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**RIVERFRONT  
OVERLAY STUDY**

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# Executive Summary

## Introduction

In 2015, a new Comprehensive Zoning Ordinance was adopted with an RIV Riverfront Design Overlay District that was based on recommendations from the Riverfront Vision 2005 Plan. Prior to its enactment, the CZO was modified by various amendments, one in particular related to Section 18.13.G *Riverfront Gateway Design Standards and Height Limit Increase*. This section of the overlay district includes standards for certain areas that act as gateways to the riverfront and are key to improving and encouraging pedestrian access from surrounding neighborhoods to the river through the use of special design features. It specifies standards that qualify a development for consideration for an increase in height and/or density. Following a lawsuit captioned *Faubourg Marigny Improvement Association, Inc. v. The City of New Orleans, et al.* which claimed that portions of these amendments, which provided certain height, density and massing bonuses, were not appropriately referred to the City Planning Commission, the City Council 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, or if the current bonuses and design requirements should be revisited and amended.

The City Council adopted Motion M-16-605 directing the City Planning Commission produce this study. The City Council Motion directed the City Planning Commission to include the following subject matter within the study:

1. An analysis of the use of height, density, and massing bonuses and other best practices in similar cities that successfully facilitated riverfront development and the content of said bonuses and practices;
2. Whether the current bonuses provided in 18.13.G of the CZO, which include up to 25 feet (2 stories) of height; 1.5 FAR; and the elimination of any minimum lot area per dwelling unit requirements, as provided in the underlying zoning districts, are sufficient and appropriate to incentivize quality development and are consistent with the Master Plan.
3. Whether the design requirements in 18.13.G that are necessary to receive bonuses, which include: public open space river access (or in lieu thereof, a substantial contribution to capital improvements to increase public access to the river), energy efficient design, and affordable housing components, are sufficient and appropriate to ensure quality development, or if these design requirements should be amended or altered.
4. Whether any height, density, and massing bonuses or other best practices along the river should be granted as a matter of right, or if the Council should grant bonuses via Conditional Use.

## Key Findings

Based on the review of nationwide best practices and the analysis of the situation in New Orleans, the following key findings informed the proposed recommendations relative to height, density, and massing bonuses along the river in the specified study area:

- The neighborhood's previous aspirations for more access to the riverfront and more park/open space and recreational opportunities in the neighborhood have largely been achieved in the last few years with the development of Crescent Park. Though there are still opportunities to create more connectivity and develop more points of access, these projects may be better achieved through another type of public/private partnership or another incentive process than the one prescribed in the RIV Riverfront Design Overlay District, and do not necessarily need to occur along the river's edge.
- 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.<sup>1</sup>
- In terms of energy efficient design, the current language in the RIV Riverfront Design District, which requires developments to obtain one of several national green building certifications, may be too onerous, especially for smaller-scale projects. Energy efficiency goals could also be achieved by other means such as through amendment of the building code.
- There is still a capital improvement need in this area that could be addressed by contributions from developments. Additional capital projects would need public input to develop and tailor precisely for contributions to tie directly into communities' priorities. Additionally, there are other funding options for a new river access, including grants, Tax Increment Financing, and public private partnerships.
- The allowance of greater height and density along the riverfront is consistent with strategies listed in *Article 14 – Land Use* of the Master Plan which are to create neighborhood centers with a mixture of higher density housing, retail and other uses at neighborhood edges on underutilized industrial/commercial land and key transit hubs, and to take advantage of vacant land on higher ground for higher density uses.
- Riverfront development should be compatible with the character and history of a site.
- There are a number of design standards that can lessen the impact of a structure developed at a greater height than the existing development, notably, pulling a building's mass away from the façade along the main pedestrian street.
- Generally speaking, the conditional use process introduces a level of uncertainty into a project as well as expands the timeline for receiving approvals, both of which are negatives for the development community.

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<sup>1</sup> HB 162, which is currently moving through the Louisiana legislature, proposes to prohibit inclusionary zoning. If this legislation is adopted as proposed, the *Smart Housing Mix Ordinance Study* will need to be updated.

- Recommended design standards of the RIV Riverfront Design Overlay District along with established HDLC guidelines and review processes will ensure high-quality developments and will enable public input.

## **Recommendations**

The City Planning Commission staff is presenting several recommendations<sup>2</sup>:

### *Recommendations related to boundaries*

- Differentiate the standards between distinct areas within the RIV Riverfront Design Overlay District.

### *Recommendations related to design standards*

- Eliminate bonus provision of Section 18.13.G for the study area.
- Add more detail to ground floor use requirements of the base overlay.
- Allow greater heights for riverfront development in the overlay district, but use “step-backs” and massing variation to ensure compatibility with the scale of adjacent development.
- Explore exempting rooftop protrusions, such as an elevator bulkhead, from maximum height standards.

### *Recommendations related to riverfront access.*

- Explore other non-zoning options for eventual construction of additional crossings toward Crescent Park.

### *Recommendations related to public input in the development process*

- Institute increased maximum height/density by right, not through Conditional Use. Public input on design should be incorporated through the HDLC process.

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<sup>2</sup> Details for each recommendation can be found in *Part 6. Recommendations and Next Steps* of this study.

# Introduction

## **Council Motion M-16-605**

The scope of the Riverfront Overlay District Study is outlined in the motion that directs the City Planning Commission to conduct the study. The City Council requests the City Planning Commission to conduct a study to recommend whether height, density, and massing bonuses along the east bank of the river in exchange for heightened development standards, as currently contemplated in Section 18.13.G of the Comprehensive Zoning Ordinance are appropriate and consistent with the Master Plan. The City Council directs the Planning Commission to recommend appropriate bonuses and other best practices to incentivize quality developments along the riverfront in a manner consistent with the Master Plan; specifically contemplating the following boundaries:

The area bounded by Esplanade Avenue, a line extending from the centerline of Esplanade Avenue between North Peters and the center line of the Mississippi River, the Mississippi River, the Inner Harbor Navigation Canal, a line extending from the centerline of Chartres Street between Poland Avenue and the center of the Inner Harbor Navigation Canal, Chartres Street, St. Ferdinand Street, Decatur Street, Elysian Fields Avenue, Chartres Street, the rear property line of lots with any frontage on Elysian Fields Avenue, Decatur Street, Frenchmen Street, and Decatur Street on the east bank of the Mississippi.

City Council Motion M-16-605 directs the City Planning Commission to include the following subject matter in the study:

1. An analysis of the use of height, density, and massing bonuses and other best practices in similar cities that successfully facilitated riverfront development and the content of said bonuses and practices;
2. Whether the current bonuses provided in 18.13.G of the CZO, which include up to 25 feet (2stories) of height; 1.5 FAR; and the elimination of any minimum Lot Area per dwelling unit requirements, as provided in the underlying zoning districts, are sufficient and appropriate to incentivize quality development and are consistent with the Master Plan.
3. Whether the design requirements in 18.13.G that are necessary to receive bonuses, which include: public open space river access (or in lieu thereof, a substantial contribution to capital improvements to increase public access to the river), energy efficient design, and affordable housing components, are sufficient and appropriate to ensure quality development, or if these design requirements should be amended or altered.
4. Whether any height, density, and massing bonuses or other best practices along the River should be granted as a matter of right, or if the Council should grant bonuses via Conditional Use.

City Council Motion M-16-605 grants the City Planning Commission and its staff the flexibility to expand the scope of the study to make any and all legal and appropriate recommendations deemed necessary in light of the study, review, and public testimony resulting from the motion.

## Scope of Work

In re-examining the appropriateness of the density bonus regime in the Riverfront Overlay District, the staff's goal is to inform policy making in order to create a regulatory framework based on best practices, which responds to the unique historic character of Marigny and Bywater neighborhoods.

The report is broken down into the following sections. **Part 1** outlines the development history of the Marigny and Bywater riverfront, and summarizes previous plans for the area. **Part 2** analyzes the existing land use, development pattern and the regulatory framework of the study area. In **Part 3** the study reviews riverfront development best practices and **Part 4** summarizes public comments submitted to the City Planning Commission staff. **Part 5** analyzes and discusses appropriate height in the Marigny and Bywater and the need for height and density bonuses, which leads to several possible considerations. Finally, **Part 6** summarizes recommendations and outlines procedures towards next steps.

# Part 1. Background and Historical Overview

The Mississippi River has played an integral role in the shaping of the city of New Orleans from its foundation to present day. The river has always served as a resource to the inhabitants of this city, driving its economy and attracting a diverse population, but as technologies and commerce have transformed over the past centuries, so has development along the city's riverfront properties. This section aims to understand the evolution of land use and development patterns along the riverfront, and specifically in the study area, so to better inform development policies moving forward.

## Initial Subdivision

The development and urbanization of the Marigny and Bywater neighborhoods, as we know them today, largely occurred during the 19th century. Prior to being subdivided, the Marigny and Bywater neighborhoods were composed of long plantation tracts granted by the French bank to a handful of landowners. These large tracts were gradually platted and resubdivided as the sale of the property became more profitable than the cultivation of the land. The gradual subdivision of the tracts into faubourgs, or suburbs, generally began upriver at the border of the Vieux Carré and proceeded downriver over time towards St. Bernard Parish.<sup>3</sup> In 1835, the newly adopted charter for the City of New Orleans designated the faubourgs of the present-day Marigny and Bywater neighborhoods as the Third Municipality or Third District.<sup>4</sup>

On the whole, the lot pattern of the Third District consisted generally of squares measuring 300 feet by 300 feet, with single lots measuring approximately 30 feet in width by 120 feet in depth. In most of the Marigny Subdivision, though there were exceptions, most lots were positioned to face the streets running parallel to the Mississippi River with generally fewer lots facing the perpendicular streets. This pattern continued within the upriver portion of the Bywater faubourgs near Press Street, but the downriver squares, starting at Louisa Street and running towards Poland Avenue, were generally subdivided with individual lots facing perpendicular streets.<sup>5</sup>

## Land Use and Development Patterns

Prior to their subdivision, the original plantation tracts were primarily used for agricultural purposes. As the city grew in population during the 19th century, due to the arrival of several immigrant groups, newly subdivided parcels were subsequently developed with a mix of residential, commercial, and industrial land uses. Residential land uses constituted the majority of development in the Third District, though the squares adjacent to the Mississippi River contained a high concentration of commercial and industrial land uses.

The early 19th century marked a boom in growth for New Orleans, in terms of population and economic development. The riverfront became the epicenter of trade. As remarked in New Orleans, *The Making of an Urban Landscape*, by geographer Pierce F. Lewis, a reporter in 1883 described the riverfront of New Orleans as follows:

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<sup>3</sup> *Historic Preservation Plan for Bywater Historic District*, US Army Corps of Engineers, 2005.

<sup>4</sup> Ibid

<sup>5</sup> Ibid

*“Along the riverfront are congregated hundreds of steamers, and thousands of non-descript boats, among them numerous barges and flat-boats, thickly interspersed with ships of the largest size, from whose masts fly the colors of every nation in the civilized world.... The throng which comes and goes upon the levee, merchants, clerks, hotel runners, hackmen, stevedores, and river men of all grades, keep up a general motion and excitement, while piled upon the platforms that serve as a connecting link between the watercraft and the shore, are packages of merchandise in every conceivable shape.”*  
(page 37)

The image below, Figure 1, depicts bird's-eye view of New Orleans at the riverfront in the late 19th Century, and very much elicits the scenes described above with ships lining the banks in the upriver St. Marie neighborhood and downriver along the Vieux Carré and into the Marigny neighborhoods.



**Figure 1. Bird's-eye view of the riverfront. Source: “The City of New Orleans and the Mississippi River” by Currier & Ives, c1885, Library of Congress**

Figure 2, a 1903 photograph of the cotton bales along the levee, depicts another historic riverfront scene. The photo was likely taken slightly upriver of the Vieux Carre, as the 8-story sugar refinery which flanked the riverfront near Bienville Street is seen in the background. The image shows the bustling port activity of the early 20<sup>th</sup> century, where ships, warehouses, and wharves were crammed along the river's edge.



Figure 2. New Orleans circa 1903. "Cotton on the Mississippi River levee." 8x10 inch dry plate glass negative, Detroit Publishing Company. Retrieved from Shorpy Images.

### *Sanborn map analysis*

Historic Sanborn maps from the late 19th Century indicate a number of industrial developments within the squares adjacent to the riverfront in the Marigny and Bywater neighborhoods including breweries, warehouses, cotton yards, lumber yards, coal yards, rice mills, canneries, and sugar refineries. In general, it appears that industrial uses along the riverfront properties were developed upon larger parcels. In some cases an industrial complex would comprise an entire city square. Some squares included industrial developments alongside single- and two-family dwellings as well as small-scale commercial buildings or corner stores.

Though historic Sanborn maps do not indicate building heights, they do reveal the number of stories within a given structure. Both the 1896 and 1908 maps show that a wide variation in building form existed on the riverfront squares in the Marigny and Bywater neighborhoods.

While residential buildings were generally one to two stories in height, industrial and commercial structures demonstrated more variation, from single-story warehouses to taller 3- and 4-story structures. For example, on Square 8, fronting N. Peters Street between Elysian Fields Avenue and Marigny Street was a 4-story rice mill structure. Adjacent to that was another 3-story mill fronting Marigny Street. See Figure 3 below.

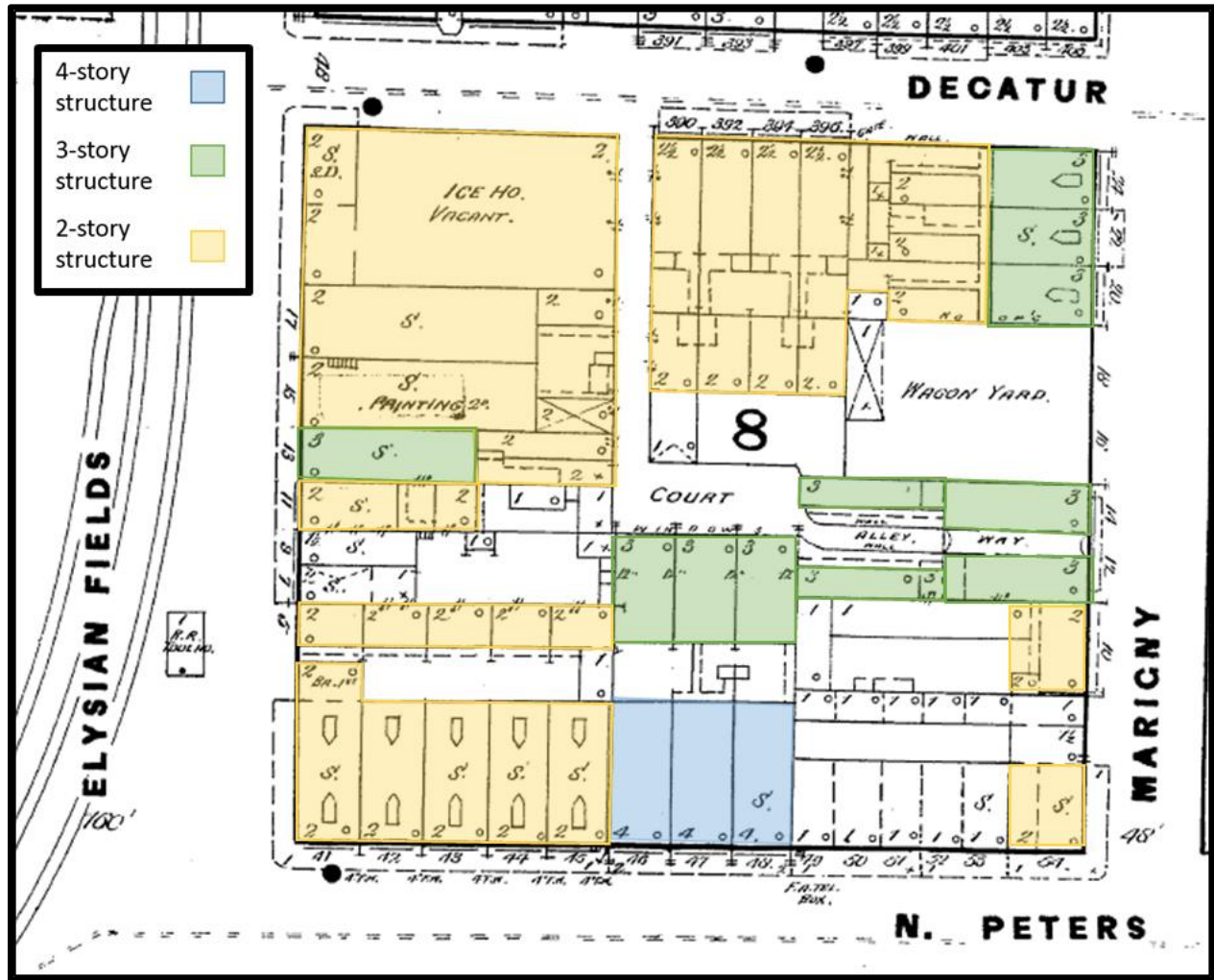


Figure 3. Sanborn 1885-1893, vol. 2, Sheet 47a

Moving downriver, on Square 12, there was a large 3-story sugar refinery building which fronted N. Peters Street between Mandeville and Spain Streets and spanned the entire width of the square. Behind this facility were a number of single-story single and two-family dwellings with frontage on Mandeville, Spain and Decatur Streets. See Figure 4.

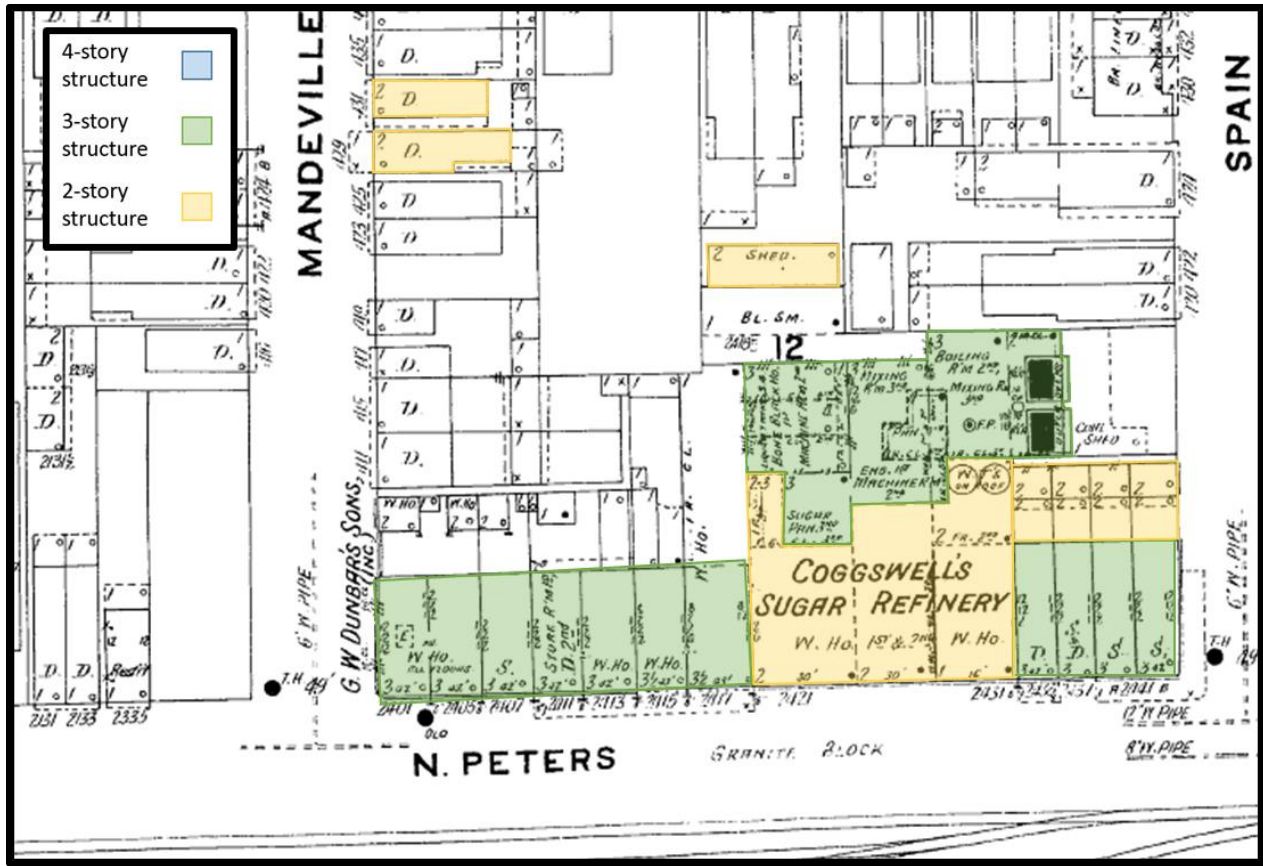


Figure 4. Sanborn 1908-1909, vol. 1, Sheet 3

On Square 16, there was another large 3-story molasses refinery complex. On the same square there was a row of several 2-story double residences fronting St. Roch Avenue, and a couple of single-story residences fronting Port Street. See Figure 5.

On Square 19 between St. Ferdinand Street and Press Street (at the site of present-day NOCCA building), there was a row of 3-story commercial buildings with frontage on N. Peters Street and another 3-story jute manufacturing structure opposite that fronting Chartres Street. On Square 20 was a 4-story rice mill structure which is today used as a multi-family residence. See Figure 6.



Moving further downriver into the Bywater neighborhood on Square 22 was a large 1-story stables and next to it a 3.5 story brewery facility with frontage on North Peters Street. On the same square was also a row of four single story double residences and one single residence. See Figure 7 below.

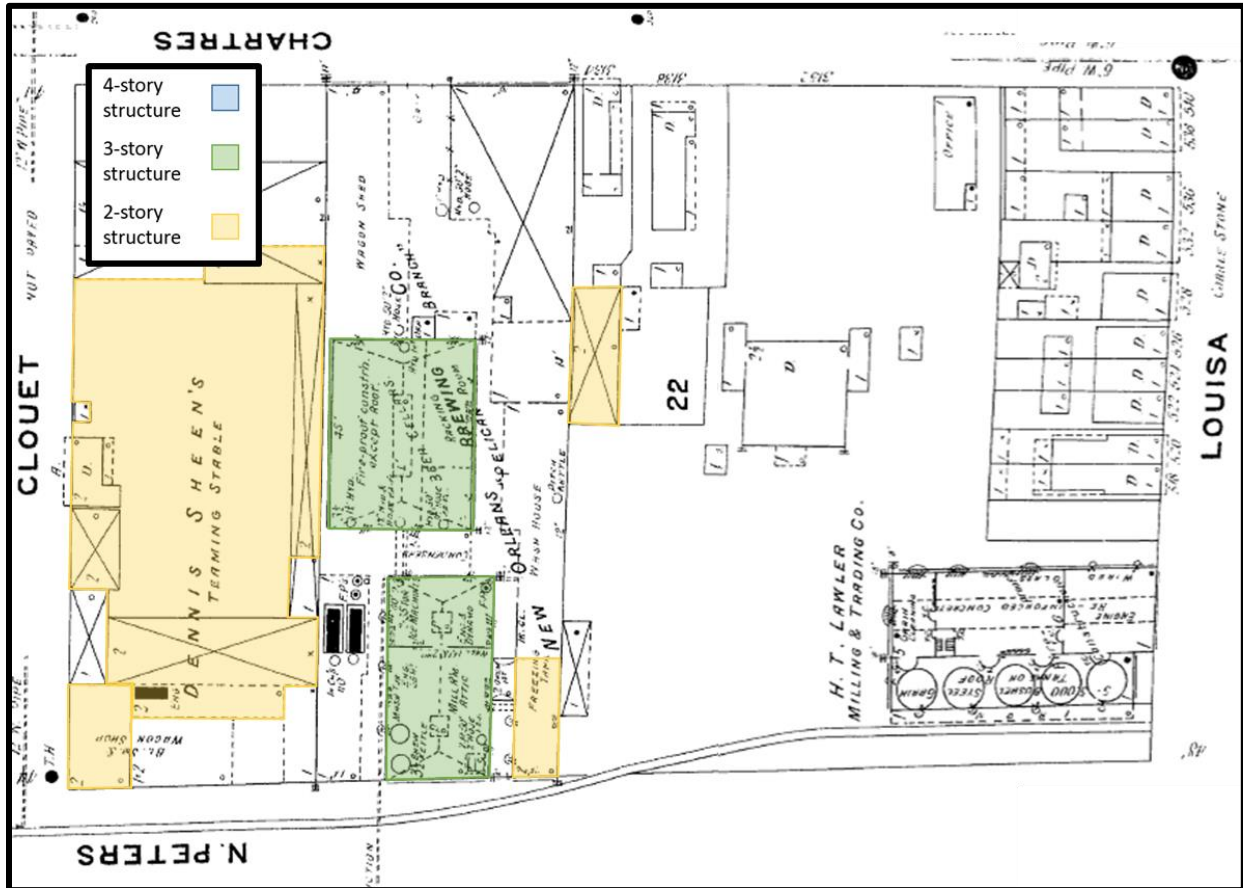


Figure 7. Sanborn 1908-1909, vol. 1, Sheet 11

On Square 23, there were two smaller coal yards fronting N. Peters Street, and a single-story double residence nestled between them. On the opposite side of the square, facing Chartres Street was a single-story market and a two-story girls school. Square 24 was used entirely as a coal yard, while most of Square 25 was developed with a single-story canning facility. See Figure 9. No buildings on these three squares exceeded one story in height.

