

# Reexamination Report

## Jersey City Master Plan and Regulations

### Adopted by the Planning Board on February 15, 2011

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The City of Jersey City adopted a new Master Plan in May of 2000, after more than a year of preparation, staff work and presentation and discussion within all six of the city's wards. The new Master Plan led to a total revision of the city's Zoning Ordinance into the Jersey City Land Development Ordinance, which was adopted in April of 2001.

At the sixth anniversary of the 2000 Master Plan, a timely reexamination report was drafted and presented. The Municipal Land Use Law requires a municipal review of the city's plans and regulations at least once every six years. Within the past several years there have been many additions and revisions relating to the plan.

Although it has not yet been 6 more years since the last report presentation enough changes have occurred to warrant another re-examination of the Master Plan. Overall, the effects of the housing bubble collapse and the latest economic downturn have taken their toll on the national, state and local real estate market, job loss rates have soured, land use demands have changed and other social trends typical of a slow economy have followed.

The reexamination report shall state:

- a. The major problems and objectives relating to land development in Jersey City at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

## **The major problems and objectives relating to land development in Jersey City at the time of the adoption of *the last reexamination report*.**

The last Master Plan Reexamination Report was produced in 2005. It considered the major problems and objectives relating to land development in Jersey City since the adoption of the 2000 Plan. They were varied and included the following relevant items:

- 1) A boom on the Hudson Waterfront after the opening of the Hudson Bergen Light Rail, the Study of new Transit Oriented Developments (TOD's) and the identification and protection of critical routes for future expansion of the HBLR system or another type of linear transit system to build and connect to the HBLR success.
- 2) A strong residential market overall including infill housing in the western parts of the City and re-use of former industrial buildings and sites within the City's interior.
- 3) A decline in commercial development, both office and industrial, attributed to national market and global forces, not purely a local phenomenon.
- 4) A resurgence of interest in the western Waterfront of the Hackensack River.

The last re-examination recommended several initiatives and Master Plan amendments. Specifically that the master plan be amended to include the following:

**The Harsimus Stem of the Pennsylvania Railroad should be added to the list of Historic Landmarks** to preserve the historic character of the stone embankments and the right-of-way, including the sections without embankment structures. This will provide areas for open space, historic preservation, and transportation options. Losing this rail road right-of-way and historic engineering marvel would adversely impact the booming residential component of the city's growth as it would remove possible improvements to accessibility as well desperately needed open space. A public walkway, similar to Manhattan's High Line and Paris' Promenade Plantee, can be developed on top of the structures. The East Coast Greenway has selected the Embankment as part of the Jersey City link. Light Rail transit could also be installed in a narrow strip of the Embankment at some point in the future and still leave room for these pedestrian and bicycle uses.

**The city should explore the use of transfer of development rights** to address issues related to saving the some of Jersey City's historic character. This may mean reducing development intensities in some districts and allowing transfers of development rights from sending sites to replace the development rights so reduced. This technique has been successfully used in New York for decades and has just been added to the New Jersey land use law.

**The changing industrial landscape needs intensive study** to determine where to allow new industrial uses to occur and where to encourage conversion to residential and other uses. It is

recommended that the Waterfront Planned Development district along Routes 1 & 9 be amended to allow warehouse uses. This brown field site cannot support multi-storied structures due to sub-surface conditions, but may be amenable to a single-story warehouse and distribution facility. Meanwhile the industrial area south of the light rail right-of-way in the Morris Canal area should be considered for residential and mixed use development as a means of cleaning the area of its historic soil contamination. Only higher scaled development can generate the economic incentives to make this happen.

**The Warehouse District should be added to the city's list of historic districts.** Although this was done in 2004, it was undone by error in the city's procedures and these needs to be corrected to deal with the functional obsolescence of the area for warehousing and trucking and conversion to residential uses with an emphasis on arts district economic development.

**The Jersey Avenue Redevelopment Area has not seen any significant development except along 10<sup>th</sup> Street.** Current litigation seeks to return the densities with the optional buy back were at under earlier plan versions. The reduction of densities with the optional buy back of development rights for the purposes of open space creation was an appropriate means of regulating development and addressing the need for some green space. Parks make great neighborhoods, as witnessed by great neighborhoods such as Hamilton Park, Van Vorst Park, and Audubon Park. Our planning needs to impose public open space requirements in redevelopment areas in the interest of recreating these great places in our city. It is not inappropriate to allow mixed uses and even incompatible industrial uses to exist in the Jersey Avenue redevelopment area as we await the eventual conversation and removal of these uses by future redevelopment.

**The Neighborhood Commercial district at the southern end of Kennedy Boulevard needs to be revisited.** It should be changed from mixed use to residential development more compatible with the character of the neighborhood. At the same time, the area of the Boulevard extending from Winfield to Terhune Avenue also needs to be studied to determine an appropriate mixed use category for this stretch of the Boulevard.

