

**Semi-Monthly Planning Meeting  
Tuesday, October 10, 2017**

**STAFF REPORT  
2016-17 MASTER PLAN AMENDMENTS RECONSIDERATION**

**Date:** October 11, 2017  
**To:** City Council

**Prepared by:** City Planning Staff

CHAPTER 6: Cultural Resources Management and Historic Preservation

**Reconsideration: Chapter 6, Item a. (Original CPC Amendment Number 06-06)**

**What was the text amendment that is proposed for modification?**

Consider modifying the recommendation on page 7, to modify the “Equity” section to address displacement of long-time citizens throughout the historic neighborhoods and to modify the “Resilience” section to read as follows: “New Orleans resilience strategy should include the retrofitting, restoration, and protection of historic sites and districts in recognition of their importance as first and foremost, unique residential sites and neighborhoods that attest to the authenticity of the city. They also bring value as economic drivers behind the tourism economy and as cultural touchstones that enhance social resilience.

**What is the existing language recommended by the City Planning Commission?**

**EQUITY**

New Orleans is one of America’s first multi-cultural cities, richly influenced from the presence of native and global traditions and peoples. As New Orleans passes its 300 year milestone, the principle of Equity lives through the inclusive recognition of these contributions to our lives and the opportunity to identify and elevate the history of our citizens who made this city the amazing place that the world flocks to see. Our approaches to preservation, conservation and restoration must incorporate the buildings, art, music, dance, and oral traditions that reflect all of our citizens’ contributions.

**RESILIENCE**

New Orleans enjoys an unusual condition where it is emblematic of a rich architectural history as well as a geographic location that has historically subjected it to the shocks and impacts that confirm the community’s devotion to this place. There are many lessons in resilience to be learned from the buildings that have survived the tests of historic storms and floods, including the means and methods of construction and the wise placement of many of our oldest structures along the city’s natural levee at the Mississippi River. In addition to learning resilience from New Orleans’s history, part of resiliency’s mission in this place will be to “prepare our past for its future.

New Orleans resilience strategy should include the retrofitting, restoration, and protection of historic sites and districts in recognition of their importance as economic drivers behind the tourism economy and as cultural touchstones that enhance social resilience.

**Have any issues been raised relative to the potential impacts of the CPC’s original recommendation? Does the Council motion include a text modification or were any issues raised that may change or modify the analysis and recommendation? If not, would any further modification be warranted to address the issues?**

This proposal is one of several other proposed amendments that reflect the community’s desire to preserve the city’s unique culture in the Master Plan and to emphasize the importance of neighborhoods and long-time residents as the incubator of the City’s culture.

The City Planning Commission staff believes that the proposed reconsideration does not change or modify the overall analysis and recommendation from staff as it merely provides a more detailed description of the approach the City should take to meet its equity and resilience missions.

**Staff Recommendation:** Modified Approval

#### EQUITY

New Orleans is one of America’s first multi-cultural cities, richly influenced from the presence of native and global traditions and peoples. As New Orleans passes its 300 year milestone, the principle of Equity lives through the inclusive recognition of these contributions to our lives and the opportunity to identify and elevate the history of our citizens who made this city the amazing place that the world flocks to see. Our approaches to preservation, conservation and restoration must incorporate the buildings, art, music, dance, and oral traditions that reflect all of our citizens’ contributions, **and must preserve the residency of longtime neighbors and culture-bearers throughout historic neighborhoods.**

#### RESILIENCE

New Orleans enjoys an unusual condition where it is emblematic of a rich architectural history as well as a geographic location that has historically subjected it to the shocks and impacts that confirm the community’s devotion to this place. There are many lessons in resilience to be learned from the buildings that have survived the tests of historic storms and floods, including the means and methods of construction and the wise placement of many of our oldest structures along the city’s natural levee at the Mississippi River. In addition to learning resilience from New Orleans’s history, part of resiliency’s mission in this place will be to “prepare our past for its future.

New Orleans resilience strategy should include the retrofitting, restoration, and protection of historic sites and districts in recognition of their importance **as unique residential sites and neighborhoods that attest to the authenticity of the city. They also bring value** as

economic drivers behind the tourism economy and as cultural touchstones that enhance social resilience.

**Reasons for Recommendation:**

1. The proposed amendments are reflective of the current goals and desires of the community.
2. The proposed amendments are in line with the overall intent of the original recommendation from staff.

