

Jersey City Division of City Planning
1 Jackson Square
Jersey City, New Jersey (07305)

DR. Project No.: 11494-001
May 27, 2021

**Re: ZONING CONSISTENCY REVIEW MEMORANDUM
ROUTE 440 – CULVER PHASE I, II, III
80 WATER STREET, 58 WATER STREET, 244 CULVER AVENUE
BLOCK 21701, LOTS 1, 13, 14, 17, 24, & 25
CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY**

An application has been filed for the above-referenced property with the Jersey City Planning Board for Preliminary Major Site Plan approval (Phases I, II and III); Final Major Site Plan approval (Phase I); and Major Subdivision approval. The following memorandum evaluates the subject property and proposed project for consistency with the applicable zoning requirements found in the Route 440 – Culver Redevelopment Plan (“Redevelopment Plan”) and Jersey City Land Development Ordinance (“JCLDO”).

PROPERTY DESCRIPTION

The subject property is located in the West Side neighborhood of Jersey City along New Jersey State Route 440 (“Route 440”). The subject property is identified as Lots 1, 13, 14, 17, 24, & 25 on Block 21701. The subject property is irregularly shaped and has frontages on Route 440, Culver Avenue, Mallory Avenue, Pollack Avenue, Claremont Avenue, and Water Street. In total, the subject property is approximately 361,101 square feet (8.29 acres). The subject property is split-zoned and located within both the High-Rise and Mid-Rise B Zones of the Redevelopment Plan.

PROPOSED PROJECT

The proposed project consists of a multi-phase development consisting of three mixed-use, high-rise commercial and residential buildings. The proposed project will also consist of a subdivision that will divide the subject property into five lots. The subdivision will create and/or realign several rights-of-way, including the Hudson Bergen Light Rail (“HBLR”) extension right-of-way, in accordance with the Redevelopment Plan, and will create open space, including public and private open space areas.

Phase I

Phase I will consist of the development of “New Lot 1”. New Lot 1 consists of Lot 1 on Block 21701 and is located within the High-Rise District of the Redevelopment Plan. Phase I includes the development of a 30-story, mixed-use building, along with the creation of a portion of the new Grant Avenue right-of-way, and the creation of a plaza connecting Claremont Avenue to the new Grant Avenue right-of-way. The mixed-use building will provide 473 residential units, 11,600 square feet of ground floor retail, 344 automated parking spaces, residential amenity spaces, and a 256-space bicycle storage room. The proposed 473 units will have a mix of 110 studio units, 121 one-bedroom units, 109 one-bedroom + den units, 29 two-bedroom/one-bathroom units, 82 two-bedroom/two-bathroom units, and 22 three-bedroom units.

Phase II

Phase II will consist of the development of “New Lot 2”. New Lot 2 consists of portions of Lots 13 and 14 and Lots 24 and 25 on Block 21701 and is located in the High-Rise District of the Redevelopment Plan. Phase II involves the development of a two-tower, mixed-use building, including a 39-story residential tower (“Tower 1”) and 55-story residential tower (“Tower 2”), along with the creation of a portion of the new Grant Avenue and Greenwich Drive rights-of-way, dedication of a portion of the HBLR extension right-of-way and Route 440 right-of-way widening, the creation of an open space that connects Route 440 to the new Greenwich Drive right-of-way, and the creation of a plaza along the new Greenwich Drive right-of-way. The mixed-use building will provide a 1,567 residential units, 131,712 square feet of retail, 1,118 automated parking spaces, residential amenity spaces, and three bicycle storage rooms with a total of 910 spaces. Tower 1 will contain 188 studio units, 108 one-bedroom units, 152 one-bedroom + den units, 65 two-bedroom/one-bathroom units, 94 two-bedroom/two-bathroom units, and 31 three-bedroom units. Tower 2 will contain 239 studio units, 190 one-bedroom units, 240 one-bedroom + den units, 93 two-bedroom/one-bathroom units, 119 two-bedroom/two-bathroom units, and 48 three-bedroom units.

Phase III

Phase III will consist of the development of “New Lot 3” and the creation of open space on “New Lot 4”. New Lot 3 consists of portions of Lots 13 and 14 and Lot 17 on Block 21701 and is located in the Mid-Rise B District of the Redevelopment Plan. Phase III includes the development of a 56-story, mixed-use building, along with the creation of a portion of the new Greenwich Drive right-of-way, dedication of a portion of the HBLR extension right-of-way, and the creation of an open space connecting Mallory Avenue to the new Greenwich Drive right-of-way. The mixed-use building will provide 1,039 residential units, 7,000 square feet of ground floor retail, 529 automated parking spaces, residential amenity space, and two bicycle storage rooms with 529 spaces. The proposed 1,039 units will have a mix of 282 studio units, 203 one-bedroom units, 252 one-bedroom + den units, 103 two-bedroom/one-bathroom units, 149 two-bedroom/two-bathroom units, and 50 three-bedroom units.

