



BYWATER NEIGHBORHOOD ASSOCIATION
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November 1, 2011

Via First-Class Mail and E-Mail

Ms. Yolanda Rodriguez, Director
City Planning Commission of New Orleans
1340 Poydras Street, Suite 900
New Orleans, Louisiana 70112

Re: Comments on Draft Comprehensive Zoning Ordinance
Bywater Neighborhood

Dear Ms. Rodriguez:

The Bywater Neighborhood Association ("BNA") has studied the proposed zoning for the Bywater neighborhood contained in the Draft Comprehensive Zoning Ordinance ("CZO") and makes the following comments and requests:

1. Bywater should be part of the Historic Core.

The Draft CZO is a place-based zoning code. Among the places for which specific zoning is designated is the Historic Core. "The Historic Core Neighborhoods are comprised of the neighborhoods that were developed during the City's colonial period and adjacent areas that followed those developed patterns." Article 9, Introduction, Historic Core Neighborhoods, Residential Districts, p. 9-i; Article 10, Introduction, Historic Core Neighborhoods, Non-Residential Districts, p. 10-1. The Draft CZO, however, identifies only the 'Vieux Carre', Faubourg Marigny and 'Treme' as being in the Historic Core. Ibid. The BNA submits that Bywater is also a Historic Core Neighborhood.

In its initial study of neighborhood characteristics, meant to identify like or similar neighborhoods, the City Planning Commission found that Bywater, the Faubourg Marigny and Tremé are part of the same First Faubourg District in New Orleans. Plan for the 21st Century. New Orleans 2030, Vol. 3, Part III: Neighborhood Character Studies, at 1, 6-9. They were populated around the same time; their major land uses are the same; their block and lot sizes are similar; they have the same architectural characteristics, front and side setbacks, and building elevation above the street. Id. at 6-9. In addition, in these First Faubourg neighborhoods, "[r]esidential and commercial uses are interwoven on the same city streets . . ." Ibid. at 6.

Accordingly, Bywater should be designated as a Historic Core Neighborhood, and its residential and non-residential zoning should reflect that designation.

ATTACHMENT A

2. The Historic Marigny/Treme residential and non-residential districts should be renamed Historic Marigny/Treme/Bywater Districts.
Because Bywater is a Historic Core Neighborhood, the residential and non-residential districts should be renamed Historic Marigny/Treme/Bywater District.

3. Residential zoning in Bywater should be designated HMR-3.

Before outward migration began in the 60's, Bywater was pedestrian-friendly, with goods and services readily available to residents. The neighborhood, however, has lost not only population but also most of the businesses of the past, with very little available in the neighborhood in the way of goods and services. We desperately need neighborhood businesses that would cater to the needs and improve the quality of life of the residents, particularly those who are without cars.

It is axiomatic that increased population increases demand for goods and services, which leads to more goods and services being available in a neighborhood. But, Bywater continues to lose population, losing 22 percent of all households between 2000 and 2010, even though the neighborhood is situated on high ground and was largely untouched by flooding from the levee failures after Katrina. "Housing Development and Abandonment in New Orleans since 1960," Allison Plyer, Elaine Ortiz, and Ben Horwitz, Greater New Orleans Community Data Center, Released: October 28, 2011, at 15. And, between June 2005 and June 2011, the number of addresses in the neighborhood receiving mail decreased by 14 percent, suggesting that abandonment of the neighborhood that began in the 1960's has continued post-Katrina. *Ibid.* This lack of population is the reason why we lost a proposed Canseco's grocery store on St. Claude Avenue, a market analysis having revealed an insufficient number of residents to support the store.

Indicative of the our desire to increase the number of residents in the neighborhood, the BNA requested Medium Density residential land use for Bywater to increase the allowable number of dwelling units per acre from 24 to 36. But, medium density, by itself, is not sufficient to increase population – we need appropriate zoning that allows more units per parcel than current zoning allows.

Currently, Bywater is zoned RD-3, allowing only single- and two-family units. The Draft CZO offers three options for residential zoning in Bywater – two Historic Urban designations of HU-RD1 and HU-RD2 and one Historic Core designation of HMR-3.¹ Both HU-RD1 and HU-RD2 allow only single- and two-family dwelling units,² essentially a continuation of present zoning. The Historic Core designation of HMR-3 would allow up to four units on a parcel.

¹ The draft zoning for Bywater offers residential zoning options for a backwards L-shaped parcel of approximating three blocks bounded by Congress, Dauphine, Independence, Gallier and Royal, almost to Chartres, different from the options presented for the rest of the residential parcels. The BNA submits that these parcels should be zoned the same as other residential parcels in Bywater.

² HU-RD2 does allow townhouses.

In the past, singles and doubles housed many more people than they currently do; the housing stock is the same, but the households are different. “The Bywater neighborhood is attracting younger singles while losing seniors living alone. The share of single person households increased in the Bywater from 40 to 46 percent, while the share of seniors living alone decreased from 9 to 6 percent, suggesting that seniors may find it challenging to stay in their Bywater homes.” Allison Piyer, at 16.

So, what kind of housing do these younger people want and need? The City Planning Commission has found that “[y]ounger households tend to prefer lofts, apartments and condominiums in renovated houses or new buildings, and smaller or attached single-family houses [i.e., townhouses].” Plan for the 21st Century, Vol. 3, Chapter 5, at 5.21-5.22. The ULI agrees: The groups growing the fastest, people in their mid-20s and empty-nesters in their 50s, are the groups most likely to look for an alternative to low-density, single-family housing.³ “Higher-Density Development: Myth and Fact.” Urban Land Institute, 2005, pp. 28-29. If we are to accommodate people in their mid-20s and empty-nesters in their 50s, then we must provide them an alternative to low-density single- and two-family housing. HMR-3 does just that, allowing three to four units per parcel.

HMR-3 zoning could also help seniors living alone, allowing them to continue to live in their homes, with rental units to provide funds necessary for maintenance, taxes and insurance. Small, homeowner-driven investment in converting one’s house into flexible living space for more than one family is accessible and achievable for many. “Cities respond most durably in the hands of many participants accomplishing gradually small bites, making small changes and big differences at the same time.” Gratz, Roberta B. The Living City. Simon and Schuster, 1989, at 148. “. . . [T]he key to genuine revitalization and economic development is process, not product; incremental change, not instant transformation; modest local private investments, not massive infusions of federal (or big investor) dollars. Components of the urban fabric are rebuilt gradually, continuing, open ended.” Ibid. (Emphasis added.).

HMR-3 zoning in Bywater could make revitalization of the neighborhood achievable. It would allow the neighborhood to continue to attract young singles and to provide attractive housing options for seniors living alone.

³ The Commission has found:

As in virtually every U.S. city, demographic trends point to a growing population of homeowners in New Orleans who will want to sell single-family houses as they age. The supply of younger buyers will grow more slowly, and one statewide study suggests the two trends will produce an over-supply of single-family houses beginning about 2013.

4. Permitted uses in the HMC-2 zoning district should be expanded to include "Tattoo Parlor" and "Manufacturing, Artisan."

"Tattoo Parlor" -- The BNA has no objection to tattoo parlors as business uses in the neighborhood. Bywater has a tattoo parlor on Chartres, currently zoned Light Industrial, which the BNA is requesting be designated HMC-2.

"Manufacturing, Artisan" -- "Manufacturing, Artisan," is defined in Section 26.5 of the Draft CZO as follows: "A manufacturing establishment for artisan-related crafts which are more intensive uses, such as small-scale metalworking, glassblowing, furniture making, pottery, leathercraft, hand-woven articles, and related items." This definition appears to have been designed specifically for the Studio Inferno, a Bywater business, which, with the BNA's support, was recently zoned Light Industrial to accommodate glass-blowing and metalworking operations. In addition, other commercial parcels designated HMC-2 could provide a place of operation for other of the many artists and artisans who populate the neighborhood.

5. St. Claude Avenue and Chartres Street should be zoned HMC-2, with the expanded uses set out in item 4 above.

HMC-2 is essentially a mixed-use category, allowing all of the residential uses allowed in HMR-2 and a multitude of commercial uses, including standard restaurants, retail sales of alcoholic beverages, live entertainment, art galleries, retail goods establishments, offices, etc. We believe that, with the expanded uses set out in item 4, HMC-2 offers the most flexible and varied zoning for these two corridors.

6. All of Poland Avenue below St. Claude should be zoned HMC-2, with the expanded uses set out in item 4 above.

The Draft CZO offers different zoning options for the downriver and upriver sides of Poland, but all include HMC-2. On both sides of the street, areas currently zoned residential are included in the suggested non-residential zoning. There is, however, one portion of the upriver side that the draft leaves residential. The BNA submits that all of Poland should be zoned HMC-2.

7. Permitted uses in the HMLI zoning district should be expanded to include "Warehouses" and "Manufacturing, Artisan."

HMLI does not include "Warehouse", defined as "a facility for the storage and distribution of manufactured products, supplies and equipment;" Section 26.5, as a permitted use. It does, however, allow "Mini-Warehouse," defined as "a structure that rents individual compartments for the purpose of storing personal property." Ibid. Because the BNA is seeking HMLI zoning for Press Street and a portion of Montegut, currently zoned LI and populated by large warehouses, item 8 below, HMLI should include "Warehouse" as a permitted use.

“Manufacturing, Artisan,” (defined in item 4 above) should be permitted in the HMLI district, since the existing warehouse space could be used for artisanal activities. The Studio Inferno parcel on Montegut Street, see discussion in item 4 above, was considered by the City Planning Commission and the City Council to be an extension of the Light Industrial districts on Press and Montegut.

8. All of Press Street and that portion of Montegut Street currently zoned LI should be designated HMLI, with the expanded uses set out in item 7 above.

This area is populated by large warehouses currently used as such, and, with “Warehouse” and “Manufacturing, Artisan,” as a permitted uses, should be zoned HMLI.

9. All interior parcels currently zoned LI or for business use should be designated HMC-2, with the expanded uses as noted in item 4 above. This includes the Art Lofts I and II.

The Draft CZO offers different choices for non-residential parcels, with most including HMC-2. To keep things simple, we recommend having all the non-residential parcels zoned the same. In addition, although the Art-Loft projects are currently residential, the BNA believes that having the ability to add some non-residential elements, e.g., coffee shop, art galleries, etc., in the future would be beneficial to the neighborhood as a whole.

10. The Studio Inferno parcel should be zoned HMC-2 or, in the alternative, HMLI, with the expanded uses set out in items 4 and 7 above.

The Studio Inferno parcel on Montegut Street, see discussion in item 4 above, was considered by the City Planning Commission and the City Council to be an extension of the Light Industrial districts on Press and Montegut. If “Manufacturing, Artisan,” were added to either HMC-2 or HMLI or both, the current operation would be covered.

11. The Naval Support Facility should be zoned MU-2, a Destination Zoning District.

We understand that the City favors a mixed-use zoning designation for the Naval Support Facility. The Draft CZO offers three choices – HMC-2, HU-MU (Historic Urban designation) and MU-2. Of the choices given, MU-2 seems to give the City the greatest flexibility, and it does not conflict with our Historic Core choices.

12. 710 Clouet Street should be zoned OS-N, a Neighborhood Open Space District.

This property is a vacant lot, owned by HANO, and is in the process of being leased for Clouet Gardens, a neighborhood park. It should be designated OS-N.

13. All properties currently zoned for residential use that historically have been used for non-residential purposes should be zoned HMC-2.

Historically, Bywater has been a mixed-use neighborhood. Early Sanborn Fire Insurance maps for the area shows numerous stores throughout the neighborhood, primarily on the corners. Evidence of these corner stores can be seen today – e.g., angled entrances at the corner, an entrance on each of the connecting streets, display windows, and entrance overhangs. Some were constructed for commercial use; others were converted from residential use, with their physical appearance altered to resemble more closely the originally-constructed buildings. Through the fifties and sixties, many corner commercial buildings were still in use. The neighborhood was pedestrian-friendly, with goods and services readily available to residents.

In the early 70's, the entire Bywater neighborhood was blanketed with a zoning change that rezoned almost all properties to two-family residential use, even those that were being used for commercial purposes. Businesses were allowed to continue to operate as a non-conforming use, but once the business ceased operation and the building remained vacant for more than six months, that status was lost and the building could only be used residentially.

For various reasons, Bywater has lost most of the neighborhood businesses of the past, with very little available in the neighborhood in the way of goods and services. We could use some neighborhood businesses that would cater to the needs and improve the quality of life of the residents, particularly those who are without cars.

In addition, many of the structures that formerly housed neighborhood businesses are blighted and could be put back into service housing neighborhood businesses again. HMC-2 zoning could provide the incentive for property owners to fix up blighted buildings and for businesses to move into Bywater, thereby improving amenities available in the neighborhood and also preserving its historic character by putting to use existing buildings that historically housed neighborhood businesses.

Bywater residents have been talking for years about getting more business in the neighborhood by allowing reuse of historic structures for business purposes. In 2007, the BNA proposed a traditional residential diversity overlay, to no avail. In 2009, we proposed a land-use category that would have allowed non-residential zoning for former commercial properties, again to no avail. Our last attempt resulted in our being told that we had to raise our proposal during the CZO process. This time, instead of proposing an overlay, which is more restrictive than HMC-2 zoning, we propose that all properties currently zoned for residential use that have a documented non-residential use be zoned for non-residential use,⁴ making it much easier to put them back in service. HMC-2 zoning for these properties would allow, all at the same time, that which the Commission

⁴ The BNA is providing a list of properties and documentation of historic non-residential use.

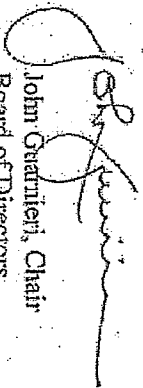
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has done for individual properties in Bywater, the most recent example being the rezoning of 3828-30 Dauphine Street and 734 Alvar Street from RD-3 to B-1A in Zoning Docket 137-10.

Conclusion

The Bywater Neighborhood Association hereby requests that all of the foregoing requests for zoning in the Bywater neighborhood be incorporated into the new Comprehensive Zoning Ordinance.

Respectfully submitted,



John Guariteri, Chair
Board of Directors

cc: Councilmember Kristin Galeson Palmer

From: John Guarnieri john@studlowva.com
Subject: RE: PUBLIC RECORDS ACT REQUEST
Date: November 15, 2013 at 4:37 PM
To: jhalley@nola.gov Alley Halley@nola.gov
Cc: Paul Cramer potamer@nola.gov, gmooen@nola.gov

Dear Ms. Alley:

Pursuant to the Public Records Act of Louisiana, R.S. 44:31 et seq., the Bywater Neighborhood Association requests copies of the following public records:

1. All documents containing, relating to, or in any way concerning comments on the first draft Comprehensive Zoning Ordinance ("CZO"), issued in September 2011, relating to proposed zoning for Bywater, i.e., the area bounded by St. Claude Avenue, the Industrial Canal, the Mississippi River and Press Street, including but not limited to, comments received from the public, any public body, any public official; minutes of meetings in which provisions were discussed; notes memorializing discussions with citizens, citizen groups, public officials; notes memorializing discussions among staff and/or with consultants.
2. All documents containing, relating to, or in any way concerning comments on the first draft Comprehensive Zoning Ordinance ("CZO"), issued in September 2011, relating to Historic Core Zoning Districts and/or Historic Marigny Tremé Zoning Districts including but not limited to, comments received from the public, any public body, any public official; minutes of meetings in which provisions were discussed; notes memorializing discussions with citizens, citizen groups, public officials; notes memorializing discussions among staff and/or with consultants.
3. All documents relating to, or in any way concerning, changes made to the first draft Comprehensive Zoning Ordinance ("CZO"), issued in September 2011, in proposed zoning for Bywater, i.e., the area bounded by St. Claude Avenue, the Industrial Canal, the Mississippi River and Press Street, including, but not limited to, comments received from the public, any public body, any public official; minutes of meetings in which changes were discussed; notes memorializing discussions with citizens, citizen groups, public officials; notes memorializing discussions among staff and/or with consultants.
4. All documents relating to, or in any way concerning, changes made to the first draft Comprehensive Zoning Ordinance ("CZO"), issued in September 2011, in the Historic Core Zoning Districts and/or Historic Marigny Tremé Zoning Districts, specifically including changes made to the HMR-3 residential zoning district, including, but not limited to, comments received from the public, any public body, any public official; minutes of meetings in which changes were discussed; notes memorializing discussions with citizens, citizen groups, public officials; notes memorializing discussions among staff and/or with consultants.
5. All documents relating to, or in any way concerning, changes made to the first draft Comprehensive Zoning Ordinance ("CZO"), issued in September 2011, in the Riverfront Overlay Provision, specifically including adding the requirement of a conditional use process, including, but not limited to, comments received from the public, any public body, any public official; minutes of meetings in which changes were discussed; notes memorializing discussions with citizens, citizen groups, public officials; notes memorializing discussions among staff and/or with consultants.

ATTACHMENT B

Please respond to this request within five days as required by law. See La. Rev. Stat. Ann. Section 44:35(A). If you have any questions, or require clarification of this request, please contact Mary Ann Hammett at (504) 421-8096 or maryannhammett@cox.net. Thank you for your prompt attention to this matter.

