

**City Planning Commission Meeting
Tuesday, August 25, 2015**

**CPC Deadline: 10/09/15
CC Deadline: 11/10/15
Council District: C - Ramsey**

STAFF REPORT

To: City Planning Commission

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Zoning Docket: 072/15

Date: August 26, 2015

I. GENERAL INFORMATION

Applicant: Royal Cosmopolitan LLC

Request: This is a request for a conditional use and an appeal of the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD), Article 18, Section 18.66 of the Comprehensive Zoning Ordinance, to permit a hotel and multiple-family residence which exceeds the maximum permitted height in the CBD-3 Central Business District.

Location: The petitioned property is located on Square 66, Lot X or 26, in the Second Municipal District, bounded by Royal, Canal, Bourbon, and Iberville Streets. The municipal addresses are 121-125 Royal Street. The site is located within the Canal Street Local Historic District. (PD 1A)

Description: This report considers a proposal for a hotel/multi-family residential development on an interior lot, Lot 26, with frontage on Royal Street between Iberville and Canal Streets.¹ The lot is located within a CBD-3 Central Business District as well as a Central Business District Height and Floor Area Ratio Interim Zoning District (IZD). Though the site is located at the edge of the historic Vieux Carré, it is assigned to the Canal Street Local Historic District. Lot 26 is an irregularly shaped rectangle and measures approximately 44.33 feet along its frontage on Royal Street. It has a depth of 127.84 feet along its Canal Street side, and a depth of 116.68 feet along its Iberville Street side. A smaller parallelogram protrudes from the rear of the lot giving it an irregular shape. This portion of the lot measures approximately 38.84 feet in width and 40.83 feet in depth. The lot has a total area of approximately 6,938 square feet.

¹ The applicant has made similar requests for this location. A conditional use was granted in 2005 and an amendment to this conditional use was granted in 2006. The applicant was to submit site plans for final approval and recordation or request an administrative extension by April 13, 2009, but did not meet this deadline. The applicant reapplied for a reaffirmation of the conditional use ordinance in 2010, but withdrew the application prior to being heard by the City Council. See Zoning Dockets 110/09, 061/06, and 059/05.

The site is the former Cosmopolitan and Astor Hotels and is currently developed with two (2) historic structures which have been vacant for several years. The primary structure, which fronts Royal Street, is a three-bay, five-story historic masonry structure. The second structure, located in the rear parallelogram portion of the lot, is a smaller three-story masonry structure which the applicant intends to demolish.² The original Cosmopolitan Hotel, built in 1892, contained 125 rooms and also had a façade on Bourbon Street which was demolished to accommodate the expansion of Woolworth's during the 1950s.



Photographs of the petitioned property: the former Cosmopolitan Hotel in 1894 (left), the later Astor Hotel in the 1940s (center), and the site in its current condition (right).

The applicant is proposing a hotel/condominium mixed-use development. The redevelopment project would include the restoration of the historic five-story structure at the front of the site as well as the construction of a tower addition at the rear of the site which would bring the overall height to approximately 26 stories and 268 feet. The development would contain between 15 and 20 condominium units, and the total number of units, including hotel rooms and condominiums, would not exceed 162 units.³ The applicant intends to restore 24 guest rooms within the historic five-story structure. The development would also include an atrium addition that would connect the tower addition to the original historic structure. The atrium addition would measure roughly the same height as the existing main structure and would serve as the connection to the tower

² A second back addition onto the main structure was demolished in 2007. See Permit No. 07COM01125.

³ The floor plans submitted do not distinguish between units which would be used as condominiums and units which would be used as hotel rooms.

addition. The ground and second floor of the historic structure would contain a lobby, cocktail lounge, restaurant, and reception and clerical offices. The two lowest floors of the new tower addition would house additional restaurant seating, but the majority of the space would consist of back of house spaces to serve both buildings. The remaining floors in the tower addition would include only guest rooms or condominiums. The 26th floor of the tower would hold a common exercise area and a pool deck. The site would provide no off-street parking or loading. The building would have a total floor area of approximately 105,445 square feet.

A multiple-family residence, or condominium, is a permitted use within the CBD-3 District. The hotel component of the proposal, however, necessitates the granting of a conditional use by the City Council since a hotel is a conditional use within the CBD-3 Central Business District. The site is also located within a Central Business District Height and Floor Area Ratio Interim Zoning District (IZD). According to the IZD map, the petitioned site is located within the height designation “D” which sets the maximum allowable height in the area to 70 feet.⁴ The proposed tower addition, with a height of 268 feet, would necessitate a waiver 198 feet of the Central Business District Height and Floor Area Ratio Interim Zoning District’s height limit.

Why is City Planning Commission action required?

In accordance with **Article 16, Section 16.6.4 –Procedures for Conditional Use Permits** of the Comprehensive Zoning Ordinance, the City Planning Commission is required to make a recommendation on all conditional use applications prior to City Council action. Per **Article 6, Section 6.4.5 – Conditional Uses** of the Comprehensive Zoning Ordinance hotels are conditional uses within the CBD-3 Central Business District.

Article 18, Section 18.66 – Central Business District Height and Floor Area Ratio Interim Zoning District of the Comprehensive Zoning Ordinance requires all appeals of the regulations of the interim zoning district be acted upon in accordance with the provisions of **Article 16, Section 16.4.5(3) – Appeals**. For any appeal to be decided by the City Council, the City Planning Commission shall make a recommendation to the City Council in the manner provided in **Article 16, Section 16.9.5 – Review and Recommendation by City Planning Commission**. The City Council shall consider the appeal in accordance with the procedure provided in **Article 16, Section 16.9.6 – Review and Decision by City Council**.

⁴ The IZD height map is located within the attachments of this report.

II. ANALYSIS

A. What is the zoning of the surrounding areas? What is the existing land use and how are the surrounding areas used?

The petitioned site is located within a CBD-3 Central Business District at the periphery of the French Quarter. The CBD-3 District covers most of the Canal Street properties in the CBD and French Quarter. It is allotted to all squares bounded by Canal Street at the edge of the French Quarter from North Peters Street to Crozat Street. The CBD-3 District designation is also assigned to most lots with frontage on the upriver side of Canal Street from Tchoupitoulas Street to Roosevelt Way. The purpose of the district is to preserve and enhance this section of Canal Street, which is one of the oldest commercial centers of the city, to maintain the scale and height of existing development, to preserve and enhance the pedestrian environment, to foster a sense of historic continuity, to control traffic generation, and to protect the adjacent Vieux Carré from tall buildings on its boundaries.