Square 26 appears to have been more densely developed with primarily with single-story single and double residences with frontage on both N. Peters, Gallier, and Congress Streets. Square 27, on the other hand, was developed with one double residence and a single-story excavating facility. See Figure 8. No buildings on these three squares exceeded one story in height.

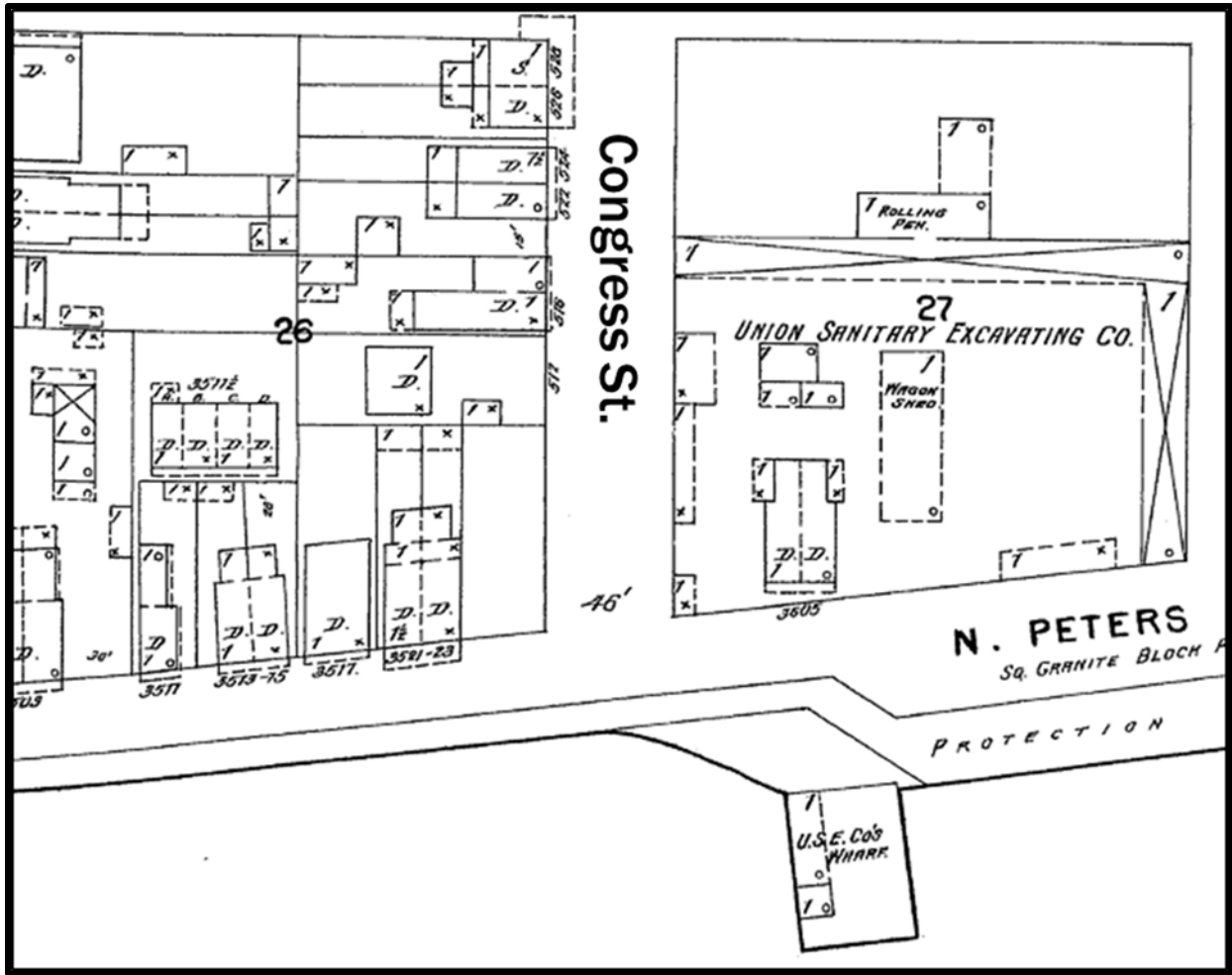


Figure 9. Sanborn 1895-1896, vol. 4, Sheet 348

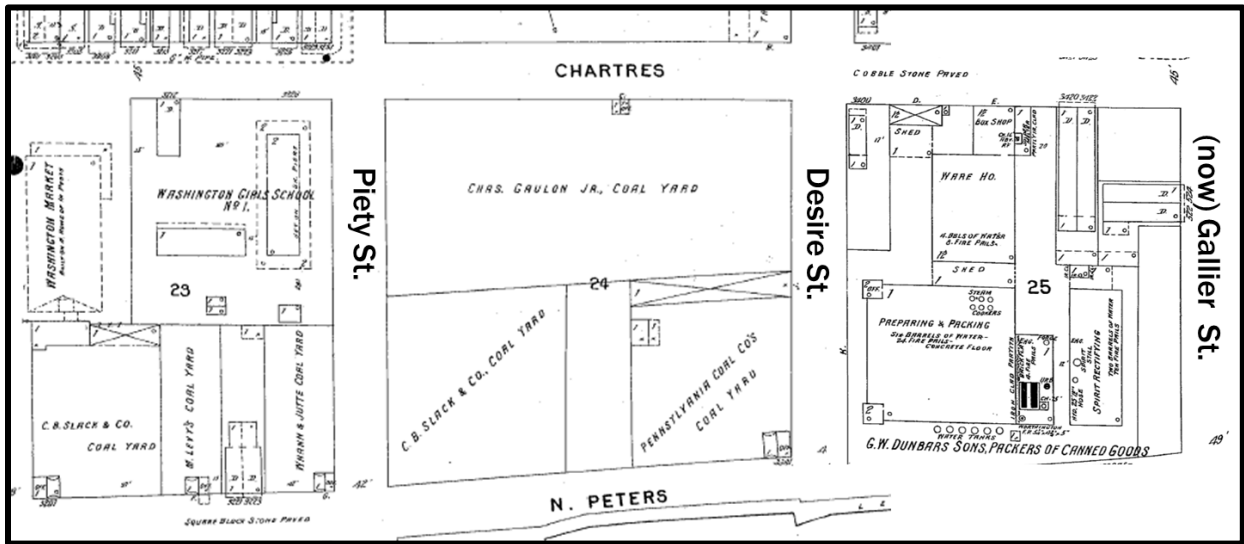


Figure 8. Sanborn 1895-1896, vol. 4, Sheet 347

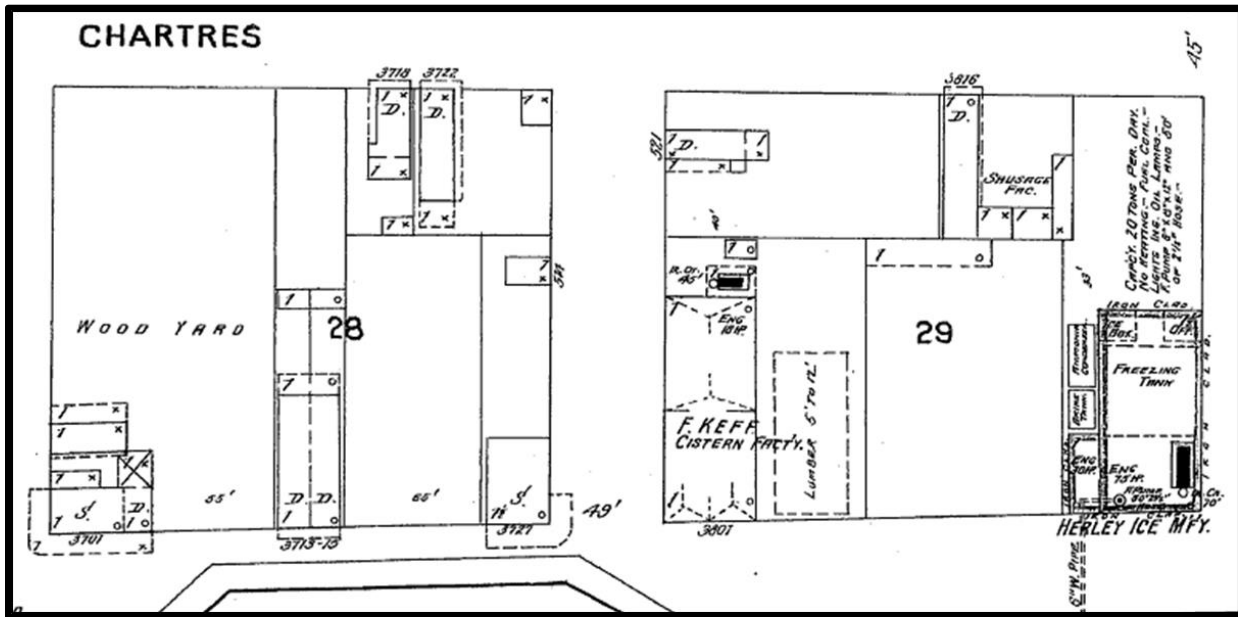


Figure 10. Sanborn 1895-1896 vol.4, 1896, Sheet 348

Square 28 was developed with a few single-story residences, a wood yard, and two single-story corner stores, one at the corner of N. Peters and Independence Streets, and the other at the corner of N. Peters and Pauline Streets. Square 29 was developed with two industrial facilities facing N. Peters Street, a cistern factory and an ice facility. Both were housed in single-story structures. Behind these two facilities were two single-story single residences, one with frontage on Chartres Street and the other with frontage on Pauline Street. See Figure 10. No buildings on these three squares exceeded one story in height.

Moving further downriver to Poland Avenue, Squares 30 through 35 were developed with primarily with residences, including mostly single-story single and double residences, though there appears to be a handful of raised-basement and some two-story residences. There also were a few corner commercial structures developed on some of these squares. The St. Mary's Asylum for Orphan Boys was located on the lakeside of Chartres Street at Mazant Street, and consisted of a large 3-story structure. See Figures 11 and 12.

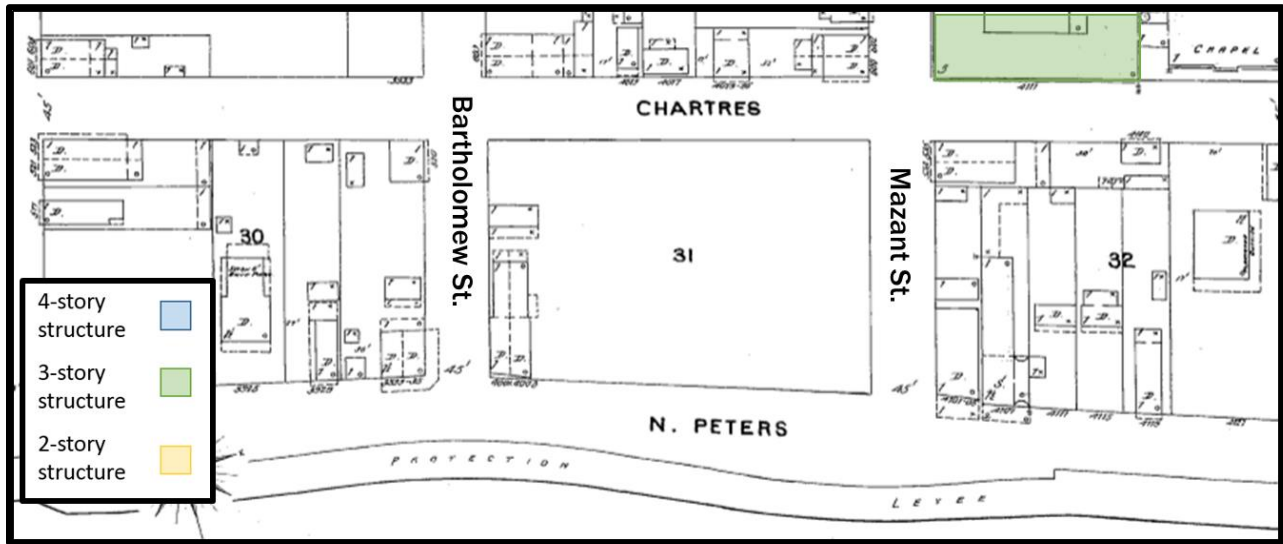


Figure 11. Sanborn 1895-1896 vol.4, 1896, Sheet 349

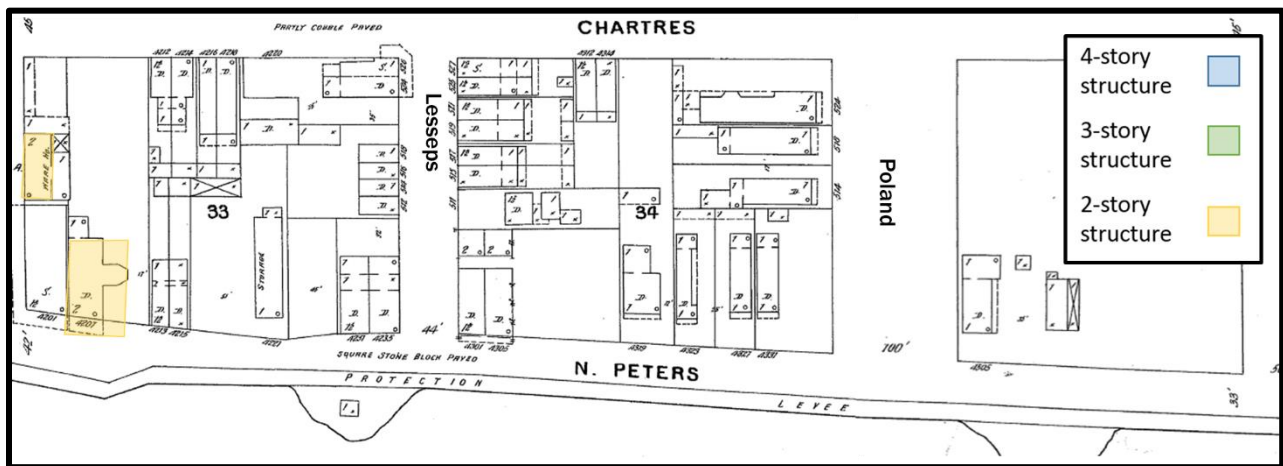


Figure 12. Sanborn 1895-1896 vol.4, 1896, Sheet 350

In general, it appears from the late 19th Century maps that the riverfront properties in the Marigny area were more densely developed with taller industrial and commercial structures, in the range of three- to four-stories, while as one moved downriver toward the Bywater area, industrial buildings gradually scaled down and residential uses became more prevalent especially within riverfront squares closest to Poland Avenue.

## Development of Railroads & Port of New Orleans (Late 19th & Early 20th Centuries)

The late 19th and early 20th centuries saw the development and expansion of large railroad networks citywide, both passenger and freight. The 1908 Sanborn maps show that much of the developments along the Bywater riverfront were demolished. Eleven squares between N. Peters and Chartres Streets, from Piety Street to Poland Avenue, were cleared to make way for railroad lines.<sup>6</sup> The 1951 Sanborn maps show a wide network of multiple freight rail lines feeding into a series of wharves along the riverfront. See Figure 13. By this point, the N. Peters Street right-of-way had become obsolete in the Bywater neighborhood, swallowed by the railways.

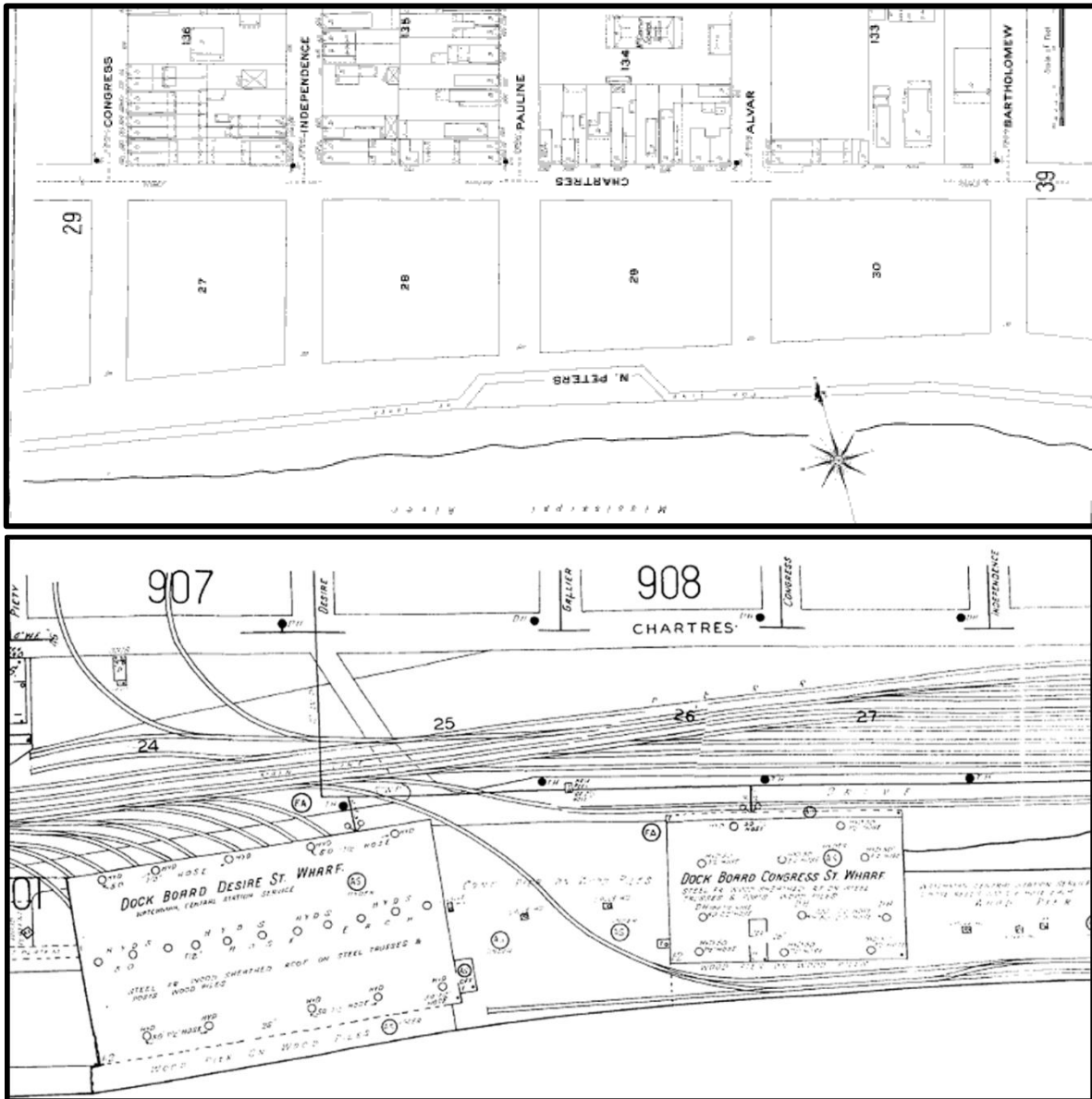


Figure 13. Source: As seen in the top Sanborn map, most squares in the Bywater between N. Peters and Chartres Streets were cleared by 1909 to make way for more railroad development. The 1951 Sanborn map below shows the full development of the railroads on these squares. Sources: (top) Sanborn 1908-1909 vol.1, Sheet 34 (bottom) Sanborn 1937-1951 vol.9, Sheet 902.

<sup>6</sup>Squares 24 through 35.

In 1896, in order to bring streamline riverfront operations, the Louisiana legislature established the Board of Commissioners of the Port of New Orleans to administer the public wharves and regulate trade and traffic. Within a few years, the Port, or Dock Board, had totally rebuilt the riverfront with a network of wharves, warehouses, and storage facilities. In 1918, the Port and the City also began construction of the Inner Harbor Navigation Canal to improve shipping from the lake to the river. The development of the canal caused the bisecting of the 9th Ward into an upper and a lower section. The Public Belt Railroad Commission was also created which consolidated the City's control of the riverfront railroads and enabled more efficient port operations and the movement of goods. As Pierce F. Lewis<sup>7</sup> wrote, "*the city moved into the river, at the same time building a commercial barrier between the residential city and the Mississippi.*" Figure 14 below is a bird's eye photo of the riverfront, taken from the interior of the Bywater neighborhood around 1950. The photo below demonstrates the commercial barrier that existed between the neighborhood and the river at this time.



Figure 14. Bywater riverfront circa 1950, source: Richard Campanella

### Post WWII Riverfront

Port operations evolved once again after WWII with the creation of container shipping technologies and the growing popularity of trucking, which began to replace the “long wharf” land use model. Container shipping allowed for the consolidation of wharves, and slowly older wharves built in the early 20th century began shutdown operations along the riverfront.<sup>8</sup> The Port subsequently built the France Road terminal along the Industrial Canal as its first container-handling terminal; it later constructed another container facility at the Napoleon Avenue.<sup>9</sup> It was during this transitional time that city leaders and port officials began to see more value and opportunities for the development of non-maritime uses along the riverfront.<sup>10</sup> In the 1960s, the City and Port constructed the 33-story International Trade Mart at the foot of Canal Street which housed business and trade offices as well as federal agencies dealing with international

<sup>7</sup> Lewis, Pierce F. *New Orleans, the Making of an Urban Landscape*. 1976. Page 45.

<sup>8</sup> Ibid

<sup>9</sup> <http://www.portno.com/history>

<sup>10</sup> Lauria, Mickey. *Waterfront development, urban regeneration, and local politics in New Orleans and Liverpool*. 1994.

commerce. Shortly after, the Rivergate Exhibition Facility was constructed across the street which served as New Orleans' first major exhibition center.<sup>11</sup> Non-maritime development continued throughout the 1970s and 1980s along the riverfront areas adjacent to the Central Business District and French Quarter just in time for the City's hosting of the 1984 World's Fair. Developments included Woldenberg Park, the Moonwalk, Rouse's Riverfront Shopping Center, the Convention Center, Canal Place, and the Hilton Hotel. In more recent years, the Port has also entered into the tourism industry, opening two large cruise terminals in the Warehouse District.

The majority of the late 20th Century riverfront redevelopment projects were concentrated in the downtown and French Quarter's area. However, in the 1990s and 2000s there was continued interest in the redevelopment of the other riverfront areas with a mix of maritime and non-maritime uses, particularly the Lower Garden District, Algiers, Bywater and Marigny riverfronts. These interests inspired a number of redevelopment plans which aimed to develop strategies to encourage quality redevelopment. These planning efforts are described later in this report. One concrete outcome of these planning efforts was a cooperative endeavor agreement into which the Port and City of New Orleans entered in 2006. The agreement applied to all riverfront parcels, from the river's edge to the floodwall, between Jackson and Poland Avenues. The agreement outlined how the Port and City would jointly develop the riverfront area for public non-maritime use and set out the terms of future operations. The agreement also included a plan for the development of two riverfront parks and a riverfront performing arts center. Crescent Park, a 1.4 mile, 20 acre urban linear park opened in 2014 and completed in 2015, was the first project of this agreement to be realized.

