

June 13, 2017

Via E-Mail

Robert D. Rivers, Executive Director
City Planning Commission
1300 Perdido Street, 7th Floor
New Orleans, Louisiana 70112

Re: Riverfront Overlay Study

Dear Mr. Rivers:

The Bywater Neighborhood Association (“BNA”) commends the staff of the City Planning Commission (“CPC” or “Commission”) on its study to determine how best to incentivize quality developments along the riverfront of the east bank of the Mississippi River. The study is comprehensive and not only references historic heights along Bywater’s riverfront but also references best practices from other jurisdictions that have also sought to incentivize quality developments along their riverfronts. For the most part, the BNA agrees with the study’s recommendations with certain qualifications and/or exceptions detailed herein.

The Bywater and Marigny overlay areas should be separate.

The BNA agrees with the staff that the “one-size-fits-all” model should be eliminated and requests that design, height and other criteria be developed for the Bywater riverfront separate from those developed for the Marigny riverfront. The two areas are geographically different: the Bywater overlay area encompasses land on the river side of Chartres Street that abuts the floodwall and is of sufficient depth to allow development; the Marigny overlay area reaches into the neighborhood and has no land abutting the floodwall of sufficient depth to allow development. The Marigny overlay area encompasses city blocks, whereas the Bywater overlay area does not.

In addition, the political climate in each neighborhood is different. The Faubourg Marigny Improvement Association (“FMIA”) sought to enjoin the City from applying the existing overlay to its neighborhood; the BNA, however, embraced the overlay. To be sure, there was dissent in the Bywater neighborhood, but at the time the riverfront overlay was being considered initially, controversy arose primarily because opponents of the application of the overlay in the Marigny sought defeat of the overlay for the entire area.

The bonus provision of Section 18.13.G should be eliminated.

The bonus provision has not worked. Before the current overlay's implementation was halted by the City Council, three landowners of contiguous parcels between Louisa and Piety opted not to seek to build to the maximum height of 80' allowed under the overlay, instead seeking approval for development plans under the current underlying zoning that allows a maximum height of 55'. As the staff notes, some standards appear not to be feasible, Study at 79, in particular providing new crossings to the river, id. at 80. The BNA agrees.

The maximum height for buildings in the overlay should be 75' or 6 stories with appropriate setbacks.

The staff recommends that the maximum height should be 75' or 6 stories at the riverside with the maximum height of 40' or 3 stories at the street. While the BNA agrees that a maximum height at the riverside should be 75'¹ or 6 stories along the Bywater riverfront, the organization believes that a rigid maximum height of 40' or 3 stories at the street might lead to a boring, uniform height along Chartres Street. The BNA believes that a variety of heights at the street level will make for a more interesting streetscape and suggests that a formula might be devised that would allow some additional height along the street, not to exceed the 55' maximum height of the underlying zoning district. In the alternative, a fourth story could be added not to exceed the 55' maximum height of the underlying zoning district if set back at least 10'.

Rooftop protrusions, such as an elevator bulkhead, and parapet walls should be exempt from the maximum height requirements.

The staff suggests that exempting rooftop protrusions should be conditioned upon the property's affording public rooftop access with views of the river. Id. The BNA, however, believes that rooftop protrusions and parapet walls should not be counted at all in the maximum allowable height, regardless of public access to the rooftop. This eliminates the possibility of property owners' having to compress the floors to stay under the maximum height and provides for a better, more interesting design.

The minimum-lot-area-per-dwelling-unit requirement of the underlying zoning district should be eliminated.

The staff recommends that "[a]dditional lot area per dwelling unit density may be allowed by Smart Housing Mix Ordinance." Id. The minimum lot area per dwelling unit

¹ A 75' maximum height limit would preserve the Bywater neighborhood's historic sense of place, since the history of our riverfront is tall buildings – the Rice Mill at 2900 Chartres is 78'; the State Rice Mill at 522 Montegut was 78'; Turn Services at 3333 Chartres is 60'; the Comet Rice Mill at 3122 Chartres was 70'; and the Poland Avenue Naval Support Facility is 84'. Not to recognize that heritage would turn history on its head.

Robert D. Rivers

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for multi-family residential in the HM-MU zoning district is 600 s/f per dwelling unit. The BNA submits that the number of dwelling units in a multi-family residential property should not be determined by how big the lot is. Market forces should make that determination.

The current overlay provision eliminates the lot-area-per-dwelling-unit requirement: Section 18.13.G.3.(iii) provides for “the elimination of any Minimum Lot Area per dwelling unit requirement applicable in an underlying zoning district.” The BNA believes that this provision of the existing overlay should be maintained. Property owners should be given the utmost flexibility in creating living units for a variety of residents whose requirements for living space may differ widely. The BNA also notes that there is not yet a Smart Housing Mix Ordinance and submits that the Bywater riverfront overlay should not be dependant upon a reference to an ordinance not in existence.

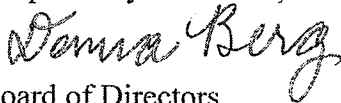
Institute a maximum height/density by right, not through Conditional Use.

As noted by the staff, *id.* at 81, the conditional-use process is to determine the appropriateness of a particular use, not a design element. Height, as a design element, is more appropriately addressed through the HDLC process.

Furthermore, the conditional-use process pits neighbor against neighbor and frequently becomes an emotionally charged and highly destructive battle before the Commission and the City Council. In addition, it adds time, expense and uncertainty to what is already a lengthy and expensive process.

The Bywater Neighborhood Association respectfully requests that the Commission carefully consider the suggestions offered herein. If you have any questions about the BNA’s position, please contact Mary Ann Hammett, chair of its zoning committee, at maryannhammett@cox.net or (504) 421-8096.

Respectfully submitted,



Board of Directors
Bywater Neighborhood Association
Donna Berg, Chair

cc: Councilmember Nadine M. Ramsey
Councilmember Stacy Head
Councilmember Jason Rogers Williams

Paul Cramer

From: CPCinfo
Sent: Tuesday, June 13, 2017 9:00 AM
To: Nicolette P. Jones
Subject: FW: Building height restrictions

From: bettinareutter [mailto:bettinareutter@gmail.com]
Sent: Monday, June 12, 2017 1:59 PM
To: CPCinfo
Subject: Building height restrictions

No 75 f buildings in Bywater !

How many people do you want to add to this neighborhood ? Traffic is already crazy at certain hours. The river breeze is important to cool down the air. And that's just a couple of reasons. Rethink your greed !

Sent on a Sprint Samsung Galaxy Note® 3

Paul Cramer

From: CPCinfo
Sent: Tuesday, June 13, 2017 9:00 AM
To: Paul Cramer
Subject: FW: Riverfront Overlay

-----Original Message-----

From: Tyler Harwood [mailto:stin-g@stin-g.com]
Sent: Monday, June 12, 2017 4:38 PM
To: CPCinfo
Subject: Riverfront Overlay

Hi planners!

It is my understanding that y'all are meeting to make decisions about how to approach the Riverfront Overlay (again). As a resident of Bywater I'm worried about what is decided and how it will impact our neighborhood. I live on Montegut St, which is like the jackpot for developers these days, and I'm not looking forward to the massive density change in our small pocket of the neighborhood. We bought our first home here and rehabilitated it because we love the historic character of the area and we wanted to be part of preserving it. Now developers are coming in and taking advantage of as many height and density bonuses as they can get away with, and it looks like by this time next year we'll have five stories of balconies looking down into our yard. Bummer. While I understand the need for more housing and that there used to be a lot more people in homes here, it is important to remember that those were mostly families that were spread out in the many one or two story houses. It was a different time. Two parents with some kids in a single or half of a double. Not so many cars. Anyway, I don't need to tell y'all all this stuff - that's your field and I'm sure you know! It will just be really sad to see tall buildings here that do not reflect the history and character of the neighborhood that has been here so long, that so many of us invest so much to maintain.

Please help us protect the historic, almost pastoral kind of vibe that makes our historic residential neighborhoods along the river so special. It's a huge part of why we live here. Just look at so many other cities like Houston, Austin, Nashville that have been overdeveloped- yuck! Some development is great, but why more than just a few stories? If you allow it they will go to the absolute maximum, as the developers on Montegut plan to do. Since it allowed "It's what the city wants" and "If we don't do it somebody else will", they have told me. That logic is lost on me. I could drink booze to get to exactly a 0.08% blood alcohol content and then go drive around every night if I wanted to. But they are making money so the dictates of conscience are different?

Please no density or height bonuses. The bonus is getting to build here at all! If developers need more they can work it out with the residents they will impact with public input through the variance process. Honestly, it usually works out in their favor anyway. At least give the community that they impact a chance to be heard when our quality of life is at stake.

Thanks for your time and consideration!
Tyler Harwood
901 Montegut St
New Orleans
(504)444-8458

NEIGHBORS FIRST FOR BYWATER



Neighbors First for Bywater, LLC

Julie Jones, President

(504) 944-5422

jjones1@uno.edu

Brian Lockett, Treasurer

(504) 669-7044

blockett@cox.net

Robert D. Rivers, Executive Director
1300 Perdido St., 7th Floor
One Stop Shop
New Orleans, LA 70112

Date: June 11, 2017

Re: CZO Article 18.13.G – Study Comments

Dear Mr. Rivers:

The board of Neighbors First for Bywater (NFB) has reviewed the Riverfront Overlay Study and continues to oppose any reimposition of Article 18, Section 13.G. to the New Orleans Comprehensive Zoning Ordinance. The CPC staff have done an excellent and nearly exhaustive job of presenting the history, zoning, site description and public comments around New Orleans' riverfront development; however, the study then comes to all of the wrong conclusions in recommending height and density bonuses without conditions or public comment.

The study makes clear that:

- The sort of development being proposed for the Riverfront Overlay has never existed before in the area
- Existing zoning is working and there is no need for any special bonuses
- 75 foot buildings are out of scale with the surrounding neighborhoods
- Perhaps the most prominent and successful example of waterfront development is conspicuously missing from the best practices section
- Affordable housing is a critical issue in Marigny and Bywater, but the proposed bonuses are a disincentive for affordable housing
- The CPC is trying to pass the buck to the HDLC
- The variance process is the best way to ensure quality redevelopment of our historic riverfront

The Proposed Type of Development has Never Existed in Bywater’s Riverfront

The Sanborn maps of the Bywater riverfront demonstrate that the only four-story building that existed at the turn of the last century was, what is now, the Rice Mill Lofts. There were a few two- and three-story buildings, but most of the area was single story warehouses, homes and open storage yards. The Rice Mill has always been an exception and should not be cited as an example of previous building heights.

The buildings in the Sanborn maps for Bywater are also labeled with their uses (e.g. teaming stable, milling and trading). None of the buildings were high density, multifamily dwellings as the study recommends. This type of development has never existed on the Bywater riverfront.

Previous Zoning on the Bywater Riverfront Supports a 50 Foot Limit

The bonus area of the Bywater Riverfront Overlay is currently zoned as HM-MU which limits new construction to 55 feet and a Floor Area Ratio of 2.5. Advocates of a 75 foot height limit often use the previous Light Industrial zoning’s height limit of 75 feet as justification for a height bonus. What they fail to mention is that the FAR in Light Industrial zoning was limited to 1.0 – which was clearly intended for warehouses and that’s what was built. The 75 foot height limit was necessary to allow for communications towers. The study also fails to mention that new residential development under the previous code required conditional use.

