

**PRELIMINARY RIVERFRONT OVERLAY DESIGN STANDARDS AND HEIGHT
LIMIT INCREASES STUDY**

To: City Planning Commission
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I. GENERAL INFORMATION

Request: City Council Motion M-16-605 requests that the City Planning Commission conduct a public hearing and study to (1) recommend whether height, density, and massing bonuses along the east bank of the River in exchange for heightened development standards, as currently contemplated in Section 18.13.G of the Comprehensive Zoning Ordinance are appropriate and consistent with the Master Plan; and (2) recommend appropriate bonuses and other best practices to incentivize quality developments along the riverfront in a manner consistent with the Master Plan

Location: The area bounded by Esplanade Avenue, a line extending from the centerline of Esplanade Avenue between North Peters and the center line of the Mississippi River, 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, St. Ferdinand Street, Decatur Street, Elysian Fields Avenue, Chartres Street, the rear property line of lots with any frontage on Elysian Fields Avenue, Decatur Street, Frenchmen Street, and Decatur Street on the east bank of the Mississippi.

Scope of Work: The Motion outlines four subject to be covered in the Study.

- (1) An analysis of the use of height, density, and massing bonuses and other best practices in similar cities' that successfully facilitated riverfront development and the content of said bonuses and practices
- (2) Whether the current bonuses provided in 18.13.G of the CZO, which include up to 25 feet (two stories) of height; 1.5 FAR; and the elimination of any minimum lot area per dwelling unit requirements, as provided in the underlying zoning districts, are sufficient and appropriate to incentivize quality development and are consistent with the Master Plan.
- (3) Whether the design requirements in 18.13.G that are necessary to receive the bonuses, which include: public open space River access (or in lieu thereof, a substantial contribution to capital improvements to increase public access to the River), energy

efficient design, and affordable housing components, are sufficient and appropriate to ensure quality development, or if these design requirements should be amended or altered.

- (4) Whether any height, density, and massing bonuses or other best practices along the River should be granted as a matter of right, or if the Council should grant bonuses via Conditional Use.

The City Planning Commission and staff are also granted the flexibility to expand the scope of the study and make any and all legal and appropriate recommendations deemed necessary in light of the study, review, and public testimony resulting from the Motion.

II. BACKGROUND INFORMATION

Plans, Studies, and Comprehensive Zoning Ordinance

New Orleans Land Use Plan (1999): This Plan was developed as the first element in the City’s Master Plan that was unfinished prior to Hurricane Katrina. In 2010, it was replaced by the new Master Plan with a Land Use Plan chapter. The 1999 Plan’s “Proposed General Land Use Map” for the study area had designations of “Parkland, Recreation and Open Space” for the area that is now the Crescent Park. The other parts of the study area that had historically been occupied by industrial uses, were mostly designated “Neighborhood Mixed Use” and the former Hebert Naval facility on Poland Avenue was designated as Institutional.

Riverfront Vision 2005 Plan (adopted 2006): This Plan was intended to provide a framework for land use and investment decisions within the entire City riverfront areas through 2025. However, particular attention was given to the riverfront area between Jackson Avenue and the Industrial Canal. Within the “Downriver” segment that includes the study area, the Plan recommended that “some increased height along major access corridors should be considered to encourage exceptional and creative design, new residential uses, public open space, improved access and pedestrian amenities.”

Reinventing the Crescent (2008): This Plan proposed a development plan for the riverfront between Jackson Avenue and the Industrial Canal. Its goals included (1) remove physical barriers to public access at the River; (2) create continuous linear access and a network of great green spaces along the water’s edge; (3) create gathering places and moments of distinct character that encourage civic activity and foster community energy; (4) build new architectural icons or landmarks that offer an authentic 21st Century design face for New Orleans; (5) encourage beautiful, sustainable places to live near the River’s edge; (6) increase municipal and state revenue by expanding the tax base rather than increasing the rate of taxation; (7) stimulate economic growth by providing enhanced infrastructure; (8) create jobs; and (9) trigger new private investment near the riverfront.

New Orleans Master Plan (2010) The Land Use Plan chapter of the Master Plan designates the Crescent Park as “Parkland and Open Space,” the active Port wharves near Poland Avenue as Industrial, and most of the remaining parts of the study area as “Mixed Use Historic Core.”

The description of Mixed Use Historic Core from the Master Plan is copied below:

MIXED-USE HISTORIC CORE

Goal: Increase convenience and walkability for neighborhood residents and visitors within and along edges of historic core neighborhoods.

Range of Uses: A mixture of residential, neighborhood business, and visitor-oriented businesses. Uses may be combined horizontally or vertically, and some structures may require ground floor retail with residences or offices on upper floors. In some areas where current or former industrial use is verified, existing buildings may be appropriate for craft and value added industry.

Development Character: The density, height, and mass of new development will be consistent with the character and tout ensemble of the surrounding historic neighborhood. Appropriate transitions will be provided to surrounding residential areas.