### **Previous Zoning**

Since the adoption of the City's first Comprehensive Zoning Ordinance in 1929, the riverfront properties in the Marigny and Bywater neighborhoods have been regulated by a series of different zoning standards as the Zoning Ordinance was redrafted overtime. The table below summarizes some of the standards related to zoning district designation and height and density requirements that applied to the study area at different time periods. The time periods in the table reflect general eras between major revisions to the Zoning Ordinance in 1953, 1970, and 2015. In 1929 the entire study area was designated with the same zoning district. However, since the 1953 rewrite of the ordinance, the study area contained two or three different zoning designations, generally corresponding with whether or not the property was located in Marigny or Bywater. Some notable zoning changes within the study area include the rezoning of Marigny District properties in 1971 to promote preservation of the historic neighborhood, and the 2009 rezoning of Crescent Park from a light industrial district to a parkland/open space district in order to enable to construction of the park.

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<sup>11</sup> Ibid

<b>Table 1. Historic Zoning Regulations of the Marigny &amp; Bywater Riverfront Areas</b>									
<b>Year</b>	<b>1929</b>	<b>1960</b>		<b>1975</b>			<b>2015 (Current)</b>		
<b>Zoning Districts</b>	<i>"L" Unrestricted</i>	<i>L - Heavy Industrial District</i>	<i>J - Light Industrial District</i>	<i>HMC-2 Historic Marigny Commercial District</i>	<i>HMLI-Historic Marigny Light Industrial District</i>	<i>LI Light Industrial District</i>	<i>HMC-2 Historic Marigny Commercial District</i>	<i>HM-MU Historic Marigny/Bywater Mixed Use District</i>	<i>OS-R Regional Open Space District</i>
<b>Minimum Density Requirements</b>	400 sq ft/family	varied depending on number of dwelling units	varied depending on number of dwelling units	varied depending on number of dwelling units (MF – 4+ Units: 600sf/du) FAR: 2.2	varied depending on number of dwelling units (MF – 4+ Units: 600sf/du) FAR: 2.0	FAR: 1.0	varied depending on number of dwelling units (MF – 4+ Units: 600sf/du) FAR: 2.2	varied depending on number of dwelling units (MF – 4+ Units: 600sf/du) FAR: 2.5	None
<b>Maximum Height Requirements</b>	8 stories & 100 ft	Unlimited for non-residential; 75ft for residential	175 ft with setbacks over 100 ft; 45 ft if next to a residential district	50 ft	50 ft	75 ft; 50 ft if next to a residential district	50 ft	55 ft	50 ft but all buildings over 35 ft must be set back from lot lines equal to building height
<b>Use Restrictions</b>	None	Several heavy industrial uses required special approval by City Council	Several heavy industrial uses prohibited	Mix of residential and commercial land uses permitted	all uses conditional requiring approval by City Council	residential land uses conditional	Mix of residential and commercial land uses permitted	Mix of residential and commercial land uses permitted	A limited number of park, live entertainment, and commercial uses permitted

## Previous Planning Efforts

The RIV Riverfront Design Overlay District, adopted in August of 2015, was in essence a manifestation of the multiple previous planning efforts conducted in the 1990s and early 2000s. A summary of the plans and some of the key recommendations which stemmed from these plans is summarized below. It is important to assess the ideas and visions laid out during these time periods in order to evaluate to what extent these goals have been realized or to what extent have visions or objectives altered.

### *New Orleans Riverfront Evaluation (1992)*

This strategy document prepared in 1992 was intended to “produce recommendations for City action on the New Orleans Riverfront from Jackson Avenue to Press Street on the East bank of the Mississippi River. The authors of the report noted that there was no comprehensive planning process for the entire riverfront both land and riverside of the floodwall and that one was needed. They recommended the establishment of a more formal joint private/public planning process for urban design and development functions of the riverfront. The plan also offered several strategies related to development along the riverfront. Some of the specific recommendations related to sections of the riverfront near the Lower Garden District and the French Quarter. In regard to the Marigny area, the plan touched on compatibility issues, noting that the “reinforcement” of the residential and warehouse character of the area should be applied through special zoning and design controls. The plan also recommended the extension of the Riverfront Streetcar to Press Street, the development of a riverfront performance facility, and the extension of a riverfront park linked to the Moonwalk and Woldenberg Park. Figure 15 shows the 1992 riverfront plan for the Marigny area.

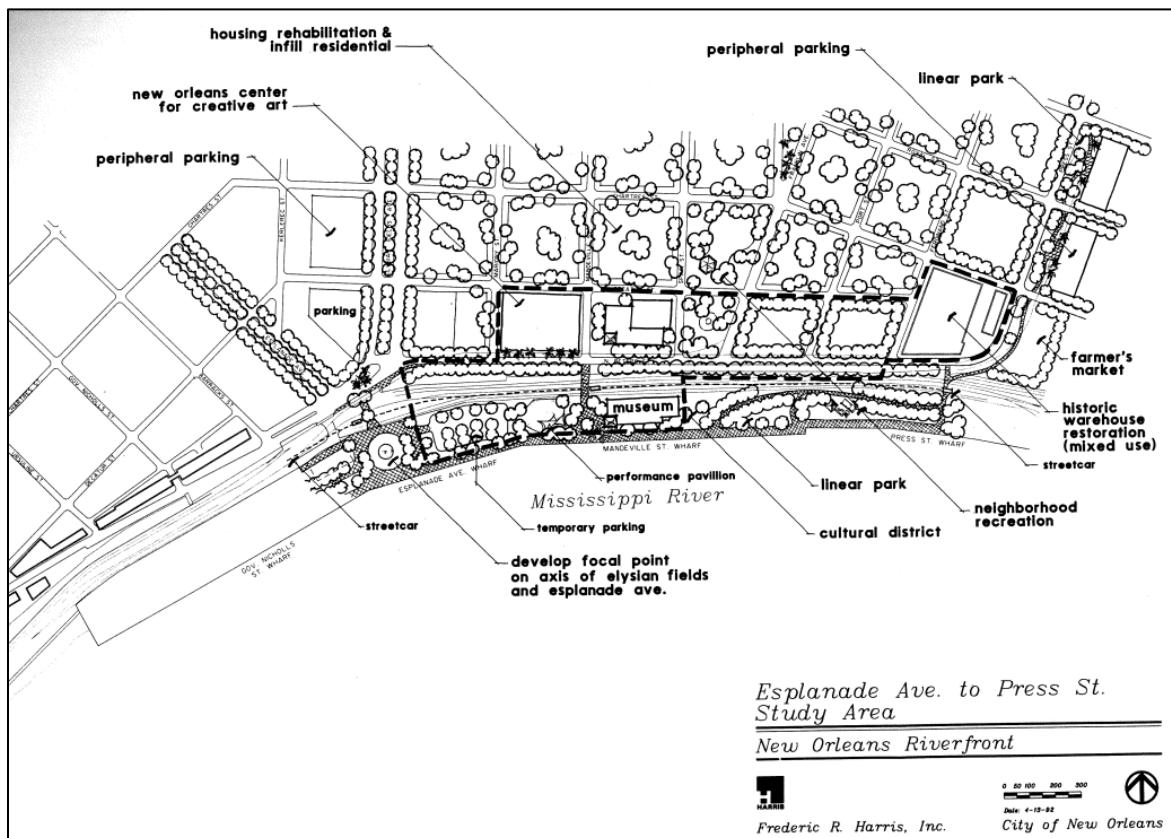


Figure 15. Map from the 1992 New Orleans Riverfront Evaluation. Map indicates recommended riverfront developments from Esplanade Avenue to Press Street.

### *New Orleans Land Use Plan (1999)*

This plan was developed as the first element in the City's Master Plan that remained unfinished prior to Hurricane Katrina. In 2010, it was replaced by the new Master Plan with a Land Use Plan chapter. The 1999 Plan's "Proposed General Land Use Map" for the study area had designations of "Parkland, Recreation and Open Space" for the area that is now the Crescent Park. The designation was changed to encourage new recreational and park space along the riverfront. Some specific land use recommendations for the park included the demolition of the Press Street Wharf, the potential conversion of the Governor Nicholls and Esplanade Wharves for public use, the creation of a pedestrian corridor along the river connecting the Vieux Carré to the Bywater neighborhood, and the extension of the Riverfront Streetcar line into the Marigny and Bywater neighborhoods.

The other parts of the study area that had historically been occupied by industrial uses, were mostly designated "Neighborhood Mixed-Use" and the former Hebert Naval facility on Poland Avenue was designated as "Institutional." The plan notes that that mixed-use development along the riverfront should not be too intense or visitor-oriented as in the French Quarter; thus, the designation was "Neighborhood Mixed-Use" as opposed to "Urban Mixed-Use." The plan envisions "small shops, cafes, and art studios" along the riverfront, emphasizing lower scale, less intense, and a more restricted range of land uses than in the French Quarter. The plan states that even farther downriver, past Piety Street, mixed-use development should be even less intense.

The 1999 Land Use Plan also delineated citizen priorities in Planning District 7 which included: 1) conversion of industrial use along the riverfront into open space and mixed-use development; 2) conversion of vacant industrial land along Press Street Railroad south of St. Claude Avenue to parkland and green space; and 3) creation of more parks, recreational facilities, and open space throughout the district. With regard to new development along the riverfront, the plan notes neighbors' concerns that development not block access to the river, as was perceived at the Rouse's Riverwalk development in the Central Business District. To avoid such an impact the following design considerations were offered as solutions:

- *Ensure pedestrian access to the river at every cross street*
- *Ensure view of the river is preserved at every cross street*
- *Height limits consistent with the character of the existing neighborhood*
- *Population density limits consistent with the character of the existing neighborhood*
- *Ensure that the neighborhood is not adversely impacted by parking and traffic pressures of riverfront development*
- *Similar controls for development of blocks between Decatur Street and the river*

### *Riverfront Vision 2005 Plan (adopted 2006)*

This plan was intended to provide a framework for land use and investment decisions within the entire city riverfront areas through 2025. However, particular attention was given to the riverfront area between Jackson Avenue and the Industrial Canal. The plan laid out the following vision for the riverfront:

*"We envision the riverfront as a vibrant place, a center of cultural and educational opportunities, where citizens are drawn to and reunited with the River. We see the riverfront enhancing the economy of the city with prosperous maritime and non-maritime*

*activities. New development will complement the historic character of adjacent neighborhoods. We envision strengthened links to the neighborhoods and continuous access, connecting riverfront communities via transit, pedestrian and bicycle improvements. New development will respect the riverfront as a public amenity and augment its role as a gateway to the city and its neighborhoods. We see the riverfront as a safe and unique place to live, work and visit.”(pg. 4)*

Major recommendations of the plan included: 1) development of two riverfront parks (one in the Lower Garden District and the other in the Bywater neighborhood); 2) development of a cruise ship terminal at Poland Avenue; 3) creation of a continuous pedestrian and bicycle promenade along the water’s edge from Jackson Avenue to the Industrial Canal; 3) designation of the neighborhood access corridors and nodal points as gateways to the riverfront; 4) development of an urban design plan for City-owned riverfront property; 5) designation of a “Riverfront Management Entity” to spearhead funding and implementation of the vision plan; and 6) increased opportunity for public review and input for major development proposals along the riverfront.

The plan also recommended and introduced the concept of creating a “Riverfront Overlay Zoning District” for the area of the riverfront from Jackson Avenue to the Industrial Canal. Specific components of the proposed overlay district can be seen in Table 2. The originally intended purpose of the overlay was to “support and guide appropriate redevelopment of the riverfront in a way that enhances the economy of the city and the quality of life of its residents, improve traffic and infrastructure while maximizing public access and public use of the riverfront, ensure consistency, continuity and quality design for riverfront development, and finally, provide a forum for public input on major riverfront development projects.” (pg. 50) The plan recommended that distinct standards be created in the overlay district for development of the riverside of the floodwall and for development on the landside of the floodwall.

Within the “downriver” segment of the riverfront, which includes the study area, the plan highlighted specific “major nodal points,” or “gateways,” at the ends of major and minor streets leading to the riverfront which could potentially accommodate more intense or taller development. These specific major nodal points identified in the study area were the ends of Elysian Fields/Esplanade Avenues, Press Street, and Poland Avenue. While the plan noted the importance of maintaining height and massing restrictions that are compatible with existing nearby development, it also recommended that “some increased height along major access corridors should be considered to encourage exceptional and creative design, new residential uses, public open space, and improved access and pedestrian amenities.” (pg. 34) This recommendation was followed by a more specific design recommendation including that “development proposals that seek to rise above the allowable height should vary the massing of the building, combining low-rise portions on the residential side of the site to offset higher elements on the riverside.” (pg. 34) Table 2 notes the first proposed bonus criteria for qualifying for additional height. The 2005 plan also emphasized that the creation of superblocks (or development which spanned multiple squares) should be avoided to prevent the “wall-effect” as expressed by concerned residents in previous planning exercises.

**Table 2: Riverfront Vision Plan 2005 Recommendations**

Riverfront Overlay District – Proposed Key Components		
	RIVER SIDE OF FLOOD WALL	LAND SIDE OF FLOOD WALL
<b>Overlay Boundaries</b>	From Jackson Avenue to the Industrial Canal encompassing the industrial and mixed use areas between the River's edge and the residential neighborhoods (See map on Page 45)	
<b>Permitted Uses</b>	Existing industrial uses, maritime cargo uses, parks with accessory commercial uses under 5,000 sf, transit stations, and utilities	Parks, single and two family residential uses + underlying zoning district permitted uses under 50,000 s.f.
<b>Conditional Uses</b>	Any other permitted or conditional use authorized in the underlying zoning district, and any use exceeding the height limit.	Any permitted use authorized in the underlying zoning district > 50,000 s.f., any conditional use authorized in the underlying zoning district, and any use exceeding the height limit.
<b>Prohibited Uses</b>	New non-maritime industrial uses, big box retail, trash and recycling facilities, automotive retail and stockyards, non-accessory surface parking lots, distribution centers, t-shirt shops, adult establishments, and package liquor stores	Certain industrial uses, big box retail, trash and recycling facilities, automotive retail and stockyards truck stops, scrap metal and tire collection/transport, open storage of building materials, animal husbandry, adult establishments
<b>Development Plan Review <sup>1</sup></b>	New construction and redevelopment involving modification of the site plan are subject to development plan review. Redevelopment within an existing building envelope and complying with the height limit is <b>not</b> subject to CPC review.	New construction and redevelopment involving modification of the site plan are subject to development plan review. Redevelopment within an existing building envelope and complying with the height limit is <b>not</b> subject to CPC review. Single and two family dwellings complying with the height limit are <b>excepted</b>
<b>Riverfront Promenade Servitude</b>	Minimum 25 foot wide servitude is required for properties directly fronting the Mississippi River (May be greater if deemed necessary due to location of underlying "box levee") – the design shall ensure emergency access & Port security	None Required
<b>"Superblocks"</b>	No construction across nodes or the extension of a street perpendicular to the river	No construction across existing streets or spanning more than one city square
<b>Height Limitations</b>	Base height limit of 35 feet, except as noted below. <sup>2</sup>	Base height limit of 50 feet, except as noted below. <sup>2</sup> Development at certain major nodes may be built to a maximum of 75 feet subject to established standards and review process.
<b>Open Space &amp; Floor Area Ratio (OSR) (FAR) Requirement <sup>3</sup></b>	Proposed park areas shall maintain an OSR of 75% or greater. Proposed mixed use areas shall maintain an OSR of 50% or greater. Potential Floor Area Ratio requirements will be further studied.	Potential Open Space Ratio and Floor Area Ratio requirements will be further studied.
<b>Traffic Impact Analysis</b>	Required if the development proposal exceeds 50,000 s.f.	Required if the development proposal exceeds 50,000 s.f.

<sup>1</sup> Developments must submit a Riverfront Access Plan as part of their review. The Overlay District will not affect HDLC or VCC review.

<sup>2</sup> Heights in the CBD Districts will not be changed by the Overlay District. Heights in the Lower Garden District on the landside of the floodwall will be modified as part of revisions to the MU-A Mixed Use District. On the riverside maximum height of 50 or 75 feet may be considered at certain nodes. For heights in specific segments, see details on page 52. To qualify for heights above the base height limit at nodal points, developments must provide exceptional design, a combination of additional public open space and amenities, contribute to public infrastructure improvements, and enhancements to the pedestrian environment.

<sup>3</sup> OSR and FAR requirements for the VCP and CBD Districts remain unchanged.

*Unified New Orleans Plan (2007)*

The Unified New Orleans Plan, or UNOP, was created as a city-wide recovery and rebuilding plan in response to the devastating impacts of Hurricane Katrina. The drafting of the plan included an intensive grass-roots process, integrating community input as well as professional planning expertise. The plan included 13 district plans which focused on specific recovery

projects in each of the city's planning districts. In the plan for District 7, which includes the Bywater and Marigny neighborhood, several key projects and initiatives were identified that concerned the redevelopment of the riverfront. Some of the riverfront projects mentioned included a bike path along the riverfront, pedestrian crossings at floodwall to allow access to the river, a new linear park along the landside of the floodwall on Chartres Street between Piety Street and the Industrial Canal,<sup>12</sup> and retention of abandoned riverfront wharves for use in riverfront park space.

### *Reinventing the Crescent (2008)*

This Plan proposed a development plan for the riverfront between Jackson Avenue and the Industrial Canal. Its goals included (1) remove physical barriers to public access at the River; (2) create continuous linear access and a network of great green spaces along the water's edge; (3) create gathering places and moments of distinct character that encourage civic activity and foster community energy; (4) build new architectural icons or landmarks that offer an authentic 21st Century design face for New Orleans; (5) encourage beautiful, sustainable places to live near the River's edge; (6) increase municipal and state revenue by expanding the tax base rather than increasing the rate of taxation; (7) stimulate economic growth by providing enhanced infrastructure; (8) create jobs; and (9) trigger new private investment near the riverfront.

### *New Orleans Master Plan (2010)*

The New Orleans Master Plan, also known as the Plan for the 21<sup>st</sup> Century: New Orleans 2030, mentioned the importance of creating riverfront districts which were based upon policies of the 2005 Riverfront Vision Plan. The plan identifies the development of riverfront open space and a riverfront park based on the initiatives of the Reinventing the Crescent Plan as a key action item. Generally, the study area is addressed by two strategies of the Master Plan's Land Use Plan:

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

Both the base zoning and Riverfront Overlay address these strategies since the study area is at the edge of the neighborhood on higher ground than most of New Orleans. Additionally, most of the study area was within industrial districts that have become less industrial in nature over time.

The Land Use Plan chapter of the Master Plan designates the Crescent Park as "Parkland and Open Space," the active Port wharves near Poland Avenue as Industrial, and most of the developable parts of the study area as "Mixed Use Historic Core." The description of this category is copied below.

## **MIXED-USE HISTORIC CORE**

**Goal:** Increase convenience and walkability for neighborhood residents and visitors within and along edges of historic core neighborhoods.

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<sup>12</sup> Much of this area was actually developed as a parking lot in 2014 for visitors of Crescent Park on the riverside of the floodwall.

**Range of Uses:** A mixture of residential, neighborhood business, and visitor-oriented businesses. Uses may be combined horizontally or vertically, and some structures may require ground floor retail with residences or offices on upper floors. In some areas where current or former industrial use is verified, existing buildings may be appropriate for craft and value added industry.

**Development Character:** The density, height, and mass of new development will be consistent with the character and tout ensemble of the surrounding historic neighborhood. Appropriate transitions will be provided to surrounding residential areas.

A land use action is considered consistent with the Master Plan if it: (1) furthers, or at least does not interfere with, the goals, policies, and guidelines, including design guidelines, that are contained in the Land Use chapter of the Master Plan; and (2) is compatible with the proposed future land uses, densities, and intensities in the Land Use chapter of the Master Plan. The uses authorized by the underlying zoning in the study area are consistent with the Master Plan. If any additional uses were authorized by the Riverfront Design Overlay District, they must be consistent with the Master Plan. Likewise, any height or density increases must be consistent with the Master Plan which states that the density, height, and mass of new development will be consistent with the character and tout ensemble of the surrounding historic neighborhood. Appropriate transitions with lower scale properties should also be provided.

The City Planning Commission previously recommended seventy-five (75) feet in height and a floor area ratio of 3.7 to 4 for the riverfront overlay area as being compatible with the surrounding area. The riverfront overlay area is separated from surrounding residential areas by street rights-of-way. Additional transitions such as a step back requirement may be considered for future incorporation into the riverfront overlay's standards.

#### *Comprehensive Zoning Ordinance Revisions (2015)*

In 2015, a new Comprehensive Zoning Ordinance was adopted with an RIV Riverfront Design Overlay District that was based on recommendations from the Riverfront Vision 2005 Plan. The Overlay includes standards for certain areas that act as gateways to the riverfront and are key to improving and encouraging pedestrian access from the surrounding neighborhoods to the River through the use of special design features. Subsection G specifies standards that qualify a development for consideration for an increase in height and/or density.

Under the former zoning ordinance, the study area comprised four zoning districts. On the land side of the floodwall, (1) the portion between Elysian Fields Avenue and Esplanade Avenue was within an HMC-2 Historic Marigny Commercial District; (2) the portion between Elysian Fields Avenue and Press Street was within an HMLI Historic Marigny Light Industrial District; and (3) the portion between Press Street and Piety Street and the port facilities between Mazant Street and the Industrial Canal were within LI Light Industrial Districts. The Crescent Park was within a P Park District. There was no Riverfront Overlay District.

#### **Boundaries of the RIV Riverfront Design Overlay District**

The new CZO was under development for four years. While in draft form, the RIV Riverfront Overlay District was modified with successive drafts. Earlier drafts included most of the study area; but, the portions eligible for a height or density increase were based on the distance from Crescent Park entrances at Marigny and Piety Streets. A subsequent draft did not include the Marigny portion of the study area as eligible for a height or density increase. The final draft

approved by the City Planning Commission also did not include Marigny in the portion eligible for a height or density increase, except for the City-owned parking lots with frontage on the upriver side of Elysian Fields Avenue between N. Peters and Chartres Streets. This final draft specified the boundaries eligible for height and density increases as gateways to the riverfront:

- In Bywater, the floodwall along the Mississippi River, Chartres Street, Press Street, and Piety Street on the East Bank of the Mississippi River;
- In Marigny, all lots with frontage on the upriver side of Elysian Fields Avenue between N. Peters Street and Chartres Street.
- In Algiers Riverview, the area bounded by the levee along the Mississippi River, the Orleans Parish/Jefferson Parish boundary line, Brooklyn Avenue, Powder Street, and Pelican Street on the West Bank of the Mississippi River.

During the City Council's consideration of the CZO, an amendment titled MJL-6 proposed changes to Overlay District's "gateway" areas that expanded the area of applicability. This amendment was approved by the City Council. However, this expansion had not been considered by the City Planning Commission prior to its recommendation on the whole Comprehensive Zoning Ordinance. On the Eastbank, this amendment made the entire study area eligible for a height and density increase. The boundaries adopted by the City Council were:

- In Marigny and Bywater, Esplanade Avenue, a line extending from the centerline of Esplanade Avenue between North Peters Street and the center of the Mississippi River, the Mississippi River, the Inner Harbor Navigation Canal, a line extending from the centerline of Chartres Street between Poland Avenue and the center of the Inner Harbor Navigation Canal, Chartres Street, St. Ferdinand Street, Decatur Street, Elysian Fields Avenue, Chartres Street, the rear property line of lots with any frontage on Elysian Fields Avenue, Decatur Street, Frenchmen Street, and Decatur Street on the East Bank of the Mississippi River;
- In Algiers, the area bounded by the levee along the Mississippi River, the Orleans Parish/Jefferson Parish boundary line, Brooklyn Avenue, Powder Street, and Pelican Avenue, and a line extending from the centerline of Pelican Avenue to the levee on the West Bank of the Mississippi River.

## **Standards for Height and Density Increase Eligibility**

In an earlier draft, the criteria for a height increase were:

- Landscaped public open space, public plazas, and/or sidewalk/open air cafés are included.
- Developments either utilize energy efficient design or other innovative sustainable design characteristics, or contribute to new floodwall bridges, rail crossings, or other access improvements to the riverfront.

The City Planning Commission recommended approval of an expanded set of criteria in the final draft transmitted to the City Council:

- a. Developments shall include landscaped public open space, public plazas, and/or sidewalk/open air cafés with direct visual access to the River, subject to the Public Plaza Standards and Guidelines contained within Section 17.5.F.2.
- b. Developments shall be designed utilizing energy efficient design or other innovative sustainable design characteristics, sufficient to achieve LEED Gold certification, subject to the Whole Building Sustainability Standards and Guidelines contained within Section 17.5.C.2.
- c. At least five percent (5%) of dwelling units shall be reserved as affordable for households with incomes equal to or below fifty percent (50%) of area median income (AMI), subject to the Affordable Housing Standards and Guidelines contained within Section 17.5.H.2.
- d. In lieu of either (b) or (c) above, a development may be eligible for a density bonus if the developer makes a substantial contribution to a new floodwall bridge, rail crossing, or other improvement which significantly increases access to the riverfront. For purposes of this provision, “substantial contribution” shall mean a financial contribution of at least 50% of the cost of the improvement, provided that the remaining cost of the improvement is available from other funding sources within one (1) year of the date of the City Council Ordinance authorizing the development.

