

Cameron Boissiere

From: olugbenga akanji <rotimiakanji@gmail.com>
Sent: Monday, October 28, 2024 6:50 PM
To: CPCINFO
Subject: modification of amendments: for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14.

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

Dear City Planning Commission:

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Dr. Olugbenga and Mary Akanji
48 Fairway Oaks Drive
NOLA 70131

Dr. Akanji
God Bless you

From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: District 13 ~ Support for FLUM Changes To RRE/Rural Real Estate, Including PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14
Date: Monday, November 4, 2024 10:13:34 AM

From: Jennifer M. Alexander <jalexa@mygrad.loyno.edu>
Sent: Saturday, November 2, 2024 3:46 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: District 13 ~ Support for FLUM Changes To RRE/Rural Real Estate, Including PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14

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To whom it may concern,

I live in District 13~ Lower Coast Algiers. Today I am writing in support for changing the amendments to the FLUM/Future Land Use Map to RRE/Rural Real Estate, including PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This not only the brings the FLUM in the agreement with the Master Plan but is also good for the infrastructure and community on many levels.

Please feel free to contact me with any questions.

Best,
Jennifer Alexander
3 Lakeway Ct., NOLA 70131

Fw: FLUM

From CPCINFO <CPCINFO@nola.gov>

Date Thu 10/31/2024 10:33 AM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: Pediatric Kidmed <pediatrickidmed@yahoo.com>

Sent: Wednesday, October 30, 2024 4:35 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: FLUM

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the proposed modifications to the Future Land Use Map. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change, which is fully consistent with the Master Plan, reassures us that it is in the best interest of all residents of the Algiers Lower Coast.

Sincerely,

Harish Anand, MD
5 Oak Alley Drive
New Orleans, La 70131

Cameron Boissiere

From: Susan Augello <stomaug@cox.net>
Sent: Wednesday, October 30, 2024 8:17 AM
To: CPCINFO
Subject: RRE

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"As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on **November 12, 2024**. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.
Susan Augello
1 Kingsmill Lane
NOLA 70131

Sent from my iPad

Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>

Date Wed 10/30/2024 12:47 PM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: Larry Balyeat <larry@seniorcareauthority.com>

Sent: Wednesday, October 30, 2024 12:42 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the

Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

“Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space.”

Sincerely

Lawrence Balyeat

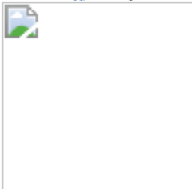
9 Bear Creek Dr.

New Orleans, LA 70131

Larry Balyeat

Owner Senior Care Authority Louisiana

Main: (504)702-6830 · Direct: (504)905-7300



Fw: City's Future Land Use Map (FLUM) for Lower Coast Algiers

From CPCINFO <CPCINFO@nola.gov>

Date Thu 10/31/2024 10:34 AM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: cvstb@aol.com <cvstb@aol.com>

Sent: Wednesday, October 30, 2024 6:18 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: City's Future Land Use Map (FLUM) for Lower Coast Algiers

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

To: Whom it may concern,

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

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Sincerely,

Sabrina Bent

1 Forest Oaks Dr

New Orleans, LA 70131

Cameron Boissiere

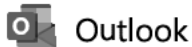
From: Michael E. Botnick <MBotnick@gamb.com>
Sent: Monday, October 28, 2024 3:10 PM
To: CPCINFO
Subject: Future Land Use Map for Lower Coast Algiers

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

Dear CPC,

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Michael E. Botnick
4 English Turn Court
New Orleans, LA 70131
504-439-5868



Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 8:59 AM
To Sabine E. Lebailleur <selebailleur@nola.gov>

From: Tracie Boutte <tracielboutte@gmail.com>
Sent: Sunday, November 3, 2024 7:26 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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Hello CPC members,

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely,

Tracie L. Boutte
241 English Turn Drive
New Orleans, Louisiana 70131

To: cpcinfo@nola.gov

Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely

Name *KATHLEEN WEATHERS*

Address *9001 PATTERSON RD, 70131*

From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: Zoning
Date: Monday, November 4, 2024 10:12:58 AM

-----Original Message-----

From: PATRICIA BROOKS <rudfin@aol.com>
Sent: Saturday, November 2, 2024 12:40 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Zoning

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

As a resident of District 13, Lower Coast Algiers, I am writing to express my support

Patricia Brooks

From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: Zoning
Date: Monday, November 4, 2024 10:12:47 AM

From: PATRICIA BROOKS <rudfin@aol.com>
Sent: Saturday, November 2, 2024 12:39 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Zoning

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

"As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.
Patricia Brooks

3 English Turn Drive

NOLA 70131

Sent from my iPhone

Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>

Date Wed 10/30/2024 1:11 PM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: Lionel Brown <lovingbrown@att.net>

Sent: Wednesday, October 30, 2024 1:08 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on **November 12, 2024**. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Lionel Brown

25 Arbor Circle New Orleans, La"

Sent from my iPhone

From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"
Date: Monday, November 4, 2024 10:13:59 AM

From: Gabe Bulliard <gbulliard@gmail.com>
Sent: Saturday, November 2, 2024 10:19 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely

Gabriel Bulliard
11362 Willow Dr, New Orleans, 70131

Cameron Boissiere

From: David Burton <davey_b@icloud.com>
Sent: Wednesday, October 30, 2024 10:54 AM
To: CPCINFO
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

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Sincerely

David Burton
110 English Turn Drive,
LA 70131

FLUM

From Mary Kevin Cahill <M.Cahill@ardencahillacademy.com>

Date Wed 10/30/2024 2:01 PM

To CPCINFO <CPCINFO@nola.gov>

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To Whom It May Concern:

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and is in the best interest of all residents of the Algiers Lower Coast.

Sincerely,

Mary K. Cahill
38 Fairway Oaks Drive
New Orleans, LA 70131

Cameron Boissiere

From: Nedra <calvaruso8@aol.com>
Sent: Monday, October 28, 2024 3:29 PM
To: CPCINFO
Subject: Lower coast land use

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

"As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing **on November 12, 2024**. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast. Name Victor and Nedra Calvaruso
Address"27 Forest Oaks Dr
Sent from my iPad

New Orleans City Planning Commission

From Melinda Castro <drcast25@gmail.com>

Date Wed 10/30/2024 1:31 PM

To CPCINFO <CPCINFO@nola.gov>

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New Orleans City planning Commission,

I am Dr. Melinda Castro who lives in the English Turn subdivision and a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Thank you.

Melinda Castro, DHA, MSN. RN
Address: 35 Forest Oaks Drive
New Orleans, Louisiana 70131

FLUM hearing 11/12/24

From Allyson Colosimo <abc12et@gmail.com>

Date Wed 10/30/2024 1:43 PM

To CPCINFO <CPCINFO@nola.gov>

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The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

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Respectfully,

Allyson Colosimo
12 English Turn Dr
New Orleans LA 70131

Re: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From Julia I Nickle <Julia.Nickle@nola.gov>
Date Wed 10/30/2024 1:52 PM
To gc12et@gmail.com <gc12et@gmail.com>

Received, thank you.

Julia I. Nickle (she/her)
City Planner I | New Orleans City Planning Commission
Office of Business and External Services (OBES)
1300 Perdido Street, 7th Floor | New Orleans, LA 70112
(504) 658-7031 (office) | jnickle@nola.gov

Please be advised that all email correspondence is subject to the state's public records laws.

RESOURCES:

[Application forms](#)
[Property Viewer](#) (check the zoning of a property)
[Comprehensive Zoning Ordinance](#)
[One Stop App](#)
[Frequently Asked Questions](#)

From: CPCINFO <CPCINFO@nola.gov>
Sent: Wednesday, October 30, 2024 1:20 PM
To: Julia I Nickle <Julia.Nickle@nola.gov>
Subject: Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From: giuseppe colosimo <gc12et@gmail.com>
Sent: Wednesday, October 30, 2024 1:17 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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Dear Sir or Madam:

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

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Sincerely,

Giuseppe Colosimo

12 English Turn Dr

New Orleans LA 70131

Cameron Boissiere

From: Greg Cook <cookgl_sa@yahoo.com>
Sent: Monday, October 28, 2024 6:37 PM
To: CPCINFO
Subject: Future Land Use Map-Modification of Amendments

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

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Gregory L. Cook
618 English Turn Dr.
New Orleans, LA 70131

Cameron Boissiere

From: amber buras <amber867@gmail.com>
Sent: Monday, October 28, 2024 4:40 PM
To: CPCINFO
Subject: Support for FLUM

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

Good afternoon:

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

I currently reside at 196 Forest Oaks Drive English Turn, LA 70131.

Amber Buras Couvillion REALTOR®
Berkshire Hathaway HomeServices
Preferred, REALTORS
4018 Magazine Street
New Orleans, LA 70115
504-799-1702. Office
504-920-3965 Direct
Each office independently owned & operated
Licensed by Louisiana Real Estate Commission (LREC)



Fw: English Turn FLUM Comments

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 11:48 AM
To Sabine E. Lebailleur <selebailleur@nola.gov>

From: Susan Creppel <letsgototheislands@icloud.com>
Sent: Monday, November 4, 2024 11:10 AM
To: CPCINFO <CPCINFO@nola.gov>
Subject: English Turn FLUM Comments

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single Family Post-War (RSF-POST) include PD 13-06, PD13-09, PD13-10, PD13-13, and PD13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Ross Evans Creppel
32 Pinehurst Drive
New Orleans, LA 70131

Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>

Date Wed 10/30/2024 12:47 PM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: Alessandra Poggio <alessandrapoggio@icloud.com>

Sent: Wednesday, October 30, 2024 12:44 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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To whom it may concern:

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely

Cosima Curran

33 Cypress Point Lane

New Orleans, LA

70131

Fw: FLUM Comments Due Nov. 4th

From CPCINFO <CPCINFO@nola.gov>

Date Thu 10/31/2024 10:34 AM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: Robert David <rdavid@gainsben.com>

Sent: Wednesday, October 30, 2024 5:32 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: FW: FLUM Comments Due Nov. 4th

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We are residents of District 13, Lower Coast Algiers. **We are** writing to express **our strong** support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of **all residents** of the Algiers Lower Coast.

Truly,

Robert and Stella David

21 Cypress Point Lane

New Orleans. LA 70131

Address"



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ORLEANS, LOUISIANA 70131

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Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 11:48 AM
To Sabine E. Lebailleur <selebailleur@nola.gov>

From: shelley debanc <shelleydebanc@gmail.com>
Sent: Monday, November 4, 2024 11:08 AM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study. The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family. Chapter 13 in the Master Plan states: "Minimal changes are recommended.

Existing subdivisions and areas near the bridge are now designated Planned Development Areas to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely,

Shelley DeBlanc
46 Fairway Oaks Drive
New Orleans La., 70131

Fw: FLUM Amendments

From CPCINFO <CPCINFO@nola.gov>

Date Thu 10/31/2024 10:36 AM

To Julia I Nickle <Julia.Nickle@nola.gov>

Cc CPCINFO <CPCINFO@nola.gov>

Hey Val,

This was quarantined but was actually received yesterday during my shift. I'll handle it

Julia

From: Sierra Duplessis <sierraduplessis@gmail.com>

Sent: Wednesday, October 30, 2024 1:46 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: FLUM Amendments

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As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the proposed amendments to the Future Land Use Map that the New Orleans City Council has forwarded to the City Planning Commission for a hearing on November 12, 2024. The properties proposed for reclassification from Residential Single-Family Post-War (RSF-POST) to Rural Real Estate (RRE) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This adjustment, which seeks to encourage low-density residential development, is fully consistent with the Master Plan and is in the best interest of all residents in Algiers Lower Coast.

Sierra M. Duplessis
21 English Turn Ct.
New Orleans, LA 70131

Fw: Nov.12th Hearing for FLUM Revision Requests for PD13-06, -09, -10, -13, and -14.

From CPCINFO <CPCINFO@nola.gov>

Date Mon 11/4/2024 8:58 AM

To Sabine E. Lebailleur <selebailleur@nola.gov>

From: Theophile Duroncelet <tduronc@cox.net>

Sent: Sunday, November 3, 2024 11:47 AM

To: CPCINFO <CPCINFO@nola.gov>

Subject: Nov.12th Hearing for FLUM Revision Requests for PD13-06, -09, -10, -13, and -14.

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I am writing in support of all District 13 FLUM revision requests submitted by the City Council. The change to Rural Real Estate for these properties clearly encourages the low density residential development that is entirely consistent with the Master Plan and CPC's recommendations in 1985 when District 13 became available for development.

Thank you for your consideration.

Theo Duroncelet
5 Bear Creek Drive
New Orleans, LA 70131
tduronc@cox.net

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From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: FLUM Comments Due Nov. 4th
Date: Monday, November 4, 2024 10:12:10 AM

From: Richard Faust <dijanfaust1@att.net>
Sent: Saturday, November 2, 2024 11:27 AM
To: CPCINFO <CPCINFO@nola.gov>
Cc: Janice K Faust <janicefaust13@gmail.com>
Subject: Fw: FLUM Comments Due Nov. 4th

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-

To: New Orleans Planning Commission

"As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Richard & Janice Faust

6 Lakeway Court

New Orleans, LA 70131



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LOUISIANA 70131

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From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"
Date: Monday, November 4, 2024 10:10:52 AM

From: Laura Gordon <lsg_nola@yahoo.com>
Sent: Friday, November 1, 2024 4:35 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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To whom it may concern,

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

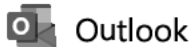
The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely
Laura Gordon
9643 Patterson road

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Outlook

Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 8:59 AM
To Sabine E. Lebailleur <selebailleur@nola.gov>

From: Savannah G <savannahdg@yahoo.com>
Sent: Sunday, November 3, 2024 8:21 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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Hello,

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely,

Savannah Gray
13061 Patterson Road
New Orleans, LA 70131

Fw: Support for FLUM Revisions Request PD13, -06, -09, -10, -13, and -14 and Support for M-22-447, Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>

Date Wed 10/30/2024 1:00 PM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: Gary Hawkins <glhawkins531@gmail.com>

Sent: Wednesday, October 30, 2024 12:52 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: Support for FLUM Revisions Request PD13, -06, -09, -10, -13, and -14 and Support for M-22-447, Ordinance 29365 "Lower Coast Algiers Impact Study"

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I support passage of all the District 13 FLUM revisions as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

Thank you,
Gary L. Hawkins
7 Glen Abbey Way
New Orleans, LA 70131

RE; FLUM RRE RSF-POST ---NOV 12 HEARING

From Hebert, Corey J. <chebe6@lsuhsc.edu>

Date Fri 11/1/2024 10:45 AM

To CPCINFO <CPCINFO@nola.gov>

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Greetings,

I am writing in support of the referenced action items. The significant lack of infrastructure, recognized in the City Planning Study of 1985, has not been remedied and resulting recommendation for development of extremely low density for Lower Coast Algiers remains valid. We are in A HEALTH AND WELFARE DILEMMA as we speak. If you have a medical emergency there is not enough medical support infrastructure for residents to be able to get adequate care. This is a disaster waiting to happen. This will be more applicable to the new residents of a large apartment complex, especially of lower income. They may not have the ability to have transportation, which would put their lives in peril. I've devoted my life to taking care of people that are of lower socioeconomic status so I know what that means as far as access, and I think it would be a dangerous undertaking to set them up for that type of maltreatment and lack of emergency care access.

Our district is no place for multi-family or commercial development, which would only exacerbate existing problems, unless the City is willing and able to make a massive public expenditure.

THEREFORE, I am writing to SUPPORT the proposed zoning changes for properties that the subject of FLUM amendment applications PD13-02 through PD13-14 to R-RE Rural Residential Estate District or S-RS Suburban Single-Family Residential District, if not so currently zoned.

COREY HEBERT, MD

22 Grand Cypress Court

Nola 70131

COREY JOSEPH HÉBERT, MD

www.DrCoreyHebert.com

Chief Medical Correspondent, WWL-TV CBS Television

Chief Medical Officer, DILLARD UNIVERSITY

Asst. Prof. LSU HEALTH NEW ORLEANS

Asst. Prof. TULANE UNIVERSITY MEDICAL CENTER

CEO, COLLEGE HEALTH TV www.CollegeHeathTV.com

Chief Medical Officer, SMPA/OSCITY LABORATORIES

CEO, HEBERT MEDICAL CONSULTING, INC.



"Whatever you do, strive to do it so well that no one living, no one dead, and no one yet to be born, could do it better."

- Dr. Benjamin E.

Mays

Comments on FLUM amendments

From RAI LYNN HEITMEIER <ccfrl@aol.com>

Date Wed 10/30/2024 2:17 PM

To CPCINFO <CPCINFO@nola.gov>

Cc ccfrl@ao.com <ccfrl@ao.com>

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"As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Rai Lynn and Francis Heitmeier
204 Forest Oaks Dr.
N.o., LA 70131

Cameron Boissiere

From: Christine Hoffman <christinehoffman105@gmail.com>
Sent: Wednesday, October 30, 2024 12:03 PM
To: CPCINFO
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely

Christine Hoffman
105 English Turn Drive,
New Orleans, LA 70131

Fw: Meeting Nov.12, 2024

From CPCINFO <CPCINFO@nola.gov>

Date Wed 10/30/2024 1:29 PM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: J Todd Howell <jtoddhowell@aol.com>

Sent: Wednesday, October 30, 2024 1:25 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: RE: Meeting Nov.12, 2024

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Hello,

My name is Todd and I live in Lower Coast Algiers, District 13. This is email is to voice my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan. I feel this is in the best interest of our family and all those living in Algiers Lower Coast.

