

CITY PLANNING COMMISSION

TO: HONORABLE CITY COUNCIL
FROM: CITY PLANNING COMMISSION
DATE: NOVEMBER 18, 2020
SUBJECT: REPORT AND RECOMMENDATION OF THE CITY PLANNING COMMISSION

Ladies and Gentlemen:

Attached hereto are: 1) Report and recommendation of the City Planning Commission from its meeting of Tuesday, November 10, 2020 and 2) Documents filed in relation to the zoning petition. The recommendation of the Commission is described briefly below:

Zoning Docket # 083/20

Applicant: City Council Motion No. M-20-279

Request: Text amendment to the Comprehensive Zoning Ordinance to clarify and amend the definitions and uses of “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family” along with the following, additional conditions:

1. distinguish these “established” uses from other non-conforming uses; and
2. create factors and requirements for the re-establishment of “established” multi-family and two-family dwellings; and
3. determine if these “established” dwellings should be permitted by-right in all residential zoning districts where multi-family use is currently prohibited or requires a conditional use; and
4. recommend whether conditional uses, overlays, or other standards should govern the redevelopment of “established” dwellings within residential areas of the city near institutional uses, such as universities, to ensure that the encroachment of student housing into surrounding neighborhoods does not diminish affordable housing stock.

The motion also requests a consideration of the following factors for the re-establishment of previous multi-family dwelling in single/two-family residential districts:

1. Only properties with a “documented legal history” as a two or multi-family dwelling, as verified by the Department of Safety and Permits, the qualifications of which shall be clarified and/or defined, shall be eligible;
2. Re-establishment by right shall be limited to structures containing no more than four units; and

3. There shall be no increase of the footprint nor intensity of the structure. Any expansions of the use, such as the addition of bedrooms via substantial renovation or increases to the total floor area, shall remain a conditional use; and
4. If the history of the multi-family dwelling includes more than four unit, a conditional use shall be required; and
5. No additional conversions that would increase the number of dwelling units from that which historically existed shall be permitted.

Location: This text amendment will impact zoning districts city-wide.

CPC Deadline: December 26, 2020

CC Deadline: 60 days from receipt by Council

Councilmember: All

Recommendation: **MODIFIED APPROVAL**

REASON FOR RECOMMENDATION

1. There is a need to expand the housing opportunities in high opportunity areas in New Orleans.
2. The Future Land Use Map states the intention of preserving existing character and variety of housing types through infill development.
3. The Master Plan states the specific goals of accommodating an array of existing housing stock within New Orleans historic residential neighborhoods.

CITY PLANNING COMMISSION
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

ROBERT D. RIVERS
EXECUTIVE DIRECTOR

LARRY MASSEY
DEPUTY DIRECTOR

City Planning Commission Staff Report
Executive Summary

Zoning Docket: 083-20

Applicant: City Council Motion M-20-279

Request:

Request by City Council Motion No. M-20-279 for a text amendment to the Comprehensive Zoning Ordinance to clarify and amend the definitions and uses of “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family” along with the following, additional conditions:

1. distinguish these “established” uses from other non-conforming uses; and
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The motion also requests a consideration of the following factors for the re-establishment of previous multi-family dwelling in single/two-family residential districts:

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4. If the history of the multi-family dwelling includes more than four unit, a conditional use shall be required; and
5. No additional conversions that would increase the number of dwelling units from that which historically existed shall be permitted.

Location: This text amendment will impact zoning districts citywide.

Summary of Proposal:

The “established multi-family” use is defined in **Article 26 of the Comprehensive Zoning Ordinance (CZO)** as “a residence with a history of multi-family use which is authorized to operate as a multi-family residence in accordance with Section 20.3.W.” New Orleans’ first zoning ordinance, which was adopted in 1929, permitted two family and multi-family residential development in most areas of the city. Many of the areas where multi-family development was originally permitted, such as Uptown and the Irish Channel, Mid-City and 9th Ward retained their 4-family designation well into the latter half of the 20th Century, with large areas permitting 4-plexes and apartments. While not all structures built in the early to mid 20th Century in these zoning districts were multi-family structures, an established and well documented pattern of small scale multi-family development across New Orleans’ historic neighborhoods was established and is clearly reflected in New Orleans’ historic neighborhoods today.

As each new amendment to the CZO has been adopted, existing multi-family dwellings constructed in areas that have been rezoned to restrict residential development to single or two-family dwellings have been designated as a nonconforming structure. Systemic challenges to gaining “legal nonconforming status” for the many structures with a history of multi-family use can be attributed to a significant decline in the number of housing units and underutilization of existing small multi-family structures in the city. **Section 25.3.C** of the CZO states “a particular use that is established as nonconforming is deemed abandoned when that particular nonconforming use is discontinued or becomes vacant or unoccupied for a continuous period of one-hundred eighty (180) days,” about 6 months. **Article 25.3.D Destruction of Structures Containing a Nonconforming Use** states that “structures containing a legally nonconforming use that are in whole or in part destroyed by “force majeure” must seek an application for restoration permit within one year of the destruction, and restoration must be completed within one year of receipt of this permit.

As a result of these policies, coupled with delays in the disbursement of Road Home funding, many units within historic and established multi-family structures lost their legal nonconforming status in the years following Hurricane Katrina. Until 2015, there was no citywide process for re-establishing legal nonconforming status for existing multi-family structures other than submitting an application for a zoning change. As of 2015, the current policy of permitting only those structures which have lost legal nonconforming status to operate as a conditional in some areas was adopted by the City Council. Staff have found this process adds additional length and costs to a renovation project as well as an unnecessary burden on staff capacity at CPC and the Department of Safety & Permits.

Additionally, data from US Census indicates that Orleans Parish as lost twenty-one percent of small multi-family structures since 2000. Meanwhile, there is a need for an estimated thirty-three thousand additional housing units, to intervene in New Orleans' housing crisis, which will certainly be exacerbated by the economic recession as a result of the COVID-19 Virus. Permitting the use of "Established Multi-family" will allow a significant number of units that have lost legal nonconforming status to return to the market, and enable the maintenance and retention of a variety of housing opportunities New Orleans desperately needs. Established multi-family dwellings present excellent opportunities to meet this need and fulfill housing goals and actions assigned to CPC in Chapter 5 of the New Orleans Master Plan.

Given New Orleans' established pattern of small multi-family dwellings and doubles, which was shaped by well documented early zoning maps, the reintroduction of existing small multi-family structures as a permitted use is appropriate. The case history since 2015 of conditional use applications for existing multi-family shows a strong approval pattern. Of the twenty cases staff identified, eighteen were small multi-family structures with three or four units. All eighteen of these requests were approved by the City Council. This data indicates that the "established multi-family" use is generally looked upon favorably by the City Council and the City Planning Commission when applied to structures with a documented history of residential use containing less than 5 units, even if the property was previously vacant or unoccupied. Given the wide range of precedent supporting the rehabilitation of established multi-family dwellings under a certain size, staff recommend allowing the use of "Dwelling, Established Multi-family" in the following districts: HMR-3 Historic Marigny/Tremé/Bywater Residential District, HU-B1A Neighborhood Business District, HU-B1 Neighborhood Business District, MS Medical Service District, HU-RS, Historic Urban Single Family Districts, HU-RD1, HU-RD2 Historic Urban Two Family Residential Districts, HU-RM1, HU-RM1 Multi-Family Residential Districts.

This recommendation should be applied through the use standards in Article 20 of the CZO. There are three zoning districts where the use "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family" are applied: S-RS Single-Family Residential District, S-LRS1 Lakeview Single-Family Residential District, S-MU Suburban Neighborhood Mixed-Use District. In these areas, the recommendation to permit established multi-family structures providing less than 4 units would apply. To maintain consistency in the CZO, established two family structures should also be permitted in the HU-RS, Historic Urban Single Family District. MS Medical Service District, S-RS Single-Family Residential District, S-LRS1 Lakeview Single-Family Residential District, S-MU Suburban Neighborhood Mixed-Use District.

Staff believe there should still be an opportunity for larger established multi-family structures to be put back into use, given (a) the need for additional housing opportunity in the city; and (b) the impracticality of reducing the existing density of larger multi-family structures to the density which is permitted in lower density zoning districts. In single and two-family zoning districts, which are intended for low density and low intensity development, it is appropriate for larger multi-family structures to be considered through the Conditional Use process unless the applicant decides to reduce the units to 4 units.

However, in the HU-B1 Neighborhood Business District and MS Medical Service District, given that these areas are intended to accommodate more intense uses and ideally provide transit options or additional parking to accommodate vehicular traffic, larger established multi-family dwellings should be permitted.

Established multi-family and established two family structures which are permitted by right or by conditional use will be subject to the use standards in Article 20, which are adapted to reflect a more straightforward approach to confirming the “established” nature of the use. In order to increase the capacity for accommodating amenities and to modernize living conditions, staff recommends allowing modifications that expand the livable area of units within an established multi-family structure, without adding additional units.

Master Plan:

This amendment supports the goals of the *New Orleans Plan for the 21st Century*.

Recommendation:

Staff recommends MODIFIED APPROVAL of Zoning Docket 083/20

Reasons for Recommendation:

1. There is a need to expand the housing opportunities in high opportunity areas in New Orleans.
2. The Future Land Use Map states the intention of preserving existing character and variety of housing types through infill development.
3. The Master Plan states the specific goals of accommodating an array of existing housing stock within New Orleans historic residential neighborhoods.

STAFF REPORT

Zoning Docket: ZD083-20

To: City Planning Commission

From: Robert Rivers, Executive Director
Paul Cramer, Planning Administrator

Prepared by: Sydney Shivers and Joanna Farley

Date: November 18, 2020

I. GENERAL INFORMATION

Applicant: City Council Motion No. M-20-279

Request: Text amendment to the Comprehensive Zoning Ordinance to clarify and amend the definitions and uses of “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family” along with the following, additional conditions:

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The motion also requests a consideration of the following factors for the re-establishment of previous multi-family dwelling in single/two-family residential districts:

1. Only properties with a “documented legal history” as a two or multi-family dwelling, as verified by the Department of Safety and Permits, the qualifications of which shall be clarified and/or defined, shall be eligible;
2. Re-establishment by right shall be limited to structures containing no more than four units; and
3. There shall be no increase of the footprint nor intensity of the structure. Any expansions of the use, such as the addition of bedrooms via substantial

renovation or increases to the total floor area, shall remain a conditional use; and

4. If the history of the multi-family dwelling includes more than four unit, a conditional use shall be required; and
5. No additional conversions that would increase the number of dwelling units from that which historically existed shall be permitted.

Location: This text amendment will impact zoning districts city-wide.

Why is City Planning action required?

The City Planning Commission is required to make a recommendation on all amendments to the text of the Comprehensive Zoning Ordinance prior to City Council action, in accordance with **Article 4, Section 4.2.D.3.**, and *Action by City Planning Commission* of the Comprehensive Zoning Ordinance.

II. ANALYSIS

A. What is the reason for the text amendment? What area would be affected by the text amendment?

The “Established Multi-Family Dwelling”

The “Established Multi-family” use designation and related use standards have a broad impact on the availability of affordable housing and housing conditions across the City. The “established multi-family” use is defined in **Article 26 of the Comprehensive Zoning Ordinance (CZO)** as “a residence with a history of multi-family use which is authorized to operate as a multi-family residence.” The Department of Safety and Permits relies on the documented legal history to reach a determination regarding the historic use and number of units provided in an established multi-family structure. The documented history is based on the existing physical structure and floorplans, and other evidence such as photos and aerial imagery, utility meters and legal documents such as leases.¹ These structures are located in areas of the City where zoning no longer permits multi-family or two-family housing and are therefore considered nonconforming uses. According to state law (**RS 9:5625**), cities have 5 years to enforce zoning regulations in areas outside of local historic districts and 10 years for determinations in historic districts. Therefore, where there is uncertainty as to whether a multi-family property was “legal” (permitted in the zoning code) at the time it was established, if the owner can document that the use has been there for at least 5 or 10 years, Safety and Permits can presume it is legal at that point.

According to Safety and Permits zoning officials, as long as an established multi-family structure maintains its use by continuously renting at least one unit, the property maintains *legal nonconforming use*; the property owner may continue to rent their units and obtain

¹ New Orleans Department of Safety and Permits. Determination of Nonconforming Status, Nonconforming Uses. Web. City of New Orleans, 2020. <https://www.nola.gov/safety-and-permits/development-regulations/determination-of-non-conforming-status/>

permits to maintain their property. However, the legal right to maintain a multi-family property or operate as a rental unit can be removed if for any reason, occupancy lapses for 6 months or more. **Section 25.3.C** of the CZO states:

A particular use that is established as nonconforming is deemed abandoned when that particular nonconforming use is discontinued or becomes vacant or unoccupied for a continuous period of one-hundred eighty (180) days. An abandoned nonconforming use may not be re-established or resumed regardless of intent. Any subsequent occupancy shall comply with all regulations of the zoning district in which the land or structure is located. Where a nonconforming use has ceased operation for renovations in conjunction with a lawfully issued building permit, the nonconforming use shall restore operation within one-hundred eighty (180) days of the cessation of the use.

In the last 5 years, the Department of Safety and Permits has made determinations on 247 established multi-family and established two-family structures (**Table 1 and Figures 1a-1d**). A majority have been able to continuously keep units occupied and secure legal nonconforming use. Such multi-family and two-family dwellings can be found across the City, as shown below. It is not known how many established multi-family structures there are in the city, as property owners have no incentive to seek a determination unless they are seeking a permit or there is a change in ownership. However, considering only about 9% of total land area in the city is zoned to allow multi-family residential development, outside of the Central Business District, there are likely far more nonconforming multi-family dwellings than what is documented.² Any of these dwellings could lose legal nonconforming status if unoccupied for 6 months or more.

Table 1: Residential Nonconforming Use Determinations in Last 5 Years	
Doubles	21
Triplexes	60
Fourplexes	132
5 Units	10
6 Units	11
7 Units	1
8 Units	3
9 Units	2
12 Units	1
15 + Units	6
Total	247

² More information on the history of multi-family zoning in New Orleans can be found in the staff report for **Zoning Docket 041-20**.

Figure 1a. A Legally Nonconforming Double in Gentilly (District D)



Figure 1b. A Legally Nonconforming 5-6 Unit Structure in the Touro Neighborhood (District B)



Figure 1c. Two Legally Nonconforming Fourplexes Uptown (District A)

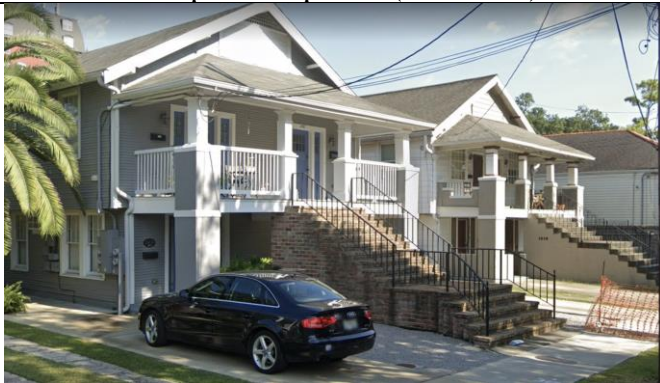
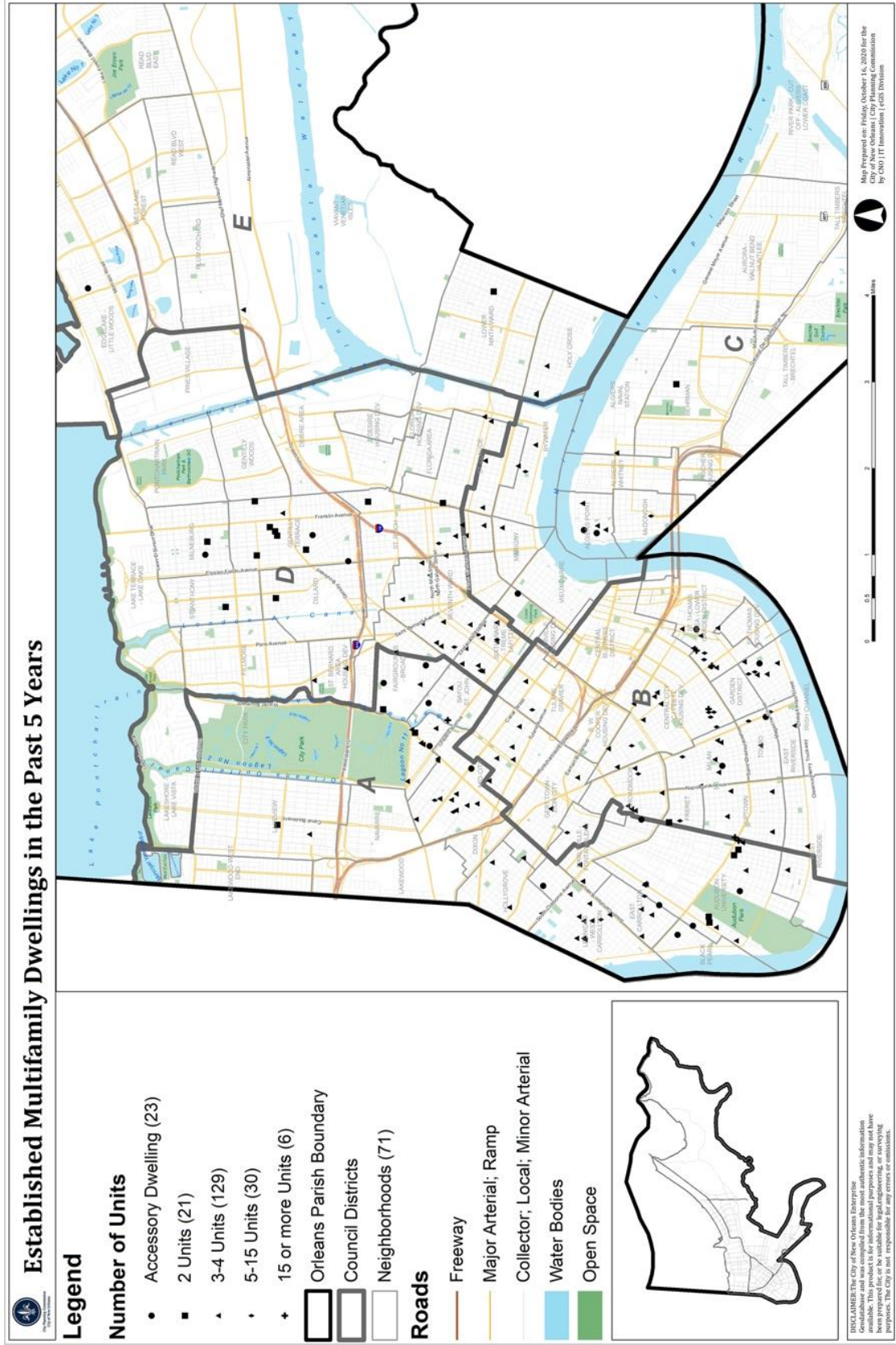


Figure 1d. A Legally Nonconforming Multiplex in the 7th Ward (District D)



Many structures that have not maintained legal nonconforming status likely became unoccupied as a result of Hurricane Katrina. **Article 25.3.D Destruction of Structures Containing A Nonconforming Use** states that “structures containing a legally nonconforming use that are in whole or in part destroyed by “force majeure” must seek an application for restoration permit within one year of the destruction, and restoration must be completed within one year of receipt of this permit. The result is that there are many multi-family structures across the city which have been “orphaned” from their original use. Meanwhile, there are hundreds of nonconforming multi-family structures which continue to operate as rental opportunities across the city, because their owners were able re-established the use of “multi-family dwelling” by leasing continuously. This not only favors property owners with greater access to capital and legal representation, but also those located in areas of the city less impacted by Hurricane Katrina.

Figure 2: Nonconforming Use Determinations for Established Multi Family Dwellings made by Safety and Permits in the last 5 Years



Following the storm, many owners of small rental properties were not able to gain funding to restore their property until long after this 1 year period had lapsed; according to news reports from National Public Radio in February 2007, of the 104,000 people who applied for Road Home funding at that time, fewer than 500 people received funding.³ As a result, in the years following Hurricane Katrina, many established multi-family rental properties lost their legal nonconforming status. As property owners have acquired financing to restore these impacted properties, land use policy and procedural requirements have posed barriers to gaining approval to renovate and return “established multi-family” and “established two-family” dwellings to use.

This text amendment asks the City Planning Commission to consider allowing established multi-family as a permitted use in certain cases, thereby granting the legal right to be maintained and leased as rental housing, even where new development of doubles or multi-family housing are not permitted by the CZO. Whereas presently, multi-family structures that have not maintained legal nonconforming use must obtain conditional use approval from CPC and City Council, this text amendment considers modifying the CZO to allow certain established multi-family structures as a permitted use, regardless of the structures occupancy history. As stated in Motion M-20-279 allowing the “established” multi-family use as a conditional or permitted use in the CZO distinguishes it from other nonconforming uses, by making it a permitted use.

New Orleans’ Housing Crisis

There is a dire need for more affordable rental opportunities to meet the needs of New Orleans’ shifting population and respond to unprecedented economic hardship as a result of Covid-19. A majority of New Orleans residents are renters, and prior to the Covid-19 pandemic, approximately sixty percent (60%) of renters pay one-third or more of their monthly income towards housing costs. With widespread unemployment and salary reductions as a result of Covid-19, the gap between households’ available assets and income and the cost of obtaining housing will be more severe in the coming years. Yet the housing market yields housing options which are likely oversized and certainly overpriced relative to resident’s needs. According to analysis by HousingNOLA, there is a particularly great need for one and two bedroom units available to very low income renters. This scale of housing is not only more affordable, but one and two bedroom units are an appropriate “fit” for many New Orleans households. According to the Data Centers recent *Who Lives in Orleans Parish Now?* report, nearly half of households were headed by a single person and only seventeen percent of households included children under the age of 18 in 2019.⁴

Several barriers stand in the way of generating the supply of housing stock that meets the social and economic needs of residents. A study published by the Tern Center for Housing Innovation at UC Berkeley in March 2020 reported that the cost of building materials like

³ Fessler, Pam. *Red Tape Ties Up Katrina Funds*. National Public Radio. February 5, 2007. Web.

⁴ The Data Center. *Who Lives in New Orleans and Metro Parishes Now?* October 9, 2020. Web.
<https://www.datacenterresearch.org/data-resources/who-lives-in-new-orleans-now/#fn:4>

wood and plastics has increased 110 percent since 2010.⁵ This, in combination with labor shortages, has led to significant increases in the price per square foot of even small scale construction projects in the last ten years. The cost of construction and increasing value of land in Orleans Parish pose a significant barrier to developing new, affordable housing; developers are incentivized to lease at or above market rate to recapture the cost of development, even before considering other development costs such as taxes, insurance and legal fees.

Not only is the cost of development a barrier to creating new housing units, but so are current zoning regulations. Development of a fourplex is prohibited in most parts of the city, given that only about 8.2% of land area is zoned to allow more than one housing unit per lot. Even then, lot area per dwelling unit regulations frequently prohibit efficient development of small multifamily structures. The combination of the zoning regulations and the high cost of development have led to a severe strain of supply on studio, one bedroom and two bedroom apartments. New development drives up the market cost of rental property, while the severe shortage of units, one and two bedroom units in particular, forces renters to pay far more than they are able. There are long term solutions to these challenges, which the City Planning Commission will address in their Housing Opportunity Study, but greater supply of affordable rental housing is needed now.

Fortunately, New Orleans has an existing supply of properties can help to solve this challenge: established multi-family dwellings. As shown in Table 1, nearly all (90%) of established multi-family structures that have sought nonconforming status in the last 5 years are fourplexes, triplexes and doubles. This scale of multi-family housing, providing 2-20 units, is what Enterprise Community Partners defines as Small and Medium Multi-family Housing (SMMF). In a report on SMMF properties from 2017, researchers asserted “SMMF serves as an equilibrating force in the larger market, allowing people to continue living with a sustainable housing cost relative to income.”⁶ The same report found rental properties affordable to low and moderate income rents are most likely to be found in small to medium size multi-family (SMMF) structures. Further, small and medium multi-family structures are most likely to be leased to Housing Choice Voucher recipients out of all of all housing types.

