

DEVELOPMENT APPLICATION REVIEW | STAFF REPORT

DATE : 07.11.2022
TO : Planning Board Commissioners
FROM : Liz Oppen, AICP, Urban Designer
Tanya Marione, PP, AICP, Division Director
CASE : P21-081
PROJECT : 743 Grand Street | Block & lot – 17201-1
FOR : Preliminary and Final Major Site Plan with 'C' Variance

I. DOCUMENTS REVIEWED

- General Development Application
- Survey: dated 6/20/21
- Architecture Plans: dated 8/31/22
- Affidavits of Performance, Ownership
- 10% Disclosure, Tax and Water Certs.
- Notice Package



- **Existing Conditions:** Located in the Junction at the corner of Grand Street and Harmon Street, the site currently contains a three story mixed use building with ground floor commercial and residential above. A two car, one story parking garage is located at the rear of the site fronting on Harmon Street. At the corner of the lot is open space fenced in with a stationary food truck vendor. Block 17201 is trapezoidal in shape and comprised of 12 lots, almost all irregularly shaped and less than 100' deep. The site is located in the NC zone.

- **Proposed Conditions:** New mixed use building on a corner lot with commercial on the ground floor and 16 units above the ground floor. The commercial use is accessed at the corner. The residential lobby is accessed off of Harmon Street, the applicant is proposing an on-street loading space on Harmon Street to serve the building.
- **Variances:** rear yard setback (15 feet required - 0 feet proposed)

II. STAFF COMMENTS – ‘c’ Variance

- The rear yard variance can be attributed to the unique condition of the site. The site is an irregularly shaped corner lot that is undersized in depth. If treating the rear lot line as side yard lot line, no setback would be required along the adjacent property at 28 Harmon Street.

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. 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 or approval by planning board.
2. 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).
3. The Applicant shall address comments from the Engineering memo dated 06/09/2022 on signature sets.
4. The Applicant shall apply for approval of the on-street loading space that is proposed.

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