All my best,
J. Todd Howell
9 English Turn Drive
New Orleans, LA 70131

Fw: Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 8:58 AM
To Sabine E. Lebailleur <selebailleur@nola.gov>

From: lisairvin007@gmail.com <lisairvin007@gmail.com>
Sent: Sunday, November 3, 2024 7:48 AM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely,

Lisa Irvin

Sent from my iPhone



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Cameron Boissiere

From: Mukul Kewalramani <mukul_k@outlook.com>
Sent: Wednesday, October 30, 2024 10:54 AM
To: CPCINFO
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Thank you

Mukul Kewalramani
140 Forest Oaks Dr
New Orleans, LA 70131

Fw: Support for FLUM revision requests PD13-06,-09,-10,-13 and support for M-22-447 Ordinance 29365

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 9:00 AM
To Sabine E. Lebailleur <selebailleur@nola.gov>

From: Jim Lacy <jimlacy106@gmail.com>
Sent: Monday, November 4, 2024 8:54 AM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13-06,-09,-10,-13 and support for M-22-447 Ordinance 29365

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align with the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely,
James R Lacy
106 English Turn Drive
NOLA, 70131

Cameron Boissiere

From: Elizabeth Larose <elizabethlarose@gmail.com>
Sent: Monday, October 28, 2024 4:40 PM
To: CPCINFO
Subject: Future Land Use Map

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As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Elizabeth Larose
22 Muirfield Pl, New Orleans, LA 70131

--

Elizabeth Larose
Artist @
<https://www.instagram.com/elizabethlaroseart/>
FB: Elizabeth Larose Art

Fw: Support Proposed FLUM Changes for District 13

From CPCINFO <CPCINFO@nola.gov>

Date Mon 11/4/2024 11:47 AM

To Sabine E. Lebailleur <selebailleur@nola.gov>

From: Kelly Legier <kellylegier@aol.com>

Sent: Monday, November 4, 2024 10:28 AM

To: CPCINFO <CPCINFO@nola.gov>

Subject: Support Proposed FLUM Changes for District 13

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. **DO NOT** provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

Dear Sir/Madam,

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Again, I support the proposal to changes to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission. Thank you.

Kelly Legier
1 Bear Creek Drive
New Orleans, LA 70131

Fw: Support for modification of amendments to the FLUM

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 8:59 AM
To Sabine E. Lebailleur <selebailleur@nola.gov>

From: Cyril Lobo <cyrben1974@gmail.com>
Sent: Sunday, November 3, 2024 5:49 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for modification of amendments to the FLUM

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

As residents of District 13, Lower Coast Algiers, we are writing to express our support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing **on November 12, 2024**. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14.

This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast considering the lack of infrastructure.

Cyril and Benita Lobo
612 English Turn Drive
New Orleans, LA 70131
Sent from my iPad

From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: FLUM Comments Lower Coast Algiers Zoning Issue
Date: Monday, November 4, 2024 10:13:26 AM

From: Patricia Lutz <t1germom@aol.com>
Sent: Saturday, November 2, 2024 2:25 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: FLUM Comments Lower Coast Algiers Zoning Issue

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As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024.

The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD13-09, PD13-10, PD13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and best interest of all residents of the Algiers Lower Coast.

Patricia T. Lutz
78 English Turn Dr
New Orleans, LA 70131

From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: FLUM amendments
Date: Monday, November 4, 2024 10:13:47 AM

From: Robert Matheney <rmatheney@gmail.com>
Sent: Saturday, November 2, 2024 9:09 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: FLUM amendments

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City Planning Commission members,

My wife and I have been residents of District 13 for 25 years. We strongly support the modification of amendments to the Future Land Use Map made by the New Orleans City Council to the City Planning Commission. We also support the "Lower Coast Algiers Impact Study" We understand these matters will be heard at the November 12, 2024 CPC meeting.

The properties identified for change to Rural Real Estate from Residential Single-family Post-War

include PD 13-06, PD 13-09, PD 13-10, PD 13-13, PD 13-14. The objective of these amendments is to encourage low density population development and is consistent with the master plan and in the best interest of all of the residents of the Algiers Lower Coast community.

Sincerely,

Robert and Beverly Matheney
295 English Turn Dr, New Orleans, LA 70131

t: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From Angel Michelle <angelmichelle101@gmail.com>

Date Wed 10/30/2024 2:44 PM

To CPCINFO <CPCINFO@nola.gov>

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Angel Michelle Hanberry
12330 Willow Dr, New Orleans, LA 70131
(My personal email)
504-261-5319

Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From rossberg@bellsouth.net <rossberg@bellsouth.net>

Date Wed 10/30/2024 2:50 PM

To CPCINFO <CPCINFO@nola.gov>

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To whom it may concern;

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely

Ross Miller

513 English Turn Dr.

New Orleans, La. 70131

From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: Support for change to RRE from RSF-POST @ Nov. 12th Hearing
Date: Monday, November 4, 2024 10:13:08 AM

From: Scott Milroy <Scott.Milroy@usm.edu>
Sent: Saturday, November 2, 2024 2:13 PM
To: CPCINFO <CPCINFO@nola.gov>
Cc: Yvette.milroy@aol.com
Subject: Support for change to RRE from RSF-POST @ Nov. 12th Hearing

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

As future residents of District 13, Lower Coast Algiers, we are writing to express our support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This proposed change which shall encourage low density residential development is entirely consistent with the Master Plan and in the best interest of all residents of the Algiers Lower Coast; a proposal we fully support and recommend as property owners and as future residents of District 13. Thank you,

Scott & Yvette Milroy
10 Bonita Bay Ct.
New Orleans, LA 70131

Cameron Boissiere

From: Frank Morse <frank@morsehomesinc.com>
Sent: Monday, October 28, 2024 5:12 PM
To: CPCINFO
Cc: English Turn POA
Subject: Support for the FLUM changes per CPC recommendations and Council's suggested Amendments

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

To whom it may concern, I offer my full support for the City Planning Commission's 1985 recommendations and the current desired changes, as well as the City Council's five amendments that have been requested to those changes to allow for conformity to the original intent of the development of the area which will maintain the rural and residential housing feel that makes up the majority of the entire English Turn area. The remaining land is best suited for the single-family designations from the CPC that are noted below due to the lack of infrastructure and city services which have always been missing on the other side of the canal. The original development was created to enhance the rural and residential aspects of the undeveloped green space by their installation of individual sewer systems and minimal road development since the developers were smart enough to realize that city financed infrastructure improvements would probably never happen over the years (which they didn't) and multifamily development would not be an option since the entire area is secluded from the main section of Algiers with minimal police and EMS presence, as well as no bus service even to this day, due to the Intracoastal Canal and the Highrise overpass that replaced the original Woodland Highway draw bridge. For clarification, the **properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14.**

Thank you for your consideration of our request to maintain the area as it was originally intended, rural, quiet, peaceful, residential, and lacking in commercial and large multi-family development.

Frank W. Morse, Jr.

President, Morse Homes Inc.

110 Keating Drive

Belle Chasse, La. 70037

Board Member Homebuilders Association of Greater New Orleans

Board Member La. Homebuilders Association

Member of the National Association of Homebuilders

Board Member State Licensing Board for Contractors, Residential Subcommittee

Board Member Metropolitan Crime Commission New Orleans

Office – 504-393-7777

Cell – 504-669-3977

Email: frank@morsehomesinc.com

Cameron Boissiere

From: Melissa Cossich Myers <mncossich@gmail.com>
Sent: Monday, October 28, 2024 3:12 PM
To: CPCINFO
Cc: Will Myers
Subject: Request

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

--

Melissa Cossich Myers

2 Bonita Bay Court
New Orleans, LA 70131

Fw: FLUM amendment district 13

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 11:48 AM
To Sabine E. Lebailleur <selebailleur@nola.gov>

From: Phuong-Hai nguyen <bephai@yahoo.com>
Sent: Monday, November 4, 2024 11:30 AM
To: CPCINFO <CPCINFO@nola.gov>
Subject: FLUM amendment district 13

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. **DO NOT** provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

"As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing **on November 12, 2024**. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Name cecille Nguyen
Address"199 English turn Dr
New Orleans, La 70131

Sent from my iPhone

Valerie Goines

From: Jennifer Nice <jsmithjournalism2020@gmail.com>
Sent: Thursday, October 31, 2024 6:51 AM
To: CPCINFO
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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To members of the CPC,

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely

Jennifer and Carter Nice
6 Fairway Oaks Dr
New Orleans, LA. 70131

(916)833-0608
Jsmithjournalism2020@gmail.com

Future Land Use Map

From Eden Counseling Services <drashleyojo@gmail.com>

Date Wed 10/30/2024 3:20 PM

To CPCINFO <CPCINFO@nola.gov>

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Name Dr. Ashley Ojo

Address 31 Forest Oaks Drive
New Orleans, LA 70131

Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From krpal43@aol.com <krpal43@aol.com>

Date Wed 10/30/2024 3:11 PM

To CPCINFO <CPCINFO@nola.gov>

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

To: cpcinfo@nola.gov

Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:
"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Respectfully,

Enrique and Karen Renée Palacios

107 English Turn Drive

New Orleans, LA 70131

November City Planning Commission - 11/12/24- PUBLIC COMMENT

From Sharon Cayce <caycefamily@hotmail.com>

Date Tue 10/29/2024 12:30 PM

To CPCINFO <CPCINFO@nola.gov>

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I am a resident of District 13/Lower Coast Algiers. I fully support the modification of amendments to the FLUM referred to CPC by the City Council. The properties involved are PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. The change is from Residential Single Family Post War to Rural Residential Estate. The lower density that RRE affords is in the best interest of this area given the lack of infrastructure in the greater part of the Lower Coast and the serious aging/crumbling and restrictions of the limited available infrastructure (i.e. roads, water, sewer, and especially drainage) in the Arbors/English Turn area.

Sharon Cayce
Kenneth Cayce
Sara Cayce

121 Pinehurst Drive
NOLA
912-980-1757

Sent from Outlook

Amendment Modification of Future Land Use Map Hearing Nov 12, 2024

From Dee Dee Bridgewater <bridgewater7@gmail.com>

Date Tue 10/29/2024 9:50 PM

To CPCINFO <CPCINFO@nola.gov>

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To the City Planning Commission:

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024.

The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Please take into consideration this email, my concerns and support for the above stated amendment modifications.

Sincerely,

**Ms. Bridgewater
Resident English Turn**

Dee Dee Bridgewater
(She/Her/Hers)
NEA Jazz Master
ASCAP Champion
Doris Duke Artist
Memphis Music Hall of Fame Inductee

Flum Map Amendment Support

From Michele Miller <michlsu44@gmail.com>

Date Wed 10/30/2024 10:34 AM

To CPCINFO <CPCINFO@nola.gov>

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As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Michele Miller
513 English Turn Drive
New Orleans, LA 70131

--

Michele Miller
michlsu44@gmail.com

Support for Amendments to FLUM for District 13

From David Landry <landrydavid1943@gmail.com>

Date Tue 10/29/2024 1:02 PM

To CPCINFO <CPCINFO@nola.gov>

Cc Janet Duroncelet <jdilzell@cox.net>

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

District 13 needs to develop on a low density basis. Because of this I support Councilman Kings request to amend the FLUM map for PD 14-06; 09; 10; 13 and 14 at the November 12, 2024 CPC meeting.

David Landry
24 English Turn Drive
NOLA. 70131
Sent from my iPhone

Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From Kayla Nguyen <knguyen741@gmail.com>

Date Wed 10/30/2024 11:02 AM

To CPCINFO <CPCINFO@nola.gov>

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council as well as the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for

the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

“Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development

Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in

the form of conservation subdivisions that cluster housing in order to allow significant open space.”

Thank you,

Kayla Nguyen

13071 Patterson Road, New Orleans, LA 70131

FLUM Amendments Lower Coast Algiers

From Iggie Perrin <Iggie@southernele.com>

Date Wed 10/30/2024 3:08 PM

To CPCINFO <CPCINFO@nola.gov>

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

I am a lifelong resident of the New Orleans area and have lived in Orleans Parish since 1992 first in the uptown area and then English Turn since 1998. I own a technology company, Southern Electronics, located close to downtown New Orleans that has been in business since 1932.

In 1998, I moved to English Turn instead of moving my family and the business to the North Shore. This is one of the few areas in the city that is not densely populated and that is what attracts people to the area. This rural feel has also been the reason many new subdivisions have been popping up from the Orleans Parish line to Belle Chasse along Woodland Hwy.

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast. This is the reason we live here and not in Belle Chasse or on the North Shore.

Our Home Address:

Ignace and Christine Perrin

66 English Turn Dr.

New Orleans, LA 70131

Thanks!

Iggie Perrin
President
Southern Electronics Companies

Visit us at:

www.southernele.com

www.the-systems-group.com

www.drillvisionsystems.com

www.destinyachting.com

www.eastpass508.com

Cameron Boissiere

From: Brian Perry <b.perry@pssnola.com>
Sent: Wednesday, October 30, 2024 10:56 AM
To: CPCINFO
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

To Whom it May Concern:

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely
Brian Perry
11601 Patterson Rd.
New Orleans, LA 70131

Re: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From Julia I Nickle <Julia.Nickle@nola.gov>
Date Wed 10/30/2024 1:45 PM
To alessandrapoggio@icloud.com <alessandrapoggio@icloud.com>

Received, thank you.

Julia I. Nickle (she/her)
City Planner I | New Orleans City Planning Commission
Office of Business and External Services (OBES)
1300 Perdido Street, 7th Floor | New Orleans, LA 70112
(504) 658-7031 (office) | jnickle@nola.gov

Please be advised that all email correspondence is subject to the state's public records laws.

RESOURCES:

[Application forms](#)
[Property Viewer](#) (check the zoning of a property)
[Comprehensive Zoning Ordinance](#)
[One Stop App](#)
[Frequently Asked Questions](#)

From: CPCINFO <CPCINFO@nola.gov>
Sent: Wednesday, October 30, 2024 12:47 PM
To: Julia I Nickle <Julia.Nickle@nola.gov>
Subject: Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From: Alessandra Poggio <alessandrapoggio@icloud.com>
Sent: Wednesday, October 30, 2024 12:45 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

To whom it may concern:

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

“Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space.”

Sincerely

Enrico Poggio

33 Cypress Point Lane

New Orleans, LA

70131

Fw: Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>

Date Wed 10/30/2024 12:47 PM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: Alessandra Poggio <alessandrapoggio@icloud.com>

Sent: Wednesday, October 30, 2024 12:43 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

To whom it may concern:

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely

Alessandra Poggio

33 Cypress Point Lane

New Orleans, LA

70131

Cameron Boissiere

From: Joseph Rice <ricejoseph803@gmail.com>
Sent: Wednesday, October 30, 2024 11:58 AM
To: CPCINFO
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely,
Joseph E. Rice
15 English Turn Dr
NOLA 70131

Sent from my iPhone

Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>

Date Thu 10/31/2024 10:34 AM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: jamesriopelle <jamesriopelle@bellsouth.net>

Sent: Wednesday, October 30, 2024 7:42 PM

To: CPCINFO <CPCINFO@nola.gov>

Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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Hello, CPC--

I write in support of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

Thank you,

James Riopelle
13201 Patterson Rd
NO LA 70131-3208

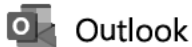
Cameron Boissiere

From: [REDACTED]
Sent: Monday, October 28, 2024 7:48 PM
To: CPCINFO
Subject: Address [REDACTED]

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"As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

[REDACTED]



Outlook

Fw: Comment from A Studio in the Woods -Tulane for Lower Coast Hearing

From CPCINFO <CPCINFO@nola.gov>

Date Mon 11/4/2024 11:48 AM

To Sabine E. Lebailleur <selebailleur@nola.gov>

From: Rogan, Ama D <arogan@tulane.edu>

Sent: Monday, November 4, 2024 11:07 AM

To: CPCINFO <CPCINFO@nola.gov>

Cc: Jardell, Lauren C <ljardell@tulane.edu>; Sabo, John L <jsabo1@tulane.edu>

Subject: Comment from A Studio in the Woods -Tulane for Lower Coast Hearing

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To whom it may concern.

I am writing with a public comment regarding Lower Coast Algiers Impact Study CPC Hearing 11/12/24 – specifically on Availability and Capacity of Drainage and Storm Water Management infrastructure and Environmental Resources and Threats

I am the Managing Director at A Studio in the Woods which is a Tulane University facility at 13401 Patterson Road, 70131. I have worked on this piece of property for 30 years and was part of the zoning change lobby from private land to an artist residency made by our founder Joe and Lucianne Carmichael before they donated the land to Tulane University in 2004. Part of the mission of this property/land has always been forest preservation and research. Tulane has employed an ecologist, David Baker, for the past 20 years to both care for and study this forest system and to maintain it for educational use and as a retreat space. As someone who has studied this land and its ecology for so long, Mr. Baker has an extraordinary understanding of the threats to the forests of the Lower Coast. He has a unique set of data that demonstrates the various climatic and man-made impacts to the area.

Through this data, we believe there are multiple stressors to this forest – these include increase in hurricanes and strong storms as well as general subsidence. These factors certainly account for some of the extreme tree loss we have witnessed but not all. In the past 5 years alone, we have lost over 300 trees. We now believe that the S&WB practice of flushing the water lines down at our end of the road (just before it dead ends at the Audubon Species Survival Center) is major culprit to flooding ours and neighboring forests, the trees sit in standing water which kills them.

From our observations, the S&WB has increased both the amount and the pressure of the water through the lines, running this one hydrant at the end of the road just before the Audubon Property at full blast many nights a week. The result is our property is drowning! Not only damaging our forest, this excess of water cannot be ok for the overall hydrology of the area.

I implore this commission to immediately examine this practice, and work with S&WB to develop a more sustainable method for flushing the lines. Our forests are dying, and this represents a functional, financial and aesthetic loss to Tulane University, the Lower Coast and the general public that is served by A Studio in the Woods.

Respectfully,
Ama Rogan

Ama Rogan (she, her, hers)

Managing Director

[A Studio in the Woods](#)

[Facebook](#) | [Instagram](#) | [X](#)

[ByWater Institute](#)

504-650-1295



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Check out our 2023-24 [Impact Report!](#)



Re: Future Land Use For Lower Coast Algiers

From Julia I Nickle <Julia.Nickle@nola.gov>
Date Wed 10/30/2024 1:49 PM
To hpgcafl@gmail.com <hpgcafl@gmail.com>

Received, thank you.