Comprehensive Zoning Ordinance Revision (2015) and Section 18.13. A new Comprehensive Zoning Ordinance was adopted with an RIV Riverfront Design Overlay District that was based on recommendations from the Riverfront Vision 2005 Plan. The Overlay includes standards for certain areas that act as gateways to the riverfront and are key to improving and encouraging pedestrian access from the surrounding neighborhoods to the River through the use of special design features. Subsection G specifies standards that qualify a development for consideration for an increase in height and/or density.

Lawsuit

Although the Gateway Design Standards and Height Limit Increases had been a part of the Draft Comprehensive Zoning Ordinance recommended for approval by the City Planning Commission, an amendment titled MJL-6 made certain changes to the text of Section 18.13.G. including an expansion of the area of applicability. This amendment was approved by the City Council, but had not been considered by the City Planning Commission prior to its recommendation on the whole Comprehensive Zoning Ordinance. A neighborhood organization filed a lawsuit challenging the decision. The City Council Motion states that while the City denies liability in the lawsuit, it does desire to further study whether the current contemplated bonuses and design requirements are appropriate to incentivize development in a manner consistent with the Master Plan, or if current bonuses and design requirements should be revisited and ultimately amended.

III. CURRENT REGULATIONS OF THE COMPREHENSIVE ZONING ORDINANCE

Standards and Height Limit Increase Criteria from Section 18.13.G:

Certain areas along the riverfront act as gateways to the riverfront and are key to improving and encouraging pedestrian access from the surrounding neighborhoods to the river through the use of special design features. Incorporating superior design elements in a development within one of these areas qualifies a development for consideration of an increase height and/or density, in accordance with the following provisions:

1. Gateways areas are defined as the areas bounded by:
 - a. Esplanade Avenue, a line extending from the centerline of Esplanade Avenue between North Peters Street and the center of the Mississippi River, 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, St. Ferdinand Street, Decatur Street, Elysian Fields Avenue, Chartres Street, the rear property line of lots with any frontage on Elysian Fields Avenue, Decatur Street, Frenchmen Street, and Decatur Street on the East Bank of the Mississippi River;
 - b. the area bounded by the levee along the Mississippi River, the Orleans Parish/Jefferson Parish boundary line, Brooklyn Avenue, Powder Street, and Pelican Avenue, and a line extending from the centerline of Pelican Avenue to the levee on the West Bank of the Mississippi River.
2. To be eligible for consideration of an increase in the height limit, a development shall meet the design standards above, in addition to the following additional standards:
 - a. Developments shall include landscaped public open space, public plazas, and/or sidewalk/open air cafés with direct visual access to the River, subject to the Public Plaza Standards and Guidelines contained within Section 17.5.F.2 except that the plaza may be located more than three (3) feet above the adjacent sidewalk area in order to provide better views.
 - b. Developments shall be designed utilizing energy efficient design or other innovative sustainable design characteristics, sufficient to achieve a recognized green building certification, such as LEED (Leadership in Energy & Environmental Design), Home Energy Rating System, Enterprise Green Communities, National Green Building Standard, Energy Star for Buildings Program, Net-Zero Energy Building, or another similar certification approved by the Director of the Department of Safety and Permits, and which is subject to the Whole Building Sustainability Standards and Guidelines contained within Section 17.5.C.2.
 - c. 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 be subject to the Affordable Housing Standards and Guidelines contained within Sections 17.5.H.2.a and 17.5.H.2.b. 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.

d. In lieu of item 2.a above, a development may be eligible for a density bonus if the developer makes a substantial contribution to a new floodwall bridge, rail crossing, or other capital improvement which significantly increases public access to the riverfront. Such an improvement shall only be considered if, at the time of the application, the improvement is included as a priority project in the City's Capital Improvements Plan, and/or included in the City's Capital Budget. For purposes of this provision, "substantial contribution" shall mean a financial contribution of at least 50% of the cost of the improvement, but not less than \$250,000, provided that at the time of the application, commitments exist from other sources ensuring that any remaining funds necessary to complete the cost of the improvement will be available within one (1) year of the date of the application. For purposes of clarity, any contribution made pursuant to this provision shall not be used to waive the standards provided in subsections 2.b or 2.c above.

3. For any property located within an area defined above as a gateway, development proposals which incorporate the design standards required in Section 2 above shall be entitled to the following: (i) an increase in the height limit up to two (2) stories, but no greater than twenty-five (25) feet beyond the height limit of the underlying zoning district, (ii) an increase of an additional 1.5 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.

IV. TIMELINE FOR THE STUDY

December 15, 2016 – City Council passed Motion M-16-605

February 7, 2017 – City Planning Commission holds a public hearing as required by the Motion

April 3, 2017 – Deadline for public comment on the study

April 11, 2017 – Study presented to the City Planning Commission

V. HOW TO PROVIDE INPUT ON THE STUDY

Speak at the public hearings February 7 and April 11, 2017.

Submit comments by email to cpcinfo@nola.gov.

Submit comments by mail to Robert D. Rivers, Executive Director
1300 Perdido Street, 7th Floor, New Orleans, LA 70122.