

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>

- I. **ROLL CALL**
- II. **REVIEW OF MINUTES**
- III. **CHAIRMAN'S REPORT**
- IV. **DIRECTOR'S REPORT**
- V. **OTHER BUSINESS**  
**For Recommendation Only:** Review and comment on changes to Verizon 5G cell phone tower infrastructure.
- VI. **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>
- VII. **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>
- VIII. **RATIFICATION** of Architectural Committee and Staff actions since the Thursday, August 5, 2021 VCC meeting.

ADDRESS:	226-28 Bourbon Street	APPLICANT:	Heather Cooper
OWNER:	226-28 Bourbon Street, LLC	SQUARE:	65
ZONING:	VCE	LOT SIZE:	4748 sq. ft.
USE:	Commercial	OPEN SPACE	
DENSITY		Required:	1424 sq. ft.
Allowed:	7 residential units	Existing:	429 sq. ft.
Existing:	0 units	Proposed:	No change
Proposed:	No change		

**ARCHITECTURAL / HISTORICAL DESCRIPTION OF PROPERTY**

Main building & attached: **Green**, of local architectural and/or historic significance.  
Downtown side one-story addition and attached rear three-story addition: **Brown**, detrimental, or of no architectural and/or historic significance

When this three-story brick Greek revival style townhouse was constructed in 1856, there was a side bay that overlooked the spacious yard on the downtown side, now filled in by new construction. The ground floor of the townhouse was outfitted for commercial usage in the early 20th c., and when the building was renovated in 1977, a bay window was added to the brown-rated one-story addition.

**Vieux Carré Commission Meeting of** **08/18/2021**

**DESCRIPTION OF APPLICATION:** 08/18/2021  
**Permit #21-14105-VCGEN** **Lead Staff: Erin Vogt**

Proposal to modify millwork, including conversion of non-historic storefront to doors, per application & materials received 05/17/2021 & 07/07/2021, respectively.

**STAFF ANALYSIS & RECOMMENDATION:** 08/18/2021

The applicant has submitted materials to modify the millwork across both the Brown and Green rated first floor. Staff notes that the existing millwork is not historic and has been replaced and/or modified several times through the 20<sup>th</sup> century. The existing openings will be replaced as follows:

- The Bienville-side opening at the brown-rated side addition will be converted to a pair of four lite French doors with no wooden panel and a double lite transom above (pending revisions requested at the Committee review on 07/27/2021). The pilasters have been removed, widening the opening.
- The Bienville and Iberville-side openings at the green-rated building have also had their pilasters removed and have slightly wider lites. Modifications to the sidewalk are proposed at the Bienville opening for accessibility. Staff notes that the ramp must be shown in plan and approved by both the VCC and DPW.
- The center bay is a four-leaf set of bifold doors, with a two-lite transom above.

The proportion and appearance of the lites, stiles and rails are similar to the existing millwork on the second and third floors. The hardware and mechanisms on the bifold doors should be studied further to minimize their visibility as much as possible. Staff will advise the applicant on minor revisions, including a more prominent transom bar that is further proud of the doors and transoms, but found the overall design appropriate for replacement millwork. On 07/27/2021, the Committee moved to **conceptually approve** the proposed work and forward it to the Commission for consideration.

The Design Guidelines require Commission review any time windows or doors are dramatically altered, removed, or added. Public comment was received at the last Committee meeting voicing concerns that the bifold doors may allow the business operations to “spill out” into the street and interfere with the public right of way. Since this is not an architectural matter, the Committee is requesting comment and discussion from the Commission, which is called to consider larger, neighborhood-level concerns, regarding the appropriateness and overall impact of these modifications.

**VIEWEUX CARRÉ COMMISSION ACTION:** 08/18/2021

**Architecture Committee Meeting of** **07/27/2021****DESCRIPTION OF APPLICATION:**  
**Permit #21-14105-VCGEN**07/27/2021  
**Lead Staff: Erin Vogt**

Proposal to alter first floor millwork, per application & materials received 05/17/2021 & 07/07/2021, respectively.

**STAFF ANALYSIS & RECOMMENDATION:**

07/27/2021

Following Committee review on 06/22/2021, the applicant has submitted revised drawings as follows:

- The Bienville-side opening at the brown-rated side addition is now a pair of four lite French doors with no wooden panel and a single lite transom above. The pilasters have been removed, widening the opening.
- The Bienville and Iberville-side openings at the green-rated building have also had their pilasters removed and have slightly wider lites. Modifications to the sidewalk are proposed at the Bienville opening for accessibility. Staff notes that the ramp must be shown in plan and approved by both the VCC and DPW.
- The center bay is a four-leaf set of bifold doors, with a two-lite transom above.

The proportion and appearance of the lites, stiles and rails are similar to the millwork on the second and third floors. The hardware and mechanisms on the bifold doors should be studied further to minimize their visibility as much as possible. Staff will advise the applicant on minor revisions, including a more prominent transom bar that is further proud of the doors and transoms, but finds the overall design appropriate for replacement millwork and **conceptually approvable**.

**ARCHITECTURAL COMMITTEE ACTION:**

07/27/2021

Ms. Vogt read the staff report with Ms. Cooper present on behalf of the application. Ms. Cooper stated that they would be happy to work with staff on the details and modifications. Ms. DiMaggio asked what the width of the French door on the right was; Ms. Cooper responded that the opening was 6' 1 1/2". Mr. Fifield thanked the applicant and then asked the Committee if they would prefer the transoms to be split into multiple lites to echo the doors below. Both Ms. DiMaggio and Mr. Bergeron agreed. With nothing else to discuss, the Committee moved on to the next agenda item.

**Public Comment:****Erin Holmes, Executive Director****Vieux Carré Property Owners, Residents and Associates**

We write to express our concern for the additional openings proposed for the facade of this building. Bourbon Street has transformed over decades from a destination where visitors went inside to enjoy entertainment, to one where establishments open all doors and windows to let the entertainment spill out into the street. This reorienting of activity has had detrimental effects on the enjoyment of adjacent properties with regard to sound and crowding. The proposed design would essentially create a wall of openings for the activities within this building to merge with the increasing foot traffic along the public right of way.

