

Lord & Taylor, Rialto Sites Preliminary Investigations



Prepared by:

Topology

For:

Westfield Town Council

Date:

August 11, 2020

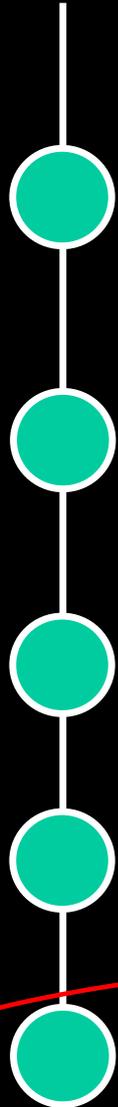
Agenda

- 1 Process**
- 2 Study Area Overview**
- 3 Statutory Criteria**
- 4 Property Evaluation**
- 5 Conclusion + Next Steps**

1. Process



Process: Overall



Initial Resolution: Governing body authorized preliminary investigation to determine if the areas qualify as a **non-condemnation** areas in need of redevelopment on March 10, 2020

Due Diligence and Analysis: Research on the condition of the properties in the study area.

Preliminary Investigation: Analysis of study area and recommendation (reports submitted July 2, 2020).

Planning Board Review and Recommendation: Planning Board public hearing on July 20, 2020.

Designation: Governing body accepts, rejects, or modifies recommendation. **Two resolutions tonight.**

Process: Tonight's Report

Site Visits

- Aerial imagery and site inspections:
 - April 19, 2020 (both)
 - June 4, 2020 (L&T)
 - June 10, 2020 (Rialto)

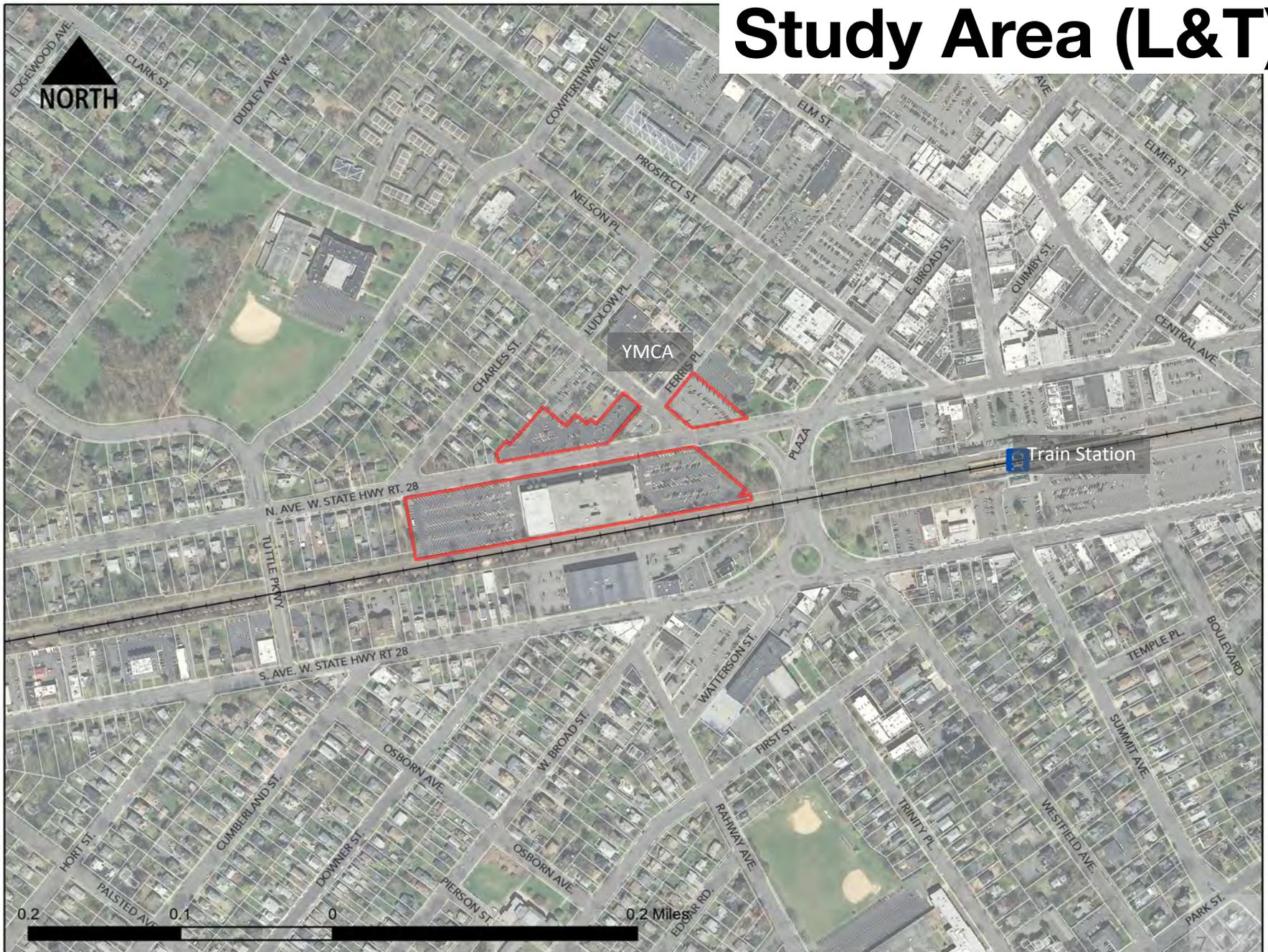
Documents Reviewed:

- Planning + zoning records
- Town Master Plan and Master Plan Reexamination
- Town zoning ordinance
- Available municipal records including tax maps
- Police records
- Tax assessor records including ownership information
- State tax records
- Sanborn maps
- Other planning documents prepared by Westfield stakeholders

2. Study Area Overview



Study Area (L&T)

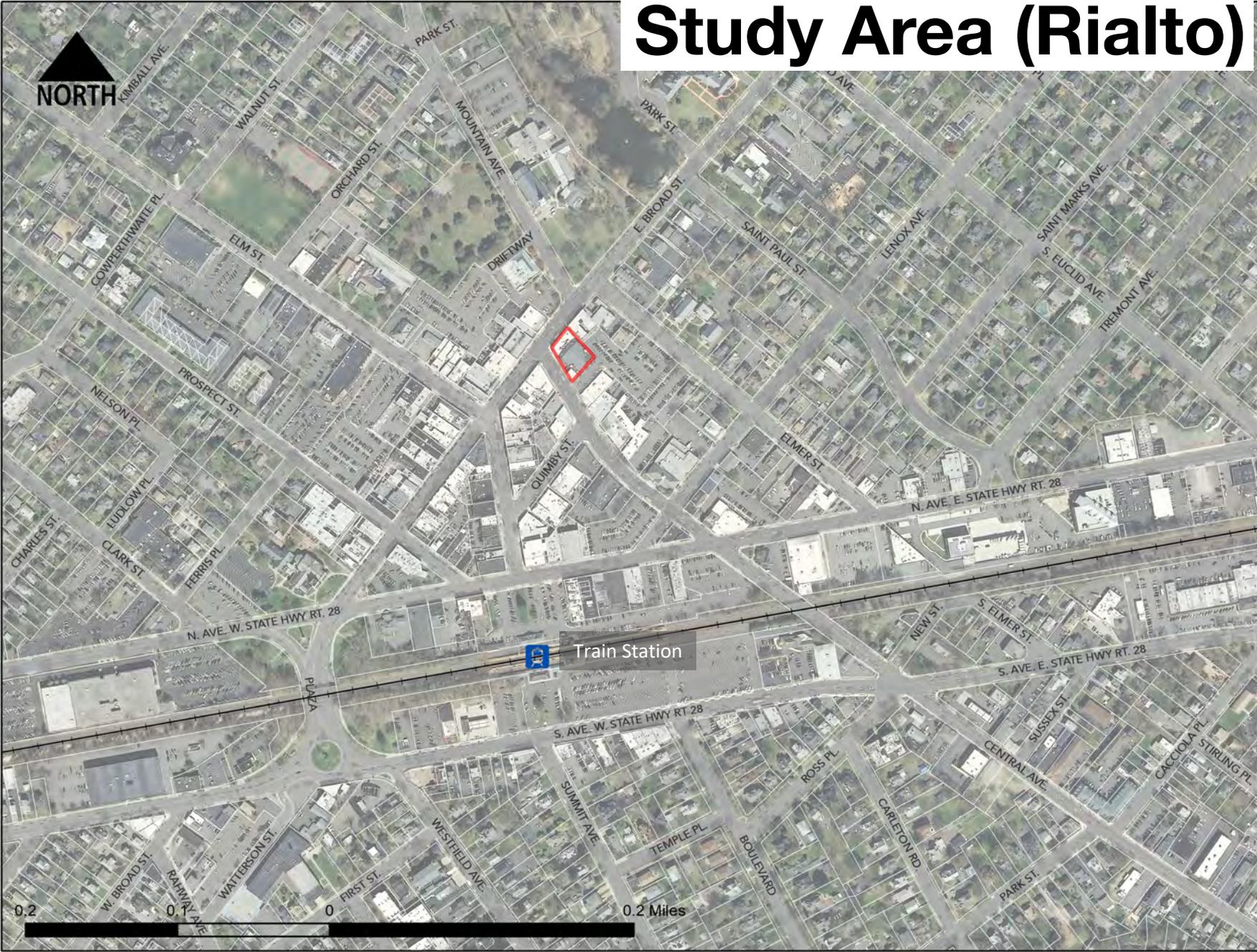


Existing Conditions (L&T Sites)

An aerial photograph of a downtown urban area. The top half of the image shows a large, dark-roofed building, likely a department store, with a large asphalt parking lot in front of it. A street wall runs along the front of the lot. Below the parking lot is a street with a crosswalk. The bottom half of the image shows a residential area with houses and smaller buildings, also with parking lots. A street with a crosswalk runs through the residential area. The overall scene illustrates the existing conditions of the L&T sites.

