

VOLUME 3

# chapter 15

THE COMMUNITY PARTICIPATION PROGRAM

## A Context

### 1. Applying the CPP principles to land use and other decisions that affect quality of life in New Orleans

Applying the core principles will require a community planning process that builds on lessons from other U.S. cities and applies those lessons to the specific conditions in New Orleans.

- **Inclusiveness** will require a vigorous effort by the City and by community leaders, working together, to root out the decades-old concern that people with access to political power control land-use decisions, and to build confidence that all members of the community will have equal access to information and to a voice in public decision making.
- **Public access to information** will require that New Orleans take decisive steps to catch up to comparably sized cities in its use of the Internet and other communications technologies to provide timely and consistent information, both within municipal government and to the wider community. Reports released by New Orleans' first inspector general in 2008 and 2009 revealed widespread communication concerns and a disconnect in the flow of information from one agency to the next. One result of this lack of information—visible in debates about development proposals that coincided with this planning process—is the suspicion and anxiety that it inevitably provokes among residents, the business community, developers, and other key stakeholders.
- **Capacity:** New Orleans is justifiably proud of the quality and commitment of its neighborhood and citywide organizations, but uneven capacity levels among these groups remains an issue. Both technical and civic capacity varies widely, as does the level of different groups' involvement in public and civic processes. For instance, some well-funded community organizations have professional staffs, but many others do not and must rely on City planners for essential technical information and for responses to critical questions from residents or others concerned about the potential impacts of planning or development proposals.
- **Structure** involves two key steps. First is creation of a formal system through which the entire community can work to help shape planning, development, zoning and other land use proposals and through which community members can make their views known to the planning commission and other decision makers. Second is a system of district planners and a skilled and experienced planning staff whose size and structure compare well with those in comparable cities. In the absence of a formal system, no single forum now exists that gathers the full range of stakeholders to work together. As a result, the community lacks a unified voice that can support the trade-offs that are part of any planning process. The small size of New Orleans' current planning staff limits the CPC's ability to support neighborhood-based and citywide organizations, institutions, businesses and developers to help resolve challenges presented by planning, development, and other land use proposals. For example, district planners would be able to facilitate proactive neighborhood planning, broker dialog between developers and community members, and bring an objective public policy perspective to community review of development proposals. New Orleans lacks this vital intermediary presence.

- **Transparency** begins with adoption of a Master Plan that spells out widely accepted principles and policies to serve as the bases for land-use decisions. The lack of a clear basis for decision making creates assumptions that differential access to political power and financial resources rules the decision-making process. Community members in turn feel that they must remain hypervigilant to protect neighborhoods from undesirable development. This has given rise to a climate of defensive planning rather than cooperation. This perceived lack of predictability also deters project proponents, who seek a reliable and timely permitting process. Developers who have made good-faith efforts to respond to neighborhood concerns express exasperation at how, in the absence of a clear and defined system for obtaining public comment and review, a small but vocal group of individuals can thwart high-quality project proposals. Such delays or late-term rejections cost developers dearly. Repeated incidents of this type have discouraged some established local developers from investing in New Orleans.

## 2. Establishing districtwide planning councils

The CPC would take the lead in establishing the districtwide councils and other CPP components, working closely with the Mayor's Office of Public Advocacy.

To join a districtwide council, neighborhood associations would have to meet general criteria. The CBNO/MAC *Draft Guidelines and Standards* offer one set that the CPC could use as the basis for establishing its own definition: clearly defined neighborhood boundaries; incorporation as a 501(c)3 organization or proof of compliance with financial, accounting, meeting, and democratic decision-making standards; regularly scheduled meetings (at least three per year); demonstrated outreach to and representation of a geographically defined neighborhood in its entirety (*i.e.*, not limited to a particular interest group in a neighborhood).

Neighborhood associations would elect two members to serve on the districtwide council. Other stakeholders in the district (such as colleges and universities, churches, merchants' associations, community development corporations) would have one voting member and one alternate. In case of any disputes over representation, the CPC would decide if a stakeholder should have representation.

