



| | |
|-----------------|-----------------|
| Date | <u>09/09/16</u> |
| Tracking Number | <u>16-2049</u> |

MASTER PLAN APPLICATION

APPLICATION FOR AMENDMENT TO PLAN FOR THE 21ST CENTURY: NEW ORLEANS 2030 (THE MASTER PLAN)

Complete Application Required: Use this form for all requests to amend Plan for the 21st Century: New Orleans 2030 (the Master Plan). The City will not process an application that does not have all the required items. To accept your application, each of the items listed under Required Components must be submitted at the same time.

Early Consultation: Prior to submitting an application, the applicant is required to set up a pre-application conference meeting with a City Planner to discuss the proposal. City Planning staff will provide the applicant with assistance and information on the application feasibility, decision criteria, review time, and whether a Neighborhood Participation Program (NPP) meeting is required.

Application Acceptance: All applicants are required to bring in one copy of the application package for informal review by a staff planner, prior to the formal application to ensure that the application is complete. Applications will be accepted at the City Planning Commission between 8:00 AM and 5:00 PM Monday through Thursday and between 8:00 AM and 3:30 PM Friday. No appointment is necessary for the formal application submittal; however, an appointment with a City Planner is necessary for the early consultation. Mailed, faxed or e-mailed applications will not be accepted.

Purpose: The Master Plan is a long-term vision for the future of New Orleans. It contains policy recommendations across a spectrum of topics, but with a particular focus on the built environment. Amendments reflecting updated information, changing trends, best practices, or community goals are generally either text changes or revisions to the Future Land Use Map (FLUM). Text amendments affect the policies of the comprehensive plan on a City-wide level. Map amendments influence the potential uses and development of specific properties. A FLUM amendment may affect a site's zoning designation when zoning is revised comprehensively or when a zoning change application is submitted. Text and map amendments must be consistent with the overall policy intent of the Master Plan. Justification for the change(s) within the context of the Master Plan is the responsibility of the applicant.

When to Apply and Process: In 2016, the amendment application period will begin on April 25th and close on July 29th. Once the amendment application packet is submitted for review, the City Planning Commission will arrange a public meeting and publish a notice in a local newspaper of general circulation at least fifteen days in advance of the meeting. In addition to the public meetings, the City Planning Commission will hold a public hearing(s) to approve, approve with modifications, or disapprove the proposed amendments. A staff report and recommendations will be available to aid the discussion. The Planning Commission's recommendation will be forwarded to the City Council for final disposition.

REQUIRED COMPONENTS

Amendment to Text of Master Plan

- Completed application form
- Reasons for change may address the following criteria:
 - Public benefits from the proposed change
 - Health, safety & welfare
 - Evaluation of current public policy
 - Other factors
- FEE: \$1,500 (Only applies to Descriptions of Future Land Use Categories of Ch.14,Sec.C)

Accepted forms of payment include check, cashier's check, money order, Visa, MasterCard, & Discover.

Amendment to Future Land Use Map

- Completed application form (must be the property owner)
- Neighborhood Participation Program Report (see NPP Resource Guide)
- Reasons for change may address the following criteria:
 - Change in land use trends
 - Impacts on neighboring property
 - Evaluation of existing zoning classification & the current future land use classification
 - Public benefits from the proposed change
 - Health, safety & welfare
 - Other factors
- Photographs of subject site
- FEE based on table below

| | | | |
|-------------------------|---------|---------------------------|---------|
| Lots 0-4,999 sq ft | \$1,000 | Lots 25,000-74,999 sq ft | \$3,000 |
| Lots 5,000-24,999 sq ft | \$2,000 | Lots 75,000 sq ft or more | \$4,000 |

TO BE COMPLETED BY CPC STAFF

Intake Planner NTK Date Received 09/09/16
 Amount Received 0.00 Planning District PD 7 and City Wide



City Planning Commission



| |
|-----------------------|
| Date _____ |
| Tracking Number _____ |

MASTER PLAN APPLICATION

REQUEST FOR CHANGE IN TEXT OF MASTER PLAN REQUESTS OPEN TO ALL RESIDENTS

For text amendment changes, including changes to graphics, tables, or maps, the applicant must provide the chapter as well as the page number of the amendment that the applicant wishes to change. Proposed additions to the text should be underlined; proposed deletions from the text should be indicated by strikethrough. If the change is for a graphic, table, or map other than the Future Land Use Map(s), indicate the volume, chapter, and page number along with the title of the graphic, table, or map.