Yours very truly,

Board of Directors

Bywater Neighborhood Association

John Guarneri, Chair

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: August 22, 2013

CALENDAR NO. 29, 715

NO. 025483 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER GISLESON  MAJUMDER

AN ORDINANCE to amend and reordain the text of Article 10 of the Comprehensive Zoning Ordinance of the City of New Orleans, No. 4,264 M.C.S., as amended, to establish the *St. Claude Avenue Arts and Cultural District* and designation of such on the corresponding zoning base map, generally to include all lots fronting on Saint Claude Avenue between Press Street and Poland Avenue; and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 67/13 was initiated by City Council Motion M-13-141 and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and the role resulted in a recommendation of no legal majority of the text amendment in its report dated July 22, 2012 to the City Council, presented in Zoning Docket Number 67/13; and

WHEREAS, the changes were deemed necessary and in the best interest of the City of New Orleans and were granted approval as stated in Motion Number M-13-287 of the Council of the City of New Orleans on August 8, 2013.

1 SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY
2 ORDAINS that Article 10 of the Comprehensive Zoning Ordinance of the City of New

3 Orleans, No. 4,264 M.C.S., as amended, be, and is hereby amended and reordained to read as
4 follows:

5 **ARTICLE 10. OVERLAY ZONING DISTRICTS, MISCELLANEOUS ZONING**

6 **DISTRICTS, PLANNED DEVELOPMENT DISTRICTS AND**

7 **DESIGN REVIEW DISTRICTS**

8 * * *

9 **Section 10.15. - St. Claude Avenue AC Arts and Cultural Overlay District.**

10 *10.15.1. Purpose of the District.*

11 The purpose of the St. Claude Avenue Arts and Cultural Overlay District is to establish and
12 sustain new arts and cultural uses on lots generally facing St. Claude Avenue between Press
13 Street and Poland Avenue. The St. Claude Arts and Cultural Overlay District seeks to preserve
14 the areas small to medium-scale commercial uses, encourage a balance of daytime and
15 nighttime uses, and foster development of arts-related uses.

16 *10.15.2. Areas of Applicability.*

17 This district is intended for application to commercially zoned lots with frontage on St. Claude
18 Avenue between Press Street and Poland Avenue.

19 *10.15.3. Regulations of the Underlying Zoning District.*

20 Unless otherwise noted in the St. Claude Avenue Arts and Cultural Overlay District
21 regulations, the regulations of the underlying zoning districts shall apply.

22 *10.15.4. Permitted Uses Authorized in the District.*

23 The following uses of land are authorized as permitted uses in the St. Claude Avenue Arts and
24 Cultural Overlay District, subject to the standards of Section 10.15.7.

- 25 1. Any use authorized as a permitted use in the base Districts, except that package liquor
26 stores shall be prohibited;
- 27 2. Art galleries and art studios without limitation as to size;
- 28 3. Coffee shops;
- 29 4. Museums;
- 30 5. Theaters for comedy acts, movies and/or theatrical productions up to 5,000 square feet
31 in floor area which may sell alcohol for consumption on premises;
- 32 6. Green markets;
- 33 7. Standard restaurants with a maximum of 5,000 square feet in floor area, which may sell
34 alcoholic beverages for consumption on premises in conjunction with meals;
- 35 8. Outdoor art markets;
- 36 9. Tattoo parlors; and,
- 37 10. Live/work space for artists.
- 38 *10.15.5. Conditional Uses Authorized in the District.*
- 39 The following uses of land are authorized as conditional uses in the St. Claude Avenue Arts
40 and Cultural Overlay District upon approval of a conditional use permit under the standards and
41 procedures contained in Section 16.6 of these zoning regulations, unless otherwise permitted in
42 the underlying zoning district:
- 43 1. Any use authorized as a conditional use in the base district(s);
- 44 2. Theaters for comedy acts, movies and/or theatrical productions over 5,000 and with a
45 maximum of 10,000 square feet in floor area, which may sell alcoholic beverages for
46 consumption on premises;
- 47 3. Cocktail lounges or bars;

- 48 4. Wine bars and wine shops;
 - 49 5. Brew pubs;
 - 50 6. Microdistilleries; and,
 - 51 7. Multi-discipline arts centers.
-

52 *10.15.6. Live Entertainment as an Accessory Use Authorized in the District.*

53 Live entertainment is authorized as an accessory use to the following main uses within the St.

54 Claude Arts and Cultural Overlay District, subject to the standards in Section 10.15.7:

- 55 1. Cocktail lounges;
- 56 2. Wine bars;
- 57 3. Standard restaurants;
- 58 4. Theaters;
- 59 5. Coffee shops;
- 60 6. Museums;
- 61 7. Multidiscipline art centers; and,
- 62 8. Brew pubs.

63 *10.15.7. General Standard for All Authorized Uses.*

64 All uses authorized under this overlay district and all uses authorized in the underlying zoning
65 districts must submit a litter abatement plan for the approval of the Department of Sanitation.

66 The approved litter abatement plan shall be submitted to the Department of Safety and Permits
67 prior to issuance of Certificate of Use and Occupancy.

68 *10.15.8. General and Special Standards for Uses Authorized to Provide Live Entertainment.*

69 The standards set forth in this section apply to the designated uses whether such uses are
70 authorized as permitted, conditional, or accessory uses in the underlying zoning districts of St.
71 Claude Avenue Arts and Cultural Overlay District.

72 For Conditional uses, the City Council may impose standards on a particular use in addition to
73 standards contained in this article as conditions to approval of a conditional use permit under
74 the procedures of Section 16.6 of these zoning regulations. The City Council may also vary the
75 standards contained in this section for a particular use according to such procedures, unless
76 expressly prohibited by Article 16. When considering a conditional use application, the City
77 Council shall consider the factors listed in Section 16.6.5, including consistency with the
78 Master Plan, general purpose statement of the St. Claude Avenue Street Arts and Cultural
79 District, and any Supplemental Regulations.

80 1. General Standards for All Uses Providing Live Entertainment:

81 a. All establishments providing live entertainment shall hold the appropriate Live
82 Entertainment Permit (Mayoralty Permit).

83 b. All establishments providing indoor live entertainment shall be subject to a
84 closed doors/windows policy during any performance.

85 c. All establishments providing live entertainment shall be subject to the applicable
86 noise, litter, and other laws of the City, including the Comprehensive Zoning
87 Ordinance, Building Code, City Code, and Life Safety Code.

88 d. No establishment providing live entertainment may provide live adult
89 entertainment.

90 e. Establishments must provide secure parking for at least four (4) bicycles.

91 2. Special Standards for Cocktail Lounges and Wine Bars:

92 a. A cocktail lounge or wine bar may provide live entertainment, including a
93 permanent area for dancing. All cocktail lounges and wine bars shall hold a
94 Class A General ABO Permit and a Live Entertainment Permit (With or Without
95 Admissions), if providing live entertainment.

96 b. Cocktail lounges and wine bars shall contain noise to levels specified in the
97 Noise Ordinance by soundproofing the live entertainment area.

98 3. Special Standards for Standard Restaurants and Coffee Shops:

99 a. Restaurants and coffee shops providing live entertainment shall hold a Live
100 Entertainment Without Admission Permit. No fee shall be charged for any
101 performance or for entrance into the facility.

102 b. The full menu shall remain available during the performance.

103 c. A Special Event Permit shall temporarily relieve a restaurant or coffee shop
104 from standards a and b above. Special Event Permits may be issued to a
105 restaurant or coffee shop no more than ten (10) times per year for durations not
106 to exceed a total of thirty (30) days per year.

107 4. Special Standards for Theaters:


108 a. A theater may provide live entertainment, including theatrical productions. All
109 theaters shall hold a Class A General ABO Permit, if selling alcoholic
110 beverages, and a Live Entertainment Permit (With or Without Admissions), if
111 providing live entertainment;

112 b. Theaters selling alcoholic beverages shall do so only one (1) hour prior to,
113 during, and (1) hour after performances.

114 10.15.9. *General Standards for Premises with Alcoholic Beverage Permits.*

115 1. All establishments with alcoholic beverage permits must submit a litter abatement plan
116 inclusive of the placement of an outdoor trash receptacle for the approval of the
117 Department of Sanitation. The approved litter abatement plan shall be submitted to the
118 Department of Safety and Permits prior to issuance of Certificate of Use and
119 Occupancy.
120 2. All non-glass drink containers used by establishments with alcoholic beverage permits
121 must feature the establishment's logo.
122 * * *

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS SEP 12 2013
JACQUELYN B. CLARKSON
PRESIDENT OF THE COUNCIL

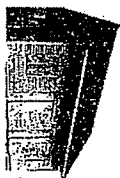
DELIVERED TO THE MAYOR ON SEP 13 2013
APPROVED:  SEP 19 2013

ANTOINETTE J. LANDRIEU
MAYOR
RETURNED BY THE MAYOR ON SEP 19 2013 AT 1 45 PM

LORA W. JOHNSON
CLERK OF COUNCIL

ROLL CALL VOTE: **INTERIM**
YEAS: Cantrell, Clarkson, Gisleason Palmer, Gray, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrill - 1

THE FOREGOING IS CERTIFIED TO BE A TRUE AND CORRECT COPY
G:\Inhouse\ELWIN\SENCO\COUNCIL\2013\67-13 TX CZO Article 10\Ordinance - ZD 67-13.doc
Lora W. Johnson
INTERIM CLERK OF COUNCIL



BYWATER NEIGHBORHOOD ASSOCIATION
PO Box 3197 New Britain, Ct 06117 bywaterneighborhood@gmail.com www.bywaterne.com

BYWATER PROPERTIES ZONED RD-3 HAVING NON-RESIDENTIAL USE

Address	Use	Sanborn Year	Sanborn Volume	Sanborn Sheet
701 Alvar	Bar	NA	NA	NA
801 Alvar	Office & Storage	1968	9W Reel 17	909
1001 Bartholomew	Store	1896	4	351
3000 Burgundy	Store	1937	9	905
3060 Burgundy	Store	1885	2	49
3126 Burgundy	Movie Theatre	1937	9	906
3137 Burgundy	Undertaker	1908	1	25
3145 Burgundy	Store	1937	9	914
3400 Burgundy	Corner Store	1908	1	30
3613 Burgundy	Store	1896	4	346
3614 Burgundy	Wood Shed/ Paint Store	1908/1937	1/9	36/908
4101 Burgundy	Corner Store	1937	9	918
4200 Burgundy	Corner Store	1937	9	920
4123 Burgundy	Store	1937	9	918
4235 Burgundy	Corner Store	1937	9	919
4301 Burgundy	Corner Store	1937	9	919
832 Clouet	Cabinet Shop	1893	4	144
900 Congress	Corner Store	1893/1908	4/1	136/31
941 Congress	Corner Store	1908	1	36
3100 Dauphine	Restaurant	1968	9W Reel 17	905
3400 Dauphine	Retail Bakery	1893	4	147
3404 Dauphine	Bakery Warehouse	1893	4	147
3528 Dauphine	Restaurant	1968	9W Reel 17	908
3611 Dauphine	Store	1896	4	346

Address	Use	Sanborn Year	Sanborn Volume	Sanborn Sheet
3620 Dauphine (742 Independence)	Corner Store	1893	4	148
3828-30 Dauphine	Corner Store	1908	1	35
3831 Dauphine	Corner Store	1968	9W Reel 17	909
3900 Dauphine	Corner Store	1896	4	349
4129 Dauphine	Corner Store Yellow Moon	1896	4	351
4201 Dauphine	Corner Store Jimmy's Grocery	1908	1	40
4229 Dauphine (800 Lesseps)	Corner Store Vaughan's	1896	4	352
4301 Dauphine	Corner Store	1908	1	40
627 Desire	Feed Warehouse	1968	9W Reel 17	908
629 Desire	Wholesale Pet Supplies	1968	9W Reel 17	908
900 Desire	Corner Store	1896	4	349
742 Independence	Corner Store	1896	4	348
840 Independence	Corner Store	1896	4	346
841 Independence	Corner Store	1896	4	346
901 Independence ¹	Corner Store	1908	1	36
1014 France	Try-Me Coffee Mills	1937	9	918
634 Louisa	The Country Club	NA	NA	NA
640 Louisa	Corner Store Markey's Bar	1896	4	326
805 Louisa	Store	1893	4	145
1001 Louisa	Corner Store	1893	4	145
701 Mazant	Corner Store	1893	4	149
740 Mazant	Corner Drugstore	1893	4	149
939 Montegut	Corner Store	1937	9	913
1001 Montegut	Store	1937	9	913

¹ Corrected 12/15/2011.

Address	Use	Sanborn Year	Sanborn Volume	Sanborn Sheet
3053 N. Rampart	Shed/NO Athletic Club	1896/1908	4/1	327/25
3065-67 N. Rampart	Corner Store	1893	4	143
3625 N. Rampart	Corner Store	1893	4	146
4133 N. Rampart	Corner Store	1908	1	41
622 Pauline	Commercial	NA	NA	NA
822 Piety	Foucheaux's Upholstery	1937-Mar. 1951	9	907
941 Piety	Corner Store	1908	1	31
738 Poland	Restaurant Jack Dempsey's	NA	NA	NA
801 Poland	Corner Store	1909	7	671
836 Poland	Store	1937	9	920
838 Poland	Corner Store	1908	1	40
900 Poland	Corner Store	1937	9	919
3020 Royal	Able Electrical Contractors Inc.	NA	NA	NA
3044 Royal	Olympic Club	1896	4	326
3100 Royal	Corner Store	1885	2	49_a
3431 Royal	Corner Store	1893	4	147
3929 Royal (700-702 Bartholomew)	Corner Store	1908	1	35



CITY OF NEW ORLEANS

CITY PLANNING COMMISSION

DRAFT C.Z.O. MEETINGS - OCTOBER 2013

(PLEASE PRINT)

PLANNING DISTRICT: 7

NAME: Glen Pitre

ADDRESS: 721 1/2 Marigny 70117

PHONE: 504 948 3635

EMAIL: GlenPitre@gmail.com

OPTIONAL:

TEXT COMMENTS - SECTION #: _____

MAP COMMENTS - LOCATION: _____

Please provide your specific comments in the space below (PLEASE PRINT):

The RDO is worded with corner store type structures in mind in that it allows a commercial ground floor but only residential use on upper floors. This creates problems for properties in historic districts that have never been residential on any floor. Such as former fire houses. In such buildings, commercial use of upper floors should be permitted, at least as a conditional use, under the RDO.

Geoffrey N. Moen

From: Geoffrey N. Moen
Sent: Wednesday, November 20, 2013 10:20 AM
To: Paul Cramer
Subject: FW: CZO/RDO question

Can you put this in the folder with the other comments we've received? Naydja emailed me about it again and said that she'd like to submit the email as her comment. If she needs to fill out the card, let me know, and I'll pass that along to her. Thanks.

From: Naydja Domingue [mailto:naydja@bellsouth.net]
Sent: Thursday, October 17, 2013 11:12 PM
To: Geoffrey N. Moen
Subject: CZO/RDO question

Geof,

When I got home, I compared the list of uses in the CZO draft for the RDO and noticed that some of the uses were removed from the previous list, such as library/museum and antique shop. Can you explain? Unless they are covered and defined in another use, I would like to have them included in the new draft.

Also, I noticed that although the RDO use includes "cultural facility", but HMC-1 does not have it as a use. Shouldn't they both include this use?

Question: Can you send me the requirements of a reception hall/facility? Although one of the CPC representatives showed it to me tonight, I could not find it on line. I remember about 5 listed requirements.

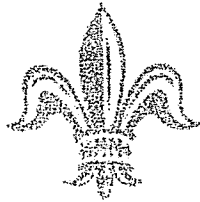
I did not find the comment form on the CZO site so I could send in these comments. Is there one on line?

Thanks.

Naydja

18 ✓

10



CITY OF NEW ORLEANS

CITY PLANNING COMMISSION

DRAFT C.Z.O. MEETINGS - OCTOBER 2013

(PLEASE PRINT)

PLANNING DISTRICT: 7

NAME: A ESCHMANN

ADDRESS: 422 Perdido

PHONE: _____

EMAIL: _____

OPTIONAL:

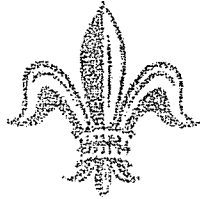
TEXT COMMENTS - SECTION #: _____

MAP COMMENTS - LOCATION: _____

Please provide your specific comments in the space below (PLEASE PRINT):

RESPONDING

THE ~~USE~~ OF FORMER COMMERCIAL CORNER BUILDINGS IS TOO BROAD. RESTAURANTS ARE ENTIRELY TOO INVASIVE FOR OUR SMALL CRAMPED NEIGHBORHOOD



CITY OF NEW ORLEANS

CITY PLANNING COMMISSION

DRAFT C.Z.O. MEETINGS - OCTOBER 2013

(PLEASE PRINT)

PLANNING DISTRICT: 7

NAME: JOHN ANDREWS

ADDRESS: 819 LESSEPS ST.

