

DEVELOPMENT APPLICATION REVIEW | STAFF REPORT

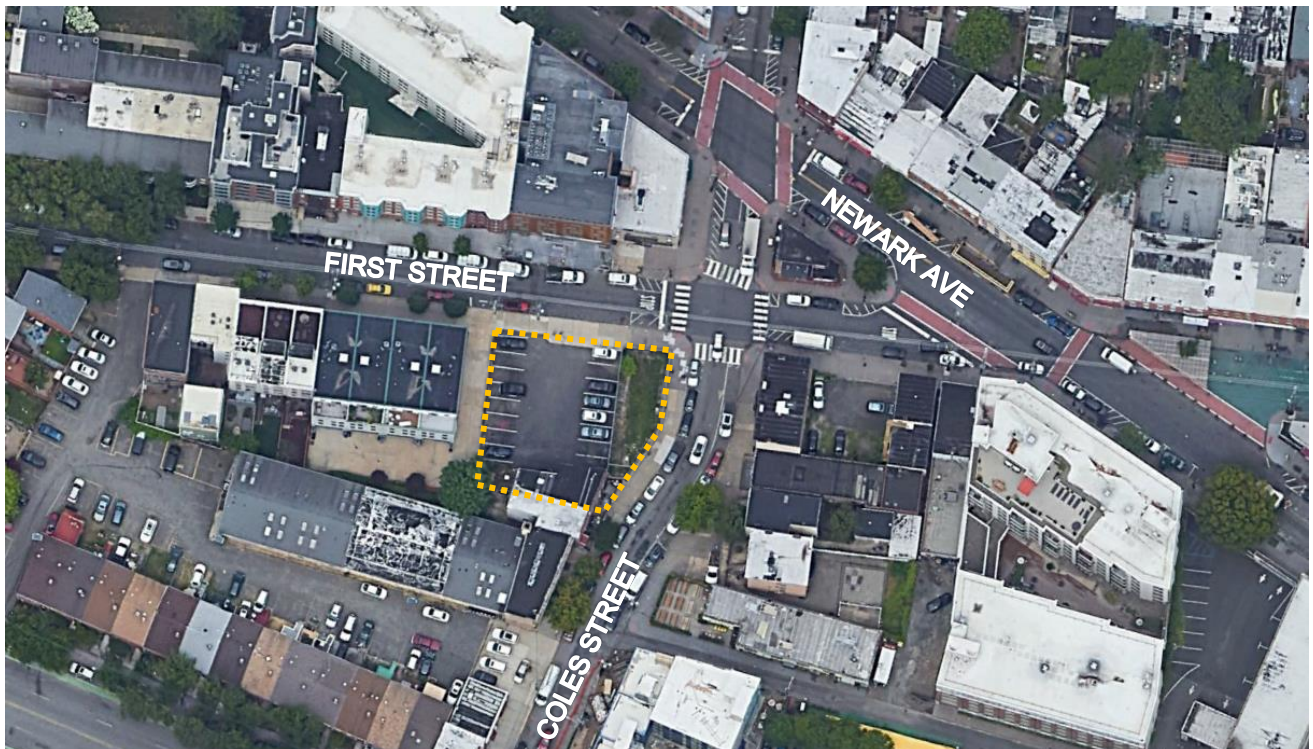
DATE : 07.22.2022
TO : Planning Board Commissioners
FROM : Mallory Clark-Sokolov, PP, AICP, Senior Planner
Tanya Marione, PP, AICP, Division Director
CASE : P20-085
PROJECT : 303-311 First Street
Preliminary + Final Major Site Plan with Variances

I. DOCUMENTS REVIEWED

- General Development Application Form dated 2020
 - Survey by Faraldi Group, Inc. dated 11.05.2019
 - Architectural Plan Set by Christian Rogers Architect dated 06.28.2022
 - Civil Plan set by Insite + Engineering dated 02.25.2022
 - Principle Points Statement by Connell Foley
- *Application was reviewed in full and deemed complete by Lindsey Sigmund, PP, AICP formerly of Jersey City Planning. The complete application was reviewed for the purposes of this staff report by Mallory Clark-Sokolov, PP, AICP.

