

**City Planning Commission Meeting
Tuesday, February 24, 2015**

**CPC Deadline: 03/13/15
CC Deadline: 04/14/15
City Council District: C – Ramsey**

PRELIMINARY STAFF REPORT

To: City Planning Commission
Zoning Docket: 013/15

Prepared by: Stephen Kroll
Date: February 11, 2015

I. GENERAL INFORMATION:

Applicant: 700 Frenchmen Street, LLC

Request: This is a request for a zoning change from an HMC-1 Historic Marigny/Tremé Commercial District to an HMC-2 Historic Marigny/Tremé Commercial District and a Conditional Use to permit a hotel occupying more than 10,000 square feet of floor area in the proposed HMC-2 District.

Location: The site is located on Square 159, Lot 1-X, in the Third Municipal District, bounded by Frenchmen, Royal, Dauphine, and Touro Streets. The municipal address is 700 Frenchmen Street. The site is within the Faubourg Marigny Local Historic District. (PD 7)

Description: The site is a rectangular lot located at the uptown, lake-side corner of the intersection of Frenchmen and Royal Streets. The lot measures 96 feet, 11 inches in width along both its front property line on Frenchmen Street and along its rear property line. It measures 139 feet, 8 inches in depth along both its corner side property line on Royal Street and along its interior side property line. The lot has an area of 13,709 square feet.

The site is developed with a pair of adjoining Creole townhouses built to the Frenchmen and Royal Street property lines and facing Frenchmen Street, as well as a three-story rear service building. The two and one-half story, four-bay townhouses are in the Greek Revival style and of stuccoed masonry construction. They were originally constructed between 1833 and 1836 for residential use but were used as a series of commercial storefronts at least between 1909 and 1951, as indicated by historic Sanborn maps. The townhouses are now combined into a single building containing 9,564 square feet of floor area.

To the rear of the main townhouses is a 3,024 square foot, three-story auxiliary building. A courtyard is located between the main townhouses and the auxiliary building. The remainder of the site is occupied by an L-shaped surface parking area which extends along the site's interior and rear property lines. This 16 space parking lot is entered from one driveway along Royal Street and exited by another along Frenchmen Street. The site was most recently used as a home for children by Girls and Boys Town of Louisiana, a non-profit organization, but it is no longer occupied.

The applicant proposes to use the site as a hotel containing 19 guest units, including 13 single room units, 4 suites each containing 1 sleeping room, and 2 suites each containing 2 sleeping rooms. The townhouses' first floor is to contain the hotel's lobby and office space, kitchen, dining and bar areas, a handicap-accessible guest room, and storage and service areas, while the second and third floors will contain guest rooms. The rear building is to also contain guest rooms, as well as storage and housekeeping areas. As part of their conversion into a hotel, the buildings' interiors would be substantially renovated and modified, but there is to be no increase in their floor areas.

The courtyard separating the two buildings is to be modified to contain a small swimming pool and surrounding patio area. The L-shaped accessory parking lot is to be unaltered and would continue to provide 16 off-street parking spaces.

While the buildings' interiors are to be modified for the proposed hotel use, modifications to the buildings' exteriors would be limited to cleaning and restoration, as well as the installation of signage. Site modifications would also be minimal, limited mostly to the improvements to the courtyard area, the addition of a dumpster area to the accessory parking lot, and normal repairs to outside areas.

As the hotel use is not permitted by the site's zoning in an HMC-1 Historic Marigny/Tremé Commercial District, the applicant requests that the site be rezoned to an HMC-2 Historic Marigny/Tremé Commercial District. The HMC-2 District allows hotels that are no greater than 10,000 square feet in floor area as permitted uses and hotels that are over 10,000 square feet in floor area as conditional uses. As the proposed hotel would have a total of 12,588 square feet of floor area between the 9,564 square foot main building and the 3,024 square foot auxiliary building, it is allowable in the HMC-2 District as a conditional use and so the applicant has requested a conditional use for that 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.

Article 9, Section 9.5.5 of the Comprehensive Zoning Ordinance states that hotels which exceed 10,000 square feet of floor area are conditional uses in the HMC-2 Historic Marigny/Tremé Commercial District that is proposed for the site. The City Planning Commission is required to make a recommendation on all conditional use applications prior to City Council action, in accordance with **Article 16, Section 16.6.4**. *Procedures for Conditional Use Permits* of the Comprehensive Zoning Ordinance.

II. ANALYSIS

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

Current zoning and generalized land use pattern for the area

The subject site is located within the Faubourg Marigny neighborhood on Frenchmen Street at its intersection with Royal Street. It is within the Frenchmen Street commercial corridor, which extends for the six-block stretch of Frenchmen Street between Esplanade Avenue and North Rampart Street. This Frenchmen Street commercial corridor is divided between two zoning districts, an HMC-2 Historic Marigny/Tremé Commercial District and an adjacent HMC-1 Historic Marigny/Tremé Commercial District (within which the site is located). The HMC-2 District includes the approximately one and one-half block long portion of the Frenchmen Street commercial corridor nearest Esplanade Avenue, as well as most properties along and just off of Elysian Fields Avenue between North Peters Street and Dauphine Street. Almost all of the remainder of the Frenchmen Street commercial corridor is located within the HMC-1 District, which extends along Frenchmen Street for roughly four and one-half blocks between Decatur Street and North Rampart Street.

Although the commercial zoning of Frenchmen Street extends for the full six-block stretch of Frenchmen Street between Esplanade Avenue and North Rampart Street, commercial uses are concentrated mostly in the three block stretch between Esplanade Avenue and Royal Street, while the three block stretch between Royal and North Rampart Streets (in which the subject site is located) is heavily residential with limited commercial use. The heavily commercial portion of Frenchmen Street between Esplanade Avenue and Royal Street features single- and two-story structures that occupy nearly the entireties of the lots on which they are located. These structures normally feature ground floor, pedestrian-oriented commercial units with upper floors, where present, occupied by residential units. Because structures are built to or near front and side property lines, off-street parking spaces are not provided on most sites.