The Current Zoning is Working to Redevelop Bywater’s Riverfront

The Key Findings of the study presented on pages 2-4 demonstrate that current zoning is working to redevelop the Bywater riverfront. The CPC staff point out that:

- Access to the riverfront has “largely been achieved”.
- City-wide affordable housing ordinances are sufficient and no special bonus incentive is needed
- Energy efficiency should be written into building codes, not zoning
- There are other funding options for new capital improvements in the area
- “Riverfront development should be compatible with the character and history of a site” – just as the HM-MU zoning was designed to do
- Structures “developed to a greater height” are not compatible with existing development and need setbacks to “lessen the impact”
- Capital projects “need public input” and public input is important in HDLC review

If current zoning is working, why should special rules be applied for a handful of lots? The position of NFB is that if developers want to build higher they should apply for a variance as allowed under current zoning and if they want greater floor area they should do so under the existing affordable housing bonus.

The Study Admits that 75 Foot Buildings are Out of Scale

The study also insists that, “The density, height, and mass of new development will be consistent with the character and tout ensemble of the surrounding historic neighborhood.” But then recommends the use of “step-backs” and massing variation to mask the scale of new construction. If the new construction standards being proposed are compatible with the surrounding neighborhoods, then why are step-backs and massing variations necessary? Furthermore, why weren’t step-backs and massing variations included in the 2015 CZO if they are necessary to preserve the character of the neighborhoods? Previous zoning requirements in

the area, going back more than 50 years, restricted heights to 45 and 50 feet when adjacent to residential districts. The current height limit of 55 feet should remain in place.

The Redevelopment of San Francisco's Waterfront is the Best Model

The study reviews waterfront development policies from Pittsburgh, Seattle, Portland, Washington DC, Philadelphia and New York City. Remarkably, there is no mention of the long and contentious waterfront redevelopment planning process in San Francisco. Citizens of San Francisco voted for Proposition C to overturn a previous decision to allow height variances on the waterfront and require any future height variances to go on the ballot.

San Francisco's Proposition F is an example of how developers can work with neighborhood organizations to bring new waterfront development that meets the needs of residents and developers alike. Through Proposition F, residents worked with developers on the redevelopment of Pier 70 to include 30% affordable units and public green space. This is the process for riverfront development that New Orleans should be using as a model: not by eliminating any public input from the approval process as the study recommends.

See: http://www.bizjournals.com/sanfrancisco/morning_call/2014/11/pier-70-election-prop-f-wins-forest-city-dogpatch.html

The Proposed Bonuses are a Disincentive for Affordable Housing

NFB has consistently taken the position that the only floor area and density bonuses in the Riverfront Overlay gateways should be for the provision of affordable housing.

The study states that "The *Smart Housing Mix Ordinance Study* recommendations are expected to be incorporated into the Comprehensive Zoning Ordinance and may negate the need for affordable housing provisions to be required or to qualify for a height and density increase in the RIV Riverfront Design Overlay District." But then the study goes on to state that the Smart Housing Mix policy has not been finalized and that the boundaries and incentives have not been specified. It makes no sense to eliminate the affordable housing requirement from the Riverfront Overlay's FAR and density bonuses in expectation of an ordinance that has not even been written and may or may not apply if/when it is.

The Smart Housing Mix ordinance has not been passed but is already being opposed by the Home Builders Association of Greater New Orleans. The HBA-GNO lobbied heavily for a bill introduced by State Senator Conrad Appel that would have prevented municipalities from enacting affordable housing requirements. The Smart Housing Mix ordinance would likely include a tax abatement and/or a fee in-lieu which would both be controversial.

There is already an affordable housing ordinance (Calendar No. 30,891) on the books that provides a floor area and density bonus for the inclusion of affordable units. By granting FAR and density bonuses by right and without conditions, as recommended by the study, developers have no incentive to include affordable units in new riverfront development. Every other developer in town has to provide affordable units to get FAR and density bonuses, why should the riverfront be any different? There is no reason why the same affordable units necessary to meet the existing FAR and density bonuses cannot also be used to satisfy any future Smart Housing Mix ordinance.

Furthermore, affordable housing may be negotiated by City Councilmembers when a developer requests a height variance. The proposed by-right height bonus would take that negotiating position away from Councilmembers.

The CPC is Trying to Pass the Buck to the HDLC

The height and density bonuses proposed in the study are highly controversial. NFB collected over 200 signatures on a petition to maintain a 50 foot height limit on new residential development. A review of written comments attached to the 2014 draft CZO staff report showed that 98% of neighborhood residents opposed the height and density bonuses.

Although never stated explicitly, the study appears to be suggesting that granting of the height and FAR bonuses should be contingent upon prior HDLC design approval. The study states that, “The HDLC process is the most appropriate process to review height and massing of a structure.” Height and massing limits are typically specified in the CZO and HDLC has no authority to infringe upon a developer’s legal building rights.

This is clearly an attempt to shift a long-running and highly contentious issue out of the CPC and City Council to the HDLC. Design standards for HDLC approval of the bonuses are well beyond the scope of revisions to the Riverfront Overlay text – which is the mandate of this study. Such a process would be fraught with conflicts that could drag on for years. As an example of what could happen: a prominent landowner within the bonus area has an ongoing lawsuit against an HDLC Commissioner regarding a previous HDLC decision and that HDLC Commissioner has countersued.

The Variance Process is the Best Way to Move Forward

The study is clear that the NPP process required for any variance, “results in projects responding to the concerns of the surrounding community and ensures that the project specific community impacts are accounted for.” The study also points out that, “reviewing the impact of additional stories [is] not a use consideration” and therefore, the conditional use process is not appropriate. The board of NFB agrees and believes that the variance process should be used to consider any deviations from the base zoning requirements.

The board of NFB continues to stand by our position that public input is essential to quality development along our historic riverfront and that any new development should be integrated with the surrounding neighborhoods to create a seamless transition. The study’s recommendation to eliminate the two most prominent demands of the neighbors, affordable housing and public input, is an affront to the people who have been engaged in this planning process for almost two decades. It is time to put an end to this unseemly fight between neighborhoods and the city that has resulted in a lawsuit and too much time wasted by the CPC and City Council. Elimination of the height and density bonuses section of the CZO (Article 18, Section 13.G) will allow the flexibility necessary for our riverfront to develop organically in response to the changing needs and sensibilities of New Orleans’ residents.

Sincerely,
Julie Jones, President
Brian Luckett, Treasurer

Paul Cramer

From: CPCinfo
Sent: Tuesday, June 13, 2017 4:21 PM
To: Paul Cramer
Subject: FW: Riverfront Overlay Study and Historic Preservation
Attachments: Sep 1973 Cizek Article Marigny Preservation.pdf; 07-21-1977 Marigny Study Motion.pdf; 03-08-1978 Marigny Study Recommendations.pdf; 10-04-1978 Marigny Study Commission.pdf; 1978 Marigny Ordinance (unsigned).pdf

From: Ray G Kern [mailto:raygkern@yahoo.com]
Sent: Tuesday, June 13, 2017 4:04 PM
To: CPCinfo
Cc: Allen Johnson; Lisa Suarez; Gene Cizek
Subject: Riverfront Overlay Study and Historic Preservation

Greetings,

I recently had the privilege of being in the home of Dr. Eugene Cizek, along with other members of the Faubourg Marigny Improvement Association, while we discussed the FMIA response (which I support) to the Riverfront Overlay Study. To the City Planning Commission staff members who may not be familiar with Dr. Cizek, he was the founder of the FMIA, a founding member of the Preservation Resource Center and the Historic Districts Landmark Commission, and is a world-renowned preservationist and architect with numerous local, state, national and international awards. Really, you should look him up:

<http://architecture.tulane.edu/people/eugene-d-cizek>

As Gene gave us the benefit of his far-reaching advice and knowledge, he also provided us with several documents from his archives that provide historical context for the Faubourg Marigny neighborhood. I've attached a few of them for the director and staff to examine for insight on why the FMIA and others are deeply concerned that the Riverfront Overlay, as proposed, is harmful to the neighborhood and to the city. I strongly encourage everyone to read them for historical context, particularly those staff members who were not yet born at the time.

The Vieux Carre is a magnet for tourism in New Orleans and is responsible for much of the city's economy. Its unique historical architecture and riverfront is protected from developments such as the ones that would be allowed with what is being proposed for the Marigny/Bywater riverfront. This overlay would never be considered for the Vieux Carre and neither should it be considered for the adjoining National Historic Trust neighborhoods. These areas need to be protected just as the Vieux Carre 'toute ensemble' if the city is to expand on the economic success that historic preservation has yielded.

Sincerely,

Ray G. Kern, General Manager
ARS Bohemia, LLC
d/b/a Den of Muses

2716 Royal Street
New Orleans, LA 70117

Attachments:

Sep 1973 Cizek Article Marigny Preservation.pdf
07-21-1977 Marigny Study Motion.pdf
03-08-1978 Marigny Study Recommendations.pdf
10-04-1978 Marigny Study Commission.pdf
1978 Marigny Ordinance (unsigned).pdf

MOTION

M-77-177

MM

CITY HALL: July 21, 1977

BY: Councilman Bagert (By Request)
SECONDED BY: COUNCILMAN DIROSA

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Mayor's appointment of Mr. Ronald Katz, Mr. Roy Troendle, Mr. Maurice Mattier, Mr. Cesar Martino, Mr. Eugene Cizek, Mr. Robert Sullivan, and Mr. Preston Battistella as members of the ESPLANADE-MARIGNY HISTORIC STUDY COMMITTEE, for the purpose of investigating historic preservation districts for the Fauberg/Marigny and Esplanade areas as outlined in State Act 804 (enacted August 1, 1975), for a term beginning August 1, 1977 and ending August 1, 1978, be and the same is hereby ratified, confirmed, and approved.

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

YEAS: Bagert, Ciaccio, Davis, DiRosa, Early, Friedler, Giarrusso-7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY.

Joseph C. Peterson

Semi-Monthly Planning Meeting
Wednesday, October 4, 1978

CONSIDERATION: Mayor's Study Committee Recommendations
Relative to Marigny Historic District
(CPC - Deadline October 15, 1978)

FAUBOURG MARIGNY

I. Introduction

The Esplanade-Faubourg Marigny Preservation Study Committee was appointed by the Mayor with the advice and consent of the City Council August 1, 1977 to investigate the proposed historic districts for Esplanade and Faubourg Marigny, as authorized under State Act 804. The City Planning Commission held a public hearing on the proposed Faubourg Marigny Historic District on August 16, 1978 at which the study committee's recommendations relative to Faubourg Marigny were presented.

Historic Development

Faubourg Marigny, which dates from 1803, remains a viable community of 19th and 20th century culture and urban development. Faubourg Marigny originally included only the area extending from Esplanade Avenue to Franklin Avenue and from St. Claude Avenue to the River. Today, however, Marigny as a functional neighborhood includes the areas between Franklin and Press Street. Count Marigny sold his small lots to French, Spanish and German immigrants and Creoles. As the residents became more affluent, the original small cottages were replaced by larger creole structures. By the mid-nineteenth century, the residences being built reflected American-influenced styles including the Greek revival and Italianate, various Victorian, Edwardian and early twentieth century styles are also found. During the nineteenth century, Marigny also contained brickyards and lumberyards; rice, sugar and cotton mills; and warehouses. Press Street, which now serves as a railroad artery, derives its name from the large cotton press that once stood at Press and the River. Although the cotton press no longer exists, many of the original surrounding warehouses are still in use.

