

VIEUX CARRE COMMISSION

Mitchell J. Landrieu  
MAYOR

CITY OF NEW ORLEANS

Bryan Block  
DIRECTOR

Minutes of the **Vieux Carré Commission** meeting of **Wednesday, June 7th, 2017 - 1:30 P.M.**

**COMMISSIONERS PRESENT:** Nicholas S. Musso, Chairman  
Daniel C. Taylor, Vice-Chairman  
Leslie S. Stokes, Secretary  
C.J. Blanda  
Patricia C. Denechaud  
Adrienne Thomas

**COMMISSIONERS ABSENT:** Rick Fifield  
Angela King

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

**STAFF ABSENT:** Erika Gates, Inspector; Tony Whitfield, Inspector;

**OTHERS PRESENT:** Bev Falk, Bob Simms, Joey Difatta, Gail Cavett, Albin Guillot, Louise  
Saenz, Morris Kahn, Justin Schmidt, Chris Loudon, Ann Masson, Betty  
Norris, Avery Foret, Derek Stewart, Meg Lousteau, Marie Crouch, Kim  
Rosenberg, Earline Torres, Billy Good, Erin Holmes, Carol Gnaidy,  
Margarita Bergen, David Carimi, Mercedes Whitecloud, Hilary Irvin,  
Eileen Planetta, Terrance Osborne, Donna Horowitz, Sammy Steele,  
Sandra Stokes, Tony Marmo, Carol Greve, Fran Flurrey, Rick Normand

**I. ROLL CALL**

Chairman Musso called the meeting to order at approximately 1:36 PM. A quorum was established with the presence of five (5) of the eight (8) seated Commissioners present.  
**[Commissioner Denechaud arrived during the Chairman's Report]**

**II. REVIEW OF MINUTES**

Mr. Blanda moved, Mr. Taylor seconded, that the minutes of the Vieux Carré Commission meeting of May 3rd, 2017 be approved as previously circulated. The motion passed unanimously.

**III. CHAIRMAN'S REPORT**

Mr. Musso began his report noting the current status of the Vieux Carré Commission Foundation's legal case regarding 411 Bourbon St. Ms. Quigley clarified that the court had granted the injunction but have not yet determined the merits of the case.

**[Ms. Denechaud arrived during the Chairman's Report]**

Mr. Musso continued that the interaction between the City Council and the VCC sets up an adversary relationship. Mr. Musso continued that the view of the Council is more financial and that there needs to be ways of finding compromise. Mr. Musso noted that sometimes it takes a long time to resolve certain situations but for the most part things can be resolved to the satisfaction of most parties. Mr. Musso stated that there are absolutes – things that will never be allowed and things that will always be allowed. Mr. Musso stated that the VCC has to look at how the guidelines will be applied and how they can function without the idea of expediting

everything straight to City Council. Mr. Musso concluded that the objective is to work to reach a compromise without the need for litigation or intervention from the City Council or Mayor's Office.

#### **IV. DIRECTOR'S REPORT**

Mr. Block began his report by noting the VCC's continued efforts to increase access to information. Mr. Block noted that, beginning with today's meeting, Commission meetings will be live streamed and archived online. Mr. Block also noted that agenda's for Architecture Committee meetings and Commission meetings will now feature a link to connect directly to online submitted materials for each project.

#### **V. NEW BUSINESS**

**919 Dauphine St:** Lee Ledbetter, applicant; The Margaret C Handley Revocable Trust, owner; Proposal to renovate rear dependency, including addition of dormers and modifications to existing openings, per application & materials received 11/18/16 & 05/26/17, respectively.

Ms. Vogt presented the staff report with Mr. Loudon present on behalf of the application. With no discussion necessary, Mr. Taylor moved to **approve** the proposal, consistent with staff recommendations. Ms. Denechaud seconded the motion, which passed unanimously.

#### **VI. APPEALS AND VIOLATIONS**

**730 Esplanade Ave, 729-33 Barracks:** Loretta Katherine Harmon, applicant; 730 Esplanade LLC, owner; Appeal of Architectural Committee denial of proposal to retain numerous violations of work without permits including, but not limited to, the installation of new rooftop mechanical equipment and duct work, installation of fourteen skylights, modification of window and door openings, modification of window and door millwork, creation of new wall penetrations, and constructing a new courtyard enclosure wall, per application & materials received 08/16/16 & 05/08/17, respectively. **[STOP WORK ORDER posted 07/27/16]**

Mr. Albrecht gave the staff presentation with Ms. Harmon and Messrs. Schmidt and Carimi present on behalf of the application. Following the staff presentation, Ms. Harmon gave a brief presentation. Mr. Carimi stated that this was originally planned to be an 8 month project but turned into a four year project with many people involved. Mr. Carimi stated that the project evolved with many professionals (architects, designers) working to pull this together. He also stated that the owner was out of town for much of the time during construction. During this period four VCC permits were pulled as well as a multiple from other departments.