This heavily commercial stretch of Frenchmen Street is best known for its cluster of live music venues, which include both cocktail lounges and businesses that are licensed as standard restaurants but provide live entertainment and operate, at least intermittently, as de facto cocktail lounges. In addition to these live entertainment uses, the corridor also features a number of other small commercial uses, including restaurants, a tattoo parlor, retail stores, and a small hotel.

In contrast to the heavily commercial stretch of Frenchmen Street between Esplanade Avenue and Royal Street, the three block stretch between Royal Street and North Rampart Street (in which the site is located) is more residential in character with limited commercial uses. In addition to the subject site, this stretch includes historic single- and two-family residences, including Creole cottages and shotgun-style residences, a mid-20th century infill multiple-family residence, and occasional examples of small commercial

uses in historic corner commercial structures, including a restaurant, a cocktail lounge, a bakery, and a small grocery store. This stretch also includes Washington Square, a park which occupies the entirety of the square bounded by Frenchmen, Royal, and Dauphine Streets and Elysian Fields Avenues.

While the Frenchmen Street corridor features a mix of commercial and residential properties, the Faubourg Marigny neighborhood in which it is located is mostly residential in character. The surrounding areas feature well-maintained historic residences, including many single-story structures including Creole cottages and shotgun-style residences, as well as some two-story structures in the Queen Anne and Eastlake styles. These residences are situated closely to one another, as they are built to the public street and feature only shallow side and rear setbacks.

Immediately surrounding land uses

Having discussed the generalized zoning and land use pattern for the area, it is necessary to focus on the properties which immediately surround the site. The site is immediately neighbored to the rear and to the Dauphine Street side by historic single-story single- and two-family residences. A standard restaurant called Marigny Brasserie is located directly across Royal Street from the site at the intersection of Frenchmen and Royal Streets. Diagonally across the intersection from the site is Christopher Inn, which is modernist nine-story multiple-family residential tower built in the mid-to-late 20th century. Directly across Frenchmen Street from the site is Washington Square, which spans the entirety of its block.

Differences between current and proposed zoning

While the six-block stretch of Frenchmen Street between Esplanade Avenue and North Rampart Street is now zoned commercially between HMC-1 and HMC-2 Districts, the Master Plan and the draft Comprehensive Zoning Ordinance call for a reduction in this commercial zoning. As discussed below, the Master Plan's future land use map is more restrictive of commercial uses to the three-block segment of Frenchmen Street between Esplanade Avenue and Royal Street than is the current zoning ordinance. The Master Plan designates the heavily commercial three-block stretch of Frenchmen Street between Esplanade Avenue and Royal Street for Mixed-Use Historic Core future land use. This is to be implemented by the draft Comprehensive Zoning Ordinance, which now calls for the approximately one and one-half block long portion of Frenchmen Street nearest Esplanade Avenue to be zoned HMC-2 and the remaining one- and one-half block long portion between that and Royal Street to be zoned HMC-1.

The three-block stretch of Frenchmen Street between Royal and North Rampart Streets, which includes the subject site and is currently mostly within an HMC-1 District is no longer to be zoned primarily for commercial use. Rather, that three-block stretch is designated by the Master Plan as Residential Historic Core future land use, which allows primarily single- and two-family residences with the exception of neighborhood-oriented commercial uses at historic commercial sites. The draft Comprehensive Zoning

Ordinance proposes to implement this by zoning part of that three-block stretch (including the subject site) as HMR-1 Historic Marigny/Tremé Residential District and other parts as HMC-1 and HMC-2 Districts.

The effect of the Master Plan and the draft Comprehensive Zoning Ordinance is to make the zoning of the six-block stretch of Frenchmen Street between Esplanade Avenue and North Rampart Street more closely reflect the current land use pattern. The heavily commercial three block stretch of Frenchmen Street between Esplanade Avenue and Royal Street will be zoned for more homogenous commercial use, while the three block stretch between Royal Street and North Rampart Street (in which the site is located) is proposed to be zoned for a greater number of residential uses with a more limited number of commercial properties.

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

Zoning

1929 – ‘I’ Industrial District

1953 – ‘J’ Light Industrial District

1970 – C-1 General Commercial District

Current – HMC-1 Historic Marigny/Tremé Commercial District ¹

Land use

1929 – Commercial

1949 – Commercial

1999 – Institutional

The site’s land use history, as shown above, is taken from the City’s 1929 and 1949 land use maps and the 1999 Land Use Plan. This information can be supplemented by other sources, which show that each of the two buildings was originally constructed for two-family residential use and were later divided into tenements² and were used for commercial purposes from at least 1909 until 1951³.

C. Have there been any recent zoning changes or conditional uses in the 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 zoning changes, conditional use permits, and planned development districts) for properties located within five blocks of the site:

¹ In 1974, the site was rezoned from a C-1 General Commercial District to an HMC-1 Historic Marigny Commercial District as part of a large-scale rezoning of the Faubourg Marigny from standard zoning districts to the newly-established Historic Marigny Districts. This rezoning was effectuated by Ordinance No. 5,513 MCS (Zoning Docket 007/74). (The HMC-1 Historic Marigny Commercial District would later be renamed to the HMC-1 Historic Marigny/Tremé Commercial District in 1984 as the historic district scheme began to be applied in the Tremé neighborhood.)

² See *New Orleans Architecture, Volume IV: The Creole Faubourgs*, Pelican Publishing Company, 1996

³ The 1909-1909, 1929-1940, and 1937-1951 Sanborn maps indicate the structures’ commercial use.