Previous Studies and Existing Regulations

The Faubourg Marigny area was evaluated in the 1967 Community Renewal Program Study of Historic Areas and Structures "as high but in the second category of importance," out of the three levels of evaluation.

The Garden District, the Vieux Carré, Esplanade Avenue and the Bayou St. John area are placed in the highest category of architectural importance. Faubourg Marigny was placed in the second category of importance with St. Charles Avenue, Faubourg Tremé and Gormley's Basin. Parts of Faubourg Marigny might conceivably have been incorporated into the historic strip of Esplanade Avenue and thereby designated in the highest level of evaluation, according to Dr. Lemann.

In 1973 the Friends of the Cabildo published Volume III, New Orleans Architecture, the Creole Faubourgs. This book inventoried the historic architecture of the area and gave further impetus to the renovation movement occurring in Marigny. The Faubourg Marigny Association sponsored the application for the National Register of Historic Districts and Faubourg Marigny was designated a National Historic District on November 12, 1974.

In 1974 the Curtis and Davis Housing and Neighborhood Preservation Study found that Marigny "is currently undergoing a significant face lifting by virtue of the number of renovation and restoration projects being pursued. Its proximity to the Vieux Carré and downtown in combination with the climbing housing demand are factors contributing to the design and social changes the neighborhood is now experiencing." On June 6, 1974, a temporary moratorium of all demolition permits and permits for new construction was created for the triangle area of Marigny until Historic Marigny Zoning became effective.

In April 1975, the Marigny "Triangle," the area bounded by Esplanade Avenue, North Rampart, St. Claude Avenue and Elysian Fields, was rezoned after intensive study by the CPC and input from neighborhood groups and citizens to Historic Marigny Residential District Regulations. The purpose of these districts, HMR-1 and HMR-2, Historic Marigny Residential Districts, is to protect existing residential development and to maintain a desirable density and scale of such development within the historic Marigny area. Rehabilitation and renovation, particularly of historically significant buildings, as well as good maintenance, is encouraged.

HMC1 and HMC2 Historic Marigny Commercial permit a variety of commercial uses while limiting structures in height to 60 and 50 feet to be consonant with existing low profile development.

The "rectangle" area of Marigny, bounded by Elysian Fields, St. Claude Avenue, Press Street and the Mississippi River is presently in the process of being examined for Historic Marigny zoning.

GUIDE FOR RATING OF BUILDINGS
AS TO THEIR ARCHITECTURAL SIGNIFICANCE

Ratings were applied to all structures in the area based on criteria developed by the New Orleans Historic District Landmarks Commission. These criteria were utilized (by the staff of the Historic District Landmarks Commission) acting in a staff capacity for the mayor's study committee in a windshield survey of the area.

PURPLE - Buildings of National Importance

These nationally important buildings include important works by architects having a national reputation, buildings or groups of buildings selected for inclusion in the National Park Service's Register of National Historic Landmarks, or unique examples illustrating American architectural development. In addition to the architectural significance of the buildings in this classification, they may be associated with historical events or persons that have national importance. It is of the utmost importance that these buildings be preserved, be properly maintained, and, when needed, be carefully restored.

BLUE - Buildings of Major Architectural Importance

Buildings in this classification include outstanding examples of works by notable architects or builders; unique or exceptionally fine examples of a particular style or period when original details remain; buildings which make up an important, intact grouping or row, even when some of the buildings within the grouping have been defaced; and noteworthy examples of construction techniques when the original fabric of the building is basically intact. All buildings included in this category should be preserved, be protected from unsympathetic modifications, and have original facade treatments properly restored when possible.

GREEN - Buildings of Architectural or Historical Importance

This category includes buildings that are typical examples of architectural styles or types found in New Orleans, when the building retains its original architectural details and makes a notable contribution to the overall character of a particular area of the City. In some cases, buildings of lesser architectural importance will be included in this category if they introduce an important keynote to an area or have specific historical significance related to either an historical event or person. It is important that buildings covered by this classification be preserved and when feasible, restored as closely as possible to their original appearance.

RED - Important Buildings that have been Altered

This category includes important buildings dating from the nineteenth century that have had much of their exterior architectural details removed or covered. Due to their scale and basic construction, however, these buildings still make a notable contribution to the overall character of a particular area. If a building in this classification were to be properly restored or renovated, the rating would automatically be raised. Though placed in a lower category, the significance of these buildings should not be overlooked or minimized.

Study Committee Recommendations

The Esplanade-Marigny Historic Preservation Study Committee was established on August 1, 1977 by City Council Resolution #77-118 for the purpose of investigating historic preservation district designation for the Faubourg Marigny and Esplanade areas as outlined in State Act 804.

The Preservation Study Committee Report was received by the Planning Commission March 13, 1978.

The boundaries for the proposed district as suggested by the study committee are Esplanade Avenue, the Mississippi River, Press Street and the rear property lines of the properties on the lake side of North Rampart-St. Claude, excluding the property on the downriver lake corner of Esplanade and North Rampart, which is included as part of the proposed Esplanade District. Two new members were recommended to serve on the Historic District Landmarks Commission to represent Marigny.

II. Explanation of Report Evaluation Format

CRITERIA USED IN EVALUATION

In analyzing the appropriateness and extent of the proposed historic district, four criteria were judged to be of overriding importance to the evaluation. A short description of each criteria is given here and then applied in the analysis of the proposed district.

1. Consistency with the Zoning Ordinance and Land Use

The proposed historic district must be evaluated with respect to its consistency with the zoning ordinance. Historic Marigny zoning was developed especially for the Marigny neighborhood and was adopted for the "triangle" area of Marigny in 1975. Historic Marigny Zoning is under study for the "rectangle".

2. Density and Distribution of Historic Structures

A significant reason behind the proposal to create historic districts lies in the protection or preservation of important architectural and/or historic structures. Crucial to the consideration of such districts is both the number and distribution of historically rated structures.

Proposing a district in an area which contains few rated buildings so widely scattered as to not constitute a cohesive "district" would not have a solid, rational basis. To determine density and distribution ratings of structures according to specified criteria were utilized.

Buildings that Contribute to the Scene

These buildings generally date from the late nineteenth century or twentieth century and are typical examples of an architectural period or style. Though these buildings are of lesser stylistic importance, and are frequently quite modest in appearance, they are important to the character of the area due to scale, materials, and/or increasing age. If a particular section is to retain its present character, it is preserved as closely as possible to their original form and character. If the character of an area is to be changed, a selected number of these buildings might still be worthy candidates for preservation.

HATCHED - Unrated Buildings

Buildings that have not been given a specific architectural rating are generally twentieth century structures that have no real architectural value. Although some of these buildings have a detrimental impact on the area in which they are located, others are sympathetic to adjoining buildings due to their texture, proportions and massing.

3. District Stability.

An important factor in determining boundaries of historic districts is the idea of creating a uniform street scene and highly identifiable district, both in terms of visual image and land use activity.

In evaluating the boundaries are proposed by the Historic District Study Committee, the guidelines below were followed:

- a) include, as far as reasonable, those contiguous areas which contain a high percentage of historically valuable structures.
- b) eliminate those areas which have deteriorated beyond reasonable hope of resurgence or which contain a high degree of incompatible uses and relatively few historically valuable structures.
- c) because of the general belief that is undesirable to unnecessarily regulate private properties, area in which an immediate need for regulation could not be demonstrated generally were not recommended for inclusion in the proposed historic districts. However, certain instances overriding considerations, such as need for control over major nodes, vistas and open spaces and proximity to areas appropriate for district treatment may prompt the recommendation of questionable area for inclusion in the proposed district.

4. Relationship to Other Public Objectives

A primary need and objective of the City is to increase the City's standard housing stock through rehabilitation and preservation of existing structures.

There is a pressing need to increase home ownership.

There is a need to restore, protect and preserve sites and structures within the community which are of historic or architectural significance. Increases of the City's economic base and employment opportunities are likewise important public objectives.

EVALUATION

Criteria #1 - Consistency with Land Use and Zoning

The proposed Faubourg Marigny Historic District is presently zoned under Historic Marigny Zoning in the "Crianle" area bounded by Esplanade, North Rampart, St. Claude and Elysian Fields. In part, this area is zoned HMR-1 Historic Marigny Residential which includes uses in the Vieux Carre Residential District, less and except multiple family uses. Parts of the triangle are zoned HMC-1 and 2 Historic Marigny Commercial. These districts permit a variety of commercial uses; however, structures are limited to a height of 40 to 50 feet to be consistent with existing low profile development.

Sign regulations under HMC-1 and HMC-2 Historic Marigny Commercial are the same as those of the VCC-1 Vieux Carre Commercial District.

The "rectangle" in Marigny, bounded by Elysian Fields, St. Claude, Press and the River, is presently being examined for possible rezoning. Presently parts of the area are zoned C-1 Commercial, RI-4 Multiple Family Residential and LI Light Industrial. Proposed Historic Marigny zoning consists of areas of HMR2 Historic Marigny Residential and HMC-1 and 2 Historic Marigny Commercial. In addition two new Historic Marigny zoning districts are proposed: an HMR-3 Residential district and an HMLI Light Industrial Zone.

HMLI, Historic Marigny Light Industrial zoning, if adopted, would limit building height to 50 feet instead of 75 feet as under the present Light Industrial Zoning. HMLI zoning would also require individual site plan review of new construction by the Planning Commission. Signs would be regulated as under the HMC-2 Historic Marigny Commercial District.

The regulations of the proposed zoning districts are generally designed to preserve the scale of the buildings and their historic character, as evidenced by the goals of the zoning study:

Criteria #2 - Density and Distribution of Historic Structures

Of the 1700 structures in the proposed Faubourg Marigny District, 784 (46.2%) are rated for their major architectural significance. These are four of national significance (purple rated); 107 buildings of major architectural importance (blue rated); 673 buildings that are architecturally or historically significant (green rated); 281 altered significant buildings (red rated) (17%); 403 buildings important to the scene (gold rated) 24% and 232 unrated structures.

FAUBOURG MARIIGNY HISTORIC DISTRICT

Rating of Building	Number	% of Total
National Importance	4	.2
Major Architectural Importance	107	6
Architectural or Historical Importance	673	40
Important but Altered Building	281	16.8
Contributes to the Scene	403	24
Unrated Buildings	232	13
TOTALS	1,700	100

Only 13% of the buildings in Faubourg Marigny are unrated buildings, that is, modern or possibly detrimental to the historic character of the area. 41% of the structures in Marigny contribute to the scene or are important but altered buildings. These buildings contribute to the overall character of the area and are worthy of preservation. 46.2% of the structures in Marigny should be preserved and protected from unsympathetic modifications and be restored as closely as possible to their original appearance. There is a significant percentage of structures which should be preserved in Faubourg Marigny. This percentage is in excess of the standard normally needed for consideration of historic district treatment.

Criteria #3 - District Stability

The boundaries as recommended by the Study Committee for the proposed district are the center line of Esplanade Avenue, the Mississippi River, Press Street and the rear property lines of the properties on the lakeside of North Rampart - St. Claude, excluding the property on the down-river lake corner of Esplanade and North Rampart which is included as part of the proposed Esplanade District.

The Esplanade-Marigny Historic Preservation Study Committee first examined the boundaries of the National Register Faubourg Marigny District. The National Register boundaries include the land between the center line of the

1. to stabilize Marigny as a residential district
2. to help retain its historical and architectural character.
3. to safeguard it against heavy commercial or industrial intrusions.
4. to discourage excessive residential densities, and
5. to encourage chemaintenance of the viable economic activities of the area.

