

Transcript, Dec. 12, 2023, CPC hearing, ZD 089-23—University Area Design Overlay

Print summary at: <https://onestopapp.nola.gov/SummaryContent.aspx?type=Project&id=40518>

Video on YouTube at: <https://www.youtube.com/watch?v=EPxkxhqlqgc&t=1421s>

[Starts at timestamp 00:23:41]

(Length: about 8 minutes)

COMMISSIONER KATIE WITRY, VICE CHAIR: Moving on to Zoning Docket 89-23—City Council motion.

CPC STAFF MEMBER: Zoning Docket 89-23 was brought forth by the City Council Motion M-23-472 as an amendment to Article 18 of the Comprehensive Zoning Ordinance to establish a new overlay district named the University Area Design Overlay in the residential neighborhood surrounding Tulane and Loyola Universities. This area would affect just under 3300 parcels.

The proposed University Area Design Overlay District is connected to a CPC recommendation for previous University Area Off Street Parking Overlay District staff reports. The Staff finds that the regulations contained in the motion accomplish the overall intent of more design oversight in the area, but we recommend modifications to make the regulations more accommodating of minor expansions to existing buildings as well as easier for the City Planning Commission Staff to administer.

Staff recommends the following modifications that are underlined [inaudible] in the report to the proposed text amendment. Firstly, the Overlay District should allow applicants to only go through an administrative-level design review process overseen by the CPC Executive Director, versus having to go through the full Design Advisory Committee process, which can delay construction and incur financial and other undue hardships.

Staff recommends correcting the proposed boundaries of the University Area Design Overlay to have South Carrollton Avenue be the west boundary of the Overlay District.

Staff recommends the following modifications to the proposed requirements written in the motion. Staff finds that the motion's threshold of an enlargement or addition of an existing square footage of 10% is too low and recommends increasing the threshold of any enlargement or addition to be 20% additional square feet. Staff recommends the design regulations require Staff to consider changes to the massing, articulation and roof form to ensure compatibility with existing development. The Staff of the City Planning Commission is authorized to adopt design guidelines consistent with this purpose. Staff recommends height limits based on the size of adjacent structures and single- and two-family zoning districts.

Motion M 23-472 also grants the CPC staff, the Law Department and the City Council Central Staff to study the legal and practical feasibility of excluding homestead exemption properties from the proposed University Area Design Overlay District. CPC Staff requested an interpretation from the Law Department opining on the legality of the home exemption consideration. At the time of the issuance of the report, the CPC Staff had not received such an interpretation and therefore cannot provide a recommendation on this consideration. However, in assessing the practical feasibility of such a requirement, the Staff is concerned that granting land-use privileges only to those who own the home in which they live is antithetical to the Comprehensive Zoning Ordinance's most basic function on regulating the use of land, not the user or the occupant. Overall, staff recommends modified approval of the proposed Zoning Docket 89-23.

WITRY: Thank you. Being as this is a City Council motion, I don't believe there's anybody else here to speak. We do seem to have—oh, do you have a card...? Are you here on behalf of City Council?

CLAIRE BYUN, DISTRICT A OFFICE: I am. I wanted to be present if there's any questions or anything. My name is Claire Byun, Land Use Director for Councilmember Joe Giarrusso, District A. I just wanted to make my, you know—just in case you need me, I'll be over here, that's all.

WITRY: Do you have any—?

BYUN: I appreciate the Staff's report. I thought it was very thorough. I appreciate the research and I just, you know, look forward to the Commission's vote and we'll move forward from there.

WITRY: What do you think of the modifications?

BYUN: I have not discussed them fully with the Councilmember. We try to do that after the Commission votes. I do, you know, appreciate, I think—putting the height in context of the houses around it is a wonderful idea, and it makes sense for that neighborhood. But yeah—I haven't discussed the rest with Joe yet.

WITRY: Thank you. Any other questions? Thank you for being here. I believe we have one card in opposition. Please state your name and address.

ZACH SMITH: Good afternoon, Commission. Zach Smith, Zach Smith Consulting, 1000 South Norman C. Francis. I always check the box as a paid speaker. On this particular one, I don't believe I am. You know, we've been seeing these rules and rules and rules again come through trying to find ways to essentially persecute housing that may be geared towards students or adjacent to public universities. While I believe that—for what it's worth, I think the overlay is way better for these design review restrictions. I think they're a better tool to use than some of the very broad IZDs and stuff that have worked their way through; and luckily I think the city hopefully will have some certainty soon with a with an Overlay that's going to be adopted this Thursday by Council.

But just in general, you know, it's a position of mine—it's a position I think, of the entire development community—these rules continue to make it more difficult to build the basic things. In this case, these are specifically going after houses and housing—single-family houses, two-family houses. These are things that are absolutely, perfectly in the zoning and we continue to add roadblocks and we continue to add hurdles to these housing stocks.

So the last discussion you guys had in a very cramped conference room on the 7th floor related to the Overlay resulted in kind of a lack of a direction of a vote. I do believe if there was an outcome to have today, it would be to seriously try to vote and adopt what I think is a reasonable compromise that the Staff have gotten to—to take what the mission and objective of the Council District is—in some of those real-life realities, especially because the harder it is to enforce and the harder it is to interpret some of these things, it just means that the Zoning Department and the DAC Staff—it's going to be bananas for them to enforce this stuff. So any and all recommendations of the staff I would hope get—again, I don't particularly like this rule. But if it's gonna happen, and it *will* happen, please take all of their staff recommendations. Thank you.

WITRY: Would you like—? Would you like to add rebuttal? Sure. Commissioners, do you have any questions or comments? Or a motion? Commissioner Steeg?

COMMISSIONER ROBERT STEEG: I'll move approval in accordance with Staff modifications. Umm, I don't think the use of the word “persecuted” was really appropriate, and I think the staff modifications are reasonable. Going to 20% seems to allow a minor modification. If somebody has a 2500-square foot home—to have a 10% threshold would be 250 square feet, which is, you know, one room, perhaps—a big room. So I like the 20%. So I move approval in accordance with Staff's modification.

COMMISSIONER KELLY BROWN: And I will second and also object to the “persecution” term used.

WITRY: Thank you. There's a motion on the floor. Is there any discussion? If there's no further discussion, we will vote. The motion passes for modified approval. Thank you.

[Ends at 00:31:56.]