

**OLD METAIRIE COMMISSION (OMC) MINUTES
PUBLIC HEARING
November 4th, 2021 9:00 a.m.**

In Attendance

Old Metairie Commission Members

	<u>Present</u>	<u>Absent</u>
Clifford Brown, Chair	√	
David Webber, Vice-Chair		√
Dr. Monica Monica	√	
Thomas McAlister	√	
Peter A. Waring	√	

Planning Department

Brooke P. Tolbert, Assistant Director
 Jay Hébert, Senior Planner
 Alena Gesser, Senior Planner
 Shakeeb Shariff, Planner II
 Carrie MacKay, Planner II
 Alex Nassar, Planner II
 Katina Webb, Typist Clerk III
 Cinthya Chacon, Typist Clerk III

Others

Hanlon deVerges, Sr. Asst. Parish Attorney
 Rick Hollier, Inspection and Code Enforcement

Mr. Brown, Chairman, introduced himself, other members of the Commission, and the Parish staff.

The Old Metairie Commission (OMC) conducted the November 4th, 2021 Public Hearing at the Joseph S. Yenni Building in The Council Chambers, located on the 2nd floor, 1221 Elmwood Park Blvd., Jefferson, LA 70123. Mr. Brown proceeded to the agenda and opened the meeting at 9:01a.m.

OM-29-21 314 Woodvine Ave.; A request to install a generator with a variance to the R-1B side yard setback requirements, on Lot 8-A, Square A, Metairie Golf View Subdivision, Jefferson Parish, LA, bounded by Cuddihy Drive and Frisco Avenue, zoned R-1B Suburban Residential District/OMNCD Old Metairie Neighborhood Conservation District. **(Deferred from 10/07/21)**

Mr. Nassar reported the findings of the case. The Planning Department recommends the following:

Denial, for the following reasons:

- The OMNCD design guidelines encourage the preservation of spacing between structures to contribute to the open character of the district. The proposal does not comply with the 7 ft. side yard setback requirements for the R-1B zoning district.
- Ample space exists within the site to relocate the equipment to a permitted area.

Mr. Brown opened the floor for the applicant/representative to speak.

Glen Ansardi, 314 Woodvine Avenue, owner of the property. Mr. Ansardi stated this case was on the agenda on the October 7th, 2021 OMC Public Hearing. Mr. Ansardi stated when he found out from the Planner, Mr. Nassar that they were going to recommend denial for the variance request; he asked for a postponement so he could meet with his contractor again and following his suggestion, see if they could find another place in his backyard where he could put this generator. They did locate a place in the backyard. Mr. Ansardi stated his lot is irregular shaped as you can see on the plans, and in order to install a generator back there he would have to dig a 2 ft. trench through his backyard from the side of his house which would considerably increase the installation cost and the trench would unnecessarily cut through some huge roots, a big root system he has for a large Sycamore tree in the backyard. Mr. Ansardi stated the parish arborist came to inspect the proposed location and he thinks it's included in the report, although the Planning Department didn't mention it; and he said that digging that trench would jeopardize that huge Sycamore tree, making it unstable, possibly killing it. So, it was his recommendation as the parish arborist that the variance be granted in order to save the tree. Mr. Ansardi asks for consideration to allow him to place the generator in the side yard and save the tree. Mr. Ansardi stated he had his own arborist as part of the submission package and he also agreed with the parish arborist, that it would put the tree in danger and he also recommends for the variance to be granted.

Mr. Brown opened the floor for any proponents to speak. There were none.

Mr. Brown opened the floor for any opponents to speak. There were none.

Mr. Brown opened the floor for comments from the Commissioners.

Dr. Monica asked Mr. Ansardi if this can't be placed anywhere else in the rear yard without digging this sort of trench that would enable potential damage to the tree?

Mr. Ansardi stated that as they could see on the plot plan, his backyard is kind of narrow and elongated and the tree is depicted on it. He stated it's a huge tree and the space between the house and the landscaping is only about 10 ft. and it's full of roots from that tree and that's the only path you can use to get to the location.

There was a small discussion between Dr. Monica and Mr. Ansardi regarding the building of the trench and the most economical way of making this installation.

Mr. McAlister asked Mr. Ansardi if the Sycamore tree is the one identified on the BFM survey as Maple?

Mr. Ansardi confirmed it is.

Dr. Monica asked if Mr. Bernard Wisnowski, Parish Arborist, would come to up to the podium and just give a percentage of what are the chances that they would kill this tree?

