

# CITY PLANNING COMMISSION MEETING AGENDA

TUESDAY, MAY 28, 2019  
1:30 P.M.

CITY COUNCIL CHAMBER  
(CITY HALL 1E07)

## PUBLIC HEARING:

THE CITY PLANNING COMMISSION, IN ACCORDANCE WITH PROVISIONS OF ARTICLE 4 OF THE COMPREHENSIVE ZONING ORDINANCE NUMBER 4,264 M.C.S., AS AMENDED, AND IN ACCORDANCE WITH PROVISIONS OF THE REVISED STATUTES OF THE STATE OF LOUISIANA AND THE CITY CHARTER REGARDING PROPERTY DISPOSITIONS AND SUBDIVISIONS, WILL HOLD PUBLIC HEARINGS ON TUESDAY, MAY 28, 2019 ON THE FOLLOWING PROPOSED AMENDMENTS TO THE COMPREHENSIVE ZONING LAW, PROPERTY DISPOSITIONS AND SUBDIVISIONS. THE COMMISSION WILL TAKE ACTION OR MAKE A RECOMMENDATION AT THE CONCLUSION OF EACH PUBLIC HEARING.

### A. OLD BUSINESS:

1. **ZONING DOCKET 041/19** – Request by City Council Motion M-19-73 for a text amendment to the Comprehensive Zoning Ordinance to amend Article 18, including Sections 18.13.B.3 “RIV-3 Bywater Sub-District”, 18.13.H.2 “Building Heights”, 18.13.H.4 “Density Bonus and Height Limit Increase”, 18.13.I.2 “Building Heights”, and 18.13.I.4 “Density Bonus and Height Limit Increase”, to be modified as follows:

#### **18.13.B.3 - RIV-3 Bywater Sub-District**

The RIV-3 Bywater Sub-District applies to all lots, excluding those developed with single-family or two-family dwellings, in the area bounded by the Mississippi River, the Inner Harbor Navigation Canal, a line extending from the centerline of Chartres Street between Poland Avenue and the center of the Inner Harbor Navigation Canal, Chartres Street, Montegut Street, Dauphine Street, the center line of Homer Plessy Way, and a line from Homer Plessy Way to the Mississippi River.

#### **18.13.H.2 - Building Heights**

- a. Stepbacks

- i. Properties with street frontage located along Chartres Street between Press Street and Desire Street are permitted a maximum building height of forty (40) feet with a maximum of three (3) stories along that street frontage. Any additional height above forty (40) feet shall be setback from the front property line at Chartres Street at a minimum distance of two (2) feet for every one (1) foot above forty (40) feet.
- ii. A property that qualifies for the density bonus and height limit increase of Article 18, Section 18.13.H.4 may extend the height of the building up to seventy-five (75) feet and 6 stories, but the additional height shall be setback from the Chartres Street frontage a minimum distance of two (2) feet for every one (1) foot in height.
- iii. Development sites with more than one-hundred (100) feet of frontage along Chartres Street may increase a portion (up to thirty-five percent (35%) of its primary street frontage) of their building height, to a maximum of fifty-five (55) feet with a maximum four (4) stories.
- b. Flat roofed structures should provide an adequately-sized parapet in order to mitigate the sight of rooftop equipment.
- c. Where provided as accessory flat roof features, open spaces located on roofs shall be excluded from the calculation of building height and gross floor area in accordance with Section 21.6.O.

**18.13.H.4 – Density Bonus and Height Limit Increase**

Eligible projects incorporating the following elements may qualify for consideration of an increase in height and/or density. Qualifying developments shall be entitled to the following: (i) an increase in the height limit up to two (2) stories, up to a maximum height of seventy-five (75) feet, (ii) an increase of an additional 1.0 FAR above the maximum FAR permitted in the underlying zoning district, and (iii) the elimination of any Minimum Lot Area per dwelling unit requirement applicable in an underlying zoning district.

To be eligible for consideration, developments must include all of the following:

- a. At least ten percent (10%) of dwelling units shall be reserved as affordable for households with incomes equal to or below eighty percent (80%) of area median income (AMI), with at least half of such affordable dwelling units containing two (2) or more bedrooms. The development shall maintain the reserved affordable dwelling units for a period of at least fifty (50) years. The affordable dwelling units shall be located within the same structure as the market-rate dwelling units in the development, shall be comparable to market-rate dwelling units in the development in terms of exterior design and finishes, and shall not be concentrated in any one area of the development.
- b. All applications requesting a development bonus for providing affordable housing shall include an Affordable Housing Impact Statement (AHIS) with the application. The AHIS shall provide the following information:
  - i. The number of units added at the Area Medium Income Levels (AMI) at or below 80%, 50%, and 30%.