Volume 2 Chapter(s) 13 & 14 Page No(s) See attached. Title(s) _____

Attach a copy of current graphic, table, or map, if applicable.

Specific proposed change to text (if necessary, applicant may submit additional sheets):

See attached.

REQUEST FOR CHANGE TO FUTURE LAND USE MAP

MAY BE REQUESTED BY OWNER OF PROPERTY(S)

For a change to a Future Land Use Map, there must be a clear description and map of the boundaries. The request should indicate the present Future Land Use Map designation and the designation that is being requested for the area. If more than one category is being requested, precise boundaries of each requested land use designation must be described and indicated on maps. A statement describing the reasons for the requested change must be included in the application.

Boundaries of Area (A separate application is needed for each non-contiguous property) _____

Municipal Address(es) _____

Square Number(s) _____ Lot Number(s) _____

Tax Bill Number(s) _____

Square footage of area _____

Future Land Use Map Designation (current status) _____

Proposed Future Land Use Map Designation _____



City Planning
Commission



| |
|-----------------------|
| Date _____ |
| Tracking Number _____ |

MASTER PLAN APPLICATION

APPLICANT INFORMATION FOR AMENDMENTS TO THE MASTER PLAN

APPLICANTS FOR AMENDMENTS TO FUTURE LAND USE MAPS (FLUM) MUST BE THE OWNER OF THE SUBJECT PROPERTY

Applicant Type: Organization Public official/agency Individual citizen Property owner Other

Applicant Name (and org. name if applicable) Residents of Gordon Plaza, Inc.

Address 2876 Abundance Street

City New Orleans State Louisiana Zip 70126

Phone (504) 416-8225 Email address 148rainey@gmail.com

Applicant Type: Organization Public official/agency Individual citizen Property owner Other

Applicant Name (and org. name if applicable) _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email address _____

Applicant Type: Organization Public official/agency Individual citizen Property owner Other

Applicant Name (and org. name if applicable) _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email address _____

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Applicant Name (and org. name if applicable) _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email address _____



City Planning
Commission



| |
|-----------------------|
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MASTER PLAN APPLICATION

ACKNOWLEDGMENTS

If ownership is joint, each owner must be listed. If multiple squares, then applicants must own not less than 50% of the land for which the amendment is requested. If ownership is a partnership, the Partnership Agreement must be included. If ownership is a corporation, Articles of Incorporation and a Board Resolution authorizing an individual or agent to sign on its behalf. If ownership is an LLC, Articles of Organization and legal documentation authorizing an individual or agent to sign on its behalf must be included. If necessary, applicant may be required to submit proof of ownership documents, such as copies of a recorded act of sale, act of exchange, act of donation, or other documents.

I (we) hereby affirm that ownership and property information presented on this application is current and accurate and I (we) acknowledge that inaccurate or incomplete ownership, improper authorization, or property identification will make this application and resulting actions null and void. I (we) the undersigned owner or authorized agent of the area of land described above, hereby submit for your approval the above-stated request.

Applicant Signature Shannon Rainey Date 9/9/16

Applicant Signature _____ Date _____

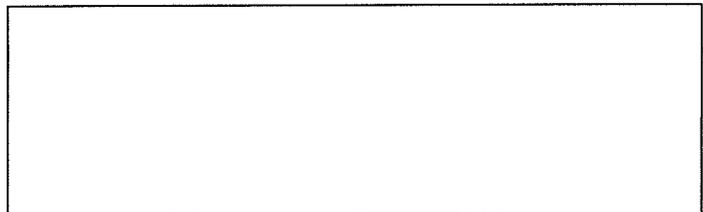
(Notarization is only required for application subject to a fee.)

