A Report from the
Bureau of Governmental Research

OCTOBER 2009

CONNECTING NEIGHBORHOODS
to city hall

NEIGHBORHOOD PARTICIPATION AND
THE NEW ORLEANS 2030 DRAFT PLAN

A Report from the
Bureau of Governmental Research

OCTOBER 2009
BGR Planning Issues Committee
Madeline D. West, Chair
Pamela M. Bryan J. Kelly Duncan
Aimee Adatto Freeman Sterling Scott Willis
Andrew B. Wisdom

BGR Project Staff
Janet R. Howard, President & CEO
Peter Reichard, Principal Author
Ryan Galvin, Research Analyst

BGR
The Bureau of Governmental Research 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.

This report is available on BGR’s web site, www.bgr.org.

BGR Board of Directors
Officers
Hans B. Jonassen, Chairman
Sterling Scott Willis, Vice Chairman
Robert W. Brown, Secretary
J. Kelly Duncan, Treasurer

Board Members
Herschel L. Abbott, Jr.
Robert C. Baird, Jr.
Arnold B. Baker
James B. Barkate
Virginia Besthoff
Christian T. Brown
Pamela M. Bryan
J. Storey Charbonnet
Joan Coulter
Ludovico Feoli
Hardy B. Fowler
Aimee Adatto Freeman
Julie Livaudais George
Shelby P. LaSalle, Jr.
Matthew P. LeCorgne
Mary Matalin
Mark A. Mayer
Henry O’Connor, Jr.
N.J. “Woody” Ogé
Nolan V. Rollins
Lynes R. Sloss
Tiffany J. “T.J.” Thom
Ann Thorpe Thompson
Madeline D. West
Andrew B. Wisdom
Brent Wood

Honorary Board
Harry J. Blumenthal, Jr.
Edgar L. Chase III
Louis M. Freeman
Richard W. Freeman, Jr.
Ronald J. French
David Guidry
Paul M. Haygood
Diana M. Lewis
Anne M. Milling
R. King Milling
George H. Porter III
Edward F. Stauss, Jr.
INTRODUCTION

The City Planning Commission recently released Chapter 15 of the draft master plan, which unveils a “Community Participation Program.” It is supposed to form the basis for writing the neighborhood participation ordinance required by the 2008 charter amendment on planning and land use decision making.

The chapter makes a number of references to the Bureau of Governmental Research, implying that BGR endorses the draft plan’s participation program. While BGR has recommended more robust neighborhood participation and participated in master planning sessions addressing the issue, the organization does not support the community participation program proposed in the draft plan.

The participation chapter contains a number of good observations about the problems bedeviling land use decision making in New Orleans. However, the policy response it offers is overly complicated, unnecessary and off-point. The centerpiece of the chapter is a program that would make newly created district councils the locus for citizen input on land use and other issues. These councils would be based on the city’s oddly drawn planning districts. The district councils would be composed of representatives of neighborhood associations, institutions, churches, merchants’ groups, community development corporations and unidentified other stakeholders. Land use, planning and other matters affecting neighborhoods in the district would be filtered through them.

The proposed community participation program does not fulfill the city charter’s directives with regard to neighborhood participation. Indeed, it risks diminishing, rather than enhancing, the neighborhood-level participation in planning and land use decisions envisioned in the city charter. The proposed structure would insert an extra layer of bureaucracy between the neighborhood and the City Planning Commission; it could give disproportionate weight to the views of certain institutions and undefined stakeholders; and, unless the planning district decided to devolve decision making on neighborhood-specific matters to the neighborhood level, it would give entities unaffected by a land use proposal a larger voice than that of the affected neighborhood.

In this report, BGR provides an overview of these and other problems. It also makes recommendations. In brief, they are:

- Develop a participation system that connects neighborhoods directly to the City Planning Commission.
- Redraw the planning district boundaries to better reflect neighborhood boundaries and interconnections.
- Deploy planning staff in a strategic manner.
- On matters that affect two or more neighborhoods, bring the relevant neighborhoods together.
- Require an official response to neighborhood concerns.
- Either extend the comment period for the draft master plan or remove the community participation program from the draft plan.

The full text of BGR’s recommendations can be found at the end of this report.

