

Slides prepared by:

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For:

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August 21, 2023 7:30 PM
Bergen Performing Arts Center
30 N. Van Brunt Street
Englewood, New Jersey 07631



What happened on August 8, 2023?

Englewood City Council adopted **Ordinance 23-22**

AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 250, TITLED “LAND USE”
CREATING AFFORDABLE HOUSING OVERLAY ZONES

(This is what I would have said had I been given more than 3 minutes to testify on August 8, 2023.)

What does Ordinance 23-22 do?

Creates three new overlay zoning districts across a wide variety of areas of Englewood rezoning 131 acres of the City.

AFFORDABLE HOUSING OVERLAY ZONE 1	AHO-1
AFFORDABLE HOUSING OVERLAY ZONE 2	AHO-2
AFFORDABLE HOUSING OVERLAY ZONE 3	AHO-3

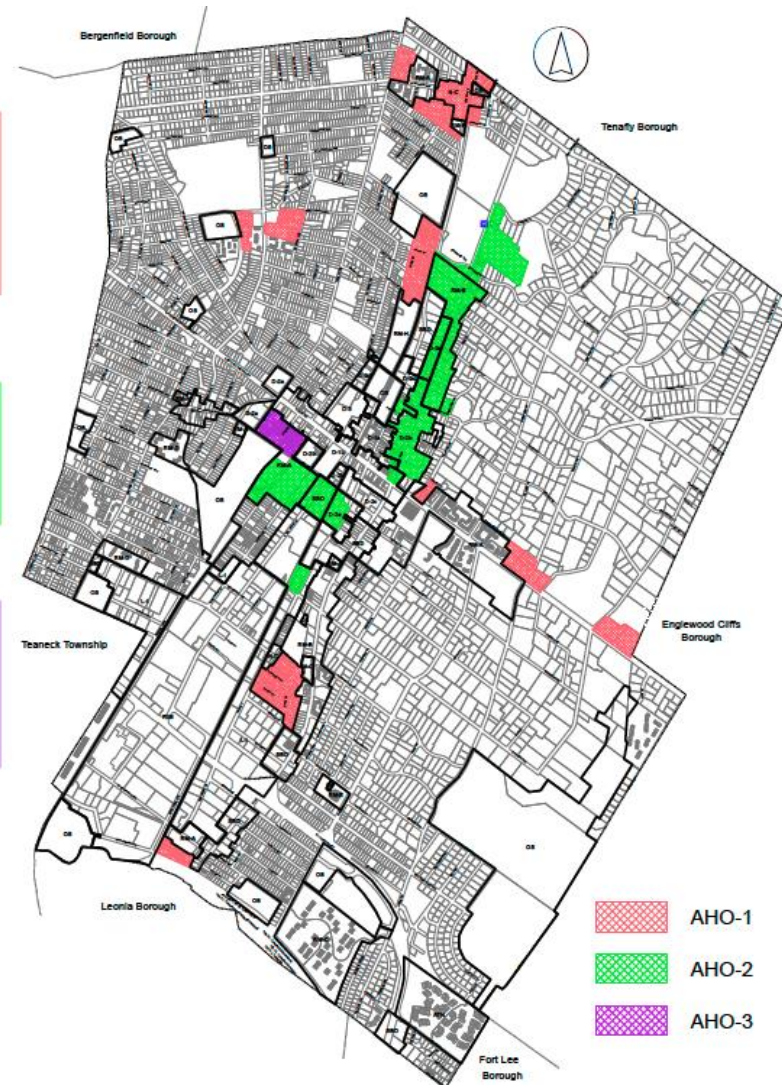
What are some of the new standards?

	<u>Density</u>	<u>Height</u>	<u>Height</u>
AHO-1	15 Units/Acre	40* Feet	4 Stories

AHO-2	35 Units/Acre	48 Feet	4 Stories
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AHO-3	50 Units/Acre	60 Feet	5 Stories
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* Ordinance 23-22 changes the definition of building height so that sloping roofs can be higher than 40 feet.