PHONE: 504-813-6675

EMAIL: WEHATECOMPUTERS@COX.NET

OPTIONAL:

TEXT COMMENTS - SECTION #: _____

MAP COMMENTS - LOCATION: _____

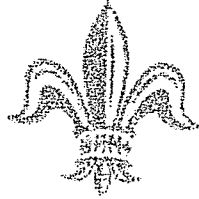
TOT

Please provide your specific comments in the space below (PLEASE PRINT):

STANDARD RESTAURANTS SHOULD NOT BE ALLOWED AS A USE UNDER THE RESIDENTIAL DIVERSITY OVERLAY. A RESTAURANT IS A WAY TOO INTENSIVE USE TO BE ALLOWED TO BE LOCATED IN AN OTHERWISE RESIDENTIAL AREA. PARKING, NOISE AND LITTER WOULD ALL BE NEGATIVE IMPACTS ON ADJACENT RESIDENTS.

- THERE SHOULD BE A MINIMUM SQ. FOOTAGE REQUIRED PER UNIT UNDER HMR-3. PERHAPS 500 SQ. FT. PER UNIT WOULD BE FAIR SO THAT WE ARE NOT FORCING OUR RENTERS INTO TINY APARTMENTS TO THE ENRICHMENT

OF LANDLORDS



CITY OF NEW ORLEANS

CITY PLANNING COMMISSION

DRAFT C.Z.O. MEETINGS - OCTOBER 2013

(PLEASE PRINT)

PLANNING DISTRICT: 4

NAME: Adolph Bynum

ADDRESS: 1225 Henriette Delille

PHONE: 504-210-6587

EMAIL: AdolphBynumSR@
Yahoo.com

OPTIONAL:

TEXT COMMENTS - SECTION #: 18.7

MAP COMMENTS - LOCATION:

Please provide your specific comments
in the space below (PLEASE PRINT):

#1 Did not update
Map Lot at N. Robinson
and 1601 Ursuline St
not listed as HMC1

#2 Glad to have RDO
with RESTAURANTS



CITY OF NEW ORLEANS

CITY PLANNING COMMISSION

DRAFT C.Z.O. MEETINGS - OCTOBER 2013

(PLEASE PRINT)

PLANNING DISTRICT: 4

NAME: Naydja Byrum

ADDRESS: 9225 Hennette

PHONE: 504-523-5315

EMAIL: Naydja@BellSouth.net

OPTIONAL:

TEXT COMMENTS - SECTION #: 18.7

MAP COMMENTS - LOCATION: Historic Tremé

Please provide your specific comments in the space below (PLEASE PRINT):

So glad the standard restaurant is finally included in the residential diversity overlay.
Now we can have a po-boy and other basic food restaurant in Tremé

Dale W. Thayer

From: Raphael Rabalais <jrabalais@yahoo.com>
Sent: Saturday, November 30, 2013 11:48 PM
To: CPCinfo
Subject: comments about draft CZO

To Whom It May Concern:

As a resident of New Orleans, urban planner, and member of the consultant team that prepared the New Orleans Comprehensive Plan in 2008 and 2009, I would like to submit comments in regard to the most recent draft of the Comprehensive Zoning Ordinance. Before I do so, I would first like to compliment the CPC and the Goody Clancy/Camirós/Villavaso team on a job well done, especially given the enormity of the task. My comments are relatively few in number. However, I strongly believe that the comments are significant and would produce an even stronger CZO.

My comments are as follows:

1. Several of the districts—for example the HM-MU, SB-2, C-1, C-2, and C-3 districts—permit multifamily residential as either a permitted or conditional use but do not specify the allowable density. The allowable density should be spelled out more clearly. 17
2. The MU districts should perhaps stipulate a build-to line. There is no required front yard setback for these districts, but a “not to exceed” stipulation for front yard setbacks would perhaps encourage a more harmonious, pedestrian-oriented environment. 12/15
3. For the CBD districts, the land use matrix should be reviewed. For example, bars are only permitted (via conditional use) in the CBD-4 and CBD-6 district. Given the size of the CBD, the number of vacant or underutilized parcels, the role that bars have played in the revitalization of other commercial districts (e.g. Freret Street), and the presence of numerous, quality bars throughout the CBD, I would think that bars would be an appropriate conditional use in most, if not all, of the CBD districts. 17
4. Other land uses in the CBD districts are counterintuitive or outright bizarre. For example, in the CBD-6 district (the Health Sciences oriented district), bars are permitted via conditional use but health clubs are not. There seems to be no rhyme or reason behind many of the permitted land uses among the CBD districts; rather, they seem arbitrary. 17
5. This feature may be a carryover from the present CZO (which I am not particularly familiar with), but the height requirements in the CBD districts seem excessively complicated. Surely there must be a way to encourage visually interesting mid- to high-rise buildings without this level of complexity. 17
6. Additionally, the density guidelines in the CBD districts are overly restrictive. At 300 square feet per dwelling unit, 145 units per acre is the upper ceiling on what could be built. This maximum density would preclude many of the multifamily developments that have been recently completed in the CBD. For instance, the 930 Poydras apartments have 250 units on a site that is approximately 0.72 acres. The Hibernia Apartments contain 175 units on a site that is approximately 0.47 acres. 17
7. Similarly, the height and FAR maximums in many of the CBD districts seem excessively restrictive. If you have not done so already, I would suggest reviewing these in great detail with the development community to ensure that the height, FAR, and density restrictions in the CBD in particular are sufficiently flexible and realistic. 17
8. I also have a philosophical problem with many of the bonus FAR provisions in the CBD districts. First, many of the triggers for the bonus FAR (e.g. the provision of public plazas) seem dated and out of step with good urban design principles. Second, given the sheer number of vacant and underutilized parcels 17

- in the CBD that are ripe for redevelopment, the City should not be imposing what could be construed as onerous impediments to developers' achieving an economically viable height and density. The CZO should absolutely insist on high quality urban design, but some of the FAR provisions seem excessive. In a red-hot real estate market such as Boston or San Francisco, these provisions may be appropriate; in New Orleans, they seem out of place. We must legislate high quality urban design, but we should not impose artificial obstacles to economically viable infill.
9. As a resident of the Irish Channel, I applaud the RDO commercial overlay district, but are there not other neighborhoods in the city where this would be appropriate? Neighborhoods such as the 7th Ward, 6th Ward, Mid City, and other parts of Uptown would be ripe for this kind of sensitive, low intensity commercial development in historic commercial buildings. 18
10. I applaud the design review provision along the EC corridors, but greater geographical coverage may be needed—beyond just at the critical intersections identified—for those corridors that are ripe for major new investment. Claiborne Avenue in the Tremé area, Canal Street near the UMC/VA hospitals, and Tulane Avenue are all primed for major new investment. I feel that a more geographically extensive design review district may be appropriate given the potential for new investment in these areas. 18
11. Freret Street between Jefferson Avenue and Napoleon Avenue was missing from the list of EC design overlay districts. Given the number of potential redevelopment parcels along Freret, I feel that Freret should also be added to this list. 18
12. Some of the off-street parking requirements seem excessive, e.g. 1 parking space per 500 square feet of retail floor area, 1 space per dwelling unit in multifamily residential developments. While I understand that there are numerous provisions within the draft ordinance for reducing these requirements, I feel that the base parking ratios could be lowered somewhat in certain instances. 22
13. I believe that even further flexibility in off street parking compliance should be incorporated into the HU-MU district. There are so many small lots subsumed within the HU-MU district that additional off street parking waivers—for narrow lots, for proximity to a bus or streetcar line—should be provided. 22
14. Similarly, I would like to see greater flexibility in meeting off-street parking requirements in the MU-1 and MU-2 districts, especially given their location in some of the most historic, pedestrian- and transit-oriented areas of the city. 22
15. I would also like to see much, much more specific guidance regarding the design and placement of off-street parking. For instance, parking should be explicitly prohibited in the front yard and corner side yards of all but the most suburban districts. I realize that the setback regulations and other district-specific provisions effectively preclude front yard parking, but the expectation for parking lot placement and design should be made more explicit within the off street parking/loading section of the ordinance. 22
16. The CZO should also specifically discourage side yard parking that occupies more than a certain percentage of the width of a parcel. Even if parking is located in the interior side yard of a parcel—as urban design best practices dictate—off street parking that occupies a substantial portion of the property can still overwhelm the property and negatively affect the pedestrian realm. Similarly, even rear yard parking can negatively impact urban design if the parking occupies an excessive percentage of the overall site. The CZO should therefore cap the amount of a site that can be occupied by parking and loading areas—particularly within the more urban, pedestrian oriented, and mixed use districts. 22
17. I was disappointed to see that pole signs are allowed in the MU-1, MU-2, C-1, and C-2 districts. Pole signs are, by definition, a feature of more automobile-oriented development; there is nothing about them that suggests a pedestrian oriented environment. This would not be problematic except for the fact that these districts include some of the most historic and pedestrian-/transit-oriented areas of the city. In my opinion, pole signs should be prohibited in all four of the aforementioned districts. Monument signs should be sufficient for a more suburban typology within these districts. 15

18. I would also like to see some provision for the amortization of out of character pole signs in certain historic areas of the city. St. Claude Avenue, St. Bernard Avenue, and Broad Street, to name a few, all suffer from incongruous, suburban-style signage. Just as Jefferson Parish has done in some of their newly adopted zoning districts, New Orleans should take this opportunity to amortize some of this signage—particularly large pole signs—out of existence. 24
19. Finally, in looking at the zoning map, there are a number of key parcels throughout the city— MAP
 underutilized parcels that have the potential to accommodate high quality development—where I feel that the draft map does not fit the potential of these parcels. In no particular order they are as follows:
- a. C-1 zoning along Carrollton Avenue in the Riverbend area. A mixed use designation would be ~~PD 3~~ MAP
 more appropriate for this site.
 - b. CBD-4 zoning on the river side of Convention Center Boulevard. This area includes parcels that would be ripe for residential/mixed use development, but the CBD-4 district prohibits residential uses. PD 1
 - c. C-1 zoning at Carrollton and Claiborne. Given the width of the two thoroughfares, and given the location along major bus/streetcar routes, additional height and density in a mixed use package would be appropriate for this location. PD 3
 - d. HU-MU zoning along lower St. Charles Avenue. Some prime redevelopment parcels are located in the HU-MU portion of lower St. Charles Avenue—a relatively restrictive district that would ~~PD 2~~ PD 2
 limit the redevelopment potential of these sites (e.g. current fast food restaurants).
 - e. HU-MU zoning along the Canal Street corridor across from the UMC and VA hospitals. Given the redevelopment potential of this corridor and the present character of the corridor, three ~~PD 4~~ PD 4
 stories seems excessively restrictive.
 - f. C-1 zoning at Washington and Broad. This is an emerging pedestrian oriented node. A mixed use category would perhaps be more appropriate here. PBZ
- I would be happy to discuss any of these suggestions in greater detail. Thank you again for your efforts, and thank you for considering these recommendations as you make final revisions to the CZO.

Yours truly,

Rafe Rabalais, AICP

Irish Channel
721 6th Street
New Orleans La. 70115
November 27, 2013

Mr. Paul Cramer, Planning Administrator
City Planning Commission
7th Floor, City Hall
New Orleans La 70112

Ref: Board of Irish Channel Neighborhood Assn. zoning recommendations—draft CZO

Dear Mr. Cramer:

Below are the draft Comprehensive Zoning Ordinance rezoning recommendations approved by the Board of the Irish Channel Neighborhood Association. Note that recommendations affect only areas where ICNA proposed zoning (including text amendments) differs from City Planning Commission (draft CZO) proposed zoning.

1. Residential Diversity Overlay District
ICNA Land Use Committee recommends removal of Overlay District and
replacement with CPC proposed Conditional Use provision for historically
commercial structures in residentially zoned areas (proposed in all Historic Urban
residentially zoned neighborhoods including the Irish Channel.)

18

Explanation:

This new provision essentially accomplishes the same thing as the Overlay District-- allowing the same types of uses we've been discussing in vacant commercial structures without requiring a change to commercial zoning (the underlying residential zoning stays in place) --- except that it requires the applicant to go through the conditional use process (City Planning and City Council public hearings and Approval)

Advantages to this conditional use approach are:

1. It applies to the entire Irish Channel residential area (and all HU neighborhoods), not just Annunciation to Tchoupitoulas as the overlay Irish Channel sub-District would.
2. The conditional use process allows individual provisos tailored to the particular site--more say over a particular use at a particular site---eg. hours of operation. It also could allow Good Neighbor Agreement as a proviso, which the overlay district IC sub-district apparently would not.
3. It would preclude us having to do a costly and time-consuming survey with possibly indeterminate results if we substituted the Conditional Use approach for the Residential Overlay District..
4. The conditional use designation for a corner commercial structure attaches to the use, not the property. If a different use (eg a restaurant replacing a coffee shop) were to try to open, it would require reapplying for a conditional use.

5. This is a "below the radar" addition to the new CZO which likely will be approved in all HU neighborhoods.

2. Tchoupitoulas vicinity:

ICNA Land Use Committee recommends MU-1 Medium Intensity Mixed Use for all properties currently zoned Light Industrial and Heavy Industrial (see Attach.2- Current and CPC proposed zoning maps)

2A. Add light manufacturing as a Conditional Use in MU-1 districts

2B. Add brewery as a Conditional Use in MU-1 districts

2C. Add greenhouse/nursery as a Conditional Use in MU-1 districts

2D. Add fast food restaurants as a conditional Use in MU-1 districts (replacing proposed permitted use)

15

Explanation:

ICNA Land Use committee believes HU-MU1 (Medium Intensity Mixed-Use Commercial District) is the appropriate district to replace the existing Light and Heavy industrial zoning districts on and near Tchoupitoulas if the proposed district is amended to include the conditional uses listed above.

2A. In order for the ICNA proposed MU-1 district to better reflect existing, traditional, and desired uses on and near Tchoupitoulas, we are recommending that the MU-1 district include light manufacturing as a conditional use.

2B. At the request of NOLA Brewery we are requesting that breweries also be added as a conditional use (requiring neighborhood review, CPC and Council approval). NOLA Brewery's plans to increase its brewing capacity would apparently reclassify it from a microbrewery (a permitted use in the MU-1 district) to a "brewery" (currently not permitted in the MU-1 district)

2C. The existing greenhouse/nursery on Tchoupitoulas is an asset to the neighborhood; it would be appropriate to allow future greenhouse/nurseries as a conditional use.

2D. Fast Food Restaurants are currently permitted in the proposed MU-1 district. Their location in the Irish Channel has raised concerns in the past; it is therefore appropriate for them to be only allowed as a conditional use in the MU-1. Note that Drive-through facilities are not permitted in the MU-1 district.

With the requested amendments to the MU-1 District described above, the MU-1 district is a good (though not perfect) fit for the currently industrially zoned areas of the Irish Channel. Note that the **height limit** in the MU-1 District is **60 feet or five stories for multi family and nonresidential properties**— this is 15 feet less than the current Light Industrial District height limit) (Height Limit in the proposed HU-MU district on Magazine and lower Jackson is 40 feet)

3. Rousseau Street (2223, 2227, 2229) (See Attach. 3 - Rousseau Street) ICNA Land Committee recommends HU-MU (Historic Urban Mixed Use) designation. Currently zoned RD-2—CPC draft CZO proposal is HU-RD2

MAR

Explanation--

This lake side of Rousseau includes the large historic commercial Egyptian motif structure, currently used as a Mardi Gras den. This non-residential landmark structure, and the two vacant lots adjacent to it on the Jackson Street side are more appropriate for HU-MU zoning, given the CPC (draft CZO) HU-MU zoning proposed for the riverside (opposite side) properties on this street, and the HU-MU zoning recommended for Rousseau at Jackson bordering these properties. HU-MU designation is a good transition zone for these non residential properties that are bordered by more intense uses near Tchoupitoulas and by residential uses above Rousseau.

4. Harmony Street between St. Thomas and Tchoupitoulas (See Attach.4-- Harmony St).

MAP

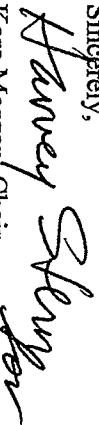
ICNA Land Use Committee recommends **HU-RD2 (Historic Urban Two Family Residential)** designation for the six residential structures in this block. Currently zoned Light Industrial--CPC draft CZO proposal is MU-1 (Medium Intensity Mixed Use Commercial)

Explanation--

Although bordered by Tchoupitoulas, this residential block of with six residences is more appropriate for residential zoning. HU-RD2 zoning would help to stabilize the predominately residential character of the Harmony--St. Thomas intersection.