Established multi-family structures are not just a solution for renters, but they can also be an excellent opportunity for owner occupied rental units to come back to New Orleans’ neighborhoods, where it was once the norm for workers to lease from friends and family. Research by Enterprise found there less of a correlation between size and quality of a unit and rent, when 3-4 unit buildings are owner occupied. When home owners can earn rental income, it is a “win- win” for housing security. Owner’s mortgage, taxes and insurance can be shared amongst several households. Finally, there is research to suggest that neighborhoods with a mix of housing types ranging from single family to small multi-

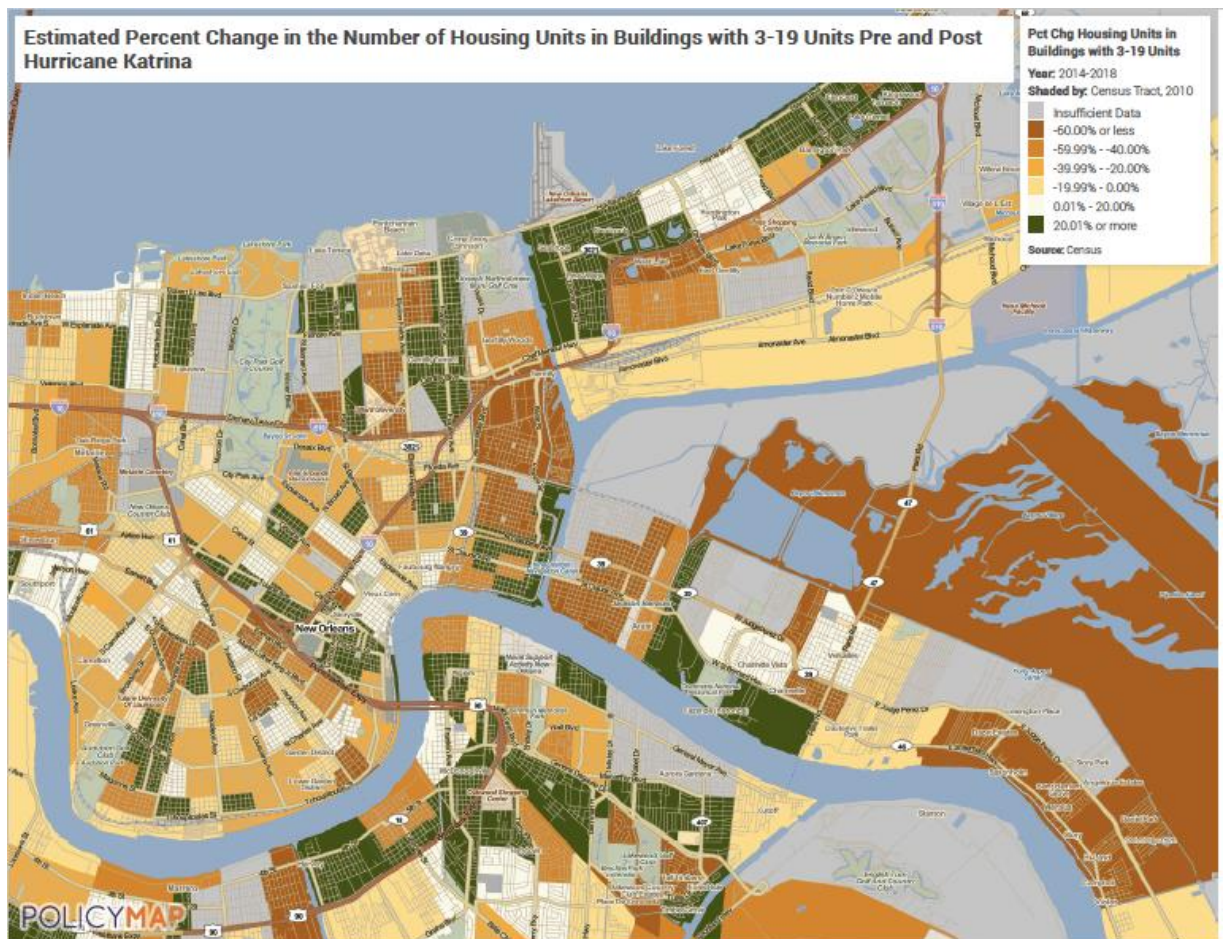
⁵ Raetz, Hayley. Froscher, Teddy. Kneebone, Elizabeth. Reid, Caroline. *The Hard Costs of Construction: Recent Trends in Labor and Material Costs for Apartment Buildings in California*. The Turner Center for Housing Innovation. March 2020. Web. http://turnercenter.berkeley.edu/uploads/Hard_Construction_Costs_March_2020.pdf

⁶ An, Brian; Bostic, Raphael; Jakabovics, Andrew; Orlando, Anthony; Rodnyansky, Seva. *Understanding the Small and Medium Multi-family Housing Stock*. Enterprise Community Partners. March 30, 2017. Web.

family are more resilient. Whereas neighborhoods restricted to a certain type of housing, like single family housing, tend to have higher rates of foreclosures and sales due to economic recession, housing diversity at the neighborhood level tend to have fewer foreclosures and turnover.⁷

Data from the US Census Bureau on the percent change in “Small Multi-family Buildings (3-19 units)” between 2000 and 2018 indicates there has been a twenty-one percent loss of small (3-20 units) multi-family dwelling pre and post Katrina, particularly in areas where small multi-family structures are an established part of the historic housing fabric (**Figure 3**). Census tracts with the most significant decline in small multi-family units are in areas such as Uptown, Lower Garden District, Central City, Gertown, and the Desire area, all of which were originally zoned to permit small multi-family development. Permitting the use of “Established Multi-family” will allow a significant number of rental units that have lost legal nonconforming status to return to the market, and enable the maintenance and retention of naturally occurring affordable housing New Orleans desperately needs.

Figure 3: Loss of Small to Medium Multifamily Structures 2000-2018³



⁷ Chakraborty, Arnab. McMillan, Andrew. *Housing Diversity Makes Communities More Resilient again Economic Downturns*. November 2, 2018. Journal of Planning Education and Research. Sage Journals. Web.

Affected Area

This text amendment considers regulations to allow “established multi-family dwellings” as a permitted use in more areas, to allow those dwellings which have not maintained legal nonconforming status to be renovated and returned to the rental market. This text amendment impacts a finite number of properties which both have documented legal history of multi-family use *and* have lapsed in use for a period of time, such that their legal nonconforming status has been lost.

Council Motion M-20-279 does not specify zoning districts to be considered in this text amendment, as it is specifically focused on the definitions and uses of “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family”. Any zoning district where this use is allowable would therefore be affected by the proposed definitions.

This “Established Multi-family” use is applied to the following zoning districts across the City:

- HMR-3 Historic Marigny/Tremé/Bywater Residential District,
- HU-B1A Neighborhood Business District,
- HU-B1 Neighborhood Business District,
- MS Medical Service District
- HU-RS, Historic Urban Single Family Districts
- HU-RD1, HU-RD2 Historic Urban Two Family Residential Districts
- HU-RM1, HU-RM1 Multi-Family Residential Districts
- S-RS Single-Family Residential District
- S-LRS1 Lakeview Single-Family Residential District
- S-MU Suburban Neighborhood Mixed-Use District,
- and

What is the existing language in the Comprehensive Zoning Ordinance?

The discussion of how to deal with established multi-family dwellings that have not maintained legal nonconforming use has been an ongoing debate in New Orleans since Hurricane Katrina, and this is the fourth time the City Planning Commission has considered modifications to this use. In October 20, 2016 the City Council adopted Zoning Docket 085-16, a text amendment to create the use “Established Multi-family” and “Established Two-Family” dwellings, and establish Use Standards **Article 20, Section 20.3.W**. In this iteration, “Established Multi-Family Dwelling” was a permitted use if the structure had been in operation as a multi-family structure for 50 or more years. This temporal threshold excluded a number of damaged multi-family structures. According to CPC staff, some applicants were unsuccessful in proving “Established Multi-family Use” status, due to a lack of available building permits and land use records between 1951 and 1983.

In consideration of the challenges to verifying the original floor plan and construction, the current proposal provides a solution to the procedural challenges. In a previous request, via Council Motion M-16-246, Council recommended consideration of a 30 year threshold rather than 50. However, staff found that any temporal threshold would likely prove to be equally ineffective and inefficient. In the interest of “allowing a wider range of former two- and multi- family residences to be eligible for the established two and multi-family dwelling designation”, staff made the following recommendation:

Structures should be eligible for the established two- and multi- family dwelling designations if they are:

- 1) Currently operating, legally nonconforming two- or multi-family uses verified by the Department of Safety and Permits, OR
- 2) Not currently operating but have a history of two- or multi-family residential use.

This two pronged approach distinguishes between multi-family structures that have consistently been maintained as a rental property and those which have become unoccupied for over 180 days (approximately 6 months). This approach considers the legal occupancy history as the primary factor in determining the process for procuring a renovation permit, as opposed to the physical structure and historic land use pattern in the area. As a result, the burden of re-establishing the use has often been placed on applicant due to the actions of a previous property owner, or unique circumstances resulting in lapse of occupancy.

City Council adopted this modified recommendation, along with the Definition and Use Standards currently applied to established multi-family dwellings, in Article 26 and Article 20, Section 20.3.W of the CZO, respectively, as follows:

ARTICLE 26 - DEFINITIONS

Dwelling, Established Multi-Family. A residence with a history of multi-family use which is authorized to operate as a multi-family residence in accordance with Section 20.3.W.

ARTICLE 20 - USE STANDARDS

20.3.W DWELLING, ESTABLISHED MULTI-FAMILY AND DWELLING, TWO-FAMILY

1. For a two- or multi-family dwelling that is currently operating, the current legal, non-conforming status must be confirmed by the Department of Safety and Permits.
2. For a two- or multi-family dwelling that is not currently operating, the decision to authorize an established two- or multi-family dwelling shall be granted or denied based on the following considerations:
 - a. The extent to which the physical character of the structure is indicative of a legal history of two- or multi-family residential use, respectively.
 - b. The documentation of a legal history of two- or multi-family residential use, respectively.
 - c. The duration of the past use as a legal two- or multi-family residential use, respectively.

3. The structure is limited to the existing building footprint. No increase in building footprint or intensity of use permitted.
4. No additional conversions are permitted to the structure that would increase the number of dwelling units from that which historically existed.
5. For established two-family dwellings in the Lake Area Districts, such two-family dwellings are subject to the nonconformity requirements of Section 25.3.G.9 for existing two-family dwellings in the Lake Area Districts.

Adopted by Modified by Dec. 7, 2016, Zoning Docket 085-16, Ord. 27,205 MCS, §

In March of 2017, the Council adopted Zoning Docket 118-16, a text amendment to consider modification to the use permissions for “established multi-family.” Through Motion M-16-458, Council directed staff to consider modifying the CZO to allow established multi-family dwelling units and established two-family dwelling units as a conditional use in all areas where it had formerly been a permitted use, if constructed within 50 years of the date of application. The City Planning Commission staff recommended modified approval of this request, to make a distinction between established multi-family structures which have maintained their legal nonconforming use, per **Section 25.3.C and 25.3.D** of the CZO, and those that have lost their legal nonconforming use status. Again, in the interest of allowing more units to be maintained through the established multi-family use, to address the city’s growing need for affordable housing, staff recommended allowing those units which have maintained their legal nonconforming status by right. The conditional use only applies to structures which are found by the Department of Safety and Permits to have lost their nonconforming use status, based on the use standard described above.

Together, these two amendments to the Comprehensive Zoning Ordinance created the framework for the two-pronged approach to the “Establish Multi-family” and “Established Two-Family” Dwelling, which is currently shown in the Use Permissions as ‘P, C^x’, where the footnote (x) refers to the standards defined in Section 20. 3.W.

Existing Use Permissions

The following use tables indicate the zoning districts in which the use of “Dwelling, Established Multi-Family” and “Dwelling, Established Two Family” are currently allowed as a conditional use (C) or by right as a permitted use (P):

TABLE 9-1: PERMITTED AND CONDITIONAL USES HISTORIC CORE NEIGHBORHOODS NONRESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3
Dwelling, Established Two- Family					
Dwelling, Established Multi-family					P, C ⁴
Dwelling, Multi- family	P	P	P	P	
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

TABLE 11- 1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS RESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2
Dwelling, Established Two-Family	P, C ⁴				
Dwelling, Established Multi-family	P, C ⁴	P, C ⁴	P, C ⁴	P, C ⁴	P, C ⁴
Dwelling, Multi- family				P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

TABLE 12-1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS			
USES	DISTRICTS		
	HU-B1A	HU-B1	HU-MU
Dwelling, Established Two-Family			
Dwelling, Established Multi-family	P, C ⁸	P, C ⁸	
Dwelling, Multi-family			P
⁸ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.			

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS				
USES	DISTRICTS			
	S-RS	S-RD	S-RM1	S-RM2
Dwelling, Established Two-Family	P, C ⁴			
Dwelling, Established Multi-family				
Dwelling, Multi-family			P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.				

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS							
USES	DISTRICTS						
	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S-LRD2	S-LRM1	S-LRM2
Dwelling, Established Two-Family	P, C ⁴						
Dwelling, Established Multi-family	P, C ⁴						
Dwelling, Multi-family						P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.							

TABLE 14-1: PERMITTED AND CONDITIONAL USES SUBURBAN NEIGHBORHOOD NON-RESIDENTIAL						
USES	DISTRICTS					
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU
Dwelling, Established Two-Family						P, C ⁴
Dwelling, Established Multi-family						
Dwelling, Multi-family				C	P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.						

TABLE 15-1: PERMITTED AND CONDITIONAL USES COMMERCIAL CENTER & INSTITUTIONAL CAMPUS DISTRICTS									
USES	DISTRICTS								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
Dwelling, Established Two-Family								P, C ⁷	
Dwelling, Established Multi-family								P, C ⁷	
Dwelling, Multi-family				P	P	P	P		
⁷ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.									

What is the proposed language for the amendment?

City Council Motion No. M-20-279 does not offer specific language to be inserted in the Comprehensive Zoning Ordinance through this text amendment. Rather, the Council directs CPC staff to hold a public hearing and consider amending the definitions and uses of “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family” and includes specific conditions of these uses to be considered:

1. distinguish these “established” uses from other non-conforming uses; and
2. create factors and requirements for the re-establishment of “established” multi-family and two-family dwellings; and
3. determine if these “established” dwellings should be permitted by-right in all residential zoning districts where multi-family use is currently prohibited or requires a conditional use; and
4. recommend whether conditional uses, overlays, or other standards should govern the redevelopment of “established” dwellings within residential areas of the city near institutional uses, such as universities, to ensure that the encroachment of student housing into surrounding neighborhoods does not diminish affordable housing stock.

Additionally, the Motion directs the City Planning Commission to consider the following conditions for the re-establishment of previous multi-family dwellings in single/two-family residential districts:

1. Only properties with a “documented legal history” as a two or multi-family dwelling, as verified by the Department of Safety and Permits, the qualifications of which shall be clarified and/or defined, shall be eligible;

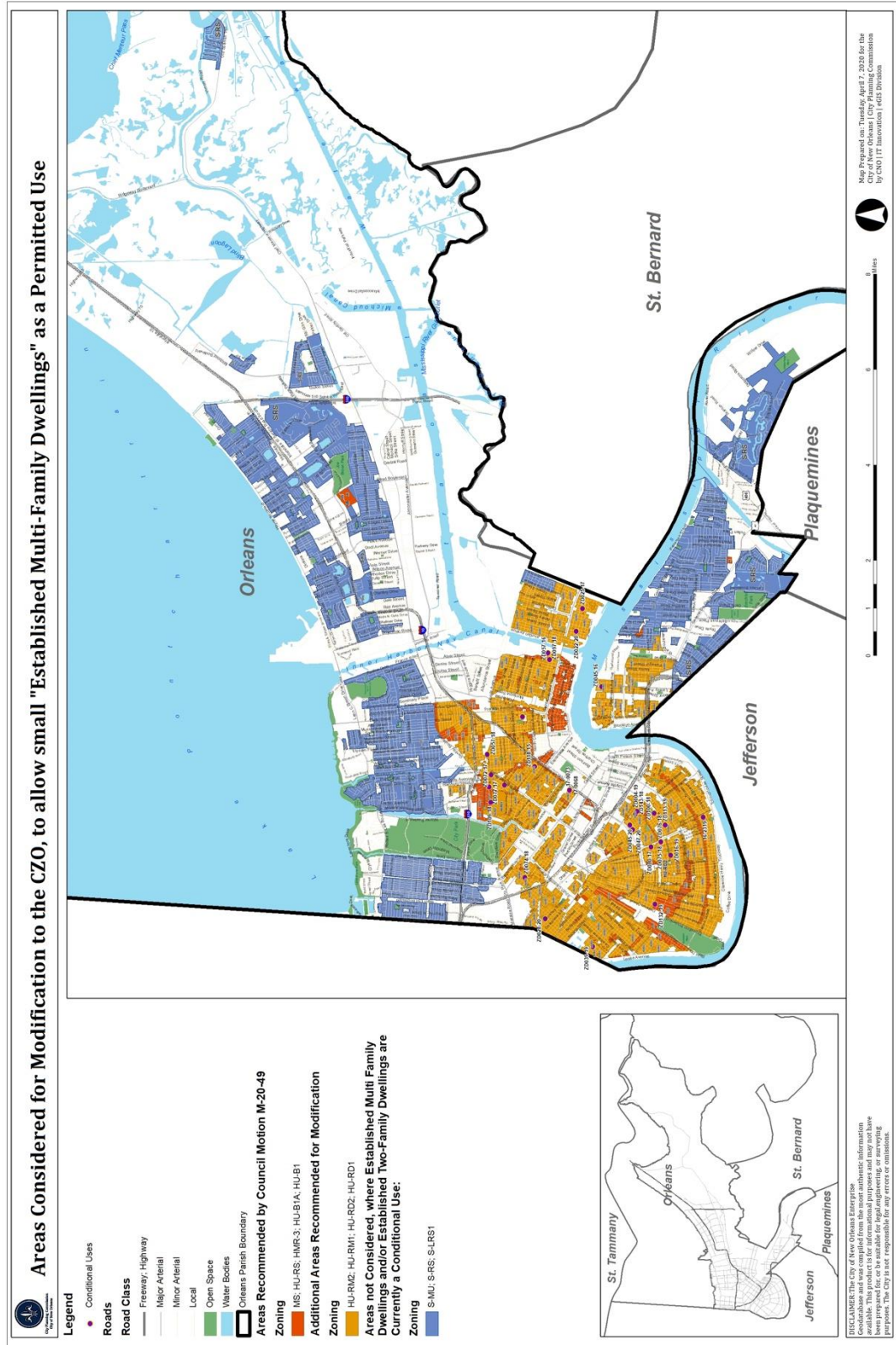
2. Re-establishment by right shall be limited to structures containing no more than four units; and
3. There shall be no increase of the footprint nor intensity of the structure. Any expansions of the use, such as the addition of bedrooms via substantial renovation or increases to the total floor area, shall remain a conditional use; and
4. If the history of the multi-family dwelling includes more than four unit, a conditional use shall be required; and
5. No additional conversions that would increase the number of dwelling units from that which historically existed shall be permitted.

The Motion grants CPC staff the “flexibility to make all appropriate changes to establish consistency and continuity of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.” Staff is therefore able to consider additional modifications to ensure the regulations remain consistent and to minimize ambiguity in the CZO.

Does the text amendment adequately answer the problem that is being addressed; if not, are other modifications necessary?

Council Motion M-20-279 does not directly recommend amendments to the CZO text, but rather requests staff consideration of a number of factors that go into the authorization of an established multi-family use. Staff’s analysis and recommended responses to these considerations are provided below.

Figure 4: Areas Considered for Modification



Staff analysis

Staff's recommended modifications to the CZO text in response to the Council Motion request are shown **bold and underlined** below. Recommended deletions will be shown with a ~~strikethrough~~.

CPC staff find that is appropriate and necessary to reduce the regulatory barriers that slow and limit the allowances of the establishment multi-family use. CPC case history shows that eighteen (18) of the conditional use requests for the re-establishment of multi-family uses were approved, suggesting that there is broad support at the CPC and City Council level for the allowance of this use. Structures eligible for the establishment multi-family use were in compliance with historic zoning allowances and are generally built to fit into the neighborhood fabric that surrounds them. As the need for more housing in New Orleans intensifies, offering an efficient and practical way to enable the established multi-family use can allow for more context-appropriate multi-family housing units in high opportunity neighborhoods.

The effort to revise the processes by which established multi-family buildings are brought back into use is also in line with specific goals and actions stated in Chapter 6, Housing and Neighborhoods, in the *New Orleans Plan for the 21st Century*, including:

- Support restoration and development of a diverse array of homeownership and rental housing typologies for residents of all income levels, based on an annual housing market analysis to assist in setting priorities. (**Subgoal 4.B**)
- Encourage infill development of affordable housing within high- opportunity neighborhoods (**Subgoal 4.B**)
- Provide zoning for a wide range of market rate housing choices. (**Subgoal 4.D**)
- Preserve the diversity of housing types within New Orleans Neighborhoods (singles, doubles, multi-family, etc.) (**Subgoal 4.D**)
- Ensure that neighborhood infill is encouraged and includes opportunities for small multi-family developments of 3-10 units to promote an array of housing choices. (**Subgoal 4.D**)
- Study historic densities in New Orleans neighborhoods to ensure that zoning does not prohibit densities that match neighborhood historic fabric. Focus particularly on ensuring availability of small multi- family rental and ownership options. (**Subgoal 4.D**)

Established multi-family dwellings present excellent opportunities to meet the housing goals stated in the New Orleans Master Plan. Established multi-family dwellings are an ideal opportunity for infill development that is aligned with the existing character and scale of New Orleans neighborhoods. Restoring small scale multi-family dwellings that have lost their nonconforming use can increase the number of available rental units, including those in high opportunity areas, which are in proximity to job centers, transit hubs and commercial corridors without introducing a problematic level of intensity to single and two-family residential neighborhoods. Easing the process and removing the uncertainties

of the Conditional Use process can improve the speed at which housing needs are met and encourage property owners to rehabilitate vacant housing.

Additionally, small scale multi-family structures can support homeownership sustainability, by presenting low to moderate income home-owners with the opportunity to earn rental income. This can be paired with other housing programs to offer greater affordability in these units. HousingNOLA has identified a gradual, but significant decline in landlords participating in Department of Housing and Urban Development's Housing Choice Voucher Program and the LHC's Small Rental Property Program. Multi-family dwellings operating at this scale are an ideal fit for such programs and research by Enterprise Community Partners found that small multi-family structures provide a high proportion of the nation's subsidized housing stock. Enabling the rehabilitation of existing multi-family structures can provide a simple, logical path toward restoring some of the 92,000 plus housing units in demand in New Orleans. With this in mind, staff will analyze each of the aspects requested for considered in Motion M-20-279, in the order that they appear in the motion.

1. Distinguish these “established” uses from other non-conforming uses

Currently, there are two relevant sections of the CZO that govern the established multi-family use. **Article 25** addresses the regulation of non-conforming uses and non-conforming structures, which is inclusive of all non-conforming uses and structures. **Article 20, Section 20.3.W** describes the use standards required for the Established Multi-Family and Established Two-Family uses. Together, these two articles prescribe what is allowable for these established uses.

Article 25 describes how the CZO should treat all non-conforming uses, which, as described in the CZO, “should be viewed narrowly and have all doubts resolved against the continuation or expansion of nonconformity in order to preserve the property rights of adjacent property owners”. Aligning with this view of these uses, Article 25 regulates that non-conforming uses lose their status as legally non-conforming once their use has lapsed for 180 days. This efficiently retires non-conformities so as to allow the zoning regulations to preside. This does not wholly apply to established multi-family, as **Section 25.3.G.1**, offers the restoration of certain non-conforming uses, including established multi-family and neighborhood commercial establishments, through a conditional use approval. Finally, **Article 25** also governs the treatment of non-conforming structures through **Section 25.3.A**, which prohibits the “expansion or increase in cubical content” unless otherwise specified.

The regulations in Article 25 are tailored to the established multi-family use through the district permissions as well as use standards described in **Article 20, Section 20.3.W**. In addition to restating that that a legally non-conforming multi-family use is allowable, as approved by Safety & Permits, this Section describes the considerations to be used to guide a restitution of a multi-family use and limits the footprint and number of units of the multi-family use. It is through these use standards that the established multi-family use gets a different treatment from other non-conforming uses.

Staff believes that using the non-conforming use framework for established multi-family does not align with the way this use should be considered. The established multi-family use is more appropriately seen as a stand-alone use, which is also as it appears in the use tables for the zoning districts. Rather than being seen as a disruption to the zoning framework that should be ushered out after a six-month lapse in use or tightly controlled through a conditional use process, staff believe that it is more appropriate to use the definition and use standards to fully circumscribe the treatment of established multi-family uses.

Staff believes further consideration of this topic may find that a separate category of “established” uses could be created, inclusive of established multi-family along with neighborhood commercial establishments. This “established” use could provide a different framing for those uses that were historically established and are seen to have a positive impact on today’s neighborhoods. Creating this distinction would enable the regulations to differentiate between those non-conforming uses or structures that may be disruptive to a neighborhood and incongruent with the future land use designation and those that are generally supported to remain in neighborhoods.

Staff therefore recommends an amendment to **Article 25, Section 25.3.G.1**, as follows:

In order to restore certain nonconforming uses such as ~~established multi-family dwellings~~ **and** neighborhood commercial establishments in the Historic Core and Historic Urban Districts, a conditional use approval is required. In addition to the conditional use requirements, any additional application requirements and approval standards in this section shall be included in the submittal and process. Any variance to the standards of this section shall be approved as part of the conditional use approval process.

2. Create factors and requirements for the re-establishment of “established” multi-family and two-family dwellings

Within this consideration, the motion also requests that City Planning consider the following:

- a. Only properties with a “documented legal history” as a two or multi-family dwelling, as verified by the Department of Safety and Permits, the qualifications of which shall be clarified and/or defined, shall be eligible.

Currently, the Zoning Division of the Department of Safety and Permits does the work of qualifying properties as legally non-conforming, through which currently operating established multi-family dwellings are allowed to remain. They use a combination of documents provided by the applicant, such as historic maps, floor plans, photos, utility bills, lease agreements and affidavits to confirm the number of units in existence on a property. As described above, Safety and Permits uses as 10 years as a window to determine if the use was legal at the time that it was constructed.

If a property is not in use, the currently applicable temporal standard applied to the “loss of nonconforming use” standard can make this process arbitrary and especially

cumbersome. Only when this research allows a determination does the CPC and City Council consider the factors related to the structure's appropriateness relative to the scale of the neighborhoods and potential impact, through the conditional use process. Considering the "historic use" is intrinsically tied to the existing structure, staff finds this process is a redundant and unnecessary procedure to determine whether an existing structure is an appropriate use.