### **The extent to which such problems and objectives have been reduced or have increased subsequent to such date.**

The changes in the economy have dropped the City's housing starts to a minimum; however, development related investment, interest and confidence in Jersey City still continues to move forward. Most recently, we have been experiencing investment in the form of brownfield clean-up and site preparation for several large scale projects located in various neighborhoods across the City. A Brownfield Economic Development Grant for 1.9M and section 8M 108 Loan for Remediation and site prep has been awarded for Block 24 of the Liberty Harbor North Redevelopment Plan. Clean-up is complete and site preparation for a future Hotel is underway. HUD and DOT has awarded 2.3M the Jersey City Redevelopment Agency for transportation and infrastructure improvements of the Canal Crossing Redevelopment Plan area where there is a current environmental clean-up underway. This is in preparation for a new 5,000 unit mixed new urbanist neighborhood within a former industrial district. A 34-acre site along the Hackensack River, known as Study Area 7, has been environmentally remediated and will be a key element of a new 28 block community along Jersey City's West Side, called Bayfront, that will be served by a new Light Rail Station. In 2007, the Grand Jersey Redevelopment Plan area was designated as is Brownfield Development Area (BDA) . The BDA is designed to help communities affected by multiple brownfield sites to plan for and implement remediation and reuse in a comprehensive and coordinated manner.

#### **Commercial**

The present decline in commercial development, both office and industrial, remain an ongoing problem. It is due to market and global forces and cannot be effectively addressed at the local level. The impact and overall result of this problem has essentially remained the same. It has not worsened and not led to vacant industrial building in the City's few remaining viable industrial centers. They

may be viewed by some to have even marginally improved with investment and expansion in Greenville yards by the NY/NJ Port Authority for port facilities and wind energy. Office and commercial building maintain many remaining sub –leases providing building owners with income even when the actual office space remains vacant, however, the financial health of each building varies with each unique financing condition. Currently, the expectation is that as Manhattan improves, we will likely see the Jersey City waterfront commercial district improve, as well.

### **Housing**

At the onset of this great recession, Jersey City has seen several new multi-family rental housing starts. Approximately 1000 DU went into construction after the housing bubble burst. This speaks volumes for market confidence in the downtown Jersey City housing market. A conservative estimation, based on current approvals and announced developer intentions is that we expect a steady increase in construction starts over the next 5 years. A general estimation, excluding standard infill of one and two family homes across the City, is as follows:

- 1 year – 150 DU
- 2 years - 1100 DU
- 3 years – 400 DU & 150 Hotel rooms
- 4 years – 500 DU & 150 Hotel rooms
- 5 years – 2500-3500 DU

Various projects involving these units are poised to move forward. Should financing opportunities increase and market conditions improve, they could occur even sooner.

### **Implementation of Prior recommendations**

All but one of the specific recommendation of the last re-examination report have been able to be advanced over that last several years. The Harsimus Stem of the Pennsylvania Railroad should be added to the list of Historic Landmark. The City pursued and been awarded a Smart Growth Grant to study and adopt a Transfer of Development Right Ordinance, the first for an Urban Center. The Study area for the TDA application involves property in the Jersey Avenue Redevelopment Plan area and the Powerhouse Arts warehouse district. Also, the Neighborhood Commercial District of the Land Development Ordinance has been re-visited and revised.

The objective to re-establish the Warehouse District to the city’s list of historic districts cannot be achieved. Buildings, area features and structures within the original district will need to be evaluated individually, based on historic context and individual significance.

**The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.**

### **1) Warehouse District**

After the *Warehouse Historic District* was established in 2005. It was added to the Master Plan Historic Element Appendix A, Phase II Survey of Ward E. List of Properties and Districts Eligible for the National Register. Due to a technicality in the makeup of the Historic Commission's appointments, the district's designation was ruled invalid by a Superior Court ruling in 2007. In the interim, one of the district's pivotal elements (111 First Street) was demolished and new, mixed-use, high-rise zoning was adopted for that site. To date, no specific plans for this site have been presented nor approved.

In December 2009, the City was able to secure grant funds to conduct an eligibility analysis for the creation of a potential municipal, state and national register historic district, or to add individual buildings within the study area to the municipal, state and national registers. The analysis was confined to the area of the *Powerhouse Arts District Redevelopment Plan Area* and the former *Warehouse Historic District*. The analysis considered approximately twelve buildings and the surrounding streets for landmark status. A National Register of Historic Places Multiple Property Documentation Form Report documenting the historic context of Hudson Counties Distribution Warehouses and the Development of Commerce and Transportation at the Port of New York, 1865-1945, and the Engineering and Architecture of Hudson County Distribution Warehouses and Related Buildings and Structures, 1865-1945 was prepared by a consultant historian. The resulting reports document that several of these buildings meet the criteria of national, state and local landmarks and they should be acknowledge and listed on the historic registras.