- Purpose-built downtown department store
- Limited pedestrian infrastructure
- Abundance of surface parking associated with department store
- Lack of "street wall" detracts from connectivity
- Excessive lot coverage

Study Area (Rialto)



Existing Conditions (Rialto)

- Vacant movie theatre with secondary commercial uses
- Interior shows signs of disrepair associated with vacancy
- Limited infrastructure for entry/egress
- Excessive lot coverage

YMCA

Train Station

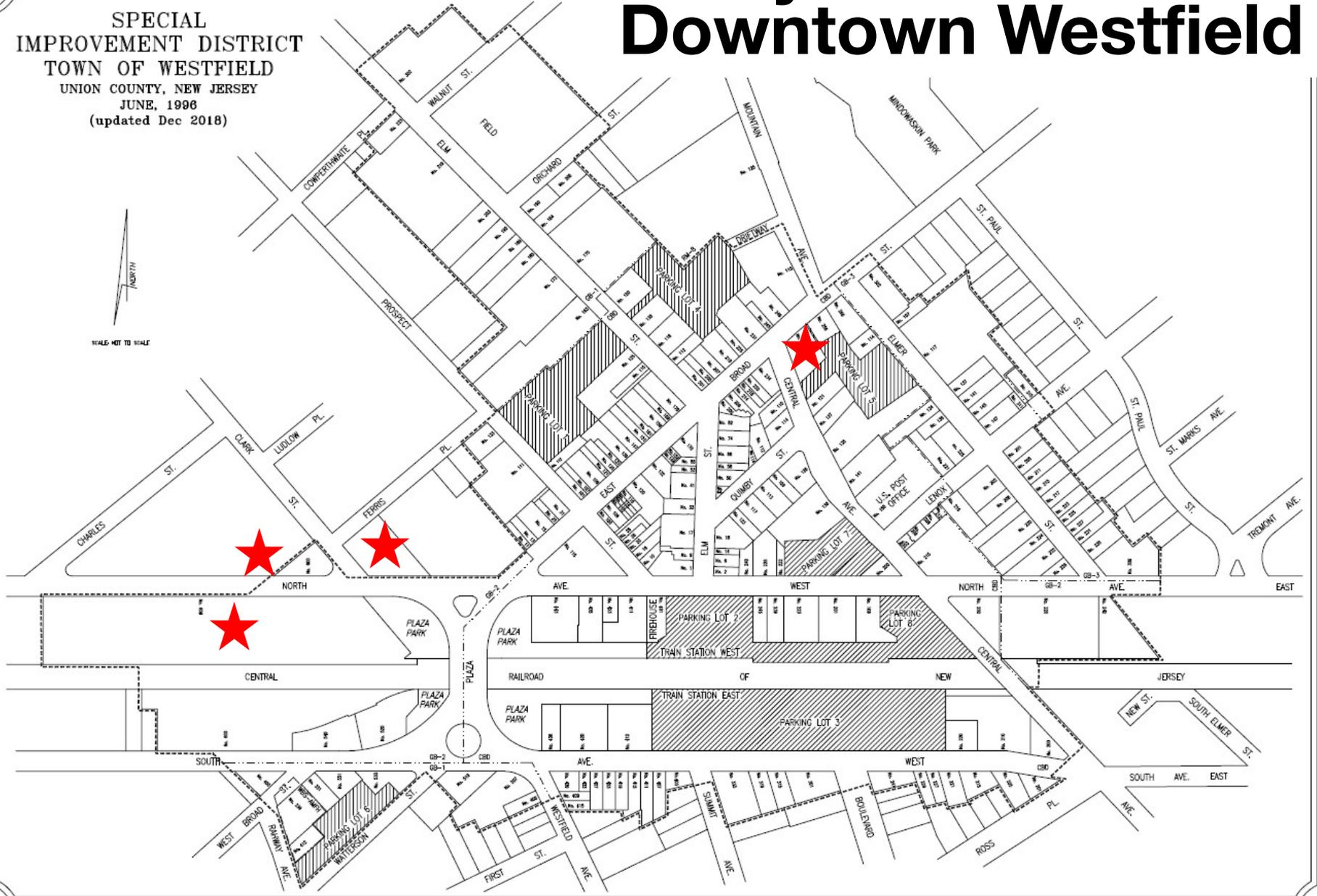
FIRE DEPT
CONN

Study Area: Downtown Westfield

SPECIAL
IMPROVEMENT DISTRICT
TOWN OF WESTFIELD
UNION COUNTY, NEW JERSEY
JUNE, 1996
(updated Dec 2018)



SCALE NOT TO SCALE



Prior Planning

Downtown Westfield serves as the heartbeat of the community's commercial and social activities. It continues to be envisioned as [a] pedestrian-oriented and mixed-use center; it will offer a variety of housing choices, retail environments, and traditional and non-traditional office employment opportunities. New development will preserve and celebrate the Town's history and architecture and provide housing and destinations for shopping and services, all within an environment of tree-lined streets, pedestrian parks, and plazas.