STATE OF LOUISIANA, PARISH OF ORLEANS

Before me, the undersigned authority, personally appeared the person(s) whose signatures are affixed above, all of the full age of majority, who declared under oath to me, Notary, that they are the owners or authorized agents of the property described above, and that their signatures were executed freely and voluntarily and that they are duly qualified to sign.

Sworn and subscribed before me this _____ day of _____ 20 ____ .

My Commission Expires _____



Residents of Gordon Plaza, Inc.

Recommended Amendments to the City of New Orleans Master Plan (Vol. 2, Ch. 13)

September 9, 2016

Contact: Shannon Rainey, (504) 416-8225, 148rainey@gmail.com

Volume 2, Chapter 13 Environmental Quality

I. Page 13.2

| GOAL | POLICIES FOR DECISION MAKERS | FOR MORE INFORMATION, SEE PAGE: |
|----------------------|---|--|
| ENVIRONMENTAL HEALTH | | |
| 11 | Soil, water and air free from toxic contamination | ADD: <u>11.C. Prevent housing and school construction on a site formerly used for the purpose of waste disposal or waste incineration.</u> |

II. Page 13.4

Under the section titled "Findings," add the following to the bulleted list:

- The City of New Orleans bears liability for inactive, abandoned or closed municipal waste disposal and waste incineration sites, but has not developed an inventory of these sites or established standards for development and construction projects on or near these sites.

Under the section titled "Challenges," add the following to the bulleted list:

- Redressing prior land use decisions that approved the construction of housing and schools on sites used for the purpose of waste disposal or waste incineration.

III. Page 13.5 (Section A. INTRODUCTION)

"The Master Plan focuses on strategies to incorporate environmental quality in a variety of spheres:"

Add the following strategy to the bulleted list:

- Prevent housing and school construction on a site used for the purpose of waste disposal or waste incineration.

IV. Page 13.14 (Section B. RECOMMENDATIONS)

| RECOMMENDED ACTIONS: | | | | | | |
|---|---|---|---|-------------------|-------------------|---------------------------------|
| GOAL | RECOMMENDED STRATEGIES | HOW | WHO | WHEN | RESOURCES | FOR MORE INFORMATION, SEE PAGE: |
| 11. Soil, air and water free from toxic contamination | <u>11.C. Prevent housing and school construction on a site formerly used for the purpose of waste disposal or waste incineration.</u> | 1. <u>Develop an inventory of inactive, abandoned or closed municipal waste disposal and waste incineration sites.</u> | <u>Sanitation Dept. Office of Coastal & Environmental Affairs</u> | <u>First year</u> | <u>Staff time</u> | |
| | | 2. <u>Establish standards to prevent housing and school construction on sites used for the purpose of waste disposal or waste incineration.</u> | <u>City Council Safety & Permits Department</u> | <u>First year</u> | <u>Staff time</u> | |
| | | 3. <u>Identify and apply for federal, state and other funding or resources to relocate residents of the Gordon Plaza Subdivision that was built on the Agriculture Street Dump, a Superfund site.</u> | <u>Office of Coastal & Environmental Affairs</u> | <u>First year</u> | <u>Staff time</u> | |

V. Page 13.35 (ENVIRONMENTAL HEALTH GOAL 11 - Soil, water and air free from toxic contamination)

Add the following recommended actions:

11.C. Prevent housing and school construction on a site used for the purpose of waste disposal or waste incineration.