After the final draft of the City Planning Commission was transmitted to the City Council, various amendments were considered by the Council including “MJL-6” as well as amendments proposed by individual Council Members. The ultimately adopted Comprehensive Zoning Ordinance, by the City Council, included the following criteria for the “gateway” areas.

- a. Developments shall include landscaped public open space, public plazas, and/or sidewalk/open air cafés with direct visual access to the River, subject to the Public Plaza Standards and Guidelines contained within Section 17.5.F.2 except that the plaza may be located more than three (3) feet above the adjacent sidewalk area in order to provide better views.
- b. Developments shall be designed utilizing energy efficient design or other innovative sustainable design characteristics, sufficient to achieve a recognized green building certification, such as LEED (Leadership in energy & Environmental Design), Home Energy Rating System, Enterprise Green Communities, National Green Building Standard, Energy Star for Buildings

Program, Net-Zero Energy Building, or another similar certification approved by the Director of the Department of Safety and Permits, and which is subject to the Whole Building Sustainability Standards and Guidelines contained within Section 17.5.C.2.

- c. At least ten percent (10%) of dwelling units shall be reserved as affordable for households with incomes equal to or below eighty percent (80%) of area median income (AMI), with at least half of such affordable dwelling units containing two (2) or more bedrooms. The development shall be subject to the Affordable Housing Standards and Guidelines contained within Sections 17.5.H.2.a and 17.5.H.2.b. The affordable dwelling units shall be located within the same structure as the market-rate dwelling units in the development, shall be comparable to market-rate dwelling units in the development in terms of exterior design and finishes, and shall not be concentrated in any one area of the development.
- d. In lieu of item 2.a above, a development may be eligible for a density bonus if the developer makes a substantial contribution to a new floodwall bridge, rail crossing, or other capital improvement which significantly increases public access to the riverfront. Such an improvement shall only be considered if, at the time of the application, the improvement is included as a priority project in the City's Capital Improvements Plan, and/or included in the City's Capital Budget. For purposes of this provision, "substantial contribution" shall mean a financial contribution of at least 50% of the cost of the improvement, but not less than \$250,000, provided that at the time of the application, commitments exist from other sources ensuring that any remaining funds necessary to complete the cost of the improvement will be available within one (1) year of the date of the application. For purposes of clarity, any contribution made pursuant to this provision shall not be used to waive the standards provided in subsections 2.b or 2.c above.

## Part 2. Existing Conditions & Site Analysis

### Existing Land Use and Base Zoning of the Study Area

The map below shows the extent of the RIV Design Overlay District in the Marigny and Bywater neighborhoods, which is the study area for this report's purposes. The following sections describe the current zoning designations of the study area as well as descriptions of existing land uses.

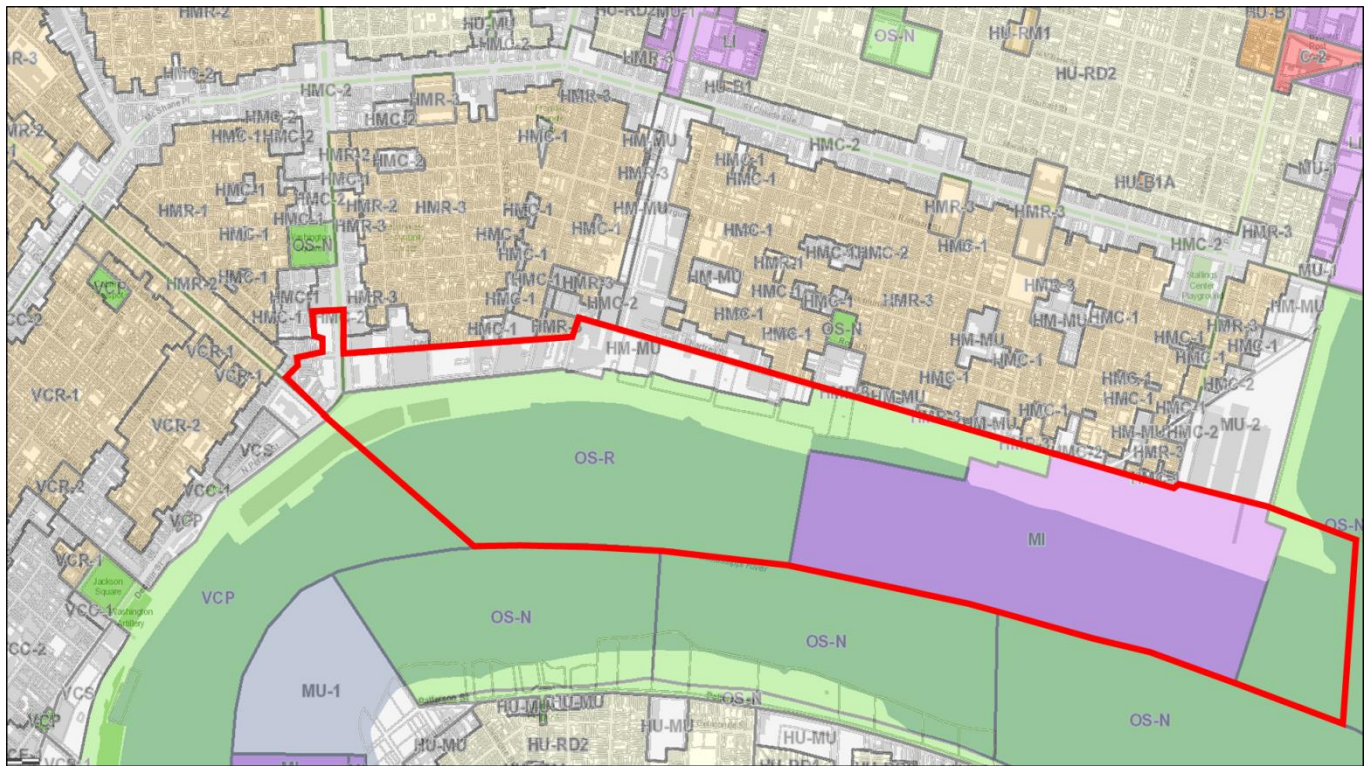


Figure 16. Existing zoning in the study area

### Marigny

The existing zoning categories in the Marigny portion of the study area are shown on Figure 17 below.

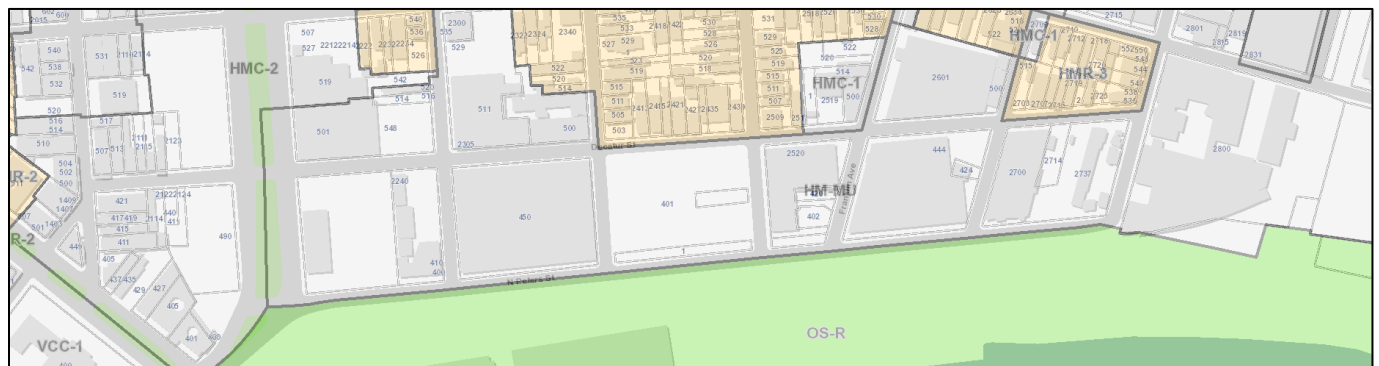


Figure 17. Existing zoning in the Marigny study area

The portion of the study area located in the Faubourg Marigny, between Esplanade Avenue and Press Street, is predominantly commercial between Esplanade and Elysian Fields Avenues, and zoned HMC-2 Historic Marigny/Tremé/Bywater Commercial District. The portion of the study area between Elysian Fields and Press Street is zoned HM-MU Historic Marigny/Tremé/Bywater Mixed-Use District and land uses are almost exclusively industrial.

The commercial area, generally bounded by Decatur Street, Elysian Fields and Esplanade Avenues is developed with a two-story and a five-story hotel, a three story retail store and office, a one-story concert hall, a two-story bar and live performance venue, a two-story residence, a one story fire station, and two surface parking lots. All but one of these uses are concentrated on one square, in a dense pattern that is typical of the Frenchmen Street commercial corridor.

The industrial area, which stretches along the seven squares between Elysian Fields Avenue, Decatur, Press and North Peters Streets, is developed with an Entergy station whose principal building is a vacant four-story brick structure, a produce warehouse, a furniture warehouse, a roasting warehouse, a lumber warehouse, two vacant warehouses and the New Orleans Center for Creative Arts. The entire square between Mandeville and Spain Street is vacant.

*Bywater*

The existing zoning categories in the Bywater portion of the study area are shown on Figure 18 below.

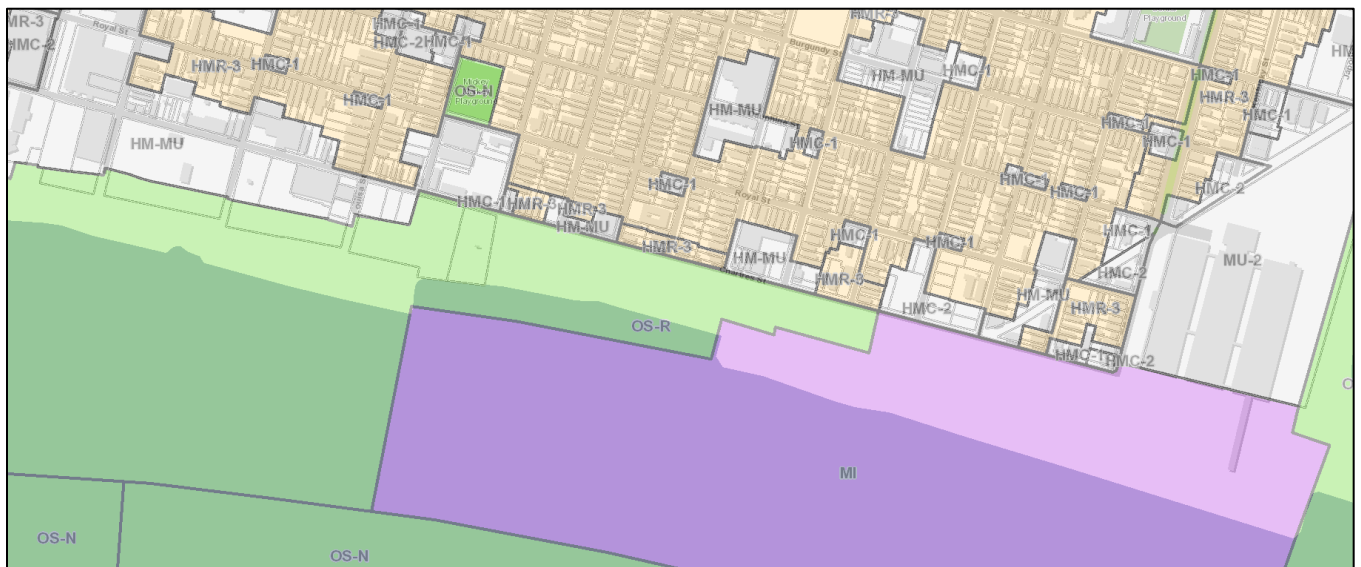


Figure 18. Existing zoning in the Bywater study area

The upriver portion of the Bywater, between Press Street and Piety Street is zoned HM-MU Historic Marigny/Tremé/Bywater Mixed-Use District, like the Marigny area described above. This area is developed with a few industrial, commercial and residential uses. These uses include a four-story, seventy-five foot (75 ft.) high mixed-use building with a restaurant on the first floor and multi-family dwellings behind and above, a parking lot, open storage, a produce warehouse, offices, and vacant land.

The downriver portion of the Bywater is zoned OS-R Regional Open Space District between Piety Street and mid-block between Bartholomew and Mazant Streets. There is no development in this area besides the Crescent Park and a surface parking lot. Further downriver, until the Industrial Canal, land is zoned MI Maritime Industrial District and is occupied with port infrastructure.

### **Existing Development Patterns within the Study Area**

The study area may be divided into three areas based on the development patterns and opportunities: (1) Bywater, (2) Marigny rectangle, and (3) Marigny triangle. All properties within the study area are within full-control local historic districts.

The Bywater portion of the study area, between Piety and Press Streets, contains only four squares, much of which are vacant or underdeveloped land, including remnants of industrial uses that formerly occupied the riverfront. This section includes the Rice Mill, an historic 19th Century structure recently redeveloped as mixed use with residences and a restaurant. The highest portions of the Rice Mill slightly exceed 75 feet in height; however, the frontage at Chartres Street is lower.



**Figure 19 Rice Mill mixed use building as seen from Chartres Street - 75 ft. part of the building is in the rear by the floodwall.**

The Bywater parcels are separated from the residential core of the neighborhood by Chartres Street. The parcels generally front on Chartres Street and back up to the floodwall. At Clouet and Louisa Streets, there are developed streets between Chartres Street and the floodwall that provide access to some lots. Some properties have access only on Chartres Street. For the Bywater parcels, the closest entrance to the Crescent Park is at Chartres and Piety Streets. Chartres Street has become a popular pedestrian and bicycle route due to the park as well as bars and restaurants such as Bacchanal, Pizza Delicious, and Elizabeth's. Chartres Street in Bywater is also

convenient for motorists as there are no traffic lights or stop signs except at Poland Avenue. With two-way traffic, Chartres Street is unable to provide any on-street parking. There is an approximately eighty-five car parking lot for Crescent Park between Gallier and Piety Streets on the land side of the floodwall. At Mazant Street is another entrance to Crescent Park with a parking lot on the River side of the floodwall.



**Figure 20 Chartres Street view with the Rice Mill and shotgun houses across the street one-half block away from each other. The Rice Mill's 75 ft. portion is at the left side of picture by the floodwall.**

The Marigny “rectangle” portion of the study area, between Press Street and Elysian Fields Avenue, contains seven squares and is quite different from Bywater in that most of the properties are on squares surrounded on four sides by public streets. These Marigny parcels are separated from the residential core of the neighborhood by Decatur Street, except at the New Orleans Center for the Creative Arts (NOCCA), which is separated from the residential core by Chartres and St. Ferdinand Streets. Much of the land is developed with large warehouses. One full square is undeveloped. On-street parking is available on Decatur and N. Peters Streets as well as most of the streets perpendicular to the river. The Marigny Crescent Park entrance is at Marigny Street. NOCCA is at the edge of Marigny and Bywater and is approximately equidistant from the Piety and Marigny Crescent Park entrances. Like the Rice Mill, the highest parts of NOCCA are approximately 75 feet in height. N. Peters Street to Chartres Street is probably the most popular route for motorists going through Marigny to Bywater other than St. Claude Avenue.



Figure 21 View from Marigny bridge to Crescent Park - NOCCA in the distance at the end of N. Peters Street.



Figure 22 NOCCA buildings as seen from St. Ferdinand Street - 75 ft. portion of the building at the rear by the floodwall.



Figure 23 NOCCA as seen from the Crescent Park - highest building (75 ft.) at the left of picture.

The Marigny “triangle” portion of the study area, between Elysian Fields and Esplanade Avenues, only includes one and one-half squares. The tallest building in this area is the Hotel de la Monnaie, which is five stories and approximately 55 to 60 feet in height. The squares are surrounded by public streets. The properties are mostly developed with small commercial uses. The sites most likely for redevelopment are City-owned parking lots along Elysian Fields Avenue. The City had previously issued a request for proposals for these properties to develop a parking garage; however, there are currently no redevelopment plans.



**Figure 24** View from the Marigny entrance to Crescent Park towards Hotel de la Monnaie in the Marigny Triangle, which is five stories and approximately 55-60 feet in height.

Due to the differences in the development pattern in the study area, each area could be treated somewhat differently under the Riverfront Overlay. In Bywater for instance, active ground floor uses are appropriate on Chartres Street. 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 squares in Marigny may not be able to support ground floor commercial on all sides. Pedestrians walking parallel to the river might currently take Decatur or another street for a better experience rather than N. Peters Street. In Bywater and the Marigny rectangle, it would be more appropriate for the tallest part of a building to step-back towards the river. In the Marigny triangle, it would

be most appropriate to have both the tallest parts of the structure and the active ground floor uses along exceptionally wide Elysian Fields Avenue.



**Figure 25 Rice Mill and NOCCA as seen from the Piety Wharf.**

### **Adjacent Development Characteristics**

In order to ensure that future development along the riverfront is compatible with the Marigny and Bywater neighborhoods, it is important to understand the existing form and character of those properties directly adjacent to the Riverfront Overlay District, as these properties will likely experience the greatest impact of new development along the riverfront.

Both the Bywater and Marigny neighborhoods are largely residential in character, containing a large quantity of 19<sup>th</sup> and 20<sup>th</sup> Century shotgun and cottage residential structures, though there are a number of small-scale neighborhood businesses incorporated throughout the residential areas. In general, St. Claude Avenue has a higher concentration of commercial uses and the riverfront study area has a higher concentration of industrial uses or formerly industrial properties. Both neighborhoods are both locally and nationally recognized historic districts.<sup>13</sup>

#### *Bywater Area*

In the Bywater area from Poland Avenue to Press Street, as mentioned previously, the properties within the Riverfront Overlay District are located on the riverside of Chartres Street. The properties directly adjacent to the overlay district, on the lakeside of Chartres Street, include a mix of residential, some commercial and some warehouse uses.

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<sup>13</sup> The Marigny District was placed on the National Register of Historic Places in 1974 and was designated as a local historic district in 1978. The Bywater District was placed on the National Register of Historic Places in 1986 and was designated as a local historic district in 1993.

Residential uses include mostly single and two-story 19th and 20<sup>th</sup> century shotgun or creole cottage-type residences, raised on piers and measuring in the range of 18 to 35 feet in height, as estimated using aerial imagery. The majority of these residences exhibit a dense urban development pattern, where the residence is built on or close to both side and front property lines. Almost all of the residences along Chartres Street are built directly to the public right-of-way, sometimes with front stairs or awnings projecting into the right-of-way. There are a few exceptions, one including the Historic Lombard House at the corner of Chartres and Bartholomew Streets which is set almost 40 feet back from the front property line. This property is one of the only remaining plantation properties in New Orleans proper. Most properties within the most downriver section of the Bywater neighborhood front the streets perpendicular to the river; therefore, there are only a couple of residential properties with frontage along Chartres in this section the neighborhood. In general, the residences nearest the overlay district in this part of the Bywater, have their corner sides fronting Chartres Street. The pattern changes as one travels upriver from Gallier Street. In these areas, there are several more residential properties with frontage along Chartres. As stated above, most historic residences are single-storied; however, there a couple of newly constructed residences which measure two and three stories in height. One single-family residence at Chartres and Piety Streets and a multi-family residence at Chartres at Gallier Streets.

In addition to residential properties, there are a few single-story masonry or metal-clad warehouse structures fronting the lakeside of Chartres Street. These warehouses are long and linear and span several lots. They generally contain open storage or accessory parking areas as well. Most are situated directly adjacent to shotgun residence on one or both of their sides. Between Press and Montegut Streets is a large metal-clad warehouse structure which was slated for demolition and redevelopment into mixed-use development ranging from two to six stories in height.<sup>14</sup> A metal-clad office building on Chartres Street between Piety and Desire Streets is approximately 56 feet. There are a few single-story and two-story historic corner commercial structures as well. One, across from the Rice Mill Lofts, appears to be used as a single-family residence. The others are used as a restaurant, a record store, and a bar. There are also a handful of small vacant lots, which were likely developed with residential uses on account of the lot size. There is one vacant square between and Mazant and France Streets which is a property of the Housing Authority of New Orleans. Across Mazant Street from the HANO site is another vacant lot slated for redevelopment as a hostel.<sup>15</sup>

### *Marigny Area*

The surrounding or adjacent properties in the Marigny “rectangle” neighborhood are those properties on the lakeside of Chartres Street from Press Street moving upriver toward St. Ferdinand Street. The other adjacent properties in the area are located on the lakeside of Decatur Street from St. Ferdinand Street to Elysian Fields Avenue. There is a wide variation in building type and style in this area. Closest to Press Street is a large former warehouse structure which was recently renovated and is now incorporated into the NOCCA campus. Moving upriver along Chartres Street are a few more single-story concrete masonry warehouse structures, and a four-story narrow concrete residence. Across from NOCCA on St. Ferdinand Street, between Chartres and Decatur Streets is a row of single-story historic double residences, both consisting

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<sup>14</sup> ZD 087-15

<sup>15</sup> ZD 017-16

of historic shotgun and creole cottage architectural styles. Moving upriver along Decatur Street towards Elysian Fields Avenue are several more single-story historic single-family and double residences built in a dense urban pattern and set close to both side and front property lines. There is one two-story corner residence with a wrap-around gallery which projects into the right-of-way. Interspersed between the groupings of the residences are a couple of larger-scale, single-story masonry warehouse-type structures which appear to be used for varying industrial and commercial uses. At the corner of Marigny Street is an approximately 60 foot, brick masonry, former yarn and hosiery factory structure which was recently renovated and converted to include upper floor apartments and ground floor commercial units including a restaurant and a wine shop.

For the Marigny “triangle” area, the immediately adjacent properties include the three-story, historic Mint structure located in the Vieux Carré at the foot of Esplanade Avenue. The other abutting properties front Frenchmen, Decatur, and Chartres Street and include several two- and three-story historic masonry townhouse structures with upper-floor residential and ground floor commercial uses such as live entertainment venues, restaurants, a tattoo parlor, and an art gallery. Along Chartres Street is a small row of single-story, Italianate style double shotgun residences. At the corner of Chartres Street and Elysian Fields Avenue is a masonry former bottling plant which has recently been redeveloped with several commercial retail units which front Chartres Street. The surrounding properties on Square 6 are unique in that they abut the overlay district directly at their side or rear property lines which are adjacent to the City-owned parking lot property along Elysian Fields.

The figures on the following pages provide photos of the surrounding properties near the study area. Staff collected photographs of every existing building adjacent to, or directly across the street from, the properties located in the overlay district. (See pictures on the following pages.)