Zoning Docket 008/15 was a request for a conditional use to permit a cocktail lounge in an HMC-2 Historic Marigny/Tremé Commercial District and the Frenchmen Street AC Arts & Cultural Overlay District. The municipal address is 516 Frenchmen Street. The City Planning Commission and the City Council have not yet acted on the request. *This site, which is also the subject of Zoning Docket 002/13, is located within two (2) blocks of the subject site.*

Zoning Docket 125/14 was a request for an amendment to Ordinance No. 25,607 MCS (Zoning Docket 097/13, which amended Ordinance No. 24,562 MCS to allow the development to contain those uses that are permitted by right in the HMC-1 District) to permit a wine shop with on-premises tasting and the sale of alcoholic beverages for off-premises consumption, in an HMLI Historic Marigny/Tremé Light Industrial District. The municipal address is 511 Marigny Street. The City Planning Commission recommended approval of the request, which has not yet been considered by the City Council. *This site, which is also the subject of Zoning Dockets 019/11 and 097/13, is located approximately three (3) blocks from the subject site.*

Zoning Docket 104/14 was a request for a zoning change from an HMR-3 Historic Marigny/Tremé Residential District to an HMC-2 Historic Marigny/Tremé Commercial District and a Conditional Use to permit a hotel occupying more than 10,000 square feet of floor area in the proposed HMC-2 District. The municipal addresses are 2301-2329 Burgundy 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 069/14 was a request for a conditional use to permit a grocery store and other retail uses occupying more than 10,000 square feet of floor area in an HMC-2 Historic Marigny/Tremé Commercial District. There are multiple municipal addresses. 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 097/13 was a request for an amendment to Ordinance No. 24,562 MCS (Zoning Docket 019/11) which permitted a residential/commercial mixed use in an existing structure, to permit restaurant, office or retail tenants in the ground floor commercial spaces, in an HMLI Historic Marigny/Tremé Light Industrial District. The municipal address is 511 Marigny Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. *This site, which is also the subject of Zoning Dockets 019/11 and 125/14, is located approximately three (3) blocks from the subject site.*

Zoning Docket 073/13 was a request for a conditional use to permit a wine bar and wine shop in an HMC-2 Historic Marigny/Tremé Commercial District. The municipal address is 1027-31 Touro Street. 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.*

Zoning Docket 023/13 was a request for a conditional use to permit a wine bar and wine shop with wine education activities in an HMC-1 Historic Marigny/Tremé Commercial District. The municipal address is 1938-40 Burgundy Street. The City Planning Commission's consideration of the application resulted in a no legal majority vote. The applicant withdrew the request prior to its consideration by the City Council. *This site is located approximately three (3) blocks from the subject site.*

Zoning Docket 002/13 was a request for a conditional use to permit a cocktail lounge with live entertainment in an HMC-2 Historic Marigny/Tremé Commercial District and the Frenchmen Street AC Arts & Cultural Overlay District. The municipal address is 516 Frenchmen Street. The City Planning Commission recommended denial of the request. The request was withdrawn prior to its consideration by the City Council. *This site, which is also the subject of Zoning Docket 008/15, is located within two (2) blocks of the subject site.*

Zoning Docket 024/11 was a request for a zoning change from an HMR-1 Historic Marigny/Tremé Residential District to an HMC-1 Historic Marigny/Tremé Commercial District. The municipal address is 1913 Royal Street. The City Planning Commission recommended denial of the request, which was withdrawn prior to consideration by the City Council. *This site is located within one (1) block of the subject site.*

Zoning Docket 019/11 was a request for the rescission of Ordinance Nos. 13,368 MCS and 22,037 MCS and a Conditional Use to permit Residential/Commercial Mixed Uses in an existing structure in an HMR-3 Historic Marigny/Tremé Residential District and an HMLI Historic Marigny/Tremé Light Industrial District. The municipal addresses are 511-29 Marigny Street and 2308 Chartres Street. The request was recommended for approval by the City Planning Commission and subsequently approved by the City Council. *This site, which is also the subject of Zoning Dockets 097/13 and 125/14, is located approximately three (3) blocks from the subject site.*

Zoning Docket 049/10 was a request for a zoning change from a B-1A Neighborhood Business District to an SC Shopping Center District, a conditional use to permit a drive-thru pharmacy in an SC Shopping Center District, and the rescission of Ordinance Nos. 11,245 and 11,384 MCS (ZD 77/85, a map change from an HMR-3 Historic Marigny/Tremé Residential District to a B-1A Neighborhood Business District and a conditional use permitting a fast food restaurant at the subject site). The municipal addresses are 1100 Elysian Fields Avenue, 2101 Saint Claude Avenue and 1109-11 Frenchmen 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.*

The only recent zoning action that is particularly relevant to the current application was Zoning Docket 104/14. As with the current request, the owner of that property proposed the site's rezoning to an HMC-2 District and a conditional use within that HMC-2 District to allow the adaptive reuse of a historic institutional site, in that case a church, as a hotel exceeding 10,000 square feet in floor area. The staff recommended denial of the

request, finding that the commercial use of the historic institutional site was in conflict with the Master Plan's "Residential Historic Core" future land use designation for the site.

The City Planning Commission disagreed with the staff recommendation, finding that the adaptive reuse of this church site as a hotel would further the Master Plan's historic preservation goals as well as aspects of its land use goals that promote the adaptive reuse of institutions in a general sense. Further, the City Planning Commission found that the proposed hotel would be compatible with and not overly impactful on the surrounding residential properties if subject to provisos governing its design and operation. For those reasons, the City Planning Commission recommended that the City Council approve Zoning Docket 104/14.

D. What are the comments from the design review staff?

The site measures 96 feet, 11 inches in width along its front property line (along Frenchmen Street) and along its rear property line. It is 139 feet, 8 inches in depth along its corner side property line (along Royal Street) and along its interior side property line. The site has an area of 13,709 square feet.

