

VIEUX CARRE COMMISSION

Mitchell J. Landrieu
MAYOR

CITY OF NEW ORLEANS

Bryan Block
INTERIM DIRECTOR

Minutes of the Vieux Carré Commission meeting of Wednesday, May 04, 2016 - 1:30 P.M.

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Renée Bourgogne, Architectural Historian; Nicholas G. Albrecht, Building Plans Examiner; Erin Vogt, Building Plans Examiner; Erika Gates, Inspector; Jennie Garcia, Intern; Melissa Quigley, Assistant City Attorney

STAFF ABSENT: Bryan D. Block, Interim Director

OTHERS PRESENT: John Williams, Michelle Cumberland, Carol Gniady, Dorothy Binge, Robert Busby, Rebecca Lee, Rebekah Williams, Paul Bradley, Henry Hanisee, Mark Thomas, Debra Harkins, Hank Smith, Michael Tabb, Meg Lousteau, William Sonner

I. ROLL CALL

Chairman Musso called the meeting to order at approximately 1:32 PM. Ms. Bourgogne called the roll and all eight (8) of the seated Commissioners were present.

II. REVIEW OF MINUTES

Mr. Taylor moved, Ms. Denechaud seconded, that the minutes of the Vieux Carré Commission meeting of April 6, 2016 be approved as previously circulated. The motion passed unanimously.

III. CHAIRMAN'S REPORT

Mr. Musso began the Chairman's report noting that there had been at least four (4) recent requests for rooftop additions and that there is no comprehensive policy. He continued that the issues of increases in density, parking, acoustics, visual privacy, and height limits should all be examined with notes to be submitted to City Council and City Planning.

Mr. Musso continued his report requesting that the Assistant City Attorney, Ms. Quigley, provide the specific definition for a grandfathered violation. Ms. Quigley explained that the prescriptive period is ten (10) years in historic districts but in the VCC the prescriptive period is ten (10) years of when the City receives notice of a violation. Once the City knows about a violation, they have ten (10) years to prosecute.

IV. DIRECTOR'S REPORT

Ms. Bourgogne gave the Director's report in the absence of Mr. Block. Ms. Bourgogne noted that the Master Plan was open for amendment and that staff was working to better incorporate the VCC into the Master Plan.

Ms. Bourgoigne continued that the award ceremony was scheduled for May 18th and that the ceremony was open to the public.

Finally, Ms. Bourgoigne stated that staff was currently working on a survey to identify common building types and more specifically building details.

V. OLD BUSINESS

336-340 Decatur St/400 Conti St/341 N. Peters St: Mark Thomas, applicant; Joseph C Paciera, owner; Appeal of AC deferral of proposal to demolish existing yellow-rated structure and construct new three story building with rooftop terrace, per application and materials received 07/04/15 & 04/19/16, respectively.

Mr. Albrecht gave the staff presentation with Messrs. Hanisee and Thomas and Ms. Harkins present on behalf of the application.

Mr. Musso noted that to date nothing has been received by the BZA and the Architectural Committee has not rendered a positive or negative ruling on the current design in terms of conceptual approval.

Ms. Denechaud inquired if the applicants were seeking conceptual approval at this time. Mr. Musso responded that the applicants are seeking permission to demolish the existing building and approval to go from vacant to a new use.

Ms. Harkins stated that they were seeking conceptual approval contingent on the BZA waivers. Mr. Musso replied that this group does not give conceptual approval but they can make recommendations to BZA and the change of use.

Mr. Skinner asked how the design is different from the proposed design previously reviewed at the 04/06/16 meeting, noting that the only change he saw was slightly more enclosure at the rooftop level and that he specifically had a problem with the rooftop terrace.

Mr. Hanisee explained that more substantial “bookends” have been added to either side of the rooftop terrace and shutters have been added to tie this area in with the rest of the proposed building. Mr. Skinner responded that it is essentially still an open rooftop terrace with outdoor seating and asked if there was an intent to have live music on the terrace. Mr. Hanisee stated that under the current code, because live music would be a secondary use, they would be limited to having live music only ten times per year.

