

Importance of Location

- Geographically located between Canal Place and the VA Development Site.
- Saenger & Joy Theatre both currently being renovated.
- Parking needed to support the Theatre District and adjacent FQ.
- In addition to the Street Car line expansion on N. Rampart, this site has the potential to spur development along N. Rampart.
- Potential as retail anchor.
- Large Foot Print for retail.
- At Intersection of major streets.
- Corner lots are different than infill lots (center of block). Corner lots can handle more height and more of a concentration of uses (i.e., density).
- Corner lots have an ability to anchor two streets as opposed to fronting one street.
- Lack of residential within a 2 block radius.

Process

- Master Plan with force of law has been adopted but a Comprehensive Zoning Ordinance (CZO) is in place that does not reflect the intentions of the Master Plan.
- The **Master Plan** addresses uses allowed and **does not address the height of structures**. However, the current Comprehensive Zoning Ordinance (CZO) addresses height but does not correspond with the Master Plan. The current CZO has a mechanism that allows for height waivers under conditional use process. (See Section 6.4.7 “Height, Area and Bulk Requirements”)
- Consequently, 9 months ago my office brought all stakeholders together to outline a process on how to deal with this conditional use request for 1031 Canal Street.
- Entities involved/stakeholders: HDLC, CPC, VCC, VCPORA, FQC, DDD, FQBA, Mayor’s office of Economic Development, New Orleans Business Alliance, Mayor’s office Place-Based Development, Canal Street Development Corporation...to name a few.
- Public Meetings held through ARC, CBD HDLC, CPC and Meetings held by my office.
- Open and transparent process- many opportunities for people to weigh in.

CBDHDLC, CPC, and City Council Public Meetings Held

- 12/14/10- CPC public hearing (ZD 114/10)
- 3/15 - CBD HDLC ARC
- 4/19 - CBD HDLC ARC
- 5/17 - CBD HDLC ARC
- 5/25 - CBD HDLC ARC
- 6/1 - CBD HDLC Hearing
- 6/14 - HDLC ARC
- 7/13 - CBD HDLC Hearing (no action)
- 8/4- City Council- CBDHDLC appeal
- 8/9- CPC public hearing (ZD 73/11)
- 8/23- CPC public hearing (ZD 73/11)
- Today

Meetings held by my office (District C) with stakeholders (not all listed)

- 1/26/2011
- 1/26/2011
- 1/27/2011
- 1/31/2011
- 1/31/2011
- 2/18/2011
- 3/23/2011
- 5/3/2011
- 5/12/2011
- 5/31/2011
- 6/15/2011
- 6/20/2011
- 6/23/2011
- 7/11/2011
- 7/15/2011
- 7/15/2011
- 7/29/2011
- 8/25/2011
- 9/8/2011
- 9/19/2011
- 9/19/2011
- 9/19/2011
- 9/19/2011
- 9/20/2011
- 9/20/2011
- 9/21/2011

Master Plan and CZO

- Although 70 feet is permitted without City Planning Commission recommendation and City Council approval the CZO allows for a conditional use mechanism in order to permit increases in height and FAR.
- Density refers to the uses allowed. People think that is referring to height and FAR (floor-to-area ratio) but it is actually referring to the types of uses allowed. In the area of 1031 Canal, the Master Plan designates the site as part of the “Downtown Mixed Use” which uses are “high density office, multifamily residential, hotel, government, institutional entertainment and retail uses.” (Next slide is Part III on page 14 of the CP staff’s report which explains further.)

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*?