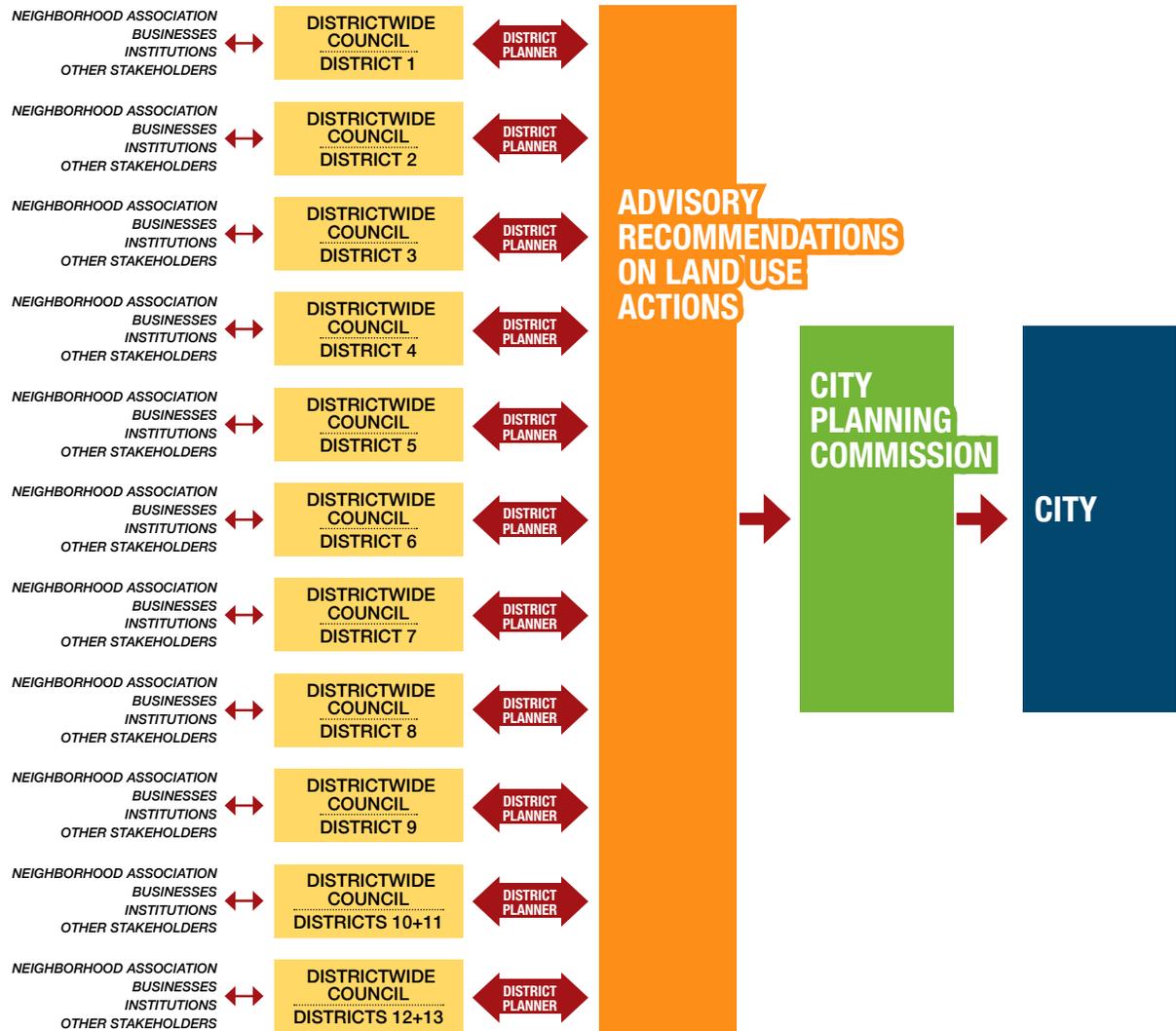
In order to cover areas of a Planning District that lack a neighborhood association, merchants' association, or other organizations that represent key constituencies, the City should encourage existing organizations to expand their service areas and invite unrepresented areas or groups to join. Alternatively, the City should assist in forming new organizations.

The CPC would work with the Mayor's Office of Public Advocacy to solicit nominations for membership on the districtwide councils. Staffs of the two agencies should recommend criteria for members that demonstrate civic responsibility, to be adopted by the CPC, and certify that all members are in good standing with the City (*e.g.*, no taxes delinquent beyond a set period, no citations for blight that have not been addressed, no evidence of repeated criminal behavior, and similar criteria).

