

City Planning Commission Meeting
Tuesday, December 9, 2014

CPC Deadline: 01/23/15
CC Deadline: 01/30/15
City Council Districts: B – Cantrell &
C – Ramsey

PRELIMINARY STAFF REPORT

To: City Planning Commission
Zoning Docket: 120/14

Prepared by: Nicholas Kindel
Date: November 18, 2014

I. GENERAL INFORMATION:

Applicant: City Council Motion M-14-430

Request: This is a request for an amendment to the text of Article 18 of the Comprehensive Zoning Ordinance, No. 4,264 M.C.S., as amended, and the designation of such on the corresponding zoning base maps of the City of New Orleans, to consider the establishment of the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD) to prohibit the issuance of any permits within the Interim Zoning District prior to design review and approval by the City Planning Commission staff, with the advice of the Historic District Landmarks Commission when a project is within its jurisdiction, subject to appeal to the City Council, that are in conflict with the Interim Zoning District's standards and all figures attached to the City Council Motion.

Location: The Interim Zoning District would apply to all property located within the area generally bounded by South Claiborne Avenue, the Pontchartrain Expressway, the Mississippi River, and Iberville Street. (PD 1A)

Description: The purpose of the proposal is to provide predictable height requirements for new buildings in the Central Business District that are consistent with the proposed Draft Comprehensive Zoning Ordinance (Draft CZO).¹ The proposed requirements are based on a height study done for the Downtown Development District (DDD) for the portion of the Central Business District between Poydras Avenue and the Pontchartrain Expressway and Loyola Avenue and Convention Center Boulevard. This study led to the previous Lafayette Square/Warehouse District Refined Height Plan Interim Zoning District that was adopted by the City Council on November 1, 2012.² The Lafayette Square/Warehouse District IZD was renewed once, and it expired on May 9, 2014. The proposed Central Business District Height and Floor Area Ratio Interim Zoning District (CBD IZD) includes most of the CBD, a much

¹ The Draft CZO was adopted by motion by the City Council on October 24, 2104, and approval of the final ordinance is pending. For this report, the new adopted CZO is referred to as the Draft CZO.

² Ordinance Number 250168 adopted the IZD reviewed in Zoning Docket 086/12.

larger area than the previous Lafayette Square/Warehouse District IZD. In addition, the proposed IZD goes well beyond the height study area commissioned by the DDD³ and includes the proposed height and Floor Area Ratio (FAR) recommendations included in the Draft CZO.

Why is City Planning Commission action required?

The City Planning Commission is required to make a recommendation on all proposals for the creation of an Interim Zoning District prior to City Council action, in accordance with **Article 16, Section 16.4.4.(1) Procedures for Establishing District** of the Comprehensive Zoning Ordinance, by reference to **Article 16, Section 16.2.3.(2) Action on Zoning Amendments** of the ordinance.

II. ANALYSIS

A. What is the reason for the proposed Interim Zoning District? What purpose would the Interim Zoning District serve?

The proposal was initiated in order to provide clear and predictable height requirements for new buildings in the Central Business District. The proposed CBD IZD includes many of the same height requirements that were included in the previous Lafayette Square/Warehouse District IZD and those proposed in the Draft CZO. As such, the proposed CBD IZD serves as a bridge between the previous IZD and the implementation of the Draft CZO to ensure consistent and predictable height requirements for new developments in the Central Business District. For the portions of the CBD that were not subject to the Lafayette Square/Warehouse District IZD, the proposed CBD IZD will serve as an early adoption of the Draft CZO regulations that will ensure that new developments throughout the CBD have consistent heights and FARs to what is proposed in the Draft CZO.

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

The subject area of the proposed IZD covers most of the Central Business District that is presently located within nine different zoning districts.

CBD-1 Central Business District

The CBD-1 Central Business District is intended to encompass the office core of the central business district, and permits a wide variety of uses to provide basic services to the entire City, the New Orleans Metropolitan Area and the South Central Region of the United States and to serve important national and international functions. The CBD-1 District generally

³ Downtown Development District of New Orleans. *Refined Height Plan*. 3 August 2010 and Downtown Development District of New Orleans. *Lafayette Square/Upper CBD Height Study*. 30 June 2008.

covers the area located between Lafayette Street and the backside of Canal Street from Loyola Avenue to Tchoupitoulas Street.⁴ These properties are developed with a mixture of office buildings, hotels, multiple-family dwellings, and other uses. Many of the properties in this district are developed with multi-story structures, with ground-level retail, personal service, and food and beverage service uses.

CBD-2 Central Business District

The CBD-2 Central Business District covers multiple squares around downtown including the following: the Convention Center, Plaza D'Italia, Canal Place, and Harrah's Casino area,⁵ the area generally bounded by Iberville Street and Poydras Street and Claiborne and Loyola Avenues, and the area located between Poydras Street and the Pontchartrain Express and Loyola Avenue and La Salle Street. The purpose of the CBD-2 District is to provide for growth at lower intensities than are justified for the main office core, particularly in the areas around the Superdome and the riverfront. These areas are developed with a mix of institutional uses (government buildings, convention center buildings, hospitals, plazas, museums), offices, hotels, residences shopping centers, a casino, parking lots and structures, and many other uses.

CBD-2B Central Business District

The CBD-2B Central Business District covers two small squares between Iberville Street and Cleveland Avenue and S Liberty/Tremé Streets and S Saratoga/Crozat Streets.⁶ The purpose of this district is to provide for central commercial and high density residential developments in areas near the office and retail cores. The district permits the same uses as the CBD-1 District, but at somewhat lower development intensities. Uses in the CBD-2B District include a hospital, a hotel, and a rental car facility.

CBD-3 Central Business District

The purpose of the CBD-3 Central Business District is to preserve and enhance that portion of Canal Street lying within the Central Business District by requiring retail consumer and service establishments on the lower floors, to maintain the scale and height of existing development, to enhance the pedestrian environment, to foster a sense of historic continuity, to control traffic generation, and to protect the adjacent Vieux Carré. The CBD-3 District is generally bounded by Iberville Street and Canal Street (both sides) and Tchoupitoulas/N Peters Street and S Saratoga/Crozat Streets. The uses in the CBD-3 District include a wide variety of ground-level retail, personal service, and food and beverage service uses, with

⁴ The CBD-1 Central Business District also covers the entirety of Lafayette Square.