-2019 Master Plan Reexamination

Prior Planning

*Maintain and enhance the viability of the various business districts by: **encouraging an appropriate mix of land uses that will complement one another** and meet the retail and service needs of the Town; **promoting a desirable visual environment** and preserving the small town atmosphere in the business districts; **providing or requiring the provision of sufficient numbers of parking** and loading spaces in the appropriate locations to serve the needs of the general public as well as the needs of patrons and employees; **promoting a desirable pedestrian environment** in the downtown business district; and **discouraging automobile-only oriented development** in the central business district, including “strip malls.”*

-2002 Master Plan

3. Statutory Criteria



Area in Need of Redevelopment Criteria

Statutory Analysis (N.J.S.A. 40A:12A-5)

- a** Substandard, unsafe, unsanitary, dilapidated, or obsolescent buildings
- b** Abandonment of commercial buildings or disrepair rendering them untenable; significant vacancies for two plus years
- c** Vacant or publicly owned land unlikely to be developed with private capital due to location, access or topography
- d** Dilapidated, obsolescent, faultily arranged...buildings or improvements detrimental to the public safety, health, morals, or welfare.
- e** Stagnant and unproductive condition of land because of a condition of title or diversity of ownership.

Area in Need of Redevelopment Criteria

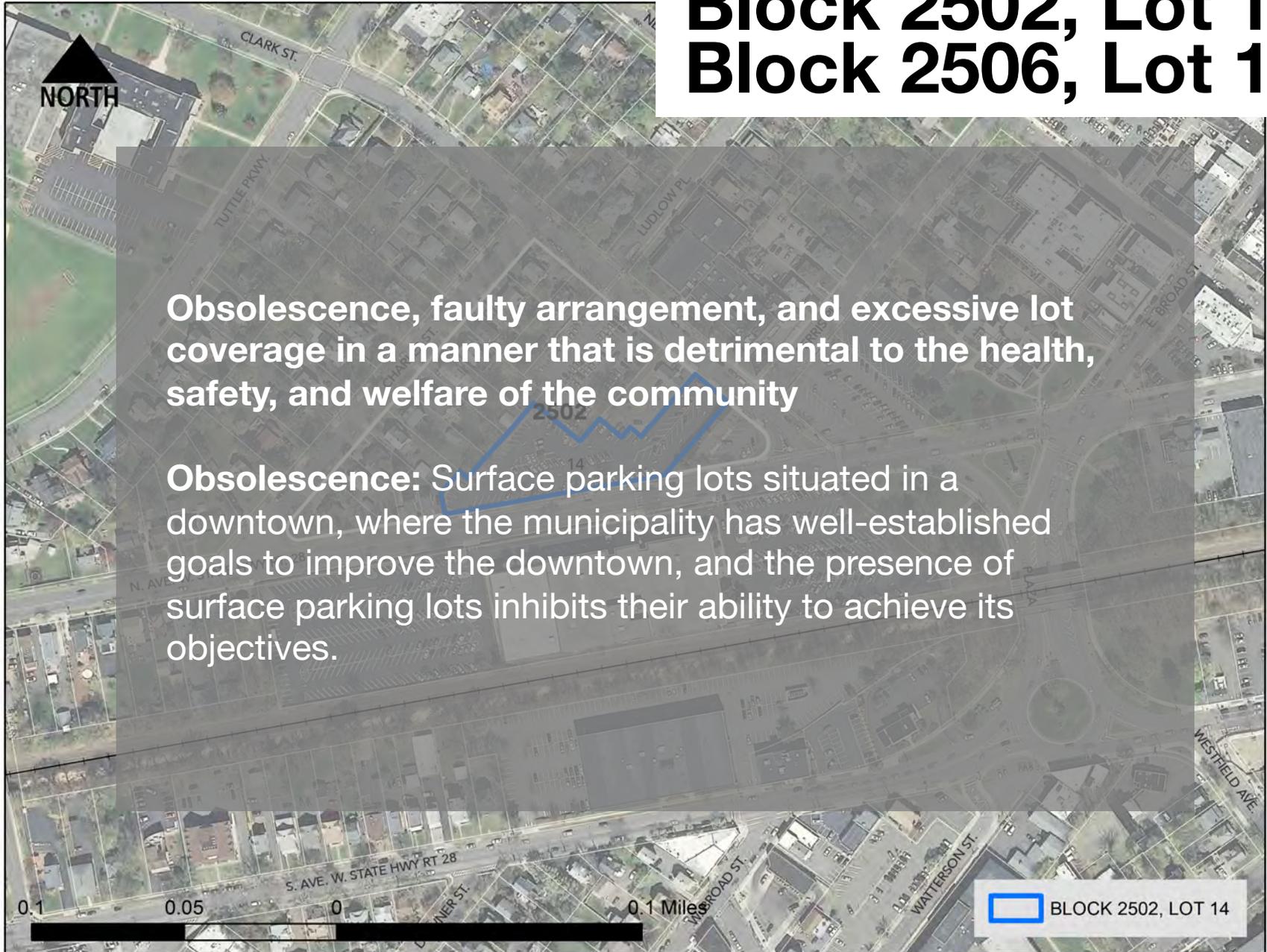
Statutory Analysis (N.J.S.A. 40A:12A-5 (cont.))