The proposal is **neither** supported by nor in conflict with the *Plan for the 21st Century*, commonly known as the Master Plan. “Chapter 14: Land Use Plan” of the Master Plan designates the future land use of the petitioned site as “Downtown Mixed Use.” The goal, range of uses, and development character for that designation are copied below:

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 proposed development would meet the goal and range of uses for the land use designation set forth in the plan. However, the existing zoning regulations already encourage development that would meet these goals, and the aspects of the proposal that triggered the conditional use request—height, floor area ratio, and off-street parking increases—were specifically reserved for analysis for appropriateness on a location-by-location basis, especially for sites within or near historic districts. Specific height limits were not presented in the plan, but it is important to note that the Loyola Avenue and Poydras Street corridors were consistently identified as the locations most appropriate for future “highest-density” development whereas the redevelopment of Canal Street was

Precedent

Existing heights of buildings on Canal St.:

- Ritz Carlton Hotel- 205 feet high
- Astor Hotel- 190 feet high
- Marriot Hotel, 555 Canal Street- 449 feet high
- One Canal Place- 440 feet high
- Sheraton Hotel- 478 feet high
- Tidewater Building- 289 feet high
- 1501 Canal Street- 207 feet high
- Grand Palace Hotel 203 feet high

Precedent continued...

History of conditional use height waivers along the Vieux Carré side of Canal Street in the CBD-3 zoning district (which is the same zoning district as 1031 Canal Street) granted by the City Council in recent years:

121-125 Royal Street at Royal and Canal, The Royal Cosmopolitan- 259 feet

- **2005 – Zoning Docket 59/05-** Height and FAR waiver approved by CPC and City Council (7-0 vote) per Ordinance 22,074 M.C.S. (by Clarkson)- to allow **173 feet height**.
- **2007- Zoning Docket 61/06-** Height and FAR waiver approved by CPC and City Council (7-0 vote) per Ordinance 22,572 M.C.S. (by Carter) to allow **259 feet height** and FAR of 13.5.

931 Canal Street, Audubon Hotel- 154 feet

- **2006- Zoning Docket 48/06 -** Height and FAR waiver approved by CPC and City Council to allow **154 feet**.

1201 Canal Street, Krauss building-

- **2005- Zoning Docket 16/05-** Height and FAR waiver approved by CPC and City Council to allow height waiver.

739 Canal Street, The Astor Crown Plaza- 190 feet

- **2000- Zoning Docket 39/00-** Height and FAR waiver approved by CPC and City Council to allow **190 feet**.

Precedent continued...

The following excerpt is taken directly from the City Planning Commission report for **Zoning Docket 61/06** height waiver request **at 121-25 Royal Street** to allow 259' (corner of Royal and Canal). VCPORA and FQC did not object to the previous height waiver request for 173 ft in 2005 (ZD 59/05) for this site and this is noted in the planning report:

“V. PUBLIC HEARING (December 12, 2006)...

Opponents

*Nathan Chapman, president of the Vieux Carre Property Owners, Residents and Associates, told the Commission **that his group didn't object to the earlier request for a 17-story hotel...*** (CPC Final Report ZD 61/06)

Precedent continued

- Unlike 931 Canal and 121 Royal, 1031 Canal Street is:
- located at two major intersections and
 - located on Canal Street which is the widest street in North America.
 - It is also the largest available footprint for redevelopment on Canal Street.
 - No residential in surrounding blocks.