⁵ The area generally located between Iberville Street and the Pontchartrain Expressway and Convention Center Boulevard/ Tchoupitoulas Street and the Mississippi River.

⁶ The remainder of the CBD-2B District is located outside of the scope of the proposed CBD IZD.

offices, residential, and hotels above. There are also a number of historic theaters (both operating and vacant) in this district.

CBD-4 Central Business District

The CBD-4 Central Business District includes a small number of blocks generally bounded by Camp and Tchoupitoulas Streets and Poydras and Common Streets. The purpose of the CBD-4 District is to provide space adjacent to the CBD core for retail and service uses, to preserve the district's historic character and scale and maintain existing buildings of quality, to control traffic congestion in the district's narrow streets, and preserve and enhance the pedestrian environment. The uses in the area include a mix of ground floor retail and restaurants, upper floor hotels, offices, residential uses, and surface parking lots.

CBD-5 Central Business District

The CBD-5 Central Business District covers properties on multiple squares that extend generally between Loyola and O'Keefe Avenues from Lafayette Street to the Pontchartrain Expressway.⁷ The purpose of the CBD-5 Central Business District is to accommodate central commercial and residential developments and to provide for parking facilities. The majority of this district is presently developed with surface-level parking lots. There is also a multi-level parking garage located in the block bounded by Lafayette, Girod, and S Rampart Streets and Loyola Avenue. There is a multiple-family residential building under-construction on the block bounded by Lafayette, Girod, and South Rampart Streets and O'Keefe Avenue. The district also includes a few restaurants and office uses, including a vacant high-rise office structure formerly known as the Plaza Tower.

CBD-7 Central Business District

The CBD-7 Central Business District covers the area generally bounded by O'Keefe Avenue, the Pontchartrain Expressway, and Lafayette and Camp Streets. The District includes a large portion of the City's Lafayette Square Local Historic District. The purpose of the CBD-7 District is to provide living accommodations conveniently situated with respect to employment opportunities and supportive of a broad range of commercial and entertainment activities. It is developed with a wide variety of land uses, including a substantial number of residential and mixed use commercial/residential structures, as well as offices, retail uses, restaurants, hotels, personal service uses, and an automobile service center. Most of the structures in the district have heights of four stories or less, although there are several taller structures in the areas located around Lafayette Square and Lee Circle.

⁷ The CBD-5 Central Business District also covers the majority of the square bounded by O'Keefe Avenue, Baronne, Girod, and Lafayette Streets.

CBD-8 Central Business District

The CBD-8 Central Business District is located adjacent to the river side of the CBD-7 District, and is bounded roughly by Camp and Lafayette Streets, Convention Center Boulevard, and the Pontchartrain Expressway. The purpose of the CBD-8 Central Business District is to provide for living accommodations conveniently situated with respect to employment opportunities. The district covers a portion of the Warehouse District Local Historic District. It is developed with a number of former warehouse structures, many of which have been converted to hotels and residential and mixed residential/commercial use developments. This district also includes a number of museums in the area to the river side of Lee Circle along Andrew Higgins Drive.

CBD-9 Central Business District

Finally, the CBD-9 Central Business District covers a small portion of the subject area, bounded by Annunciation Street, Andrew Higgins Drive, Convention Center Boulevard, and the Pontchartrain Expressway. This district is covered in its entirety by the City's Warehouse District Local Historic District. The purpose of the CBD-9 District is to permit the construction of somewhat larger new structures than those of the CBD-8 District without causing a negative impact upon the scale and character of the surrounding area. The CBD-9 District is also developed with a number of former warehouse structures that have been converted to residential and commercial uses and hotels. The district also includes a public park,⁸ entertainment uses, and a few remaining industrial uses. The structures in this district are all between one and five stories in height, with the exception of an eight-story hotel along Convention Center Boulevard at the corner of Gaiennie Street.

Height, Area, and Bulk Requirements

Height in the Central Business District is currently regulated by height limits provided in the height, area, and bulk requirements tables in each of the zoning districts. In addition, the Floor Area Ratio⁹ requirements are a de facto height limit in some districts and an additional standard that limits developments in other districts. The height and FAR limits for each of the districts within the subject area are shown in the table below:

⁸ The Mississippi River Heritage Park

⁹ Floor Area Ratio (FAR) is defined in Article 2, Section 2.2.19 as the floor area of a building or buildings on a site divided by the area of the lot. For example, a 10,000 square foot property with an FAR limit of 10, would allow a building with a maximum gross floor area of 100,000 square feet. A property with a FAR limit of 10 would have a maximum building area of a 10-story building that covers the entire site.

District	Maximum Building Height	Maximum Floor Area Ratio ¹⁰
CBD-1 Central Business District	No limit	7 – 14
CBD-2 Central Business District	No limit	7 – 12
CBD-2B Central Business District	No limit	6 – 8
CBD-3 Central Business District	85 ft.	4.5 – 6
CBD-4 Central Business District	85 ft.	4.5 – 6
CBD-5 Central Business District	No limit	6
CBD-7 Central Business District	50 ft./125 ft.	4.5 – 8
CBD-8 Central Business District	50 ft./100 ft.	4 – 8
CBD-9 Central Business District	85 ft./No limit	6 – 8

Proposals to construct buildings exceeding the height requirements of any Central Business District zoning district are classified as conditional uses, and are decided by the City Council following a public hearing by and receipt of the recommendation of the City Planning Commission.¹¹ Heights of buildings within the CBD-1, 2, 2B, and 5 Central Business Districts are not currently limited. However, the CBD Districts also include maximum Floor Area Ratio (FAR) limitations, which indirectly provide practical limits for building heights.

The maximum building heights in the CBD 7, 8, and 9 District are indicated as two numbers in the table because each district provides separate height limits for portions of a building that are located within thirty (30) feet of a street line and portions that are located farther than thirty (30) feet from a street line. However, the maximum allowable building height within thirty (30) feet of a street line in these districts is also limited to the average of the existing street façade heights on the three (3) closest block faces.¹²

In all of the districts, except for the CBD-5 District, there are different maximum FARs for different uses. Depending on the purpose of the district, higher FARs will be allowed to encourage certain uses over others. In some districts non-residential uses are encouraged (CBD-1, 2, 3, and 4) and in other residential uses are encouraged (CBD-2B, 7, 8, and 9). In some districts FAR could be increased from what is shown for transfers of development rights and if certain bonus provisions are met.