Mr. Wisnowski stated probably an 80% chance. He stated this tree is probably 70 ft. – 80 ft. tall. In diameter is probably close to 36 in. – 40 in. It's a mature Sycamore. The roots of this tree encompasses the entire backyard of Mr. Ansardi's residence.

Mr. McAlister had a discussion with Mr. Ansardi regarding the setback of the generator, and its proximity of their next-door neighbor's house given the fact that he needs a setback that's close to the boundary line. Mr. Ansardi stated right across the fence from his house is his neighbor's generator and his neighbor's generator would be next to his neighbor's garage. His neighbor's generator is within the 7 ft. setback.

Mr. Waring, Mr. Wisnowski, and Mr. Ansardi had a small discussion regarding a fire proof enclosure around this generator that was required by the parish. Mr. Waring asked Mr. Ansardi if it was possible he considered running all the lines (gas and electric) above ground, and if there has been any exploration of that as an option. Mr. Ansardi stated not that he's aware of. Mr. Waring mentioned that his generator lines run above ground without going in the ground, so has there been any exploration of that as an option? Mr. Ansardi, said not that he is aware of. For best safety practices he would not want to run the generator lines above ground.

There was a small discussion between Mr. Waring, Mr. Ansardi and Mr. Wisnowski, about a possibility of maybe consider using air spades or air knives to create these trenches. Mr. Ansardi stated he wasn't familiar with what Mr. Waring was suggesting and he was only repeating what his contractor told him. Mr. Waring suggested the idea of using air spades and air knives to route the piping through without destroying the roots. Mr. Wisnowski stated that certainly could be an option (to save the tree) but of course it's going to increase the cost to Mr. Ansardi for the installation of the generator.

Mr. Ansardi stated the project installed on the side yard would be a \$14,000 project, to install it on the backyard and do the trenching would add another \$9,000 to the project cost, which certainly most people would want to avoid. And he stated even though he's not familiar with the procedure Mr. Waring was talking about, based on what Mr. Wisnowski was saying, that's going to add to the cost. It would almost be cost prohibitive to do an installation like that, in his opinion.

Dr. Monica asked, what about running the lines above? Mr. Ansardi stated he didn't know how you could run it along the side of the house. The location in his rear yard is 20 ft. away from his house. At some point you would have to trench. The tree is huge and the root system fills up the backyard.

Mr. Wisnowski stated in order for Mr. Ansardi to get to the second proposed location, the line would have to be run essentially parallel to this house and then cut across the entire rear yard to the North West corner of the yard.

Dr. Monica stated she wanted to add, before the commission voted, that this is a hardship lot. She also stated she's not for variances, but she appreciates the uniqueness of the lot & the uniqueness of the cost; and if she could have some sort of record in the Minutes that this is considered a hardship lot, she knows she can defend her vote in the future with other generator variances.

Mr. Brown agreed with Dr. Monica and stated every lot is different and you have to treat every case separately. Mr. McAlister mentioned that he is typically not a variance grantor, but has an open mind about generators people bring to them after the fact the house has been there for a while because when the house was built generators like this didn't exist. It would be a different situation if they were talking about new construction with a requested variance for the generator. This situation is a stereotypical hardship warranting a variance. The applicant has explored relocating it to avoid the issue, and the Parish Arborist has said that it would surely kill a protected tree. His neighbor's generator is on the other side of fence, so it's not going to be a disturbance to his neighbor. So he sees no reason not to grant this variance.

Mr. Waring asked for them to just be conscious of how the generator is positioned, so that they take into account the directions of the exhaust flow.

Mr. Brown asked for a motion of recommendation on for OM-29-21.

Dr. Monica made a motion of approval for OM-29-21. Mr. McAlister seconded the motion.

Ms. Chacon called the roll on the motion:

	Aye	Nay
Mr. Brown	<u>√</u>	—
Dr. Monica	<u>√</u>	—
Mr. McAlister	<u>√</u>	—
Mr. Waring	<u>√</u>	—

The ayes have it by a vote of 4 to 0. With 1 absent. The motion for approval was approved.

OM-28-21 305 Hector Ave.; A request to approve a pergola in the required side yard with a variance to the side yard setback, on Lot B, Square 7, Metairie Suburb Subdivision, Jefferson Parish, LA, bounded by Avenue B, Betz Ave., and Duplessis St., zoned R-1A Single Family Residential/OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Ms. MacKay reported the findings of the case. The Planning Department recommends the following:

Approval for the following reasons:

- The open-air design of the pergola is complimentary to the backyard space design and does not infringe upon the open-air character of the site.

