City Planning Commission Meeting
Tuesday, October 28, 2014

CPC Deadline: 12/12/14
CC Deadline: 01/13/15
City Council District: D – Brossett

PRELIMINARY STAFF REPORT

To: City Planning Commission
Zoning Docket: 096/14

Prepared by: Stephen Kroll
Date: October 21, 2014

I. GENERAL INFORMATION:

Applicant: Down By Law B & B, LLC

Request: This is a request for a zoning change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District and the rescission of Ordinance No. 19,536 MCS (Zoning Docket 104/99, which granted a conditional use to permit a community center).

Location: The petitioned property is located on Square 322, Lots 13 or 99 and 100, in the Second Municipal District, bounded by Saint Philip, North Dorgenois, Dumaine, and North Rocheblave Streets. The municipal address is 2552 Saint Philip Street. The site is within the Tremé Local Historic District. (PD 4)

Description: The property that is the subject of this application is a rectangular lot located at the intersection of Saint Philip Street and North Dorgenois Street in the Tremé neighborhood. It measures 59 feet, 7 inches in width along Saint Philip Street, 111 feet in depth, and 6,614 square feet in area. It is developed with the historic Police Jail and Patrol Station. The station, constructed in 1902-1903, is a masonry structure which incorporates elements of the Queen Anne and French Renaissance Revival styles. It originally functioned as a satellite facility to the House of Detention located at the intersection of Tulane and Broad Streets, which was constructed at the same time and has since been demolished. By 1951, the structure had been converted into a library. In 2000, it was granted a conditional use (Ordinance No. 19,536 MCS; Zoning Docket 104/99) to allow its use as a community center. The structure stood vacant for several years and was sold from the City to the applicant in early 2014.

The applicant proposes to use the site as a bed and breakfast accommodation containing nine guest rooms. As part of the conversion for this use, the structure is to undergo extensive interior renovations as well as exterior modifications including the installation of new dormers and a new roof. Once renovated, the structure's first floor is to contain six guest rooms, dining, kitchen, and common areas. The second floor is to contain three guest rooms and common space. The third floor is to contain the owners' living space. Of the structure's 7,218 square

feet of gross floor area, 3,032 square feet (42% of the total) is to be dedicated to bed and breakfast use. The structure has historically provided no off-street parking spaces and none are proposed for the proposed bed and breakfast accommodation.

In the Comprehensive Zoning Ordinance, the term "bed and breakfast accommodation" is an umbrella term that includes all kinds of bed and breakfast facilities. Individual bed and breakfast facilities are classified as one of several sub-types: bed and breakfast family home, bed and breakfast guest home, bed and breakfast historic homes, and bed and breakfast inns.

As that proposed bed and breakfast facility is to contain nine guest rooms, it could potentially be classified as either a bed and breakfast historic home[1] or a bed and breakfast inn[2]. Bed and breakfast historic homes are allowed as conditional uses (subject to supplementary use standards) in the RD-3 District that is currently applied to the site. They are allowed as permitted uses (subject to supplementary use standards) in the B-1A District that is proposed for the site. Bed and breakfast inns are not allowed as permitted or conditional uses in the RD-3 District. They are allowed as permitted uses (subject to supplementary use standards) in the B-1A District that is proposed for the site. As such, the zoning change would allow the applicant to convert the structure into a bed and breakfast by right, provided that it would meet all supplementary use standards and other requirements in the Comprehensive Zoning Ordinance, including those requirements in the applicable definitions of "bed and breakfast accommodation, "bed and breakfast historic home," and/or "bed and breakfast inn," etc.

Additionally, since the site is the subject of a conditional use ordinance that only allows it to be used as a community center, it will also be necessary to revoke that ordinance to allow it to be used as a bed and breakfast accommodation or for any other purpose.

Why is City Planning Commission action required?

The City Planning Commission is required to make a recommendation on all requests for zoning map amendments prior to City Council action, in accordance with **Article 16, Section 16.2.3.2** *Planning Commission Recommendation* of the Comprehensive Zoning Ordinance.

---

[1] A bed and breakfast historic home is defined by **Article 2, Section 2.2** of the Comprehensive Zoning Ordinance as "bed and breakfast accommodations with no less than three (3) and no more than nine (9) sleeping rooms subject to approval by the Historic District Landmarks Commission and subject to a current certificate of liability insurance posted on the premises. Historic home status will only be granted to structures that are at least 3,000 square feet in size, a minimum of fifty (50) years old, and capable of being architecturally rated as green, blue, or purple."

[2] A bed and breakfast inn is defined by **Article 2, Section 2.2** of the Comprehensive Zoning Ordinance as "bed and breakfast accommodations with a maximum of nine (9) sleeping rooms and subject to a current certificate of liability posted on the premises." By definition, they are allowed only in commercial zoning districts.

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 site is located within a large RD-3 Two-Family Residential District covering most of the residential interior of the portion of Tremé bounded by North Claiborne Avenue (to the river-side), North Broad Street (to the lake-side), Orleans Avenue (to the upriver-side), and Barracks Street and Bayou Road (to the downriver-side). This RD-3 District is characterized by uniformly-sized rectangular squares set into a grid network of streets. Individual squares are divided into rectangular lots that are generally consistent in size and which were mostly developed with in the late 19th century and early 20th century for residential use. Most structures are single- and two-family residences, predominantly shotgun structures, which are positioned at the front property lines or setback only slightly from them. Structures have relatively minimal side yards, typically three feet each, although there is some variation. Since buildings are typically positioned near their front and side property lines, off-street parking spaces are typically not provided. Off-street parking is typically limited to those structures that have unusually wide side yards and corner properties, which can provide off-street parking in their rear yards.

While the RD-3 District covers most of this interior residential portion of Tremé, the district is interrupted in some locations by spot-zoned districts, including multiple-family residential districts (such as an RM-2 Multiple-Family Residential District that includes two lots on North Dorgenois Street on the subject square), and commercial districts, such as B-1 and B-1A Neighborhood Business Districts, which are typically occupied by historic corner-commercial structures. The arterial streets bounding the neighborhood feature linear commercial or multiple-family residential zoning districts, including B-1 Districts extending along North Claiborne Avneue and North Broad Street, a series of small B-1 and B-1A Districts along Orleans Avenue, and an RM-2 District flanking Esplanade Avenue, the edge of which extends along Barracks Street. For the most part, those districts are occupied by historic structures used in accordance with their commercial or multiple-family residential zoning.

Focusing on the properties immediately surrounding the subject site, the property is mostly surrounded by historic single- and two-family residential structures as described above, including shotgun structures primarily, although there are a significant number of raised bungalows. These structures feature detailing in a variety of styles popular at their times of construction. While most of the surrounding residences date from the area's original time of development, there are a limited number of examples of infill residential construction. This includes a single-story residence located across Saint Philip Street from the site, which has a traditional design but unlike the area's older structures, it is setback significantly from the front property line to allow off-street parking to be provided, as well as the structure directly across North Dorgenois Street from the site, which is a single-family residence that is also traditional in design, with the general form

of a historic shotgun residence, which is positioned along the front and corner side property lines.

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

Zoning: 1929 – "B" Multiple-Family Residential District
1953 – "C" Multiple-Family Residential District
1970 – RD-3 Two-Family Residential District

Land Use:
1929 – Institutional
1949 – Institutional
1999 – Institutional

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 has been the following requests for zoning actions (including zoning changes, conditional use permits, and planned development districts) for properties located within an approximately five block radius of the petitioned site:

Zoning Docket 110/13 was a request for a zoning change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District. The municipal address is 2600 Ursulines Avenue. 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 101/13 was a request for a zoning change from an RD-3 Two Family Residential District to a C-1A General Commercial District and a conditional use to permit a mixed-use development over 10,000 square feet in floor area. The municipal address is 1010 North Galvez 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 087/13 was a request for a conditional use to permit a private club in a B-1 Neighborhood Business District. The municipal addresses are 722-24, 726, and 732-34 North Broad Street and 2644 and 2648 Saint Ann 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 076/12 was a request for a zoning change from an RD-3 Two-Family Residential District to an RM-2A Multi-Family Residential District. The municipal address is 2534 Saint Philip Street. The City Planning Commission recommended denial of the request, which was subsequently denied by the City Council. *This site is located on the same block as the subject site.*

Zoning Docket 016/12 was a request for a conditional use to permit an elementary school in new structures in an RD-3 Two-Family Residential District. The location is the site of the former Phillis Wheatley Elementary School in the Tremé neighborhood. The municipal address is 2300 Dumaine Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. *The site is located approximately three (3) blocks from the subject site.*

Zoning Docket 124/11 was a request for a zoning change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District. The municipal address is 2441 Orleans Avenue. 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 100/11 was a request for a zoning change from an RD-3 Two-Family Residential District to an RM-2A Multi-Family Residential District. The municipal address is 2516 Dumaine Street. The City Planning Commission recommended denial of the request. The request was subsequently approved by the City Council. *This site is located on a square which is adjacent to the subject square.*

Zoning Docket 112/09 was a request for a conditional use to permit a museum in an RM-2 Multi-Family Residential District. The municipal address is 2336 Esplanade Avenue. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. *This site is located approximately five (5) blocks from the subject site.*

These requests include several requests for zoning changes. Of those zoning change requests for spot zones, the Commission typically supported those which met its Historic Non-Conforming Use Policy (such as Zoning Docket 110/13 and Zoning Docket 124/11) and did not support those which did not meet that policy (such as Zoning Docket 076/14). This reflects the importance of the policy in guiding the Commission's actions.