Styles and History of Architecture on Canal Street

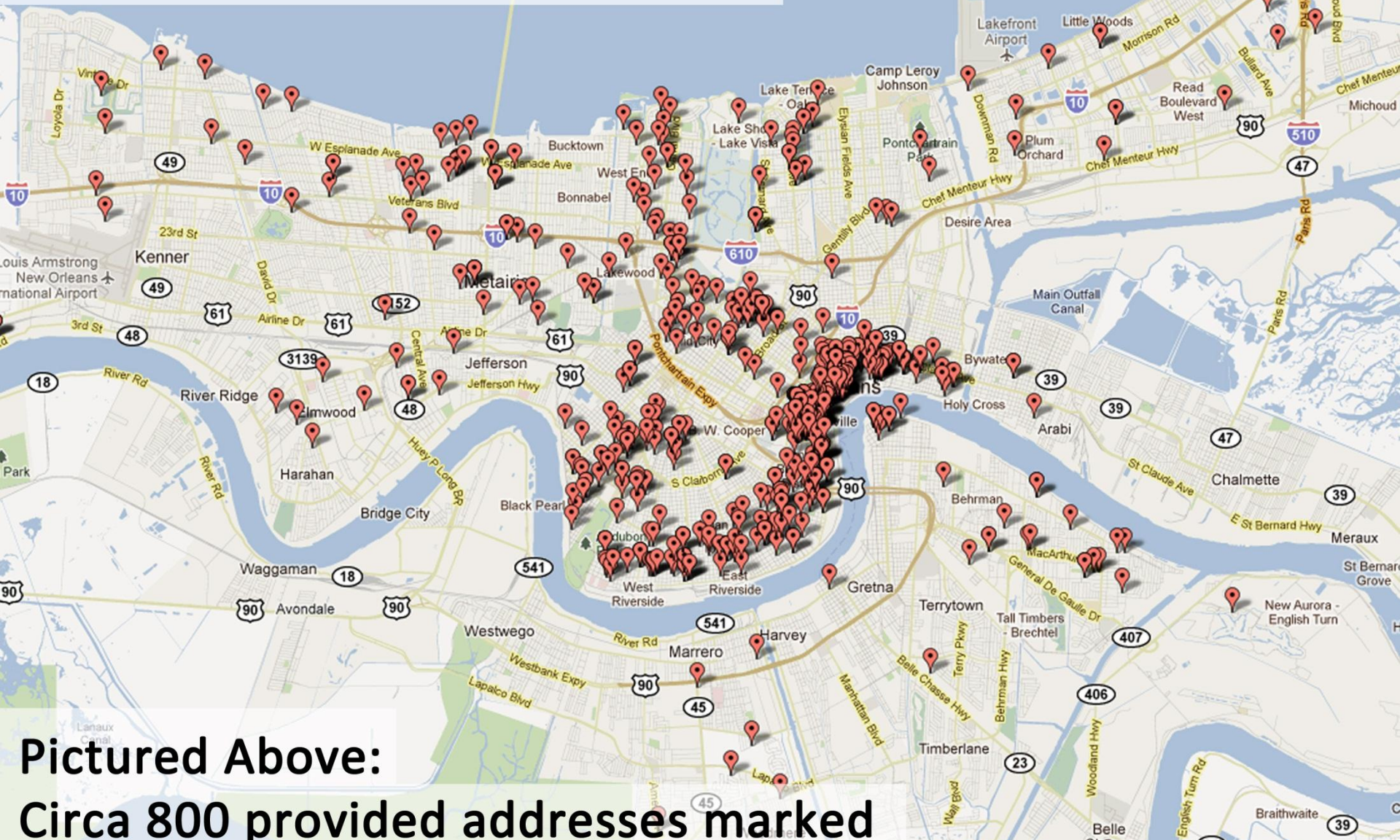
- Creole style.
- Greek and Egyptian revival styles
- Larger commercial structures
- Beaux Arts style
- Art Moderne
- Victorian Era structures.
- Modern Design in America.

Canal Street is indicative of the juxtaposition of variety of sizes, types, and styles. That is the richness of our city and our neighborhoods.