Julia I. Nickle (she/her)
City Planner I | New Orleans City Planning Commission
Office of Business and External Services (OBES)
1300 Perdido Street, 7th Floor | New Orleans, LA 70112
(504) 658-7031 (office) | jnickle@nola.gov

Please be advised that all email correspondence is subject to the state's public records laws.

RESOURCES:

[Application forms](#)
[Property Viewer](#) (check the zoning of a property)
[Comprehensive Zoning Ordinance](#)
[One Stop App](#)
[Frequently Asked Questions](#)

From: CPCINFO <CPCINFO@nola.gov>
Sent: Wednesday, October 30, 2024 1:16 PM
To: Julia I Nickle <Julia.Nickle@nola.gov>
Subject: Fw: Future Land Use For Lower Coast Algiers

From: Daryl Roper <hpgcafl@gmail.com>
Sent: Wednesday, October 30, 2024 1:15 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Future Land Use For Lower Coast Algiers

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As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change

to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Thank You
Daryl Roper
4 Grand Cypress Court
New Orleans, LA 70131

Fw: SUPPORT OF MODIFICATIONS OF AMENDMENTS TO THE FLUM

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 8:59 AM
To Sabine E. Lebailleur <selebailleur@nola.gov>

From: Jerry Sneed <jwsneed70@gmail.com>
Sent: Sunday, November 3, 2024 5:17 PM
To: CPCINFO <CPCINFO@nola.gov>
Cc: Lee Dupont <l.dupont@pssnola.com>
Subject: SUPPORT OF MODIFICATIONS OF AMENDMENTS TO THE FLUM

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City Planning Commision,

As a resident of District 13, Lower Coast Algiers since 2007, I am writing to you to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) includes PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and is in the best interest of all residents of the Algiers Lower Coast and the City of New Orleans.

Sincerely,

Jerry Sneed, LtCol USMC (RET)
Diane Sneed
23 Cypress Point Lane,
NewOrleans, LA. 70131

Support for FLUM Revision Request PD13-06,-09,-10, 13 and 14 And Support for M-22-447 Ordinance 29365 Lower Coast Algiers Impact Study

From lindateamer@aol.com <lindateamer@aol.com>

Date Wed 10/30/2024 3:04 PM

To CPCINFO <CPCINFO@nola.gov>

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"As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast

Thank you for your time and consideration,

Charles and Linda Teamer, Sr
32 Fairway Oaks Drive
New Orleans, LA 70131

[Sent from the all new AOL app for iOS](#)

Cameron Boissiere

From: ttravel@thomascruise.com
Sent: Monday, October 28, 2024 3:33 PM
To: CPCINFO
Subject: Future Land Use Map support

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Dear Commissioners,

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024.

The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14.

This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Thank You,
Darlene Thomas
60 English Turn Drive
New Orleans, LA. 70131

ttravel@thomascruise.com



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From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW:
Date: Monday, November 4, 2024 10:11:31 AM

-----Original Message-----

From: Marjorie Tucker <nolamarge@aol.com>
Sent: Friday, November 1, 2024 6:21 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject:

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Sent from my iPhone

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for the hearing on Nov, 12th, 2024. The properties identified for change to Rural Real Estate (RRE) from residential Single-Family Post War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13 and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Marjorie Tucker
10 Muirfield Place
New Orleans, Louisiana 70131

From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: Lower Coast Algiers- Future Land Use Map
Date: Monday, November 4, 2024 10:11:42 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

From: Anna Tusa <anna@crazylobster.nocoxmail.com>
Sent: Saturday, November 2, 2024 10:09 AM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Lower Coast Algiers- Future Land Use Map

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City Planning Commissioners:

As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Name: Anna Tusa

Address: 704 English Turn Lane NOLA 70131

Anna Tusa

Briquette
New Orleans Creole Cookery
Shaken Up NOLA- Mixology Classes
Wine Spectator Award of Excellence 2023

Phone: 504-460-3886

Email: anna@crazylobster.nocoxmail.com

701 S. Peters St. NOLA 70130

www.briquette-nola.com/

www.neworleanscreolecookery.com



From: [CPCINFO](#)
To: [Valerie A. McMillan](#)
Subject: FW: Future Land Use Map for Lower Coast Algiers
Date: Monday, November 4, 2024 10:12:38 AM

From: Phil Wagner <phil@the-wagners.com>
Sent: Saturday, November 2, 2024 11:39 AM
To: CPCINFO <CPCINFO@nola.gov>
Cc: 'Joanne Wagner' <joanne@the-wagners.com>
Subject: Future Land Use Map for Lower Coast Algiers

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As residents of District 13, Lower Coast Algiers, we are writing to express our support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. Low density residential development is entirely consistent with the Master Plan and in the best interest of all residents of the Algiers Lower Coast, and is clearly the logical best use for this unique area of New Orleans.

Thank you,

Phillip and Joanne Wagner
Lower Coast Algiers Residents
13 Grand Cypress Ct.
New Orleans, LA 70131

Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>

Date Thu 10/31/2024 10:35 AM

To Julia I Nickle <Julia.Nickle@nola.gov>

From: John Waters <JWaters@bfrob.com>

Sent: Wednesday, October 30, 2024 8:56 PM

To: CPCINFO <CPCINFO@nola.gov>; Freddie King <Freddie.King@nola.gov>

Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

John W. Waters, Jr.
3801 Tall Pines Drive
New Orleans, LA 70131
Cell: (504) 275-6329
[Jwaters@bfrob.com](mailto:jwaters@bfrob.com)

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Fw: FLUM

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 8:58 AM
To Sabine E. Lebaillex <selebaillex@nola.gov>

From: shani wierzbicki <AbbaAndAxMom@hotmail.com>
Sent: Sunday, November 3, 2024 4:22 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: FLUM

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As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single Family Post-War (RSF-POST) include PD 13-06, PD13-09, PD13-10, PD13-13, and PD13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Shani Wierzbicki
12 Grand Cypress Ct NOLA 70132

Cameron Boissiere

From: Deidra Williams <deidrawilliams39@gmail.com>
Sent: Monday, October 28, 2024 3:19 PM
To: CPCINFO
Subject: Support Amendment Modification

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As a resident of District 13, Lower Coast Algiers, I am writing to express my support for the modification of amendments to the Future Land Use Map referred by the New Orleans City Council to the City Planning Commission for hearing on November 12, 2024. The properties identified for change to Rural Real Estate (RRE) from Residential Single-Family Post-War (RSF-POST) include PD 13-06, PD 13-09, PD 13-10, PD 13-13, and PD 13-14. This change to encourage low density residential development is entirely consistent with the Master Plan and the best interest of all residents of the Algiers Lower Coast.

Gregory and Deidra Williams

34 Case Pines Dr.
NOLA 70131



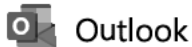
Deidra R Williams
REALTOR®





m: 213.923.5922
o: 504.908.7653
e: deidrawilliams39@gmail.com





Outlook

Fw: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

From CPCINFO <CPCINFO@nola.gov>
Date Mon 11/4/2024 11:47 AM
To Sabine E. Lebaillex <selebaillex@nola.gov>

From: Robert Winters <rewind330@yahoo.com>
Sent: Monday, November 4, 2024 11:04 AM
To: CPCINFO <CPCINFO@nola.gov>
Cc: rewind330@yahoo.com <rewind330@yahoo.com>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.
The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space."

Sincerely

Robert Winters
13001 Patterson Road
New Orleans, LA 70131



RELMAN COLFAX PLLC

1225 19th Street, N.W., Suite 600
Washington, D.C. 20036
202.728.1888
www.relmanlaw.com

November 4, 2024

VIA EMAIL

Robert D. Rivers
CPC Executive Director
City Planning Commission Members
1300 Perdido Street, 7th Floor
New Orleans, LA 70112
cpcinfo@nola.gov

**Re: Public Comment Regarding November 12, 2024 Hearing
On Future Land Use Map Amendments to PD 13**

Dear Mr. Rivers and Commission Members:

I write on behalf of my client, Stanton Square, LLC, a housing developer that seeks to build multi-family housing in Lower Coast Algiers. Together with Smith & Fawer, LLC, we submit this public comment in anticipation of the upcoming public hearing on the City Council's request for reconsideration of the FLUM amendments to PD-13 that this body voted on during its July 9, 2024 meeting.

As set forth in the enclosed comment that I previously submitted on February 26, 2024, a decision to change the multi-family FLUM designations of the various S-RM1 properties in Lower Coast Algiers to a Rural Residential Estate (R-RE) FLUM designation would be an additional, further violation of federal and state fair housing laws. It would be especially inappropriate to change FLUM designations from S-RM1 to R-RE in light of the U.S. Department of Justice's ongoing civil rights investigation into the City's actions that obstruct the construction of affordable housing in the area.

For the reasons set forth in the enclosed comment, we urge the City to comply with its obligations under the FHA, the LEHOA, and Title VI in any future action it chooses to take (or not take) in the FLUM process. In addition to the practical effect of depriving New Orleans residents of much-needed rental housing at affordable prices, a decision by the City to effectively downzone this area will result in additional violations of these federal and state laws. Please contact us if we can provide any further information.

Sincerely,

Reed Colfax

Reed Colfax

Enclosures



RELMAN COLFAX PLLC

1225 19th Street, N.W., Suite 600
Washington, D.C. 20036
202.728.1888
www.relmanlaw.com

February 26, 2024

VIA EMAIL

Robert D. Rivers
CPC Executive Director
City Planning Commissioner Members
1300 Perdido Street, 7th Floor
New Orleans, LA 70112
cpcinfo@nola.gov

**Re: Public Comment Regarding March 5, 2024 Hearing
On Future Land Use Map Amendments to PD 13**

Dear Mr. Rivers and Commissioner Members:

I write on behalf of my client, Stanton Square, LLC (“Stanton Square”), a housing developer that seeks to build multi-family housing in Lower Coast Algiers. Together with Smith & Fawer, LLC, we submit this public comment to inform the City that a decision to change the multi-family FLUM designations of the various S-RM1 properties in Lower Coast Algiers to a residential or semi-rural single family FLUM designation would be an additional, further violation of federal and state fair housing laws.

The City is a named Defendant in *Stanton Square, LLC v. City of New Orleans, et al.*, a federal lawsuit filed in the Eastern District of Louisiana, Docket No. 2:23-cv-05733. The lawsuit alleges, *inter alia*, violations of the federal Fair Housing Act (“FHA”), 42 U.S.C. § 3604, *et seq.*, the Louisiana Equal Housing Opportunity Act (“LEHOA”), La. R.S. § 51:2601, *et seq.*, and Title VI of the Civil Rights Act, 42 U.S.C.A. § 2000d, *et seq.* On December 29, 2023, Stanton Square filed an opposition to the City’s Motion to Dismiss. The United States Department of Justice filed a Statement of Interest in support of Stanton Square on the same day. Stanton Square and the U.S. Department of Justice’s briefs are attached to this comment, and we ask that they be inserted into the record.

As the briefs make clear, the FHA prohibits municipalities from enacting zoning decisions if they are motivated by race and familial status; if they will have a disproportionate adverse impact based on race and familial status; or if they will perpetuate existing patterns of racial segregation in the area. The LEHOA is substantially equivalent to the FHA. The attached briefing discusses how the City’s enactment of an Interim Zoning District (“IZD”) temporarily prohibiting multi-family housing developments in S-RM1-zoned areas has already implicated fair housing concerns. Any future action taken as part of the FLUM process to effectively



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downzone S-RM1-designated properties will result in further violations under all three theories and will subject the City to further exposure under federal and state fair housing laws.

First, the City's actions will be considered intentional discrimination on the basis of race and familial status. *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–67 (1977). Here, the area at issue has been zoned S-RM1 since the 1980s. In fact, in a 2016 Fair Housing Assessment report, the City noted that areas zoned S-RM1 are “high opportunity” areas where it is **“highly important that zoning laws assist private development of affordable housing to address the overwhelming need.”**¹ The City's own reports also admit the effect of neighborhood associations lobbying the City Council for the use of restrictive zoning measures to exclude housing developments that would otherwise allow an influx of people of color into their neighborhoods.² Yet, once community members, mostly those living in the adjacent English Turn gated community, expressed discriminatory opposition to Stanton Square's multi-family development, the City immediately reversed course, implementing the IZD and initiating the current FLUM amendment process. It is well-understood that a municipality violates the FHA when it accedes to community opposition motivated by discrimination. *See, e.g., United States v. City of New Orleans*, No. CIV.A. 12-2011, 2012 WL 6085081, at *9 (E.D. La. Dec. 6, 2012); *Greater New Orleans Fair Housing Action Center v. St. Bernard Par.*, 641 F.Supp.2d 563, 573 (E.D. La. 2009)). The attached briefing demonstrates how community members made statements basing their opposition on stereotypes regarding the prospective residents of multi-family rental developments rather than land-use concerns.³ That City councilmembers continued to work in close coordination with the English Turn Property Owners Association's lawyers as part of the FLUM process will undoubtedly be further evidence that any action to downzone the area is rooted in discriminatory intent.

Second, a decision to change the FLUM designation of the S-RM1 properties to be residential or semi-rural, single-family will have a disproportionate adverse impact based on race and familial status. “A practice has a discriminatory effect where it actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates

¹ City of New Orleans, Office of Community Development, “2016 Assessment of Fair Housing Needs,” Oct. 4, 2016, pp. 116, 120.

² *Id.* at 35.

³ For example, the residents communicated to City officials that “this development is an affront to our lifestyles,” and urged that the City “protect what we value most.” The statements also included stereotypes that affordable housing “creates crime because people don't know how to govern themselves;” comments that prospective renters should “Get off you're [sic] a** and work harder if you wanna live back here in English Turn;” and concerns that “The school is overran with people who bring the same mentality of violence from New Orleans to outlining areas.” *See St. Bernard Parish*, 641 F. Supp. 2d at 571–72 (references to “ghetto,” “crime,” “blight,” “slum-like conditions,” and “shared values” are racially loaded and evidence of discriminatory intent); *Smith v. Town of Clarkton*, 682 F.2d 1055, 1066 (4th Cir. 1982) (affirming that statements about “undesirables” and concerns about personal safety due to “new” people are “camouflaged racial expressions”).



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segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin.” 24 C.F.R. § 100.500 (2023). Stanton Square’s proposed development would have made over 250 rental units available to New Orleans renters. The renter population of New Orleans is disproportionately African American (60%) as compared to homeowners (48%). Thus, if the City decides to change the zoning designation to only permit single-family construction, African Americans would be disproportionately impacted by the decision. This is compounded by the fact that the percentage of the New Orleans population living under the poverty level is disproportionately African American and Hispanic (83%) as compared to whites (15%), and disproportionately comprised of families with children (30%) as compared to families generally (18.9%). Because people who live below the poverty level are more likely to be renters than the homeowners, they are more likely to be disproportionately harmed by a change in S-RM1’s zoning designation.

Third, liability under the Fair Housing Act will lie where a zoning decision has a “segregative effect” on minorities. *See Huntington Branch, N.A.A.C.P. v. Town of Huntington*, 844 F.2d 926, 937 (2d Cir.), *aff’d in part sub nom. Town of Huntington v. Huntington Branch, N.A.A.C.P.*, 488 U.S. 15 (1988); *Dews v. Town of Sunnyvale*, 109 F. Supp. 2d 526, 564 (N.D. Tex. 2000). The most widely used measure of racial residential segregation, the dissimilarity index, reveals a score of 65.8 for the Orleans Parish, which is considered a very high level of racial segregation. Lower Coast Algiers tracks this pattern: the census block group in which Stanton Square’s development was slated to be built is 32.8% African American and Hispanic, and abuts Plaquemines Parish, which is overwhelmingly white: its population is less than 30% African American and Hispanic. The multi-family developments in and surrounding the Triangle, the area on the other side of the Intracoastal Canal from Lower Coast Algiers closest to English Turn, are either at or near capacity. Allowing multi-family housing development would have helped to dismantle long-standing segregation in Lower Coast Algiers; blocking such by-right development will have the opposite effect.

Finally, the City is a recipient of federal funds, including Community Development Block Grants, and violations of federal anti-discrimination laws can result in delay or denial of those federal funds. It also subjects the City to liability under Title VI, under which “[n]o person in the United States shall, on the ground of race, color, or national origin, be . . . subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C.A. § 2000d.



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We urge the City to comply with its obligations under the FHA, LEHOA, and Title VI in any future action it chooses to take (or not take) in the FLUM process. In addition to the practical effect of depriving New Orleans residents of much-needed rental housing at affordable prices, a decision by the City to effectively downzone this area will result in additional violations of these federal and state laws laws. Please contact us if we can provide any further information.

Sincerely,

Reed Colfax

Reed Colfax

Enclosures

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

STANTON SQUARE, LLC,

Plaintiff,

v.

THE CITY OF NEW ORLEANS,
THE NEW ORLEANS CITY COUNCIL,
and FREDDIE KING, III, in
his official capacity as a member of the New
Orleans City Council,

Defendants.

CIVIL ACTION NO. 2:23-cv-05733

**MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED COMPLAINT (R. DOC. 45)**

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Plaintiff Stanton Square, LLC (“Plaintiff”) challenges, under federal and state fair housing laws, the unlawful and discriminatory actions of Defendants City of New Orleans, New Orleans City Council, and Freddie King, III (“Defendants” or the “City”), alleging that they prevented the construction of a multi-family housing development in Lower Coast Algiers that would be disproportionately occupied by racial minorities and families with children. Defendants’ Motion to Dismiss ignores Plaintiff’s well-pleaded allegations, misstates the case law, and suggests an erroneous pleading requirement. Defendants’ Motion must be denied.

FACTUAL BACKGROUND

In March 2021, Plaintiff purchased property in Lower Coast Algiers, New Orleans, to build a multi-family rental housing development named “The Village at English Turn,” (the “Village”).¹ The project was designed to be a residential complex on 16.8 acres with 278 rental units, 230 of which would be affordable under HUD metrics.² It would include a swimming pool, clubhouse, playground, and other amenities.³ Since the 1980s, the site for the Village has been zoned as Suburban Multi-Family Residential (S-RM1), permitting lower-density multi-family housing as of right.⁴ In 2016, the City noted that S-RM1 zones are “high opportunity” areas where it is “highly important that zoning laws assist private development of affordable housing to address the overwhelming need.”⁵

Defendants initially had no objection to the project, and Plaintiff’s team engaged in regular communication with City agencies to ensure that the development was in accord with all applicable regulations. Plaintiff’s plans for the development satisfied the City’s Master Plan and

¹ Plaintiff’s First Amended Complaint (“FAC”), Docket No. 44, ¶ 39.