In the triangle area of Marigny, Historic Marigny Zoning is consistent with the proposed historic district. The zoning proposed in the Marigny Rectangle area zoning is conducive to rehabilitation, rather than redevelopment and would also be consistent with historic districting and its objectives. Except for the industrially zoned area the existing zoning in the rectangle is not dissimilar to that employed in the Lower Garden District Historic District.

The present land use distribution in Marigny is as follows:

CHART

MARIIGNY LAND USE DISTRIBUTION

	Rectangle area % Total	Triangle area % Total	Faubourg Marigny % Total
Single Family	25.6	18%	20.6%
Two Family	48.9	29%	40%
3-4 Family	5.6	25%	15%
Over 4 Family	2.3		2%
Commercial/Residential	5.5	5%	5%
Commercial	6.5	15%	10%
Industrial	0.8	7%	3%
Public/Semi Public	1.1	1%	1%
Vacant Residential	2.1		2%
Vacant Commercial	1.2		1%
Vacant Industrial	0.4		.4%
TOTALS	100.0	100%	100

60.6% of the land use in Marigny is two family or single family residential an additional 17% of the land use is multiple family residential, for a total of 77.6% residential land use in Marigny. 5% of the land use is a combination of residential and commercial uses. 10% of the land use is commercial and only 3% of the land use is industrial. Thus existing land use does not appear to be inconsistent with historic districting.

ground (median) of Esplanade Avenue and the down-
 river side of Press Street right-of-way and between the rear
 property line of the properties fronting on the lakeside of
 St. Claude Avenue and the Mississippi River. The National
 Register boundaries included the downriver side of Esplan-
 ade Avenue between the River and North Rampart as the upriver
 side of this section of the Avenue is included as part of the
 Vieux Carre. The Committee recommended that this section of
 Esplanade should be included in the Faubourg Marigny District
 rather than the Esplanade District due to its relationship
 to Marigny through zoning, continuity and neighborhood iden-
 tity. The boundaries proposed by the Esplanade-Marigny Study
 preservation Committee are as follows:

The Esplanade Avenue centerline boundary abuts the
 eastern boundary of the Vieux Carre Commission boundary
 which extends down Esplanade to the Mississippi River.

Press Street forms the eastern boundary of the Marigny
 Historic District. Press Street, now a railroad artery, is
 a major physical boundary of Marigny.

The northern edge of the proposed Faubourg Marigny
 Historic District consists of both sides of McShane Place -
 St. Claude Avenue from Esplanade Avenue to Press Street.
 On the lake side of McShane Place - St. Claude Avenue 22%
 of the buildings are rated in the categories purple, of
 national importance, blue, of major architectural importance,
 green of architectural or historical importance, and red,
 important buildings that have been altered. An additional
 28% of the buildings on the lake side of St. Claude - McShane
 Place are rated yellow, buildings that contribute to the
 scene. 50% of the remaining property is unrated or vacant.

While this percentage is considerably lower than that
 achieved in the proposed district as a whole, it would
 appear to be within the limits of acceptability for historic
 district treatment.

St. Claude - McShane Place lakeside of street.

3	blue	37
8	green	87
12	red	117
29	yellow	282
38	unrated	371
13	vacant	131
103		1077

In delineating edges of this historic district, both
 sides of St. Claude Avenue should be considered for inclusion
 in the historic district since both sides of the street re-
 late visually and share similar land uses.

The proposed Faubourg Marigny Historic District bound-
 ary extends to the Mississippi River which forms its southern
 boundary, following the precedent of the Mississippi River
 boundary of the Vieux Carre Commission. Due to its charac-
 teristics, it will be examined separately in a later section
 of this report.

Criteria #4 - Relationship to Other Public Objectives

New Orleans neighborhoods are receiving growing ac-
 claim from within and without the City. Tourists and archi-
 tectural historians are becoming as interested in New Orleans'
 varied neighborhoods as in the Vieux Carre.

It is becoming increasingly apparent that the strength
 of the City lies in its neighborhoods. One of the main rea-
 sons New Orleans CMD is one of the strongest in the nation
 is because of the residential strength of the historic
 Vieux Carre. With the energy crisis, problems with suburban
 lowlands settling and flooding, rejuvenating inner city neigh-
 borhoods offer an alternative to these problems.

The neighborhoods are gaining strength and are conserving
 the irreplaceable architectural art of the 19th Century. His-
 toric districting is a most effective way to regulate conser-
 vation of our architectural heritage.

Historic districting is a tool for achieving several
 major planning goals:

1. the revitalization of inner city neighborhoods
2. the preservation of historic buildings to further
 the public health and welfare of the City, both
 psychologically by maintaining important links to
 the area's history
3. reduction in unemployment by increased renovation/
 construction activity
4. the enhancement of pedestrian amenities
5. the conservation of energy with increased public
 transit opportunities
6. reinforcement of the City's tourist industry
7. stabilization and improvement of property values
8. fostering of civic beauty
9. encouraging economic development

While discussed more fully in a later section of
 this report devoted to the Mississippi River boundary,
 it should nevertheless be pointed out here that utiliza-
 tion of historic districting must recognize the importance
 of the continued economic growth through industrial activities
 as well as residential renovation.

Power and Duties of New Orleans Historic District Landmarks

The Historic District Landmarks Commission regulates style, scale, material, size and location of outdoor advertising signs within an historic preservation district.

The Historic District Landmarks Commission regulates style, scale, material, size and location of outdoor advertising signs within an historic preservation district.

No buildings or edifices including fences, boundary walls, signs, light fixtures, steps over 7 rises and paving may be erected until after a certificate of appropriateness has been approved by the commission.

Commission control over "exterior architectural features" includes but is not limited to the architectural style, general design and general arrangement of a structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors and signs.

The Commission does not consider interior arrangement or use.

The Commission regulates those outside surfaces of a building that can be viewed from a public right of way or street.

The existing staff of the HDLC would serve the Faubourg Marigny Historic District as well as the existing historic districts under their jurisdiction.

Commission Membership

The ordinance creating and empowering the HDLC states that "for each historic district created by the City Council, not less than one (1) member shall be appointed (whether by appointment or reappointment) who shall be a resident or property owner within said historic district." The Esplanade Marigny Preservation Study Committee proposed that the current New Orleans HDLC membership be increased by two members to represent the residential community and one representing the Faubourg Marigny Businessmen's Association.

The Commission presently consists of 3 members owning property in the Lower Garden District, 1 member owning property on St. Charles Avenue, and 5 at large positions. Two at-large memberships will expire in March of 1979.

It is not unreasonable that Marigny could have an additional "at large" member on the Commission to assure that there would be a representative of the residential community as well as the business community. About 15% of the land use in Marigny is commercial. Adding to this the 37 industrial land use, the total 52% commercial/industrial uses in Marigny does not seem to mandate an additional formal representative on the commission. The Commission is limited to 15 members, however. Other districts with a smaller or higher mix of commercial uses would want to follow the precedent of Marigny. Thus, if deemed appropriate, it would be possible to allow Marigny more representation through replacing an at-large member with a person owning property in Marigny following the example of the Lower Garden District representation, rather than to mandate two members from Marigny at the present time.

At least three additional historic districts can be anticipated for regulation by the Historic District Landmarks Commission. Since the commission is limited to 15 members, representation for these districts must be considered.

Mississippi River Boundary

Due to its peculiar characteristics the proposed Mississippi River boundary will be separately analyzed below according to the four criteria used in evaluation.

Criteria #1. Consistency with the zoning ordinance and land use.

Historic Marigny Light Industrial Zoning. If approved for this area, would limit building height to 50 feet instead of 75 feet as under present Light Industrial zoning. HDLC zoning would also require individual site plan review of new construction by the Planning Commission.

3% of the land use in Marigny is light industrial. Most of the industrial building between Decatur St. and the Mississippi River are recently erected metal buildings for such uses as a paper company and a storage and forward company. Changes in these new buildings seem unlikely for the present time.

The industrial corridor along the Mississippi River also includes the public belt reservation and public wharves.

By Resolution 78-131 passed by the City Council, August 17, 1978, the New Orleans Historic District Landmarks Commission will review exterior alterations of all public buildings located within the several historic districts in the City.

If the industrial area between Decatur Street and the Mississippi River was included in the Historic District, new construction, demolition, exterior building alterations, signs, light fixtures and paving would be regulated by the HDLC.

According to the legal opinion of the city attorney's office (September 12, 1978 attached), the regulatory requirement for a Certificate of Appropriateness as to exterior architectural changes does not apply to the public wharves. The Dock Board must however, seek the advice of the HDLC prior to the initiation of any substantive change, modification, renovation, restoration, alteration, construction or demolition.

Land use between Decatur Street the Mississippi River from Elysian Fields to Press Street is 90% Industrial, 10% commercial. Industrial Land Use is not necessarily incompatible with historic districts the New Orleans Warehouse District in the CBD.

Criteria #2. Density and Distribution of Historic Structures

There exists between Decatur and the River between Elysian Fields and Press Street seven squares of unratd buildings used for light industry. The only rated buildings are a NOPSI substation on Elysian Fields which is rated "important" and a "cotton" warehouse used by the railroad for storage which is rated of major architectural importance. All the other buildings on these seven squares are modern warehouse buildings which have some negative visual impact on the area.

Thus, the density and distribution of historic structures does not support the need for historic districting between Decatur Street and the Mississippi River to Press Street.

However, since the building designated of major architectural importance (at Press and Decatur) occupies an entire square and adjoins squares with rated structures this criteria may be fulfilled for that single square.

Criteria #3. District Stability

An important factor in determining the boundaries of this historic district is the idea of creating a uniform street scene and a highly identifiable district, both in terms of visual image and land use activity.

As with the Vieux Carre, the Mississippi River bounds the southern part of Faubourg Marigny. All factors being equal, the most stable district boundary would be the Mississippi River. Visually the light industrial/modern warehouses constitute a major change from the small scale historic residential structures. The study committee felt that "potential pressures for redevelopment are expected in this area and any redevelopment should be compatible with the rest of the district as this strip has a strong visual and neighborhood impact on the adjacent area."

Where there is a need for control over major nodes, vistas and open spaces and proximity to areas appropriate for district treatment, for inclusion in the proposed district. Similarly, where an area changes character drastically some modified form of historic district treatment may be more appropriate.

Inclusion of this area of warehouses would mean that the Historic District Landmarks Commission would control demolition, new construction and exterior buildings alterations. Fences, boundary walls, signs, light fixtures, steps and paving cannot be erected, altered, moved or demolished until after a certificate of appropriateness has been submitted and approved by the New Orleans HDLC.

Control of exterior architectural features for new construction would include "but not be limited to architectural style, general design and general arrangement of the exterior of a structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors and signs." The style, scale, materials and location of outdoor advertising signs and bill posters within a district is also under the control of the Commission. Ordinary maintenance or repairs which do not involve a change of design, material, or of the outward appearance of a building need only a certificate of appropriateness from the HDLC staff. Most of the land is presently occupied by new buildings, so not much new construction is expected.

Alternative Historic District Treatments:

In order not to unnecessarily regulate private properties, this seven block area from Decatur Street to the River, from Elysian Fields to St. Ferdinand Street, could be included in the proposed Faubourg Marigny Historic District under altered authority, so that under one possible treatment (#2 below) these industries must seek the advice of the HDLC prior to the initiation of any substantive change, modification, renovation, restoration, alternation, construction or demolition. This control would be similar to the type of control that the HDLC would have with the Dock Board with any public wharves in historic districts.