Maps- proponents and opponents

1031 Canal Support Letters

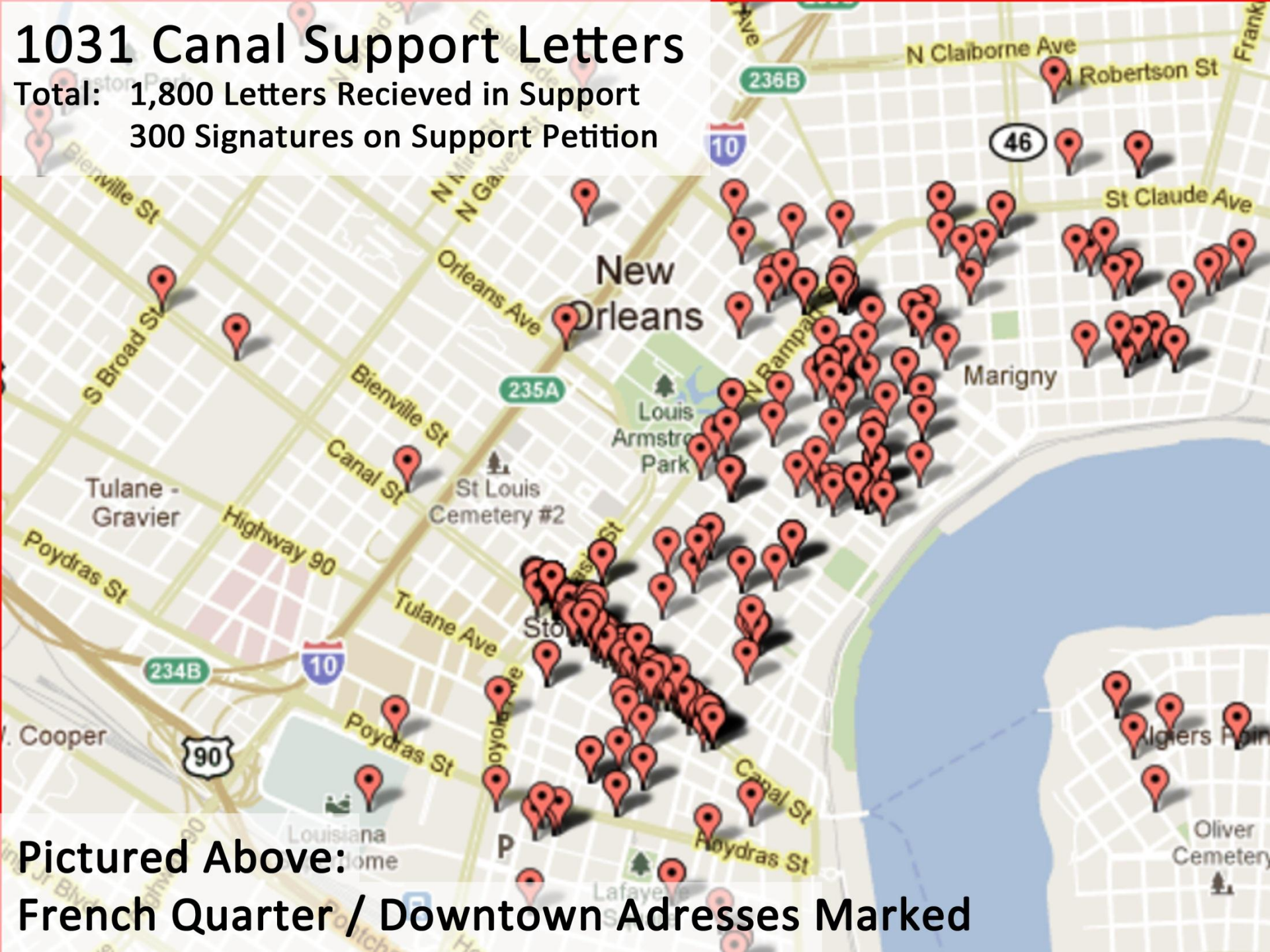
Total: 1,730 Letters Recieved in Support
300 Signatures on Support Petition



