

THE COUNCIL
City of New Orleans

JASON ROGERS WILLIAMS
Councilmember-At-Large

HELENA MORENO
Councilmember-At-Large

JOSEPH I. GIARRUSSO III
Councilmember District A

JAY H. BANK
Councilmember District B

KRISTIN GISLESON PALMER
Councilmember District C

JARED C. BROSSETT
Councilmember District D

CYNDI NGUYEN
Councilmember District E

AGENDA

Regular Meeting of the City Council
to be held in City Hall Council Chamber
on Thursday, January 16, 2020 at 10:00 A.M.

PRESIDENT
HELENA MORENO
Councilmember-At-Large



VICE PRESIDENT
JASON ROGERS WILLIAMS
Councilmember-At-Large

ROLL CALL
LORA W. JOHNSON
CLERK OF COUNCIL

INVOCATION
REV. DR. EMANUEL SMITH, JR., PASTOR
ISRAELITE BAPTIST CHURCH

PLEDGE OF ALLEGIANCE TO THE FLAG
JAY H. BANKS
COUNCILMEMBER DISTRICT "B"

NATIONAL ANTHEM

REV. DR. EMANUEL SMITH, JR., PASTOR

CITY COUNCIL CHAPLAIN

*PLEASE TURN ALL CELL PHONES AND BEEPERS EITHER OFF OR ON VIBRATE
DURING COUNCIL PROCEEDINGS*

1. **APPROVAL OF THE MINUTES - December 5, 2019 and December 19, 2019.**

Annotation:
TO BE APPROVED.

SPECIAL ORDERS OF BUSINESS

1. **FIRST ORDER OF BUSINESS - PRESENTATION - ARTHUR HUNTER AND PROGRAM STUDENTS, CRIMINAL JUSTICE PROGRAM**

Brief:

The Allen Ray Bolin Trial Advocacy Workshop, Trial Competition, where high school students are taught how to prosecute a case and represent persons accused of crimes in active trial settings.

Annotation:
(Cm. Nguyen)
TO APPEAR.

2. **SECOND ORDER OF BUSINESS**

3. **THIRD ORDER OF BUSINESS**

CONSENT AGENDA

1. COMMUNICATION - FROM LATOYA CANTRELL, MAYOR, CITY OF NEW ORLEANS

Brief:

Suspending the applicability of administrative deadlines imposed by the City Code, the Comprehensive Zoning Ordinance, or any other rule, regulation or law requiring the City Council to formally act or respond, including but not limited to such deadlines that would otherwise be applicable and in place relative to Ordinance Calendar No. 32,824 by Councilmember Gisleson Palmer: An Ordinance to grant an Affordable Housing Planned Development (AHPD) and any necessary waivers to permit the new construction of a multi-family residential development in an HMC-1 Historic Marigny/Tremé/Bywater Commercial District and an HMC-2 Historic Marigny/Tremé/Bywater Commercial District, on the entirety of Square B1, in the Third Municipal District, bounded by Chartres, France, Mazant, and Royal Streets (Municipal Addresses: 4100-4114 Royal Street, 601-621 Mazant Street, and 600-620 France Street); and otherwise to provide with respect thereto (Zoning Docket 75/19), and the suspension of applicability of administrative deadlines authorized and ordered hereinabove shall remain in effect unless and until such suspension is revoked by me in accordance with law, pursuant to City Council Resolution R-20-2, adopted January 9, 2020, and pursuant to the powers conferred upon me by LA R.S. 29:727 (F) (1) and December 13, 2019 Declaration of State of Emergency.

Annotation:

MAY BE RECEIVED.

2. COMMUNICATION - FROM MONIQUE HARDEN, ATTORNEY, ASSISTANT DIRECTOR OF LAW & PUBLIC POLICY, DEEPSOUTH CENTER FOR ENVIRONMENTAL JUSTICE

Brief:

Submitting an original letter with three attachments addressed to the Council and other governmental officials, *RE: Failure of Entergy's Rate Filing of December 9, 2019 to Comply with Council Resolution R-19-457 and Need for Issuance of a Notice of Deficiency by the Council Pursuant to City Ordinance § 158-91(a). (Docket UD-18-07)*

Annotation:

MAY BE RECEIVED.

3. COMMUNICATION - FROM SUSAN STEVENS MILLER (*PRO HAC VICE*), CLEAN ENERGY ATTORNEY, EARTHJUSTICE

Brief:

Submitting an original and three (3) copies of the **Alliance for Affordable Energy and Sierra Club's Opposition to the Compliance Filing of Entergy New Orleans, LLC, Re: Revised Application of Entergy New Orleans, LLC for a Change in Electric and Gas Rates Pursuant to Council Resolutions R-15-194 and R-17-504 and for Related Relief. (City Council of New Orleans Docket No. UD-18-07)**

Annotation:

MAY BE RECEIVED.

4. **COMMUNICATION - FROM TIMOTHY S. CRAGIN, ASSISANT GENERAL COUNSEL, LEGAL SERVICES - REGULATORY, ENTERGY SERVICES, LLC**

Brief:

Submitting for further handling an original and two copies of Entergy New Orleans, LLC's ("ENO") Reliability Project Status Report as of October 31, 2019, **Re: Resolution Directing Entergy New Orleans, Inc. to Investigate and Remediate Electric Service Disruptions and Complaints and to Establish Minimum Electric Reliability Performance Standards and Financial Penalty Mechanisms. (CNO Docket No. UD-17-04)**

Annotation:

MAY BE RECEIVED.

