

2017 FMIA Marigny Riverfront Overlay Proposal

The Faubourg Marigny Improvement Association (FMIA) is proposing that there be a 60 day deferral before a final vote is taken. Since this promises to be such a large and consequential zoning change, we believe this extra time is necessary for all aspects of it to be studied and examined by the citizens.

History and Ideals

We seek a future that is not just for our visitors but one for all of us who have worked so hard and so long to create truly beautiful and unique neighborhoods in which to live, to be young in, to grow old in and to leave a legacy to the future of what a good life New Orleans has provided for almost three hundred years.

Great cities are those that maintain a strong sense of place: great history, great architecture, great food, great music and most of all great people. The American Planning Association chose to give its most prestigious award of "Great American Neighborhood" to Faubourg Marigny in 2009, and said,

"With a history of community activism, Faubourg Marigny's character has been preserved due in large part to residents' willingness to embrace land-use regulations and guidelines designed to maintain and improve the neighborhood's quality of life."

In 1970, the New Orleans City Planning Commission (CPC) asked Professor Eugene Cizek to study the Marigny triangle for the development of an historic zoning district as a means to foster revitalization and preservation of the area.

Historic Marigny zoning was voted into law by the New Orleans City Council (NOCC) in 1971, and has served as a model for other districts in New Orleans and across the country. Since the founding of the FMIA in 1972 by Professor Cizek, our neighborhood has been led by his wise counsel, as well as the ideas and accomplishments of Rick Fifield, AIA (previously HDLC, ARC, currently Vieux Carré Commission), and Charles A. (Chuck) Berg, AIA, ongoing member Board of Trustees, Louisiana Landmarks Society, James Farr, AIA, and others throughout the years. In 1974 Faubourg Marigny was placed on the National Register of Historic Places.

In 1978 Mayor Moon Landrieu set up an Historic District Study Committee for the Faubourg Marigny and the Esplanade Ridge with Professor Cizek as its chair. In the 1990s a neighborhood retreat and related study with the Tulane School of Architecture produced a master plan: Marigny 2000. This forward-thinking plan provided the processes for securing the new location for the New Orleans Center for Creative Arts, and was an impetus for our current Master Plan as we continue to fight for growth and change, in a manner that maintains our special sense of place and reality.

In 2012 FMIA opposed to a 75-foot building proposed for Decatur Street and Elysian Fields. The FMIA is excited about development that follows the guidelines of the New Orleans Historic District Landmarks Commission (HDLC).

In March of 2015, the FMIA submitted to the NOCC and the CPC a plan addressing changes in which both FMIA and Neighbors First for Bywater (NFB) collaboratively desired to have applied to the Comprehensive Zoning Ordinance, especially addressing the Riverfront Overlay.

This vision for a Marigny Riverfront Overlay uses many principles from *The Plan for the 21st Century: New Orleans 2030*, commonly known as The Master Plan, as it currently exists. Although the City Planning Staff has been instructed to "start from scratch" for the study of creating a new Riverfront Overlay, many residents spent years providing community input, especially in consideration of what Staff had anticipated during the CZO process.

All of our collective experience, as well as conclusions drawn from the Master Plan, have generated a guiding principle of *Tout Ensemble*. We request an Overlay that would encourage thoughtful development and protect the integrity of our Historic District, and incorporates the yet-to-be transformed and separate industrial lots into the fabric of the community.

The residents of the Historic Core Neighborhoods have overwhelmingly expressed their desire to keep new construction within their neighborhoods in scale with historic precedent. A review of public comments submitted to the CPC and made

available on the CPC website showed that of the 571 comments received in 2013 and 2014, 98% of comments are opposed to the height and density bonuses included in the previous Riverfront Overlay amendment.

Parameters for a protective Marigny Riverfront Overlay District include:

Zoning Rules and Design Standards

The draft CZO mixes what should properly be limited to base zoning rules into the overlays. The Riverfront Overlay should address design standards and not include issues like height and FAR. Let's consider creating a new base zoning area (HM-MU-R for Historic Marigny Mixed Use River) for the HM-MU lots in the riverfront overlay, and then only include design standards in the riverfront overlay. We've been told that overlays are somehow more susceptible to text amendments than base zonings, so the design standards would be more adaptable than the base zoning requirements. By keeping the Riverfront Overlay, but rewriting it, we establish our own vision for the riverfront. It gives us something to be for, rather than against.

The base zoning would address height, FAR and density.

Pitched Roofs

One of the problems with a strict 50-foot limit is that it incentivizes flat roofs. While there are some flat roofs in Marigny/Bywater, few of them were built in the 19th century. A whole swath of new development along the riverfront with flat roofs would alter the roof-scape from a 19th century one to a 20th century one. That what you would see from the Mandeville Street entrance to the Crescent Park if all of those lots are built out with flat roofs. Pitched roofs can also be used to hide elevator bulkheads and other essentials on the roof, so we don't have to look at all of that. Therefore, I think that it is in our interest to incentivize pitched roofs. The following do not require pitched roofs, but only incentivize them.

- 1) Delete Article 26, Gross Floor Area, A.1. that includes the floor area in an attic with more than 7 feet of head room in the gross floor area.
- 2) Measure height from the eaves rather than the mid-point of the roof.
- 3) Both 1 and 2.

Point 1 doesn't raise the height of the building since the height is already measured at the midpoint in the draft CZO. It does incentivize slightly higher buildings since flat roofs are measured at the parapet (see Article 26, Building Heights).