**Reconsideration: Chapter 6, Item b. (Original CPC Amendment Number 06-03 and 06-08)**

**What was the text amendment that is proposed for modification?**

Consider modifying the recommendation on page 8, Goal 1, “Recommended Strategy” 1A item 4 in the “How” column, to clarify that the City cannot exercise regulatory authority over infrastructure not legally within its jurisdiction.

**What is the existing language recommended by the City Planning Commission?**

Goal 1, Strategy 1.A, Action 4: Historic properties and assets that are publicly owned shall be properly maintained so as to ensure protection of the historic resources.

**Have any issues been raised relative to the potential impacts of the CPC’s original recommendation? Does the Council motion include a text modification or were any issues raised that may change or modify the analysis and recommendation? If not, would any further modification be warranted to address the issues?**

The Port of New Orleans raised concerns relative to the impact of proposed amendment 06-08 which would add protection of historic structures not under jurisdiction, such as State bridges and Federal locks.

“The Port owns four bridges within Orleans Parish that would be adversely affected if this text amendment were to be approved. As a political subdivision of the State of Louisiana, we believe we are not subject to the authority of the Home Rule Charter of the City of New Orleans. Furthermore, the Historic District Landmarks Commission does not have legislative authority over State structures. Lastly, Historic District Landmark Commission is not the proper authority to address these critical public safety issue concerns. Old infrastructure - bridges and roadways - differs fundamentally from historic buildings.

Implementation of this text language would negatively impact public safety. Our bridges are vital evacuation routes for residents and marine vessels. Implementation of this proposed text amendment to the city's master Plan would inhibit the ability to quickly repair and manage bridges connecting to major roadways and compromise public safety.”

The City Planning Commission staff acknowledges that new information presented by the Port of New Orleans highlights that HDLC is not the proper authority to address critical public safety issues associated with state and federal infrastructures. Additionally, the implementation of this text amendment would impact other public entities that are mandated to fund and maintain these infrastructures. These entities include state and federal agencies such as the Governor’s Office of Homeland Security and Emergency Preparedness, LADOTD, or US Coast Guard.

**Staff Recommendation:** Approval

New text in **bold underlined** font and deleted text in ~~strikethrough~~:

Goal 1, Strategy 1.A, Historic properties and assets that are publicly owned shall be properly maintained so as to ensure protection of the historic resources. **However, the City cannot exercise regulatory authority over infrastructure not legally within its jurisdiction.**

**Reasons for Recommendation:**

1. The proposed amendment takes in account new information that was not evaluated by staff prior to its original recommendation.
2. The proposed amendment clarifies existing City jurisdiction.

**Reconsideration: Chapter 6, Item c and d. (Original CPC Amendment Number 06-04)**

**What was the text amendment that is proposed for modification?**

Consider modifying the recommendation on page 11, Goal 2, “Recommended Strategy” 2C, item 6 in the “How” column, to delete the proposed wording and clarify the existing language as it suggests that “preservation requirements” should be waived when in conflict with affordable housing development. If not deleted, the provision should be modified to be rephrased to specify that affordable housing and preservation goals can be accomplished simultaneously through leveraging available financial incentives for both.

Consider modifying the recommendation on page 11, Goal 2, “Recommended Strategy” 2C, item 6 in the “How” column, to clarify that a waiver should not be granted to developers/agencies, but to existing low-income homeowners struggling to comply with historic regulations. Also modify to contemplate if instead of waivers, it may be more appropriate to support a funding mechanism that allows low-income people with financial support to comply with historic regulations.

**What is the existing language recommended by the City Planning Commission?**

Goal 2, Recommended Strategy 2.C, Recommended Action 6: Consider impacts of historic preservation guidelines and requirements on developers’ and public agencies’ ability to provide income restricted affordable housing opportunities, and provide opportunities for waivers if it is determined that preservation requirements prohibit income-restricted affordable development.

**Have any issues been raised relative to the potential impacts of the CPC’s original recommendation? Does the Council motion include a text modification or were any issues raised that may change or modify the analysis and recommendation? If not, would any further modification be warranted to address the issues?**

Concerns were raised as to how the proposed text amendment dilutes the importance of historic preservation in maintaining neighborhoods’ culture. The concern is that the language gives the impression historic preservation and affordable housing are not compatible. There were concerns that historic preservation efforts risk being lost any time a developer make a case for increased density, demolition or repurposing of housing for the benefit of affordable housing.