**Motion and Discussion**

Mr. Bergeron stated that he found the public comment to be interesting, but he was not sure if that was something the Committee could consider. Ms. DiMaggio agreed, saying she found it to be a very good point since they had not discussed the doors' function, but she was also unsure if it was within the Committee's purview. Ms. Vogt noted that converting windows to doors would require Commission review, and it would be an appropriate discussion for that venue. Mr. Block agreed.

Mr. Bergeron moved for **conceptual approval** of the proposed millwork with the application to be forwarded to the Commission for consideration of the implications at the public right of way. Mr. Fifield asked for the motion to be amended to include revisions to the number of transom lites. Mr. Bergeron accepted the proposed amendment. Ms. DiMaggio seconded the motion, which passed unanimously.

**Architecture Committee Meeting of****06/22/2021****DESCRIPTION OF APPLICATION:**  
**Permit #21-14105-VCGEN**06/22/2021  
**Lead Staff: Erin Vogt**

Proposal to alter first floor millwork, per application & materials received 05/17/2021 & 06/07/2021, respectively.

**STAFF ANALYSIS & RECOMMENDATION:**

06/22/2021

The applicant has submitted materials to modify the millwork across both the Brown and Green rated first floor. Staff notes that the existing millwork is not historic and has been replaced and/or modified several times through the 20<sup>th</sup> century.

At the Brown-rated side infill, the existing bay window will be removed and replaced with an outswinging mulled door to meet the State Fire Marshall's egress requirements, with a three-lite transom and wooden pilasters to match those at the existing entrance. At the Green-rated building, the center bay storefront will be replaced with four-leaf wooden bifold doors, with two lites and single panels to match the main entry doors. Additional information will be needed regarding the door track hardware, to ensure that it is adequately hidden and not visible on the exterior.

Overall, staff finds the proposed work to be **conceptually approvable**, with minor revisions to millwork profiles needed prior to permit issuance. Staff notes that approval from the Department of Public Works will also be required, since the outswinging doors will extend into the public right of way.

**ARCHITECTURAL COMMITTEE ACTION:**

06/22/2021

Ms. Vogt read the staff report with Ms. Cooper present on behalf of the application. Ms. Cooper stated they had received State Fire Marshal approval and were hoping that the Committee would also find the proposal approvable. She added that they would be happy to work with staff. Mr. Bergeron noted that the SFM has made exceptions for width and swing if doors are left open during operation. Ms. DiMaggio stated that she was not sure all four leaves needed to be operable. Mr. Fifield asked if the left door mulled together on slide 171 was for egress; Ms. Cooper responded that it was, adding they were attempting to create a more cohesive look so they echoed the pilasters. Mr. Fifield asked if the transom bar would be modified. Ms. Cooper stated that they could do that. Mr. Fifield questioned the pilaster retention, noting that they impacted the width of the openings and were an anomaly. Ms. Cooper stated that they were trying to alter as little as possible, and Mr. Fifield encouraged a restorative approach since the existing conditions are heavily modified. Ms. DiMaggio stated that if they were changing most of the ground floor millwork, it should be more comprehensively considered. Mr. Fifield noted that the left side opening did not need to be homogenous with the first floor, since it was an addition. Ms. Bourgogne asked if the building was vacant and if a change of use would be needed; Ms. Vogt asked the applicant to check with Zoning and establish whether this would be required prior to further review. With nothing left to discuss, the Committee moved on to the next item on the agenda.

**No Public Comment**

**Discussion and Motion:**

Mr. Bergeron moved for **deferral**, with the applicant to revise the proposal per staff and Committee recommendations. Ms. DiMaggio seconded the motion, which passed unanimously.

ADDRESS: 326-30 Chartres Street  
 OWNER: 326-30 Chartres St LLC  
 ZONING: VCC-2  
 USE: Commercial

APPLICANT: John C. Williams (2018)  
 James Marques (2020)  
 SQUARE: 29  
 LOT SIZE: 2450 sq. ft.

**DENSITY**

Allowed: 3 Units  
 Existing: Unknown  
 Proposed: Unknown

**OPEN SPACE**

Required: 735 sq. ft.  
 Existing: None  
 Proposed: No Change

**ARCHITECTURAL / HISTORICAL DESCRIPTION OF PROPERTY**

A row of four c. 1860, three-story masonry buildings, which have rusticated facades and granite posts and lintels on the ground floor.

Rating: **Yellow** - contributes to the character of the district.

**Vieux Carré Commission Meeting of****08/18/2021****DESCRIPTION OF APPLICATION:**

08/18/2021

**Permit #20-44777-VCGEN****Lead Staff: Erin Vogt****Violation Case #20-20887-VCCNOP****Inspector: Anthony Whitfield**

Appeal to retain rooftop deck installed without benefit of VCC review and approval, per application & materials received 10/26/2020 & 07/17/2021, respectively.

**STAFF ANALYSIS & RECOMMENDATION:**

08/18/2021

Major work without permit violations at this property have been cited continuously between 2000 and 2020, including:

- Inappropriate asphalt roof installed
- Rooftop addition constructed
- Roof deck installed
- Inappropriate dormer modifications including installation of double doors to access roof deck
- HVAC installed
- Inappropriate light fixtures

An appeal to retain many of these items was previously reviewed on 01/20/2018; the Committee requested a full scope of work and an engineer's report that addressed the building's many systemic issues. The water intrusion issues at this property seem to have been exacerbated by the condition of the landlocked building next door at 340 Chartres, which was recently partially demolished and repointed following years of demolition by neglect. Additionally, there were significant concerns that the asphalt roof and illegal roof deck have contributed to the deterioration of 326 Chartres, and the building may not be capable of supporting the added weight of the roof deck structure, particularly in its current condition. The new applicant, representing the same ownership, provided an unstamped engineer's report from James Heaslip dated 06/04/2018, which states the following [VCC staff note: the letter makes repeated reference to the "balcony structure;" the letter and accompanying photos are referencing the roof deck, not a balcony or gallery.]:

On May 10, 2018, Heaslip Engineering, LLC (HE) performed a visual inspection at the above referenced location in an effort to evaluate the live load capacity of the balcony structure in accordance with the owner's request. No destructive testing was performed. General framing was inspected to assess the structural condition of the balcony. HE was retained by John C. Williams Architects to perform an evaluation of the balcony's live load capacity. Our work to complete this assignment was performed by Mr. James B. Heaslip II, P.E. accompanied by Mark Heck were present during the inspection and provided information pertaining to the subject building.