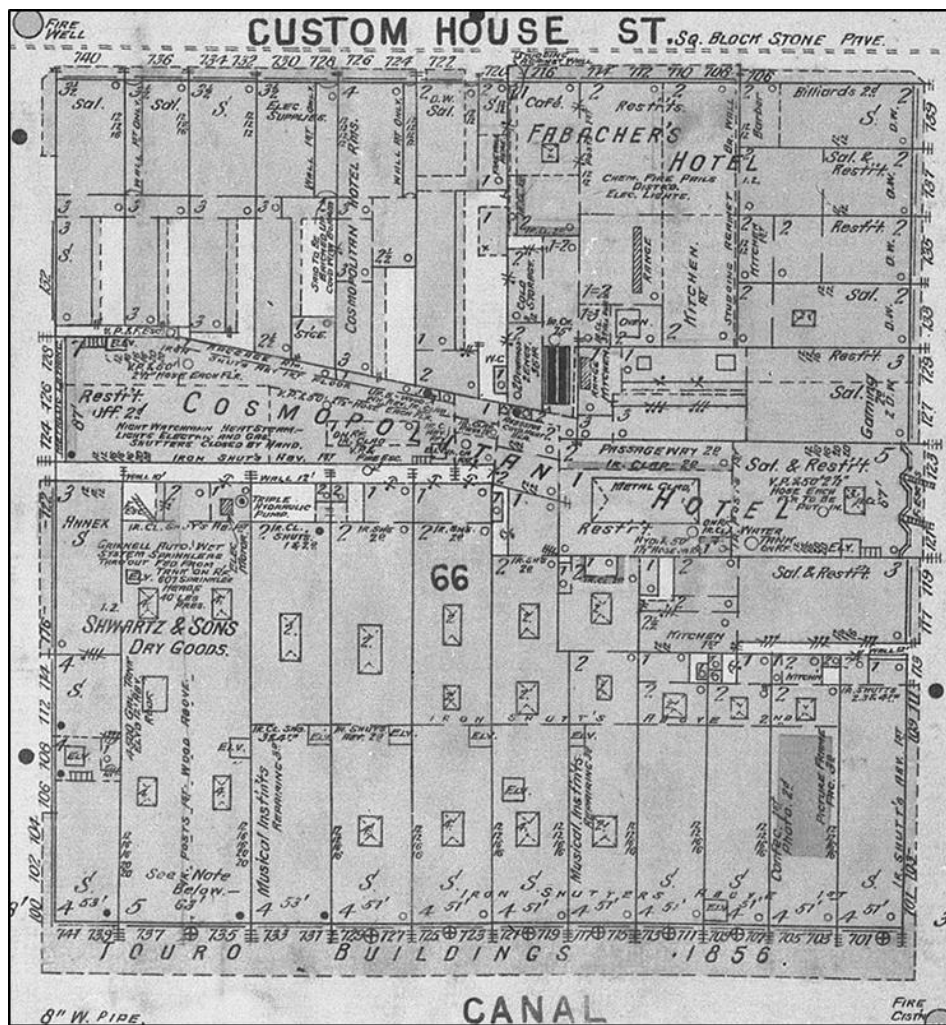
Canal Street, one of the city's most important thoroughfares, was once situated at the edge of the Town of New Orleans and was originally conceived as a canal connecting Lake Pontchartrain to the Mississippi River, though this infrastructure project was ultimately never completed. After the United States took possession of Louisiana in 1803, and as the footprint of the City of New Orleans expanded with increasing suburbanization, Canal Street began to serve as an unofficial border between the American segment of the Faubourg Saint Marie neighborhood and the Creole segment of the Vieux Carré. It soon developed into the primary commercial corridor of the region and has maintained this function to the present day. Today it is also a center of tourism-related activity.

Much of the development within this portion of the Canal Street corridor dates to the mid to late 19th century, and is characterized by four (4) to six (6) story masonry or masonry-clad steel frame construction. The façades of the 19th century structures were highly ornate in style including Italianate details such as ornamental terracotta, decorative cornices, cast iron columns and iron galleries, among other architectural features. Many of these



Examples of the highly decorative 19th commercial structures on the 600 block of Canal Street.

features, however, were either removed or were altered over time. Historic buildings still remaining are built on generally narrow lots and constructed lot line to lot line, such as the subject property, creating a dense street wall which promotes pedestrian traffic. An exception is the wide four-story U.S. Custom House building, built in 1881, at the corner of Decatur and Canal Streets. This structure is still used for institutional purposes but also houses the Audubon Insectarium. Historic Sanborn maps from 1896 give evidence to the dense commercial development pattern within the area. Today, the area exhibits a similar land use pattern. Most of the surrounding buildings include ground floor retail uses or tourism-related uses, such as pharmacies, gift and antique shops, restaurants, and banks. Upper floors of the surrounding historic buildings are used for both commercial, such as hotel, and residential purposes.



Historic Sanborn maps from 1896 show the former footprint of the Cosmopolitan Hotel which fronted both Bourbon and Royal Streets. The map also shows the highly commercial nature of the subject square which still is evidenced today, though the current commercial land uses in the area are more tourism-oriented.

Development in the area transformed in the 20th century as technological advances allowed for taller construction and as the “City-Beautiful” and modernist movements were embraced. The early 20th century saw the demolition of some older structures and their replacement with much taller office and civic buildings, the predecessors of the modern skyscraper, in several parts of the CBD. An example along Canal Street is the 14-story baroque-styled Maison Blanche building built in 1908. This building currently houses a large hotel use. Later, in the 1970s and 1980s some city squares were entirely cleared to make way for the development of high-rise towers which soar above their smaller historic neighbors. Several high-rise office buildings were constructed in the CBD along Poydras Street at the height of the oil boom of the 1970s and early 1980s. During the same period several high-rise hotels sprang up near the lower section of Canal Street. Examples near the subject site include the Canal Place complex, which is a large 32-story development containing a shopping mall, office tower, and hotel; the Marriott Hotel, a 42-story structure constructed in the early 1970s; and the Sheraton Hotel, a 48-story structure completed in 1982. These hotel developments are massive in scale and are developed upon the majority of their squares. The Marriot Hotel, like the subject property, is zoned CBD-3 District. The Marriot development also includes a large ground floor parking garage entered by way of Chartres Street. The other two developments are overlaid with a CBPCD Central Business District Planned Community District. The Sheraton Hotel is zoned CBD-1 District while Canal Place is zoned CBD-2 District.

The various CBD Districts have use and development standards that vary somewhat based on the characteristics of different portions of the CBD neighborhoods, but for the most part they are oriented towards promoting development consistent with the character of those different portions of the CBD, including taller, intense office development along the Poydras Street corridor, hotel and entertainment venues along Convention Center Boulevard, and smaller-scale, lower-intensity commercial and residential uses in more



Views along Canal Street looking lakeward from Royal Street demonstrate the predominant historic development pattern of the area, consisting of 4- to 6-story building heights.

historic portions of the Central Business District, such as the area around Lafayette Square. The subject site is located at the very edge of the CBD Districts. Adjacent are the various Vieux Carré Districts that extend through the Vieux Carré downriver to Esplanade Avenue. The zoning districts along the edge of the Vieux Carré generally promote entertainment and other commercial uses, and are located along North Rampart Street and along the riverfront, as well as within those interior corridors such as Bourbon and Decatur Streets which experience the most tourist traffic. The zoning districts within the interior and downriver areas are more residential in character, and are residentially zoned.

B. What is the zoning and land use history of the site?

Zoning: 1929 – K Industrial District
1953 – K Central Business District
1976 – CBD-3 – Central Business District

Land Use: 1929 – Commercial
1949 – Commercial
1999 – Commercial

C. Have there been any recent zoning changes or conditional uses in the immediate area? If so, do these changes indicate any particular pattern or trend?

In the past five years, there have been the following requests for zoning actions (including applications for zoning changes, conditional uses, and planned development districts) for properties located within a 1,750 foot (approximately five blocks) radius of the subject site:

Zoning Docket 071/15 is a request for an Amendment to Ordinance No. 18,815 M.C.S. (Zoning Docket 033/98, which granted a Conditional Use to permit the expansion of an existing timeshare building in a CBD-4 Central Business District) to clarify the scope of the existing timeshare units and to add language preventing the development of additional timeshare units within the building. The municipal address is 307 Tchoupitoulas Street. This application is scheduled to be heard at the August 25, 2015 City Planning Commission Meeting. This site is located within five (5) blocks of the subject site.

Zoning Docket 057/15 was a request for a conditional use to permit a cocktail lounge in a CBD-1 Central Business District. The municipal address is 330 Carondelet Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located within four (4) blocks of the subject site.

Zoning Docket 035/15 was a request for an expansion of an existing hotel in a VCC-2 Vieux Carré Commercial District. The municipal addresses are 200-214 Royal Street.

The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located within one (1) block of the subject site.

