

VIEUX CARRE COMMISSION

Mitchell J. Landrieu  
MAYOR

CITY OF NEW ORLEANS

Lary P. Hesdorffer  
EXECUTIVE DIRECTOR

**Minutes of the Vieux Carré Commission meeting of Wednesday, August 5th, 2015.**

**COMMISSIONERS PRESENT:** Nicholas S. Musso, Chairman  
Daniel C. Taylor, Vice-Chairman  
Leslie S. Stokes, Secretary  
C.J. Blanda  
Jorge A. Henriquez  
Michael A. Skinner

**COMMISSIONERS ABSENT:** Patricia C. Denechaud

**STAFF PRESENT:** Lary P. Hesdorffer, Director; Renée Bourgogne, Architectural Historian,  
Nicholas G. Albrecht, Building Plans Examiner; Erin Vogt, Building Plans  
Examiner; Erika Gates, Inspector; Melissa Quigley, Assistant City  
Attorney;

**OTHERS PRESENT:** Brian Anderson, Jenna Burke, Carl Causey, Toni Causey, Richard Choate,  
Kirk Fabacher, Edmond Haase, James Hance, Pat Meadowcroft, Betty  
Norris, Rachel Robinson, Kimberly W. Rosenberg, Hank Smith, Sidney  
Torres, John Williams,

**I. ROLL CALL**

Chairman Musso called the meeting to order at approximately 1:40 PM. Mr. Hesdorffer called the roll, noting the presence of a quorum with six (6) of the seven (7) seated Commissioners in attendance. Mr. Hesdorffer noted that with six (6) members present, four (4) affirmative votes are needed to pass any action.

**II. REVIEW OF MINUTES**

Mr. Taylor moved to accept the minutes of the July 1, 2015 Vieux Carre Commission meeting as presented. Mr. Blanda seconded the motion which passed unanimously.

**III. CHAIRMAN'S REPORT**

Citing the Special Order of Business and the length of the agenda, the Chairman gave no report.

**IV. DIRECTOR'S REPORT**

Following the Chairman's action, the Director likewise waived giving a report in deference to the rest of the agenda.

**V. SPECIAL ORDER OF BUSINESS – public hearing for adoption of final revised VCC Design Guidelines, based on draft accepted by the VCC on May 6, 2015.**

Chairman Musso introduced the discussion noting that the process for re-drafting and editing the VCC's Design Guidelines had begun over a year ago. Funding for the project had been provided by the VCC Foundation and with the assistance of Dominique Hawkins, AIA, the consultant hired to work with a committee of Vieux Carre Commissioners, Architectural Committee members, staff and representatives of the VCC Foundation. He noted that it had been a very detailed and tedious process to review all existing guidelines and policies and to put the new document into order with improved formatting and information. The overview included comments from Mr. Hesdorffer outlining the nature of the new version, including a brief summary of the contents as well as how the revised materials will serve the user public of residents, tenants, property and business owners, as well as architects and contractors, and anyone interested in the preservation and protection of the French Quarter's historic architectural inventory.

Mr. Hesdorffer noted that the preliminary draft had been adopted by the VCC on May 6, 2015 but the final version also needed to be accepted before it could be ratified by the City Council or promulgated in conformity with the requirements found in the City Charter and Code of the City of New Orleans. He added that this VCC public hearing had been specially advertised in the

Times-Picayune on August 2, 2015, in addition to the normal procedure of publishing and circulating its regular monthly meeting agendas for public information.

Following their brief summary of the background and content of the Guidelines, the Chairman asked for any public comment.

Betty Norris addressed the Commission saying that the participation of the Guidelines Committee had been particularly valuable since it included a dedicated group who worked at length on putting together the valuable up-dated version of policies and recommendations.

Kimberly W. Rosenberg, speaking in her capacity as the Vice-chairman of the French Quarter Management District, noted that a presentation had been made to the FQMD board, also at a regular public meeting of that State agency and that the Board of the FQMD had endorsed the adoption of the VCC's newly revised Design Guidelines.

Carl Causey, a French Quarter resident, asked when the new guidelines would go into effect and how would they change the actions of the VCC. Messrs. Musso and Hesdorffer explained that in accordance with the Charter and Code regulations, if a resolution is adopted by the Council approving the VCC Design Guidelines, they will officially become effective on the 22<sup>nd</sup> day following the Council's adoption. Without Council approval or disapproval and without such a resolution, regulations become effective after a 45-day period. It was also noted that the Design Guidelines are not hard and fast rules, and as such, they serve to inform and advise the public about how best to get work approved for so many buildings and conditions in the Vieux Carre. And since much of the material is the same as that which currently exists, they are being used already. It is the format and presentation that has changed dramatically to make the material that much more accessible and understandable to the users.