5. **COMMUNICATION - FROM ALYSSA MAURICE-ANDERSON, ASSISANT GENERAL COUNSEL, LEGAL DEPARTMENT - REGULATORY, ENTERGY SERVICES, LLC**

Brief:

Submitting for further handling an original and two copies of the updated Attachment A to the Purchase Power and Capacity Acquisition Cost Recovery Rider ("PPCACR Rider") that incorporates the new estimated monthly revenue requirement associated with Union Power Station Block 1, pursuant to Paragraph (V)(B)(1) of the Purchased Power and Capacity Acquisition Cost Recovery Rider ("PPCACR Rider"). This new estimated monthly revenue requirement will be used beginning with the first billing cycle of January 2020. The PPCACR Rider is applicable to the Company's customers located outside the Fifteenth Ward of the City of New Orleans, that is outside of Algiers. **(Council Docket No. UD-15-01 (Phase II))**

Annotation:

MAY BE RECEIVED.

6. COMMUNICATION - FROM PASTOR DR. MARIE ORTIZ

Brief:

Requesting to appear before the City Council concerning on going construction problems that is devastating so many tax paying property homeowners in our queen city of the South.

Annotation:

MAY BE RECEIVED AND REFERRED TO THE HOUSING AND HUMAN NEEDS COMMITTEE.

7. COMMUNICATION - FROM ERIKA GATES, GATES PRESERVATION

Brief:

Requesting to appeal the Vieux Carré Commission's decision of "**denial**" for the retention of HVAC units located on the balconies for the property located at 641 Bourbon Street.

Annotation:

MAY BE RECEIVED. (Suggested Hearing Date Set For 1/30/20).

8. COMMUNICATION - FROM TIMOTHY S. CRAGIN, ASSISANT GENERAL COUNSEL, LEGAL SERVICES - REGULATORY, ENTERGY SERVICES, LLC

Brief:

Submitting for further handling an original and two copies of Entergy New Orleans, LLC's ("ENO") December 2019 Monthly Progress Report on Its Collaboration with the Sewerage and Water Board of New Orleans ("SWBNO") to Improve Reliability of Electric Service and Expedite a Long-Term Solution.
(Council Resolution R-19-78)

Annotation:

MAY BE RECEIVED.

9. **COMMUNICATION - FROM ALYSSA MAURICE-ANDERSON, ASSISANT
GENERAL COUNSEL, LEGAL DEPARTMENT - REGULATORY, ENTERGY
SERVICES, LLC**

Brief:

Submitting on behalf of Entergy New Orleans, LLC's ("ENO" or the Company) for further handling an original and two copies of Entergy New Orleans, LLC's Response to the Alliance for Affordable Energy's and Sierra Club's Opposition to the Compliance Filing of Entergy New Orleans, LLC, **Re: *Revised Application of Entergy New Orleans, LLC for a Change in Electric and Gas Rates Pursuant to Council Resolutions R-15-194 and R-17-504 and for Related Relief. (Council Docket No. UD-18-07)***

Annotation:

MAY BE RECEIVED.

10. **COMMUNICATION - FROM BRIAN L. GUILLOT, VICE PRESIDENT,
REGULATORY AFFAIRS, ENTERGY NEW ORLEANS, LLC**

Brief:

Submitting an original and two copies, **RE: *Filing of Entergy New Orleans, LLC, 2018 Annual SAIDI/SAIFI indices Pursuant to Council Resolution R-15-31.***

Annotation:

MAY BE RECEIVED.

11. **COMMUNICATION - FROM BRIAN L. GUILLOT, VICE PRESIDENT,
REGULATORY AFFAIRS, ENTERGY NEW ORLEANS, LLC**

Brief:

Submitting an original and two copies of the report detailing the Regulated Utilities' proportionate share of the consolidated total Entergy's assets, operating and maintenance expenses for the quarter ending September 30, 2019, **RE: *Council Resolution R-98-187; Rule 53 Settlement Agreement.***

Annotation:

MAY BE RECEIVED.

12. **COMMUNICATION - FROM BRIAN L. GUILLOT, VICE PRESIDENT,
REGULATORY AFFAIRS, ENTERGY NEW ORLEANS, LLC**

Brief:

Submitting Entergy New Orleans, LLC's ("ENO") quarterly accounting report listing the receipts, accrued interest and monthly balance of funds related to the annual Rough Production Cost Equalization Adjustment ("RPCEA") filings required by FERC Opinion Nos. 480 and 480-A, pursuant to Council Resolution R-13-162.

Annotation:

MAY BE RECEIVED.

13. **COMMUNICATION - FROM CARRIE R. TOURNILLON, PARTNER,
KEAN|MILLER, LLP ATTORNEYS AT LAW**

Brief:

Submitting an original and two copies of Air Products and Chemicals, Inc.'s Statement Regarding ENO Compliance Filing, ***RE: Revised Application of ENO for a Change in Electric and Gas Rates in the City of New Orleans Pursuant to Council Resolutions R-15-194 and R-17-504 and for Related Relief. (CNO Docket No. UD-18-07)***

Annotation:

MAY BE RECEIVED.

14. **COMMUNICATION - FROM JAY BEATMANN, COUNSEL, DENTONS US LLP**

Brief:

Submitting an original and two copies of Advisors' Review of Entergy New Orleans, LLC's Compliance Filing, ***In Re: Application of ENO for a Change in Electric and Gas Rates Pursuant to Council Resolutions R-15-194 and R-17-504 and for Related Relief. (CNO Docket No. UD-18-07)***

Annotation:

MAY BE RECEIVED.

15. COMMUNICATION – FROM LOGAN A. BURKE, EXECUTIVE DIRECTOR,
ALLIANCE FOR AFFORDABLE ENERGY

Brief:

Submitting an original and two copies of Alliance for Affordable Energy's Comments on ENO's Application for Approval of the Implementation plan, *In Re: 2018 TRIENNIAL INTEGRATED RESOURCE PLAN OF ENTERGY NEW ORLEANS, INC. PENALTY MECHANISMS. (Docket No. UD-17-03)*

Annotation:

MAY BE RECEIVED.

