



MEMORANDUM

To: The City Council
From: The Landrieu Administration
Date: July 5, 2011
RE: Response to Resolution R-11-135

On March 17, 2011, the City Council passed Resolution NO. R-11-135 (attached), which directed the City Planning Commission, Historic District Landmarks Commission, Information Technology and Innovation Department, and the Office of Safety and Permits (together, "the City") to "coordinate to develop and implement temporary requirements . . . with respect to administrative procedures for proposed land use and zoning actions and initiatives." The resolution directed the City to "report back to the City Council's Governmental Affairs Committee upon completion of this initiative."

We have developed the attached draft land use and zoning notification program that we propose testing for a 90-day beta period. Our plan is to make the program's cost-intensive initiatives apply to the City Planning Commission only, because of the Commission's limited number of dockets. This will make us better able to test the new methodology and limit cost impacts. At the conclusion of the beta period, it may be necessary for the City Council to propose increasing user fees for land use applicants or offer an amendment to the 2011 budget should all of these procedures be adopted. [note: some procedures are cost-neutral but others come with a significant cost]

We also note that the Office of Neighborhood Engagement is independently working to build capacity in neighborhoods to better enable citizens to interact with government and stay informed on government activities and actions. The efforts of this office are not discussed in this proposal with the exception of coordination relative to notification of neighborhood associations.

The 90-day beta program will include:

- **Online – Making it easier to find agendas on the City's Nola.Gov web site:**
 - The City will amend its "nola.gov" web site to better identify land use issues.
 - The "Public Notice" section will be renamed "Meeting Notices and Agendas." This section's subtitle will be changed to "View public notices for boards and commissions, including land use."
 - The "Public Notice" page shall be searchable by keyword, date, and board/commission.
 - The page shall contain agendas for all board/commission meetings including but not limited to City Planning Commission, Board of Zoning Adjustments, New Orleans Historic District Landmarks Commission, CBD Historic District Landmarks Commission, and the Vieux Carre Commission.

- **Posted Notice – Requiring applicants to post a sign on their property before they have a public hearing:**
 - For applications involving zoning map amendments and conditional use permits, a notification sign shall be placed on the property under consideration at least thirty (30) consecutive days prior to the public hearing conducted by the City Planning Commission.
 - **Residential:** The notification sign shall be made of coroplast or similar material and measure eighteen (18) by twenty-four (24) inches in size, mounted on legs or feet or attached to the property in a clearly visible location.
 - The sign shall state, “An application has been filed for a change affecting this property’s zoning. For more information, contact the City Planning Commission at 658-7033. Do not deface or remove under penalty of law.”
 - The sign shall be posted in the front yard of the property.
 - For properties located on a corner, one sign shall be placed on each corner.
 - The signs shall be ordered by the City and shall be given to the applicant at the time of application.
 - Should the sign be damaged or stolen, the applicant shall be entitled to pick-up additional signs.
 - Cost impact: \$613 for 100 signs.
 - **Commercial:** Applicants applying for a change to a property carrying a commercial zoning classification shall utilize the above process with one exception:
 - The sign shall measure twenty-four (24) inches by thirty-six (36) inches.
 - Cost impact: \$188 for 10 signs.
 - **Notice posted in Window**
 - Applicants shall also post a notice in the window of the subject property (should the property have a building on it with a window facing the right-of-way. If the property has no window facing the right-of-way, notice shall be placed on the door facing the right-of-way.). The notice shall include a summary of the application. The notice shall be posted for a period of 14 to 21 consecutive days prior to the public hearing conducted by the City Planning Commission.
 - **Logistics:** It shall be the responsibility of the applicant to secure the sign from the City Planning Commission and post it prominently on the site. The Department of Safety and Permits shall inspect the sign when it conducts the posting of neighborhood notification signs. For the purpose of this beta testing period, the cost of the signs shall be borne by the City.
- **Proximity Mail Trial Program – Sending written notices to individuals within a radius of a property, not just on the same block; also sending notices to both property owners and occupants:**
 - The City’s Office of Information Technology and Innovation shall create a program to identify addresses of all residents and owners of property within 300 feet from the boundary of the property under consideration for a zoning change.
 - When possible, the City shall notify these residents and property owners by mail. The City shall use postcards instead of letters in order to mitigate cost. The cost of mailing a post card is 29 cents (versus 44 cents for a letter).
 - Notice shall be given to both property owners and occupants.

- For multi-family residential buildings with more than 20 units, the Department of Safety and Permits shall deliver a notice to be posted in the lobby or common area of said building rather than mailing postcards to the occupants and owners.

- **Neighborhood Organizations – Using neighborhood organization e-mail lists to send notices of all land use hearings:** The City will distribute a monthly summary of meeting dates with a link to meeting agendas for agencies with jurisdiction over land use to an email list created by the Office of Neighborhood Engagement.
 - The City’s Office of Neighborhood Engagement (ONE) has begun gathering a comprehensive e-mail list of neighborhood associations in New Orleans. This list will be cross-referenced with all lists the City (and other non-profit organizations) presently have for neighborhood organizations.
 - ONE shall seek to have each neighborhood association’s official e-mail address that does not change with officer elections (i.e. not the president’s personal e-mail).

- **Notice to be Posted in Neighborhoods – Continuing a practice that has been working**
 - Safety & Permits shall continue posting signs in neighborhoods as it presently does before City Planning Commission hearings.

- **Submission of Plans to the City and Coordination of Review**
 - During this pilot program, the Department of Safety and Permits will not issue any building permits or licenses for any project requiring a conditional use approval until they receive stamped development plans from the City Planning Commission.

- **Logistics and Schedule**
 - The proximity mail beta program will begin when the CPC mails notice for its July 26 meeting. This notice will go out on or around June 28. This will mark the commencement of the 90-day program period.

- **Assessment and Limitations**
 - **Assessment:** Throughout the 90-day program period, the City shall collect data relative to the implementation of these test initiatives. At the end of the program, the City shall perform an assessment and cost-benefit analysis of the test initiatives and present them to the City Council. The assessment may include, but will not be limited to:
 - Determining the administration’s success in executing the trial program.
 - Tracking the volume and cost of the proximity mail initiative.
 - Measuring any change in utilization of the “Meeting Notices and Agendas” page on the City website.
 - Tracking the coordination of plan review.
 - Interviews with engaged stakeholders, including City Councilmembers and staff, to measure their perception of whether the trial program made engagement in land-use issues simpler and more accessible.
 - Analysis of barriers in instituting this across land use agencies.
 - Tracking how much staff time this takes.
 - **Limitation:** Due to subjective nature of citizen engagement, any increased citizen engagement in the city’s land-use processes must be inferred from the above assessment.

- **Existing Law & Failure of New Procedures During Beta Period**
 - During the beta period, the City Planning Commission shall continue to follow all existing notification procedures in the Comprehensive Zoning Ordinance and other applicable law.
 - Failure to carry out any elements of the trial procedures including but not limited to failure of an organization to receive e-mail notice, failure of a sign to be properly maintained for the requisite period, or failure to include the address of an occupant or property owner shall not be grounds for a delay of a City Planning Commission hearing or to generate any appeal rights for any party.