Building design

The site's main structures are a pair of adjoining townhouses built along the Frenchmen and Royal Street property lines which face Frenchmen Street. They are two and one-half story, four-bay Green Revival townhouses dating from between 1833 and 1836. which are of stuccoed masonry construction with gable roofs. The buildings' Frenchmen Street façade features rows of shuttered double doors on the first and second floor which open onto the Frenchmen Street sidewalk and a balcony extending over that sidewalk. They were originally constructed for residential use, were used as a series of commercial storefronts at least between 1909 and 1951, as indicated by historic Sanborn maps, and were most recently used for institutional purposes as a children's home. Though originally separate, the townhouses are now combined into a single building containing 9,564 square feet of floor area.

The townhouses have a total floor area of 9,564 square feet, divided between first and second floors with 3,478 square feet of floor area each and a partial third floor with an area of 2,608 square feet. The first floor is to be occupied by the hotel's lobby and office areas, kitchen, dining and bar areas, a handicap-accessible guest room, and storage and service areas. The second floor is to be occupied by 5 guest units (3 of which are single rooms or suites containing one sleeping room, 2 of which are suites containing two sleeping rooms). The third floor is to be occupied by 7 guest units, each of which would have one sleeping room.

To the rear of the townhouses is a 3,024 square foot, three-story, shed-roof auxiliary building with balconies facing a courtyard located between it and the townhouses. The three floors, each being 1,008 square feet in area, are to be guest units and utility/service

space. Each floor will contain a single room unit and a suite unit with one sleeping room, as well as storage or housekeeping space.

In total, there are to be 19 guest units, including 13 single room units, 4 suites each containing 1 sleeping room, and 2 suites each containing 2 sleeping rooms.

Although the buildings' interiors are to be heavily modified and renovated for the proposed hotel use, changes to the buildings' exteriors are to be very minor, limited primarily to cleaning, restoration, and the installation of signage. Since the site is within a local historic district, all modifications to the buildings and other exterior changes that are within the jurisdiction of the Historic District Landmarks Commission must be approved by the Historic District Landmarks Commission.

- The applicant shall secure the approval of the Historic District Landmarks Commission for all modifications to the site's exterior.

Site design

Courtyard

Located between the townhouse and auxiliary buildings is a 1,450 square foot courtyard. Now an unimproved open space, the courtyard is to be improved to serve as the hotel's outdoor pool area, with an 8'-6" by 22'-2" rectangular swimming pool surrounded by a patio area.

Parking area

The remainder of the site is occupied by the site's L-shaped accessory parking lot, which extends to the side and rears of the buildings and courtyards along the site's interior and rear property lines. The 16-space parking lot is entered from a single-lane driveway along Royal Street and exited from a single-lane driveway along Frenchmen Street. No changes to this parking lot are proposed except for the addition of a dumpster area along the rear property line at the Royal Street property line.

As noted in Section E, below, the Comprehensive Zoning Ordinance requires that the 19-unit hotel provide 19 off-street parking spaces, so the 16 existing spaces would be deficient of that requirement.

The site plan does not specify the dimensions of the parking spaces. In accordance with **Article 15, Section 15.2.5(1)** of the Comprehensive Zoning Ordinance, standard off-street parking spaces must be at least 8 feet, 6 inches in width and 18 feet in depth; compact off-street parking spaces must be at least 7 feet, 6 inches in width and 16 feet in depth and cannot be more than 40% of the total number of parking spaces. Handicap-accessible off-street parking spaces must be at least 10 feet in width and 18 feet in depth and must constitute 3% of the total number of parking.

- The site plan shall be modified to indicate compliance with parking space design standards in **Article 15, Section 15.2.5(1)** of the Comprehensive Zoning Ordinance by showing the number and dimensions of standard, compact, and handicap-accessible off-street parking spaces.

Curbs, curb cuts, and sidewalks

The applicant proposes no changes to the curbs, curb cuts, and sidewalks around the site. It should be noted that the applicant does intend for an on-street loading zone to be located on Royal Street adjacent to an existing driveway leading to the site's courtyard. The applicant intends for the existing driveway courtyard to be used only for the servicing of any equipment that might be in the courtyard and that it would not be possible for a vehicle to entirely enter the courtyard. However, the applicant would prefer for the existing driveway to be retained to facilitate deliveries from the proposed on-street loading zone, which could be wheeled up the driveway and into the site. The staff understands this desire but would prefer that the driveway be replaced with curbing, so as to indicate that it is not an active driveway. The staff would encourage the applicant to install roll-over curbing to accommodate the deliveries or to use vertical curbing with a narrow ramp for deliveries. Ultimately, it would be necessary for the Department of Public Works to approve the installation of new curbing.

- The applicant shall secure the approval of the Department of Public Works for the replacement of the existing courtyard driveway on Royal Street with curbing. Any other modifications to the public right-of-way, including but not limited to the modification or installation of curbs, curb cuts, and sidewalks, shall be subject to the review of the Department of Public Works.

Landscaping

Currently, landscaping of the site is limited to modest plantings along the edge of the parking lot adjacent to Frenchmen Street and adjacent to Royal Street, as well as an existing tree within the Frenchmen Street sidewalk. The submitted site plan indicates that a dumpster is to occupy the edge of the parking lot adjacent to Royal Street, which will require the removal of the existing landscaping there. No other modifications to the site's landscaping are proposed.