- f** Area of 5+ acres with improvements that have been destroyed by fire or natural disaster
- g** Adopted and approved Urban Enterprise Zones (which may be designated for tax abatements only)
- h** Designation is consistent with smart growth planning principles

4. Property Evaluation



Block 2502, Lot 14; Block 2506, Lot 1



Obsolescence, faulty arrangement, and excessive lot coverage in a manner that is detrimental to the health, safety, and welfare of the community

Obsolescence: Surface parking lots situated in a downtown, where the municipality has well-established goals to improve the downtown, and the presence of surface parking lots inhibits their ability to achieve its objectives.

 BLOCK 2502, LOT 14

Surface Parking + Obsolescence

- In Concerned Citizens, Inc. v. Mayor and Council of the Borough of Princeton (Appellate Division, 2004), the Court upheld a finding that a downtown surface parking lot was evidence of obsolescence and qualified as an area in need of redevelopment under criterion D.
- Specific conditions, similar to those found in Westfield, were cited by the Court in Concerned Citizens:
 - Properties were located **downtown** where surface parking represented “yesterday’s solution” in a setting where “structured parking is the new standard.”
 - **Long-term efforts** had been underway to improve the downtown.
 - Parking lots inhibited the types of uses that would fulfill Princeton’s objectives and redevelopment was projected to “serve the **public health, safety, and welfare** of the entire community.”

Downtown?



NORTH

2502

2508

2506

2506

0.1 0.05 0 0.1 Miles

Long-term efforts?

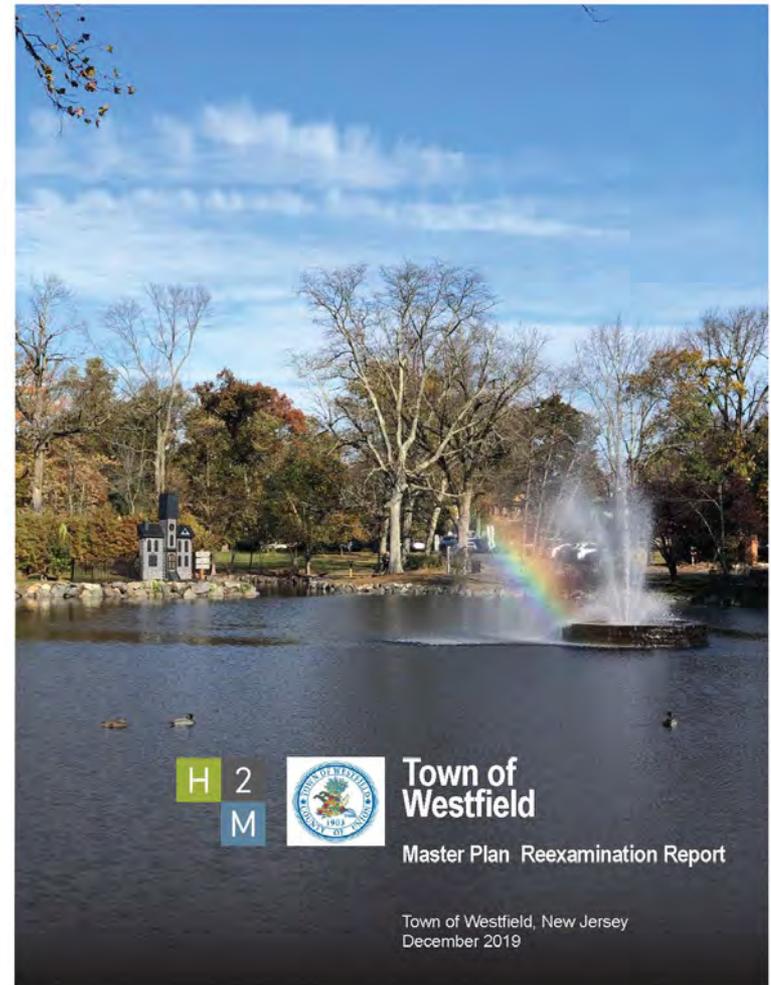
TOWN OF WESTFIELD UNION COUNTY, NEW JERSEY

PLANNING BOARD MASTER PLAN

Adopted October 7, 2002

with Amendments
Appendix B
&
Appendix C

Memorializing Resolutions
Appendix D



Health, safety, welfare?

Inefficiency argument (welfare): Surface parking lots are an inefficient way to provide parking. This comes at the expense of other uses.

Noncontributory argument (welfare): Downtown surface parking lots do not contribute to the functionality of the downtown beyond providing parking, a role they perform inadequately.

Design argument (health, safety, welfare): Surface parking lots exhibit design characteristics that are detrimental to the health, safety, and welfare of the community.