WHAT THE CITY CHARTER REQUIRES

The 2008 amendment to the city charter requires the City Council to craft and approve a neighborhood participation ordinance within 18 months of the amendment’s passage. The ordinance is supposed to create a system for organized and effective neighborhood participation in land use decisions and other issues that affect quality of life. Specifically, the ordinance must:

- Provide for timely notification to a neighborhood of any proposed land use action affecting the neighborhood.
- Provide the opportunity for meaningful neighborhood review of and comment on such proposals.
- Provide the opportunity for meaningful neighborhood participation in the formulation of the master plan or any amendment thereto.
WHAT THE DRAFT PLAN SAYS

The draft plan includes a number of proposals to increase transparency and citizen access and to build capacity among resident and other community groups. However, the centerpiece of the community participation chapter is a program that would focus citizen input on land use decision making at the level of the city’s 13 planning districts, rather than neighborhoods. Structurally, the draft plan calls for three major components:

- A system of **district councils**, which would serve as the locus of public discussion and comment on land use and other proposals.

- A system of **district planners**, who would serve as liaisons between the City Planning Commission and the district councils.

- **Standing Advisory Committees** for issues of citywide importance. Though called “standing committees,” what the draft plan describes is ad hoc: temporary, issue-specific committees.

According to a schematic provided in the chapter (see right), nine of the city’s 13 planning districts would have their own district council. Two pairs of districts would share councils: 10 and 11, which includes the area of eastern New Orleans east of Interstate 510 and wetlands; and 12 and 13, which includes Algiers proper and Lower Coast Algiers.

Each district council would be composed of representatives from neighborhood associations that meet certain requirements for admission and other “stakeholder groups.” Each neighborhood association would get two spots on its district council. Institutions, churches, merchants’ groups, community development corporations and other “stakeholders” would get representation as well. As is discussed below, the number of seats for these other entities is unclear.

The district councils would address a wide range of issues, including citywide plans; redevelopment plans; changes in parking capacities, locations or requirements; public housing development; and rezoning and conditional use requests. The district councils would interact with district planners, who would provide advisory recommendations on land use actions to the City Planning Commission.
This report will concentrate primarily on the district council component of the proposal – its centerpiece.

Confusion on Key Elements

The draft plan is vague and contradictory on key points, including the role of neighborhoods and neighborhood organizations. In some places, the plan suggests that the review of matters with localized impacts will be restricted to the neighborhood. For example, in the summary of goals and policies the plan states that the City Planning Commission should continue to work with “neighborhood and similar organizations” on projects that do not have district-wide significance. However, later the plan indicates that district councils may devolve responsibility for matters affecting only one neighborhood to that neighborhood. But they are not required to do so. The ramifications of a decision to consider a neighborhood matter at the district council level are discussed below.

The draft plan is vague about the universe of stakeholders. For example, the plan makes frequent reference to participation by “community-based organizations.” Does this refer to the community development corporations? Advocacy groups? Nonprofits? Fraternal lodges? The draft plan never clarifies who these organizations are or where they fit into the overall district council scheme.

Nor is the draft plan clear as to the weight of stakeholders’ representation. It states that “[o]ther stakeholders in the district (such as colleges and universities, churches, merchants’ associations, community development corporations) would have one voting member and one alternate… .” It does not make clear whether there is one vote for the entire group of other stakeholders, one per type of stakeholder or one per organization. Depending on the answer and the number of neighborhood associations, the vote of these entities could far outweigh that of residents.

Marginalizing Affected Neighborhoods

Historically, neighborhoods in New Orleans have not been integrated into the land use decision-making process. Neighborhoods affected by development decisions often did not learn of proposals affecting them until it was too late to make an effective response. There was often no opportunity, except at a public hearing, to respond to a proposal. The charter amendment was enacted to address these problems and give neighborhoods a voice in the land use decision-making process.

Unfortunately, the community participation proposal risks marginalizing, rather than empowering, the neighborhood or neighborhoods affected by a land use decision. That’s because everything must filter through a district council composed of representatives of multiple neighborhood associations, institutions, churches, merchants’ groups, community development corporations and unidentified other stakeholders. The proposed structure would insert an extra layer of bureaucracy between the neighborhood and the City Planning Commission; it could give disproportionate weight to the views of certain institutions and undefined stakeholders; and, unless the district council decided to devolve decision making to the neighborhood level, it would give entities unaffected by a land use proposal a larger voice than that of the affected neighborhood.