² *Id.* ¶ 45.

³ *Id.* ¶ 48.

⁴ *Id.* ¶¶ 41–45.

⁵ *Id.* ¶ 35.

were in full compliance with applicable law.⁶ Because of its size, Plaintiff’s design required review by the City Planning Commission’s (“CPC”) Design Advisory Committee before it could receive permits, but it did not require a variance.⁷

Within weeks of Plaintiff’s application, residents of the surrounding area—in particular a group called the English Turn Property Owners Association (“ETPOA”)—launched a discriminatory campaign in opposition to the development.⁸ The ETPOA’s campaign was based on stereotypes about who lives in multi-family affordable housing.⁹ These neighbors challenged what they characterized as an “a[f]front to our lifestyles” and suggested concerns about the prospective residents, crime, and how renters would taint the area and drive away economic investment.¹⁰ They predicted, *inter alia*, that the Village would be a “crime ridden slum,” populated by “people who bring the same mentality of violence from New Orleans to outlining [sic] areas.”¹¹ The ETPOA campaigned the City Council, attending meetings and sending communications about the development’s “high crime rates,” influx of disease and other “health concerns,” and “deplorable conditions.”¹²

The campaign worked. The ETPOA helped the City Council introduce a moratorium to halt construction on the Village.¹³ The City Council’s initiatives were led by Defendant King, who is a resident of English Turn.¹⁴ In October 2022, the City Council passed a motion directing

⁶ *Id.* ¶¶ 42–47, 59–63.

⁷ *Id.* ¶¶ 43, 59–62.

⁸ *Id.* ¶¶ 52–53, 63–68.

⁹ *Id.* ¶ 67.

¹⁰ *Id.*

¹¹ *Id.* ¶¶ 67, 125.

¹² *Id.* ¶¶ 67–68; *see also id.* ¶¶ 133–159.

¹³ *Id.* ¶¶ 71–72, 133–159.

¹⁴ *Id.* ¶ 20.

the CPC to consider whether to enact an interim zoning district (“IZD”) to temporarily prohibit the development of multi-family housing on S-RM1 zoned property in Lower Coast Algiers.¹⁵

In December 2022, the CPC, however, unanimously voted to *reject* the Council’s IZD proposal.¹⁶ The CPC found that the Village proposal would advance the goals of the City’s Master Plan, and the CPC’s Executive Director determined that the Village met applicable review standards.¹⁷ Nonetheless, at a February 2023 meeting, the City Council overruled the CPC’s decision.¹⁸ It enacted the IZD, halting Plaintiff’s project—no other proposal was affected by the IZD.¹⁹ The Council’s stated basis was no more detailed than the generalized assertion that the IZD was “deemed necessary and in the best interest of the City of New Orleans.”²⁰

The original IZD was set to expire on March 19, 2024, but on March 7, 2024, the City Council extended it for 180 days.²¹ During the hearing, Councilmember Oliver Thomas asserted that affordable housing developments are by their very nature a threat to neighborhoods where they are located. He described the issue as “pitting affordable housing against folk who are trying to protect neighborhoods,” and opined that affordable housing should be in inner cities, not the suburbs.²²

The Village would have significantly helped with New Orleans’s housing crisis. As a rental development with affordable rates and 278 units, the Village’s housing would have been of particular benefit to the City’s racial minorities and families with children. Of the residents who currently live within a twenty-minute drive from the Village, African American households

¹⁵ *Id.* ¶¶ 71–77.

¹⁶ *Id.* ¶¶ 82–88; *see also id.* ¶¶ 42, 45–46, 79–88, 108–116.

¹⁷ *Id.*

¹⁸ *Id.* ¶¶ 89–97.

¹⁹ *Id.* ¶ 72.

²⁰ *Id.* ¶¶ 89–99, 101.

²¹ *Id.* ¶ 103.

²² *Id.* ¶¶ 103–104.

are 1.48 times more likely to rent than White households, and Latino households are 1.46 times more likely to rent than White households.²³ Additionally, African American households within a twenty-minute drive from the Village are 1.58 times more likely than White households to have incomes less than 100% of Area Median Income (AMI) and Latino households are 1.36 times more likely than White households to have incomes less than 100% of AMI.²⁴ A disproportionate percentage of families with children (over 30% percent) in New Orleans live below the poverty level.²⁵ The Village would have also helped to dismantle long-standing segregation in Lower Coast Algiers, which has no multi-family developments.²⁶ The census block group in which the Village was slated to be built is 32.8% African American and Latino, whereas the two northern census block groups abutting English Turn are 85.8% African American. The census block group to the south, within Plaquemines Parish, is just 0.5% African American and Hispanic. Plaintiff's development would predictably have led to an estimated 427 African American residents moving into English Turn.²⁷

As a result of the IZD, Plaintiff cannot seek necessary permits, and it cannot start construction until those permits have been obtained. If Defendants' recent recommended change to the property's designation in the Future Land Use Map—from "residential multifamily" to "residential single family"—is adopted, the Village will be permanently barred.²⁸

²³ *Id.* ¶¶ 118-122. The Census Bureau uses the term "Hispanic" for people of Mexican, South or Central American or other Spanish culture of origin. Plaintiff will use the now more commonly accepted term "Latino" to describe this population and the Census Bureau's Hispanic data. *See* US Census Bureau, "Why We Ask Questions About Hispanic or Latino Origin," <https://www.census.gov/acs/www/about/why-we-ask-each-question/ethnicity/#:~:text=OMB%20requires%20federal%20agencies%20to,or%20origin%20regardless%20of%20race>.

²⁴ *Id.* ¶¶ 117-123 (citing statistics on populations with household incomes under AMI).

²⁵ *Id.* ¶ 122.

²⁶ *Id.* ¶¶ 5-7, 21-26, 55-58.

²⁷ *Id.* ¶ 25.

²⁸ *Id.* ¶¶ 42, 144-156.

LEGAL ARGUMENT

In reviewing a Rule 12(b)(6) motion, the Court must “accept all well-pleaded facts as true and view those facts in the light most favorable to the plaintiff.” *Midwest Feeders, Inc. v. Bank of Franklin*, 886 F.3d 507, 513 (5th Cir. 2018). Factual disputes are inappropriate for resolution on a motion to dismiss, and only factual allegations contained in the pleadings may be considered. *See Morgan v. Swanson*, 659 F.3d 359, 401 (5th Cir. 2011).

I. Plaintiff Plausibly Alleges Intentional Discrimination Under the Fair Housing Act.

The FAC sufficiently alleges that Defendants acted with discriminatory intent in blocking the development of the Village. To survive a motion to dismiss on a disparate treatment claim, a plaintiff need only allege facts that indicate that a protected trait was “one significant factor” in the defendant’s dealings to present a plausible claim of disparate treatment. *See Greater New Orleans Fair Hous. Action Ctr. v. Kelly*, 364 F. Supp. 3d 635, 648 (E.D. La. 2019); *see also Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 270 (1977) (holding that intentional discrimination exists if “discriminatory purpose was a motivating factor” behind the challenged action). A discriminatory motive can result from a municipal decisionmaker’s own bias, or it can result from municipal decisionmakers capitulating to the discriminatory animus of their constituents. *See LeBlanc-Sternberg v. Fletcher*, 67 F.3d 412, 425 (2d Cir. 1995) (discriminatory motive violates the Fair Housing Act if it belongs to “municipal decision-makers themselves or by those to whom the decision-makers were knowingly responsive.”); *see also, e.g., Ave. 6E Invs., LLC v. City of Yuma, Ariz.*, 818 F.3d 493, 497 (9th Cir. 2016)); *United States v. City of New Orleans*, No. CIV.A. 12-2011, 2012 WL 6085081, at *9 (E.D. La. Dec. 6, 2012).

In seeking dismissal, Defendants incorrectly ask the court to hold Plaintiff responsible for establishing, at the motion to dismiss stage, that Defendants’ explanation for the challenged acts is pretextual. Not so. A factual dispute over the credibility of a defendant’s explanation is a trial

issue; on a motion to dismiss, a plaintiff need only meet “a minimal burden of showing facts suggesting an inference of discriminatory motivation.” *Harmony Haus Westlake, LLC v. Parkstone Prop. Owners Ass’n, Inc.*, 468 F. Supp. 3d 800, 811 (W.D. Tex. 2020).

A. The *Arlington Heights* Factors Support an Inference of Intentional Discrimination.

Assessing whether a plaintiff has presented sufficient allegations in support of a disparate treatment claim requires “a sensitive inquiry into such circumstantial and direct evidence of intent as may be available.” *Arlington Heights*, 429 U.S. at 266. In *Arlington Heights*, the Supreme Court held that discriminatory intent may be inferred from the totality of the circumstances and set forth a non-exhaustive set of factors for determining whether an inference can be drawn. *Id.* at 266–68. These factors are: (1) the disproportionate impact of the official action; (2) the historical background of the challenged decision, (3) the specific sequence of events leading up to the challenged decision; (4) departures from normal procedural sequence; (5) substantive departures; and (6) legislative history. *See Arlington Heights*, 429 U.S. at 266–68; *see also, e.g., Greater New Orleans Fair Hous. Action Ctr. v. St. Bernard Par.*, 641 F. Supp. 2d 563, 568–69 (E.D. La. 2009) (“*St. Bernard Parish I*”).

Consideration of these factors establishes that Plaintiff has more than met its “minimal burden” at the motion to dismiss stage to suggest an inference of discriminatory motivation. *Harmony Haus Westlake*, 468 F. Supp. 3d at 811.

1. *Disproportionate impact of the official action*

Arlington Heights held that the discriminatory effect of an official action carries substantial persuasive weight in determining whether a government action had a discriminatory motive; indeed, in some cases, a “stark” disproportionate impact alone can be enough to establish an inference of discriminatory intent. 429 U.S. at 266. As more fully explained *infra*, Section

II.A, the allegations demonstrate that the IZD has a disproportionate adverse effect on African American and Latino people and families with children. The IZD blocked construction of 278 rental units in Lower Coast Algiers, at least 230 of which would have been affordable under HUD metrics.²⁹ Of the residents who currently live within a twenty-minute drive from the Village, African American households are 1.48 times more likely to rent than White households, and Latino households are 1.46 times more likely to rent than White households.³⁰ Additionally, African American households within a twenty-minute drive from the Village are 1.58 times more likely than White households to have incomes less than 100% of AMI, and Latino households are 1.36 times more likely than White households to have incomes less than 100% of AMI.³¹ Moreover, a disproportionate percentage of families with children are also eligible for affordable housing; over 30% of families with children under the age of 18 in New Orleans are living below the poverty line, as compared to 18.9% of families generally.³² Under *Arlington Heights*, this disproportionate effect is a strong indicator of Defendants' discriminatory motive.

2. Historical background of the decision

Plaintiff alleges that the City's actions to block the Village occurred against a historical backdrop of discrimination. "Evidence of historical discrimination is relevant to drawing an inference of purposeful discrimination." *See Rogers v. Lodge*, 458 U.S. 613, 625–26 (1982).

The FAC describes how Defendants have—despite being on notice of their residents' need for housing opportunities³³—routinely taken actions to reduce housing stock disproportionately occupied by African American and Latino people.³⁴ The FAC also describes

²⁹ *Id.* ¶ 45.

³⁰ *Id.* ¶ 119.

³¹ *Id.* ¶ 120.

³² *Id.* ¶ 122.

³³ *Id.* ¶¶ 28–29.

³⁴ *Id.* ¶¶ 31–33.

the City’s own recognition of the discriminatory harms caused by neighbors lobbying the City Council for the use of restrictive zoning measures to exclude housing developments.³⁵ It notes a lawsuit filed against the City by the U.S. Department of Justice for engaging in discriminatory zoning practices.³⁶ These allegations show an “invidious” series of official actions by the City to block affordable, integrated housing, which limits housing opportunities for African Americans, Latinos, and families with children. *Arlington Heights*, 429 U.S. at 267.

3. The specific sequence of events leading up to the decision

The “specific sequence of events” factor also supports an inference of discrimination. The FAC describes how the City initially had no objection to the Village, but abruptly reversed course when community members expressed discriminatory opposition.³⁷ See *United States v. City of New Orleans*, 2012 WL 6085081, at *9 (denying motion to dismiss, finding that discriminatory denial of zoning variance application because of “community opposition expressed at the hearings” met *Arlington Heights* factors).

This opposition—expressed through written communications with the City, public posts on social media, and oral statements at public meetings—was rife with coded language connoting racial animus. Opponents asserted that the Village was “an a[f]front to [their] lifestyles”; referenced “deplorable conditions,” “crime”, and “health concerns”; and claimed that the Village would “encourage economic disinvestment or flight from the area.”³⁸ They stated:

- “[A]ffordable housing . . . creates crime because people don’t know how to govern themselves. Since Katrina St. Bernard Parish has seen more murders now than ever. The school is overran [sic] with people who bring the same mentality of violence from New Orleans to outlining areas.”

³⁵ *Id.* ¶¶ 34–35.

³⁶ *Id.* ¶ 33.

³⁷ *Id.* ¶¶ 59–63.

³⁸ *Id.* ¶¶ 67–68.

- “[T]hese affordable housing communities . . . will allow criminals of all elements to take over in time to come, which will degrade the properties surrounding area substantially.”
- “Nobody wants section 8 by their million dollar homes.”
- “If you wanna talk a big game about putting affordable housing up in high income areas [do] it in your own area before you try and f**k up someone else’s neighborhood.”
- “I wouldn’t want the crime, grass non existent because of cars parked in the yard, cars on stands, and the crime that seems rampant in these ‘affordable housing developments’”
- “Orleans Parish is famous for these Large Scale, Cookie Cutter, Section 8 Housing Projects that Degenerate into Crime Ridden Slums!”³⁹

It is well-established that “[r]acially charged code words may provide evidence of discriminatory intent by sending a clear message and carrying the distinct tone of racial motivations and implications.” *Mhany Mgmt., Inc. v. Cty. of Nassau*, 819 F.3d 581, 609 (2d Cir. 2016). References to crime, Section 8, broken down cars, overcrowded schools, and changing the character of a neighborhood have all been found to be racially charged by numerous courts. *See St. Bernard Parish I*, 641 F. Supp. 2d at 571 (“The references to ‘ghetto,’ ‘crime,’ ‘blight,’ and ‘shared values’ are similar to the types of expressions that courts in similar situations have found to be nothing more than ‘camouflaged racial expressions.’”); *see also Mhany*, 819 F.3d at 608-09 (affirming an inference of racial animus in statements that a development would change the “flavor” and “character” of a community and that multifamily housing might “depress the market” for current residents); *Ave. 6E Invs.*, 818 F.3d at 506 (same for comments about “large households,” and residents who “own numerous vehicles which they parked in the streets and in their yards”); *Valentin v. Town of Natick*, 707 F. Supp. 3d 88, 94 (D. Mass. 2023) (comments that a proposed development was “completely out of character” with a neighborhood “would destroy the culture of the neighborhood,” and an “attack” on the suburbs connoted

³⁹ *Id.* ¶ 125.

discriminatory intent); *Smith v. Town of Clarkton*, 682 F.2d 1055, 1062 (4th Cir. 1982) (concerns about sanitation services pretext for discriminatory bias).

The neighbors’ thinly veiled discriminatory opposition had an impact on Defendants’ decision-making process. In direct response to, and in collaboration with,⁴⁰ the opposition, Defendants overruled the unanimous recommendation of the CPC and enacted the IZD.⁴¹ Prior to the discriminatory opposition, the City had identified the Village location as one where it was “highly important that zoning laws assist private development of affordable housing to address the overwhelming need [for housing].”⁴² That support “immediately eroded” after the community’s opposition, suggesting a discriminatory intent. *See St. Bernard Parish I*, 641 F. Supp. 2d at 573.

4. Procedural and substantive departures from ordinary procedures

The next two *Arlington Heights* factors are “departures from ordinary procedures” and “substantive departures from procedures.” Delaying routine processes and unexplained denials support an inference of discrimination under the procedural departures factor. *See Greater New Orleans Fair Hous. Action Ctr. v. St. Bernard Par.*, 648 F. Supp. 2d 805, 813 (E.D. La. 2009), (finding a departure from the normal procedural sequence where applications were on track for approval, then suddenly derailed without justification). When a body that regularly relies on the recommendations of its experts suddenly defies them, it evinces a departure from norms. *Id.*; *see also Valentin*, 2023 WL 8815167, at *7. Substantive departures exist when “factors usually considered important by the decisionmaker strongly favor a decision contrary to the one reached.” *St. Bernard Parish I*, 641 F. Supp. 2d at 574.

⁴⁰ *Id.* ¶¶ 65, 71, 137–156.

⁴¹ *Id.* ¶¶ 89–97, 103–107.

⁴² *Id.* ¶ 35.

The City Council’s rejection of the CPC’s unanimous recommendation against the IZD is a significant departure. The CPC routinely makes recommendations to the City on whether to adopt IZDs, and the City Council routinely accepts the CPC’s recommendations.⁴³ Here, the CPC voted unanimously to deny the IZD request—with some commissioners concluding that the IZD “went against the intent of the Master Plan” and others expressing incredulity that it was even proposed.⁴⁴ The City Council, however, made the “exceedingly rare” decision to overrule the CPC’s recommendation.⁴⁵ It did so even though the further studies called for under the IZD were already incorporated into the design review and permitting process and had been satisfied by Plaintiff.⁴⁶ The Council also deleted an appeal procedure for the IZD that would have set less discretionary standards for Plaintiff to meet in order to proceed with the development process.⁴⁷

An inference of discrimination is also met where a municipality “provided no explanation” for its decision. *U.S. v. City of New Orleans*, 2012 WL 6085081 at *9. Here, no councilmember offered any reasoning regarding their vote and the only written explanation was that the IZD was “necessary and in the best interest of the City of New Orleans.”⁴⁸

5. Legislative history and contemporary statements

Courts have found that the final *Arlington Heights* factor, the legislative history, supports a discrimination inference where bias is suggested in “contemporary statements by members of the decisionmaking body, minutes of its meetings, or reports.” *Arlington Heights*, 429 U.S. at 268. The FAC alleges that, during the March 7, 2024 hearing on extending the IZD, Councilmember Thomas argued that affordable housing should be created in the inner city and

⁴³ *Id.* ¶¶ 82, 101.

