

Critics say New Orleans failing to properly enforce new 'doubles to dorms' regulations



Garbage cans used by occupants of doubles to dorms often are never taken in from the curb after garbage day on Hillary Street. PHOTO BY DAVID GRUNFELD / THE TIMES-PICAYUNE

BY STEPHANIE RIEGEL | STAFF WRITER
MAR 8, 2023 - 4:00 AM

Almost six months after the New Orleans City Council approved a measure aimed at curbing the proliferation of “doubles to dorms” near Tulane and Loyola universities, those who pushed for the rules say Mayor LaToya Cantrell's administration is failing to enforce them.

The rules, which went into effect in October, require developers to provide one new off-street parking space for each new bedroom they add to a house, regardless of the size of the house or whether the owner lives in it.

But Uptown neighborhood activists say the Department of Safety and Permits appears to be changing the way it counts bedrooms to favor developers. At a meeting Monday of the Board of Zoning Adjustment, they appealed two recently approved projects — one, a renovation of an existing structure on Cherokee Street, the other, a new construction on Zimple Street -- that they say exemplify the problem.

The two structures together will add new bedrooms to the neighborhood, according to the way the neighborhood groups count bedrooms, without providing a single new parking space.

But the board denied the appeals, based on how Safety and Permits counts the bedrooms, clearing the way for both projects to go forward.

Neighborhood groups are disappointed. But administration officials say they're just following rules that the City Council approved.

City Council member Joe Giarrusso -- who has sponsored three ordinances in as many years to address the issue -- is frustrated, but says he will continue to revise the law to close loopholes.

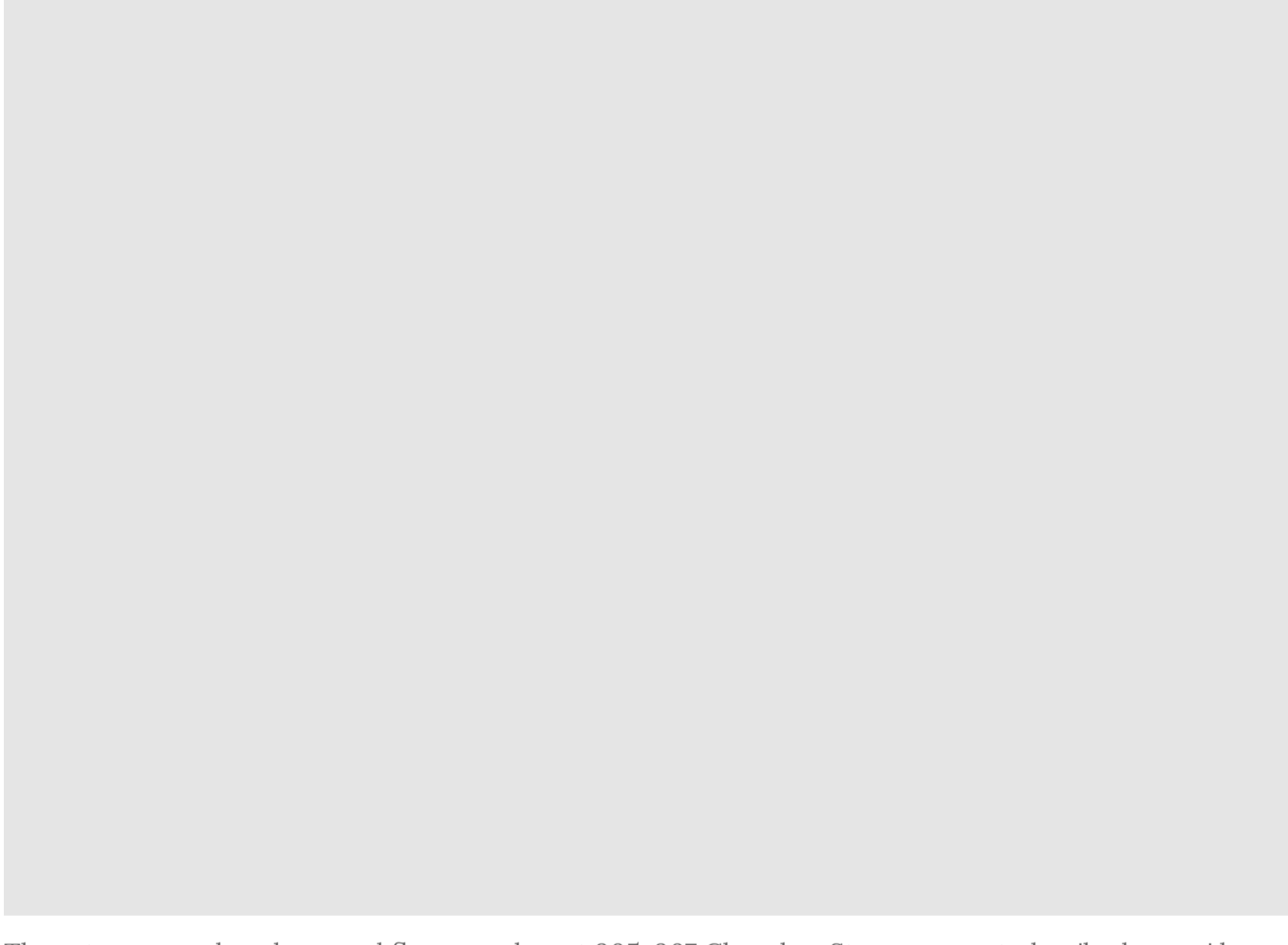
“But the developers are always one step ahead, and it's up to the administration to enforce the rules,” said Giarrusso, whose district includes neighborhoods around the universities. “I can buy the lightbulbs; I can't make the administration screw them in.”