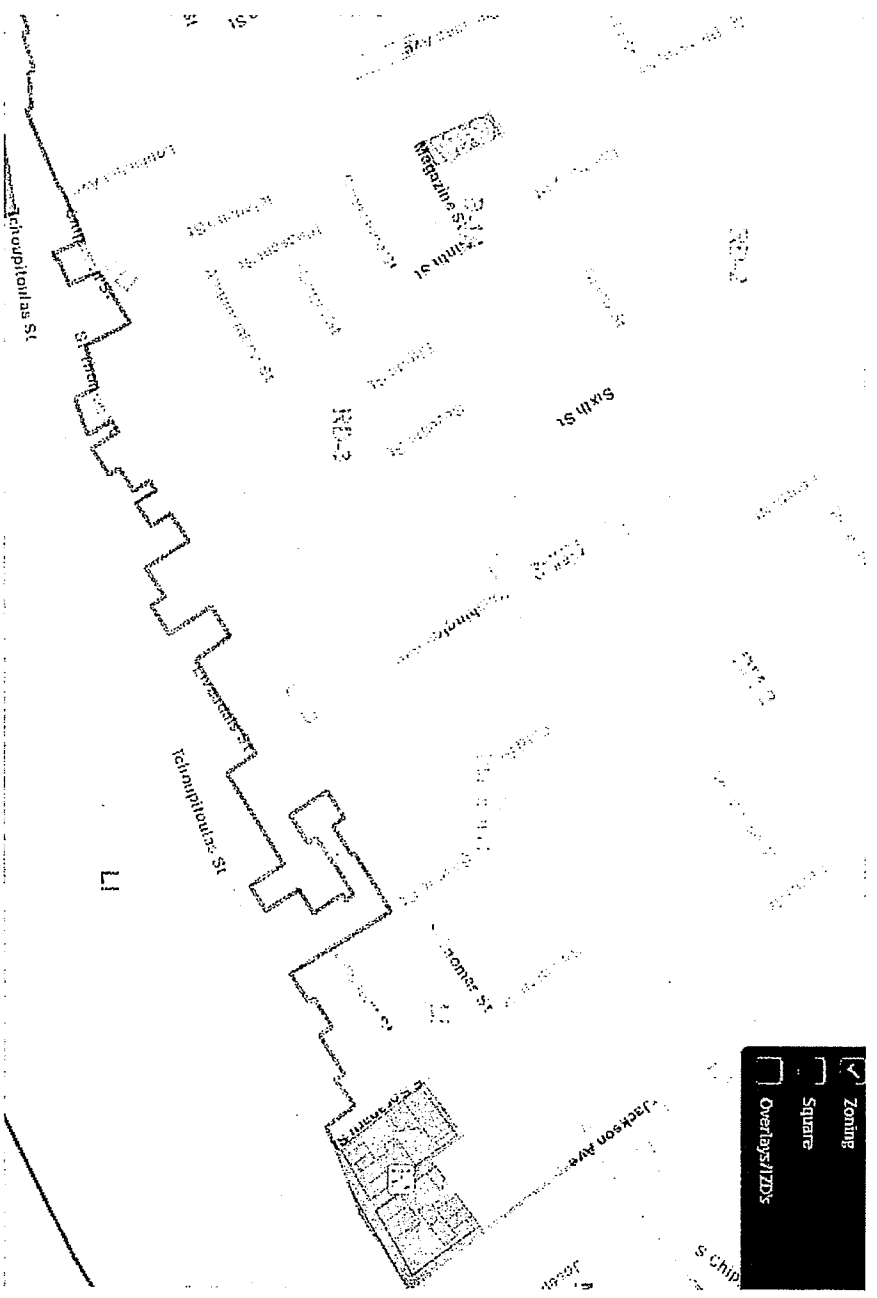
Thank you for giving serious consideration to these recommendations.

Sincerely,



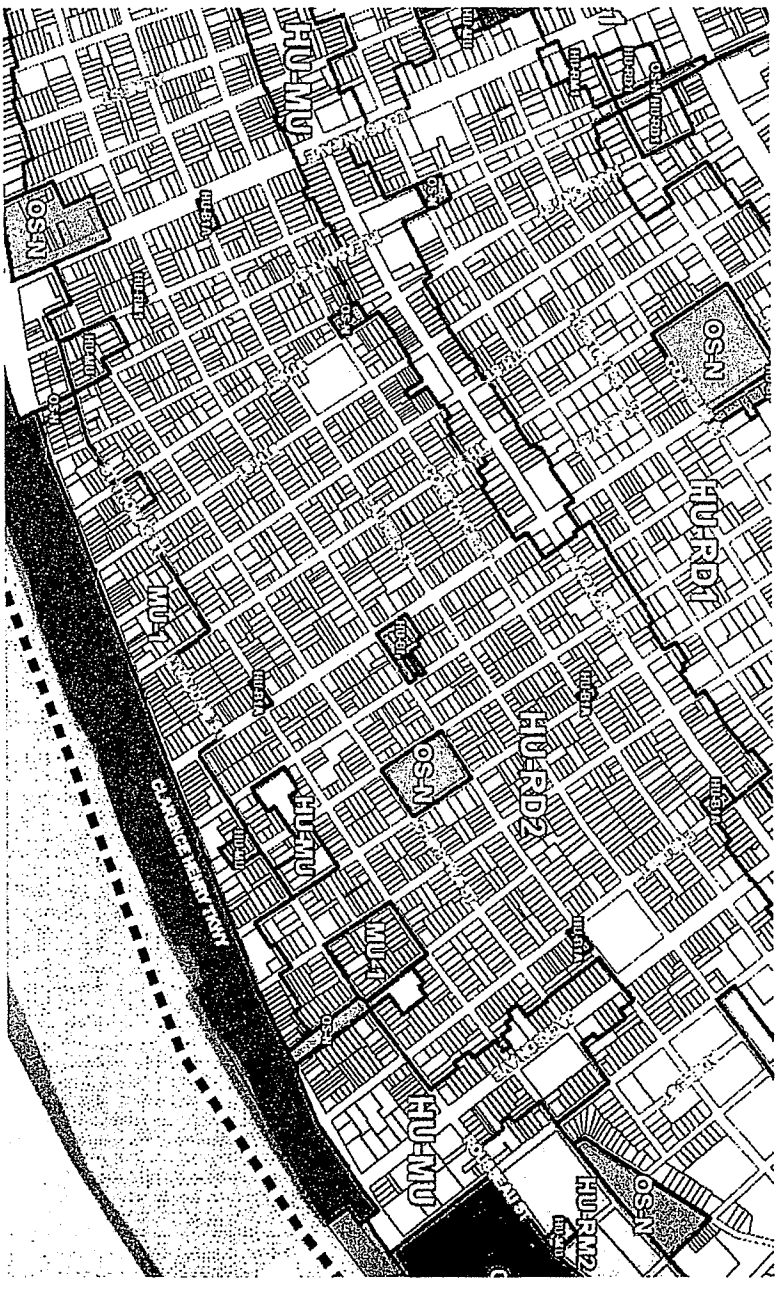
Kara Morgan, Chair
Irish Channel Neighborhood Assn.

Attachments

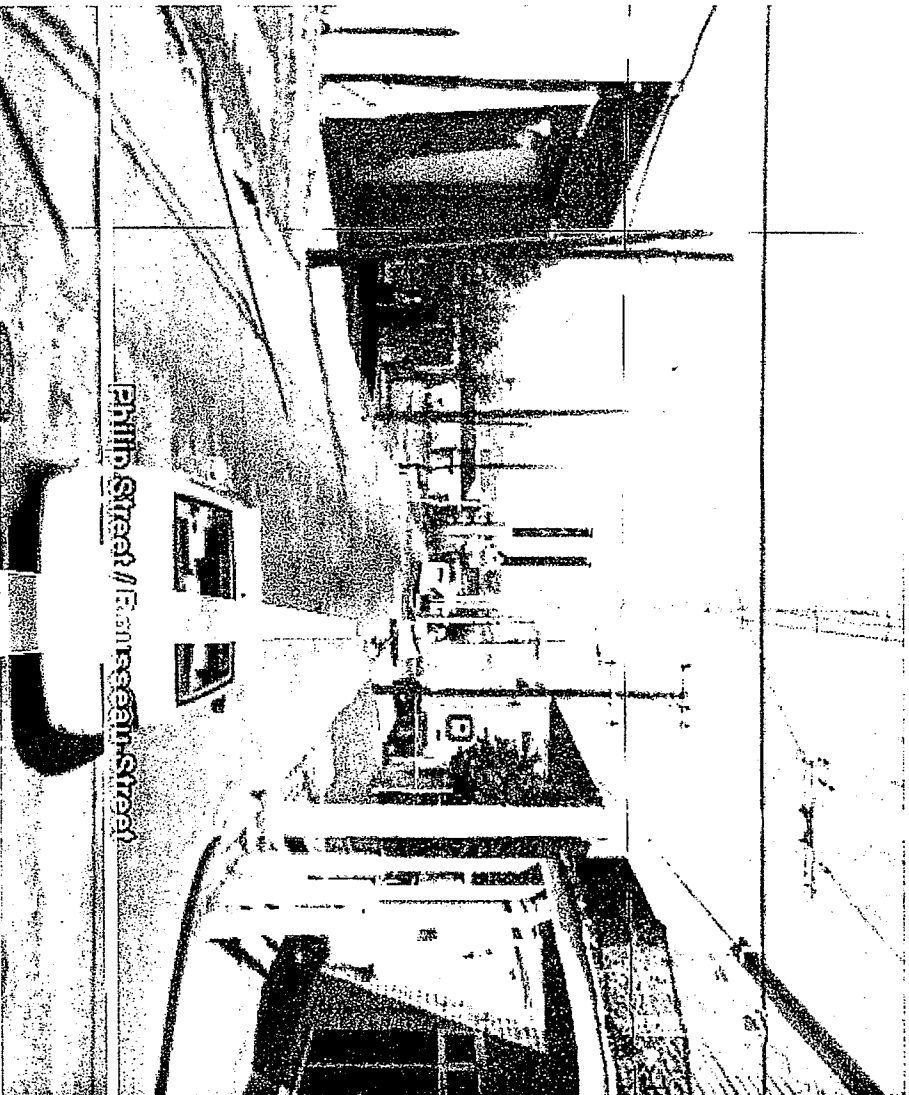


Attachment 2:

Existing Zoning in Irish Channel



Attachment 2: City Planning Commission proposed zoning (draft Comprehensive Zoning Ordinance)



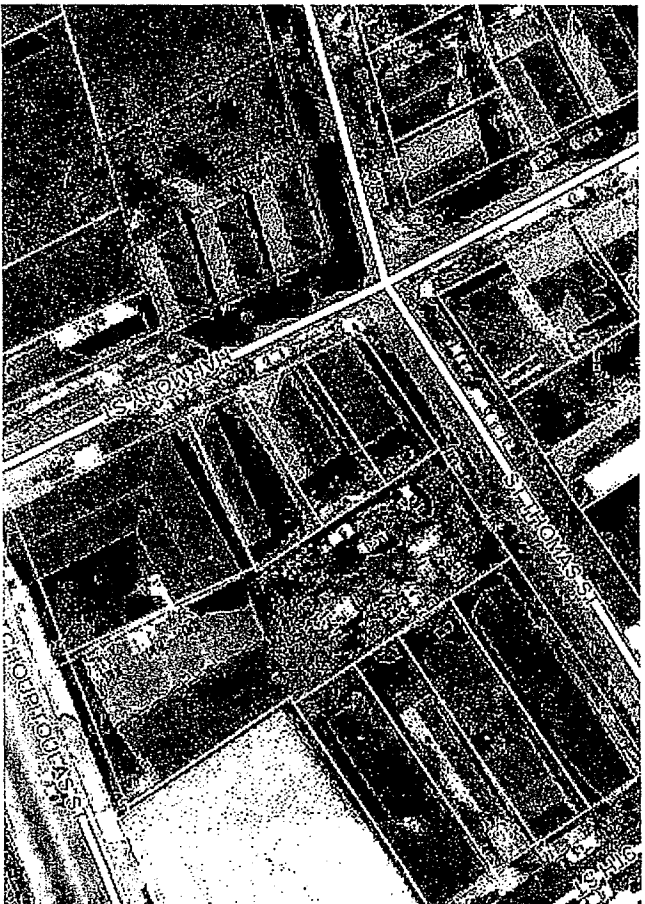
Properties facing Lake side of Rousseau between Philip and Jackson

Current zoning: RD-2 Two Family Residential

CPC proposed zoning (draft CZO): HU-RD2 (Historic Urban Mixed Use Residential)

ICNA proposed zoning: HU-MU (Historic Urban Mixed Use)

Note: properties on river side of Rousseau recommended for MU-1 (Medium Intensity Mixed use Commercial)



Six residential structures on Harmony between St. Thomas and Tchoupitoulas

Existing zoning: LI—light industrial

CPC Proposed zoning (draft CZO): MU-1—Medium Intensity Mixed Use Commercial

ICNA Recommended zoning: HU-RD2—Historic Urban Two Family Residential



CITY OF NEW ORLEANS

CITY PLANNING COMMISSION

DRAFT C.Z.O. MEETINGS - OCTOBER 2013

(PLEASE PRINT)

PLANNING DISTRICT: 7

NAME: RICK FIELD

ADDRESS: 600 St. Roch Ave

PHONE: 504 319 3221

EMAIL: rck.f.ield@gmail.com

OPTIONAL:

TEXT COMMENTS - SECTION #: 18.10

MAP COMMENTS - LOCATION: HM-MU

RIVERFRONT

Please provide your specific comments in the space below (PLEASE PRINT):

SIDEWAYS

18.10 I OPPOSE ALLOWANCE FOR HT. INCREASE C
 F.5 "SHOULD CONTRIBUTE" SHOULD BE
 "SHALL CONTRIBUTE SIDEWALK & ROADWAY
 IMPROVEMENTS & OTHER NEIGHBORHOOD
 AMENITIES DEEMED NECESSARY BY
 THE C.P.C. TO MITIGATE THE IMPACT OF
 THE PROPOSED DEVELOPMENT."

F.7 "SHOULD BE RETAINED" SHOULD BE
 SHALL BE RETAINED. (PERIOD)
 NEIGH BOWSES SHOULD NOT BE
 GIVEN IF HISTORIC STRUCTURES ARE
 DEMOLISHED.

4 2b. WHAT "FACADES" ALL ELEVATIONS
 OR JUST STREET FACING ELEVATIONS
 3. WHICH BLOCKS EXACTLY, SHOULD
 BE SHOWN ON MAPS FOR DEFINITION.

Paul Cramer

From: Robert D. Rivers
Sent: Monday, December 02, 2013 11:41 AM
To: Paul Cramer
Subject: FW: Draft CZO - Comments from VCPORA

Robert D. Rivers
Executive Director
New Orleans City Planning Commission
1300 Perdido Street, 7th Floor
New Orleans, Louisiana 70112
Phone: (504) 658-7033
Fax: (504) 658-7032
rdrivers@nola.gov

From: Meg Lousteau [mailto:mejlousteau@gmail.com]
Sent: Saturday, November 30, 2013 3:52 PM
To: Robert D. Rivers; Leslie T. Alley; CPPCinfo
Cc: Carol Allen; TlnTop12@aol.com; Susan Klein; Stacy Head; Jackie B. Clarkson; Kristin G. Palmer
Subject: Re: Draft CZO - Comments from VCPORA

I understand that some people were not able to open the attachment. I have cut and pasted the text below. Thanks, Meg

November 30, 2013

Dear City Planning Commissioner and Planning Staff:

Over the past few weeks, we have undertaken a review of the draft Comprehensive Zoning Ordinance, and come away from it with a deep appreciation for all the work you have done, and of the input and effort of the thousands of citizens whose participation played a huge part in the development of this document.

VCPORA has been advocating for the protection and preservation of the Vieux Carre for over 75 years, and we appreciate the opportunity to weigh in on this vital guide to development in the city.

We know that you are aware of the profound importance of the French Quarter, not just architecturally and historically, but economically. It is the iconic neighborhood of our city, and one whose unique character and tout ensemble have been enshrined by the Louisiana Supreme Court and our state's constitution.

As you will see in our detailed notes below, we have numerous questions and comments about the draft

CZO. We trust that all will be read, but wanted to list some of the most important issues here:

Section 8.1. has been removed from this draft CZO. That language (copy below), whose authority was upheld by the Louisiana Supreme Court and the United States Supreme Court, is critical to the future viability of the Vieux Carré and must be returned to the CZO.

Section 8.1. Procedures In Vieux Carré Historic Districts.

No occupancy permit shall be issued by the Director of Safety and Permits, for any change in the use of any existing building until and unless a special permit shall have been issued by the Vieux Carré Commission, except that where no change of exterior appearance is contemplated such permit by the Vieux Carré Commission shall not be required. Where any change in exterior appearance is contemplated, the Vieux Carré Commission shall hold a hearing, and if it approves such change, it shall issue a special permit to continue the same use, or for any other use not otherwise prohibited in this district, subject to the following conditions and safeguards:

1. The historic character of the Vieux Carré shall not be injuriously affected.
2. Signs which are garish or otherwise out of keeping with the character of the Vieux Carré shall not be permitted.
3. Building designs shall be in harmony with the traditional architectural character of the Vieux Carré.
4. The value of the Vieux Carré as a place of unique interest and character shall not be impaired.

Many of the current restrictions on alcoholic beverage outlets and live entertainment have been loosened, and that must be reversed. The prohibition on ABOs within 300' of a church, school or playground have been removed. Virtually all standard restaurants would be able to serve alcohol as a matter of right. And, most troublingly, Appendix A would allow all standard restaurants to offer live entertainment.

Our neighborhood, along with many others, has seen the effects of unenforced live entertainment provisions on the community. Even when a proprietor has the best of intentions, the tendency is to push the envelope, as has been borne out time and time again. We strongly urge you to leave the current restrictions in place.

The regulations for legal nonconforming uses have also been loosened, and those must remain intact. The draft CZO contains language that would allow structural alterations for nonconforming uses, and even expansion of them. We urge that the current restrictions be kept in place.

Our detailed review is below. We have coded it to the format used in the draft in the hopes that this will make it easy to follow.

Again, thank you for all your work, and we look forward to further discussion about the CZO.

