

VIEUX CARRE COMMISSION

LaToya Cantrell
MAYOR

CITY OF NEW ORLEANS

Bryan Block
DIRECTOR

AGENDA

WEDNESDAY, AUGUST 18TH, 2021

1:00 PM, Zoom Conference Call

(312) 626-6799 | Meeting ID: 879 7257 2189 | Passcode: 954989

<https://us06web.zoom.us/j/87972572189?pwd=QldES2VKVFpINDJSZWNXKzUxd1hSUT09>

Minutes of the Vieux Carré Commission meeting of Wednesday, August 18th, 2021– 1:00 pm.

COMMISSIONERS PRESENT: Mamie Gasperecz, Chairperson
Rick Fifield
Toni DiMaggio
Stephen Bergeron
Keely Thibodeaux
Rodney Villarreal
William Reeves
LaVerne Toombs

COMMISSIONERS ABSENT: Angela King

STAFF PRESENT: Bryan Block, Director; Renée Bourgogne, Deputy Director; Nicholas Albrecht, Senior Building Plans Examiner; Erin Vogt, Senior Building Plans Examiner; Melissa Quigley, VCC Legal Representation

STAFF ABSENT: Anthony Whitfield, Inspector; Marguerite Roberts, Inspector

OTHERS PRESENT: Susan Bourgeois, Jeff Ott, Jonathan Rhodes, Terry Cope, Zach Hodgin, Brittany Mulla McGovern, Erin Holmes, Nikki Szalwinski, Chad Pellerin, Heather Cooper, Charlie Ward, Praveen Kailas, Naveen Kailas, Hank Smith

ROLL CALL Mr. Block called roll. Ms. Gasperecz, Mr. Fifield, Ms. DiMaggio, Mr. Bergeron, Ms. Thibodeaux, Mr. Villarreal, Dr. Reeves and Ms. Toombs were present.

REVIEW OF MINUTES Ms. Gasperecz noted that staff had sent the meeting minutes for all May 2021 and June 2021 hearings, and a motion would be accepted after the public comment period.

CHAIRPERSON’S REPORT None

DIRECTOR’S REPORT None

OTHER BUSINESS

For Recommendation Only: Review and comment on changes to Verizon 5G cell phone tower infrastructure.

Susan Bourgeois and Jeff Ott for Verizon
Jonathan Rhodes for the City of New Orleans
Terry Cope and Zach Hodgin for Toro Blanco

Mr. Ott stated that the 4G radio wouldn't fit in the Toro design, so they came up with a different/ better design for their needs. He then directed the Commission to the slide that featured the different design for 4G, 5G and the 4/5G combo. He went on to say that only the poles on the left and the right differed from what was originally approved and that the real difference was the 4G diameter. For clarification Mr. Block asked if the difference was the antenna diameter and the radio box. Mr. Ott stated yes, that was correct. He went on to say that they were challenged by the maintenance issue and access, but the pole itself would be the same size. Mr. Rhodes then gave a brief history of the 5G discussion that had been taking place over the last year and a half for the new commissioners.

Mr. Rhodes: approximately 760 lampposts in the French Quarter, so we thought these would be a good location to replace so as not to add poles. About 20% of the French Quarter lampposts will be replaced. The new poles are slightly taller about 20'. We also had to move the lamp to accommodate the equipment. About one year ago the VCC approved the Toro design and any deviation from that design must be approved by the VCC as stated in the guidelines. We ultimately want a design that fits and is consistent across the French Quarter.

Mr. Block then stated that VCC had worked extensively with the Department of Utilities to create the 5G design guidelines which were approved by VCC and the Council so now the Commission must decide to approve or deny the proposed deviation.

In rebuttal, Mr. Hodgkin with Toro Blanco stated in reference to page 8 that Toro had never intended for a 4G radio to fit into the base of the pole. He went on to say that he was confident that Toro could accommodate the Verizon equipment. Ms. Gasperecz thanked Mr. Ott, Rhodes and Hodgkin for their time and asked staff where exactly they were now.