16. COMMUNICATION – FROM KAREN EVANS, MPA, EXECUTIVE DIRECTOR,
NEW ORLEANS CHILDREN & YOUTH PLANNING BOARD

Brief:

Submitting the Children & Youth Planning Board's 2019 Annual Attendance Record, pursuant to Section 2-87 of the Municipal Code.

Annotation:

MAY BE RECEIVED.

17. REPORT – OF COUNCILMANIC DISTRICT "B"

Brief:

Submitting the Mayor's Office of Economic Development's recommendation of "approval" of the Restoration Tax Abatement request for:

- RTA #2014-1472, 1111 Gravier Street, EHP NOLA Hotel LLC
- RTA #2014-0465, 2525 Bienville Street, Mo's Art Supply & Framing LLC

Annotation:

MAY BE RECEIVED. (Suggested Hearing Date Set For 1/30/20).

18. REPORT - OF THE EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION

Brief:

Transmitting Zoning Docket Numbers 110/19 - Cms. All, 111/19 - Cm Banks, 119/19 - Gisleson Palmer, 120/19 - Cm. Giarrusso, - 130/19 - Cm. Banks, 131/19 - Cm. Banks, 133/19 - Cms. All, 135/19 - Cm. Nguyen, Cn. Deadline 3/16/20 and Design Review Number 187/19 - Cm. Banks, Cn. Deadline NONE. FOR INFORMATION ONLY - Property Disposition 007/19 - Cm. Giarrusso and Property Acquisition 003/19 - Cm. Giarrusso, Cn. Deadlines NONE.

Annotation:

MAY BE RECEIVED. (Suggested Hearing Date Set For 1/30/20).

19. CAL. NO. 32,874 - BY: COUNCILMEMBER BANKS

Brief:

An Ordinance to provide for the establishment of a conditional use to permit the expansion of an existing, nonconforming industrial use (industrial bakery) in an MU-1 Medium Intensity Mixed-Use District, an HU-RM1 Historic Urban Multi-Family Residential District, and an EC Enhancement Corridor Design Overlay District pursuant to Article 25, Section 25.3.G.2 of the Comprehensive Zoning Ordinance, on Square 321, Lots L-1, 2, 11 or 3, 10-A, 14 or 20, and 18 or 16 or Pt. 16, in the First Municipal District bounded by Simon Bolivar Avenue, Martin Luther King, Jr. Boulevard, Terpsichore Street, and South Liberty Street (Municipal Addresses: **1501-1527 Simon Bolivar Avenue, 2200-2236 Martin Luther King, Jr. Boulevard, and 1518-1528 South Liberty Street**); and otherwise to provide with respect thereto. **(ZONING DOCKET NO. 85/19)**

Annotation:

**(90 Days, Cn. Deadline 2/19/20).
(Cn. Deadline 2/6/20).**

20. CAL. NO. 32,875 - BY: COUNCILMEMBER BANKS

Brief:

An Ordinance to provide for the establishment of a conditional use to permit an established multi-family dwelling in an HU-RD2 Historic Urban Two-Family Residential District, on Square 630, Lot 8, in the Sixth Municipal District, bounded by Delachaise Street, South Robertson Street, Magnolia Street, and Louisiana Avenue (Municipal Address: **2627 Delachaise Street**): and otherwise to provide with respect thereto. (**ZONING DOCKET NO. 101/19**)

Annotation:

(90 Days, Cn. Deadline 2/19/20).
(Cn. Deadline 2/6/20).

21. CAL. NO. 32,880 - BY: COUNCILMEMBER GISLESON PALMER

Brief:

An Ordinance to effect a zoning change from an S-RS Suburban Single-Family Residential District to an C-3 Heavy Commercial District, on Lot B-1 and C, which is or are located in part of Square 74 (but excludes lots 1 through 4 and lots 10 through 14), Square 75 (but excludes Lots 1 through 10), and in part of former Squares 76, 83, and 84 in the Fifth Municipal District, bounded in part by Donner Drive (unconstructed), L.B. Landry Avenue, and the Westbank Expressway Access Road (**Municipal Address: 2301 Hendee Street**); and otherwise to provide with respect thereto. (**ZONING DOCKET NO. 76/19**)

Annotation:

(90 Days, Cn. Deadline 3/4/20).
(Cn. Deadline 3/5/20).

22. CAL. NO. 32,881 - BY: COUNCILMEMBER GIARRUSSO

Brief:

An Ordinance to effect a zoning change from an HU-RD2 Historic Urban Two-Family Residential District to an HU-B1 Historic Urban Neighborhood Business District and a conditional use to permit a reception facility over 5,000 square feet in floor area in the proposed HU-B1 District and any necessary waivers relative thereto. The petitioned property is located on Square 580, Lot U or U-1, in the Second Municipal District, bounded by Canal Street, North Murat Street, Iberville Street, and North Alexander Street (Municipal Address: **4439 Canal Street**); and otherwise to provide with respect thereto. *(ZONING DOCKET NO. 106/19)*

Annotation:

*(90 Days, Cn. Deadline 3/4/20).
(Cn. Deadline 3/5/20).*

23. CAL. NO. 32,884 - BY: BY: COUNCILMEMBER BANKS

Brief:

An Ordinance to amend Ordinance No. 24,282 MCS (Zoning Docket 30/10), which granted a conditional use to permit a prison and related uses, to now amend certain provisos in order to: permit the temporary use of Buildings 1 and 2 of the Orleans Justice Center's Temporary Detention Center to house inmates suffering acute and sub-acute mental disorders until the more permanent Phase III facility (currently in planning) is complete; and to allow for the limited housing of two (2) special classifications of inmates in Buildings 3 and 4 of the Temporary Detention Center until such time that the population of the Orleans Justice Center is reduced where the same may be housed in segregation within Phase II of the Orleans Justice Center - with the subject property being located in an LI Light Industrial District, on Square 600-A (formerly Square 600), all lots (excluding Lots 28 through 31), Square 615, all lots, Square 624, all lots, Square 624-A, all lots, Square 666, all lots, and Square 675, all lots, in the First Municipal District, bounded by Interstate Highway 10, South Broad Street, Perdido Street, and South

Jefferson Davis Parkway (Municipal Address: **2800 Perdido Street (formerly 819-821 South Broad Street** and **2750-3200 Perdido Street**); and otherwise to provide with respect thereto. (**ZONING DOCKET NO. 105/19**)

Annotation:

(90 Days, Cn. Deadline 3/4/20).