Mr. Brown opened the floor for the applicant/representative to speak.

Mr. Sam Walmsley, son of the owner's, Hughes and Diane Walmsley. Mr. Sam Walmsley stated that back in 2014, his father and step-mother submitted approval via Mr. McClung, the architect who built the pool, patio and landscape. In all of those written plans, it was understood by the architect that all the plans in entirety were approved. Mr. Sam Walmsley stated that from what they understand, the pergola was not included in the approval and didn't realize this until ironically putting in a generator, and the Commission came out and saw the pergola identified was not originally included as a permitted structure in the original plans and that's why they are here 7 years later.

Mr. Brown opened the floor for any proponents to speak.

Ms. Ninette Eastman, 213 Stella St., stated although she was there for other reasons, the Walmsley's are her friends. Ms. Eastman stated at the time that they built that, with the whole backyard development, this is when pergolas and things like that were kind of the "in" thing to put in your backyard. Ms. Eastman stated she doesn't think people realize that the pergola was not permitted at the time. And the fact that this is in open-air design and it's not really infringing other neighbors on the other side. Ms. Eastman also added that further down the street on Hector, there was an addition covered parking added to what she believes is 314 Hector. And when she was informed about it, she called Planning to see why it was allowed and they said it was for parking, they needed a covered area. And as in many cases, like all of our garages that don't hold cars anymore, that was given variances for, this particular covered parking areas is now a side room, it's all enclosed. This is a problem they talked about for a long time on this Commission. So, she thinks now to penalize them with an open-air and it will always be an open-air project, she thinks we either have to say 'no' to them and they go back and find all those other people or address as it is.

Mr. Brown opened the floor for any opponents to speak. There were none.

Mr. Brown opened the floor for comments from the Commissioners.

Dr. Monica stated that she hopes going forward with the filling of commissioners and with our new text study, that things like this will not occur again and she feels strongly that to penalize this family for what she views is egregious mistake that they had no control over is not the right thing to do.

Mr. Brown agreed with Dr. Monica and stated it's not like it was intentional.

Dr. Monica asked Mr. Brown if they can qualify with this vote that it will be the intention of this family not to ever enclose this while you were in residence this pergola?

Ms. Tolbert added if they needed to do any modifications they would have to come before us (not necessarily the commission but they would have to be reviewed by the Planning Department.)

Mr. Waring stated the pergola is a pretty thing and it looks like it's close to the wood fence and close to the house and he worries that to some degree that it might create a fire bridge. He stated he's not going to oppose it but he would recommend repainting it with a fire resistant paint, to prevent it from being a bridge to convey fire.

Dr. Monica made a motion of approval. Mr. McAlister seconded the motion.

Ms. Chacon called the roll on the motion:

	Aye	Nay
Mr. Brown	<u>√</u>	—
Dr. Monica	<u>√</u>	—
Mr. McAlister	<u>√</u>	—
Mr. Waring	<u>√</u>	—

The ayes have it by a vote of 4 to 0. With 1 absent. The motion for approval was approved.

OM-32-21 450 Woodvine Ave.; A request to amend OM-9-21 by increasing the pitch of the center roof, relocating the accessory structure, redesigning the front and rear porches, and changing exterior materials for the proposed dwelling on Lot 3A, Square P, Metairie Club Gardens Subdivision; bounded by the Metairie Golf Club & Golf Course & Duplessis St.; zoned R-1D Rural Residential District/ OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Mr. Shariff reported the findings of the case. The Planning Department recommends the following:

Approval for the following reasons:

- The proposal meets all requirements of the R-1D/ OMNCD.

Mr. Hebert stated the Planning Department received an e-mail yesterday afternoon (November 3rd, 2021) from the neighbors directly adjacent to the property located at 450 Woodvine Ave. Mr. Hebert read the e-mail into record. The e-mail identified three concerns, the use of HardiBoard in conjunction with other materials, concerned the roof height was excess of the proposed 33.50 ft., and the 16" Oak tree reflected on the Survey, Figure 3 is not reflected on the Site Plan, Figure 4. Mr. Hebert addressed all three concerns.

Mr. Brown opened the floor for the applicant/representative to speak.