There are at least three alternative historic district treatments for the subject area:

- 1) Demolition Control only - the Historic District Landmarks Commission would thus control whether a structure could be demolished or not but would have no control over the architectural appropriateness of new construction.
- 2) Advisory review - this Historic District Landmarks Commission would have to be consulted for advice on all permit application in the area. While it would not provide any measure of absolute architectural control for the area, it coupled with proposed Historic Marigny Light Industrial Zoning may encourage new construction more in accord with properties which would be receiving full historic district regulation.

SUMMARY

- 3) Include square at Press and Decatur which includes the property classified of major architectural importance in the area designated for full historic district regulation. This could allow a flexibility of regulation in the industrial area without doing violence to the criteria of district stability.

Criteria #4 Relationship to other Public objectives.

There is a pressing need to upgrade the older housing stock in the city. There is also a need to retain the city's industries. However, industries which abut residential areas may have a blighting effect on those residential areas, which can result in the deterioration of the residential area. This blight can be alleviated through the use of landscaping screens and sensitive location of truck loading zones. These adjacent uses have been somewhat viable in the past. Reasonable control over industrial uses need not damage necessarily the viability of these industries.

Similarly, of great importance is the encouragement of economic development activity both existing and potential. There does appear to be viable existing industrial usage in the 7 block area, the prospects of industry remaining in the area in the immediate and medium range future appear good. The compatibility of existing industrial uses with residential uses to the north may be improved substantially over a period of time through various buffering treatments e.g. tree planting, traffic routing and the proposed HMLI zoning, if enacted. It is not certain, however at this time whether the HMLI zoning proposed will become a reality.

Thus, while the utilization of full historic district regulation, (demolition control, permit or architectural review and advisory functions) may be considered of some to be at cross purposes with economic development objectives, a modified treatment (perhaps advisory powers only), certainly would not work against the city's economic objectives.

Suggestion - Seven block area south of Decatur Street

Although the analysis presents valid arguments for including all or part of this area for advisory treatment only, nevertheless, because of the factors favoring inclusion of the area under full historic district treatment as recommended by the Mayor's Advisory Committee as discussed above, the Commission may wish to include this area under full historic district treatment.

1. The boundaries of the proposed Faubourg Marigny Historic District shall be as recommended by the Study Committee: the center line of Esplanade Avenue, the Mississippi River, Press Street, and the rear property lines of the properties on the lakeside of North Rampart-St. Claude, excluding the property on the downtown river lake corner of Esplanade and North Rampart.
2. It is suggested that the current New Orleans HOLC membership be increased by one member to represent the Marigny neighborhood.
3. Full Historic District Authority be exercised in the seven block area south of Decatur Street.

DISCUSSION: (September 20, 1978)

The Director/Secretary indicated that the subject report would not be ready until Friday, September 22, 1978. He pointed out that the Commission's recommendations on the proposal must be rendered at its next meeting (October 3, 1978), the deadline for action being October 15, 1978 and there being no scheduled meetings between the next meeting and the official deadline for action.

Copies of the staff's report, it was indicated, would be forwarded to the Commission members next week in order to facilitate review of the report, prior to the October 3rd meeting.

Upon receipt of the foregoing information, the following motion was made by Mr. Favrot, seconded by Mr. Montelepra, and adopted.

MOTION:

Be it moved by the City Planning Commission that the Commission hereby recommends deferral of the Mayor's Study Committee's Recommendations - Marigny Historic District until the Commission's next meeting of October 3, 1978.

YEAS: Barnett, Colbert, Favrot, Grandbouché, Montelepra, Saputo, Stampley

NAYS: None

ABSTENTIONS: None

RECUSALS: None

ABSENT: Perez, Turner

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL, _____

CALENDAR NO. _____

NO. _____, MAYOR COUNCIL SERIES _____

BY: _____

AN ORDINANCE creating and establishing the boundaries for the Faubourg Marginy Historic District, assigning the powers of administration of the Districts to the New Orleans Historic District/Landmarks Commission; and declaring the necessity for the creation of such districts to preserve and enhance the health and welfare of the City of New Orleans.

WHEREAS: the areas herein defined as the Faubourg Marigny Historic District represents important historical and architectural sections of the City of New Orleans and should be preserved to enhance the public health and welfare of the City, and

WHEREAS: the "toute ensemble" or total environment of this important section of the City of New Orleans is threatened by the destruction of some of its important structures and the intrusion of incompatible structures within its boundaries, the Council of the City of New Orleans hereby deems it necessary to halt such deterioration and enhance the environment of the District by the passage of this ordinance.

1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY
2. ORDAINS THAT:
3. Section 1. Purposes. The purpose of this ordinance is to
4. promote the educational, cultural and general welfare of the
5. public through the preservation and protection of buildings, sites,
6. monuments, structures and areas of historic interest or
7. importance within the boundaries of the Faubourg Marigny
8. Historic District; to safeguard the heritage of the City by
9. preserving a district which reflects elements of its cultural,
10. social, economic, political and architectural history; to strengthen
11. the City's economic base by the stimulation of the tourist industry;
12. to establish and improve property values; and to foster the
13. economic development of the area affected.

1. Section 2. Boundaries of the District. This ordinance establishes
2. the Faubourg Marigny Historic District consisting of all
3. properties within the following boundaries:

4. Commencing at the intersection of Esplanade and N. Rampart Avenues, the point of beginning, thence in a northeasterly direction along the rear property lines of the properties on the lake side of N. Rampart to the center line of St. Bernard, thence continuing in the same direction along the rear property lines of the properties on the lake side of McShane Place to the center line of St. Anthony St., thence in a easterly direction along the rear property lines of the properties on the lake side of St. Claude to the center line of Press Street, thence at a right angle and in a southerly direction along Press Street to the projected intersection of Press Street and the Mississippi River, thence at an angle and in a westerly direction along the bank of the Mississippi River to the intersection of the River and the projection of the center line of Esplanade Avenue, thence at an angle and in a northwesterly direction along the center line of Esplanade Avenue to the Center line of N. Rampart, the point of beginning, less an except lot #2 Square 180 at the corner of N. Rampart and Esplanade Avenue.

1. Section 3. Administration of the District. The historic district
2. created by this ordinance shall be governed and administered by
3. the New Orleans Historic District/Landmarks Commission in
4. accordance with the provisions of Ordinance #5992 M.C.S. of the City
5. Council creating such Commission, the Ordinance or other action
6. of the City Council approving its rules, regulations, policies,
7. procedures, or any other ordinances enacted by the City Council
8. respecting such Commission and any amendments to said
9. ordinances.

1. Section 4. Powers and Duties of Commission. In administering
2. the Faubourg Marigny Historic District, the New Orleans
3. Historic District/Landmarks Commission shall exercise all of
4. the powers and duties granted to such Commission by the New
5. Orleans City Council.

1. Section 5. Severability. If any provision or item of this
2. ordinance or the application thereof is held invalid, such
3. invalidity shall not affect other provisions, items or applications
4. of this ordinance which can be given effect without the invalid
5. provisions, items, or applications and to this end the provisions
6. of this ordinance are hereby declared severable.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS

VICE PRESIDENT OF COUNCIL

Delivered to the Mayor on _____

Approved: _____

MAYOR

Returned by the Mayor

on _____ at _____

CLERK OF COUNCIL

March 8, 1978

Recommendations of
The Esplanade-Marigny Historic Study Committee

The Esplanade-Marigny Historic Preservation Study Committee was established on August 1, 1977 by City Council Resolution #77-177, for the pupopose of investigating historic preservation districts for the Faubourg Marigny and Esplanade Avenue areas as outlined in State Act 804. This Committee has been meeting since August and has developed recommendations concerning the two areas.

The Committee's investigation included a bus tour of both areas, an evaluation of an up to date structure-by-structure inventory of architectural significance for both areas supplied by the Historic District Landmarks Commission's staff, a review of State Act 804 and Ordinance #5992, M.C.S., which empowers the Historic District Landmarks Commission, and the operation of the two existing historic districts under the Commission's jurisdiction. After reviewing and discussing the above information the Committee developed the following recommendations:

1. Esplanade Avenue

Development of this affluent Creole residential area along the Esplanade Ridge began as early as 1810 in the section adjacent to the French Quarter. The ridge, a natural land formation stretching 3.3 miles from the river to Bayou St. John has one of the highest elevations in the city making it an ideal area for residential development. Although improvements continued during the early nineteenth century in the section between Decatur and Rampart the area lakeside of Rampart Street remained primarily rural in character until the mid century. The Anglo-American influence in New Orleans had become so significant by this period that the architectural styles of the residences built on the Avenue from the 1850's onward parallel those seen in the American community, such as along St. Charles Avenue. Though the styles and character of the buildings on the two avenues are similar, there are nearly twice as many nineteenth century structures remaining on Esplanade as compared to St. Charles.

The continued development toward the bayou was aided by the construction of railroads and streetcar lines, such as the Esplanade and Bayou Bridge line streetcar that ran between 1863 and 1913. The gradual developmental progression from the river to the bayou is reflected in the variety of types and styles with the section from the river to Broad Street dominated by creole cottages and townhouses built in the Greek Revival and Italianate styles. Between Broad and Bayou St. John, however, there is a predominance of various Victorian-era, Edwardian and early twentieth century styles.

Insert A - member's consideration:
In its consideration of the Esplanade Avenue District, the Committee also examined the areas adjacent to the Avenue both upriver and down river. Between Rampart and Bayou St. John, Esplanade Avenue passes through several distinct neighborhoods including Treme, New Marigny, Faubourg St. John, and Faubourg Pontchartrain. While the Committee's investigation found that these areas contain a high concentration of architecturally significant structures which provide support and continuity to the Esplanade Avenue area, the committee felt that the Avenue also acts as an entity unto itself. The quality of the existing architectural inventory more than justifies the creation of this area as a distinct linear district. Also, the Committee felt that the consistent character and high concentration of architecturally significant structures dictated the inclusion of the entire Avenue between N. Rampart and Bayou St. John.

Therefore the Committee recommends the creation of an Esplanade Avenue Historic District, which generally encompasses properties which act as visual elements contributing to the total character of the Avenue between N. Rampart and Bayou St. John. The Committee felt that it was necessary to include some properties which did not front on Esplanade Avenue but acted as an integral part of the area due to the series of intersecting streets and the related triangular open spaces. ^{The} Ratings of architectural significance for the proposed Esplanade Avenue Historic District

have been given to you by the Historic District Landmarks Commission and attest to the richness and great architectural integrity of Esplanade Ave.

include four purple rated buildings (including one site),
 thirty six blue rated buildings (including one site), 68 green
 rated buildings, 33 red rated buildings, 91 gold rated buildings,
 and 41 unrated buildings.

It is recommended that the New Orleans Historic District Landmarks Commission exercise all of the powers and duties which have been granted to it by Ordinance #5992 M.C.S. over the Esplanade Avenue Historic District, including regulation of exterior alterations visible from a public street, new construction, demolition, and signs. Attached to this report is a draft ordinance for the creation of the Esplanade Avenue District. As per Ordinance #5992 M.C.S., it is recommended that the current New Orleans HDLC membership be increased by at least one member to represent the Esplanade Avenue District.