(Cn. Deadline 3/5/20).

24. MOTION NO. M-20-3 - BY: COUNCILMEMBER GISLESON PALMER

Brief:

Granting the "**approval**" of the *Neighborhood Conservation District Advisory Committee's* request for a demolition permit for the following location:

1036 Brooklyn Ave.

Annotation:

(Council Rule 34. Postponement: 5/15/20).

MOTION TO ADOPT CONSENT AGENDA AND REFER OTHER MATTERS TO THE PROPER AGENCY.

YEAS:

NAYS:

ABSENT:

AND THE CONSENT AGENDA WAS ADOPTED.

REGULAR AGENDA

ALL LAND USE MATTERS ARE SCHEDULED TO COMMENCE AT 11:00 A.M. OR
THEREAFTER

1. **NCDAC APPEAL - OF ELIZABETH B. BALLARD, DEPARTMENT OF SAFETY AND PERMITS, NEIGHBORHOOD CONSERVATION DISTRICT ADVISORY COMMITTEE, NCDAC CLERK**

Brief:

Requesting Council action regarding the *Neighborhood Conservation District Advisory Committee's* decision of "denial" on an application for a demolition permit for the following location:

5306-08 Canal Blvd.

Annotation:

(Cm. Giarrusso, Cn. Deadline 1/20/20).

2. **HDLIC APPEAL - OF JEFFREY JOHNSON, OWNER OF KOI CONSTRUCTION AND DEVELOPMENT**

Brief:

Requesting to appeal the Historic District Landmarks Commission's decision to issue the maximum fine of \$10,000.00 for property located at **2616-18 Dauphine Street.**

Annotation:

*(Cm. Gisleson Palmer, Cn. Deadline 1/19/20).
(Report received at the meeting of 12/5/19).*

3. HDLC APPEAL - OF KEELAN JACKSON

Brief:

Requesting to appeal the New Orleans Historic District Landmarks Commission's (NOHDL) decision of "**denial**" for demolition over 50% of roof for a second story addition for property located at **1129 North White Street**.

Annotation:

(Cm. Brossett, Cn. Deadline 2/2/20).
(Report needed from HDLC).

4. HDLC APPEAL - OF DEBORAH PETERS

Brief:

Requesting to appeal the New Orleans Historic District Landmarks Commission's (NOHDL) decision of "**denial**" to enclose the existing second floor balcony for property located at **1772 Prytania Street**.

Annotation:

(Cm. Banks, Cn. Deadline 2/20/20).
(Report needed from HDLC).

5. ZONING DOCKET NO. 103/19 - ALBERT KATTINE AND VCK, LLC

Brief:

Requesting for conditional uses to permit a bar and a parking lot (principal use) in an MU-2 High Intensity Mixed-Use District, an EC Enhancement Corridor Design Overlay District, and an HUC Historic Urban Corridor Use Restriction Overlay District, as well as the rescission of Ordinance No. 13,443 MCS (Zoning Docket 46/89) and Ordinance No. 23,631 MCS (Zoning Docket 15/09), on Square 557, Lot 25A, bounded by Tulane Avenue, South Tonti Street, Bradish Alley, and South Rocheblave Street, and Lots 30, 33, and 34, bounded by Bradish Alley, South Tonti Street, Gravier Street, and South Rocheblave Street, in the Sixth Municipal District (Municipal Addresses: **2400-2404 Tulane Avenue, 517-527 South Tonti Street, and 2412-2420 Bradish Alley**). The recommendation of the City Planning Commission being "**FOR APPROVAL**", subject to five (5) waivers and twenty (20) provisos.

Annotation:

(Cm. Banks, Cn. Deadline 2/3/20).

6. **ZONING DOCKET NO. 104/19 - ADMINISTRATORS OF THE TULANE EDUCATIONAL FUND**

Brief:

Requesting a conditional use to permit a public works and safety facility in an HU-RM2 Historic Urban Multi-Family Residential District, as well as the rescission of Ordinance No. 23,754 MCS (Zoning Docket 72/09, on Square 2, Lot 12-A or Lots 11A and 12, in the Sixth Municipal District, bounded by Broadway, Freret, Pine and Zimple Streets (Municipal Addresses: **1036 Broadway Street and 7200 Zimple Street**). The recommendation of the City Planning Commission being **"FOR APPROVAL"**, subject to three (3) waivers and eight (8) provisos.

Annotation:

(Cm. Giarrusso, Cn. Deadline 2/3/20).

7. **ZONING DOCKET NO. 109/19 - 757 ST. CHARLES, LLC**

Brief:

Requesting a conditional use to permit a hotel in a CBD-5 Urban Core Neighborhood Lower Intensity Mixed-Use District, on Square 218, Lots 7, 8, and 9, in the First Municipal District, bounded by Saint Charles Avenue, Julia Street, Carondelet Street, and Girod Street (Municipal Addresses: **753-759 Saint Charles Avenue and 713 Julia Street**). The recommendation of the City Planning Commission being **"FOR APPROVAL"**, subject to seven (7) provisos.

Annotation:

(Cm. Banks, Cn. Deadline 2/3/20).

