

DEVELOPMENT APPLICATION REVIEW | STAFF REPORT

DATE : 06.20.2024
TO : Planning Board Commissioners
FROM : Liz Oppen, AICP, Urban Designer
Cameron Black, AICP, PP, Principal Planner
Tanya Marione, PP, AICP, Division Director
CASE : P2023-0056
PROJECT : 44 Park Lane North | Block 7302, Lot 3.15
FOR : Preliminary Major Site Plan with 'c' Variances

I. DOCUMENTS REVIEWED

- General Development Application
- Survey
- Civil + Landscape Plans
- Architectural Plans
- Site Photos
- 200' certified list
- Certification of payment of taxes
- Affidavits
- Traffic Assessment Report
- City Engineering Comments
- City Transportation Planning Comments
- Principal points

II. APPLICATION BACKGROUND + PROPOSAL

▪ Existing Conditions:

The subject property is approximately 1.45 acres and is currently used as a construction staging area and parking presumably for use by those involved in construction/cement mixing in the immediate neighborhood. Currently, Washington Blvd/18th Street is located to the west of the site and Park Lane North is to the south of the site. There are currently two dirt roads to the north and east of the site, that will be built out prior to or in tandem with the proposed development. There is a north bound bike lane immediately adjacent to the property on Washington Blvd/18th Street. The subject property is in the Newport Redevelopment Plan Area within the Residential Northern District.

The site is in a flood zone and is required to meet GAR requirements.

▪ Proposed Conditions:

Applicant proposes the construction of a new 41-story mixed use building with a five-story podium containing 355 residential units and 336 parking spaces. A substantial seeded lawn is proposed on the western side of the site along Washington Blvd and the building is proposed on the eastern side of the site. Between the building and the seeded lawn is a proposed drive aisle allowing for drop-offs and access to/from the parking garage. The residential lobby is located at the south of the site along Park Lane North above grade with ramped and stepped access to the lobby level.

▪ Variances

- Lighting (footcandles): 1 footcandle required, .7 footcandle proposed.
- Tree Spacing: trunk to trunk distance and trunk to utility pole distance



▪ **STAFF COMMENTS – ‘c’ Variance**

- Regarding the distance of street trees to a utility pole, staff sees no harm to the public good or an impairment to the intent of the zoning ordinance in utilizing a slightly smaller distance between a street tree and a utility pole (~1'-8" difference). Staff requests that the applicant testify to the type of tree planted and its maintenance (trimming, pruning) as it relates to this variance.
- Staff does not see substantial detriment to the public good in granting the lower than required footcandle variance as there is sufficient ambient lighting in downtown JC.

III. STAFF RECOMMENDED CONDITIONS

All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding. The staff recommends the following conditions to mitigate the negative criteria:

1. No change to the site design shall be permitted without consultation with and approval by planning staff.
2. All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding.
3. The Applicant shall address and comply with all Jersey City Review Agent comments as part of resolution compliance.
4. With the exception of the trees addressed as needing relief (variance) from the City's Forestry Standards, all street trees/landscaping shall be installed in accordance with 345-66 and the City's 2023 Forestry Standards, prior to an issuance of a certificate of occupancy.

APPENDIX : REQUIRED PROOFS FOR VARIANCES

▪ 'C' VARIANCE

Required Findings for 'C' Variance Standard/Deviations under N.J.S.A. 40:55D-70(c)(2):

1. The justifications must relate to a specific piece of property;
2. The purposes of the Municipal Land Use Law would be advanced by the deviation from the zoning ordinance requirement;
3. The deviation can be granted without substantial detriment to the public good;
4. The community benefits of the deviation would substantially outweigh any detriment and;
5. The deviation will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

▫ **Negative Criteria**

No relief may ever be granted unless it can be done

1. without substantial detriment to the public good, and

2. without substantially impairing the intent and purpose of the zone plan and zoning ordinance

1) Substantial detriment to the public good – Balancing Requirement.

The focus of this first prong of the negative criteria is on the variance's effect on the surrounding properties. The board must weigh the zoning benefits from the variance against the zoning harms. In many instances, conditions of approval address the negative criteria standard and help to mitigate the impact of the variance.

2) Substantial impairment to the intent and purpose of the zone plan and ordinance.

The focus of this second prong of the negative criteria is on the power to zone based on ordinance and not variance