Mr. Paul Fine, of 6 Ibis St., New Orleans stated they're looking to rebuild a new home in Metairie. As previously stated, their plans were previously approved as they worked with their architect and their contractor. They've concluded that they make a few design changes and as the Planning Department said, all of them fall administratively within the rules. They're not looking for any variances. The only one that is outside the ministerial approval is the roof in that the area of the center is 54% of the total roof space. Mr. Fine stated they're not asking to go above the 35 ft. height restriction. Mr. Fine stated they need that extra space in there to help with room for mechanical equipment, air conditioning, and hot water heaters and things like that. Also, there architect and designers just thought it was more aesthetically appealing. As far as the Hardie board, that was also something that when his contractor started to look at, thought it would be helpful because if you notice they have 2 sorts of one-story wings in the house and then the center structure, and to try to put bricks on top of that and have a brick ledge that holds it and not create water problems down the road or structural issues. They decided to make the change to the Hardie board and that was the reason for that. Mr. Fine stated the tree is protected, and it sits on the property line and it is currently fenced and protected and have no plans other than keeping it in place.

Mr. Brown opened the floor for any proponents to speak. There were none.

Mr. Brown opened the floor for any opponents to speak. There were none.

Mr. Brown opened the floor for comments from the Commissioners.

Dr. Monica asked if the pitch of the roof is within the code? It's not a variance? And the Hardie board is necessary because of run off with the bricks?

Ms. Tolbert stated she deferred to the applicant on the use of the Hardie board but all of the proposed changes are within the code. Its just there are certain things on the code that trigger Old Metairie Commission review. Most of the changes, with the exception of the pitch of the roof, Planning Department could've approved ministerially without coming to the Commission. Because they are changing that pitch in the roof is what triggered the Old Metairie review.

Dr. Monica asked Mr. Fine if he would be willing to compromise on the Hardie board if the Commissioners gave him approval on everything else? She realized there's no variance but she wants to know if he would be willing to compromise on that?

Mr. Fine stated their original design had bricks going all the way up and stated that's frankly their preference. His contractor recommended that they not do that because the walls above that second story on both sides of the center, thinks it would be difficult to support that brick and also not create the risk of water going from that brick into the roof where it meets in the center. He stated he really defers to his contractor who is recommending they do not build in that fashion. He stated if it wasn't because of the roof they wouldn't be there anyway. Mr. Fine also stated it's only the small section above the roof pitch to the second story roof where the Hardie board's going to be, so it's not a tremendous amount of Hardie board. He states he rather keep it where they are.

Mr. McAlister stated the Hardie board is permitted, and they wouldn't even be there having that discussion, if it wasn't because of the pitch of the roof. And the pitch of the roof while it comes subject to our review, it's permitted, and it meets code.

Mr. Waring stated he agrees. The change in roof pitch is handsome and it adds to the massing of the building and its gravitas. He stated he applauds the change of the pitch in the roof. Mr. Waring asked Mr. Fine if he was planning to develop that attic at any point in the future?

Mr. Fine stated he wasn't. It was just for equipment.

Mr. Waring told Mr. Fine if he preferred bricks, there is an established detail for making that kind of connection using a steal lenthil to carry the weight of the brick and it's done fairly routinely, he should talk with his contractor. He understands why his contractor would want to do the Hardie boards, since it's a much easier and simpler solution. However, it's much more attractive to have the entire thing be done in brick.

Mr. McAlister made a motion to recommend approval. Mr. Waring seconded the motion.

Ms. Chacon called the roll on the motion:

	Aye	Nay
Mr. Brown	<u>√</u>	—
Dr. Monica	<u>√</u>	—
Mr. McAlister	<u>√</u>	—
Mr. Waring	<u>√</u>	—

The ayes have it by a vote of 4 to 0. With 1 absent. The motion for approval was approved.

OM-34-21 311 Iona St.; A request to amend the approved site plan for OM-24-21 to locate a pool, pool equipment, and generator in the required rear yard, on Lot C, Square 8, Metairie Suburb Subdivision, Jefferson Parish, LA, bounded by Avenue B, Hector Ave., and Duplessis St., zoned R-1A Single Family Residential/ OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Ms. MacKay reported the findings of the case. The Planning Department recommends the following:

Approval for the following reasons:

- The proposal meets all requirements of the R-1A/ OMNCD zoning districts.

Mr. Brown opened the floor for applicant or applicant's representative to speak.

Kelly Dacus, 428 Betz Place, stated her and her husband are in the process of purchasing the property at 311 Iona Street. Ms. Dacus stated she is just hoping to add the pool. She also stated they worked together with their contractor to follow all guidelines of the OMC.