How might this convoluted structure play out? Imagine there were a corner store seeking a zoning change to sell liquor in the heart of Treme. The district council, in its discretion, could decide to take up the matter instead of devolving it to the neighborhood. Now, instead of the neighborhood itself issuing a position on the matter, residents from the Fairgrounds to Mid-City to parts of Central City would have a say. Churches, nonprofits and institutions, like the dental and medical schools in the district, would have a say as well. Effect: The neighborhood’s voice in a matter affecting its future is diminished, not enhanced.
Churches, nonprofits and institutions, like the dental and medical schools in the district, would have a say as well. Effect: The neighborhood’s voice in a matter affecting its future is diminished, not enhanced.

It is unclear why institutions, churches, businesses and community development organizations are singled out. Instead of reserving seats for them, the program could simply direct them to join the relevant neighborhood organizations. This already occurs in some neighborhoods. If the intent of the proposal is to combat the insularity of certain neighborhood organizations, it could simply call for the organizations to have more open membership, among other criteria, in order to obtain official recognition from the city.

The draft plan naïvely assumes that this new layer of politics at the district level will bring people together. But a district council could just as easily provide the opportunity for a developer to exploit discord among members, gathering support from certain members to form a coalition against the neighborhood or neighborhoods affected by a development proposal. The developer could walk away claiming the neighborhoods’ seal of approval, while the affected neighborhoods would suffer the consequences.

Injecting the new layer of politics could also slow down development, over-politicize the land use process, create new conflicts and increase perceptions of bureaucracy. The more complicated the process, the more uncertain the prospects for a development proposal. And, as the draft plan itself notes, uncertainty repels investment.4

Unnecessary and Poorly Designed Bureaucracy

The vast majority of land use and development proposals that come before government decision makers pertain to only one neighborhood or stand on a major street that forms the border of two neighborhoods. Therefore, it makes no sense to develop a district-level superstructure and to filter localized land-use decisions through it. Yet, that is the focus of the citizen participation program proposed in the draft plan.

Even if the filtering were desirable, it would make little sense to base it on the current, oddly drawn planning districts (see Appendix). Several of the planning districts cut through traditional neighborhoods. In a few cases, the planning districts are elaborately configured, jutting out here and there to cross major obstructions such as interstate highways, while carving out fine borders along parts of minor residential streets such as Cambronne, Duels and Toulouse. Portions of some districts are not even contiguous. The districts vary widely in size, population and internal physical diversity.

For instance, District 2 appears drawn to roughly mimic the assessment district that contains it. District 3’s border takes unusual jogs down minor residential streets and cuts through the middle of a playground. District 4 crosses three interstate highways in a manner that appears to subtract portions of what would otherwise be adjoining districts. District 5 is drawn to include a portion separated from the rest by City Park and Delgado Community College. Part of District 7 juts out into peninsula between two adjoining districts. District 11 is almost entirely wetlands.

The planning district boundaries may have been drawn to serve a purpose, but providing for neighborhood participation surely wasn’t it.

Questionable Resource Allocations

The draft plan’s text calls for one district planner for each planning district, with the possibility of assigning a single planner to work with two smaller districts.5 The draft plan’s schematic shows 11 planners, two of whom would each serve two districts.6

The idea of dedicating planners to contiguous neighborhood clusters certainly has merit. But given the low level of controversial land use issues in certain districts, assigning planners on a planning district basis would be an inappropriate allocation of personnel. For instance, it seems unlikely that even Districts 10 and 11 combined – mostly uninhabited wetlands – would generate nearly as many development proposals or debates as District 1, which contains the Warehouse District, the Central Business District and the Vieux Carré.

In addition to new positions for district planners, the
draft plan calls on the city to support the district council system. As the draft plan acknowledges elsewhere, New Orleans faces dire fiscal difficulties. Given the fiscal constraints, the city should create a simpler system to meet the charter mandate. At a far lower cost, the city could tap into the free resources that existing neighborhood organizations already supply.

Dangling Participation

While the draft plan lays out an elaborate system of timelines for district council notification and comment, it does not spell out what the city is supposed to do with the comments it receives, other than make them a formal part of the public record.