The building is a three-story timber and masonry building typical to French Quarter construction built in approximately the early 1800s. The balcony structure wood members appear to be in good condition based on a visual inspection. The balcony structure consists of 2x6 joists at 16 inch spacing on center spanning ~8 feet, supported by 4x4 sills spanning ~8 feet, supported by 4x4 columns spaced 8 feet each direction. Please note, HE hasn't analyzed the global structure for the carry-down of balcony loads but doesn't anticipate any problems for the overall building strength. See following pages for pictures of existing balcony structure taken during inspection.

HE analyzed each structural member to determine the governing condition for live load rating. Although the joists and columns could handle ~60 psf, the 4x4 sills are only able to support 20 psf. Therefore, HE recommends a rated balcony capacity of 20 pounds per square foot.

The total balcony area is approximately 640 square feet. Per standing room code, the square footage allowed per person is 7 square feet. Therefore, the balcony has a usable area equal to 640/7 which is equal to approximately 91 square feet. The total load is equal to 20 pounds per square foot multiplied by 91 square feet which is equal 1,820 pounds. **Assuming an average person weighs 200 pounds, the total number of people rated for the balcony is equal to 1,820/200 which is equal to 9 people.** Therefore, HE recommends a rated balcony for 9 people.

If there are any questions or comments regarding this report, please do not hesitate to contact this office.

Sincerely,  
James B. Heaslip II, P.E.

Staff notes that the Committee was concerned that the building’s structure may be compromised by the presence of the roof deck, not just the occupancy of the roof deck. The unstamped letter, which is over two years old and from an engineering firm no longer in operation, does not evaluate the overall building strength and the impact of the deck’s dead load. Staff notes that no permits have been issued for interior or exterior work since the 2017 inspection that showed severe moisture intrusion, vegetation, and mold growth on the interior of the property. The recommendation that the roof deck be rated for nine (9) people is also concerning, as the VCC has no way to enforce how many people may occupy the roof deck at any given time, and the possibility of events taking place on a 640 square foot roof deck that could theoretically host dozens of people is highly alarming. The VCC Design Guidelines are clear that a roof deck is **prohibited** on a structure with this roof pitch and **not recommended** for a yellow rated building (VCC DG: 14-17), and staff maintains that retention of this roof deck, in any form, should be denied.

**ROOFTOP ADDITIONS**

**THE VCC REQUIRES:**

- Compliance with the Comprehensive Zoning Ordinance (CZO) – A rooftop addition shall not require a variance for height limit or floor area ratios
- Review of all exterior items located on a roof surface including paving, railings and built-in furnishings

**THE VCC DOES NOT RECOMMEND:**

- A rooftop addition on a Green, Pink or Yellow rated building
- A rooftop addition on a building of less than three full stories in height

**THE VCC DOES NOT ALLOW:**

- A rooftop addition on a Purple or Blue rated building
- A rooftop addition on a building originally constructed as a residential building
- A rooftop addition on a roof with a pitch greater than 3-inches vertically in 12-inches horizontally and an existing parapet less than 18-inches in height – Except at a camelback shotgun
- A roof addition greater than one story and/or 12’-0” in height or with a roof form other than a flat or low-sloped roof – Excluding an elevator override

As part of the appeal, the applicant submitted a letter asking for the Commission to consider retention/replacement of the roof deck. They argued that the roof deck is “consistent with surrounding neighborhood properties,” “is not visible from the street,” “complies with the VCC’s draft guidelines for rooftop decks,” among other items (see attached). Staff notes that the deck is visible from Conti Street. More importantly, staff does not find that the deck is consistent with permitted roof decks or the Design Guidelines, as noted above. Staff inspected satellite imagery for every square in the District and this

appears to be the only deck built on a hipped or gabled roof. All of the examples provided by the applicant were installed on flat roofs, consistent with the Design Guidelines.

In response to the violations, the applicant proposed the following work:

Roof and roof deck:

The existing asphalt roof would be replaced with a new synthetic slate system over an ice and water shield. This work is approvable by the Guidelines since the building is yellow rated, but the applicant must what type of synthetic slate will be used. The applicant proposes to replace the dormer roofs, which are below the roof deck, with modified bitumen. Staff notes that the age and provenance of the dormers, as well as the access to the roof deck from the attic, are unclear and they may also be unpermitted additions.

The existing wooden roof deck rail would be replaced with a stainless-steel cable rail system. The decking would be replaced with synthetic decking, and the existing 2x8 joists replaced to match existing. The existing deteriorated support framing is called out as being replaced with “new galvanized tube steel members,” with new pitch pockets. Staff notes that this constitutes a complete reconstruction of the existing illegal roof deck, with no reduction of square footage.

An engineer’s report submitted on 06/10/2021 from Walter Zehner states “it is my professional opinion that this existing structure has sufficient strength and capacity to safely support the replacement of the existing rooftop deck.” This report was submitted following Committee denial.

The roof deck is currently accessed through an unpermitted door in the Conti-side dormer and up a wooden stair that runs along the side of the adjacent, partially demolished building at 340 Chartres. The stair is built on top of a metal grate that covers a small alley between 326 Chartres and 340 Chartres, which is currently inaccessible. Staff is concerned that a lack of access to this alley may have contributed to the water infiltration of both buildings, since this masonry could not be maintained and shows significant signs of vegetation growth and missing mortar where visible.