Regards,
Meg Loustean
Executive Director, VCPORA

ARTICLE 1
no comments

ARTICLE 2

2.5.D. "minor map adjustments" needs to be defined. Also, what is the purpose of the Future Land Use Map once the new CZO and maps are approved?

2.6.C. same comment on minor map adjustments

2.9.A. more structure and standards are needed to ensure decisions are based firmly on zoning code and that such decisions are made easily available to the public for review in a timely fashion.

2.10 The standards for review by the Vieux Carre Commission currently in Section 8.1 have been removed. We urge in the strongest possible terms that these standards be put back into the draft CZO.

ARTICLE 3

3.2.B. what are the standards for a "complete" application?

3.2.D.3. we do not understand this sentence: "However, if an application that was withdrawn is resubmitted, the new submittal shall be filed within thirty (30) days of the date the decision being appealed was rendered."

3.2.E.2. who makes the determination of "substantial new evidence?"

3.3 "Published Notice" should include required posting on the city website

3.3.C.2.1. are notice signs required for all S&P applications? all BZA applications?

3.3.C.2.b. what are the standards for making the determination that notice may be required?

3.4.B. this section states that matters continued from one meeting to the next do not have to be publicly noticed. We strongly believe that every item on an agenda, whether new or old business, should be included in the public notice for the meeting at which is to be discussed. To do otherwise does not serve the purpose of public participation and is not transparent.

ARTICLE 4

General matters:

- where is the language about the timing of the release of staff reports? We have been told in meetings that the staff reports will now come out in advance of the deadline for written comment on an agenda item and hope that this timeline is codified somewhere.

4.2.D.2. A project NPP should also be required for any application or text amendment initiated by the City Council.

Table 4-1

Item 1 refers to the Master Plan and the Future Land Use Map. We are unclear as to why the FLUM will still be in use once the CZO is adopted.

Item 6. Remove "length of time" as a standard for evaluation, and replace with "character of the immediately surrounding area."

Item 11. What constitutes "significant?" Suggest that criteria be added to this standard so that there can be objective evaluation.

item 12. suggest removal of this item as "trend" is a subjective term, and even if standards for a "trend" can be established, that does not mean that furtherance of that trend is beneficial for the surrounding communities.

4.3.D.4. we would suggest that the CPC vote immediately after the public hearing on a given agenda item rather than deferring voting until all of the matters have been heard. Such a change would relieve citizens of having to wait for the entire meeting to end before learning the decision on their particular matter, and would also bring the CPC into line with the voting procedures of other boards such as BZA, HDLC, VCC, and City Council.

4.3.E.4. states that the council "may waive or modify specific zoning standards." What does this mean, what are the situations in which they council may waive, and what are the practical implications of such waiver authority?

4.3.F. mandate that the BZA follow the standards set forth in the code by requiring them to list how a variance granted addresses each of the 9 criteria specifically, rather than a blanket "finding that the application meets the 9 criteria."

4.3.F.5. add "deprivation of light and air" to list of what the proposed use is not detrimental.

4.4. Where are Planned Developments allowed?

4.5.B.1. suggest that all developments over 40,000 sf go through site plan and design review

4.5.C. add #17 - parking plan

General: who is on the Design Advisory Committee? When do they meet? Are their meetings public?

4.5.C.15. what is a fiscal impact analysis?

4.5.D.2.b ii and .iii why do the appeals mentioned here go to the BZA and not the CPC?

4.6.D.2.b.vi. NPP should include contact phone numbers and email addresses of neighborhood leadership to facilitate CPC validation of information

4.6.D.2.b.vii. CPC should send electronic copies of the submitted NPP to neighborhood leadership and any and all interested parties for verification, and should also post the document to a dedicated page on the city's website.

4.7 minor map adjustments that result in the "up" zoning of a property (from residential to commercial, from B-1A to C, for example) should not be made administratively but should have to go through a public process, either with BZA or CPC. Also, the person responsible for making that determination must state on the approval or denial the justification for that decision, citing applicable law. This decision must be posted on a dedicated page on the city's website.

4.7.C. Again, what is the purpose of the FLUM once the CZO is adopted?

4.8.c. In order for this time limit to be fair to citizens, decisions of the director of S&P must be made public and readily available. Such notice must be specific and timely, posted to a dedicated page on the city's website at least once a week.

4.9 tighter controls are needed for zoning verifications, particularly where they involve ABOs. We suggest the public notice as per an earlier suggestion, and also that ABO zoning verifications require two signatures (ie the director and the zoning administrator), and that the section of the zoning code that supports the decision must be cited in the approval documents.

4.9.E. change the date for the 45 day clock to start ticking to be the date that the zoning verification is posted on the dedicated page on the city's website.

ARTICLE 9

9.1.A. Add "and good maintenance should be encouraged." as is written in the current CZO.

Table 9-1

Day Care Home, Adult or Child, Large - remove as a permitted use
Permanent Support Housing - change from permitted to conditional use
Cultural Facility - change from permitted to conditional use

9.3.B.1. - to further emphasize the grade-to-sky requirement for the open space ratio, add "above-grade courtyards or other rooftop uses such as gardens, recreation areas, etc., shall not be considered as open space for the purposes of calculating open space."

9.3.C. We greatly appreciate the codification of the importance of encouraging historic features - balconies, stoops, overhangs - in new construction.

Table 9-2

Maximum FAR for VCR-1 and VCR-2 - change from none to 2.0

9.4.A. add a minimum square footage per unit of 800 sf.

9.5. add "and shall be made available via the city's website."

9.7.B. exclude food trucks from the VC districts, as the area has a plethora of eating options and food trucks

would take up very limited parking.

ARTICLE 10

General: any live entertainment venues in the VCE-1 that abut residential properties on the side or rear of their properties shall keep all doors and windows closed on exteriors that are along the same property lines as the abutting residential uses. Furthermore, all live entertainment venues in the VCE-1 district that are on corners shall keep doors and windows along the side streets closed

10.1.A, Reword "will attract and service tourists and local residents" to "will attract and service local residents and visitors." Reword "not adversely affect the character of nearby residences" to "not adversely affect the character and/or quality of life of nearby residences and businesses." Repeat in all Purpose Statements in Article 10.

10.1.B. Add "business uses" after "quality of life of the adjacent residential uses."

10.1.C. Reword "and serve primarily visitors" to say "and serve residents and visitors." Add "business uses" after "quality of life of the adjacent residential uses."

10.2.B.1.a. Delete "may be structurally altered" from the opening sentence. This major change would be a complete departure from the current prohibition against existing hotel uses being allowed to undergo structural changes; a prohibition that has been in place since 1952.

10.2.B.1.b. Delete reference to the VCS districts as there are no hotels in those districts at present and the zoning code prohibits any from opening. Change "enclosed area" to "enclosed structure" so that it matches the definition in the definitions section.

10.2.B.1.2. For hotels with more than 30 rooms, make live entertainment a conditional rather than a permitted use.

10.2.B.2. It's unclear why adult uses are singled out as prohibited in the truncated triangle described here - they are prohibited everywhere but the VCE district so why is it necessary to mention this?

Table 10-1

Delete "Supper Club" from the Use list.

Table 10-2

Under Maximum FAR for VCC-1, VCC-2, VCE, VCE-1, VCS, and VCP districts, add 3.0.

ARTICLE 18

18.2.4.F. Where on N. Rampart is the ACO district proposed? We would not support such a district on N. Rampart between Canal and Esplanade.

18.10.G.3. We join with our neighbors in Faubourg Marigny in opposing increases in height limits along Poland, Press and Elysian Fields. Height limits are key to the character of our historic neighborhoods and those limits must be maintained.

ARTICLE 20

20.3.B Remove “Adult Use” as a permitted use in the VCS and VCS-1 district.

20.3.E.1. add “litter, traffic and parking” to list of required plans that must be submitted by an indoor or outdoor amusement facility.

20.3.E.2. “Security and Operation Plan” should be included in the Article 26 as a definition. Also, this calls for submission of a plan, but does not require that it be reviewed or approved/denied by anyone. Such language is crucial if this plan is to have any significance. This plan and signed approval or denial of the plan should be posted to a dedicated page on the city’s website.

20.3.E.c. lighting design should be reviewed to ensure that light is contained to the establishment’s property and not spilling over into neighboring properties. Also, lighting standards should ensure that light is projected down, and not up, as per the tenets of the International Dark Sky Association <http://www.darksky.org/>

20.3.E.3. This draft mentions that an ABO application “may trigger a prohibition as part of Section 10-110.” The current CZO language that prohibits ABOs within 300’ of places of worship, educational facilities, and parks and playgrounds unless 75% of the property owners in the 300’ radius sign written agreements of support. We urge that that language be retained.

20.3.E.5. Increases in intensity trigger an updated and resubmitted S&O plan, but there is no mention of who must review and approve or deny that plan. A designated person must be included as part of this process.

20.3.E.6. Again, there is mention of a plan being submitted for approval, but no mention of the person responsible for reviewing and authorizing the plan. Additionally, all such plans should be posted on a dedicated page on the city’s website.

20.3.E.7 (we are proposing this as an additional item in 20.3.E): Any building operator, along with the building owner, who fails to comply with the provisions of 20.3.E. shall be fined and subject to suspension or revocation of the occupational license and ABO license if applicable.

20.3.F.2. “Public gathering space” does not specify indoor or outdoor, which would affect the impact on neighboring properties.

20.3.G.1. Calls for bars to submit impact management plans, but does not mention review and approval or denial of such plans, nor is a department or person designated as responsible for such review/analysis/approval. Such details must be included for the plan to have any significance.

20.3.G.1.iii Restrictions need to be added for cases in which the proposed outdoor seating is adjacent to residential zones and uses.

20.3.G.1.iv lighting design should be reviewed to ensure that light is contained to the establishment’s property and not spilling over into neighboring properties. Also, lighting standards should ensure that light is projected down, and not up, as per the tenets of the International Dark Sky Association <http://www.darksky.org/>

20.3.G.1.b In addition to a noise abatement plan, plans to address litter, parking and traffic impacts should also be submitted, and a designated body should be bound to review and approve or deny such plans.

20.3.G.2. This requires that bars merely submit a summary of places of worship, educational facilities and

parks and playgrounds within 300' of the proposed location.

The current CZO language that prohibits ABOs within 300' of places of worship, educational facilities, and parks and playgrounds unless 75% of the property owners in the 300' radius sign written agreements of support. We urge that that language be retained.

20.3.G.4. The language about live entertainment as principal and secondary uses is confusing. We would like clarification on this.

20.3.G.5. Add: where a bar is a legal non-conforming use, such increases in intensity shall be prohibited.

20.3.H.1.b.iii (this is a proposed addition to bring the list of prohibited areas in line with city ordinance precluding any new short-term rentals in the Vieux Carre): the area known as the Vieux Carre, bounded by the downriver side of Canal Street, the riverside of N. Rampart Street, Esplanade Avenue (including properties fronting both sides of Esplanade Avenue), and the Mississippi River.

20.3.H.3 This creates a new category of Bed and Breakfasts which remove the owner-occupancy requirement and instead allow "occupier occupancy" with more than double the units (4 versus 9) allowed for Bed and Breakfast Accessory (which must be owner-occupied). Such non-owner-occupant management contradicts the spirit of the bed and breakfast concept and creates a form of hotel. We urge you to delete this category and to retain the obligation of bed and breakfasts to be owner-occupied.

20.3.GG.2 Requires that live entertainment venues must submit a noise abatement plan, but does not say to whom, and does not set forth any standards for review and approval or denial. Such language must be included for this provision to have any significance.

20.3.GG.4. This requires that live entertainment venues merely submit a summary of places of worship, educational facilities and parks and playgrounds within 300' of the proposed location. The current CZO language prohibits ABOs within 300' of places of worship, educational facilities, and parks and playgrounds unless 75% of the property owners in the 300' radius sign written agreements of support. We urge that that language be retained.

20.3.GG.5. This mentions a "closed door and window policy" but the policy is not described or codified in the definitions section of the CZO. It needs to be. We suggest that "music" be changed to "live entertainment and/or amplified sound" and that "outside the building" be changed to "beyond the enclosed structure" as "enclosed structure" is defined in the definitions section.

20.3.GG.7. Add language to prohibit increases in intensity of use or occupancy in live entertainment venues that are legal non-conforming uses.

20.3.SS.7.2. Change "completely enclosed building" to "completely enclosed structure" so that the language tracks what is defined in the definitions section. Change "Music" in last sentence to "live entertainment and/or amplified sound."

20.3.VV.1 This Calls for restaurants to submit a Security and Operation plan, but does not mention review and/or approval or denial of such plans, nor is a department or person designated as responsible for such review and approval or denial. Such details must be included for the plan to have any significance.

20.3.VV.4. This requires that standard restaurants merely submit a summary of places of worship, educational facilities and parks and playgrounds within 300' of the proposed location. The current CZO language prohibits ABOs (and standard restaurants may serve alcohol as a matter of right) within 300' of places of worship, educational facilities, and parks and playgrounds unless 75% of the property owners in the 300' radius sign

written agreements of support. We urge that that language be retained.

20.3.VV.8. Add language to prohibit increases in intensity of use or occupancy in live standard restaurants that are legal non-conforming uses.

20.3.YY.1. Who determines whether the design of a social club will minimize traffic congestion, pedestrian hazards and adverse impacts on adjoining properties? What are the standards for review, approval or denial?

20.3.YY.3. Are there standards for "membership" or can a social club create any standard it chooses? Do these standards have to be a recorded part of their occupational license or other licensing/permitting approvals from the city?

20.3.AAA We appreciate the removal of the VCC districts from this use standard.

ARTICLE 22

General Comments:

revisions to the Residential Parking Program in the Vieux Carre are needed. The RPP either needs to be in effect 24 hours a day, or at least the 2 hour limit needs to be in force from the end of the workday until the next morning, so that residents returning home from work have parking availability. the size of service vehicles, including delivery vehicles and garbage trucks, must be scaled down. The length and weight of these vehicles is causing daily damage to the buildings and infrastructure in the French Quarter. all vehicles over 31' - including but not limited to buses, limousines, 18-wheelers, recreational vehicles - must be prohibited in the French Quarter. Improved signage at all entry points to the French Quarter is needed, as are stepped up enforcement efforts.

ARTICLE 25

25.2.D. Add "clear and convincing" before the words "legality of a nonconformity."

25.2.E. add "historic preservation" to the list of what is to be promoted after health, safety and welfare.

25.3.B. A notice provision must be added here, and should be the same standards as are notified for a BZA appeal, as well as notice to registered neighborhood associations. Determinations of nonconforming use would have to be signed off by the Director of the Department of Safety and Permits and the Zoning Administrator; would have to include a written explanation and citation of the section of the code that supports the decision; and the document would have to be posted on a dedicated page on the city's website at least once a week.

25.3.B.2. Add "the property owner, or his/her agent, is required to produce clear and convincing evidence."

25.3.C.1. A definition is needed for "renovate." Agree with the 180 day timeline from permit issuance to completion but suggest that language be added to clarify that the nonconforming use will become illegal if a certificate of occupancy is not issued within those 180 days.

25.3.C.3. Change the last line from "the use of land or structure shall be open for business (4) hours a day, five (5) days a week" to "the non-conforming use itself, not merely the primary business at the location, shall be open for business (4) hours a day, five (5) days a week and its usage must be obvious and continuous."

25.3.G. This section is a reversal of the current prohibition of expansions of nonconforming uses and should be

deleted from the draft CZO.

25.6. There is no acquisitive prescription for nonconforming signs. Current code specifies that once a sign becomes nonconforming, the director of Safety and Permits shall call for it to be removed. We urge that this language be retained.

ARTICLE 26

26.6.

Accessory Use - why was the word "incidental" added to the definition?

Bed and Breakfast - remove B. Bed and Breakfast, Principal. This creates a new category of Bed and Breakfasts which remove the owner-occupancy requirement and instead allow "occupier occupancy" with more than double the units (4 versus 9) allowed for Bed and Breakfast Accessory (which must be owner-occupied). Such non-owner-occupant management contradicts the spirit of the bed and breakfast concept and creates a form of hotel. We urge you to delete this category and to retain the obligation of bed and breakfasts to be owner-occupied.

Billboards - add that billboards are prohibited outright in the Vieux Carre - the area known bounded by the downriver side of Canal Street, the riverside of N. Rampart Street, Esplanade Avenue (including properties fronting both sides of Esplanade Avenue), and the Mississippi River.

Building, Height B. add that all appurtenances - chimneys, elevator housing, etc. shall be included in building height calculations in the Vieux Carre districts.

Cultural Facility - there should be a maximum number of events permitted per year, and a requirement that the facility be owned by a bona fide non-profit organization.

Indoor Amusement Facilities - the separate approval required for live entertainment and/or bar as a secondary use should require a conditional use application be filed and approved. Impact analyses for parking, sound, traffic should be required.

Live Entertainment - Secondary Use B. Supper Clubs - remove supper clubs from the definition entirely.

Non-conforming Use - delete "prior to the enactment of the current ordinance" and replace with "prior to the enactment of the more restrictive ordinance."

Outdoor Entertainment - a definition and restrictions are needed for this type of use.

Reception Facility - can a restaurant have a reception facility as a permanent part of its operation?

Renovation - there must be a definition and standards for renovation.