8. **ZONING DOCKET NO. 112/19 - ST. CHARLES @ ST. JOSEPH
DEVELOPMENT, LLC**

Brief:

Requesting a conditional use to permit an indoor amusement facility with a standard restaurant component in the CBD-5 Urban Core Neighborhood Lower Intensity Mixed-Use District, on Square 217, Lots A, C, B, 16, D, N, 19, and 20 or Parcels I, II, III, IV, V, VI, and VII, in the First Municipal District, bounded by Saint Charles Avenue, Saint Joseph Street, Carondelet Street, and Julia Street (Municipal Addresses: **711-725 Saint Joseph Street and 843-867 Saint Charles Avenue**). The recommendation of the City Planning Commission being "**FOR APPROVAL**", subject to one (1) waiver and fifteen (15) provisos.

Annotation:

(Cm. Banks, Cn. Deadline 2/3/20).

9. **ZONING DOCKET NO. 113/19 - CITY COUNCIL MOTION NO. M-19-167**

Brief:

Requesting a conditional use to permit an established multi family dwelling in an HU-RD2 Historic Urban Two-Family Residential District, on Square 276, Lot B, in the Fourth Municipal District, bounded by Sixth Street, Danneel Street, Dryades Street, and Washington Avenue (Municipal Addresses: **1917-1919 Sixth Street**). The recommendation of the City Planning Commission being "**FOR APPROVAL**", subject to seven (7) provisos.

Annotation:

(Cm. Banks, Cn. Deadline 2/3/20).

10. **ZONING DOCKET NO. 114/19 - ANDRES DE LA PUENTE AND YVETTE TABLADA**

Brief:

Requesting a zoning change from an HU-BIA Historic Urban Neighborhood Business District to an HU-MU Historic Urban Neighborhood Mixed-Use District, on Square 261, Lot C, in the Third Municipal District, bounded Bayou Road, Esplanade Avenue, and North Johnson Street (Municipal Addresses: **2024 Esplanade Avenue and 2123 Bayou Road**). The recommendation of the City Planning Commission being **"FOR DENIAL"**.

Annotation:

(Cm. Brossett, Cn. Deadline 2/3/20).

11. **ZONING DOCKET NO. 115/19 - CITY COUNCIL MOTION NO. M-19-364**

Brief:

Requesting a text amendment to the Comprehensive Zoning Ordinance to:

- Create a new use definition in Article 26 for a "Veterans Wellness Facility," to be defined as follows:

"A facility, which is owned or controlled by a governmental or charitable institution dedicated to veterans affairs, that provides holistic wellness services, including outpatient medical treatment, targeted primarily to military veterans and secondarily to members of the surrounding community."
- Amend Article 11 to classify "Veterans Wellness Facility" as an Institutional Use, granted by a conditional use in the HU-RM1 and HU-RM2 Historic Urban Multi-Family Residential Districts.
- Amend Article 13 to classify "Veterans Wellness Facility" as an Institutional Use, granted by a conditional use in the S-RM1 and S-RM2 Suburban Multi-Family Residential Districts.
- Consider recommending appropriate sizing restrictions to ensure the structure housing the use will be

compatible with its residential surroundings; on-site development standards in Article 21; off-street parking and loading requirements in Article 22; and landscape, stormwater management, and screening requirements in Article 23 to properly effectuate this new, proposed use.

The recommendation of the City Planning Commission being **"NO LEGAL MAJORITY"**.

Annotation:

(All Cms., Cn. Deadline 2/3/20).

YEAS: *Brown, Flick, Lunn, Steeg - 4*

NAYS: *Marshall, Steward, Wedberg - 3*

ABSENT: *Mobley, Witry - 2*

MOTION - NO. M-19-364 ADOPTED AT THE SEPTEMBER 19, 2019 CITY COUNCIL MEETING RESULTED AS FOLLOWS:

YEAS: *Banks, Giarrusso, Gisleson Palmer, Moreno, Nguyen, Williams - 6*

NAYS: *Brossett - 1*

ABSENT: 0

AND THE MOTION WAS ADOPTED.

12. ZONING DOCKET NO. 116/19 - SYDNEY J. BESTHOFF, III AND JANE B. BESTHOFF

Brief:

Requesting for conditional uses to permit a retail goods establishment over 5, 000 square feet in floor area with the retail sale of packaged alcoholic beverages in an HU-B1 Historic Urban Neighborhood Business District, HUC Historic Urban Corridor Use Restriction Overlay District, and an EC Enhancement Corridor Design Overlay District, on Square 133, Lots 7, 8, 9, and 10 or Lots 27 and 28, in the Seventh Municipal District, bounded by South Carrollton Avenue, Oak Street, Short Street, and Zimple Street (Municipal Addresses: **1133 South Carrollton Avenue and 8034 Oak Street**). The recommendation of the City Planning Commission being **"FOR APPROVAL"**, subject to eight (8) provisos.

Annotation:

(Cm. Giarrusso, Cn. Deadline 2/3/20).

**25. ZONING DOCKET NO. 117/19 - BROOKFIELD DISTRICT ENERGY USA, LLC
d/b/a ENWAVEUSA**

Brief:

Requesting a text amendment to the Comprehensive Zoning Ordinance to:

- Create a new use definition in Article 26 for a "District Energy System, " to be defined as follows:

"A facility and associated equipment that generates and /or distributes chilled water, hot water, steam, or energy. A District Energy System includes all related control and communication devices and equipment".
- Amend Article 15 to classify "District Energy System" as a permitted use in MC Medical Campus District, MS Medical Service District, and MU-1 Medium Intensity Mixed-Use District.
- Amend Article 15 to classify "District Energy System" as a conditional use in the MU-2 High Intensity Mixed-Use District.
- Amend Article 16 to classify "District Energy System as a permitted use in the LI Light Industrial District, HI Heavy Industrial District, and MI Maritime Industrial District.
- Amend Article 17 to classify "District Energy System" as a permitted use in the CBD-1 Core Central Business District, CBD-2 Historic Commercial and Mixed-Use District, CBD-3 Cultural Arts District, CBD-4 Exposition District, and CBD-7 Bio-Science District.
- Allow "District Energy System" in any other zoning districts deemed appropriate by the City Planning Commission.

