

*The*  
**LOWER GARDEN DISTRICT**  
*Association*

March 2, 2024

Hon. Lesli Harris, Councilmember, District B  
Hon. Helena Moreno, Councilmember, At-Large  
Hon. JP Morrell, Councilmember, At-Large  
Hon. Joseph Giarrusso III, Councilmember, District A  
Hon. Freddie King III, Councilmember, District C  
Hon. Eugene Green, Councilmember, District D  
Hon. Oliver Thomas, Councilmember, District E

Cm. Harris and all City Councilmembers,

There has been a ***failure of process*** that resulted in a project that will be detrimental to our neighborhood, and we're being told there's nothing we can do about it. We are writing today to ask for your help to prevent Topgolf from being built in our neighborhood. It is a mockery of "city planning" that this project has come to the point of breaking ground with virtually no public discourse. A project of this magnitude deserves maximum public exposure, but somehow has managed to get permitted by right before residents in our neighborhood had a chance to object.

The Lower Garden District is a thriving National Register Historic District due to fifty years of determination and hard work by thousands of people. This has made us a valuable target for developers, and we rely on city agencies and on you, our elected representatives, to exercise your regulatory authority to help us preserve our quality of life. Cm. Harris has told us that City Council is powerless to stop this project, so on behalf of the Board of the **Lower Garden District Association** (LGDA) and **Lower Garden District** (LGD) residents, we are reaching out to all of you today to ask for your help. It is our belief, as we explain below, that neither the spirit nor the letter of the law has been followed in the process of approving Topgolf.

**Our specific requests:**

Councilmembers, we are asking you to use the collective power of City Council to:

- **First, oppose the Melpomene land swap** that will be coming up for a Council vote soon. Cm. Harris, you wrote in an email exchange that "even if the disposition is not approved, RDNI/Topgolf will proceed with construction on the existing parcel." Whether or not this is true, we believe that opposing the land swap asserts some city oversight on a project that has not had enough transparency or public scrutiny. The Melpomene disposition/acquisition has not even had an NPP, and it seems to us that moving a city street is a major enough change to trigger a new NPP.
- **Second, amend the text amendment**, Article 18.24.D.6.c ([see here](#)), to allow 175' poles and screening only on the river side of Tchoupitoulas, or not at all in the River District. The 175'

height provision is what started this mess, allowing Topgolf to fly under the radar. A lack of transparency cannot be the city's mode of operation for a project of this magnitude, and if this had been vetted in *any* public meetings prior to the passage of the text amendment in January 2023, City Council would have heard from the community sooner.

- **Third, consider rescinding the text amendment in its entirety** on the grounds that the NPP process was not followed in either letter or spirit of the law, as described at length below. Only two NPP meetings were held for this enormously impactful RDNI project. Prior to the passage of the text amendment, RDNI held one NPP by Zoom, which showed a mix of housing and commercial use on the lake side of Tchoupitoulas ([open NPP YouTube video at 25:30](#)). After the passage of the text amendment, Topgolf – now allowed by right in these same parcels – held an NPP ([see report here](#)) for trivial variances they were seeking, NOT for the height of poles and screening (because the text amendment already allowed that), and NOT for the Melpomene land swap. Neither NPP gave the public an opportunity to affect the outcome of the Topgolf project – the first NPP didn't mention it, and the second was too late to do anything about it.

Cm. Harris, you have told us that your purpose for supporting Topgolf is that tax revenue from Topgolf will support the creation of 450 affordable housing units. To gauge the neighborhood's feelings about Topgolf and housing, the LGDA surveyed residents in January 2024 and found that 65% of respondents support affordable housing in the LGD, while 74% oppose Topgolf in the proposed location ([see full survey results here](#)). **Cm. Harris, we are on your side when it comes to affordable housing!**

### **Our reasons for opposing Topgolf:**

Topgolf does not belong in a dense urban environment, especially in immediate proximity to a historic neighborhood. There is a reason that every other Topgolf in the United States is in a suburban, commercial, or industrial setting – they are massively out of scale to a neighborhood of 2- and 3-story historic houses. It is well established in New Orleans – through HDLC ([pages 4-6+ here](#)) and zoning guidelines – that a primary consideration for new development in an old neighborhood is that the massing, scale, and character of the new should make sense in context of the old. It would be hard to come up with something *more* out of scale and character to the LGD than Topgolf.

[LGD and CSA/LGDA History](#): Much of the Lower Garden District was blighted in the early 1970s. A small group of preservationists moved into the LGD and founded the **Coliseum Square Association** (CSA, now the LGDA). Within two years, they got the neighborhood designated as a National Register Historic District as part of the fight to prevent the second span of the Mississippi River bridge from landing on the east bank at Felicity Street, and to force the removal of the Camp Street on-ramp to the Pontchartrain Expressway, which finally occurred in 1994.

While Topgolf may not be as egregious to the neighborhood as those two highway projects, it will harm the quality of life and, we believe, property values in the LGD, especially for people who live within a block or two ... it would be tolerated, not embraced. Also noteworthy is light pollution/spillage which Topgolf promises will be minimal, but is clearly an irritant in other Topgolf locations (examples [here](#), [here](#), and [here](#)). In this specific location on the lake side of Tchoupitoulas, Topgolf would be a barrier

between the LGD and the new River District, when that specific parcel was touted by RDNI as a hub to

connect us to the River District and the river ([open NPP YouTube video at 27:30](#)). Topgolf will not enhance the livability and ambiance of the LGD. It will not be a neighborhood gathering place. It will be an eyesore that residents resent.

