

Ordinance of the City of Jersey City, N.J.

File No. Ord. 22-031
Agenda No. 3.1 (1st Reading)
Agenda No. 4.2 (2nd Reading and Final Passage)



AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE POWERHOUSE ARTS DISTRICT REDEVELOPMENT PLAN REGARDING THE ADDITION OF A CONDITIONAL PERMITTED USE.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

Whereas, the Municipal Council of the City of Jersey City adopted the Powerhouse Arts District Redevelopment Plan in October 2004, and it was thereafter amended in February 2005, August 2006, November 2006, April 2008, March 2012, August 2012, September 2012, February 2013, October 2013, June 2015, May 2015, August 2015, and October 2015; May 2019, and October 2019 (the “PAD”); and

Whereas, the PAD currently permits for office use for 50% of gross floor area of a project on all properties in the plan, but prohibits office use on the ground floor; and

Whereas, Lot 2 in Block 11611, commonly known as 321-333 Washington Street (the “Property”) is a pre-existing non-conforming office building located within the PAD; and

Whereas, the Property is particularly well suited for office use, and has had significant challenges securing a ground floor retail tenant, rendering the ground floor vacant for a prolonged period; and

Whereas; the Property owner has worked with City Planning and the Powerhouse Arts District Neighborhood Association (PANDA) to draft and propose a Conditional Use Amendment relevant to Block 11611, Lot 2; and

Whereas, pursuant to the Conditional Use Amendment the entire building, or any part thereof, including the ground floor of the building can be utilized by the owner for Office or Medical Office use provided that the owner of the Property builds a public parklet along the sidewalk on Washington Street with landscaping, seating, and permanent public art, and maintains it for as long as the building does not comply with the Secondary Use Requirements, all in accordance with Exhibit A attached hereto; and

Whereas, the Conditional Use Amendment will provide a community benefit that will increase usable public space in the PAD, activate the street life in the neighborhood, and facilitate the display of public art all in accordance with the goals and intent of the PAD and which will further the public health, safety and welfare of the neighborhood; and

Whereas, the Planning Board recommended to the Municipal Council that the proposed amendments to the Powerhouse Arts District Redevelopment Plan be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:

The proposed amendment to the Powerhouse Arts Redevelopment Plan, attached hereto, as recommended by the Jersey City Planning Board in August of 2021 be, and hereby is, adopted.

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

An ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Powerhouse Arts District Redevelopment Plan regarding the addition of a conditional permitted use.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Mar 23 2022						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	ABSENT	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Apr 13 2022						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	ABSENT	

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – Apr 13 2022						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	ABSENT	

Adopted on first reading of the Council of Jersey City, N.J. on Mar 23 2022

Adopted on second and final reading after hearing on Apr 13 2022

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Apr 13 2022



City Clerk



Joyce E. Watterman, President of Council
Approved: Apr 13 2022



Steven M. Fulop, Mayor
Date to Mayor: Apr 14 2022
Approved: Apr 14 2022

Ord. 22-031

An ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Powerhouse Arts District Redevelopment Plan regarding the addition of a conditional permitted use.

FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Mallory Clark, Senior Planner	201-547-5010	mclark@jcnj.org
Division	Division of City Planning	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Purpose

Amendment to the Powerhouse Arts District Redevelopment Plan to introduce a Permitted Conditional Use for Block 11611, Lot 2

Cost (Identify all sources and amounts)

0

Contract term (include all)

0

Type of award:

0

ATTACHMENTS:

[211130_PAD RDP_333 Washington CondUse](#)
[Reso PAD RDP AMND 333Washington](#)
[Attachments for Ordinance 22-031 - Powerhouse Arts RDP](#)

Approved by
Tanya Marione, Director of Planning
Annisia Cialone, HEDC Director
Ray Reddington, Attorney
John Metro, Business Administrator

Status:
Approved - Jan 31 2022
Approved - Feb 07 2022
Approved - Feb 08 2022
Approved - Feb 15 2022