Mr. Blanda noted that the shutters appear more like sliding doors. Mr. Hanisee concurred that the shutters function in that manner. Mr. Blanda noted that this was an atypical shutter design and one that does not exist on other buildings.

Ms. Stokes inquired about the square footage of the open rooftop area. Mr. Hanisee stated that he was not sure of the exact number but it was less than 1,000 sq. ft.

Ms. Gnaidy, from the audience, spoke on behalf of French Quarter Citizens and noted that the rooftop element has grown and has not been vetted in how it will affect the neighboring area. Ms. Gnaidy questioned if the proposed design fits in this location, noting the large glass ground floor windows look like something that might be found in a mall. Ms. Gnaidy continued that she did not believe the buildings design fits in with the historic character of the French Quarter.

Ms. Lousteau, from the audience, spoke on behalf of VCPORA and noted her concern for the use of the rooftop terrace. Ms. Lousteau stated that the best long term interests of the French

Quarter need to be looked at rather than the immediate needs of a n owner.

Mr. Hanisee noted that the first floor design has evolved to reach its current form. Mr. Hanisee noted that in regards to the sound issue, the restaurant would be closing at 9PM Sunday through Thursday and 10 PM Saturday and Sunday. Mr. Hanisee continued that the current daytime noise in that area is already quite substantial.

Ms. Harkins noted that the application has been under review and moving through the process since last July and the architects have accepted the recommendations of staff and the Architectural Committee. Ms. Harkins stated that she believes the major architectural concerns have been addressed and the application should be able to move forward contingent on BZA grant of a waiver for open space. Ms. Harkins stated that they have been in touch with and working with the BZA through their process and the best case scenario the BZA will grant approval on June 13th. Ms. Harkins requested that the Commission vote today for conceptual approval contingent on the BZA waiver in order to move the project forward.

Mr. Musso responded that the Commission cannot respond to financial urgencies in any way, shape, or form and that the Commission is looking at the long term life of the area. Mr. Musso noted that the BZA component should have been addressed at an earlier date. Mr. Musso continued that this is a new building and it has the right not to fit the exact mold of tradition and it is a product of its time rather than historic heritage.

Mr. Blanda stated he was concerned about the recent proliferation of rooftop additions in the French Quarter, noting that they did not exist historically. Mr. Blanda continued that given the prominent location of the proposed building, the rooftop addition would be highly visible. Mr. Hanisee stated that because of large oak trees, there is limited views into this area. Mr. Hanisee inquired if there were any design issues other than the rooftop terrace. Mr. Musso responded that those issues would be addressed by the Architectural Committee rather than the Commission. Mr. Blanda stated that he was not concerned about the height but rather the open nature of the rooftop, appearing as a cap on top of a three-story building. Mr. Blanda stated that he would not have any problem with an enclosed fourth story.

Mr. Skinner stated that it is a very prominent location and the terrace would be visible above oak trees and he concurred that an enclosed fourth floor would be viewed favorably.

Mr. Skinner moved to defer the application back to the Architectural Committee. Mr. Blanda seconded the motion, which passed unanimously.

VI. NEW BUSINESS

600 Decatur St: Kay Champagne, applicant; Jackson Brewery Millhouse LLC, owner; Proposal to modify ground floor millwork including the installation of a new service window in conjunction with a **change of use** from *retail* to *restaurant*, per application & materials received 11/10/15 & 04/06/16, respectively.

Mr. Albrecht gave the staff presentation with Mr. Williams present on behalf of the application.

With no discussion necessary, Mr. Taylor moved for **approval** of the application, consistent with the staff recommendation. Ms. Denechaud seconded the motion, which passed unanimously.