Zoning Docket 020/15 was a request by City Council Motion No. M-15-22 for a conditional use to permit a hotel and parking garage in a CBD-3 Central Business District with waivers of the applicable height and floor area ratio requirements of the Central Business District Height and Floor Area Ratio Interim Zoning District. The municipal addresses are 103-11 Tchoupitoulas Street and 408-422 Canal Street. The City Planning Commission recommended denial of the request, and the application was subsequently withdrawn. This site is located within three (3) blocks of the subject site.

Zoning Docket 001/15 was a request for a zoning change from a VCR-1 Vieux Carré Residential District to a VCC-1 Vieux Carré Commercial District. The municipal addresses are 917-923 Conti Street. The City Planning Commission recommended denial of the request. The applicant withdrew the application prior to being heard by the City Council. This site is located within five (5) blocks of the subject site.

Zoning Docket 115/14 was a request for a conditional use to permit a hotel in a VCS-1 Vieux Carré Service District. The municipal address is 111 Iberville Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located within four (4) blocks of the subject site.

Zoning Docket 063/14 was a request for a conditional use to permit a retail store selling alcoholic beverages for off-premises consumption in a CBD-1 Central Business District. The municipal addresses are 127-129 Carondelet Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located approximately two (2) blocks from the subject site.

Zoning Docket 023/14 was a request for a conditional use to permit the sale of alcoholic beverages for off-premises consumption in a retail establishment with a floor area of less than 25,000 square feet in a CBD-3 Central Business District. The municipal addresses are 801-807 Canal Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located approximately one (1) block from the subject site.

Zoning Docket 013/14 was a request for a conditional use to permit a cocktail lounge in a CBD-1 Central Business District. The municipal address is 330 Carondelet Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located approximately four (4) blocks from the subject site.

Zoning Docket 121/13 was a request for a Conditional Use to permit a supper club in a

VCE-1 Vieux Carré Entertainment District. The municipal addresses are 233-235 North Peters Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located approximately four (4) blocks from the subject site.

Zoning Docket 066/13 was a request to amend Conditional Use Ordinance 11,115 M.C. S. (ZD 112-85), which permitted a radio antennae and tower, to permit a non-accessory parking garage in a CBD-1 Central Business District. The municipal addresses are 939 Iberville Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located approximately four (4) blocks from the subject site.

Zoning Docket 043/13 was a request to consider the rescission of Conditional Use Ordinances 12,730 MCS, 13,727 MCS and 15,198 MCS, which permit a non-accessory parking garage in a VCC-2 Vieux Carré Commercial District. The municipal address is 919 Gravier Street and 225 Baronne Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located approximately three (3) blocks from the subject site.

Zoning Docket 123/12 was request for an amendment to Ordinance No. 15,423 MCS, as amended by Ordinance No. 17,700 MCS, which permitted the expansion of an existing nightclub in a VCE-1 Vieux Carré Entertainment District, to permit the expansion of an existing nightclub into a ground floor retail space. The municipal addresses are 227-229 Decatur Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located approximately three (3) blocks from the subject site.

Zoning Docket 089/12 was a request for the rescission of Ordinance No. 20,606 MCS (ZD 3/00, a conditional use to permit a parking garage) and a new conditional use to permit a non-accessory parking lot in a CBD-1 Central Business District. The municipal addresses are 150 and 162 South Rampart Street and 1015 Tulane Avenue. The City Planning Commission vote resulted in a recommendation of no legal majority. The application was subsequently approved by the City Council. This site is located approximately five (5) blocks from the subject site.

Zoning Docket 026/12 was a request for a conditional use to permit a fast food restaurant in a CBD-1 Central Business District. The municipal address is 132 Carondelet Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This site is located approximately two (2) blocks from the subject site.

Zoning Docket 073/11 was a request by City Council Motion No. M-11-256 for a conditional use to permit increases in height and floor area ratio and a non-accessory parking garage in a CBD-3 Central Business District. The municipal address is 1031

Canal Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This property is located approximately three (3) blocks from the subject site.

Zoning Docket 048/11 was a request for a conditional use to permit an amusement place in a CBD-3 Central Business District. The municipal address is 109 Tchoupitoulas Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This property is located approximately four (4) blocks from the subject site.

Zoning Docket 114/10 was is a request for a Conditional Use to permit increases in height and floor area ratio, and a non-accessory parking garage, in a CBD-3 Central Business District. The municipal address is 1031 Canal Street. It was recommended for denial by the City Planning Commission and subsequently withdrawn prior to City Council action. This property is located approximately three (3) blocks from the subject site.

Zoning Docket 050/10 was a request for an Amendment to a Conditional Use Ordinance No. 17,572 MCS (ZD 16/96) to permit a hotel in an existing building in a CBD-3 Central Business District. The municipal address is 931 Canal Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. This property is located approximately two (2) blocks from the subject site.

These recent zoning actions reflect the diversity of uses within the downtown zoning districts, including residential, commercial, and tourism-related uses. Also, the extensive number of zoning applications in the past five years may be indicative of increased market interest in the downtown area and a resurgence of economic activity in the CBD. Several applications approved included the amending or rescission of previous conditional use ordinances in order to expand commercial use activity. There were also several requests for conditional uses to permit the development of hotels (ZD 050/10, ZD 115/14, and ZD 020/15); however, only those requests which entailed the development of a hotel within an existing building envelope were approved. Zoning Docket 020/15, similar to the subject request, was a proposal to develop a 250 foot tall hotel structure in a CBD-3 District. This application was recommended for denial by the City Planning Commission based on it being incompatible with the height and massing of surrounding buildings and out of scale for the historic Canal Street corridor. The application was subsequently withdrawn prior to being heard by the City Council.

In addition to the above land use requests, there have been the following recent appeals of the Central Business District Height and Floor Area Ratio Interim Zoning District:⁵

⁵ These include recent appeals (2014 to present) since the adoption of the CBD Height and FAR IZD. These requests also may exceed the 5 block radius from the petitioned site.

Zoning Docket 068/15 was a request for a CBPCD Central Business Planned Community District and an appeal of Article 18, Section 18.66 of the Comprehensive Zoning Ordinance, the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD), to permit the construction of a mixed-use development (multiple-family residence and restaurant) which exceeds the maximum permitted height in a CBD-9 Central Business District. The appeal requested a waiver of the six-story and 75 foot height limit within the first 20 feet of a front property line to allow a ten-story, 125 foot tall structure. The municipal address is 1035 Tchoupitoulas Street. The City Planning Commission recommended denial of the request. The request has not yet been heard by the City Council.

Design Review 064/15 was an appeal of the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD), Article 18, Section 18.66 of the Comprehensive Zoning Ordinance, to permit the construction of a hotel in a CBD-1 Central Business District. The appeal requested a waiver of the ten-story and 125 foot height limit to allow a fourteen-story, 148 foot tall structure. The municipal addresses are 536-550 Baronne Street. The City Planning Commission recommended denial of the request. The request has not yet been heard by the City Council.

Zoning Docket 020/15 was a request by City Council Motion No. M-15-22 for a conditional use to permit a hotel and parking garage in a CBD-3 Central Business District with waivers of the applicable height and floor area ratio requirements of the Central Business District Height and Floor Area Ratio Interim Zoning District. The appeal requested a waiver of the 70 foot height limit to allow a twenty-story, 250 foot tall structure. The municipal addresses are 103-11 Tchoupitoulas Street and 408-422 Canal Street. The City Planning Commission recommended denial of the request, and the application was subsequently withdrawn.

Design Review 166/14 was an appeal of the Central Business District Height and Floor Area Ratio Interim Zoning District to permit the conversion of an existing hotel into eighteen (18) condominiums with retail at the ground floor in a CBD-7 Central Business District. The appeal requested a waiver of the five-story and 65 foot height limit to allow a six-story, 65 foot tall structure. The municipal addresses are 749-51 St. Charles Avenue. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council.