2021 AMENDMENT: PETITIONED BY KAY 321 WASHINGTON PROPERTIES LLC

NEW CONTENT AS PROPOSED UNDER THIS AMENDMENT IS HIGHLIGHTED IN YELLOW AND ITALICIZED

FORMATTING ADJUSTMENTS IN RESPONSE TO NEW CONTENT ARE **NOTED IN RED**

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VII. SPECIFIC DISTRICT LAND USE REGULATIONS

A. Permitted Principal Uses

NO CHANGE

B. Permitted Accessory Uses

NO CHANGE

C. Required Principal Uses within each project:

NO CHANGE

D. Permitted Conditional Uses

1. Medical Office, and Office use, as defined in the Jersey City Land Development Ordinance, within the entirety of the property located at Block 11611, Lot 2. The property shall be exempt from VII.A.9 Office Use gross floor area limitations, VII.C Required Principal Uses, VII.H Non-Residential Space Requirements, and VII.I Ground Floor Use Requirements of this plan, provided that the following conditions are met;
 - a. The owner shall include the design of a public parklet no less than 350sf along the Washington Street frontage in a Conditional Use application to the Jersey City Planning Board
 - b. The parklet shall provide seating, landscaping/planters, and trash receptacles, and be open to the public at all times
 - c. The parklet shall be located so that there is a minimum of 10ft setback from the curb edge along Washington Street, maintaining no less than a 5ft clear, unobstructed pedestrian walkway within the sidewalk
 - d. The parklet shall include the display of a public art piece of an undetermined medium (to be coordinated with the PADNA and/or the Jersey City Arts Council). Preference in choosing an artist should be given to a Jersey City and Hudson County, NJ artist
 - e. The parklet shall be installed and maintained by the property owner, and accessible by the public so long as the building does not meet the requirements of Sections VII.A.9, VII.C, VII.H, and/or VII.I of the Plan
 - f. The parklet shall be installed and open to the public prior to the issuance of a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) on the Medical Office or Office use in excess of 50% of the gross floor area of the building. The public art component shall be fully installed no later than 6 months from the date of receipt of a CO or TCO

E. Use Exceptions and Requirements Applicable to the PAD

NO CHANGE – LETTER ADJUSTED

F. Residential Unit Style and Marketing Requirements

NO CHANGE – LETTER ADJUSTED

G. Certified Artist Affordable Housing Growth Share Requirements

NO CHANGE – LETTER ADJUSTED

H. Non-Residential Space Requirement:

NO CHANGE – LETTER ADJUSTED

I. Ground Floor Use Requirements

NO CHANGE – LETTER ADJUSTED

J. Off-Street Parking Standards

NO CHANGE – LETTER ADJUSTED

**RESOLUTION
OF THE
PLANNING BOARD
OF THE
CITY OF JERSEY CITY**

**IN THE MATTER OF THE PROPOSED
AMENDMENT TO THE POWERHOUSE ARTS DISTRICT
REDEVELOPMENT PLAN OF THE CITY OF JERSEY
CITY**

WHEREAS, the Municipal Council of the City of Jersey City adopted the Powerhouse Arts District Redevelopment Plan in October 2004, and it was thereafter amended in February 2005, August 2006, November 2006, April 2008, March 2012, August 2012, September 2012, February 2013, October 2013, June 2015, May 2015, August 2015, and October 2015; (the “PAD”); and

WHEREAS, Lot 2 in Block 11611, commonly known as 321-333 Washington Street (the “Property”) is an existing office building located within the PAD;

WHEREAS, prior to the adoption of the PAD, the Property was subject to the Morgan Washington Redevelopment Plan (the “MW Plan”);

WHEREAS, office was a principal permitted use in the MW Plan;

WHEREAS, in 2001, the owner of the Property redeveloped, renovated, and converted a then existing industrial building on the Property and received a final site plan approval to convert the entire building to an office building in compliance with the MW Plan;

WHEREAS, in 2004, after the owner of the Property completed redevelopment, renovation and conversion of the building into a five (5) story office building under the MW Plan, the Jersey City Municipal Council adopted the PAD which replaced and superseded the MW Plan;

WHEREAS, the PAD limits the amount of office space per building to 50% of the gross floor area and it prohibits office space on the ground floor of a building;

WHEREAS, through no fault of the owner, the aforementioned limitation on office use in the PAD caused the newly redeveloped office building to become a non-conforming use as that term is defined in the Jersey City Land Development Ordinance and the Municipal Land Use Law;

WHEREAS, in 2009 the owner leased the ground floor of the office building to a retail tenant (a gym);

WHEREAS, the gym vacated the ground floor space in 2018; and thereafter, the owner was advised via a 2019 ruling by the Jersey City Board of Adjustment that it abandoned the use of the ground floor as office space and that the ground floor could no longer be used as office space unless the PAD was amended to permit ground floor office space and office use in the entire building as was originally intended and permitted by the MW Plan;

WHEREAS, from 2018 to the present date, the owner has in good faith, continued its efforts to lease the ground floor of the building to retail users; however, due to the fact that the building was redeveloped for office space with a ground floor that is six (6) feet above the sidewalk, and due to its location, it is not appealing to retail users;

WHEREAS, in October 2020, the owner of the Property filed a letter application with the Jersey City Planning Division to amend the PAD to supplement the permitted uses applicable to the building to allow office space and medical offices;

WHEREAS, notice of the hearing on the Amendment was published in the Jersey Journal at least ten (10) days in advance of the hearing as required by the PAD, and proof thereof has been provided to the Planning Board;

