

Support MaCCNO's Amendments to New Orleans' Master Plan

New Orleans is currently accepting amendments to the city's Master Plan, the document that guides the development of the City for the next two decades. Unfortunately, up to now, the Master Plan has largely ignored the needs of the cultural community, and does little to protect traditional, neighborhood based cultural practices. To address this, the Music and Culture Coalition of New Orleans has prepared a package of amendments to Master Plan that, if adopted, would do the following:

1. Help protect and support neighborhood based cultural activity, rather than shift most cultural businesses to commercial corridors.
2. Encourage community based cultural programming in all city-run recreation and community centers.
3. Create culturally appropriate 'quality of life' enforcement, and encourage support to both businesses and neighborhood associations equally.
4. Eliminate the ambiguous term 'nuisance business' and replace it with the more definitive 'illegally operating business'.
5. Protect the remaining neighborhood music venues (and barrooms that host live music) in perpetuity. Even if an existing venue or bar were to close, a new business in that space would still be able to provide live music.
6. Establish a grant program to provide sound-proofing for music venues.
7. Carry out a complete survey of culturally important spaces in New Orleans, including current status and possibility for protection.
8. Streamline the permitting process and fee structure for cultural businesses.

In addition to these amendments, MaCCNO strongly encourages the community led creation of a Cultural Master Plan for the City of New Orleans. Our amendments deliberately avoid updating Chapter 9, Section 3B, "Preserve and Expand the Arts and Culture Industries", as this section would need to be greatly expanded and almost entirely rewritten to accurately reflect the needs of the cultural community. The full Cultural Master Plan would encompass this effort, but for now, our current amendments will provide some protections while this plan is completed.

These proposed amendments were developed in conjunction with a number of organizations and individuals, including Faces of Culture, the Greater Treme Consortium, and the Neo Jazz School of Music.

To support these amendments, please email the City Planning Commission at cpcinfo@nola.gov. Tell them that you support the Master Plan amendments submitted by the Music and Culture Coalition of New Orleans. Share with others concerned with the vitality of New Orleans' indigenous culture and look out for future announcement about how to further support these amendments as well as the creation of a Cultural Master Plan for New Orleans.

Full Text of MaCCNO's Master Plan Amendments

Key: (additional/changed text, ~~deleted text~~)

Add Cultural Programming to Recreation Centers

Location: Volume 2, Chapter 7, Green Infrastructure, Goal 9A, page 7.26

Add the following section:

9A.6 "Promote and provide a space for community led cultural programming in all city-run recreation and community centers"

Who: NORD, cultural organizations, culture bearers

When: ongoing

Resources: Fees, where appropriate

Neighborhood based cultural traditions are an integral part of the City's identity and a driving factor in youth development. Community led cultural programming held by either cultural organizations or respected culture bearers will be given a space in all city run recreation and community centers, with priority given to organizations and individuals from the neighborhood where the center is located.

Promote Long Standing Cultural Activity Within Neighborhoods

Location: Volume 2, Chapter 5, Neighborhoods and Housing, Section 3A #4, p5.11, 5.33

Change section to read:

"Incentivize cultural uses, events, and development opportunities to strengthen neighborhood commercial districts, where feasible, while also supporting and encouraging long standing cultural uses and activities throughout all neighborhood districts, both commercial and residential."

Who: CPC, Neighborhood Development, Office of Cultural Economy, cultural organizations

When: Ongoing

Resources: Staff Time

~~Artists are known for their propensity to create neighborhood clusters of activity. In New Orleans, music, art, and traditional/indigenous cultural activity are firmly rooted in neighborhoods. To allow for these cultural traditions and expressions to survive and grow, cultural spaces and businesses must be preserved in both commercial and residential areas. In addition, cultural businesses and events bring vitality to neighborhood commercial areas and can effectively anchor these districts.~~

Galleries, music venues, artists's studios and workshops, and similar businesses can help attract customers from beyond the immediate neighborhood, helping to support other small businesses, as do events such as monthly gallery walks, festivals, and so on. Promotion of New Orleans' nineteen Cultural Products Districts can stimulate development of cultural businesses and activities in neighborhood commercial corridors. (See Volume 3, Chapter 5 for more information on Cultural Products Districts.) Local governments who designate the Cultural Products Districts are required to report on the impact to their neighborhood annually.

Ensure Quality of Life Enforcement is Culturally Sensitive

Location: Vol. 2, Ch.5, Neighborhoods and Housing, Section 1B.1, p. 5.19

Change section to read:

1.B. Establish systems to enforce quality of life regulations and eliminate illegally operating businesses.

1. Create a warning and ticketing system with potential fines for quality of life offenses such as littering and illegal dumping, junk cars, lack of mowing, noise, and so on.

Who: Mayor's Office; City Council; Police Department

When: First five years

Resources: Staff time; fines

Many communities have developed ticketing systems with fines for quality of life offenses. ~~In order to improve neighborhood conditions, there is considerable evidence that they also help cut crime.~~ Using a ticketing system, but also offering businesses an opportunity to come into compliance, can improve neighborhood conditions while also supporting small, neighborhood businesses. The funds from the fines can help pay for increased police time. In the long term, after recovery, New Orleans may want to consider the model from Charleston, SC, which has established a "Livability Court" to handle quality of life offenses, so they do not get delayed in the general court system with other offenses.

Location: Vol. 2, Ch.5, Neighborhoods and Housing, Section 1C.2, p. 5.20

Change section to read:

2. Ensure industrial and commercial performance standards (limits on noise, dust, vibration and other impacts) in the zoning and city codes are culturally and neighborhood appropriate.