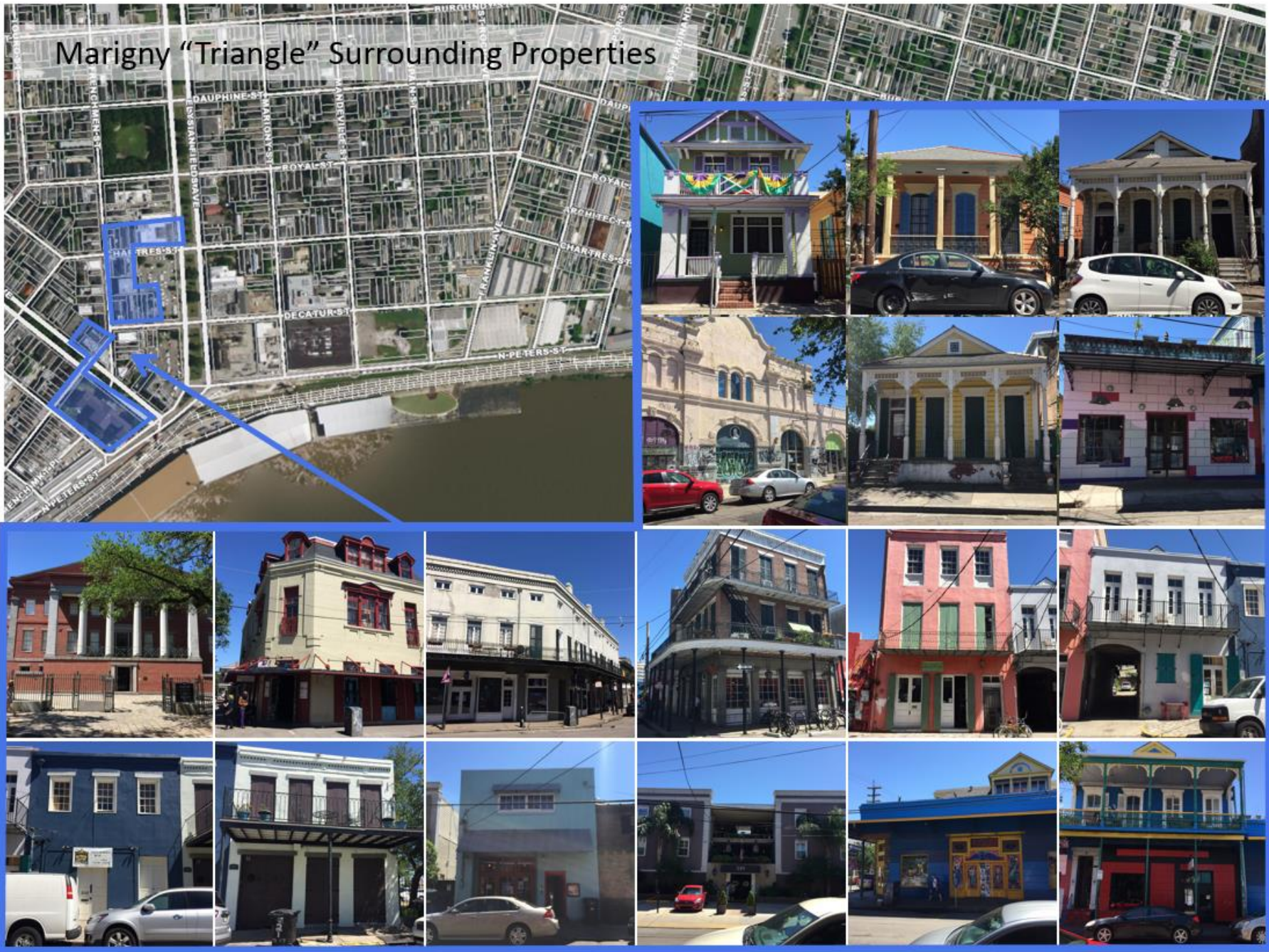


Figure 26. Surrounding properties in Marigny “triangle.”



Figure 27. Surrounding Properties in Marigny "rectangle."



Figure 28. Surrounding Properties in Bywater, St. Ferdinand to Clouet Streets.

# Bywater Surrounding Properties (between Clouet and Gallier Streets)



Figure 29. Surrounding Properties in Bywater, Clouet to Gallier Streets.

## Existing Regulatory Framework

### *Zoning*

The study area contains a large HM-MU Historic Marigny/Tremé/Bywater Mixed Use District, a smaller HMC-2 Marigny/Tremé/Bywater Commercial District between Elysian Fields and Esplanade Avenues, an MI Maritime Industrial District covering the active Port wharves near Poland Avenue, and an OS-R Open Space Regional Park District covering Crescent Park. The entire study area is currently regulated by the RIV Riverfront Design Overlay District. The Riverfront Overlay contains (1) general standards, (2) standards for the riverside of the floodwall or levee, and (3) standards for the land side of the floodwall or levee. Additionally, certain areas along the riverfront act as gateways to the riverfront and are key to improving and encouraging pedestrian access from the surrounding neighborhoods to the river through the use of special design features. Incorporating superior design elements into a development within one of these areas qualifies a development for consideration of an increase height and/or density as explained further below.

### *RIV Riverfront Design Overlay District*

The existing Riverfront Design Overlay District is an overlay in which development plan and design review is required for any new structure, addition, or expansion. It applies to all lots, excluding those developed with single- and two-family dwellings, in the following locations:

- The riverfront along the Bywater and Marigny Neighborhoods, which is the subject of this study. This area is bounded by Esplanade Avenue, a line extending from the centerline of Esplanade Avenue between North Peters Street and the center of the Mississippi River, the Mississippi River, the Inner Harbor Navigation Canal, a line extending from the centerline of Chartres Street between Poland Avenue and the center of the Inner Harbor Navigation Canal, Chartres Street, St. Ferdinand Street, Decatur Street, Elysian Fields Avenue, Chartres Street, the rear property line of lots with any frontage on Elysian Fields Avenue, Decatur Street, Frenchmen Street, and Decatur Street.
- The riverfront in the Lower Garden District. This area is bounded by Jackson Avenue, Tchoupitoulas Street, the Pontchartrain Expressway, and the Mississippi River.
- The riverfront along Algiers Riverview. This area is bounded by Brooklyn Avenue, Powder Street, Pelican Avenue, a line extending from the centerline of Pelican Avenue to the Mississippi River, the Mississippi River, and the Orleans Parish/Jefferson Parish boundary line.

Out of these three areas, two are subject to the design standard and height limit increase regulations of Section 18.13.G that is meant to result in public benefits for the community: the riverfront along Marigny and Bywater, as well as Algiers Riverview, with the boundaries listed above.

### *RIV Design Standards*

The Comprehensive Zoning Ordinance states that these areas act as gateways to the riverfront and are key to improving and encouraging pedestrian access from the surrounding neighborhoods to the river through the use of special design features. Development in these areas

that provide superior design elements qualifies for consideration of an increase height and/or density.

To qualify for the height and density increase, the design standards that have to be met in addition to the general design standards of the Riverfront Design Overlay District<sup>16</sup> are:

- Developments shall include landscaped public open space, public plazas, and/or sidewalk/open air cafés with direct visual access to the River, subject to the Public Plaza Standards and Guidelines contained within Section 17.5.F.2 except that the plaza may be located more than three (3) feet above the adjacent sidewalk area in order to provide better views.
- Developments shall be designed utilizing energy efficient design or other innovative sustainable design characteristics, sufficient to achieve a recognized green building certification, such as LEED (Leadership in energy & Environmental Design), Home Energy Rating System, Enterprise Green Communities, National Green Building Standard, Energy Star for Buildings Program, Net-Zero Energy Building, or another similar certification approved by the Director of the Department of Safety and Permits, and which is subject to the Whole Building Sustainability Standards and Guidelines contained within Section 17.5.C.2.
- At least ten percent (10%) of dwelling units shall be reserved as affordable for households with incomes equal to or below eighty percent (80%) of area median income (AMI), with at least half of such affordable dwelling units containing two (2) or more bedrooms. The development shall be subject to the Affordable Housing Standards and Guidelines contained within Sections 17.5.H.2.a and 17.5.H.2.b. The affordable dwelling units shall be located within the same structure as the market-rate dwelling units in the development, shall be comparable to market-rate dwelling units in the development in terms of exterior design and finishes, and shall not be concentrated in any one area of the development.
- In lieu of item 2.a above, a development may be eligible for a density bonus if the developer makes a substantial contribution to a new floodwall bridge, rail crossing, or other capital improvement which significantly increases public access to the riverfront. Such an improvement shall only be considered if, at the time of the application, the improvement is included as a priority project in the City's Capital Improvements Plan, and/or included in the City's Capital Budget. For purposes of this provision, "substantial contribution" shall mean a financial contribution of at least 50% of the cost of the improvement, but not less than \$250,000, provided that at the time of the application, commitments exist from other sources ensuring that any remaining funds necessary to

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<sup>16</sup> 1. Within any yards of the development and the public right-of-way adjacent to the development, special finishes shall be included as part of a cohesive streetscape design. These include coordinated paving, design treatments for the pedestrian level, street lighting, and street furniture. The streetscape design shall be coordinated with the building design.

2. Where possible, loading and service areas shall be internal to the development block and accessed through service corridors and not through pedestrian-oriented streets.

complete the cost of the improvement will be available within one (1) year of the date of the application. For purposes of clarity, any contribution made pursuant to this provision shall not be used to waive the standards provided in subsections 2.b or 2.c above.

### *Height and Density Increases*

Development proposals which incorporate the design standards above are entitled to three bonuses:

- An increase in the height limit up to two stories, but not greater than 25 feet beyond the height limit of the underlying district. The height limit of the underlying zoning district is 55 feet in the HM-MU District, 50 feet in the HMC-2 District....
- An increase of an additional 1.5 FAR<sup>17</sup> above the maximum FAR permitted in the underlying zoning district. The maximum FAR in the underlying zoning district is 2.5 in the HM-MU District and 2.2 in the HMC-2 District ....
- The elimination of any Minimum Lot Area per dwelling unit requirement applicable in the underlying zoning district. The Minimum Lot Area per dwelling unit in both the HM-MU and HMC-2 Districts is 1,500 sq. ft. for single-family dwelling development, 1,000 sq.ft. for two-family dwellings, 800 sq. ft. for three-units multi-family dwellings, and 600 sq. ft. for multi-family dwellings with four or more units.

### *Affordable Housing Density Increases*

In 2015, The City Council adopted a new Comprehensive Zoning Ordinance (CZO), which included provisions for development bonuses for development providing affordable housing in certain sections, such as the Central Business District, the Riverfront Gateway Overlay District, and in Planned Developments. Shortly after adopting the new CZO, the City Council amended the ordinance to expand the bonus provisions to include density bonuses for all districts that allow multi-family development. These regulations include three different types of bonus programs: minimum lot size, floor area ratio, and maximum height.

### *HDLC Guidelines for New Construction*

In districts regulating new construction, the Historic District Landmark Commission requires designs that are considerate and supportive to the architectural characteristic of the surrounding neighborhood and does not require new construction to copy historic properties. Because each local historic district has its own unique characteristics, the styles and types of compatible new construction will vary at each site depending on its context. Therefore, instead of mandating specific design solutions, HDLC follows the following principles when considering the appropriateness of a new construction<sup>18</sup>:

- The proportions and size of the new building compared with neighboring buildings
- The three-dimensional relationship and configuration of the new building footprint, its walls and roof compared with neighboring buildings
- The distance of the new building to the street or property line when compared to nearby sites of compatible size

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<sup>17</sup> FAR: Floor Area Ratio

<sup>18</sup> City of New Orleans HDLC – Guidelines for New Construction, Additions and Demolition

- The location of the front of the new building and principal entrance relative to other buildings on the block
- The size, shape, proportions and location of entrances, porches, galleries, balconies, chimneys, dormers, parapets and elements that contribute to an overall building's shape and silhouette relative to neighboring buildings
- The effect the new building will have on the existing patterns on its block
- The relationship of the size, shape and location of the new building façade and building elements to each other, as well as when compared to other buildings on the block
- The moldings, decorative elements and features of a building that are secondary to major surfaces such as walls and roofs
- The materials composing the new building

## Part 3. Best Practices

To research best practices in waterfront development, the City Planning Commission staff selected cities that are often cited for their inventive planning practices, such as Seattle, WA, and Portland, OR, as well as cities that were participating to the recent “Waterfronts that Work” Summit, held in Pittsburgh in March 2017. These cities include Washington DC, Portland, OR, and Pittsburgh, PA. Additionally, the staff researched examples of best practices geared towards using development bonuses to provide special public benefits. A few examples are found in New York, NY and Philadelphia, PA. Most of these case studies present cities characterized by a much denser/higher building fabric than that of the Marigny and Bywater. Despite the difference of scale, several concepts are of interest for New Orleans.

### **Riverfront Development Best Practices**

#### *Pittsburgh*

River redevelopment efforts in Pittsburgh involve 13 miles of riverfront, which has suffered industrial and manufacturing decline for decades. After the mid-1980s and the collapse of the steel industry, the riverfront was occupied by industrial yards, elevated highways and retaining walls that created an inhospitable environment. In the 1990s, interest in leveraging the riverfront as a tool for economic revitalization started to grow. The community supported a master plan which embraced four principles: greening the riverfront, connecting the rivers to neighborhoods, making the waterfront the city’s front door, and lining the rivers with world-class architecture. A Riverlife Task Force was created to include the many stakeholders (among which 120 property owners participated) into the implementation of the river master plan. They collectively contributed more than \$22 million to the revitalization efforts. Since then, more than 80% of the 13-mile park loop has been redeveloped and improved for public use, which has been critical to boost related investment in adjacent properties.

Their Riverfront Overlay District includes design requirements for developments to ensure high quality development and consistency with the character of the neighborhoods. For example, it requires building wall articulation through recesses no smaller than six inches in depth, building entrances, lobbies, doors, windows or similar features. It also requires that development maintain a riverfront setback of no less than fifty feet in depth to be landscaped and maintained in good condition to ensure continuous public access.<sup>19</sup> There are no particular use or height restrictions above those of the base zoning district.

Pittsburgh’s Riverfront Overlay District is different from that of New Orleans in that it does not allow certain bonuses in exchange for public amenities. It mandates special design standards for all development along the river, regardless of height and density.

#### *Seattle*

Seattle’s waterfront redevelopment plan comprises a two-mile-long promenade along Elliott Bay that is meant to bring together the city’s downtown and its isolated, post-industrial waterfront. To do so, the space currently occupied by the Alaskan Way Viaduct will be converted into a

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<sup>19</sup> Section 907.02.J. IPOD-5, Riverfront Zone, Pittsburgh Zoning Ordinance

broad pedestrian-oriented waterfront park and roadway. The Alaskan Way Viaduct, built in 1953, is currently in the process of being replaced by an underground highway tunnel that would free up the city's coastline for public recreational activities.

To remedy one of the waterfront's main issues, the lack of bay views, the City created standards for regulated access. New development must provide public access in the form of any one or a combination of the following physical improvements: Walkway, bikeway, viewpoint, park, deck, observation tower, pier, boat-launching ramp, non-motorized pull-out areas, transient moorage, or other areas serving as a means of view and/or physical approach to public waters for the public. Regulated public access may also include, but not be limited to, interpretive centers and displays explaining maritime history and industry. Additionally, public open space may be located above street level on the rooftops of structures or on terraces at multiple levels, provided that all areas of the open space are accessible to pedestrians from the street, with vertical connections between the street level and upper levels designed to facilitate easy access, including ADA access and public wayfinding.



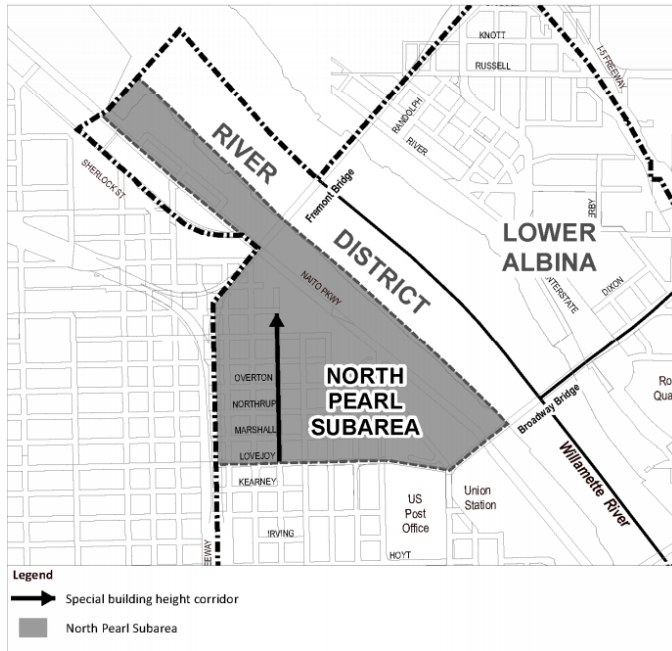
Figure 30. Example of visual access: Proposed Blanchard Overlook to be installed where a street ends abruptly in front of a rail road, to provide a new public viewing deck which will extend 2 stories above the street level, and a large glass elevator.

Seattle's Waterfront Master Plan is an example of a waterfront transformation that can occur after removal or replacement of major infrastructures barrier. The plan highlights numerous ways to provide visual and physical access to the river.

### *Portland*

The Pearl District, located half a mile north of the Central Business District, was occupied mainly by warehouses with light industrial purposes and a rail yard. It also was characterized by a strong presence of artists. Revitalization of the area began in the late 1990's. After a reclassification from industrial to mixed-use, and the construction of a streetcar, the area now consists of high-rise condominiums and reconverted warehouses.

## North Pearl Subarea Boundaries<sup>20</sup>



**Figure 31. North Pearl Subarea Boundaries**

The maximum building height along the river is 100 feet, which is generally the same as surrounding existing development. While areas located between the riverfront and the CBD are often eligible for height bonuses, waterfront development is not. On the other hand, special standards apply to the properties located directly along the river, which are intended to assure frequent views of the river and physical connections to the river and its activities. To maintain view corridors, at least 25% of the width of the site (as measured along the street) cannot contain any building or covered structures. A building cannot be more than 200 feet in length or depth. Each development must provide public access for pedestrians to the Greenway trail located directly along the river. The Greenway Overlay zone requires a minimum setback for development from the Willamette River and portions of buildings over 35 feet in height must be setback from the Greenway setback line 1 foot for every foot of height above 35 feet. In addition, a special building height corridor was created along one of the avenues that runs perpendicular to the river. In this corridor, the portion of a building that is within 20 feet of the property line along the street may not exceed 75 feet in height.

Portland's riverfront does not share the same characteristics as New Orleans. It does not have the same infrastructure barriers found in the Bywater and Marigny, and it is surrounded by much denser urban development. However, attention is given to prevent new buildings along the riverfront from walling off the rest of the neighborhood, and to maintain view corridors.

<sup>20</sup> Chapter 33.510 Central City Plan District, City of Portland

## Maximum Heights in the Pearl District and Surroundings<sup>21</sup>

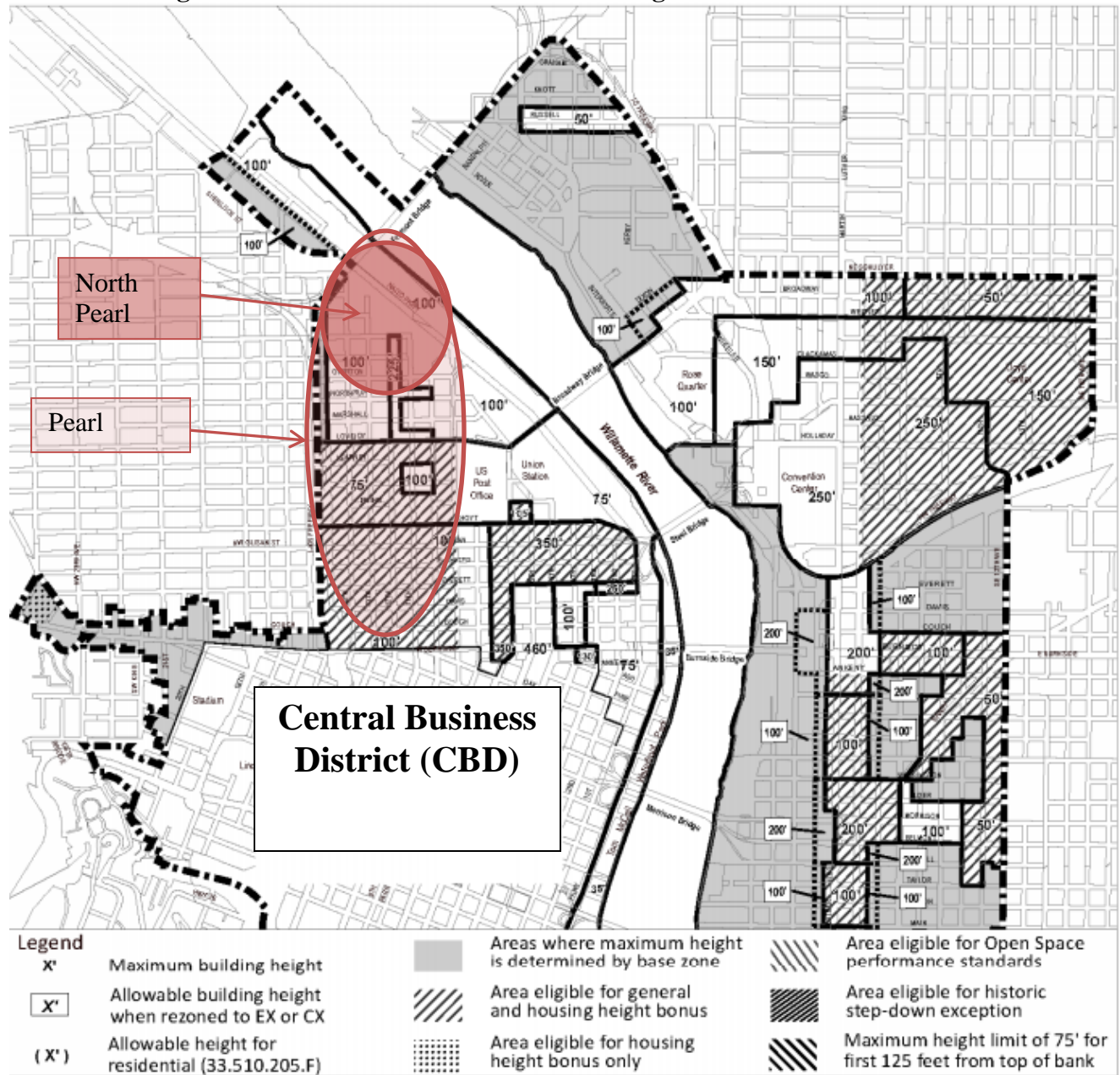


Figure 32. Maximum Height in the Pearl District and Surroundings

The North Pearl Subarea is also subject to an open area requirement, which is intended to provide visual relief from the built environment, opportunities for outdoor activities and adequate amounts of light and air. To do so, sites over 40,000 square feet must maintain 30% of the area as open area, except when at least one-half of the site is an industrial use. Open areas include parks, plazas, covered or uncovered walkways, public fountains, and landscaped features or areas. It does not include landscaped parking.

<sup>21</sup> Chapter 33.510 Central City Plan District, City of Portland

### *Anacostia, Washington DC*

The Anacostia waterfront redevelopment is an initiative that started in the early 2000s in an effort to restore the Anacostia River, one of the country's most polluted rivers, and its waterfront. The components of the plan included restoring a clean and active river, breaking down barriers and gaining access to the river, creating a riverfront park system and cultural destinations, and building strong waterfront neighborhoods. Despite a very different context, some of these planning issues and goals are common with the ones New Orleans faces:

- Getting to the river and moving along the river: to address this planning issue, one of the goals of the plan is to provide better and more pedestrian and bicycle access along the entire waterfront, as well as to create mixed uses streets with civic spaces.
- Maintaining or creating special view-corridors and vistas, public and open spaces, enhancing promenades and trails: to address this issue, the Anacostia Waterfront Initiative will ensure continuous access along the waterfront, and increase recreational opportunities along the waterfront park system.
- Capitalizing on adaptive reuse and infill opportunities, while protecting the distinct character of communities along the waterfront: other goals of the plan addressing this issue is to highlight the unique character of the river heritage, enhance and reinforce existing assets, or create park destinations for public concerts, picnics, and local neighborhood festivals.
- Creating new places to dwell and work along the river, creating neighborhood amenities and local services: this is addressed in the plan by promoting mixed-use waterfront, investing in existing neighborhoods to ensure that current residents have improved services and amenities, and creating opportunities for mixed-income households

### *Master Plan for the Central Delaware, Philadelphia, Pennsylvania*

In 2011, the City of Philadelphia, Pennsylvania developed the Master Plan for the Central Delaware. The study area is located on the City's eastern edge along the Delaware River, and extends from Allegheny Street to Oregon Street. The Master Plan for the Central Delaware covers an area containing over 1,100 acres of mostly private property that stretches over nearly 6 miles of the city's riverfront<sup>22</sup>. This portion of the riverfront, like many of the US's working riverfronts, has experienced significant changes in use from its industrial past. The plan points to decreased industrial activity due to the rise of service sector employment. The Delaware riverfront in 2011 was described as a "landscape of derelict piers and vacant land...disconnected from the vibrant adjacent neighborhoods, and in many locations it has no public amenities and offers no access points to the river."<sup>23</sup> This statement refers to the disconnection created by Interstate 95, which is elevated in many places and has numerous entrance and exit ramps that create physical barriers to the riverfront.