RECOMMENDED ACTIONS

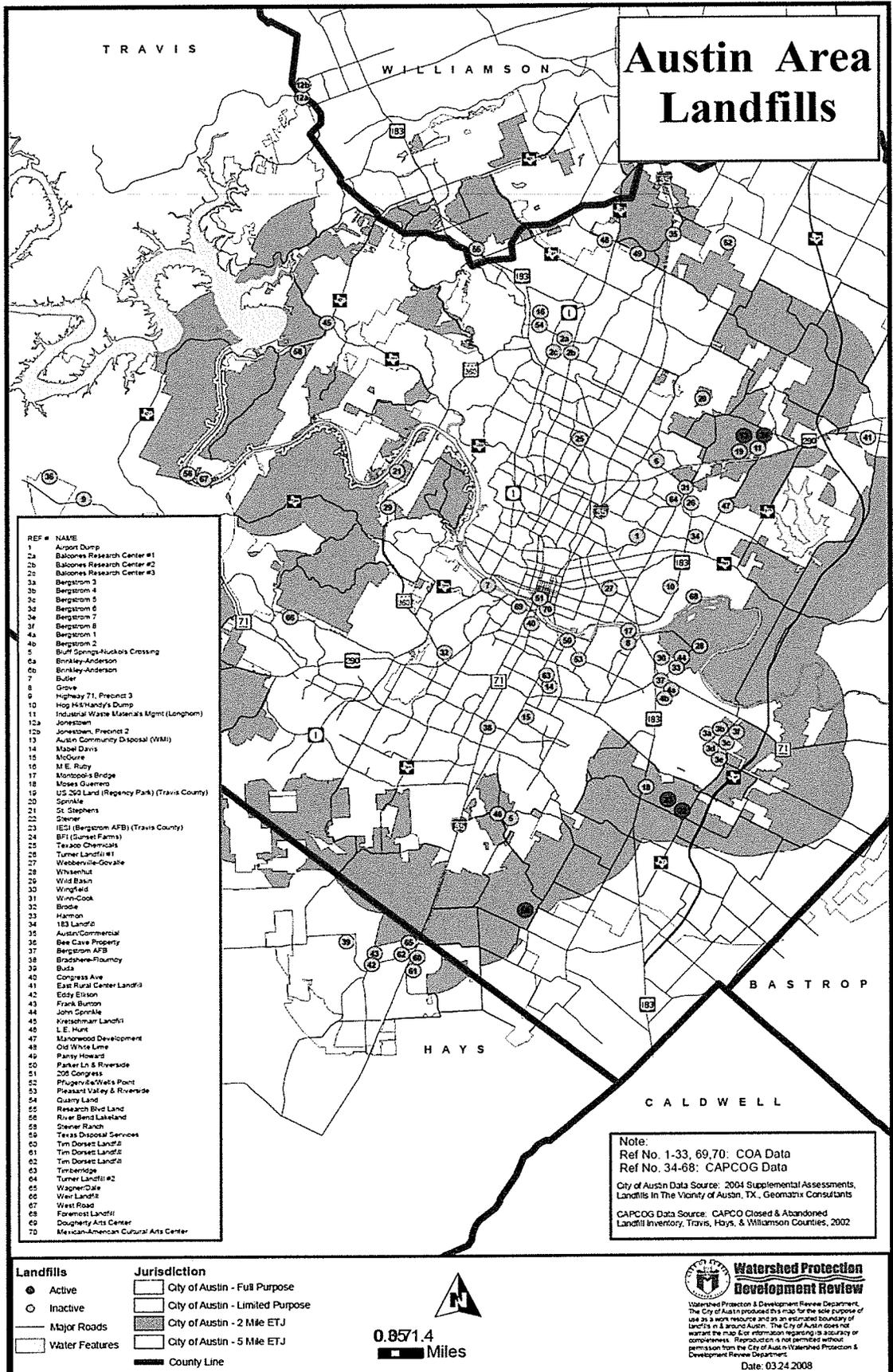
1. Develop an inventory of inactive, abandoned or closed municipal waste disposal and waste incineration sites.

Who: Sanitation Department and Office of Coastal & Environmental Affairs (“OCEA”)

When: First year

Resources: Staff time

The Sanitation Department and OCEA should partner in developing an inventory of inactive, abandoned or closed municipal waste disposal and waste incineration sites. The inventory should include the locations of these sites, the current owners of the land on which these sites were located, and the current use of the land. The inventory should be made available to the public and posted on the City of New Orleans’ official website. It is further recommended that the Sanitation Department and OCEA consider replicating the landfill inventory developed by the City of Austin, Texas, which includes a detailed map (shown below) that is published on the city’s official website.