Design Review 149/14 was an appeal of the Central Business District Height and Floor Area Interim Zoning District to permit the construction of a multiple-family residence in a CBD-8 Central Business District. The appeal requested a waiver of the five-story and 65 foot height limit to allow a six-story, 65 foot tall structure. The municipal address is 611 Commerce Street. The City Planning Commission recommended denial of the request, which was subsequently approved by the City Council.

Design Review 148/14 was an appeal of the Central Business District Height and Floor Area Ratio Interim Zoning District to permit the construction of a new hotel in a CBD-7 Central Business District. The appeal requested a waiver of the five-story and 65 foot height limit to allow an eight-story, 85 foot tall structure. The municipal address is 744 St. Charles Avenue. The City Planning Commission recommended denial of the request. The applicant withdrew the request prior to consideration by the City Council.

These recent appeal requests may indicate a pattern in regard to the accepted deviation from the CBD Height and FAR Interim Zoning District. Of the recent requests, approval was granted to those that sought to vary by one (1) floor level from the maximum floor limitations, but not to vary from the maximum allowable height in terms of feet. All recent requests to exceed the maximum allowable height standards of the IZD have been recommended for denial by the City Planning Commission. This pattern may emphasize the merit of the recently adopted Central Business District height standards.

D. What are the comments related to site and building design?

The applicant is proposing to develop a 162 room hotel, including 15 to 20 condominium units, and a restaurant/lounge in a CBD-3 Central Business District. The proposed hotel will be located within the first block of Royal Street in the Canal Street Local Historic District. Buildings within the area typically range in height from four (4) to six (6) stories, although there are a few existing hotels within the same and adjacent blocks that extend to a height of approximately 10 stories and above. Adjacent building designs reflect architectural styles from the mid-19th century to the present. Buildings are constructed from lot line to lot line with no setbacks, creating a continuous blockface.

The development proposal includes the restoration of the former Cosmopolitan and later Astor Hotel to include renovations to the ground floor to provide a lobby, cocktail lounge, and restaurant. The proposal also includes the construction of a new, 26-story (268 feet in height) hotel and condo tower located at the rear of the property. The penthouse will house an exercise room adjacent to the roof-top pool and deck on the 26th floor and penthouse units on floors 24 and 25. The two lowest floors of the new addition will house the majority of mechanical, electrical, and back of house spaces to serve both buildings. No conference or meeting rooms are proposed for the hotel.

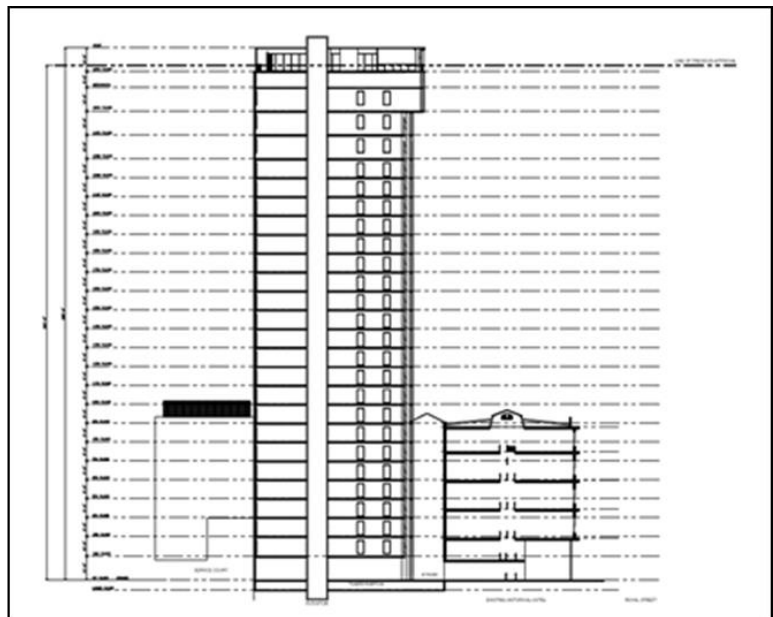
The existing Astor Building is a red/blue rated⁶ five (5) story, masonry building, and

³ According to the HDLC Architectural Significance rating system, a “red rated” building is considered an important building that has had much of its exterior architectural details removed or covered. However, because of its scale and basic construction, this buildings still makes a notable contribution to the overall character of the area. If this “red rated” building is properly restored or renovated, its architectural rating would automatically be raised to blue. As defined by the HDLC Architectural Significance rating system, a blue rated building is an outstanding example of works by notable architects or builders; unique or exceptionally fine examples of a particular style or period when original details remain...and noteworthy examples of construction techniques when the original fabric is basically intact.

three bays wide, featuring cast iron ornamentation on its facade. It was designed in 1892 by noted architect Thomas Sully and was originally known as the Cosmopolitan Hotel. Later, around 1925, it became the Astor Hotel, and the ghost sign on the side facade is still visible. Each bay features a three (3) side protruding bay window, composed of three 1/1 double hung windows surrounded by ornamentation and topped with a decorative cornice. Although the canopy has been removed and the ground floor altered, the upper stories of the building remain very much intact.

The proposed new tower addition would contain 26 stories, comprising a total height of 268 feet. The new tower features three bays on the Royal Street facade that mimics the rhythm of the existing Astor Building. Modifications to the exterior of the building will require the approval of the CBDHDL. Any encroachment into the public right-of-way, including a canopy, bay windows, or protruding signage, will require a lease agreement as per the requirements of the Department of Property Management. The following provisos are recommended if the request is approved:

- All changes to the exterior of the building and new construction shall require the approval of the CBD Historic District Landmarks Commission.
- The applicant shall secure the appropriate rights to utilize City property in connection with any and all encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records



The proposed tower addition to the former Cosmopolitan Hotel would increase the building height to 26 stories and 268 feet as seen in the rendering and section drawings above.

When considering the overall design of the proposal, the staff finds that the design lacks details which would allow it to complement the historic character of the district, especially on account of the proposed height which would be significantly taller than the majority of other structures within the district. Further, the excessive height of the new tower is not treated appropriately by mirroring the façade treatment of the historic structure below. The staff believes that a contrasting architectural treatment which is different from the repetitive bay façade could be more successful. The connections between vernacular elements, as in the penthouse portion of the tower, and its lack of reference or connection to the rest of the tower create a haphazard and ill-proportioned aesthetic. Finally, the plans as presented appear to alter the existing historic structure's façade by adding new triangular parapets above the existing bay windows, creating a stylistically disconnected and poorly dated look for the historic structure.

Comments from the HDLC Staff

The City Planning Commission received comments on the design of the proposal from the HDLC staff contained below.

The banal design of the side and rear elevations of the tower is highlighted by the decorative design of all sides of the penthouse. The extreme height of the tower and the low scale of the surrounding buildings make these elevations more visible than the decorative Royal Street elevation.

The distance between the street wall and the front facing wall of the tower makes this elevation more like the sides and rear and less like an extension of the front wall at the street edge. In regards to the decorative design of the Royal Street elevation, the replication of the bay form and decorative panels of the architecturally significant original building without the relief provided by horizontality of the decorative cornices exaggerates the verticality of the tower making it more of a caricature of the original building rather than a complimentary recreation. The extreme vertical proportions of tower are ill suited for a successful historicist design.

Historicist design motifs such as the separation of the upper floors from the tower section below to create a decorative top requires that elements in the middle portion, such as the bay windows, are terminated and resolved below this junction. Running these elements up to the cornice makes the top portion appear ill-fitting either appearing recessed as shown in the side elevations or overhanging as shown in the section.

Minimum Building Setback

The tower proposal would not comply with **Article 6, Section 6.4.7** of the CZO, which requires a minimum twenty foot interior lot building setback from the lowest residential level with windows, and would require a waiver. This section also requires a minimum twenty foot rear building setback at the lowest residential floor, which would also have to be waived if this proposal is approved.