A bedroom or not?

Neighborhood groups hoped Giarrusso's 2022 ordinance creating an interim zoning district would put a dent in the explosion of residential rental space in their neighborhoods. So far, though, they're not aware of any projects that have been halted since the new rules went into effect.

On the contrary, they point to three recent examples they say appear to violate the new law yet were approved by Cantrell administration.

One, in particular, illustrates why it's so difficult to enforce the regulations. The property at 905-907 Cherokee St. is a four-unit building that neighborhood groups say has five bedrooms, based on their personal knowledge of the property and their review of historic building plans and real estate listings.



These two unenclosed, ground floor porches at 905-907 Cherokee St. were counted as 'bedrooms' by the New Orleans Department of Safety and Permits, which reviewed plans to convert the property into an eight-bedroom duplex for student housing. Photo courtesy: City of New Orleans Board of Zoning Adjustment

A bedroom, according to New Orleans' zoning code, is any enclosed room that cannot be used as a kitchen, bathroom, living room or laundry room. But the developer, based on that definition, says the property has eight bedrooms, a number he intends to keep even as he converts the house from four units to two units.

The Cantrell administration, meanwhile, says the structure has 13 bedrooms — including two unenclosed, open-air porches and an entrance hall. That means, by this count, the conversion will reduce the number of bedrooms rather than increase them.

Neighborhood activist Debra Howell, who filed the appeal, said the confusion stems from administration officials retroactively applying “bedroom” labels to existing rooms to increase the number of “existing” bedrooms as compared to the developers' “proposed” bedrooms.

“We are just baffled that we have to keep going through these surreal experiences with a city agency,” Howell said. “We are dealing with alternate realities here. How do you look at someone and say a bedroom is not a bedroom?”

City officials deny they are reinterpreting the law. Rather, they say, they are applying it consistently to existing and proposed structures.