Special Regulations for Front Building Walls

Additionally, buildings located along particular street frontages within the Central Business District are subject to special front building wall height regulations provided in Section 6.13 of the Comprehensive Zoning Ordinance. These regulations require that a minimum of eighty

¹⁰ Floor Area Ratio requirements are different depending on the proposed building use (residential, non-residential, and mixed).

¹¹ This limitation is provided in a footnote to the maximum building height provision in the height, area, and bulk table in each of the zoning districts.

¹² This limitation is also provided in a footnote to each of the height, area, and bulk tables.

percent of the frontage of any building along one of the subject streets be built to a height of between two stories and the maximum height (in feet) for that street. The special regulations apply only to portions of buildings located within twenty (20) feet of the subject street rights-of-way. The streets with special height limits within the subject area are provided below:

Street frontage	Maximum building height (first 20 ft.)
Camp Street, St. Joseph Street to Lafayette Street	50 feet
Camp Street, Poydras to Gravier Street	50 feet
Camp Street, Gravier to Canal Street	70 feet
Canal Street, south side, Elk Place to Tchoupitoulas Street	70 feet
Canal Street, north side, Basin Street to Decatur Street	70 feet
Carondelet Street, Julia Street to Lafayette Street	50 feet
Chartres Street, Canal Street to Iberville Street	70 feet
Church Street, Julia Street to Girod Street	50 feet
Commerce Street, Diamond Street to Lafayette Street	50 feet
Convention Center Boulevard (river side), Girod Street to Howard Avenue	70 feet
Convention Center Boulevard (river side), Howard Avenue to Mississippi Bridge	85 feet
Exchange Alley, Canal Street to Iberville Street	70 feet
Girod Street, Carondelet Street to Magazine Street	50 feet
Gravier Street, Camp Street to Tchoupitoulas Street	50 feet
Julia Street, south side, St. Charles to Camp Street	50 feet
Lafayette Street, Loyola Avenue to South Front Street	50 feet
Magazine Street, Poydras Street to Gravier Street	50 feet
Magazine Street, Gravier Street to Canal Street	70 feet
Natchez Street, Camp Street to Tchoupitoulas Street	50 feet
North Diamond Street, Tchoupitoulas Street to South Peters Street	50 feet
St. Charles Street, Lee Circle to Lafayette Street	50 feet
St. Charles Street, Poydras Street to Common Street	50 feet
South Diamond Street, Tchoupitoulas to South Peters Street	50 feet
Tchoupitoulas Street, Lafayette Street to Gravier Street	50 feet
Tchoupitoulas Street, west side, Gravier Street to Canal Street	70 feet
Tchoupitoulas Street, east side, Gravier to Common Street	70 feet

C. What is the zoning and land use history of the petitioned property? Have there been any recent zoning changes, conditional uses or Interim Zoning Districts in the immediate area? If so, do these changes indicate any particular pattern or trend?

The subject site covers a large area of land that has historically been divided into multiple zoning districts and occupied by a wide variety of land uses:

Zoning History:

- 1929 – “K” Industrial District along Poydras Street (unlimited height); “J” Industrial District in other areas (8 stories/100 ft. limit); and “L” Unrestricted District (8 stories/100 ft. limit)
- 1953 – “K” Central Business District (2.5 times adjacent street width); “J” Light Industrial District (160 ft.); and “L” Heavy Industrial District (unlimited height)
- 1976 – Adoption of Central Business District zoning districts with boundaries similar to current boundaries

Land Use History:

- 1929 – Predominantly Industrial and Warehouses between Camp Street and Mississippi River; predominately Commercial Buildings between Camp and Rampart Streets and Poydras and Canal Streets; predominately Railroad Property between Rampart Street and S Claiborne Avenue and Poydras and Julia Street; and a mixture of Industrial and Warehouses, Commercial Buildings, Residences, and City Property throughout the rest of the area
- 1949 – Predominantly Light and Heavy Industrial between Camp and Front Streets; predominately Commercial Buildings between Camp and Rampart Streets and Poydras and Canal Streets; predominately Railroad Property between Rampart Street and S. Claiborne Avenue and Poydras and Julia Street, and also between Front Street and the Mississippi River; and a mixture of Industrial, Commercial, Residential, and Public and Semi-Public Buildings throughout the rest of the area
- 1999 - Predominately Commercial through most of the area; predominately Institutional/Public between Loyola and S. Claiborne Avenues; Industrial uses are adjacent to the Pontchartrain Expressway; Multi-Family Residential uses between Magazine and Fulton Streets and Julia and Lafayette Streets; and Park/Open Space throughout the area¹³

There have been numerous requests for zoning changes, conditional uses, text amendments, and interim zoning districts within the subject area in recent years. Given the large number of requests in this area, the staff decided to present only those that are relevant to the proposed CBD IZD that would regulate building height and FAR. The following are the relevant zoning dockets within the IZD during the past five years:

¹³ The 1999 Land Use Plan presents a generalized indication of land uses throughout the city; it is not lot-specific.

Zoning Docket 041/09 was a request to reaffirm a conditional use ordinance to permit a multiple-family dwelling with excessive off-street parking and floor area ratio in a CBD-5 Central Business District. The City Planning Commission recommended approval, and the request was subsequently approved by the City Council. This site is located at 919-939 Girod Street and 616-642 O'Keefe Avenue.

Zoning Docket 061/09 was a request for a conditional use to permit a hotel with variances of the maximum height, minimum open space ratio and minimum off-street parking requirements in a CBD-8 Central Business District. The City Planning Commission recommended denial, and the request was subsequently approved by the City Council. This site is located at 612-618 South Peters Street.

Zoning Docket 110/09 was a request to reaffirm Ordinance No. 22,572 M.C.S. (Zoning Docket 61/06, an amendment to Ordinance No. 22,074 M.C.S. to permit an increase in height and other waivers for a condominium/hotel development in a CBD-3 Central Business District). It was recommended for approval by the City Planning Commission, but withdrawn prior to City Council action. The site is located at 121-125 Royal Street.