What is the purpose of Ordinance 23-22?

Creates an **incentive** for developers to build new townhouse units and new apartment units.

Incentives: Multifamily in single-family zones
More density (dwelling units per acre)
Bigger and taller buildings

Purpose: Get developers to create affordable housing units

80% are rented or sold at market rate
20% are reserved as affordable units

(So, for every 5 new apartments, one must be affordable.)

What is an overlay zone?

The overlays do not change the existing zoning.

The overlays provide incentives to developers to purchase and assemble properties, to demolish the existing buildings, and to build new townhouses and apartment buildings.

The existing or assembled site must have an area of at least 22,000 sq. ft.

An example of an AHO-1 Overlay Zone impact on an R-E Single-Family Zone neighborhood



About the importance of a master plan:

- The Master Plan provides the rational basis for zoning ordinances.
- Without a valid Master Plan, the City Council loses its power to zone.
- Mandatory components:
 - Statement of goals and objectives
 - Land use plan element
 - Housing plan element
- The Planning Board prepares the Master Plan.
(With the assistance of its planning consultant.)
- After a public hearing, the Planning Board [✓] adopts the Master Plan.
(and only the Planning Board)
- When a Fair Share Plan is included, the City Council endorses the Plan.

What happened here?

The Planning Board:

- had no part in preparing the Housing Element and Master Plan.
- had no time to review the Housing Element and Master Plan.
- was told it had to adopt the Housing Element that night.

What are the problems with Ord. 23-22?

1. The big picture: Is Englewood really a Mt. Laurel?
2. Was the public adequately informed of the rezoning?
3. Is it consistent with (1) the Land Use Plan & (2) the Housing Element and Fair Share Plan?
4. Is the Housing Element & Fair Share Plan readable?
5. Does it explain the rational basis for locating the zones?
6. Did the Planning Board have a fair opportunity to review the Housing Element & Fair Share Plan?
7. Were the policies in the 2014 Master Plan ignored?
8. Does the Ordinance constitute “bad planning?”

1. The big picture: Is Englewood really a Mt. Laurel?

Has Englewood used its zoning to exclude the poor?

Latest U. S. Census statistics:

	All Persons	Persons Below Poverty Level	Percent
Mt. Laurel	44,263	1,689	3.8%
Englewood	28,871	3,457	12.0%

2. Was the public adequately informed of the rezoning?

Block Lot(s) Affordable Housing Overlay Designation (AHO) 305 15 through 25 AHO-1 507 1 through 12 and 24.1 AHO-1 701 18.1 AHO-1 702 1 through 5 AHO-1 704 15.01, 16, 17, 18 AHO-1 704 11 AHO-1 705 4 through 10 AHO-1 707 1 and 8 through 12 AHO-1 709 5.01, 5.02, 9, 10, 11, 12, 13.1, 13.2, 14 AHO-1 1, 2, 4, 5, 15, 16, 17, 18, 19, 20, 21.1, 710 22.1 AHO-1 805 7 through 17.1 AHO-1 806 24 through 28 AHO-1 809 1 through 21 AHO-1 810 2.1 through 5 AHO-2 903 2 through 10 AHO-1 904 1 through 5.1 AHO-1 905 2, 4, 5 AHO-2 910 3 through 6 AHO-1 913 1 through 16 AHO-2 1006 19 through 23 AHO-2 1101 34 and 35 AHO-2 1102 22 and 23 AHO-2 1103 10 through 16 AHO-2 1105 1 and 11 through 15 AHO-2 1203 2, 3.1, 4.1, 5, 8 AHO-2 1204 15 through 18 AHO-2 1207 4, 5, 6.2, 6.3, 9.1, 10, 11 AHO-2 1208 6, 8.1, 9 AHO-2 1209 1.1, 15.1, 16.1, 17.1 AHO-2 1210 15 through 20 AHO-1 1601 22 through 27 AHO-1 1602 13 and 14 AHO-1 1902 5.1,7,8 AHO-1 2303 6 through 30 AHO-3 2304 9 through 35 AHO-3 2310 2.2 through 7 AHO-1 2311 1.1 AHO-1 2405 1.2 and 1.3 AHO-1 2406 1.2 and 1.3 AHO-1 2407 2 AHO-1 7 and part of 7 including Block 2801, Lot 1 plus a portion of the right-of- way per 2017 Area In Need of 2407 Investigation Report AHO-2 2409 Part of 2 AHO-1 2802 12 through 19 AHO-1 2902 4 through 21 AHO-1 2903 1 through 22 AHO-1 2904 1 through 11, part of 12, part of 18 AHO-1 2905 1, 2, 16 through 30 AHO-1 3009 8 through 19 and part of 7 AHO-1

