

VIEUX CARRÉ COMMISSION  
CITY OF NEW ORLEANS

AGENDA

WEDNESDAY, April 1, 2020 (rescheduled March 2020 meeting)  
1:00 PM via WebEx conference call due to COVID-19 outbreak

Minutes of the Vieux Carré Commission meeting of Wednesday, April 1, 2020 – 1:00 pm.

**COMMISSIONERS PRESENT:** Mamie Gasperecz, Chairperson  
Priscilla Lawrence, Secretary  
Rick Fifield  
Angela King  
Toni DiMaggio  
Steven Bergeron  
Keely Thibodeaux (present until recess for public comment)

**COMMISSIONERS ABSENT:** Bill Keck  
Keely Thibodeaux (did not return following recess)  
Rodney Villarreal

**STAFF PRESENT:** Bryan Block, Director; Renée Bourgogne, Senior Architectural Historian;  
Nicholas Albrecht, Senior Building Plans Examiner; Erin Vogt, Senior Building  
Plans Examiner Anthony Whitfield, Inspector; Melissa Quigley, VCC Legal  
Representation

**STAFF ABSENT:** Marguerite Roberts, Inspector

**OTHERS PRESENT:** Nikki Szalwinski, Brook Tesler, John Williams, Ross Karsen, Juan Lara, Calla  
Bardwell, Erin Holmes, Rebecca Hurst, Mike Sherman

---

**ROLL CALL** Mr. Block called roll. With 6 members present and only five needed for a quorum, Ms. Gasperecz called the meeting to order at approximately 1pm.

**REVIEW OF MINUTES** Due to the recent cyber attack and the newly imposed remote working conditions related to COVID-19, minutes for the past staff actions and hearings were not sent out in a timely fashion. Mr. Block asked that the matter be deferred to the next meeting and the Commission agreed to these terms.

**CHAIRPERSON'S REPORT** Ms. Gasperecz thanked all the Commissioners for attending the meeting and commended staff on still conducting such excellent work under the current crisis conditions, particularly following the cyberattack. She then turned the floor over to Mr. Block for an explanation of how staff was working remotely and how today's virtual meeting would be handled and what the protocol would be for public opinion.

**DIRECTOR'S REPORT** Mr. Block stated that all staff members were working remotely but that currently there is always one member in the office, with staff working half days and rotating shifts at City Hall. He explained that this was likely to change once complete remote access was granted. He went on to say that staff was still going into the district daily to observe any work that was ongoing and address community concerns, but to also check for unpermitted work. Mr. Block reported that the OneStop App was up and running online, so applicants could apply for VCC permits remotely and staff would review and email them their final permit. He further stated that any item requiring Architectural Committee review would be evaluated and only those needing urgent review for structural or demolition by neglect issues would be forwarded to the Committee under the current remote conditions.

**As for the meeting today, Mr. Block explained that each plans examiner would read their respective reports and the commissioners could ask questions at that time but would not make motions or vote until after the recess and public comment portion of the meeting. Once the reports were read, staff would ask the public to send an email during the 30-minute recess. After the recess public comment would be read aloud by staff and motions would be heard.**

## OLD BUSINESS

**626 Bourbon St: 17-06727-VCGEN;** C Williams John, applicant; Grace T Granger LLC, owner; Proposal to remove existing balcony and construct new gallery, per application & materials received 02/24/17 & 03/02/2020.

Ms. Vogt read the staff report with Messrs. Williams and Lara present on behalf of the application. Ms. Gasperecz asked the commissioners if they had any questions for staff or the applicant, which they did not. Mr. Williams agreed to revise the drawings for Option 2 and thanked the staff and Commissioners for having the meeting remotely so the project could move forward.

## APPEALS & VIOLATIONS

**729 Gov. Nicholls:** C Williams John, applicant; Thomas Reagan, owner; Review of rear building previously demolished without benefit of VCC review or approval, per materials received 03/03/2020.