One of the plan's main goals is to develop an actionable path to realizing a vision for the riverfront that includes a mix of uses and a variety of recreational opportunities and access points to the riverfront. The plan utilized an economic analysis combined with the input of the community and area stakeholders to better understand what development type to expect and to

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<sup>22</sup> Transforming Philadelphia's Waterfront, Master Plan for the Central Delaware, Summary Report: page 4

<sup>23</sup> Ibid., 6.

promote in the area. This resulted in planning around low- to mid-rise mixed-use development. The plan also recognized the importance of the City’s role in catalyzing further private development. Three site were identified to be priorities for public investment: Spring Garden, Penn’s Landing, and Washington Avenue.<sup>24</sup>

The plan had 5 sustainability goals that were crucial in the development of the zoning that was later crafted for that area:

- 1) Restore portions of the Delaware River watershed through new wetland additions
- 2) Provide open spaces every half mile that connect to neighborhoods
- 3) Create improved, continuous bicycle and pedestrian paths linked to neighborhoods
- 4) Add new public transit, likely in the form of a streetcar system along an upgraded and pedestrian friendly waterfront boulevard, serving parks, neighborhoods, and Center City to reduce driving.
- 5) Respect current viewsheds to and from neighborhoods and incorporate existing building, landmarks, and local history within development strategies.

The plan also speaks to the need for the “activation” of the Delaware Riverfront through historic preservation, art, and various types of recreation.<sup>25</sup> The mechanism the City crafted to achieve most of the sustainability and activation goals was a zoning overlay district.

In June 2013, the City of Philadelphia adopted an ordinance to create the Central Delaware Riverfront Overlay District (CDO) to promote the goals of the plan. The CDO’s stated purpose is to connect the city’s citizens and neighborhoods to the riverfront. The zoning tools developed to help accomplish this provide 8 different ways developers can provide some public benefit to help achieve the goals of the Master Plan for the Central Delaware, and gain additional developable height for their project. Table 14-702-2 from the overlay district lists all of the options provided to developers and the maximum additional building height that can be granted based on that public good provided.

<b>Central Delaware Riverfront Overlay District</b>	
<i>Table 14-702-2: Building Height Bonus Summary</i>	
<b>Bonus Category</b>	<b>Additional Building Height</b>
Public Arts	Up to 12 ft.
Public Space	Up to 24 ft.
Mixed Income Housing	Up to 48 ft.
Transit Improvements	Up to 72 ft.
Green Building	Up to 36 ft.
Trail	Up to 72 ft.
Street Extension	Up to 72 ft.
Retail Space	Up to 48 ft.

Each Bonus Category has its own requirements and thresholds for height bonuses. For example, to be granted bonus height for providing public art, the development must provide public art that costs a minimum of 1% of the hard construction costs of the project. Additionally, the ordinance specifies that the art can be in the public ROW or on the building itself, but cannot be a functional or ornamental component of the building. Transit improvements are not as well defined as those proposed in NYC’s Midtown Rezoning Proposal, but the zoning text does list the types of improvements that qualify for the bonus. The public space height bonus is based on the amount of public space as a percentage of lot area, and begins at 11% open space of the lot

<sup>24</sup> Transforming Philadelphia’s Waterfront, Master Plan for the Central Delaware, Summary Report: page 9.

<sup>25</sup> Ibid., 22.

area. Trails, Street Extensions, and Transit improvements all require permanent physical improvements or dedications of area for improvements that would have a positive impact on the accessibility of the riverfront to Philadelphians. Green building bonuses are based on LEED certification. Gold LEED certification earns an additional height of 24 feet, and Platinum LEED certification earns an additional 36 feet.

The CDO District also requires design review that includes the review of a projects impacts on public realm, as well as “whether the design reinforces and protects the desirable characteristics of the surrounding neighborhood through gradual transitions in bulk and scale and, if appropriate, buffers between the proposed building(s) and the adjacent area (Section 14-304(5)(f).”

Philadelphia’s Central Delaware Riverfront Overlay District is similar in many ways to our Riverfront Overlay District, but is more nuanced in its approach to granting height bonuses for projects. Whereas the CDO provides developers a menu of public benefit bonus categories, the RIV requires a development meet all requirements. Both overlays include bonuses for capital improvements, green building, and affordable housing, but Philadelphia allows developments to pick and choose those public benefits it can provide rather than require that a development meet all bonus categories. Additionally, Philadelphia’s CDO allows a variety of bonus heights, presumably based on the overall cost of the public benefit being provided. The CDO also allows for much more additional height than the RIV, but is in a very different context than those areas located in the RIV.

### Other Bonus or Best Practices

#### *East Midtown Rezoning Proposal – New York City*

The New York City Department of City Planning (NYDCP) is currently developing a rezoning and text amendment proposal for the East Midtown area of Manhattan. This proposal was initiated due to the NYDCP’s concern over the age of East Midtown’s office building stock, needs for transportation improvements in the area, and zoning limitations that are restricting property owners’ ability to renovate existing buildings or construct new, modern office buildings. This case study was review by City Planning staff, not because of the similarities in development pattern of the New Orleans riverfront and Midtown Manhattan, but in order to show best practices in other cities that determine an unmet demand in a specific area that could be unlocked and the potential to provide needed public benefits from special zoning allowances.

The East Midtown study area covers approximately 78 blocks of Manhattan in one of the most densely



Figure 33. East Midtown study area

developed and heavily trafficked areas in the city.<sup>26</sup> The NYDCP discovered that 63% of buildings in the study area are more than 50 years old. More specifically, the study found that the average age of office buildings in the study area is 75 years. The NYDCP was concerned that the older stock of office buildings do not meet the needs of modern employers, specifically low ceiling height and internal support beams that interfere with open floor plans demanded by many modern offices. The NYDCP envisions this area as a “premier central business district” that can compete with business districts of other global cities and newer office developments in New York City. The study voiced concern that if office needs could not be met with the current stock of buildings, they could potentially be renovated into residential or hotel uses, neither of which fulfill the vision of this area.

The City also has a policy of concentrating density along major transit routes. The East Midtown study area includes Grand Central Terminal, second only to nearby Penn Station in terms of number of transit riders that pass through on a daily basis. High usage of public transportation and the high levels of street level and subsurface pedestrian activity have led to crowding, long dwell times for subway trains, and bottlenecks at stations in the area. In 2015, a proposed office building near Grand Central was granted a Floor Area Ratio bonus up to 30 FAR in exchange for transit improvements in the area.<sup>27</sup> These improvements include new public space along Vanderbilt Avenue and an “on-site transit hall with connections to commuter rail lines” at Grand Central. These improvements have been valued at approximately \$225 million.

With these infrastructure needs and recent zoning actions in mind, the NYDCP developed a recommendation with the following goals in mind:

- Protect and strengthen Greater East Midtown as a regional job center and premier central business district by seeding the area with new modern and sustainable office buildings;
- Help preserve and maintain landmarked buildings by permitting their unused development rights to transfer within the district’s boundary;
- Permit overbuilt buildings to retain their non-complying floor area as part of a new development;
- Upgrade the area’s public realm through improvements that create pedestrian friendly public spaces and that facilitate safer, more pleasant pedestrian circulation within the transit station and the street network; and
- Maintain and enhance key characteristics of the area’s built environment such as access to light and air, active retail corridors, and the iconic street wall character in the area surrounding Grand Central Terminal.

The East Midtown study area currently allowed a FAR between 12.0 and 15.0. The NYDCP worked under the assumption that the increment between an existing building’s FAR and that which zoning allows is one of the main determinants of the feasibility of new construction. In many cases, existing buildings already exceed the allowed FAR, providing no incentive for new construction, and instead incentivizes piecemeal renovations or changes of use. The NYDCP found that the appropriate bonus FAR for this neighborhood could range between 18.0 and 27.0

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<sup>26</sup> Greater East Midtown Rezoning, Draft Environmental Impact Statement, Executive Summary: S-1.

<sup>27</sup> Ibid., S-3.

depending on the geography. Under this proposal, the bonus FAR could be achieved through a number of by-right mechanisms:

- Purchase of unused development rights from landmarked sites
- Rebuilding of nonconforming floor area
- Completion of a pre-selected transit improvement capital project

The option to purchase development rights from landmarked sites recognizes that these structures are going to be preserved in perpetuity, but that there is value in their unused portion of the sites' building envelope. The transfer of development rights can relieve the demolition pressures from these sites, and the contributions for development rights can assist in the continued maintenance of the historic structures. As stated above, one of the challenges faced by current property owners in the study area face is that the current zoning does not promote the construction of new buildings. Many of the existing buildings predate the current FAR requirements, and thus exceed these requirements. The demolition of a building to construct a more modern facility would result in less floor space. The NYDCP proposal would allow these properties to construct new building at the existing nonconforming FAR and could bundle this allowance with the other bonuses allowed within this area for additional FAR. The difference in the permitted FAR and the nonconforming FAR would require a contribution calculated at \$78.61 per square foot of bonus area to the district's improvement fund. The third by-right allowance allows a property owner to complete a capital project from a list of needed transit improvements in the area. The NYDCP proposes three tiers of capital projects that depend on the size of the bonus desired. Transit improvement projects include improvements to accessibility, circulation within stations, and access to stations from ground level. The bonus contributions are proposed to be managed by committee of nine members, five of which would be appointed by the City's Mayor.<sup>28</sup> That managing group would be responsible for developing and adopting a plan that would prioritize improvements in the area.

New York City's East Midtown district is very different from New Orleans' Marigny, Bywater, and Algiers in density, predominant use, and vision. The important conclusions from this example is that New York City determined that the zoning in the East Midtown area was interfering with accomplishing the vision the city had for this area, which is to provide a premier central business district within an area well served by public transportation. The value of unlocking the development potential in the area will result in a greater demand in the pedestrian and transportation infrastructure. The City developed a plan to allow certain bonuses, or benefits, to property owners in the form of expanded developments rights in exchange for contributions to a fund dedicated to accommodate that increased level of use. This proposed zoning allowance allows property owners to meet an unmet need and, in return, the public is receiving public benefits that will improve the public realm for those in the area.

### *New York (Harlem)*

The City of New York launched an initiative to support and enhance a historic corridor of Harlem, 125th Street. This case study does not involve riverfront redevelopment, but provides an example of bonus incentives that could be of interest for the Marigny and Bywater neighborhoods. The zoning resolution became effective in 2008 and aimed at providing

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<sup>28</sup> Greater East Midtown Rezoning, Draft Environmental Impact Statement, Executive Summary: S-13.

incentives for the creation of art and entertainment destination and generate new mixed use development while protecting the scale of the corridor's commercial and historic rowhouse areas by establishing street wall and height limits. Additionally, to ensure active and diverse retail uses, special regulations restrict the amount of ground floor street frontage that may be occupied by banks, office and residential lobbies, and other non-active uses. In order to sustain the arts and entertainment character of the street corridor, the City designated a list of entertainment and visual or performing arts uses<sup>29</sup>. Within the Core Subdistrict, the district requires the inclusion of these arts and entertainment uses (5% of the floor area minimum) for developments over 60,000 square feet. The district also establishes an innovative arts bonus to provide an incentive for the creation of nonprofit visual or performing arts spaces.

Certification for floor area bonus for visual or performing arts uses includes the submission of a letter from the Department of Cultural Affairs to the Planning Commission certifying that a signed lease has been provided from the prospective operator, and the submission of a legal commitment by the owner for continued occupancy of all floor area for which the bonus has been received, as a visual or performing arts space. In the event of a change of operator, the owner or operator shall obtain a new certification. A Bonused Space Local Arts Advisory Council was created for the purpose of reviewing and making recommendations concerning the Community Engagement Plans of proposed operators of visual or performing arts uses.

The most restrictive base zoning district in the area allows residential FAR of 5.4, with a max of 7.2 with bonus, and commercial FAR of 4, with a maximum of 5.4 with bonus, which is approximately twice the FAR allowed in the Marigny and Bywater under the current base zoning district. (2.5 in HM-MU and 2.2 in HMC-2). The maximum FAR with bonus allowable in the Marigny and Bywater is 4 under HM-MU zoning and 3.7 under HM-2 zoning.

New York City's Harlem neighborhood is also very different from New Orleans' Marigny and Bywater in density and character. However, the City's approach to enhance a historic corridor and promote art can be of interest for New Orleans considering the importance of culture, arts, history and architecture in the Marigny and Bywater neighborhoods.

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<sup>29</sup> Auditoriums, bookstores clubs, including music, dance or comedy clubs, eating or drinking establishments, with table service only, music stores, studios, art, music, dancing or theatrical studios, radio, television or motion picture, art galleries, historical exhibits, literary arts spaces, museums performance spaces, primary rehearsal spaces, theaters, visual/media arts spaces.

## 125<sup>th</sup> Street views



Figure 34. 125th Street views

## 125<sup>th</sup> Street Arts Bonus

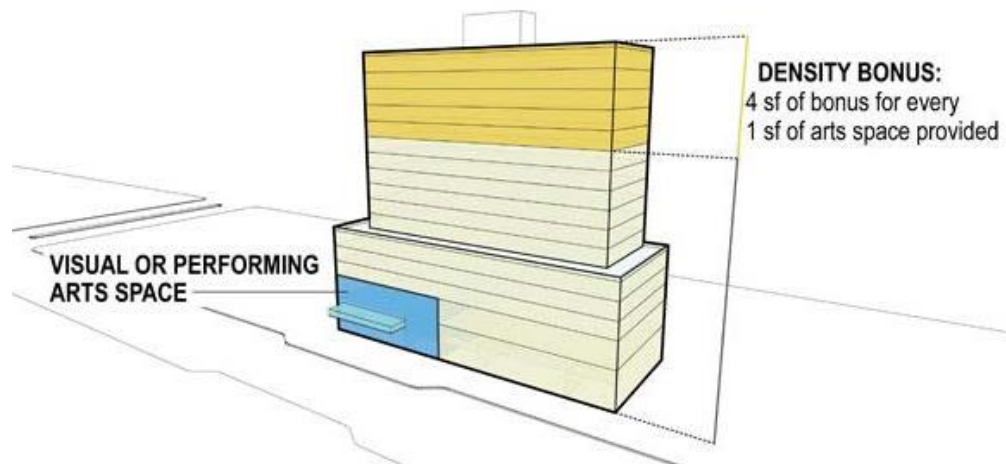


Figure 35. Illustration of 125<sup>th</sup> Street Arts Bonus

## **Lessons Learned From Case Studies**

Most cities do not have the physical barriers that the Marigny and Bywater have in terms of access to their waterfront. The absence of flood wall, levee or railroad tracks enables development all the way to the river, as well as setbacks that offer public spaces along the waterfront. Further, maximum height and densities in these waterfront areas is greater than what was considered in New Orleans Riverfront Overlay District because the height and density of adjacent neighborhoods is far greater than in the Marigny and Bywater. Additionally, in a lot of cases their approach to waterfront development is different; it is to lock in standards and requirements to provide amenities instead of leveraging amenities. This shows that their market and economies are much stronger than that of New Orleans. The main lessons learned from this case study are:

- Waterfront planning should be comprehensive, long-term and encompass all relevant disciplines. The public sector should implement waterfront plans in partnership with the private sector, and meaningful community involvement is essential.
- All urban waterfront projects should provide public access to and along the river.
- One size does not fit all. Redevelopment projects should reflect the nature and spirit of each site.
- Waterfronts should accommodate a variety of uses, be welcoming day and night, attract a variety of people.
- Waterfront projects should enhance the character and history of a site.

## Part 4. Public Comments

### **Public Hearing**

On Tuesday, February 7, 2017, the City Planning Commission held a public hearing in the Council Chamber of City Hall. The public hearing included a short presentation by City Planning staff and time for the Commission to receive public input on the Riverfront Overlay Design Standards and Height Limit Increases Study. At this meeting, four people signed in or filled out a comment card and each person was given up to two minutes to speak.

### **Additional Meetings and Conversations**

As a follow-up to the public hearing, the City Planning Commission staff held meetings with representatives from the Algiers Point Neighborhood Association on February 16, 2017, and the Faubourg Marigny Improvement Association on March 23, 2017.

Additionally, the City Planning Commission staff met with the Mayor's Advisor for Economic Development on March 17, 2017, and with the New Orleans Business Alliance on April 5, 2017.

### **Written Comments**

In addition to the public hearing and other meetings, the City Planning Commission has received written comments by mail, by email to [CPCinfo@nola.gov](mailto:CPCinfo@nola.gov) or directly to CPC staff members. By May 1, 2017, the City Planning Commission has received a number of written comments on the Riverfront Overlay District Study.

### **Summary of Public Comments**

Most comments received contest the height bonuses contemplated by the City. Comments relating to the threat of out of scale development to the authentic feel of the neighborhood were abundant. Many commenters do not want a wall of buildings along the riverfront and would like to maintain the authentic creole architecture of the neighborhood. It was suggested that the term "tout-ensemble" be included in the overlay district regulation language to ensure that new development is compatible with the historic fabric. Concerns about tall buildings suppressing natural light to adjacent residences were raised. A resident stated that the Marigny and Bywater neighborhoods need more commercial development on Saint Claude Avenue, rather than in the overlay district. Another resident noted that while the neighborhood needs more commercial amenities, it also needs more residential development to support them. Overall, residents repeated that the content of the 2005 Riverfront Study is still what they envision for their neighborhood.

The Faubourg Marigny Improvement Association expressed its support for an overlay that would encourage thoughtful development and protect the integrity of the Marigny Historic District. It recommended that the overlay addresses design standards while the base zoning regulations address height, FAR and density. Several design recommendations were made, such as creating incentives for pitched roofs in order to not alter the 19<sup>th</sup> century roof scape of the neighborhood; allowing bulkheads that provide access to rooftops to not be counted towards the height of a building, as long as they are setback from the edge of the roof, so as to not be seen from the sidewalk; and limiting height to a number of floors instead of feet to avoid low ceilings upper floors and preserve historic building proportions. Other design recommendations included,

among others, requiring passages between buildings to avoid shadowing out residential buildings across the street.

The Bywater Neighborhood Association also stated that it supports a Riverfront Overlay for the Bywater riverfront in order to provide quality development. It added that quality development is characterized by variations in height and porosity between buildings, which creates a more interesting streetscape. The association also noted that the Bywater and the Marigny are geographically different in that the Bywater portion of the study area includes land that abuts the floodwall, while the Marigny portion of the study area covers entire blocks that are separated from the floodwall by North Peters Street. The Bywater Neighborhood Association believes that this difference in development capacity justifies separate recommendations for the two neighborhoods.

Neighbors First for Bywater expressed their desire to maintain the 50 foot height limit and to have any additional height reviewed through the variance process, thus allowing public input on a case by case basis. The association collected over 200 signatures on petitions to maintain this limit.

Comments received from economic, business and real estate groups 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. Additionally, the ground floor commercial requirement is perceived as an issue to develop smaller parcels. A New Orleans-based real estate development firm, Ekistics, stated that the bonus Floor Area Ratio (FAR) offered in the overlay district is barely useable because of parking requirements, open space requirements, and appropriate urban design which should call for buildings to step-down in height to relate with smaller single-family homes found along Chartres and Decatur, and for buildings that do not wall off neighborhoods with monolithic structures. Suggested changes include restoring the height to 75 feet by right while maintaining the current 2.5 FAR, thus enabling developers to choose to create 40-55 foot buildings covering entire lots or 75 feet buildings on smaller footprint. It was also noted that form based development is key within the study area and that the land use demand would be primarily for residential development. Only a few retail uses could be supported by the neighborhood in its current state.

Comments were submitted by the Algiers Point Association in regards to the Algiers Point Riverfront Overlay District. This portion of the overlay was not included in the Council Motion. However, any changes to Section 18.13.G Riverfront Gateway Design Standards and Height Limit Increases would also affect Algiers portion of the Riverfront Overlay District. The Algiers Point Association stressed the importance of visual and physical access to the existing levee trail, the river, and the skyline of Downtown New Orleans and recommended that special attention be given to required setbacks and percentage of a lot that may be occupied by buildings. It also listed several development features that should be provided in exchange for any height or density bonuses, such as public spaces and amenities at ground level and between buildings, commercial uses serving neighborhood needs, etc.

During the draft of the current Comprehensive Zoning Ordinance, many comments were forwarded to the City Planning Commission in regards to land regulations of the riverfront. The

City Planning Commission staff found that these comments were still relevant to the current situation and should be summarized in the public input section of this report.

The Board of Neighbors First for Bywater Association submitted several pages presenting their vision of their neighborhood. One main concern was the “threat from the proliferation of formulaic architecture that hews to an international formula of square footage per cost rather than any proud tradition of local vernacular form.” Their proposals encouraged development to reflect the unique New Orleans creole building forms. Several changes to the draft CZO were suggested in terms of design standards such as pitch roofs incentives, lower floor area ratio (FAR) in the HMC-2 District, uniform 14 feet first floor ceiling heights, extended and contiguous balconies and galleries across buildings width, and building width to height ratio. Their review of public comments submitted to the Planning Commission between 2013 and 2014 showed that 98% of these comments were in opposition to height bonuses. The arguments brought forward were that the benefits granted in exchange for height bonuses were not appropriate. According to the neighborhood association board, energy efficiency and public plazas were considered private goods as they lower operating cost and draw customers to business. Additionally, access to the River would be a policy issue requiring railroads and Army Corps of Engineers approval instead of something controlled by developers. However, provisions for affordable housing was supported by the residents, but modifications to the requirements were proposed to provide more affordable units.

Comments on the draft of the Comprehensive Zoning Ordinance, specifically directed toward the HM-MU District within the Riverfront Overlay District, were submitted by the Executive Chairman of the Board of Directors of Historic Restoration Inc. (HRI Properties). Some of these recommendations informed the current language regulating the design standards to provide in exchange of height and density bonuses. Further changes were suggested, but not adopted, in order to enable small property owners to avoid bearing the financial burden required in the bonus height/density requirements. These suggestions were both intended for small projects (<25,000 square feet). They included a provision enabling a property owner to satisfy the bonus/height requirement with ground floor commercial space in lieu of public plaza that provides direct visual access to the River, and a provision eliminating the bonus requirement or cap the required contribution at a minimal amount.

## Part 5. Analysis

The goal of this study, as indicated in the Motion, is to re-examine the appropriateness of the current height and density bonus regime that was assigned to the riverfront properties in the Marigny and Bywater neighborhoods upon the adoption of the RIV Riverfront Design Overlay District in May, 2015. Born out of multiple planning exercises and studies conducted over several years, the original intent of the bonus system in the overlay district was to leverage specific public benefits in terms of increased public open space and access along the riverfront. The benefits were later expanded to include energy efficient design and affordable housing. These bonus provisions were drafted prior to the redevelopment of abandoned wharf areas along the Marigny and Bywater riverfront into Crescent Park.

### **Discussion of Need for Bonuses**

In order to assess the appropriateness of the bonuses, the following discussion will assess what has been achieved since 2005 when the original Riverfront Vision Plan identified these public needs, and if there are still public benefits to be served through such zoning provisions.

#### *Goal 1. Access to the River*

The 2005 Riverfront Vision Plan identified several nodal points that had the potential to provide gateways to the riverfront. These nodal points are located at the ends of major and minor streets leading to the river. As seen on the map below it was proposed to improve pedestrian crossing to the riverfront in several locations: Esplanade/Elysian Fields Avenues, Franklin Avenue, Press Street, Clouet Street, Piety Street, Congress/Gallier Streets, and Pauline/Alvar Streets. Recommendations included allowing public access to the riverfront open space through existing openings in the floodwall such as at Clouet, Congress/Gallier and Piety Streets and creating a new floodwall opening in Marigny, potentially at Franklin Avenue.