The Planning Commission staff believes that there are equitable solutions to address affordable housing needs without affecting historic preservation. Since both issues are not mutually exclusive and affordable housing is already addressed in Chapter 5 of the Master Plan, the City Planning Commission staff recommends to consider ways to address economic impacts of historic preservation to ensure that both affordability and preservation goals can be achieved simultaneously.

**Staff Recommendation:** Approval

New text in **bold underlined** font and deleted text in ~~strikethrough~~.

Goal 2, Strategy 2C, Action 6:

~~Consider impacts of historic preservation guidelines and requirements on developers' and public agencies' ability to provide income restricted affordable housing opportunities, and provide opportunities for waivers if it is determined that preservation requirements prohibit income restricted affordable development.~~

**Consider ways to address economic impacts of historic preservation to ensure that both affordability and preservation goals can be achieved simultaneously, such as leveraging available financial incentives, and supporting a funding mechanism to provide financial support to low-income homeowners to comply with historic regulations.**

**Reasons for Recommendation:**

1. The proposed amendment is reflective of the current goals and desires of the community.
2. The proposed amendment is in line with the overall intent of the original recommendation from staff to address affordable housing needs and historic preservation together without undermining one or the other.

**Reconsideration: Chapter 6, Item e. (Original CPC Amendment Number 06-06)**

**What was the text amendment that is proposed for modification?**

Consider modifying the recommendation on page 12, Goal 3, “Recommended Strategy” 3B, and the correlating provisions on page 26, to delete the existing language and modify to provide “develop clear and focused preservation strategies and a pattern book that illustrates solutions that maintain historic and pedestrian friendly character while meeting the requirements for the ADA as well as elevated Base Flood Elevation Maps.”

**What is the existing language recommended by the City Planning Commission?**

Develop a “Resilience Strategies for Historic Commercial Corridors” pattern book.

**Have any issues been raised relative to the potential impacts of the CPC’s original recommendation? Does the Council motion include a text modification or were any issues raised that may change or modify the analysis and recommendation? If not, would any further modification be warranted to address the issues?**

The text modification proposed by the City Council does not change the analysis and original recommendation from staff. It only emphasizes the fact that resilience strategies should be crafted in a way that accomplishes both ADA and elevated Base Flood Elevation Maps requirements and historic preservation goals simultaneously.

**Staff Recommendation:** Approval

New text in **bold underlined** font and deleted text in ~~striketrough~~:

Goal 3, Strategy 3B: Develop a “~~Resilience Strategies for Historic Commercial Corridors~~” ~~pattern book~~ **clear and focused preservation strategies and a pattern book that illustrates solutions for maintaining historic and pedestrian friendly character while meeting the requirements for the ADA as well as elevated Base Flood Elevation Maps.**

**Reasons for Recommendation:**

1. The proposed amendment is in line with the analysis and intent of the original recommendation from staff.
2. The proposed amendment is reflective of the current goals and desire of the community to specifically address ADA and elevated Base Flood Elevation Maps requirements while crafting historic preservation strategies.

**Reconsideration: Chapter 6, Item f. (Original CPC Amendment Number 06-03 and 06-08)**

**What was the text amendment that is proposed for modification?**

Consider modifying the recommendation on page 15, “Recommended Actions” number 3, to clarify that the City cannot exercise regulatory authority over infrastructure not legally within its jurisdiction.

**What is the existing language recommended by the City Planning Commission?**

Goal 1, Recommended Strategy 1.A, Recommended Action 3: Provide recognition and means of protection for all publicly owned or utility owned historic properties, sites and structures, that contribute to the tout-ensemble of the City though are not under city jurisdiction.

Who: HDLC, VCC

Said properties or structures to include but not limited to historic buildings, bridges, cemeteries, memorials, locks and pumping stations; inventory all such properties and structures, and identify National Register eligible properties or structures.

**Have any issues been raised relative to the potential impacts of the CPC’s original recommendation? Does the Council motion include a text modification or were any issues raised that may change or modify the analysis and recommendation? If not, would any further modification be warranted to address the issues?**

The Port of New Orleans raised concerns relative to the impact of proposed amendment 06-08 which would add protection of historic structures not under jurisdiction, such as State bridges and Federal locks.