3. Is it consistent with (1) the Land Use Plan Element & (2) the Housing Plan Element?

The Planning Board concluded that Ordinance 23-22 is inconsistent. Here is the entire explanation by the City Council:

2. While the Planning Board found that Ordinance No. 23-22 is inconsistent with the Master Plan, the HEFSP adopted on April 27, 2023 with a Memorializing Resolution adopted on July 27, 2023 recommends the creation of overlay zones that permit multi-family and single-family attached townhouse residential development with a minimum twenty percent (20%) affordable housing set-aside for the properties identified in the Ordinance consistent with the November 1, 2022 Settlement Agreement.

3. In accordance with N.J.S.A. 40:55D-62, the City Clerk is hereby directed to record these reasons and this Resolution in the official minutes of the City Council.


4. Is the Housing Element & Fair Share Plan readable?

Housing Element & Fair Share Plan

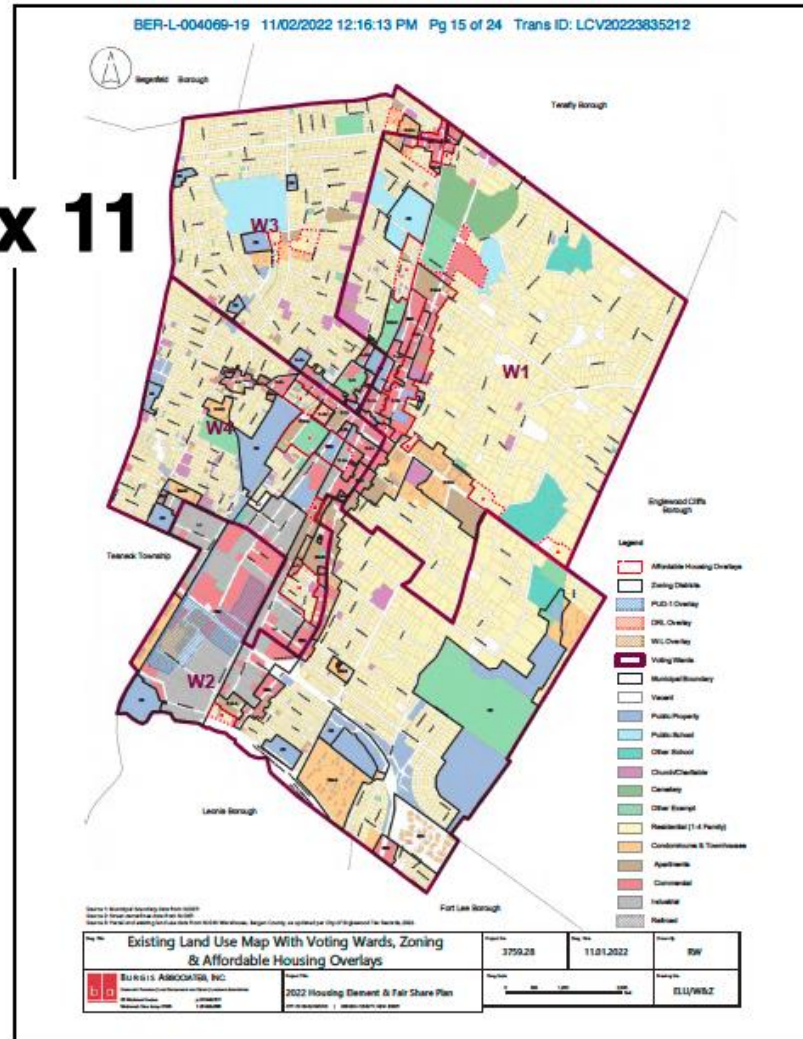
City of Englewood
Bergen County, New Jersey