## Pedestrian crossing recommendations from the 2005 Riverfront Vision Plan

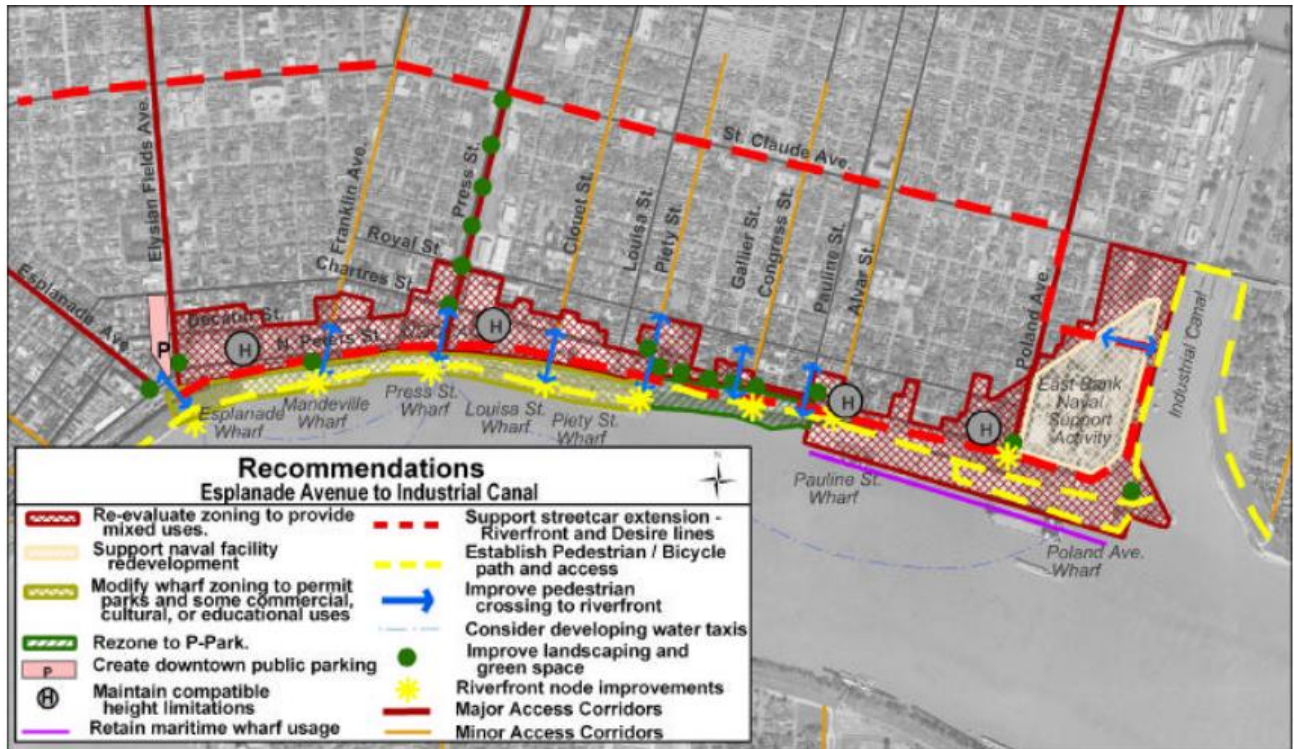
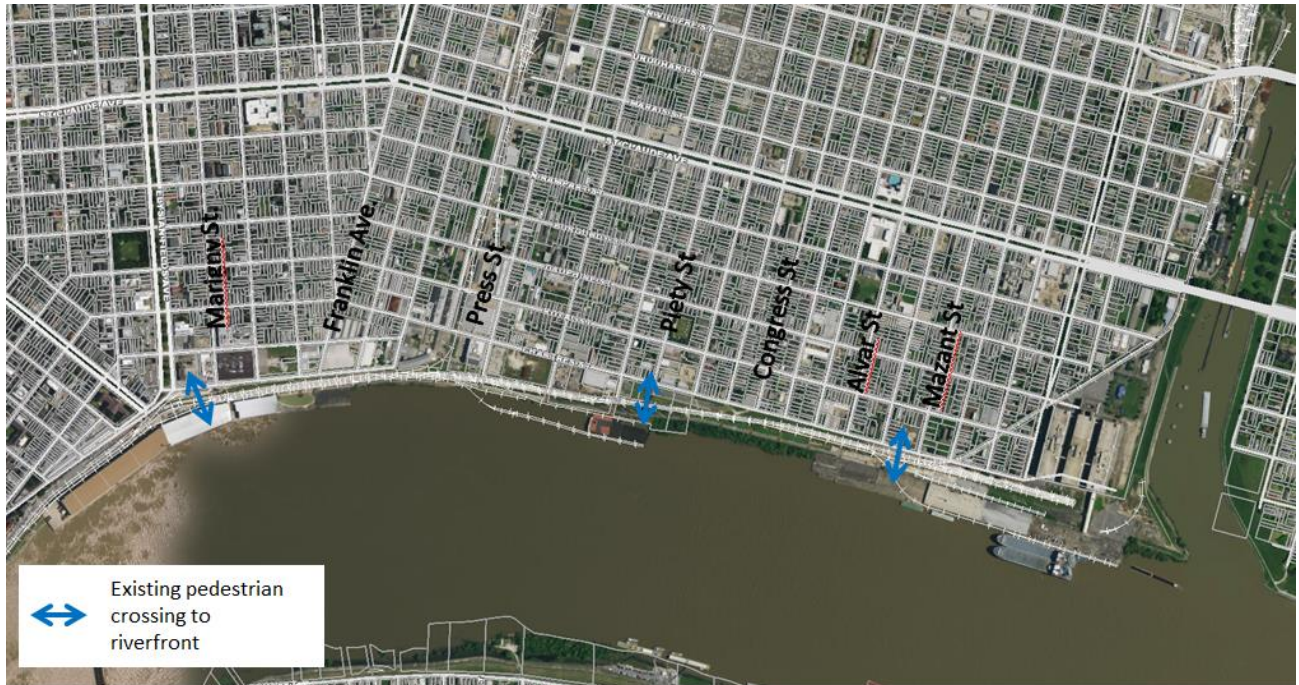


Figure 36.

The Cooperative Endeavor Agreement between the City of New Orleans and the Board of Commissioners of the Port of New Orleans, effective since 2006, was meant to facilitate and coordinate the development of non-maritime uses of the riverfront consistent with both the needs of maritime trade and commerce and the desire to make portions of the riverfront available for public, non-maritime uses. In this agreement, the City and the Port each agreed that an uninterrupted and continuous linear green space from Jackson Avenue to Poland Avenue, to the fullest extent possible, was a key City and Port goal. Special projects included the potential relocation of existing maritime activities from Governor Nicholls Street, and Esplanade Avenue wharves, as well as Mandeville Street and Julia Street wharves, if relocation capacity was made available. The City and the Port agreed that the area bounded by Piety Street and Pauline Street, between the river and the floodwall, shall be incorporated into a linear riverfront park.

Since the 2005 Riverfront Vision Plan and the 2006 Cooperative Endeavor Agreement, Crescent Park was developed along the river's edge, a 1.4 linear park space from Alvar Street in the Bywater to Marigny Street in the Marigny. The park was constructed with two pedestrian bridges over the floodwall and railroad tracks, one at Marigny Street, a block downriver from Elysian Fields, and the other at Piety Street, both which give access to the Crescent Park. Pedestrian access to the park is also allowed at grade level between Bartholomew and Mazant Streets.



**Figure 37. Existing Pedestrian Crossing to Riverfront**

With the creation of two bridges and the Crescent Park, a portion of what was recommended by the City Planning Commission in the 2005 Riverfront Vision Plan has been accomplished in terms of public access to the River. There are still recommendations from previous plans which have not yet been realized. For example, both the 2005 Riverfront Vision Plan and the UNOP Plans noted that a potential park entrance could be located at Press Street. This crossing was not included as part of the park's initial development. In addition, another goal of creating a continuous bike and pedestrian trail from the Poland Avenue to the Vieux Carré has not yet been fulfilled since the Governor Nicholls/Esplanade Wharves are currently being used for industrial purposes and are rented by Transportation Consultants, Inc. In order to achieve a continuous green space between Jackson Avenue and Poland Avenue, the City and Port and other entities would need further collaboration to design and construct connecting infrastructure.

In summary, the neighborhood's previous aspirations for more access to the riverfront and more park/open space and recreational opportunities in the neighborhood have largely been achieved in the last few years with the development of Crescent Park. Though there are still opportunities to create more connectivity and develop more points of access, these projects may be better achieved through another type of public/private partnership or another incentive process than the one prescribed in the RIV Design Overlay District.

### *Goal 2. Affordable housing*

The second bonus criterion, which was added late in the CZO drafting process, was the incorporation of affordable housing units for households with incomes equal to or below 80% of the area median income. However, since the adoption of the CZO in 2015, and in response to concerns about rising unaffordability of housing in New Orleans, the City Council recently

requested that the City Planning Commission study the issues and make recommendations.<sup>30</sup> This recently completed *Smart Housing Mix Ordinance Study* recommended that within strong market areas of New Orleans, zoning could require a certain percentage of affordable units. A feasibility analysis revealed that developments within strong markets can absorb this requirement and still be profitable. The study recommendations are expected to be incorporated into the Comprehensive Zoning Ordinance and may negate the need for such a standard to be required or to qualify for a height and density increase in the RIV Riverfront Design Overlay District. The following is a summary of the key recommendations related to the Comprehensive Zoning Ordinance.

- The Comprehensive Zoning Ordinance should be amended to create a new article, Article 28 Inclusionary Housing, to implement the Smart Housing Mix policy.
- Inclusionary housing shall be mandatory within the defined target area and voluntary outside of it.
- The Smart Housing Mix policy should establish an affordable housing set-aside requirement of 12% of the housing units in a new development, adaptive reuse project, or substantial renovations within mandatory inclusionary zone.
- The Smart Housing Mix policy shall require onsite affordable housing for development projects with 10 or more multi-family housing units, and development projects with 5 to 9 units shall provide a modest in-lieu fee payment.
- The rental units shall be affordable to families earning 60% of AMI or below and the for-sale units shall be affordable to families earning 80% of AMI or below.
- The affordability term should be between 50 and 99 years.
- Standards require affordable units that are comparable to market rate and not clustered.
- The Smart Housing Mix policy provides residential density, parking reductions, and tax abatement incentives to help defray the cost of providing affordable units.
- Further study is needed to finalize the following aspects of the Smart Housing Mix policy: boundary of the mandatory inclusionary housing zone, in-lieu fee formula, administrative policies, amount of the density and off-street parking incentives, and if additional incentives are required to utilize the density incentives.

### *Goal 3. Energy efficiency*

The third bonus criterion in the RIV Overlay District involves the incorporation of energy efficient design through certification in an accredited green building program. Being more energy efficient, i.e., reducing energy consumption, is a key component of reducing New Orleans' overall carbon footprint. The City and Entergy have recently adopted an Energy Efficiency Standard of 2% annual reductions. While incorporating energy efficiency requirements in the zoning code would help to meet the overall goal, the current language in the RIV Overlay District, which requires developments to obtain one of several national green building certifications may be too onerous, especially for smaller-scale projects. Certification programs are costly; therefore, they are generally more feasible for larger scale projects such as planned developments which comprise a minimum area of 5 acres.

That is not to say that the energy efficiency requirements in the zoning ordinance should not be pursued. Energy efficient buildings, besides aiding in energy reduction, also lead to better

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<sup>30</sup> Motion # 16-167

quality of life and comfort for building residents. However, energy efficiency goals could also be achieved by other means such as through amendment of the building code. In the past year, the City has been working concurrently in partnership with several national agencies and programs to address energy benchmarking and efficiency.

#### *Goal 4. Contribution to capital project*

The final eligibility requirement for bonus height in the Riverfront Design Overlay District is a contribution that can be made in lieu of the first requirement to provide direct visual access to the River. This payment in lieu is allowed for a development that makes a “substantial contribution to a new floodwall bridge, rail crossing, or other capital improvement which significantly increases public access to the riverfront.” Substantial contribution is defined as a minimum of 50% of the cost of improvement and not less than \$250,000. Additionally, there must be commitments during the time of the application for the remainder of the funding necessary to complete the capital project within one year of the date of the application.

The development of Crescent Park was a \$30 million public investment funded by the Hurricanes Katrina and Rita Long-Term Community Recovery Program of the State of Louisiana and the US Department of Housing and Urban Development. As previously noted, the park currently has three access points: Mazant Street, Piety Street, and Marigny Street. The crossing at Mazant Street is through an opening in the flood wall, and allows for crossing of the the railroad tracks at grade. The Marigny and Piety Street crossings are elevated crossings of the railroad tracks. The Riverfront Vision plan in 2005 identified 6 railroad crossing points to the riverfront park in the Marigny and Bywater neighborhoods: Esplanade/Elysian Fields Avenues, Franklin Avenue, Press Street, Clouet Street, Piety Street and Congress/Gallier Streets. The recommended crossings at Clouet, Piety and Congress/Gallier Streets were recommended to take advantage of existing openings in the floodwall. Considering where crossings have been constructed, the remaining priority crossing would be near Press Street. The crossing at Marigny Street cost approximately \$2 million dollars to construct. This crossing is elevated above the railroad tracks and has an elevator, providing an accessible crossing into the park. If another crossing to Crescent Park were to be constructed, a similar design would probably be necessary for accessibility purposes. Assuming that another crossing would cost \$2 million and one more crossing is identified in the Riverfront Vision Plan, there is still a capital improvement need in this area that could be addressed by contributions from developments. Additional capital projects would require additional public input to directly address the communities’ priorities. Additionally, it would be wise for the City to explore other funding options for a new crossing at Press Street, including grants, Tax Increment Financing, and public private partnerships, to name a few.

This analysis of the benefits the contemplated bonuses were meant to provide and what has been achieved since 2005 shows that it is necessary to rethink the bonus regime in light of a broader discussion on what public benefits is now needed.

## Design Considerations within the Study Area

Since the adoption of the Riverfront Vision Plan and the early drafts of the Comprehensive Zoning Ordinance, Marigny and Bywater and real estate development conditions have changed. Based on both comments from developers who have analyzed the height and density increase standards and changing conditions related to the need for incentivizing public benefits, it appears that Section 18.13.G Riverfront Gateway Design Standards and Height Limit Increases may no longer be necessary as written. The Crescent Park and its three entrances have been developed in part thanks to post-Hurricane Katrina Community Development Block Grants. It appears that affordable housing needs may be addressed through a smart housing ordinance in a broad scale throughout New Orleans' strong housing markets.

While the conditions necessitating a bonus system may have changed, additional height and density along the riverfront remain appropriate and benefit the City in several ways. In the City's Master Plan, Land Use chapter, two strategies are particularly relevant to the study area:

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

Both the base zoning and Riverfront Overlay address these strategies since the study area is at the edge of the neighborhood on higher ground than most of New Orleans. Additionally, most of the study area was within industrial districts that have become less industrial over time. The Riverfront Vision Plan identified 75 feet as an appropriate height in these areas. The City Planning Commission has also indicated that such height and density increases are appropriate and consistent with the Master Plan through the adoption of the Comprehensive Zoning Ordinance.

In addition to fulfilling a Master Plan goal, the allowance of greater height and density that is still appropriate for the neighborhood has other benefits. The density and height increase would capture the value of these rare properties that afford Mississippi River views, providing a significant boost to real estate tax revenues. With the likelihood that a smart housing ordinance will be enacted in some form, more housing allowed also means more affordable housing. The housing developments then further the vibrancy of the Bywater and Marigny neighborhoods, providing the additional market for the services that are still missing and creating more walkable neighborhoods.

Neighbors concerned about mixed use development in the study area usually cite the undesirability of a "wall of 75 ft. high buildings" along with concerns about neighborhood compatibility. Certain standards of the current regulations address such concerns:

**Section 18.13.D.1:** No development may be located to block the view of the riverfront from any public right-of-way that extends to the riverfront or terminates prior to reaching the riverfront, but is within or abuts the boundaries of the RIV Overlay District. View corridors along such rights-of-way shall be the same width as the public street and

continue to the riverfront through the overlay district as a straight line extension of the street.

**Section 18.13.F:** Except for single and two family dwellings, buildings shall contain ground floor non-residential uses.

*Active ground floors*

Requiring ground floor non-residential uses is intended to provide an active streetscape and interesting pedestrian environment. This standard should be amended to provide more guidance on the type, size, and location of the commercial use – especially to when a site has multiple street frontages. Exemptions from the requirement could also be allowed based on a small lot width and for educational facilities.

*Stepbacks to height*

Form-based regulations may further address the “wall” concern. Since the underlying zoning district(s) include a 2.2 floor area ratio (FAR) in the HMC-2 Historic Marigny/Treme/Bywater Commercial District and 2.5 FAR in the HM-MU Historic Marigny/Treme/Bywater Mixed-Use District and Section 18.13.G of the Riverfront Overlay allows a 1.5 bonus, the developer must design the building with differing numbers of floors and heights to reach the maximum height and number of floors for some parts. Form-based regulations may supplement the existing regulations by requiring that most of a building’s mass be located towards the River and away from lower-scale uses across Chartres and Decatur Streets in Bywater and Marigny, respectively. Additionally, form-based regulations may regulate the street view of a building in a manner that the parts at maximum height cannot be seen by a person walking on the sidewalk across the street from the building. This is achieved through a stepback from the front building façade.



Figure 38. Cross section showing stepback to 75 ft. height

The street views and aerial shots below show examples of several buildings in the historic Fell's Point neighborhood of Baltimore. Each of these buildings appear to be three- to four-story on the first picture taken from the street, while the aerial picture shows one or two additional stories stepback from the front façade of the building. By allowing more height in a manner that is not visible from the street, more density is provided while ensuring that new development is compatible with adjacent historic buildings.



Figure 39. South Broadway Street between Fleet and Aliceanna Streets

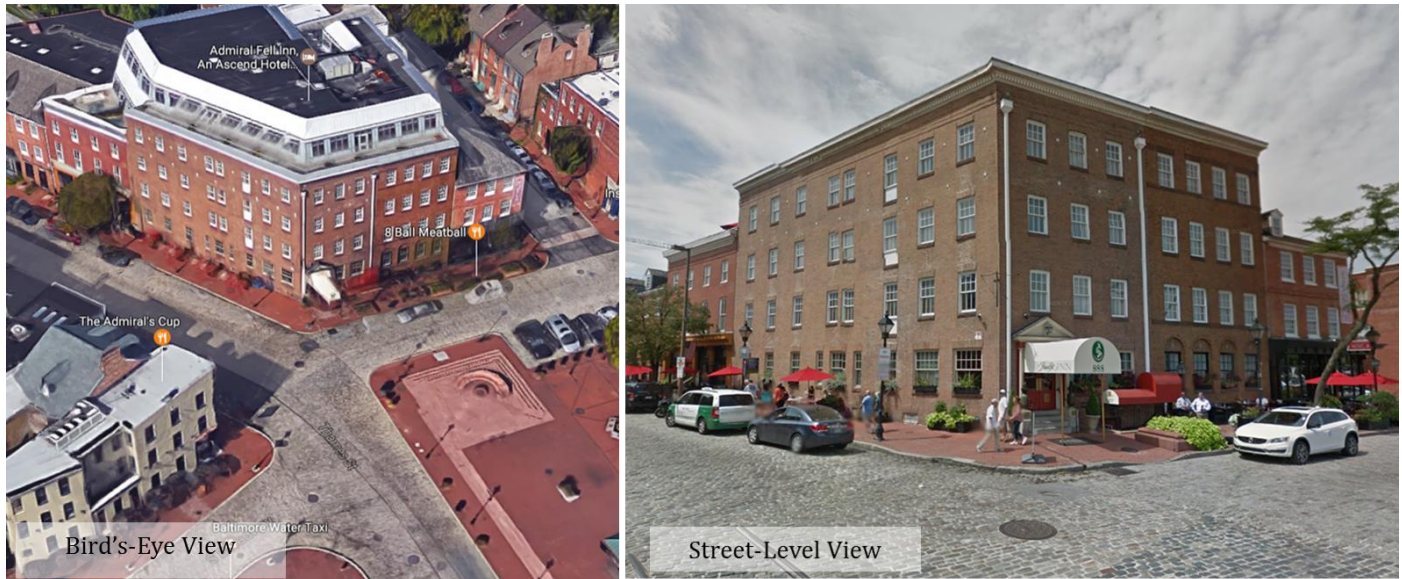


Figure 40. Corner of Thames Street and South Broadway Street



Figure 41. South Register Street between Aliceanna and Lancaster Streets

### Examples in New Orleans

**4301 Tulane Avenue.** One example of multi-story buildings in one- and two-story neighborhoods is a recently constructed apartment building located where South Hennessey Street meets Interstate 10. This development has three floors of apartments above ground floor parking, and has a total building height of 47 feet. The development covers an entire



Figure 42. 4301 Tulane Avenue

square and has over 200,000 square feet of floor area, 183 apartment units, and 261 parking spaces. The site was not located in an HDLC District, but the HDLC did help the CPC develop a design-related proviso that required modifications to the original proposed railings and to the height of the parapet. The building's façade also avoids being a solid wall with slight recesses and differences in materials. Additionally, there is some foundation landscaping between the building and the right-of-way and tree plantings in the Ulloa Street right-of-way.

### 3100 Tulane Avenue.

Another recently constructed apartment building, consists of two buildings, the tallest of which reaches a height of 58 feet. This building contains 170 residential units and a total residential floor area of 166,106 square feet. This development has its main frontage on Tulane

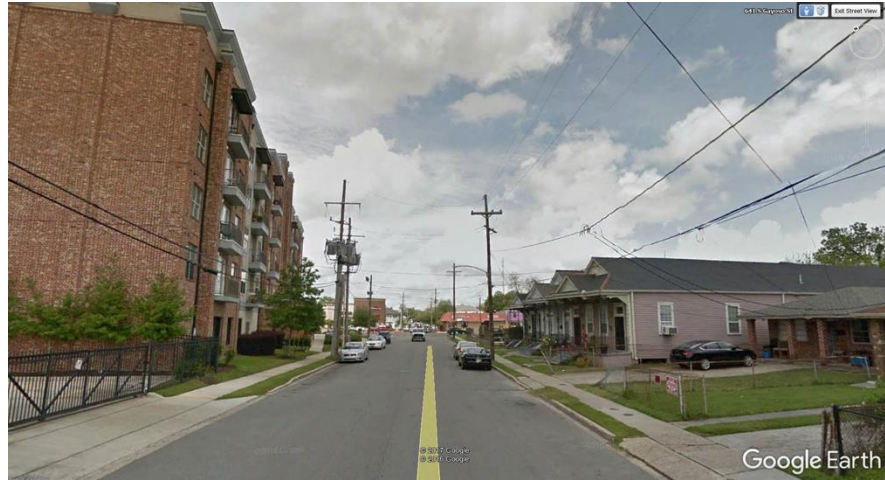


Figure 43. 3100 Tulane Avenue

Avenue but covers most of the city square and is across South Gayoso Street from a number of single-story single- and two-family residential structures. Similar to the building at 4301 Tulane Avenue, 3100 Tulane Avenue utilizes façade recesses, alternating materials, and landscaping to help soften the height of the structure.

### 330 Morgan Street.

The property located at 330 Morgan Street in Algiers Point is a 6 story condominium building with 5 floors of residential units. The condo building is built along or near the Morgan Street property line and extends towards the Mississippi River in a manner that conforms to



its triangular lot configuration. The three sides of the building that have river views also have balconies, and the Morgan Street frontage has only a second story balcony that wraps around the building. The only side of the building without balconies for all units is the side that faces the Algiers Point neighborhood, and the

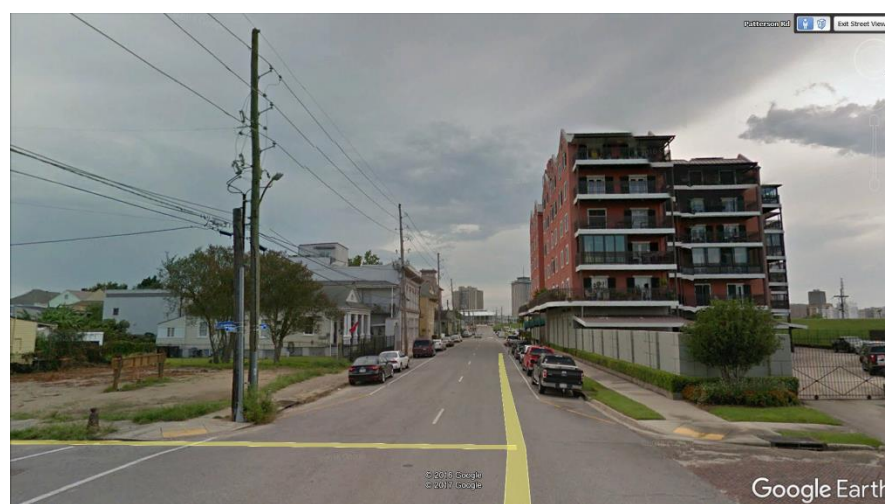


Figure 44. 330 Morgan Street

height of the building is nearly unbroken to its overall height of approximately 77 feet. The first floor fronting Morgan Street also provides no openings aside from the building's front entrance, and, as a result, has a blank wall along the street frontage.

