

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, April 20, 2022– 1:00 pm.

COMMISSIONERS PRESENT: Toni DiMaggio, Stephen Bergeron, Rick Fifield, Angela King, LaVerne Toombs

COMMISSIONERS ABSENT: Keely Thibodeaux, Rodney Villarreal, Heather Veneziano, Julio Guichard

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

STAFF ABSENT: Nicholas Albrecht, Senior Building Plans Examiner; Anthony Whitfield, Inspector; Marguerite Roberts, Inspector

OTHERS PRESENT: Quitman Gahagan, Bob Ellis, Monica Moreira, Erin Holmes, Nathan Chapman, Dure Rose-Havens, Brook Tesler, Angie Bowlin, Glade Bilby, Chris Young, Lee Ali, Nikki Szalwinski

WEDNESDAY, APRIL 20, 2022

1:00 PM CITY COUNCIL CHAMBERS

1300 PERDIDO ST, NEW ORLEANS, LA 70112

I. ROLL CALL

Vice-chair DiMaggio called the meeting to order at approximately 1pm. Mr. Block called the roll. Ms. DiMaggio, Mr. Bergeron, Mr. Fifield, Ms. King, and Ms. Toombs were present.

II. TEMPORARY ELECTION OF OFFICERS

Ms. DiMaggio stated that an Acting Chair must be elected until the end of June, when the Election of Officers will be held. Mr. Fifield nominated Mr. Bergeron. Ms. Toombs seconded the motion, which passed unanimously.

III. REVIEW OF MINUTES

Mr. Bergeron noted that staff requested a deferral until the May meeting. Mr. Fifield moved for deferral. Ms. Toombs seconded the motion, which passed unanimously.

IV. CHAIRMAN'S REPORT

Mr. Bergeron thanked everyone, particularly former Commissioner Gasperez for her service to the Commission throughout her term.

V. DIRECTOR'S REPORT

Mr. Block stated that two new Commissioners had been appointed, Ms. Veneziano and Mr. Guichard. He added that he was happy to be back in the City Council chambers.

VI. OTHER BUSINESS

Initial non-binding review of proposal to allow parklets to become permitted on a permanent basis.

Courtney Wong from the Mayor's Office of Economic Development presented a preliminary report on initial discussions regarding future permitting of parklets. Ms. Holmes, Mr. Chapman, Ms. Bowlin, Mr. Ali, Ms. Szalwinski and Mr. Bilby spoke against.

Commissioner Rick Fifield stated that he was inclined to agree with all the speakers. He went on to ask questions regarding design review and concerns regarding compliance with the Americans with Disabilities Act. Lastly, he stated that there should be efforts to mitigate something that shouldn't be approved in the first place. Commissioner LaVerne Toombs asked about fees and then she asked if the

Office of Economic Development had done any studies on the economic impact of this on the French Quarter. Ms. Wong stated that, yes a schedule of fees is to be included in the proposed ordinance. However, no public meetings had been held regarding the matter although this will be presented at the upcoming CPC hearing which is a public forum. Commissioner Fifield stated that the City is “leaving money on the table” and should be charging more if, for nothing else, matters of enforcement. Commissioner Toni DiMaggio asked if there were geographical areas that the parklets would be excluded from and limitations on the time of day they would be allowed to operate. She stated that they were all here to protect the tout ensemble, French Quarter buildings already possessed outdoor spaces (courtyards and galleries) and that accessibility needed to be maintained. Commissioner Stephen Bergeron asked if there had been a study done on the impact this program would have on street parking which is already limited. Ms. Wong stated that she was not aware of such a study.

Assistant City Attorney, Melissa Quigley, stated that the CPC staff report was available on the CPC website. Ms. Quigley read the CPC recommendation indicating exclusion from certain residential zoning districts and limitations on hours of operation.

Commissioner Fifield moved to forward a **negative recommendation**, requesting that the City Planning Commission not approve this proposal due to the negative impact this will have on the tout ensemble of the historic district and due to the failure of City departments to enforce regulations during the pilot program.

VII. CHANGE OF USE HEARINGS

530-34 Bourbon St: 22-06941-VCSGN Pro Signs & Graphics, applicant; Akm Acquisitions LLC, owner; Proposal to install double-sided neon sign in conjunction with **change of use** from *vacant (bar)* to *retail*, per application & materials received 03/08/2022.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=918224>

Ms. Vogt read the staff report with Mr. Young present on behalf of Magnolia Enterprises, Inc. He stated that he was unsure of the history but that it had been in continuous use as retail, with continual licensing. He stated that he was not familiar with it being a bar, but would take the Zoning violation to the owner. Ms. Bourgogne stated that sign permits could not be issued with a Zoning violation in place. Ms. DiMaggio asked if Zoning was resolved, does Safety and Permits need to be? Ms. Vogt stated that the violations remained in place and still had to be addressed for the whole property.

Ms. Holmes addressed the Commission on behalf of VCPORA, stating that at least eight different signs had appeared for various businesses including a smoke shop and bar, asking why the business was even open with flagrant violations. She asked that the Commission deny the sign and forward a negative recommendation. Ms. Szalwinski also addressed the Commission on behalf of French Quarter Citizens, stating that there was zero enforcement, that a bar was open in between retail uses and that the business should be shut down.

Mr. Fifield moved to **defer**, with the applicant to resolve violations with the VCC and all other applicable agencies. Ms. DiMaggio seconded the motion, which passed unanimously.