Zoning Docket 022/10 was a request for a conditional use to permit an increase in height and floor area ratio in a CBD-7 Central Business District. The City Planning Commission recommended approval, and the request was subsequently approved by the City Council. This site is located at 630 Camp Street.

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

Zoning Docket 016/11 was a request for the rescission of a previous conditional use ordinance, a new conditional use to permit a parking garage providing non-accessory off-street parking spaces, and a waiver of height for an addition to a hotel in a CBD-1 Central Business District. The City Planning Commission recommended approval, and the request was subsequently approved by the City Council. This site is located at 810-820 Poydras Street and 505-551 Carondelet Street.

Zoning Docket 073/11 was a request for a Conditional Use to permit increases in height and floor area ratio, and a non-accessory parking garage, in a CBD-3 Central Business District. It was recommended for denial by the City Planning Commission, and the request was subsequently approved by the City Council. The site is located at 1031 Canal Street.

Zoning Docket 121/11 was a request for a conditional use to permit an increase in height in a CBD-7 Central Business District. Consideration of the request by the City Planning

Commission resulted in no legal majority, and the request was subsequently approved by the City Council. This site is located at 820 Girod Street.

Zoning Docket 086/12 was a request for an amendment to the text of the Comprehensive Zoning Ordinance to establish a new Interim Zoning District (IZD) named the Lafayette Square/Warehouse District Refined Height Plan Interim Zoning District. The request was recommended for modified approval by the City Planning Commission and was subsequently approved by the City Council.

Zoning Docket 066/13 was a request to amend Conditional Use Ordinance No. 11,115 M.C.S. which permitted a radio antennae and tower to permit a non-accessory parking garage in a CBD-1 Central Business District. The City Planning Commission recommended approval of the request which was subsequently approved by the City Council. The site is located at 225 Baronne and 919 Gravier Streets.

Zoning Docket 081/14 was a request to amend the entirety of the Comprehensive Zoning Ordinance of the City of New Orleans, Ordinance No. 4,264 M.C.S. The City Planning Commission recommended approval of the request which was subsequently approved by the City Council. The City Council is currently considering the final ordinance to adopt the Draft Comprehensive Zoning Ordinance.

The changes do not indicate a particular pattern for waivers of the height requirements of various districts within the Central Business District in the past several years. A couple of these zoning dockets relate closely to this request. **Zoning Docket 086/12** put into place the previous Lafayette Square/Warehouse District IZD. That request was recommended for approval by the City Planning Commission and subsequently approved by the City Council. **Zoning Docket 081/14** considered the Draft Comprehensive Zoning Ordinance, which includes the Height and Floor Area Ratio regulations included in this CBD IZD request. The City Planning Commission recommended approval of the request which was subsequently approved by the City Council. The City Council is currently considering the final ordinance to formally adopt the Draft Comprehensive Zoning Ordinance.

Board of Zoning Adjustments actions within the subject area

It is also important to note that the Comprehensive Zoning Ordinance currently allows for what are commonly referred to as “step back” waivers to be heard by the Board of Zoning Adjustments. These are requests for variances to allow for a building to exceed the height limit at the street edge prior to “stepping back” to the required setback. Buildings are not allowed, however, to exceed the total height of the zoning district through this procedure; as noted above, waivers of the absolute height limit may only be granted by the City Council through the conditional use process. The Board of Zoning Adjustments has considered a small number of these requests in recent years. Any such approvals that are in conflict with

the proposed regulations and for which building permits have not yet been obtained would be prevented from obtaining building permits if the proposed Interim Zoning District is adopted.

D. What is the proposed language for the Interim Zoning District in the City Council Motion?

The new language proposed by the City Council Motion is indicated below in underlined font. The language below was prepared by the staff based on the Motion and in conformity with the format and numbering system used in Article 18 of the Comprehensive Zoning Ordinance. The section number is shown as “XX”, but should be filled in with the next available section number in Article 18 of the Comprehensive Zoning Ordinance if the Interim Zoning District is adopted.

Section 18. . – Central Business District Height and Floor Area Ratio Interim Zoning District.

18.XX.1. Purpose of the District.

The purpose of this Interim Zoning District (IZD) is to prohibit the issuance of any permits prior to design review and approval by the staff of the City Planning Commission, with the advice of the Historic District Landmarks Commission when a project is within their jurisdiction, that are in conflict with the Central Business District height and floor area ratio limitation maps attached hereto and indicated on the zoning base maps of the City of New Orleans.

18.XX.2. Area of Applicability.

This IZD applies to all property located within the area generally bounded by South Claiborne Avenue, the Pontchartrain Expressway, the Mississippi River, and Iberville Street.

18.XX.3. Building Height.

1. The maximum height on a lot is indicated in Attachment A: Maximum Building Height.
2. Those lots that are not subject to building height limits are subject to maximum floor area ratio (FAR) limits and are indicated in Attachment B: Maximum FAR.
3. The height designation of “75/125 ft & 6/10 Stories” in Attachment A is interpreted as follows: a height limit of six (6) stories and seventy-five (75) feet applies within twenty (20) feet of all property lines adjacent to any public right-

of-way, and a height limit of ten (10) stories and one hundred twenty-five (125) feet applies to all other portions of the lot.

18.XX.4. Appeals.

An applicant for development subject to the regulations of this IZD may appeal these regulations to the City Council in the manner set forth in Section 16.4.5.(3) of the Comprehensive Zoning Ordinance.

18.XX.5. Duration of Designation.

This Interim Zoning District is designated for a period of one (1) year and is subject to extension as provided by Section 3-126 of the Home Rule Charter of the City of New Orleans.

E. Does the action proposed in the City Council Motion adequately answer the problem that is being addressed; if not, is any modification necessary?

The proposed IZD appropriately addresses the problems generated by the complex system of height regulation that is currently applied within the Central Business District. The proposed height limit and maximum FAR maps are the same figures that are used in the Draft Comprehensive Zoning Ordinance. These figures are in part based upon recommendations by the height task force for the Lafayette Square/Warehouse District area convened by the Downtown Development District and codified by the previous Lafayette Square/Warehouse District Refined Height Plan Interim Zoning District. The proposed CBD IZD will serve as a bridge between the previous IZD and the Draft CZO to ensure consistent height and FAR regulations. Overall, therefore, the staff believes the recommended IZD appropriately addresses the current problems related to height regulation in the subject area. The staff also believes that some minor modifications to the proposed IZD would be advisable.