The CPC would also work with the Mayor's Office of Public Advocacy to establish interim rules and procedures for operation (voting, quorums, attendance requirements, conflicts of interest, *etc.*) of the districtwide councils. Once formed, the districtwide councils should comment on these interim materials. The CPC staff and Mayor's Office of Advocacy would review these comments and submit a formal set of rules and procedures for consideration and/or adoption by the CPC.

Districtwide council meetings should be advertised and open to the general public, but only members should vote on matters that come before the council. The CPC will assign a planner to staff the districtwide council. The planner will serve as the liaison between the districtwide council, the CPC and other City agencies, organizing meetings of the districtwide council for public input and review of land use actions.

The districtwide councils' comments and recommendations would be formally presented to the planning commission; these comments would be advisory.



### 3. Initial focus for the districtwide planning councils

As noted above, the CPP's initial focus would be land use actions. Related districtwide council activities would include:

- Receiving notifications from the CPC of planning, development and other land use actions that affect the district and keeping district residents and stakeholders informed about potential land use actions and similar issues. The district planners will help keep the districtwide councils informed.
- Working with the district planner and CPC staff to schedule project-review meetings with the entire districtwide council or with neighborhood organizations, depending on the scale and potential impacts of proposed projects.

- Reviewing and commenting on these land use actions:
  - > Plans and development proposals that would require review by the planning commission.
  - > Plans and development projects for which the CPC staff recommends review by the districtwide council and for which the project proponent agrees. The Master Plan strongly recommends including in this group planning and development projects sponsored by state or federal agencies or other entities that are exempt from city zoning; districtwide councils should have an opportunity to review these projects in the same way that they would review any project that affects the welfare of the city and its neighborhoods. The results of such reviews should be forwarded to project proponents and to the CPC, which may then incorporate these comments into the city’s review process for these projects.
  - > Proposed zoning changes.
  - > Proposed amendments to the Master Plan.
  - > Review of Master Plan updates.
  - > Public facility projects.
  - > Public infrastructure projects.
- In addition to periodic meetings as required to review development, planning, or other land use actions, districtwide councils will meet at least three times a year to review land use issues in the district, progress on district and neighborhood plans, and how the district fits into implementation of the citywide Master Plan.
- The districtwide councils would be urged to work with the district planner and project proponents to resolve project issues and provide shared recommendations that address community quality, project feasibility, urban design, and other central issues.

The types of land use proposals listed below should involve formal review through the CPP. The districtwide councils should review larger projects and those that involve multiple neighborhoods. The councils should refer smaller-scale proposals that focus on a specific neighborhood to neighborhood or other relevant community groups (*e.g.*, an organization of retailers or other stakeholders). In neighborhoods that lack strong organizations or in which multiple neighborhood and other community organizations seek a voice in reviews, the districtwide council should operate as a forum to bring diverse voices to the same table. Potential land use proposals include:

- Plans initiated by CPC or another entity (including state, federal, or other plans that do not require formal planning commission approval—as noted above, the Master Plan recommends that the planning commission hold public hearings for such projects and issue advisory opinions on whether they respect the welfare of the city and its neighborhoods), including but not limited to:
  - > District, neighborhood and sub-area plans
  - > Redevelopment plans
  - > Citywide plans (*e.g.*, housing, transportation, historic preservation)
  - > Public infrastructure plans
- Development or redevelopment proposals that will trigger planning commission actions or—based on findings by the CPC staff and approved by the planning commission—proposals that would have significant impacts on the welfare of the city or its neighborhoods (*e.g.*, development proposals by state, federal, or other agencies not subject to planning commission actions, but for which advisory opinions as noted above would be in the interest of the city and its neighborhoods).
- Rezoning and conditional-use submissions.
- Public housing development or redevelopment.

- Transportation, public works and street projects and plans, including RTA bus lines and creation or disposition of streets.
- Proposals that would change the width or carrying capacity of arterials or major streets.
- Proposed changes in parking capacities, locations, or requirements.
- Proposals that involve federal funds and thus trigger NEPA requirements for public input. Although CPC involvement in the NEPA process is not required, such projects can have substantial impact on quality of life and land values, both of which are important to the city's future.
- Periodic updates, revisions or amendments of the Master Plan and/or Comprehensive Zoning Ordinance.
- Capital improvement program recommendations
- For planning initiatives proposed by a districtwide council or in cases where a neighborhood organization or other community organization lacks sufficient resources, the districtwide council should work with the district planner and the planning director to demonstrate the need for the plan, the likelihood that the plan would make a difference, and the existence of widespread support within the community for undertaking the plan. In some cases, Issues Committees may ask the CPC to undertake a citywide plan focusing on specific issues (examples might include resilience, economic development, or preservation). The proposal to prepare a plan would be presented to the planning commission for approval, and the plan would be included in the CPC's budget request to the mayor and City Council.