The staff believes that any unused areas within the parking lots, such as residual areas between parking spaces, should be landscaped with ground cover both to beautify the site and slightly increase its capacity to absorb stormwater. The staff also believes additional street trees should be planted in existing tree grates on the Frenchmen Street sidewalk adjacent to the site, while the existing tree should be preserved, as recommended by the Department of Parks and Parkways. Based on this, the staff recommends the following proviso:

- The applicant shall submit a landscape plan prepared by a licensed Louisiana landscape architect. This landscape plan shall be subject to the review and approval of the City Planning Commission staff and the Department of Parks and Parkways for plantings within the public rights-of-way. It shall indicate the following:
 - a) The planting of groundcover, plants, and/or trees in all residual areas within the parking lot.
 - b) The installation of new trees in the existing street grates and the preservation of the existing tree in the Frenchmen Street right-of-way adjacent to the site.
 - c) 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, size of planting areas, and details.

Screening

Article 15, Section 15.2.5(8) of the Comprehensive Zoning Ordinance requires a six foot tall fence along the perimeter of the site to screen the hotel's parking lot from view of adjacent residences. There is an existing wood/masonry fence extending along the site's perimeter and screening its parking lot, fulfilling this requirement.

Lighting

No exterior lighting is currently proposed. It is necessary to ensure that any lighting which is ultimately installed does not shine excessively on adjacent residential properties. To do this, the height of any such lighting should be limited to 25 feet and should be oriented toward the interior of the site.

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

Signage

The submitted plans do not include any signage for the hotel. It is necessary that all signage conform to the requirements of the HMC-2 District and the Historic District Landmarks Commission.

- The applicant shall submit a signage plan which complies with standards of **Article 9, Section 9.5.6**, subject to the review and approval of the Historic District Landmarks Commission, prior to the issuance of a certificate of use and occupancy by the Department of Safety and Permits.

Trash Storage and Litter Abatement

The applicant proposes for the hotel's trash to be disposed into dumpsters stored in the rear corner of the parking lot, at the intersection of the Royal Street property line and the rear property line. The applicant proposes that the dumpster be enclosed with a gated fence, although the plans do not indicate the materials or height of this fence. The dumpster would also be enclosed by the existing wood/masonry fence that runs along the Royal Street and rear property lines. This is acceptable to the staff in concept but the plans would need to be revised to provide greater details as to the enclosure's materials and height.

- The dumpster area 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 staff.

Furthermore, to manage litter and trash that may accumulate on and around the site, 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 conditional use 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.

Miscellaneous

There are building encroachments that extend over the adjacent street rights-of-way, particularly balcony encroachments over the Frenchmen Street right-of-way but possibly other building encroachments as well. It is necessary for the applicant to make arrangements with the Department of Property Management to allow for such encroachments.

- 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.

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?

Description of street system

The site is located along Frenchmen Street, which runs in a general north-south direction through the Faubourg Marigny before terminating at Esplanade Avenue. Frenchmen Street, like most streets in the interior of the Faubourg Marigny, is a narrow one-way street providing a single travel lane and a parking lane on each side. Especially in the heavily commercial portion between Esplanade Avenue and Royal Street, Frenchmen Street can experience a large volume of traffic associated with the commercial uses that flank it. This occurs particularly during the evening hours when the restaurants and cocktail lounges within the corridor draw most of their customers. The traffic includes a mix of vehicular traffic associated with people driving to the corridor, attempting to park in the corridor or on surrounding blocks, and the non-automobile traffic of neighborhood residents and tourists walking and bicycling to the corridor. The other nearby streets traversing the interior of the Faubourg Marigny carry relatively low levels of traffic at most times, although there can be some spill-over of automobile, pedestrian, and bicycle traffic from Frenchmen Street onto these surrounding streets on weekend evenings, as people travel into and out of the Frenchmen Street corridor.

While the streets on the interior of the Marigny Triangle are narrow, single-lane streets, the streets forming the edges of the Marigny Triangle, Esplanade Avenue, Elysian Fields Avenue, and McShane Place/Saint Claude Avenue, are multiple lane streets that are designed for and carry higher volumes of traffic. These streets carry substantial volumes of traffic between the Faubourg Marigny and adjacent neighborhoods at all times. During those evening times when the Frenchmen Street corridor is busiest, they also are used by vehicles traveling toward and away from Frenchmen Street.

Traffic impact

As a hotel, the facility's customers would primarily be visitors to the city who would travel to the site either by their own automobile or by taxi. The vast majority of these vehicles would use Esplanade Avenue or Elysian Fields Avenue, both of which are high-capacity arterial streets before turning onto Frenchmen or Royal Street, both lower-capacity streets, for direct access to the site. This traffic associated with the site would be relatively limited, as the hotel's small size would cause there to be relatively few vehicles using the site, and this traffic would be distributed through the day and evening as guest arrive at and leave the hotel. As such, the hotel's impact on traffic levels at any particular time should be fairly small and easy for the existing street system to accommodate.

Parking requirement

In accordance with **Article 15, Section 15.2.1** and **Table 15.A** of the Comprehensive Zoning Ordinance, hotels in the HMC-2 District are required to provide 1 off-street parking space per guest unit or suite. There is no separate parking requirement for all other areas of the hotel, including accessory office, dining, and storage/utility space. As the proposed hotel is to contain 19 guest units, it is required to provide 19 off-street parking spaces.

(It should be noted that there are no off-street parking spaces which are grandfathered to the site, which would reduce the off-street parking requirement. Since the existing HMC-1 District does not require off-street parking in accordance with **Article 15, Section 15.2.2** of the Comprehensive Zoning Ordinance, the last use of the site as a children's home did not have a parking deficiency that would be grandfathered against the parking requirement for the proposed hotel.)

The hotel is proposed to provide the 16 existing spaces in the site's L-shaped accessory parking lot, substandard of the 19 space requirement. The staff does not believe there are special circumstances particular to the site which justify the waiver of this off-street parking requirement. As such, the staff believes the applicant should be required to provide the 19 required off-street parking spaces between the 16 on-site spaces and additional spaces at off-site parking lots, such as those located on Elysian Fields Avenue between North Peters and Chartres Streets. These parking lots, which are the nearest non-accessory parking lots to the site, are located between two and three blocks from the site,

- The applicant shall provide nineteen (19) off-street parking spaces. These spaces shall be provided on-site or at an off-site location located within 900 feet of the subject site.