WHEREAS, the Planning Board, at its meeting of January 5, 2021, voted 7-0 in favor of an amendment to the PAD to supplement the permitted uses in the PAD to allow office space and medical offices;

WHEREAS, in February 2021, the owner of the Property filed a letter application to clarify that it sought to use the entire building for offices or medical offices; and therefore, also sought to amend the PAD to exempt the Property from certain gross floor area limitations, required principal use requirements, non-residential use requirements, and gross floor area requirements (“Secondary Use Requirements”);

WHEREAS, notice of a hearing on the clarification amendment was published in the Jersey Journal at least ten (10) days in advance of the hearing as required by the PAD, and proof thereof has been provided to the Planning Board;

WHEREAS, after consultation with the community and with coordination between the Planning Division, the community (PADNA), and the owner of the Property the conditional use amendment to the PAD in the form attached hereto as Exhibit A (“Conditional Use Amendment”) was proposed to the Planning Board at its meeting of July 20, 2021;

WHEREAS, pursuant to the Conditional Use Amendment the entire building, or any part thereof, including the ground floor of the building can be utilized by the owner as office space or medical offices provided that the owner of the Property builds a public parklet along the sidewalk on Washington Street with landscaping, seating, and a work of art, and maintains it for as long as the building does not comply with the Secondary Use Requirements, all in accordance with Exhibit A attached hereto;

WHEREAS, the Planning Board found that more than three (3) years of ground floor vacancy constitutes sufficient evidence that the ground floor is not usable for retail use and that the Conditional Use Amendment will allow the building including the ground floor to again be used as was originally intended and permitted by the MW Plan and will provide a community benefit that will increase open space in the PAD, activate the street life in the neighborhood, and facilitate the display of public art all in accordance goals and intent of the PAD and which will further the public health, safety and welfare of the neighborhood;

WHEREAS, the Board heard comments from planning staff, in support of the Conditional Use Amendment;

WHEREAS, there was no opposition to the Conditional Use Amendment from members of the public; and

WHEREAS, Kathryn Moore, a member of PADNA, testified stating that the neighborhood was rapidly changing and that the Conditional Use Amendment presented a great opportunity for the owner of the building to provide outdoor activity in the neighborhood.

NOW THEREFORE, BE IT RESOLVED that, after consideration of the comments, and recommendations of the City’s planning staff, and after reviewing the Conditional Use Amendment to the Powerhouse Arts District Redevelopment Plan attached hereto as Exhibit A and presented to the Board, the Planning Board of the City of Jersey City has made the following findings of fact and conclusions thereon:

1. All of the recitals hereinabove set forth are incorporated herein by reference, along with all of the comments, discussions, and analyses, as well as the written proposal herein.
2. The Conditional Use Amendment is consistent with the purpose and the goals of the within PAD.
3. The Conditional Use Amendment is consistent with the intent and purpose of the Jersey City Master Plan.
4. The Conditional Use Amendment will be beneficial to the PAD as a whole and to all of the businesses and residents therein.

BE IT FURTHER RESOLVED that, for all of the reasons set forth above and on the record, the Planning Board hereby approves and recommends to the City Council the Conditional Use Amendment to the Powerhouse Arts District Redevelopment Plan attached hereto as Exhibit A.

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JERSEY CITY PLANNING BOARD

In the Matter of the proposed Conditional Use Amendment to the Powerhouse Arts District Redevelopment Plan of the City of Jersey City, a motion to approve and recommend the proposed amendment to the Powerhouse Arts District Redevelopment Plan to the Municipal Council was approved by the following vote:

<u>COMMISSIONER:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Christopher Langston (Chairman)	X		
Dr. Orlando V. Gonzalez	X		
Harkesh Thakur	X		
Edwardo Torres	X		
Geoffrey Allen	X		
Vidya Gangadin	X		
Dr. Vijay Desai	X		

Approved: 7-0

CHRISTOPHER LANGSTON, CHAIRMAN

SANTO T. ALAMPI, ESQ.

APPROVED AS TO LEGAL FORM

CAMERON BLACK, SECRETARY

DATE AMENDMENT APPROVED: JULY 20, 2021
DATE DECISION MEMORIALIZED: AUGUST 10, 2021

EXHIBIT A

SEE ATTACHED.



A TRADITION OF LEGAL EXCELLENCE SINCE 1938

Connell Foley LLP
Harborside 5
185 Hudson Street, Suite 2510
Jersey City, NJ 07311
P 201.521.1000 F 201.521.0100

James C. McCann
Partner

March 21, 2022

VIA HAND DELIVERY

Sean Gallagher, City Clerk
City of Jersey City
City Hall
280 Grove Street
Jersey City, New Jersey 07302

**Re: Ordinance of the Municipal Council
Amending the Powerhouse Arts Redevelopment Plan
Ordinance # 22-031
Item # 3.1**

Dear Mr. Gallagher:

This firm represents Kay 321 Washington Properties, LLC, the owner of 321 - 333 Washington Street, Jersey City, New Jersey ("Property") in connection with proposed Ordinance #22-031, Item #3.1 on the March 23, 2022 Municipal Council Agenda.