Purpose of the District

First, the staff recommends that the language of the purpose statement be modified to indicate that the purpose of the IZD is to provide a clear set of height and FAR regulations for the Central Business District.

Area of Applicability

Second, the staff notes that the proposed Area of Applicability section has a general description of the boundaries of the IZD. There should be an additional note in that section that refers to Attachments A and B for the exact legal boundaries of the IZD. While the general boundary description is mostly accurate, there is a small portion of the IZD that is located on the Uptown-side of the Pontchartrain Expressway near the Mississippi River.

Therefore, the Area of Applicability section should refer to the attachments for the exact boundary.

Design Review Process

The proposed IZD would require design review by the City Planning Commission staff prior to the issuance of any permit for a structure that would conflict with the height requirement and/or maximum FAR maps. This review process would occur as part of the appeal process set forth in Section 16.4.5.(3) of the Comprehensive Zoning Ordinance, which is also referenced in the IZD Motion. The staff recommends that specific language based on the requirements used in the previous IZD be added to the text of the proposed IZD. Such language should indicate the submittal requirements and the time period provided for review by the City Planning Commission staff. Additionally, the proposed language indicates that the staff design review must include the advice of the Historic District Landmarks Commission. The staff recommends that language be included indicating that the staff must request the advice of the Director of the Historic District Landmarks Commission and providing a time period in which the advice must be received, after which the staff must proceed with its review of an application with or without such advice.

It is also important to note that many of the properties within this area are already subject to design review by the Historic District Landmarks Commission and/or the City Planning Commission. The Lafayette Square and Warehouse District local historic districts cover most of the properties between Poydras Street, O'Keefe Avenue, Convention Center Boulevard, and Pontchartrain Expressway. The Picayune Place Local Historic District covers the area between Poydras and Common Street and Camp and Tchoupitoulas Street. The Canal Street Local Historic District includes the Canal Street corridor Between S Saratoga/Crozat Streets and N Peters/Tchoupitoulas Streets. Any developments proposed within this area must obtain a Certificate of Appropriateness following design review by the Historic District Landmarks Commission. The Downtown Design Review District requires a design review by the City Planning Commission staff for any development proposed on all lots or sites fronting on Lafayette Mall, Lafayette Square, Howard Avenue including Lee Circle and all developments on all property bounded by the Mississippi River, the uptown side of Poydras, the river side of Convention Center Boulevard, the downtown side of Thalia, the river side of Annunciation, the downtown side of Race Street to the Mississippi River, and all property on the river side of the floodwall between Poydras and the downtown side of Canal Street.¹⁴ Lastly, permits for any structure with more than 50,000 square feet of floor area within the entirety of the Central Business District must be reviewed by the staff of the City Planning Commission.¹⁵

¹⁴ Article 10, Section 10.10 of the Comprehensive Zoning Ordinance.

¹⁵ Provided in the Special Regulations subsections of each Central Business District Zoning District.

Staff recommended language for Interim Zoning District

The staff’s recommended language for the proposed Interim Zoning District, which incorporates modifications based on the discussion above, is presented at the end of this report.

F. Is the proposed action consistent with the policies and strategies of the *Plan for the 21st Century*?

“Chapter 14: Land Use Plan” of the Master Plan includes the following goals, strategies, and actions that pertain to the proposed action.

Goal	Strategy	Actions
Promote development that can strengthen the city’s tax and job base while serving citizen needs and preserving city character.	Make downtown a vibrant 24-hour neighborhood and commercial/entertainment district.	Support the demand for mid- to high-rise residential development and make appropriate transitions to the surrounding neighborhoods.
		Encourage higher-density development around a well-organized urban form.
		Establish Poydras Street and Loyola Avenue as the “spine” of the CBD, serving as the corridors of highest-intensity development.
Strengthen the city’s public realm and urban design character.	Provide guidance on desired characteristics of new development to property owners and the public.	In downtown, establish gradual transitions between small-scale and larger-scale buildings.
		Using DDD’s Lafayette Square/Upper CBD refined height study as a guide, adopt clear and predictable building height limits for that portion of the Central Business District as part of the new Comprehensive Zoning Ordinance.

G. General Zoning Principles: Central Business District Zoning Principles

2. Encourage higher-density development organized around a well-organized urban form.

- Reinforce a recognizable image of downtown and compatible edges with the surrounding neighborhoods by establishing coordinated height and bulk standards for the Central Business Districts.

- Discourage new structures of less than three stories.
- Establish Poydras Street and Loyola Avenue as the “spine” of the CBD, serving as the corridors of highest intensity development.
- Encourage height and massing to step down from Poydras to a mix of low- to mid-rise-scaled buildings, gradually making a transition into the Mid-City neighborhood.
- Encourage height and massing to step down downriver from Poydras to the mid-rise, mixed-use character of Canal Street and the low-rise character of the Vieux Carré.

The site of the proposed IZD is included within six Future Land Use Map categories. The Mixed-Use Downtown category is generally located in the area between Iberville and Lafayette Streets, O’Keefe Avenue and the Superdome, and a strip between S. Peters Street and Convention Center Boulevard. The Mixed Use Downtown Core Neighborhood category covers the area between Lafayette Street and the Pontchartrain Expressway and S Peters Street and O’Keefe Avenue. The Downtown Exposition category includes the Superdome, Arena, Harrah’s Casino, and Convention Center. The Mixed Use Health/Life Sciences Neighborhood category includes the area between Perdido Street and Cleveland Avenue and Elk Place/Loyola Avenue and S Claiborne Avenue. Lafayette Square, Lee Circle, Duncan Plaza, and the Mississippi River Heritage Park are located within the Parkland and Open Space category. Finally, the Industrial category includes most of the Mississippi Riverfront. The goal, range of uses, and development character statements for each land use category are included below.

MIXED-USE DOWNTOWN

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

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

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

MIXED USE DOWNTOWN CORE NEIGHBORHOOD

Goal: Encourage and support a compact, walkable, transit-oriented, mixed-use neighborhood at the core of the city.

