

MOTION
(AS CORRECTED)
NO. M-16-605

CITY HALL: December 15, 2016

BY: *DMR* COUNCILMEMBER RAMSEY (BY REQUEST)

SECONDED BY: COUNCILMEMBER GRAY

WHEREAS, the City Council recently completed a longstanding effort to enact a wholesale revision of the Comprehensive Zoning Ordinance ("CZO") of the City of New Orleans, which was adopted as Ordinance Calendar No. 30,637; and

WHEREAS, the CZO, prior to its enactment, was modified by various amendments, including Amendment MJL-6, which related to CZO Section 18.13G "Riverfront Gateway Design Standards and Height Limit Increases;" in an attempt to incentivize development along the River; and

WHEREAS, the City is a defendant in a lawsuit captioned *Faubourg Marigny Improvement Association, Inc. v. The City of New Orleans, et al.*, CDC No. 2015-5129, Div. "L" (the "Lawsuit"); and

WHEREAS, the Lawsuit claims, *inter alia*, that portions of MJL-6, which provided certain height, density, and massing bonuses were not appropriately referred to the City Planning Commission ("CPC"); and

WHEREAS, the City, which denies liability in the Lawsuit, 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 the current bonuses and design requirements should be revisited and ultimately amended; and

WHEREAS, The City Planning Commission is best equipped to study and recommend various options to the Council relative to height, density, and massing bonuses along the River;

WHEREAS, the City will implement an Interim Zoning District precluding the use of the existing height, density, and massing bonuses unless and until City Council votes on a City Planning Commission recommendation stemming from this motion; **NOW THEREFORE,**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning Commission is hereby directed to conduct a public hearing and study (1) to 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) to recommend appropriate bonuses and other best practices to incentivize quality developments along the riverfront in a manner consistent with the Master Plan;

specifically contemplating the following boundaries:

- The area bounded by 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.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct and complete the study within 120 days of the passage of this motion and conduct the public hearing within 60 days of the passage of this motion.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to include the following subject matter 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 (2 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.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of conducting a public hearing and study on appropriate height, density, and massing bonuses on the Eastbank of the Mississippi River, the City Planning Commission and staff are directed and 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 this motion.

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

YEAS: Brossett, Cantrell, Gray, Guidry, Head, Ramsey, Williams - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.