⁴⁴ *Id.* ¶¶ 82–88.

⁴⁵ *Id.* ¶ 101.

⁴⁶ *Id.* ¶¶ 112–114, 109–116.

⁴⁷ *Id.* ¶¶ 92–93.

⁴⁸ *Id.* ¶¶ 96–99.

described the issue at hand as “pitting affordable housing against folk who are trying to protect neighborhoods.”⁴⁹ Courts have found these types of comments as suggesting discrimination. *See St. Bernard Parish*, 641 F. Supp. 2d at 571; *Mhany*, 819 F.3d at 608–09.

B. Defendants’ Arguments Against Intentional Discrimination Lack Merit.

Each of the *Arlington Heights* factors supports an inference that Defendants’ actions in blocking the construction of the Village were motivated in part by discriminatory intent. Defendants’ arguments are not grounded in case law and are irrelevant to the pleading stage.

1. A Plaintiff Need Not Establish Pretext to Survive Motion to Dismiss.

Defendants argue that Plaintiff must allege “the stated reasons for the complained of action were false (i.e., pretext).” Defendants’ Mem. in Support of Mot. to Dismiss, Dkt. No. 45-1, at 9 (“Def. Br.”). As described *supra* p. 5-6, Plaintiff does not need to allege pretext at the pleading stage, nor may Defendants prevail on a motion to dismiss by suggesting competing factual explanations for their actions. In any event, the FAC includes allegations showing how Defendants’ stated purposes for enacting the IZD were pretextual.⁵⁰ Defendants argue that the IZD was “necessary while additional information is studied and evaluated,” Def. Br. at 11, but the FAC clearly alleges that those requested studies were already incorporated into the design review and permitting process, and, a year after passage of the IZD, work had not even begun on any of the studies supposedly justifying its passage.⁵¹

Defendants also claim that “[t]he stated purposes and timing of the IZD are appropriate when considering the need to maintain the status quo while additional information is studied and

⁴⁹ *Id.* ¶¶ 103–105.

⁵⁰ *Id.* ¶¶ 108–116.

⁵¹ *Id.*

evaluated.” Def. Br. at 11. But, as the FAC alleges, the IZD did not “maintain the status quo”—it changed fifty years of consistent zoning and defied the City’s long-standing master plan.⁵²

2. *Defendants’ Minimal Discussion of the Arlington Heights Factors Misapplies the Law and Raises Inappropriate Factual Disputes.*

Defendants do not comprehensively review the *Arlington Heights* factors, Def. Br. at 10-11, and what little analysis they do offer is unpersuasive. First, Defendants assert that “a normal sequence of events is shown where a zoning decision is made concerning the need to preserve the long-standing characteristic of a tract of property.” *Id.* at 10. That proves *Plaintiff’s* point: the FAC alleges that the long-standing zoning characteristic of the Village property was to allow a project like the Village as of right. The City departed from, and did not preserve, the long-standing land use plan for the tract.

Second, Defendants assert that the coded language used by the neighborhood opposition signifies class-based, rather than race-based, animus. *See* Def. Br. at 12–13. This argument fails: not only does it ignore many of the comments in the FAC,⁵³ but it runs contrary to a long line of case law holding that references to crime, lifestyle, Section 8, economic disinvestment, slums, and residents not caring for themselves and their homes are evidence of thinly veiled discriminatory bias.⁵⁴ At most, Defendants’ argument raises a factual dispute regarding the underlying motivation of the neighbors’ opposition that cannot be resolved at this stage in the proceedings.

Third, Defendants’ reliance on *Hallmark Devs., Inc. v. Fulton Cnty., Ga.*, 466 F.3d 1276 (11th Cir. 2006) is misplaced. In addition to being at a different procedural posture—the *Hallmark* court examined the factual record at the post-trial stage—*Hallmark* is factually

⁵² *Id.* ¶¶ 35, 41–44.

⁵³ Compare *supra* Section I.A.3 with Def. Br. at 12–13.

⁵⁴ See *supra* Section I.A.3 (collecting cases).

distinct. In contrast to the detailed comments discussed in the FAC here, the *Hallmark* plaintiff did not specify what comments were made, and the court referred to comments about “the apartment challenge” and a desire to keep the neighborhood “pristine.” *Id.* at 1281. These are of an entirely different kind of character than the comments made in this case. *See supra* Section I.A.3. Additionally, the officials in *Hallmark* immediately and thoroughly rejected any potential bias contained in the opponents’ comments, saying:

That’s a bad argument to bring to me. . . . Let’s not bring our personal aesthetic prejudices and biases to the table . . . this County Commission is not going to close its doors to ordinary working people who also want to live and have nice houses.

Hallmark, 466 F.3d at 1281. Here, rather than rejecting the discriminatory bias of the neighborhood opponents, Defendants adopted the neighborhood’s positions and collaborated with the opposition—the ETPOA described their counsel as “pretty much joined at the hip with the representation from the City”⁵⁵—to enact and extend the IZD.

* * *

Defendants have presented no viable response to Plaintiff’s well-pleaded allegations of intentional discrimination.

II. Plaintiff Plausibly Alleges Two Independent Theories of Disparate Impact Liability.

Defendants’ challenge to Plaintiff’s disparate impact claims is based on the assertion that the FAC fails to allege sufficient “robust causality.” *See* Def. Br. at 14–18. But the FAC details how the IZD directly precludes rental housing opportunities that would be disproportionately occupied by African American and Latino households. The FAC’s allegations meet all possible interpretations of the robust causality requirement. And the FAC alleges that the enactment and

⁵⁵ FAC ¶ 137.

enforcement of the IZD reinforces segregated housing patterns and perpetuates segregation—an independent way of demonstrating a disparate impact that Defendants ignore.

A. The IZD Has a Disproportionate Effect on African American and Latino Renters.

A *prima facie* case of disparate impact liability can be shown through allegations that (1) a policy or practice (2) caused or predictably will cause a discriminatory effect. *See Texas Dep’t of Hous. & Cmty. Affs. v. Inclusive Communities Project, Inc.*, 576 U.S. 519, 527 (2015) (“*ICP*”). A plaintiff must show that the challenged policy or practice, and not a different factor, caused the discriminatory effect; this is sometimes referred to as “robust causality.” *See ICP*, 576 U.S. at 543 (giving examples of alternative causal factors that fail to meet robust causality standard); *see also Inclusive Communities Project, Inc. v. Lincoln Prop. Co.* (“*Lincoln Property*”), 920 F.3d 890, 902–05 (5th Cir. 2019).

The Supreme Court has stated that suits like this one, “targeting unlawful zoning laws and other housing restrictions that unfairly exclude minorities from certain neighborhoods without sufficient justification,” are at the “heartland of disparate-impact liability.” *ICP*, 576 U.S. at 521, 540 (citing, *inter alia*, *St. Bernard Parish I*, 641 F.Supp.2d at 569, 577–578). The Fifth Circuit has recently described that disparate impact is useful in zoning cases involving “indefensible government policies that operate[] to perpetuate segregation by unreasonably restricting private construction of multi-family housing that would increase affordable housing options for minorities.” *Lincoln Property*, 920 F.3d at 908. The instant case is a heartland disparate impact case.

Plaintiff’s FAC readily meets the requirements for pleading a disparate impact claim under the Fair Housing Act (“FHA”). First, the FAC alleges that Defendants enacted the IZD, a

facially neutral zoning policy that prohibited the development of multi-family housing.⁵⁶ Second, Plaintiff alleges that the IZD had a disproportionately adverse effect on African Americans and Latinos. The FAC describes that among households within a twenty-minute drive time from the Village (those most likely to rent a unit in the Village),⁵⁷ African Americans are 1.58 times more likely to rent than White households (72% of African American households as compared to 45% of White households), and Latino households are 1.46 times more likely to rent than White households (62% of Latino households as compared to 45% of White households).⁵⁸ The FAC also alleges that African American and Latino households within a twenty-minute drive from the Village are more likely than White households to have household incomes less than 100% of the AMI.⁵⁹ Finally, the FAC alleges that the Village would have created 278 rental units and that 482 (or 55.83%) of the Village's residents would be African American or Latino.⁶⁰ Taken together, the allegations in the FAC show that, by enacting the IZD, Defendants "unreasonably restrict[ed] private construction of multi-family housing that would [have] increase[d] affordable housing options for minorities." *Lincoln Property*, 920 F.3d at 908.

B. Plaintiff's Allegations Meet All Interpretations of Robust Causation.

Defendants argue that robust causation is not sufficiently pled. Def. Br. at 15–18. But Plaintiff's allegations meet Fifth Circuit causation requirements, because the sole cause of the disproportionate impact of the diminished rental opportunities for African American and Latino

⁵⁶ *Id.* ¶¶ 72, 75, 77.

⁵⁷ The FAC also offers statistics from Orleans Parish, another reasonable measure of the geographical area from which most Village renters would originate, noting that within that geography, African American households are 1.24 times more likely to rent than White households, and Latino households are 1.35 times more likely to rent than White households. *Id.* ¶ 119. Defendants argue that Plaintiff's comparators are speculative, but they are sufficient to meet pleading requirements and will be borne out by expert testimony in discovery.

⁵⁸ *Id.* ¶ 120.

⁵⁹ *Id.*

⁶⁰ *Id.* ¶¶ 45, 121.

renters was Defendant’s decision to enact the IZD.⁶¹ *See Lincoln Property*, 920 F.3d at 903–05, 908 (holding that a plaintiff must allege “a policy attributable to the defendant *and* the requisite causal connection”). Put another way, the Village was blocked exclusively and completely by the IZD, and the Court is not “left wondering whether members of a protected class” face diminished rental opportunities “because of [the IZD] or because of some other factor.” *Sw. Fair Hous. Council, Inc. v. Maricopa Domestic Water Improvement Dist.*, 17 F.4th 950, 966 (9th Cir. 2021).

Defendants’ discussion of *Lincoln Property* does not suggest a different conclusion. In *Lincoln Property*, the Fifth Circuit reviewed four possible approaches to “robust causation” that had been discussed in opinions from other Circuits. 920 F.3d at 904–5. Those approaches can be summarized as requiring (1) the challenged policy be “artificial” and “arbitrary,” *id.* at 904; (2) the challenged disproportionate effect be a result of “a change in defendant’s [] policy,” *id.* at 906; (3) the challenged disproportionate effect not be a result of “geographical happenstance,” *id.*; and (4) the disparate impact challenged be based on more than merely a showing of “racial imbalance,” *id.* at 905. *Lincoln Property* did not endorse any one of the four approaches or require that future claims meet any particular test. *Id.* at 906–07. Regardless, Plaintiff’s allegations satisfy the standards and considerations central to all four approaches.

First, the allegations support a finding that the IZD is artificial and arbitrary. *See id.* at 904. The IZD is artificial because it was adopted with no articulated or reasonable legitimate basis: in fact, it was adopted contrary to the advice of the City’s expert body on zoning matters and without further explanation.⁶² The IZD is arbitrary because it is premised on the need for studies that were already existing requirements in the applicable application process. The arbitrary and artificial nature of the IZD defeats Defendants’ argument that allowing a disparate

⁶¹ *Id.* ¶ 117.

⁶² *Id.* ¶¶ 82, 96–99, 101.

impact challenge to the IZD would expose “any City policy or zoning ordinance affecting any rental properties to a lawsuit based on the FHA.” Def. Br. at 17. Because this matter challenges an artificial and arbitrary measure, allowing the action to proceed would not suggest general disparate impact liability for all rental-related zoning ordinances or policies.

Second, the disproportionate effect results from a change in policy, as described in *Lincoln Property*. See 920 F.3d at 906. Defendants’ contention that the IZD did not change anything, Def. Br. at 18, is facially false: the IZD upended nearly 50 years of consistent zoning and a stable master plan vision, abruptly halting the by-right ability to construct affordable multi-family housing. Defendants’ preexisting policy would have allowed housing opportunities that would be disproportionately used by racial minorities; the subsequent change in Defendants’ policy eliminates housing options for that population.

Third, the disproportionate effect is not caused by geographical happenstance. See 920 F.3d at 906. In *Lincoln Property*, the Fifth Circuit noted that a showing of less “minority habitation” after the implementation of a “no vouchers” policy did not necessarily establish a link between the policy and a diminished number of minority households in the area. *Id.* at 907. In other words, *Lincoln Property* involved an indirect subsidy that could have been used for multiple housing opportunities. This case is different because the housing opportunities—over 200 affordable rental units—themselves are precluded by Defendants’ policy.

Fourth, Plaintiff does not merely rely on a showing of “racial imbalance” in support of its disparate impact claim. *Id.* at 905. The “racial imbalance” approach discussed in *Lincoln Property* is based on the court’s interpretation of the Eleventh Circuit’s *Oviedo* decision where the plaintiffs challenged a utility rate increase that affected properties with significant percentages of racial minorities. See *Lincoln Property*, 920 F.3d at 905 (citing *Oviedo Town*

Center II, L.L.L.P. v. City of Oviedo, Fla., 759 F. App'x 828, 830 (11th Cir. 2018)). The *Oviedo* plaintiffs attempted to show disparate impact merely by noting that a large percentage of people in their properties were racial minorities but did not compare the racial composition of *all people affected* and *all people unaffected* by the rate increase. *Oviedo*, 759 F. App'x at 835. If the plaintiffs had done a “citywide comparison demonstrat[ing] that a disproportionate percentage of racial minorities in multifamily properties were impacted across the city,” a *prima facie* case of disparate impact “might have been presented.” *Id.* at 835–36. Here, Plaintiff have made this precise comparison. The FAC pleads that African American and Latino households in the area make up a significantly greater percentage of people needing rental housing opportunities like the Village as compared to White households in the area.⁶³ Unlike in *Oviedo*, Plaintiff's FAC shows how the Defendants' policy caused African American and Latino households to disproportionately bear the burden of the unavailable rental housing opportunities as compared to White households.

C. The IZD Perpetuates Segregated Housing Patterns.

Plaintiff also alleges that Defendants violated the FHA because their actions perpetuate segregation, which is an independent path to establishing disparate impact.⁶⁴ “Discriminatory effect may be proven by showing either (1) adverse impact on a particular minority group or (2) harm to the community generally by the perpetuation of segregation.” *Dews v. Town of Sunnyvale, Tex.*, 109 F. Supp. 2d 526, 531 (N.D. Tex. 2000). A perpetuation of segregation claim is established when a defendant's challenged conduct precludes housing opportunities in predominately white areas that would be disproportionately occupied by racial minorities. *See Huntington Branch, N.A.A.C.P. v. Town of Huntington, N.Y.*, 844 F.2d 926, 937 (2d Cir.), *aff'd*

⁶³ *Id.* ¶¶ 117-121.

⁶⁴ *Id.* ¶¶ 123-124.

in part sub nom. Town of Huntington, N.Y. v. Huntington Branch, N.A.A.C.P., 488 U.S. 15 (1988); *see also ICP*, 576 U.S. at 540.

The FAC includes allegations that both the City of New Orleans and Lower Coast Algiers are highly segregated based on well-accepted measures of segregation: while the census block group where English Turn and Plaintiff’s proposed development are located is 32.8% African American, the two census block groups abutting English Turn to the north are 85.8% African American, and the census block group to the south is just 0.5% African American and Hispanic.⁶⁵ The FAC alleges that Defendants prevented an estimated 427 African American residents from moving into, and advancing the integration of, English Turn.⁶⁶ The FAC also highlights that the City’s own Housing Authority has admitted that ceding to discriminatory neighborhood associations “perpetuate[s]” and in fact “increases the severity of segregation.”⁶⁷ These allegations—which Defendants do not specifically challenge—are sufficient to withstand a motion to dismiss on Plaintiff’s perpetuation of segregation theory of liability.

III. Plaintiff Plausibly Alleges Unlawful Interference Under § 3617 of the FHA.

Plaintiff has sufficiently pled a claim of unlawful interference in violation of § 3617 of the FHA. Section 3617 prohibits “interfer[ence] with any person in the exercise or enjoyment of . . . any right granted or protected by” the FHA. 42 U.S.C. § 3617; *see also* 24 C.F.R. § 100.400(c)(2) (2016). In the zoning context, it is unlawful for a municipality to interfere with the construction of housing because of race or familial status of the prospective residents. *See, e.g., United States v. City of Black Jack*, 508 F.2d 1179, 1182 (8th Cir. 1975); *United States v. City of Parma*, 494 F. Supp. 1049, 1100 (N.D. Ohio 1980), *aff’d*, 661 F.2d 562 (6th Cir. 1981).

⁶⁵ *Id.* ¶¶ 21–22, 25.

⁶⁶ *Id.* ¶ 121.

⁶⁷ *Id.* ¶ 34.

A plaintiff may show interference by showing that (1) the plaintiff exercised or enjoyed a right guaranteed by §§ 3603–3606; (2) the defendant’s conduct constituted interference; and (3) a causal connection exists between the exercise or enjoyment of a right and the defendant’s conduct. *See Revock v. Cowpet Bay W. Condo. Ass’n*, 853 F.3d 96, 112–13 (3d Cir. 2017).

Here, the Complaint establishes all three elements. Plaintiff exercised a right protected under the FHA to construct multi-family, affordable housing that would have provided rental opportunities for significant numbers of African American and Latino families. By enacting the IZD and blocking the construction, Defendants’ conduct interfered with this right. Plaintiff has alleged that Defendants’ decision to enact the IZD was taken in direct response to Plaintiff’s attempt to build multi-family housing.