Range of Uses: A mix of residential, office, commercial, hotel, retail, and service uses.

Development Character: The scale of new development will vary depending on location, with taller development generally encouraged along the edges of the CBD and new development that is sensitive to the scale of the neighborhood encouraged within the interior of the area.

DOWNTOWN EXPOSITION

Goal: To provide areas of downtown that will house and support high-volume visitor traffic at major trade and spectator venues including the Convention Center and Superdome.

Range of Uses: Convention center, sports/entertainment arenas/complexes and supporting uses such as hotels, and office space within the CBD.

Development Character: The scale (height and massing) of new development will vary depending on location and proximity to historic districts.

MIXED-USE HEALTH/LIFE SCIENCES NEIGHBORHOOD

Goal: Provide areas for hospitals, offices, supportive retail and residential uses to create a vibrant neighborhood center with job growth in the medical care and research sectors.

Range of Uses: Hospitals, offices, residential (single-family, two-family, and multifamily along major corridors), and supporting neighborhood retail/services.

Development Character: The scale of new development will vary depending on location and will be determined by the appropriate height and massing. Special attention needed to ensure appropriate transitions from higher density corridors (e.g., Tulane Avenue) to surrounding historic, low density neighborhoods.

PARKLAND AND OPEN SPACE

Goal: Provide areas for parks, recreational facilities and open space networks owned by public or semi-public entities while offering the opportunity to utilize such spaces for Storm/Flood mitigation.

Range of Uses: Parks, playgrounds, recreation facilities and athletic fields; neutral grounds and passive open spaces, rain gardens, bioswales and other Storm/Flood mitigation features.

Development Character: Ranges from programmatic parks and indoor and outdoor recreational areas to preserved open space, with the opportunity to provide for Storm/Flood mitigation features.

INDUSTRIAL

Goal: Retain land to further strengthen port activity, maritime-related activities, manufacturing and other uses that provide jobs and opportunities for New Orleans' residents.

Range of Uses: Heavy manufacturing, maritime uses, water treatment and transfer and large warehousing/distribution facilities.

Development Character: Often located near rail and highway infrastructure, massing and bulk will vary depending on location, however, proper buffers/standards required, particularly when abutting residential neighborhoods.

Finally, one of the action statements noted above was also included as a bullet point in an information box titled "A 21st-century downtown marked by a unique blend of preservation and innovation" in Section 9 of *Volume 3: Content and Appendix* of the Master Plan:

- Using DDD's Lafayette Square/Upper CBD refined height study as a guide, adopt clear and predictable building height limits for that portion of the Central Business District as part of the new Comprehensive Zoning Ordinance.¹⁶

Based on the policies, strategies, goals, and action statements noted above, the staff believes it is clear that the proposed action is **consistent** with the Master Plan.

III. SUMMARY

Zoning Docket 120/14 is a proposal to establish the Central Business District Height and Floor Area Ratio Interim Zoning District. The purpose of the proposal is to provide consistent and predictable height requirements for new buildings in Central Business District. The proposed requirements are based on the Maximum Building Height and Maximum Floor Area Ratio maps included in the Draft Comprehensive Zoning Ordinance. These height and FAR requirements were initially developed by a Height Study Task Force for the Lafayette Square/Warehouse District areas appointed by the Downtown Development District. The goal of the proposed CBD IZD is to bridge the gap between the previous Lafayette Square/Warehouse District Refined Height Plan Interim Zoning District and the Draft

¹⁶ This bullet point was recommended for adoption into the Master Plan in February of 2012 and was adopted by the City Council in July of 2012 as a result of the first round of amendments to the Master Plan. Ordinance no. 24,914 M.C.S.

Comprehensive Zoning Ordinance which is currently under consideration by the City Council.

Overall, the IZD would override the existing height and FAR requirements for the CBD districts in the current Comprehensive Zoning Ordinance and put into place the proposed height and FAR requirements in the Draft CZO. The request is consistent with several of the goals, policies, and action statements provided in the Master Plan. The staff recommends minor modifications to the proposed text to clarify the purpose and the boundaries of the IZD and to provide a design review process for any waiver requests.

IV. PRELIMINARY STAFF RECOMMENDATION¹⁷

The staff therefore recommends **MODIFIED APPROVAL** of Zoning Docket 120/14. The recommended language is presented below and the recommended maps are provided as attachments to the report. The portions of the recommended text that were originally proposed by the City Council are indicated in underlined font; the portions of the recommended text that have been prepared by the staff are indicated in bold font.

Section 18. . Central Business District Height and Floor Area Ratio Interim Zoning District.

18.XX.1. Purpose of the District.

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

18.XX.2. Area of Applicability.

This IZD applies to all property located within the area generally bounded by South Claiborne Avenue, the Pontchartrain Expressway, the Mississippi River, and Iberville Street (see Attachments A and B).

18.XX.3. Building Height.

1. **The maximum height on a lot is indicated in Attachment A: Maximum Building Height.**

¹⁷ Subject to modification by the City Planning Commission

2. Those lots that are not subject to building height limits are subject to maximum floor area ratio (FAR) limits and are indicated in Attachment B: Maximum FAR.
3. The height designation of “75/125 ft & 6/10 Stories” in Attachment A is interpreted as follows: a height limit of six (6) stories and seventy-five (75) feet applies within twenty (20) feet of all property lines adjacent to any public right-of-way, and a height limit of ten (10) stories and one hundred twenty-five (125) feet applies to all other portions of the lot.

18.XX.4. Appeals.

1. An applicant for development subject to the regulations of this IZD may appeal these regulations to the City Council in the manner set forth in Section 16.4.5.(3) of the Comprehensive Zoning Ordinance.
2. **Site Plan Requirements. The applicant shall submit a design review site plan to the Executive Director of the City Planning Commission, both on paper and in digital form, which shall contain either an original or a reproduced drawing with a scale of not less than one inch equal to twenty feet (1 inch: 20 feet) and which shall depict the following items:**
 - a. existing and proposed improvements within the public right-of-way, including but not limited to light posts, street furniture, bus stops, and landscaping;
 - b. the locations of all property lines forming the boundaries of the site and of all existing and proposed structures with respect thereto;
 - c. elevations indicating the height of each façade of all existing and proposed structures on the site;
 - d. any areas to be used for vehicular access and off-street parking;
 - e. any landscaping to be provided on the site and within any public right-of-way adjacent to the site;
 - f. any exterior lighting to be provided on the site;
 - g. the location, size, and contents of any signage to be provided on the site; and
 - h. any other information deemed necessary by the City Planning Commission staff.