Austin Area Landfills

| REF # | NAME |
|-------|---|
| 1 | Airport Dump |
| 2a | Balcones Research Center #1 |
| 2b | Balcones Research Center #2 |
| 2c | Balcones Research Center #3 |
| 3a | Bergstrom 3 |
| 3b | Bergstrom 4 |
| 3c | Bergstrom 5 |
| 3d | Bergstrom 6 |
| 3e | Bergstrom 7 |
| 3f | Bergstrom 8 |
| 4a | Bergstrom 1 |
| 4b | Bergstrom 2 |
| 5 | Bull Springs-Huckers Crossing |
| 6a | Brinkley-Anderson |
| 6b | Brinkley-Anderson |
| 7 | Bulter |
| 8 | Grove |
| 9 | Highway 71, Precinct 3 |
| 10 | Hog Hand's Dump |
| 11 | Industrial Waste Material's Mgmt (Longhorn) |
| 12a | Jonestown |
| 12b | Jonestown, Precinct 2 |
| 13 | Austin Community Disposal (WMI) |
| 14 | Mabel Davis |
| 15 | McClure |
| 16 | M. E. Ruffy |
| 17 | Montopolis Bridge |
| 18 | Moses Guerrero |
| 19 | US 202 Land (Regency Park) (Travis County) |
| 20 | Spunkle |
| 21 | St. Stephens |
| 22 | Deener |
| 23 | ISU (Bergstrom AFB) (Travis County) |
| 24 | BFI (Sunset Farms) |
| 25 | Texaco Chemicals |
| 26 | Turner Landfill #1 |
| 27 | Webberville-Govate |
| 28 | Whisenhut |
| 29 | Wild Basin |
| 30 | Wingfield |
| 31 | Winn-Cook |
| 32 | Bondie |
| 33 | Harmon |
| 34 | 183 Landfill |
| 35 | Austin/Commercial |
| 36 | Bee Cave Property |
| 37 | Bergstrom AFB |
| 38 | Bradshaw-Flournoy |
| 39 | Bula |
| 40 | Compass Ave |
| 41 | East Rural Center Landfill |
| 42 | Eddy Elston |
| 43 | Frank Burton |
| 44 | John Spunkle |
| 45 | Fristonmarr Landfill |
| 46 | L. E. Hunt |
| 47 | Manorwood Development |
| 48 | Old White Lime |
| 49 | Parkway Howard |
| 50 | Parker Ln & Riverside |
| 51 | 205 Congress |
| 52 | Pluggers/Wicks Point |
| 53 | Pleasant Valley & Riverside |
| 54 | Quarry Land |
| 55 | Research Blvd Land |
| 56 | River Bend Lakeland |
| 57 | Deener Ranch |
| 58 | Texas Disposal Services |
| 59 | Tim Dorset Landfill |
| 60 | Tim Dorset Landfill |
| 61 | Tim Dorset Landfill |
| 62 | Tim Dorset Landfill |
| 63 | Timberidge |
| 64 | Turner Landfill #2 |
| 65 | Wagner/Dale |
| 66 | West Landfill |
| 67 | West Road |
| 68 | Foremost Landfill |
| 69 | Dougherty Arts Center |
| 70 | Mexican-American Cultural Arts Center |

Note:
 Ref No. 1-33, 69,70: COA Data
 Ref No. 34-68: CAPCOG Data
 City of Austin Data Source: 2004 Supplemental Assessments, Landfills in The Vicinity of Austin, TX., Geomatrix Consultants
 CAPCOG Data Source: CAPCO Closed & Abandoned Landfill Inventory, Travis, Hays, & Williamson Counties, 2002

| Landfills | Jurisdiction |
|------------------|----------------------------------|
| ● Active | City of Austin - Full Purpose |
| ○ Inactive | City of Austin - Limited Purpose |
| — Major Roads | City of Austin - 2 Mile ETJ |
| — Water Features | City of Austin - 5 Mile ETJ |
| | County Line |

0.85714
 Miles

Watershed Protection & Development Review
 Watershed Protection & Development Review Department
 The City of Austin produced this map for the sole purpose of use as a work resource and as an estimated boundary of landfills in & around Austin. The City of Austin does not warrant the map for information regarding its accuracy or completeness. Reproduction is not permitted without permission from the City of Austin Watershed Protection & Development Review Department.
 Date: 03.24.2008

Printed with permission from the Watershed Protection & Development Review Department, City of Austin, Texas (9/8/2016)

2. Establish standards to prevent housing and school construction on sites formerly used for municipal waste disposal or waste incineration.

