

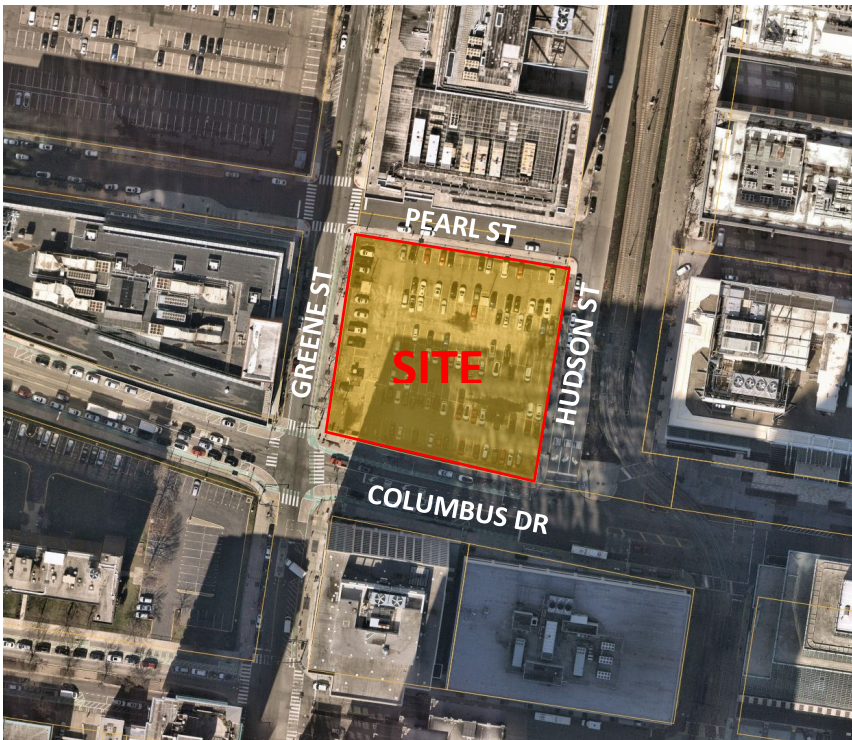
DEVELOPMENT APPLICATION REVIEW | STAFF REPORT

DATE : 05.03.24
TO : Planning Board Commissioners
FROM : Liz Oppen, AICP, Urban Designer
Tanya Marione, PP, AICP, Division Director
CASE : P2023-0115
PROJECT : 20 Columbus Drive | Block 11603, Lot 29
FOR : Preliminary & Final 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
- Driveway easement memo

II. APPLICATION BACKGROUND + PROPOSAL



- **Existing Conditions:**

The subject property is approximately 1.34 acres and is currently used as a paved surface parking lot. The property is a full block surrounded by Greene Street to the west, Christopher Columbus Drive to the south, Hudson Street to the east, and Pearl Street to the north. The site

is in a flood zone and is required to meet GAR requirements. There are bike lanes located on Greene Street (N-bound) and Christopher Columbus Drive (E-bound).

▪ **Proposed Conditions:**

Applicant proposes the construction of a new 50-story mixed use building containing 800 residential units, 399 parking spaces, and approximately 12,000 square feet of retail. The proposed design features an "L"-shaped tower toward the north and west sides of the block on top of an eight-story podium. The northern portion of the tower is proposed to be 38 stories and the eastern portion, 50 stories. Parking and loading ingress/egress is located mid-block to the north side of the site on Pearl Street. There are no proposed curb cuts or driveways that would interrupt these existing bike lanes. Retail space is located on the ground floor on the south side of the site. The residential lobby is entered from the east. The northeast corner of the site features a covered drop-off area for deliveries, ride shares, etc.

▪ **Variances**

- Number of Street Trees: 34 required, 21 proposed.
- Tree Spacing at Utility Poles: 15' required, 13.42'-15' proposed.
- Lighting (footcandles): 1 footcandle required, .6 footcandle proposed.
- Signage: 1 sign permitted, 2 signs proposed.

▪ **STAFF COMMENTS – 'c' Variance**

- Staff does not see substantial detriment to the public good in granting the number of street trees variance. A payment in lieu of planting will be made for 13 trees. The variance is needed to accommodate various curb cuts and below grade utilities on this full block development. It is important to note that while the number of street trees is deficient, the proposal meets the required green area ratio. The site is designed thoughtfully with substantial landscaping on the south and east sides of the property in addition to areas green roof and planters provided on the 9th floor podium deck and the 39th floor terrace.
- 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.
- Staff does not see any impairment to the intent of the zone plan in granting the variance for two signs where one is permitted. Given that there are frontages/access to the residential lobby from multiple sides of the site, it is appropriate to provide additional signage.

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. All street trees/landscaping shall be installed in accordance with 345-66 and the City's Forestry Standards, prior to an issuance of a certificate of occupancy.
5. The Applicant shall make payment in lieu of planting as required by the Jersey City Forestry Standards for 13 trees that were unable to be planted on-site.

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