D. Are any major streets involved? What impact will the proposed zoning change have on the transportation system, if any?

The site is located at the intersection of Saint Philip and North Dorgenois Streets, both of which are minor residential streets in the grid street network that extends through Tremé and the surrounding neighborhoods. Like most streets in the residential interior of Tremé, those two streets are narrow, single lane one-way streets with a parking lane on each side.

The network of minor residential streets extending through Tremé is used primarily by the neighborhood's residents as they travel within the neighborhood or to nearby arterial streets (such as North Broad Street, Orleans Avenue, and Ursulines Avenue) that extend through the neighborhood and connect with adjacent neighborhoods.

In addition to carrying vehicular traffic, the surrounding streets serve the important role of providing on-street parking for the neighborhood's residences, the majority of which do not have off-street parking. Demand for this on-street parking is fairly high during evening hours when neighborhood residents are most likely to be at home and low to moderate during business hours when many of them are at work.

Impact of zoning change on traffic and parking conditions

In addition to potentially allowing the use of the site as a bed and breakfast accommodation, the B-1A District allows for a variety of small scale retail and service uses which are normally oriented primarily toward residents of the surrounding area, although they sometimes draw customers from more distant areas. The impacts of these businesses on the traffic and parking conditions in the area will vary depending on the particular business which occupies the site and its operational characteristics.

For example, if the structure is used as a bed and breakfast accommodation including nine guest rooms, the parking and traffic impact would vary significantly depending on whether or not the facility's guests traveled by automobile. If at any point, all guest rooms were to be occupied by guests who drove to the site, there could be at least nine vehicles associated with those guests, plus the vehicle or vehicles associated with the owner-occupants. This would cause a significant level of traffic and demand for on-street parking immediately surrounding the site during those times. Nearby neighbors might find this to be an inconvenience, particularly if they also rely on on-street parking. On the other hand, if at any point, all guests were to have not traveled to the site by car, then the only additional traffic and demand for on-street parking created by the accommodation would be that associated with the owner-occupants. This would be equivalent to that associated with most residences in the area which do not provide off-street parking. It is likely that most of the time, some of the facility's guest would drive while others would not, so the traffic and on-street parking demand generated by the site would be between these two extremes, and so the facility's traffic and parking impact would be moderate.

The other uses allowed in the B-1A District would cause similar variation in traffic and parking impact, depending on the particulars of the use. For example, if the property were to be used as an office, it is likely that the office would operate only during weekday, daytime hours and would have a relatively small number of employees and clients. In such a case, the office would likely attract only a small number of vehicles, primarily during daytime weekday hours. On the other hand, the site could be used as a restaurant. If the restaurant were to be particularly successful, it could draw customers from across the city, most of who would drive to the site. In such a case, there would be a significant

increase in traffic and demand for parking around the site during the restaurant's operating hours.

Despite this variation in the potential traffic and parking impacts of bed and breakfasts and other uses which could be allowed at the site in the proposed B-1A District, since all of the uses allowed at the site would be relatively small, the levels of traffic and demand for parking which they might generate should in no case be so great as to create an excessive burden on the surrounding street network.

Parking requirement

If the site were to be used as a bed and breakfast accommodation, it would have to provide off-street parking in accordance with **Article 15, Section 15.2.1** and **Table 15.A** of the Comprehensive Zoning Ordinance. That section requires one off-street parking space per two guest rooms and allows stacked parking space. For the proposed facility, which is to have nine guest rooms, five off-street parking spaces would be required under this standard. (This parking requirement could be reduced if the Department of Safety and Permits determines that some or all of requirement is "grandfathered," which would be the case if the previous use of the site provided fewer off-street parking spaces than would otherwise be required by the Comprehensive Zoning Ordinance.) The applicant proposes to provide no off-street parking spaces. If the entire parking requirement is not grandfathered, any variance of this parking requirement would have to be granted by the City Council through a conditional use ordinance, not by the Board of Zoning Adjustments, as required by **Article 11** of the Comprehensive Zoning Ordinance.

If the site is rezoned to a B-1A District and the structure is occupied not by a bed and breakfast, but by a commercial use, no off-street parking spaces would be required for the use if it is less than 5,000 square feet of floor area. (A commercial use over 5,000 square feet of floor area would not have to provide off-street parking for the first 5,000 square feet[3] and would have to provide off-street parking as required by **Article 15, Section 15.2.1** and **Table 15.A** of the Comprehensive Zoning Ordinance for any floor area in excess of 5,000 square feet. This could be reduced by any parking deficiencies that are grandfathered to the site.)

The B-1A District would also allow single-, two-, or multiple-family residential use of the site. In such a case, one off-street parking space would have to be provided per residential unit[4], reduced by any deficiency that is grandfathered to the site

This analysis shows that just as the demand for parking associated with the site is highly dependent on the ultimate use of the site, so too is the off-street parking requirement.

---

[3]**Article 5, Section 5.5.8** *Special Regulations* of the Comprehensive Zoning Ordinance states that no off-street parking spaces are required for commercial uses under 5,000 square feet in floor area in the B-1A District.

[4] **Article 5, Section 5.5.8** *Special Regulations* of the Comprehensive Zoning Ordinance requires multiple-family residences in the B-1A District to provide one (1) off-street parking space per dwelling unit.

E. What is the purpose of the proposed rezoning, and what effect would it have on the adjacent land uses?

Purpose of the proposed rezoning

The re-zoning is requested as part of an effort to renovate this former institutional structure for use as a bed and breakfast accommodation containing nine guest rooms. Such an accommodation could either be a bed and breakfast historic home or a bed and breakfast inn. While bed and breakfast historic homes are allowed only as conditional uses (subject to supplementary use standards) and bed and breakfast inns are not allowed at all under the site's current zoning within an RD-3 District, both are allowed as permitted uses in the proposed B-1A District, provided that the site meets all supplementary use standards and other requirements of the Comprehensive Zoning Ordinance.

Even if the site is rezoned to a B-1A District, the staff does not believe that the existing structure is eligible to be used as a bed and breakfast accommodation of any type. **Article 2, Section 2.2(17)** of the Comprehensive Zoning Ordinance defines a bed and breakfast accommodation as:

> "An owner-occupied residential structure, *originally constructed as either a single-family or a two-family structure that is easily converted to a single-family structure*, which provides sleeping rooms for overnight paid occupancy of up to seven (7) nights. Common bathroom facilities may be provided rather than private baths for each room. *Proof of owner occupancy shall be established by submission of proof of a homestead exemption.* If more than one building is existing on a lot of record or a site (meaning two (2) or more contiguous lots historically acquired together), and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the bed and breakfast, then it may be included in the operation of the bed and breakfast." (italics added)

This proposal conflicts with two aspects of this definition:

1) The requirement that the structure originally be a single-family residence or a two-family residence that can easily be converted into a single-family residence

The structure at this site does not meet this requirement because it was originally constructed and historically used as an institutional facility, not as a single- or two-family residence.

2) The requirement that proof of owner-occupancy must be established by submission of proof of a homestead exemption.

This requirement cannot currently be met because the property is owned by a limited liability company, which cannot obtain a homestead exemption.

As requirements within the definition of the use (rather than supplementary use standards), these requirement cannot be waived. Doing so would have the effect of changing the nature of the use from a bed and breakfast accommodation to something akin to a hotel, which is not a permitted or conditional use in the B-1A District.

(It should be emphasized that this definition of bed and breakfast accommodation is in effect in all zoning districts in which bed and breakfast accommodations are allowed, not just the B-1A District. Based on this, the existing structure cannot be used as a bed and breakfast accommodation regardless of its zoning.)

Potential effects on surrounding land uses

While the structure cannot be used as a bed and breakfast accommodation in the staff's view, the site's rezoning to a B-1A District would allow it to be used by right by a variety of small commercial uses, including retail uses, dry cleaners, laundromats, electronic equipment repair shops, barber shops, hardware stores, banks, medical offices, child care facilities, and standard restaurants, among other uses. All these uses would be limited to 5,000 square feet in floor area. In addition, the B-1A District allows multiple-family residential uses by right. Some commercial uses that are considered to be more intense because of their size or operational characteristics are allowed in the B-1A District only as conditional uses. These conditional uses include uses selling alcoholic beverages, such as cocktail lounges, retail stores selling packaged alcoholic beverages, and restaurants selling alcoholic beverages for on-premises consumption. Other conditional uses in the B-1A District include gas stations, fast food restaurants, and otherwise permitted uses that exceed 5,000 square feet in floor area.