Mr. Block stated that staff had walked the grid and laid eyes on all locations. He went on to say that staff had approved several of the applications and that they were currently working with DPW for the rollout. Ms. Gasperecz stated that she was quite pleased with the "no net gain" policy. Mr. Fifield asked if there was a uniform mounting height with Verizon. He went on to say that it didn't seem that the height was the same on each design. Mr. Ott stated that they showed the varying heights because the current poles were not uniform and that they were going to match the height of whatever pole they replaced. Mr. Fifield thanked Mr. Ott. Ms. DiMaggio stated that they had previously agreed that everything above the light could be retroactively removed and capped. She asked if this was still the case. For clarification Mr. Ott asked, "so reverse retrofit?" She stated yes. Mr. Ott then stated that there was a removable piece so they could remove the equipment and then just have a regular pole.

Mr. Bergeron asked Mr. Ott to address Toro Blanco's assertion that they could accommodate the Verizon equipment and if so, why was the Commission even discussing this. Mr. Ott stated that that was merely Toro's opinion. He went on to say that they had conducted a national committee to review the designs and that they did not believe the Toro pole met their requirements. Ms. Gasperecz asked if there were any other questions or comments. Mr. Bergeron asked if that national committee's standards were available 2 years ago when this process started. Mr. Ott stated that the standards were always evolving. He went on to say that they met with Toro virtually for over a year and they then decided the design just wasn't compatible. Mr. Hodgkin stated that they were not aware of a national review of their design. Mr. Fifield asked if Verizon was ok with a mockup. Mr. Ott stated yes and Ms. Gasperecz agreed that this was necessary. Mr. Reeves then asked, "why don't y'all like Toro's pole?" Mr. Ott responded that it was fine pole just would accommodate their equipment.

Public Comment:

Brittany Mulla McGovern (against the design)

Erin Holmes, VCPORA (against the design)

Ms. Bourgogne asked Mr. Rhodes if he could possibly facilitate a conversation between Verizon and Toro and then come back to the Commission. Mr. Rhodes stated that he could, and that the Code would also allow a third party to examine the material and provide an independent study. Mr. Ott stated that he would have to confer with his team and get back with him.

Motion:

Mr. Reeves made the motion to defer the matter until they could get a 3rd party study. Mr. Fifield seconded the motion and it passed unanimously. With nothing left to discuss, the Committee moved on to the next agenda item.

NEW BUSINESS

226 Bourbon St: 21-14105-VCGEN; Heather Cooper, applicant; 226-28 Bourbon Street LLC, owner; Proposal to modify millwork, including conversion of non-historic storefront to doors, per application & materials received 05/17/2021 & 07/07/2021, respectively.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=885101>

Ms. Vogt read the staff report with Ms. Cooper & Mr. Ward present on behalf of the application. Ms. Cooper stated that she agreed with the staff report and that they would be happy to work out the details at the staff level.

Ms. DiMaggio stated that the Committee reviewed applications under an architectural lens and asked

someone to explain how Commissioners were supposed to address concerns regarding "spillage onto the street." Mr. Block responded that the Committee was limited to discussing architectural appropriateness, while the Commission could discuss other issues applicable to the neighborhood. Ms. Gasperecz opened the floor for public comment.

Public Comment:

Nikki Szalwinski, French Quarter Citizens

Ms. Szalwinski stated that she wished to reiterate Erin Holmes' comments from the previous Committee meeting. She stated that she understood VCC had no control over use, but voiced concern that the use would be a street party. She also noted that the building already had a large number of openings.

Mr. Block added that the VCC could not comment on use but could note how modifications could affect the *tout ensemble*.

Chad Pellerin

Ms. Pellerin agreed with the previous comment from Ms. Szalwinski and added that the French Quarter was having issues with large congregations of crowds and crime. She went on to say that she believed this would affect quality of life and possibly public safety issues.

Discussion and Motion:

Dr. Reeves moved to defer the proposal, with the Committee to look at the impact of the design on the *tout ensemble*. Ms. Bourgogne noted that the Committee had asked the Commission to comment. The motion died for lack of a second. Mr. Block asked if Dr. Reeves was asking the Committee to consider the approved design through the lens of its effect on the *tout ensemble*. Ms. Quigley stated that the Committee usually reviewed architectural concerns and details, but that they could consider the *tout ensemble* if tasked to do so by the Commission.

After clarification from the Director and City Attorney, Mr. Fifield asked Dr. Reeves to restate his motion. Dr. Reeves moved to return the application to the Committee for consideration with regards to the impact on the *tout ensemble*. Mr. Fifield seconded the motion, which passed unanimously.