VIII. APPEALS AND VIOLATIONS

624 Dumaine St: 19-02566-VCGEN; Hank Smith, applicant; Bienville Street Outback LLC, owner; Proposal to stucco over improperly repaired masonry wall, per application & materials received 01/31/2019 & 04/06/2022, respectively.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=791830>

Ms. Bourgogne read the staff report with no one present on behalf of the application.

Public Comment: Nikki Szalwinski, representing French Quarter Citizens, commented against the proposal.

Mr. Fifield made the motion to approve the proposal to stucco the Royal Street elevation with the proviso that the wall be repointed, and a structural survey was to be conducted. Ms. DiMaggio seconded the motion and the motion passed unanimously.

327 Bourbon St: 21-34253-VCGEN; Bob Ellis, applicant; Karno 327 Bourbon Street Real Estate LLC, owner; Review of unpermitted demolition of rear enclosed wood gallery, per application & materials received 12/09/2021. [**Notices of Violation sent 07/14/2016, 04/22/2019, 04/28/2021, & 12/13/2021**]

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=909930>

Ms. Bourgogne read the staff report with Mr. Ellis, Mr. Crouch and Ms. Gates present on behalf of the application. Mr. Ellis gave a history of the property from the 2017 eviction to the current state. He went on to say that now that there was only one owner and they had just secured the loan so they were ready to get moving. Mr. Crouch, the contractor, gave a brief statement as to the current condition of the building. Mr. Fifield so "it can't be put back in use in its current condition?" Mr. Ellis stated no. Mr. Fifield asked if the ARC would see drawings. Mr. Bourgogne stated yes, and explained that staff had seen one set of drawings that was completely unprovable. Mr. Block stated that this building was here because of its blue rating and staff wanted the public to know that this was not ok. He went on to say that staff could no longer move forward without the Commission being aware of what was going on. Ms. DiMaggio asked if the siding removal was before or after Hurricane Ida. Mr. Crouch stated after. Ms. Bourgogne pointed out that the ARC had seen this property a number of times for the cornice and the roof, both of which were nonexistent at this point.

Public Comment: Nikki Szalwinski, representing French Quarter Citizen, noted the ongoing problems with unpermitted work and demolitions.

Mr. Ellis stated that they had a ton of photos. Mr. Block stated that staff had been asking for photos for months, so for the applicant to please forward them. For clarification he stated "we want the photos from right after Hurricane Ida." Ms. DiMaggio asked if the owner fully understood the rating and the significance of this building. Mr. Ellis stated yes, and that was why they were working so hard to get the project moving. Ms. DiMaggio asked why the building was not water tight. Mr. Ellis stated that they had tarped it numerous times, but tarps don't last. Ms. Gates stated that the drawings were 98% done and that they had been approved by SHPO for part one and were now working on part two.

Mr. Fifield made the motion to **deny** the retention of the demolition and to require that the reconstruction of the gallery. Ms. Tombs seconded the motion and the motion passed unanimously.

830 Burgundy St: 22-00825-VCGEN; Quitman Gahagan, applicant; Harry Q III Gahagan, owner; Appeal to retain keypad hardware installed without benefit of VCC review and approval, per application & materials received 01/12/2022 & 04/05/2022, respectively. [**Notice of Violation sent 08/26/2021**]

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=913253>

Ms. Vogt read the staff report with Mr. Gahagan present on behalf of the appeal. Mr. Gahagan stated that the property had been an AirBnB before his purchase, and that he recognized the architectural issues but prioritized security. He researched to find the best security option so they could get in and out without having to manually lock the door. Ms. Toombs asked staff what was not approvable about the keypad; Ms. Vogt responded the manual buttons and the lever handle, particularly the handle, which she found to be the bigger issue. Mr. Block stated that staff could not issue permits for things that deviate from the Guidelines, but the Commission can.

Ms. DiMaggio asked if it could be used with a knob handle; Mr. Gahagan responded that he was unsure, but that he needed a latch not a bolt. He agreed to change it if possible. Ms. DiMaggio asked Mr. Block if he felt security could be considered a hardship; Mr. Block responded that he thought so. Ms. Bourgogne stated that the current keypads were unpermitted and did not fit the door well, as installed. Ms. DiMaggio stated that this seemed to be a situation where the entire neighborhood could argue hardship. Mr. Gahagan stated that architectural matters were important, but security should override. Ms. DiMaggio responded that she appreciated that, but her concern was how to address this going forward with other cases.

Ms. King asked if the keypads shown by staff did not lock automatically. Mr. Gahagan stated that they did, but that the one he had locked after four seconds, and fifteen seconds was too long. She then asked if it could be modified to use a knob instead of a lever. Mr. Gahagan said he would check with the manufacturer as he had not fully researched it. Ms. Vogt stated that she had spent some significant time

looking into this issue and that the Kwikset site was not clear on this particular point.

Ms. DiMaggio moved to **defer** the appeal with the applicant and staff to work together. If no resolution could be found prior to the May meeting, that it be revisited in front of the Committee at that hearing. Mr. Fifield seconded the motion, which passed unanimously.

IX. RATIFICATION of Architectural Committee and Staff actions since the Wednesday, February 16, 2022 VCC meeting.

Ms. King moved for ratification. Mr. Fifield seconded the motion, which passed unanimously.

Mr. Fifield moved to adjourn the meeting. Ms. Toombs seconded the motion, which passed unanimously.