The recommendation of the City Planning Commission being
"FOR MODIFIED APPROVAL".

Annotation:

(All. Cms., Cn. Deadline 2/3/20).

26. **ZONING DOCKET NO. 121/19 - LOUISIANA COASTAL DEVELOPMENT, LLC**

Brief:

Request a conditional use to permit a country club in an HU RM2 Historic Urban Multi-Family Residential District, on Square 612, Lot 612-A, bounded by Palmetto Street, Monroe Street, and Airline Highway and Square 613, Lot 613-B, bounded by Monroe Street, Palmetto Street, Leonidas Street, and Dixon Street (Municipal Addresses: **8701 Palmetto Street and 3801-3831 Monroe Street**). The recommendation of the City Planning Commission being **"FOR APPROVAL"**, subject to ten (10) waivers and seven (7) provisos.

Annotation:

(Cm. Giarrusso, Cn. Deadline 2/3/20).

27. **CAL. NO. 32,702 - BY: COUNCILMEMBER BANKS (BY REQUEST)**

Brief:

An Ordinance to authorize the City of New Orleans to enter into a contract of lease with **JESUIT HIGH SCHOOL OF NEW ORLEANS ("JESUIT HIGH SCHOOL")** for a volume of airspace over Banks Street Right of Way between Squares 780 and 781, located in the First Municipal District, for an initial period of fifty (50) years, with four (4) consecutive renewal options of ten (10) years each, to fix the annual rent and terms of said lease of airspace; to fix the terms for said lease of airspace to be used to construct and maintain an overhead pedestrian bridge crossing; to declare that such airspace to be leased is not needed for public purposes; and to set forth the reasons for said lease of airspace, which is attached and shall be part of this ordinance; and otherwise to provide with respect thereto.

28. CAL. NO. 32,792 - BY: COUNCILMEMBER BROSSETT

Brief:

An Ordinance to ordain Sections 70-511 through 70-513, in Article IV of Chapter 70 , of the Code of the City of New Orleans; to establish designate new Division to prohibit city contractors and subcontractors from relying upon salary histories of applicants to determine starting salaries for employment positions connected with a city contract; to provide for limited exceptions from these prohibitions; to provide for enforcement of these prohibitions; and to otherwise provide with respect thereto.

Annotation:

(Council Rule 34. Postponement: 1/31/20).

Referred to the *Economic Development and Special Development Projects Committee*). *(Economic Development and Special Development Projects Committee recommended Approval.*

29. CAL. NO. 32,824 - BY: COUNCILMEMBER GISLESON PALMER

Brief:

An Ordinance to grant an Affordable Housing Planned Development (AHPD) and any necessary waivers to permit the new construction of a multi-family residential development in an HMC-1 Historic Marigny/Treme/Bywater Commercial District and an HMC-2 Historic Marigny/Treme/Bywater Commercial District, on the entirety of Square 131, in the Third Municipal District, bounded by Chartres, France, Mazant and Royal Streets (Municipal Addresses: **4100-4114 Royal Street, 601-621 Mazant Street, and 600-620 France Street**); and otherwise to provide with respect thereto. *(ZONING DOCKET NO. 75/19)*

Annotation:

(90 Days, Cn. Deadline 1/15/20).

(Cn. Deadline 1/9/20).

30. CAL. NO. 32,849 - BY: COUNCILMEMBER BANKS (BY REQUEST)

Brief:

An Ordinance to amend and reordain Chapter 154, Article VIII, Division 7, Sections 154-985 through 154-1030 of the Code of the City of New Orleans to prohibit the parking of certain vehicles near parades during certain times, and otherwise to provide with respect thereto.

Annotation:

(Council Rule 34. Postponement: 3/20/20).

(Referred to the Community Development Committee).

31. CAL. NO. 32,850 - BY: COUNCILMEMBER BANKS (BY REQUEST)

Brief:

An Ordinance to amend and reordain Sections 34-1, 34-2, 34-14, 34-28, 34-30, 34-32, 34-33, and 34-34 of Chapter 34 of the Code of the City of New Orleans relative to Carnival and Mardi Gras; to provide for definitions; to provide for permit requirements of Carnival organizations; to provide for requirements for float parades; to provide for prohibited throws; to provide for approval of any attachment, connection, or temporary removal of any part of a city-owned street lighting standard or fixture by the Department of Public Works; to provide for the prohibition of fencing of public property; to provide for the regulation of ladders, tents, grills, portable toilets, and other items prior to, during, and after a parade; and otherwise to provide with respect thereto.

Annotation:

(Council Rule 34. Postponement: 3/20/20).

(Referred to the Community Development Committee).

32. CAL. NO. 32,853 - BY: COUNCILMEMBER NGUYEN

Brief:

An Ordinance to effect a zoning change from an S-RD Suburban Two-Family Residential District to an S-RMI Suburban Multi-Family Residential District, on Square 4, Park Brittany, Lot 21, in the Third Municipal District, bounded by East Coronet Court, Interstate 10, and Lake Forest Boulevard (Municipal Address: **6859 East Coronet Court**); and otherwise to provide with respect thereto. (*ZONING DOCKET NO. 96/19*)

Annotation:

Cms. Brossett and Williams voting "NAY" on the Zoning Motion (M-19-471) adopted on 11/7/19.
(90 Days, Cn. Deadline 2/5/20).
(Cn. Deadline 1/23/20).