Who: City Council and Safety & Permits Department

When: First year

Resources: Staff time

The City Council and Safety & Permits Department should draft a local ordinance to prevent housing and school construction on a site formerly used for municipal waste disposal or waste incineration. Lessons learned from the residential development on the Agriculture Street Dump, a Superfund site, should be applied in the drafting of this ordinance. Furthermore, the drafting of this ordinance should consider the policies and standards adopted by the following governmental agencies and institutions:

- U.S. Environmental Protection Agency, Office of Research & Development: Residential construction not recommended on landfills. *Closed Waste Sites as Community Assets: A Guide for Municipalities, Landfill Owners, and Regulators*, EPA/600/R-14/349, November 2014.
- US Green Building Council: "Schools sites that are contaminated by past use as a landfill are ineligible for LEED certification." *LEED 2009 for Schools – New Construction and Major Renovations*, updated April 2013, page 2.
- Florida Department of Environmental Protection: "Construction of structures over old landfills, especially residential housing, should be avoided." W. L. Martin, R. B. Tedder, Florida Department of Environmental Protection, *Use of Old Landfills in Florida*, presented at the Proceedings of the 16th GRI Conference, Geosynthetic Institute, December 2002, page 136.

3. Identify and apply for federal, state and other funding to relocate residents of the Gordon Plaza Subdivision that was built on the Agriculture Street Dump, a Superfund site.

Who: OCEA

When: First year

Resources: Staff time

To redress past land use decisions by the City of New Orleans that approved the construction of the Gordon Plaza Subdivision, Robert Moton Elementary School, and other housing on the Agriculture Street Dump, OCEA should look for opportunities to fund or otherwise resource the relocation of residents currently living on this Superfund site. OCEA is encouraged to convene meetings with Gordon Plaza residents to develop a workplan and budget that can be incorporated in funding requests and applications.

Residents of Gordon Plaza, Inc.

Recommended Amendments to the City of New Orleans Master Plan (Vol. 2, Ch. 14)

September 9, 2016

Contact: Shannon Rainey, (504) 416-8225, 148rainey@gmail.com

Volume 2, Chapter 14 Land Use Plan

Page 14.6

| <u>GOAL</u> | <u>STRATEGY</u> | <u>ACTIONS</u> |
|--|--|---|
| 1. Promote smart growth land use patterns in New Orleans and the region. | Adopt sustainable land use and zoning practices. | ADD: <u>Prevent housing and school construction on a site formerly used for the purpose of waste disposal or waste incineration.</u> |
| | | ADD: <u>Develop an inventory of inactive, abandoned or closed municipal waste disposal sites.</u> |
| | | ADD: <u>Redress past land use decisions approving the construction of the Gordon Plaza Subdivision on the Agriculture Street Dump, a Superfund site, by identifying and applying for federal, state and other funding or resources to relocate residents living on the former waste dump.</u> |

Support the Voluntary Relocation of Gordon Plaza Residents Trapped on the Agriculture Street Dump

Amend the New Orleans Master Plan to Remedy & Prevent Residential Development on Former City Dumps

5/31/16

Past City Land Use Decisions Hurt Residents

New Orleans families are trapped in homes built on the Agriculture Street Dump, a former city waste dump that was designated a Superfund site for high levels of contamination, including hazardous waste that can cause cancer. People living on the Agriculture Street Dump suffer and some have died from cancer. The families want to relocate. However, more than a decade of litigation has not brought them justice.