Between 2006 and 2010, there was not a reliable process to allow the substantial number of established multi-family dwellings that were damaged in Hurricane Katrina to operate as rental housing again. Considering fewer than 500 of 104,000 applicants had received Road Home funding as of February 2007, and the limited funding available to support landlords through the Small Rental Property Programs, many rental properties damaged by Hurricane Katrina did not have had the opportunity to maintain their legal nonconforming use status.⁸ While the concern to eliminate "bad operators" from the market is understood, the impact of a consideration that applies a 10 year threshold to re-establishing use would likely lead to continued abandon or neglect, until the property is transferred to another owner with greater capacity to initiate a land use process to restore the property. This outcome specifically interferes with the goals of the Master Plan.

Upon consultation with the Zoning Administrator in the Department of Safety & Permits, staff have concluded that verifying the time at which a property became vacant could be challenging and unnecessary in the same way it has been to determine occupancy history. Whereas any property owner seeking consultation from Safety & Permits or CPC staff on this matter are demonstrating a desire to return the dwelling units to use and/or bring a blighted structure back into code compliance, the City should seek to make this process easier, based on the goals of the Master Plan.

For these reasons, staff recommends an approach which considers the objective, physical characteristics of the existing structure and documentation of its historic use, rather than its occupancy history. This is intended to create a more efficient process, which focuses on whether the existing structure and use as a multi-family dwelling are appropriate relative to the goals for that zoning district and surrounding area.

Rather than emphasizing the nonconforming use status of the existing multi-family structure, with the existing language in Use Standards **20.3.W.1**, staff recommend replacing the language as follows (sections b-c are described below)

1. **An established two family or multi-family use must meet the following requirements, as confirmed by Safety and Permits :**
 - a. **The structure must have a documented legal history of two units for a two family dwelling or 4 or fewer units for a multi-family dwelling, as confirmed by Safety and Permits; OR**
 - b. *To be described below*
 - c. *To be described below*

⁸ Fessler, Pam. *Red Tape Ties Up Katrina Funds*. National Public Radio. February 5, 2007. Web.

d. **Legal, nonconforming status has been confirmed by the Department of Safety & Permits**

3. Determine if these “established” dwellings should be permitted by-right in all residential zoning districts where multi-family use is currently prohibited or requires a conditional use;

Within this consideration, the motion requests that City Planning staff consider the following:

- a. Re-establishment by right shall be limited to structure containing no more than four units; and
- b. There shall be no increase of the footprint nor intensity of the structure. Any expansion of the use, such as the addition of bedrooms via substantial renovation or increase to the total floor area shall remain a conditional use; and
- c. If the history of the multi-family dwelling includes more than four units, a conditional use shall be required;
- d. No additional conversions that would increase the number of dwelling units from that which historically existed shall be permitted.

Given New Orleans’ established pattern of small multi-family dwellings and doubles, which was shaped by well documented early zoning maps, the reintroduction of existing small multi-family structures as a permitted use is appropriate. Most current dwelling units in New Orleans were constructed during the period when the most prevalent residential zoning designations allowed two- and four-family structures, and staff does not find that reintroducing the limited number of existing multi-family dwellings that have previously been underutilized will create a significant impact on the surrounding neighborhood. A structure providing four dwelling units or less, in the context of an area with otherwise lower density housing types, is not going to be disruptive to the quality of life in the neighborhood, in regard to traffic, noise, or other kinds of nuisances that are generally considered inappropriate for residential neighborhoods (**Figure 1**). Further, allowing unoccupied, small multi-family dwellings to return to the market by right is appropriate, as it is not necessarily introducing a new use, but allowing the restoration of a use which has likely preceded most current residents.

The process of obtaining a conditional use can be lengthy and burdensome for an applicant. Based on a query of zoning dockets through LAMA, staff have identified over 30 applications submitted to the City Planning Commission, seeking a conditional use for an established Multi-Family dwelling since the most recent regulations were adopted in 2016. Seven of these cases were never completed or were withdrawn before consideration by CPC. Of those cases that were successfully docketed, there were about 140 days on average between filing a complete application and adoption by the City Council. However, of the cases that have been closed and mapped, the average time between submitting an application and being able to apply for a building permit is 627 days- nearly two years. For these reasons, staff believes that the conditional use process should be reserved for

proposals and uses that are truly controversial, in the interest of meeting the goals for housing and neighborhoods, stated in the Master Plan, bearing in mind that most structures considered through the conditional use are vacant and likely in need of renovation.

The case history since 2016 of conditional use applications for existing multi-family also shows a strong approval pattern. Of the twenty cases staff identified, eighteen were small multi-family structures with three or four units. All eighteen of these requests were approved by the City Council. The two exceptions were established multi-family dwellings providing seven and six units, one located on Palmyra Street in Mid-City and another on Delachaise Street Uptown. The applicant representing the Delachaise project withdrew and resubmitted plans proposing 4 units, as opposed to 6, the conditional use was approved through Zoning Docket 101-19. This data indicates that the “established multi-family” use is generally looked upon favorably by the City Council and the City Planning Commission when applied to structures with a documented history of residential use containing less than 5 units, even if the property was previously vacant or unoccupied. Given the wide range of precedent supporting the rehabilitation of established multi-family dwellings under a certain size, staff recommends allowing the use of “Dwelling, Established Multi-family” as follows.

Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses in the following zoning districts:

- HMR-3 Historic Marigny/Tremé/Bywater Residential District,
- HU-B1A Neighborhood Business District,
- HU-B1 Neighborhood Business District,
- MS Medical Service District
- HU-RS, Historic Urban Single Family Districts
- HU-RD1, HU-RD2 Historic Urban Two Family Residential Districts
- HU-RM1, HU-RM1 Multi-Family Residential Districts

There is also an existing pattern to two or more principal structures which occupy the same lot in many historic areas in New Orleans. In order to preserve this historic housing type and create new opportunities for affordable housing, staff recommends adding the following standards to **Use Standard 20.3.W:**

A property with a documented history of two primary, detached single-family dwellings shall be permitted, as an established two-family dwelling, and a property with a documented history of more than one (1) primary structure, containing a total of 3 or more units shall be considered as an established multi-family dwelling.

It is worth noting that there are a limited number of properties where these modifications would enable additional density; the CPC has never received an application for a

conditional use to permit an established multi-family dwelling in any of the suburban districts. This is likely because the use of multi-family structures has not been typically permitted in these areas in the past (**Figure 1**). While doubles have typically been permitted in most of the S-RS and S-LRS1 areas, CPC has received fewer than five (5) applications to permit a double as a conditional use since 2016. Those applicants who have requested a conditional use to operate a double have been approved by the City Council.

Regarding changes to the structure itself, a distinction between the intensity of the use and footprint should be drawn. Any increase in the intensity of the multi-family use indicates a higher number of units, which is not the case for a change in footprint. **Section 20.3.W.3** requires that the structure be limited to the existing footprint, while **Section 20.3.W.4** states “additional conversions are permitted to the structure that would increase the number of dwelling units from that which historically existed”.

In order to increase the capacity for amenities and to modernize living conditions, staff recommends changing **Section 20.3.W.3** as below, while still prohibiting an increase in the number of units.

~~3. The structure is limited to the existing building footprint. No increase in building footprint or intensity of use is permitted.~~ **The structure may expand beyond the existing building footprint, to increase the total floor area. Structures with a proposed increase in building footprint must comply with the yard requirements according to the standards applied to the authorized residential use permitting the greatest number of dwelling units in its respective zoning district.**

Considerations for Multi-family Structures over 4 units in lower-density districts

Part of the benefit of the established multi-family use is that it provides an opportunity for infill development, without adding greater intensity or impact to the area. With this in mind, staff finds it is appropriate to allow an existing multi-family structure that has an historic use of more than 4 units to be restored as permitted uses if the following condition is met:

1. The proposed floor plan will reduce the number of units to 4 or fewer. This achieves the goal of maintaining a range of housing types that are an appropriate scale for the surrounding areas, while granting the property owner a more efficient and flexible path toward bringing the structure back into use. The situations in which this option would apply would be limited, given most historic urban and historic core neighborhoods were limited to four units or fewer according to historic zoning maps, and most suburban areas were limited to two-family structures (**Figure 1**).

To enact this, staff recommends the following additions to **Use Standard 20.3.W.1**:

- a. **The structure has a documented legal history of multi- family residential use providing more than 4 units but proposes to reduce the number of dwelling units to 4 or fewer.**

Considerations for Conditional Use Permissions as applied to Larger Multi-family Structures

Staff believe there should still be an opportunity for larger established multi-family structures to be put back into use, given (a) the need for additional housing opportunity in the city; and (b) the impracticality of reducing the existing density of larger multi-family structures to the density which is permitted in lower density zoning districts. In single and two-family zoning districts, which are intended for low density and low intensity development, it is appropriate for larger multi-family structures to be considered through the Conditional Use process, so that provisos can regulate impacts such as parking, waste management and stormwater management.

For larger multi-family structures which will be considered through a conditional use process, staff recommends the following modification to **Use Standard 20.3.W.2**:

The decision to authorize an established two- or multi-family dwelling **that does not meet the any of the conditions named in Section 20.3.W.1** shall be granted or denied based on the following considerations:

- a. The extent to which the physical character of the structure is indicative of a legal history of two- or multi-family residential use, respectively.
- b. The documentation of a legal history of two- or multi-family residential use, respectively.
- c. ~~The duration of the past use as a legal two- or multi-family residential use, respectively.~~

Consideration for larger established multi-family structures in appropriate zoning districts

Finally, larger established Multi-family structures are appropriate in certain zoning districts which are intended for high-density residential development and/or are conducive to higher volumes of traffic and mixed-use development. These areas are intended to accommodate more intense uses and ideally provide transit options or additional parking to accommodate vehicular traffic. Further, the use “multi-family dwelling” is currently permitted in the HU-RM1 and HU-RM2 districts, so there is no need to separately authorize established multi-family dwelling in those districts. The staff recommends allowing structures of any size with a documented history of multi-family use in the following zoning districts:

- HU-B1 Neighborhood Business District,
- MS Medical Service District

Changes to the Use Tables

Based on these considerations, staff recommends modifying the existing use tables within the Comprehensive Zoning Ordinance to allow as follows:

Table 2: Summary of Recommended Modifications to Use Tables for “Established Multi-Family			
Zoning District	Dwelling, Establish ed Two-Family	Dwelling, Established Multi-family, where 1. The structure must have a documented history of residential use containing 4 or fewer units; OR 2. The structure has a documented legal history of multi- family residential use providing more than 4 units, but proposes to reduce the number of dwelling units to 4 or fewer; OR 3. Legal, nonconforming status has been confirmed by the Department of Safety and Permits	Dwelling, Established Multi-family with 5 or more units
HMR-3 Historic Marigny/Tremé/ Bywater Residential District		P	C
HU-RS, Historic Urban Single Family Districts	P	P	C
HU-RD1 Historic Urban Two Family Residential Districts *		P	C
HU-RD2 Historic Urban Two Family Residential Districts *		P	C
HU-RM1 Multi-Family Residential District *		P	P
HU-RM2 Multi-Family Residential District *		P	P
HU-B1A Neighborhood Business District		P	C
HU-B1A Neighborhood Business District		P	P

MS Medical Service District	P	P	P
S-RS Suburban Single Family Residential District **	P		
S-LRS1 Lakeview Single-family Residential District **	P	P	C
S-MU Suburban Mixed Use District**	P		
<p>*Areas proposed for consideration by CPC, not recommended in Motion No. M-20-49</p> <p>** Areas impacted only by modifications made to Section 20.3.W</p>			

TABLE 9-1: PERMITTED AND CONDITIONAL USES HISTORIC CORE NEIGHBORHOODS RESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3
Dwelling, Established Two-Family					
Dwelling, Established Multi-family					P, C ⁴
Dwelling, Multi-family	P	P	P	P	
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

TABLE 11- 1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS RESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2
Dwelling, Established Two-Family	P, C ⁴				

Dwelling, Established Multi-family	P, C ⁴	P, C ⁴	P, C ⁴	P , € ⁴	P , € ⁴
Dwelling, Multi-family				P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

TABLE 12-1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS			
USES	DISTRICTS		
	HU-B1A	HU-B1	HU-MU
Dwelling, Established Two-Family			
Dwelling, Established Multi-family	P, C ⁸	P ⁹ , € ⁸	
Dwelling, Multi-family			P
⁸ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.			
⁹ Established Multi-Family Dwellings with a documented legal history are permitted uses in this district at any number previously provided.			

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS				
USES	DISTRICTS			
	S-RS	S-RD	S-RM1	S-RM2
Dwelling, Established Two-Family	P, € ⁴			
Dwelling, Established Multi-family				
Dwelling, Multi-family			P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.				

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS							
USES	DISTRICTS						
	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S-LRD2	S-LRM1	S-LRM2
Dwelling, Established Two-Family	P, € ⁴						
Dwelling, Established Multi-family	P, C ⁴						
Dwelling, Multi-family						P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.							

TABLE 14-1: PERMITTED AND CONDITIONAL USES SUBURBAN NEIGHBORHOOD NON-RESIDENTIAL						
USES	DISTRICTS					
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU
Dwelling, Established Two-Family						P, € ⁴
Dwelling, Established Multi-family						
Dwelling, Multi-family				C	P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.						

TABLE 15-1: PERMITTED AND CONDITIONAL USES COMMERCIAL CENTER & INSTITUTIONAL CAMPUS DISTRICTS									
USES	DISTRICTS								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
Dwelling, Established Two-Family								P, € ⁷	
Dwelling, Established Multi-family								P, € ⁷	
Dwelling, Multi-family				P	P	P	P		
⁷ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.									

4.Recommend whether conditional uses, overlays, or other standards should govern the redevelopment of “established” dwellings within residential areas of the city near institutional uses, such as universities, to ensure that the encroachment of student housing into surrounding neighborhoods does not diminish affordable housing stock.

Staff believes that the use of overlay districts to limit the allowances of established multi-family uses is not an appropriate tool to use to address concerns regarding student housing. An overlay of this type would restrict opportunities for naturally affordable housing in some high-opportunity neighborhoods with good access to jobs, amenities, and commercial corridors. Staff does not believe that it is the provision or re-establishment of multi-family housing that is the cause of any issue relating to student housing, but rather bulky additions to existing singles and doubles. Research about the impact of student housing shows that there are several different solutions employed by other cities that serve to reduce the negative impact of student housing on neighborhoods. One strategy is to allow greater density in a portion of the neighborhood closest to campus to meet the need for student housing while diminishing impacts in the part of the neighborhood farther from campus. Furthermore, the small number of established multi-family uses in districts nears universities indicates that it is not the established multi-family use that is the cause of student housing related issues.

For this reason, staff does not recommend any conditional use, overlay or other standard that considers the established multi-family use alongside student housing, as these are separate issues that each merit a separate consideration.

III. Compliance with Approval Standards

The proposed amendment is compatible with the Master Plan and Future Land Use Map.

As discussed in previous sections of this report, staff find this amendment generally aligns with several of the following goals of Chapter 5, Housing and Neighborhoods, within the Master Plan. There are several action items assigned to CPC, which are particularly relevant to this text amendment, which staff have considered in shaping their recommendations. Those actions are indicated with asterisks* next to the stated goal or action below:

CHAPTER 5 - HOUSING AND NEIGHBORHOODS

Goal 1. Enhanced character and livability for neighborhoods with investments that improve quality of life

Subgoal 1.A. Tailor policies and programs to maintain and enhance the physical, economic, social and cultural character and diversity of existing residential neighborhoods.

- Use zoning to guide the scale and character of new infill to fit in with the character of established residential areas, while accommodating an array of single- and multi-family housing options to meet the strong need for more housing units in New Orleans.*
- Use zoning to ensure appropriate transitions between established residential areas and redevelopment of underutilized sites.

Goal 2: Focus investment strategies to meet neighborhood needs and promote equity and access to opportunity.

Subgoal 2.A. Continue redevelopment of blighted and vacant sites through a comprehensive blight elimination program under unified management. Establish neighborhood plans that direct investment strategies in each neighborhood. In neighborhoods and areas with limited market activity, focus on catalytic investments and community-based programs that benefit existing residents and increase access to opportunity.

- Establish annual inspections for rental properties and for houses at time of sale. Develop an improved Code Enforcement system to ensure that occupied rental properties are up to code.

Subgoal 2.B. In neighborhoods and areas with increasing market activity, prevent displacement of existing residents by providing home rehabilitation resources, and creating new affordable homeownership and rental housing units.

- Create and expand home repair grant and loan programs targeted to help low-income and senior homeowners renovate their properties.

- Increase opportunities for small- to-medium-scale multi-family development that fits into neighborhood fabric to increase housing supply. *

Subgoal 2.D. Encourage innovative, experimental and low-cost uses of vacant property, which is defined as property that contains a structure that: (1) Is without visible signs of continuous human habitation by persons legally entitled to be on the premises; and (2) Is substantially devoid of functional contents pertaining to the operations or activities customary to occupancy; or (3) Is unsecured, such that it is accessible without force to trespassers or other unauthorized persons, to enhance the likelihood that a vacant space will eventually find a permanent use.

- Increase opportunities for large- scale multi-family development in areas adjacent to transit and commercial corridors and on 1-to-5 acre parcels of vacant land

Goal 4: Reinvest in housing policies to support quality neighborhoods, meet the diverse housing needs of all households, and support a range of rental and homeownership options for residents of all income levels

Subgoal 4.B. Preserve existing supply and expand the total supply of affordable rental and homeownership opportunities throughout New Orleans.

- Support restoration and development of a diverse array of homeownership and rental housing typologies for residents of all income levels, based on an annual housing market analysis to assist in setting priorities. *
- Encourage infill development of affordable housing within high- opportunity neighborhoods. *
- Enable new large multi- family developments of 75 units or more to be built in high-opportunity neighborhoods and in areas that have access to jobs, neighborhood services, and high- frequency transit lines

Subgoal 4.D. Maintain and expand market-rate housing choices and housing supply*

- Provide zoning for a wide range of market rate housing choices. *
- Preserve the diversity of housing types within New Orleans Neighborhoods (singles, doubles, multi-family, etc.). *
- Ensure that neighborhood infill is encouraged and includes opportunities for small multi-family developments of 3-10 units to promote an array of housing choices. *
- Study historic densities in New Orleans neighborhoods to ensure that zoning does not prohibit densities that match neighborhood historic fabric. Focus particularly on ensuring availability of small multi- family rental and ownership options. *
- Create opportunities for mixed-use and multi- family development along commercial corridors and high- frequency transit corridors, and consider intensification of existing mixed-use and multi- family districts, with particular focus on areas with strong access to jobs and opportunity. *

Subgoal 4.E. Prevent future displacement through development activities and continued study and policy review

The Home Rule Charter of the City of New Orleans requires all land use actions to be consistent with the Master Plan. A land use action is consistent with the Plan for the 21st Century, commonly known as the Master Plan, if it furthers, or at least does not interfere with, the goals, policies, and is compatible with the proposed future uses, densities, and intensities designated in the Land Use Element of the Plan. Chapter 14 of the Master Plan (the Land Use Plan) designates the future land use of the petitioned site as “Residential Low Density Pre-War.” The goal, range of uses and development character for that designation are provided below.

CHAPTER 13- FUTURE LAND USE MAP

The request for an amendment to consider modifications to use permissions for Established Two-Family and Established Multi-Family dwellings in the Comprehensive Zoning Ordinance is consistent with the *Plan for the 21st Century*, commonly known as the Master Plan. Since the text amendment deals with existing structures, it is essentially a modification to the non-conforming use regulations of the CZO, rather than establishing a new use. Therefore, there should be some flexibility when evaluating in the context of to the Future Land Use Map (FLUM) categories’ range of uses. Nevertheless, most FLUM categories speak to the preservation of housing and other non-conforming uses. The goal, range of uses, and development character for Future Land Use categories pertaining to each zoning district considered for this text amendment are copied below:

RESIDENTIAL SINGLE-FAMILY PRE-WAR

Goal: Preserve the existing character and scale of pre-war (WWII) single-family residential areas of the city and allow for compatible infill development.

Range of Uses: Single-family dwellings, agriculture, stormwater management, and supporting public recreational and community facilities allowed (e.g. schools and places of worship). Neighborhood-serving businesses and traditional corner stores may be allowed where current or former use is verified. Conversion to multi-family, neighborhood-serving commercial, or mixed used may be allowed for historical institutional or other non-residential structures.

Development Character: New development will fit the character and scale of surrounding single-family residential areas where structures are typically located on smaller lots and have small front and side setbacks. Incorporate risk reduction and adaptation strategies in the built environment.

RESIDENTIAL LOW DENSITY PRE-WAR

Goal: Preserve the scale and character of pre-war (WWII) residential neighborhoods of lower density where the predominant use is single and two-family

residential and allow for compatible infill development. Discourage the development of additional multi-family housing that is out of scale with existing character.

Range of Uses: New development generally limited to single, two-family, and new or existing multi-family dwellings that are compatible with the scale and character of the surrounding residential neighborhood, especially when located in proximity to major transportation corridors. Businesses, traditional corner stores, and mixed use may be allowed where current or former commercial use is verified. Agriculture, storm water management, and supporting recreational and community facilities (e.g. schools and places of worship) also allowed. Conversion to multi-family, neighborhood-serving commercial or mixed-use may be allowed for historical institutional or other nonresidential structures.

Development Character: New development will fit with the character and scale of surrounding residential neighborhoods where structures are typically located on smaller lots and have minimal front and side setbacks. Allow the adaptive reuse of historic nonresidential structures with densities higher than the surrounding neighborhood through the planned development process. Allow higher residential densities when a project is providing significant public benefits such as long-term affordable housing. Incorporate risk reduction and adaptation strategies in the built environment.

RESIDENTIAL LOW DENSITY POST-WAR

Goal: Preserve the scale and character of post-war (WWII) residential neighborhoods of lower density where the predominant use is single and two-family residential lots and allow for compatible infill development.

Range of Uses: New development includes single-family, two-family, town home, and multi-family dwellings that are compatible with the scale and character of the surrounding residential neighborhood, especially when located in proximity to major transportation corridors. Commercial developments may be allowed where current or former commercial use is verified. Agriculture, storm water management, and supporting recreational and community facilities (e.g. schools and places of worship) also allowed. New two-family and town home developments may be allowed in planned communities. Conversion to multifamily, neighborhood-serving commercial or mixed-use may be allowed for historical institutional or other non-residential structures.

Development Character: New development will fit with the character and scale of surrounding neighborhoods where residential structures are typically set back away from the street on larger lots than in older, pre-war neighborhoods. Allow the adaptive reuse of historic non-residential structures with densities higher than the surrounding neighborhood through

the planned development process. Allow higher residential densities when a project is providing significant public benefits such as long-term affordable housing. Incorporate risk reduction and adaptation strategies in the built environment.

RESIDENTIAL MEDIUM DENSITY PRE-WAR

Goal: Preserve the character and scale of pre-war (WWII) residential areas that currently have a variety of housing types and sizes and allow for compatible infill development.

Range of Uses: Single and two-family residences, townhomes, and multi-family dwellings that are compatible with the scale and character of the surrounding residential neighborhood, especially when located in proximity to major transportation corridors. Businesses, traditional corner stores and mixed use developments may be allowed where current or former commercial use is verified. Agriculture, storm water management, and supporting recreational and community facilities (e.g. schools and places of worship) also allowed. New two-family and town home developments may be allowed in planned communities. Conversion to multi-family, neighborhood-serving commercial or mixed use may be allowed for historical institutional or other non-residential structures.

Development Character: New development will conform to the general character and scale of surrounding neighborhoods. These areas are primarily located along major roadways, often with bus or streetcar service—existing or planned—that can support higher densities. Allow the adaptive reuse of historic non-residential structures with densities higher than the surrounding neighborhood through the planned development process. Allow higher residential densities when a project is providing significant public benefits such as long-term affordable housing. Incorporate risk reduction and adaptation strategies in the built environment.

RESIDENTIAL MULTI-FAMILY PRE-WAR

Goal: Preserve the character and scale of existing multi-family residential areas in older areas of the city and encourage new multi-family development at nodes along transit routes that can support greater densities.

Range of Uses: Multi-family residential structures allowed. Limited neighborhood serving commercial uses on the ground floor allowed. Agricultural, stormwater management, and supporting public recreational and community facilities allowed (e.g., schools and places of worship). Conversion to multi-family, neighborhood-serving commercial, or mixed use may be allowed for certain existing historical institutional or other non-residential buildings.

Development Character: Taller high-rise structures could be allowed where appropriate with design guidelines. Allow the adaptive reuse of historic non-

residential structures with densities higher than the surrounding neighborhood through the planned development process. Allow higher residential densities when a project is providing significant public benefits such as long-term affordable housing. Incorporate risk reduction and adaptation strategies in the built environment.

RESIDENTIAL HISTORIC CORE

Goal: Preserve the character and scale of 18th through mid-20th century residential areas and allow for compatible infill development.

Range of Uses: Single and two-family residences, townhomes, and small multi-family structures, neighborhood-serving businesses, traditional corner stores, mixed use developments may be allowed where current or former commercial use is verified. Conversion to multi-family, neighborhood-serving commercial or mixed-use may be allowed for historical institutional or other non-residential structures. Agriculture, storm water management, and supporting recreational and community facilities (e.g. schools, cultural facilities and places of worship) also allowed.

Development Character: The density, height, and mass of new development will be consistent with the character and tout ensemble of the surrounding historic neighborhood. A variety of types and sizes of development may be appropriate. Allow the adaptive reuse of historic non-residential structures with densities higher than the surrounding neighborhood through the planned development process. Allow higher residential densities when a project is providing significant public benefits such as long-term affordable housing. Incorporate risk reduction and adaptation strategies in the built environment.