“The Port owns four bridges within Orleans Parish that would be adversely affected if this text amendment were to be approved. As a political subdivision of the State of Louisiana, we believe we are not subject to the authority of the Home Rule Charter of the City of New Orleans. Furthermore, the Historic District Landmarks Commission does not have legislative authority over State structures. Lastly, Historic District Landmark Commission is not the proper authority to address these critical public safety issue concerns. Old infrastructure - bridges and roadways - differs fundamentally from historic buildings.

Implementation of this text language would negatively impact public safety. Our bridges are vital evacuation routes for residents and marine vessels. Implementation of this proposed text amendment to the city's master Plan would inhibit the ability to quickly repair and manage bridges connecting to major roadways and compromise public safety.”

The City Planning Commission staff acknowledges that new information presented by the Port of New Orleans highlights that HDLC is not the proper authority to address critical public safety issues associated with state and federal infrastructures. Additionally, the

implementation of this text amendment would impact other public entities that are mandated to fund and maintain these infrastructures. These entities include state and federal agencies such as the Governor’s Office of Homeland Security and Emergency Preparedness, LADOTD, or US Coast Guard.

**Staff Recommendation:** Approval

New text in **bold underlined** font and deleted text in ~~striketrough~~.

Goal 1, Strategy 1A, Action 3:

Provide recognition for all publicly owned or utility owned historic properties, sites and structures, that contribute to the tout-ensemble of the City though are not under city jurisdiction. **However, the City cannot exercise regulatory authority over infrastructure not legally within its jurisdiction.**

Who: ~~HDLC, VCC~~

Said properties or structures to include but not limited to historic buildings, ~~bridges,~~ cemeteries, memorials, ~~locks and pumping stations~~; inventory all such properties and structures, and identify National Register eligible properties or structures.

**Reasons for Recommendation:**

1. The proposed amendment takes in account new information that was not evaluated by staff prior to its original recommendation.
2. The proposed amendment clarifies existing City jurisdiction.

**Reconsideration: Chapter 6, Item g. (Original CPC Amendment Number – 06-04)**

**What was the text amendment that is proposed for modification?**

Consider modifying the recommendation on pages 24-25, “Recommended Actions” number 6, to delete the proposed wording and clarify the existing language as it suggests that “preservation requirements” should be waived when in conflict with affordable housing development. If not deleted, the provision should be modified to be rephrased to specify that affordable housing and preservation goals can be accomplished simultaneously through leveraging available financial incentives for both.

**What is the existing language recommended by the City Planning Commission?**

Consider impacts of historic preservation guidelines and requirements on developers’ and public agencies’ ability to provide income restricted affordable housing opportunities, and provide opportunities for waivers if it is determined that preservation requirements prohibit income-restricted affordable development.

Who: Housing Organizations; HDLC

When: First five years

Resources: Staff time.

**Have any issues been raised relative to the potential impacts of the CPC’s original recommendation? Does the Council motion include a text modification or were any issues raised that may change or modify the analysis and recommendation? If not, would any further modification be warranted to address the issues?**

Concerns were raised as to how the proposed text amendment dilutes the importance of historic preservation in maintaining neighborhoods culture. The concern is that the language gives the impression historic preservation and affordable housing are not compatible. There were concerns that historic preservation efforts risk being lost any time a developer make a case for increased density, demolition or repurposing of housing for the benefit of affordable housing.

The Planning Commission staff believes that there are equitable solutions to address affordable housing needs without affecting historic preservation. Since both issues are not mutually exclusive and affordable housing is already addressed in Chapter 5 of the Master Plan, the City Planning Commission staff recommends to consider ways to address economic impacts of historic preservation to ensure that both affordability and preservation goals can be achieved simultaneously.

**Staff Recommendation:** Approval

New text in **bold underlined** font and deleted text in ~~strikethrough~~:

Goal 2, Strategy 2C, Action 6:

~~Consider impacts of historic preservation guidelines and requirements on developers' and public agencies' ability to provide income restricted affordable housing opportunities, and provide opportunities for waivers if it is determined that preservation requirements prohibit income restricted affordable development.~~

**Consider ways to address economic impacts of historic preservation to ensure that both affordability and preservation goals can be achieved simultaneously, such as leveraging available financial incentives, supporting a funding mechanism to provide financial support to low-income homeowners to comply with historic regulations, and maintaining design guidelines that allow for historic design to be achieved at a lower cost.**

Who: Housing Organizations; HDLC

When: First five years

Resources: Staff time.