Defendants’ sole argument in response is that Plaintiff does not allege a § 3617 claim because, they assert, Plaintiff failed to state a § 3604 claim. For the reasons described in Section I, Plaintiff has plausibly alleged that Defendants violated § 3604. *See, e.g., Black Jack*, 508 F.2d at 1182 (8th Cir. 1974) (zoning ordinance that prohibited construction of multi-family dwelling “interferes with the exercise of the right to equal housing opportunity”).

IV. Plaintiff Plausibly Alleges a Violation of Title VI of the Civil Rights Act.

Under Title VI, “[n]o person in the United States shall, on the ground of race, color, or national origin, be . . . subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d. To establish a Title VI claim, Plaintiff must allege “(1) that there is race [] discrimination, and (2) that the entity engaged in discrimination is receiving federal financial assistance.” *Russell v. City of Tupelo*, 544 F. Supp. 3d 741, 762 (N.D. Miss. 2021), *reconsideration granted on other grounds*, No. 1:20-CV-3-SA-DAS, 2021 WL 4979005 (N.D. Miss. Oct. 26, 2021). The FAC meets both requirements. As discussed *supra* Section I, Plaintiff has alleged that Defendants, motivated by discriminatory intent, enacted the

IZD to delay and block Plaintiff's multi-family housing development. This discrimination was carried out by the City, a recipient of Federal financial assistance.⁶⁸

Defendants argue in passing that their actions did not "remove housing options" available to members of a protected class. Def. Br. at 19. But the law does not distinguish between existing housing that is demolished and planned housing that was prevented from being built. Plaintiff has adequately described how, but for Defendants' actions, it would have brought units onto the market as early as last year,⁶⁹ and that its development would increase housing opportunities for minorities.⁷⁰ That is more than enough to allege a claim under Title VI.

V. Plaintiff Plausibly Alleges a Violation of the Louisiana Equal Housing Opportunity Act.

Plaintiff has sufficiently pled a claim for relief under the Louisiana Equal Housing Opportunity Act ("LEHOA"), La. R.S. § 51:2601, *et seq.* As Defendants point out, the LEHOA is substantially equivalent to the FHA. Def. Br. at 20. Both establish that all persons should be allowed to obtain housing regardless of race, sex, color, religion, handicap, familial status, or national origin. *See* La. R.S. § 51:2602(a); 42 U.S.C. § 3601, *et seq.* As set forth *supra* Sections I-II, the Complaint sufficiently states claims for relief under the FHA and, therefore, also does so under the virtually identical LEHOA. *See Kelly*, 364 F. Supp. 3d at 648 n.90.

Defendants cite to Louisiana case law regarding a presumption of validity that attaches to zoning decisions. Def. Br. at 20. But it is axiomatic that zoning decisions can enjoy a presumption of validity yet still violate laws that prohibit, for example, discriminatory housing and zoning practices. *See, e.g., Esplanade Ridge Civic Assoc. v. City of New Orleans*, 2013-CA-1062 (La. App. 4 Cir. 2/12/2014), 136 So. 3d 166, 169 (holding that although a decision of the

⁶⁸ *Id.* ¶ 30.

⁶⁹ *Id.* ¶ 51.

⁷⁰ *Id.* ¶¶ 117–124.

BZA is afforded presumption of validity, that decision is nevertheless subject to the requirements of FHA). And Defendants' citation to *Sullivan Properties, Inc. v. City of Winter Springs*, 899 F. Supp. 587, 595 (M.D. Fla. 1995), is misplaced. *Sullivan* asks whether Eleventh Circuit law requires substantive due process claims to be pled under the state Constitution, as opposed to the federal Constitution, and has no bearing on the LEHOA, a statutory claim.

VI. Plaintiff Plausibly Alleges Substantive and Procedural Due Process Violations.

Finally, Plaintiff has sufficiently pled that Defendants' actions violate its constitutional right to substantive and procedural due process.

A. Plaintiff Has Sufficiently Pled a Violation of its Substantive Due Process Rights.

In the zoning and land use context, “[s]ubstantive due process . . . protects citizens from being subject to ‘arbitrary or irrational zoning decisions.’” *Paterek v. Vill. of Armada, Mich.*, 801 F.3d 630, 648 (6th Cir. 2015). A plaintiff is required to show that “(1) a constitutionally protected property or liberty interest exists, and (2) the constitutionally protected interest has been deprived through arbitrary and capricious action.” *Id.* Plaintiff meets both requirements.

First, in the zoning context, to establish a property interest, a landowner must show a “legitimate claim of entitlement” to the benefit in question. *Standard Materials, Inc. v. City of Slidell*, 96-0684 (La. App. 1 Cir. 9/23/97), 700 So. 2d 975, 986. A legitimate claim of entitlement exists when “there is either a certainty or a very strong likelihood that the application or permit would have been granted” under state or local law. *Homeowner/Contractor Consultants, Inc. v. Ascension Parish Planning*, 32 F. Supp. 2d 384, 391 (M.D. La. 1999). Here, Plaintiff plausibly alleges a strong likelihood that permits would have been granted were it not for the IZD. The

project was by-right, meaning no variance was required,⁷¹ and it met each of the six review standards and the goals of the Master Plan.⁷²

Second, Defendants do not appear to contest that Plaintiff has alleged arbitrary and capricious actions. These include: the constructive denial of Plaintiff's by-right development,⁷³ the imposition of an IZD to conduct entirely unnecessary and redundant studies,⁷⁴ the overruling of the CPC's unanimous recommendation against the IZD,⁷⁵ the last-minute deletion of an appeal procedure,⁷⁶ and the failure of the City Council to provide any rationale for the IZD.⁷⁷ All of these constitute arbitrary and capricious actions that interfere with Plaintiff's property interests.

B. Plaintiff Has Sufficiently Pled a Violation of its Procedural Due Process Rights.

Defendants erroneously claim that Plaintiff's procedural due process claim⁷⁸ should be dismissed because Plaintiff received notice and an opportunity to be heard. Def. Br. at 20. This fails for two reasons. First, Plaintiff has plausibly alleged that it was not afforded notice or an opportunity to be heard when Defendants passed the initial IZD Motion in October 2022, which immediately placed a moratorium on the processing of any permit application for Plaintiff's land.⁷⁹ Second, Plaintiff was denied a fair and impartial hearing. A quasi-judicial or administrative decision that is tainted by a decisionmaker's bias or conflict of interest deprives

⁷¹ *Id.* ¶¶ 43, 62.

⁷² *Id.* at ¶¶ 84–88, 152; *see also* ¶¶ 22–26, 108–116.

⁷³ *Id.* at ¶¶ 72, 75, 77.

⁷⁴ *Id.* at ¶¶ 109–111.

⁷⁵ *Id.* at ¶¶ 86, 96–99.

⁷⁶ *Id.* at ¶¶ 92–93.

⁷⁷ *Id.* at ¶¶ 96–99.

⁷⁸ A municipal body's adjudicative conduct must be afforded procedural due process. *See County Line JV v. City of Grand Prairie*, 839 F.2d 1142, 1145 (5th Cir. 1988).

⁷⁹ FAC ¶¶ 72–73, 75.

the landowner of due process and must be invalidated. *See Withrow v. Larkin*, 421 U.S. 35, 46–47 (1975) (holding that a fair and impartial decisionmaker is a basic requirement of due process).

Plaintiff has also alleged that Defendants’ actions were tainted by bias. Because he owned property in English Turn, Councilmember King initially was instructed by the City Council Clerk to recuse himself from bringing and voting on the initial IZD Motion.⁸⁰ Despite this conflict, Councilmember King drafted the IZD Appeal Motion that overruled the CPC Director’s reasoned recommendation; proceeded in February 2023 to lead the hearing on the IZD and IZD appeal; moved to call a vote on the IZD Appeal Motion without allowing any other councilmember to raise questions; and then voted in favor of the IZD.⁸¹ As a result, Stanton Square was deprived of a fair and impartial hearing on its appeal due to personal bias.

CONCLUSION

For the above-stated reasons, Plaintiff respectfully requests that the Court deny Defendants’ Motion to Dismiss.

Dated: September 10, 2024

Respectfully submitted,

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⁸⁰ *Id.* ¶ 76.

⁸¹ *Id.* ¶¶ 72, 97, 100.

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

STANTON SQUARE, LLC,	)	
	)	
Plaintiff,	)	Civil Action No. 2:23-cv-5733
	)	
v.	)	
	)	SECTION D
THE CITY OF NEW ORLEANS, THE	)	Judge Brandon S. Long
NEW ORLEANS CITY COUNSEL, and	)	
FREDDIE KING III, in his official capacity	)	MAGISTRATE 5
as a member of the New Orleans City	)	Judge Michael B. North
Council,	)	
	)	
Defendants.	)	

STATEMENT OF INTEREST OF THE UNITED STATES

I. INTRODUCTION

The United States respectfully submits this Statement of Interest pursuant to 28 U.S.C. § 517¹ to assist the Court in interpreting the Fair Housing Act (“FHA”), 42 U.S.C. § 3601 *et seq.*, and Title VI of the Civil Rights Act of 1964 (“Title VI”), 42 U.S.C. § 2000d *et seq.*

In this lawsuit, Plaintiff Stanton Square, LLC (“Stanton Square”) alleges, in part, that Defendants, including the City of New Orleans (“City”), have unlawfully prevented it from developing a multifamily apartment complex in violation of the FHA and Title VI. *See, e.g.*, Revised Supplemental, Am., and Restated Compl. for Injunctive, Declaratory, and Monetary Relief (“Am. Compl.”), ECF No. 44, ¶¶ 71-107, 172-192. The Supreme Court has acknowledged that land use decisions that restrict the development of multifamily housing can unlawfully discriminate because of race in violation of the FHA. *See Texas Dep’t of Hous. & Cmty. Affs. v.*

¹ Under 28 U.S.C. § 517, “[t]he Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.”

Inclusive Cmty. Project, Inc., 576 U.S. 519, 539-40 (2015). The Attorney General has enforcement authority under the FHA, *see* 42 U.S.C. §§ 3612(o), 3614, and has pursued cases challenging actions by municipalities that unlawfully block the development of multifamily housing. *See, e.g., United States v. Town of Franklinton, La.*, No. 2:24-cv-01633 (E.D. La. filed June 27, 2024); *United States v. City of Arlington, Tex.*, No. 4:22-cv-00030-P (N.D. Tex. filed Jan. 13, 2022); *United States v. Vill. of Tinley Park, Ill.*, No. 16-cv-10848 (N.D. Ill. filed Nov. 23, 2016). The Attorney General is also authorized to bring Title VI civil actions and is responsible for ensuring consistent enforcement of Title VI across all federal agencies. *See* 28 C.F.R. § 42.108; Exec. Order No. 12250, 45 Fed. Reg. 72, 995 (Nov. 2, 1980). The United States, therefore, has a strong interest in ensuring the proper application of the FHA and Title VI in this context.²

II. BACKGROUND

In March 2021, Stanton Square purchased a forested tract of land along a four-lane highway in Lower Coast Algiers (“LCA”) for the purpose of developing multifamily rental housing.³ Am. Compl. ¶¶ 39-40. The property has been zoned to allow for the development of lower-density multifamily housing since the 1980s. *Id.* ¶ 41. Such development is also consistent with the future land use designation for the property outlined in the Future Land Use Map (“FLUM”) of the City’s Master Plan. *Id.* ¶ 42.

² The United States previously filed a Statement of Interest addressing arguments put forth in Defendants’ Motion to Dismiss Plaintiff’s initial Complaint. *See* ECF No. 22. After Stanton Square amended its Complaint, Defendants filed a renewed Motion to Dismiss and the Court denied Defendants’ prior motion as moot. *See* ECF No. 47. To the extent Defendants wish to respond to arguments raised in this Statement of Interest and seek leave from the Court for additional time to file a reply to do so, Plaintiff’s counsel has represented to the United States that they will not oppose Defendants’ request.

³ As is appropriate at the motion to dismiss stage, this brief takes as true the factual allegations of Plaintiff’s Amended Complaint. The United States otherwise takes no position on the underlying facts of this case.

In May 2022, Stanton Square submitted plans to the Design Advisory Committee (“DAC”) of the City Planning Commission (“CPC”) for the development of The Village at English Turn (“Village” or “Development”), a proposed 278-unit multifamily housing complex with affordable apartments. *Id.* ¶¶ 45, 63. Soon after, residents of the surrounding area and members of the English Turn Property Owners Association (“ETPOA”) initiated a campaign to block the Development. *Id.* ¶¶ 64-66. These residents voiced their objections to the Development in communications to City officials and at a DAC hearing held in August 2022. *Id.* ¶¶ 67-68. Much of this opposition focused on the character of the likely residents of the Village, rather than traditional land use concerns. *See id.* In response to this opposition, in October 2022, the City Council passed a motion related to the establishment of an interim zoning district (“IZD”) that froze multifamily development in the LCA area. *See id.* ¶¶ 71-78, 107. Specifically, the City Council’s motion barred any City agency from accepting or granting any permits for the development of multifamily housing covered under the proposed IZD, including the Village. *See id.* ¶ 75.

In December 2022, the CPC recommended that the City Council’s motion for the establishment of the IZD be denied and that the City Council grant Stanton Square’s appeal of the moratorium. *Id.* ¶¶ 82-7. Although the CPC found that the Development was consistent with the City’s zoning requirements and should be approved, in February 2023, the City Council voted to formally adopt the IZD and deny Plaintiff’s appeal. *Id.* ¶¶ 85-91, 97.⁴ Plaintiff has been prohibited from taking any action to further the Village because the City Council suspended multifamily development within the LCA area through its proposal for and establishment of the IZD. *Id.* ¶¶ 75, 106. Earlier this year, the City Council voted to extend the

⁴ As discussed below, Plaintiff maintains that “this is the first time that Defendants have used an [IZD] to target and block a by-right, multifamily housing development.” *Id.* ¶ 15.

moratorium until September 3, 2024. *Id.* ¶ 103. The City Council is empowered to extend the moratorium for an additional 180 days, until March 2025. *Id.* ¶ 106.

Defendants have also taken steps that would facilitate permanent downzoning of the property after the moratorium is lifted. *Id.* ¶¶ 139-155. Acting on the ETPOA's behalf, Councilmember Freddie King III requested to change the FLUM designation of all properties in the area zoned for multifamily housing. *Id.* ¶ 143. On July 9, 2024, following a hearing on the proposal, the CPC voted in favor of redesignating Plaintiff's property as single family. *Id.* ¶¶ 147-154. Amending the property's FLUM designation is a necessary condition for ultimately rezoning it to single family. *Id.* 155.

Defendants' Motion to Dismiss ("Motion") argues that Plaintiff's claims under the FHA and Title VI should be dismissed because: (1) Plaintiff's allegations based on circumstantial evidence are insufficient to raise an inference of discriminatory intent, Defs.' Mem. in Supp. of Mot. to Dismiss ("Defs.' Mem."), ECF No. 45-1, at 9-14; (2) Plaintiff's statistics showing that Black and Hispanic residents in the area are more likely to be renters who may reside at the Development than White residents are insufficient to allege a disparate impact on Black and Hispanic residents under the FHA, *see id.* at 17; and (3) even assuming a disproportionate impact on these residents, Plaintiff cannot demonstrate that Defendants' zoning decisions caused this impact, *id.* at 14-18.

As explained below, none of these arguments have merit. This Court should therefore reject these arguments in disposing of Defendants' Motion.⁵

⁵ The United States expresses no opinion on the other issues raised in Defendants' Motion. As Defendants have represented that the Motion supersedes Defendants' prior Motion to Dismiss, which the Court denied as moot, this Statement of Interest also does not address arguments from the previous Motion to Dismiss that Defendants abandoned in the operative Motion. *See id.* at 1 n.1.

III. ARGUMENT

A. Plaintiff has plausibly alleged that the City acted with discriminatory intent in violation of the FHA and Title VI.⁶

In *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, a case brought under the Equal Protection Clause concerning an allegedly discriminatory rezoning denial, the Supreme Court outlined a non-exhaustive list of circumstantial evidence factors that may be probative of a government entity's discriminatory intent. *See* 429 U.S. 252, 266-68 (1977). The Fifth Circuit applied these factors in *Overton v. City of Austin*, a Voting Rights Act case, and identified them as follows: “(1) the historical background of the decision, (2) the specific sequence of events leading up to the decision, (3) departures from the normal procedural sequence, (4) substantive departures, and (5) legislative history. . . .” 871 F.2d 529, 540 (5th Cir. 1989) (citing *Arlington Heights*, 429 U.S. at 267-68). This framework also applies to allegations of disparate treatment against a local government under the FHA and Title VI. *See, e.g., Mhany Management, Inc. v. County of Nassau*, 819 F.3d 581, 605-616 (2nd Cir. 2016) (applying *Arlington Heights* framework in case alleging claims under the Fourteenth Amendment, the FHA, and Title VI); *Resident Advisory Bd. v. Rizzo*, 564 F.2d 126, 130, 141-45 (3d Cir. 1997) (applying framework to action raising claims under, *inter alia*, the FHA), *cert. denied*, 435 U.S. 908. Under the *Arlington Heights* framework, Plaintiff's Amended Complaint sufficiently

⁶ Title VI provides that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d. The City does not dispute, *see* Defs.’ Mem. at 19-20, that the City is a recipient of a HUD Community Development Block Grant, a form of federal financial assistance. *See* 24 C.F.R. § 1.2(e) (HUD Title VI regulations defining “Federal financial assistance”); Am. Compl. ¶¶ 30, 190. Therefore, the only relevant issue in this Motion under Title VI is whether Plaintiff has adequately alleged intentional discrimination by Defendants. And that is the same issue raised by Defendants’ Motion with respect to Plaintiff’s intentional discrimination claim under the FHA.

alleges intentional discrimination based on race, color, or national origin under both the FHA and Title VI to defeat a motion to dismiss.

1. Plaintiff adequately alleges that the specific sequence of events leading up to the City’s zoning decisions demonstrate they were caused, at least in part, by discriminatory opposition from constituents.

a. Plaintiff adequately alleges that there was discriminatory opposition to the proposed development.

