Summary of Legal Issues / Action in re 1407 S. Carrollton Ave.

Plaintiffs are petitioning for declaratory and injunctive relief regarding permitting processes for a medical marijuana retailer under development at 1407 S. Carrollton Ave. as a location of NOLA Cannabis Co.

Plaintiffs' attorney is Michael W. Tifft, (504) 581-4334; mwtifft@mwtifft.com.

Important Dates

- An information session with Mike Tifft will be held on Monday, Oct. 13 at 6–7:30 p.m. in the Central St. Matthew sanctuary, 1333 S. Carrollton. (Doors open at 5:30.) This is the second information session with the neighborhood.
- The Preliminary Injunction hearing is scheduled for Wednesday, Oct. 15, at 1:30 p.m. before Judge Monique Barial, Div. D (Room 412), at the Civil District Court, 421 Loyola Avenue.

Plaintiffs and Defendants

- Plaintiffs: Just Say Nix, LLC; Carrollton Riverbend Neighborhood Association; Central Carrollton Association, LLC; Maple Area Residents, Inc.; Town of Carrollton Watch, LLC; Historic N.O. Neighborhoods, LLC; and adjacent neighbor Lane Trippe. Plaintiffs are collectively aggrieved by the issuance of the non-structural renovation work Permit #25-04201-RNVN (the "Permit") and the Zoning Verification of the use—as a "Retail Goods Establishment."—for the medical marijuana retailer under development at 1407 S. Carrollton Ave.
- Defendant is the City of New Orleans through its City Planning Commission and Department of Safety & Permits. (The retailer has recently indicated it will intervene.)

Permit and Zoning Issues

- Plaintiffs contest the issuance of the Permit, arguing that it violates the Comprehensive Zoning Ordinance (CZO) Article 12.2.B.1.b, which mandates a conditional use process for commercial uses exceeding 5,000 sf in floor area (with the exception of grocery stores).
- Reported square footage differs from source to source (7,553 sf, 6,800 sf, and 5,204 sf); but every source indicates a floor area in excess of 5,000 sf, pointing to deliberate misrepresentation by the developers in order to bypass the conditional use requirement.

Conditional Use Process

- The conditional use process involves many steps, including public hearings and input, which the Plaintiffs argue are essential for the consideration of conditions or provisos that are necessary for the health, safety, and welfare of the neighborhood.
- Specifically, the conditional use process provides for the consideration of "the public need for the particular use at the particular location" per CZO Article 4.3.A (Conditional Use—Purpose).
- Plaintiffs assert that the City's failure to conduct this process has caused them irreparable harm by denying public input and oversight. Additionally, the granting of the Permit without the conduct of a conditional use process represents a direct violation of a prohibitory law, justifying injunctive relief.

Relief Sought

- Plaintiffs seek a Declaratory Judgment affirming that the conditional use process is required.
- Plaintiffs also request a Temporary Restraining Order (pending), Preliminary Injunction (Oct. 15), and Permanent Injunction to prevent the issuance of further permits or licenses until the conditional use process is conducted.

Other considerations

- Plaintiffs request all equitable and supplemental relief absent any response from the Department of Safety & Permits to a request for a Zoning Interpretation.
- An affidavit from one or more of the Plaintiffs would verify the claims made in the petition.
- Legal fees, bonds and other expenses will be paid by Town of Carrollton Watch, LLC. (Send questions about donations to Susan Johnson, (347) 614-7049; sjohnson@townofcarrolltonwatch.org.)
- Please contact attorney Michael Tifft about the legal action, (504) 581-4334; mwtifft@mwtifft.com.