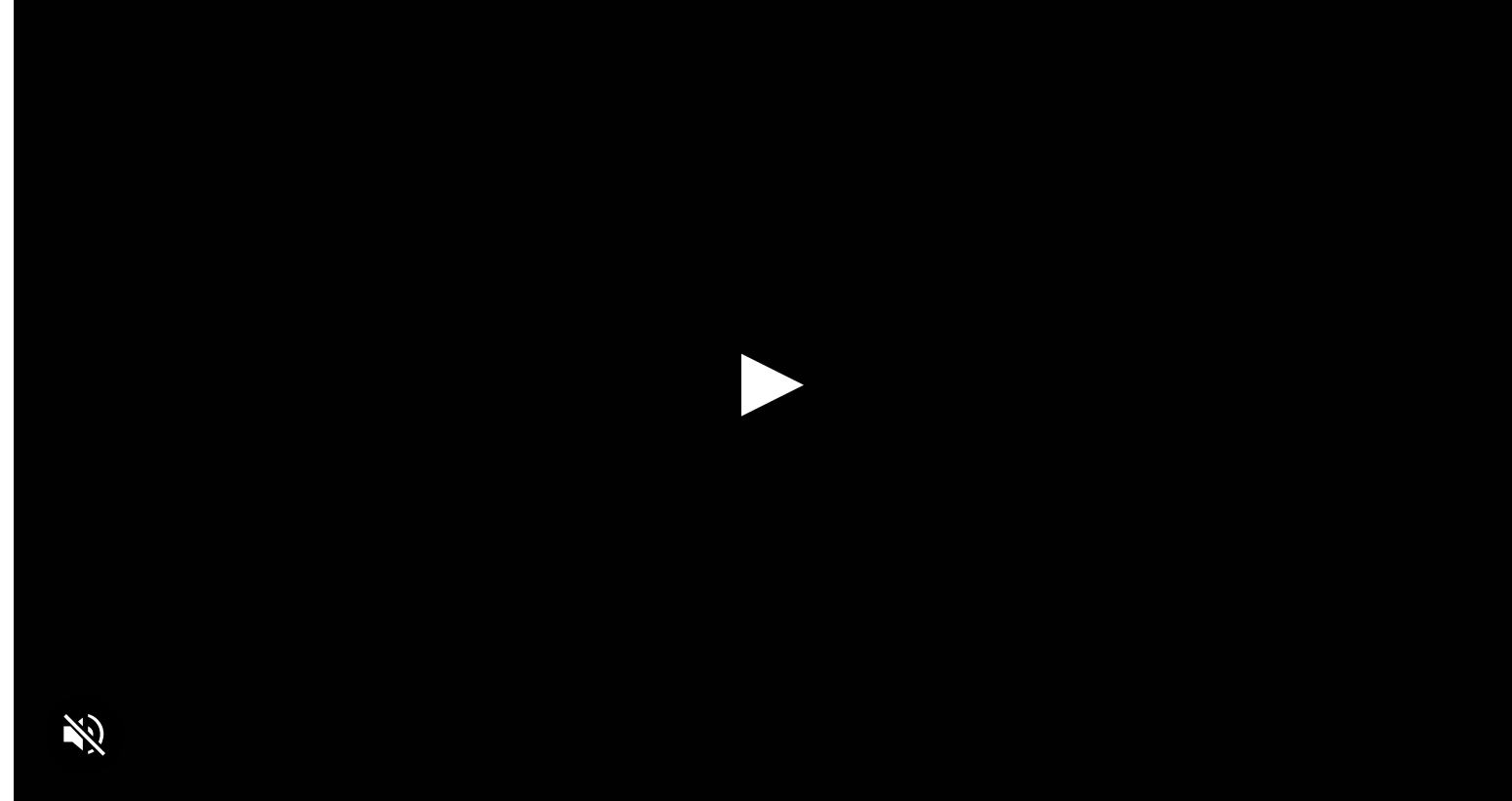
“The definition of bedrooms isn't problematic,” Safety and Permits Tammie Jackson said. “We don't write the rules; we just enforce them.”

Jackson could not why Safety and Permits counted two unenclosed porches on the Cherokee Street property as bedrooms, but said even if that was an error, the developer is still reducing the number of bedrooms to the structure, meaning no new parking is required.

Closing loopholes

In the months since the rules were approved, Giarrasso said, the council has gotten feedback from stakeholders and the Planning Commission. At the council's March 23 or April 1 meeting, he plans to introduce several revisions to tighten the definition of a bedroom and make clear that a dining room cannot be counted as a bedroom.

“There are other things we can look at doing, too,” he said. “But it's an ongoing discussion and there are no simple solutions.”



This Day in History
Sponsored by Conatix

FOR YOU, FROM NOLA

- Talking Business: Deanna Rodriguez is forging new territory as Entergy's first female CEO
- Luxury listings include lake shores, lake views and city views in the New Orleans area
- New Orleans coroner IDs 3 killed in recent shootings, including 14-year-old
- Man killed in Marrero triple shooting identified by coroner's office

NFM
Looks That Impress for Less
Shop Now