In support of this Ordinance for the Council's consideration along with the paperwork attached to the Ordinance, please find enclosed the following:

- Three (3) color photographs of the existing building located at the property.

It would be greatly appreciated if you would provide each member of the Municipal Council with a set of these photographs for their consideration in connection with the Ordinance.

Very truly yours,

James C. McCann, Esq.
On Behalf of the Firm

JMc/mg
Enc:

cc: Kay 321 Washington Properties, LLC
Mallory Clark, Senior Planner, Jersey City Planning Division w/ enc.

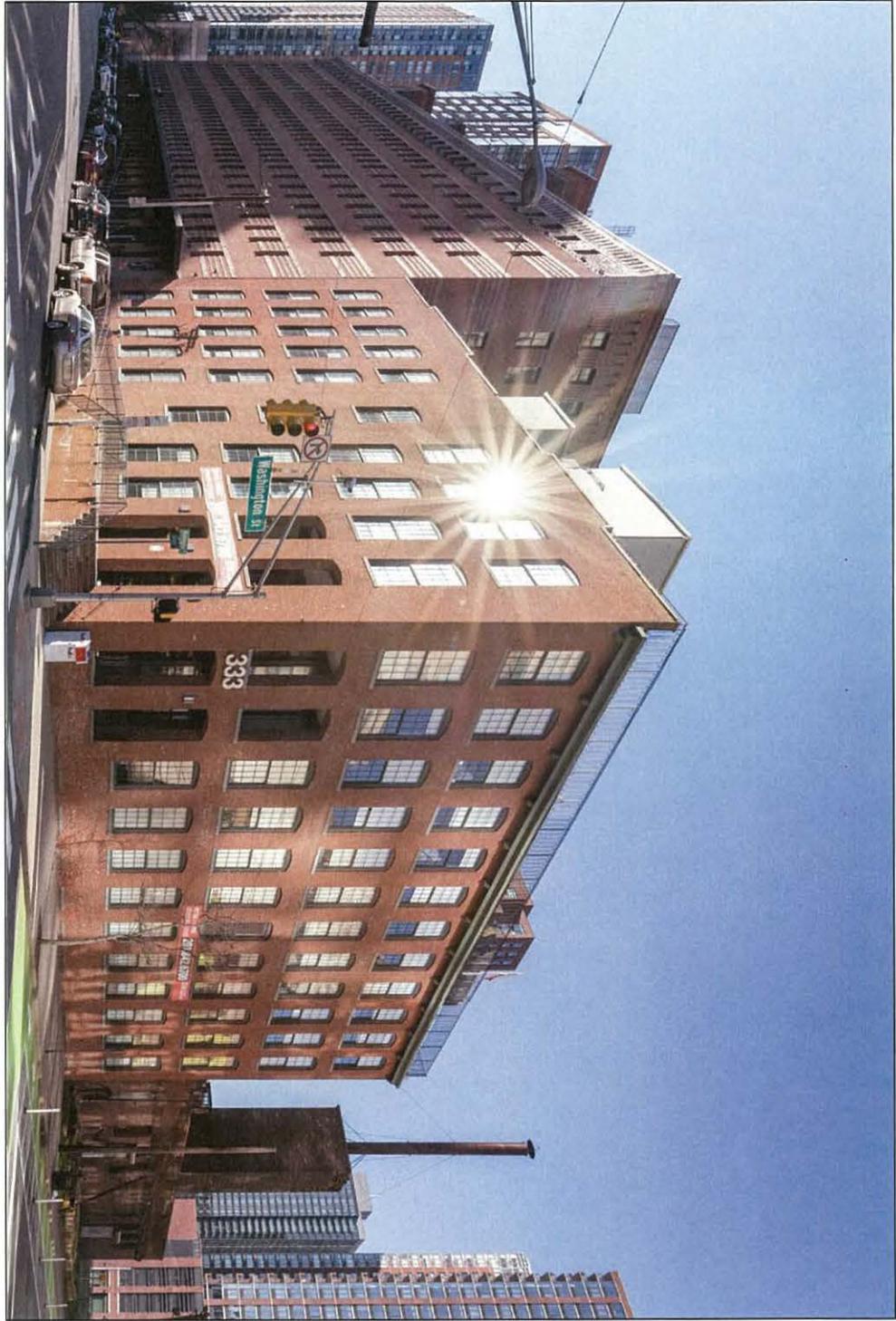


JERSEY CITY PLANNING PRESENTATION

September 2020



PROPERTY OVERVIEW







CHALLENGES