Restaurant, Fast Food - change "Typically, a fast-food restaurant's design or principal method of operation involves three or more of the following characteristics" to "[I]f a restaurant's design or principal method of operation involves three or more of the following characteristics, then it shall be considered a fast-food restaurant." Add 9. uses disposable flatware and/or serving ware and 10. is part of a chain of other establishments. Also add that live entertainment shall be prohibited at fast-food restaurants.

Note: live entertainment shall be considered an accessory use in standard restaurants.

Restaurant, Standard - this definition must include the language in the current CZO that prohibits live entertainment.

Rooming House - this definition should be revised to include a 60 day minimum in the Vieux Carre district so that it will be in compliance with existing city code on short-term rentals.

Supper Club - this definition should be removed from the CZO as there are no businesses currently functioning according to these parameters nor have their been for many years. It is an outdated business model.

Temporary Use - could there be a limit on "temporary duration," ie "not to exceed X days?"

Tout Ensemble - add this definition, as it was used in the Supreme Court case protecting the Vieux Carre and has tremendous significance.

Vacant - change the standards for determining vacancy to include required review of last date taxes were paid; last date water and/or electrical service was on at the property; and date when occupational, ABO or other city licenses expired. If the date on which any of these ceased is 6 months or more from the date of the application to resume a non-conforming use, then that application shall be denied.

APPENDIX A

On-Premise Consumption of Alcoholic Beverages

The impact management plans for bars and restaurants must have standards for review, and a designated person or department to conduct such review and approve or deny the plans. Such application and plans must be posted on a dedicated page on the city's website.

LIVE ENTERTAINMENT

The exemption for "periodic entertainment by educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances at weddings and similar religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or non-amplified musical accompaniment for patrons at a restaurant" is far too broad and would allow significantly higher-impact uses for many residential and small-scale commercial areas. We particularly object to the "non-amplified musical accompaniment for patrons at a restaurant" and urge you to retain the current language which limits live entertainment to areas specifically zoned for live entertainment.

District Permissions Table

Remove Retail Sales of Package Liquor as conditional uses in the VCC-1 and VCC-2 zones. Current zoning laws prohibit new package liquor establishments in the Vieux Carre and we urge you to maintain that prohibition.

Remove Standard Restaurant from the VCC-1, VCC-2 and VCS districts as permitted *unless* the live entertainment exemption mentioned above is deleted from the draft/future CZO.

Remove Indoor Amusement Facility from the VCS district as a permitted use.

Remove Standard Restaurant from the CBD-1 district as permitted *unless* the live entertainment exemption mentioned above is deleted from the draft/future CZO.

Remove Live Entertainment - Secondary Use from the CBD-1 district as a permitted use.

Meg Lousteau
Executive Director
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On Sat, Nov 30, 2013 at 3:37 PM, Meg Lousteau <meglousteau@gmail.com> wrote:
Dear Mr. Rivers and Ms. Alley - please find attached our comments on the city's draft Comprehensive Zoning Ordinance.

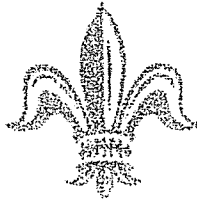
As mentioned in the attached opening remarks, we realize the amount of effort that has gone into the creation of this document, and greatly appreciate the years of work that you and your staff have put into the CZO.

Because of the complexity of this document and its affect on the Vieux Carre and the city as a whole for decades to come, we, along with French Quarter Citizens, would like to arrange a meeting with a senior planner to go over some of our comments and questions.

Thank you for your dedication and consideration.

Best,
Meg Lousteau

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CITY OF NEW ORLEANS

CITY PLANNING COMMISSION

DRAFT C.Z.O. MEETINGS - OCTOBER 2013

(PLEASE PRINT)

PLANNING DISTRICT: 7

NAME: A. Erdmann

ADDRESS: 822 Levee St

PHONE: 504 391 3772

EMAIL: _____

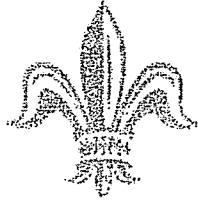
OPTIONAL:

TEXT COMMENTS - SECTION #: _____

MAP COMMENTS - LOCATION: _____

Please provide your specific comments in the space below (PLEASE PRINT):

~~Excessive~~
 Excessive development along the riverfront is not compatible with the ability of the riverfront to support it. The 60' limit at the "Gateways" should not extend 2 blocks. One or two buildings at each location is more than sufficient.



CITY OF NEW ORLEANS

CITY PLANNING COMMISSION

DRAFT C.Z.O. MEETINGS - OCTOBER 2013

(PLEASE PRINT)

PLANNING DISTRICT: 7

NAME: A ESHMANN

ADDRESS: 822 LESSE 45

PHONE: 504 453 4311

EMAIL: _____

OPTIONAL:

TEXT COMMENTS - SECTION #: _____

MAP COMMENTS - LOCATION: _____

Please provide your specific comments in the space below (PLEASE PRINT):

IT IS VERY GOOD THAT THE
75' ALLOWANCE DOES NOT
CROSS CHARTERS J-

The following Suggestions for modifications to the CZO Draft are respectfully submitted by Shea R Embry. Thank you for your tremendous work in this planning process and Thank You for your consideration of my feedback.

Section	Proposed	Suggested
9.2	Dwelling, MF C	P
	Permanent Supportive Housing X	P
	Day Care-Large X	C
Table 9-2	Proposed	Suggested
	Minimum Lot Area	PLEASE DO NOT PLAN IN A WAY THAT REQUIRES LARGER UNITS, WHICH REQUIRES HIGHER INCOMES TO OCCUPY. HELP PROTECT A TRUE MIXED-INCOME COMMUNITY IN BYWATER
	SF: 2,000	1600/du There are numerous lots in Bywater that are 18x90. These lots are perfect for a small shotgun house and would provide small houses for lower income residents or residents on fixed income.
	2F: 1,250/du	600/du There are numerous lots in Bywater that are 18x90. These lots are perfect for a two story double shotgun house and would provide small houses for lower income residents or residents on fixed income.
	MF: 1,200/du	250/du It is important that planning for the future includes minimum requirements that build in options for attracting mixed-income developers and builders. The only way to achieve that is to provide minimum requirements that allow for smaller, more affordable units.

MF: Max 4 units)	Max 8 units	It is important that planning for the future includes minimum requirements that build in options for attracting mixed-income developers and builders. The only way to achieve that is to provide minimum requirements that allow for smaller, more affordable units.
Minimum Lot Width: variant	None	The building codes should determine
Minimum Lot Depth: variant	None	The building codes should determine
Maximum Height: 40'	50'	The building codes should determine
Open Space Ratio: Interior .30 Corner .20	Interior .20 Corner .15	As communities grow based on good planning and density increases, less open private land is necessary
FAR: 1.4	FAR: 2	The way to help Bywater get a streetcar, a grocery store, and other basic amenities for a healthy community is to increase density
Interior Side Yard: 3'	None	The way to help Bywater get a streetcar, a grocery store, and other basic amenities for a healthy community is to increase density
Rear Yard: 20'	None	The way to help Bywater get a streetcar, a grocery store, and other basic amenities for a healthy community is to increase density

REMINDER: CHARACTER OF THE HISTORIC CORE NEIGHBORHOODS

The character of the residential districts of the Historic Core Neighborhoods is defined by:

- » Numerous historic structures that date to the end of the 18th century and early part of the 19th century, which are protected by historic district regulations and the Vieux Carré Commission and Historic Districts Landmarks Commission
- » A variety of residential dwelling types integrate throughout the neighborhood as well as within a squared
- » Single-family and two-family homes of one to two stories, with multi-family **dwelling rising three to four stories or more**
 - » Historic patterns of **mixed residential and neighborhood commercial uses**
- » **Dense historic development patterns with minimal to no setbacks between structures and between structures and the street**
 - » **An absence of off-street parking**

**ARTICLE
18 OVERLAY**

18.7 C 2	Proposed	Suggested	
	Maximum 4 du	Maximum 8 du	Providing smaller living units as a way to increase density and to accommodate the residents who are in a lower income bracket and in a fixed income bracket is one form of assuring that Bywater will remain a mixed-income community

New Orleans BYWATER Article 18 RIV

CZO				
	Current Zoning	APPROVED	Historic	Land Use Suggested and APPROVED
LAND USE	LI	Medium Density MIXED-USE	LI	Medium Density MIXED-USE
FLOOR AREA RATIO (FAR)	Current FAR	CZO Proposal	Historic	Suggested
	1	2	<p>The APPROVED Land Use for this area is Medium Density MIXED-USE. The CURRENT regulations for MIXED-USE in New Orleans taken from the MUNICODE:</p> <p>Height Limit: 75' Floor Area Ratio: 4</p> <p>http://library.municode.com/index.aspx?clientID=16306&stateID=18&statename=Louisiana</p>	<p>When the citizens approved the New Master Plan Land Use for the areas currently zoned LI, it was approved as MEDIUM DENSITY MIXED-USE. The CURRENT MUNICODE FAR for MIXED-USE is:</p> <p>4</p> <p>Do not lower the FAR that the citizens thought they voted for...</p> <p>Suggested RIV Floor Area Ratio:</p> <p>4</p>

All property in Bywater identified as eligible for the RIV is currently zoned Light Industrial (LI)

New Orleans BYWATER Article 18 RIV CZO				
	Current Zoning	CZO Proposal	Historic	Suggested
Height Limit	75'	50'	<p>NO LIMIT & 100' LIMIT</p> <p>The APPROVED Land Use for this area is Medium Density MIXED-USE. The CURRENT regulations for MIXED-USE in New Orleans taken from the MUNICODE: Height Limit: 75' Floor Area Ratio: 4 http://library.municode.com/index.aspx?clientID=16306&stateID=18&stateName=Louisiana</p>	<p>Suggested</p> <p>In BYWATER lowering the height from the current 75' to the proposed 50' would reduce 2 floors of riverfront, city views from the potential design that is currently allowed under the LI zoning. Why not follow History and provide 75' HEIGHT LIMIT for the BYWATER RIV</p> <p>One of the stated purposes for the New Master Plan is to eliminate the divisive process of Conditional Use where possible. Time after time, the communities and elected officials are pulled into adversarial situations because the current zoning ordinances require so many conditional use permits to develop parcels. The RIV needs to be set in place allowing the developer AND the community to know what will be built...</p> <p>not to be set up for more divisive issues. Let the design standards that are currently in place and will be in place with the New Master Plan set the limits. Limits are set by HDLC, Building Codes, and the CZO. Allow those codes to work the way they were intended.</p> <p>Suggested: 75' HEIGHT LIMIT</p>
		75' ONLY with CONDITIONAL APPROVAL		

All property in Bywater identified as eligible for the RIV is currently zoned Light Industrial (LI) principles

Submitted by: Shea R Embry 504-756-9023
 3925 Burgundy Street, New Orleans, LA 70117 shea@luckistar.com

18

Christopher C. Mills

From: Sean Cummings <seanc@ekisticsinc.net>
Sent: Saturday, November 30, 2013 1:23 PM
To: CPCInfo
Cc: Leslie T. Alley
Subject: CZO Comments | November 30 deadline
Attachments: zoning CPC comments-current.pdf

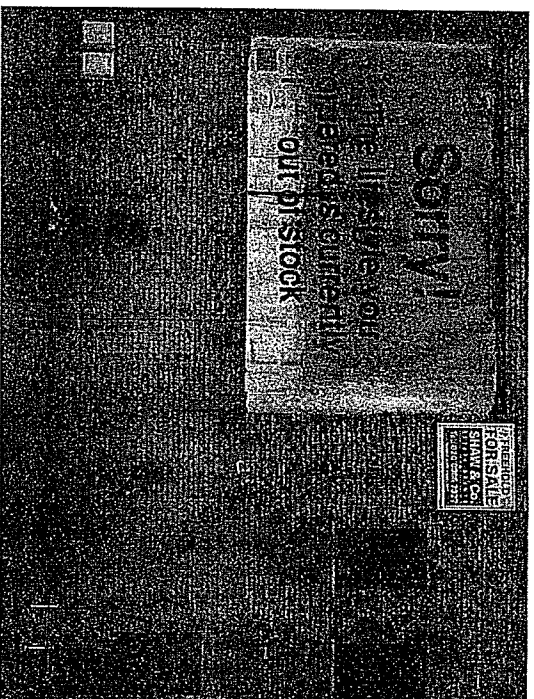
Dear CPC Staff:

Here are comments regarding the draft Comprehensive Zoning Ordinance (CZO) text, specifically that language the draft overlay language for the Marigny and Bywater riverfront.

Have a terrific weekend, and thank you for all that you do to make this city a better place.

sean c.

sean cummings
ekistics, inc. | entrepreneur's row | 220 camp street | 5th floor | new orleans 70130
o 504.593.9494 | c 504.236.0081



Bywater | Draft CZO: Riverfront Overlay Zoning | Marigny
Comments to the City Planning Commission
November 30, 2013

The Context

The **great cities of the world have shifted**, from places where one must go to find a job to cities where people choose to live to experience a more joyful **quality of life**.

Among these cities, **New Orleans is one of the world's most admired**. We offer an ensemble of unique architecture, colorful characters, joyful culture, tasty food and music unlike any other city in America. Indeed, America's Most European City, its Northern-most Caribbean City offers what some cities only dream of – an enormously appealing quality of life.

Consequently, this city is attracting **tens-of-thousands of new residents** - new talent, with new ideas – drawn to the riverfront. Yes, New Orleans is popular, in demand, even “hot”, and no place is this popularity more evident and **population increase** needed than in **Bywater and Marigny**.

The Challenge

Unfortunately, as the image above suggests, current **zoning threatens** to rob the **riverfront neighborhoods** of the essential bohemian character – mixed-income, mixed-age, mixed-race, mixed-everything - that makes quality of life here so appealing. With a fixed supply of housing 100% occupied and zoning which **prohibits new supply** on the riverfront, high demand is causing prices to skyrocket – up 27% in 2013 alone. There is a **crisis of affordability** and only one way to resolve it: zoning that encourages **new housing** and **denser living**.

Here are **data-driven, fact based** comments about the draft text, this affordability challenge and a suggested solution. The comments are shared with high compliments for your hard work and admirable diplomacy when criticized unjustly on town-hall mics.

The Summary

- 01. Population density is **linked directly** to quality of life.
- 02. Marigny | Bywater population dropped **more than 50%** 1960 (U.S. Census)
- 03. **When people left, the stores, full churches, full schools, kids and sense of personal safety** from many "eyes on the street" left too. **Quality of life dropped.**
- 04. Yet, existing homes are **100% occupied**, with far fewer people.
- 05. Current zoning will achieve nothing. It is **not financially viable**, and absolutely nothing will be built until sale prices reach roughly \$350 psf, a full 60% above September 2013 prices. People who champion this zoning, with 50' height limits and 2.0'ish FAR's, while at the same time complaining that the neighborhood is getting too expensive, do not realize or willfully ignore these facts. It's simple. The low density zoning they espouse causes the affordability crisis. While it is appropriate for creole cottage cores, it is totally inappropriate for the riverfront.
- 06. The **supply** of homes is, thus, **fixed**.
- 07. The **Demand** for homes is **rising**.
- 08. The **Result: Skyrocketing prices – up 27% in 2013** alone. (data by Geoffrey Lutz) One can predict with virtual certainty that the creative bohemia, which we love and admire and which fuels the neighborhood's essential character, will be lost, as folks are priced out of homes, whether leased or owned.
- 09. **The only land** on which to add statistically significant numbers of homes is along the riverfront – roughly **23 acres @ 80 per acre totals 1840 new homes** | 50% more than today's 3700 census count. Restoring this essential density should be a central goal for the zoning overlay.
- 10. **For 87 years**, this riverfront land has been zoned **75' – 100'** in height. (City Code)
- 11. Zoned wisely, this land will generate more than **\$8.0 mn in new property taxes**.
- 12. **Solution:** Edit the draft overlay text to encourage new housing and increased population density. From Andres Duany, Ed Glaeser and Jane Jacobs to all manner of local architects and urban design professionals, including City Planning staff and Tulane's Christopher Calott, Director of the Master in Sustainable Real Estate Program, the call is to **live more densely**. You and they are exactly right.
- 13. **Result:** A 50% increase in population will bring more stores, safer streets and greater affordability, in sum **increased quality of life**. It will also bring the economic growth generated by creative folks living in close proximity, cross-pollinating ideas and creating jobs. It promises a more joyful, sustainable, prosperous, safer and higher tax paying neighborhood and city.
- 14. Specifically, data analysis points to a need for denser zoning along the **entire riverfront**, by right not conditional use.

IF | THEN: If Smart Zoning then Maximum Quality of Life

	Rice Mill (1)	IDEAL	City proposed	Variance
• Max height	78'4 127'	75' (2)	50'	-33%
• Max FAR	3.75 2.85	3.0 (2)	2.0 – 2.3	-23 - 50%
• Open space	15%	20% (3)	30%	
• sf of lot per dwelling	512	500 (3)	600 – 800	

- (1) The Rice Mill is an actual project, approved twice by CPC and noted for reference.
- (2) 75' with 3.75 FAR at nodes, stepping down to 75' with 3.0 FAR. For parcels larger than 25,000 sf, the average height on that land shall be no greater than 60'.
- (3) Zoning should permit at least 80 homes per acre.