ZONING CONSISTENCY ANALYSIS

Floor Area Ratio (FAR) With Bonuses

Phase I of the proposed project is located in the High-Rise District of the Redevelopment Plan and is permitted a maximum Floor Area Ratio (“FAR”) of 7.7. Phase I will be utilizing the Redevelopment Plan’s Bonus Provision for Creation of New Rights-of-Way. The Bonus Provision for Creation of New Rights-of-Way states,

*“Whenever a subdivision or dedication of private property for the creation of a new or expanded right-of-way is required in accordance with the Rail and Street Network Plan – Map 3, including the HBLR extension, a development project with the Area shall be permitted a maximum allowable **floor area** equal to 120% of the development rights, rounded to the nearest whole number, permitted under Section VIII.B.1, Floor Area Ratio, for the applicable zone in which the property is located, based on the gross land area of their property prior to subdivision or dedication.” (RP VIII.B.3.a (pgs. 17-18))*

Phase I will also be utilizing one of the Redevelopment Plan’s Bonus Provision, which states,

“In addition to G.1 above, a maximum of 5% of any development site may be dedicated to public open space in the form of plaza, passive recreation area, or children’s play area. Any development that creates

such public open space shall be allowed to apply the development rights applicable to the area reserved for public open space to the remaining developable area.” (RP VII.G.4 (pg. 15))

Phase I complies with the maximum total permitted floor area with bonuses of 419,164 square feet. The FAR calculation for Phase I can be found in Table 1 below.

Phase II of the proposed project is also located in the High-Rise District of the Redevelopment Plan and is permitted a maximum FAR of 7.7. Phase II will also be utilizing the Redevelopment Plan’s Bonus Provision for Creation of New Rights-of-Way and the Open Space Bonus Provision referenced above. In addition, Phase II will be utilizing the another Open Space Bonus Provision of the Redevelopment Plan, which states,

“Any application for development on Block 21701/(fka) Blocks 1296 & 1775.5), or Block 22101/1297, may be accompanied by a plan to also develop Block 21701/1775.1, lot 14/83 remaining after reservation of land for the HBLR extension and also abutting the Water Street Redevelopment Area, as a public park in accordance with the open space requirements of this Plan found below. In such case, any qualifying development project within the Area shall be permitted to exceed the maximum allowable floor area for the applicable district (as provided under Section VIII.B.1 of the Plan) by an amount equal to 1.5 times the development rights associated with the portions of Block 21701, lot 15 (fka Block 1296.5), and/or said remainder of Block 21701/1775.1, lot 14/83 to be reserved for park development.” (RP VII.G.1 (pg. 15))

Phase II complies with the maximum total permitted floor area with bonuses of 1,625,306 square feet. The FAR calculation for Phase II can be found in Table 1 below.

Phase III of the proposed project is located in the Mid-Rise B District of the Redevelopment Plan and is permitted a maximum FAR of 5.5. Phase III will be utilizing the above-referenced Redevelopment Plan’s Bonuses for the Creation of New Rights-of-Way and Open Space. Phase III complies with the maximum total permitted floor area with bonuses of 984,070 square feet. The FAR calculation for Phase III can be found in Table 1 below.

TABLE 1: MAXIMUM PERMITTED FLOOR AREA WITH BONUSES

	GROSS LOT AREA	BASE FAR (VIII.B.1)	ROW BONUS (VIII.3)	OPEN SPACE BONUS (VII.G.1)	OPEN SPACE BONUS (VII.G.4)	MAXIMUM TOTAL PERMITTED FLOOR AREA	TOTAL PROPOSED FLOOR AREA
PHASE I	44,999 sf	7.70 (346,492 sf)	120% (415,790 sf)	N/A	2,249 ² sf x 1.5 (3,374 sf)	419,164 sf	419,035 sf
PHASE II	174,112 sf	7.70 (1,340,662 sf)	120% (1,608,795 sf)	2,305 ¹ sf x 1.5 (3,458 sf)	8,702 ² sf x 1.5 (13,053 sf)	1,625,306 sf	1,624,717 sf
PHASE III	141,990 sf	5.50 (780,945 sf)	120% (937,134 sf)	24,191 ¹ sf x 1.5 (36,287 sf)	7,099 ² sf x 1.5 (10,649 sf)	984,070 sf	983,905 sf

Permitted Principal Use –Permitted Building Height with Bonuses

As mentioned, Phases I and II are within the High-Rise District and Phase III is in the Mid-Rise B District. Phase I proposes a building height of 30 stories, and Phase II proposes a building height of 39 stories for Tower 1 and 55

¹ The remaining portion of Block 21701, Lot 14 after the reservation of land for the HBLR extension.

² Maximum of 5% of the development site dedicated to open space.

stories for Tower 2, where a maximum of 12 stories is permitted in the High-Rise District. Phase III proposes a maximum building height of 56 stories where a maximum of 8 stories is permitted in the Mid-Rise B District. The Redevelopment Plan includes a height provision that allows for the proposed buildings to exceed the maximum number of stories in the High-Rise District and Mid-Rise B District. The Redevelopment Plan states,

“In the event that the Open Space Bonus Provision found at Section VII.G.1 and/or the Bonus Provision for Creation of New Rights-of-Way found at Section VIII.B.3. shall apply, the development project may, as-of-right, exceed the maximum allowable height for the applicable district shown in the table below by the exact number of stories and floor area, rounded to the nearest whole number, necessary to achieve the Open Space Bonus Provision and/or the Bonus Provision for Creation of New Right-of-Way.” (RP VIII.B.2.1 (pgs. 17-18))

Therefore, the additional number of stories proposed are permitted to achieve the maximum permitted floor area with bonuses.