Loading requirement

Article 15, Section 15.3.1 and **Table 15.G** of the Comprehensive Zoning Ordinance require that hotels with between 10,000 and 100,000 square feet of floor area, such as the proposed hotel, provide 2 off-street loading spaces. However, this number is reduced by the number of spaces that would have been required for the last use of the site as an institution but which were not actually provided. The institutional children's home would have been required to provide 2 off-street loading spaces but it does not appear that formal loading spaces were provided. Therefore, the 2 space deficiency is grandfathered and deducted from the 2 space requirement for the proposed use, resulting in no off-street loading requirement for the proposed hotel.

The applicant proposes for an on-street loading zone to be designated on Royal Street adjacent to the site. It would be necessary for this to be approved by the Department of Public Works. The staff encourages the applicant to work with the Department of Public Works to time-restrict any on-street loading zones so that they may also be used as on-

street parking spaces for passenger vehicles associated with the hotel and other nearby properties.

- Any on-street loading zones shall require the review and approval of the Department of Public Works. If deemed appropriate by the Department of Public Works, any on-street loading zones shall be time-restricted.

F. 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 rezoning is requested as part of an effort to use the historic buildings at this site as a hotel. Hotels are not allowed in the HMC-1 District, which allows a relatively restricted range of small commercial uses. To potentially allow the hotel use, the applicant proposes the site's rezoning to an HMC-2 District, which has a somewhat broader range of commercial uses, including hotels and a limited range of other commercial uses (such as retail stores, offices, restaurants, clinics, and theaters) as permitted uses if they are 10,000 square feet or less in floor area and as conditional uses if they are over 10,000 square feet in floor area.

Potential effects on surrounding land uses

The rezoning of the site from an HMC-1 District to an HMC-2 District would allow it to be occupied by larger, moderately more intense commercial uses (including hotels) than those which are allowed within the existing HMC-1 District. The HMC-1 District is a very low-intensity commercial district that allows a very limited range of use that are oriented toward area residents and tourists and which are intended to protect the historic characters of the Faubourg Marigny and Tremé neighborhoods where they are applied. Almost all of the uses allowed in the HMC-1 District are small retail and service uses, including restaurants, retail stores, bakeries, and studios. Because it is oriented exclusively toward such small, low-intensity commercial uses, the HMC-1 District is applied primarily toward small commercial areas that are within the otherwise residential interiors of the Faubourg Marigny and Tremé neighborhoods, including historic corner commercial properties and small linear commercial corridors such as the Frenchmen Street corridor.

In contrast, the HMC-2 District proposed by the applicant allows for not only the small commercial uses allowed in the HMC-1 District, but also more intense commercial uses which, while compatible with their neighborhoods' historic characters, could prove significantly impactful on surrounding properties. These commercial uses include hotels, theaters, and clinics and hospitals. These uses generally produce moderate-to-high levels of noise, traffic, parking demand, and overall activity which have the potential to impact surrounding properties. Due to the relative intensity of some of the HMC-2 District's uses, HMC-2 Districts are generally applied along the wide arterial streets extending through and along the edges of the Faubourg Marigny and Tremé neighborhoods

(specifically Saint Claude and Elysian Fields Avenues), where larger, more intense commercial uses are more appropriate because those streets are able to accommodate greater volumes of traffic and because the streets can provide a buffer between the commercial uses and some of the surrounding properties. This is stated in the **Article 9, Section 9.5.1** of the Comprehensive Zoning Ordinance, which, in stating the purpose of the HMC-2 District, notes that it “includes the peripheral properties in Marigny/Tremé which front on major traffic arteries and can provide access for more intense commercial uses.”

Based on this, the up-zoning of the site from an HMC-1 District to an HMC-2 District would allow it to potentially be occupied by more intense uses than are currently allowed. These more intense uses generally have a greater potential to be significantly negatively impactful on the properties that surround the site, which include many residential uses which would be particularly sensitive to such negative impacts. Of course, the particular level of impacts on the surrounding properties would vary with the particular commercial use occupying the site. For example, while health clubs, dance studios, hotels, and theaters are all permitted uses in the proposed HMC-1 District but not the HMC-2 District, the exact level of their impacts on surrounding uses would differ significantly. Health clubs and dance studios would generally be low-impact uses that are compatible with the surrounding residences, while hotels and theaters would generally be higher-impact uses with a significant likelihood of negatively impacting those residences depending on their size and operational character.

G. 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.⁴

This re-zoning proposal is considered to be the first type of spot zone, as it would create a new HMC-2 District for only this one property and would have the effect of treating this property differently from the other properties in this stretch of Frenchmen Street, which are in an HMC-1 District.

⁴ 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.

The City Planning Commission typically looks upon spot zoning applications with disfavor because they generally have the effect of treating specific properties different from the similar surrounding properties when there is no justification for that different treatment. However, there are cases when spot zoning does not unjustifiably treat the spot-zoned properties different from surrounding properties. For example, in a largely residential zoning district, it can be sensible to spot-zone a historic corner store structure which has historically been used for commercial purposes and has the physical characteristics of commercial use. In that case, even though the spot zoning would treat the historic corner store different from the surrounding residential properties, that differential treatment is justified because the corner store is different in its historic use and physical character from the residential properties. In cases like this, where it may be appropriate to spot-zone a property differently from the surrounding properties, the Commission may make an exception to its general policy against spot zoning.

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. Properties which are considered commercial are subject to a particular set of standards, while properties which are considered industrial are subject to different standards, as are institutional properties. The policy is not intended to justify the spot zoning of historic residential properties and so it contains no criteria which can be used to justify such a spot zoning.