411 Bourbon St: John C. Williams, applicant; Cajun 411 LLC, owner; Proposal to renovate structures and construct second floor addition, in conjunction with a proposed **change of use** from *night club/retail* to *restaurant*, per application & materials received 01/11/16 & 04/01/16, respectively.

Mr. Albrecht gave the staff presentation with Mr. Williams present on behalf of the application. Mr. Musso inquired if the applicant could keep the addition to 12'. Mr. Williams stated that he couldn't answer that question. Mr. Henriquez inquired why the addition needed to be higher than 12'. Mr. Williams answered that they would like to have an 11' ceiling height in the dining room.

Mr. Blanda asked if there was a firm tenant lined up for the proposed new restaurant. Mr. Williams introduced Mr. Bradley who represents the restaurant. Mr. Skinner inquired if the front of the building was changing and if the addition would be visible from the street. Mr. Musso responded that the front was not really changing.

Mr. Williams gave a brief presentation that he had provided. Mr. Blanda stated that he was more comfortable with the addition because it cannot be seen. Mr. Musso expressed concern over the increased density of this area of Bourbon St.

Mr. Fifield inquired if the proposed project would require a waiver from the BZA. Mr. Williams responded that it would not require a waiver.

Mr. Fifield moved to **approve** the rooftop addition and other necessary changes in order to accommodate a change of use to restaurant. Mr. Blanda seconded the motion, which passed unanimously.

204 Decatur St/205 Clinton St: Harry Baker Smith Architects, applicant; Decatur Live LLC, owner; Proposal to renovate structure and install balconies, in conjunction with a proposed **change of use** from *vacant* to *restaurant/residential*, per application & materials received 02/15/16 & 04/05/16.

Ms. Vogt gave the staff presentation with Mr. Smith present on behalf of the application.

Ms. Dorothy Bengé addressed the Commission, stating that all the buildings on that block had been used as warehouses, and a balcony would be out of context on that part of the street.

Mr. Musso stated that the Architectural Committee had encouraged the possibility of a "push-in" balcony, but that there was existing evidence of a deep awning. Mr. Taylor noted that the Committee's recommendation of conceptual approval did not include the Decatur façade. Mr. Musso added that conceptual approval would still allow for changes to the design.

Mr. Blanda moved to grant **conceptual approval** for the **change of use** and to return to the Architectural Committee to finalize the design of the Decatur St elevation. Mr. Skinner seconded, and the motion passed with affirmative votes from Ms. Stokes, Mr. Blanda, Ms. Denechaud, Mr. Musso, Mr. Taylor, Mr. Skinner and Mr. Henriquez. Mr. Fifield voted against the motion.

301 Royal St: Michael Tabb, applicant; Bunthorne LLC, owner; Proposal to install new rooftop mechanical equipment in conjunction with a **change of use** from *retail* to *restaurant*, per application & materials received 03/11/16 & 04/11/16, respectively. Also, staff requested consideration of proposed re-rating of service building.

Mr. Albrecht gave the staff presentation with Mr. Tabb present on behalf of the application. Mr. Musso noted that the Architectural Committee could address the staff proposed re-rating of the rear building.

Mr. Taylor moved for **approval** of the application consistent with the staff recommendation. Ms. Denechaud seconded the motion, which passed unanimously.

1117 Decatur St: William Sonner, applicant; 1117 Decatur LLC, Decatur Street Properties LLC, owner; Proposal to retain unpermitted walk-in cooler in rear courtyard and install new mechanical screening, per application & materials received 03/16/16.

Ms. Vogt gave the staff presentation with Mr. Sonner present on behalf of the application. Mr. Musso explained to the Commission that the courtyard, for all purposes, was not used by the public and was now only utilitarian in its use. Mr. Taylor made a motion for approval consistent with the staff analysis and presentation. Mr. Blanda seconded the motion and the motion passed unanimously.