- ii. The number of units removed at the Area Medium Income Levels at or below 80%, 50%, and 30%.
- iii. The bedroom mix of the units to be added or removed (1, 2, 3, 4, etc. bedrooms).
- iv. The total number of units added and total number of units removed.

**18.13.I.2 – Building Heights**

- a. Stepbacks
  - i. Properties with street frontage located along Decatur Street between Elysian Fields Avenue and Saint Ferdinand Street, and street frontage on Chartres Street between Saint Ferdinand and Press Street, are permitted a maximum building height of forty (40) feet with a maximum of three (3) stories along the Decatur Street or Chartres Street frontage. Any additional height above forty (40) feet shall be setback from the front property line at Decatur Street or Chartres Street at a minimum distance of fifty (50) feet.
  - ii. A property that qualifies for the density bonus and height limit increase of Article 18, Section 18.13.I.4 may extend the height of the building up to seventy-five (75) feet and 6 stories, but the additional height shall be setback a minimum distance of fifty (50) feet from the Decatur Street or Chartres Street frontage. The sixth story of all buildings in this sub district shall also be setback from all public right of ways a minimum of one (1) foot for every one (1) foot in height.
  - iii. Development sites with more than one-hundred (100) feet of frontage along Decatur Street or Chartres Street may increase a portion (up to thirty-five percent (35%) of its primary street frontage) of their building height, to a maximum of fifty-five (55) feet with a maximum four (4) stories.
- b. Flat roofed structures should provide an adequately-sized parapet in order to mitigate the sight of rooftop equipment.
- c. Where provided as accessory flat roof features, open spaces located on roofs shall be excluded from the calculation of building height and gross floor area in accordance with Section 21.6.O.

**18.13.I.4 – Density Bonus and Height Limit Increase**

Eligible projects incorporating the following elements may qualify for consideration of an increase in height and/or density. Qualifying developments shall be entitled to the following: (i) an increase in the height limit up to two (2) stories, up to a maximum height of seventy-five (75) feet, (ii) an increase of an additional 1.0 FAR above the maximum FAR permitted in the underlying zoning district, and (iii) the elimination of any Minimum Lot Area per dwelling unit requirement applicable in an underlying zoning district.

To be eligible for consideration, developments must include all of the following:

- a. At least ten percent (10%) of dwelling units shall be reserved as affordable for households with incomes equal to or below eighty percent (80%) of area

median income (AMI), with at least half of such affordable dwelling units containing two (2) or more bedrooms. The development shall maintain the reserved affordable dwelling units for a period of at least fifty (50) years. The affordable dwelling units shall be located within the same structure as the market-rate dwelling units in the development, shall be comparable to market-rate dwelling units in the development in terms of exterior design and finishes, and shall not be concentrated in any one area of the development.

- b. All applications requesting a development bonus for providing affordable housing shall include an Affordable Housing Impact Statement (AHIS) with the application. The AHIS shall provide the following information:
  - i. The number of units added at the Area Medium Income Levels (AMI) at or below 80%, 50%, and 30%.
  - ii. The number of units removed at the Area Medium Income Levels at or below 80%, 50%, and 30%.
  - iii. The bedroom mix of the units to be added or removed (1, 2, 3, 4, etc. bedrooms).
  - iv. The total number of units added and total number of units removed.  
**(Deferred from the April 23, 2019 City Planning Commission meeting.) (LM/KB)**

2. **ZONING DOCKET 044/19** – Request by Retif/N.O. East, LLC for an amendment to or the rescission of Ordinance No. 14,306 MCS (Zoning Docket 070/90) to now grant a conditional use to permit a gas station in a MU-1 Medium Intensity Mixed-Use District and an EC Enhancement Corridor Design Overlay District, on Square 121, Lots A and C, in the Second Municipal District, bounded by North Rampart Street, Saint Louis Street, Basin Street, and Conti Street. The municipal addresses are 421-447 North Rampart Street and 1180 Saint Louis Street. (PD 1B) **(Deferred from the April 23, 2019 City Planning Commission meeting.) (WM)**