Mr. Musso inquired why the applicant did not get additional permits for the evolving scope of work. Mr. Carimi replied that items were missed with pulling permits and that there was no set plan with what to do with the house from the get go. Normally a project of this magnitude would have a set of plans from which to operate. The house was in bad shape. There was much exploratory demolition. The concept evolved over time. Mr. Carimi stated that he has worked within the Quarter for many years and that inspectors usually drop by from time to time.

Mr. Schmidt stated that he wanted to "set straight" comments from the public. Mr. Schmidt stated that Mr. Torres is not an engineer or architect, but a businessman that hired architects and contractors upon whom he relied. Mistakes were made but the comments by the public that no permits were pulled are patently false. Mr. Schmidt continued that seventeen permits were received or issued, some from Safety and Permits and some from VCC. This highlights certain deficiencies with the One Stop Shop system if S&P is able to issue permits independently of VCC review and permitting. Mr. Torres relied upon this system to triggering any necessary VCC permits before S&P could issue permits.

Mr. Musso stated that every time the scope of work, techniques, or materials were modified that the onus is on the contractor and/or owner to seek approval from the VCC. He did not dispute that permits were issued; just concerned that, as the project evolved, items were not reviewed and the VCC was not consulted. Mr. Schmidt stated that Mr. Torres is availing himself of the stated process for seeking retention to which he is entitled to.

Ms. Holmes, representing the Preservation Resource Center, stated that whether the changes were considered appropriate or not, is irrelevant. They were done without approval. Given the fact that these violations were committed by professionals with considerable knowledge of VCC procedures along with the magnitude of work, there is an indication of an ambivalence to authority charged with protecting the historic integrity of the French Quarter. She requested that the rules be applied uniformly for all French Quarter property owners.

Ms. Gnaidy, representing the Louisiana Landmarks Society, stated that the applicant should be held to the same standards to which any other applicant would be held. Considering the fact that this applicant has also renovated another significant building on Esplanade Avenue they should have been aware of the requirements for review and permitting. Ms. Gnaidy continued that processes were not followed and inappropriate changes should be reversed.

Ms. Lousteau, representing VCPORA, noted that she had seen the work and that it was of good quality but noted that it was done as a willful violation of the rules. Ms. Lousteau continued that the rules help maintain the well preserved neighborhood. Ms. Lousteau noted that this was an example of the owner's adage that it is easier to ask for forgiveness than permission. She used the installation of the 14 skylights of an example of a change to the building that did not relate to the original construction. She asked the Commission to continue to protect the neighborhood and to deny the retention application.

Ms. Norris noted that she has been in the house many times and that it is a beautiful home that she wants to see renovated the right way.

Ms. Bergen stated that she used to go to the house and that she had just been invited to cocktail party there. Ms. Bergen stated that she was in awe of the beautiful renovation but she knows some mistakes were made. Opportunity should be given for the applicant to correct certain problems and retain others. She is not saying that the VCC should lower their standards but that they should raise their standards to appreciate the changes that were made after forty years of neglect.

Ms. Rosenberg stated that this matter is not about the beautiful renovations, but rather about the historic preservation of an important asset of the Vieux Carré. Ms. Rosenberg continued that the Vieux Carré is a National Historic Landmark. Therefore, all buildings within the district are part of the historic landmark. The state constitution mandates the duties of the Vieux Carré Commission to benefit all people and tourism of the state. As this is a Blue rated building it deserves higher protection than other buildings within the Quarter.

Ms. Crouch stated that if the owner should respect the historic building they are restoring. Yes, it should be made to be livable. If he wants to live in a 21<sup>st</sup> century home that he should move to a 21<sup>st</sup> century area but do not damage the historic character of the building and they should follow the rules of the VCC.

Ms. Masson stated that this is not about who owns the building but is about what's been done to the building. Had the VCC had an opportunity to review the proposal maybe some of the items could have been approved, some perhaps would not have been. Safety and Permits did perhaps issue some permits which should have had corresponding VCC permits. However, everyone who works within the District is subject to the same rules and regulations of the

Commission as it protects the neighborhood. Ms. Masson encouraged the consistent application of the rules which ensures the protection of all buildings as well as the authority of the VCC into the future.

Mr. Kahn stated that a lot of the items seeking retention are reasonable and should be allowed to remain and that also some of the items that are requested for repair are also reasonable. There should be a discussion to get to a compromise. Mr. Kahn stated that some things were done well but others need work.

Mr. Guillot stated that there are other important issues in the French Quarter such as crime. Mr. Guillot stated that Sidney Torres created the FQ Task Force and it is now a safe place to live and work. Mr. Guillot stated that Mr. Torres bought a dilapidated, run down mansion and apologized that there were missteps. Mr. Torres should be commended for investing in this property to retain it as a single family home instead of chopping it up into multiple apartments, something that is very common throughout the district. Mr. Torres should be commended for this work.