In the case of structures such as those at the subject site, which have been used for various purposes over their history, the staff typically uses the standards for the original use of the structures. So, for this property, which was originally used as townhouse residences (which were later used for commercial and institutional purposes), the structures would be considered to be residences for the purposes of evaluation under the Historic Non-Conforming Use Policy. As the policy does not allow for the spot zoning of residential properties, the spot zoning of the site cannot be justified.

Even if the structures are considered to be commercial or institutional structures owing to their more recent history of commercial and institutional use, the Historic Non-Conforming Use Policy still does not justify the spot zoning of the site. If the structures are considered to be commercial structures for the purposes of evaluation (based on their history of commercial use from at least 1909 until 1951), the spot zone cannot be justified. The commercial spot zoning policy is oriented toward corner store-style structures, which typically have entrances angled to intersections, display windows, and canopies or awnings over the sidewalk. Based on this orientation, the policy allows only for the spot zoning of commercial properties with those physical characteristics. Although the structures at the subject site were once used commercially, they are not this type of corner commercial structure and lack those physical characteristics. As such, they do not fit the policy's requirements for commercial properties.

If the structures are considered to be institutional structures for the purposes of evaluation, the spot zone still cannot be justified. The institutional spot zoning policy is oriented towards relatively large institutions, such as schools, which are much larger both in terms of the parcel and the structures on the parcel, than surrounding properties. For such large institutions, this clear physical difference between them and the smaller surrounding properties justifies treating them differently in terms of zoning. While this site is moderately larger than most sites in the area, it is not so much larger as to clearly make this site very distinct from surrounding properties in a way that clearly justifies treating it differently for zoning purposes. Further, the structures themselves are generally similar to most structures in the area in terms of their overall massing, height, and their locations near the property lines. That is not to say these structures are completely representative of the building stock for the area, as early 19th century townhouse structures such as this are outnumbered by wooden shotgun residences and Creole cottages, but they are still consistent with the general variety of building types in the area and not dramatically different from other buildings in a manner that justifies zoning them differently from the surrounding properties. For this reason, even if the structures are considered to be institutional structures, their spot-zoning still cannot be justified under the Historic Non-Conforming Use Policy.

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

The request was considered by the Planning Advisory Committee at its meeting on January 7, 2015. The representative of the Department of Public Work noted that it would require the existing driveway leading to the proposed courtyard to be replaced with new curbing. The Department of Parks and Parkways noted that it would require the applicant to preserve the existing tree in the Frenchmen Street sidewalk adjacent to the site and also plant new trees in existing tree grates in the Frenchmen Street sidewalk. The representatives of the Historic District Landmarks Commission and the Department of Property Management, Division of Real Estate and Records noted that they would have to review the proposal further. The committee passed a motion of no objection subject to further review by the City Planning Commission, the Department of Public Works, the Department of Parks and Parkways, the Historic District Landmarks Commission, and the Department of Property Management, Division of Real Estate and Records.

I. What effects or impacts would the proposed conditional use have on adjacent properties?

The hotel, which would be relatively small, having only 19 guest rooms, would generate moderate levels of overall activity, traffic, and demand for parking. This activity includes the normal activities of guests as they walk throughout the hotel and use its rooms, dining area, and other facilities. This sort of normal activity, which would be contained within the building and courtyard, would be virtually unnoticeable to occupants of surrounding properties and would have no significant impact on them. The activities that would be noticeable from surrounding properties and which might impact those properties are the activities on the exterior of the site, including the travel of customers and employees to the site by car and on-foot, as well as normal delivery and passenger pick-up/drop-off

activities. As discussed in the traffic and parking section, this activity would mostly be distributed throughout the day, though it may peak at evening check-in times, and so its impact on other properties should not be particularly intense. Further, since much of the need for parking and loading spaces can be accommodated in the hotel's parking lot, this activity on the exterior of the site should not be expected to be excessively impactful on the surrounding properties.

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*?

In accordance with the Home Rule Charter of the City of New Orleans, 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 the Land Use Element 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.

The Master Plan's future land use map ("Chapter 14: Land Use Plan" of the Master Plan) divides the six block stretch of Frenchmen Street between Esplanade Avenue and North Rampart Street into two future land use designations. The three block portion between Esplanade Avenue and Royal Street, which is currently heavily commercial with a cluster of live music venues, is designated for Mixed-Use Historic Core future land use, which is oriented towards a mix of residential uses, neighborhood-serving businesses, and visitor-oriented businesses.

In contrast, the three block portion between Royal and North Rampart Streets, which includes the subject site, is more residential in character with limited commercial uses. Most of that three block stretch, including the subject site, is designated for **Residential Historic Core** future land use. The goal, range of uses and development character for the Residential Historic Core designation is copied below:



Detail from the future land use map

RESIDENTIAL HISTORIC CORE

Goal: Preserve the character and scale of 18th through mid-20th Century residential areas and allow for compatible infill development.

Range of Uses: Single- and two-family residences, townhomes and small multifamily structures. Neighborhood-serving businesses and traditional corner stores may be allowed where current or former commercial use is verified.

Supporting public recreational and community facilities allowed (e.g., schools and places of worship).

Development Character: The density, height, and mass of new development will be consistent with the character and tout ensemble of the surrounding historic neighborhood. A variety of types and sizes of development may be appropriate.

This description indicates that, unlike the stretch of Frenchmen Street between Esplanade Avenue and Royal Street, which is designated Mixed-Use Historic Core and which is oriented toward a variety of neighborhood- and visitor-oriented commercial uses, the stretch of Frenchmen Street on which the subject site is located is oriented primarily toward small residential uses with limited neighborhood-serving commercial use.

