

DEVELOPMENT APPLICATION REVIEW | STAFF REPORT

DATE :	12.03.2021
TO :	Planning Board Commissioners
FROM :	Mallory Clark-Sokolov, PP, AICP, Senior Planner Tanya Marione, PP, AICP, Division Director
CASE :	P21-086
PROJECT :	115 Jersey City Blvd, 60-101 Philip St Preliminary + Final Major Site Plan with Variances

I. DOCUMENTS REVIEWED

- General Development Application Form dated 11.24.21
- Survey by Matrix New World Engineering dated 11.04.2020
- Architectural Plan Set by Concrete Architects and HLW dated 10.08.2021
- Civil Plan Set by Langan Engineering dated 10.08.2021

II. APPLICATION BACKGROUND + PROPOSAL

- **Existing Conditions:** The site is currently a large, abandoned sedimentation tank and associated facilities surrounded by vacant land/lawn located across Jersey City Boulevard from the Liberty Science Center. The site spans 546,000sf and falls within the Liberty Harbor Redevelopment Plan, specifically in the Science and Technology District.



- **Proposed Conditions:** The Applicant proposes to remove the existing sedimentation tanks and pursue a multi-phase development. The phase included in P21-086 includes the construction of

an eight (8) story research facility to include science laboratory uses, office space, retail/restaurant use, and banquet hall facility with surface parking, as well as an interim gravel surface parking lot to accommodate overflow. The proposal also includes substantial public plaza space with a bicycle parking and restroom facility.

- **Variances**
 - **Signage: number**
Required/Permitted: 2 signs
Proposed: 17 signs
 - **Signage: Size**
Required/Permitted: 10% of first story wall frontage
Proposed: varies, 0.7% - 174% first story facade
 - **Signage: Lighting**
Prohibited: Illuminated signs visible from Liberty State Park
Proposed: LED lit sign
 - **Parking: Maximum**
Required/Permitted: 108 spaces at 0.9 space/1,000sf of gfa
Proposed: 221 spaces in interim lot, 36 permanent surface spaces
 - **Bicycle Parking**
Required/Permitted: enclosed/indoor bicycle parking
Proposed: covered/partially enclosed bicycle parking

III. STAFF COMMENTS

- **Signage:**
 - Staff recognizes the mixed use nature of the proposed phase I Edgeworks facility calls for more individual signs than contemplated by the redevelopment plan in order to reflect the full spectrum of programming in the facility. Given that the long term vision for the Science and Technology District of the plan is similar to that of a campus, staff feels additional signage is both necessary and beneficial to the public as wayfinding will be more complex than a typical standalone site. It will be helpful for visitors to understand the building and access associated facilities easily and efficiently, and therefore staff finds the benefits outweigh the detriments as to the signage number variance. Similarly, staff recognizes this programming of this facility will result in the campus as a regional destination, making larger, well-lit signage compatible with what exists on the adjacent Liberty Science Center appropriate for the facility. The applicant's experts shall testify as to the impacts of the signage lighting on adjacent uses such as the open/natural space in Liberty State Park. Additionally, the Applicant's experts shall testify as to the anticipated content of the LED display screen and whether this feature is expected to serve as a billboard advertising off-site services or businesses, which is prohibited by the Plan.
- **Parking:**
 - The applicant proposes to an interim use gravel surface parking lot on site for a period of three (3) years. Should the interim use be granted, the site would exceed the maximum parking ratio permitted under the plan, which is 0.9 spaces per 1000sf of gfa. Given the interim nature of the lot, staff finds the variance negligible as full parking demand and will be considered under future phases of the development as full-site build out necessitates

permanent parking. Should the applicant need to extend the three (3) year interim period, staff recommends they appear before the Board under an extension of the interim use.

▪ **Bicycle Parking**

- Proposed bicycle storage configuration provides cover in the event of inclement weather, where it would be expected demand for storage and bicycle use in general would be lowered. Indoor bike parking could become difficult to manage given the programming of the facility and the transient nature of visitors to the site, therefore the proposed covered condition marries the needs of demand with efficiency in operation and ease of access by the general public while still meeting the intent of the LDO bike parking requirements.

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 or 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. The interim use period for the gravel parking lot is applicable for a three (3) years from the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy. Should the Applicant seek to continue the interim use, they must appear before the Board for an extension of the use.

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