### **2) Sustainability**

An overriding goal is to advance the principles of sustainability. Jersey City is seeking Silver Certification by Sustainable Jersey and would like to allow this practice to extend not only within individual green building standards for new developments, but to integrate these pro-environmental policies with local educational programs, food distribution programs, conservation initiatives, and environmental awareness and stewardship campaigns throughout the entire community.

There is a desire to integrate urban agriculture into the city's land use map and zoning code have evolved over the last several years leading to the re-popularity of Community gardens and learning gardens through the City. Urban agriculture can include a number of food production and distribution-related activities, which for our purposes include food production through plant cultivation or animal husbandry as well as some nonindustrial processing and distribution of that food. Urban agriculture can include temporary uses or more permanent responses to local food deserts, consumer demand, economic inequality, and mobility-constrained populations. When properly sited, urban agriculture projects provide neighborhood amenities and can contribute to a positive community image. Because of the diversity of its forms and benefits, urban agriculture can be seen as a powerful asset of the modern urban environment.

### **3) Economic Recovery**

There have not been any significant changes in the assumptions, policies and objectives which formed the basis of the master plan and development regulations in the past several years. Growth in the next several years is expected to occur at a slower pace that originally predicted, however, the NY metro Area has job loss and foreclosure rate has been lower that the national rates. We are seeing the fruits of our years of planning and redeveloping our city. Although the residential market is week, we have

experience continued construction at a pre-housing boon level.

#### **4) Medical Industry Changes**

The medical industry is constantly changing and evolving. Modern regional treatments centers and mobile nursing services are the newest additions to the medical services of the City. While older facilities close, such as the Greenville hospital, we are continually challenge to find an new use for the vacant building and craft modern zoning to handle the new facilities in an safe and efficient way. Still of major concern is that the existing hospital zone allows for development too high to be compatible with surrounding low rise neighborhoods and the medical and parking needs associated with senior housing should also be re-evaluated.

#### **The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.**

It is recommended that the master plan be amended to include the following:

Adopt a package of zoning code amendments that would address everything from the definition of urban agriculture, to the identification of agricultural uses allowed in residential, commercial, and industrial zoning districts, to a set of development incentives for incorporating community gardens into mixed-use projects

Greeneville Hospital has been discontinued as a hospital use. It should be redeveloped into a mixed-use facility compatible with the surrounding district.

The Medical Zone district needs to be reviewed to ensure appropriate height standards are in place, particularly considering a reduction in height.

Senior housing development standards need to be devised for all the individual Residential zones. The R-1 standards cannot realistically apply in all cases

Lot and bulk standards in the O/R zone should again be analyzed. With an abundance of undersized lots, it should be ensured that the standards will achieve the desired density and intended development.

Buffer zoning created for the periphery of some redevelopment plan districts such as MLK Redevelopment Area.

The following building/structures and R-O-W should be added as individual historic landmarks:

- a. Terminal Distribution Warehouses of Hudson County, New Jersey, 1865-1945/Butler Brothers Warehouse, 344-350 Warren Street/Block 107, Lot B; and
- b. Terminal Distribution Warehouses of Hudson County, New Jersey, 1865-1945/Merchants' Refrigerating Company Warehouse, 124-142 First Street/ Block 142, Lot A; and

- c. Terminal Distribution Warehouses of Hudson County, New Jersey, 1865-1945/ The Great Atlantic & Pacific Tea Company Warehouse Auxiliary Building and Bakery, 124-134 Bay Street/ Block 141, Lot A2 East and Lot A2 West;
- d. Terminal Distribution Warehouses of Hudson County, New Jersey, 1865-1945/Great Atlantic & Pacific Tea Company Warehouse (Headquarters), 144-158 Bay Street/Block 172, Lot F2 (NR: 6.2.1978 SR 6.2.1978) and the R-O-W of Provost Street between First & Morgan Streets; and
- e. The Hudson and Manhattan Railroad Powerhouse, 60-84 Bay Street; 344-56 Washington Boulevard/Block 76, Lots 160 and 161 (NR: 11.23.2001).

**The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.**

Jersey City will continue to use the powers of the redevelopment statute. With over 63 redevelopment plans in place, and more planned, we are foremost in New Jersey in the use of this tool to renew our city. It has obviously worked well. One additional tool that needs exploration is the development of transition zoning in and around redevelopment plan zones to help insure implementation of a truly comprehensive redevelopment. One example where this has become necessary is in around variable boundary of the MLK Redevelopment Plan Area. There are many instances where small outlying lots undersized for the regular zoning and not included in the redevelopment Plan area remain an impediment to true comprehensive redevelopment and re-investment of this area.

New redevelopment areas to be explored include the areas West of Rt 440 and East of West side Avenue between Communipaw Avenue and Claremont Avenue, the area along Hoboken Avenue and New York Avenue, and incorporation of TDR into redevelopment initiatives.