33. CAL. NO. 32,867 - BY: COUNCILMEMBER WILLIAMS (BY REQUEST)

Brief:

An Ordinance to repeal Ordinance No. 27493 M.C.S. and to grant a non-exclusive wireless franchise to MOBILITIE, LLC to construct, maintain, operate, and authorize new wireless facilities on and under the public rights-of-way within the corporate limits of the City of New Orleans, with locations subject to the approval of the Grantor, to provide for annual payments, and the furnishing of a surety bond; and otherwise to provide with respect thereto.

Annotation:

(Council Rule 34. Postponement: 3/20/20).

34. CAL. NO. 32,871 - BY: COUNCILMEMBER BANKS (BY REQUEST)

Brief:

An Ordinance to amend and re-ordain the pay plan for officers and employees in the unclassified service, in accordance with Section 3-118 and 4-206(1) (g) of the Home Rule Charter of the City of New Orleans, to correct an error and restore the Pay Grades and Class Codes of positions within the City Attorney's Office, the Attorney III (U-0985) and the Deputy City Attorney (U-0985) positions and the associated salary ranges for these classifications within the Unclassified Pay Plan; and otherwise to provide with respect thereto.

Annotation:

(Council Rule 34. Postponement: 4/3/20).

35. CAL. NO. 32,873 - BY: COUNCILMEMBER GISLESON PALMER (BY REQUEST)

Brief:

An Ordinance to provide for the designation of public property within specified areas of the City of New Orleans as a temporary "Clean Zone" during the time period beginning at 6:00 a.m., Monday, April 13, 2020, and ending at 6:00 p.m., Monday, April 20, 2020, relative to the use of these public areas in conjunction with the 2020 French Quarter Festival (FQF) and during the time period of 6:00 a.m., Monday, July 27, 2020, and ending at 6:00 p.m., Monday, August 3, 2020, relative to the use of these areas in conjunction with the 2020 Satchmo SummerFest (SSF) and related activities and events produced by French Quarter Festivals, Incorporated (FQFI); to provide for the temporary prohibition of certain permits within the Clean Zone areas; to provide for the temporary prohibition of transaction of certain business and/or commercial activity in the Clean Zone areas; to provide for the establishment of one or more public participation areas; to provide for the establishment of fines and penalties for violations of this ordinance; to establish the Clean Zone as: 1) the area within the French Quarter, as defined in Section 166-2 of the Code of the City of New Orleans, and 2) the area generally bounded by the east bank of the Mississippi River, Orange Street,

Tchoupitoulas Street, Calliope Street, Rampart Street, and Elysian Fields Avenue, including Woldenberg Riverfront Park, Spanish Plaza, Louis Armstrong Park, Crescent Park, the Louisiana State Museum's New Orleans Jazz Museum at the Mint, and the airspace above the specified boundaries; and otherwise to provide with respect thereto.

Annotation:

(Council Rule 34. Postponement: 4/3/20).

36. CAL. NO. 32,876 - BY: COUNCILMEMBERS MORENO, WILLIAMS, GIARRUSSO, BANKS, GISLESON PALMER, BROSSETT AND NGUYEN

Brief:

An Ordinance to amend and reordain Section 34-4 (a) (1) of the Code of the City of New Orleans, to establish the 2020 Mardi Gras parade schedule; and otherwise to provide with respect thereto.

Annotation:

(Council Rule 34. Postponement: 4/3/20).

37. CAL. NO. 32,879 - BY: COUNCILMEMBER BROSSETT (BY REQUEST)

Brief:

An Ordinance to rededicate the triangle of ground bounded by North Dorgenois Street, Bell Street, and Bayou Road, as "Andre Cailloux Park" and to provide otherwise with respect thereto.

Annotation:

(Council Rule 34. Postponement Deadline 4/17/20).

38. CAL. NO. 32,882 - BY: COUNCILMEMBER BANKS (BY REQUEST)

Brief:

An Ordinance to authorize the Mayor of the City of New Orleans to enter into a Cooperative Endeavor Agreement between the City of New Orleans (the "City") and The Finance Authority of New Orleans ("FANO") to facilitate the implementation and administration of a Payments in Lieu of Taxes (PILOT) program as part of an endeavor to improve neighborhoods through various means, including but not limited to providing incentives for the development of affordable housing, as more fully set forth in the Cooperative Endeavor Agreement form attached hereto and made a part hereof; and otherwise to provide with respect thereto.

Annotation:

(Council Rule 34. Postponement Deadline 4/17/20).

39. CAL. NO. 32,883 - BY: COUNCILMEMBER BANKS (BY REQUEST)

Brief:

An Ordinance to authorize the Mayor of the City of New Orleans to enter into a Cooperative Endeavor Agreement between the City of New Orleans (the "City") and Family Center of Hope (the "Contractor") to allow the Contractor to operate an Evening Reporting Center as an alternative to detention for youth pending adjudication in Orleans Parish Juvenile Court, as more fully set forth in the Cooperative Endeavor Agreement attached hereto and made a part hereof; and otherwise to provide with respect thereto.

Annotation:

(Council Rule 34. Postponement Deadline 4/17/20).

**40. MOTION (LYING OVER) - NO. M-19-360 - BY: COUNCILMEMBERS
NGUYEN AND WILLIAMS**

Brief:

Directing the City Planning Commission to conduct a public hearing to consider amendments to Ordinance No. 4264 M.C.S., amended by Ordinance No. 26,413 M. C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to incorporate certain recommendations and initiatives contained in the 2019 "Billboard Study", authorized by Council Motion M-18-319, to specifically provide desired CZO text amendments as follows:

To implement recommendation "Option 2: [To] provide 'trade' incentives allowing nonconforming billboards to digitize in exchange for removal", along with the following, additional considerations:

- Conversion of billboards with two sides/faces;
- Conversion of billboards out of residential and historic districts;
- Protections to ensure that there will not be a concentration of digitized billboards in one location/area of the City;
- Illumination standards; and
- Density standards.