Pictured Above:
Circa 800 provided addresses marked

1031 Canal Support Letters

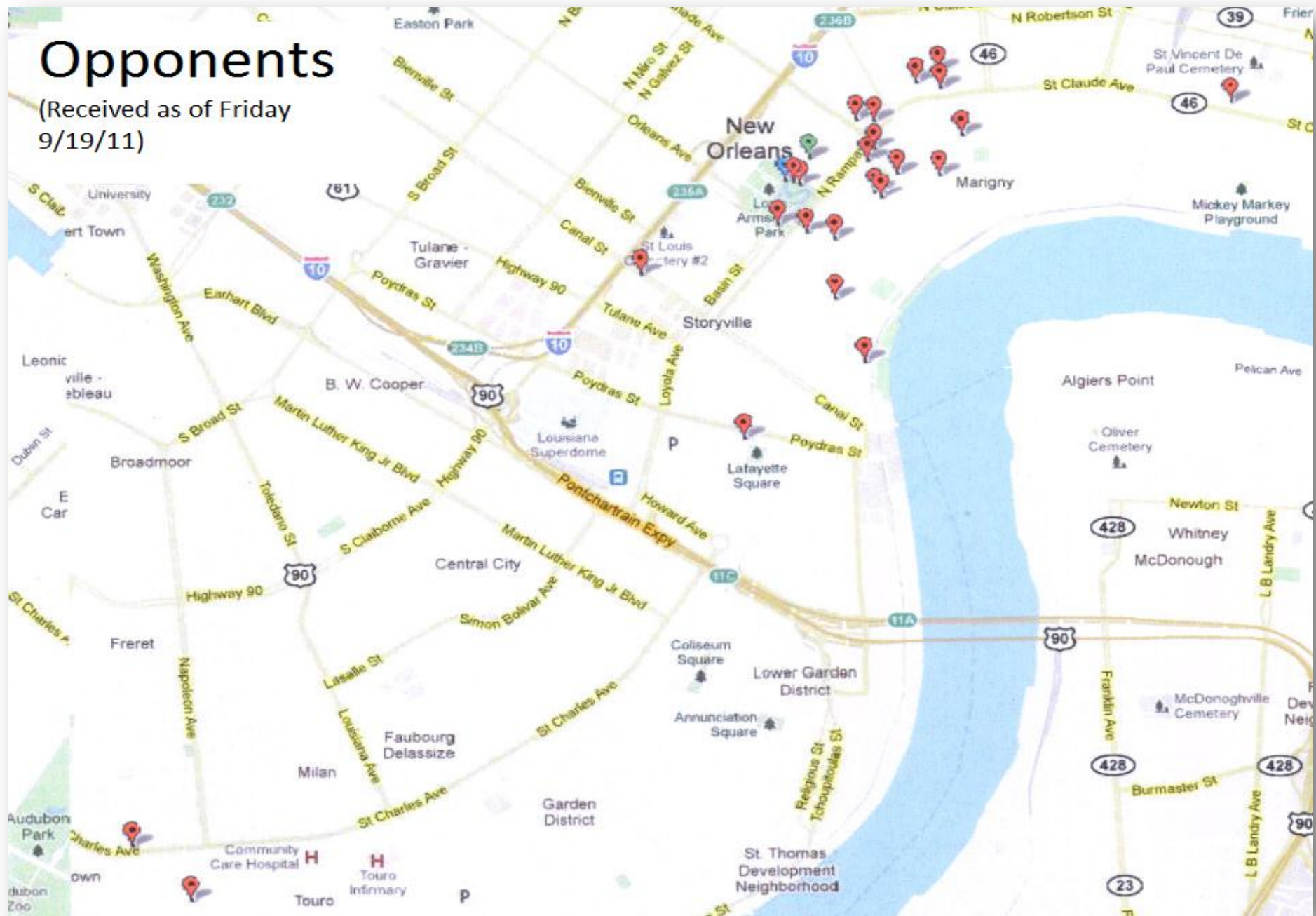
Total: 1,800 Letters Received in Support
300 Signatures on Support Petition



Pictured Above:
French Quarter / Downtown Addresses Marked

Opponents

(Received as of Friday 9/19/11)



Addressing concerns in provisos

Concern

- CPC approved an overall height of 190 feet.

Proviso/Waiver

- Compromise position is 70 feet maximum height on the Iberville side for a 30 foot setback and 147 feet maximum height on the Canal Street frontage for a 25 foot setback.

Addressing concerns in provisos

Concerns

- Height too tall for FQ (Iberville street side of building)
- 190 too tall for Canal

Provisos

- 70 ft height restriction on Iberville with a 30 ft setback for 70 ft height.
- Reduced to 147 in front on Canal St.