All of the uses permitted by right in the B-1A District would be more intensive in terms of pedestrian and vehicular traffic, demand for on-street parking, litter, and noise generated than the single- and two-family residential uses allowed under the current zoning. The exact levels of traffic, parking demand, activity, etc., would vary somewhat by use, with a three-family residential or office use of the site being significantly less intense than restaurant use, for example. However, in general, these levels of noise, traffic, and parking demand should be fairly limited due to the relatively small size of the site.

F. Can the request be considered a spot zone? Does it fall within the Historic Non-Conforming Use Policy?

The terms "spot zone" and "spot zoning" refer to zoning changes which have the effect of singling out a lot or other relatively small tracts of land for treatment different from similar surrounding parcels. These zoning changes have the effect of granting preferential

treatment to those spot zoned parcels which is not also granted to similarly-situated surrounding properties.

Spot zoning can occur in two ways. First, it can be done by creating a new zoning district that is applied only to a limited number of properties which are similar to surrounding properties. The creation of the new zoning district has the effect of granting preferential treatment to those properties which is not also granted to surrounding similarly-situated properties. Second, spot zoning can occur through the expansion of existing zoning districts when the expansion has the effect of unjustifiably treating certain properties differently from similarly situated properties.[5] This re-zoning proposal is considered to be the first type of spot zone, as it would create a new B-1A District for only this one property and would have the effect of treating this property differently from the surrounding properties.

Although the City Planning Commission generally looks upon spot zoning applications with disfavor, it can support those spot zoning applications in instances where the parcel to be rezoned is significantly different in physical character and historic use from the surrounding properties. For example, it may be appropriate to spot-zone a historic commercial, industrial, or institutional property located within an otherwise residential zoning district, because the difference between that commercial, industrial, or institutional property and the surrounding residential properties justifies it being treated differently from the surrounding properties. In these cases, the Commission may make an exception to its general policy against spot zoning to support the spot zoning of that particular property.

In determining whether the spot zoning of any particular property is appropriate, the Commission uses its Historic Non-Conforming Use Policy to guide its analysis. This policy contains criteria which are used to identify historic commercial, industrial/warehouse, and institutional properties which should be zoned differently from surrounding properties. It evaluates individual applications based on their compliance with general and specific criteria. The requirements for requests involving historic institutional structures are listed below in italicized font, while the staff's comments on the extent to which the site meets those requirements are listed in plain text.

General

A. The request in consistent with the Plan for the 21st Century.

The request does not meet this criterion. The proposal is not fully consistent with the *Plan for the 21st Century*, specifically as it relates to the future land use of the site. As discussed at greater length in Section III, the site's future land use designation does not

[5] For further discussion of the Commission's Spot Zoning Policy and Historic Non-Conforming Use Policy, see pages 52-54 of the Commission's Administrative Rules, Policies, & Procedures, adopted March 11, 2014.

allow for commercial use of this site because the site has not historically been used for commercial purposes.

B. The petition is in harmony with the historic character of the surrounding neighborhood.

The request meets this criterion. This zoning change should be considered to be consistent with the character of Tremé, which historically featured small commercial uses within otherwise residential areas. These commercial uses were typically located at corner locations and served the daily needs of the neighborhood's residents. As this zoning change would allow such small commercial use of this site (as the B-1A District allows a broad range of small, neighborhood-serving commercial uses), this criterion is fulfilled.

C. The request serves a neighborhood need.

The request meets this criterion. While the intent of the request is to allow a bed and breakfast accommodation at the site, the zoning change to a B-1A District would allow a broader variety of small commercial uses. These commercial uses could serve a neighborhood need, fulfilling the requirement, even if the specific intended use of the site as a bed and breakfast accommodation would not serve neighborhood residents.

D. The property has a history of non-residential use.

The request meets this criterion, as the site was historically used for non-residential institutional purposes.

Specific

Historically institutional properties include religious buildings, schools, museums, libraries, hospitals and government buildings. These properties are often developed with the following characteristics:

a. Such properties are often developed with relatively large-scale structures.
b. Structures are typically situated on relatively sizeable lots.
c. Setbacks are often significantly dissimilar from surrounding properties.

The request meets the intent of this requirement, which is to identify properties with a clear history of institutional use and the physical characteristics of such use. Although the subject site is not significantly larger than the surrounding lots and the structure is not significantly larger than surrounding structures or with setbacks that are greater than those of surrounding structures, it clearly was constructed for institutional use in a way that makes it distinct from the surrounding residential structures.

The petitioned zoning classification must be the most restrictive available to accommodate the class of uses to serve the neighborhood.

The requested B-1A District is the most restrictive zoning classification that allows small retail and service uses that are intended to serve the residents of surrounding residential neighborhoods primarily.

This analysis shows that the request meets most of the Historic Non-Conforming Use Policy. In short, this is for two reasons. First, the property's institutional history makes it distinct from the surrounding residences in a way that justifies it being zoned different from those properties. Second, the proposed re-zoning to a B-1A District would allow the site to be used in a commercial manner that serves the surrounding residential neighborhood.

Despite meeting most of the policy's criteria, it does not meet the most important criterion for all zoning change applications. The request is not consistent with the Plan for the 21st Century for the reasons that are discussed below. The implication of this is that even if the property were to be spot-zoned, it cannot be spot-zoned to the B-1A District proposed by the applicant or any other commercial zoning district.

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

The proposed Zoning Change is **not consistent** 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 site as **Residential Low Density Pre-War**. The goal, range of uses and development character for these designations are copied below:

RESIDENTIAL LOW DENSITY PRE-WAR

> **Goal:** Preserve the scale and character of pre-war (WWII) residential neighborhoods of lower density where the predominant use is single and two-family residential and allow for compatible infill development. Discourage the development of additional multifamily housing that is out of scale with existing character.
>
> **Range of Uses:** New development generally limited to single or two-family dwellings, and preservation of existing multi-family buildings. Businesses and traditional corner stores may be allowed where current or former commercial use is verified. Supporting public recreational and community facilities (e.g., schools and places of worship) also allowed. Conversion to multifamily may be allowed for certain existing historic institutional, commercial or other non-residential buildings.

Development Character: New development will fit with the character and scale of surrounding residential neighborhoods where structures are typically located on smaller lots and have minimal front and side setbacks. Maximum density of 24 units/acre.

The proposed rezoning of the site to a B-1A District, which would allow a variety of small commercial uses, is not consistent with the Residential Low Density Pre-War designation because there is no history of commercial use of this site. The Residential Low Density Pre-War only allows for commercial use of properties that have historically been used for commercial purpose, not properties such as this which have historically been used for institutional purposes.

While the zoning change is not consistent with the Master Plan's future land use map, it should be noted that the applicant's effort to preserve and adaptively reuse this historic institutional structure would promote other goals identified by the Master Plan. For example, Volume 2, Chapter 6 *Historic Preservation* of the Master Plan extensively documents the value of historic preservation, noting that historic preservation initiatives support and invigorate neighborhood revitalization. That chapter recommends various actions which can be taken as part of such preservation efforts, including "encourage[ing] adaptive reuse of existing historic structures that contribute to overall neighborhood character and quality of life," which can be accomplished through the use of zoning and other City efforts. [6]

Furthermore, the Master Plan also identifies the preservation of former institutional buildings as a land use issue, not solely a historic preservation issue. Addressing the future decommissioning of schools and churches, Volume 3, Chapter 14 *Land Use Plan* of the Master Plan, notes that widespread decommissioning will mean that large institutional buildings, often surrounded by residences, will be available for redevelopment in neighborhoods throughout the city. It states that the adaptive reuse has been successful for such properties in the past, and that future efforts to adaptively reuse decommissioned properties should be guided by a community-based planning process. That chapter further notes that "[t]hese projects may propose multifamily, residential, mixed residential/commercial, or another type of institutional use. These potential uses should not be seen as inconsistent with the future land use plan."[7]

While the chapter speaks specifically to the issue of school and church decommissioning, the analysis also applies to other types of decommissioned institutional buildings, such as the structure at the subject site. The staff believes that the Residential Low Density Pre-War designation accomplishes the Historic Preservation and Land Use Plan chapters' objectives of allowing the preservation and adaptive reuse of institutional buildings by allowing the "conversion to multifamily" for existing historic institutional buildings. These chapters do not suggest that the conversion of historic institutional structures for

[6] *Plan for the 21st Century,* Volume 2, Chapter 6, Historic Preservation, pp. 6.6 and 6.15
[7] *Plan for the 21st Century,* Volume 3, Chapter 14, Land Use Plan, p. 14.8

exclusively commercial purposes is allowable given the Residential Low Density Pre-War designation's identified range of uses. For these reasons, the staff believes that while the proposed zoning change may accomplish some of the Master Plan's goals, it is not consistent with the Residential Low Density Pre-War future land use designation and cannot be supported for that reason.

It should be noted that the City Planning Commission's Zoning Technical Advisory Committee has recommended altering the text of the Master Plan to potentially allow the adaptive reuse of historic institutional buildings for commercial purposes. This may occur when the Mater Plan is next amended, which could be as soon as 2015.

