

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

December 12, 2021
Zoning Docket 084/21

Dear Councilmembers,

This week, you are being asked to consider a Staff Report from the City Planning Commission Staff regarding a Comprehensive Zoning Ordinance Text Amendment that would provide more Affordable Housing in New Orleans. We at the FMIA have pushed for more Affordable Housing in New Orleans. Most recently, we have supported the extension of the NHIF fund, and a redevelopment of the old Frankie and Johnny's furniture store at St Claude and Franklin into 42 units of Affordable Housing, which is on hold because of COVID related financing issues. This text amendment would allow properties in certain zoning districts in the city to be converted to up to four units, as long as they provide a minimum of 500 sq ft of Affordable Housing, and expand the foot print of the building by right, as long as they meet the current yard requirements. This motion argues that not only would an affordable unit be added, but the additional units would benefit the supply of housing in the city. However, we feel that this new proposal would not only provide very little actual housing in our neighborhood, but would most likely drive up housing costs. We would like to share with you our greatest concerns:

- 1) Short Term Rental Expansion- The recently passed STR rules were an 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 for more STR's. In fact, the Staff Report acknowledges that, and instructs the developer on how many units they can do. 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. Additionally, it is nearly impossible for the city to regulate how units are being utilized in a private home. As it is now, the city's enforcement efforts are failing, and that is being kind. Expanding a single family into a Whole House STR, or three smaller STR units, (with 500 sq ft for the resident of the Affordable Housing unit), is the undeniable unintended consequence of this motion in the Marigny. I doubt I can find anyone that thinks that it 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 will be used to maximize our housing stock for STR's, not New Orleanians. The most effective way to create more housing supply in the Marigny would be to limit the amount of STR's allowed in the Marigny, and effectively enforce the rules. Scott Ellis, in his book "The Faubourg Marigny of New Orleans: A History stated , "Short-term rentals are probably the most significant agent of change the Marigny has seen since the onslaught of AIDS since the mid-1980's. The regulatory edicts are, like most high-sounding New Orleans ordinances, enforced with neither effectiveness nor consistency. (pp 200)" We believe that before any changes are made to our neighborhood, we should wait until we have sufficient STR enforcement, and properly adjust the current rules, (specifically, density limits and the elimination of the Whole Home STR's in Commercial properties) as most every candidate said they would do when they spoke to us during the campaign.
- 2) History in the French Quarter- The less discussed issue regarding housing in the Marigny is pied a terres. 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 due 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 high prices that the neighborhood changed to small rentals to out of towners, and before you knew it, a plan that people 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. This is already happening in our neighborhood, and this plan would exacerbate it. There is no way to legally require the people that rent these units to live in them full time. We need to find a way to bring people back to these neighborhoods, not push more people out for pied a terres.

- 3) Minimum Lot Area Requirements- If an Affordable Housing Unit of 500 sq ft is created, all Minimum Lot Area Requirements in HMR-3 are waived, leaving only the back and side yard requirements. The FMIA has fought for years to preserve our historic Creole architecture and culture. Too many times, the CPC staff writes legislation that pits preservationists against Affordable Housing advocates. We regret that, and showed that it doesn't have to be the case. In 2018, Councilmember Ramsey removed the affordable housing requirement from the RiverFront Overlay that would have allowed 85 ft height limits. We worked with Councilmember Palmer to correct this, and the RiverFront Overlay now has 55 ft height limits and affordable housing, showing they can coexist. We urge you to preserve the Minimum Lot Area requirements.
- 4) By Right - Rather than requiring an affordable housing unit, the CPC report would like to allow every HMR-3 property to be converted to a four plex. Currently, that only happens through the Conditional Use process. The CPC staff advocates this change because it is allowed in other districts and it "removes the added time, expense and public scrutiny that accompanies conditional



use approval". Why should the City of New Orleans discourage public scrutiny. Once we start writing legislation to eliminate public comment, where does it stop. We also ask that you consider the precedent this would set. Before this justification is allowed, please consider what would happen when these precedent spreads to other neighborhoods, or other zoning classifications. We ask that you maintain Multi Family as a Conditional Use in HMR-3.

In conclusion, we ask you to support our recommendations regarding this text amendment, or at least defer until more study of the issues can be done and be properly addressed.

Sincerely,
Allen Johnson
President