These future land use designations reflect the current land use pattern. The heavily commercial three block stretch of Frenchmen Street between Esplanade Avenue and Royal Street is intended for a broader range of commercial uses. The three block stretch between Royal Street and North Rampart Street (in which the site is located), which is more residential in character with limited commercial uses, is designated for a future land use mix that is mostly residential with limited neighborhood-serving commercial uses.

In evaluating this application, the staff must determine if each of its two separate components (the zoning change request and the conditional use request for a hotel) is consistent or at least does not interfere with the Master Plan's Residential Historic Core future land use designation for the site.

Zoning change request

The proposed rezoning of the site to an HMC-2 District, which would allow a limited range of low-to-moderate intensity commercial uses of the site, is **consistent** with the Residential Historic Core designation. In making this determination, it was first necessary to determine whether the Residential Historic Core designation allows for the site to be commercially zoned at all, regardless of what particular commercial zoning district it might be. The Residential Historic Core designation allows for commercial use of properties "where current or former commercial use is verified". As the site was used for commercial purposes from at least 1909 until 1951, as indicated by historic Sanborn maps, this former commercial use requirement is met. The site is therefore eligible to be zoned for commercial use.

Having determined that the Master Plan allows the site is to be zoned commercially, the question is then whether the HMC-2 District in particular is allowable for the site under the Residential Historic Core designation. The City Planning Commission's "consistency table," which lists the specific zoning districts that are allowable under any particular future land use designation, states that the HMC-2 District is consistent with the Residential Historic Core future land use designation. (The HMC-1 District which is currently applied to the site is also deemed consistent with the Residential Historic Core designation.) Therefore, the zoning change request is consistent with the Master Plan.

Conditional use request

Although the rezoning of the site to an HMC-2 District is consistent with the Residential Historic Core designation, the conditional use request to allow a hotel in that HMC-2 District is **not consistent** with the designation. The Residential Historic Core designation allows sites where current or former commercial use is verified to be used by commercial uses limited to “neighborhood-serving businesses and traditional corner stores”. The proposed hotel use is oriented exclusively toward visitors and not toward the residents of the surrounding neighborhood, and therefore cannot be considered to be a neighborhood-serving business. It is also not a traditional corner store. Therefore, the use of the site as a hotel is not consistent with the Residential Historic Core designation.

IV. SUMMARY

Zoning Docket 013/15 considers a request for a zoning change and a conditional use to permit the renovation of 700 Frenchmen Street, which was most recently the site of Girls and Boys Town of Louisiana, as a hotel. The hotel would include 19 guest units, as well as accessory office, dining and bar, and service areas. The hotel is to provide 16 off-street parking spaces in an L-shaped parking lot along the side and rear of the site. Due to the site’s location in an HMC-1 Historic Marigny/Tremé Commercial District, the site must be rezoned to the HMC-2 Historic Marigny/Tremé Commercial District to potentially allow the hotel use. Further, because the HMC-2 District allows hotels over 10,000 square feet in floor area only as conditional uses, the applicant has requested a conditional use to allow the proposed hotel, which would have a total floor area of 12,588 square feet.

Due to its small size, the hotel would likely be fairly moderate in the overall levels of activity, noise, traffic, and parking demand it would generate. Nevertheless, the use of the site as a hotel, regardless of how intense the hotel may be, is not allowable under the Master Plan’s Residential Historic Core future land use designation for the site. The Master Plan designates most of Frenchmen Street between Royal and North Rampart Streets, including the subject site, for Residential Historic Core future land use. This future land use designation allows small residential uses, as well as neighborhood-serving businesses at historic commercial sites. Since the hotel use would by its very nature be oriented primarily toward visitors, not neighborhood-residents, it is not allowable under this future land use designation. The staff cannot support the conditional request for that reason. Further, the rezoning of the site would be considered a “spot zone” which is not justifiable under the Commission’s Historic Non-Conforming Use Policy. As such, the staff also cannot support the rezoning request.

V. PRELIMINARY STAFF RECOMMENDATION⁵

The staff recommends **denial** of Zoning Docket 013/15, a request for a zoning change from an HMC-1 Historic Marigny/Tremé Commercial District to an HMC-2 Historic

⁵ The recommendation is subject to change by the City Planning Commission

Marigny/Tremé Commercial District and a Conditional Use to permit a hotel occupying more than 10,000 square feet of floor area in the proposed HMC-2 District.

VI. REASON FOR RECOMMENDATION

1. The proposed hotel use is not allowable under the site’s Residential Historic Core designation by the Master Plan’s future land use map. The Residential Historic Core designation allows small residential uses, as well as neighborhood-serving commercial uses at historic commercial sites. The proposed hotel would be oriented primarily toward visitors, not neighborhood residents, and therefore is not an allowable commercial use under the Residential Historic Core designation.
2. The rezoning of the site would constitute a “spot zone” which cannot be supported under the Commission’s Historic Non-Conforming Use Policy.

VII. CITY PLANNING COMMISSION MEETING (JANUARY 27, 2015)

The speaker at the public hearing is listed on the attached public hearing speaker sheet.

The Principal City Planner summarized the request, stating the staff’s recommendation of denial but noting that the staff supported the applicant’s request to defer the application.

Commissioner Marshall made a motion to defer the application to the February 24, 2015 City Planning Commission meeting. Commissioner Hughes seconded the motion, which was adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 013/15 IS HEREBY DEFERRED TO THE FEBRUARY 24, 2015 CITY PLANNING COMMISSION MEETING.

YEAS: Brown, Bryan, Hughes, Marshall, Mitchell, Mora, Steeg

NAYS: None

ABSENT: Duplessis, Wedberg

VIII. FURTHER CONSIDERATION

No additional material has been submitted to the staff as of February 11, 2015. The staff continues to recommend **denial** of the application for the reasons stated in this report.