The Summary continued: Superior Urban Design

We believe that opinions about superior design change over time, with for instance LEED certification being a major focus five years ago yet ultimately and fundamentally impractical given our semi-tropical climate's modest variation in seasonal temperatures, and that specifics should not be mandated in the text.

As an alternative to dated, highly prescriptive language, we recommend that superior design be described generally to communicate clear aspirations and ideas for inspired design ie: Smart neighborhoods are compact, diverse, walkable and connected. As such, new buildings must help create a balanced mix of housing, working, shopping, recreation and civic uses, particularly civic buildings on higher ground with axial vistas so that even smaller structures radiate the preeminence accorded civic function. They include rental apartments, condominiums, live|work spaces and more. (Excerpted from *The Smart Growth Manual*) We prefer buildings with varied heights vs. uniform cityscapes. We prefer buildings that respond to climate, reveal a sense of place, respond to context, use familiar materials in innovative ways, building forms that help perform their functions, open space, visual if not pedestrian porosity, active ground floors, de-emphasis of the automobile so as to conceal parking.

Data-driven Policy

Dr. Edward Glaeser reminds us in his beautifully written *Triumph of the City*, six of America's largest 20 cities in 1950 have today lost more than half their populations. New Orleans is one of them. Once a leading voice in the nation (in all manner of arts, maritime commerce and architecture - first apartment house, first hotel, first opera house in North America), we lost our way, and people left. By the droves they drove. Away. So too along the riverfront. In keeping with these startling statistics, **Bywater and Marigny experienced 50%+ population drops including a 67% reduction in families**, and with the people went the schools, the neighborhood stores, the full church pews, the children and a sacred feeling of safety which top every neighborhood wish list.

Bywater U.S. Census			
	2000	2010	Change
Population	5096	3337	-35%
Households	2263	1763	-22%
Children	1150	383	-67%
Marigny U.S. Census tracts 18 and 26			
	1950	2010	Change
Population	8000+	2973	-63%
Households	2500+	1881	-25%
Children		132	

(*) Bywater boundaries changed, making 1950 comparison inexact.

High-Demand | Great Press for a Creative Epicenter

The good news is that these riverfront neighborhoods are **leading the city** in appeal but begging the City for zoning to embrace much-needed population growth. Many creative locals and newcomers wish to live along the river. We should help them.

- Says October 2013's *Southern Living Magazine*, "This formerly rough-and-tumble 'hood has attracted bohemians, artists and young entrepreneurs seeking historic housing and low rents (although that's changing fast)."
- As a result, notes *The Advocate's* Jaquetta White, the *New York Times'* local journalist

Sara Ruffin Costello and others, the area has gone through an artistic renaissance and emerged as the **Crescent City's creative epicenter**.

- Writes Ruffin, "A remarkable new flowering of that culture is what finally convinced me one pivotal night down in the Bywater that I'd made the right choice. It was only there, during one extraordinary musical performance on Plety St., as I sat on a bench in the flickering candlelight, surrounded by a surprisingly **diverse community bound by a common creative purpose**, that I fully grasped the possibilities of this magical place."

- Says Andrew Nelson in December's National Geographic Traveler, "**New Orleans, like Rome or hope, is eternal ... Yet change has arrived** like **Blanche Dubois**, suitcase in hand and a tad dishabile. The Crescent City has always depended on the kindness of strangers, but now they're staying. **Some 20,000** in the past four years have **settled along the Mississippi, revitalizing whole faubourgs ...** Those who love this town may worry that the change will overpower the charm. **Relax. What's new will just join the party**, Sazerac in hand."

The Goal | High Quality of Life (defined)

Richard Campanella, author, geographer, Tulane Professor and Bywater resident suggests that density and quality of life are linked, with the goal generally recognized as a joyful, safer, more robustly populated neighborhood with:

01. affordable housing, with costs comparable to other family-friendly neighborhoods
02. safe streets, with neighbors who can walk, play, shop and visit without fear
03. greater prosperity, creativity magnified
04. quality schools and recreation, especially for kids i.e.: playgrounds and parks
05. families with children living on the same block i.e.: social networks
06. stores, walkable short distances to retailers for one's daily needs

The Strategy | More People: The Density - Quality of Life Link

- "Height and other zoning restrictions might seem like arcane topics only for planning professionals, but nothing could be more wrong," says **Glaeser**.
- Said the luminous **Jane Jacobs**, "Neighborhoods can only thrive when they have between 100 and 200 households per acre." We need at least 80 per.
- **Data-driven** zoning which encourages higher density is a strategy that helps realize Campanella's entire quality of life list. **We need zoning to facilitate, not block**, what so many folks are trying to do - live more densely on the riverfront for these benefits:

01. Affordable Housing

- The great urbanist Jane Jacobs knew that the people who make a city creative need affordable places to live and work. In many ways, we all stand on her shoulders. But, writes Glaeser, "She was wrong about ... how supply and demand work. **When demand for a neighborhood rises, prices will too** unless more homes are built. When neighborhoods and cities restrict new construction, they become more expensive, sometimes **pricing out the very creative people, older and poorer residents who made the neighborhood so creative and appealing from the beginning.**"
- **"Limiting height and development generally does not guarantee interesting, heterogeneous neighborhoods. It only guarantees higher prices."**
(excerpt from *Triumph of the City*)

02. Safe Streets

- Cities pull people out of private spaces into public areas, the streets, parks and restaurants. **"Eyes on the street"** is the term Jane Jacobs famously coined.
- Robust street life is the **essence of city living and safety**. For it to be this way, one needs

people. More people. In a word, density. (excerpt from *Triumph of the City*)

03. Greater Prosperity

- **Density magnifies human creativity.** Cities are about proximity, closeness. For centuries, great innovations and artistic genius have come from human collaboration, creative, person-to-person sharing across city streets.
- **Human creativity is supported and fueled by the full complement of things to see, do, buy, taste and learn in denser cities.**
- **More residents make a far more compelling case for ridership to support streetcars.**
- **Density is in the City's financial interest, since compact communities cost less money to maintain and generate more taxes per acre.**

04. Stores | Walkability

- **Increase the population density by 50% (1800 homes | 3000 people) grocery stores, dry-cleaners, shoe repair shops, dentists and the like will open eager to serve customers.**

Opposing FMAA View vs. Smart Preservation

It is as though Glaeser is writing about the FMAA Board and other stident voices when he pens these words: "Over the past few years, in we have seen something of a **revolution in property rights** ... a system wherein neighbors have enormous power to restrict growth and change. Some of this revolution in rights is for the better, but much of it is for the worse." Sometimes we become **neighborhoods of "no"** or NIMBY, saying no to this project and that project over time. "The problem is that all of those independent decisions to prevent construction add up, and the **cost of restricting new homes is that the protected areas become more expensive and more exclusive.**"

"Not all change is good, but much change is necessary if the world is to become more productive, affordable, exciting, innovating and environmentally friendly." Along the riverfront, striking the right balance between protecting architectural character and allowing change is never easy. **"The key is to make the most use of the space that is allowed to change and champion excellent design. Smart preservationism, with great reverence, protects the most important buildings and essential character of the neighborhood but encourages taller, new structures that reduce pressure on prices and tear down pressure on the older homes."** (excerpt from *Triumph of the City*)

Conclusion

Exactly! One can't express it better.

Our city and these riverfront neighborhoods are in the **quality of life business**, so appealing that **demand is off-the-charts**. Bywater and Marigny are powerful magnets, attracting new talent in a new economy driven by creativity, information, media and technology.

These neighborhoods have **done the heavy lifting**. Folks are drawn to their mixed-income, mixed-age, mixed everything mosaic of people, interesting architecture and bohemian **quality of life** but also, as the October 2013 feature in *Southern Living* Magazine notes, to relatively **low housing prices**. It is important to maintain both.

For the **past 87 years along the riverfront** in Bywater and until 1973 in Marigny, as you know well, **zoning has been 75' -100'** to accommodate all manner of massive mills, presses, breweries, distillers, warehouses and other buildings situated on this land. Today, as these 23 acres of industrial property transition to residential mixed-use, like waterfront

cities around the world and this nation, people here would like to live more densely, with smart preservation and excellent design that embraces growth.

Important Decision | 50 Year Impact

We know these things. All of them. We know that **demand is increasing** to live here. Empirical **data-driven research** shows large-scale population loss (insufficient density) since 1960 and significant price increases. The soon to open Crescent Park and massive medical complex will increase demand even more. So, **why** write zoning that is less dense, more suburban than urban in nature and not profitable to build in neighborhoods which need more homes for more residents? **Why** strip these 23 acres along the riverfront of the denser 75' height they have held for nearly 100 years? **Why** forego \$8.0 mn in incremental property taxes that cash-strapped government sure could use? **Why** dilute the creative culture of invention our economy badly needs in this digital world? I am reminded of "Pareto Efficiency", an economics term used to describe a result via which some or all people are made better off without making anyone worse off. **The low height, low FAR zoning** pushed loudly by a few is exactly the opposite, zoning which **makes everyone worse off**, including the City, without making anyone better.

The CPC is better trained in this subject than any of the Balkanized neighborhood voices. Thank you for all that you do to make this city a better expression of itself, and on the doorstep of **New Orleans' 300th birthday** in 2018, please write riverfront zoning that encourages new homes to house the much needed population density.

And, as you do, please let me know how property owners, design professionals, academics, real estate professionals and the majority of residents who support your thinking can help. I hope, if even in a small way, that these data-driven comments are useful. They are certainly shared in the most constructive spirit.

With admiration and respect,

Sean C.

sean cummings

ekistics, inc. | entrepreneur's row | 220 camp street | 5th floor | new orleans 70130
o 504.593.9494 | c 504.236.0081



CITY OF NEW ORLEANS

CITY PLANNING COMMISSION

DRAFT C.Z.O. MEETINGS - OCTOBER 2013

(PLEASE PRINT)

PLANNING DISTRICT: 7

NAME: James McCarthy

ADDRESS: 720 Independence St

PHONE: _____

EMAIL: jpmccarthy99@gmail.com

OPTIONAL:

TEXT COMMENTS - SECTION #: _____

MAP COMMENTS - LOCATION:

Please provide your specific comments in the space below (PLEASE PRINT):

I feel that 75 feet height limit next to the flood wall on Chartres is ok.

18

/O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CPCINFO

From: Cheryl <greattreme@aol.com>
Sent: Friday, November 29, 2013 2:01 PM
To: CPCInfo; Ron M. Loesel; ethanellestad@gmail.com; cyrilbsaulny@aol.com; alvin1943@gmail.com; mejohn58@yahoo.com; smontana3@cox.net
Subject: CZO Comments
Attachments: Zoning_Treme.docx

Greater Treme' Consortium, Inc. is re-submitting the attached document for submission in the CZO draft document. When we originally submitted this information to the CPC, we assumed some, if not all of our suggestions would become part of the recently unveiled CZO draft document, to our dismay, our information was omitted.

We are in favor of all the points and suggestions made at the MaCCNO meeting held on November 20, 2013, and support their efforts. However, we are not citywide and our concerns as it relates to art, culture, and entertainment are specific to one neighborhood, Treme'. We would like to see zoning of the historic Treme' neighborhood returned to its pre zoning policies of 1970 which would allow creatively to naturally flow and not be stifled. As stated in your points, and forwarded to MaCCNO via email, we too would like to continue the discussion on how we all can work together to make zoning laws, arts, culture, and community friendly.

In closing, because issues of parking, litter, and noise was discussed in the meeting, we would like to suggest, CPC and HDLC engage their departments in conversations to discuss how parking facilities can be developed in and around historic cultural neighborhoods where unused vacant lots are available. A pre-determined height, number of parking spaces, with trash bins for off street parking at each site can become part of a new policy in the CZO. This would also eliminate and/or reduce the amount of noise, parking, and litter residents are concern with when there's an increase of patrons visiting music venues in and around the city of New Orleans.

Thanks,

Cheryl
greattreme@aol.com

Historic Faubourg Tremé Arts, Cultural, and Entertainment Overlay District

1.1 PURPOSE OF THE DISTRICT

The purpose of this district is to re-establish live entertainment, the arts, culture, retail and commercial uses in the Historic Faubourg Tremé' community. To create a walkable environment that will promote tourism, while increasing limited commercial development. A zoning change will assist with the redevelopment of small-mid size businesses, (home based and commercial).

1.2 AREAS OF APPLICABILITY

This district will be bounded by North Rampart Street and North Broad Street between Basin Street/Orleans Avenue and St. Bernard Avenue.

1.3 HOME BUSINESSES PERMITTED

Home businesses will be permitted within the boundaries of the district, including businesses which involve direct interaction with the public such as artist's studios and sales of works of art, culture, or tradition.

1.4 USES AUTHORIZED IN THE DISTRICT

The intention of this ordinance is to broaden the permissible uses in the district, not to restrict them. The following uses of land are authorized as permitted uses in defined non-residential and multi-use buildings throughout the district;

1. Any use authorized as a permitted use in a B-1A Neighborhood Business District
2. Art galleries and art studios without limitation as to size
3. Coffee shops
4. Museums
5. Theaters for comedy acts, movies and/or theatrical productions up to 5,000 square feet in floor area which may sell alcohol for consumption on premises
6. Green markets
7. Multi-discipline arts centers
8. Standard restaurants up to 5,000 square feet which may sell alcoholic beverages for consumption on premises in conjunction with meals, including franchise fast foods, without drive through service
9. Nightclubs

10. Cocktail lounges
11. Ice cream/yogurt shop; (without drive through service)
12. Retail seafood establishments
13. Artists and photographers studios
14. Antiques and art shops
15. Retail bakery shops
16. Barber, beauty and nail shops
17. Funeral parlors
18. Custom dressmaking, millinery, tailoring, or similar business
19. Dry cleaning shops; (environmentally friendly)
20. Flower shops
21. Museums
22. Medical clinics
23. Live entertainment
24. Visitors Site Center
25. Tour Guide
26. Transportation Service (CPNC Driven)
27. Printing and Publishing
28. Bed & Breakfast (up to 6 units)
29. Medical offices
30. Professional office space
31. T-shirt shops, gift shops and souvenir shops limited to one per two blocks
32. Banks or credit unions with ATM outlet; (without drive through service)

33. Drugstores and pharmacies

34. Package liquor sales in grocery stores, drugstores with pharmacies or supermarkets;

1.5 CONDITIONAL USES AUTHORIZED IN THE DISTRICT

The following uses of land are authorized as conditional uses in the Historic Faubourg Tremé Arts, Culture, and Entertainment Overlay District upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Any use authorized as a conditional use in the base district(s); and
2. Theaters for comedy acts, movies and/or theatrical productions over 5,000 and up to 10,000 square feet in floor area which may sell alcohol for consumption on premises.

1.6 LIVE ENTERTAINMENT AS AN ACCESSORY USE AUTHORIZED IN THE DISTRICT

Live entertainment is authorized as an accessory use to the following main uses within the Historic Faubourg Tremé Arts, Cultural & Entertainment Overlay District, subject to the standards in Section 1.6

1. Cocktail lounges, and
2. Theaters

1.8 GENERAL AND SPECIAL STANDARDS FOR USES AUTHORIZED TO PROVIDE LIVE ENTERTAINMENT

The standards set forth in this section apply to the designated uses whether such uses are authorized as permitted, conditional, or accessory uses in the underlying zoning district or Historic Faubourg Tremé Arts, Culture & Entertainment Overlay District.

For Conditional uses, the City Council may impose standards on a particular use in addition to standards contained in this article as conditions to approval of a conditional use permit under the procedures of Section 16.6 of these zoning regulations. The City Council may also vary the standards contained in this section for a particular use according to such procedures, unless expressly prohibited by Article 16.

1. General Standards for All Uses Providing Live Entertainment:
 - a. All establishments providing live entertainment shall hold the appropriate Live Entertainment Permit (Mayorally Permit).

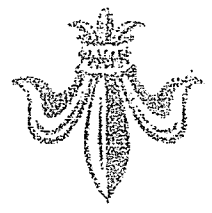
- b. All establishments providing live entertainment shall be subject to a closed doors/windows policy during any performance.
 - c. All establishments providing live entertainment shall be subject to the applicable noise, litter, and other laws of the City, including the Comprehensive Zoning Ordinance, Building Code, City Code, and Life Safety Code.
2. Special Standards for Cocktail Lounges:
 - a. A cocktail lounge may provide live entertainment, including a permanent area for dancing, and may play recorded music, but shall not provide live adult entertainment. All cocktail lounges shall hold a Class A General ABO Permit and a Live Entertainment Permit (With or Without Admissions), if providing live entertainment.
 - b. Cocktail lounges shall contain noise to levels specified in the Noise Ordinance by soundproofing the live entertainment area.
 - c. The hours of operation shall be restricted to between 10:00 a.m. and 12:00 Midnight, Sunday thru Thursday, and between 10:00 a.m. and 2:00 a.m., Friday and Saturday.
 - d. "To-go" cups shall be permitted.
 3. Special Standards for Standard Restaurants:
 - a. A licensed standard restaurant may provide non-amplified live entertainment.
 - b. Restaurants providing live entertainment shall hold a Live Entertainment Without Admission Permit. No fee shall be charged for any performance or for entrance into the facility.
 - c. The full menu shall remain available during the performance.
 - d. No performance shall continue after 11:00 p.m., Sunday thru Thursday, or 12:00 a.m., Friday and Saturday.
 - e. A Special Event Permit shall temporarily relieve a restaurant from standards a, b, c and d above. Special Event Permits shall be issued to a restaurant no more than ten (10) times per year for durations not to exceed a total of thirty (30) days per year.
 - f. "To-go" cups shall be permitted for those premises with alcoholic beverage permits.