Mr. Albrecht read the staff report with Mr. Williams present on behalf of the application. Mr. Williams stated that the applicant would like to keep the space as open space. Mr. Bergeron asked if the VCC had any recourse against the previous owners for the illegal demolition, perhaps fines? Mr. Block stated that he was unsure if the VCC had the power to initiate fines, but they could require the current owner to rebuild the structure and if they refused the matter could be appealed to City Council. Ms. Quigley stated the current owner could file a legal private right of action against the former owner. Mr. Block stated that there was no flag on the property to alert the new owner to the condition as VCC staff was also unaware due to the fact that structure, or lack thereof, was not visible from the street and staff was only alerted to demolition upon site inspection for the current building application. He went on to say that this was the only reason why staff supported the retention of the demolition.

## CHANGE OF USE

**211-19 Royal St: 20-20185-VCGEN:** Studiowta, applicant; Royal Condominium Developments LLC, owner; Proposal to install exterior walk-in cooler and modify mechanical penetrations at rear of building, in conjunction with a **change of use** on the second floor from *vacant* to *restaurant*, per application & materials received 2/27/2020.

Ms. Vogt read the staff report with Messrs. Karsen and Sherman, and Ms. Hurst, present on behalf of the application. Ms. Gasperecz asked the commissioners if they had any questions for the staff or applicant, which they did not.

With no remaining reports to be heard, Mr. Block called for a 30-minute recess for public comment.

---

## 30-MINUTE RECESS 1:20 PM

During the recess, public comments were submitted to VCC staff at [VCC@nola.gov](mailto:VCC@nola.gov). The comments were read to the Commissioners prior to the vote for each item. Prior to the hearing, staff requested that the length of public comment be limited to what could be read within two minutes. All of the emails received by staff were read by Mr. Block in their entirety.

## MEETING RECONVENED approximately 1:50 pm

Mr. Block called the roll 5 of the previous six commissioners were present. Present: Mamie Gasperecz, Priscilla Lawrence, Rick Fifield, Angela King, Toni DiMaggio, Steven Bergeron. Absent: Bill Keck, Keely Thibodeaux, and Rodney Villarreal.

Ms. Gasperecz called the meeting back to order. Public comment was then heard for each property and motions were rendered.

---

## OLD BUSINESS

**626 Bourbon St: 17-06727-VCGEN;** C Williams John, applicant; Grace T Granger LLC, owner; Proposal to remove existing balcony and construct new gallery, per application & materials received 02/24/17 & 03/02/2020.

## PUBLIC COMMENT:

**Nikki Szalwinski, French Quarter Citizens**

“There is remaining concern that adding an atypical two bay gallery only further changes and diminishes this building. This former one story Victorian has had a floor added, a porch in-filled and now wishes to add an atypical two bay gallery. “Forcing” a gallery by using steel supports has not been successful at other properties, for example on lowers Chartres Street where a gallery was added over a rollup garage door by the same architect. Given that this building was not originally designed to support this weight and that the building has a balcony already, further adding to this odd conglomeration seems unnecessary.

**RULING:**

With no further comments from the commissioners, Ms. Gasperecz asked for a motion. Ms. King moved for the **conceptual approval** of Option 2, consistent with Committee recommendation, with the applicant to resubmit drawings to staff as requested. Ms. Lawrence seconded the motion and the motion passed unanimously.

---

**APPEALS & VIOLATIONS**

**729 Gov. Nicholls:** C Williams John, applicant; Thomas Reagan, owner; Review of rear building previously demolished without benefit of VCC review or approval, per materials received 03/03/2020.

**PUBLIC COMMENT:**

**Nikki Szalwinski**

“Although this property has changed ownership since the unpermitted demolition occurred, the new owner also owns the property immediately adjacent and it seems unlikely that was unaware of this removal. Every unpermitted demolition further diminishes this historic district as well as makes way for new modern construction that effects the nature of the neighborhood as a whole. While this is not the current owner’s doing, he is familiar with the neighborhood as a long-time resident.”

**RULING:**

With no further comments from the commissioners, Ms. Gasperecz asked for a motion. Mr. Fifield moved for the **approval** of the retention of the illegal demolition as recommended by staff and the Architecture Committee. Ms. DiMaggio seconded the motion and the motion passed unanimously.

---

**CHANGE OF USE**

**211-19 Royal St: 20-20185-VCGEN:** Studiowta, applicant; Royal Condominium Developments LLC, owner; Proposal to install exterior walk-in cooler and modify mechanical penetrations at rear of building, in conjunction with a **change of use** on the second floor from *vacant* to *restaurant*, per application & materials received 2/27/2020.