From 1967 through 1984, city land use decisions approved residential developments on the Agriculture Street Dump. These developments included the Gordon Plaza single-family homes, the Press Park townhomes built by the Housing Authority of New Orleans (HANO), and the Robert Moton Elementary School built by the Orleans Parish School Board (OPSB). The fact that homes and a school were built on the Agriculture Street Dump was not a concern for city officials. Families who bought homes in Gordon Plaza were never told that the land was a former city waste dump.

Beginning in 1999, the EPA dug up, piled, and hauled off a portion of the contaminated soil on the Agriculture Street Landfill Superfund Site while families lived in their homes. Public health and environmental experts criticized the EPA for jeopardizing the health of residents and failing to provide an effective and humane solution. Although the EPA detected 17 feet of highly contaminated soil, the agency removed only two feet. Today, at least 15 feet of the contaminated soil remains beneath homes, yards, streets, and other areas of the former Agriculture Street Dump.

Last year a class-action lawsuit ended with a \$14.2 million settlement award in which the lawyers and a court-appointed administrator were paid \$7.1 million, one-half of the settlement award. The remaining half was distributed among the 5,053 people represented in the lawsuit, resulting in an average pay-out of less than \$2,000. With a few thousand dollars, the families living in Gordon

Plaza cannot relocate from their toxic neighborhood.

During Hurricane Katrina, there was massive flooding of homes and other buildings on the former Agriculture Street Dump. EPA's "geotextile mat" – which the agency said would contain the underground contaminants – is now exposed above ground in places because the soil cover has eroded. In order to avoid liability for toxic conditions, HANO and the OPSB did not repair and re-open the storm-damaged Press Park townhomes and Moton Elementary School. Instead, both HANO and the OPSB abandoned their blighted buildings, many of which still contain rotting furniture, attract rodents, and have been vandalized. Gordon Plaza residents are thus left abandoned and condemned to live in unsafe conditions, next to several blocks of blighted buildings and in homes that are unmarketable because they sit on a toxic landfill.

Amend the Master Plan to Remedy & Prevent Residential Development on Former City Dumps

The Master Plan should be amended to include a responsible land use policy for New Orleans that:

1. prevents residential development on former city waste dumps;
2. supports the voluntary relocation of residents living on former city waste dumps;
3. requires the City Planning Commission, in consultation with the Sanitation Department and interested members of the public, to make publicly available the locations of all past and current city waste dumps and incinerators along with the current land uses of each of these sites; and
4. establishes a zoning standard that prohibits the construction of houses, apartments, day care facilities, schools, recreation and community centers, and community gardens that produce food crops on former waste dumps and incinerator sites.

Prepared by Residents of Gordon Plaza, Inc. and Advocates for Environmental Human Rights



Fighting a Superfund

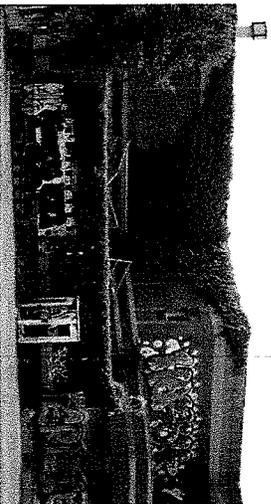


www.ehumanrights.org

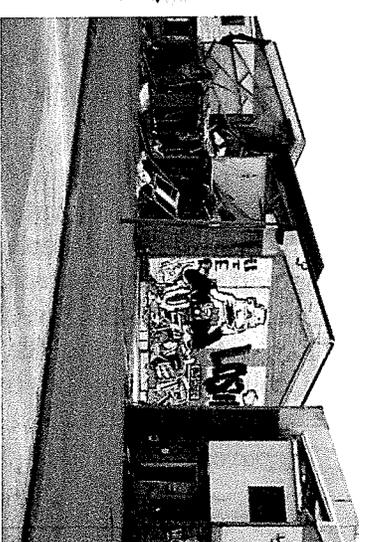
**"No way to live!" - Residential Development on the
Agriculture St. Dump (2016)**