APPEALS AND VIOLATIONS

326-30 Chartres St: 20-44777-VCGEN; James Marques, applicant; 326-30 Chartres St LLC, owner; Appeal to retain and rebuild rooftop deck installed without benefit of VCC review and approval, per application & materials received 10/26/2020 & 07/17/2021, respectively.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=862768>

Ms. Vogt presented the property report with Mr. Praveen Kailas, Mr. Naveen Kailas, and Mr. Smith present on behalf of the application. Mr. Smith stated that he became involved about a year and a half ago and that the roof deck had been in place approximately 30-40 years. He noted that the engineer, Walter Zehner, stated the building could handle the load of the roof deck. He added that the Design Guidelines allow some roof decks and this one was not really visible, but conceded it was installed on a roof with a greater slope than is allowed. He also noted that it was only accessible from one unit and would therefore have a limited occupancy. Mr. Block reiterated that VCC jurisdiction is not limited to visibility from the street, and that the VCC is required to regulate roofs. Mr. Fifield responded to Mr. Smith, stating that the roof deck was clearly far younger than he claimed, based on the construction technology and materials used.

Mr. Naveen Kailas stated that they purchased the property in 2011 and the earliest evidence they had of the roof deck was that it was in place by 1990. He added that they wanted to cooperate and rehabilitate the property, as they had kept it in excellent condition until water intrusion from the property next door. He stated that it was now time to do work to abate that damage. He also added that the James Heaslip report should be replaced with one from Walter Zehner, which said the building could hold the deck. He directed the Commission to VCC DG: 14-16 for rooftop additions. Mr. Block noted that the Design Guidelines were amended by a subcommittee of the Commission to address decks, and this deck does not comply.

Public Comment:

Nikki Szalwinski, French Quarter Citizens

Ms. Szalwinski stated that the deck not only does not comply with the Design Guidelines, but it also

attaches to the neighboring property wall that they did not own. She also noted that it covers what was originally open space, which would be a Zoning violation.

Mr. Kailas stated that although the roof deck does not comply with the Design Guidelines, the Commission has the ability to grant exceptions. He stated that the adjacent wall is under common ownership, and that they would fix the building and return it to commerce. Ms. DiMaggio stated that, due to the extent they proposed to rebuild the deck, it made sense to proceed with a separate application since it would not be the same structure. Mr. Block stated that that would be something for the Committee to consider; that staff wanted to see the building fixed, but that the applicant had to address the roof deck because it affects the proposal either way. Ms. Bourgogne noted that even the access to the roof deck is an issue. Ms. Toombs asked how the roof deck was accessed, and if it was located on someone else's property; Mr. Block responded that it was not, and that the issue boiled down to retention of the deck itself. Ms. Thibodeaux asked what the Committee's recommendation was; Ms. Bourgogne responded denial of retention or reconstruction. Mr. Kailas asked if there was any way to return to the Committee with a smaller deck and modify the dormers. Mr. Villarreal asked if they could deny the retention but still return to the Committee with an alternate proposal; Mr. Block responded "sure."

Mr. Villarreal moved to uphold the Committee's motion of **denial**, giving the applicant to option to return to the Committee with an alternate proposal for further review. Ms. Thibodeaux seconded the motion. Ms. Gasperez, Ms. DiMaggio, Mr. Fifield, Dr. Reeves, Mr. Villarreal, and Ms. Thibodeaux voted in favor of the motion; Mr. Bergeron and Ms. Toombs voted against. The motion passed with six votes.

Ms. Bourgogne asked if further Committee review would require a new application; Mr. Block responded that it would. She also clarified that the existing deck has to be demolished. Mr. Block agreed, stating that a demolition permit must be issued.

Ms. Toombs stated that the review had not been clear and better understanding could have been provided. Ms. Gasperez noted that this appeal was unfortunately particularly complex. Mr. Block thanked Ms. Toombs for her feedback, stating that the goal was to make sure applications and issues were presented as clearly as possible.

RATIFICATION of Architectural Committee and Staff actions since the Thursday, August 5, 2021 VCC meeting.

Ms. Gasperez noted that the Commission also needed to consider the minutes. Mr. Fifield moved to ratify the AC and staff actions and approve the minutes submitted for May and June 2021. Ms. DiMaggio seconded the motion, which passed unanimously.

With remaining business on the agenda, Ms. Gasperez asked the Commissioners for a motion to adjourn. Mr. Bergeron moved to adjourn the meeting at 2:47PM. Mr. Fifield seconded the motion, which passed unanimously.