The last speaker was Rachel Robinson, Executive Director of the VCC Foundation, who said that the completed reworking of the VCC's Design Guidelines was a significant project for the Foundation, which is so very pleased to have been able to provide the underwriting for the endeavor.

Without further comment from the public, the Chairman asked if a motion would be in order. Mr. Hesdorffer explained that indeed a motion to accept and adopt the final version of the guidelines would be appropriate and to forward its actions to the Council asking that the VCC Design Guidelines be ratified.

Mr. Taylor then moved that the VCC accept the Design Guidelines as received and that they be sent to the City Council with a recommendation for ratification. Mr. Blanda seconded the motion which passed unanimously.

## VI. OLD BUSINESS

111 Iberville St: John C. Williams Architects, LLC, applicant; Badine Land Ltd, owner; Proposal to renovate structure, in conjunction with a **change of use** from *vacant* to *hotel*, per application & revised materials received 10/14/14 & 07/21/15, respectively.

Mr. Albrecht gave the staff report with Mr. Williams present on behalf of the application. In discussing the revised plans, Mr. Musso clarified that the final total number of guest rooms for the project hotel will be eighty (80) and that number includes the additional three (3) guest rooms to be housed in the annex addition.

Mr. Taylor moved for **approval** of the proposal consistent with the staff analysis and recommendations of August 5, 2015. Mr. Skinner seconded the motion, which passed unanimously.

517 Toulouse St, 531 Toulouse St, 520 Wilkinson St, 515 Toulouse St, 516 Wilkinson St: Harry Baker Smith Architects, applicant; Rk Restaurants Holdings Inc, 515 Toulouse LLC, owner; Proposal to renovate buildings with rooftop additions, in conjunction with **change of use** from *vacant* (upper floors) to *residential*, per application & revised drawings received 03/10/15 & 07/21/15, respectively.

Mr. Albrecht gave the staff presentation with Mr. Smith representing the application.

Mr. Haase, representing the neighboring property owners Carl & Toni Causey, objected to the requested variances. Mr. Haase requested that the VCC enforce the 50' limit. He added that the number of units was being increased and their sizes reduced.

Ms. Causey stated that she would be ok with a rooftop addition at a height of 51' but that she was concerned about the measurements given for the existing heights changing in different proposals. Ms. Causey stated that she does not believe un-occupiable space should be considered justification for the proposed increase in height.

Ms. Meadowcroft, representing VCPORA, stated that if the VCC does not protect the height limit outlined in the CZO, that will have a negative impact on people purchasing property without a sense of protection by the zoning provisions. Ms. Meadowcroft asked the Commission not to approve the application.

Mr. Causey expressed his concern about the effect on his property value. He stated that regulations and rules need to protect property owners. Additionally, he questioned the measurements shown on the survey.

Mr. Hesdorffer reiterated how the measurements had been determined.

Ms. Norris stated that she has seen variances on height given many times in the past and that nice views have been eliminated. She continued that if the process continues, the French Quarter will lose its overall roofscape.

Mr. Blanda asked if it is absolutely necessary to have the penthouse to make the project viable. Mr. Smith responded that the penthouse does make the project viable. Mr. Blanda continued that it doesn't look like the additions belong there. Mr. Smith stated that the addition would be sandwiched between buildings and hardly visible.

Mr. Skinner said he spoke in May about maintaining the 50' limit and he reiterated his concern that allowing this addition will start to change the look of the city.

Mr. Smith stated that they are asking for such a slight increase that will make the building much more valuable and that getting rid of mechanical equipment on the roof that will improve the roofscape.

Mr. Skinner asked about modifying the design to maintain 50'. Mr. Smith stated that modifying the structural elements would not be feasible.

Mr. Skinner added that he would like to see alternate designs considered, that the VCC does not take have to take into account the economics of the project, and then moved to **defer** taking action on the application.

Mr. Musso asked if 51' would be acceptable. Mr. Taylor asked what would be the minimum height that the architect could make work. Mr. Smith replied that 53' would be feasible. Mr. Taylor asked what the ceiling heights in the penthouse units would be in that situation. Mr. Smith replied that the ceilings would be 10'. In response to the Chairman's suggestion, Mr. Skinner revised his motion to include allowing the applicant to return to the Architectural Committee to reconsider alternative designs up to the existing 51' height.

Mr. Hesdorffer interjected that in addition to the VCC's approval, the application must also go to the Board of Zoning Adjustments to seeking approvals for both added density and increased building height.

Mr. Blanda seconded Mr. Skinner's motion to defer the application.