Annotation:

(Council Rule 34. Postponement: 1/17/20).

41. RESOLUTION (LYING OVER) - NO. R-19-415 - BY: COUNCILMEMBER GISLESON PALMER

Brief:

A RESOLUTION REQUESTING THE MAYOR'S OFFICE OF TRANSPORTATION TO STUDY THE FEASIBILITY OF PERMITTING AND REGULATING PARKLETS IN CERTAIN PARTS OF THE PUBLIC RIGHT OF WAY.

Annotation:

*(Referred to the Transportation and Airport Committee).
(Council Rule 34. Postponement: 2/14/20).*

42. MOTION (LYING OVER) - NO. M-19-454 - BY: COUNCILMEMBERS MORENO AND BROSSETT

Brief:

Revising and adopting Rule 10, Rule 41, and Rule 47 of the Council Rules, Section 3-107 (2) of the City' s Home Rule Charter mandates that "(the Council shall adopt rules governing its officers and employees , the organization of committees, and the transaction of its business.

Annotation:

*(Council Rule 34. Postponement: 3/6/20).
(Referred to the Governmental Affairs Committee).
(Governmental Affairs Committee recommended Approval).*

43. MOTION NO. M-20-4 - BY: COUNCILMEMBER GISLESON PALMER

Brief:

Reauthorizing an additional year from January 16, 2020 through December 31, 2020 and that the responsibilities, membership, and procedures established in Ordinance No. 28,142 M.C.S. shall remain in effect for the Ferry Advisory Committee.

Annotation:

(Council Rule 34. Postponement: 5/15/20).

44. MOTION NO. M-20-5 - BY: COUNCILMEMBERS BANKS AND GISLESON PALMER

Brief:

Directing the City Planning Commission to conduct a study on Outdoor Live Entertainment regulations in the Comprehensive Zoning Ordinance, and any correlating requirements in the City Code, to determine if modifications are warranted. In the course of the study and review, the CPC should analyze similarly situated cities' regulations, including governmental structure, to guide potential amendments, including but not limited to:

- The City of San Francisco, which defines "Fixed Place Outdoor Amplified Sound Locale" in Article 15.1 of their Police Code, addresses "Compatibility and Protection for Residential Uses and Places of Entertainment," in Chapter 116 of their Administrative Code, and grants specific permits via an Entertainment Commission; and
- The City of Seattle, which engages law enforcement officers in fostering positive relationships among all stakeholders in the cultural economy and has compiled a Night Life Establishment Handbook; and
- The City of Austin, which conducted "The Austin Music Census" in 2015, resulting in the creation of a Music Commission; and
- The City of Nashville, which has specific regulations for outdoor music events in their Downtown area; and
- Upon this review of similarly situated cities and New Orleans's existing infrastructure - including permitted venues, zoning and overlay districts, temporary permitting structures, both citywide and by neighborhood - the Council desires a study of the City's existing codes to prepare recommendations if any amendments to these codes are needed. This includes, but is not limited to: a review of the history of uses, interpretations, and applications of regulations related to outdoor live entertainment; the addition of definitions and use standards and revisions to existing definitions; revisions to permissible and prohibited zoning categories; updates

to fee structures; possible remedies to illegal uses; enforcement mechanisms; clarification on existing non-conforming uses; mitigation measures that would promote responsible uses, minimizing nuisances; fostering strong relationships among residents, city agencies, and existing and potential venues; distance limitations; addressing the vesting of land use rights; and ensuring that all regulations encourage and allow for full compliance, promoting opportunities for responsible parties who wish to engage in and benefit from the City's cultural economy.

- The purpose of this study shall be to clarify and standardize all references to Outdoor Live Entertainment, including but not limited to Outdoor Musical Accompaniment, Outdoor Amphitheater, live entertainment outdoors, and Outdoor Amusement Facility.

Annotation:

(Council Rule 34. Postponement: 5/15/20).

**45. MOTION NO. M-20-7 - BY: COUNCILMEMBERS BANKS AND WILLIAMS
(BY REQUEST)**

Brief:

Directing the City Planning Commission to conduct a public hearing to consider amending and re-ordaining Ordinance No. M.C.S 4264, as amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to provide CZO map amendments based upon recommendations contained in the 2019 "New Orleans Inclusionary Housing Study" from HR&A Advisors Inc.

Annotation:

(Council Rule 34. Postponement: 5/15/20).

46. MOTION NO. M-20-8 - BY: COUNCILMEMBER BROSSETT

Brief:

Directing the City Planning Commission to conduct a public hearing to consider amendments to Ordinance No. 4,264 M.C.S., amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to amend *Section 21.6.N Fences and Walls* to include height requirements for fences in Lake Terrace (bounded by Lake Ponchartrain, the London Avenue Outfall Canal, Robert E. Lee Boulevard, and Bayou St. John) as follows: (i) Front Yard: One and One-Half (1.5) feet; (ii) Side Yard and Rear Yard: Five (5) feet.

Annotation:

(Council Rule 34. Postponement: 5/15/20).

47. RESOLUTION NO. R-20-9 - BY: COUNCILMEMBERS GISLESON PALMER AND GIARRUSSO

Brief

Adopting proactive policies to implement accessible pedestrian signals, including identifying priority intersections for timely retrofits with accessible signals and ensuring accessible pedestrian signals are utilized when new traffic signals are installed or existing traffic signals are altered.

Annotation:

(Council Rule 34. Postponement: 5/15/20).

48. RESOLUTION NO. R-20-10 - BY: COUNCILMEMBER BANKS (BY REQUEST)

Brief:

Resolution stating the Mayor's Restoration Tax Abatement Committee and the Economic Development Staff will, in the matter of each initial application and renewal for consideration the criteria prior to making their recommendation to the Council.

Annotation:

(Council Rule 34. Postponement: 5/15/20).

49. ORDINANCES ON FIRST READING

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