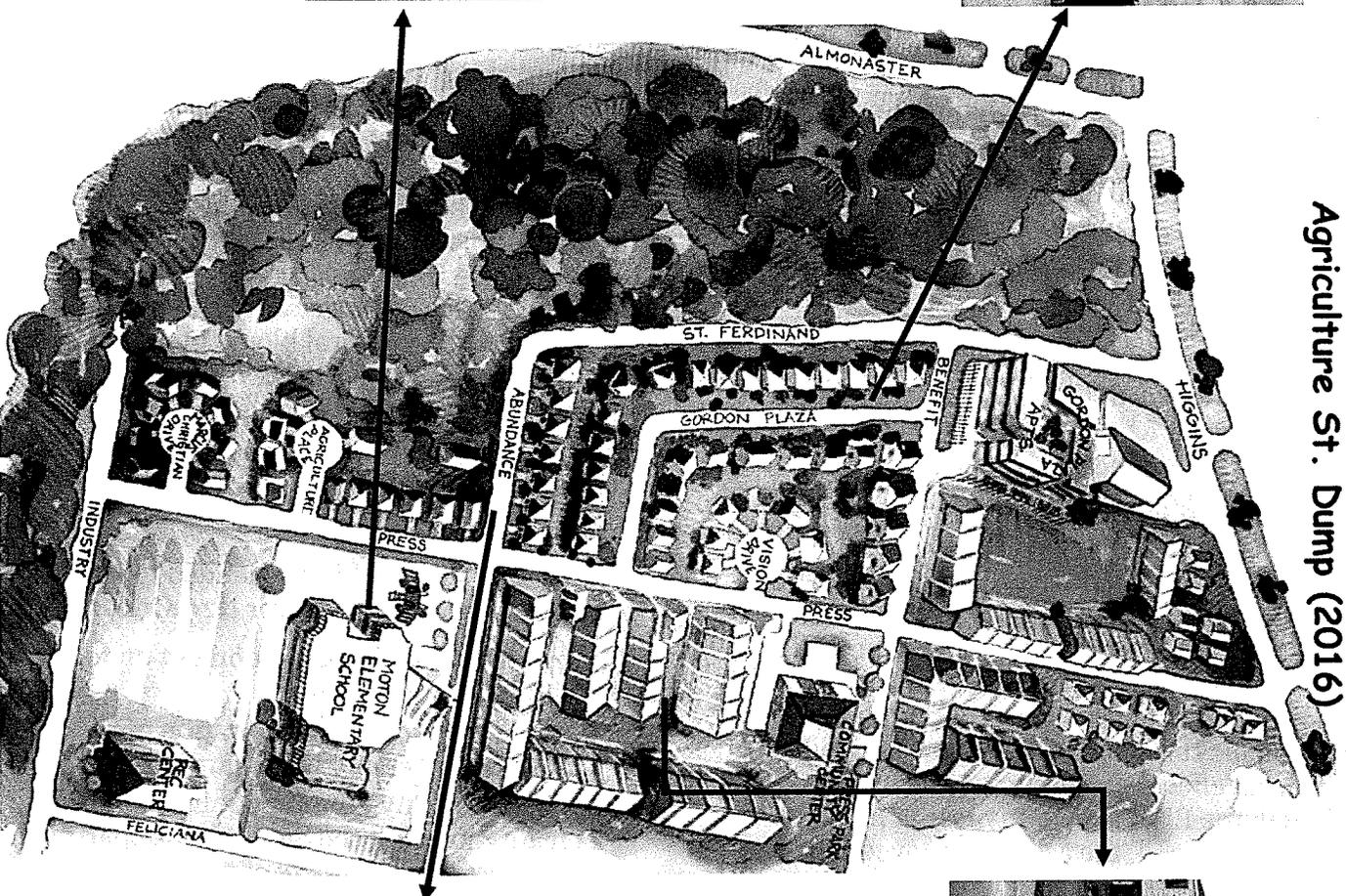
Gordon Plaza homes on the former
Agriculture Street Dump, where
families are trapped on
contaminated land



Storm-damaged Moton
Elementary School abandoned by
the Orleans Parish School Board



Storm-damaged Press Park
townhomes abandoned by the
Housing Authority of New Orleans
(HANO)



Gordon Plaza home across the
street from HANO's abandoned
Press Park townhomes