

VIEUX CARRE COMMISSION

Mitchell J. Landrieu
MAYOR

CITY OF NEW ORLEANS

Bryan Block
INTERIM DIRECTOR

Minutes of the **Vieux Carré Commission** meeting of **Wednesday, June 01, 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

COMMISSIONERS ABSENT: Patricia C. Denechaud
Jorge A. Henriquez

STAFF PRESENT: Bryan D. Block, Interim Director; Renée Bourgogne, Architectural Historian; Nicholas G. Albrecht, Building Plans Examiner; Erin Vogt, Building Plans Examiner; Erika Gates, Inspector; Melissa Quigley, Assistant City Attorney

STAFF ABSENT:

OTHERS PRESENT: Henry Hanisee, Hank Smith, Meg Lousteau, Mamie Gasperecz, Robbie Cangelosi, Natan Diacon-Furtado, Lance Bonadona, Patricia Meadowcroft,

I. ROLL CALL

Chairman Musso called the meeting to order at approximately 1:34 PM. Mr. Block called the roll, noting the presence of a quorum with six (6) of the eight (8) seated Commissioners present.

II. REVIEW OF MINUTES

Mr. Taylor moved, Mr. Blanda seconded, that the minutes of the Vieux Carré Commission meeting of May 4, 2016 be approved as previously circulated. The motion passed unanimously.

III. CHAIRMAN'S REPORT

Mr. Musso began the Chairman's report noting that the Commission would be looking at amendments to the guidelines in Other Business, noting that some of the topics should be considered multi-jurisdictional.

Mr. Musso continued that the Vieux Carré Commission Foundation successfully held their awards ceremony and noted that he would like to see this become an annual event.

IV. DIRECTOR'S REPORT

Mr. Block gave the Director's Report below:

- The Staff is currently working to update files regarding properties within the District with façade easements. There are between 7 and 43 buildings within the Vieux Carré whose façade have been donated to the VCC in perpetuity. There is some discrepancy as to which building's easements have been rescinded. The purpose of this program is to protect the façades of historically important buildings for the public while allowing the owner a tax advantage. As these are buildings within an area already protected by law, a greater standard can and should be applied to such structures. That greater standard should require restoration to prevent deterioration and to restore the building architecturally, if necessary, to a standard acceptable to the Vieux Carré Commission.

The Staff is currently working to better understand the current status of each building listed.

- We are working to fill a vacant Building Inspector position. This will provide us more presence within the District on a daily basis ensuring better enforcement of violations and compliance with Guideline standards.
- FEMA has finalized the City's new Flood Insurance Rate Maps which were recently adopted by the New Orleans City Council. The ordinance now goes to the Mayor for signature.

The new maps take effect **June 1, 2016** for permitting and development purposes. We have been assured by Safety and Permits that any project currently under review that has applied for permitting will be reviewed under the previous elevation requirements. All new construction and substantial improvements applied for after today will be required to build to either **3' above the highest adjacent curb** or at **1' above the Base Flood Elevation shown on the maps**. This standard is similar to the BFE regulations that have been in place for the last 10 years, but now require the additional foot above the map.

Previously, the standard in local historic districts only required the elevation shown by the map or 18" above the curb. That exemption has been removed for new constructions, and only **contributing** elements of historic districts will be exempt under the City Code. This new directive will have a significant impact on new construction proposals within the District. However, appeal requests will be heard by the Board of Building Standards and Appeals on a case by case basis.

Following the report, Mr. Musso inquired if a copy of the new map was available online. Mr. Block responded that it was and a link would be added to the VCC website.

V. NEW BUSINESS

618 N Rampart St: Harry Baker Smith Architects, applicant; 616 N Rampart LLC, owner; Proposal to renovate building in conjunction with a **change of use** from *vacant* to *residential*, per application & materials received 12/14/15 & 05/18/16, respectively.

Ms. Vogt gave the staff report with Mr. Smith present on behalf of the application. Mr. Musso inquired if the Commission had any questions, or if Mr. Smith had any comments for the Commission. With no further discussion necessary, Mr. Taylor moved to **conceptually approve** the proposed renovation and change of use, consistent with staff recommendation. Mr. Skinner seconded the motion, which passed unanimously.

820 Saint Louis St: Robert Cangelosi, Jr., applicant; Womens Exchange Christian, owner; Proposal to install new HVAC equipment and new generator, per application & materials submitted 04/19/16.

Mr. Albrecht gave the staff report with Ms. Gasperecz present on behalf of the application. Mr. Musso noted that this work would allow for the removal of the window units and that the proposed equipment was located in a relatively obscured location.

Mr. Block noted that he had asked the applicant to speak to the need of this equipment. Ms. Gasperecz stated that planning for this project began in 2012 and that this is a minimally invasive plan.

Mr. Blanda moved to **approve** the proposal as submitted. Ms. Stokes seconded the motion,

which passed unanimously.

VI. APPEALS AND VIOLATIONS

544 Esplanade Ave: Natan Diacon-Furtado, applicant; Sean B Cummings, owner; Proposal to lift STOP WORK ORDER, modify fenestration of courtyard elevation of rear service wing, modify courtyard including new lap pool, and to retain work performed without benefit if permits, including the installation of new carriageway gate, per application & materials received 03/17/16 & 05/16/16, respectively. [**STOP WORK ORDER** placed **12/06/12**; **Notices of Violation** sent **12/06/12, 04/16/14, 08/19/14, and 01/22/15**]

[Mr. Fifield recused himself from consideration of 544 Esplanade]

Mr. Albrecht gave the staff presentation with Mr. Diacon-Furtado present on behalf of the application. Mr. Musso noted that the wall of the service-ell has signs of at least four modifications and that the patchwork of openings makes it difficult to determine the order the modifications were made. Mr. Musso continued that the applicant was attempting to rectify the openings. Mr. Musso noted that the use of the metal doors was in questions but given the narrowness of the openings he was an advocate for the use of metal doors to indicate that the work was new.