MARCH 10, 2023

Adopted by the City of Englewood Planning Board at
a public hearing held on April 27, 2023



8 1/2 x 11



5. Does it explain the rational basis for locating the zones?

- a. The City will create overlay zones for affordable housing at the prescribed densities indicated in the following table and requiring a 20% set-aside of affordable units. A location map and listing of specific property's to be included within the overlay zones is appended to this document:

Table 25: Affordable Housing Overlay Zones

Site Id	Density per Acre
First Student Charter Bus (Block 2407, Lot 7; Block 2801 Lot 1)	35
Areas 1, 2, 3, 4, 6, 8, 10, 11, 12, 13, and 14 (CareOne)	15
Area 5	50
Area 7	35
Area 9	35

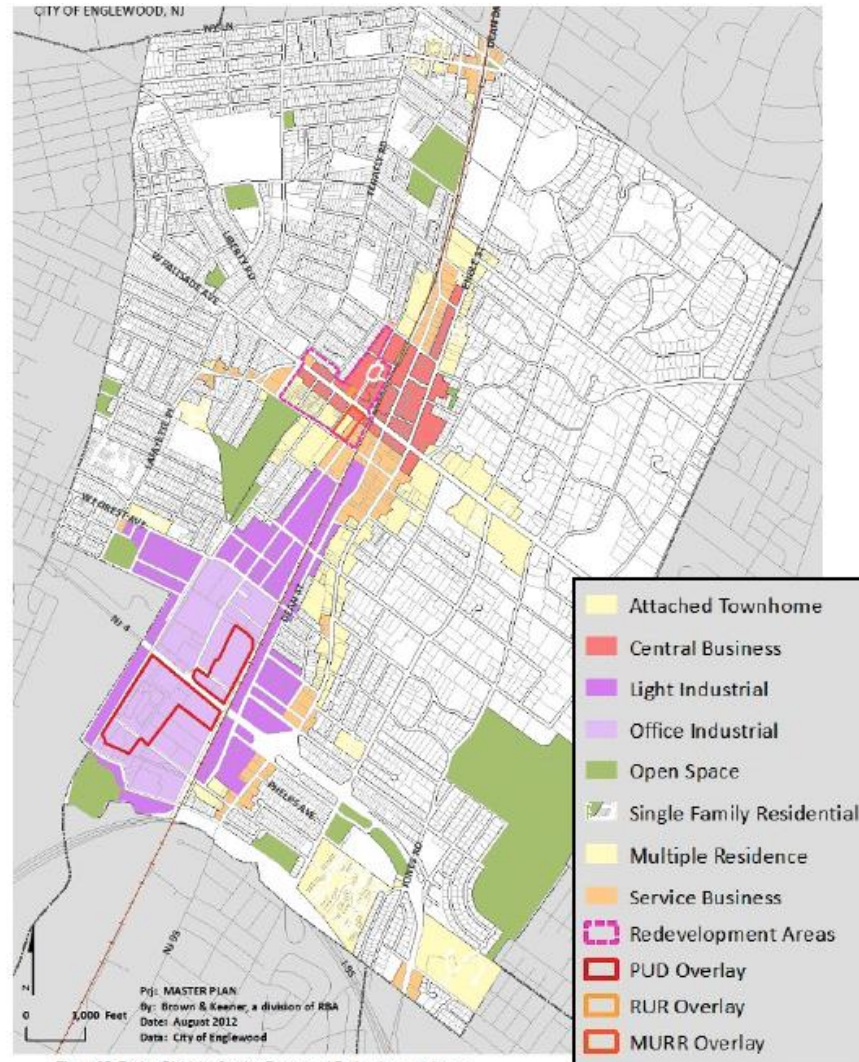
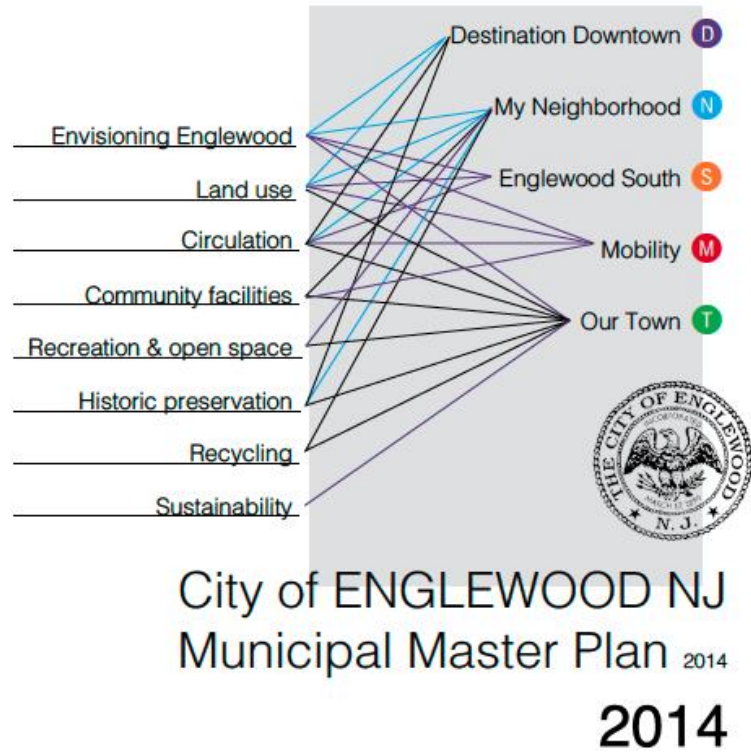
Who made the decisions and based on what?