Mr. Brown opened the floor for any proponents to speak.

Sam Solomon, 404 Notre Dame St., he states he is the current owner and contractor of the property. Mr. Solomon stated the Dacus family are buying the home this month. He stated that just like Ms. Dacus stated previously, they did work with the pool subcontractors, to make sure everything was within the guidelines and follow any rules or regulations.

Mr. Brown opened the floor for any opponents to speak.

Tara Sutfin, property owner of 308 Hector Ave., stated she's adjacent a little bit on the rear side of the property. She stated she wouldn't call herself an opponent but she does have some concerns because there is going to be basically new ground to speak of water drainage and she's worried about water going into her property, since almost the whole property is taking up the natural ground, which would absorb the water. Ms. Sutfin also stated she knows that right next to her property on Hector Ave., many years ago when they built everything, they had put some concrete around above ground and was supposed to help with the drainage of the water and she doesn't know that it 100% does and doesn't know how far down it goes. Ms. Sutfin stated the house has been in her family for probably 100 years, but she took possession in 2015. Ms. Sutfin stated she only worries about the drainage issue, but she's aware that many people have swimming pools behind their houses. She stated she doesn't have any direct objection to that, it's just the drainage issue. And it looks to her, that there's not much room for what she can see, much less adding more concrete to it. Ms. Sutfin asked if there's any drainage kind of surveys or anything before something like this takes place just to make sure that her property is not going to be affected by that?

Mr. Hebert stated the owners would have to comply with the drainage. Certainly, would probably drain towards the Iona St. side.

Mr. Brown opened the floor for comments from the Commissioners.

Mr. Brown, Ms. Tolbert and Ms. Sutfin had a small discussion regarding the paving in the property and how there's no rule or regulations right now against paving a lot. Yet, there is a regulation that your lot needs to slope to the street, which is shown on the plans that were submitted that they are sloping towards the street. As to not run off into other properties.

Ms. Sutfin asked if the concrete wall that goes up is standard practice or if it's something that was done for any other reason?

Ms. Tolbert stated it may have been that they sold the lot, if she's talking about the chain wall. She also stated it's not always the way our natural drainage works. Building walls on every individual property isn't always the best because you might be draining on their property and you're not aware of it. She stated it's just the way water flows, because if you build a wall, then it stays in your property. Ms. Tolbert deferred to ask Mr. Solomon on what they are doing with drainage on the property or what their plan is to do for this, since it is a new construction?

Mr. Solomon stated when they bought the property, this was actually the lowest property against any adjacent neighboring property. The former owner actually had some pumps under her house trying to pump water out. So, when they tore the house down, they had to raise the property to fill at least enough in order to have 1 in. per 10 ft. Mr. Solomon stated they also put in a chain wall on three sides. So, there is a chain wall he thinks that's what she's referring to when she said concrete wall. Mr. Solomon stated that goes all the way around the property. And then in addition to that, they do have subsurface drainage for all the down spouts that are tied in from the accessory structure and the main home, as well as they have additional catch basins that would be in the coping or decking around the pool. He stated they have taken all the necessary steps to make sure that no water would drain unto a neighboring property. He stated they did everything they could on their end.

Mr. Waring stated it's a fundamental preceptive of requirements for construction that you can't drain onto your neighbors' properties, so any plan is really designed so that you're draining away from the property lines towards the front. He does agree that it does look like an awful lot of paving. He stated he would love to see some of that paving become semipermeable to help capture some of the rain runoff. He stated a lot of people are starting to understand that the greater New Orleans area is sinking partially, as a result of pumping out all of the runoff as opposed to letting a significant amount of it percolate through to underneath. The City of New Orleans created a series of regulations. Mr. Waring thinks there is such a thing as a drainage plan that is done fairly routinely by civil engineering, it is required on commercial projects but not on residential which he would appreciate. Mr. Waring stated nonetheless, the lesson remains to the extent that we can retain, detain, and percolate water on property that's always preferable for the longevity and that the existential continuance of our neighborhoods. Mr. Waring added if the paving hasn't been executed yet, he would recommend to the applicant that they give serious consideration to percolating paving options, which can actually be quite attractive.

Dr. Monica added that in the new OMC regulations when it's approved, we are going to have a 40% paving permeable front yard, side yard issue requirement.

Ms. Tolbert stated we do have the Old Metairie study. Also, the Parish is working on a green infrastructure plan that will look at coverage requirements for residential. We are not at the point of

requiring detention for residential but definitely it's something that is going to be considered in the future.