At the time of the draft of this document it was felt that
~~Furthermore,~~ in so far as the areas adjacent to Esplanade have been evaluated through tours and ratings, the Study Committee agrees that, based on sound planning principles, the integrity of these areas should be preserved as individual neighborhoods. Therefore, the committee recommends that the City Council examine these areas for possible districting through future study committees. The committee is concerned, however, with the effect of historic districting on the area directly adjacent to the Avenue and the speculative demolition pressures that may result. Therefore, the committee recommends the imposition of a moratorium over this buffer area which includes properties in a two block area to either side of Esplanade. The area recommended for this moratorium on the up river side of Esplanade includes all properties between Esplanade and the rear property line of lots on the uptown side of Ursuline between Bayou St. John and Claiborne and between St. Philip and Esplanade in Tremé. On the down river side of Esplanade, the area should include those properties between Esplanade and the rear property lines of lots on the down river side of St. Bernard between N. Rampart and Claiborne, between Esplanade and the rear property lines of lots on the down river side of Laharpe Street between Claiborne and Bayou Road, and then

along Bayou Road to the rear property lines of lots along Fortier Street encompassing all properties between Esplanade and the Fairgrounds.

During its examination of the Esplanade Avenue area there was extensive discussion on the environmental quality and character of the neighborhood, which has historically always been a residential street. The committee feels the need to express its concern that the applicability of the Adaptive Use Ordinance should not alter the intent of the recommendation that Esplanade Avenue be designated as a local historic district. The study committee has determined that the area within the proposed Esplanade Avenue Historic District is highly qualified for historic districting both by virtue of its outstanding architectural inventory and its historical significance in the development of the City of New Orleans.

Insert B
2. Faubourg Marigny

The Faubourg Marigny, which dates from 1805 when the streets were laid out by Barthelome Lafon for Count Bernard Xavier Phillippe de Marigny de Mandeville, is today a viable community of 19th and 20th century culture and urban development. Marigny originally included only that area extending from Esplanade Avenue to Franklin Avenue and from St. Claude to the river. Today, however, Marigny as a functional neighborhood includes the area between Franklin and Press Streets. Count Marigny sold his small lots to French, Spanish and German immigrants, Creoles and to free people of color. As the residents became more affluent, the original small cottages were replaced by larger Creole cottages. By the mid-nineteenth century, the residences being built reflected American-influenced styles including the Greek Revival and Italianate. Various Victorian, Edwardian and early twentieth century styles are also found primarily in the rectangle that encompasses the area downriver of Elysian Fields Avenue.

In addition to it being a residential area, industry and commerce has played an important part in the development of Faubourg Marigny. During the nineteenth century, the area now known as Marigny had brickyards and lumberyards; rice, sugar and cotton mills; and warehouses. Press Street, which now

serves as a railroad artery, derives its name from the large cotton press that once stood at Press and the river. Although the press no longer exists, many of the original surrounding warehouses still stand and are used along side of newer warehouses. Faubourg Marigny also includes commercial areas, principally those along St. Claude Avenue, Frenchmen Street and Elysian Fields.

In its evaluation and examination of the Faubourg Marigny area the Committee first examined the boundaries of the area which was included in the National Register Faubourg Marigny District. The National Register Boundaries included the downriver side of Esplanade Avenue between the river and N. Rampart, as the upriver side of this section of the Avenue is included as part of the Vieux Carre. The Committee concurred that this section of Esplanade should be included in the Faubourg Marigny District rather than the Esplanade District, due to its relationship to Marigny through zoning, continuity, and neighborhood identity. In regard to the other National Register boundaries, the Committee decided it would be inappropriate to expand upon them as these boundaries already reflect a sense of neighborhood identity and continuity; therefore the areas adjacent to the National Register District were not rated.

The committee found that the architectural inventory of the district indicates a high intensity of architecturally important structures as well as a strong sense of visual continuity within the area. Therefore, the committee recommends the creation of the Faubourg Marigny Historic District over which the Historic District Landmarks Commission would exercise all powers and duties granted it by the City Council including regulation of exterior alterations visible from a public street, new construction, demolition, and signs. The boundaries for the proposed district are Esplanade Avenue, the Mississippi River, Press Street, and the rear property lines of the properties in the lake side of N. Rampart-St. Claude, excluding the property on the down river lake corner of Esplanade and N. Rampart which is included as part of the proposed Esplanade District. A draft ordinance for the creation of the Faubourg Marigny District is attached to this report.

Ratings of architectural significance for the proposed Faubourg Marigny Historic District include 4 purple rated buildings, 107 blue rated buildings, 673 green rated buildings, 281 red rated buildings, 403 gold rated buildings and 232 unrated buildings. As per Ordinance #5992 M.C.S., it is recommended that the current New Orleans HDLC membership be increased by two members to represent the Faubourg Marigny District; one to represent the residential community and one representing the Faubourg Marigny Businessmen's Association.

Although the blocks between Decatur and N. Peters do not contain the concentration of significant buildings as does the rest of the area, the Study Committee recommends that, based on sound planning principles, this industrial strip should be included in the district. Potential pressures for redevelopment are expected on this area and any redevelopment should be compatible with the rest of the district as this strip has a strong visual and neighborhood impact on the adjacent area. Similarly, on the St. Claude-N. Rampart edge of the district, although this commercial strip contains many unrated mid 20th century intrusions, there still exist enough rated structures to warrant its inclusion in the district as it has such a strong visual influence upon the remainder of the district.

In its examination of the Faubourg Marigny area the committee took into consideration the Historic Marigny zoning which is in effect in the triangular portion of Marigny, bounded by Explanade, Elysian Fields and N. Rampart, and proposed for the remaining area. The committee felt, however, that this special zoning is not sufficient to protect the outstanding architectural inventory and environmental quality of the Faubourg Marigny area.

In the Study Committee's investigation information was gathered from various sources including the Friends of the Cabildo's New Orleans Architecture, Vol. 4: The Creole Faubourgs and Vol. 5: The Esplanade Ridge, the National Register Application for Faubourg Marigny, and individual staff and committee research.

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The Esplanade-Marigny Historic Study Committee concludes that Esplanade Avenue and Faubourg Marigny are highly deserving of the prestige and protection that designation as local historic districts will bring to these areas. The Committee sincerely hopes that the Council and City Planning Commission will concur with its recommendations.

Respectfully submitted

Eugene D. Cizek

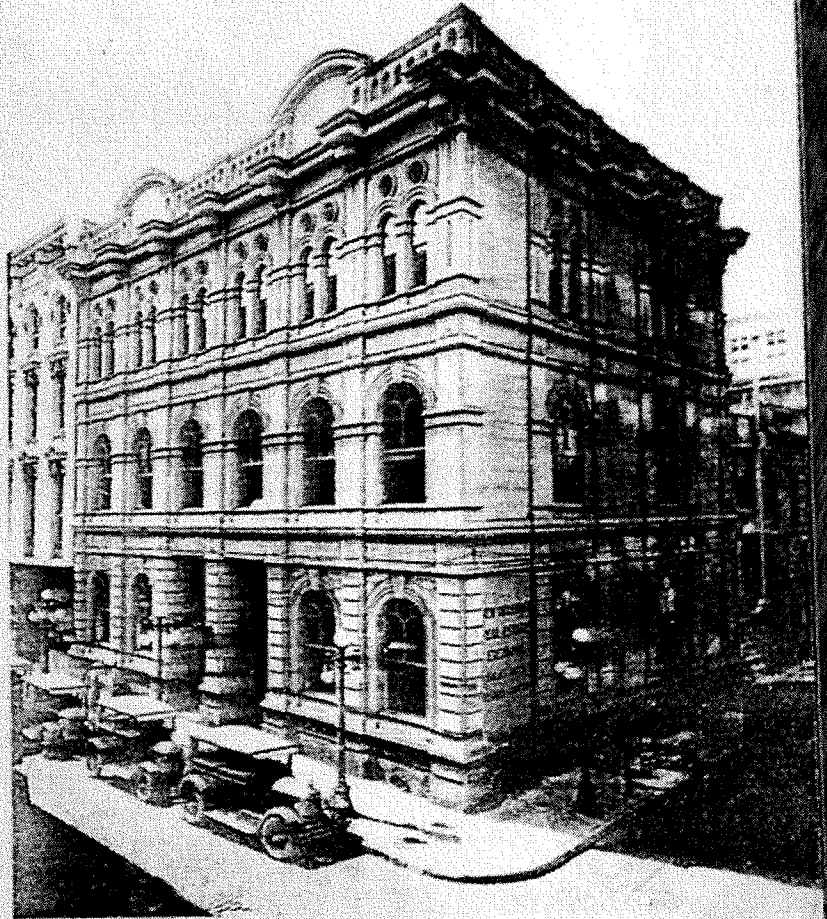
Eugene D. Cizek, Chairman
Esplanade-Marigny
Historic Preservation Study
Committee

Committee Members:

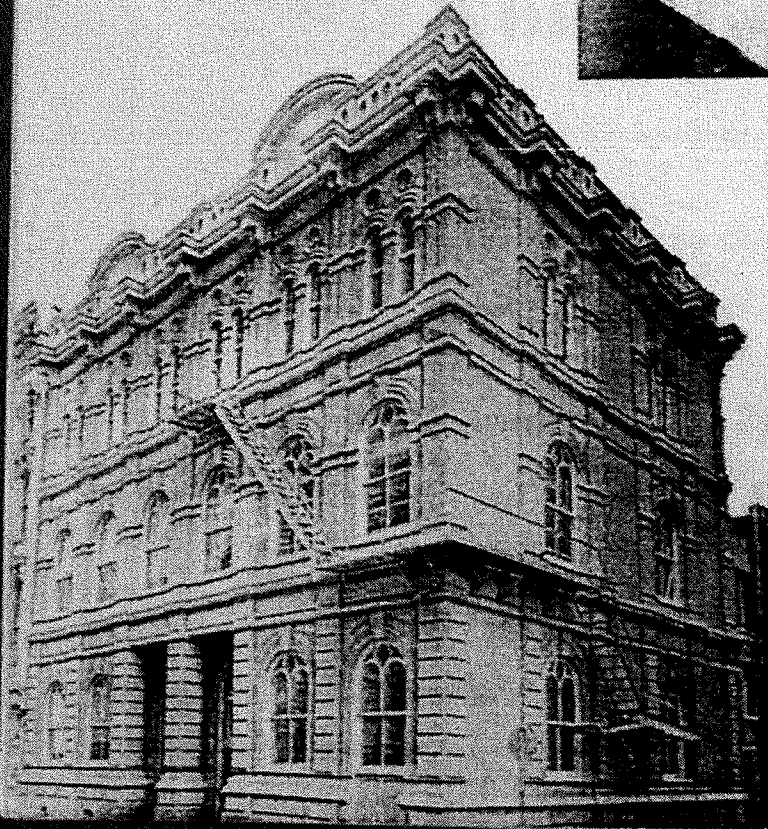
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EUGENE D. CIZEK

Eugene D. Cizek is an Assistant Professor at Tulane University in charge of the urban design program in the School of Architecture and Urban Studies Institute. He has also taught in the School of Environmental Design at LSU in Baton Rouge. He holds memberships in the American Institute of Architects, the American Institute of Planners, the American Association of University Professors, Who's Who in the World, Who's Who in America and its Board of Selection, Louisiana Landmarks Society, Friends of the Cabildo, Esplanade Avenue Improvement Association, Vieux Carré Property Owners Association and Board of Directors, and the Faubourg Marigny Improvement Associ-

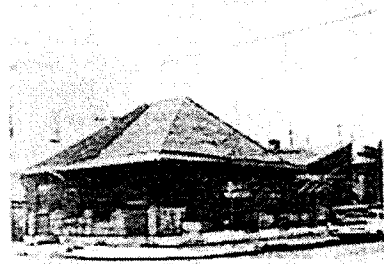
Preservation In Faubourg Marigny

By EUGENE D. CIZEK

ation, Board of Directors, and past president. He has a Bachelor of Architecture from LSU, Master in City Planning and Urban Design from MIT, Doctoral in Stedebouwkunde Ingenieur from Delft Technische Hogeschool as a Fulbright Scholar to Holland, and is a candidate for the Doctor of Philosophy Degree in the Social Psychology of Environmental Design at Tulane University. He also maintains a consulting practice in architecture, urban design, city planning and environmental design. He has practiced locally, nationally and internationally.