IV. SUMMARY

Zoning Docket 096/14 is a request for a zoning change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District for the City's historic Police Jail and Patrol Station, located at the intersection of Saint Philip and North Dorgenois Streets in Tremé. Constructed around the turn of the 20th century, the structure was originally used as a jail, later used as a library, and was granted a conditional use in 2000 to allow its use as a community center. The structure was recently sold from the City to the property owner, who proposes to use it as a bed and breakfast accommodation containing nine guest rooms. Such a facility would be considered to be either a bed and breakfast historic home or a bed and breakfast inn.

The zoning change cannot be allowed for two reasons. First, the proposed facility cannot meet the definition of a bed and breakfast in the zoning ordinance because the structure was originally built as an institutional structure, not a single- or two-family residence, and because it is owned by a limited liability company and therefore cannot secure a homestead exemption. As such, the site simply cannot be used as a bed and breakfast. This means that if the zoning change were granted, the only allowable uses of the site would be those commercial uses that are allowed by right in the B-1A District, including retail uses, restaurants, medical offices, among other uses, all limited to 5,000 square feet in floor area

This leads to the second reason. Since the zoning change would allow a range of commercial uses at the site, it conflicts with the Master Plan. The Master Plan's Residential Low Density Pre-War future land use designation does not allow this property to be used commercially in the future since it does not have a history of commercial use. Therefore, the commercial zoning of this site is not allowable.

Due to this inconsistency with the definition of bed and breakfasts in the Comprehensive Zoning Ordinance and the conflict with the Master Plan, the staff must recommend the denial of the zoning change. The staff has recommended to the applicant other courses of action which it could take to allow the site to be used as a bed and breakfast, including requesting a text amendment to modify the definition of bed and breakfasts in the zoning

ordinance and concurrently requesting a conditional use to allow a bed and breakfast in the existing RD-2 District.

While the staff does not support the zoning change, it does support rescinding the existing conditional use ordinance, which is no longer necessary since it authorizes a use of the site that no longer operates.

V. PRELIMINARY STAFF RECOMMENDATION[8]

The staff recommends **MODIFIED APPROVAL** of Zoning Docket 096/14, **denying** a request for a zoning change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District and **approving** the rescission of Ordinance No. 19,536 MCS (Zoning Docket 104/99, which granted a conditional use to permit a community center).

VI. REASONS FOR RECOMMENDATION

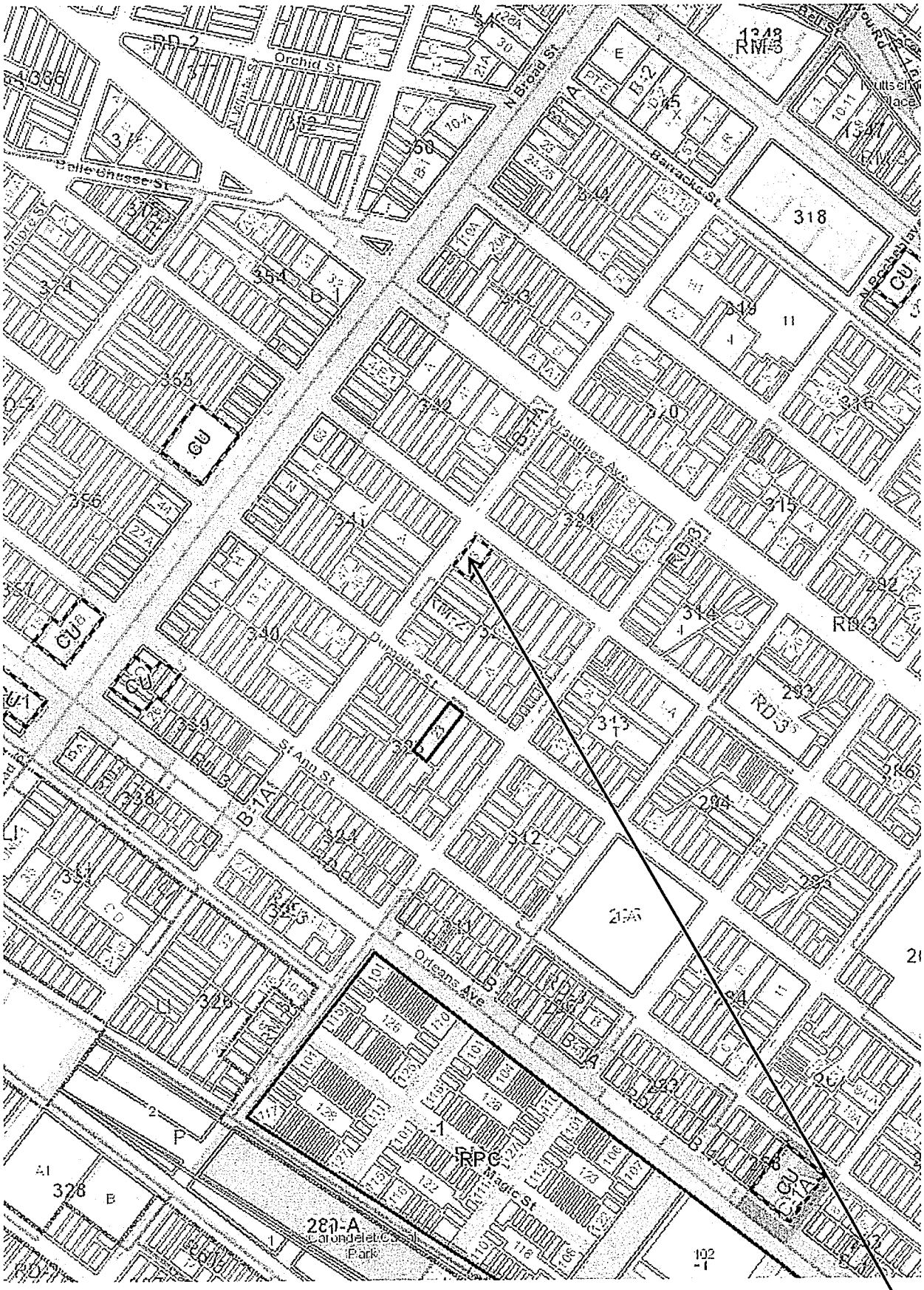
1. The rezoning is requested to allow the site to be used as a bed and breakfast. This site cannot be used as a bed and breakfast regardless of its zoning because it does not meet the definition of bed and breakfasts in the Comprehensive Zoning Ordinance. The definition allows bed and breakfasts only in structures that were originally single-family residences or two-family residences. Further, it requires proof of owner-occupancy through the submission of proof of a homestead exemption. The proposed bed and breakfast does not meet these requirements because the structure was originally used as an institutional facility, not a single- or two-family residence, and because the structure is owned by a limited liability company, which cannot obtain a homestead exemption.

2. The rezoning of the site to a B-1A Neighborhood Business District is not consistent with the Master Plan's future land use designation for the site. The Residential Low Density Pre-War future land use designation allows only the commercial zoning of properties which have historically been used for commercial purposes, not properties such as this which have historically been used for institutional purposes.

3. The existing conditional use Ordinance No. 19,536 MCS authorizes a use of the site that no longer is in operation and is not planned to operate in the future. As such, the ordinance authorizing that use should be rescinded.