- The developer shall revise the plans comply with **Article 6, Section 6.4.7** of the Comprehensive Zoning Ordinance to provide a rear building setback at the lowest residential floor of twenty (20) feet and an interior lot building setback from the lowest residential level with windows.

Building Height

The petitioned property is within the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD), contained in **Article 18, Section 18.66** of the Comprehensive Zoning Ordinance. The petitioned property has an overall height limit of seventy (70) feet. As a part of the conditional use, the applicant is appealing the height limitations to allow for a total height of two hundred sixty eight (268) feet. There is no floor area ratio (FAR) limit for this site. The property's FAR is controlled indirectly through the limits on height.

As the height limit is imposed by the Central Business District Height and Floor Area Ratio Interim Zoning District, appeals for waivers of that height limit must be considered in the manner required by that IZD. Appeals of this IZD are to be considered by the City Planning Commission, which makes a recommendation to the City Council, which determines whether to grant the appeal, in accordance with **Article 16, Section 16.4.5** of the Comprehensive Zoning Ordinance⁷. The City Planning Commission, in making its recommendation, and the City Council, in rendering its decision, are to apply the following three (3) standards:

Standard A: Would the granting of the waiver be consistent or inconsistent with the general intent of the Central Business District Height and Floor Area Ratio Interim Zoning District?

The granting of a waiver of the Central Business District Height and Floor Area Ratio Interim Zoning District's 70' height limit would be *inconsistent* with the general intent of the Interim Zoning District. As stated in **Article 18, Section 18.66.1** of the

⁷ The IZD height limits have been fully incorporated, as written, into the text of the new CZO, effective August 12, 2015.

Comprehensive Zoning Ordinance, the purpose of the Interim Zoning District is as follows:

“The purpose of the Central Business District Height and Floor Area Interim Zoning District (IZD) is to institute a clear set of building height and floor area ratio (FAR) requirements that respect the character and scale of historic downtown neighborhoods and encourage taller development where appropriate within the Central Business District.”

The applicant is proposing a development which greatly exceeds the permitted height of the IZD. This excessively tall structure would undermine the intent of the IZD, which seeks to concentrate tall buildings in certain parts of the Central Business District (including the Poydras Street corridor, the area surrounding the Mercedes-Benz Superdome and Smoothie King Center, and much of the area between the Mississippi River and Convention Center Boulevard). In contrast with the height allowed in those areas, The IZD intends for other areas (including the portion of the CBD near which borders the French Quarter in which the site is located) to have lower-rise structures which are closer in scale with and more complementary to those areas’ historic building stocks. The reasoning behind requiring building heights to step down to a maximum of 70’ in this block of the district is intended to create a reasonable stepdown from the taller buildings along Canal Street to the lower historic structures in the French Quarter. The area surrounding the site is characterized by historic four-to six-story masonry buildings with some taller structures located along Canal Street. The staff believes that the IZD standards are appropriate to ensure the overall intent of limiting building height at the site in the surrounding area to lower-rise structures that are compatible in scale with the area’s historic building stock. An exemption from these standards will result in development that is inconsistent with the historic character of the area and which would diminish that character of the area while also setting a precedent for other potential developments inconsistent with the intent of the IZD.

Standard B: Would the granting of the waiver adversely affect the harmony and compatibility with adjacent land uses?

Given that a mixed-use development, with a hotel, restaurant and condos, is permitted conditionally in the CBD-3 District, this development should not have inappropriate impacts on adjacent properties, as long as the project complies with the development standards of the Comprehensive Zoning Ordinance and conditions placed on the use through this process. However, as proposed, the development requires an appeal of the design standards set forth in the Central Business District Height and Floor Area Ratio Interim Zoning District because it exceeds the maximum height by one hundred ninety eight (198) feet.

The area surrounding the development is characterized by historic four to six-story masonry buildings with some taller structures located Canal Street. The proposed

development's height is inconsistent with the purpose of the IZD which is intended to respect the character and scale of surrounding development; therefore, the proposal cannot be considered harmonious or compatible with the adjacent land uses.



Rendering showing height relationship with view from Canal Street.

Standard C: Are there special conditions and circumstances which are peculiar to the land, structures, or buildings and which are not applicable to other land, structures, or buildings in the interim zoning district?

No, there are no special circumstances that are peculiar to the property and which are not applicable to other properties in the IZD that would justify a waiver of the IZD's height requirement. There is nothing inherent to this particular property which prevents a new structure or structures which comply with the 70' height limit from being developed at the property. The request for a waiver simply results from the developer's desire to not comply with the height limit rather than any special conditions relative to the property which prevent compliance with the height limit.

This analysis shows that the IZD appeal aspect of this development proposal, which is requested to allow the proposed building height, does not fulfil any of the standards for

waivers in **Article 16, Section 16.4.5** of the Comprehensive Zoning Ordinance and should therefore be denied.

Open Space Ratio

An open space ratio of 0.07 is required for development within the CBD-3 District. The applicant is proposing an approximately 1,200 square foot rooftop patio/pool area on the new tower which qualifies toward the required open space. However, **Article 15, Section 15.5.7** of the CZO, states that not more than twenty (20%) percent of the required open space shall be at a level greater than 120 feet above grade level. The open space requirement, based on the lot size of 6,938 square feet, is 486 square feet. Only twenty percent of this requirement, or 97 square feet, can be allotted to the rooftop pool deck. Therefore, the applicant will require a waiver of 389 square feet of the required open space or 0.056 of the open space ratio. Due to the excessive height above the requirement for open space, the staff finds that the provided space does not provide for the level of open space intended in the ordinance and recommends denial of the waiver.

Parking and Loading

Parking and loading requirements are explained in Section E of this report.

Signage

No proposed signage has been submitted as part of this development request, though the submitted renderings show an attached sign which would be painted on the Iberville side wall of the building. All signage should be in compliance with the CBD-3 signage regulations and will require the approval of the CBDHDL.

- All signage shall be in compliance with the CBD-3 **Central Business** District signage regulations and shall require the approval of the CBD Historic District Landmarks Commission.

Landscaping

The applicant has not submitted a landscape plan. However, plans imply that since the applicant intends to build on over 100% of the site, the existing street condition shall remain. The staff believes that the proposed development may call for additional landscaping at the street level. Should the application be recommended for approval, it should be subject to the following proviso:

- The applicants shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect indicating the following, subject to the review and approval of the staff of the Department of Parks and Parkways:

- a) The genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the site and the street rights-of-way adjacent to the site, with applicable remarks and details;
- b) The presence of street trees through the planting of new trees at a maximum interval of thirty (30) feet within the Tchoupitoulas Street right-of-way.

Trash storage and litter abatement

The applicant has not provided information on how trash will be transported from the proposed hotel. As referenced above, there are mentions of a service alley that could be used for trash removal. Should the application be recommended for approval, it should be subject to the following provisos:

- All dumpster areas shall be screened from view from the public rights-of-way with an opaque fence and/or masonry wall that is no less than six (6) feet tall, subject to the review and approval of the City Planning Commission and Historic District Landmarks Commission staff.
- The dumpster area shall have sufficient access to allow the free movement of receptacles without the disruption to nearby property owners or damage to nearby structures.

Furthermore, to manage litter and trash that may accumulate on and around the development, and to ensure the site is properly maintained, the staff recommends that the applicant submit the litter abatement letter prior to the finalization of the request, should it be approved.

- The applicant shall provide to the City Planning Commission staff a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.

An alley at the rear of the building is indicated on the plans presented and could potentially be used for the removal of trash from the rear of the building. If this alley is privately owned and the applicant intends to use it for trash removal and loading, they will need to provide evidence that this servitude is legally accessible for this purpose, as it appears to be used primarily for the adjacent hotel and restaurant.

