project advances the purposes of the MLUL, the Redevelopment Plan, and the Jersey City Master Plan, and the benefits of granting the deviation outweigh any substantial detriments. Therefore, the deviation may be granted.

Exterior parking between the building line and the street: Parking is not permitted between the building line and the street, nor is it permitted outside of the building envelope. The Project proposes eighteen (18) vehicle parking spaces outside of the building envelope, in front of the building between the building line and the street. This is an interim use, as these spaces will be eliminated when work begins on the Route 440 Boulevard. The deviation may be approved because it will advance the purposes of the MLUL, the Redevelopment Plan, and the Jersey City Master Plan, as described above. Further, the benefits outweigh any substantial detriments. Therefore, the requested deviation may be granted.

The interim nature of this proposed parking area helps to mitigate any detriments associated with the proposed parking configuration. In anticipation of the future Route 440 Boulevard, the Project is providing a 60-foot front yard setback. Since the construction of the Route 440 Boulevard has not yet commenced, that front yard setback area will be underutilized space until such time as the Route 440 Boulevard begins construction. Therefore, it is an appropriate use of that space to provide additional parking spaces. Currently, much of the area surrounding the Property is zoned as Highway-Commercial and exhibits the characteristics of this zoning, which includes parking in front of retail uses. These parking spaces will help support the ground floor retail uses at the Project, as well as to provide additional residential parking. This temporary condition will not create any substantial detriments because the surrounding neighborhood has several buildings with similar conditions. Any detriments will be mitigated by the temporary nature of the front yard parking. The benefits outweigh any substantial detriments, and the Project advances

the purposes of the Redevelopment Plan, the Jersey City Master Plan, and the MLUL. Therefore, the requested deviation may be granted.

Number of parking spaces: The Applicant is proposing eighty-seven (87) permanent parking spaces using mechanical stackers, where the Redevelopment Plan requires one hundred nine (109) spaces. The Applicant is further proposing eighteen (18) temporary parking spaces that will be located exterior to the building, between the building and street. This deviation may be granted because of the hardship presented by the required front yard setback to accommodate future construction of the Route 440 Boulevard. This limits the area available for a ground floor parking garage and puts a cap on the number of parking spaces that can be accommodated by the building footprint. This required setback creates a hardship. The positive criteria are met in that this Project will replace an incompatible single story retail building with a conforming mixed-use tower in accordance with the Redevelopment Plan. The Project is providing a setback to accommodate the anticipated future development of the Route 440 Boulevard. Granting the deviation will not impair the zone plan, because a total of one hundred three (103) residential parking spaces along with the maximum two (2) permitted commercial retail spaces will be provided when the Project is completed. The residents of the Project will likely make use of the West Side Avenue Light Rail Station, located 0.6 miles from the Property, as well as bus stops along West Side Avenue and Communipaw Avenue. The deviation is minor when the eighteen (18) exterior parking spaces are taken into account. Given the hardship associated with complying with the front yard setback requirements to accommodate the Route 440 Boulevard, both the positive and negative criteria have been satisfied and the deviation may be granted.

Even if the Route 440 Boulevard requirements are not deemed to be a hardship, this deviation may be granted because the Project advances the purposes of the MLUL and the Redevelopment, and the benefits of granting the deviation outweigh any substantial detriments. As described above, the Property is located within close proximity of several different public transportation options. As outlined in the traffic report provided by the Applicant, many of the residents will take advantage of these public transit options. It is anticipated that when the route 440 Boulevard is completed, the entire neighborhood will have been transformed into a more pedestrian friendly area which will reduce the need for

parking spaces. Further, the additional eighteen (18) exterior parking spaces will help to mitigate any detriments associated with the proposed number of parking spaces. Given the additional temporary parking spaces, the benefits of granting the deviation outweigh any substantial detriments. When the time comes that the eighteen (18) exterior parking spaces must be cleared to make way for the Route 440 Boulevard, the character of the neighborhood will have changed to the point that fewer vehicle parking spaces will be necessary. Then, the benefits of granting the deviation will outweigh any substantial detriments because the neighborhood will have changed to a point that the additional parking spaces are no longer necessary.

The Applicant reserves the right to supplement or amend this statement with testimony at the Planning Board hearing.