After Napoleon's rise to power in 1803, Louisiana once again became a French Province. However, with the increasing power of the British and Napoleon's fear that he might not be able to maintain his control over

Louisiana the entire territory was sold to the United States of America. The Creoles did not rejoice over (Continued on Page 16)



A rare early Creole Cottage for restoration.

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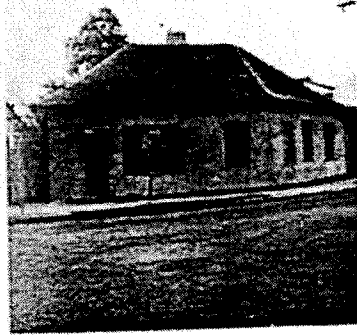
Preservation In Faubourg Marigny

(Continued from Page 4)

their new rulers but accepted the Americans as they had the Spanish. They were frustrated by the lack of support from their beloved France but had learned to overcome the constant political changes. They were Creoles; French, Spanish, American Indian and African; proud and independent, who had created from the wilderness and swamplands a city of culture and creativity second to none in the New World.

As the Americans took possession of their new found gem, New Orleans, the streets of the Vieux Carre were extended uptown across the "neutral ground" of Canal Street to connect with Faubourg St. Mary, the American section. The Creoles of the Vieux Carre also prospered and expanded to form Faubourg Tremé.

Immediately downtown from the Vieux Carre was the plantation of Count Bernard Xavier Phillippe de Marigny de Mandeville, perhaps the



The legendary "Count Marigny's Casino" where the game of craps was introduced to the New World on Bourbon Street at Pauger Street.

most colorful and important personage of this continuity within a changing political world. The plantation ran from St. Claude Avenue to the Mississippi River and from Esplanade Avenue to Franklin Avenue. In the pressure of expansion Count Marigny was forced to abandon his ambitious plans to develop his plantation into a grand Paris of the New World. Thus the quaint and diverse urban development called Faubourg Marig-



2111 Dauphine Street. Home of Cecil Burglass, Jr.

ny evolved, built by the Creoles and other Latin orientated immigrants.

Count Marigny has often been credited with saving the Vieux Carre and other downtown areas from becoming the center for quick change and speculation. Even the Americans, despite their great vitality and desire to surpass the Creoles in grandeur, were deeply influenced by their philosophy. Only until recent decades has the "City that Care Forgot", the "City that Slept", the city that was a "world of its own unique

(Continued on Page 18)



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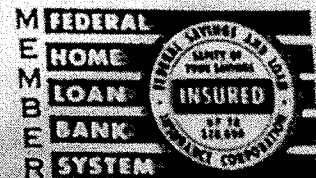
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Preservation In Faubourg Marigny

(Continued from Page 16)

character" awaken to become perhaps the greatest center for growth and development in the South.

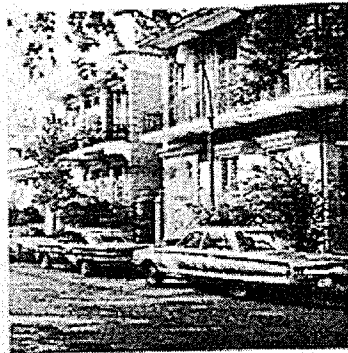
Change is inevitable; it creates in its own way the delight and greatness which is New Orleans. Planners and environmental designers from throughout the world have recognized the unique regional urban design, planning, and development potential of New Orleans. This uniqueness has maintained a viable CBD while other cities died; it has strengthened a base for tourism of local, national and



2231 Royal Street. Home of Mr. and Mrs. Irving Novick.

international fame.

Unfortunately there are those who call the new and old residents of the Vieux Carre, the Lower Garden District, Central City, Faubourg Tremé, Faubourg Marigny and all their extensions of growth the inhibitors of change, growth and progress. Those who do so merely show their ignorance of the jewel they possess; they want to commercialize and depreciate as quickly as possible their unique asset. The over-commercialization of the French Quarter speaks loudly of



Esplanade Avenue Mansion on the "unprotected side of the Vieux Carre and in Faubourg Marigny."

this. The inner cities within the city that is New Orleans are the life blood and perhaps dominant reason for why there is a Dome Stadium, a vital Canal Street, and CBD.

The Faubourg Marigny Improve-



A complex of newly restored buildings on Elysian Fields Avenue at Royal St.

ment Association, now barely a year old, was founded by long time residents, newcomers and responsible urbanites who see in the slightly tarnished cottages of Faubourg Marigny

(Continued on Page 24)

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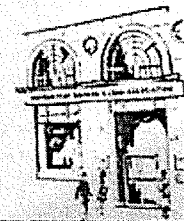


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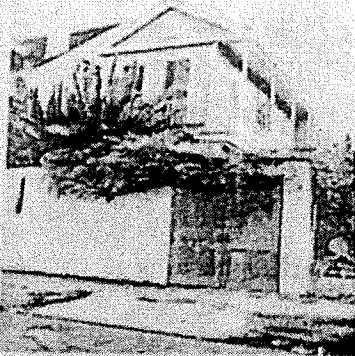
Preservation In Faubourg Marigny

(Continued from Page 18)



A typical Neighborhood corner bar where life goes on 24 hours a day.

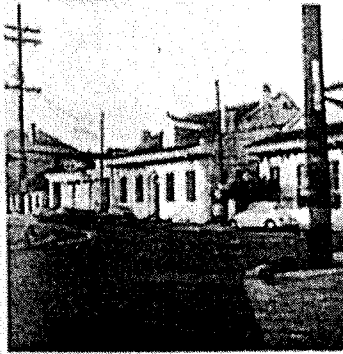
a life and vitality that is far more real and important than a shiny new automobile. They see houses with more character and flexibility than new ones in suburbia; houses made of wood that can no longer be duplicated in strength and resistance to this rabid and yet unusually desirable New Orleans climate; houses that have survived the hurricanes and great storms; houses that have been adaptable for new residents and continue to serve old residents; houses on the strange and confusing bended grid pattern streets of Faubourg Ma-



A late 19th Century "world of its own" on Kerlerec Street.

rigny that still live and breath strongly and forcefully.

Faubourg Marigny is a living museum of late Eighteenth, Nineteenth and Twentieth Century architecture. It is predominantly an area of one



Terry Flatrich's 1830's Creole Cottage at the end of Bourbon Street.

and two story cottages of brick, wood and pride. Loving old residents stayed on to maintain their homes while new residents, often guided by responsible Realtors were sensitively matched to houses. Speculation has taken its toll in neglect and inflated land and housing prices, but it has also provided an impetus to restore, to rehabilitate, to conserve and work toward the betterment of a new Marigny.

Fortunately for Faubourg Marigny many old and new residents and concerned citizens care enough to maintain the "people charm" that has always been there. One does not move there to become a recluse. Everyone



922-26-28 Kerlerec Street.

cares while everyone tends to "live and let live" in the true Creole philosophy. Many older residents say Marigny is "like the Quarter used to be". It perhaps is, but it is more; Faubourg Marigny exemplifies the new sense of pride and desire for a better way of life in New Orleans.

The existing enthusiasm is great and increasing despite the problems which must be overcome. The people

realize that their votes count, and to achieve change they must work with their governmental representatives. Councilman Lambert has taken a great interest in the current activities of Faubourg Marigny. Through his support Washington Square will hopefully be restored into a place for the residents of the area and not the current public eye sore which exists due to misuse by outsiders. He has fought for a better routing of the buses through the area and to activate a long overdue rezoning to turn commercial areas back to residential protection as well as to recognize the architectural and human worth of sensible scale and density in the area.

Faubourg Marigny represents what is New Orleans. It is best experienced by walking its quaint streets and talking to the friendly residents



A major neighborhood landmark and laundromat in need of restoration at Kerlerec and Dauphine Streets.

of the neighborhood. Even if language is a barrier, a smile will suffice. Restoration and rehabilitation abound.

Man has built his environment; it has affected his actions whether he realizes it or not. The future of all New Orleans and Faubourg Marigny is greatly affected by its Realtors. This is a great responsibility. Hopefully the Realty, the related banking and other professional organizations will look closely at all of New Orleans. The citizens of Faubourg Marigny invite you to help them and in return they will help you. One only has to ask those who have cared about what has happened in Faubourg Marigny to find out that it is worthwhile becoming involved.

The New Orleans Realtor



6-12-17 FMIA comments on the May 2, 2017 CPC Riverfront Overlay Study

In 1971, Mayor Moon Landrieu commissioned a study to examine the potential of historic zoning as an economic development tool. Because of this study, the FMIA was founded in 1972, protecting and cultivating this neighborhood, which was then placed on the National Register of Historic Places in 1974 and designated a local Historic District in 1978. The City Planning Commission (CPC) was a partner in all of these endeavors, which culminated in Historic Marigny Zoning. Through these dogged efforts, we have gone from a neighborhood in which no one could get a bank loan or homeowners insurance, to a historic jewel. It is from this history that we come to you today to advocate for protection of our neighborhood's history.

The New Orleans City Council has directed the City Planning Commission to study "whether the contemplated bonuses and design requirements are appropriate to incentivize development in a manner consistent with the Master Plan." We are at issue with this, because:

- All special design requirements have been removed.
- No consideration has been given to the possible impact of the physical weight of larger buildings on the seven (7) squares in Marigny, close to the levee wall. In Post-Katrina New Orleans, assuming it's safe because it is on the high ground of the "sliver by the river" could put the city's safety at risk.
- We would like to require U.S. Army Corps of Engineers core sample reports before final approval is given to this study.
- We would like the CPC to require a traffic study before this is enacted. The findings could significantly alter the parameters.
- The study claims (p. 6) to "respond to the unique historic character of Marigny and Bywater neighborhoods," yet we believe it is in direct conflict with several tenets of the Master Plan, including:

VISION STATEMENT: New Orleans 2030 A master plan for the 21st century | 5.3 "New buildings and public spaces benefit from the lessons learned from the city's historic neighborhoods – buildings that embody qualities of human scale, sustainability, façades that frame and enliven public



streets, and a sense of responsibility for the civic quality of the neighborhoods and districts they help build."

Chapter 7 | historic preservation Community Issues: Preserve neighborhood character.

Overwhelmingly, the post-Katrina UNOP and Lambert Neighborhood plans identify the preservation of the overall "character" of neighborhoods as a top priority.

- This plan further disconnects Marigny from the Master Plan (p. 3 and 25) by stating in Article 14 of the Land Use Plan chapter deems RIV to be "Appropriate and consistent " by specifying:

"Create neighborhood centers with a mixture of higher density housing, retail and other uses at neighborhood edges on underutilized industrial/commercial land..." and "Take advantage of vacant land on higher ground for higher density uses."

- The statement (p. 36), "In the Marigny Rectangle, it is not as clear which street frontages would be most appropriate for active ground floor uses. With four street frontages, the [7] squares in Marigny may not be able to support ground floor commercial on all sides," conflicts with the suggestion to " Create neighborhood centers..."