- The developer shall provide evidence of a servitude or other agreement providing for legal access for the purpose of trash removal from the subject property via

Iberville Street if the applicant intends to use the service alley.

Lighting

The plans do not indicate the presence of exterior lighting at the site. Should exterior light standards be installed, they should be limited in height and positioned around the site in a manner that ensures they do not shine excessively on surrounding properties.

- The site plan shall be revised to include the locations, height, and details of all light standards, subject to the approval of the staff of the City Planning Commission. Light standards shall be limited in height to twenty-five (25) feet and shall not be directed toward any residential use.

E. What is the potential traffic impact? What are the off-street parking and off-street loading requirements? Can the required number of off-street parking spaces be provided on site, or would a waiver be required?

Traffic

The subject site fronts Royal Street at the edge of the French Quarter between Canal and Iberville Streets. The French Quarter traffic system is arranged in a grid pattern with boundaries established by Canal, North Rampart, and Decatur Streets, which are considered major streets. The inner network is made up of intersecting minor one-way streets alternating in opposite directions, carrying traffic within and outside the French Quarter. Canal Street, a multi-modal thoroughfare, is composed of six vehicular lanes and two designated streetcar lanes within its neutral ground. Canal Street also contains two curbside parking lanes in each direction, and a relatively wide sidewalk area for pedestrians. The street acts as boundary between the Central Business District and the Vieux Carré, and because of its high concentration of commercial and tourism-related land uses it experiences heavy volumes of traffic, especially during weekends and events. Royal and Iberville Streets are much narrower one-way streets; Royal Street runs in the upriver direction while Iberville Street intersects in the river-bound direction. To measure any potential increase in traffic, the developer commissioned a traffic impact analysis. This traffic impact analysis was prepared by ITS Regional LLC, a civil engineering firm which provides traffic, transportation, and infrastructure design services, and is dated April, 2015. In preparing the traffic impact analysis, the consultant performed manual traffic counts at four intersections near the site (Canal Street at Royal Street/St. Charles Avenue, Canal Street at Bourbon Street/Carondelet Street, Iberville Street at Royal Street, and Iberville Street at Bourbon Street), as well as the median U-turn located on Canal Street between Chartres and Royal Streets.⁸ The traffic impact analysis projected that the hotel development would contribute approximately 85 net new

⁸ The U-turn was selected as it allows eastbound traffic on Canal to access Bourbon and Iberville Streets near the subject site.

morning peak-hour trips and 100 net new evening peak-hour trips. It concluded that the intersections considered in the study are expected to operate within acceptable level-of-service thresholds, that there would be no significant increase in delay at the study intersections, and that the existing roadway network is expected to adequately accommodate the development and natural growth of the area. The staff sent the traffic impact analysis to the Department of Public Works for review and comment. The Department of Public works generally agreed with the report's findings concerning the network's ability to accommodate traffic generated by the proposed use.

The staff is concerned that the traffic impact analysis focuses primarily on levels of service at intersections but does not address traffic conditions adjacent to the site between intersections. More specifically, the analysis does not wholly examine the proposed functioning of curbside space within the right-of-way with the development of the 164 unit hotel/condominium.⁹ The portions of Royal Street and Iberville Street near the subject square contain no curbside space for on-street parking. Any available curbside spaces are all designated with other functions. The upriver curbside of Iberville Street is mostly designated as freight zones, with the exception of three driveways leading to off-street parking and off-street loading garages. The riverside of Royal Street on the subject block contains a cab stand and passenger zones allotted to the hotel use across the street from the subject property, and a freight zone nearest the street's intersection with Canal Street. The lakeside stretch of the street, adjacent to the subject property, is designated as a fire lane which prohibits stopping at any time. Therefore, drop-off and pick-up areas for the proposed use would need to occur within the existing on-street passenger zone designated in front of the existing hotel use across the street, and not adjacent to the subject property. The traffic impact analysis notes that a valet drop-off from a nearby parking garage would be located on Royal Street, but does not mention where this curbside valet could be located.

Taxi cabs and tour buses also compete for curbside space. In order to preserve curbside space, the operator of the proposed hotel/condominium should arrange for taxis from existing taxi stands at nearby hotels to pick up passengers within the passenger zone described above. To alleviate the concern for tour buses with this project, the applicant should coordinate with tour bus operators to have hotel patrons picked up and delivered to other nearby hotels that tour buses presently service. Under no circumstances should large tour buses report to the Royal Street entrance of the hotel. If approved, the staff recommends the following provisos related to passenger pick-ups and drop-offs:

- A shared passenger zone between the existing hotel on the 100 block of Royal Street and the proposed hotel shall be established along the riverside of Royal Street, subject to the approval of the Department of Public Works, indicated by letter or stamp of approval on final development plans.

⁹ The Department of Public Works did not provide comments related to the use of curbside space.

- No additional taxi cab stands beyond those that currently exist shall be permitted along Bourbon, Iberville, Royal, or Canal Streets bounding the city square in which the hotel is proposed.
- Tour bus access to the hotel site shall not be provided via Bourbon, Iberville, or Royal Streets.

Parking and Loading

Per **Article 15, Section 15.2.7(2) – Off-Street Parking (CBD-3 District)** off-street parking is neither required nor is it permitted. The applicant does not intend to provide parking on-site. Therefore, a waiver would not be necessary. However, the submitted traffic impact analysis report notes that off-site parking would be available to hotel and condominium occupants at the Dickie Brennan’s Steakhouse parking garage on the 700 block of Iberville Street around the corner from the subject property. The report also notes that tenants would be able to use a valet drop off site to and from the garage via a location on Royal Street, though the exact location is not specified.

Per **Article 15, Section 15.3.2 (Table 15.G) – Off-Street Loading (CBD-3 District)** an apartment building or hotel between 100,000 and 200,000 is required to provide two (2) off-street loading spaces. The plans submitted do not indicate the provision of off-street loading on site, nor does the traffic impact analysis address the subject. Thus, the following proviso would be necessary:

- In accordance with **Article 15, Section 15.3.2 (Table 15.G) – Off-Street Loading** of the Comprehensive Zoning Ordinance, the applicant shall provide two (2) off-street loading spaces.

The survey submitted with the application, dated from the year 2000, indicates a shared service alley at the rear of the lot, presumably accessed by way of Bourbon Street. It is not certain whether or not this service ally remains accessible. As mentioned previously, the curbside area directly adjacent to the subject property is designated as a fire lane the entire length of the block. There is currently a freight zone designation along the curb across the street from the subject property which appears to be used by the retail store at the corner of Royal and Canal Streets. The hotel/condominium could potentially share this curbside freight zone for the loading and unloading activities of the proposed use. However, the staff believes coordination and adherence to a loading and unloading schedule would be necessary in order to mitigate any potential traffic impacts. If approved, the staff recommends the following provisos related to the loading/unloading activities of the proposed hotel use:

- The applicant shall submit an operation plan for the loading and unloading activities, including potential valet services, of the proposed use and other uses within the vicinity which may share designated curbside loading space.

All such plans are subject to the review and approval of the Department of Public Works.

F. Are there any comments from other agencies, departments or committees?

Historic District Landmarks Commission Staff

The proposal has been reviewed at the staff level by the Historic District Landmarks Commission. Comments made by the Executive Director of the Historic District Landmarks Commission are included in Section D of this report on page 14.

