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BGR MEDIA RELEASE

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BGR Releases Proposed Reforms For Land Use Decision Making In New Orleans

BGR today releases *Planning for a New Era: Proposed Charter Changes for Land Use Decision Making in New Orleans*. The report is a follow-up to BGR's 2003 report, *Runaway Discretion: Land Use Decision Making in New Orleans*. BGR produced *Planning for a New Era* in response to a request last winter by a citizen-led subcommittee of the Bring New Orleans Back Commission. BGR staff worked with nationally renowned legal scholar Daniel Mandelker in drafting the changes, and consulted land use experts and City officials, among others, before producing the final proposals.

The confusion that has characterized recent planning efforts is symptomatic of the ailing system addressed in *Planning for a New Era*. However, the legal changes contained in the report are proposed as a long-term cure for the entire system, rather than for any specific post-Katrina planning maladies.

The general areas of reform include:

A Master Plan with the Force of Law. By requiring all land use actions and regulations to conform to the Master Plan, the proposed changes would turn the plan from a dust-collector into a vital land use

guide. They would also circumscribe the wide discretion that has for decades bedeviled land use decision making in New Orleans.

A Reallocation of Decision Making Power. The proposed charter amendments would reallocate decision making power as follows.

- Currently, the Charter calls for approval of the City's Master Plan by the City Planning Commission. The proposed charter changes would also require the City Council to adopt and allow it to amend the Master Plan. BGR believes that approval of the City's legislative body is appropriate, given that the Master Plan would have the force of law.
- The City Planning Commission would review individual land use actions for conformity with the Master Plan. City Council and other government bodies would be bound by the Planning Commission's finding.
- Conditional uses (those uses that city zoning allows under city-imposed conditions) would be handled at an administrative level, by the City Planning Commission, rather than by City Council.

Restructuring the City Planning Commission. The increased role of the City Planning Commission underscores the need for a professional, apolitical body. To ensure the Commission is independent and professional-minded, the proposals include a provision that commissioners be nominated by a committee composed of planners, as well as neighborhood and business representatives. The Mayor would select one of the three nominees for each vacancy. BGR is proposing a similar amendment for the appointment of members of the Board of Zoning Adjustments.

Organized, Meaningful Neighborhood Participation. The proposed changes call for a system of participation that would put neighborhoods at the beginning of the land use decision making

process, rather than the end. They provide for the broad outlines of a system to be fleshed out by ordinance. The proposed amendments would:

- Create a Neighborhood Participation Office to help neighborhoods organize and to facilitate their participation in master and neighborhood planning and in the land use decision making process.
- Create a system of Recognized Neighborhood Organizations empowered to serve as the official voice of an area, to participate in the land use decision making process, to advise the city in the formulation of the Master Plan, and to propose neighborhood plans for incorporation in the Master Plan.

The proposed charter changes are interlocking parts of a single program. BGR recommends that they be addressed as a whole. It makes little sense to give the Master Plan the force of law unless the plan is developed with professional guidance from an independent planning department and organized neighborhood participation. It makes little sense to re-allocate decision making power without ensuring that the decision making body understands planning, adheres to the Master Plan, and is responsive to citizens.

The reform program would provide two positive changes to the economic climate of New Orleans. First, it would provide clear ground rules and a depoliticized process for development, reducing the uncertainty and complications that have historically discouraged outside investment in the Crescent City. Second, it would provide residents with greater certainty as to the future direction of their neighborhoods, a key ingredient to bolstering the population base and producing positive investment in neighborhoods.

Adopting the charter amendments would require an affirmative vote of the citizens of New Orleans. The earliest time the proposed amendments could be submitted to the public would be in 2007. To expedite reform, BGR recommends that the City Council take the interim step of implementing by ordinance, where possible, the changes proposed in the charter amendments.

It also recommends that the City take action to staff the City Planning Commission to full strength.

“This reform program will provide citizens with a clear framework to create the decision making process they deserve,” said BGR Chairman David Guidry. “It also will provide City leaders with the legal tools they need to best serve citizens in land use matters. If approved, it would make New Orleans one of the nation’s most progressive cities in the arena of planning.”

The proposed charter changes, with a companion report and point-by-point explanations, can be found on BGR’s web site, www.bgr.org.

BGR is a private, non-profit, independent research organization dedicated to informed public policy making and the effective use of public resources for the improvement of government in the New Orleans metropolitan area. BGR also addresses state and national public policy issues that affect the metropolitan area.

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