There was a small discussion between Dr. Monica, Mr. Solomon and Ms. Sutfin regarding the chain wall and how it helps prevent water going in to other properties.

Mr. McAlister made a motion to recommend approval. Mr. Waring seconded the motion.

Ms. Chacon called the roll on the motion:

	Aye	Nay
Mr. Brown	<u>√</u>	—
Dr. Monica	<u>√</u>	—
Mr. McAlister	<u>√</u>	—
Mr. Waring	<u>√</u>	—

The ayes have it by a vote of 4 to 0. With 1 absent. The motion of approval was approved.

TXT-2-21 A text amendment of Chapter 33 Unified Development Code and Chapter 40 Zoning of the Code of Ordinances of the Parish of Jefferson related to the Old Metairie Neighborhood Conservation District; to reformat sections of the Code, clarify existing regulations, and establish new standards and procedures when necessary to support the purposes of the OMNCD, and provide for related matters; as authorized by the Planning Director on October 2nd, 2014. (Parish-wide)

Discussion of OMNCD Text Study.

Ms. Gesser stated she gave a full presentation of the OMNCD study at the last OMC meeting (October 7th, 2021). Ms. Gesser stated she would focus on the follow-up to some of the comments that were made on the last meeting.

Ms. Gesser addressed the mounds of fill that were mentioned at the last OMC meeting by the Commissioners.

Ms. Gesser stated that one of the things we are working on is a follow-up study on tree preservation. And as part of our preliminary recommendations, we decided to halt making an official recommendation on tree preservation.

Mr. Brown opened the floor for any proponents to speak. There were none.

Mr. Brown opened the floor for any opponents to speak. There were none.

Mr. Brown opened the floor for comments from the Commissioners.

Mr. Brown stated he had a meeting last night with Jennifer Van Vrancken's office about some flooding at his house and other areas, and it was brought up that after the storm, Jefferson Parish came to a lady's house on Northline and cut down one of her trees that she did not want removed. Mr. Brown stated the lady asked what were the requirements or the steps the Parish has to go

through to cut down trees and he stated he's pretty sure the Parish can cut down trees whenever they want. He also stated the lady was very upset and said she thought maybe there should be requirements for the Parish to cut down trees.

Mr. Waring added he would think the Parish has the right to clear trees that are going to interfere with utilities and that sort of thing.

Ms. Tolbert stated we do have the tree preservation study going on. It's taking a little bit of a deeper dive.

Ms. Gesser stated we are as part of the study meeting with Parkways to address this issue.

The Commissioners stated that after the storm a lot of trees were being cut down, and people were exploiting the confusion and nobody was paying attention to that and would also want that matter to be addressed.

Mr. Waring asked if there's any way of requesting Parks and Parkways to start making an assessment of trees that were removed illegally during that time?

Ms. Tolbert stated we can ask what their practices are.

Ms. Ninette Eastman stated there was a tree survey done a couple of years back, something with code being involved with the removal of debris in the streets after they cut down all these big trees, and it seems no one can tell you who is responsible for it.

Mr. Waring stated he would be surprised if Parkways doesn't have a similar sort of standard that if they remove a tree, they plant two more.

Ms. Eastman asked if they can make it to where they have to put it on the property?

Ms. Gesser stated that would be the intent, they would check a tree out within the buildable area, they would put another tree on their property. We don't have that completely finalized yet, but that's kind of the approach that we're leading towards.

Ms. Gesser addressed Mr. Webber's question regarding the projections into the front yard. She stated currently the OMNCD does not allow porches, decks, solid fences and other additions to intrude into the front yard. There is a Parish-Wide exception, which allows unenclosed porches, terraces or other stuff to extend 10 ft. into the front yard and 5 ft. from the lot line. She stated this is actually something that has been applied in the district. In terms of the lot coverage, Ms. Gesser stated we are proposing a minor change in the wording. She thinks in the provision that in the code language, we were restricting hard-surface paving and other impervious surfaces to 40% of the front and corner side yard. And as they were looking at the green infrastructure, that actually may include some permeable paving. So, to clarify and to make sure that we are really focused on the impervious paving, they've proposed a minor change in the wording of that provision.

