

PRINCIPAL POINTS STATEMENT

**LCM OP 217 DELAWARE LLC
127 DELAWARE AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 16202, LOT 19**

The Applicant, LCM OP 217 Delaware LLC has filed an application with the Jersey City Zoning Board of Adjustment for Preliminary and Final Major Site Plan approval and for a variance pursuant to N.J.S.A. 4:55D-70(d)(use, and height/stories, if necessary) with regard to the property located at 127 Delaware Avenue, Jersey City, New Jersey, and which is also identified on the Jersey City tax maps as Block 16202, Lot 19 ("Property"). The parcel is located in the R-1 One and Two Family Housing District.

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

1. The Applicant is requesting a use variance to permit five (5) story multi-family residential building containing thirty-two (32) units with thirty-one (31) parking spaces.
2. The Applicant is requesting a variance to permit relief from the maximum permitted height and number of stories, if necessary.
3. The Applicant is requesting any additional approvals, permits, variances, interpretations, exceptions, and/or waivers reflected in the plans and materials (as same may be amended or revised from time to time without further notice) or determined to be necessary during the review and processing of this application.

The purpose of this application is to develop the Property with a new five (5) story, multi-family residential building containing thirty-two (32) residential units and thirty-one (31) parking spaces, and bicycle parking spaces. The property is located directly adjacent to Lincoln Park and is located within the R-1, One and Two Family Housing district. The Property presently consists of a two family dwelling with numerous garages lining the sides of the rear yard.

The current zoning permits the following as permitted principal uses: One family dwellings;

Dwellings with two dwelling units; Houses of Worship; Parks and playgrounds; essential services; Schools; Governmental uses; Conversions of 1st Floor commercial to a residential unit; Assisted living residences; nursing homes; senior housing; and public utilities (except for gas transmission lines).

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

The lot size is an oversized lot, which makes this property particularly suited for the proposed development. The subject lot is oversized for the R-1 Zone as it is 12,920 square feet. Therefore, the size of the lot lends itself to a more efficient use of the land as a multi-family residential dwelling. Accordingly, this site is particularly suited to accommodate the use being requested. The development of the new multi-family residential building will promote the general welfare by creating more appropriate sized units for the building and the neighborhood, which will also help to promote the appropriate population densities and concentration that will contribute to the well-being of persons, the neighborhood and local community. This is a growing neighborhood, and these units are appropriate to the growth within the neighborhood. Accordingly, this site is particularly suited to accommodate the use being requested.

The Applicant is requesting a use variance to permit a multifamily building (as defined in the Jersey City Land Development Ordinance – "JC LDO"). The proposed use meets the positive criteria in that it is promoting the establishment of appropriate densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment (N.J.S.A. 40:55D-2.e). The property is also particularly suited for the proposed use and building envelope because of the lot size and configuration. The neighboring lots are multi-family residential dwellings including 198 Kensington Avenue (20 units on a 4,260 square foot lot; 205 units/acre), which is also identified on the Jersey City tax maps as Block 16202, Lot 25; 194 Kensington Avenue (20 units on a 4,260 square foot lot; 205 units/acre), which is also identified on the Jersey City tax maps as 16202 Lot 24; 192 Kensington Avenue (20 units on a 4,260 square foot lot; 205 units/acre), which is also identified on the Jersey City tax maps as Block 16202, Lot 23; 185 Kensington Avenue (12 units approved and under construction

on a 4,933 square foot lot), which is also identified on the Jersey City tax maps as Block 16202, Lot 21.01; 106 units/acre), 182 Kensington Avenue (9 units on a 3,067 square foot lot; 129 units/acre), which is also identified on the Jersey City tax maps as Block 16202, Lot 20, and 136 Delaware Avenue (54 units on a 20,321 square foot lot; 116 units/acre). Therefore, the proposed use as a thirty-two (32) unit multi-family dwelling on a 12,920 square foot lot is an appropriate density for the neighborhood (108 units/acre) and will not create any substantial detriments to the immediate area. Thus, a use variance can be granted accordingly.

The Applicant is also requesting relief for the permitted height and number of stories, if necessary. The proposed height is five (5) stories with a cut out for common amenity space at the northwest corner of the building. In that regard, the permitted maximum height of a one or two family home in the R-1 zone is up to 44' for peaked roof, which is higher than the proposed height of 58'. Other permitted uses in the R-1 zone allow for greater heights. The R-1 Zone provides that a building on a lot with a minimum 10,000 square feet may be developed with a building up to seventy feet (70') in height with an assisted living or senior housing use ("Alternate Development"). Therefore, this Property, as it exists, or if hypothetically subdivided into two lots with a minimum of 10,000 square feet each, has the minimum lot size to develop the Alternative Development and could be developed with a building/principal structure that can be up to seven (7) stories and seventy feet (70'). Therefore, the "maximum permitted height in the district [R-1] for a principal structure" in the R-1 Zone, and specifically for this Property because of its lot area size, is seven (7) stories and seventy feet (70').

Since the proposed Project is a five (5) story building with a building height of 58', the proposed principal structure in the Project conforms with the maximum permitted height of a principal structure in the R-1 Zone ("district") on a lot with a minimum of 10,000 square feet in area. Therefore, it is submitted that a variance for relief from the maximum permitted height of a principal structure in the R-1 Zone is not required in this instance. It is understood that the Zoning Board of Adjustment would still review the height of the building as part of its review of the required use variance, but a height variance would not be specifically required for the proposed Project.

It is submitted that the proposed bulk of this building is envisioned by the JC LDO on lots of this size, and therefore, the proposed height is consistent with the intent of the zoning. The additional story and height is for the purpose of providing parking spaces for use by the residents of the

project. While the neighboring properties are multi-residential dwellings with four stories, there is no parking provided. The off-street parking provided will be a benefit to the neighborhood by creating additional parking. Therefore, the benefits of height and additional story outweigh any substantial detriments. Accordingly, the additional story and height can be granted, if necessary.

The project will also be creating benefits to the immediate neighborhood and promoting the general welfare by developing a new residential building that is consistent with the block in its architectural design and massing. This will greatly benefit the immediate neighborhood and promote the general welfare. 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. 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.

The Applicant reserves the right to supplement its reasoning through expert testimony at the hearing.