It is not enough to simply gather comments and make them part of the record. To make participation meaningful, a meaningful response is necessary. If the master plan addresses public participation at all, it should call on government agencies to thoroughly address comments from neighborhoods on matters that affect them.

CONCLUSION AND RECOMMENDATIONS

The community participation proposal included in the draft master plan is complicated, unnecessary and off-point. And, if translated into an ordinance, it would fail to fulfill what the city charter envisions.

In crafting a neighborhood participation proposal, the City Planning Commission should focus foremost on what the city charter specifically requires. This means providing for timely notification to a neighborhood of any proposed land use action affecting the neighborhood, providing the opportunity for meaningful neighborhood review of and comment on such proposals, and providing the opportunity for meaningful neighborhood participation in the formulation of the master plan or any amendment thereto. The charter does not, by contrast, call for imposing a complex and potentially costly district-level filter on neighborhood participation.

To fulfill the charter’s mandate, BGR recommends the following:

- **Link the City Planning Commission directly to neighborhoods.** The City Planning Commission should scuttle the district council proposal in favor of a system that directly connects officially recognized neighborhood organizations with the City Planning Commission and other pertinent decision-making bodies. To obtain official recognition, a neighborhood organization would have to meet criteria relating to membership and governance. Each recognized organization would serve as the voice of a neighborhood with defined boundaries.

- **Redraw the planning districts.** If the City Planning Commission intends to use planning districts for neighborhood participation purposes, it should propose boundaries that better recognize differing development patterns and major dividing lines – such as highways, waterways and large green spaces – between sections of the city. Before making a final decision on the district boundaries, it should vet them with the public to connect districts with citizens’ view of the larger community in which their neighborhood resides.

- **Deploy planners strategically.** If the City Planning Commission deploys planners on a geographic basis, it should do so in a way that provides a relatively even workload for the planners. In addition to serving as liaisons on matters affecting neighborhoods, designated planners should advise weak neighborhood groups on ways to grow stronger and advise all neighborhoods on how to meet the criteria for official recognition.

- **Bring affected neighborhoods together as needed.** On those occasions when a matter affects multiple neighborhoods, the planner assigned to the area should inform all the pertinent neighborhood organizations and gather together their comments on the proposal or issue. If there are conflicts, the planner should organize a meeting to determine areas of agreement and perhaps resolve areas of disagreement.
Ensure participation is meaningful. Not only must the City Planning Commission notify affected neighborhoods of planning and land use matters in a timely manner and collect comments, it must also acknowledge and respond in some manner to the comments.

Extend the public comment period or delete the community participation chapter from the master plan. The participation chapter first appeared before the citizenry on the day after the first public hearing on the draft master plan. In light of the fact that this chapter of the plan is meant to have a major impact on how citizens relate to the city, the City Planning Commission should extend the period for comment on it. Alternatively, because neighborhood participation is not required to be part of the master plan document, the City Planning Commission could remove the chapter from the plan altogether so that this important policy matter can be considered in the full light of day.

While strong neighborhood participation will take sustained effort, it does not require a complicated superstructure. The city charter provides the legal basis, simple directives and the proper foundation to do the job. The city should start with neighborhoods – and build from there.
1 City of New Orleans, *Home Rule Charter*, § 5-411, provides: “The City shall establish by ordinance a system for organized and effective neighborhood participation in land use decisions and other issues that affect quality of life. It shall provide for timely notification to a neighborhood of any proposed Land Use Action affecting the neighborhood; it shall also provide the opportunity for meaningful neighborhood review of and comment on such proposals. In addition, it shall provide the opportunity for meaningful neighborhood participation in the formulation of the Master Plan or any amendment thereto.”

2 The summary of goals and policies on page 1 of the chapter calls for establishing a “system of broadly representative District Councils to serve as a platform for organized discussion of, public input into, and formal advisory comment on proposed land use actions (development and planning proposals, zoning, etc.).” It states that for projects that do not have district-wide significance, the City Planning Commission should continue to work with “neighborhood and similar organizations.” Later in the chapter it indicates that district planners and City Planning Commission staff should schedule project review meetings with the entire district council or with neighborhood organizations, depending on the scale and impact of proposed projects.


4 Ibid., p. 15.4.

5 Ibid., p. 15.17.

6 Ibid., p. 15.20.
CHANGE SERVICE REQUESTED