NEIGHBORHOOD COMMERCIAL

Goal: Provide areas for small-scale, neighborhood-oriented commercial development that enhances the pedestrian character and convenience of neighborhoods by allowing commercial establishments in select locations within walking distance to surrounding residential areas.

Range of Uses: Retail and professional service establishments serving local neighborhood area residents. Single and two-family dwellings are allowed. Agricultural, stormwater management, and supporting public recreational and community facilities are allowed. Common uses include small groceries, restaurants, barber shops/salons, clothing boutiques, banks, pharmacies, and small health professional offices. Conversion to multi-family, commercial, or mixed use may be allowed for certain existing historical institutional or other non-residential buildings.

Development Character: Buildings are oriented to the sidewalk (parking in rear where possible) with maximum heights related to the character of the street. Landscaping is required for parking lots facing the street. Incorporate risk reduction and adaptation strategies in the built environment.

MIXED-USE LOW DENSITY

Goal: Increase neighborhood convenience and walkability within and along edges of neighborhoods with low density residential and neighborhood-serving retail/commercial establishments.

Range of Uses: Low-density single-family, two-family and multi-family residential and neighborhood business; typically, businesses in residential scale buildings interspersed with residences. Uses can be combined horizontally or vertically (ground floor retail required in certain areas). Limited light-industrial uses (small food manufacturers, craft and value added industry and passive warehousing and storage) may be allowed in some areas. Agricultural, stormwater management, and supporting public recreational and community facilities are allowed. Transit and transportation facilities are allowed.

Development Character: Height, mass and density of new development varied depending on surrounding neighborhood character. Allow the adaptive reuse of historic non-residential structures with densities higher than the surrounding neighborhood through the planned development process. Allow higher residential densities when a project is providing significant public benefits such as long-term affordable housing. Incorporate risk reduction and adaptation strategies in the built environment.

MIXED-USE HEALTH/LIFE SCIENCES NEIGHBORHOOD

Goal: Provide areas for hospitals, offices, supportive retail and residential uses to create a vibrant neighborhood center with job growth in the medical care and research sectors.

Range of Uses: Hospitals, offices, residential (single-family, two-family, and multi-family along major corridors), and supporting neighborhood retail/services. Agricultural, stormwater management, and supporting public recreational and community facilities are allowed.

Development Character: The scale of new development will vary depending on location and will be determined by the appropriate height and massing. Special attention needed to ensure appropriate transitions from higher density corridors (i.e., Tulane Avenue) to surrounding historic, low density neighborhoods. Incorporate risk reduction and adaptation strategies in the built environment.

The proposed amendment is compatible with the place designations of the CZO.

This standard is met. The amendment only modifies existing district permissions and nonconforming use regulations and does not introduce a new use affecting place designations.

The proposed amendment promotes the public health, safety and welfare of the City.

This standard is met. The proposed text amendments will support health, safety and welfare of the City by providing additional opportunities for affordable housing and by allowing unoccupied structures to return to their historic use.

The proposed amendment is compatible with the intent and general regulations of this Ordinance.

This standard is met. The proposed amendment aligns with the intent of the CZO.

The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

This standard is met. The proposed amendment reflects a change in policy, and seeks to maintain consistency and clarity throughout the zoning ordinance.

The proposed amendment benefits the citizens of New Orleans as a whole.

This standard is met. The proposed text amendments will benefit the citizens of New Orleans by providing additional opportunities for affordable housing and by allowing unoccupied structures to return to their historic use.

The proposed amendment does not create a significant number of nonconformities.

This standard is met. The proposal creates a pathway for vacant, nonconforming structures to come into conformity and reestablish use.

III. SUMMARY

The “established multi-family” use is defined in **Article 26 of the Comprehensive Zoning Ordinance (CZO)** as “a residence with a history of multi-family use which is authorized to operate as a multi-family residence in accordance with Section 20.3.W.” New Orleans’ first zoning ordinance, which was adopted in 1929, permitted two family and multi-family residential development in most areas of the city. Many of the areas where multi-family development was originally permitted, such as Uptown and the Irish Channel, Mid-City and 9th Ward retained their 4-family designation well into the latter half of the 20th Century, with large areas permitting 4-plexes and apartments. While not all structures built in the early to mid 20th Century in these zoning districts were multi-family structures, an established and well documented pattern of small scale multi-family development across

New Orleans' historic neighborhoods was established and is clearly reflected in New Orleans' historic neighborhoods today.

As each new amendment to the CZO has been adopted, existing multi-family dwellings constructed in areas that have been rezoned to restrict residential development to single or two-family dwellings have been designated as a nonconforming structure. Systemic challenges to gaining "*legal* nonconforming status" for the many structures with a history of multi-family use can be attributed to a significant decline in the number of housing units and underutilization of existing small multi-family structures in the city. **Section 25.3.C** of the CZO states "a particular use that is established as nonconforming is deemed abandoned when that particular nonconforming use is discontinued or becomes vacant or unoccupied for a continuous period of one-hundred eighty (180) days," about 6 months. **Article 25.3.D Destruction of Structures Containing a Nonconforming Use** states that "structures containing a legally nonconforming use that are in whole or in part destroyed by "force majeure" must seek an application for restoration permit within one year of the destruction, and restoration must be completed within one year of receipt of this permit.

As a result of these policies, coupled with delays in the disbursement of Road Home funding, many units within historic and established multi-family structures lost their legal nonconforming status in the years following Hurricane Katrina. Until 2015, there was no citywide process for re-establishing legal nonconforming status for existing multi-family structures other than submitting an application for a zoning change. As of 2015, the current policy of permitting only those structures which have lost legal nonconforming status to operate as a conditional in some areas was adopted by the City Council. Staff have found this process adds additional length and costs to a renovation project as well as an unnecessary burden on staff capacity at CPC and the Department of Safety & Permits.

Additionally, data from US Census indicates that Orleans Parish has lost twenty-one percent of small multi-family structures since 2000. Meanwhile, there is a need for an estimated thirty-three thousand additional housing units, to intervene in New Orleans' housing crisis, which will certainly be exacerbated by the economic recession as a result of the COVID-19 Virus. Permitting the use of "Established Multi-family" will allow a significant number of units that have lost legal nonconforming status to return to the market, and enable the maintenance and retention of a variety of housing opportunities New Orleans desperately needs. Established multi-family dwellings present excellent opportunities to meet this need and fulfill housing goals and actions assigned to CPC in Chapter 5 of the New Orleans Master Plan.

Given New Orleans' established pattern of small multi-family dwellings and doubles, which was shaped by well documented early zoning maps, the reintroduction of existing small multi-family structures as a permitted use is appropriate. The case history since 2015 of conditional use applications for existing multi-family shows a strong approval pattern. Of the twenty cases staff identified, eighteen were small multi-family structures with three or four units. All eighteen of these requests were approved by the City Council. This data indicates that the "established multi-family" use is generally looked upon favorably by the City Council and the City Planning Commission when applied to structures with a documented history of residential use containing less than 5 units, even if the property was

previously vacant or unoccupied. Given the wide range of precedent supporting the rehabilitation of established multi-family dwellings under a certain size, staff recommend allowing the use of “Dwelling, Established Multi-family” in the following districts: HMR-3 Historic Marigny/Tremé/Bywater Residential District, HU-B1A Neighborhood Business District, HU-B1 Neighborhood Business District, MS Medical Service District, HU-RS, Historic Urban Single Family Districts, HU-RD1, and HU-RD2 Historic Urban Two Family Residential Districts.

This recommendation should be applied through the use standards in Article 20 of the CZO. There are three zoning districts where the use “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family” are applied: S-RS Single-Family Residential District, S-LRS1 Lakeview Single-Family Residential District, S-MU Suburban Neighborhood Mixed-Use District. In these areas, the recommendation to permit established multi-family structures providing less than 4 units would apply. To maintain consistency in the CZO, established two family structures should also be permitted in the HU-RS, Historic Urban Single Family District. MS Medical Service District, S-RS Single-Family Residential District, S-LRS1 Lakeview Single-Family Residential District, S-MU Suburban Neighborhood Mixed-Use District.

Staff believe there should still be an opportunity for larger established multi-family structures to be put back into use, given (a) the need for additional housing opportunity in the city; and (b) the impracticality of reducing the existing density of larger multi-family structures to the density which is permitted in lower density zoning districts. In single and two-family zoning districts, which are intended for low density and low intensity development, it is appropriate for larger multi-family structures to be considered through the Conditional Use process unless the applicant decides to reduce the units to 4 units. However, in the HU-B1 Neighborhood Business District and MS Medical Service District, given that these areas are intended to accommodate more intense uses and ideally provide transit options or additional parking to accommodate vehicular traffic, larger established multi-family dwellings should be permitted.

Established multi-family and established two family structures which are permitted by right or by conditional use will be subject to the use standards in Article 20, which are adapted to reflect a more straightforward approach to confirming the “established” nature of the use. In order to increase the capacity for accommodating amenities and to modernize living conditions, staff recommends allowing modifications that expand the livable area of units within an established multi-family structure, without adding additional units.

IV. PRELIMINARY STAFF RECOMMENDATION

The staff recommends MODIFIED APPROVAL of Zoning Docket 083/20. However, the staff further recommends that the City Planning Commission DEFER action until the November 10, 2020 meeting, to consider recently received public comments raising important issues.

20.3.W DWELLING, ESTABLISHED MULTI-FAMILY AND DWELLING, TWO-FAMILY

1. ~~For a two- or multi-family dwelling that is currently operating, the current legal, non-conforming status must be confirmed by the Department of Safety & Permits.~~ An established two family or multi-family use must meet the following requirements, as confirmed by Safety and Permits:
 - a. The structure must have a documented legal history of two units for a two family dwelling or 4 or fewer units for a multi-family dwelling, as confirmed by Safety and Permits; OR
 - b. The structure has a documented legal history of multi- family residential use providing more than 4 units, but reduces the number of dwelling units to 4 or fewer; OR
 - c. The established multi-family structure with any number of units is within a zoning district where the Established Multi-Family use chart lists the use only as “P” – a permitted use; OR
 - d. Legal, nonconforming status has been confirmed by the Department of Safety & Permits.
2. The decision to authorize an established two- or multi-family dwelling that does not meet any of the conditions in Section 20.3.W.1 shall be granted or denied based on the following considerations:
 - a. The extent to which the physical character of the structure is indicative of a legal history of two- or multi-family residential use, respectively.
 - b. The documentation of a legal history of two- or multi-family residential use, respectively.
 - c. ~~The duration of the past use as a legal two- or multi- family residential use, respectively.~~
3. A property with a documented legal history of 2 primary, detached single-family dwellings shall be considered an established two-family dwelling, and a property with a documented legal history of more than one primary structure, containing 3 or more total units of all structures combined, shall be considered an established multi-family dwelling.
4. ~~The structure is limited to the existing building footprint. No increase in building footprint or intensity of use is permitted.~~ The structure may expand beyond the existing building footprint, to increase the total floor area. Structures with a

proposed increase in building footprint must comply with the yard requirements according to the standards applied to the authorized residential use permitting the greatest number of dwelling units in its respective zoning district.

5. No additional conversions are permitted to the structure that would increase the number of dwelling units from that which historically existed.
6. For established two-family dwellings in the Lake Area Districts, such two-family dwellings are subject to the nonconformity requirements of Section 25.3.G.9 for existing two-family dwellings in the Lake Area Districts.

ARTICLE 25, SECTION 25.3.G.1

1. In order to restore certain nonconforming uses ~~such as established multi-family dwellings~~ and neighborhood commercial establishments in the Historic Core and Historic Urban Districts, a conditional use approval is required. In addition to the conditional use requirements, any additional application requirements and approval standards in this section shall be included in the submittal and process. Any variance to the standards of this section shall be approved as part of the conditional use approval process.

TABLE 9-1: PERMITTED AND CONDITIONAL USES HISTORIC CORE NEIGHBORHOODS NONRESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3
Dwelling, Established Two-Family					
Dwelling, Established Multi-family					P, C ⁴
Dwelling, Multi-family	P	P	P	P	
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

TABLE 11- 1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS RESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2
Dwelling, Established Two-Family	P, € ⁴				
Dwelling, Established Multi-family	P, C ⁴	P, C ⁴	P, C ⁴	P , € ⁴	P , € ⁴
Dwelling, Multi-family				P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

TABLE 12-1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS			
USES	DISTRICTS		
	HU-B1A	HU-B1	HU-MU
Dwelling, Established Two-Family			
Dwelling, Established Multi-family	P, C ⁸	P ⁹ , € ⁸	
Dwelling, Multi-family			P
⁸ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.			
⁹ Established Multi-Family Dwellings with a documented legal history are permitted uses in this district at any number previously provided.			

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS				
USES	DISTRICTS			
	S-RS	S-RD	S-RM1	S-RM2
Dwelling, Established Two- Family	P, € ⁴			
Dwelling, Established Multi- family				
Dwelling, Multi- family			P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.				

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS							
USES	DISTRICTS						
	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S- LRD2	S- LRM1	S- LRM2
Dwelling, Established Two-Family	P, € ⁴						
Dwelling, Established Multi-family	P, C ⁴						
Dwelling, Multi-family						P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.							

TABLE 14-1: PERMITTED AND CONDITIONAL USES SUBURBAN NEIGHBORHOOD NON-RESIDENTIAL						
USES	DISTRICTS					
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU
Dwelling, Established Two-Family						P, C ⁴
Dwelling, Established Multi-family						
Dwelling, Multi-family				C	P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.						

TABLE 15-1: PERMITTED AND CONDITIONAL USES COMMERCIAL CENTER & INSTITUTIONAL CAMPUS DISTRICTS									
USES	DISTRICTS								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
Dwelling, Established Two-Family								P, C ⁷	
Dwelling, Established Multi-family								P, C ⁷	
Dwelling, Multi-family				P	P	P	P		
⁷ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.									

REASONS FOR RECOMMENDATION

1. There is a need to expand the housing opportunities in high opportunity areas in New Orleans.
2. The Future Land Use Map states the intention of preserving existing character and variety of housing types through infill development.
3. The Master Plan states the specific goals of accommodating an array of existing housing stock within New Orleans historic residential neighborhoods.

VI. CITY PLANNING COMMISSION MEETING (September 8, 2020)

The City Planning Commission hosted a virtual meeting through Zoom. Staff described the context of Established Multi-Family housing in New Orleans and their recommendation to streamline the processes that allow for these housing types throughout the city. Because several comments were received towards the end of the drafting of this report that staff were unable to address, staff requested that this item be deferred in order to allow consideration of these comments.

Commissioner Steeg asked about the potential for Established Multi-Family housing to become dormitory housing and how the number of units allowed would be determined. Staff responded that Safety and Permits currently studies the legal history of the building to make the determination of the number of units historically in the building. Staff also described how the dormitories issue is related to occupancy, which is not regulated through the CZO. Staff also noted that the D2D IZD would apply to existing doubles and established multi-family housing within the IZD area, making further development unlikely.

This item received eight comments in support, two comments in opposition and one comment to provide or request more information. The comments in support generally described the connection between established multi-family housing and the affordable housing needs in the city. The comments against noted the potential for established multi-family housing to be used as short-term rentals or student housing, both of which can inflate the profits gained from the housing type. The request for more information noted an inconsistency between the established multi-family housing type and the purpose of the CZO.

Commissioner Steeg requested that staff address short-term rentals in the revision of this staff report, noting that the purpose to increase affordable housing by allowance established multi-family housing could be undermined if short-term rentals are allowed. This request to consider short-term rentals was echoed by Commissioner Mobley. Commissioner Lunn made a motion to defer the item, which was seconded by Commissioner Brown and unanimously approved.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 083/20 IS HEREBY RECOMMENDED FOR DEFFERAL TO THE NOVEMBER 10TH CITY PLANNING COMMISSION MEETING.

YEAS: Brown, Flick, Lunn, Mobley, Steeg, Stewart, Wedberg,

NAYS: None

ABSENT: Marshall, Witry

VII. FURTHER CONSIDERATION (October 30, 2020)

Regulation of Short Term Rentals

In the October 27th City Planning Commission meeting, comments provided by the Faubourg Marigny Improvement Association expressed concern that authorizing multifamily structures by right could contribute to the proliferation of short term rental units, rather than providing affordable housing. They state “we urge you to consider this issue and assure that these new units created by this conversion to Multi Family be used to house actual residents (which we are struggling to retain) that have been pushed out of our neighborhood, by banning STR's in these units.” Following these comments, Commissioner Mobley and Commissioner Steeg requested that staff consider limitations or prohibitions on the operation of short term rentals in established multifamily structures. Commissioner Steeg elaborated that, if a policy goal is to expand opportunities for affordable housing supply that meets the needs of New Orleans’ residents, limitations on the conversion of this use for short term rentals to tourists would be a logical consideration. The concerns from residents and the directive from the City Planning Commission are the impetus for further evaluation of how permitting 3-unit and 4-unit established multifamily structures by right may impact short term rentals.

A significant amount of CPC and Council staff time has been dedicated to regulation of short term rentals. When the regulations were recently overhauled, a Small Short Term Rental was limited to 1 unit in an owner-occupied building with no more than 4 units. Essentially, an established multi-family dwelling can permit no more STRs than a two-family dwelling. The City made a collective decision to permit the use of short term rentals in many residential zoning districts, and the City has adopted budgets to fund the regulation of this use to address concerns of their proliferation in New Orleans’ neighborhoods. The vast majority of conditional uses approved for established multi-family dwellings have not prohibited STRs on this issue in the past. As stated in the staff report, the matter of short term rentals and student housing are both separate policy issues, which merit separate consideration.

The potential for limiting short term rentals is now much more constrained than it was when STR policy was being crafted. The current STR regulations apply to those legally nonconforming established multifamily structures that have continuously operated across the city for decades. Meaning, there is currently nothing to prevent a legally nonconforming established multifamily structure from obtaining a permit to operate an STR in an established multifamily structure, assuming the proposal meets the requirements of the CZO related to that use. If a prohibition on STRs licensure in an established multifamily dwelling is adopted, may new non-conforming uses could be created since STRs are currently allowed in such buildings. Prohibiting the operation of STRs in an authorized established multifamily would create an inconsistency within the CZO, and therefore, staff cannot recommend this option. Instead, staff notes that a 3-4 unit established multi-family dwelling can have no more STRs than any two-family dwelling and that owner-occupancy would be required the same as for a two-family dwelling.

The staff previously conducted a thorough analysis of whether amendments to the established multi-family dwelling regulations could result in a significant change to STR numbers citywide. The staff concluded that the only zoning districts in which a somewhat minor change is possible

are districts where multi-family dwellings are prohibited, but both small and large short-term rentals are permitted, such as the HU-B1 Historic Urban District. However, even in this district “dwellings above the ground floor” are a permitted use, so the established multi-family text amendment should not have a major effect. This analysis previously conducted by the staff is attached to this report.

Clarification of eligibility in the use standards

Established Multi-Family dwellings must comply with its associated use standards. Through the use standards in Article 20, Section 20.3.W, the CZO describes the eligibility criteria required for structures to be considered an established multi-family dwelling. The use standards also delineate different intensities of established multi-family dwellings based on the number of units.

Staff recommends that the crux of eligibility to be an established multi-family use be the most recent legal documented history of the structure. The units allowed in an established multi-family structure will reflect the number of units directly preceding any activity related to the structure’s status, such as a change in ownership or application for a renovation permit. The purpose of the established multi-family use is to enable structures currently built with a higher number of units than is permitted in the base zoning to be allowed to operate with that elevated number of units, regardless of a lapse in use. To capture this, staff have added the following qualifier to the documented legal history criteria included in Section 20.3.W.1.a and 20.3.W.1.b: **“documented legal history is determined based on evidence of dwellings units which currently exist but may not be operating on a given property”**. This qualifier supports those structures that are configured with a higher number of units than are allowable in the base zoning, but which are prevented from using all units because of the base zoning.

For the purposes of these use standards, “legal” refers to whether the structure, with the number of units supported in the structure, was legal according to the zoning code at the point at which it was built or later established legal non-conforming status. As stated in the report, according to state law (**RS 9:5625**), cities have 5 years to enforce zoning regulations in areas outside of local historic districts and 10 years for determinations in historic districts. Therefore, where there is uncertainty as to whether a multi-family property was “legal” (permitted in the zoning code) at the time it was established, if the owner can document that the use has been there for at least 5 or 10 years, Safety and Permits can presume it is legal at that point.

“Documented history” in these standards refers to documents that indicate the number of dwelling units in a structure. Safety and Permits staff have noted that electricity bills are a good example of this documented history, as electricity bills will usually be split by unit. Other documents currently used, such as historic maps, floor plans, photos, utility bills, lease agreements and affidavits that indicate the number of units supported in a structure.

To capture each of these eligibility aspects, staff is recommending the following use standards for those Established Multi-Family Dwellings that are permitted by right as follows:

20.3.W DWELLING, ESTABLISHED MULTI-FAMILY AND DWELLING, TWO-FAMILY

1. **An established two family or multi-family use must meet the following requirements, as confirmed by Safety and Permits:**
 - a. **The structure must have a documented legal history of two units for a two family dwelling or 4 or fewer units for a multi-family dwelling, as confirmed by Safety and Permits, where documented legal history is determined based**

on evidence of dwellings units which currently exist but may not be operating on a given property OR

- b. The structure has a documented legal history of multi-family residential use providing more than 4 units, but reduces the number of dwelling units to 4 or fewer, where documented legal history is determined based on evidence of dwellings units which currently exist but may not be operating on a given property; OR
- c. The established multi-family structure with any number of units is within a zoning district where the use chart lists the Established Multi-Family use only as “P” – a permitted use; OR
- d. Legal, nonconforming status has been confirmed by the Department of Safety & Permits.

If a structure does not meet any of the conditions described in Section 20.3.W.1, Section 20.3.W.2 would apply. Properties that do not meet 20.3.W.1 but do meeting 20.3.W.2. would be required to receive approval through the conditional use process. Staff recommends this section read as follows:

- 2. The decision to authorize an established two- or multi-family dwelling that does not meet any of the conditions in Section 20.3.W.1 shall be granted or denied based on the following considerations:
 - a. The extent to which the physical character of the structure is indicative of a legal history of two- or multi-family residential use, respectively.
 - b. The documentation of a legal history of two- or multi-family residential use, respectively.

Consistency with Article 25 Nonconformities, Section 25.3 Nonconforming Use and 25.4 Nonconforming Structures

Staff addressed the concern with the Safety & Permits and Law Departments that the text amendment would create an inconsistency with nonconforming use and nonconforming structure provisions in Article 25 of the Comprehensive Zoning Ordinance. Though a multi-family structure or a two-family structure may be nonconforming uses or structures currently, such structures would no longer be considered nonconforming if the use chart of the applicable zoning district authorizes them as a permitted use or upon receiving conditional use approval, when conditional use is required. The uses are thereafter considered authorized uses and are not subject to the regulations of Article 25.

V. PRELIMINARY STAFF RECOMMENDATION (October 30, 2020)

The staff recommends **MODIFIED APPROVAL** of Zoning Docket 083/20. Text considered new and different from the text implied in the City Council motion or existing CZO text is shown in **bold underlining** while text derived from the motion or existing CZO text is shown in ~~strikethrough~~.

20.3.W DWELLING, ESTABLISHED MULTI-FAMILY AND DWELLING, TWO-FAMILY

- 1. **An established two family or multi-family use must meet the following requirements, as confirmed by Safety and Permits:**

- a. The structure must have a documented legal history of two units for a two family dwelling or 4 or fewer units for a multi-family dwelling, as confirmed by Safety and Permits, where documented legal history is determined based on evidence of dwellings units which *currently exist* but may not be operating on a given property OR
 - b. The structure has a documented legal history of multi- family residential use providing more than 4 units, but reduces the number of dwelling units to 4 or fewer, where documented legal history is determined based on evidence of dwellings units which *currently exist* but may not be operating on a given property; OR
 - c. The established multi-family structure with any number of units is within a zoning district where the use chart lists the Established Multi-Family use only as “P” – a permitted use; OR
 - d. Legal, nonconforming status has been confirmed by the Department of Safety & Permits.
2. The decision to authorize an established two- or multi-family dwelling **that does not meet any of the conditions in Section 20.3.W.1** shall be granted or denied based on the following considerations:
 - a. The extent to which the physical character of the structure is indicative of a legal history of two- or multi-family residential use, respectively.
 - b. The documentation of a legal history of two- or multi-family residential use, respectively.
 - c. ~~The duration of the past use as a legal two- or multi family residential use, respectively.~~
 3. **A property with a documented legal history of 2 primary, detached single-family dwellings shall be considered an established two-family dwelling, and a property with a documented legal history of more than one primary structure, containing 3 or more total units of all structures combined, shall be considered an established multi-family dwelling.**
 4. ~~The structure is limited to the existing building footprint. No increase in building footprint or intensity of use is permitted.~~ **The structure may expand beyond the existing building footprint, to increase the total floor area if plans are approved by the Safety & Permits Department. Structures with a proposed increase in building footprint must comply with the yard requirements according to the standards applied to the authorized residential use permitting the greatest number of dwelling units in its respective zoning district.**
 5. No additional conversions are permitted to the structure that would increase the number of dwelling units from that which historically existed.

6. For established two-family dwellings in the Lake Area Districts, such two-family dwellings are subject to the nonconformity requirements of Section 25.3.G.9 for existing two-family dwellings in the Lake Area Districts.

ARTICLE 25, SECTION 25.3.G.1

1. In order to restore certain nonconforming uses such as ~~established multi-family dwellings and~~ neighborhood commercial establishments in the Historic Core and Historic Urban Districts, a conditional use approval is required. In addition to the conditional use requirements, any additional application requirements and approval standards in this section shall be included in the submittal and process. Any variance to the standards of this section shall be approved as part of the conditional use approval process.