3. **Advice of the Director of the Historic District Landmarks Commission. Upon the submission of the application in proper form, the Executive Director shall request the advice of the Director of the Historic District Landmarks Commission with respect to the site plan and elevations for the proposed development. The City Planning Commission may proceed with its consideration of the application without such advice if necessary in order to provide a recommendation to the City Council within forty-five (45) calendar days of its receipt of the application in proper form.**

18.XX.5. Duration of Designation.

The Central Business District Height and Floor Area Ratio Interim Zoning District is designated for a period of one (1) year and is subject to extension as provided by Section 3-126 of the Home Rule Charter of the City of New Orleans.

V. REASONS FOR RECOMMENDATION

1. The proposed action would provide clear and predictable building height limits that would protect the character of the historic neighborhoods while also encouraging taller development where appropriate in the Central Business District.
2. The proposed IZD would provide continuity in the height and floor area ratio limits for new developments in the Central Business District to bridge the period until Draft Comprehensive Zoning Ordinance goes into effect.
3. Subject to the recommended modifications, the proposed IZD is consistent with the Master Plan.

217 120/14

MOTION

NO. M-14-430

CITY HALL: October 2, 2014

BY: COUNCILMEMBER CANTRELL 

SECONDED BY:

BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider an amendment to the text of Article 18 of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, and the designation of such on the corresponding zoning base maps of the City of New Orleans, to consider the establishment of the *Central Business District Height and Floor Area Ratio Interim Zoning District*, to prohibit the issuance of any permits within the above referenced Interim Zoning District, prior to design review and approval by City Planning Commission Staff, with the advice of the Historic District Landmarks Commission when a project is within their jurisdiction, subject to appeal to the City Council, that are in conflict with the figures attached hereto and incorporated by reference, for the area generally bounded by South Claiborne, the Pontchartrain Expressway, the Mississippi River and Iberville Street.

BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of studying and reviewing the *Central Business District Height and Floor Area Ratio Interim Zoning District*, the City Planning Commission staff is directed to consider the following additional standards for incorporation into their recommendation:

- o The maximum building height on a lot is indicated in Attachment A: Maximum Building Height.
- o Those lots that are not subject to building height limits are subject to maximum floor area ratio (FAR) limits and are indicated in Attachment B: Maximum FAR.
- o The height designation of "75/125 ft & 6/10 Stories" in Attachment A is interpreted as follows: a height limit of six (6) stories and seventy-five (75) feet applies within twenty (20) feet of all property lines adjacent to any public right-of-way, and a height limit of ten (10) stories and one hundred twenty-five (125) feet applies to all other portions of the lot.

BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of studying and reviewing the *Central Business District Height and Floor Area Ratio Interim Zoning District*, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this study and review.

BE IT FURTHER MOVED, That in accordance with Article 16, Section 4.4(3) of the Comprehensive Zoning Ordinance, no agency of City Government shall accept applications for permits or licenses that are in conflict with the intent and provisions of the proposed *Central Business District Height and Floor Area Ratio Interim Zoning District* for properties contained within the aforesaid area during the consideration of this matter. Any such property that received a City permit or license prior to the passage of this Motion, however, shall not be subject to the provisions herein. The Interim Zoning District shall be in effect for a period of one year and is subject to extension as provided by Section 3-126 of the City Code. Any appeals shall be to the City Council in accordance with Article 16, Section 16.4.5(3) of the Comprehensive Zoning Ordinance.

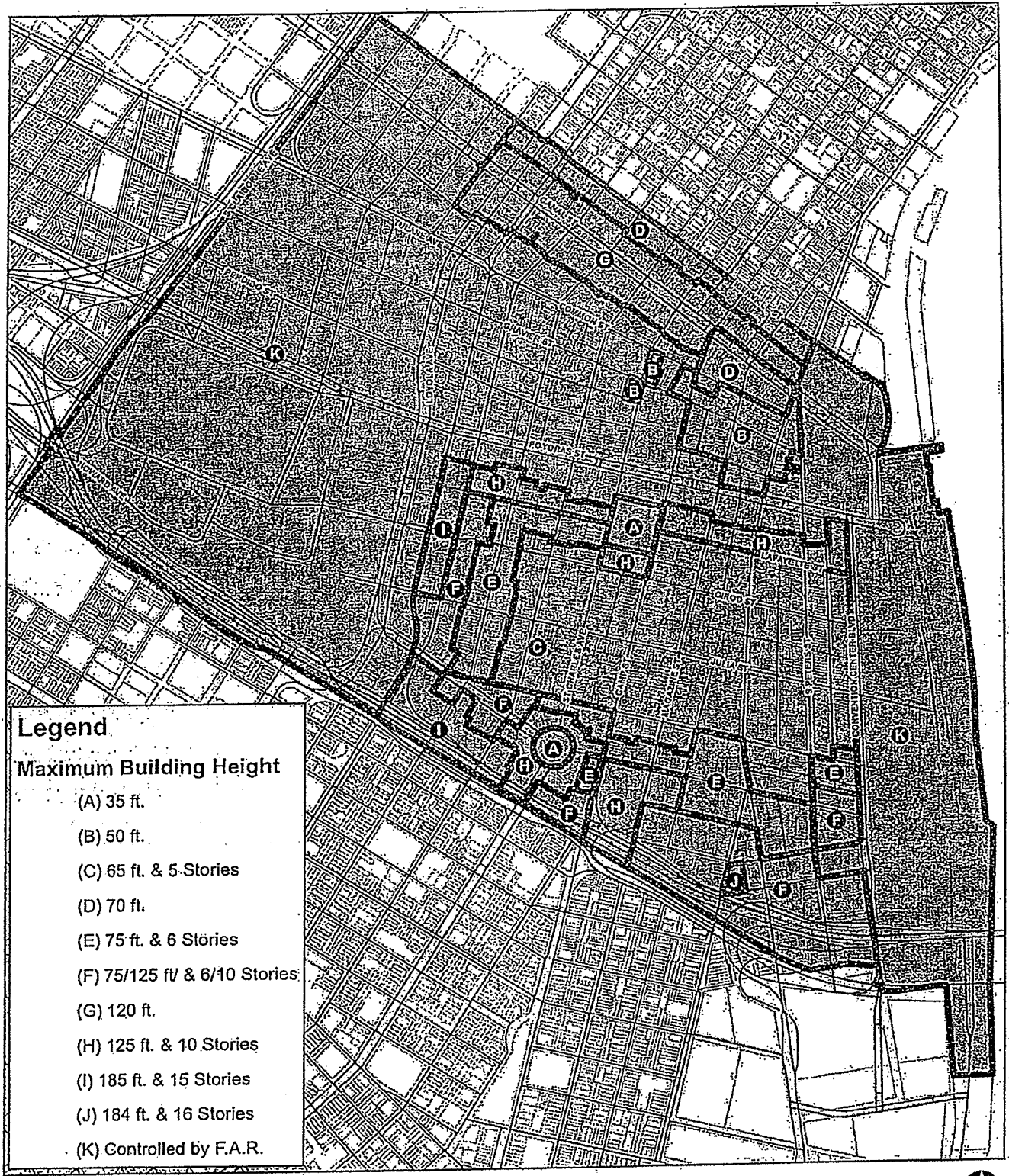
**THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED
ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:**