The FMIA does not advocate vacant and underused land, but we do we promote sensitive development that compliments and enhances the established community. Building an out-of-scale environment does not accomplish the goals of the Master Plan "top priority" of protecting Historic Character.

- While the history of separation of this area from the actual center of the neighborhood is true: "building a commercial barrier between the residential city and the Mississippi (P. 18)," *AND* "The Riverfront Overlay is separated from surrounding residential areas by street rights-of-way." (P. 26), this problem is not corrected by building out-of-scale structures that will make this separation permanent.

In the Historical Overview section of the study, Sanborn maps are included with the explanation, "while they do not indicate heights, (P. 9), they do reveal the number of stories within a given structure." The tallest structures were all residential. There are no photographs of 4-story historic Marigny buildings in the report, but here's two that used to be a row of ten. There are dormers not seen in this photo, and the height at the peak is about 48 feet, which is historically accurate and desired for this stretch of property:



This photo is also shown in the FMIA comments of 4-30-17.

- The study asserts the "City Planning Commission previously recommended seventy-five (feet) in height and a floor area ratio of 3.7 to 4 for the Riverfront Overlay as being *compatible with the surrounding area*." (P. 26). We believe this decision was made in consideration of the designated bonuses, no longer present, as a type of compromise with residents. This is also in conflict to the earlier statement, (continuing on p. 26), concerning **Development Character**:

"The density, height, and mass of new development will be consistent with the character and tout ensemble of the surrounding historic neighborhood."

- The study misleadingly emphasizes (p.33), that like the Rice Mill, the highest parts of NOCCA are approximately 75 feet in height. (Photos, 34,35.) While the theater fly does ascend to 75 feet, it is the smallest, and lightest part of the building, as it does not consist of stories, because it *is not residential*. It is not visible from the neighborhood. It was negotiated with the neighborhood and placed in a part of the riverbank, nearest the trains, that juts out, necessitating the turn from North Peters to St. Ferdinand, a one block transition to where Chartres becomes two-way.



- The study incorrectly states the building at 511 Marigny at Decatur is approximately 60 feet, when it is 48 feet. (P. 39)
- While the study claims that eliminating "Conditional Use" is a negative for the *Development* Community, this is inconsistent with the Master Plan, whereas we believe it is essential for compliance with the Master Plan.
- The study includes "Key Findings" in a nationwide Best Practices section, however, none of these neighborhoods are located next to a Historic District. However, in "Lessons Learned from Case Studies," (P. 59), some items repeat similar protections for residents and Historic Districts portend a more positive outlook for neighbors, would they be heeded, such as:
 - The public sector should implement waterfront plans in partnership with the private sector, and *meaningful community involvement is essential*.
 - One size does not fit all. Redevelopment projects should reflect the nature and spirit of each site.
 - Waterfront projects should *enhance the character and history of a site*.
- The study discounts the review of 98% of the public comments made against height over 50 feet from Marigny and Bywater for any Riverfront Overlay, but listed only under Neighbors First for Bywater, (P. 62).
- The citizens of this community are completely attuned to the needs and character of their neighborhood. The study severely limits further community input by eliminating Public Review through Conditional Use to only HDLC, which is made up of people from neighborhoods all over the city, who are unfamiliar with the particular tout ensemble of Marigny.
- The study only incorporates suggestions (p. 61) "from economic, business and real estate groups [who] report that there is a disconnect between the market and current zoning regulations in that the market is not strong enough, development incentives are too weak, and mandated design standards are too costly to enable developers to develop land profitably." We believe that the actual neighbors' investment is given the short shrift by this report, and we urge you to consider the time and energy we have devoted to our neighborhood and this process.
- The concept of setbacks (p.69) is used to try to eliminate the height of the building on the street face. However, just the opposite will occur along the riverfront, As one would drive along N. Peters, which is the main artery through this area, the skyline would be a stair-step effect. Six blocks of this is incongruous to our neighborhood, and would further separate us from our riverfront.



CONCLUSION

The CPC report recognized Best Practices in cities such as Portland, Seattle, Pittsburgh, etc. We feel that the Best Practice that should be most emulated is the neighboring French Quarter. The preservation mechanisms in place there have created our city's greatest economic engine. Across the country, people are moving back to cities, and their historic neighborhoods with their unique cultures. Inserting "warehouse" size buildings, in a row along the river, will violate our tout ensemble. Also, as people continue to visit our city (repeatedly) our city, they are constantly looking to explore different parts of our unique city. Adding an Overlay, inspired by other cities is not the experience people desire. We feel expanding the height of these buildings is a short-sighted approach and is detrimental to the unique character of the neighborhood, which is crucial to its long term future, as a major economic generator for our city.

RESOLUTION

In the spirit of compromise, the FMIA requests the City Planning Commission add these elements to their final suggestions, besides the additional Army Corps report and Traffic Study, for a Riverfront Overlay:

1. Negotiate a compromise of Fifty-five (55) feet on height, and a maximum FAR of 2.5 with residents.
2. All new buildings 35,000 square feet, maximum.
3. Parking for a minimum of one car per unit, on the river side.
4. Eliminate Short Term Rentals from the area to promote a stable rental market and to insure affordable housing.
5. Require repaving of all streets surrounding new construction activity, once completed.



SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

April 5, 2017 (REVISED)

TO WHOM IT MAY CONCERN:

RE: ORLEANS LEVEE DISTRICT PERMITTING PROCESS

Effective April 3, 2017, see changes highlighted in red.

The Southeast Louisiana Flood Protection Authority-East and the Orleans Levee District (collectively "SLFPA-E") is mandated by the State of Louisiana to provide flood protection for the east bank of Orleans Parish. The SLFPA-E therefore maintains and operates all flood control structures (levees and floodwalls) on the east bank of Orleans Parish. This also requires a clear access for the inspection and maintenance of flood control structures. The flood control system consists of both Mississippi River structures and hurricane protection structures.

To insure stability of the system, OLD monitors and permits all construction within 1,500 feet of Mississippi River Flood control structures and within 300 feet of hurricane protection structures to insure their effectiveness in any high water or storm condition. This process includes all Mississippi River and Hurricane Protection flood control structures in Orleans Parish.

This memorandum is to inform all prospective contractors, consultants, and individuals applying for City of New Orleans Permits that a permit from the OLD is legally required prior to the commencement of any proposed work involving changes in the subsurface within 1,500 feet of the centerline of OLD Mississippi River Flood control structures (levee/floodwall) or within 300 feet of the centerline of OLD hurricane protection structures (levee/floodwall) and includes the following:

1. Any depth of excavation on the natural surface.
2. Any type of pile driving or pre-drilling for piling. (A stamped and signed foundation plan by a registered professional engineer is required.)
3. Any soil boring or water or oil or gas well drilling.
4. Any underground tank removal.
5. Any directional drilling.
6. Any seismic survey (within 5,000 ft. of a structure).

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EXECUTIVE COUNSEL
Nyka M. Scott

EAST JEFFERSON LEVEE DISTRICT
203 Plaque Court
Harahan, LA 70123
504.733.0087 | admin@ejld.com

LAKE BORGNE BASIN LEVEE DISTRICT
P.O. Box 216
6136 E. St. Bernard Highway
Violet, LA 70092
504.682.5941 | admin@lbbld.com

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6920 Franklin Ave
New Orleans, LA 70122
504.266.3100 | admin@orleanslevee.com

7. Demolition work with explosives (within 5,000 ft. of a structure).
8. Any stockpiling of material
9. Fences

Your permit request should include a letter of request accompanied by a scope of work, full size construction drawings and pertinent specifications of all work that is done relative to excavation, pile driving or drilling. Drawings are to be to scale and should include the following information: A vicinity map showing the project location and its relationship to the levee, with distances to the levee crown C/L or levee toe; A levee station number nearest to the project or GIS coordinates of all levee/floodwall centerline crossings. If the project is not located near or on the levee, the applicant should use a Section, Township and Range designation to locate the project. Additional information such as latitude and longitude, river mile, street names, subdivision and lot number, etc. are also important. For projects adjacent or within the levee right-of-way, a plan and cross section view showing the existing and required work is required. The cross sectional view(s) must be taken perpendicular to the levee C/L and should include the entire levee in relationship to the project. Also, copies of any special geotechnical work or reports that were completed for the project should be submitted.

The applicant should be aware that the permit review process takes 4 to 6 weeks (or longer) depending on the nature of the request. Any granting of a permit is based upon engineering criteria, and no interpretation or comments regarding local laws, zoning, or ordinances concerning property rights, etc., have been made. Additionally, this permission does not obviate Permittee's requirement to obtain federal, state or local permits required by law, and no work should commence until all necessary permits are acquired.

As a special note, the permit applicants are notified that any proposed work within 300 feet of the centerline of the hurricane protection system (levee/floodwall) on the three outfall canals and two navigational canals listed below require OLD permits. If the permittee is a residential owner whose property is immediately adjacent to a levee or levee and floodwall, a copy of the survey of the property shall be submitted with the permit application.

1. Orleans Avenue outfall canal (east and west side).
2. London Avenue outfall canal (east and west side).
3. 17th Street outfall canal (east side only).
4. Inner Harbor Navigational Canal (east and west side).
5. Mississippi River Gulf Outlet (both sides).

April 5, 2017

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SLFPA-E Permitting Process

Permits for work along the Mississippi River are given with a general provision that no work is allowed when the Carrollton Gage at the USACE New Orleans District exceeds Elev. 11.0' NGVD. Waivers may be requested that may allow all or a portion of the work to continue, while monitored, up to Elev. 15.0' at the Carrollton Gage. Should the Mississippi River exceed Elev. 15.0' at Carrollton Gage, all contractor work must stop as directed by the OLD and USACE. It may also be necessary at this river stage to backfill some excavations to insure that no seepage or piping occurs. This prohibition is due to the possibility of impacting the effectiveness of the adjacent flood control structure.

The permit request (with drawings, reports, etc.) should be sent electronically to:

Stevan G. Spencer, P. E.
Chief Regional Engineer
Southeast Louisiana Flood Protection Authority-East
Phone: (504) 286-3100, Ext. 1015
sspencer@slfpae.com

The applicant's email address must be included in their letter of request. All individuals below must be copied (cc) on request letters.

Please note that there is a \$100.00 processing fee for OLD permits. Make your check payable to the "Orleans Levee District."

Also, copies of the same drawings (11"by 17") or smaller) must be submitted to the following agencies for their review and approval: CPRA's accepts electronic submittals ONLY, see submittal requirements attached.

Email electronic version to:

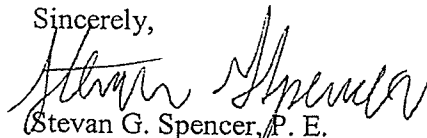
CPRArequest@la.gov
Mr. William Wall, P. E., F.ASCE
Operations Division
Coastal Protection and Restoration Authority
Phone: (225) 342-9423

MVNLeveePermits@usace.army.mil
Ms. Amy Powell
U. S. Army Corps of Engineers
Phone: (504) 862-2241

dabunaser@orleanslevee.com
Deborah Abu Naser
Orleans Levee District
Phone: (504) 286-3100, 1005

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SLFPA-E Permitting Process

Sincerely,



Stevan G. Spencer, P. E.
Chief Regional Engineer

SGS:dba

xc: Robert Turner, Regional Director
Felton Suthon, Engineer Manager
Nyka Scott, Esq.
Deborah Abu Naser, OLD Engineering
Amy Powell, USACE
Billy Wall, CPRA