On 12/08/2020, the Committee conceptually approved removal of the deteriorated, unpermitted asphalt shingle roof with synthetic slate, denied all proposed work to the roof deck, and denied retention of the existing roof deck. Staff also noted that the Conti-side dormer should also be removed; the dormers themselves may be conceptually approvable for retention if modified, but are highly atypical in their size and design.

Staff recommends the Commission uphold the Committee’s **denial** to retain and reconstruct the roof deck.

**VIEUX CARRÉ COMMISSION ACTION:**

08/18/2021

Naveen Kailas  
Representative  
326-30 Chartres St. LLC  
3525 N. Causeway Blvd., Ste 1040  
Metairie, LA 70002

Erin B. Vogt, MArch  
Senior Building Plans Examiner  
Office of Business & External Services  
Vieux Carré Commission  
1300 Perdido St., 7<sup>th</sup> Floor  
New Orleans, LA 70112

July 17<sup>th</sup>, 2021

Ms. Vogt,

Thank you for allowing 326-30 Chartres St. LLC ("Owner") submit the following information for your review of 326 Chartres St. ("Property").

Regarding the Property's rooftop deck, please consider the following issues when assessing the appropriateness of the existing rooftop deck at the Property.

1. ***The rooftop deck is consistent with the surrounding neighborhood properties.*** Currently, within 130 meters from the property, 4 rooftop decks were recently constructed. (See Exhibit A, *Surrounding Rooftop Decks*). One such deck on the 200 block of Chartres St. was constructed on a multifamily property; the deck contained foliage, furniture, and heavy usage by multiple tenants. The rooftop deck that was constructed directly across Chartres St. from the Property, is less than 20 meters away. (See Exhibit B, *Picture of Rooftop Deck Directly Across Chartres St*). It also houses a tall furniture-canopy and is visible from the corner of Chartres and Conti Streets.
2. ***The rooftop deck is not visible from the street.*** It is not visible by pedestrians from any vantage point on the surrounding streets, including: Chartres St., Conti St., Bienville St., Decatur St.
3. ***The rooftop deck complies with the VCC's draft guidelines for rooftop decks.*** The rooftop deck draft guidelines are delineated in "Draft Resolution" by the "Rooftop Construction Subcommittee [of the VCC]." (See Exhibit C). As per the "criteria of what are issues for rooftop activation which challenge the tout ensemble", the criteria follow below: [per Exhibit C]
  - a. Visibility of the space- The Project's deck is not visible from the streetscape.
  - b. Privacy that is compromised- the Project's deck does not provide the Project with added viewpoints peering into surrounding residential courtyards and/or private areas.
  - c. Impact on Historic Roofscape- the Project's deck is located on the rear of the structure and does not affect the visibility of the Project's roofscape.
  - d. Noise/Acoustics- The Project's deck is only accessible by one apartment unit, thus the noise will be minimal and infrequent.



- e. Light/Lighting- Lighting currently does not exist on the Project's rooftop deck.
- f. Furniture- No permanent furniture is installed, nor large Sunscreens/Canopies/Pergolas which may be visible from the street.
- g. Vegetation- Little to no vegetation is present on the Project's deck.
- h. Modification to existing building envelope- The Project has held a rooftop deck since the late 1980's.

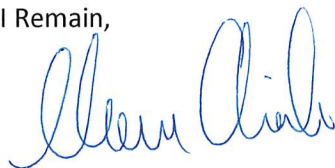
4. ***The rooftop deck was installed approximately 30-40 years ago, by a previous building owner.*** The current Owner did not construct the rooftop deck. Furthermore, the Property was purchased at a New Orleans Parish Sheriff Sale
5. ***The rooftop deck will host extremely minimal usage, noise, and only 1 tenant.*** The deck is only for use by 1 apartment unit, and the deck is not open to the public. Thus, the usage will be limited to one residential tenant. The usage is (and has been) restricted from commercial or hospitality uses.
6. ***The Property can structurally hold the existing deck and usage.*** In January 2018, the VCC Architectural Review Committee recommended assessing the property by a structural engineer. The assessment was to determine if the structure can support a rooftop deck. Walter Zehner, a structural engineer, examined the structure and concluded it has "sufficient strength and capacity to safely support the replacement of the existing rooftop deck". (Exhibit D).

Thank you very much for your consideration. It is the Owner's position that its Property should be treated as similar to the surrounding properties, that is, fairly and equitably. If the other surrounding properties are allowed to house rooftop decks, the subject Property ought to receive the same consideration, judgement, and treatment. For example, the rooftop deck at 217 Chartres, constructed within the last 5 years, is larger, hosts many more people, has more furniture, and is on a much larger multifamily building.

In addition to retaining the rooftop deck, the Owner's goal is to repair the property's water damage caused by the neighboring dilapidated building as soon as possible; as well as, restore the building's façade per the VCC's recommendation.

The Owner is committed to being a responsible neighbor and adding to the tout ensemble of the French Quarter. Thank you very much for your time and consideration. Sincerely,