---

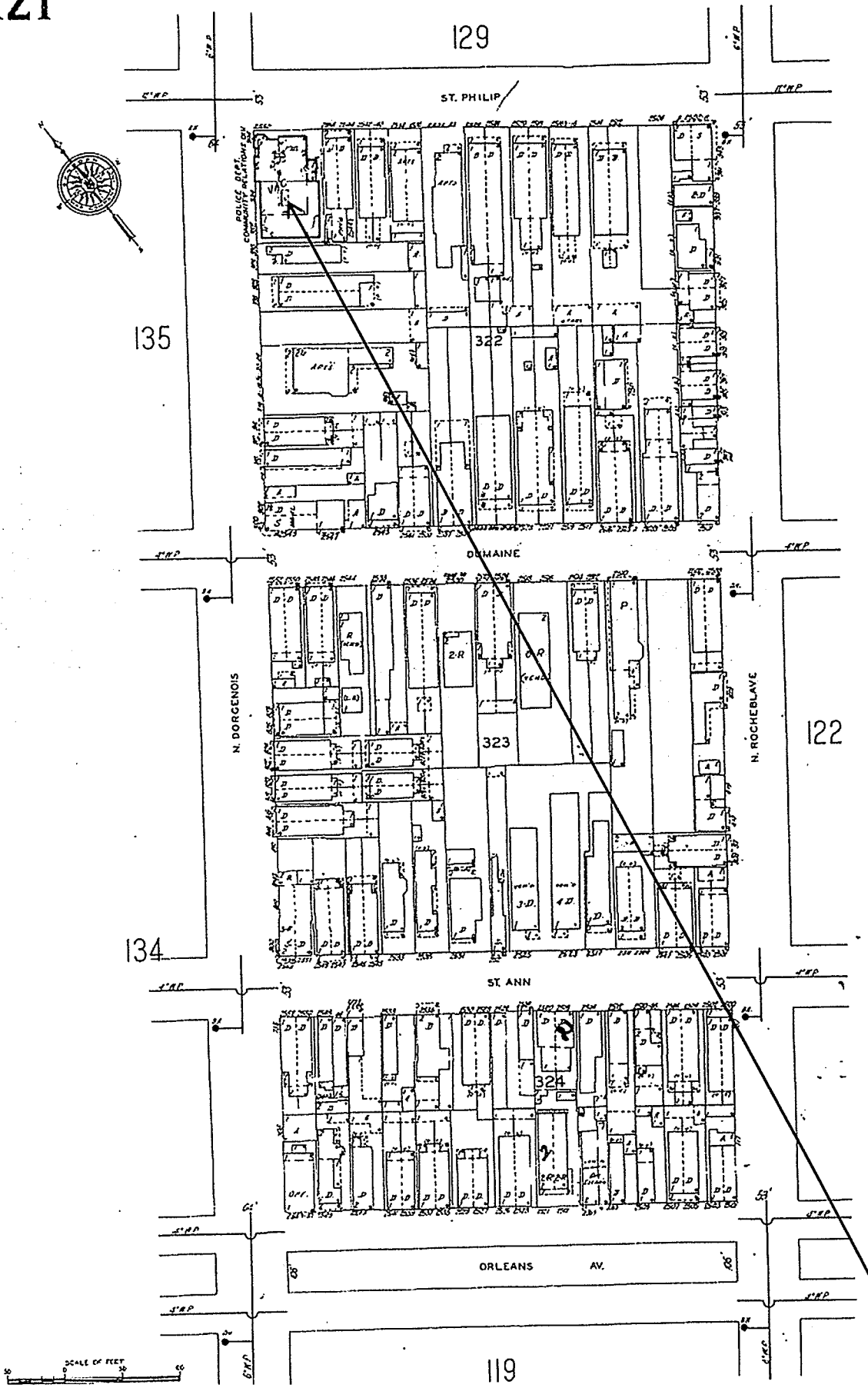
[8] Subject to modification by the City Planning Commission


Orchid St
N Broad St
Barracks St
Belle Chasse St
Ursulines Ave
Dumaine St
St Ann St
Orleans Ave
Magic St
Carondelet Canal Park
RPC
RM-3
RD-3
CU
318

ZD 096/14

NEW ORLEANS, LA. VOL. 2

121



ZD 096/14

Project NPP Report

Date of Report: September 1, 2014
Project Name: Renovation of Old Police Jail into a Historic B&B

Overview: This report provides results of the implementation of the Project Neighborhood Participation Program for property located at 2552 St. Philip Street on the corner of St. Philip St. and N. Dorgenois St. The applicant intends to file an application to rezone the property from RD-3 two family residential to B1A to permit a Historic B&B. This report provides a summary of contacts with citizens, neighbors, public agencies, and interested parties. Opportunities have been provided to learn about and comment on the proposed plans and actions. Comments, sign-in lists, petitions, letters, summary sheets, and other materials are attached.

Contact:

Liz Canache
924 N. Dorgenois St
New Orleans, LA 70119

504-301-5743
Email: lizcanache@gmail.com

Neighborhood Meeting: The following date and location of the meeting where citizens were invited to discuss the applicant's proposal [comments, sign in list, and other feedback are attached].

August 27, 2014 6:00 PM

1222 N. Dorgenois St, New Orleans

St. Luke's Episcopal Church, Gaudet Hall

Correspondence and Telephone Calls:

1. August 20, 2014 – letters mailed to contact list, including homes, apartments, neighborhood associations, churches and schools.

2. August 20 & 21, 2014 – hand-delivered letters distributed within 300 ft. radius of the proposed B&B site.

3. August 20 & 21, 2014 - conversations with neighbors as I handed out the letters. Mostly positive responses, one gentleman had a concern about parking, one lady had a concern about people moving in and changing the make up of the neighborhood.

4. August 21, 2014 – discussed proposal with property owner Greg Ensslen via phone call and subsequent encouraging email (attached).

4. August 21, 2014 - received an encouraging email from property owner Neil Morris (attached).

5. August 28, 2014 - received an email from Gabriel Alicino on behalf of NEWCITY Neighborhood Partnership and Providence Community Housing requesting information. I called and left a message and then emailed her to call me anytime to discuss her questions and concerns. I have not heard back yet, but will continue to follow it up. (attached)

6. August 29, 2014 - received an email with a letter of support for the B&B and the zone change required from Theresa Galli and Gavin Cady. (attached)

7. September 1, 2014 - received an email with a letter of support for the B&B and the zone change required from Jason Pollentier. (attached)

Results:

Between mailed and hand-delivered invitations, there were approximately 110 persons/addresses invited to the community meeting. See summary below.

1. Summary of concerns, issues and problems.

   - that spot zoning would affect the zoning of other properties allowing other businesses to pop up unwanted

   - safety in an otherwise dangerous neighborhood

   - parking

   - that our coming in would push them out, change the make up of the neighborhood.

2. How concerns, issues and problems will be addressed:

   - We have already spoken with the police and have agreed to provide cameras that will be overseen by the police department, giving a clear view up and down N. Dorgenois and St Philip.

   - Although St. Philip tends to get crowded, N. Dorgenois has no one parking there, providing room for several cars. Also, the B&B will only have 9 rooms and provide transportation to and from airport as part of the service, reducing the total number of parked vehicles at any one time.

   - Our intention has never been to push anyone out, but to become part of the neighborhood and to recuperate this empty building that, to date, no one else is willing or able to recuperate - in this way helping to preserve their heritage.

3. Concerns, issues, and problems not addressed and why:

   - The spot zone affecting other properties - because our spot zoning only affects our property. If someone else wants to bring another business in, they will have to go through their own process.

Notification Letters Sent to:

Associations:

Broad Community Connections - Broad Street Main Street
Esplanade Ridge / Treme Civic Association
Faubourg St. John Neighborhood Association
Friends of Laffite Corridor
NEWCITY Neighborhood Partnership
Downtown Neighborhoods Improvement Association

Property Owners Listed on contact list provided by the CPC:

Gloria Collins
Jmods LLC
Emmitt Kendrick Jr.
Maryelizabeth Andry
Camella Harrix
Hillary Moore Jr
Viewpoint Development & Construction LLC
Evelyn Polete
Beverly Brown
Michael Chaney
Evelyn Norbert
Angela Robinson
Tyisha Barard
Isie Coleman
Santiago Phjarita
Rodney James
Tony Barton
Rodney Williams Sr.
Christine Vason
David Washington
Housing Authority of New Orleans
Cheryl Jones
Guillermo Nuñez
First Mount Calvary Baptist Church
Opportunity Homes Lp
City of New Orleans (Martha Griset & the office of Councilman Brossett)
Jason Pollentier
Derick A Route, Jr
Leah Hartzog
Dorothy Stevens
Jasmine Lefort
Carl Robinson
Nadia Sangster
Katrice Harrix
La Spca
Theresa Galli
Magnolia Market Place LLC

Notification Letters Sent to:

Wayne Leger, Jr.
Claiborne 2816 LLC
Tania Hahn

Additional property owners not listed above:

Yolanda Green
Ardoin Thais
Jaqueline Walker
LMC-SMM Ventures
Dorgenois / Ursuline Group LLC
Michael Woods, Sr.
Sommer McWeen

Letters were also hand delivered in person to neighbors living within a 300 ft radius that were not mentioned above. These I imagine constitute renters. This encompassed 59 letters.

The total invitation letters distributed were 112, of that, a few of the homes were not inhabited and one letter was returned as undeliverable.

Monday, August 18, 2014

Dear Neighbor:

My husband, Raul, and I, under the name of our company, Down By Law B&B, LLC, recently purchased the Old Police Jail at 2552 St. Philip St - on the corner of St. Philip Street and N. Dorgenois. We are looking forward to living in the building and would like to also make it into a 9 Bedroom Historic Bed and Breakfast, restoring the exterior to it's former beauty and providing a comfortable, safe environment for visitors to this incredible city in an interesting setting.

Being a building of Historic Non-Conforming Use in a low density two-family dwelling neighborhood, we would need to change the zoning in order to accomplish this. Our application has to be heard by the City Planning Commission and the City Council. Because you are a nearby neighbor, or otherwise interested in the neighborhood, we are inviting you to a meeting where you can learn more about what we propose, and present questions or concerns. We are required to do this before we submit our application to the City Planning Commission.

The meeting will take place at:

St. Luke's Episcopal Church, Gaudet Hall

1222 N. Dorgenois St., New Orleans, LA 70119

Wednesday, August 27, 2014 at 6:00 PM.

This letter is being delivered through U.S. Mail and through hand delivery. At the meeting, we'll provide a sign-in sheet to obtain email addresses, so that we can keep you updated if there are any changes to the plans.