There should be at least two public meetings on the design of identified public projects: one held in the early design stages to gather input, and one held at the 75% design stage. Another meeting should be held just before a public project enters the construction phase in order to inform neighbors and business/property owners about construction issues and schedules, allow them to voice any concerns, and work on resolving problems.

#### **4. Potential procedures and schedules for reviewing land use proposals**

While New York City differs from New Orleans in many ways, that city does offer a useful example of a diverse community that struggled for many years—as it also was recovering from a long period of economic stagnation—to create a process and establish procedures for community input into land use actions. New York City's experience can provide useful guidance as New Orleans develops its policies: In New York, community organizations, the development and business communities, and the City worked together to replace a system of land-use decisions based on political power with one in which all stakeholders worked in greater partnership to produce proposals that enhanced community character and quality while meeting essential yardsticks of feasibility. Like New Orleans, New York needed to devise a process that worked well in communities that differed widely in age, neighborhood aspirations, race, income, and other measures.

As was the case in New York, the CPP serves two functions: to insure adequate community review of land use actions before formal approvals are granted, and to provide a forum where the community and project proponents can learn from each other, work out differences, and produce proposals that both command community support and meet proponents' goals. The intent is to resolve problems and refine proposals before they reach the planning commission. The operational aspects of the system described below are loosely based on the New York City Uniform Land Use Review Procedure (see [www.nyc.gov/html/dcp/html/luproc/ulpro.shtml](http://www.nyc.gov/html/dcp/html/luproc/ulpro.shtml)).

## 5. Development proposals

- Pre-application process
  - > A project proponent is urged to hold one or more “pre-application” meetings with CPC staff to review a project’s consistency with the Master Plan and other applicable city policies and requirements. This in turn allows the CPC to recommend at what point it would be advisable for the proponent to file a formal project submission, which triggers a statutory 180-day clock leading to formal action by the planning commission. During the pre-application period it is desirable for the proponent to provide CPC staff with conceptual program, site plans, architectural drawings, and other materials that convey uses, scale, character, and other essential information about the proposed project.
  - > The proponent may decide to delay a formal application until after holding one or more review meetings with the appropriate districtwide council(s) and possibly Issue Committee(s). Note that delaying a formal submission provides the proponent, the community, and the City more time and flexibility to resolve differences and submit an application that commands wide support and achieves the twin goals of enhancing community character and meeting essential tests of feasibility.
  - > If the proponent decides to proceed without filing a formal application, the proponent contacts the appropriate districtwide council(s) to set up a review meeting and notifies the CPC of the request at the same time. The districtwide council has 60 days to hold a first meeting and thereafter holds review meetings at least every 30 days.
  - > At any point, the proponent may make a formal submission, which triggers the City’s 180-day clock. Once the proponent makes a formal submission, the process below commences.
- The project proponent files a form with the CPC requesting a review of a proposed land use action (project special permit, zoning change, subdivision, *etc.*), along with any required plans and supporting documents. Any project that requires CPC review, public hearing, and action would be included.
- CPC either certifies that the application is complete, triggering the City’s 180-day clock for planning commission actions, or, at the request of the proponent, certifies that the application is “sufficient for public notification.” Public notification approval would trigger the following community-review process but would not be subject to the City’s 180-day clock. At any point in the process the proponent may request that the application be certified as complete, which would trigger the 180-day clock.
- Within 10 days of certification, CPC sends a copy of the Land Use Action Review Application to the appropriate districtwide council(s) and to the City Council.
- The districtwide council has 60 days to hold a public meeting or meetings to review the certified application. If the proposed project affects only an area covered by a neighborhood association, the districtwide council can decide to devolve responsibility for holding the public meeting(s) to the neighborhood group. It must notify the CPC of this decision in writing. The District Planner helps to set up the meeting(s).