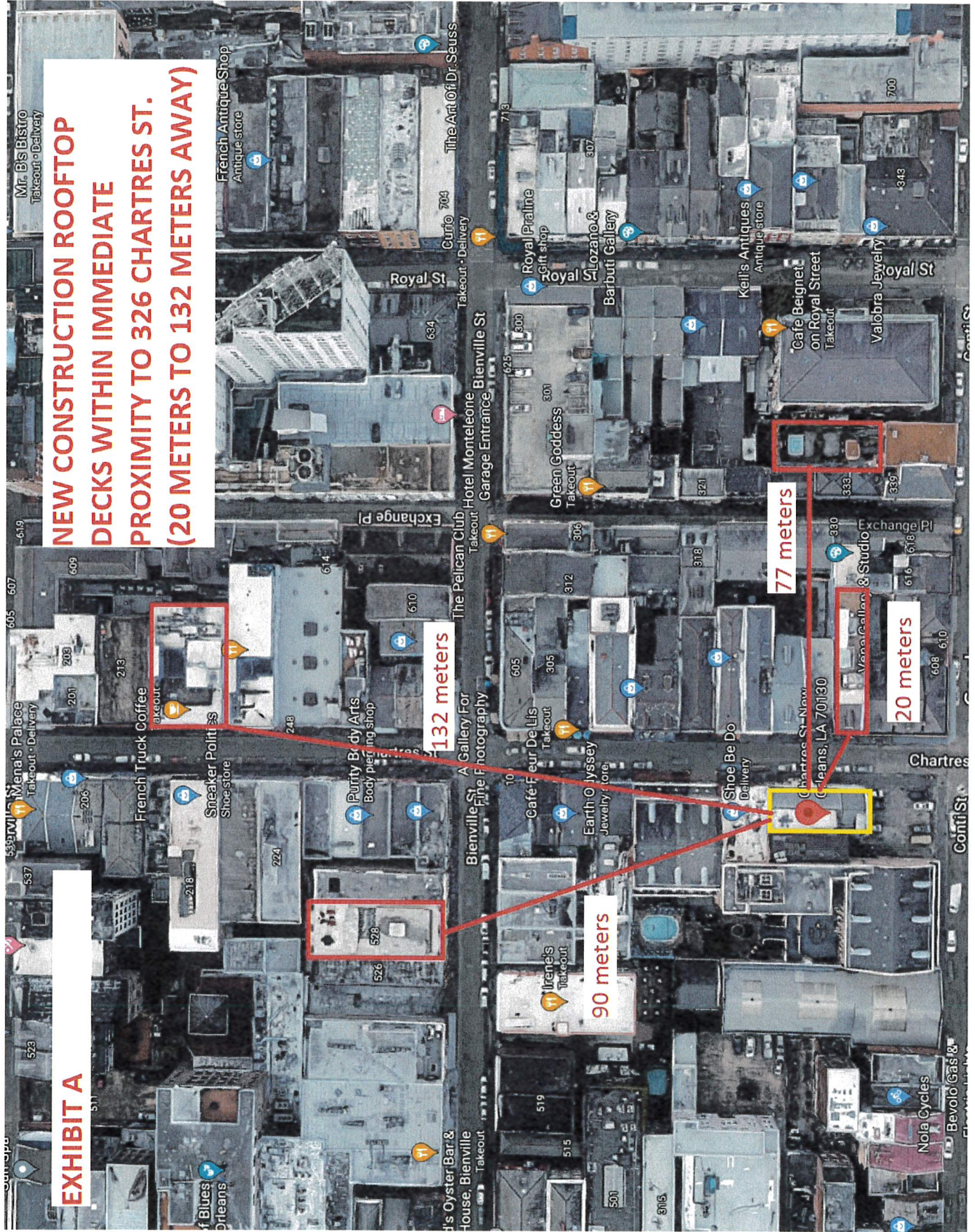
I Remain,



Naveen Kailas  
Representative, 326-330 Chartres St. LLC

**EXHIBIT A**

**NEW CONSTRUCTION ROOFTOP DECKS WITHIN IMMEDIATE PROXIMITY TO 326 CHARTRES ST. (20 METERS TO 132 METERS AWAY)**



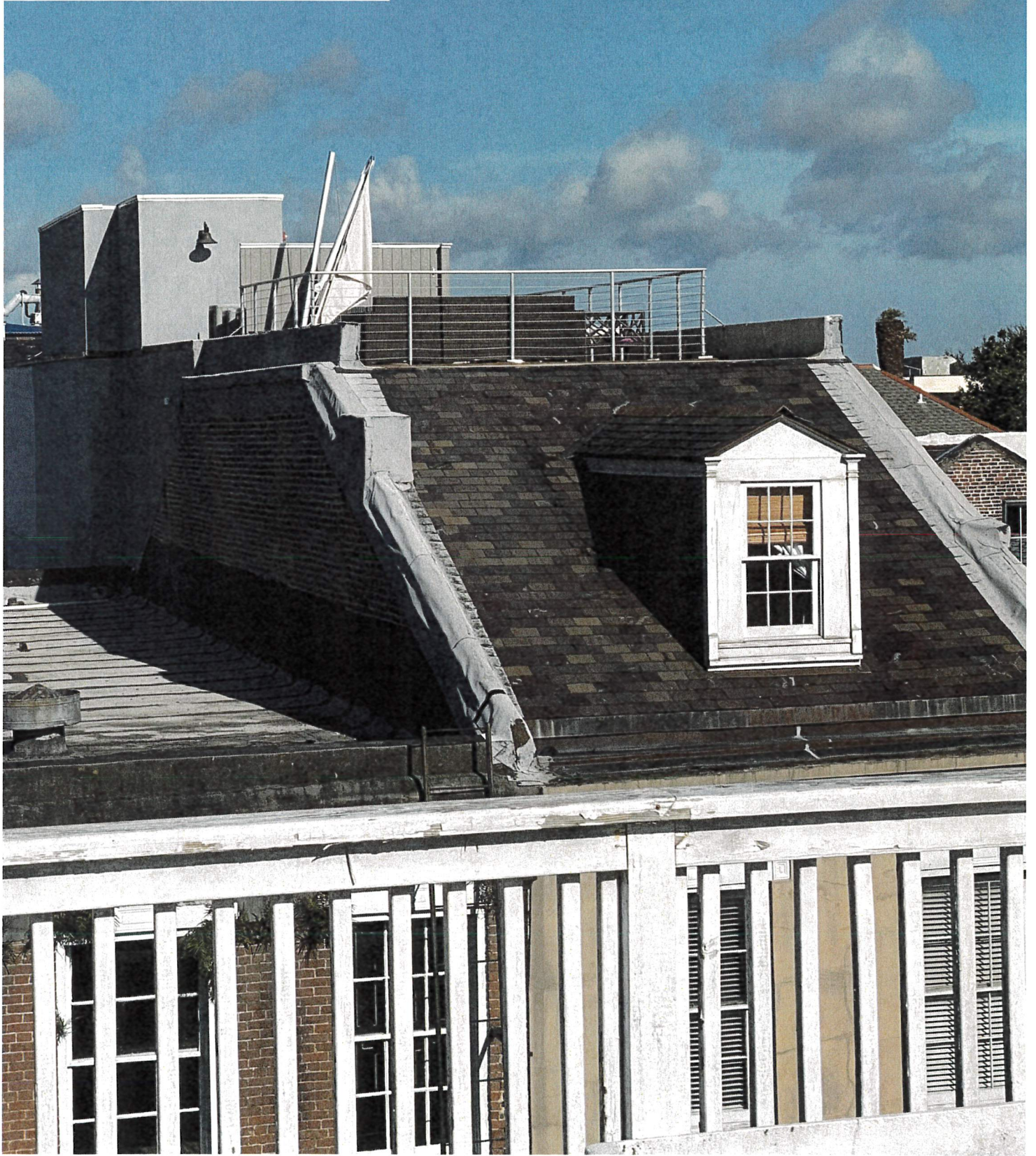
132 meters

90 meters

77 meters

20 meters

# EXHIBIT B



## Rooftop Construction Subcommittee

### Draft Resolution

**Members:** Rick Fifield (Chairman), Nick Musso, Meg Lousteau, Mark Aguilar, Robert Kenny, Betty Norris, Denise Estopinal, John Williams, Renee Bourgogne, Bryan Block

This committee was formed to define and draft guidelines for the regulation of **activated, open-air rooftop conditions** within the Vieux Carré, something that, heretofore, has not been addressed by the VCC Design Guidelines. This will assist developers when determining which buildings could appropriately be considered for this type of addition. The goal is to establish transparent and predictable standards and processes to ensure quality design in proposals.

There is a recent trend towards commercial activation of rooftops within the Vieux Carré. This affects both proposed new construction, as well as proposals to modify historic buildings with terraces and penthouses in order to capture access to the currently prized “rooftop experience”.

Although the current VCC design guidelines effectively define rooftop *additions* to existing buildings, they are inadequate with regards to unconditioned, activated rooftops or terraces. It is our goal that guidelines be as prescriptive as possible so that all proposed new construction, modifications or rooftop additions are appropriate to the *tout ensemble* while ensuring that applicants, once again, find the VCC review process to be transparent and predictable.

Although the appeal of such activated rooftop space is understandable, this is a dramatic departure from the usage of the historic roofscape of the French Quarter. There is little to no historical precedent within the Vieux Carré for the commercial roof terraces being proposed today for use as auxiliary recreational spaces on top of large-scale adaptive reuse conversions of warehouses and other types of commercial buildings, as well as on proposed new construction. The ad hoc use of existing roofs as occupied space is also not appropriate and should expressly not be permitted.

Review should include not only the proposed physical rooftop construction, but also how its presence would affect the *tout ensemble* (CCNO 166-151) of the District (i.e. potential view-sheds that are blocked or radically altered). It is important to remember the charge of the VCC as expressed in the Louisiana State Constitution where the commission was authorized to preserve the buildings of the Vieux Carré

*“...for the benefit of the people of the City of New Orleans and the State of Louisiana.” This was declared to have a “public purpose” and continued that the “quaint and distinctive character of the Vieux Carré section of the City...may not be injuriously affected, and in order that the value to the community of those buildings having architectural and historical worth may not be impaired, and in order that a reasonable degree of control may be exercised over the architecture of private and semi-public buildings erected on or abutting the public streets of said Vieux Carré section”.*

The VCC Design Guidelines, ratified by New Orleans City Council on August 6, 2015, states:

*“In its regulation of the Vieux Carré, the VCC’s jurisdiction is limited to proposed exterior changes to a property including the rooftop, interior of a courtyard, alleyway and/or carriageway. **However, to preserve the tout ensemble, the Commission has the responsibility to comment on, or raise concern regarding, any issue not specifically under its regulatory authority that has the potential to jeopardize the built environment.”** (VCCDG 01-03)*

This jurisdiction includes elements that are not visible from the public right-of-way such as rooftops, both existing and proposed new construction.

## PROPOSED REVISIONS TO VCC DESIGN GUIDELINES

Currently, the design guidelines define a **roof top addition** as any new construction on top of an existing rooftop for occupied or unoccupied space, and includes a full-floor addition. This definition should be revised to include ***“occupied, finished space designed to accommodate outdoor commercial or residential living space including, but not limited to, furniture, landscaping, lighting, etc., all of which must be reviewed and approved by VCC unless not visible from any public or private space.”***

**Roof deck** should be defined as, generally, a platform built above the roof structure, capable of supporting weight, similar to a floor and connected to the main building by stairs and possibly an elevator. It is typically enclosed by a railing or parapet for safety.

Based on research of how other similar historic districts have regulated this condition, we also propose that **food must be served in such activated, open-air rooftop additions, not just alcohol, and no rooftop space can be occupied after 10:00 pm. Noise must not exceed prescribed decibel levels, reading to be taken at 5' above deck. No amplified music nor speakers shall be allowed.**

For properties located adjacent to residential areas, approved screens, walls, shutters, or other devices shall be required to restrict visual access to the residential units.

Illumination of the activated, open-air rooftop addition shall be restricted to avoid lights that focus outward or upward and should limit spillage of light from the deck.

### ROOFTOP ADDITIONS

#### THE VCC REQUIRES:

- Compliance with the Comprehensive Zoning Ordinance (CZO) – A rooftop addition shall not require a variance for height limit or floor area ratios
- Review of all exterior items located on a roof surface including paving, railings and built-in furnishings

#### THE VCC DOES NOT RECOMMEND:

- A rooftop addition on a Green, Pink or Yellow rated building
- A rooftop addition on a building of less than three full stories in height

#### THE VCC DOES NOT ALLOW:

- A rooftop addition on a Purple or Blue rated building
- A rooftop addition on a building originally constructed as a residential building
- A rooftop addition on a roof with a pitch greater than 3-inches vertically in 12-inches horizontally and an existing parapet less than 18-inches in height – Except at a camelback shotgun
- A roof addition greater than one story and/or 12'-0" in height or with a roof form other than a flat or low-sloped roof – Excluding an elevator override

Guidelines should explicitly indicate that rooftop decks that are highly visible are strongly discouraged. Such additions to historic buildings shall be located to the rear of the structure or the most inconspicuous side of the building. Additions to roofs shall not be visible from the front elevation.