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.

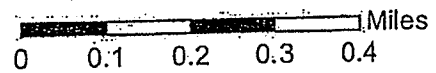


Legend

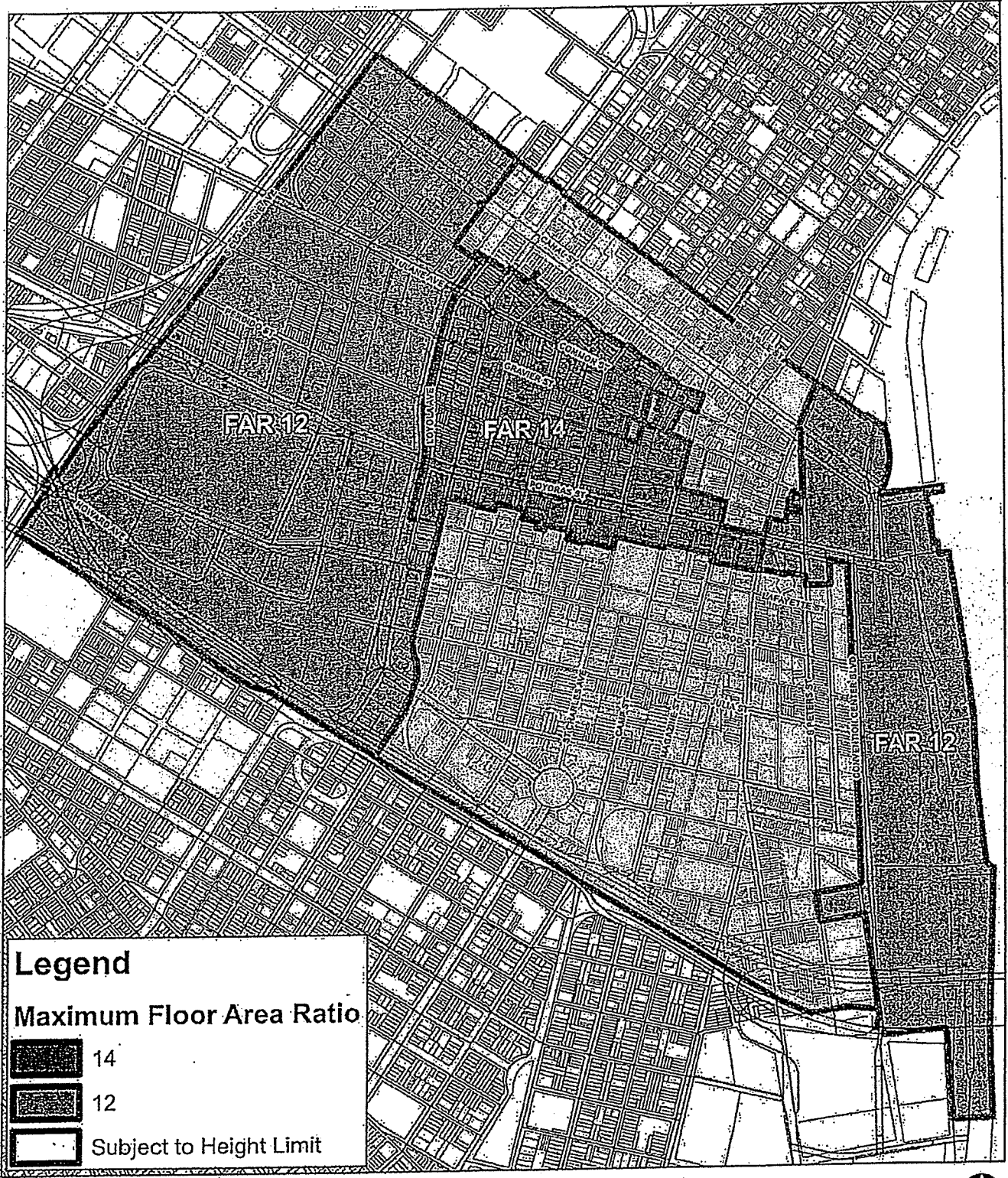
Maximum Building Height

- (A) 35 ft.
- (B) 50 ft.
- (C) 65 ft. & 5 Stories
- (D) 70 ft.
- (E) 75 ft. & 6 Stories
- (F) 75/125 ft & 6/10 Stories
- (G) 120 ft.
- (H) 125 ft. & 10 Stories
- (I) 185 ft. & 15 Stories
- (J) 184 ft. & 16 Stories
- (K) Controlled by F.A.R.

Maximum Building Height



A




Legend

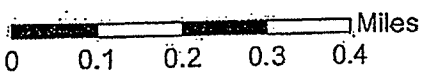
Maximum Floor Area Ratio

 14

 12

 Subject to Height Limit

Maximum Floor Area Ratio



B