Mr. Blanda inquired what the use of the building was and if it was a commercial building. Mr. Diacon-Furtado noted that the building was completely residential.

Mr. Taylor moved for **approval** of the application. Mr. Skinner seconded the motion, which passed with five (5) affirmative votes. [**Mr. Fifield recused**]

VII. 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 the Commission was considering allowing staff to lift SWOs. Mr. Block presented several examples of SWOs that could have been lifted by Staff under the proposed new policy. Mr. Musso noted that staff could still bring applications to the Architectural Committee at their discretion. Mr. Musso noted that the revised policy makes it easier to post a SWO but allow staff to issue permits in cases where building may otherwise be left exposed to the weather.

Mr. Taylor moved to accept the revised VCC SWO protocol, allowing staff to lift SWO for work that is generally staff approvable. Ms. Stokes seconded the motion. Mr. Musso requested that the circulated list of examples be published. Mr. Taylor noted that the list and revised policy could be added to the Guidelines. The vote was called and the motion passed unanimously.

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

Mr. Musso noted that the VCC has been seeing an increase in mechanical equipment located in courtyards. Mr. Block noted that small light wells and courtyards are becoming increasingly filled with mechanical equipment and questioned if some applications for this type of installation should become staff approvable.

Mr. Musso questioned if there would be a specific set of criteria for types and natures of courtyard that could be reviewed at the staff level. Mr. Block stated that it would be a case by case basis and noted that generally it would be at very small open spaces within buildings. Mr.

Taylor questioned if some criteria could be put in writing. Mr. Block responded that a study could be done and examples provided.

Mr. Musso noted that in regards to mechanical equipment there is generally a choice of locating at grade or raising them onto a rooftop, etc. Mr. Block commented that there are several situations where there is a tradeoff between visibility in an interior courtyard and visibility to the neighbors. Mr. Musso noted that mini-split units can quickly multiply. Mr. Blanda stated that he favors locating mechanical equipment in courtyards rather than on rooftops. Mr. Musso requested that the matter be studied and a write up distributed.

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

Mr. Block began the discussion noting that there have been several applications for either rooftop modifications to existing buildings or new construction buildings with rooftop elements. Mr. Block stated that they need to discuss where the Commission is comfortable with these types of modifications, noting that they have authority over the architecture, not the use. Mr. Block continued that there has been some conversation with City Planning and that they would try to work together to create guidelines for projects moving forward.

Mr. Musso noted that there had been approximately twelve (12) projects in the last nine (9) months with various rooftop proposals. Mr. Musso noted that there is some difference between buildings where the roof would be open to the general public and private residences. Mr. Musso noted that some factors to consider were privacy, vistas into and from the site, the architectural character, the density – adding a floor to the building, and possible sound generation.

Mr. Taylor noted that the Architectural Committee and Commission struggling with these issues can lead to long reviews. Mr. Block noted that there are elements in the Guidelines that lead to a lack of clarity. Mr. Musso noted that there are three categories – single family, multifamily, and commercial and suggested that more direct guidelines are needed for each category. Mr. Skinner stated that he was concerned over the use of materials on rooftop structure and suggested that more clarification regarding materials is needed in the Guidelines. Mr. Skinner cited the rooftop addition on Wilkinson Row as an example.

Mr. Fifield noted that there is a conflict between zoning height limitations for elevator penthouses and roof access stairs and VCC Guidelines that can result in roof decks essentially above the height limit. Mr. Musso commented that the CZO modified what's inclusive and exclusive of building heights and that new CZO revisions have helped some. Mr. Musso stated that a sub-committee with four members would be formed to draft expanded rooftop modification guidelines.

Ms. Lousteau, representing VCPORA, thanked the Commission and Staff for realizing the importance for use of the roof and that rooftop modifications have the potential to significantly affect neighboring properties.

Mr. Hanisee, in the audience, requested that the Commission consider flash flooding and soil subsidence and the possibility of returning rainwater down into the soil. Mr. Hanisee suggested using a roof terrace to help control rain water. Mr. Musso responded that the City has set up roadblocks to harvesting water and that Mr. Hanisee's suggestion has good intent but rainwater issues are even more multi-jurisdictional. Mr. Musso noted that such a system would not be permissible at this time.

Discussion of VCC Prescriptive Period: Explanation of how work or violations become prescribed or "grandfathered" in the Vieux Carré Historic District.

Ms. Quigley noted that the prescriptive period had been discussed at the May 4th Commission meeting although she was willing to answer any questions. Ms. Quigley noted a recent example of a case that the owners had argued had been prescribed because the VCC failed to bring it to an adjudication period in over ten years. Ms. Quigley explained that this is not the case because

once notice has been sent and the violation is being reviewed at either the Architectural Committee and/or Commission level that the prescriptive period is not accumulating time.

VIII. RATIFICATION of Architectural Committee and Staff actions since the Wednesday, May 04, 2016 VCC meeting.

Mr. Taylor moved to ratify the action of the Architectural Committee and Staff since the May 04, 2016 meeting. Mr. Blanda seconded the motion, which passed unanimously.

With no additional business to discuss Mr. Taylor moved to adjourn the meeting. The motion, seconded by Mr. Blanda, passed unanimously. The meeting was adjourned at approximately 2:26 PM.