## **B. NEW BUSINESS:**

1. **ZONING DOCKET 045/19** – Request by Broad Strokes, LLC for a text amendment to the Comprehensive Zoning Ordinance to:
  1. Amend the definition of “live entertainment – secondary use” in Section 26.6 of the Comprehensive Zoning Ordinance to allow live entertainment – secondary use to be part of a brewery.
  2. Amend the use standards for live entertainment - secondary use in Section 20.3.JJ of the Comprehensive Zoning Ordinance to allow live entertainment – secondary use to be part of a brewery.
  3. Amend the definition of “brewery” in Section 26.6 of the Comprehensive Zoning Ordinance to allow breweries to contain multiple on-site tasting rooms.
  4. Any other corresponding changes to the Comprehensive Zoning Ordinance which may be needed.

**(A previous version of this application applicable to micro-breweries, rather than breweries, was scheduled for the April 23, 2019 meeting. That application was**

**withdrawn by the applicant and resubmitted to apply to breweries rather than micro-breweries.)**

2. **ZONING DOCKET 046/19** – Request by Broad Strokes, LLC for conditional uses to permit a brewery and bar with live entertainment (secondary use) in a C-1 General Commercial District, an HU-MU Historic Urban Neighborhood Mixed-Use District, an EC Enhancement Corridor Design Overlay District, and a Residential District Preservation Interim Zoning District, on Square 482-A (also known as Square 482), Lots 9, 10, 11, 12, and 13, and part of Lot 23, in the First Municipal District, bounded by Thalia Street, South Broad Street, Martin Luther King, Jr. Boulevard, and South Dorgenois Street. The municipal addresses are 3940 Thalia Street and 3935-3943 Martin Luther King, Jr. Boulevard. (PD 4) **(A previous version of this application for a brewery, rather than brewery, was scheduled for the April 23, 2019 meeting. That application was withdrawn by the applicant and resubmitted to apply to breweries rather than micro-breweries.)**
  
3. **ZONING DOCKET 047/19** – Request by Robyn C. Halvorson for a text amendment to Article 10, Section 10.2.A (Table 10-1) of the Comprehensive Zoning Ordinance to classify “tattoo parlor” as a permitted use in the HMC-2 Historic Marigny/Tremé/Bywater Commercial District. **(Rescheduled from the May 14, 2019 meeting at the request of the applicant.)**
  
4. **ZONING DOCKET 049/19** – Request by City Council Motion No. M-19-115 for a text amendment to the Comprehensive Zoning Ordinance to reflect certain recommendations stemming from the HR&A New Orleans Housing Study, completed in connection with Zoning Docket 112/18, to contemplate enforcement, and the following relative to the City’s Affordable Housing initiatives:
  - Density Bonuses;
  - Parking Reduction; and
  - Payments in Lieu of Compliance
  
5. **ZONING DOCKET 050/19** – Request by City Council Motion No. M-19-120 for a text amendment to the Comprehensive Zoning Ordinance to amend Article 18 *Overlay Zoning Districts* to establish a new overlay zoning district, to be named the *Lower Ninth Ward Front Yard Parking Overlay District*, the intent of which is to permit front yard parking to accompany the redevelopment of lots for housing in the areas currently zoned S-RS Suburban Single-Family Residential District and S-RD Suburban Two-Family Residential District (and proposed for a a zoning change from an S-RD Suburban Two-Family Residential District to an HU-RD2 Historic Urban Two-Family Residential District under Zoning Docket 010/19), generally bounded by North Claiborne Avenue, the Industrial Canal, Florida Avenue, and Delery Street; to allow for front yard parking; and otherwise to provide for with respect thereto.
  
6. **ZONING DOCKET 051/19** – Request by Minh V. Nguyen for a conditional use to permit the retail sale of packaged alcoholic beverages in an HU-MU Neighborhood Mixed-Use District and the GC Greenway Corridor Design Overlay District, on

Square 272, Lots A and B, in the Second Municipal District, bounded by North Galvez, Saint Louis, Conti, and North Johnson Streets. The municipal addresses are 432 North Galvez Street and 2120-2126 Saint Louis Street. (PD 4)