- g. Restaurants shall close by 12:00 Midnight on all days of operation.
- 4. Special Standards for Theaters:
 - a. A theater may provide live entertainment, including theatrical productions, but shall not provide live adult entertainment, music played solely by a disc jockey, or karaoke. All theaters shall hold a Class A General ABO Permit and a Live Entertainment Permit (With or Without Admissions), if providing live entertainment;
 - b. Theaters selling alcoholic beverages shall do so only one (1) hour prior to and during performances. Sale of alcoholic beverages after the end of a performance is strictly prohibited;
 - c. "To-go" cups shall be prohibited for those premises with alcoholic beverage permits.
- d. Ticket sales shall not exceed the number of seats provided for the performance. Standing room only performances shall be prohibited

TEXT

Please provide your specific comments in the space below (PLEASE PRINT):

WHAT WILL HAPPEN TO EXISTING OVERLAY DISTRICTS ?



CITY OF NEW ORLEANS

CITY PLANNING COMMISSION

DRAFT C.Z.O. MEETINGS - OCTOBER 2013

(PLEASE PRINT)

PLANNING DISTRICT: 3

NAME: Andrew Amacker

ADDRESS: 4919 S. ROBERTSON

PHONE:

EMAIL: MW6528@GMAIL.COM

OPTIONAL:

TEXT COMMENTS - SECTION #:

MAP COMMENTS - LOCATION:

Geoffrey N. Moen

From: austen ward <austenward1@gmail.com>
Sent: Wednesday, November 27, 2013 11:23 AM
To: CPCinfo; Geoffrey N. Moen; Leslie T. Alley; Paul Cramer
Subject: South 7th Ward Neighbors' C.Z.O. comments
Attachments: s7wn zoning comment page 1.jpeg; s7wn zoning comment page 2.jpeg

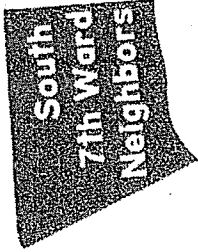
To whom it may concern,

Attached are the zoning comments for the C.Z.O. by our neighborhood group, which represents the south 7th ward (St. Bernard to Elysian Fields, St. Claude to Claiborne), the South 7th Ward Neighbors. These comments have also been sent by conventional mail.

We came late to this process and had to develop our comments in between our November and December general meeting dates. The signatures here belong to our zoning committee members, who've drafted these comments with the approval of the larger group.

Thank you,

Austen Ward
South 7th Ward Neighbors
s7wnighbors@gmail.com
504 333-1575



S7WNeighbors@gmail.com
Austen Ward
Zoning Committee Representative
(504) 333-1575

November 13, 2013

New Orleans City Planning Commission
Attention: Leslie Alley and Geoff Moen.

Our neighborhood organization, the South 7th Ward Neighbors, would like to make the following suggestions concerning zoning changes within our boundary area (St. Bernard, Elysian Fields, Claiborne, and St. Claude Avenues):

We suggest that the Residential Diversity Overlay, now proposed for the area upriver of St. Bernard Avenue, also be applied to all of those blocks within our boundaries. Additionally, we suggest that those buildings, originally commercial, but located off the intersections, within our blocks, and which are currently either unoccupied or used in a residential capacity, be granted the same status of those corner structures meeting the stated criteria of the R.D.O.

We are in favor of allowing the proposed Arts and Culture overlay for St. Bernard Avenue, with the conditions that our neighborhood organization be rigorously consulted on potential development projects, and that special attention be paid to enforcement of ordinances concerning the appropriate handling of security and trash collection along the corridor.

Thank you for considering these suggestions,

The South 7th Ward Neighbors:

NAME:	ADDRESS:	SIGNATURE:
AUSTEN WARD	2016 URQUHART	A. WARD
<i>St. Charles</i>	2016 Urquhart St.	Laura Cochran
Helena A. Regis	2017 URQUHART	Helena Regis

HELENA A. REGIS

STEPHEN J. BARKER 2014 ST. CLAUDE AVE N.O. LA. 70116	1416 GLYSIAN FIELDS NO LA 70117	
LEO D. DIMM JR Philip Sambol	2014 ST. CLAUDE AVE N.O. LA. 70116 1311 Toure Street NO, LA 70116	
Jessica Velcuff	1311 Toure St NO LA 70116	
SPARTA-CAROL JANICE-CAROL	2014 ST. CLAUDE NO LA 70116	
Robin Anita White	2112 Marais Street New Orleans	

18201A

Dale W. Thayer

From: Robert D. Rivers
Sent: Monday, December 02, 2013 11:56 AM
To: Paul Cramer
Subject: FW: draft CZO

Robert D. Rivers
Executive Director
New Orleans City Planning Commission

1300 Perdido Street, 7th Floor
New Orleans, Louisiana 70112
Phone: (504) 658-7033
Fax: (504) 658-7032
rdrivers@nola.gov

From: Rachel Smith [<mailto:rachel@tradewindstowing.com>]

Sent: Friday, November 29, 2013 12:42 PM

To: Robert D. Rivers; Leslie T. Alley; Kristin G. Palmer; jblickarson@nola.gov; Stacy Head; info@vcpolra.org;
info@frenchquartercitizens.org

Subject: draft CZO

Dear City Leaders:

I thank you for the work you've done to update the city's Comprehensive Zoning Ordinance, but want to express concern about several elements of the draft document.

I live in the Marigny at 822 Mandeville St, close to the riverfront. I feel very strongly that there must be NO Gateways or height bonuses. Please do not allow overturn of the existing 50' height limit for new buildings. This will irrevocably change the character of the neighborhood to enrich a few developers. They will overshadow existing historic homes. Most of these will effectively end up as vacation apartments with part-time occupancy like the French Quarter and this is not what the permanent year-round residents of the Marigny want to see. Further, parking will become a huge issue.

An great number of new apartment buildings and condos are being proposed for construction in my neighborhood. As well, the Crescent Park with its anticipated live performance venue at Mandeville is opening this spring (one hopes) with what thus far appears to be no provisions for parking. Parking is already very difficult in the Marigny and it will become drastically altered if larger high-rise developments are approved for the riverfront. Please do not allow reduction of Parking Requirements. It is not realistic to think that cars can all just park on-street in a free-for-all, and this is unfair to people who live here and have to commute on a daily basis to work.

Finally, please ensure that vital protections for the French Quarter and for neighborhoods across the city are retained. First, please keep the language currently enshrined in Section 8.1 of the CZO that protects the character and uniqueness of the Vieux Carre. Second, please don't change the rules for standard restaurants to allow them to be alcoholic beverage outlets, and in many cases, become live entertainment venues as matters of right. Without these protections in place, standard restaurants

throughout our city's neighborhoods could become establishments that are incompatible with their surroundings. We need to keep the current rules in place.

Sincerely,
Rachel Smith
822 Mandeville St, New Orleans LA 70117



**PORT OF
NEW ORLEANS**

GARY P. LAGRANGE, PPM
President and Chief
Executive Officer

November 26, 2013

HAND DELIVERED

New Orleans City Planning Commission
Chair Kelly Brown
Vice Chair Craig Mitchell
Member Lois Carlos-Lawrence
Member Joseph Williams
Member Pamela Bryan
Member Robert Steeg
Member Royce Duplessis
Member Kyle Wedberg
Member Nolan Marshall III

1300 Poydras Street, 7th Floor
New Orleans, La. 70112

Re: Port of New Orleans Comments on Proposed Comprehensive Zoning Ordinance (September 2013 Draft)

Ladies and Gentlemen:

The Port of New Orleans staff has reviewed the draft Comprehensive Zoning Ordinance (CZO) and come to the conclusion that many of the proposed changes conflict with our constitutional and statutory mandates to promote commerce along the Mississippi River, the New Orleans Inner Harbor Navigation Canal (IHNC) and the Gulf Intracoastal Waterway (GIWW). Our objections derive from three aspects of the proposed ordinance:

- Zoning changes where there is a potential for existing tenants and shippers of the Port to be considered to be Legally Non-Conforming uses;
- The designation of vacant industrial property owned by the Port as an Environmentally Sensitive District (ESD) or Natural Assets (NA), which could severely restrict our rights to develop the properties;
- Provisions related to the Site Plan and Design Review, which we believe could unnecessarily delay projects to develop Port property.

These are our primary concerns after reviewing the draft CZO, but since the document represents a sweeping change to the regulation of property use in the city, and the Port is one of the largest landowners in Orleans Parish, it's difficult to foresee all of the ways that the CZO could impact us. We believe that it's in the City Planning Commission's and the Port's best interest to find ways to resolve

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these potential conflicts, since we are both public entities working to improve the economic prosperity and the overall quality of life in the New Orleans area.

Maritime activity in the Port of New Orleans generates 160,498 jobs, \$8 billion in earnings, \$17 billion in spending and \$800 million in taxes statewide. The Port owns more than 22 million square feet of cargo-handling area and more than 1,000 acres of maritime and industrial land. Pursuant to La. R.S. 34:1 et seq and Article VI, Sections 43 and 44 of the Louisiana Constitution of 1974, the Board of Commissioners of the Port of New Orleans is charged with the responsibility of regulating commerce and traffic of the port and harbor of New Orleans in such a manner as may be best in its judgment. Moreover, the Industrial Canal was constructed under Act No. 244 of 1914, which became an amendment to the Louisiana Constitution of 1913. The act directed the Board to dig, build, erect, and operate a navigation canal in the City of New Orleans from the Mississippi River to Lake Ponchartrain in aid of commerce. Pursuant to Revised Statutes Section 34:45, *inter alia*, the Board has been granted the power to lease for manufacturing, commercial and business purposes lands acquired for the navigation canal. To the extent that the Master Plan and the CZO would conflict with the central mission of a political subdivision of state government to manage publicly-owned property on behalf of the citizens of Louisiana, we believe they would be unconstitutional. However, in the spirit of working together with the Planning Commission and the City of New Orleans to promote economic development and to encourage smart growth, we have submitted requests for changes in the Land Use Categories (letters of May 11 and Aug. 1) and plan to continue to engage on the CZO throughout the planning review process.

Zoning Changes

Most of our objections to the zoning changes relate to the proposed change of segments of Port property to Maritime Industrial (MI). While it seems that the City Planning Commission staff was trying to be responsive to the Port's needs by creating the MI zone and the Maritime Mixed Use subzone, several specific elements of these zoning designations could create more problems than they would solve. In an August 1, 2011 letter to the CPC, we proposed a Mixed Use Maritime Industrial land use be applied to a limited section of the northwest quadrant of the IHNC. The reason for the proposal was to address the needs of the Port to accommodate both industrial and recreational uses tied to water. With two tenants that operate a Marina/RV Park and a Marina/Boat Repair and Storage facility in an area that is also home to more traditional Port and industrial uses, we were proposing ways to allow for a reasonable transition between maritime-related industrial and recreational uses. We also believe that it's essential to preserve the industrial character of our properties if some of the recreational activities are not successful in the long term.

Elements of the Mixed Use Maritime Industrial land use category that we proposed were incorporated into the new Maritime Industrial Zone and Maritime Mixed Use Subzone in the draft CZO. However, instead of applying that new designation to the confined area that was recommended, it was used in many waterfront areas that are now subject to a wider variety of industrial uses that aren't

explicitly permitted in MI. There also seems to be some errors that in plotting the MI area, since some landlocked properties that the Port does not own on Downman Road are included in the MI district.

If MI is to be widely used on Port property as the Draft CZO proposes, we believe that the permitted uses don't fully incorporate the compatible industrial activities on Port properties that have been established pursuant to statutory authority and the Louisiana Constitution. For instance, food processing is not a permitted or conditional use in MI, even though New Orleans is ranked number 2 in U.S. coffee imports and many coffee-related manufacturing and processing activities take place on property that the Port has sold or leases in this area. These activities mean jobs and investment that benefit the citizens of New Orleans, and we do not believe that the CPC intended to make these compatible activities a non-conforming use. On the industrial side, many other existing uses of Port property aren't listed as permitted uses in MI, such as light and heavy manufacturing, contractor storage yards, utilities, salvage yards and truck repair. Those should all be permitted uses. On the recreational side, we request that ancillary activities one might expect at a marina, such as RV parks, restaurants and retail sales of alcoholic beverages are permitted in Maritime Mixed Use.

We believe that there are several acceptable approaches to addressing these issues. The MI designation could be limited to the area that the Port originally proposed in its comments to the Master Plan, while keeping the existing zoning of the other areas of the IHNC and the GIWW. The recreational and industrial uses allowed in Maritime Industrial could be broadened to fully account for existing uses of property along the IHNC. There could be a combination of map changes and permitted use changes to keep existing Port tenants and shippers within the parameters of the zoning ordinance.

Environmentally Sensitive District and Natural Assets

Proposed changes in the draft CZO would make about 280 acres of Port Property on the Gulf Intracoastal Waterway essentially useless and tremendously hamper the Board's endeavors to promote commerce. The 280 acres is comprised of two vacant pieces of properties on the north and south side of the Paris Avenue Bridge that are currently zoned heavy industrial. Under the draft CZO, the parcel on the north end (Aurora Property) would be classified as an Environmentally Sensitive District (ESD) and the southern parcel (Paris Road Property) is designated a Natural Asset (NA).

Since there are very few permitted or conditional uses for ESD and NA designations, the changes in zoning would essentially make it impossible to market and develop these properties in accordance with our statutory and constitutional mission. To zero in further on the Aurora Property, it seems arbitrary to declare this property ESD since there are many other properties in the same planning district which are similarly situated but retain their classification of heavy industrial. Furthermore, there is already a state and federal process for development in environmentally sensitive areas. If the Port meets those state and federal standards, we see no justifiable and lawful reason why we shouldn't be able to market and develop our properties. It is unclear what public purpose would be served by the

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City using a zoning ordinance to create additional layer of environmental regulation that is potentially more restrictive than existing state and federal environmental regulation.

Moreover, changing properties from heavy industrial to zoning designations that would ensure they remain undeveloped represents a substantial reduction in the value of the land. One could argue that the land under the new zoning designation has essentially no value to its owner and therefore the zoning change constitutes a taking. If the changes suggested in the draft CZO are allowed to stand, the City would effectively be superimposing its judgment that these publicly-owned, waterfront properties should remain vacant over the Board's authority to develop these properties in accordance with its statutory and constitutional mission.

Site Plan and Design Review

The draft CZO sets forth a new process that would require certain development projects, including non-residential development projects in excess of 40,000 square feet of floor area, to undergo a Site Plan and Design Review approval process. The process is intended to assure "development or redevelopment occurs in a manner that is harmonious with surrounding properties and neighborhoods." We believe that there would be no benefit to subjecting Port-owned industrial property to this review process and that either all industrial property or industrial property owned by the Port should be explicitly exempted from this process.

The very nature of industrial zoning indicates that intense uses of the property, which wouldn't be harmonious in a residential or commercial setting, are allowed in a circumscribed area. These areas have been zoned industrial so that these types of necessary but intensive uses can take place in a setting where they are not likely to disturb the neighbors, who are also likely to be engaged in industrial activity. Since the land use and zoning regulations already place these activities in areas where they don't impact neighbors, it is unclear what would be gained by having a review process that also protects against the same issues. It is clear, however, what would be lost. The ability to move quickly from planning to construction would be severely limited by a process that could add several months to the development process. This would inhibit capital investment in Port property.

It should also be noted that the Port's industrial tenants are not normally subject to the City's construction permit process. Since the Port manages its own construction permit process, the proper forum to cover issues that would be subject to the Site Plan and Design Review process can be enforced by the Port through its own permit process.

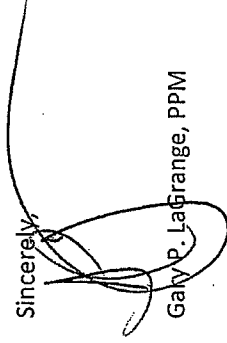
In conclusion, we believe that the City Planning Commission and the Port of New Orleans are both committed to improving the property values and overall quality of life in the City. Drafting a new CZO is a monumental undertaking that has the ability to greatly benefit all property owners in New Orleans, including the Port of New Orleans. However, the devil is in the details. Many of the details as

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set out in the draft CZO could severely limit our ability to carry out our central mission. We have proposed a number of specific ways to address these conflicts and look forward to discussing them with the CPC staff. We would like to suggest that Port staff and CPC staff meet to work toward solutions that is mutually beneficial to our organizations. Please contact Chris Bonura at 504-528-3222 or bonurac@portno.com to make arrangements.

Sincerely,



Gary P. LaGrange, PPM

Cc:

Mitch Landrieu, Mayor
Jacquelyn Brechtel Clarkson, Council President and Councilmember-at-Large
Stacy Head, Council Vice President and Councilmember-at-Large
Susan Guidry, District A Councilmember
LaToya Cantrell, District B Councilmember
Kristin Palmer, District C Councilmember
Cynthia Hedge-Morrell, District D Councilmember
James Gray II, District E Councilmember
Robert Rivers, CPC Executive Director
Michael Hecht, Greater New Orleans Inc.
Rod Miller, New Orleans Business Alliance