

VIEUX CARRE COMMISSION

LaToya Cantrell
MAYOR

CITY OF NEW ORLEANS

Bryan Block
DIRECTOR

NOTE: The below minutes are a summary of actions taken. They are not a verbatim transcription of the meeting.

Minutes of the Vieux Carré Commission meeting of Wednesday, July 20, 2022– 1:00 pm.

COMMISSIONERS PRESENT: Toni DiMaggio, Stephen Bergeron, Rick Fifield, Heather Veneziano, Angela King

COMMISSIONERS ABSENT: LaVerne Toombs, Keely Thibodeaux, Julio Guichard

STAFF PRESENT: Renee Bourgogne, Deputy Director; Nicholas Albrecht, Senior Building Plans Examiner Erin Vogt, Senior Building Plans Examiner; Melissa Quigley, City Attorney's Office

STAFF ABSENT: Bryan Block, Director; Anthony Whitfield, Inspector; Marguerite Roberts, Inspector

OTHERS PRESENT: John Williams, Patrick Capella, Nikki Szalwinski, Erin Holmes

I. ROLL CALL

Ms. Bourgogne called the roll. Ms. DiMaggio, Mr. Bergeron, Mr. Fifield, Ms. Veneziano and Ms. King were present.

II. ELECTION OF OFFICERS

Mr. Fifield moved to defer the election until additional Commissioners could be present. Ms. King seconded the motion, which passed unanimously.

III. REVIEW OF MINUTES

Ms. DiMaggio moved to defer review of the minutes at staff's request. Mr. Fifield seconded the motion, which passed unanimously.

IV. CHAIRMAN'S REPORT

Mr. Bergeron stated "I'd like to take this opportunity to spotlight the French Quarter Management District. While this Commission is charged with protecting the district's architecture, historic character, and tout ensemble, the FQMD is hard at work addressing many of the other concerns residents and property owners have and have sometimes expressed at these meetings. Our old friend Maime Gasperecz sits on their Livability Committee where they address concerns such as sanitation, homelessness and other quality of life issues. They meet regularly and welcome all concerned to participate. Please reach out to them to see how they can help make the French quarter a better place to live and work."

V. DIRECTOR'S REPORT

In Mr. Block's absence, Deputy Director Renee Bourgogne thanked the public and Commissioners for their patience as the staff had been struggling with illness due to Covid. She stated that the meeting with the Utilities Commission went well, and the City Council had been happy with the report on 5G.

VI. OTHER BUSINESS

Discussion and motion on establishing a Bylaws Subcommittee to review and recommend revisions to the Vieux Carré Commission bylaws

Mr. Fifield moved to defer the discussion until a larger quorum could be held. Ms. King seconded the motion, which passed unanimously.

Discussion and motion on establishing an additional Architectural Committee seat for a licensed structural engineer experienced in the stabilization of historic buildings

Mr. Fifield stated that frequently the Committee needed structural analysis and expertise beyond their expertise. He stated that it was vital to have help analyzing the complicated structural situations the Committee sometimes encounters. Ms. DiMaggio added that they would need to discuss how to ensure

that the Committee was not held responsible outside the parameters of their positions. Ms. Quigley stated that the Committee could consider requiring applicants to sign a hold harmless agreement. Mr. Bergeron asked if staff could select an engineer to fill the role; Ms. Quigley stated that staff would put out a call for resumes to be considered and voted on by the full Commission. Mr. Bergeron asked if they would have to attend all meetings, or could they come in as needed for certain projects, as he was concerned about the addition of another seat affecting a quorum. Ms. Quigley stated that the Committee required a simple majority, so the addition of another seat would change the number of Committee members required to meet a quorum. Mr. Fifield asked if it would be possible to add them as a non-voting member; Ms. Quigley responded "if crafted that way," a non-voting member could be appointed to a subcommittee without affecting the quorum.

Ms. DiMaggio moved to allow the staff to put out a call for resumes to add an engineer to the Committee. Mr. Fifield requested an amendment, that the engineer be a non-voting member of the Committee. Ms. DiMaggio agreed, and Mr. Fifield seconded the amended motion, which passed unanimously.

440 Bourbon St: Review of Staff and Committee recommendation to confirm entire three-story building rating as "Green," per 07/12/2022 Committee review.

Ms. Vogt presented the staff report to the Commission. Mr. Fifield stated that he had passed by the site and found that the one-story portion of the building was a fragment of a building of substantial age. Ms. Vogt responded that the one-story portion required further consideration, but that based on her research, she anticipated bringing a recommendation to the Commission to rate the building Pink at a later date.

Mr. Fifield moved to **accept** the staff recommendation that the entire main building be reaffirmed as Green rated. Ms. DiMaggio seconded the motion, which passed unanimously.

VII. NEW BUSINESS

800 N Rampart St: 22-01008-VCGEN; 800 N Rampart St: John C Williams, applicant; J & R Rental Properties LLC, owner; Proposal to install wraparound gallery in conjunction with renovation to address demolition by neglect violations, per application & materials received 01/19/2022 and 07/08/2022. **[Notices of Violation sent 02/28/2014, 09/14/2015, 01/31/2017, 05/01/2019, 10/30/2020, 05/24/2021, and 04/18/2022.]**

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=912213>

Ms. Vogt presented the report with Mr. Williams and Mr. Capella present on behalf of the application. Mr. Williams stated that they were glad to be at this point and that the contractor was ready, adding that they would also be working on 810 N. Rampart. He stated that NPS and SHPO had already approved the design, and the VCC had once before.