I have enclose some plans to give you a better idea of what we would like to do. The exterior of the building will remain largely unchanged, taking advantage of the vacuous interior to accomplish our goal.

If you have any questions or comments, here's how to reach me. Your input is important to us. We hope to see you at the meeting on **August 27th.**

Sincerely,

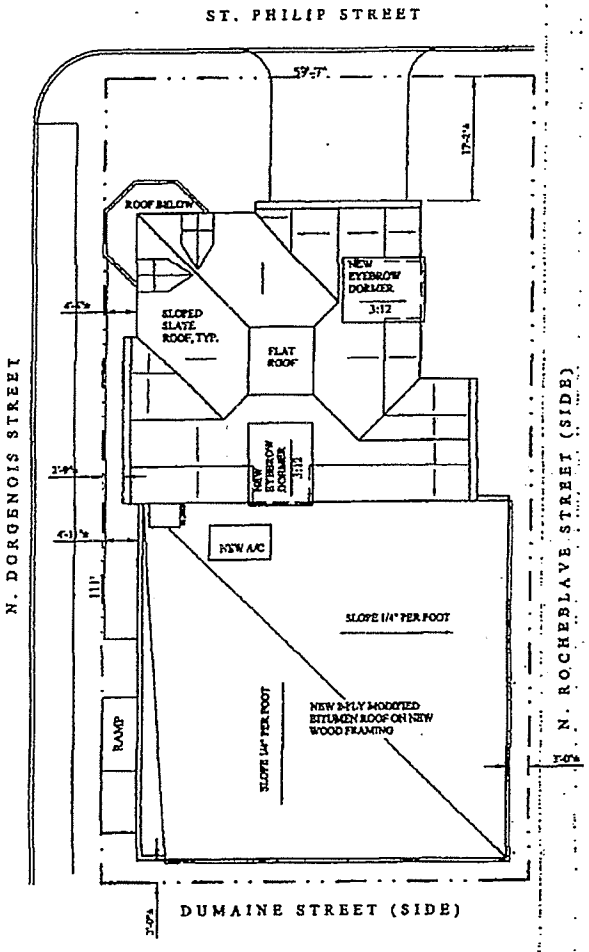
Raul & Liz Canache

924 N. Dorgenois St, New Orleans, LA 70119

lizcanache@gmail.com

(504) 301-5743

ZD 096/14



SITE PLAN / ROOF PLAN
SC: 1/16" = 1'-0"

AREA CALCULATIONS

1st floor: 4456 GROSS FLOOR AREA
1678 GROSS B&B AREA

2nd floor: 1790 GROSS FLOOR AREA
1354 GROSS B&B AREA

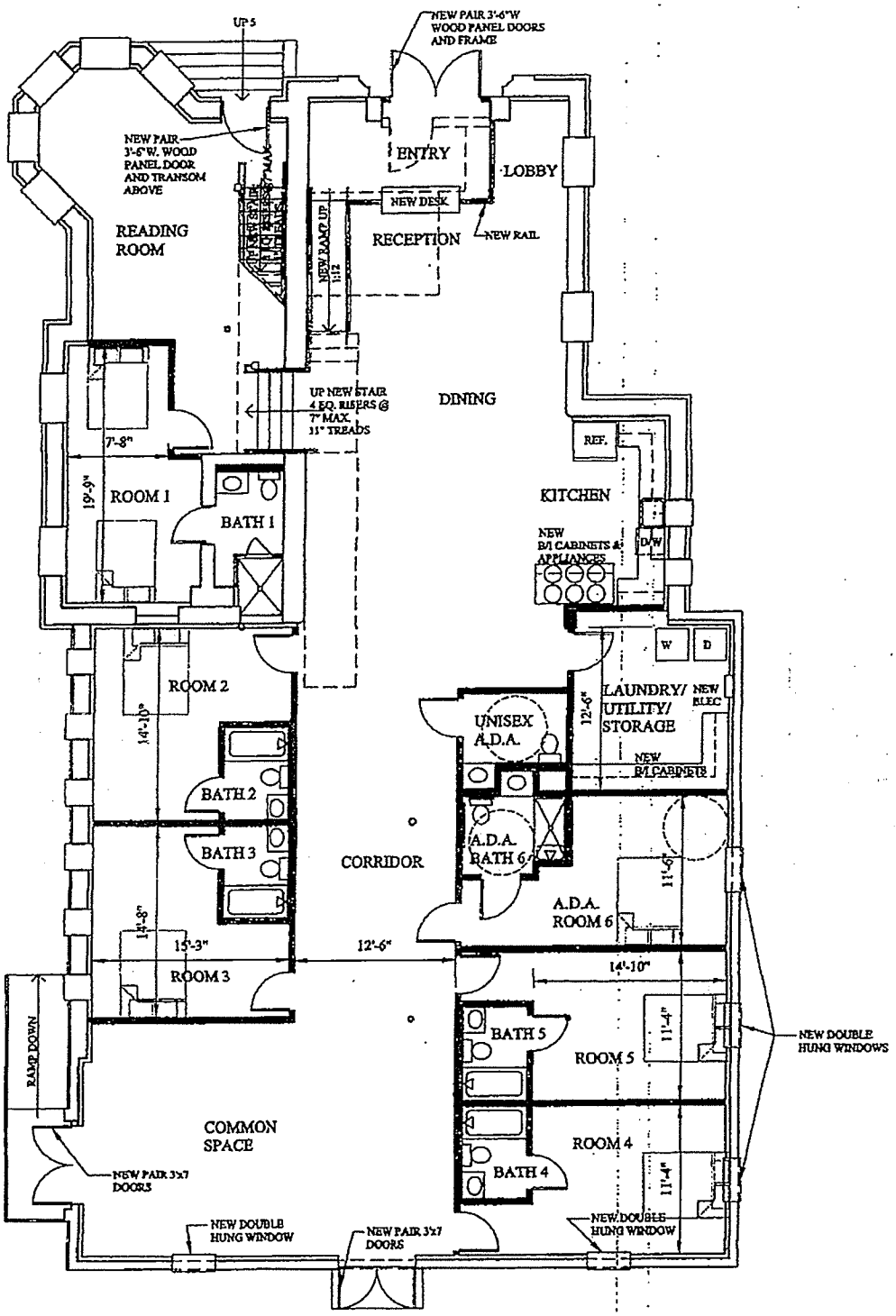
3rd floor: 972 GROSS FLOOR AREA
0 GROSS B&B AREA

TOTAL BUILDING:
7218 GROSS FLOOR AREA
3032 GROSS B&B AREA
42% BED AND BREAKFAST USE

LKHarmon Architects
A Professional Architectural Corporation
6236 Argonne Boulevard
New Orleans Louisiana 70124
504.486.5870 harmon@lkharmonarchitects.com

RENOVATION of 2552 ST. PHILIP
NINE ROOM BED AND BREAKFAST
LKH#2714 8.19.2014

ZD 096/14



FIRST FLOOR PLAN
SC: 1/8" = 1'-0"

LEGEND:

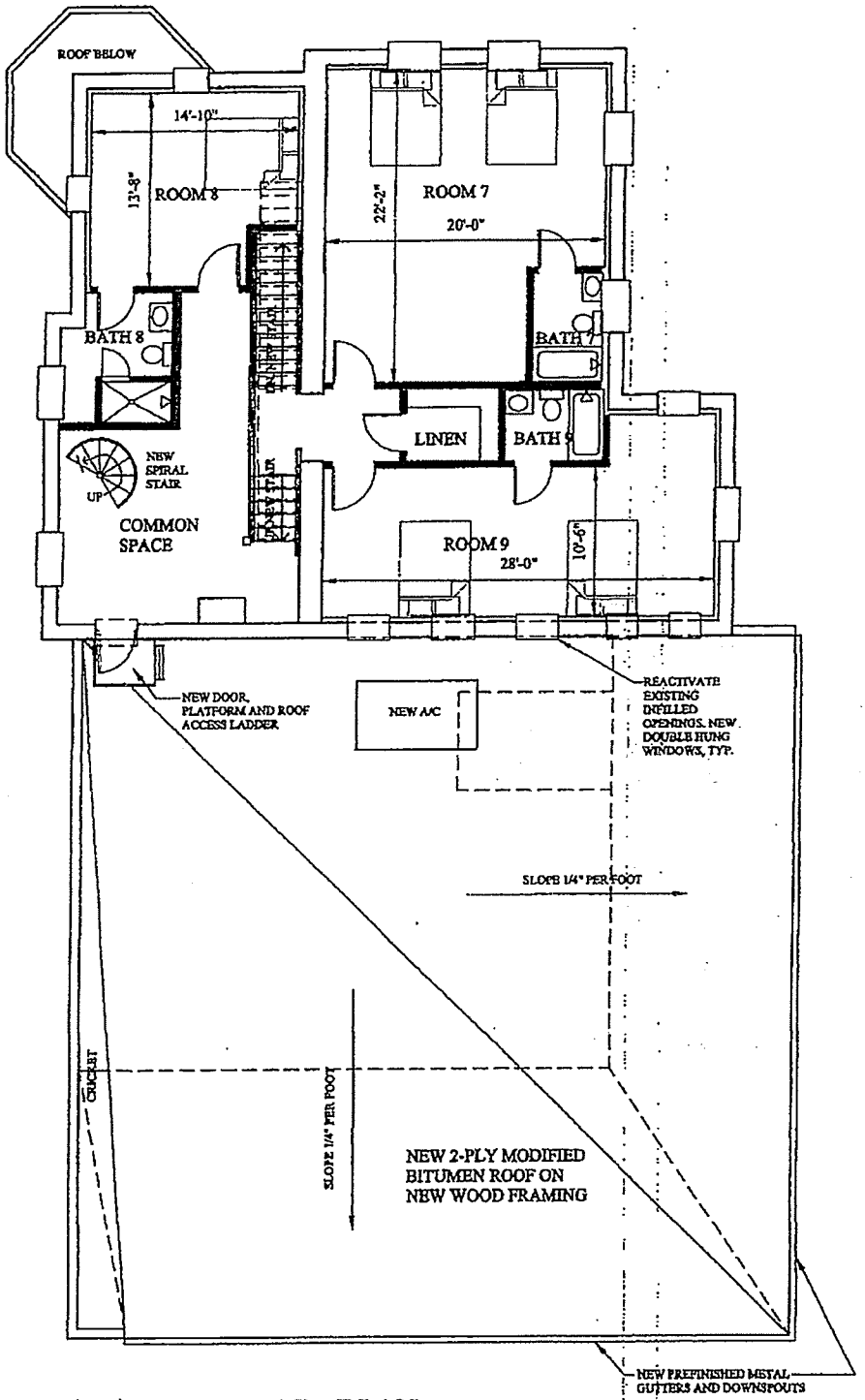
- NEW WALLS
- EXISTING WALLS
- DEMOLISH

LKHarmon Architects
A Professional Architectural Corporation
6238 Argonne Boulevard
New Orleans Louisiana 70124
504.486.5870 harmon@lkharmonarchitects.com

RENOVATION of 2552 ST. PHILIP
NINE ROOM BED AND BREAKFAST
LKH#2714

8.19.2014

ZD 096/14



SECOND FLOOR PLAN

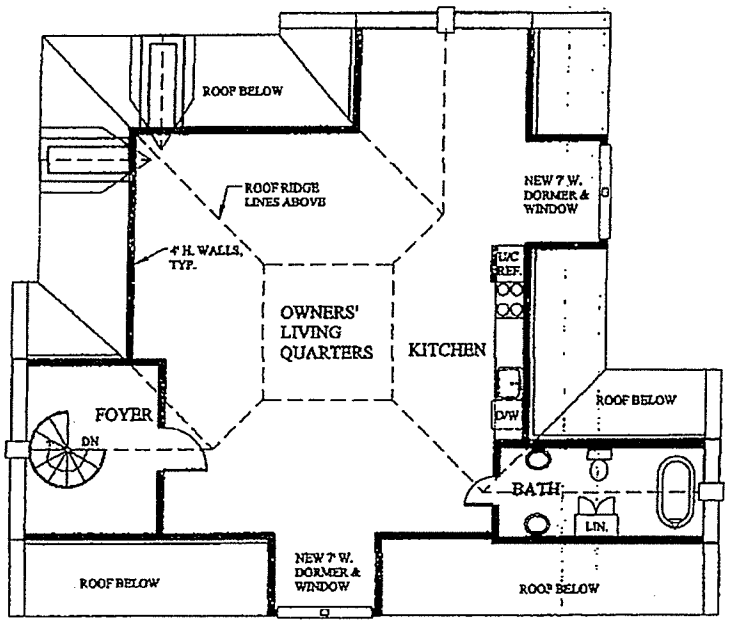
SC: 1/8" = 1'-0"

LKHarmon Architects
A Professional Architectural Corporation
6238 Argonne Boulevard
New Orleans Louisiana 70124
504.486.5870 harmon@lkharmonarchitects.com

RENOVATION of 2552 ST. PHILIP
NINE ROOM BED AND BREAKFAST
LKH#2714

8.19.2014

 ZD 096/14



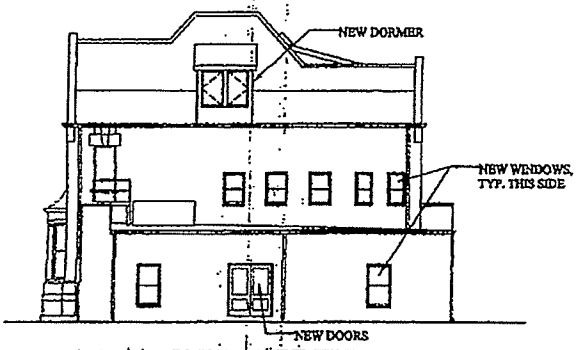
THIRD FLOOR PLAN
SC: 1/8" = 1'-0"

LKHarmon Architects
A Professional Architectural Corporation
6238 Argonne Boulevard
New Orleans Louisiana 70124
504.485.5870 harmon@lkharmonarchitects.com

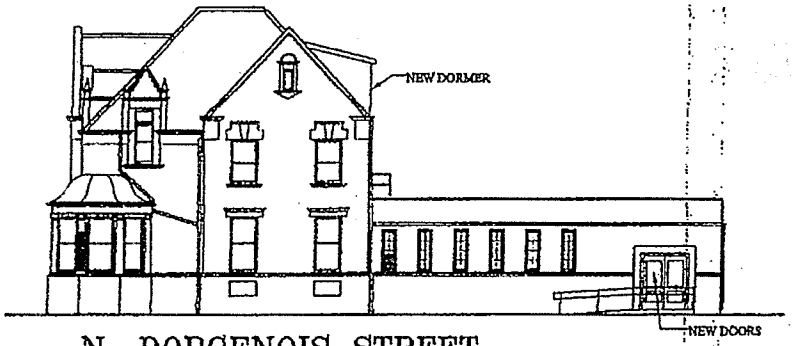
RENOVATION of 2552 ST. PHILIP
NINE ROOM BED AND BREAKFAST
LKH#2714 8.19.2014

ZD 096/14

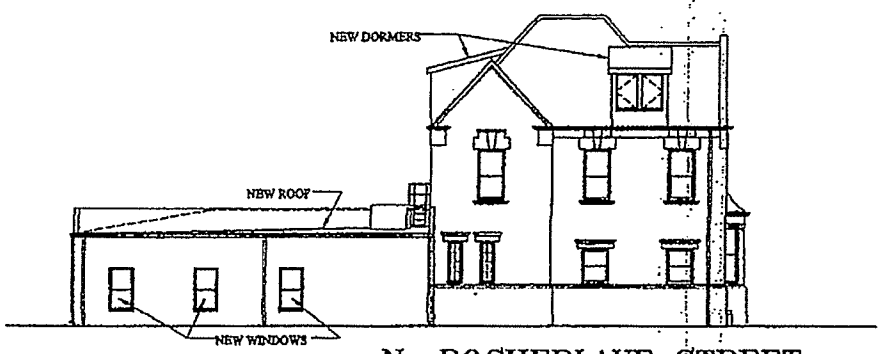
ST. PHILIP STREET
FRONT ELEVATION
SC: 1/16" = 1'-0"



DUMAINE STREET
REAR ELEVATION
SC: 1/16" = 1'-0"



N. DORGENOIS STREET
SIDE ELEVATION
SC: 1/16" = 1'-0"



N. ROCHEBLAVE STREET
INTERIOR SIDE ELEVATION
SC: 1/16" = 1'-0"

LKHarmon Architects
A Professional Architectural Corporation
8238 Argonne Boulevard
New Orleans Louisiana 70124
504.485.5870 harmon@lkharmonarchitects.com

RENOVATION of 2552 ST. PHILIP
NINE ROOM BED AND BREAKFAST
LKH#2714

8.19.2014

ZD 096/14

Contact Information & Sign-In Sheet.

NAME	CONTACT INFO
L. Katherine Harmon LKHarmonArch	harmon@lkharmonarchitect.com
Raul Canache	RCANACHE@HOTMAIL.COM
* RAYNALD MAGGIORE	
* DOTTIE STEVENS	RDWARRIOR50 (AT) GMAIL
* Cheryl Jones	
* Connie Holmes	Connieholmes2019@att.net
* Brad Showalter	show23@aol.com
* Brittney Davenport	britt.davenport81@yahoo.com
* Jason Pollentier	pollentjr@gmail.com
* Wayne Leger Jr	wleger2981@gmail.com
* Sarah A. Lewis	Sarahlewis@yahoo.com
* Theresa Gallis Gavin Cady	theresagalli@gmail.com
* Guillermo Blanco	Almaeblanco@gmail.com
* Bertha Jones	Bertha J. Jones

ZD 096/14

From: **Greg Ensslen** greg@gomangonola.com
Subject: Welcome to New Orleans
Date: *August 21, 2014 at 11:55 AM*
To: lizcanache@gmail.com
Cc: Tom Macke tmacke5@gmail.com

Liz,
It was exciting to be introduced to your plans for the old police station on St Philip street!
We are redeveloping the building at 2600 Ursulines a block away and these projects should serve to support the stabilization and growth of that neighborhood.