TABLE 9-1: PERMITTED AND CONDITIONAL USES HISTORIC CORE NEIGHBORHOODS NONRESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3
Dwelling, Established Two-Family					
Dwelling, Established Multi-family					P, C ⁴
Dwelling, Multi-family	P	P	P	P	
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

TABLE 11- 1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS RESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2
Dwelling, Established Two-Family	P, € ⁴				
Dwelling, Established Multi-family	P, C ⁴	P, C ⁴	P, C ⁴	P , € ⁴	P , € ⁴
Dwelling, Multi-family				P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

TABLE 12-1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS			
USES	DISTRICTS		
	HU-B1A	HU-B1	HU-MU
Dwelling, Established Two-Family			
Dwelling, Established Multi-family	P, C ⁸	P ⁹ , € ⁸	
Dwelling, Multi-family			P
⁸ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.			
⁹ Established Multi-Family Dwellings with a documented legal history are permitted uses in this district at any number previously provided.			

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS				
USES	DISTRICTS			
	S-RS	S-RD	S-RM1	S-RM2
Dwelling, Established Two- Family	P, € ⁴			
Dwelling, Established Multi- family				
Dwelling, Multi- family			P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.				

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS							
USES	DISTRICTS						
	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S- LRD2	S- LRM1	S- LRM2
Dwelling, Established Two-Family	P, € ⁴						
Dwelling, Established Multi-family	P, C ⁴						
Dwelling, Multi-family						P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.							

TABLE 14-1: PERMITTED AND CONDITIONAL USES SUBURBAN NEIGHBORHOOD NON-RESIDENTIAL						
USES	DISTRICTS					
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU
Dwelling, Established Two-Family						P, C ⁴
Dwelling, Established Multi-family						
Dwelling, Multi-family				C	P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.						

TABLE 15-1: PERMITTED AND CONDITIONAL USES COMMERCIAL CENTER & INSTITUTIONAL CAMPUS DISTRICTS									
USES	DISTRICTS								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
Dwelling, Established Two-Family								P, C ⁷	
Dwelling, Established Multi-family								P, C ⁷	
Dwelling, Multi-family				P	P	P	P		
⁷ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.									

VI. REASONS FOR RECOMMENDATION

1. There is a need to expand the housing opportunities in high opportunity areas in New Orleans.
2. The Future Land Use Map states the intention of preserving existing character and variety of housing types through infill development.
3. The Master Plan states the specific goals of accommodating an array of existing housing stock within New Orleans historic residential neighborhoods.

VII. CITY PLANNING COMMISSION MEETING (November 10, 2020)

The City Planning Commission hosted a virtual meeting through Zoom. Staff explained how the proposed changes to the CZO can support the creation of much-needed affordable housing in New Orleans with little impact on the city's neighborhood fabric. Staff presented responses to questions from the October 27th City Planning Commission meeting regarding short-term rentals, eligibility for the established multi-family use and the precedence of zoning district permissions over the non-conforming use regulations in Article 25. There were twelve public comments submitted in support of the application, two comments submitted in opposition, and three comments submitted to provide more information. The comments in support bolstered arguments regarding the need for affordable housing and the overly burdensome process currently required for property owners to use established multi-family properties with the full number of units present in the property. Comments in opposition noted that there are properties in some neighborhoods of New Orleans that had units added to the original construction of the house. These comments requested that the limit of number of units be determined based on the original construction of a property. Comments providing additional information stressed the potential of established multi-family properties to be converted to dormitories or short-term rentals instead of housing because of the increased profit to be gained from these properties.

Commissioner Wedberg asked the staff to explain the requirements for properties to be determined as established multi-family. Commissioner Steeg asked about how unintended consequences, such as creating opportunities for dormitories or short-term rentals, can be avoided. Staff explained the current STR regulations would allow one STR unit in both a duplex and a fourplex along with owner occupancy, so the change in established multi-family regulations could not create significantly more STR units. Commissioner Steeg asked about the issues with conversions to dormitories, to which staff responded that the issues with doubles to dormitories is not solely an issue with established multi-family, but also with currently allowed doubles. An interim zoning district currently requires that any bedroom added be provided with a parking space. Commission Mobley asked about how many established multi-family buildings are in the university area. Staff found that there have been zero conditional use requests for the established multifamily use in the and 7 legal non-conforming use determinations in the university area. Commissioner Wedberg asked if a double, once converted to a single, would be able to be reconverted to a double. Staff responded that only currently existing units would be allowed to be brought back into use. Commissioner Brown asked about actions that the CPC has taken to limit the impact of student housing. Staff noted the interim zoning district, which will be in place for a full year and can be renewed for another year following that.

Commissioner Witry made a motion for modified approval, as per staffs' recommendation, nothing that the planning tools available are in place to address the concerns brought up by the Commission and comments. The motion was seconded by Commissioner Lunn and unanimously approved.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 083/20 IS HEREBY RECOMMENDED FOR **MODIFIED APPROVAL**. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

YEAS: Brown, Flick, Lunn, Marshall, Mobley, Steeg, Stewart, Wedberg, Witry

NAYS: None

ABSENT: None

20.3.W DWELLING, ESTABLISHED MULTI-FAMILY AND DWELLING, TWO-FAMILY

1. An established two family or multi-family use must meet the following requirements, as confirmed by Safety and Permits:
 - a. The structure must have a documented legal history of two units for a two family dwelling or 4 or fewer units for a multi-family dwelling, as confirmed by Safety and Permits, where documented legal history is determined based on evidence of dwellings units which *currently exist* but may not be operating on a given property OR
 - b. The structure has a documented legal history of multi- family residential use providing more than 4 units, but reduces the number of dwelling units to 4 or fewer, where documented legal history is determined based on evidence of dwellings units which *currently exist* but may not be operating on a given property; OR
 - c. The established multi-family structure with any number of units is within a zoning district where the use chart lists the Established Multi-Family use only as “P” – a permitted use; OR
 - d. Legal, nonconforming status has been confirmed by the Department of Safety & Permits.
2. The decision to authorize an established two- or multi-family dwelling that does not meet any of the conditions in Section 20.3.W.1 shall be granted or denied based on the following considerations:
 - a. The extent to which the physical character of the structure is indicative of a legal history of two- or multi-family residential use, respectively.
 - b. The documentation of a legal history of two- or multi-family residential use, respectively.
3. A property with a documented legal history of 2 primary, detached single-family dwellings shall be considered an established two-family dwelling, and a property with a documented legal history of more than one primary structure, containing 3

or more total units of all structures combined, shall be considered an established multi-family dwelling.

4. The structure may expand beyond the existing building footprint, to increase the total floor area if plans are approved by the Safety & Permits Department. Structures with a proposed increase in building footprint must comply with the yard requirements according to the standards applied to the authorized residential use permitting the greatest number of dwelling units in its respective zoning district.
5. No additional conversions are permitted to the structure that would increase the number of dwelling units from that which historically existed.
6. For established two-family dwellings in the Lake Area Districts, such two-family dwellings are subject to the nonconformity requirements of Section 25.3.G.9 for existing two-family dwellings in the Lake Area Districts.

ARTICLE 25, SECTION 25.3.G.1

1. In order to restore certain nonconforming uses such as neighborhood commercial establishments in the Historic Core and Historic Urban Districts, a conditional use approval is required. In addition to the conditional use requirements, any additional application requirements and approval standards in this section shall be included in the submittal and process. Any variance to the standards of this section shall be approved as part of the conditional use approval process.

TABLE 9-1: PERMITTED AND CONDITIONAL USES HISTORIC CORE NEIGHBORHOODS NONRESIDENTIAL DISTRICTS					
USES	DISTRICTS				
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Dwelling, Established Two-Family					
Dwelling, Established Multi-family					P, C ⁴
Dwelling, Multi-family	P	P	P	P	
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

TABLE 11- 1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS RESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2
Dwelling, Established Two-Family	P				
Dwelling, Established Multi-family	P, C ⁴	P, C ⁴	P, C ⁴		
Dwelling, Multi-family				P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

TABLE 12-1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS			
USES	DISTRICTS		
	HU-B1A	HU-B1	HU-MU
Dwelling, Established Two-Family			
Dwelling, Established Multi-family	P, C ⁸	P ⁹	
Dwelling, Multi-family			P
⁸ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.			
⁹ Established Multi-Family Dwellings with a documented legal history are permitted uses in this district at any number previously provided.			

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS				
USES	DISTRICTS			
	S-RS	S-RD	S-RM1	S-RM2
Dwelling, Established Two- Family	P			
Dwelling, Established Multi- family				
Dwelling, Multi- family			P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.				

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS							
USES	DISTRICTS						
	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S- LRD2	S- LRM1	S- LRM2
Dwelling, Established Two-Family	P						
Dwelling, Established Multi-family	P, C ⁴						
Dwelling, Multi-family						P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.							

TABLE 14-1: PERMITTED AND CONDITIONAL USES SUBURBAN NEIGHBORHOOD NON-RESIDENTIAL						
USES	DISTRICTS					
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU
Dwelling, Established Two-Family						
Dwelling, Established Multi-family						
Dwelling, Multi-family				C	P	P

TABLE 15-1: PERMITTED AND CONDITIONAL USES COMMERCIAL CENTER & INSTITUTIONAL CAMPUS DISTRICTS									
USES	DISTRICTS								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
Dwelling, Established Two-Family								P	
Dwelling, Established Multi-family								P	
Dwelling, Multi-family				P	P	P	P		

VIII. REASONS FOR RECOMMENDATION

- 1.** There is a need to expand the housing opportunities in high opportunity areas in New Orleans.
- 2.** The Future Land Use Map states the intention of preserving existing character and variety of housing types through infill development.
- 3.** The Master Plan states the specific goals of accommodating an array of existing housing stock within New Orleans historic residential neighborhoods.

Item Number	Full Name	Physical Address	Representing (Other Than Self):	Paid Representative?	Item	Support or Opposition?	Public Comment
3	Nicole Webre	2131 Bienville NOLA 70112		No	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family" text amendment	In support of this application.	<p>In my experience there are many historically multi-family properties that are 3 and 4 units with at least one of the units occupied by full time residential tenants and/or owners. However because the underlying zoning district does not allow for 3 or 4 unit residential buildings, when the property was renovated after Katrina only two units were able to be renovated. In most cases the property owner was forced to file a change of use from multi-family to two-family in order to get a building permit. Essentially they had to "forfeit" their legal nonconforming use in order to renovate ANY of the units. 15 years later these buildings sit with vacant and gutted units that present an opportunity for affordable housing.</p> <p>Typically when we file a Legal Nonconforming Use application to request verification of the multi-family house we submit copies of past and present leases to prove the legal nonconforming use through occupancy. The leases often prove that the redevelopment of these historically multi-family buildings are providing affordable housing either through below market rate rents or subsidized lease agreements. Existing 3, 4 and 5 units houses are an opportunity for new affordable housing units to become available in a very short period of time because the cost of construction to renovate them is much less than new construction or conversion of another type of use into residential.</p> <p>Should this motion be adopted by the City Council we will see an immediate opportunity for locals to offer newly renovated and code compliant units for affordable rents in our historic urban and historic core neighborhoods that are close to public transportation, schools, jobs, parks and businesses. The more units we have available the more advantageous it will be for our residents or displaced residents seeking affordable housing options.</p>
3	Leah LeBlanc	4640 S Carrollton Ave Ste 160, New Orleans, LA 70119	Greater New Orleans Housing Alliance	Yes	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family"	In support of this application.	As a representative of the Greater New Orleans Housing Alliance, we ask the City Planning Commission to support this zoning docket. As you know, we are in the midst of an affordable housing crisis that was present before and then exacerbated by the COVID-19 pandemic. Once again, we encourage you to explore affordable housing opportunities by moving to establish and expand quadplexes in New Orleans. Multifamily housing, along with affordable set asides, are essential to undoing the racist foundation our current housing system is built on. We applaud this effort and urge all public officials to #PutHousingFirst by seeking ways to create and sustain affordable housing, especially for our vulnerable populations and essential workers who keep us safe and make this city what it is.

3	Chunlin Leonhard	1414 Audubon Street, New Orleans, La. 70118		No	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family" text amendment	Would like to provide or request information regarding this application.	<p>The CPC recommendations related to Zoning Docket 083-20 directly contradict the City Council's requirement that CPC propose changes to “establish consistency and continuity with the existing code.” The recommendations also undermine the intent of CZO and the City’s Master Plan to preserve certain historic neighborhoods unique to New Orleans.</p> <p>The CZO and the Master Plan clearly intend to preserve the character of certain historic neighborhoods. However, CPC recommends that established multifamily dwellings units (“EMDs”) with less than 5 units be permitted in single or two family historic residential districts without EMDs being treated as nonconforming uses. CPC has not proposed any meaningful standards to determine when a building could qualify as an EMD. Further, it advocates eliminating the current CZO prohibition against EMDs’ expansion of the existing building footprint. The combined effect of these CPC’s recommendations would essentially lead to the elimination of single or two-family historic residential districts in New Orleans, a drastic rewriting of the CZO and the Master Plan.</p> <p>CPC also rejects the use of an overlay district to limit the allowances of EMDs in residential areas where the demand for student or other short-term rentals has already created incentives to overbuild. The CPC report states: “Staff does not believe that it is the provision or re-establishment of multi-family housing that is the cause of any issue relating to student housing, but rather bulky additions to existing singles and doubles.” Report at p. 34. Staff seems to ignore that those “bulky additions” ARE the tangible results of allowing EMDs. The current CPC recommendations would allow even more “bulky additions.”</p> <p>If CPC is trying to up zone the City to create affordable housing, please at least try to learn from other cities’ mistakes. There are plenty of examples.</p>
3	Allen Johnson	1418 Chartres, B	Faubourg Marigny Improvement Association	No	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family" text amendment	In opposition of this application.	<p>The FMIA has submitted a letter (which you should have recieved) expressing a concerns about this motion and study, which are the same we expressed in the spring when thisissue first came up. First of all, as a neighborhood organization in an Historic District , we support the Clty Council's opposition to modifying a home's footprint.</p> <p>Secondly, we asked that you consider the peculiar position that the Marigny is in. Our neighborhood has seen many residents pushed out by rising real estate values, and one of the major reasons is the growth of the tourist industry beyond the CBD and French Quarter. The French Quarter has been given special considerations through the years (such as a moratorium on new hotels and STR's) to preserve their residential integrity, while the Marigny has not been granted such courtesies. Not surprisingly, changes in our neighborhood have come faster than we can comprehend. The most profound has obviously been STR's, as a lack of density limits or any other controls has seen many people pushed out of our neighborhood and further away from their jobs. Also, the money that can be made on STRs has caused many landlords to push out long term renters in favor of the quick buck that can be made by STRs, and driven up real estate prices. We urge you to consider this issue and assure that these new units created by this conversion to Multi Family be used to house actual residents (which we are struggling to retain) that have been pushed out ofour neighborhood, by banning STR's in these units. This is not without precedent, as the RiverFront Overlay, approved by the City Council in 2018, bans STRs, to assure (as could best be done) that these developments would have residents in them.</p> <p>Additionally, we ask you to consider the growth in pied a terres, a less well known development in our neighborhood. Many people are purchasing weekend crash pads for visits to New Orleans. This is a practice that happened in the French Quarter over 20 years ago, and measures were taken to slow down that growth, and the French Quarter has struggled for years to recover from the effects on their neighborhood character. We ask that you consider the special circumstances that the Historic Core is in when you consider this issue.</p>

3	Robert Abelson	621 Broadway st		No	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family" text amendment	In support of this application.	<p>There is a housing crisis in New Orleans. This problem is exacerbated by the current restrictions the city has applied on investors, local owners, and developers preventing their ability to renovate run down or unsafe properties. These restrictions limit the ability to re-introduce viable housing stock that meets current building code standards. The only way forward is to add units/ density-- opening up existing supply to be absorbed as affordable or alternative housing. It's a relatively simple equation-- we need new supply.</p> <p>Due to the current regulations, the city is actually losing housing. Rental units that were once built below grade (prone to flooding) are being abandoned, with little or no way to add them back into the housing stock. The city needs to allow people to invest and renovate properties in order to give both residents and students clean, updated places to live. There is no objective evidence that student apartments in the university area are adversely impacting affordable housing. By allowing investors to add bedrooms and renovate existing properties, it will help alleviate the housing shortage in New Orleans.</p>
3	Maxwell Ciardullo	1340 Poydras St., Suite 710, New Orleans, LA 70112	Louisiana Fair Housing Action Center	Yes	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family" text amendment	In support of this application.	<p>Single-family zoning was designed as a racist end-around the 1917 Supreme Court decision that struck down zoning explicitly by race. It delivered the same results, but was upheld because it didn't say the racist part out loud. New Orleans had its own unconstitutional racist zoning law, struck down in 1927, however, we have continued with zoning practices that generally have the same result: our city is deeply segregated, now even more than we were before Katrina. Among the tools in the segregation tool box that we have regularly employed are downzoning huge swaths of the city, reducing density and height restrictions, and capitulating to NIMBY neighbors who consistently oppose affordable developments in wealthy or gentrifying neighborhoods.</p> <p>Cities and states across the country are considering bold steps to undo these past practices by eliminating single-family zoning. What's before you today is the tiniest of baby steps in comparison. There is nothing controversial about letting a 4-plex be used as a 4-plex. As the CPC stated, this is not new, it is a "restoration of a use" that "likely preceded most current residents."</p> <p>If we're ever going to undue the segregation and inequality in our city, we must repudiate the idea that 4-plexes are somehow degrading to a neighborhood and reject the notion that certain neighborhoods deserve to be "protected" from them. Do not fall for the red herring arguments about university districts. The CPC staff has made clear multiple times that there are few of these buildings in university districts and they are not the problem.</p> <p>The issue here is whether we continue forward with restrictive land use policies that perpetuate segregation or whether we create the foundation for neighborhoods that are open to all. The Louisiana Fair Housing Action Center urges you to support the staff recommendations so that we can remove barriers from the redevelopment of small multifamily structures in ALL neighborhoods.</p>

3	S.P. Johnson	2822 Lepage St. New Orleans, La. 70119	No	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family" text amendment	In support of this application.	<p>Dear City Planning Commission:</p> <p>In regard to Motion M-20-279, please adopt sensible regulations to ensure that multifamily construction **in fact** creates affordable housing that is compatible with existing neighborhoods.</p> <p>Please require conditional use/overlay on multifamily use in the University Area so as to regulate density and overdevelopment. No increases in existing footprint; cap the number of dwelling units generally at four; no increase in the number of dwelling units over the established, historic number; and please limit bedroom expansion.</p> <p>We are actively fighting blight in Carrollton, which is fast being consumed by developers of private student housing, creating impossible living conditions for homeowners and long-term residents.</p> <p>Please make Tulane University accountable for housing its undergraduates on campus.</p> <p>How did we arrive at an affordable housing shortage? Too many short-term rentals, which take housing off the market for locals—not to mention the chronically low wages earned by working families.</p> <p>**Please support a living wage for hardworking New Orleanians.**</p> <p>No, none of this is easy.</p> <p>Best regards, S.P. Johnson Carrollton native c/o 2822 Lepage St. New Orleans, La. 70119</p>
3	Gustavo Romero	2600 General Pershing	No	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family"	In support of this application.	I support the proposed language supplied by the City on pages 45 et al of its staff report.

3	Katherine Swartout	2820 s Saratoga St	Self	No	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family" text amendment	In support of this application.	<p>I am in full support of the proposed language set forth by the City starting at page 45 of its staff report.</p> <p>As the City has pointed out, it takes on average two years from submitting a completed application for conditional use to being able to apply for a building permit. This is unsupportable for an person trying to timely update or renovate a structure. Homeowners do not have the time, money, or energy to bring their current units up to present code. This has been forcing renters to live in unsafe and subpar conditions with landlords that have zero incentive to update or renovate the space. Further, by expressly allowing the expansion of the structure's perimeter, Homeowners can provide formerly below-grade spaces elsewhere (within the buildable lot space) without having to raise the entire building to absurd heights.</p> <p>As a suggestion, I would perhaps define “documented legal history” within the text of the CZO, or otherwise reference the memo defining how this is determined.</p> <p>Further, as a student who fell in love with New Orleans and now calls it home, I feel the need to chime in that it was my amazing neighbors that made me want to stay. While our initial stay may only be planned for a few years, we (Students) are all potential neighbors and residents in the making, and are equally a part of the diverse fabric of this wonderful city.</p>
3	John Sullivan	643 Magazine Street, Suite 202	Enterprise Community Partners	Yes	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family" text amendment	In support of this application.	<p>We ask that the Commission support the staff's recommendation. Given the current lack of affordable housing in the City, we should be making it easier, not harder, for multifamily housing to come back online. This is particularly true when a certain property has already been in the neighborhood for decades.</p>
3	Justin Schmidt	909 Poydras Street, Ste. 1500	None at this specific meeting	No	ZONING DOCKET 083/20 - "Dwelling, Established Multi-Family" and "Dwelling, Established Two-Family" text amendment	In opposition of this application.	<p>I am encouraged to learn of the Staff's request to further defer this docket until a future meeting, to further consider issues raised during the review process.</p> <p>After reading the Preliminary Staff Report, I am still concerned that in attempting to accommodate the Council's request, Staff has blurred the subtle, yet critical line and distinctions between: 1) a “structure containing a legally nonconforming use” as regulated in Section 25.3 of the CZO; as opposed to 2) a “nonconforming structure” as regulated in Section 25.4 of the CZO. These are two (2) defined terms in Article 26 of the CZO.</p> <p>Article 25 of the CZO treats these two building statuses very differently, and regulates in very different manners how properties falling within one of these two categories are classified.</p> <p>The Staff Report and the discussion on this matter to date has focused merely on the analysis of a structure based on a determination of whether it is an “Established Multi-Family” dwelling or an “Established Two-Family” dwelling, and has not factored in the nuances of Section 25.3 and Section 25.4. In reality, it is possible that either established multi-family or established two-family dwellings could be classified as a “structure containing a legally nonconforming use” or a “nonconforming structure,” and could then be in conflict of Section 25.3 or 25.4 of the CZO.</p> <p>Please look at this particular issue closely between today and the next meeting this docket is considered.</p> <p>Thank you.</p>

10	Alphonse Smith	13040	Representing Giving Hope Foundation as Executive Director	Yes	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service Road	In support of this application.	An addition to Mr. Duhon's remarks for context about the overall holistic vision for the site: future services supporting community residents will come from the development of the adjacent lots facing the 10 East Service Road. The location will be the future headquarters of a Giving Hope, which include a community space, a new food pantry, and kitchen/dining area.
10	Clarence Richardson II	11404 North Saint Andrews Circle New Orleans LA 70128		No	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service Road	In opposition of this application.	I am in OPPOSITION to the ZD 090/20 - Giving Hope Properties 1 & 2.
10	Troy Henry	281 Oakmont Drive N.O. LA 70128	Self and Eastover Property Owners Association	No	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service Road	In opposition of this application.	<p>Zoning Docket 090/20</p> <p>Dear City Planning Commissioners,</p> <p>My name is Troy Henry and I serve as Chairman of the Board of Directors of the Eastover Property Owners Association (EPOA), the neighborhood adjacent to the proposed development. I represent 377 home and property owners of the subdivision. In addition to Eastover, the nearby neighborhoods of Lake Bullard, McKendall Estates, and Lake Forest Estates are united in our vehement opposition to the RESIDENTIAL portion of this development.</p> <p>Our opposition is based on 3 primary objections:</p> <p>1)After spending years of the community working with the CPC to develop zoning standards, we find it offensive that a project that blatantly violates the intention of the City code is being reconsidered. We believe that the Read East corridor between I-510 and Read Blvd, and I-10 and Dwyer, should remain of free of any additional multifamily developments. And, that the I-10 Service Road area being discussed should remain intact as a commercial zone only.</p> <p>2)The proposed residential complex lacks infrastructure for a senior community. It has no sidewalks, no public transportation and one-way access out of the area. The proposed site was not selected for best usage, it was selected because it represented a cheaper solution for the developer.</p> <p>3)Most importantly, we believe that inserting low-income senior housing into the neighborhood will severely impair and diminish the property values of Eastover homes and our adjacent neighbors. This means that a cheap solution for developer would come at the expense of many East New Orleans families. Since Hurricane Katrina, N.O. East homeowners have not been able to realize the market appreciation of other parts of the city. In fact, our values remain below the pre-Katrina rates. Approving this project would be the “death nail” to our property values.</p> <p>In conclusion, on behalf of myself and my fellow Eastover residents, we commend the charitable mission of the Giving Hope project and the commitment to feeding the less fortunate. However, we remain unified in our OPPOSITION to the proposed project and will do everything within our means and ability to stop the residential portion of this project from proceeding in our backyard!</p> <p>Sincerely, Troy Henry Chairman Eastover Property Owners Association</p>

10	TONY LE	6290 Eastover Dr No La 70128	No	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service Road	In opposition of this application.	<p>Dear Commissioners:</p> <p>I urge you to DENY the proposed planned development by Giving Hope Properties. Single family construction fits within the surrounding neighborhoods. Low-income senior housing development is inconsistent within the heavy commercial area surrounded by car dealerships. The goal should be to preserve existing neighborhoods and promote commercial developments to sustain the economically challenged community.</p> <p>Thank you. Tony Le 6290 Eastover Dr. NOLA 70128</p>
10	Desha M Greely	6301 Eastover Dr	No	ZONING DOCKET 090/20 - 13350 Interstate 10	In opposition of this application.	I oppose cause I believe that it will affect our property values and quality of life, not to mention there are zoning changes being made in NOE that would less likely give NOE the opportunity to bring sustainable Economic Development.
10	Rose Richardson	11404 N St Andrew Circle	No	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service	In opposition of this application.	I am in opposition to ZD 090/020 for the reasons that were submitted to you on October 19th and should be included in your packets. They are the same reasons as to why I was in opposition to ZD 069/020. Just because it is being re-branded through a City Council Motion, does not change the undesirable purposed for which this motion is being proposed, should this ZD pass. Please do not approve, based on a clearly political back-door maneuver. Thank you.,
10	Tangee Wall	111 Eastview Drive	No	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service Road	In opposition of this application.	I am in opposition to the proposed development because it does not conform to the city's master plan, nor does it conform to the footprint of the nearby neighborhoods. This proposed development will have a negative impact on Homeowner property values In this area, and additionally undermines the economic development opportunities in the area. New Orleans East already has an excessive concentration of low income multi housing, currently in existence, and newly proposed already. This proposed development is not needed and most importantly, it is an affront to the financial investment of the dedicated hardworking homeowners in this area, and It will have a negative impact on the quality of life in our community.
10	Chewy Dang	6290 Eastover Dr. NOLA 70128	No	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service Road	In opposition of this application.	<p>I am writing to express my OPPOSITION to the Giving Hope proposed planned development via City Council Motion No. M-20-304. Please DENY this planned development based on the following adverse effects:</p> <ol style="list-style-type: none"> 1. Does NOT comply with the applicable standards of Article 5. 2. Use at the specified location is NOT consistent within the General Commercial District under the Master Plan. 3. Is NOT compatible with the existing, adjacent neighborhood and community character. <p>The planned development is simply a conceptual design lacking in details, i.e., unpolished site plan; raised cottages presumably handicapped accessible but no handicap ramps/railings. Once the planned development is approved, the developer can change the original and conceptual design without CPC approval.</p> <p>Nearly all residents of Eastover are completely opposed to the addition of low-income senior housing that will cause traffic and safety hazards in a heavy commercial zoning. Traffic and safety of pedestrians (walkable and bicycle) are major areas of concern. Any planned development should consider the continuing impact of heavy traffic to the food pantry (which is an inserted ancillary project; housing is the primary goal) and the pedestrian traffic of the senior housing.</p> <p>Eastover property values are likely to go down in the area if small subsidized cottages are built. An overwhelming saturation of low-income senior housing is unattractive to potential economic development within the I-10 and I-510 corridor bordering the now abandoned, dilapidated Six Flags.</p> <p>Respectfully, Chewy Dang</p>

10	Rosalind Malone	110 Pinehurst Court, New Orleans, LA 70128		No	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service Road	In opposition of I Rosalind Malone at 110 Pinehurst Court, New Orleans, LA OPPOSE the zoning docket 090-20 request by Clty this application. Council Motion M-2-304 for a Planned Development at 13350 I-10 East Service Road. Thank you for your consideration
10	Hattie M Broussard	151 Turnberry Dr., Self NOLA 70128		No	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service Road	In opposition of I oppose the application. This property is zoned for industrial development and is not an appropriate location for this application. senior housing.
10	Alonzo Thomas	160 Oakmont Drive		No	ZONING DOCKET	In opposition of Besides diminishing our property values, there are several problems with building 600-900 sqft bungalow-style multi-family units directly behind our subdivision.
10	Jill Labat	210 Oakmont Drive	jglabat@cox.net	No	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service Road	In opposition of Infrastructure in area will change this application.
10	Diana Hayes	120 Pinehurst Ct	Self	No	ZONING DOCKET 090/20 - 13350 Interstate 10 East Service Road	In opposition of Decline in property value this application.