Mr. Smith stated the proposed density is based on article 8.10.8 in the CZO and their requested density can be granted but with the approval of both the BZA and the VCC.

The motion failed with Messrs. Blanda and Skinner and Ms. Stokes voting in favor; Mr. Henriquez and Mr. Taylor against.

Mr. Taylor then moved to grant **conceptual approval**, including a recommendation for the BZA to approval 54' as the overall height and an increase in density to 19 units. Mr. Henriquez asked the applicant what height would work for the project. Mr. Smith's response was for 53'. Mr. Taylor then amended his motion to recommend a height of 53'. The motion was seconded by Mr. Henriquez.

The Chairman then called for the vote. The motion failed with Messrs. Taylor and Henriquez voting in favor and Messrs. Blanda and Skinner and Ms. Stokes voting against.

Mr. Webber, the owner of the property, stated that the discussion is centered on a difference of 2', a requested change that is very minor, and that the current roof is ugly with mechanical

equipment, and that all will be improved.

Mr. Musso clarified that the 50' limit is established by the CZO and that this is the VCC's role to comment on entirety of the design, including the any needed variance in height.

Mr. Blanda then moved to **defer** the application and recommending that the applicant return with a revised proposal. Ms. Stokes seconded the motion which also failed with Messrs. Blanda and Skinner and Ms. Stokes in favor, and Messrs. Henriquez and Taylor against.

Mr. Blanda moved to **deny** the application. Mr. Skinner seconded the motion, which passed unanimously. Mr. Hesdorffer noted for the record the provisions for filing an appeal with the Clerk of City Council.

## VII. NEW BUSINESS

730 Esplanade Ave: Carimi Construction & Development LLC, applicant; 730 Esplanade LLC, owner; Proposal to install in-ground swimming pool in front courtyard, per application & drawing received 05/13/15 & 06/30/15, respectively.

Mr. Albrecht gave the staff report with Messrs. Choate and Torres present on behalf of the application.

Mr. Musso summarized a letter that had been submitted by neighboring property owners, Anastasia and Will Lyman. Mr. Skinner asked about the details of the pool. Mr. Choate then summarized further detail of the pool proposal, adding that the proposal would ultimately be reversible.

Mr. Musso stated that the Architectural Committee was satisfied with the proposal.

Ms. Stokes moved to **approve** of the application. Mr. Skinner seconded the motion, which passed unanimously.

1040 N Rampart St: Brian Anderson, applicant; 1040 N Rampart LLC, owner; Proposal to renovate property, including removal of exterior stair, in conjunction with **change of use** from *commercial* to *residential*, per application & drawings received 05/21/15 & 07/09/15, respectively.

[NOTE: The revised agenda dated 08/04/15 mistakenly includes "[and the] creation of new openings at rear of main building," in the description of application. In fact, no new openings are proposed for the rear of the main building at this time.]

Ms. Vogt gave the staff report with Messrs. Anderson and Hance representing the application. Mr. Hesdorffer brought attention to a revision in the agenda, which had erroneously stated "[and the] creation of new openings at rear of main building," and that the applicant was no longer including new openings in the proposal. He also stated that, during further review, staff had discovered that the proposed demolition of the annex entryway was actually across the property line on the 1036 N. Rampart property. As such, it can no longer be considered part of this application.

Mr. Musso requested comments from the Commission. Mr. Hesdorffer clarified that, while the exterior changes were relatively minor, the project was being reviewed by the Commission due to the proposed **change of use**.

Mr. Taylor moved to **approve** the proposal consistent with staff analysis and recommendation of August 5, 2015. Mr. Blanda seconded the motion which passed unanimously.

## VIII. APPEALS AND VIOLATIONS

910 Royal St: Lacey Wotring, applicant; Princess of Monaco, LLC, Royal Alice Properties, LLC, Johnson N II Barrett, Katherine K Fugate, owners; Appeal of Architectural Committee denial of proposal to install new elevator at rear service wing, per application & drawings received 02/03/15, 04/07/15, & 06/29/15, respectively.

Ms. Vogt gave the staff report with Mr. Williams representing the application. Mr. Williams stated that, while they had attempted to be as unobtrusive as possible, the lack of an elevator made access difficult for the owners and their elderly family members. Mr. Williams conveyed that the owners were willing to have the elevator installed on a temporary basis and would remove it upon sale of the property; otherwise, the owners have indicated their only alternative would be to file an appeal with the City Council.