New Orleans is a great place for adventurous entrepreneurs, so if you ask enough questions and listen, you can find all you seek

You asked me about a CPA. Tom Macke is a small businessman's dream of a CPA: precise, thoughtful, creative, and willing to learn new things. He has been doing Historic Tax Credit components of our tax returns since 2004.

Don't be intimidated by Tax Credits. 45% of your renovation dollar can come back to you, allowing you to stretch your dollars much farther.

Greg Ensslen
Go Mango Neighborhood Restoration
New Orleans 504.236.5527

Greg@GoMangoNola.com

From: **Neal Morris** nmorris@redmellon.com
Subject: 2552 St. Phillip
Date: August 21, 2014 at 3:32 PM
To: lizcanache@gmail.com
Cc: nbruno@redmellon.com

Dear Raul and Liz,
We are in receipt of your letter of the 18th regarding your project. I have always loved this building and we wish you success with your B&B. We support your zoning change. We will not be at the neighborhood meeting. My suggestion is to go through the process, incorporate suggestions into your plans, and then pull us in once you go in front of the CPC. Listen carefully to staff suggestions before CPC because getting a favorable staff recommendation before you go in front of the CPC is 75% of your hurdle.
We will either show up or write a strong letter of support before your hearing. The gist of it will be that the economic investment required to renovate the building as a single family home does not make sense. It is too expensive. But saving the building and the historic fabric of the neighborhood is important and if that means zoning changes so the numbers work on a building like that then so be it. etc. etc. You have a strong argument. You will have usual pushback regarding traffic and parking.
I am copying my associate Nick Bruno on this email as he will be the one that will actually draft the letter. Please include him on any correspondence to me. Also, feel free to reach out to me if you want any additional unsolicited advice. I do this sort of thing a lot. My office number is below.
Best,
Neal

Neal Morris
Redmellon
2100 Oretha C. Haley Blvd.
New Orleans, LA
70113

Phone: (504) 866-2798
www.redmellon.com

Neal Morris B.A., M.B.A., J.D., LF '10
Tulane School of Architecture
Richardson Memorial Hall
6823 St. Charles Ave.
New Orleans, LA 70118-5698

From: **Gabrielle Alicino** galicino@providencech.org
Subject: Bed and Breakfast at 2552 St. Phillip Street
Date: August 28, 2014 at 4:04 PM
To: lizcanache@gmail.com

Hi Mrs. Canache,

I am writing to you on behalf of NEWCITY Neighborhood Partnership and Providence Community Housing in regards to your plan to develop a nine room B&B at 2552 St. Phillip Street.

As a neighborhood organization that serves that area and a housing developer in the neighborhood, we would like some further information about your plans for the building and area. We are interested in your hours of operation, parking plans, timeline for the project and further community engagement plans.

I am sorry I was not able to attend the meeting yesterday. How was the turn out? Have you spoke to neighbors on St. Phillip and N. Dorgenois?

Please feel free to call or email me with all information and any questions.

Best,

Gabrielle Alicino
NEWCITY Neighborhood Partnership Coordinator
Providence Community Housing
1050 S. Jefferson Davis Pkwy, ste. 301
galicino@providencech.org
504-821-7236
Stay connected on Facebook
Twitter, and NEWCITYnola.org

ZD 096/14

From: **Liz Canache** lizcanache@gmail.com
Subject: Re: Bed and Breakfast at 2552 St. Phillip Street
Date: August 29, 2014 at 10:58 AM
To: Gabrielle Alicino galicino@providencech.org

Hi Gabrielle,

I would be happy to discuss the meeting with you and our plans. I left a message on your phone last night. Feel free to call me anytime.

Thank you,

Liz Canache
(504) 301-5743

Give thanks always <3

Theresa Galli and Gavin Cady
1016 N Dorgenois St
New Orleans, LA 70119
theresagalli@gmail.com

August 29, 2014

To The Board of Zoning Adjustments:

We are writing to express our support for the spot zoning change that would allow for a 9 bedroom bed and breakfast at 2552 St. Philip St. As we are close neighbors to this project, we are excited to see the old jail and police station developed rather than continue to lay vacant. We believe that the neighborhood will benefit from the addition of a bed and breakfast and look forward to the increased foot traffic and other benefits that the presence of a business in the neighborhood will provide.

Sincerely,

Theresa Galli and Gavin Cady

Jason Pollentier
923 N Dorgenois St
New Orleans, LA 70119
(206) 422 - 7024

September 1st, 2014

To Whom It May Concern:

I'm writing to express my support for Raul and Liz Canache's plans to develop the property at 2552 St. Philip St. into an historic bed and breakfast. After discussing the proposal with some of my neighbors, studying the architectural plans, and attending the Neighborhood Participation meeting on August 27th at St. Luke's, I'm convinced the development will be a great use of this historical property and a positive step for our neighborhood.

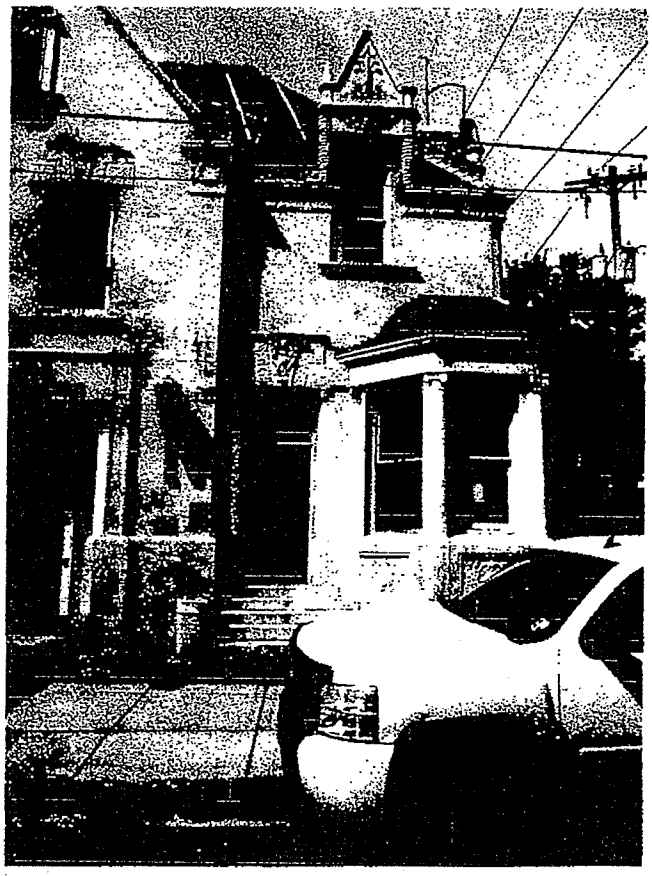
Crime is naturally the top concern of many neighbors in our area. I believe one key to reducing crime is the visible and active presence of people like Mr. and Mrs. Canache, who have an active presence and a long-term stake in the neighborhood. I'm also aware that they've already spoken with NOPD about crime prevention and plan to introduce cameras that would protect not only their property but also the adjacent blocks.

I'm also concerned about the preservation of the history of this neighborhood. After watching this particular building decaying for so long, I'm very excited to see it rehabilitated before it's too late. I know Mr. and Mrs. Canache plan to honor and preserve the history of the structure, and I'd love to see that process begin as soon as possible.

As a nearby neighbor and homeowner, I wholeheartedly to support Mr. and Mrs. Canache and their plans to develop this property into an historic bed and breakfast.

Sincerely,

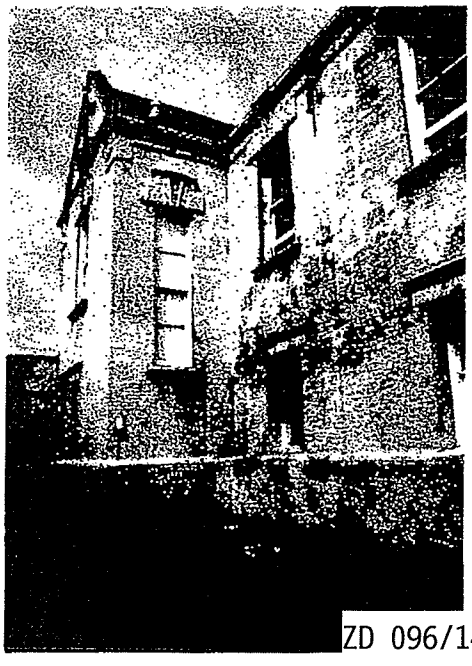
Jason Pollentier



RENOVATION OF 2552 ST. PHILIP ST. INTO A 9 ROOM B&B

for DOWN BY LAW B&B, LLC

9.2.14
LKH#2714



ZD 096/14