7. **ZONING DOCKET 052/19** – Request by Milton J. Gautreaux and Mario C. Martinez for a conditional use to permit a standard restaurant in an HU-B1A Historic Urban Neighborhood Business District, an HU-B1A Use Restriction Overlay District, an HUC Historic Urban Corridor Use Restriction Overlay District, and an EC Enhancement Corridor Design Overlay District, on Square 450, Lot 22, in the Second Municipal District, bounded by Bienville Avenue, North Rendon Street, Conti Street, and North Jefferson Davis Parkway. The municipal addresses are 3305-3307 Bienville Avenue. (PD 4)
8. **ZONING DOCKET 053/19** – Request by Victoria J. Naegele and BDK Investments, LLC for a conditional use to permit a bed and breakfast (principal) in an HMR-1 Historic Marigny/Tremé/Bywater Residential District and an RDO-1 Residential Diversity Overlay District, on Square 158, Lots 15 and 31, in the Third Municipal District, bounded by Dauphine Street, Touro Street, Pauger Street, Royal Street, and Kerlerec Street. The municipal addresses are 1924-1928 Dauphine Street. (PD 7)
9. **ZONING DOCKET 054/19** – Request by JGG Lucas Family, LLC for a conditional use to permit a community facility in an HMR-2 Historic Marigny/Tremé/Bywater Residential District and an RDO-2 Residential Diversity Overlay District, on Square 638, Lot 2 or C, in the Third Municipal District, bounded by Touro Street, North Claiborne Avenue, North Robertson Street, and Frenchmen Street. The municipal address is 1511 Touro Street. (PD 4)
10. **ZONING DOCKET 055/19** – Request by Capital One, National Association for a conditional use to permit the expansion of an existing drive-through facility for a financial institution in an MU-1 Medium Intensity Mixed-Use District, the St. Charles Avenue Use Restriction Overlay District, and a CPC Character Preservation Corridor Design Overlay District, on Square 377, Lots A, B, and D, in the Sixth Municipal District, bounded by Saint Charles Avenue, Foucher Street, Aline Street, and Prytania Street. The municipal address is 3540 Saint Charles Avenue. (PD 2)
11. **ZONING DOCKET 056/19** – Request by 1772 Prytania St, LLC for a zoning change from an HU-RD2 Historic Urban Two-Family Residential District to an HU-MU Historic Urban Neighborhood Mixed-Use District and a conditional use to permit a “wellness center” (with health club, personal service establishment, medical clinic, and carry-out restaurant components) that is over 10,000 square feet in floor area in existing structures in the proposed HU-MU District, on Square 202, an undesignated lot, part of Lot 2, and Lot 3, or Lots 19, 20, and 3 or half of S, 21, and 22 in the First Municipal District, bounded by Prytania Street, Urania Street, Coliseum Street, and Polymnia Street. The municipal addresses are 1758-1772 Prytania Street. (PD 2)

- 12. ZONING DOCKET 057/19** – Request by 1025 Bienville, LLC for a text amendment to Article 26 of the Comprehensive Zoning Ordinance to add “axe-throwing” as a defined use and to Article 10, Section 10.2.A (Table 10-1) of the Comprehensive Zoning Ordinance to classify “axe-throwing” as a permitted use in the VCC-2 Vieux Carré Commercial District.
- 13. SUBDIVISION DOCKET 042/19** - Request by Joshua O. Yukich and Antoinette Arceneaux to re-subdivide Lots L-3 and V into Lots V1 and L5, Square 1562, in the Third Municipal District, bounded by Fortin Street, North White Street, Maurepas Street, and Crete Street. The municipal addresses are 2858 Fortin Street and 2869 Maurepas Street. (PD 4) **(BP)**
- 14. SUBDIVISION DOCKET 049/19** - Request by Kyle Galloway and Catherine Sticklen to re-subdivide Lot A1 into Lots X and Y, Square 61, Fifth Municipal District, bounded by Pelican Avenue, Whitney Avenue, Patterson Drive, and Wagner Street. The municipal address is 201 Wagner Street. (PD 12)
- 15. SUBDIVISION DOCKET 049/19** - Request by 801 Patterson, LLC to re-subdivide Square 38-39, an undesignated lot into Lots 1-21, in the Fifth Municipal District, bounded by Pelican, Belleville, Patterson Streets and Elmira Avenue. The municipal addresses are 240-264 Belleville Street, 801-831 Patterson Street and 121-221 Elmira Avenue (PD 12)

### **OTHER MATTERS:**

- A. Adoption of the minutes of the May 14, 2019 meeting.
- C. Committee reports.
- D. Announcements.

Robert D. Rivers  
Executive Director

RDR/skk