Planning Advisory Committee

The request was considered by the Planning Advisory Committee at its meeting on August 5, 2015. One member of the public, Meg Lousteau of the Vieux Carré Property Owners, Residents, & Associates, was in attendance and spoke in opposition to the excessive height of the proposed addition. She also noted that there was concern from the public regarding the impact of the development on the surrounding infrastructure. The representative of the Historic District Landmarks Commission (HDLC) commented that the applicant has not yet submitted an application to the HDLC which would be required since the site is located within the Canal Street Local Historic District. The representative of the Department of Property Management, Division of Real Estate and Records noted that a lease of a servitude agreement would be needed for the existing bay windows which currently project into the Royal Street right-of-way. The representative from the Department of Parks and Parkways commented that a schematic for the proposal notes trees, but the application does not include a landscape plan. A representative from the Vieux Carré Commission was not in attendance, and therefore did not submit comments. The Committee passed a motion of no objection to the request subject to further review by the City Planning Commission, the HDLC, and the Department of Parks and Parkways.

G. What effects or impacts would the planned development district have on adjacent properties?

The staff believes the development of the proposed hotel, which would greatly exceed the height and bulk allowances of its zoning district, would have a negative impact on adjacent land uses. Furthermore, the proposed design of the structure would substantially alter the character of this portion of the French Quarter which is essentially the entrance to the historic Vieux Carré.

The purpose and intent of the CBD-3 District is “**to preserve and enhance** that portion of Canal Street lying within the Central Business District by requiring retail consumer and service establishments on the lower floors as a condition for new development, **to maintain the scale and height of existing development**, to preserve and enhance the

pedestrian environment, **to foster a sense of historic continuity**, to control traffic generation and **to protect the adjacent Vieux Carré from tall buildings on its boundaries** and from excessive concentrations of vehicles, activities and noise.” This zoning district was intentionally applied to those properties with frontage on Canal Street, as well as those located within squares that are bounded by Canal Street, because of the unique architectural pattern and historical legacy which these properties and squares embody. The height and bulk limitations applied to this zoning district are geared toward the preservation of the historic architecture and urban form which gives this area its unique identity, and the conditions attached to approved conditional uses requests within this district should be established relative to the purpose of protecting and enhancing the pedestrian environment of the downtown and French Quarter areas.

The proposal fails to meet all of the objectives in bold above. The staff does not believe the proposed development would “preserve and enhance” this portion of Canal Street because it would be substantially different in height and bulk from the majority of properties within the area, and would in no way compliment the historic building stock of the corridor.

Both the 85 foot height limit of the CBD-3 District and the current overlaid 70 foot height limit of the Central Business District Height and Floor Area Ratio Interim Zoning District were established to reflect the predominant development patterns within each of the distinct areas of the CBD in order to encourage complimentary development. The request for variance of 198 feet of the 70 foot standard to construct the proposed tower addition would certainly not “maintain the scale and height” of existing buildings within the historic Canal Street corridor. The only buildings along Canal Street this development would be comparable to would be more recent developments such as the Canal Place complex, the Sheraton, and the Marriott Hotels, which are noteworthy for being out-of-scale with the remainder of Canal Street, so much so that the current height limit was presumably created at least in part in reaction to those structures. The staff does not consider the fact that there are a few outliers within the area as a valid justification for the requested variance. These other developments were constructed several years ago when there were very different standards for development, and prior to the City’s adoption of the Master Plan. Granting this particular variance would set a precedent for similarly tall development and undermine the years of study and public vetting that went into the establishment of the CBD Height and FAR IZD standards as well as the standards for CBD zoning districts within the newly adopted Comprehensive Zoning Ordinance.

As demonstrated in the height analyses submitted by the applicant, the tower addition would be highly visible from most orientations.¹⁰ Also, because the proposed building height would vary by almost 200 feet from the majority of other building heights in the area, the staff does not believe any amount of setback of the tower from the front

¹⁰ See the height analyses within the attachments of this report.

property line would mitigate such an impact.

As explained in a previous section of this report, an analysis of the surrounding area reveals that the character and scale of the district is that of a dense historic commercial corridor comprised predominantly of four (4) to six (6) story masonry or masonry-clad structures with distinctive and stylized façade treatments. The CBD, and the Canal Street corridor in particular, boasts some of the city's most renown buildings designed by notable American architects of the 19th and 20th centuries. The subject property in particular was designed by a notable local architect, Thomas Sully. The staff believes the proposed tower lacks an ingenuity of design which characterizes most of the significant architectural works in the CBD and French Quarter. There are very weak transitions between vernaculars within the proposed tower. The façade contains no logical sequencing between different façade types (i.e., the penthouse of the tower and the middle point of the tower). The proportions also seem unintentional and read haphazardly. As such, the staff believes the proposal would not “foster a sense of historic continuity” as intended by the CBD-3 District.

Finally, approval of the proposed development would certainly not “protect the adjacent Vieux Carré from tall buildings on its boundaries” as it would place a significantly tall addition to a structure at the boundary of the Vieux Carré. Currently, the majority of buildings within the first squares of the French Quarter, bounded by Canal Street, are four (4) to six (6) stories in height, though there are a few outliers as mentioned before such as the Maison Blanche and the Monteleone and Astor Hotels which are in the range of ten (10) to fifteen (15) stories. The height of buildings gradually decreases upon entering the interior of the Vieux Carré where buildings are typically one (1) to three (3) stories in height. Allowing building heights to increase, but not to exceed 70 feet, nearer to Canal Street ensures compatibility with the smaller buildings in the neighborhood. A height limit of the 70 feet for properties along the Canal Street corridor is appropriate in that it is a slight variance of three (3) to (4) stories from the smaller historic structures, but not overwhelmingly altering. This associated bulk, when applied to commercial uses, also lends itself to intensity levels that would not overwhelm adjacent residential uses, of which there are many within the Vieux Carré. Furthermore, four (4) to six (6) story buildings would not have major impacts in regard to the supply of light and air on surrounding lower properties. As the proposed development, if constructed, would profoundly deviate from this established norm, the staff believes both the intensity of the use and the scale of the structure would have an injurious impact on adjacent properties along Canal Street and within the Vieux Carré.

As demonstrated above, the proposal is fundamentally inconsistent with the role and purpose of the CBD-3 District and would permanently transform the historic character of the surrounding area to its detriment. Not only would the building's height and mass change the quality and appearance of the area, it would also alter the views from surrounding properties, cast greater shadows, and result in a greater degrees of loading activity than would be expected if the site were redeveloped in a manner consistent with

the CBD-3 District and the 70 foot height limit. Due to this proposal's inconsistency with the purpose of the CBD-3 District and the associated impacts on surrounding properties, the proposal should be denied.

III. Is the proposed action supported by or in conflict with the policies and strategies of the *Plan for the 21st Century: New Orleans 2030*?

Article V, Chapter 4, Section 5-404 of the Home Rule Charter of the City of New Orleans requires all land use actions to be consistent with the Master Plan. A land use action is consistent with the Master Plan if it furthers, or at least does not interfere with, the goals, policies, and guidelines in Chapter 14, Land Use Plan of the Master Plan and is compatible with the uses, densities, and intensities of the designation of its site on the future land use map.

Chapter 14 of the Master Plan designates the future land use of the petitioned site as *Mixed-Use Downtown*. The goal, range of uses, and development character for this designation is copied below:

MIXED-USE DOWNTOWN

Goal: Support and encourage a vibrant, 24-hour live-work-play environment in the Central Business District, and provide areas to support a high density office corridor.

Range of Uses: High density office, multifamily residential, hotel, government, institutional entertainment and retail uses. No new heavy or light industrial uses allowed.

Development Character: The scale of new development will vary depending on location within the CBD and will be determined by appropriate height and massing, particularly near historic districts.