“Determining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available.” *Arlington Heights*, 429 U.S. at 266. Courts have acknowledged that direct evidence of discrimination is especially unlikely to be forthcoming in cases involving the racial motivation of public officials. *See, e.g., Smith v. Town of Clarkton, N.C.*, 682 F.2d 1055, 1064 (4th Cir. 1982) (noting that “[m]unicipal officials acting in their official capacities seldom, if ever, announce on the record that they are pursuing a particular course of action because of their desire to discriminate against a racial minority.”); *Metro. Hous. Dev. Corp. v. Vill. of Arlington Heights*, 558 F.2d 1283, 1290 (7th Cir. 1977) (“As overtly bigoted behavior has become more unfashionable, evidence of intent has become harder to find.”).

Recognizing that expression of discriminatory sentiments is often more covert, courts—including in this circuit—have found that statements like those made by Defendants’ constituents and included in Plaintiff’s Amended Complaint may indicate discriminatory animus. For example, in *Greater New Orleans Fair Hous. Action Ctr. v. St. Bernard Par.*, the court considered whether race was implicated in an editorial concerning proposed mixed-income housing developments, which was published in St. Bernard Parish’s official newspaper. *See* 641 F. Supp. 2d 563, 571-72. Although the editorial did not directly mention race, the court determined that its references to “ghetto, crime, drugs, violence,” and certain multifamily

housing developments “juxtaposed against their ‘threat’ and the ‘shared values’ of overwhelmingly Caucasian St. Bernard Parish” were “clearly . . . an appeal to racial as well as class prejudice.” *Id.* at 572.

Other courts have similarly concluded that, in the context of opposition to affordable housing development, appeals to concerns about increased crime, in particular, can be discriminatorily motivated. *See, e.g., Ave. 6E Invs., LLC v. City of Yuma, Ariz.*, 818 F.3d 493, 506-07 (9th Cir. 2016) (finding that, along with other allegations, complaints to the effect that the type of residents who would live in a development would “create a ‘low cost, high crime neighborhood’” offered plausible circumstantial evidence of discriminatory animus); *see also Smith*, 682 F.2d at 1066 (affirming district court’s interpretation of concerns about “undesirables” and “personal safety due to the influx of ‘new’ people” as “‘camouflaged’ racial expressions”); *Atkins v. Robinson*, 545 F. Supp. 852, 874 (E.D. Va. 1982), *aff’d*, 733 F.2d 318 (4th Cir. 1984) (noting that a county official’s comments that “crime is on the rampage in housing projects” and expressing fear that they “would degenerate to slum-like conditions, with an abundance of crime” may “rest on a veiled reference to race.”).

Here, Stanton Square alleges that constituents opposed the Village primarily because of the alleged character of the prospective residents, and not because of traditional zoning concerns regarding the use of the property. *See* Am. Compl. ¶¶ 66-68. Like the comments considered in the aforementioned cases, the statements referenced in the Amended Complaint assert that residents of the Development would be “an affront to [the] lifestyles” of current homeowners, bring “additional crime,” “health concerns,” and “deplorable conditions” to the neighborhood, “encourage disinvestment or flight from the area,” and burden the community with having to “tak[e] care of the families” living in the complex. *Id.* ¶¶ 67-68. The current

residents’ comments—expressing that the potential future residents who will occupy a housing development like the Village will be incompatible with the values or “lifestyles” of existing residents—are very similar to the remarks other courts have found to be evidence of discriminatory intent. *See* cases cited above, *supra* at 6-7; *see also Mhany Mgmt., Inc.*, 819 F.3d at 608-10 (upholding district court’s finding that references to maintaining the “flavor” and “character” of a city were “code words for racial animus.”).

Additionally, the constituents’ emphasis on public safety and the assumed criminality of the Development’s likely residents distinguishes these comments from the statements that the Eleventh Circuit determined were not indicative of discriminatory animus in *Hallmark Devs. v. Fulton Cnty., Ga.*, 466 F.3d 1276, 1281-82, 1284-85 (11th Cir. 2006). Despite Defendants’ contentions to the contrary, *see* Defs.’ Mem. at 13-14, Plaintiff plausibly alleges that “[t]he gist” of the constituents’ comments here is not that “community members wanted the development to be more upscale,” *Hallmark Devs.*, 466 F.3d at 1281 n.3, but that they believed the Village’s prospective residents would commit crimes and otherwise contribute to neighborhood decline.

- b. *Plaintiff adequately alleges that the City capitulated to the discriminatory objections of its constituents and that the reasons proffered by the City to justify its zoning decisions were pretextual.*

Defendants further argue that, even assuming these statements were discriminatory, Stanton Square has not plausibly alleged that Defendants “acted upon a motive for racial animus.” Defs.’ Mem. at 13-14. Plaintiff, however, plausibly alleges that Defendants listened to and closely coordinated with those who opposed the Development to effectuate their discriminatory objectives. Am. Compl. ¶¶ 71-78, 137-38, 140-54. It is well established that government entities can be held liable for capitulating to the discriminatory motives of their

constituents, regardless of whether public officials explicitly endorse or personally agree with those motives. *See, e.g., Innovative Health Sys., Inc. v. City of White Plains*, 117 F.3d 37, 49 (2d Cir. 1997) (noting that a city “may not base its [zoning] decisions on the perceived harm from . . . stereotypes and generalized fears” and that “a decision made in the context of strong, discriminatory opposition becomes tainted with discriminatory intent even if the decisionmakers personally have no strong views on the matter.”);⁷ *United States v. Yonkers Bd. of Educ.*, 837 F.2d 1181, 1124 (2nd Cir. 1987) (acknowledging that “[t]he Supreme Court has long held, in a variety of circumstances, that a governmental body may not escape liability . . . merely because its discriminatory action was undertaken in response to the desires of a majority of its citizens.”); *Smith*, 682 F.2d at 1066-67 (affirming district court’s finding that Town acted with discriminatory intent when it halted development of public housing in response to racially motivated opposition by residents); *United States v. City of Black Jack, Mo.*, 508 F.2d 1179, 1185 n.3 (8th Cir. 1974) (Eighth Circuit agreeing with Tenth Circuit’s opinion that “it is enough for the complaining parties to show that the local officials are effectuating the discriminatory designs of private individuals.”) (internal citations omitted).⁸ “[C]itizen comments can demonstrate that public officials acted with bias” where “the circumstances

⁷ *Recognized as superseded on other grounds in Zervos v. Verizon N.Y., Inc.*, 252 F.3d 163, 171 n.7 (2d Cir. 2001).

⁸ *See also Cmty. Hous. Tr. v. Dep’t of Consumer & Regul. Affs.*, 257 F.Supp.2d 208, 227 (D.D.C. 2003) (“[T]he law is quite clear that ‘even where individual members of government are found not to be biased themselves,’ plaintiffs may demonstrate a violation of the FHA[] if they can show that ‘discriminatory governmental actions are taken in response to significant community bias.’”) (quoting *Tsombanidis v. City of W. Haven, Conn.*, 129 F. Supp. 2d 136, 152 (D. Conn. 2001); *United States v. City of Birmingham, Mich.*, 538 F. Supp. 819, 828 (E.D. Mich. 1982), *aff’d as modified*, 727 F.2d 560 (6th Cir. 1984) (clarifying that plaintiff “need not prove that the [governing body] itself intended to discriminate on the basis of race[;] . . . it is sufficient to show that the decision-making body acted for the sole purpose of effectuating the desires of private citizens, that racial considerations were a motivating factor behind those desires, and that members of the decision-making body were aware of the motivations of the private citizen.”).

surrounding those statements strongly suggest that the public officials either adopted the citizens' biases or acted directly in response to citizen's discriminatory desires.” *Jim Sowell Constr. Co., Inc. v. City of Coppell*, 61 F. Supp. 2d 542, 551 (N.D. Tex. 1999).

For example, the court in *Greater New Orleans Fair Hous. Action Ctr. v. St. Bernard Par.* considered the *Arlington Heights* factors in finding that St. Bernard Parish had, in violation of the FHA, acted with discriminatory intent in obstructing applications to re-subdivide properties for multifamily housing. *See* 648 F. Supp. 2d 805, 809-19 (E.D. La. 2009). In discussing “the specific sequence of events leading up to [St. Bernard Parish’s] decision,” the court noted that it was “troubled by the sudden and abrupt change in treatment” of the applications that followed a public hearing. *Id.* at 813. At this hearing, the court observed that “many of the public and official comments” in opposition to the applications included language that the court deemed to be “camouflaged racial expressions.” *Id.* at 811. Here, Stanton Square has plausibly alleged a sequence of events culminating in the City’s zoning decisions that demonstrates they were motivated, at least in part, by discriminatory opposition from residents. *See, e.g.,* Am. Compl. ¶¶ 64-68, 71-73, 76, 78, 103, 137-38, 140-43, 149, 151, 153-54; *cf* ¶¶ 29, 34-35, 41-43, 85, 88, 112 (alleging that promoting affordable housing options is among the City’s top priorities; that the Development is consistent with its Master Plan; and that the CPC found that the Village met the review standards outlined in the City Council’s initial IZD motion, including those related to traffic and environmental impacts). As the Amended Complaint notes, the City’s failure to promptly initiate the studies purportedly needed to assess the impacts of multifamily housing development on areas subject to the IZD and its steps to downzone Plaintiff’s property prior to completion of these studies offer further indicia of discriminatory intent. *See id.* ¶¶ 116, 150, 154.

2. Plaintiff adequately alleges that the City departed from its normal procedures.

Procedural departures “might afford evidence that improper purposes are playing a role.” *Arlington Heights*, 429 U.S. at 267. Such departures can demonstrate invidious intent when they “occur[] in a context that suggests the decision-makers were willing to deviate from established procedures in order to accomplish a discriminatory goal.” *Rollerson v. Brazos River Harbor Navigation Dist. of Brazoria Cnty. Tex.*, 6 F.4th 633, 640 (5th Cir. 2021).

Here, Stanton Square plausibly alleges that the City’s actions regarding the Village depart from the City’s normal zoning procedures. *See, e.g.*, Am. Compl. ¶¶ 101, 114-15. The Amended Complaint sets forth, based on information from an organization that “regularly monitors City actions pertaining to zoning of affordable and multi-family housing,” that “it is exceedingly rare for the City Council to overrule the Planning Commission’s recommendation and move forward to block the development of housing.” *Id.* ¶ 101. Members of the CPC allegedly “expressed incredulity at the use of an IZD to stop a by-right development,” which also shows that the zoning decisions were “unorthodox.” *Id.* ¶ 115.

Substantive departures may also be relevant, “particularly if the factors usually considered important by the decisionmaker strongly favor a decision contrary to the one reached.” *Arlington Heights*, 429 U.S. at 267. For example, in *Dailey v. City of Lawton, Okl.*, the Tenth Circuit upheld a finding of racial motivation where the plaintiffs planned to build low-income housing, but the city refused to rezone the land to high-density residential, even though all of the surrounding area was zoned high-density residential and the present and former directors for the City’s Planning Commission testified that there was no reason “from a zoning standpoint” why the land should not be rezoned. 425 F.2d 1037, 1040 (10th Cir. 1970). Here, Plaintiff has alleged that the CPC’s “Executive Director found that the Development met

each of the six (6) review standards that [the] City Council established in the IZD Motion;” “that the Development would be consistent with the Master Plan;” and “that approving the Appeal would be consistent with the CPC’s recommendation that the IZD Motion be denied.” Am. Compl. ¶ 88. Stanton Square’s allegations that the City reached contrary zoning decisions provide evidence of a substantive departure from the recommendations of the CPC and its Executive Director.⁹ Plaintiff also alleges that this is the first time the City has adopted an IZD to block multi-family housing and that its use “marks a significant departure from the City’s stated policies on supporting the development of affordable housing.” *Id.* ¶¶ 114-15. Collectively, these alleged procedural and substantive departures provide circumstantial evidence of discriminatory intent under *Arlington Heights*.

3. Plaintiff’s allegations related to the historical background of the City’s zoning decisions provide further evidence of discriminatory intent.

The historical background of a decision may offer evidence of discriminatory intent, “particularly if it reveals a series of official actions taken for invidious purposes.” *Arlington Heights*, 429 U.S. at 267. Here, Stanton Square alleges that the City Council has a “history of implementing restrictive policies in clear contravention of the City’s stated public policy goals, and in spite of the growing need for housing.” *Id.* ¶ 32. For example, in addition to failing to take steps to increase the supply of local affordable housing, Plaintiff claims that the City previously opted to terminate most of its social housing, a decision alleged to have almost exclusively impacted thousands of Black residents, and has been receptive to a number of

⁹ Notably, Stanton Square claims in its Amended Complaint that CPC staff changed course *after* the City Council adopted the IZD and denied Plaintiff’s appeal, concluding in connection with the FLUM proceedings that redesignating Stanton Square’s property as single family was consistent with the Master Plan. *See id.* ¶¶ 151-52. The CPC’s apparent reversal of its earlier determination—that Stanton Square’s proposed use of the property was consistent with the Master Plan—may indicate yet another substantive departure from the City’s usual decision-making on zoning-related issues. *See id.* ¶¶ 88, 152.

campaigns to block or delay affordable housing in recent years. *Id.* ¶¶ 31-2, 34, 36.¹⁰ Plaintiff also alleges that the City has “acknowledged the effect of neighborhood associations lobbying [the] City Council for the use of restrictive zoning measures to exclude housing developments that would otherwise allow an influx of people of color into their neighborhoods,” and pledged to advance zoning laws that facilitate the development of affordable housing. *Id.* ¶ 34. Against this backdrop, Stanton Square plausibly alleges that Defendants’ efforts to bar construction of the Village and recent actions towards downzoning Plaintiff’s property and others with a similar zoning designation in the area are part of the City’s longstanding pattern of committing to support affordable housing, even as it takes official actions to curtail its availability. *See, e.g., id.* ¶¶ 29, 31-32, 34-37, 139, 148-55.¹¹

Ultimately, “an invidious discriminatory purpose may often be inferred from the totality of the relevant facts” *Washington v. Davis*, 426 U.S. 229, 242 (1976) (discussing analysis of intentional discrimination generally). Because the Amended Complaint sets forth factual allegations that courts regularly examine under *Arlington Heights* when evaluating intentional discrimination claims and plausibly alleges that the City’s zoning decisions were enacted, at

¹⁰ Plaintiff’s Amended Complaint references a case that the United States filed against the City alleging violations of the FHA. *Id.* ¶ 33. Although Defendants are correct that this case, *United States v. City of New Orleans, La.*, No: 2:12-cv-02011 (E.D. La. filed Aug. 6, 2012), concerned allegations of discrimination based on disability, not race, and was resolved without a finding of liability or admission of wrongdoing, the matter itself—and more specifically, the court’s denial of the City’s motion to dismiss the United States’ complaint—put the City on notice that it may be held liable under the FHA for blocking housing developments based on discriminatory opposition from its constituents. *See id.*, 2012 WL 6085081, at *9 (E.D. La. Dec. 6, 2012).

¹¹ Defendants claim that the “historical background” of Plaintiff’s property, including that its zoning designation had not been amended for several decades, shows that their zoning decisions were made pursuant to “a normal sequence of events.” Defs.’ Mem. at 10. On the contrary, the City’s abrupt departure from its forty years of allowing multifamily housing development on the property shortly after Stanton Square proposed the Village suggests an improper motive—even the case Defendants cite in support of this argument, *Arlington Heights*, concerned a single family zoning classification that had been in effect for over a decade. *See* 429 U.S. at 269.

least in part, with discriminatory intent, Plaintiff should be permitted to engage in discovery on these claims.

B. Plaintiff has plausibly alleged that the City’s actions have a disparate impact on Black and Hispanic residents and perpetuate segregation in violation of the FHA.

“[D]isparate-impact claims are cognizable under the [FHA]” and are “consistent with the FHA’s central purpose.” *Inclusive Comtys.*, 576 U.S. at 539, 545. Among other things, the FHA’s provisions prohibiting discriminatory housing practices proscribe “zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification.” *Id.* at 539. “Suits targeting such practices[,]” including restrictions on multifamily rental housing, “reside at the heartland of disparate-impact liability.” *Id.* at 539-40 (citing, in part, *Town of Huntington, N.Y. v. Huntington Branch, N.A.A.C.P.*, 488 U.S. 15, 16-18 (1988) (per curiam) (invalidating zoning law preventing construction of multifamily rental units); *City of Black Jack*, 508 F.2d at 1182-88 (invalidating ordinance prohibiting construction of new multifamily dwellings)).

Disparate impact liability targets housing practices that “arbitrarily creat[e] discriminatory effects or perpetuat[e] segregation.” *Inclusive Communities*, 576 U.S. at 540. *Accord Inclusive Cmty. Project v. Lincoln Prop. Co.*, 920 F.3d 890, 909 (5th Cir. 2019) (noting that disparate impact claims under the FHA may “alleg[e] an adverse impact on a particular [protected] group” or “assert[] ‘harm to the community generally by the perpetuation of segregation’”) (quoting *Huntington Branch, N.A.A.C.P. v. Town of Huntington, N.Y.*, 844 F.2d 926, 937 (2d Cir. 1988)); *Ave. 6E Investments, LLC v. City of Yuma, Ariz.*, 818 F.3d 493, 503 (9th Cir. 2016) (stating that disparate impact liability “forbids actions by private or governmental bodies that create a discriminatory effect upon a protected class or perpetuate

housing segregation without any concomitant legitimate reason.”). Consistent with these standards, Department of Housing and Urban Development (“HUD”) regulations provide that “[a] practice has a discriminatory effect where it actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, . . . familial status, or national origin.” 24 C.F.R. § 100.500(a). A plaintiff has the initial “burden of proving that a challenged practice caused or predictably will cause a discriminatory effect.” *Id.* § 100.500(c)(1). Once the plaintiff satisfies this requirement, the burden shifts to the defendant, who must “prov[e] that the challenged practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests of the . . . defendant.” *Id.* § 100.500(c)(2).¹²

Contrary to Defendants’ claims, Plaintiff plausibly alleges that the City’s zoning actions and their application to Stanton Square’s property are likely to have a disparate impact on Black and Hispanic residents of New Orleans and the area surrounding the Village in violation of the FHA. Plaintiff does so by alleging statistics that show that Black and Hispanic households are more likely than White households to rent housing in the New Orleans area, Am. Compl. ¶ 119, that households making less than 100% of the Area Median Income (“AMI”) and within a twenty-minute drive of the Village are disproportionately Black and Hispanic, *id.* ¶ 120, and that residents of the Development would likely be predominantly Black and Hispanic. *Id.* ¶ 121. For example, Plaintiff alleges that, within the City, Black households and Hispanic households are 1.24 times and 1.35 times more likely to rent housing than White households, respectively. *Id.* ¶ 119. Additionally, Plaintiff claims that, of the households that are within a twenty-minute drive

¹² Even if the defendant meets this burden, the plaintiff “may still prevail upon proving that the[se] . . . interests . . . could be served by another practice that has a less discriminatory effect.” *Id.* § 100.500(c)(3).

of the Development, the Black households are 1.58 times and the Hispanic households are 1.36 times more likely than the White households to have incomes less than 100% of AMI. *Id.* ¶ 120. Since the Village is designed as an affordable, multifamily rental complex, it stands to reason that Black and Hispanic residents of New Orleans—particularly households already living nearby the Development, to whom apartments in the Village would be especially attractive—are disproportionately likely to live in the Development after it is built. *See id.* ¶¶ 7, 23, 57, 121.