Block 2502, Lot 14



Address: 630 North Avenue West

Size: 1.134 acres

Owner: LT Westfield LLC, ATT H Grable

Use: Surface parking lot

Applicable Criteria: D, H

Assessed Value: \$1,478,000

Block 2502, Lot 14

- **Detrimental to health, safety, welfare**
 - **Inefficiency (W)**
 - Single level of parking excludes other potential uses
 - One parking space per 504 square feet of area
 - **Noncontributory (W)**
 - No functional value besides providing 98 spaces
 - Improvement value per acre: \$44,709
 - Creates a break in the street wall (lack of transition)
 - **Design (H, S, W)**
 - Parking lot lacks or has partially visible striping and directional painting
 - No pedestrian striping for crossing the lot
 - Wide drive lanes and tight turns
 - Excessive lot coverage



Block 2506, Lot 1



Address: 526 North Avenue West

Size: .6474 acres

Owner: LT Westfield LLC

Use: Surface parking lot

Applicable Criteria: D, H

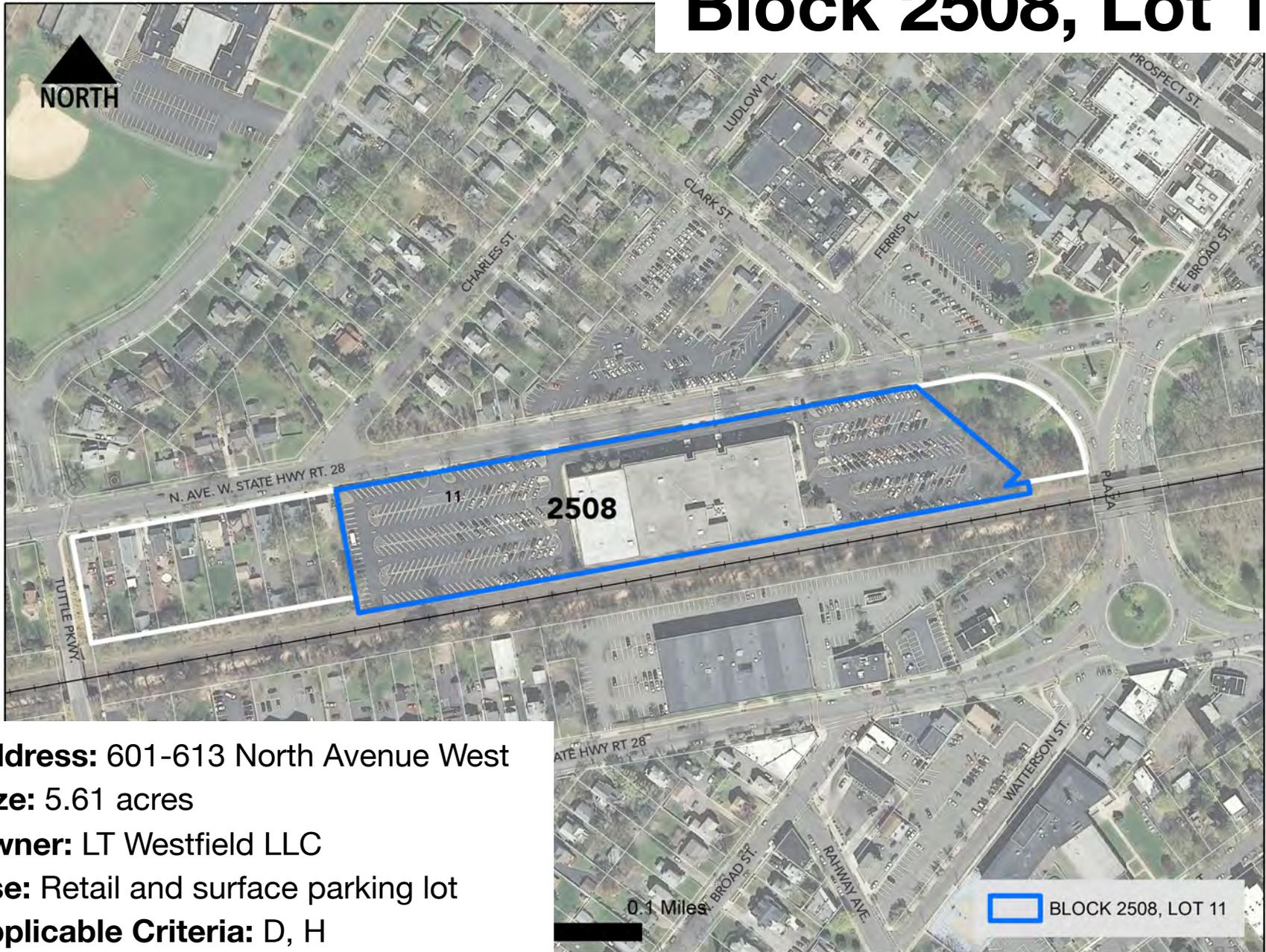
Assessed Value: \$1,245,000

Block 2506, Lot 1

- **Detrimental to health, safety, welfare**
 - **Inefficiency (W)**
 - Single level of parking excludes other potential uses
 - One parking space per 320 square feet of lot area
 - **Noncontributory (W)**
 - No functional value besides providing 88 spaces
 - Improvement value per acre: \$47,575
 - Creates a break in the street wall (lack of transition)
 - **Design (H, S, W)**
 - No pedestrian striping to facilitate safe crossings
 - Broken, missing, compromised curbing
 - Excessive lot coverage



Block 2508, Lot 11



Address: 601-613 North Avenue West

Size: 5.61 acres

Owner: LT Westfield LLC

Use: Retail and surface parking lot

Applicable Criteria: D, H

Assessed Value: \$22,138,500

Block 2508, Lot 11



Obsolescence, faulty arrangement, and excessive lot coverage, in a manner that is detrimental to the safety, health, and welfare of the community.