815 Dumaine St: Arlene Karcher, applicant; Arlene W Karcher, owner; Proposal to remove failing brick shed building, brick wall, and CMU wall in courtyard and replace with seven board fence, per application & materials submitted 03/25/16. **[NOTE: this meeting marks the beginning of the 30-day layover period.]**

Ms. Vogt gave the staff presentation with Mr. Busby and Ms. Lee present on behalf of the application. Mr. Musso stated that the Committee recommended waiving the 30-day layover period.

With no further discussion necessary, Ms. Denechaud moved for **approval** of the application consistent with the staff recommendation. Mr. Blanda seconded the motion, which passed unanimously.

VII. APPEALS AND VIOLATIONS

221-225 Bourbon St.: Sarah Nickelotte, applicant; Mildred P Randon, owner; Appeal of Architectural Committee denial to retain approximately forty-six (46) signs installed in ground floor door lites without benefit of VCC review or approval. **[Notice of Violation sent 10/11/13]**

Mr. Albrecht gave the staff presentation with Ms. Cumberland present on behalf of the application. Mr. Musso noted that changing the film constitutes a new sign and that the number of signs is not approvable.

Ms. Denechaud moved to deny the application, consistent with the staff recommendation. Mr. Skinner seconded the motion.

Ms. Cumberland noted that the window displays had been in place for 20+ years. Ms. Cumberland continued that she disagrees that they are signs and believes that they have obtained legal nonconforming status.

Ms. Gniady, in the audience, encouraged the Commission to accept the staff recommendation and questioned if the same signs have been in place for 20 years.

Ms. Lousteau, in the audience, inquired if the applicant was claiming that the same signs had been in place for 20 years. Mr. Musso responded that that was not what the applicant was claiming, but rather maintenance and replacing of signs. Ms. Lousteau continued that changing the signs would constitute new signs and noted that the displays were clearly signs.

Mr. Musso noted that there was a motion on the floor to deny the retention of the signs and called the vote. The motion passed unanimously.

806 Conti St: Rebekah Williams, applicant; Johnny Provenza, owner; Proposal to stucco over existing brick on the ground floor of the Conti elevation, per application & materials received 03/04/16. **[STOP WORK ORDER posted 04/29/16]**

Mr. Albrecht gave the staff presentation with Ms. Williams present on behalf of the application. Mr. Blanda inquired if there was any reason the work commenced prior to the Architectural Committee review. Ms. Williams stated that there was miscommunication between herself and the contractor.

Mr. Fifield moved to **approve** the application consistent with the staff recommendation. Mr. Musso requested that staff be present during the initial removal and application of the stucco. Mr. Skinner seconded the motion, which passed unanimously.

VIII. OTHER BUSINESS

Discussion of VCC Stop Work Order protocol: Consideration of allowing VCC staff to lift SWO in certain cases of staff approvable work.

Mr. Musso noted that three or four minor violations at a single time on a single property should be equivalent to a major violation. Ms. Denechaud stated that she would prefer to postpone a vote and requested protocol regarding other issues.

Mr. Musso noted that the Commission could have staff bring examples to the Commission.

Discussion of placement of mechanical equipment in courtyards: Placement of walk-in coolers, ice machines, generators, etc. in courtyard spaces and light wells.

The discussion regarding mechanical equipment was rescheduled for the next meeting of the Commission.

Discussion of rooftop modifications: Discussion of rooftop additions to accommodate pools, bars, and living space in general.

The discussion regarding rooftop modifications was rescheduled for the next meeting of the Commission.

IX. RATIFICATION of Architectural Committee and Staff actions sine the Wednesday, April 06, 2016 VCC meeting.

Mr. Skinner moved, Mr. Fifield seconded, to ratify the actions taken by the Architectural Committee and Staff since the Vieux Carré Commission meeting of April 6, 2016. The motion passed unanimously.

With no further business to be considered, Mr. Fifield moved for adjournment. The motion, seconded by Mr. Blanda, passed unanimously. The meeting was adjourned at approximately 3:08 PM.