Mr. Musso stated that allowing for removal after sale would be impossible in this situation, that the Commission could possibly approve it for a limited period, but he also considered that problematic for both the Commission as well as the owners. Mr. Skinner agreed, stating that the installation of a modern elevator on the exterior of a blue-rated building is a significant modification and should not be done even temporarily. Mr. Skinner moved to **defer**, giving the condo association an opportunity to consider an interior solution. Mr. Williams said that interior locations had already been studied and had been rejected by the owners due to their concerns for retaining all of the interior aesthetic characteristics. Mr. Skinner again suggested that the owners further explore a suitable interior location. Mr. Musso stated that the Architectural Committee had given the same recommendation numerous times and that the applicant has been adamant that an interior installation is not an option. Instead, they provided several iterations for an exterior installation. Mr. Musso repeated that he found any temporary exterior installation inappropriate for a building of this significance. Mr. Skinner's motion died for lack of a second.

Ms. Stokes then moved, Mr. Skinner seconded, to **deny** the application. The motion passed unanimously. Mr. Hesdorffer informed the applicant of his right to file an appeal with the City Council within 30 days of written notice of the Commission denial.

214 Decatur St: Kirk Fabacher, applicant; 214 Decatur Street Development, LLC, owner; Appeal of Architectural Committee denial to construct new rooftop penthouse, per application & drawings received 04/14/15 & 05/19/15, respectively.

[Mr. Taylor left the meeting during the staff presentation of the property report.]

Mr. Albrecht gave the staff report with Mr. Fabacher representing the application.

Mr. Williams, representing the owners of the neighboring property owners of 210 Decatur, stated that the owners of 214 Decatur had approached his clients and offered to set back the proposed penthouse 4' from the 210 Decatur property line wall. Mr. Williams continued that the 214 Decatur property had already received a variance to go from 11 units to 16 units.

Mr. Fabacher stated that the owners would like the same amenities as the neighbors and have agreed to set back the proposed penthouse 4' from the 210 Decatur property line.

Following the Chairman's summary of the issues inherent in the proposal, Mr. Henriquez moved to **deny** the application as submitted, based on the Architectural Committee's recommendation. Mr. Blanda seconded the motion, which passed unanimously. Again, the Director noted that the applicant has the right to file an appeal with the City Council within 30 days of written notice of the Commission denial.

631 Burgundy St: Dean Riordan, Affordable Roofing, Siding & Gutters, applicant; John W Stubbs, et al, owners; Proposal to remove existing slate roof and install new underlayment and natural slate shingles; for work begun without benefit of VCC review or approval, per application received 07/28/15. **[STOP WORK ORDER placed 07/31/15]**

Ms. Bourgogne gave the staff report with a representative of Affordable Roofing present to represent the application.

Mr. Musso explained the problem that occurred with the City's permit management software and that in fact the applicant had submitted an application but it had not yet reached the VCC office. He went on to say that lifting the Stop Work Order was the right thing to do and that the Commission should not hesitate to do so.

The Affordable Roofing representative explained that he was called out of town and his men started working unbeknownst to him. He apologized and repeatedly stated that there had also been a breakdown in communication on his end.

Mr. Blanda commended the applicant for returning a natural slate roof to the building and then moved that the VCC lift the Stop Work Order allowing the work to proceed. Mr. Henriquez seconded the motion which passed unanimously.

## **IX. OTHER BUSINESS**

515 Bienville St: Roland & Laura Hummel, owners; Request to lift STOP WORK ORDER from prior owner's violations in order to make repairs, per memo received 07/07/15.

Ms. Bourgogne gave the staff report with Ms. Laura Hummel representing the property ownership.

Mr. Hesdorffer explained to the Commission why the Hummels were requesting to have the Stop Work Order lifted and that there was no application to be considered at the present time. He added that the Hummels had purchased the property earlier in 2015 and were preparing in case there was future work to be done. The Stop Work Order had been put in place in 2012 for unauthorized roof work by the previous owner.

Mr. Musso suggested that the owners should apply within a thirty-day period if there is work to be done. He suggested that they attempt to correct the inappropriate smaller things the previously owner had done to the property.

Mr. Skinner moved that the Commission remove the Stop Work Order as long as they made an application within thirty days. Mr. Blanda seconded the motion and it passed unanimously.

**X. RATIFICATION** of Architectural Committee and Staff actions since the VCC meeting of Wednesday, July 01, 2015.

Ms. Stokes moved to ratify the actions of the Architectural Committee and Staff since July 01, 2015. Mr. Blanda seconded the motion, which passed unanimously.

With no other business to discuss, Ms. Stokes moved to adjourn the meeting. Mr. Skinner seconded the motion, which passed unanimously. The meeting was adjourned at approximately 3:30 PM.

APPROVED: \_\_\_\_\_  
Leslie Stokes, Secretary

NOTE: These minutes are a summary of actions taken and are not a verbatim transcription of the meeting.