**Reasons for Recommendation:**

1. The proposed amendment is reflective of the current goals and desires of the community.
2. The proposed amendment is in line with the overall intent of the original recommendation from staff to address affordable housing needs and historic preservation together without undermining one or the other.

**CITY PLANNING COMMISSION MEETING (OCTOBER 10, 2017)**

The Senior City Planner summarized the Chapter 6 amendments for reconsideration and staff's recommendations.

Two members of the public spoke in support of Chapter 6, letters c and d. One speaker spoke in opposition of Chapter 6, letters b and f.

Commissioner Green made a motion to accept the staff recommendations for all amendments in Chapter 6. Commissioner Hughes seconded the motion, which was adopted.

**Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT CHAPTER 6 AMENDMENT, ITEM A. IS RECOMMENDED FOR MODIFIED APPROVAL AND CHAPTER 6 AMENDMENT ITEMS B., C., D., E., F., AND G. ARE RECOMMENDED FOR APPROVAL. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

## Reconsideration: Chapter 6, Item a. (Original CPC Amendment Number 06-06)

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### EQUITY

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### RESILIENCE

New Orleans enjoys an unusual condition where it is emblematic of a rich architectural history as well as a geographic location that has historically subjected it to the shocks and impacts that confirm the community's devotion to this place. There are many lessons in resilience to be learned from the buildings that have survived the tests of historic storms and floods, including the means and methods of construction and the wise placement of many of our oldest structures along the city's natural levee at the Mississippi River. In addition to learning resilience from New Orleans's history, part of resiliency's mission in this place will be to "prepare our past for its future.

New Orleans resilience strategy should include the retrofitting, restoration, and protection of historic sites and districts in recognition of their importance **as unique residential sites and neighborhoods that attest to the authenticity of the city. They also bring value** as economic drivers behind the tourism economy and as cultural touchstones that enhance social resilience.

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Goal 1, Strategy 1.A, Historic properties and assets that are publicly owned shall be properly maintained so as to ensure protection of the historic resources. **However, the City cannot exercise regulatory authority over infrastructure not legally within its jurisdiction.**

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Goal 2, Strategy 2C, Action 6:

~~Consider impacts of historic preservation guidelines and requirements on developers' and public agencies' ability to provide income restricted affordable housing opportunities, and~~

~~provide opportunities for waivers if it is determined that preservation requirements prohibit income-restricted affordable development.~~

**Consider ways to address economic impacts of historic preservation to ensure that both affordability and preservation goals can be achieved simultaneously, such as leveraging available financial incentives, and supporting a funding mechanism to provide financial support to low-income homeowners to comply with historic regulations.**

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Goal 3, Strategy 3B: Develop a “Resilience Strategies for Historic Commercial Corridors” ~~pattern book~~ **clear and focused preservation strategies and a pattern book that illustrates solutions for maintaining historic and pedestrian friendly character while meeting the requirements for the ADA as well as elevated Base Flood Elevation Maps.**

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Goal 1, Strategy 1A, Action 3:

Provide recognition for all publicly owned or utility owned historic properties, sites and structures, that contribute to the tout-ensemble of the City though are not under city jurisdiction. **However, the City cannot exercise regulatory authority over infrastructure not legally within its jurisdiction.**

Who: ~~HDLC, VCC~~

Said properties or structures to include but not limited to historic buildings, bridges, cemeteries, memorials, ~~locks and pumping stations~~; inventory all such properties and structures, and identify National Register eligible properties or structures.

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Goal 2, Strategy 2C, Action 6:

~~Consider impacts of historic preservation guidelines and requirements on developers’ and public agencies’ ability to provide income-restricted affordable housing opportunities, and provide opportunities for waivers if it is determined that preservation requirements prohibit income-restricted affordable development.~~

**Consider ways to address economic impacts of historic preservation to ensure that both affordability and preservation goals can be achieved simultaneously, such as leveraging available financial incentives, supporting a funding mechanism to provide financial support to low-income homeowners to comply with historic regulations, and maintaining design guidelines that allow for historic design to be achieved at a lower cost.**

Who: Housing Organizations; HDLC

When: First five years

Resources: Staff time.

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YEAS: Duplessis, Green, Hughes, Stewart, Wedberg

NAYS: None

ABSENT: Brown, Isaacson, Mitchell, Steeg