**PUBLIC COMMENT:**

**Nikki Szalwinski**

“I am unclear if the penetrations being modified are small or window/door size, which makes evaluating this proposal difficult. I do think locating a walking out doors seems unnecessary and would prefer to see this put inside rather than the outdoor space visually and through increased noise.”

**Erin Holmes, VCPORA**

“The public is unable to view any plans that reflect the change from vacant to restaurant as they have not been uploaded into One Stop. The available plans used in the meeting materials only show the location of mechanical equipment and a cooler on the exterior portions of the building and do not include the interior build-out of the proposed restaurant. [NOTE: Mr. Block clarified that the interior plans had been added to the meeting materials that were emailed by staff the morning of 4/1/2020, so they were available for review by the public and Commissioners.]

“There is concern that this location has been used as an illegal event space and will continue to do so, rather than as a standard restaurant. The property is located in the VCC-2 where a reception facility is not permitted by right or via a conditional use. The property was cited for Illegal Use on March 11, 2020 for “holding special events and planning special events.”

<https://onestopapp.nola.gov/SummaryContent.aspx?type=Code%20Incident&id=260739>

Additionally, a permit was filed on March 12 for “Vincent Wedding Second Line Parade-211 Royal St. Special Event – Master” further indicating that the address is being used as a wedding reception facility.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=832718>

Please see the attached screenshot for an event planned prior to Mardi Gras promoting “Galatoire’s new **event venue**”

<http://www.cvent.com/events/mpi-new-orleans-nace-new-orleans-joint-event-it-s-carnival-time/event-summary-924f0917628747b7958ec2c43b5d92f9.aspx>

Per Article 2.10 of the CZO:

The Vieux Carré Commission does have jurisdiction over use (as an exterior change is contemplated) for the following 2 conditions:

1. The historic character of the Vieux Carré shall not be injuriously affected.
4. The value of the Vieux Carré as a place of unique interest and character shall not be impaired.

We argue that the introduction of a non-permitted use will injuriously affect the French Quarter and impair its value, therefore is within the purview of the VCC.

Has this proposed use been vetted by Safety and Permits? The Vieux Carre is at risk if businesses are allowed to open under a stated permitted use then shift their operations to suit their own uses. Will the Commission consider deferring this application until a determination has been made by the Department of Safety & Permits?"

**RULING:**

Ms. Gasperecz asked if there were any other comments or questions the Commissioners had regarding the change of use and the new cooler prior to the making of motions. Ms. Lawrence asked if staff knew whether or not Safety and Permits and Zoning had already approved the change of use. Mr. Block stated that they had, and that staff had forwarded all information to them prior to today's meeting. He further stated that both Zach Smith, Safety and Permits, and Ashley Becnel, Zoning, were comfortable with the change from vacant to standard restaurant based on the submitted plans and materials. Ms. Lawrence then asked when the public or the commissioners could challenge the use, only after a violation? Ms. Quigley stated yes, only if the business operated outside of that use. She further stated that at that point Safety and Permits would have to cite them and the case would be handled in the adjudication process. Ms. Lawrence stated that she had concerns regarding a restaurant on the second floor and that she found that questionable. Ms. Lawrence then asked the applicant and staff to comment on the penetration. Ms. Vogt stated that the opening would be through an existing transom opening and would be easily reversible without altering the building. Ms. DiMaggio stated that the penetration would have very low impact on the architecture and that the courtyard, for all purposes, was already a mechanical well. Ms. Lawrence asked about the noise of the cooler. Mr. Karsen stated that he did not have the specs in front of him but that there was no reason to believe that the cooler would be any louder than the existing HVAC equipment. Mr. Fifield made the motion to forward a **positive recommendation** for the change of use and **approval** of the architectural changes proposed. Ms. King seconded the motion and the motion passed unanimously.

---

**RATIFICATION** of Architectural Committee and Staff actions was deferred until the next meeting due to COVID-19.

With no other business to discuss, Mr. Fifield moved to adjourn the meeting. Ms. Lawrence seconded the motion, which passed unanimously. The meeting was adjourned at approximately 2:13 pm.