Addressing concerns in provisos

Concern

- Design out of character
- 120 ft height is recommended in draft CZO and economically feasible

Proviso

- Design and exterior materials shall be reviewed and approved by staff of HDLC.
- 120 is an arbitrary number and a generic financial assessment was made without considering specifics such as type of uses proposed.

Addressing concerns in provisos

Concern

- No commitment from retailer.

Proviso

- Provisos in place to accommodate and attract high end retail through minimum Floor to Floor height and floor area requirements.

Addressing concerns in provisos

Concern

- Project not sensitive to the city's civil rights history.

Proviso

- The applicant shall work with the African American Museum and/or the Civil Rights Museum in Birmingham, Alabama in order to request their guidance in creating an appropriate tribute to 1031 Canal's unique Civil Rights history as part of the development.

Addressing Concerns

- Concern that developer will flip property or never construct the project.
 - Conditional use and provisos are part of the land not the developer or property owner.
 - The CZO and draft CZO both have requirements for acting on the conditional use ordinance within a year and construction must begin within three years. (see the following two slides.)

Comprehensive Zoning Ordinance

- *16.9.11. Termination of Approval for Undeveloped Land.*
- 1.
- Termination for Failure to Commence Development.
- If substantial construction has not been commenced pursuant to an approved development plan, conditional use permit, or permit for transfer of development rights within three (3) years from the date of such approval by the City Council, and no request for extension is pending, the City Council shall authorize the City Planning Commission to recommend whether the approval should be terminated or extended. The applicant, the record property owner, and other interested parties shall be notified of a public hearing to be conducted by the Commission in accordance with [Section 16.9](#). Following the public hearing, the Commission shall deliver its recommendation to the City Council. The Commission in making its recommendation and the Council in rendering its decision whether to terminate or extend approval shall take into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension. Following termination of a concept plan associated with a planned development district, the City Council shall, by ordinance, rescind the ordinance establishing the planned development district.
- 2.
- Extension Procedures.
- Unless otherwise prohibited by law or this Ordinance, the Executive Director may extend the time for expiration of an approved development plan, or conditional use permit, or permit for the transfer of development rights, for a period not to exceed one (1) year upon a showing of good cause by the applicant, if request for extension is made in writing within the original period of validity. An extension for a period in excess of one (1) year shall be granted only by the original final decision-maker, but not for a period to exceed one (1) additional year. A determination by the final decision-maker on whether to extend such approval for a period exceeding one (1) year shall be made in accordance with procedures set forth in this Ordinance for the original approval for which extension is requested.

DRAFT CZO – 2011

Art. 4 Applications & Approvals

H. Expiration and Extension of Time

Termination of approval of a conditional use for failure to commence development or an extension of the time for performance of a conditional use is governed as follows:

1. Expiration

- a. For new construction, the conditional use approval will expire within three (3) years of the date of approval of a conditional use if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending.
- b. For conditional uses approved for existing structures or for a parcel of land where no structure is planned, if the structure or land remains vacant for a period of two (2) years, then the conditional use will expire.

2. Extension of Time

- a. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a conditional use approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension must be made in writing within the original period of validity. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.
- b. The holder of a conditional use may petition the City Council for a longer extension of time. A request for extension must be made in writing within the original period of validity. The City Council must hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3 (Notice). The applicant and the owner of record of the property must be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council must render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension.

I. Revocation of Conditional Use

A conditional use may be revoked by the City Council after finding that any one (1) of the following conditions exists or after the occurrence of any of the following events:

1. The operation of the use for which a conditional use has been approved ceases for a continuous period of six (6) months by discontinuation or abandonment.
2. The licenses or permits required for the operation or maintenance of the use are not obtained within six (6) months of approval of the conditional use or are subsequently terminated.
3. Any of the provisions of this Ordinance or any of the terms and conditions of the conditional use approval are violated.

The City Council must hold a public hearing to confirm that the above conditions or events have occurred. Notice for the public hearing is required in accordance with Section 3.3 (Notice). The applicant and the property owner of record must be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council will render its decision whether to terminate the conditional use approval.

Closing Statement