 BLOCK 2508, LOT 11

0.1 0.05 0 0.1 Miles

Criterion D

*Areas with buildings or improvements which, by reason of dilapidation, **obsolescence**, overcrowding, **faulty arrangement** or design, lack of ventilation, light and sanitary facilities, **excessive land coverage**, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the **safety, health**, morals, or **welfare** of the community.*

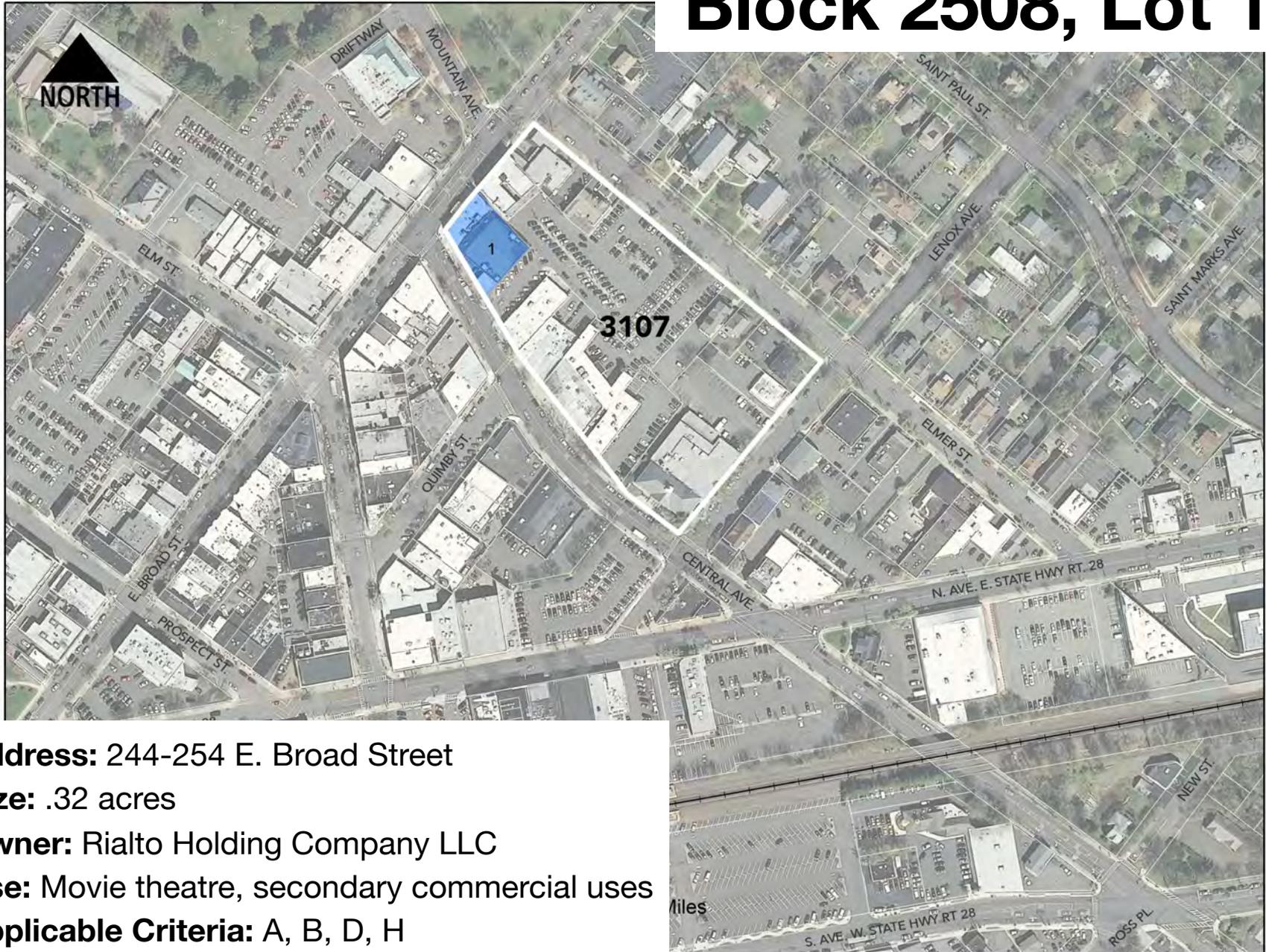
Downtown Department Stores + Obsolescence