To be added to VCC Design Guidelines 14:17 Design Standards for Rooftop Addition Review (at left):

- Activated, open-air rooftop additions shall comply with all Rooftop Addition requirements and recommendations shown on VCC Design Guidelines.
- No activated, open-air rooftop addition shall be allowed such that accessory structures (stair, elevator, etc.) would exceed the 50'-0" max. height allowable as per the CZO.

## Current VCC Design Guidelines

Although the VCC does not regulate *use*, the following are accessories to *use* that are regulated:

- Lighting
- Furniture
- Vegetation
- Speakers
- Visibility
- Architectural compatibility of the proposed addition with existing building should not be intrusive or a deterrent to the architecture of the existing buildings or surrounding VC historic district streetscape
- Changes to design guidelines must be ratified by VCC then approved by City Council
- define rooftop “decks” within the rooftop addition guidelines, and include elements that are associated with rooftop activation:
  - Use
  - Noise
  - Lighting
  - Accessory furniture
  - Elevator over-rides and stair housing
- criteria of what are issues for rooftop activation which challenge the *tout ensemble*:
  - Visibility of the space
  - Privacy that is compromised
  - Impact on historic roofscape
  - Noise/acoustics
  - Light/lighting
  - Furniture
  - Vegetation
  - Modification to existing building envelope
    - Stairs
    - Elevator override
  - Adjustments to the guidelines can perhaps be accommodated by the simple addition of some language to overcome the fact that such activated rooftop “experiences” were not historically an issue.

## ROOFTOP ADDITIONS

As most buildings in the Vieux Carré were built at or close to their property lines, it is often not possible to expand a building's footprint. As a result, some property owners hope to add new space on top of an existing building. The two types of additions on top of an existing building are a camelback and a rooftop addition.

- **Camelback:** The camelback is a traditional addition design for a wood frame shotgun or shotgun double (Refer to *Shotgun, Guidelines for Architectural Building Types & Architectural Styles*, page 02-8) – A traditionally designed camelback proposed for a wood-framed shotgun building is not subject to the more rigorous submittal requirements for a rooftop addition; however, it must be compatible with the existing building (Refer to *Principles for Additions*, page 14-11)
- **Rooftop Addition:** A rooftop addition is defined as any new construction on top of an existing rooftop for occupied or unoccupied space, and includes a full-floor addition

A rooftop addition is a way to increase the square footage and floor area ratio of an existing masonry building in the Vieux Carré. This method of adding space to a building predominantly occurs between Bourbon Street and the river where conversion of a commercial or warehouse building to residential use is common. In considering a proposed rooftop addition, the VCC considers the historic integrity of the original structure and surrounding area. It is equally important that an addition, when appropriate and allowed, contribute to the character of the area and respect the design and context of the building and its streetscape.

When reviewing a proposal for a rooftop addition, the VCC evaluates the application on a case by case basis. An approved rooftop addition at one location should not be considered a precedent or construed to mean that a similar proposal for another property will be approved. Factors considered by the VCC in its review include:

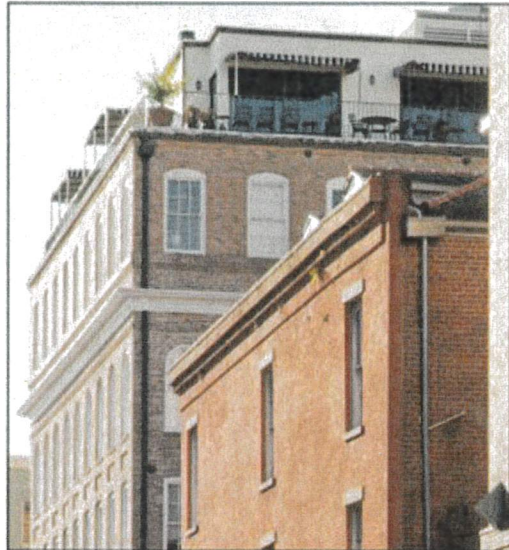
- The significance of the building or site as defined by its color rating
- The location of the building and site
- The height of the existing building, the proposed addition and surrounding buildings – It must also meet zoning requirements including height and setback
- The visibility of the proposed addition
- The architectural treatment of the proposed addition and its compatibility with the existing building – it should not be obtrusive or detract from the architecture of the existing building or the surrounding Vieux Carré Historic District, streetscape or adjacent buildings.

### ROOFTOP ELEMENTS

The VCC has jurisdiction over roof-mounted equipment and rooftop decks, including paving and semi-permanent furnishings. (Refer to *Roof Mounted Equipment, Guidelines for Roofing*, page 04-11, and *Outdoor Furnishings, Guidelines for Site Elements & Courtyards*, page 10-9.)



A camelback addition typically is found on a wood-framed shotgun single or double.