Ms. Gesser stated that one of the things Dr. Monica had raised when she met with her was we don't specifically require that the remaining 60% be green space. And to kind of take her concerns into

consideration, they've actually included green space into the purpose statement. Ms. Gesser stated they're proposing to promote and encourage the use of green space to help produce run off. She stated she also included in the proposal some general development review standards that would allow the Commission and the Planning Department to make recommendations based on the purpose statements.

Mr. Waring stated he would caution that permeable paving systems are actually semipermeable. So, they may block up 60% of the percolation that would happen with variable ground. So, they're still at 40% of it through, so he thinks it depends on the semipermeable paving options that you utilize and perhaps there might be some way to take into account the percolation factor of the particular material that you're thinking about using and build that into the calculations for run off. He stated he knows this might make it a little more complex but he thinks that this idea of percolating as much in as you possibly can is really preferable. Although he likes the idea of encouraging permeable and semipermeable materials, he would think that maybe perhaps an option might be to give a credit for permeable, a certain percentage.

Dr. Monica told Ms. Gesser they've all done an amazing job. She stated this is such an important document, to set the tenner of how we go forward in this committee when they're all long gone, and to preserve the green space in Metairie. She stated she understands and appreciates what they've tried to take into her comments. Dr. Monica asked why can't we just complete the equation under new issues on page 55? 40% minus 100% is 60% to be allocated to green space, plants, grass. And the reason why she's pleading for that is because this is her last, she would like to see this the last legacy of this committee, that we preserve green space. And she stated you can't see the side yard behind gates but when people walk down the street they love Old Metairie because of the green space. Dr. Monica asked why can't we be bold enough to hug the principal of green space and use it in the equation? Dr. Monica stated if we say "encourage", she knows this happened in another committee with another city, where they used an art installation. It wasn't paving, it wasn't permeable but it was an art installation. They took up the whole space that could've been greenery with an art installation. Dr. Monica stated she wasn't trying to micromanage but she is in a way, because people will abuse it. And if anything, they are about what their Old Metairie is, and that is the trees and the green space. Dr. Monica stated she is pleading to actually be bold enough to say, "allocating 60%" not using the word "encouraging", because she's afraid they'll put an art installation in.

Ms. Gesser stated with that impervious surfaces, we actually have a definition in the code. Ms. Gesser stated she didn't have her book of codes with her but she thinks that it does cover those things. Ms. Gesser stated that the intent and the reason why they didn't go with the 60% is to allow people who did want to put permeable paving into a circular drive or be able to exceed as an alternative that 40% threshold and gives the people some flexibility and encourage the use of permeable paving when appropriate to help reduce runoff.

Dr. Monica asked but if they exceed the 40% then that cuts down on our green space. Dr. Monica asked how can we come to some sort of agreement about this? Dr. Monica stated she thinks this is huge and is very important. (Mr. Waring agreed.) Dr. Monica stated she can't vote for it unless she sees it. She thinks it's also important to have Mr. Webber's voice in here, and vote for it next time. Dr. Monica stated she would hate not voting for this because she can't live without that green space.

Mr. Waring stated David Waggoner's work is seminal and foundational and so important. And he's sure David would be more than happy to come and discuss these concepts, these precepts. Mr. Waring stated he thinks he may be able to bring some light to this issue. He stated he thinks that the idea of promoting semipermeable, permeable paving systems; but how do we do it in a way that will really spell a difference?

Ms. Tolbert stated she thinks one reason that we have the limitations on the paving is one that already exists in our code in the Old Bucktown District. It's also what New Orleans uses and other kind of local areas, it's a limitation on paving. She stated if we did move forward with the green space requirement she probably wouldn't do the inverse of the 60% just because if somebody did want to put in a permeable driveway that may exceed that. Ms. Tolbert stated she thinks we may want to take a little bit of a closer look of what that would be exactly.

Dr. Monica asked if we could come back to her with a percentage?

Ms. Tolbert stated it's up to the Commission if they would like to defer it. And she's stated she is interested to hear what the other commissioners feel about that. Ms. Tolbert stated we are doing a green infrastructure plan that's Parish-Wide, that is looking at a maximum coverage.

Dr. Monica stated she's been talking about this with Jennifer Van Vrancken and this committee since she's been on it for over three and a half years, and she's been told about this green space. She stated this is the only document that has come up. It may be too late, we may be behind the gate for the generators and variances but this is so seminal now. She is willing to compromise, but she wants something, a percentage.

Mr. Waring stated this is something the Old Metairie Commission can really lead. He stated we can serve as exemplars and help to form the language.

