

## FREQUENTLY ASKED QUESTIONS – SPECIAL EXCEPTION PROCESS

### Who is eligible for the Special Exception Process?

The City Planning Commission is only accepting applications for the Special Exception process from applicants who either: (1) were not granted a license through the lottery; or (2) are applying for a property in which an existing Bed and Breakfast is located on the square. Applicants who are eligible for the Special Exception process will be notified of their eligibility.

### How do I apply for a Special Exception?

The Special Exception application is not available to the public--you will be referred to us from the STR Administration and the applicant must contact the City Planning Commission with an affirmative request to initiate the Special Exception process. Applications for properties with existing Bed and Breakfasts on the square (as well as Bed and Breakfast applications received by *July 1<sup>st</sup>*) will automatically bypass the Lottery and go straight to the Special Exception Process.

### What is the process of the Special Exception?

Complete applications will be referred to the City Planning Commission from the STR Administration. Applicants must contact the City Planning Commission with an affirmative request to initiate the Special Exception process.

Once the CPC receives the request from the applicant, the applicant will receive the information for the NPP meeting from the City Planning Commission. Once you hold your NPP meeting, you will submit a completed application and pay the application fee (\$500), and CPC will write a report recommending APPROVAL or DENIAL.

The report will be transmitted to City Council, who will make the final decision on Approval or Denial of the Special Exception application.

If approved, the applicant will be granted a license and have five (5) days to pay the permitting fee.

Please see the flowchart for more detailed information on the process.

### What items must be submitted for a complete application?

A complete application shall include: (1) Complete NSTR application form; (2) Response letter addressing the criteria standards of approval; (3) Complete NPP report; and (4) payment of the \$500 application fee.

### Is there a fee to apply?

The application fee is \$500.

### What is the Neighborhood Participation Program (NPP)?

The City Charter calls for “a system of organized and effective neighborhood participation in land use decisions and other issues that affect quality of life.” The purpose of the Neighborhood Participation Program for Land Use (NPP) actions is to provide timely notification of any proposed land use action affecting a neighborhood and to provide the opportunity for meaningful neighborhood review of and comment on such proposals. As per Article 4 of the Comprehensive Zoning Ordinance:

- a. Applicants shall first meet with the staff of the City Planning Commission to become familiar with the procedure and approval standards for conditional uses and to obtain guidance on the requirements of the Project NPP.

## FREQUENTLY ASKED QUESTIONS – SPECIAL EXCEPTION PROCESS

b. The Project NPP shall include the following information:

- i. A brief description of the proposal, including the type of land use request, known needed variances and citations for each, estimated start and end dates, and a development plan for the project. The description shall include the proposed floor area square feet, number of units, and number of floors.
- ii. An outlined area map and a contact list for notifying the individuals and entities identified in [Section 3.3](#).
- iii. A general description of how parties on the contact list will receive information on the project, including a statement as to which public notification techniques will be used for the project.
- iv. A general description of how parties on the contact list will be informed of any changes or amendments to the proposed project after the applicant's initial contact.
- v. A statement as to how those impacted by the proposal will be provided an opportunity to discuss the request if issues or questions should continue or suddenly arise.

c. The applicant shall provide the typed Project NPP and notice, including email notification to applicable registered neighborhood associations, of an opportunity for interested parties to attend a meeting to discuss the proposed application not less than fourteen (14) nor more than thirty (30) days after the date on which the applicant provides notification to the parties on the contact list. In addition, the applicant shall notify the City Planning Commission of the meeting date, time, and location not less than fourteen (14) days prior to the meeting. The applicant shall hold the meeting at the noticed time. The applicant shall distribute informational handouts to meeting attendees. The handouts shall include information about the applicable zoning district, registering with City notification system(s), accessing application documents and NPP meeting summary reports.

For the purposes of this section, meetings may be held in a physical location that is in accordance with the City Planning Commission's Administrative Rules, Policies, and Procedures. The notice provided in accordance with this section shall include a brief description of the request and shall indicate the existing zoning classification of the subject property and the zoning classification the applicant intends to request and the citation for the conditional use.

d. The applicant shall submit a Project NPP report with the application. The report shall provide the following information:

- i. The names of the individuals and entities that were notified and the total number of number of people that participated in the process.
- ii. A list of the concerns, issues, and problems expressed by the participants.
- iii. A statement as to how each concern, issue, and problem is addressed and how the applicant intends to continue to address them. If the concern, issue, or problem is not being addressed, the applicant should state the reasons.
- iv. Copies of letters, affidavits, meeting invitations, newsletters, publications, and petitions received in support of or in opposition to the proposed project, and any other materials pertaining to the notification process.
- v. The date, time, and location of all meetings held with interested parties, or a statement indicating the reasons if no meeting was held. No information pertaining to any meeting held more than one hundred eighty (180) days prior to the submittal of the application shall be accepted as part of the Project NPP report, except where subsequent meetings with interested parties have occurred within the one hundred eighty (180) days preceding the submittal of the Project NPP report.
- vi. A completed sign-in sheet that includes the names, addresses, and contact information for meeting attendees.

## FREQUENTLY ASKED QUESTIONS – SPECIAL EXCEPTION PROCESS

For more information, please visit <https://nola.gov/next/city-planning/programs/neighborhood-participation-program/>

### What are the criteria standards of approval?

The criteria standards are as follows:

1. *Is the requested increase compatible with the surrounding land uses and structures?*
2. *Are there unique geographic considerations which would mitigate the impact of an additional non-commercial short term rental use within the block?*
3. *Are there unique use conditions in the surrounding areas which would be well served by or mitigate the impact of an additional non-commercial short term rental use within the block?*
4. *Will the additional non-commercial short term rental use increase traffic and safety hazards?*
5. *Will the additional non-commercial short term rental use create parking issues around the block or in the surrounding areas?*
6. *Will the additional non-commercial short term rental use impair the health, safety, and welfare of the neighboring properties?*

### How long will this process take?

The law requires the City Planning Commission to provide a recommendation to City Council within sixty days of receipt of a complete application. The reports will be transmitted to City Council in the order in which they were received.

### If there is currently no Bed and Breakfast on a square, but an NSTR license was issued on that block through the lottery, will no future Bed and Breakfast licenses be issued on that square?

In order for a square to be ineligible for the lottery, all bed and breakfast conditional use applications must be applied for by June 30<sup>th</sup>, 2023. If not, the square is lottery eligible.

If there is a Bed and Breakfast conditional use application *pending* on a square on July 1<sup>st</sup>, 2023, the square is **not eligible** for the lottery.

After July 1<sup>st</sup>, all new Bed and Breakfast conditional use applications will not be processed until after all special exception applications for the square have been reviewed.

### Do I have to go through the Special Exception Process Every Year?

Applicants who have received a license through the special exception process must renew their license every year and be in good standing when applying the following year. They do not have to go through the special exception process more than once.

### If I am denied the Special Exception License by City Council, will I be refunded the \$500 application fee?

The fee paid for the Special Exception process is non-refundable.

# FREQUENTLY ASKED QUESTIONS – SPECIAL EXCEPTION PROCESS

How will the NPP Process be handled to ensure fairness in applications?

To ensure fairness in the Special Exception process, once the complete application is received, the special exception applications will be reviewed and transmitted to the City Council in the order in which they were received. Please see the flowchart for more detailed information on the process.

