

ZD 73/11  
1031 Canal Street

*Waivers:*

1. The applicant shall be granted a waiver of **Article 6, Section 6.4.7 Height, Area and Bulk Requirements** of the Comprehensive Zoning Ordinance to permit an overall height of one hundred ninety (190) feet, except along the Iberville Street frontage which shall be a maximum height of seventy (70) feet along a thirty (30) foot setback, and along the Canal Street frontage the maximum height shall be one hundred forty-seven (147) feet along a twenty-five (25) foot setback.
2. The developer shall be granted a waiver of **Article 6, Section 6.4.7** of the Comprehensive Zoning Ordinance, which permits a maximum floor area ratio of 6.0, to permit a maximum floor area ratio of 14.4, subject to the approval of final design by the staff of the Historic District Landmark Commission (HDLC) and staff of the City Planning Commission (CPC).
3. The developer shall be granted a waiver of **Article 6, Section 6.4.7** of the Comprehensive Zoning Ordinance, which permits a minimum rear building and interior lot line setbacks of twenty (20) feet at the lowest residential level with windows, subject to the approval of final design by the staff of the Historic District Landmark Commission (HDLC) and staff of the City Planning Commission (CPC).
4. The applicant shall be granted a waiver of **Article 15, Section 15, Table 15.G Loading Requirements** of the Comprehensive Zoning Ordinance, which requires five (5) off-street loading spaces to be provided, to permit three (3) off-street loading spaces.
5. The applicant shall be granted a waiver of **Article 6, Section 6.4.10** which requires 40,532 square feet of retail to permit 28,116 square feet of retail on the ground floor.

*Provisos:*

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall submit an application to resubdivide all lots associate with the site into one lot of record prior to the finalization of the conditional use. Additionally, the subdivision shall be finalized prior to the issuance of certificate of use and occupancy by the Department of Safety and Permits.
3. The applicant shall secure a lease agreement with the Department of Property Management, Division of Real Estate and Records, for any encroachments into the public rights-of-way of Canal, Rampart, and/or Iberville Streets.

4. Review and approval of the final design plans and external building materials by the staff of the Historic District Landmark Commission is required prior to the developer's application for demolition and construction permits.
5. The applicant shall secure approval for all curb cuts from the Department of Public Works prior to final approval by the City Planning Commission staff.
6. The developer shall submit a revised building elevation which shows compliance with Section 706.6.1 of the International Building Code of 2009, for the required minimum rear building and interior lot line setbacks of the lowest residential level with windows.
7. The developer shall submit revised plans with a minimum open space ratio of 0.07 in compliance with **Article 6, Section 6.4.7** of the Comprehensive Zoning Ordinance.
8. All required open space located on a roof or deck shall be restricted to persons residing in the building and shall be directly accessible from a lobby or other public area served by the residential elevators.
9. The applicant should restore North Rampart Street sidewalks as per requirements of **Section 146-193** of the City Code. Street trees should be planted within the public right-of-way of Rampart Street subject to review and approval by the Department of Parks and Parkways.
10. All signage shall be in compliance with the CBD-3 Central Business District signage regulations and shall require the approval of the CBDHDLIC.
11. The applicant shall submit a Traffic Impact Analysis in compliance with **Article 6, Section 6.4.8** *Special Regulations* and **Article 6, Section 6.12** *Central Business District Traffic Impact Analysis*, subject to the review and approval of the Department of Public Works.
12. The applicant shall submit a revised site plan showing queuing space and traffic circulation for the parking garage, as well as a breakdown of parking spaces by use, subject to the review and approval of the staff of the City Planning Commission.
13. The applicant shall submit a revised site plan indicating the provision of three (3) loading spaces in accordance with **Article 15, Section 15.3.4** *Design Standards*.
14. The floor heights of the development shall include the following minimum standards according to the use of each floor:
  1. Retail –20 feet between floors (floor to floor height) on first floor.
  2. Retail –18 feet between floors (floor to floor height) for second and higher floors.

3. Parking level one – 8 feet 2 inches (This reflects the minimum height from the floor to the lowest ceiling structure, support beam, or overhead fixture, such as a conduit, pipeline, signage, lighting, or any other obstruction mounted on the ceiling as required by ADA guidelines.)
  4. All other Parking Levels – 7 feet 6 inches feet from floor to the lowest obstruction as required by International Building Code of 2009, Section 1208.2 (Interior Space Dimensions, Minimum Ceiling Heights).
  5. Residential – approximately 10 feet clear height in living areas.
15. The structure shall be able to accommodate at least 65,000 square feet of retail or 80,000 square feet of retail and restaurant space on the bottom floors of the building.
  16. The following primary uses shall be prohibited: t-shirt shops; fast food restaurants; check cashing establishments; sporting goods stores under 10,000 square feet; and electronic appliance stores under 5,000 square feet.
  17. The applicant should employ LEED or “Green” building practices, materials, and techniques where suitable.
  18. The applicant shall request the guidance of the African American Museum and/or the Civil Rights Museum in Birmingham, Alabama in order to create an appropriate tribute to 1031 Canal’s unique Civil Rights history as part of the development.