### **Our views on the lack of transparency and the NPP process:**

From news reports (examples [here](#) and [here](#)), it is apparent that City Council may have its own concerns about the transparency of RDNI and the River District – the PILOT program, exclusion from the CEA, RDNI granting itself a 2% incremental sales tax, etc. Topgolf’s lack of transparency represents an abject failure of the NPP process, as it went from being unmentioned throughout 2022 to being permitted by right in early 2023 without any public discussion. This cannot be what City Planning and City Council had in mind when the NPP process was codified into law in 2012. Here’s a brief timeline to illustrate the lack of transparency:

- March 2022 – RDNI conducts NPP, showing housing and a grocery on the lake side of Tchoupitoulas; **no mention of Topgolf**
- January 2023 – text amendment passes, **no mention of Topgolf**, but a provision allowing 175’ poles and screening has been included
- February 2023 – Topgolf is announced in the media (examples [here](#), [here](#), and [here](#)) as a done deal, on the lake side of Tchoupitoulas, where RDNI pitched housing and a grocery
- May 2023 – Topgolf, already permitted by right and with no need for a height variance, conducts NPP, seeking minor variances for siting, signage, and building materials; *no mention of Melpomene land swap*

To be perfectly clear, at the time of Topgolf’s May 2023 NPP, there were *no remaining city permissions* to be granted that hinged on the NPP. Having an NPP for Topgolf after passage of the text amendment was like closing the barn doors after the cows were already out!

Cm. Harris, you told us at the January 30 LGDA town hall that you learned about Topgolf at the same time we did, through the media. A development of this magnitude cannot and should not conduct business this way, nor should City Council condone these actions. If this had been a fair fight and RDNI had been required to make their case *publicly* for Topgolf and was able to win the support of citizens and City Council, so be it. But this was *not* a fair fight; it was a deal made in private between the Convention Center, RDNI, and Topgolf. At the January 30 town hall, a Topgolf executive acknowledged that Topgolf was in confidential negotiations with RDNI during 2022. Zero transparency – we were all kept in the dark.

Through careful reading of the CZO and the City Charter, and through extensive communication with City Planning staff members, it is clear that the NPP process is intended to give the public an opportunity to learn about and influence the outcome of development projects before they are approved by the City. From the City Charter, section 5-411 – Neighborhood Participation ([here](#)):

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. [*emphasis added*]

Topgolf was neither *proposed* nor even mentioned publicly prior to the passage of the text amendment; it was announced after the fact as a done deal. How does this constitute **timely** notification, or **meaningful** neighborhood review and participation? The City Charter requires both.

The inclusion of the 175 feet height provision (CZO Article 18.24.D.6.c) without disclosure of its purpose and with no public discussion, is the critical failure of the NPP process that has allowed Topgolf by right. It is our clear understanding from City Planning staff that if this provision had not been included in the text amendment and CZO, then a height variance would have been required and argued before the BZA, and an NPP regarding height would have been necessary. Because of this **process failure**, the residents of the Lower Garden District – and City Council itself – have been **deprived of their rights as defined in the City Charter**.

A further manifestation of **process failure** is that Topgolf has already been issued a building permit by Safety and Permits, despite the fact that RDNI/Topgolf *does not yet control the land* on which they're planning to build (because the Melpomene land swap has not been approved by Council), and to our knowledge the state Department of Transportation has not approved the movement of Melpomene closer to the Highway 90 off-ramp. We believe this building permit was issued incorrectly and prematurely, and the issuance of the building permit is the reason given by Cm. Harris that City Council cannot use an Interim Zoning District to stop, or slow down, the Topgolf project.

Not only did the NPP process fail by not mentioning Topgolf in the consideration and passage of the text amendment in January 2023, but we believe the text amendment itself has fundamental contradictions ([see here](#)) that further confuse the NPP process for projects within the River District. For these reasons, and because the River District is arguably the most important development in generations for the city of New Orleans – not just for District B or the Lower Garden District – we respectfully request that City Council consider rescinding the January 2023 text amendment in its entirety. The River District development deserves a fresh start.

**In summary:**

Residents of New Orleans are under pressure on many fronts – rising property taxes, rising insurance premiums, flooding streets, crime, short-term rental proliferation, etc. – and we acknowledge that living in the shadow of a Topgolf entertainment venue is not the worst of the problems New Orleanians face. But each of us, on our own time in our own neighborhoods, are fighting to improve the quality of life for ourselves and our neighbors, and we are looking for City government to be our partners, not our

adversaries, in these efforts. YOU are our voice, and we elected YOU to help look out for our interests as these development deals come together, either in public or behind closed doors.

Cm. Harris, you have rightly pointed out that this is *state*-owned land and is a deal between *private* companies/developers. However, we believe that does *not* supersede City Council’s right and obligation to control HOW land is developed inside the city, through *zoning*. The Council is not powerless here – all we are asking is for you to use your control of *zoning* to help protect our quality of life.

Cm. Harris was quoted in a [NOLA.com article](#) the day the text amendment passed on January 5, 2023, entitled ‘New Orleans City Council clears way for expanded riverfront development,’ saying:

*“What I would like to do is keep the most impactful activities to the riverside so that it’s not really impeding into the neighborhood.”*

Well, we’re feeling impeded upon.

Councilmembers, please consider our requests, and do everything in your power to force RDNI and Topgolf to go back to the drawing board. Make them come up with another plan, and present that plan to the public, to City Planning, and to City Council in a manner that respects our right to have a voice in the process.

Respectfully,

The Lower Garden District Association, Executive Board  
The Lower Garden District Association, Zoning Committee