Ms. Szalwinski addressed the Committee, stating that the SHPO report stated that the evidence for the gallery was scant because of changes to the building. She noted the eight years of demolition by neglect, stating that approving the gallery would be rewarding that neglect. She asked that the Commission request the building be sealed and make them perform repairs first. Ms. Szalwinski added that SHPO also said it might not be the same building seen in the plan book drawings.

Ms. Vogt responded that the staff had pursued adjudication and attempted to enforce abatement of the demolition by neglect violations, issuing permits for the work multiple times, with none of those permits completed.

Ms. DiMaggio asked if physical evidence of the gallery had been inspected by staff. Ms. Vogt responded that yes, she had inspected the joist pockets at the second-floor interior of the building, and that they were closely spaced at 2'-0". She explained that they were deep enough and closely spaced enough to suggest that the gallery was occupied, and that the joist pockets ran the full length of the N. Rampart elevation. Ms. DiMaggio stated that she found this to be the most compelling evidence, more so than the plan book drawings, and noting that VCC staff had inspected more thoroughly than SHPO.

Ms. King moved to **approve** the proposed work per the staff and Committee recommendations. Mr. Fifield seconded the motion, which passed unanimously.

VIII. CHANGE OF USE HEARINGS

1222 Decatur St: 22-12838-VCSGN; NOLA Sign Shop LLC, applicant; J & R Rental Properties L L C, owner; Proposal to install new exterior sign in conjunction with a **change of use** from *retail* to *personal services establishments*, per application & materials received 04/29/2022.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=926685>

Mr. Albrecht read the staff report. There was no one present on behalf of the application. Mr. Bergeron asked if they should proceed without an applicant. Ms. Bourgogne stated yes.

There was no public comment.

Mr. Fifield made the motion to forward a recommendation for approval of the change of use to Safety & Permits. Ms. Veneziano seconded the motion and the motion passed unanimously.

IX. APPEALS AND VIOLATIONS

815 St Ann St: 21-21655-VCGEN; John C Williams, applicant; 815 St Ann Holdings LLC, Sandra L Sachs, Lisa P Sinders, Sandra Sachs, owner;

Proposal to shore the St. Ann elevation of the main building, remove the front masonry wall, construct new foundation, and reconstruct St. Ann elevation, per application & materials received 07/27/2021 & 06/27/2022, respectively.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=894862>

Mr. Albrecht read the staff report with Mr. Williams present on behalf of the application.

Mr. Williams stated the following: I am here to represent all parties. Staff has recommended denial and the ARC wanted to push it here to get you all to make a recommendation. We have a good team, and they want me to get this through VCC. I am relying on the engineer's opinion here. I don't want to create drawings until we get conceptual approval. We would like approval not a deferral or denial. It is a volatile situation with no insurance, there is a time element here. Please do not deny or defer.

Mr. Fifield stated the following: this is one of the most extreme requests the ARC has ever seen and that the Commission needs to consider what kind of assurances can be put in place that this will actually be rebuilt. The ARC has never seen any documentation of the conditions of the foundation from the structural engineer. We have asked if the building is still moving or is static- the engineer has given us no information. The ARC is frustrated and that is why we are here. It has not been established that this is necessary, and the applicant has again provided zero information for this drastic action. This wall is in bad shape, yes. And it has been badly managed with prior unsympathetic renovations. We are given a false choice with no information to support it.

Mr. Bergeron stated that the matter was very serious and that nothing ever goes back the way it comes apart. He went on to say that they just didn't have enough information and again this matter highlighted the necessity for an engineer on the ARC. Ms. DiMaggio state that she agreed with Mr. Fifield and asked again for documentation.

PUBLIC COMMENT:

Erin Holmes, representing VCPORA, stated that since this application was first reviewed, the City had been hit by Hurricane Ida and this building had survived. She continued that the complete demolition of this wall could not be the only way to renovate the building. She noted that the engineer had not reinspected the property since the initial 2020 inspection. Ms. Holmes concluded noting that no alternative proposals were submitted, and that approval here would set a bad precedent. A more sensitive approach was needed.

Nikki Szalwinski, representing French Quarter Citizens, stated that she was in a similar position with her own renovation and that this could be fixed. Ms. Szalwinski stated that she supported the staff report.

Mr. Williams stated that the information added at the last Architecture Committee meeting was the photos of the footings. He continued that the owners' representatives determined that Hard Rock Construction was responsible for the damages.

Mr. Fifield asked Mr. Williams if he was engaged as the architect for the project. Mr. Williams stated that he was the architect but that he did not engage the engineer or contractor, the owner did. Mr. Fifield asked if Mr. Williams and the owner could hire a 3rd party engineer, noting that information from an additional engineer could break the current stalemate. Mr. Williams stated that he could not speak for the owner but wanted to move forward. Ms. DiMaggio stated that due diligence would help, and that the Commission and Architecture Committee needed information and their questions answered. Mr. Bergeron stated that this was actually a demolition and that there were different rules for a demolition. Ms. Bourgogne stated yes, and a 30-day layover period. Ms. Vogt stated that guidelines required drawings for any demolition.

Ms. DiMaggio made the motion to defer in order for the applicant's team to provide the information requested and to address this application as a demolition with the necessary architectural drawings to be submitted and a report documenting if the building was currently static or moving. Ms. Veneziano seconded the motion and the motion passed unanimously.

- X. RATIFICATION** of Architectural Committee and Staff actions since the Wednesday, June 22, 2022 VCC meeting.