The proposal is consistent with the range of uses that the Master Plan envisions within this area. However, the request to exceed the height limit of the Central Business District Height and Floor Area Ratio IZD is **not consistent** with the development character envisioned within this area which is located at the edge of the CBD and along the border of the Vieux Carré. Although the Master Plan does not provide specific height limits for sites within the CBD, the Master Plan does support the adoption of clear and predictable height limits which are “sensitive to the scale of the neighborhood” to which they are designated. The Master Plan also promotes a place-based approach for development, “the right form in the right place.”¹¹

¹¹ Plan for the 21st Century: New Orleans 2030, Adopted August 2010 [As Amended through 2012], Volume 2, Chapter 14, page 30

The proposed tower addition to the existing historic five-story hotel building would dramatically exceed the 70 foot height limit of its base zoning district, and would tower over nearby historic structures which give Canal Street and the Vieux Carré their distinctive character. Therefore, the proposal cannot be said to be appropriate in height for its location. The standards of the Central Business District Height and Floor Area Ratio IZD, when adopted with Zoning Docket 120-14, were deemed consistent with the Master Plan. They are also the same standards as those recently codified with the adoption of the new Comprehensive Zoning Ordinance, effective August 12, 2015. A variance of 198 feet to allow a 268 foot structure is not sensitive to the scale of the Canal Street corridor and cannot be deemed appropriate.

In addition to not being consistent with the Chapter 14 of the Master Plan, the staff believes the proposal is also inconsistent with other aspects of the Master Plan such as its historic preservation objectives of Chapter 6. The Master Plan notes the high importance of historic preservation to the city, noting that the city's identity and reputation is strongly linked to its rich heritage, including its architectural heritage. In addition to being important individually for their particular architectural and historic characteristics, historic structures collectively create environments that appeal to residents of all walks of life and enhance the city's livability and global attractiveness. Protecting historic assets, including buildings, development patterns, and neighborhoods, is critical to New Orleans' economic success in the 21st century. The proposed tower addition would significantly alter the common development form of the perimeter squares of the French Quarter and would therefore be inconsistent with the Master Plan's goals of preserving the city's character-giving historic assets.

IV. SUMMARY

Zoning Docket 072/15 is a request for a conditional use to permit a mixed-use (hotel and condominium) development in a CBD-3 Central Business District located at the edge of the French Quarter. The proposal calls for the restoration of an existing historic five-story structure at the front of the site, the former Cosmopolitan Hotel on Royal Street, as well as a tower addition at the rear of the site which would bring the overall height of the development to approximately 26 stories and 268 feet. The 105,445 square foot development would contain between 15 and 20 condominium units, and the remaining units would be used as hotel rooms, not exceeding 162 units in total. The proposal would also necessitate a waiver of **Article 18, Section 18.66** of the Comprehensive Zoning Ordinance, the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD), to permit the proposed tower addition which would exceed the maximum allowable height of the district by 198 feet.

The staff is not specifically opposed to the incorporation of a hotel use within this site.

However, the staff is opposed to the intensity of the proposed development as it relates to the proposed bulk, height, and design of the tower addition. The staff believes the proposal is inherently inconsistent with the purpose and intent of the underlying CBD-3 zoning district, as well as inconsistent with the future land use and historic preservation components of the Master Plan. The development as proposed would be substantially different in height from the majority of properties within the area, and would in no way compliment the historic building stock of the corridor. The development fails to meet the objectives of the CBD-3 zoning district: it would not “preserve and enhance” the historic district in which it is situated, nor would it “maintain the scale and height” of existing buildings within the Canal Street corridor, or “protect the adjacent Vieux Carré from tall buildings on its boundaries.”

The proposed tower is excessive, out-of-scale, and fundamentally incompatible with its surroundings. The development, if approved, would substantially alter and diminish the character of this portion of the French Quarter, the entrance to the historic Vieux Carré. There is nothing inherent to this particular property which prevents the applicant from redeveloping the site to comply with the 70 foot height limit. Although there are examples of a few tower hotels within the district, these hotels are exceptions to the norm, built in the 1970s and 80s, and do not reflect the current context in which the goals of the Master Plan were established.

The development proposal is inconsistent with the site’s *Mixed-Use Downtown* future land use designation, which requires new development to be sensitive and appropriate when situated near or within historic districts. The proposal is also not consistent with the Master Plan’s historic preservation chapter, which emphasizes the importance of historic structures in giving the city its character and unique identity. Finally, granting the extreme height waiver requested to allow this excessively tall structure would not be consistent with the Master Plan’s goal of having predictable zoning regulations that encourage “the right form in the right place.” The height variance, if granted, would set a precedent for similarly tall development and undermine the years of study and public vetting that went into the establishment of the CBD Height and FAR IZD standards as well as the standards for CBD zoning districts within the newly adopted Comprehensive Zoning Ordinance. The proposed development, while appropriate for other nearby locations in the Central Business District where such heights are permitted, is certainly not the right form for this location. For these reasons, the staff does not support the request.

V. PRELIMINARY STAFF RECOMMENDATION¹²

The staff recommends **denial** of Zoning Docket 072/15.

¹² Subject to modification by the City Planning Commission

VI. REASONS FOR RECOMMENDATION

1. The proposed tower is excessive, out-of-scale, and fundamentally incompatible with its surroundings. The site is located in a portion of Canal Street where building height is limited to 70 feet in order to ensure that new construction respects the scale and character of this historic commercial corridor comprised predominantly of four (4) to six (6) story buildings. The proposed 268 foot tall structure would be a significant deviation from the neighborhood norm and would not serve to enhance or protect the oldest district in the city.
2. The waiver of the Central Business District Height and Floor Area Ratio Interim Zoning District's height limit cannot be justified. The request does not fulfill any of the three (3) standards for waivers of Interim Zoning Districts, as contained in **Article 16, Section 16.4.5 of the Comprehensive Zoning Ordinance**. The proposal is inconsistent with the general intent of the IZD, and so the first standard is not met. The second standard is not met because the proposed structure would adversely affect surrounding historic structures and the historic character of the area as a whole due to its extreme height. The third standard is not met, as there are no special conditions related to the land which would prevent a developer from complying with the maximum allowable height standard.
3. The proposal is inconsistent with the Master Plan. The tower addition does not relate to the predominant development form of the area nor is it even at all sensitive to the architectural aesthetic of the Canal Street and Vieux Carré districts. As such, it cannot be deemed appropriate as outlined by its Mixed-Use Downtown future land use designation. The proposal is also not consistent with the Master Plan's historic preservation chapter, which emphasizes the importance of historic structures in giving the city its character and linking its identity with its cultural heritage.

VII. CITY PLANNING COMMISSION MEETING (August 25, 2015)

The Senior City Planner summarized the request, stating the staff's recommendation of denial.

Nine people spoke in favor of the request. Five people spoke in opposition. The speakers at the public hearing are listed on the attached public hearing speaker sheet.

Commissioner Marshall made a motion for denial as recommended by the staff. The motion was seconded by Commissioner Brown and adopted.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 072/15 IS HEREBY RECOMMENDED FOR **DENIAL**. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

YEAS: Allen, Brown, Bryan, Marshall, Mora, Steeg, Wedberg

NAYS: Duplessis, Mitchell

ABSENT: None

VIII. REASONS FOR RECOMMENDATION:

1. Commissioners in support of the staff's recommendation for denial felt that it was important to uphold the vision of the community as represented through the goals and guidelines of the Master Plan, as well as the standards of the new Comprehensive Zoning Ordinance which entailed extensive community input. However, some Commissioners noted that a discussion of height in CBD Districts is worth considering and revising within the Master Plan. Commissioner Marshall noted that over six billion dollars have been invested into downtown properties, including new construction and historic renovations, but the majority of this development has been within the bounds of the zoning ordinance. He noted that of the few variances granted, each were in the range of an extra floor to twenty feet. Some Commissioners felt that approval of such a significant variance of height would be egregious and unconscionable, and that economic feasibility is not a compelling reason for justification of the variance.