Point 2 incentivizes pitched roofs with additional height. Some qualifications would need to be included to prohibit more than one story above the eaves under a pitched roof. Also, we may need to specify that the roof may not have a pitch greater than 55 degrees (or something), or that a pitched roof must run parallel to the river or the street.

Allowing dormers and doors out to the eave level area of a roof would further incentivize pitched roofs.

Parapets

In the draft CZO, the height of a building is measured to the top of the parapet. With a 50-foot limit, developers are going to build roofs with short parapets. Then we must look at all the other items on the roof. We should ask that flat roofed buildings be measured to the height of the roof and that parapets cannot be higher than 3.5 feet.

Elevator bulkheads

The draft CZO does not count elevator bulkheads in the height of a building unless it allows access to the roof. So if a developer want to put an observation deck on top of the roof, the elevator bulkhead gets counted in the height. Presumably, an elevator would be required for ADA compliance. We could allow elevator bulkheads that allow access to a roof not to count in the height of the building. We would need to qualify that so that every additional foot of height of the bulkhead (or other thing sticking up from the roof) must be set back from the edge of the roof by as many feet as the bulkhead is tall to hide it from the sidewalk.

Floors

Another problem with the 50 foot height limit is that it incentivizes squashed floors. The developer wants to get as many floors into the 50 feet as possible so he makes them shorter. Limiting the FAR will help to ameliorate this to some extent

(why burn up your floor space on a bunch of short, unpleasant floors), but even then the floors will be squashed. With a 50-foot limit, most developers in the historic districts are going to design the upper floors with 10 foot ceilings, but 12-14 foot ceilings are typical of our older buildings. That means that the proportions of the windows and doors won't be right for the area and the building will clash with the surrounding older architecture.

Instead of limiting buildings to vertical height, we should consider limiting them to some number of floors (e.g. four). That would give the architects much more flexibility in designing the buildings and allow them to get the historic proportions right. It also lets us escape from the discourse that has been imposed on us by the CPC that makes vertical height the paramount parameter.

FAR

We can incentivize things that we value through increases in floor area. That's what Article 17.5 does. So let's keep the HM-MU FAR at 2 and allow developers to take advantage of the FAR bonuses in 17.5. We may need to tweak some of those rules, but it is better than what has been written into 18.13.G.

Density

An additional incentive for affordable housing would be to allow an increase in the number of dwelling units by the same percentage as the increase in FAR. For instance, if a developer gets a 10% increase in FAR for providing affordable housing, he should also be able to build 10% more dwelling units. I think that this should be limited to the affordable housing provisions and not be available for increases in FAR from LEED certification or the provision of public open space, but I'm not militant about it.

Design Standards

These design standards would be written into the Riverfront Overlay. We want the new developments to be an integral part of the neighborhood and not stand alone developments that were designed in an architect's office with no regard for the surrounding architecture. Without design standards, that's what we're going to get.

Protection of View Corridors

Let's keep the view corridor language that's already in the riverfront overlay and add a few of our own.

- 1) Light poles: one characteristic of the Marigny/Bywater streetscape is telephone poles strung with wires. Developers of large developments are going to want to bury all of that and eliminate hanging wires. That's fine, but let's make them provide a cohesive street scene with a repetition of street lighting that mimics the telephone poles found on the surrounding streets. The street lights would have to have similar pole diameters and heights with cross pieces at similar heights as the proximate poles, but not necessarily hanging wires.
- 2) Overhangs: Historic buildings have an overhang or balcony at about 15 feet. Let's require that new developments also include some sort of design element at that height (overhang, balcony, canopy, cornice, etc.) that carries that design element forward.
- 3) Façade space: We need to keep new developments from shadowing out residential buildings across the street. There are a couple of ways of doing that: require that the front of the building be lower, or require that there be spaces between the buildings. If we require that that a building's façade can only cover something like 30 feet times the width of the lot, then the developer can either build a long wall of uninterrupted buildings at a lower height (e.g. townhouses) or he can break up the buildings with passages between them and use that space to build higher facades along the street. This would require a bit of finesse in the language, but that's the general idea.

Conditional Use, Continuing Neighborhood Engagement.

FMIA recommends new developments over 10,000 square feet will need a regulatory review. All new construction shall go through the HDLC and non-permitted uses shall require the CPC Conditional Use process.

Short Term Rentals

Shall be prohibited within the Marigny Riverfront Overlay, as we anticipate some additional hotels as infill. Density bonuses may be considered if covenants are signed guaranteeing never to be STR.

Storm Water Management

New construction should incorporate storm water management features into their design.

Hotels

We encourage sensitive hotel development to the neighborhood. FMIA has demonstrated repeatedly that we are open to including hotels in our community. We have supported the St. Peter and Paul and the Boys Town conversions to hotels.

Design Precedent Appendix

Figure 1. A traditional Creole townhouse with a half-story loft as allowed under the loft exemption.



Figure 2. A flat roofed industrial building form that would be allowed in HMC-2 and HM-MU zoning districts.



Figure 6. A building of the type encouraged in the HMC-2 and HM-MU zoning districts with the loft exemption.



Figure 7. Unsuccessful, dis-contiguous balconies as often seen on low-rise apartment structures.



Figure 8. Contiguous balconies characteristic of New Orleans historic architecture.