Plaintiff also alleges sufficient facts to support its claim that the City’s zoning actions perpetuate segregation. The property where the Village would be located is situated on a peninsula, roughly half of which is within the City with the remaining portion, to the southwest, in Plaquemines Parish. *Id.* ¶ 52. The English Turn community, which is at the center of the peninsula, is more than 60 percent white and approximately 32.8 percent Black and Hispanic, and the adjacent Plaquemines Parish is only 20 percent Black or Hispanic. *Id.* ¶¶ 25, 53, 55. By contrast, the area directly to the west of English Turn is disproportionately (85.8%) Black and Hispanic, *id.* ¶ 25, the population of the City overall is 53.6% Black and 8.1% Hispanic, *id.* ¶ 118, and households within a twenty-minute drive of the property are 43.9% Black and 11.7% Hispanic. *Id.* In short, the Village would be an affordable housing option located in a predominantly—and disproportionately, relative to surrounding areas and the City as a whole—White peninsula.

Defendants assert that the statistics in Plaintiff’s Amended Complaint are inadequate because Stanton Square’s allegations concerning the likely demographics of the Village’s residents are “wholly speculative” and “no basis is given to conclude that the development’s racial makeup will be the same as the demographics of renters within 20 miles” of the Village.

Defs.’ Mem. at 17. Defendants attempt to hold Plaintiff to an unduly onerous standard—actual knowledge of the exact racial and ethnic demographics of the Village’s future residents—that is unsupported by case law. Here, the court’s decision in *Greater New Orleans Fair Hous. Action Ctr. v. St. Bernard Par.*, 641 F. Supp. 2d 563, 567-68 (E.D. La. 2009) is instructive. In finding that a Parish moratorium on multifamily housing development had a disparate impact on Black people, the court relied on statistical evidence that Black households and families in the New Orleans metropolitan area were more likely to live in multifamily dwellings and fall within the income ranges for the proposed housing, respectively, and trial testimony from the developer’s managing director that he expected, based on his experience and the market for similar units in Louisiana and Texas, that approximately 50% of the housing’s renters would be Black. *Id.* (including premise that “African-Americans are disproportionately affected because the moratorium reduces the supply of rental properties,” in this analysis).

For purposes of a motion to dismiss, Plaintiff’s allegations based on both City-wide and more concentrated statistics are plausible and consistent with the analysis adopted in *St. Bernard Parish*. Plaintiff alleges that, because Black and Hispanic households are more likely to be renters than White households in New Orleans, the renter households that live in close proximity to the Village are predominantly Black and Hispanic, and Black and Hispanic households within a short distance of the Development are both more likely to be renters and have incomes below AMI than White households, not building the Village would adversely impact Black and Hispanic residents more than White residents. *See* Am Compl. ¶¶ 7, 117-21, 124, 171. And they plausibly allege that these facts, coupled with the segregated housing patterns in the peninsula, *id.* ¶¶ 22-25, 55, 118, mean that the development of an almost 300-unit apartment complex in English Turn, *id.* 45, will significantly increase the percentage of

Black and Hispanic families in that area, *id.* ¶¶ 50, 56-58, 117-21, and that blocking it will perpetuate segregation there. *id.* ¶¶ 7, 23, 121, 123.

C. Defendants’ reliance on *Lincoln Property* is misplaced and Plaintiff has adequately alleged a robust causal connection between Defendants’ zoning actions and a disparate impact on Black and Hispanic residents.

Defendants assert that, in *Inclusive Cmty. Project v. Lincoln Prop. Co.*, 920 F.3d 890, 901-09 (5th Cir. 2019), the Fifth Circuit interpreted the Supreme Court’s decision in *Inclusive Communities* as modifying the HUD regulations’ burden-shifting framework for disparate impact claims “to require a showing of robust causation,” and that Stanton Square’s claim of disparate impact under the FHA should be dismissed because Plaintiff’s allegations fail to meet this more exacting standard. *See* Defs.’ Mem. at 14-18. This argument ignores the distinction that the Fifth Circuit drew in *Lincoln Property* between FHA cases that seek to “impose affirmative housing obligations on private actors,” *id.* at 908, or “compel a governmental defendant to build housing,” *id.* at 908 n.11 (emphasis omitted), and those that endeavor “to remove indefensible government policies that operate[] to perpetuate segregation by *unreasonably* restricting *private* construction of multi-family housing that would increase affordable housing options” for people of color. *Id.* at 908. By challenging the defendant companies’ alleged policy of refusing to participate in the “Section 8” Housing Choice Voucher Program, the court determined that the plaintiff in *Lincoln Property* had brought the first type of case and deemed it appropriate to “impose[] a heavier pleading burden on [the plaintiff]’s efforts to require *private* defendants to take . . . *affirmative* action” and accept the vouchers. *Id.* at 895-96, 908 n.11. In contrast, the court acknowledged the latter type of cases as “resid[ing] at the heartland of disparate-impact liability,” *id.* at 908 (quoting *Inclusive Cmty.*, 576 U.S. at 521), and indicated that they were “materially distinguishable” from the case presented. *Id.*

(referring to *Huntington Branch, N.A.A.C.P. v. Town of Huntington, N.Y.*, 844 F.2d 926 (2d Cir. 1988), *aff'd in part*, 488 U.S. 15 (1988), which predates *Inclusive Comtys.*, and citing to the court's ruling in favor of the plaintiffs with approval). Thus, Defendants' insistence that Stanton Square's FHA disparate impact claim, pleaded in the context of a suit in which Plaintiff "merely seeks to eliminate [a] governmental obstacle to housing that the plaintiff would build," should be held to the same, heightened pleading standard as the plaintiff's claim in *Lincoln Property*, is misguided. *see id.* at 908 n.11 (emphasis omitted).

Moreover, Stanton Square has adequately alleged a robust causal connection between Defendants' zoning actions and a disparate impact on Black and Hispanic residents. Specifically, Plaintiff alleges that, through its moratorium freezing multifamily development, denial of Plaintiff's appeal of this moratorium, and subsequent extension of this moratorium, the City has blocked development of the Village to the detriment of especially the Black and Hispanic residents likely to reside there but also the broader community, which suffers from segregation and a housing shortage. *See* Am Compl. ¶¶ 7, 21, 26-28, 71-72, 74-75, 77, 97, 102-03, 106, 117-121, 123-24. Defendants argue that their zoning actions "merely temporarily paused" multifamily development "to evaluate [its] impact . . . on the infrastructure," Defs.' Mem. at 16-17, and that the City's IZD "cannot be argued . . . [to have] created any racial disparities or housing shortages for [people of color] because [it] did not change anything; the IZD kept the status quo." *Id.* at 18. However, Plaintiff alleges that, taken together, the City's actions have barred it from developing the property since October 2022, and will continue to do so until at least September 2024. *See* Am. Compl. ¶ 106. It defies logic to maintain that such a lengthy delay is harmless as a matter of law, particularly in light of Plaintiff's claims that the Village was consistent with the City's stated priorities, Master Plan, and initially-established

review standards for IZD appeals, which plausibly allege that the City’s efforts to bring the Development to a halt were unnecessary, arbitrary, and pretextual. *See id.* ¶¶ 29, 34-35, 41-43, 85, 88, 107, 112, 159, 171. Finally, as alleged, Defendants’ zoning actions did not uphold the “status quo”—rather, absent Defendants’ interventions in the zoning process, Stanton Square could have taken steps to develop the property years ago, and the Village’s predominantly Black and Hispanic future residents would not have been harmed by the loss of housing opportunities associated with the City’s conduct. *See id.* ¶¶ 106, 171.

Accepting Defendants’ argument that a municipality cannot be held liable under a disparate impact theory of liability under the FHA for taking affirmative steps to block multifamily rental housing development—including seeking to retroactively change the zoning rules in the middle of the game to stop the development—unless the plaintiff demonstrates that it is responsible for broader demographic disparities in the housing market would strike at the heart of the FHA’s disparate impact liability “heartland.” *See Inclusive Comtys.*, 576 U.S. at 539; cases cited above and by the Supreme Court, *supra* at 14. Under this logic, there would have been no disparate impact liability in *Griggs v. Duke Power Co.*, 401 U.S. 424, 430 (1971), because Duke Power was not itself responsible for the fact that Black potential applicants were disproportionately far less likely than White potential applicants to have a high school diploma or to score well on the company’s employment tests.

As the Supreme Court noted, one of the key advantages of the availability of disparate impact liability is that it “has allowed developers to vindicate the FHA’s objectives and to protect their property rights by stopping municipalities from enforcing arbitrary and, in practice, discriminatory ordinances barring the construction of certain types of housing units.” *See Inclusive Comtys.*, 576 U.S. at 540. And as noted above, a court in this District has

recognized that a moratorium on the development of multifamily housing has an unjustified disparate impact on Black homeseekers in the New Orleans area. *See Greater New Orleans Fair Hous. Action Ctr. v. St. Bernard Par.*, 641 F. Supp. 2d 563, 567-68 (E.D. La. 2009).

Nothing in *Lincoln Property*, which involved the alleged disparate impact of a landlord refusing to participate in the voluntary federal Housing Choice Voucher Program, supports rendering disparate impact liability under the FHA unavailable in cases alleging unjustified restrictions on multifamily housing, cases that “reside at the heartland of disparate-impact liability.” *Inclusive Comtys.*, 576 U.S. at 539-40.

IV. CONCLUSION

For the reasons stated above, the United States respectfully requests that the Court dispose of Defendants’ Motion in a manner consistent with the views expressed in this Statement.

Dated: September 16, 2024

Respectfully submitted,

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division
CARRIE PAGNUCCO
Chief, Housing & Civil Enforcement
CHRISTINE STONEMAN
Chief, Federal Coordination & Compliance
TIMOTHY J. MORAN
Deputy Chief, Housing & Civil Enforcement
COTY MONTAG
Deputy Chief, Federal Coordination &
Compliance

By: /s/ Jaclyn A. Harris
JACLYN A. HARRIS
Trial Attorney, Housing & Civil Enforcement
DC Bar # 90000692
ALYSSA LAREAU
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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2024, I electronically filed this document using the CM/ECF system, which automatically serves counsel of record.

/s/ Jaclyn A. Harris

JACLYN A. HARRIS

From: [CPCINFO](#)
To: [Sarah C King](#)
Subject: FW: FLUM dist. 13/// As a lower coast resident, I support change in designation to rural real estate, as proposed by councilman King.
Date: Tuesday, November 5, 2024 9:17:42 AM

Sarah C. King (she/her/hers)
Senior City Planner | New Orleans City Planning Commission
1300 Perdido Street, 7th Floor | New Orleans, LA 70112
(504) 658-7021 (office) | sarah.king@nola.gov

RESOURCES:

[Application Forms](#)
[Property Viewer](#) (check the zoning of a property)
[Comprehensive Zoning Ordinance](#)
[One Stop App](#)
[Frequently Asked Questions](#)
[Short Term Rental Administration - Home - City of New Orleans \(nola.gov\)](#)

From: bb.mwah8 <bb.mwah8@gmail.com>
Sent: Monday, November 4, 2024 4:18 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: FLUM dist. 13/// As a lower coast resident, I support change in designation to rural real estate, as proposed by councilman King.

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Brian Butz
4 Lakeway Court
NOLA 70131

Sent from my Galaxy

From: [CPCINFO](#)
To: [Sarah C King](#)
Subject: FW: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"
Date: Tuesday, November 5, 2024 9:17:50 AM

Sarah C. King (she/her/hers)
Senior City Planner | New Orleans City Planning Commission
1300 Perdido Street, 7th Floor | New Orleans, LA 70112
(504) 658-7021 (office) | sarah.king@nola.gov

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[Frequently Asked Questions](#)
[Short Term Rental Administration - Home - City of New Orleans \(nola.gov\)](#)

From: Kevin Colley <kcolley71@gmail.com>
Sent: Monday, November 4, 2024 8:52 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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Dear Ladies/Gentlemen,

I support the passage of all of the District 13 FLUM revision requests as submitted by the City Council. I also support the Lower Coast Algiers Impact Study.

The proposed FLUM amendments would align the zoning of the subject parcels with the requirements of the Master Plan for the City of New Orleans. The Master Plan mandates that all parcels in Lower Coast Algiers/Planning District 13 be zoned single family.

Chapter 13 in the Master Plan states:

"Minimal changes are recommended. Existing subdivisions and areas near the bridge are now designated Planned Development Area to remain single-family. Due to limited infrastructure (public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the

form of conservation subdivisions that cluster housing in order to allow significant open space.”

Sincerely

Kevin D. Colley

From: [CPCINFO](#)
To: [Sarah C King](#)
Subject: FW: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"
Date: Tuesday, November 5, 2024 9:18:07 AM

Sarah C. King (she/her/hers)
Senior City Planner | New Orleans City Planning Commission
1300 Perdido Street, 7th Floor | New Orleans, LA 70112
(504) 658-7021 (office) | sarah.king@nola.gov

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[Comprehensive Zoning Ordinance](#)
[One Stop App](#)
[Frequently Asked Questions](#)
[Short Term Rental Administration - Home - City of New Orleans \(nola.gov\)](#)

From: Valerie Kennedy <vmkennedy29@yahoo.com>
Sent: Tuesday, November 5, 2024 8:51 AM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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Good morning,

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form of conservation subdivisions that cluster housing in order to allow significant open space.”

Sincerely,
Valerie Kennedy
3160 Jack Wyman Rd.
New Orleans, LA 70132

From: [CPCINFO](#)
To: [Sarah C King](#)
Subject: FW: FLUM Revision Supported, Lower Coast Algiers Impact Study
Date: Tuesday, November 5, 2024 9:17:29 AM

Sarah C. King (she/her/hers)
Senior City Planner | New Orleans City Planning Commission
1300 Perdido Street, 7th Floor | New Orleans, LA 70112
(504) 658-7021 (office) | sarah.king@nola.gov

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[Comprehensive Zoning Ordinance](#)
[One Stop App](#)
[Frequently Asked Questions](#)
[Short Term Rental Administration - Home - City of New Orleans \(nola.gov\)](#)

From: Houston Gray <hgray@houstonnealgray.com>
Sent: Monday, November 4, 2024 4:15 PM
To: CPCINFO <CPCINFO@nola.gov>
Cc: Houston Gray <hgray@houstonnealgray.com>
Subject: FLUM Revision Supported, Lower Coast Algiers Impact Study

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To: cpcinfo@nola.gov
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space.”

Sincerely,
Houston Gray
13061 River Road
New Orleans, LA 70131

From: [CPCINFO](#)
To: [Sarah C King](#)
Subject: FW: FLUM Revision, Lower Coast Algiers Impact Study
Date: Tuesday, November 5, 2024 9:17:19 AM

Sarah C. King (she/her/hers)
Senior City Planner | New Orleans City Planning Commission
1300 Perdido Street, 7th Floor | New Orleans, LA 70112
(504) 658-7021 (office) | sarah.king@nola.gov

RESOURCES:

[Application Forms](#)
[Property Viewer](#) (check the zoning of a property)
[Comprehensive Zoning Ordinance](#)
[One Stop App](#)
[Frequently Asked Questions](#)
[Short Term Rental Administration - Home - City of New Orleans \(nola.gov\)](#)

From: JOANN GRAY <hjgray22@aol.com>
Sent: Monday, November 4, 2024 4:04 PM
To: CPCINFO <CPCINFO@nola.gov>
Cc: hjgray22@aol.com
Subject: FLUM Revision, Lower Coast Algiers Impact Study

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To: cpcinfo@nola.gov

Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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(public water, but not sewer), the remainder of the district will require 2 acres per dwelling unit to maintain the unique rural character. Residential development at higher densities should be in the form of conservation subdivisions that cluster housing in order to allow significant open space.”

Sincerely,

Jo Ann Gray

13061 River Rd.

New Orleans, LA 70131

From: [CPCINFO](#)
To: [Sarah C King](#)
Subject: FW: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"
Date: Tuesday, November 5, 2024 9:16:17 AM

Sarah C. King (she/her/hers)
Senior City Planner | New Orleans City Planning Commission
1300 Perdido Street, 7th Floor | New Orleans, LA 70112
(504) 658-7021 (office) | sarah.king@nola.gov

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[One Stop App](#)
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[Short Term Rental Administration - Home - City of New Orleans \(nola.gov\)](#)

From: Angelis Gray <angelisdgray@gmail.com>
Sent: Monday, November 4, 2024 3:40 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Support for FLUM revision requests PD13 -06, -09, -10, -13, and -14 and Support for M-22-447 Ordinance 29365 "Lower Coast Algiers Impact Study"

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Sincerely
Angelis Gray
130061 River Road
New Orleans, LA 70131

Sent from my iPhone