Who: CPC, City Council

When: First five years

Resources: City Attorney, cultural groups, neighborhood organizations

Performance standards (limits on impacts such as noise, dust, vibration, and so on) can be changed in the zoning code or by using other city ordinances. A culturally appropriate sound ordinance will allow for cultural traditions to continue while still providing protection for neighbors. The city can help find an appropriate site within the city limits and assist in business relocation. State and federal regulators can be brought in to deal with pollution and similar issues under their jurisdiction. The master plan land use map and the associated zoning code can make the use nonconforming so that the use cannot continue after the current enterprise leaves. Occupancy permits and business licenses could be subject to sanctions in the case of proven criminal activity.

Location: Vol. 2, Ch.5, Neighborhoods and Housing, Section 1C.4, p. 5.19

Change section to read:

4. Disseminate information to neighborhood associations and business owners about potential legal approaches and inform all parties on what is currently allowed under the law.

Who: CPC

When: First five years

Resources: Staff time

It is also the case that neighborhood residents can disagree on what constitutes a “nuisance” and on expectations for activities in areas where businesses are located in close proximity to residences. This is particularly the case in disputes revolving around noise and activities related to music clubs, restaurants, and similar businesses. The rights of business owners also need to be respected in these disputes, and both neighbors and the businesses should be given information detailing what is legally allowed.

~~When the CPC is able to assign planners to each Planning District, that planner can serve as the point person for these complaints. The planner should become familiar with the law regarding public nuisances of various types and the steps that neighborhood residents may take if they wish to pursue action against a business they regard as a nuisance. Proper City officials, either from the appropriate City Council District, the Neighborhood Engagement Office, or the Office of Cultural Economy may first attempt to bring the business owner together with residents and/or the police department to see if a mutually acceptable solution can be reached. New actions are possible under the Louisiana Public Nuisance Law, the New Orleans Noise Control Program and Littering Ordinance, and the Louisiana Alcoholic Beverage Control Law. The burden of proof lies with those who wish legal action to be taken against a business. The Tulane Public Law Center has created a~~

step by step guide to the requirements and actions under the four laws named above.

Location: Entire document, with an emphasis on Chapter 5.

Text change: Replace the term 'nuisance business' with 'illegally operating business' throughout the document.

Protect Historic Cultural Sites and Music Venues

Location: Vol 2, Chapter 6, Historic Preservation, p.6-8, 6-19.

Add the following goal:

6. Important cultural sites, activities, and traditions are protected.

Many of New Orleans most important cultural sites still extant are in danger of being lost. These may take the form of crumbling buildings, such as the Karanofsky Tailor Shop, the loss of neighborhood music venues, or the displacement of the musicians and culture bearers themselves. If New Orleans does not take action quickly, much of this damage and loss may become irreversible.

Because of the prominent role culture plays in the identity of the City and its citizens, New Orleans has a unique opportunity to create a groundbreaking cultural preservation program, focused on not only protecting historic sites, but also providing space for a living culture to grow and develop. The following initiatives will begin this process.

6A. A comprehensive survey of existing musically, historically, and spiritually important cultural sites should be completed, and sites should become eligible for protection.

Who: Cultural community, Universities, CPC

When: within 18 months

Resources: staff and volunteer time, potential grants, non-profit partners

Protection of existing cultural sites has been haphazard at best, and many continue to be lost, most recently Club Desire in the Upper 9th Ward. A community led survey must be undertaken to examine what sites remain, as well as their current status and threat level. Once sites are identified, the appropriate steps for preservation can be undertaken.

6.B Existing non-conforming barrooms and music venues that can show a history of hosting live entertainment should be granted perpetual non-conforming status for live entertainment that is tied to location, not business or owner.

Who: CPC

When: within 18 months

Resources: staff time

The vast majority of New Orleans' neighborhood music venues and performance spaces are non-conforming uses and in constant danger of permanently losing their ability to have live entertainment. If one of these bars or venues was to close for more than 6 months, they would no longer be able to host live music, no matter how long they had done so previously. Venues and barrooms that can prove a history of hosting live entertainment should be able to keep their non-conforming use in perpetuity. In order to preserve the location as an important cultural space, the non-conforming use should be tied to the parcel, not the individual business or building.

6C. A grant program for sound proofing businesses, similar to a façade grant program, should be developed and implemented, with an emphasis on music venues and barrooms.

Who: Office of Cultural Economy, NOLA Business Alliance, HDLC

When: within 18 months

Resources: Business associations, Economic development office

The most common complaint/ point of opposition to live music venues is potential or actual excessive sound. This problem is especially acute in neighborhoods where the buildings are old and in close proximity. To mitigate this, the City should develop a grant program that would allow small, locally owned cultural businesses access to sound proofing. This could be carried out in a process similar to façade improvement grants, and within a few years, because of the finite number of cultural businesses, virtually all located in historic neighborhoods could be soundproofed.

6D. The permitting process and fee structure for cultural businesses should be streamlined, and a user friendly guide to the process created.

Who: Office of Cultural Economy, NOLA Business Alliance, Safety and Permits

When: within 18 months

Resources: staff time

One of the biggest problem facing small, neighborhood based cultural businesses is an obscure permitting and fee system. Business owners are often given conflicting or incorrect information, and entrenched bureaucracy creates an unnecessary

challenges and financial burdens. The permitting and inspection process should be streamlined, the fee structures clarified, and a more user friendly guide created. In addition, live entertainment venues that charge a cover should not have to pay a higher fee than those that offer 'free' entertainment, as that creates a disincentive to pay performers a fair wage, and devalues their work and product.