6. Did the Planning Board have a fair opportunity to review the Housing Element & Fair Share Plan?

The record indicates that the Planning Board got the draft document on April 27, 2023 and was told it had to be approved on that evening. The document was drafted on March 10.

So, who chose the overlay zone locations and what was the rationale?

7. Were the policies in the 2014 Master Plan ignored?



8. **Does the Ordinance constitute “bad planning?”**

- Are the overlay zones based on sound land use planning?
- Where is the rational basis for the locations chosen?
- Does it make sense to include properties in a floodplain?
- Does it make sense to zone historic sites?
- Does it make sense to zone public buildings?
- Does it make sense to put 4 story apartment buildings in a single-family neighborhood?
- Does it make sense to encourage demolition of existing housing that already functions as affordable housing?
- Was the public shortchanged by being told this is not a rezoning and it is virtually impossible that 4,000 units would be built?
- Etc.

Established Neighborhoods with overlay zones.

AHO-1 15 du/ac



AHO-3 50 du/ac



AHO-1 15 du/ac



AHO-1 15 du/ac



AHO-1 15 du/ac



Special properties with overlay zones.

AHO-2 35 du/ac = 322 units



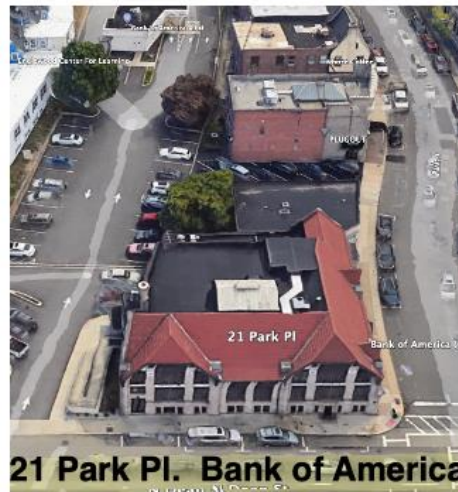
AHO-3 50 du/ac = 28 units



AHO-2 35 du/ac = 33 units



AHO-2 35 du/ac = 64 units



AHO-2 35 du/ac = 84 units