There was a discussion between the Commissioners and Ms. Tolbert regarding the importance of the percentage of this since it covers both the issues of green space and percolation. The commissioners want to give this one more try.

Ms. Gesser stated that's the reason why they wanted to include those slides, because they knew this is an important topic. She thinks it's really helpful to have the discussion of the members to gauge what parts they should take and kind of guide the revisions of this section.

Ms. Gesser narrated the demolition proposal.

Mr. Brown asked if there was some way we could say if a hurricane hits, you are responsible for making sure your lot is secure.

Mr. McAlister added there should be a set schedule for demolition with a start and a completion date, and a method for storage and removal of the materials.

Ms. Eastman agreed with Mr. McAlister and added if there could be some notification to the neighbors around of when something's going to be demolished because of parking.

Mr. Brown asked if there was some way we can make them have a size meter when demolishing?

Ms. Tolbert stated that those requirements would be more appropriate in the building code. She stated she doesn't know what sort of authority the commission would have over.

Mr. McAlister stated his suggestion is not for something to go into the ordinances for us to consider, it's just for Code Enforcement, and Building and Planning Department to consider.

There was a small discussion between Dr. Monica and Mr. McAlister regarding the OMC and its function to preserve that which is historic, and gracious and graceful about the Old Metairie Neighborhoods and that is the only reason why they have anything to do with demolition.

Dr. Monica stated Mr. Webber and herself, she believes are the only two who oppose to not reviewing demolition on this committee. She stated they want to keep reviewing demolition in this committee.

Mr. Waring stated we have to remember preservation starts today. By preserving something of significance today, we create tomorrow's important historic neighborhoods. So, there is a real role that this commission can play. He stated it's hard to assess, him as an architect, the decision to demolish until you know what the future plans are for the property and to some degree maybe except for special circumstances where you have demolition by neglect.

Ms. Tolbert stated when we met previously and we discussed this with the commission, essentially the big issue is that we have never historically denied a demolition. So, we don't really have any criteria or standards by which to evaluate a demolition. We proposed three options, option 1, being just giving it completely over to Code Enforcement since it's a building permit thing and it doesn't come to Planning. Option 2, which was looking at just keeping those structures that are historic, keeping the Old Metairie review for those. And option 3, the full commission review but because there are so many varying ages of structure and because it does add a significant time to the process, she believes option 2, which Ms. Gesser has come up with would be a compromised solution where we are reviewing to confirm the age of the structure, if it could potentially be historic, but at the same time there's a lot of newer structures that may not be contributing. And we're not a historic district.

Dr. Monica stated she spoke with Ms. Van Vrancken and she will tell you that Metairie Road, there is some backup that this was a historic, is a historic area, or potentially historic area.

Dr. Monica and Mr. Waring had a small discussion about the importance of recommending approval or denial, since they are making their voices heard.

Ms. Gesser narrated the changes that were made in the wording in the book of codes.

Dr. Monica made a motion to recommend deferral. Mr. Waring seconded the motion.

Ms. Chacon called the roll on the motion:

	Aye	Nay
Mr. Brown	<u>√</u>	—
Dr. Monica	<u>√</u>	—
Mr. McAlister	<u>√</u>	—
Mr. Waring	<u>√</u>	—

The ayes have it by a vote of 4 to 0. With 1 absent. The motion of deferral was approved.

Minutes

Mr. McAlister made a motion to approve the minutes from August 5th, 2021. Seconded by Mr. Brown. (Deferred 10/7/2021)

Mr. McAlister made a motion to approve the minutes from October 7th, 2021. Seconded by Mr. Waring.

Mr. Waring made a motion to approve proposed 2022 OMC Meeting Schedule. Seconded by Dr. Monica.

Administrative Approvals & Follow-up of previous cases.

Mr. Hebert stated there was one administrative approval, **OM-30-21 at 311 Bella Dr.**, which was an amendment to OM-28-20 and OM-11-21, which included the shifting in the main structure 3 ft. forward to reduce the southern side setback by 2 ft. 6 in. and make some changes to the pool and pool house. The proposed development meets all applicable R-1B/OMNCD requirements. The proposal has been determined to be a “minor alteration” in accordance with Sec. 40-170(2)a2i and was approved ministerially by the Planning Director on 10/19/2021.

Mr. Hebert reported no follow-up of previous cases.

Mr. Brown asked if there were any additional business to come before the commission. There were none.

Dr. Monica made a motion to adjourn. Seconded by Mr. McAlister. Meeting adjourned at 11:00 am.