Ms. Cavett suggested a common sense approach, to retain things that make sense to retain and to replace things that need to be replaced.

Mr. Difatto suggested looking at what's been done and figuring out how to move forward to put property together the right way.

Mr. Simms stated that the building had been tastefully renovated and stated that AC on the roof was the right move.

Mr. Marino stated that he has been in situations for clients similar to this but that these are qualified people who should know better.

Mr. Good stated that it was an incredible renovation and that it was worthy of compromise.

Mr. Steele said that there needs to be a look at crime and people sleeping in the street and that the owner should be applauded for bringing the mansion back.

Ms. Irvin stated that there are some things that cannot be allowed and others that cannot be repaired. Ms. Irvin noted that the skylights would not have been permitted under the guidelines.

Ms. Sandra Stokes stated that she appreciates the work of Mr. Torres but that she is not here to talk about anything but the house. Ms. Stokes stated that there should be the utmost protection for this blue-rated building.

Mr. Kern stated that the Commission should protect the historic nature of the French Quarter and do the building right.

Ms. Horowitz stated that the owner has taken the house and brought it back to life.

Ms. Flurry stated that she was very unhappy to hear people praising the beautiful job. Ms. Flurry stated that if everybody who did something like this and got away with it that there wouldn't be much to be proud of.

Following the public comments, Ms. Thomas stated that it appeared that the owner and contractor were in a rush to get things done and items corrected and that she would like to see what could be worked out.

Mr. Taylor stated that he asked himself if these items would have been approved if the procedures were followed and that the removal of the arched opening would not have been

approved. Mr. Taylor continued that the skylights were also problematic.

Mr. Musso stated that there are at least 3 items to be addressed to have a compromise: the fan window on the rear elevation of the main building which must be restored to its historic condition, making the attic hatch visually disappear, and providing evidence of a previously existing window on the river side front of the house. Mr. Musso inquired if the applicants were negotiable and noted that the Commission could either approve, deny, or return the application to the Architecture Committee. Mr. Musso noted that he didn't want the City Council to make the decision.

Ms. Harmon stated that they were open to reinstalling the arched top millwork and researching the window.

Mr. Schmidt inquired if they could return the application to the Commission rather than the Architecture Committee. Mr. Musso stated that if sufficient materials were submitted to staff in the interim. Mr. Musso stated that he would be comfortable with a one-time deferral.

Mr. Blanda moved to temporarily defer the application with the applicant to address the provisos made by Mr. Musso and submit revised materials to the staff. Mr. Taylor clarified that the items to be addressed would be the restoration of the fan window, the use of a discreet electric hatch for roof access, and an investigation on the riverside window.

Ms. Stokes seconded the motion, which passed unanimously.

**720-730 Bienville St:** Avery Foret, applicant; 730 Rue Bienville, LLC, owner; Appeal of Architectural Committee denial of the proposal to retain signage and lighting, per application & letter of appeal received 11/18/16 & 04/25/17, respectively. **[Notice of Violation sent 05/10/16]**

Mr. Albrecht gave the staff presentation with Ms. Foret present on behalf of the application. Mr. Musso noted that the current situation can't be let go as-is. Mr. Musso continued that this was not only a VCC violation but also a BZA violation.

Ms. Foret noted that they were attempting to clean up the property. Mr. Taylor noted that it was likely that the BZA would seek an opinion from the VCC.

Mr. Blanda moved to defer the application to allow the BZA to rule on the proposal. Mr. Taylor seconded the motion, to allow the applicant to complete the BZA process.

Mr. Block noted that the Commission should speak to the merits of the proposal compared to the design guidelines.

**[Ms. Stokes left the meeting during the discussion.]**

The vote was called and the motion for deferral, including a neutral recommendation to the BZA, passed unanimously.

**725 Iberville St:** Avery Foret, applicant; 730 Rue Bienville, LLC, owner; Appeal of Architectural Committee approval with proviso of the proposal to retain drop awnings installed without benefit of VCC review or approval, per application & letter of appeal received 02/03/17 & 04/25/17, respectively. **[Notice of Violation sent 08/16/16]**

Mr. Albrecht gave the staff presentation with Ms. Foret present on behalf of the application. Mr. Musso stated that the recommendation of staff was a very reasonable request; to have an awning with the ability to roll up but still attach or anchor at the bottom of the awning.

Mr. Taylor moved to deny the requested retention of the hardware with the applicant to work with staff to find a compromise. Mr. Blanda seconded the motion, which passed unanimously.

**VII. RATIFICATION** of Architectural Committee and Staff actions since the Wednesday, May 3, 2017 VCC meeting.

Mr. Taylor moved to ratify the Architectural Committee and Staff actions since the Wednesday, May 3rd, 2017 meeting. The motion, seconded Mr. Blanda, passed unanimously.

With no other business to discuss, Mr. Taylor moved to adjourn the meeting. Mr. Blanda seconded the motion, which passed unanimously. The meeting was adjourned at approximately 3:00 pm.