Item Number	Full Name (First and Last):	Physical Address:	Representing (other than self):	Paid representative?	Item	Support or opposition?	Public Comment
3	Maxwell Ciardullo	1340 Poydras St., Suite 710, New Orleans, LA 70112	Louisiana Fair Housing Action Center	Yes	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family”	In support of this application.	<p>The Louisiana Fair Housing Action Center continues to strongly support this amendment to the CZO and appreciates the staff’s thorough response to the concerns about university districts and short-term rentals. Their reports make clear that there are few of these buildings in university districts and they are not the problem. They have also shown that our STR regulations requiring owners to live on the property in residential districts will prevent speculation by STR investors.</p> <p>The real issue at hand is whether we will continue to move forward with exclusionary zoning policies or start down a new path. Single-family zoning was designed as a racist end-around the 1917 Supreme Court decision that struck down zoning explicitly by race. It delivered the same results, but was upheld because it didn’t say the racist part out loud. New Orleans had its own unconstitutional racist zoning law, struck down in 1927, however, we have continued with zoning practices that generally have the same result: our city is deeply segregated, now even more than we were before Katrina. Among the tools in the segregation tool box that we have regularly employed are downzoning huge swaths of the city, reducing density and height restrictions, and capitulating to NIMBY neighbors who consistently oppose affordable developments in wealthy or gentrifying neighborhoods.</p> <p>Cities and states across the country are considering bold steps to undo these past practices by eliminating single-family zoning. What’s before you today is the tiniest of baby steps in comparison. There is nothing controversial about letting a 4-plex be used as a 4-plex. As the CPC stated, this is not new, it is a “restoration of a use” that “likely preceded most current residents.”</p> <p>If we’re ever going to undue the segregation and inequality in our city, we must repudiate the idea that fourplexes are somehow degrading to a neighborhood and reject the notion that certain neighborhoods deserve to be “protected” from them. I urge you to support the staff recommendations so that we can stop perpetuating segregation and create the foundation for neighborhoods that are open to all.</p>

3	Andreanecia Morris	4640 S Carrollton Ave Ste 160, New Orleans, LA 70119		No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family” and “Dwelling, Established Two- Family”	In support of this application.	On behalf of the Greater New Orleans Housing Alliance, we ask the City Planning Commission to support this zoning docket. GNOHA was formed in 2007 to help developers and community development organizations rebuild New Orleans after Hurricane Katrina’s floodwaters devastated the city. GNOHA’s development organizations committed to rebuilding in an ethical manner which would address the generational problems that were highlighted by Katrina. Now, GNOHA members support the implementation of the HousingNOLA 10-Year Plan in order to ensure that New Orleans is equitable and that we end housing insecurity. The COVID-19 pandemic has worsened the affordable housing crisis that has affected almost half the people of New Orleans. One of the simplest and easiest ways to increase the supply of housing is to establish and expand fourplexes in New Orleans. This kind of multifamily housing is essential to undoing the racist foundation our current housing system is built upon. The 2020 HousingNOLA Report Card found that over 50,000 low income workers, many being essential workers inside this pandemic, are unable to live in New Orleans despite being employed here. For many, this is not a choice, but a lack of opportunity. We applaud this effort and urge all public officials to #PutHousingFirst by seeking ways to create and sustain affordable housing, especially for our vulnerable populations and essential workers who keep us safe and make this city all that we've come to know and love today.
3	Lois Adams	700 N. Galvez St. Apt 305; N.O. LA 70119	Myself and GNOHA	No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family” and “Dwelling, Established Two-	In support of this application.	As A Native New Orleanian, I Am Concerned About The Lack of Affordable Housing For Our Vulnerable & Those Working Low-Wage Necessary Jobs, For Our Tourism Economy-Based City! Continue Efforts Toward Alleviating Affordable Housing By By Allowing More 4-Plex & Duplexes, To Be Built!

3	Ben Allen	3328 Banks St.		No	<p>ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family”</p>	<p>In support of this application.</p> <p>I would like to wholeheartedly voice my support for the proposed amendment to the CZO and applaud its effort to remove extensive time and cost burdens that prohibit redevelopment of our historic housing stock in what was previously understood to be a correct and valuable use of urban residential development.</p> <p>The term "missing middle" refers to that type of housing product in between a traditional single-family home and a large-scale apartment building. A formerly very common type, it fell victim to post-war zoning ordinances that sought to separate all urban uses in favor of a now-outmoded preference for suburban development density and auto-oriented expansion. The legalization of this "missing middle" housing that in the past was so crucial in the economic success of homeowners and renters is sorely needed.</p> <p>Work on these buildings is further inhibited by footprint limitations, which create overly rigorous constraints in working with the existing building stock that may need to be altered for improvements for things like accessibility, or simply structural stabilization. Density, yard and open space requirements already provide constraints that prevent flagrant abuse of expansion provisions by developers.</p> <p>The CZO should make it easier for homeowners in these times of increasing property and living costs to allow these properties to be renovated in a way that generates value for them, while also providing some relief to a rental market which must currently rely mostly on expensive new construction to catch up to a demand which it seriously lags behind. Until this is corrected, low- and middle-income demand for reasonable convenient living conditions in the city of New Orleans will continue to be seriously underserved by what is able to be constructed new and affordably, particularly in the current market.</p>
3	John Sullivan	643 Magazine Street	Enterprise Community Partners	Yes	<p>ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family”</p>	<p>In support of this application.</p> <p>We appreciate the thoughtfulness and time with which the Planning Commission staff has approached this issue and ask the Commissioners to approve their recommendations. Although called quote nonconforming homes, these are homes that have conformed to their neighborhoods for decades. These are homes that have fit perfectly into the fabric of their surroundings and are part of the historical neighborhood character of New Orleans. They are technically quote nonconforming because of the down-zoning the Commission and Council have engaged in through the years. This is a great opportunity for the Commission to make a simple change that will allow more homes to come online. We ask that you approve the staff’s recommendations. Thank you.</p>

3	Chunlin Leonhard	1414 Audubon Street	self	No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family”	Would like to provide or request information regarding this application.	<p>Thank you to the CPC staff for taking the time to consider neighbors’ concerns. Unfortunately, the CPC recommendations remain substantially the same and still fail to consider the market dynamics in neighborhoods like the Uptown University Area where strong demand distorts the incentives in favor of multi-family dwelling units for profit maximization.</p> <p>Even though the revised CPC report acknowledges that the University Area Interim Off-Street Parking Zoning District (“D2D IZD”) would deter the kind of rampant conversion to EMDs (Page 50), it ignores the fact that the D2D IZD was only intended as a temporary solution valid for one year designed to win some time for further studies. The report nonetheless rejects the use of an overlay district to deter rampant EMDs in the Uptown University area.</p> <p>The CPC report also seeks to justify its recommendation to allow expansion of the existing building footprint by stating that the expansion will allow developers to modernize amenities, add bathrooms or laundry or bedrooms. The report ignores the market reality that the developers in the Uptown University Area are always reducing common areas such as living and kitchen areas to squeeze in additional bedrooms. The more bedrooms a building has, the more rent it generates. That is the nature of the profit driven model. As the debate goes on, the purchasing frenzy continues in the Uptown University Area, most likely in anticipation of the proposed relaxation of the EMD rules. If the City Council adopts the CPC staff recommendations without any meaningful limits, you will change forever the character of the Uptown University area neighborhood (and other neighborhoods facing similar market dynamics) without creating a single unit of affordable housing. Is that really what City of New Orleans wants?!</p>
3	Nicole Webre	2131 Bienville St.		No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family”	In support of this application.	<p>In my experience there are many historically multi-family properties that are 3 and 4 units with at least one of the units occupied by full time residential tenants and/or owners. However because the underlying zoning district does not allow for 3 or 4 unit residential buildings, when the property was renovated after Katrina only two units were able to be renovated. In most cases the property owner was forced to file a change of use from multi-family to two-family in order to get a building permit. Essentially they had to "forfeit" their legal nonconforming use in order to renovate ANY of the units. 15 years later these buildings sit with vacant and gutted units that present an opportunity for affordable housing.</p> <p>Typically when we file a Legal Nonconforming Use application to request verification of the multi-family house we submit copies of past and present leases to prove the legal nonconforming use through occupancy. The leases often prove that the redevelopment of these historically multi-family buildings are providing affordable housing either through below market rate rents or subsidized lease agreements. Existing 3, 4 and 5 unit houses are an opportunity for new affordable housing units to become available in a very short period of time because the cost of construction to renovate them is much less than new construction or conversion of another type of use into residential.</p> <p>Should this be adopted by the City Council we will see an immediate opportunity for locals to offer newly renovated and code compliant units for affordable rents in our historic urban and historic core neighborhoods that are close to public transportation, schools, jobs, parks and businesses. The more units we have available, the more advantageous it will be for our residents or displaced residents seeking affordable housing options.</p>

3	Katie Swartout	2820 S. Saratoga Street		No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family” and “Dwelling, Established Two- Family”	In support of this application.	I fully support the City's recommendations. As the City has pointed out, it takes on average two years from submitting a completed application for conditional use to being able to apply for a building permit. This is insupportable for a person trying to timely update or renovate a structure. Homeowners do not have the time, money, or energy to bring their current units up to present code -a problem that this revision to the CZO will help remedy. No longer will renters be forced to live in unsafe, subpar conditions due to their landlord's hands being tied.
3	Robert Abelson	621 Broadway		No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family” and “Dwelling, Established Two- Family”	In support of this application.	As a former student who fell in love with this city and now calls it home, I thank the City The city needs to think long term about solving its housing shortage. This requires more adaptability in allowing additional supply.
3	Gustavo Romero	2600 General Pershing		No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family” and “Dwelling, Established Two- Family”	In support of this application.	I agree with the city's recommendations, this will be beneficial, thank you for taking the time to make this crucial amendment to the CZO.
3	Allen Johnson	1418 Chartres	FMIA	No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family” and “Dwelling, Established Two- Family”	In support of this application.	We are in support of the desire to bring housing to our neighborhood, which feels as if its being hollowed out by the tourism industry and NIMBYism. We request that STR's be banned in these properties that are converted back to Multi Family Housing. The Staff Report commented on the current STR rules, and how it is possible that STR's could be limited or contained in these properties. While that may be true theoretically, those of us who live in the Marigny know how difficult it is to verify and enforce what occurs inside a building, which is what the current rules entail. We are also aware how stretched the enforcement staff is, and how stretched they will be with the budget cuts coming to every city department. Also, the Staff Report discouraged a prohibition against STR's as it would be an inconsistency in Zoning, which is discouraged. However, that ignores the reality that the Marigny is a victim of one of the greatest inconsistencies in the CZO. The French Quarter has a moratorium on STR's (except for 7 blocks of Bourbon), while there are no limitations once you cross Esplanade. This egregious inconsistency makes clear how the City values their neighborhood, and the citizens that have displaced by STRs. We urge you to ban STR's in these properties to assure that an initiative for housing serve that goal and not become a STR Expansion Bill.
3	Robert Abelson	621 Broadway		No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family” and “Dwelling, Established Two- Family”	In support of this application.	I support this motion

3	Alex Britton	1025 Lowerline		No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family" and “Dwelling,	In support of this application.	We support this motion
3	Frank Tessier	2341 Camp Street		No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family" and “Dwelling, Established Two- Family”	In opposition of this application.	As written, this ordinance will allow single family residences in single family neighborhoods to re-convert homes into multifamily. During the depression many of the larger homes were split up into multi-family and boarding houses. Years later when the city recovered, they were all converted back to single family. So, a developer can buy an old house and then change it from single family into multi-family. If it occurs in the Garden District, Irish Channel, or lower Garden District or near the quarter, where the majority of such homes are located, it may create more housing but it will be expensive housing. More important, it will destabilize single family homes and neighborhoods., because excess parking and garbage pickup and noise will stress the neighborhoods pushing single families into the suburbs. No one wants to buy a single family resident and have their neighbor converted into a four plex. In the long run, this will affect property values and property taxes and the City’s revenues.
3	Shelley Landrieu	5329 Dryades Street	Garden District Association	Yes	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family" and “Dwelling, Established Two- Family”	In opposition of this application.	<p>While we appreciate the intent of this text change, we believe that as written it will lead to unintended consequences in parts of the city where it is not needed for revitalization. Please accept the following suggested comments on the amendments to the proposed ordinance regarding multi - family dwellings.</p> <p>The Garden District neighborhood has had a number of 19th and early 20th century homes that were originally built as single family or doubles that were converted during the depression or other times into boarding houses or multi-family units. Many, if not most, of these homes have now been renovated back to single family or a less intense use. The suggested language referencing “Documented Legal History” would put these homes at risk and open the door to future conversions back to a more intensive use despite the fact that the original structure was never intended to be put to such use as multi family. We recommend modifying the amendment to read: “Only properties with a “documented legal history” AS ORIGINALLY CONSTRUCTED as a two or multi-family dwelling.</p> <p>We also take exception to allowing a single into a 4 plex apartment or condo without the necessary parking required.</p> <p>We hope you will consider the above changes to the amendment for inclusion in your recommendation to the City Council for the passage of the final ordinance.</p>

3	Keith Hardie	618 Audubon St.	Self	No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family” and “Dwelling, Established Two- Family”	In opposition of this application.	<p>Staff claims that established multifamily is not related to the doubles to dormitories. To the contrary, the D2D developers are submitting comments supporting established multifamily. At the last hearing, a comment was submitted by Robert Abelson, the founder of Amicus Properties, a New York developer with a number of D2D projects in the University Area. Like the staff, Ableson claims [quote]”there is no objective evidence that student apartments in the university area are impacting affordable housing.”[end quote] Amicus rents bedrooms for as much as \$ 1500 a month, earning \$ 12,000 a month rent for an eight bedroom shotgun double. Despite his crocodile tears for affordable housing, Ableson is not creating affordable units, and sees established multifamily as just another way to fatten his wallet by cramming 16 bedrooms onto a 30 foot lot.</p> <p>Ableson and other developers clearly believe that established multifamily, as it will be used in the university area, is a money maker. They are buying up properties currently renting below market, increasing the number of units and bedrooms, and renting them at far above market. Established Multifamily, as it will operate in the University Area, is not only not going to create affordable housing, it is going to eliminate affordable housing.</p> <p>Please protect the university area by amending the proposal to: (a) require overlays for the university area, (b) require a conditional use hearing for the university area, (c) prohibit expansions of EMFs, and (d) prohibit increases in the number of bedrooms.</p>
3	S.P. Johnson	2822 Lepage St. New Orleans, LA 70119		No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family” and “Dwelling, Established Two- Family”	Would like to provide or request information regarding this application.	<p>The good purpose of Motion M-20-279 is to provide affordable housing for working New Orleanians.</p> <p>It must be accompanied by a concerted effort to ensure a living wage for workers.</p> <p>On the other hand, many of us are fear the unintended consequences of this text amendment to the CZO—that the increased opportunities for development afforded by this amendment will actually and finally benefit the developers of short-term rentals and developers who convert two-family dwellings to private dormitories for college students (or D2Ds).</p> <p>Short-term rentals have depleted the housing stock available to New Orleanians. It has helped to create the residential housing shortage we have in New Orleans today.</p> <p>Will this legislation—paradoxically—intensify the trend?</p> <p>Please take this into consideration in your deliberations.</p> <p>S.P. Johnson 2822 Lepage St., New Orleans, La. 70119</p>
3	Allain Hardin	3203 Prytania St, New Orleans, La. 70115	Self	No	ZONING DOCKET 083/20 - Text amendment regarding “Dwelling, Established Multi- Family” and “Dwelling, Established Two-	Would like to provide or request information regarding this application.	I live in a neighborhood with homes that in the past were converted into boarding houses and dense usages via chopping up singles and doubles for increased density that was out of sync with the larger surrounding area. I am concerned the legal history wording in the amendment is too broad and will allow for a return of the inappropriate intense usage of many older homes. Thank you.

6	Maxwell Ciardullo	1340 Poydras St., Suite 710, New Orleans, LA 70117	Louisiana Fair Housing Action Center	Yes	SUBDIVISION DOCKET 078/20 - 1715-1727 Cambronne Street and 8322-8334 Hickory Street	In support of this application.	<p>The Louisiana Fair Housing Action Center strongly supports this development moving forward. Now more than ever we need affordable housing in gentrifying, high-ground neighborhoods like Leonidas. Unfortunately, New Orleans has a long history of capitulating to neighborhood opposition in downsizing, delaying or killing altogether mixed-income or affordable developments in or adjacent to white neighborhoods. The most recent example was the Mazant-Royal development in the Bywater that faced coded racist opposition and far more review than most market rate developments. It still hasn't received final approval because it was thrust into a FEMA Sec 106 review where opponents consistently delay the process.</p> <p>What's before you is a very simple decision about the subdivision of property and the CPC staff are crystal clear in their report that this development is consistent with the CZO, the Master Plan, and the general pattern of lots in the neighborhood. In fact, this subdivision will better fit into the neighborhood context than the fourplexes that were previously on these lots. We hope that opponents will not use every formal step in the land use process to derail these desperately needed affordable units and we hope that you will stand up for working people and the regulations enshrined in our CZO and Master Plan. Thank you.</p>
6	Immanuel Gilen	4218 S Carrollton Ave, Apt B, New Orleans, LA 70119	Iris Development	Yes	SUBDIVISION DOCKET 078/20 - 1715-1727 Cambronne Street and 8322-8334 Hickory Street	In support of this application.	<p>I am Immanuel Gilen, Managing Partner of Iris Development, HANO's partner in the development project that this subdivision request is a part of. Iris Development's strategy for the lots it's seeking to develop on Cambronne St is to return the site layouts to contextual precedent, namely 30x100 lots. This will allow us to build smaller-scale buildings (duplexes).</p> <p>We welcome the staff recommendation on the project and would like to assure CPC that we will take landscaping concerns into account, starting with a site layout/design that prioritizes retaining the mature trees that are on site currently. We have already engaged an arborist for that purpose, in fact.</p> <p>We have solicited community input on the subdivision plan. The feedback was a preference for this perpendicular layout over 7 parallel lots, side-by-side. We will of course solicit more feedback from the neighbors once we have the ability to move forward with a first draft of designs, which is contingent on the approval of our subdivision plan. This engagement process will include but not be limited to 106 review.</p> <p>Thank you for your consideration.</p>

Amanda Fabin 8610 Willow Street, New Orleans, LA

No

SUBDIVISION In support of this
DOCKET 078/20 - application.
1715-1727
Cambronne Street
and 8322-8334
Hickory Street

Good afternoon:

My name is Amanda Fabin and I recently moved to the Leonidas area three months ago with my young son. Although I now have my own piece of New Orleans, the city I have called home for the last 20 years, I am constantly reminded that affordable housing remains a necessity for many folks in our city. I believe that it should be a top priority for our communities to ensure that our fellow New Orleanians can remain, live, and grow right here (same as us) without being banished by ever rising housing costs. For that reason, I support this application and hope that you will give the same consideration. Thank you.

Paul Cramer

From: Sydney E. Shivers
Sent: Tuesday, October 20, 2020 3:10 PM
To: Paul Cramer
Subject: Fw: Established Multifamily ZD 083/20

Sydney Shivers | She/Her/Hers
Senior City Planner | New Orleans City Planning Commission
Office of Business and External Services

1300 Perdido Street, 7th Floor | New Orleans, LA 70112
(504) 233-3136 (Cell) | (504) 658-7014 (Office)

RESOURCES:

[Application forms](#)
[Property Viewer](#) (check the zoning of a property)
[Comprehensive Zoning Ordinance](#)
[One Stop App](#)

COVID-19:

In an effort to prevent the spread of COVID-19 to our employees and members of the public, our staff is working remotely and will not have any face to face contact with members of the public. Staff is available from 8am to 5pm to assist the public by phone or email at cpcinfo@nola.gov

From: Chantaé HR. Barré <chantae.barre@nola.gov>
Sent: Monday, October 19, 2020 1:37 PM
To: Sydney E. Shivers <Sydney.Shivers@nola.gov>
Subject: Fw: Established Multifamily ZD 083/20

Planner associated with the case.

Chantaé Barré

New Orleans City Planning Commission
1300 Perdido Street, Suite 7W03
New Orleans, LA 70112
Office: 504.658.7004 | chantae.barre@nola.gov

From: Julianna Padgett <juliannapadgett@gmail.com>
Sent: Monday, October 19, 2020 1:17 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Established Multifamily ZD 083/20

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Carrollton Riverbend Neighborhood Association (CRNA) requests that the City Planning Committee create sensible regulations for "Established Multifamily" and "Established Two-Family" properties, especially in the University area. We support the comments of Keith Hardie and the Maple Area Residents. To reiterate:

To ensure that new multifamily construction in the University Area actually creates affordable housing and is not incompatible with the existing neighborhood, any changes to the current rules should be consistent with the following:

- 1) a conditional use or an overlay limiting these conversions should be required in areas such as the university area where there is already high density and where conversions to multifamily are likely to be incompatible with the neighborhood, and where the conversions are not likely to produce affordable housing,
- 2) increases in footprint or intensity should be prohibited,
- (3) expansions in the number of bedrooms should be prohibited so that a former multifamily of four one-bedroom units does not become a fourplex with sixteen bedrooms,
- (4) increases in the number of dwelling units over those in the historic use should be prohibited.

Thank you,
Julianna Padgett, President
Bill Ives, Vice President
Meagan Impasato, Secretary
Nathan Schwam, Treasurer
Carrollton Riverbend Neighborhood Association



GARDEN DISTRICT A S S O C I A T I O N

October 19, 2020

Mr. Robert Rivers
Executive Director
City Planning Commission
City Hall
1300 Perdido Street
New Orleans, LA 70113

Re City Council Motion 20-279 - Multi Family designation

Dear Mr. Rivers:

Please accept the following suggested comments on the amendments to the proposed ordinance regarding multi - family dwellings.

The Garden District neighborhood has had a number of 19th and early 20th century homes that were originally built as single family or doubles that were converted during the depression or other times into boarding houses or multi-family units. Many, if not most, of these homes have now been renovated back to single family or a less intense use. The suggested language referencing "Documented Legal History" would put these homes at risk and open the door to future conversions back to a more intensive use despite the fact that the original structure was never intended to be put to such use. We recommend modifying the amendment to read: "Only properties with a "documented legal history" as originally constructed as a two or multi-family dwelling.