**6363 Loyola Avenue.** In 2011, Loyola University renovated one of its academic buildings, Monroe Hall, which is located near the intersection of Loyola Avenue and Calhoun Street. The renovation added two stories to an existing 5 story building. In its earlier configuration, Monroe Hall had three stories before the building stepped-back 36 feet



from Calhoun Street. The new configuration of the building has a height of 60 feet at the Calhoun Street frontage before stepping back 26 feet, rising 34.5 feet in height, and finally stepping back 22 feet before rising an additional 17 feet. The overall building height is 111.5 feet. Directly across Calhoun Street from Monroe Hall is a number of mostly two- to three-story residential structures. Trees line both sides of Calhoun Street near Monroe Hall. Monroe Hall does not have any direct entrance points from Calhoun Street.



Figure 45. 6363 Loyola Avenue

**Conclusions.** There are a number of common themes with all of the developments listed above, including foundation landscaping and street tree plantings, as well as façade articulation achieved through recesses and changes in material. One additional method is the stepping back of mass from the street frontage in order to shift the bulk of the building away from the street and adjacent smaller scale structures. Monroe Hall measures 60 at its Calhoun Street frontage and 111.5 feet at its highest point, 48 feet from the front façade. Sixty feet might not be the appropriate street edge height in all of the riverfront communities, but the step-back approach could help lessen the impact of structure developed at a greater height than the existing single- and two-story residential structures and warehouse structures in these areas.

### 3D Modeling

City Planning Commission staff utilized Google SketchUp to model current base zoning district regulations, bonus height allowances, and potential design recommendations for the Riverfront Design Overlay District. The staff recognizes the two conditions specific to the Marigny and Bywater neighborhoods. Marigny is characterized by potential block-sized development sites that are adjacent to public streets on four sides. There are a number of large, square-sized sites in

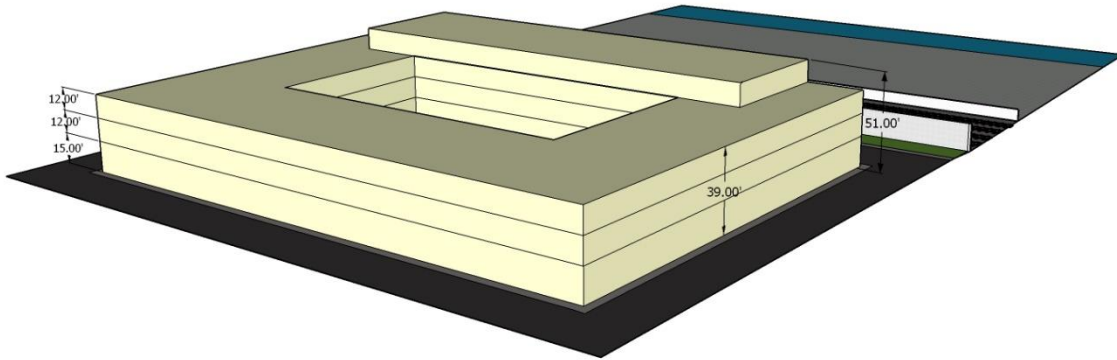


Figure 45. Marigny site example, HM-MU base zoning

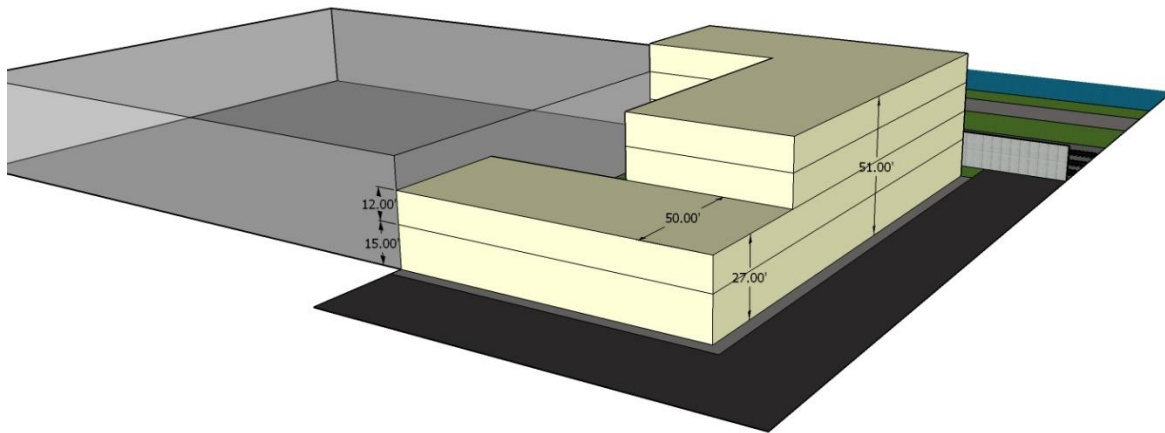


Figure 46. Bywater site example, HM-MU base zoning

the Bywater as well, but these sites front one through street, two stubs of public streets, and a flood wall to the lots' rear.

The staff developed massing studies using the current bulk requirements of the HM-MU District. Most significant in these massing studies is the maximum height of 55 feet, Open Space Ratio of 0.3, and Floor Area Ratio (FAR) of 2.5. The staff created these models under the assumption that the majority of the mass of the structures would be oriented toward the Mississippi River, to

take advantage of the river views and because of recent HDLC recommendations for proposed projects in the Bywater portion of the RIV. The Open Space Ratio was accommodated by a central courtyard because of the RIV design requirement for buildings to occupy the street frontage. Floor height was modeled to represent a 15-foot first floor and 12-foot floors above the first floor. This resulted in a maximum height of 51 feet for HM-MU models. The overall effect was a building envelope that is 39 feet on three frontages and 51 feet on the frontage closest to the river.

Next, the staff created models to account for the bonus height and Floor Area Ratio. Assuming that a development takes advantage of the entire possible bonus, the resulting FAR could be up to 4.0 and height could be 80 feet. The staff used the model from the base HM-MU District zoning requirements and added to the bulk of that building envelope.

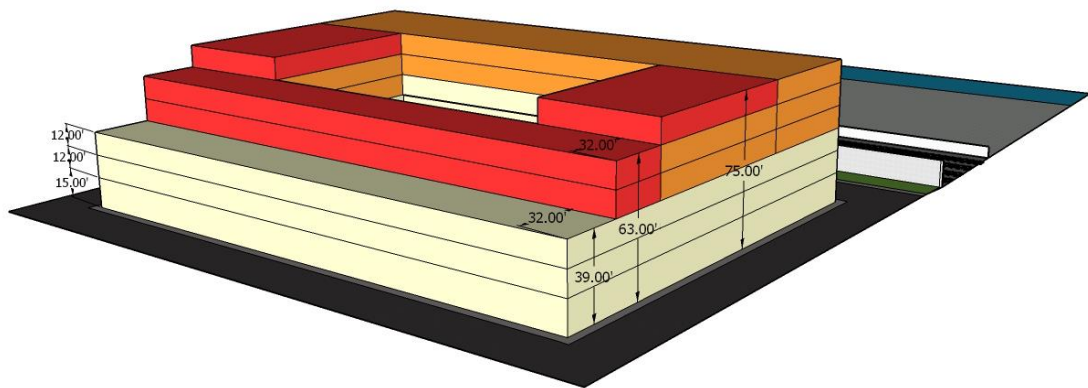


Figure 47. Marigny site example, HM-MU with Bonus

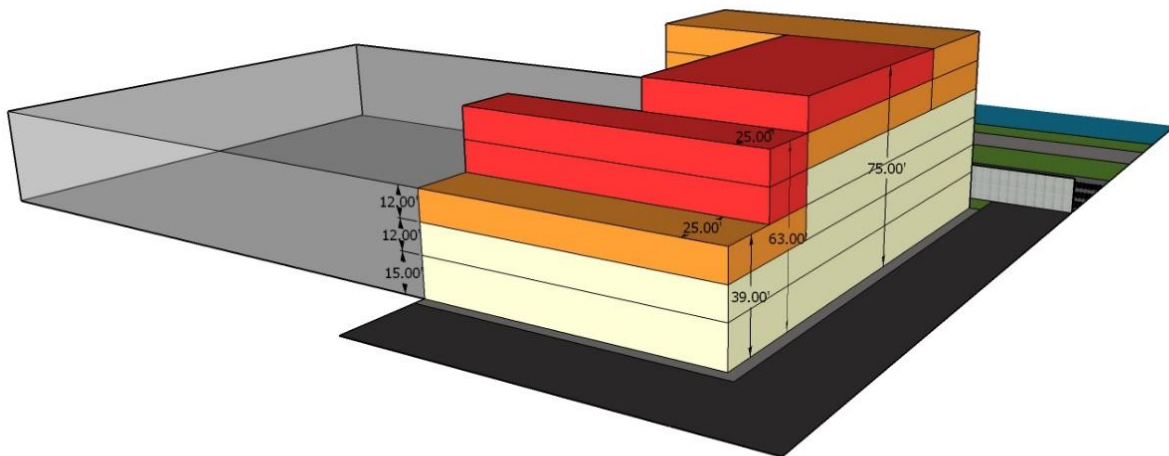
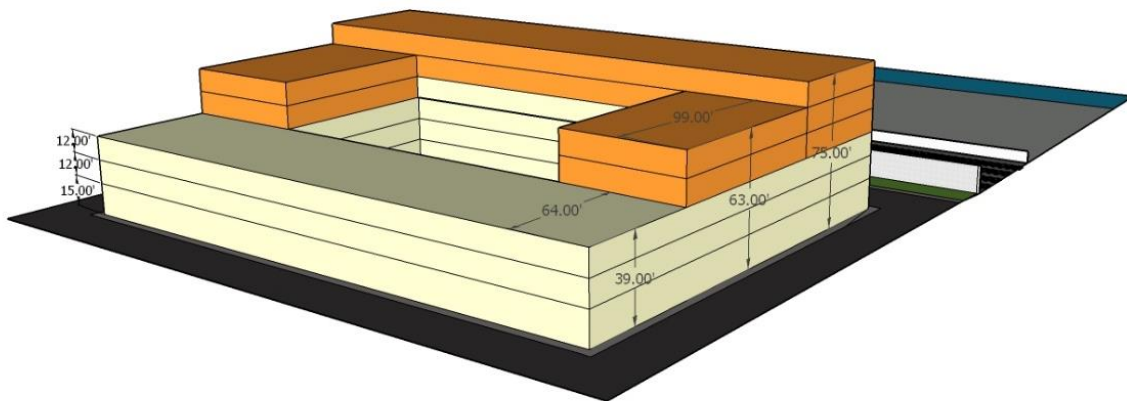


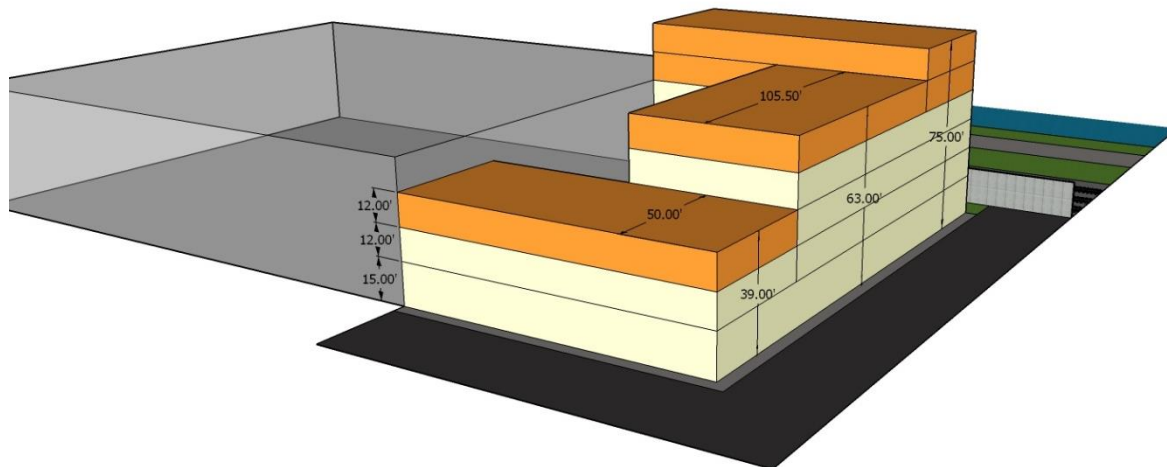
Figure 48. Bywater site example, HM-MU with Bonus

The staff again assumed that the development would attempt to achieve a maximum height nearest the river because of the views, and would then fill out the mass of the structure towards its frontage until it reached the maximum allowable floor area. The resulting form of the building envelope is 4 floors (51 feet) on its frontage, and 6 floors (75 feet) nearest the river. Again, the mass of the model was shifted as much as possible to the rear of the property to lessen the impact of the additional height on the adjacent structures. The attempt to accommodate the 4.0 FAR resulted in the 6 floors of the structure coming much closer to the front of the property than what was experienced with the base regulations. The staff also noted that with the additional FAR combined with a height cap and open space ratio, it could be difficult for a development to reach the maximum floor area without concentrating some or most of the mass and height near the front property line. The staff recognizes that this could be incompatible with the existing development in the Marigny and Bywater neighborhoods and recommends that other controls be put in place if the eligibility requirements of the height bonuses are eliminated and the 75-foot height becomes a by-right allowance.

As mentioned in this report, the HDLC has full control over design in the Marigny and Bywater neighborhoods. The HDLC, however, does not restrict a development's building envelope, which is dictated by the Comprehensive Zoning Ordinance. The staff believes that the review of the design of new structures in the RIV is most appropriate through the HDLC's processes, but that certain zoning requirements could be adjusted if the 75 foot height becomes a by-right allowance. Examples of a design requirement that could be included in the Riverfront Design Overlay District is a maximum height at the development's frontage on a public street. Certain areas of the Central Business District already limit height to 75 feet within 20 feet of the public right of way, and then a height of 125 feet is allowed. Utilizing a height step-back requirement similar to this could be beneficial for the riverfront areas, and any areas in general where height could be impactful to adjacent neighborhoods. Also, the staff believes that the floor area ratio allowance could be adjusted from the 4.0 "bonus" allowance. The allowance could be at odds with the desire to shift building mass towards the River and to encourage taller, more historically appropriate ceiling heights. The staff adjusted the HM-MU District models to illustrate the effect that these changes could have on the same site's building envelope.



**Figure 49. Marigny site example with 3.5 FAR**



**Figure 50. Bywater site example with 3.5 FAR**

Reducing the FAR to 3.5 allowed the model to maintain a 39-foot height at its street frontage and still be able to achieve a 75-foot height nearest the river. If the public benefits are no longer required for a development to have a 80-foot building height, small adjustments to the current bulk regulations in the HM-MU District, along with the HDLC’s architectural review, could help protect the adjacent properties from negative impacts typically associated with height.

### **Consideration of Riverfront Areas Outside of the Study Area**

Following the City Council motion, the design considerations discussed above are intended for the study area in the Bywater and Marigny neighborhoods exclusively. However, a portion of Algiers Riverfront and Lower Garden District Riverfront are also within the Riverfront Overlay District.

In Algiers, nine squares are within the only other area eligible for the height and density increase of Section 18.13.G. Eight of these squares are within Algiers Riverview and one is within Algiers Point. Conditions in this area are very different from Marigny and Bywater. There is a levee rather than a floodwall and public access is much easier. While Algiers Point is a strong market, Algiers Riverview is more in need of a revitalization catalyst. City Planning staff did not extensively study whether a height and density bonus system would be still be appropriate in this area, but any future action to this section of the Comprehensive Zoning Ordinance would have an effect in this area.

The Lower Garden District is also within the Riverfront Overlay District, but it does not include any areas eligible for a height and density increase. In the future, this may need to be re-examined as redevelopment from industrial to mixed uses takes hold. The Riverfront Vision Plan and the Reinventing the Crescent Plan both recommend a riverfront park in this area.

The CPC staff recommends that the Algiers riverfront currently eligible for height and density increases be further studied for appropriateness. At some point in the future, it may also be worthwhile to study whether the Lower Garden District regulations are in need of modification.

### **Opportunities for Public Input in the Development Process**

The fourth item of consideration by the City Council Motion M-16-605 is whether any height, density, and massing bonuses or other best practices along the river should be granted as a matter of right, or if the Council should grant bonuses via Conditional Use approval. The current provisions in the CZO allow developments that meet the eligibility requirements of energy efficient design, affordable housing, and public visual access to the river, or the contribution to help fund a capital project to create a means of public access to the riverfront. An additional two floors and an FAR increase of 1.5 can be added to a building if a project meets these eligibility requirements, up to 80 feet. This bonus does not currently require conditional use approval because the public benefit requirements would already ensure the quality of the development and, thus, the adjacent neighborhood would receive some benefit from the added zoning allowance. Generally speaking, the conditional use process introduces a level of uncertainty into a project as well as expands the timeline for receiving approvals, both of which are negatives for the development community. The conditional use process is typically reserved for land uses that could be appropriate given certain conditions and review of the context of each individual proposal. One of the benefits of the conditional use process is the amount of public participation involved in the process, including a pre-application NPP meeting, City Planning Commission and City Council public hearings. This amount of participation often results in projects responding to the concerns of the surrounding community and ensures that project specific community impacts are accounted for when development plans are created.

The logic behind granting bonus height in the RIV without requiring a public hearing by the City Planning Commission and approval by the City Council is that the eligibility requirements for the bonus ensure quality development, and that additional height is generally appropriate in these areas. Requiring a conditional use approval to grant additional height would not be appropriate even if it is determined that the developments must no longer meet the current eligibility requirements. Presumably, the conditional use review would consider the impacts of the additional height and make recommendations to help mitigate those impacts. This is unnecessary for the riverfront areas in the Marigny and Bywater neighborhoods because they are located in full control local historic districts. The HDLC must review and approve all plans for redevelopment of these sites prior to the issuance of permits. This process also allows for public participation and input into the design of the developments of these sites.

In summary, even without the current public benefit eligibility requirements, the quality of development on the riverfront is ensured by full development review by the HDLC. The HDLC helps shape projects within the buildable area set by the Comprehensive Zoning Ordinance. As suggested in this report, there are certain tools that could be revised or reviewed in the CZO to ensure that that bulk requirements are appropriate for this area, particularly if the public benefit requirements are no longer a prerequisite for a 75-foot building height. Bulk requirements that should be evaluated include lot area per dwelling unit, open space ratio, and floor area ratio. One or all of these tools could be revised to ensure that the HDLC has room within the allowable building envelope to appropriately guide the massing of a structure in a manner that least impacts the adjacent neighborhood. The HDLC's process is the most appropriate process to review height and massing of a structure and the conditional use process would not provide any additional benefits to the review of developments on the riverfront.

## Part 6. Recommendations & Next Steps

### Summary of Recommendations

The following pages conclude this study with a list of recommended policy changes to the RIV Design Overlay District. While the scope of the study was limited to the Marigny and Bywater neighborhood riverfront areas, there are some recommendations related to broader RIV Design Overlay District boundaries. The following recommendations are based on findings related to best practices, input from various stakeholders, site analyses, and architectural modelling exercises. The recommendations are also informed by past planning efforts and policy recommendations.

#### *Recommendations related to boundaries*

- **Eliminate “One-Size-Fits-All” model.** Each of the three areas currently designated with the RIV Design Overlay District, including the Lower Garden District, Algiers, Bywater and Marigny neighborhoods contain very distinct characteristics in terms of development pattern, architectural characteristics, and visual and physical access opportunities to the river. However, the current regulations apply uniform standards to all the areas. The staff recommends that further study should be undertaken in order to devise context-appropriate design standards for each of three specified riverfront areas in the zoning ordinance, or for any other riverfront areas which may become available for non-maritime development in the future. The design recommendations listed below relate exclusively to the study area in the Marigny/Bywater neighborhoods.
- **Differentiate bulk/area and use standards on the riverside versus on the landside of the floodwall.** As recommended in the 2005 Riverfront Vision Plan, development standards and use permissions should be more restrictive on the riverside of the floodwall than on the landside of the floodwall because of the nature of existing development on the riverside of the floodwall, which currently includes park space and some maritime uses, and because this area is also more susceptible to navigational and environmental hazards. The design recommendations listed below are geared only toward the landside properties.

#### *Recommendations related to design standards*

- **Eliminate bonus provision of Section 18.13.G.** The standards listed in this section were intended to encourage pedestrian to the river through the incorporation of superior design features. Incorporating these design elements qualified a development for consideration of an increase in height and/or density. As discussed in Section 5.a. of this report, the Marigny and Bywater neighborhoods and real estate development conditions have changed since the adoption of the Riverfront Vision Plan and the early drafts of the Comprehensive Zoning Ordinance. It appears that Section 18.13.G Riverfront Gateway Design Standards and Height Limit Increases may no longer be necessary as written, in part because some standards appear not feasible or because they could be achieved by other means than an exchange for development bonuses.

- **Add more detail to ground floor use requirements of the base overlay.** Active ground floor uses are desirable, but current standards of the base overlay district do not provide enough detail. In order to provide an active streetscape and interesting pedestrian environment, more specific standards should be created related to the type, size and location of ground floor commercial uses.
- **Allow greater heights for riverfront development in the overlay district, but use “step-backs” and massing variation to ensure compatibility with the scale of adjacent development.** Form-based regulations may further address the “wall” concern by pulling the building’s mass and higher parts toward the river and affect how a development is perceived is from the street level. Form-based regulations can regulate the street view of a building in a manner that the parts at maximum height cannot be seen by a person walking on the sidewalk across the street from the building. Modeling indicates that a minimal impact can be achieved through setback and FAR requirements. Below are three options related to minimum bulk and area requirements for riverfront developments in the study area. The riverfront squares have historically had different height limits than the core residential neighborhood. Encouraging slightly more intense development on the riverfront in the study area gives the City a chance to capture the value of areas like these by providing tax revenue benefits to the entire City. Further, allowing slightly greater density in these areas allows for more housing development and would help with supply of both market rate and affordable housing.

**Recommended bulk regulations:**

- Maximum Height: 75’/ 40’ max or 3 stories at street/6 at riverside
  - Maximum FAR: 3.5
  - Minimum Density: Additional lot area per dwelling unit density may be allowed by Smart Housing Mix Ordinance
  - Use Stepbacks to reach maximum height
- **Explore exempting rooftop protrusions, such as an elevator bulkhead, from maximum height standards.** Direct public visual access above the ground floor is likely not economically feasible. However, exempting rooftop protrusions from being counted towards height limits if providing common areas with River views, gives access opportunities for residents and visitors of buildings to view the Riverfront. In doing so, it allows the public the take advantage of the Riverfront as an amenity. Allowing common areas above the ground floor to count towards open space requirements also could be further studied.

*Recommendations related to riverfront access.*

- **Explore other non-zoning options for eventual construction of additional crossings.** Placing the burden of a new crossing on one developer is likely not economically feasible. However, only a portion of what was recommended in the 2005 Riverfront Vision Plan has been accomplished in terms of public access to the River. Considering the distances between existing points of access to the River, the staff recommends that other funding options be explored to provide additional access between the Piety and Marigny bridges.

*Recommendations related to public input in the development process*

- **Institute a maximum height/density by right, not through Conditional Use.** The Conditional Use process is intended to determine the appropriateness of a certain use depending on the context of the area in which it is located. If a Conditional Use process was in place to consider additional height, the City Planning Commission staff would be reviewing the impact of the additional stories, which is a design consideration, not a use consideration. Design considerations are generally deferred to the HDLC, which includes a public process for neighborhood input. The staff believes that the overlay district should establish an appropriate allowable building envelope for new development, one based on the findings of this study or of further study, and one in which ensures compatibility with the adjacent historic neighborhoods. Once established, a conditional use process for uses allowed by right would no longer be necessary. Public input, in the form of design recommendations, is better addressed by means of the HDLC process.

**Next Steps**

When the City Planning Commission has reviewed this study and taken public comment, it will forward the study with any modifications to the City Council for its information and review. To implement any of the study's recommendations related to the Riverfront Overlay District in the Comprehensive Zoning Ordinance, the City Council would need to introduce a text amendment by motion. If introduced, a text amendment would require another process of public hearings by the City Planning Commission, recommendation to the City Council and adoption by the City Council, pursuant to Article 4, Section 4.2 of the Comprehensive Zoning Ordinance.