The CPC staff, in consultation with the appropriate districtwide council(s), establishes requirements for public meetings associated with individual planning, development, or other land use actions, including scheduling, frequency, major topics for discussion, *etc.* The CPC may also comply districtwide council requests that the CPC hold a public meeting. For citywide planning initiatives, the CPC consults with the appropriate Issue Committee(s), and an Issue Committee may request that the CPC hold a public meeting. In most cases public meetings will address matters that will come before the planning commission for formal land use decisions; the CPC should also hold public meetings for projects sponsored by government and other entities exempt from city zoning. (Note: this Master Plan recommends that the planing commission hold hearings on projects not

subject to formal planning commission approvals, and it further recommends that the CPC offer an advisory opinion on whether a proposed land use action respects the welfare of the city and its neighborhoods.

The CPC asks any appropriate districtwide council(s) and or Issue Committee(s) for active support in publicizing meetings. District planners or other CPC staff chair public meetings. The chair invites the appropriate districtwide council(s) or Issue Committee(s) to report any discussion, findings, *etc.* related to the proposal under discussion.

- By the end of the 60-day period, the districtwide council/neighborhood association must provide a written advisory recommendation to the CPC. The recommendation must include information on attendance at the public meeting of Council or neighborhood association members, members of the public at large, and a summary of the meeting discussion. CPC would attend these meetings.
- During the 60-day period, the CPC may also ask any relevant Issue Committees to work with the appropriate districtwide council to review the proposed project. While it would be preferable for the districtwide council and Issue Committee to submit joint recommendations, the Issue Committee may also submit a written advisory recommendation to the CPC.

## 6. Planning and other proposals (including public facilities and infrastructure)

- The project proponent notifies the CPC of its intention to initiate a plan or files appropriate forms as required to initiate a particular type of project with the CPC.
- The CPC certifies that the notification or application is complete.
- Within 10 days of certification, the CPC sends a copy of the Land Use Action Review Application to the appropriate districtwide council(s) or Issue Committees and to the City Council.
- The districtwide council and the CPC establish a review schedule appropriate to the type of project. For example, a planning project might require reviews 30 days before major project milestones. Design of a public facility or infrastructure improvement might require reviews of conceptual and developed plans, together with significant changes. If the proposed project affects only an area covered by a neighborhood association, the districtwide council can decide, informing the CPC of its decision in writing, to devolve the responsibility of the public meeting(s) to the neighborhood group. The District Planner helps to set up the meeting.
- Within 30 to 60 days, as determined in an initial agreement with the CPC, the districtwide council/neighborhood association must provide a written recommendation to the CPC. The recommendation must include information on attendance at the public meeting of Council or neighborhood association members, members of the public at large, and a summary of the meeting discussion. CPC would attend these meetings.
- If project issues have not been resolved within the 30- to 60-day period, the project proponent may agree to a continuation of the review period by the districtwide council for another 60 days. In the case of extremely complex and/or controversial projects, the community review period may be renewed a number of times as the community and developers work out their concerns. The District Planner participates in this process.

## **B** What The Public Said

In 1992, the *New Century New Orleans* plan called for the creation of a formal community participation program (CPP). The district and neighborhood plans that resulted from the *Unified New Orleans Plan* (UNOP) and *Neighborhood Rebuilding* (Lambert) planning processes nearly unanimously ranked extensive community input into future planning and development decisions as a top priority. Though the recommended mechanisms for assuring meaningful community input varied from plan to plan (e.g., through existing organizations, through a new City agency), all of these plans stressed the aim of institutionalizing and ensuring meaningful resident input into planning decisions.

This chapter of the Master Plan was shaped by public comments received in community meetings as well as input from working groups, focus groups, and numerous individual meetings with community and neighborhood organizations, developers, the business community, and others. Participants in the planning process for this Master Plan most commonly wanted these concerns addressed:

- Ensure opportunities for meaningful community input into all public decisions that affect residents' quality of life.
- Give City Planning the resources it needs to carry out more community outreach and engagement.
- Make public information easily accessible.
- Provide a clear, efficient process for community review of project proposals.
- Add more input than just “being heard” at public meetings.
- Ensure that traditionally marginalized constituencies (low-income, special-needs, language- or educationally impaired) have access to the CPP.
- Ensure that the CPP does not result in prohibitive costs to developers.
- Provide capacity-building support for residents, community-based organizations, and City employees to help all of these groups engage communities constructively in neighborhood planning and/or reacting to project proposals.
- Consider a citywide perspective and citywide goals in reviewing significant development proposals, including best practices from other cities, and balance the City's goals with those of residents in an equitable manner.