The proposed buildings in all three phases would be classified as “high-rise apartment buildings”, as defined by the JCLDO. The High-Rise District specifically permits “high-rise apartment buildings”, however, the Mid-Rise B District does not. As stated, the bonus provisions of the Redevelopment allow for a building to exceed the maximum number of stories permitted in the District to achieve the maximum permitted floor area. Therefore, the Redevelopment Plan intuitively would permit a “high-rise apartment building” in the Mid-Rise B District.

Circulation and Creation of New Rights-of-Way Requirements

The proposed project will subdivide the subject property creating new blocks and rights-of-way consistent with the Rail and Street Network Plan and requirements of the Redevelopment Plan. As shown on the Subdivision Plan, New Lot 1 will be 41,009 square feet, New Lot 2 will be 102,280 square feet, New Lot 3 will be 51,554 square feet, New Lot 4 will be 70,626 square feet, and the remainder, “New Lot 5”, will be 95,632 square feet. New Lot 5 will be used entirely for rights-of-ways including the new Grant Avenue extension, Route 440 widening, new Greenwich Drive extension, and the remainder of the HBLR extension.

Permitted Principal Use - Ground Floor Frontage

The High-Rise District permits as a principal use,

“High-Rise apartment buildings in accordance with the Ground Floor Frontage Regulating Plan - may include flats, duplexes, and/or loft style apartments, including work/live units. Residential units are permitted on all floors except the ground floor of Route 440 frontage.” (RP VIII.E.1 (pg. 21))

The Ground Floor Frontage Regulating Plan of the Redevelopment Plan indicates the specific frontages where retail is required, retail/commercial is optional, and residential only is permitted. Phase I proposes retail along Route 440 where retail is required, retail and residential along Claremont Avenue where retail/commercial is optional, and retail along a portion of the new Grant Avenue frontage extending from Route 440 where retail is optional and residential where only residential uses are required.

Phase II proposes retail along Route 440 where retail is required, retail along a portion of the new Grant Avenue frontage extending from Route 440 where retail is optional and residential where only residential uses are permitted, and residential along the new Greenwich Drive frontage where only residential uses are permitted.

Phase III proposes retail along Culver Avenue and extending along the new Greenwich Drive frontage where retail/commercial is optional, residential along the portion of the new Greenwich Drive frontage where only residential uses are permitted, and residential along Pollock Avenue where only residential uses are permitted.

Bulk Standards

The bulk standards in the High-Rise District for the proposed mixed-use buildings refer you to the bulk standards in the Mid-Rise B District. Next, the yard and coverage bulk standards of the Mid-Rise B District refer you to the Mid-Rise A – Mid-rise residential and civic uses. The Mid-Rise A District’s requirements are specific to “Mid-rise apartment buildings”, where the project is proposing high-rise, mixed-use buildings. Therefore, the bulk standards for “Mid-rise apartment buildings” are not applicable to the proposed project. Nevertheless, the proposed project is still consistent with the bulk standards for “Mid-rise apartment buildings”. The proposed setback and coverages are provided in the architectural and engineering plans.

Parking Requirements

The Redevelopment Plan has a minimum parking requirement of 0.5 parking spaces per dwelling unit and a maximum parking requirement of 0.9 parking spaces per dwelling unit for “Mid-Rise Apartment Buildings” in the Mid-Rise B and High-Rise Districts. There is no parking requirement specifically for “high-rise apartment buildings.” The parking requirement for retail uses is a maximum of 1 space per 1,000 square feet of gross floor area. There is no minimum parking requirement for retail uses.

Phase I is proposing a total of 344 parking spaces, where a total of 237 spaces are required and 438 spaces are permitted. Phase II is proposing a total of 1,118 parking spaces, where a total of 784 spaces are required and 1,542 spaces are permitted. Phase III is proposing a total of 529 parking spaces, where a total of 520 spaces are required and 942 spaces are permitted. The proposed, required, and permitted number of parking spaces are based on the combined total for the residential and retail uses.

CONCLUSION

It is our opinion that the proposed project is consistent with all requirements of the Redevelopment Plan and would be an “as-of-right” development. The project also achieves several of the Redevelopment Plan Objectives.

Dresdner Robin hereby makes no warranty or guarantee of any kind, expressed or implied in this memo, or any other opinion, document or other communication, whether in oral, written or electronic form, delivered or supplied in connection with this zoning consistency review memorandum. Ultimately, the final interpretation of the applicable zoning will be provided by the Jersey City Division of Planning. In addition, the Applicant reserves the right to supplement the foregoing memorandum and address any deviations or waivers that may be determined to be necessary during the review and processing of this application with expert testimony at the Planning Board hearing.