We also take exception to allowing a single into a 4 plex apartment or condo without the necessary parking required.

We hope you will consider the above changes to the amendment for inclusion in your recommendation to the City Council for the passage of the final ordinance.

Respectfully,
W. Jacob Gardner, Jr.
W. Jacob Gardner, Jr.
President

Paul Cramer

From: Sydney E. Shivers
Sent: Tuesday, October 20, 2020 3:10 PM
To: Paul Cramer
Subject: Fw: Established Multifamily ZD 083/20

Sydney Shivers | She/Her/Hers
Senior City Planner | New Orleans City Planning Commission
Office of Business and External Services

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From: Chantaé HR. Barré <chantae.barre@nola.gov>
Sent: Monday, October 19, 2020 1:38 PM
To: Sydney E. Shivers <Sydney.Shivers@nola.gov>
Subject: Fw: Established Multifamily ZD 083/20

Planner associated with the case.

Chantaé Barré

New Orleans City Planning Commission
1300 Perdido Street, Suite 7W03
New Orleans, LA 70112
Office: 504.658.7004 | chantae.barre@nola.gov

From: Ken Gelpi <kgelpi@brooksgelpi.com>
Sent: Monday, October 19, 2020 1:32 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Established Multifamily ZD 083/20

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This email concerns Motion 20-279 regarding Established Multifamily (EMF) dwellings. I am a home owner and resident of 7102 Birch Street and have resided there for the past 20 years. I certainly understand the challenges the city and its department of safety and permits is facing however I ask that any changes to the CZO take into consideration certain issues faced by the city's residents. Although I am in favor of the city's efforts re EMF, I am concerned that the EMF status can easily be abused and the intended purpose of the city's efforts would be thwarted. Over the last several years, and increasingly so as of late, investors have been acquiring properties to transform them into rental units drastically increasing the number of adults living or staying in relatively modest single family homes. Many houses, which were once modest family homes, have been converted into boarding houses or quasi apartment buildings. The character of our city invites these types of conversions which are particularly attractive for out of town buyers looking for a vacation or weekend home. Unfortunately those purchasers often have significant funds available and because of revenue from renting, they can easily out bid those attempting to buy a residence. I have seen it in my neighborhood and have heard of similar issues in other areas including the Marigny, Bywater, Treme, French Quarter, Uptown, and other neighborhoods. For these reasons any allowance for EMFs must have stringent rules and protections so that the rules are not abused and the desired results are obtained. As a preliminary matter, the necessary evidence supporting any historical use as an EMF should clearly show that the property was being used as a multifamily dwelling prior to restrictive zoning ordinances first being passed for the area where the property is located. Also to thwart abuse, notice to neighbors should be required for any application for EMF. Additionally, any new EMF should include (1) a conditional use/overlay requirement, particularly in areas where abuse is most likely such as the Marigny, Bywater, French Quarter, Treme and where institutions such as universities are located; (2) maintaining the prohibition of increases in intensity or footprint (to be clear that is the area covered by the perimeter of the structure at the outer edge of the outside walls of the existing building structure); (3) a prohibition of the increase or expansion of the number of bedrooms; and (4) a prohibition of the number of dwelling units over those historically in use. Such proposed rules are reasonable, not overly burdensome and should help prevent abuse.

Yours very truly,

Kenneth J. Gelpi, Jr.

Paul Cramer

From: Sydney E. Shivers
Sent: Tuesday, October 20, 2020 3:11 PM
To: Paul Cramer
Subject: Fw: Docket 083/20

Sydney Shivers | She/Her/Hers
Senior City Planner | New Orleans City Planning Commission
Office of Business and External Services

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From: Chantaé HR. Barré <chantae.barre@nola.gov>
Sent: Monday, October 19, 2020 2:29 PM
To: Sydney E. Shivers <Sydney.Shivers@nola.gov>
Subject: Fw: Docket 083/20

Planner associated with the case.

Chantaé Barré

New Orleans City Planning Commission
1300 Perdido Street, Suite 7W03
New Orleans, LA 70112
Office: 504.658.7004 | chantae.barre@nola.gov

From: ann edmonson <amedmo1957@gmail.com>
Sent: Monday, October 19, 2020 1:49 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Docket 083/20

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To whom it may concern,

I am writing in support of sensible regulations for EMF and ETF properties in the University Area. Conditional use and limiting of these conversions should be required because there is already high density in this area, also where the conversions are not compatible with the neighborhood as it is and has been for many years and additionally, where the conversions are not likely to produce affordable housing. Increases in the footprint of these conversions should not be allowed. Expanding the number of bedrooms should not be allowed. Also, increasing the number of dwelling units over those in historic use should be prohibited.

I hope you will give serious consideration to this issue.

Thankyou,

Ann Herzog



To: The New Orleans City Planning Commission

November 2, 2020

We wanted to express our concern regarding City Council Motion M-20-279 for a text amendment to the Comprehensive Zoning Ordinance to clarify and amend the definitions and uses of “Dwelling, Established Multi-Family” and “Dwelling, Established Two-Family” in order (a) distinguish these “established” uses from other non-conforming uses, (b) create factors and requirements for the re-establishment of “established” multi-family and two-family dwellings, (c) determine if these “established” dwellings should be permitted by-right in all residential zoning districts where multi-family use is currently prohibited or requires a conditional use.

Specifically, our concern is the impact these changes would have in materially increasing the number of buildings potentially available to the short-term rental market, a problem which, as you are aware, continues to be one of the top issues, if not the top issue, among the residents in the Faubourg-Marigny Historic district.

We wholeheartedly agree with and support the Staff’s objective of expanding housing opportunities in high opportunity areas in our city, preserving the existing character and variety of housing types through infill development, as consistent our Master Plan’s goal of accommodating an array of existing housing stock within New Orleans historic residential neighborhoods. We welcome any and all new residents who help maintain the Faubourg-Marigny’s unique residential and “neighborly” qualities, characteristics of which we have already seen under stress in the recent proliferation of short-term rentals in our historic residential neighborhoods.

I think its fair to say that there are very few other neighborhoods in our city that have seen the type of impact we have already witnessed of a steadily increasing stock of short-term rental residences. This is especially concerning considering the challenges we have already seen in enforcing the few regulations that do exist.

One option, if the motion for text amendments were to be passed, would be to explicitly prohibit short-term rental use of the types of properties we are trying to specifically encourage in the proposed amendment according to its clearly stated goals and objectives. We would further maintain that prohibiting short-term rental usage of the properties will only add to the Committee success in achieving the objectives which are clearly stated in the Staff’s report.

Finally, we would like to point out that such a short-term restriction is not without precedent as shown in the CPC’s favorable recommendation and approval last month of ZONING DOCKET NO. 65/20 – MAJOR CONSUMERS LLC. Although the particulars are not exactly the same, the underlying concern is quite similar. [see attached.]

Thank you for considering our comments and concerns,

Jeffrey J. Seymour
Land Use Chair
Faubourg-Marigny Improvement Association
Jseymour8@gmail.com

MOTION

NO. M-20-337

CITY HALL: October 1, 2020

BY: COUNCILMEMBER BANKS

SECONDED BY:

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation, of the City Planning Commission on **ZONING DOCKET NO. 65/20 – MAJOR CONSUMERS, LLC** – Requesting a conditional use to permit an established multi-family dwelling in an HU-RD2 Historic Urban Two-Family Residential District, on Square 7, Lots 15 and 16, in the Sixth Municipal District, bounded by Broadway Street, Forshey Street, Olive Street, and Pine Street (Municipal Address: **3318-3320 Broadway Street**), is hereby **approved**. Accordingly, the Applicant's request is **granted** subject to four (4) provisos as provided in the City Planning report, with the addition of three (3) provisos, for a total of seven (7) provisos as follows:

* * *

5. No short-term rentals shall be permitted at the property.
6. The developer is required to maintain seven (7) off-street parking spaces on the property.
7. The developer shall maintain landscaping and open space as indicated on landscape plans included in City Planning Commission staff report. No additional impermeable paving is permitted.

* * *

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.



New Orleans City Planning Commission
1300 Perdido St, Ste 7W03
New Orleans, LA 70112

October 26, 2020
Zoning Docket 083/20

Dear City Planning Commissioners,

On October 27, you will be asked to consider a Staff Report from the City Planning Commission Staff regarding a Comprehensive Zoning Ordinance Text Amendment. The Council Motion that initiated this study does not state what problem or circumstance this motion is trying to correct in the Historic Core, so we are unable to speak to its goals. However, we do recognize what could be unforeseen negative consequences. This text amendment would only allow a property to be converted to the same number of units as previously existed, however it is unclear from this Motion how many properties could be changed by this motion, and what effect this would have on a neighborhood that has seen massive changes (dramatically raised prices, gentrification, the expansion of the tourism footprint and STR's). Additionally, it doesn't specify in which form those units be built, allowing many configurations that would be centered around profit making, and not neighborhood character, in a neighborhood that has seen massive changes in the last few years.

This text amendment would affect "Dwelling, Established Multi-Family", where the use is currently classified as Conditional Use, and would apply to only 4 Articles of the CZO, including Article 9, which covers the Marigny, Tremé, Bywater and portions of surrounding neighborhoods, and would allow HMR-3 properties to be altered to include up to 4 units as a Permitted Use. Currently, this change can only occur after being granted a Conditional Use approval, which requires consideration of three factors:

"a. the extent to which the physical character of the structure is indicative of a legal history of two- or multi-family residential use, respectively;

b. The documentation of a legal history of two- or multi-family residential use, respectively;

2401 Burgundy Street, Box 10 ● New Orleans, LA 70117 ●

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c. The duration of past use as a legal two- or multi-family residential use respectively.”

We believe that this text amendment would make altering the housing stock of the second oldest neighborhood in New Orleans an unfettered Permitted Use. We have seen many changes to our Historic Neighborhood in the last decade, and believe this proposed text amendment could do further harm to the Residential character of our neighborhood, for the following reasons:

- 1) History in the French Quarter- Years ago, large houses in the French Quarter were divided into apartments and condominiums. The hope was that these smaller units would bring more residents to the French Quarter, thus buoying a neighborhood that was losing its residential character to the growing tourism industry. Instead, the opposite occurred, as these units were sold and rented to people outside of New Orleans that used them as pied a terres, and drove up the rents in the French Quarter. These units sold at such prices that it was irresistible to property owners, who followed the trend and, before you knew it, a trend that was hoped would repopulate the French Quarter was blamed for damaging the Residential character of the neighborhood. Let's try to learn from our history, and not inflict the same damage on the Marigny, Tremé and Bywater. We need to find a way to bring people back to these neighborhoods, not push more people out for pied a terres.
- 2) Short Term Rental Expansion- The recently passed STR rules were a great improvement to the previous rules, however, they still have a profound impact on the character of our neighborhood. Without density limitations or caps, it is unknown how many Short Term Rentals will eventually be opened in our neighborhood, but it is safe to say that we will be one of the top two or three neighborhoods for STR licenses. We fear this new text amendment would allow properties that are not currently multi-



family to be altered to house a maximum of four units, which is the maximum amount of units that are allowed in the new STR rules for a Residential- Small (RSTR-Small) license.

While only one STR unit would be allowed, that would be dependent upon strict enforcement, which no one can reasonably suggest we've seen since STR's have been legalized. This would also allow for one STR unit of up to 5 bedrooms to be created in a double shotgun, with the "owner's unit" of a size small enough to maximize the profits from the STR. I doubt I can find anyone that thinks that is appropriate for a historic neighborhood with neighbors in such close proximity that they can't sleep due to the bachelor party next door.

In a neighborhood that has seen residents pushed out due to higher prices and a proliferation of STR's, we fear that this amendment will be used to maximize our housing stock for STR's, not New Orleanians. We believe that before any changes are made to our neighborhood, we should wait a reasonable time to judge the effect of the current STR rules.

- 3) Major Implications- Almost the entirety of the housing stock in the Marigny Rectangle is zoned HMR-3, so this would have a great effect on our neighborhood. We believe that the Historic Core neighborhoods should be removed from this text amendment until the impact of STR's on our neighborhood can be examined. We also ask that you consider the precedent this would set. Before this step is made, please consider what would happen when these policies go to other neighborhoods, or other zoning classifications.

In conclusion, we ask you to vote against this text amendment, or at least remove the Historic Core for further study, or at least until the effects of the new STR rules can be evaluated on a neighborhood that has seen nothing but change in recent years.



Sincerely,

Jeffrey J. Seymour
Land Use Committee Chairman
Faubourg Marigny Improvement Association

Fw: Established Multifamily ZD 083/20

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Flag for follow up.

CB

Chanta📧 HR. Barr📧
Mon 10/19/2020 4:21 PM
To: Sydney E. Shivers

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Planner associated with the case.

Chantaé Barré
New Orleans City Planning Commission
1300 Perdido Street, Suite 7W03
New Orleans, LA 70112
Office: 504.658.7004 | chantae.barre@nola.gov

From: mclaudia garofalo <claudiagarofalo@gmail.com>
Sent: Monday, October 19, 2020 4:14 PM
To: CPCINFO <CPCINFO@nola.gov>; Joseph I. Giarrusso <Joseph.Giarrusso@nola.gov>
Cc: Keith Hardie <keithhardie@yahoo.com>
Subject: Established Multifamily ZD 083/20

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Dear New Orleans City Council:

As a homeowner and resident of the University Area for 28 years, I support sensible regulations for EMF and ETF properties in the University Area.

To ensure that new multifamily construction in the University Area actually creates affordable housing and is not incompatible with the existing neighborhood, any changes to the current rules should be consistent with the following:

- 1) a conditional use or an overlay limiting these conversions should be required in areas such as the university area where there is already high density and where conversions to multifamily are likely to be incompatible with the neighborhood, and where the conversions are not likely to produce affordable housing,
- 2) increases in footprint or intensity should be prohibited,
- (3) expansions in the number of bedrooms should be prohibited so that a former multifamily of four one-bedroom units does not become a fourplex with sixteen bedrooms,
- (4) increases in the number of dwelling units over those in the historic use should be prohibited.

Thank you for your attention to this important issue, one which is necessary to create affordable housing in my neighborhood and our community.

Sincerely,

M. Claudia Garofalo
922 Adams St
NOLA 70118
504.866.4763

Sydney E. Shivers

From: Robert D. Rivers
Sent: Wednesday, October 28, 2020 9:04 AM
To: Paul Cramer; Sydney E. Shivers
Subject: FW: Opposition to Zoning Docket 083/20

FYI

From: Olga Hartman <ohoh48@gmail.com>
Sent: Tuesday, October 27, 2020 5:58 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Cc: Sylvia Scineaux <scineaux@bellsouth.net>; Jason R. Williams <jason.williams@nola.gov>; Helena N. Moreno <Helena.Moreno@nola.gov>; Jared C. Brossett <Jcbrossett@nola.gov>; Mayor <Mayor@nola.gov>; Cyndi Nguyen <Cyndi.Nguyen@nola.gov>; harrisj@legis.la.gov; CTScets@aol.com; ekj6871 <ekj6871@cox.net>; Editha Amacker <evamacker@gmail.com>; Elisha Mobley <emobley@nocoxmail.com>; STSC05@yahoo.com
Subject: Opposition to Zoning Docket 083/20

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Mr. Rivers I very much regret that I was unable to technically log into the CPC meeting scheduled for October 27, 2020 at 1:30 p.m. Further, as a two time breast cancer survivor I chose not to make any effort to personally attend this meeting.

I am, however, submitting this correspondence to document my vehement opposition to the redefining of any language that would allow multi-family dwellings to co-exist in areas Zoned Residential!

There were areas in New Orleans East that were inundated with high levels of crime and violence and filth and danger prior to hurricane Katrina which were in large part concentrated in the areas of high density multi-family properties.

It was with great foresight and fortified effort that the ENONAC organization took the initiative and opportunity to restructure these areas by working tirelessly to change the zoning in these areas to Residential Zoning following hurricane Katrina. This effort was done with much hardship, sacrifice and personal cost. It was long and enduring. It was painful and stressful but with the help of Almighty God it was successful.

The emphasis was on reshaping these communities to have healthy, safe, clean communities for the residents of New Orleans East.

As recently as 2019, we were very disappointed to find that Councilwoman Cyndi Nguyen in disregard to the intense toil of her constituents was working with great zeal to undermine the laborious work and vision of the New Orleans East residents by considering a rezoning request to undo what had so victoriously been accomplished.

We joined together as a community and worked tirelessly, attending countless meetings and hearings, to oppose Councilwoman Nguyen in this effort. Again, with the help of Almighty God, our At-Large Councilpersons; Councilman Jason Williams and Councilwoman Helena Moreno, along with Councilman Jared Brossett and the ENONAC organization under the stellar leadership of Mrs. Sylvia Scineaux-Richard, we celebrated victory in January, 2020 in successfully stopping the rezoning request.

It is unconscionable to find that there is once again an effort to allow multi-family properties to exist in an active Residential Zoning, albeit, approached from yet another angle. It is quite unfortunate that we are having to expend our energy and effort to yet another fight against this issue at a time when we should all be primarily focused on our health.

If you will look at the density of multi-family dwellings in this district you will readily see that additional dwellings of this structure would cause an intense drain on this community. New Orleans east disproportionately incurs high levels of crime and violence as a result of these densely concentrated dwellings. As a result residents are subject to nearly nightly gun fire, shootings and murders, car thief, car break-ins, broken car windows, vandalized properties at home and while at gyms, churches and shopping.

In addition to the crime, violence and potential personal harm these densely inhabited properties cause, there are intolerable levels of litter through out the NOLA East area. I invite you to personally drive through the area and see the filth. The Gross Median Income in the area is negatively affected which reduces Business Investments in an area where they are sorely needed.

This correspondence is in no way intended to negatively reflect on those in our community who are in need these rental properties. It is intended however to emphasize the typical behavior that unfortunately seem to manifest in areas inundated with those not having a "buy-in" attitude in the community.

The area very obviously have insufficient Police coverage which is exaggerated by the current furloughs instituted by The City. The area very obviously does not get the attention needed to keep it cleaned of litter.

I am earnestly asking that you deny this request to redefine these properties to exist in areas specifically designated as Residential Zoning. It is with great intent and purpose these areas were so zoned! I am asking that you honor the effort and hard work that was put forward to "redefine" NOLA East. I assure you my request is backed by the greater voice of NOLA East!

Very Sincerely,
Olga Hartman

Sent from my iPad

Fw: City Council Motion 20-279 - Established Multifamily (EMF) dwellings

CB

Chanta🔒 HR. Barr🔒
Mon 10/19/2020 4:20 PM
To: Sydney E. Shivers

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Planner associated with the case.

Chantaé Barré
New Orleans City Planning Commission
1300 Perdido Street, Suite 7W03
New Orleans, LA 70112
Office: 504.658.7004 | chantae.barre@nola.gov

From: Lynnette F Judge <lfjudge@cox.net>
Sent: Monday, October 19, 2020 3:09 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: City Council Motion 20-279 - Established Multifamily (EMF) dwellings

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I am writing in support of the considerations and factors set forth in Motion 20-279 to be used in clarifying and defining EMFs. My family has lived at 1512 Audubon St. for over 20 years, in a neighborhood that I understand to be zoned RD-2. Recently, developers have bought up properties in the University Area, and then expanded the footprint of the existing building, while gutting the insides to create more units and bedrooms in a dwelling. Single and double family homes have been converted into rooming houses, all with a deleterious effect on the surrounding neighborhood. It is my hope that clarifying the definition of multifamily homes and EMFs will rein in abuse by developers who seek to expand the use of a dwelling far beyond its intended use and zoning status. Specifically, I support the following of Motion 20-279:

- (1) the conditional use/overlay requirement, particularly in areas near universities and other institutions,
- (2) prohibiting increases in footprint or intensity,
- (3) prohibiting expansions of the number of bedrooms so that a former fourplex of one-bedrooms does not become a fourplex with sixteen bedrooms, and
- (4) prohibiting increases in the number of dwelling units over those in the historic use.

Sincerely,
Lynnette Judge
1512 Audubon St.
New Orleans, LA 70118

[Reply](#) | [Forward](#)

NEIGHBORS FIRST FOR BYWATER



Neighbors First for Bywater, LLC
Julie Jones, President
(504) 944-5422
Jjones1@uno.edu

Robert D. Rivers, Executive Director
1300 Perdido St., 7th Floor
New Orleans, LA 70112

Date: November 2, 2020
Re: ZD 83/20

Dear Mr. Rivers,

The board of Neighbors First for Bywater is requesting that ZD 83/20 specifically be amended to prohibit:

- 1) **Ban Short-Term Rentals:** This zoning change is being presented as a means to increase affordable housing. Short-term rentals have been the biggest cause of increasing rents and lack of affordable housing in the Historic Core. To accomplish the goal of increasing affordable housing, the amendment should specifically not allow additional units added under its provisions to be issued short-term rental licenses. If a homeowner wants a short-term rental license in their additional unit, they should have to apply for a conditional use permit.
- 2) **No Increase in Building Footprint or Square Footage:** City Council motion M-20-279 states that the purpose of the study is to address the “re-establishment of ‘established’ multifamily and two-family dwellings.” The City Council goes on to state that “there shall be no increase of the footprint nor intensity of the structure.” The City Council is clear that any increase in density is to return the building back to its historical use. Any increase in footprint or square footage would not be in keeping with either the City Council’s motion or the historic use of the building. Large increases in the size of residential building would inevitably lead to conflicts with neighbors about appropriate building standards.

With thanks for your attention and best wishes,
Julie Jones, President

Paul Cramer

From: Robert D. Rivers
Sent: Wednesday, October 28, 2020 9:04 AM
To: Paul Cramer; Sydney E. Shivers
Subject: FW: Opposition to Zoning Docket 083/20

FYI

From: Olga Hartman <ohoh48@gmail.com>
Sent: Tuesday, October 27, 2020 5:58 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Cc: Sylvia Scineaux <scineaux@bellsouth.net>; Jason R. Williams <jason.williams@nola.gov>; Helena N. Moreno <Helena.Moreno@nola.gov>; Jared C. Brossett <Jcbrossett@nola.gov>; Mayor <Mayor@nola.gov>; Cyndi Nguyen <Cyndi.Nguyen@nola.gov>; harrisj@legis.la.gov; CTScets@aol.com; ekj6871 <ekj6871@cox.net>; Editha Amacker <evamacker@gmail.com>; Elisha Mobley <emobley@nocoxmail.com>; STSC05@yahoo.com
Subject: Opposition to Zoning Docket 083/20

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The area very obviously have insufficient Police coverage which is exaggerated by the current furloughs instituted by The City. The area very obviously does not get the attention needed to keep it cleaned of litter.

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Very Sincerely,
Olga Hartman

Sent from my iPad

June 26, 2020

Dear Councilmember Palmer:

Thank you for forwarding the FMIA letter dated March 6, 2020 about the Established Multi-Family Residential text amendment. In this response, City Planning will seek to address the concerns about potential harm to residential neighborhoods and the residential character of the HMR-3 District which covers portions of Marigny, Bywater, and Tremé, especially as it concerns short term rentals (STRs). The HMR-1 and HMR-2 Districts both already permit multi-family residential uses, so these other residential districts in the Historic Core would not be affected. We are copying Mr. Johnson on this response and if you desire, we would be happy to copy the other Councilmembers as well.

The letter mentioned that it is unclear how many properties could be changed by the text amendment motion proposal. Since the letter was written, the staff report which has come out described the limited number of times the current Established Multi-Family use has been employed under the current regulations. As noted in the staff report, there is an incredible need for additional housing opportunities in New Orleans. The zoning text changes recommended by the CPC would enable reestablishment of existing structures as multi-family residential to increase housing opportunities. The report also describes the expansive history of multi-family zoning in New Orleans. Unfortunately, there isn't a data set of the past number of units on every property, so it is difficult to determine the total untapped potential of multi-family dwellings that could be reestablished. Under both current and recommended regulations, each property owner wishing to qualify a property as an Established Multi-Family dwelling must prove there is a legal history of multi-family use. This would need to be done on a case-by-case basis.

The CPC's recommended modifications through ZD041-20 and STR use permissions for each relevant type are shown in the use tables below. Zoning districts with an asterisk (*) indicate areas where staff believes the proposed change in established multi-family policy could lead to some increase in the number of units eligible for use as short term rentals.

Each use table is followed by a brief analysis of the degree to which recommended modifications to the Established Multifamily policy may increase the potential impact of short-term rentals or second homes in certain areas. This includes a study of the existing use permissions and policies regulating short term rentals. There are no policies regulating second homes in the CZO and it is therefore challenging to predict how the proposed modifications to the established multi-family use will impact the use of second homes or shared vacation homes.

Please note that zoning districts such as the Historic Core Nonresidential Districts or Central Business Districts are not included in the tables shown below. This is because they were not considered in this text amendment, given that these areas already permit multifamily dwellings, subject to bulk and yard regulations.

Summary

Overall, if the CPC's recommendations are adopted, the CPC staff does not find significant potential for new STRs with the exception of the HU-B1A and HU-B1 Districts, where both small and large STRs are permitted uses. However, even in these districts, new STRs that could become licensed as a result of the text change would need to be accompanied by new (re-established) long-term dwelling units.