- In Spruce Manor Enterprises v. Borough of Bellmawr (1998) the Court relied on the following definition: ***“Obsolescence is the process of falling into disuse and relates to the usefulness and public acceptance of a facility.”***
- Downtown department stores are a legacy of a dated effort to see downtowns “[remade] like malls.” They contradict modern best practices for downtown development, including those in Westfield’s planning documents.
- Obsolescence of department stores results in declining economic performance (pg. 46-47)
 - High profile bankruptcies
 - Dramatic decline in sales, employees
- This trend is expected to continue:
 - *“Retail-only may no longer be the highest and best use for many struggling malls and oversized retail assets that are well-positioned to transform into mixed-use town centers in the heart of communities where people want to live, work and play.”*
 - CBRE Real Estate Market Outlook 2020

Consequences of Obsolescence

- Obsolescent buildings and improvements on site are detrimental to the welfare of the community because they:
 - Threaten the stability of the municipality's tax base.
 - Inhibit the ability of the Town of Westfield to achieve its objectives and maintain the vibrancy of downtown.
- Obsolescent buildings and improvements on site are detrimental to the health, safety and welfare of the community because they diminish connectivity to the surrounding area, thereby discouraging pedestrian activity.
- Obsolescent buildings and improvements on site exhibit conditions of faulty arrangement that are detrimental to the health, safety and welfare of the community because they create hazardous conditions for pedestrians on site.
- Obsolescent buildings and improvements on site exhibit conditions of excessive lot coverage that are detrimental to the health and safety of the community because they exacerbate stormwater management issues.

Block 2508, Lot 11



Address: 244-254 E. Broad Street

Size: .32 acres

Owner: Rialto Holding Company LLC

Use: Movie theatre, secondary commercial uses

Applicable Criteria: A, B, D, H

Assessed Value: \$5,286,600

Criterion A

- **Generality of buildings are obsolescent and unsafe and, as a result, create unwholesome working conditions and health and safety risks for the general public.**
 - Haphazard wiring and equipment updates
 - Limited means of ingress and egress
 - Theatres are a “significant potential safety hazard” as per IBC
 - Site exhibits limited means of egress (narrow staircases, fire escape exits into narrow walkway)
 - Water intrusion
 - Standing water observed in basement
 - Water intrusion associated with mold growth
 - **Not** a recommendation for demolition



Criterion B

- **Building previously used for commercial use...that has been allowed to fall into so great a state of disrepair as to be untenable.**
 - Theatre is vacant and unsuitable for tenancy.
 - Major upgrades and system replacements necessary to function as a movie theatre
 - Lacks necessary infrastructure to function as a movie theatre (projection equipment, fixed seating in certain auditoriums)
 - Criterion A issues (ingress/egress, water intrusion, wiring) need to be addressed for tenancy.



Criterion D

- **Characteristics of obsolescence, faulty arrangement, excessive land coverage, and obsolete layout, in a manner that is detrimental to the safety, health, and welfare of the community**
 - **Obsolescence: Lacks amenities and infrastructure found in successful modern theatres of similar scale.**
 - **Obsolescence evidenced in vacancy. Vacancy detrimental to welfare.**
 - **Obsolescence: Limited means of ingress/egress (faulty arrangement), haphazard wiring.**
 - **Detrimental to health, safety.**
 - **Excessive land coverage: Conducive to flooding, stormwater management issues**
 - **Detrimental to safety, welfare.**



Criterion H

Study Area exhibits characteristics of a Smart Growth area as identified by both the Smart Growth Network and United States EPA:

- Proximity to transit
- Established community center
- Land use form conducive to walkability
- Mixed land uses
- Distinct architectural character that could be enhanced via additional distinctive and contextually appropriate development

Smart growth consideration consistent with growth recommendations of State Plan, as further supported by EO 78.

All the properties qualify under Criterion H as designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Summary of Findings

- Study Area qualifies as a non-condemnation Area in Need of Redevelopment based on:

Lord & Taylor Sites

Block	Lot	Criteria							
		A	B	C	D	E	F	G	H
2502	14				X				X
2506	1				X				X
2508	11				X				X

Rialto Site

Block	Lot	Criteria							
		A	B	C	D	E	F	G	H
3107	1	X	X		X				X

5. Conclusion + Next Steps



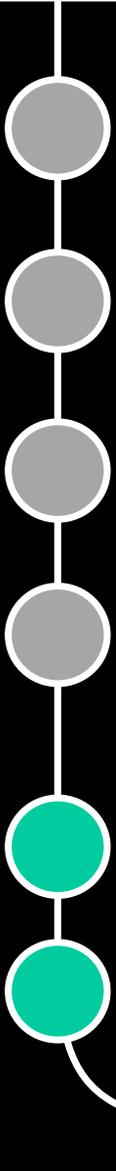


Recommended Redevelopment Areas



Recommended Redevelopment Area

Next Steps



Initial Resolution: Governing body authorization of preliminary investigation on March 10, 2020.

Investigation Map: Delineates the boundaries of the proposed study area.

Preliminary Investigation: Analysis of study area and recommended course of action.

Planning Board Review: Town Planning Board holds public hearing to review preliminary investigation for recommendation to governing body.

Designation: Governing body resolution that accepts, rejects or modifies recommendations.

Planning: Policy and regulatory framework for redevelopment.

Plan Adoption: Ordinance adopting the Plan as an amendment to Zoning.



Thanks for listening!

Questions / Comments?