II. APPLICATION BACKGROUND + PROPOSAL

- **Existing Conditions:** The Site is currently a vacant 7,251 sf surface parking lot in the Village Redevelopment Plan. The property is located at the corner of First Street and Coles Street at the northeast portion of the block. There is a 16ft permanent access easement on the neighbor's property at the western property line with a curb cut onto First Street.



- **Proposed Conditions:** The applicant is proposing a five (5) story, forty-three (43) unit building made up of studios and one-bedroom apartments. The proposal includes 11 partially below-grade parking spaces accessed via the driveway easement on the adjacent property.
- **Variances**
 - **Rear-yard Setback**
Required/Permitted: 15ft
Proposed: 0ft
 - **Drive Aisle Width**
Required/Permitted: 22ft 2-way
Proposed: partial 21.25ft for 2-way
 - **Street Trees**
Required/Permitted: 7 trees (1 tree/25 linear ft street frontage)
Proposed: 6 trees

III. STAFF COMMENTS

- **Rear-Yard Setback:**
 - Given that the lot is situated on a corner, sound urban planning and design principles call to maintain continuation of the streetwall on both First Street and Coles Street. Per LDO definitions, the 15ft rear yard setback is required from western property line next to Lot 7, which fronts onto First Street. The applicant has proposed a zero foot setback at this property line. The Applicant's experts shall testify to the easement agreement with the adjacent property regarding driveway egress, which also provides 16ft setback between the proposed structure and the existing adjacent structure. Providing a conforming rear yard at this property line would result in a 31ft wide break in the streetwall along the First Street frontage. The applicant has also proposed a 10ft+ setback from the southern property line for the majority of its run, allowing for the preservation of light and air at the innermost corner of the property and in turn the core of the block, which is consistent with the intent of a rear yard setback. In terms of direct comparison, the total area of clear sqft for light and air, inclusive of the easement on the adjacent property, is approximately 2,000sf, or 10,000cf clear whereas a compliant 15ft rear yard on the property would provide 1,125sf, or 5,625cf clear. Given that the light and air is preserved and distributed as relevant to both abutting properties, staff feels the benefits outweigh the detriments and the intent of the ordinance is upheld in the granting of the variance.
- **Drive Aisle Width**
 - The width of the proposed drive aisle for the below-grade parking fluctuates, from 16ft within the driveway easement, 13.5ft at the garage entry/exit ramp, and 21.25ft for the interior garage drive aisle, whereas LDO standards call for 24ft drive aisles for two-way parking configurations. The applicant has proposed a series of traffic warning signals and convex safety mirrors that will alert incoming and outgoing drivers when approaching vehicles are traveling in the opposite direction. The applicant's experts shall testify as to the details of the proposed traffic safety system and solutions on the site. The system should allow for safe entry/exit of vehicles while mitigating potential conflicts that would result in any disruption to street traffic or safety concerns related to navigability of the site and garage. In terms to the interior drive aisle, the 21.25ft drive aisle and the proposed location of the compact spaces

provides sufficient clearance for vehicles to turn around in the garage interior and approach the garage exit. Additionally, given that the parking garage's low capacity of 11 spaces and the site's proximity to ample public transit, staff does not anticipate car usage on the site to be a frequent or daily demand and therefore does not see a major detriment to public welfare and safety in the granting of the variance.

▪ **Street Trees**

- The applicant's expert shall testify as to why the 7th street tree cannot be accommodated in the plans as proposed. Staff has addressed the balance of 1 tree in the suggested conditions below.

IV. 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. All materials and color selections shall be shown on Final Plans. No change to the facade and site design, including materials as well as any changes that may be required by the Office of Construction Code, shall be permitted without consultation with planning staff and approval by planning board.
2. Applicant shall provide an affidavit from the architect of record representing that the constructed project is consistent with final approved plans.
3. All street trees and landscaping shall be installed in accordance with the Jersey City Forestry Standards prior to the issuance of a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO).
4. Applicant will provide City Planning with a receipt of payment in lieu of planting for one (1) street tree per Forestry Standards prior to the issuance of a TCO or CO.
5. Applicant shall revise plans prior to signature sets to ensure that all bay window projections fronting First Street and Coles Street are not more than two (2) feet over the property line.
6. Applicant shall revise plans prior to signature sets to include a permanent built-in seat-wall within bay window projections on floors 2-5.

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