- In the Historic Urban Non-Residential Districts, **HU-B1A, HU-B1, and HU-MU**, the additional permissions for Established Multi-Family Residential use in the HU-B1A and HU-B1 Districts mean there is a moderate potential for additional small and large STRs because both STR types can only become licensed in a residential structure with owner-occupancy. New multi-family residential is prohibited in the HU-B1A and HU-B1 Districts.
- In the Suburban Non-Residential Districts, **S-B1, S-B2, S-LB1, S-LB2, S-LC, and S-MU**, the CPC does not recommend any changes to the Established Multi-Family or Established Two-Family use permissions, so there is no effect on potential STRs.
- In the Commercial Center Districts, **C-1, C-2, C-3, MU-1, MU-2, EC, MC, MS, and LS**, the only recommended Established Multi-Family Residential use change is to the MS Medical Service District. This may have an effect on STRs because multi-family residential is currently prohibited and Commercial STRs are permitted; however, MS District locations are very limited.
- In the Historic Core Residential Districts, **VCR-1, VCR-2, HMR-1, HMR-2, and HMR-3**, the CPC recommends a text change only to the HMR-3 District. STRs are prohibited in the VCR-1 and VCR-2 Districts. The HMR-1 and HMR-2 Districts already authorize multi-family residential as permitted uses. In the HMR-3 District, there is only a minor change to the use permissions for Established Multi-Family Residential. The Residential Diversity Overlay that is already applied to this District allows Established Multi-Family Residential up to 4 units as a permitted use. The CPC's recommendation only goes further than this existing policy in that it allows as many as 5 units by right if a structure is reducing the number of units from a higher number of previously-existing units. However, any structure with 5+ units in the HMR-3 District would not meet the definition of a small STR and may only apply as a Conditional Use for a Large STR.
- In the Historic Urban Residential Districts, **HU-RS, HU-RD1, HU-RD2, HU-RM1, and HU-RM2**, there is not significant new potential for STRs based on text changes to the Established Multi-Family Residential use. The HU-RM1 and HU-RM2 already allow multi-family residential. In the other districts, regardless of whether an applicant proposed to reestablish 2, 3 or 4 units, the property would need to be occupied by the owner of the property and only one unit could be a licensed, small STR, based on the STR regulations. Large STRs are prohibited in the HU-RS, HU-RD1, and HU-RD2 Districts.
- In the Suburban Residential Districts, **S-RS, S-RD, S-RM1, S-RM2, S-LRS1, S-LRS2, S-LRS3, S-LRD1, S-LRD2, S-LRM1, and S-LRM2**, there is not significant new potential for STRs. In the S-RS District, recommended changes to the use standards would make Established Two-Family Residential a permitted use and small STRs are already a permitted use in the District. In the other districts, there are no recommended changes to the use permissions for Established Multi-Family Residential. It should be noted that for

the S-LRS1 District, use standards reference Section 25.3.G.9 which prohibits Established Two-Family Residential after certain dates, which have already passed. The section is silent on Established Multi-Family Residential, though such uses are likely extremely rare.

COMMERCIAL DISTRICTS

TABLE 12-1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS			
USES	DISTRICTS		
	HU-B1A*	HU-B1*	HU-MU
Dwelling, Established Two-Family			
Dwelling, Established Multi-family	<u>P</u>, C⁸	<u>P</u>	
Dwelling, Multi-family			P
Small Short Term Rental	P	P	P
Large Short Term Rental	P	P	P
Commercial Short Term Rental			P
⁸ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.			

CPC's recommended modifications would require conditional use approval to permit most established multi-family dwellings providing more than 4 units in the HU-B1A district and in all single and two family residential areas considered in this text amendment. In contrast to those zoning districts which are more restrictive of commercial activity and higher density development, the HU-B1 zoning district is an appropriate location to permit existing and established multifamily dwellings providing more than 4 units as a permitted use. The HU-B1 historic urban business district is intended to accommodate more intense uses and typically are located along multi-modal transit corridors. Many of the HU-B1 districts have an established pattern of mid-density housing through historic zoning policies, some of which have since been converted to commercial uses. While new multi-family development is restricted in these areas, the CZO currently permits single and two-family development. This text amendment would create the opportunity to introduce additional housing to mixed use neighborhoods, while maintaining historic character.

Unlike many commercial zoning districts, commercial short term rentals are not permitted in the HU-B1A nor HU-B1 zoning districts. However, large and small short term rentals are permitted in these areas. The following restrictions apply to these areas for these respective uses:

Small Residential Short Term Rental:

→ Must be owner-occupied (STR operator must have a homestead exemption for the same property).
→ STR can operate in ONE unit of an established and/or existing multifamily dwelling *with fewer than 5 dwelling units*, per **CZO Article 20.3.LLL.4.a**

- **Example: A dwelling with 4 units may contain**
 - 1 Permanent Owner-Occupant
 - 1 STR
 - 2 long-term rentals

Large Residential Short Term Rental:

→ Must be owner-occupied (STR operator must have a homestead exemption for the same property)
→ STRs can operate in UP to THREE UNITS in one established and/or existing multifamily dwelling *with fewer than 5 dwelling units*, per **Article 20.3.LLL.5.a**
→ Large STRs are restricted to one per block face in residential districts, the HU-B1A Neighborhood Business District, HU-B1 Neighborhood Business District, HU-MU Neighborhood Mixed-Use District, S-LM Lake Area Marina District, MU-1 Medium Intensity, Mixed-Use District, and MU-2 High Intensity Mixed-Use District, per **CZO Article 20.3.LLL.6.c**

- **Example: A dwelling with 6 units may contain**
 - 1 Permanent Owner-Occupant
 - 3 STRs
 - 2 long-term rentals

Staff finds that established multifamily dwellings could be rehabilitated to create units for the purpose of creating short term rentals in the HU-B1A and HU-B1 Districts. However, any large short term rental operating in the HU-B1A or HU-B1 districts will be capped at 3 units and will be subject to the block face limitations, regardless of whether the structure provides 4 units or 10. Therefore, staff does not believe the modifications proposed in this text amendment will create excessive opportunities for additional STRs in these districts.

Finally, permitting higher density established multifamily structures in the HU-B1A and HU-B1 zoning districts presents an excellent opportunity to preserve and create naturally affordable housing by restoring or maintaining historic patterns of housing density. The CPC's recommendation could lead to additional housing opportunity at an appropriate scale in close proximity to commercial centers, schools and jobs. This text amendment would also encourage preservation of historic structures and restoration of structures which have been underutilized or blighted due to prohibitive land use policy and procedures in the past.

TABLE 14-1: PERMITTED AND CONDITIONAL USES SUBURBAN NEIGHBORHOOD NON-RESIDENTIAL						
USES	DISTRICTS					
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU
Dwelling, Established Two-Family						
Dwelling, Established Multi-family						
Dwelling, Multi-family				C	P	P
Small Short Term Rental			P	P	P	
Large Short Term Rental			P	P	P	P
Commercial Short Term Rental		P		P	P	

Staff finds that the proposed modifications to the CZO through ZD041-20 will not result in any increased opportunities to establish additional STRs in the Suburban Neighborhood Non-Residential Districts.

TABLE 15-1: PERMITTED AND CONDITIONAL USES COMMERCIAL CENTER & INSTITUTIONAL CAMPUS DISTRICTS									
USES	DISTRICTS								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
Dwelling, Established Two-Family								<u>P</u>	
Dwelling, Established Multi-family								<u>P</u>	
Dwelling, Multi-family				P	P	P	P		
Small Short Term Rental				P	P				
Large Short Term Rental				P	P	P			
Commercial Short Term Rental	P	P	P	P	P	P	P	P	P

Similar to the HU-B1 District, the MS Medical Services District is an appropriate location to permit established multifamily dwellings providing more than 4 units as a permitted use. This zoning district is mostly limited to the area near University Medical Center adjacent to the CBD and the areas surrounding New Orleans East Hospital on Lake Forest Avenue. This zoning district permits a range of commercial, institutional and residential uses. Most of these areas are currently occupied by large-scale structures related to medical services, and it is unlikely that many structures remaining in these areas have a historic pattern of multifamily housing. While commercial short term rentals are permitted in these areas, staff does not find that the CPC's recommendation will have a significant impact on the proliferation of STRs in this zoning district.

Short Term Rental, Commercial:

→ One or twenty-five percent of units may be leased as commercial STRs (no owner-occupant required), per CZO Article 20.3.LLL.2.e

- **Example: A dwelling with 10 units may contain**
 - 2 STRs
 - 8 long term rentals / condos

RESIDENTIAL DISTRICTS

TABLE 9-1: PERMITTED AND CONDITIONAL USES HISTORIC CORE NEIGHBORHOODS RESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3*
Dwelling, Established Two-Family					
Dwelling, Established Multi-family					<u>P, C</u>⁴
Dwelling, Multi-family	P	P	P	P	
Dwelling, Multi-Family Limited to 4 Units Maximum					C
STR, Small			P	P	P
STR, Large			C	C	C
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

The staff does not believe CPC's recommendations through ZD041-20 will lead to a significant increase in additional housing units in the Historic Core Residential Districts, which would not already be permitted by the CZO. All zoning districts in this area already permit multifamily housing, with the exception of the HMR-3 Historic Marigny/Bywater/Treme Residential District.

The HMR-3 zoning district is the most prominent residential district in the Marginy and Bywater neighborhoods, and it also encompasses a large portion of the Treme neighborhood bounded by Esplanade Avenue, Claiborne Avenue and St. Bernard Avenue, and Rampart Street. The CPC recommends allowing existing structures with a documented history of multi-family use to reestablish or maintain that use by right, if fewer than 5 units are proposed. If more than 4 units are proposed, generally, the applicant will be required to seek a conditional use. This recommendation is consistent with staff's recommendations applied to all other single and two family districts in the historic residential neighborhoods, as well as some suburban neighborhoods.

The CPC's recommendation for the HMR-3 district is consistent with the existing Residential Diversity Overlay policies, which are applied to the entirety of the HMR-3 district through sections 18.7.A.2 and 18.8.A.2 in the CZO.¹ This policy is aligned with CPC's recommendations to permit established multi-family structures through ZD041-20. The purpose of the residential diversity overlay is to "sustain the historic character of residential neighborhoods that contained a few small commercial uses serving the immediate neighborhood and a few small multi-unit residential buildings situated among low density residential uses." Sections 18.7.B and 18.8.B of the CZO permit a diversity of uses which would otherwise be restricted in other single and two family residential districts, including "multi-family dwellings within a district that permits two-family dwellings." Just as staff's recommendation only permits established multifamily dwellings proposing fewer than 5 units by right, Sections 18.7.B and 18.8.B limit multi-family dwellings to a maximum of four units, if located in an HMR-3 District. The CPC's recommendation only goes further than this existing policy in that it allows as many as 5 units by right if a structure is reducing the number of units from a higher number of previously-existing units.

Small STRs only permit one STR unit per property, and therefore the recommended established multifamily text amendments would not create additional opportunities for small STRs to be established. Whether a 2 or a 4 unit structure, only one STR can be licensed in a small STR. While the CPC's recommendation would allow larger established multi-family structures through the conditional use process, the number of STR permits allowed in a large STR is capped at three units regardless. Large STRs are only allowed through a conditional use process in the HMR-3 District. Therefore, obtaining a license to operate more than one STR in a 5+ unit established multifamily structure may require two conditional use approvals, which City Council has the authority to deny. Further, a property such as this would be required to provide at least some long-term rentals on site, given the 3 STR unit cap.

In the HMR-3 District, Small Short Term Rentals are permitted by right and Large Short Term Rentals are permitted as a conditional use. The following regulations apply to these uses:

¹ 18.7.A.2 The RDO-1 Overlay District applies to the following area within Marigny/Bywater: All lots bounded by Esplanade Avenue, North Rampart Street/McShane Place/St. Claude Avenue, the Inner Harbor Navigation Canal, and the Mississippi River.

18.8.A.2 The RDO-2 Overlay District applies to the following area within Tremé and the Sixth and Seventh Wards: all lots bounded by Orleans Avenue/Basin Street, North Villere Street, St. Philip Street, North Rampart

Small Residential Short Term Rental:

- Must be owner-occupied (STR operator must have a homestead exemption for the same property).
- STR can operate in ONE unit of an established and/or existing multifamily dwelling *with fewer than 5 dwelling units*, per **CZO Article 20.3.LLL.4.a**

- **Example: A dwelling with 4 units may contain**
 - 1 Permanent Owner-Occupant
 - 1 STR
 - 2 long-term rentals

Large Residential Short Term Rental:

- Must be owner-occupied (STR operator must have a homestead exemption for the same property)
- STRs can operate in UP TO THREE UNITS in one established and/or existing multifamily dwelling *with fewer than 5 dwelling units*, per **Article 20.3.LLL.5.a**
- Large STR are restricted to one per block face in residential districts and HU-B1A Neighborhood Business District, HU-B1 Neighborhood Business District, HU-MU Neighborhood Mixed-Use District, S-LM Lake Area Marina District, MU-1 Medium Intensity, Mixed-Use District, and MU-2 High Intensity Mixed-Use District, per **CZO Article 20.3.LLL.6.c**

- **Example: A dwelling with 6 units may contain**
 - 1 Permanent Owner-Occupant
 - 3 STRs
 - 2 long-term rentals

TABLE 11- 1: PERMITTED AND CONDITIONAL USES HISTORIC URBAN NEIGHBORHOODS RESIDENTIAL DISTRICTS					
USES	DISTRICTS				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2
Dwelling, Established Two-Family	<u>P</u>				
Dwelling, Established Multi-family	<u>P, C⁴</u>	<u>P, C⁴</u>	<u>P, C⁴</u>		
Dwelling, Multi-family				P	P
STR, Small	P	P	P	P	P
STR, Large				P	P
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.					

Staff does not believe the proposed modifications to the CZO though ZD041-20 will result in a significant increase in STRs established in the Historic Urban Residential Districts. Multi-family housing is a permitted use in the HU-RM1 and HU-RM2 districts, where large STRs are also permitted. Given these existing permissions, ZD041-20 would have no impact on increased opportunity for short term rentals in these districts. CPC's recommended modifications would allow established triplexes and fourplexes by right in the Historic Urban Single Family and Historic Urban Two-family Residential Districts, and conditional use approval would be required to permit established multi-family dwellings providing more than 4 units. In these areas, small short term rentals are permitted.

Regardless of whether an applicant proposed to reestablish 2 or 4 units, in the HU-RS, HU-RD1, and HU-RD2 Districts, the property would need to be occupied by the owner of the property and only one unit could be a licensed, small short term rental, based on the STR use standards. Large STRs are prohibited.

Small Residential Short Term Rental:

→ Must be owner-occupied (STR operator must have a homestead exemption for the same property).

→ STR can operate in ONE unit of an established and/or existing multifamily dwelling *with fewer than 5 dwelling units*, per **CZO Article 20.3.LLL.4.a**

- **Example: A dwelling with 4 units may contain**

- 1 Permanent Owner-Occupant
- 1 STR
- 2 long-term rentals

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS				
USES	DISTRICTS			
	S-RS	S-RD	S-RM1	S-RM2
Dwelling, Established Two-Family	<u>P</u>			
Dwelling, Established Multi-family				
Dwelling, Multi-family			P	P
STR, Small	P	P	P	P
STR, Large				
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.				

TABLE 13-1: PERMITTED AND CONDITIONAL USES SUBURBAN RESIDENTIAL DISTRICTS							
USES	DISTRICTS						
	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S-LRD2	S-LRM1	S-LRM2
Dwelling, Established Two-Family	P						
Dwelling, Established Multi-family	P, C ⁴						
Dwelling, Multi-family						P	P
STR, Small	P				C	C	C
STR, Large							
⁴ Established Multi-Family Dwellings that comply with Section 20.3.W.1 are permitted uses while those that comply with Section 20.3.W.2 are conditional uses.							

Staff does not believe the proposed modifications to the CZO though ZD041-20 will result in a significant increase in opportunity to establish additional STRs in the Suburban Residential Districts. Only small STRs are permitted in the S-RS Suburban Single Family Residential District and S-LRS1 Suburban Lakeview Single Family Residential District, subject to the following regulations:

Small Residential Short Term Rental:

- Must be owner-occupied (STR operator must have a homestead exemption for the same property).
- STR can operate in ONE unit of an established and/or existing multifamily dwelling *with fewer than 5 dwelling units*, per **CZO Article 20.3.LLL.4.a**

- **Example: A dwelling with 2 units may contain**
 - 1 Permanent Owner-Occupant
 - 1 STR

Sincerely,

Robert D. Rivers
Executive Director
New Orleans City Planning Commission

APPENDIX: DEFINITIONS AND USE STANDARDS

ARTICLE 26: DEFINITIONS

Dwelling, Established Multi-Family. A residence with a history of multi-family use which is authorized to operate as a multi-family residence in accordance with Section 20.3.W.

Short Term Rental. Short Term Rental. The use and enjoyment by guests of a Dwelling Unit, or any portion thereof, for a period of less than thirty (30) consecutive days, in exchange for money, commodities, fruits, services, or other performances. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in the CZO separately from Short-Term Rentals are not considered to be Short-Term Rentals. A short term rental is further defined as follows:

Short Term Rental, Residential. A short term rental where the owner has their permanent primary residential dwelling unit onsite and is present during the guest's stay. Proof of ownership shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. Only one type of residential short term rental is allowed per lot, with the exception that an owner may obtain one Partial-Unit *and* one Small Residential Short Term Rental Permits on the same lot.

Partial-Unit Residential Short Term Rental. Rental of a portion of an **owner-occupied dwelling unit with a principal use as a permanent dwelling unit** with no more than five (5) guest bedrooms and ten (10) total guests, for overnight paid occupancy as an accessory use.

Small Residential Short Term Rental. An owner-occupied lot with **no more than four (4) dwelling units where one (1) unit is the owner's permanent residential dwelling unit and where only one (1) dwelling unit per lot is rented** with no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as an accessory use.

Large Residential Short Term Rental. An owner-occupied residential structure that provides rental of up to three (3) dwelling units for paid occupancy, with no more than six (6) guest bedrooms total.

Short Term Rental, Commercial. An establishment providing rental of one (1) or more dwelling units for overnight paid occupancy. Each dwelling unit is limited to five (5) guest bedrooms and no more than ten (10) occupants.

ARTICLE 20- USE STANDARDS

The City Planning Commissions' recommended modifications through ZD041-20 are shown below **bold and underlined**:

20.3.W DWELLING, ESTABLISHED MULTI-FAMILY AND DWELLING, TWO-FAMILY

1. ~~For a two or multi-family dwelling that is currently operating, the current legal, non-conforming status must be confirmed by the Department of Safety & Permits.~~

For an existing two or multi-family dwelling:

- a. **The structure has a documented history of two units for a two family dwelling or fewer than 5 units for a multi family dwelling; OR**

- b. The structure has a documented legal history of multi- family residential use providing more than 4 units, but proposes to reduce the number of dwelling units to 5 or fewer; OR
 - c. Legal, nonconforming status has been confirmed by the Department of Safety & Permits
- 2. The decision to authorize an established two- or multi-family dwelling that does not meet any of the conditions in Section 20.3.W.1 shall be granted or denied based on the following considerations:
 - a. The extent to which the physical character of the structure is indicative of a legal history of two- or multi-family residential use, respectively.
 - b. The documentation of a legal history of two- or multi-family residential use, respectively.
 - c. ~~The duration of the past use as a legal two- or multi- family residential use, respectively.~~
- 3. A property with a documented history of two primary, detached single-family dwellings shall be permitted, as an established two-family dwelling, and a property with a documented history of more than one (1) primary structure, containing 3 or more units shall be considered as an established multi-family dwelling.
- 4. ~~The structure is limited to the existing building footprint. No increase in building footprint or intensity of use is permitted.~~ The structure may expand beyond the existing building footprint, to increase the total floor area. Structures with a proposed increase in building footprint must comply with the yard requirements according to the standards applied to the authorized residential use permitting the greatest number of dwelling units in its respective zoning district.
- 5. No additional conversions are permitted to the structure that would increase the number of dwelling units from that which historically existed.
- 6. For established two-family dwellings in the Lake Area Districts, such two-family dwellings are subject to the nonconformity requirements of Section 25.3.G.9 for existing two-family dwellings in the Lake Area Districts.

20.3.LLL.4 SHORT TERM RENTAL, PARTIAL-UNIT RESIDENTIAL STANDARDS

- a. Only a portion of the dwelling may be rented, which shall be limited to five (5) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or ten (10) guests total. There shall be at least one bedroom for the fulltime owner-occupant.
- b. No Partial-Unit Residential Short-Term Rentals shall be permitted in the area bounded by the Mississippi River, Iberville Street, N. Rampart Street, and Esplanade Avenue, unless specifically authorized herein. This provision shall not be waived.

Adopted by Ord. No. 28,156, §14, August 8, 2019, Zoning Dockets 26/19 & 27/19

20.3.LLL.5 SHORT TERM RENTAL, SMALL RESIDENTIAL STANDARDS

- a. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used

for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.

- b. Up to five (5) guest bedrooms may be rented to guests, and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.

Adopted by Ord. No. 28,156, §14, August 8, 2019, Zoning Dockets 26/19 & 27/19

20.3.LLL.6 SHORT TERM RENTAL, LARGE RESIDENTIAL STANDARDS

a. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.

- b. **Large Residential Short Term Rentals are limited to a maximum of three (3) dwelling units containing no more than six (6) total guest bedrooms.** Occupancy shall be limited to two (2) guests per bedroom with a maximum twelve (12) guests.

c. In residential districts and HU-B1A Neighborhood Business District, HU-B1 Neighborhood Business District, HU-MU Neighborhood Mixed-Use District, S-LM Lake Area Marina District, MU-1 Medium Intensity, Mixed-Use District, and MU-2 High Intensity Mixed-Use District, **only one (1) principal bed and breakfast or large residential short term rental is permitted per block-face.**

Adopted by Ord. No. 28,156, §14, August 8, 2019, Zoning Dockets 26/19 & 27/19

20.3.LLL.2 SHORT TERM RENTAL, COMMERCIAL STANDARDS

a. The permit shall be prominently displayed on the front facade of the property in a location clearly visible from the street or on the exterior of the front door of the dwelling unit being rented for multi-family dwellings, during all periods of occupancy and contain the permit number, the contact information for the permitted operator, the permit type (Commercial) and the unit, guest bedroom and occupancy limit.

- b. Up to five (5) guest bedrooms may be rented to guests in each unit and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.

c. Commercial Short Term Rentals shall be prohibited on the first floor of a multi-story structure that contains or can contain residential uses on subsequent floors, but (1) does not apply to buildings that are single- or two-family dwellings; (2) does not apply to single-story structures; (3) does not apply to the CBD Central Business Districts, except when the structure is a new construction or a substantial improvement, EC Education Campus, MC Medical Campus, LS Life Science, and M-MU Maritime Mixed Use Districts, nor the MI Maritime Industrial Commercial and Recreational Subdistrict.

d. A Commercial Short Term Rental shall submit the following impact management plans, to be reviewed by the Director of Safety and Permits, and all other relevant City agencies:

- i. Noise abatement plan;
- ii. A security and operation plan; and
- iii. A sanitation plan.

e. **No more than one (1) unit or twenty-five (25) percent of total units on a lot or a single building constructed across lot lines, whichever is greater, shall be permitted as a Commercial Short Term Rental.** This cap shall not apply to the VCE Vieux Carré Entertainment District, to

structures which front on Canal Street between the Mississippi River and Rampart Street, the EC Educational Campus District, MC Medical Campus District, LS Life Science District, or the MI Maritime Industrial District Commercial and Recreational Subdistrict.

f. Any structure that contains 10 or more dwelling units that are used as short term rentals shall have a designated and permitted Operator as required by the Code of the City of New Orleans.

Adopted by Ord. zoning Docket 61/16; Ord. No. 28,156, §14, August 8, 2019, Zoning Dockets 26/19 & 27/19 No. 27,209, §1, Dec. 7, 2016, Z

MOTION

NO. M-20-279

CITY HALL: September 3, 2020

**BY: COUNCILMEMBERS BANKS, GIARRUSSO, GISLESON PALMER, NGUYEN
AND BROSSETT**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed 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 clarify and amend the definitions and uses of “*Dwelling, Established Multi-Family*” and “*Dwelling, Established Two-Family*,” along with the following, additional conditions:

1. distinguish these “established” uses from other non-conforming uses; and
2. create factors and requirements for the re-establishment of “established” multi-family and two-family dwellings; and
3. determine if these “established” dwellings should be permitted by-right in all residential zoning districts where multi-family use is currently prohibited or requires a conditional use; and
4. recommend whether conditional uses, overlays, or other standards should govern the redevelopment of “established” dwellings within residential areas of the city near institutional uses, such as universities, to ensure that the encroachment of student housing into surrounding neighborhoods does not diminish affordable housing stock.

BE IT FURTHER MOVED, That the City Planning Commission shall consider the following factors for the re-establishment of previous multi-family dwellings in single/two-family residential districts:

1. Only properties with a “documented legal history” as a two or multi-family dwelling, as verified by the Department of Safety and Permits, the qualifications of which shall be

- clarified and/or defined, shall be eligible; and
2. Re-establishment by right shall be limited to structures containing no more than four units; and
 3. There shall be no increase of the footprint nor intensity of the structure. Any expansions of the use, such as the addition of bedrooms via substantial renovation or increases to the total floor area, shall remain a conditional use; and
 4. If the history of the multi-family dwelling includes more than four units, a conditional use shall be required; and
 5. No additional conversions that would increase the number of dwelling units from that which historically existed shall be permitted; and

BE IT FURTHER MOVED, That in the process of studying and reviewing this request, the City Planning Commission staff is granted the flexibility to make appropriate changes to proposed regulations and any existing, corresponding regulation in the CZO, as amended, to establish consistency and continuity with the existing code, to add references when they are necessary, to make adjustments to clarify ambiguities or mistakes, or to make adjustments consistent with the intent of this motion that result from CPC's review.

THE FOREGOING MOTION WAS READ IN FULL, ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.