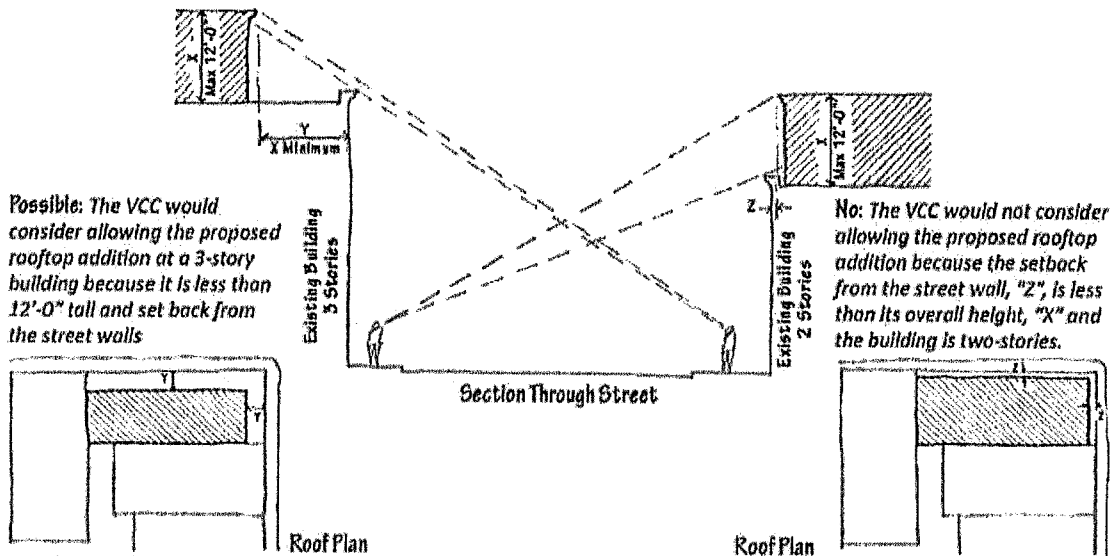


This rooftop addition is set back from the building corner on both sides and has a flat roof without permanent projecting overhangs. The metal railing is nominally visible to pedestrians.

### ROOFTOP ADDITIONS SUBMITTAL REQUIREMENTS

In addition to the submission requirements identified in the *New Construction & Addition Review* (page 14-2), the following information is required for each application for a rooftop addition:

- Dimensioned elevations and plans showing the proposed rooftop addition on the existing building
- Sight-line studies, either photographs or drawings, illustrating the massing of the proposed addition and visibility in all directions, and showing not only the impact on the subject building, but also on the adjacent buildings and the Vieux Carré as a whole
- A scaled massing model of the addition on the existing building that includes adjacent buildings
- A section through the building to the boundary of the property on the other side of the street



Possible: The VCC would consider allowing the proposed rooftop addition at a 3-story building because it is less than 12'-0" tall and set back from the street walls

No: The VCC would not consider allowing the proposed rooftop addition because the setback from the street wall, "Z", is less than its overall height, "X" and the building is two-stories.

A rooftop addition must be set back from the street walls of the existing building by a minimum of the proposed height of the addition, (i.e. 12'-0" high rooftop addition must be set back from the street wall a minimum of 12'-0".) The VCC discourages a rooftop addition on a building less than three full stories in height because of the increased likelihood of visibility.

### DESIGN STANDARDS FOR ROOFTOP ADDITION REVIEW

If allowable by the Comprehensive Zoning Ordinance (CZO) and appropriate at a particular site, the VCC uses specific design standards to review a rooftop addition proposal. In its review of a proposed rooftop amenity or addition, the VCC:

- Strives to make a rooftop addition, including an elevator and mechanical equipment, as well as furnishings as unobtrusive and minimally visible as possible
- Limits the overall height of a rooftop addition, including framing and parapet, to 12'-0" above the lowest surface of the existing roof, except for code-required components, such as an elevator override
- Requires that a rooftop addition be set back from the street façade(s) of the building by a minimum of the overall height of the proposed addition (i.e., a 12'-0" high rooftop addition should be set back from the street wall a minimum of 12'-0")
- Requires that a rooftop addition incorporate elevator, mechanical and HVAC equipment within the single story and allowable addition footprint
- Requires that all furnishings including railings, screens, planters, plants and permanent rooftop furnishings taller than the closest parapet be setback from the street wall(s) a minimum of the height of the proposed furnishing from the lowest roof surface
- Considers a proposal for a rooftop addition that does not conform to these Guidelines at a Green, Pink or Yellow rated building under limited circumstances; however, excellence in design and the architectural character of the existing building are strong factors in the review

Rooftop Addition Review		
Construct a rooftop addition Commission		
<b>1</b>	<b>2</b>	<b>3</b>

ROOFTOP ADDITIONS
<p><b>THE VCC REQUIRES:</b></p> <ul style="list-style-type: none"> <li>• Compliance with the Comprehensive Zoning Ordinance (CZO) – A rooftop addition shall not require a variance for height limit or floor area ratios</li> <li>• Review of all exterior items located on a roof surface including paving, railings and built-in furnishings</li> </ul>
<p><b>THE VCC DOES NOT RECOMMEND:</b></p> <ul style="list-style-type: none"> <li>• A rooftop addition on a Green, Pink or Yellow rated building</li> <li>• A rooftop addition on a building of less than three full stories in height</li> </ul>
<p><b>THE VCC DOES NOT ALLOW:</b></p> <ul style="list-style-type: none"> <li>• A rooftop addition on a Purple or Blue rated building</li> <li>• A rooftop addition on a building originally constructed as a residential building</li> <li>• A rooftop addition on a roof with a pitch greater than 3-inches vertically in 12-inches horizontally and an existing parapet less than 18-inches in height – Except at a camelback shotgun</li> <li>• A roof addition greater than one story and/or 12'-0" in height or with a roof form other than a flat or low-sloped roof – Excluding an elevator override</li> </ul>



# Exhibit D

WALTER F. ZEHNER, III, P.E.  
CONSULTING ENGINEER

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NEW ORLEANS, LOUISIANA 70119

TELEPHONE: (504) 488-1442

FACSIMILE: (504) 488-1448

June 2, 2021

Kailas Companies  
3500 N. Causeway Boulevard  
Metairie, LA 70002

RE: 326 Chartres Street

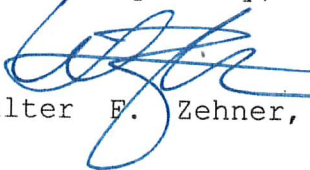
Dear Gentlemen,

I have reviewed the structure of the building at 326 Chartres Street, which consists of four wythe thick brick bearing walls supporting three stories of timber framing.

It is my professional opinion that this existing structure has sufficient strength and capacity to safely support the replacement of the existing rooftop deck.

If you have any further questions concerning this matter, please call at your earliest convenience.

Yours very truly,

  
Walter F. Zehner, III, P.E. 14623

