

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, January 18, 2023– 12:00 pm.

COMMISSIONERS PRESENT: Stephen Bergeron, Toni DiMaggio, Julio Guichard, Gabriel Viridure, Robert Pearson, Heather Veneziano

COMMISSIONERS ABSENT: LaVerne Toombs, Angela King

STAFF PRESENT: Bryan Block, Director; Renee Bourgoigne, Deputy Director; Nicholas Albrecht, Senior Building Plans Examiner; Erin Vogt, Senior Building Plans Examiner; Tommie Milliner, Deputy City Attorney

STAFF ABSENT: Marguerite Roberts, Inspector

OTHERS PRESENT: Bill Goodwin, Don Jones, John Williams, Patrick Capella, Morgan Conner, Katherine Harmon

I. ROLL CALL

Mr. Block called the roll. Commissioners Bergeron, DiMaggio, Guichard, Viridure, and Pearson were all present establishing a quorum. Commissioner Veneziano arrived after the roll call.

II. REVIEW OF MINUTES

Commissioner Pearson moved to accept the October and November minutes as distributed by staff in advance of the hearing. Commissioner Guichard seconded the motion, which passed unanimously.

III. CHAIRMAN'S REPORT

Commissioner Bergeron read the following report: "**Short Term Rentals in the VCC**

As the City Planning Commission works to develop recommendations for revised STR regulations, I'd like to take this moment to acknowledge that the Vieux Carre is a living, working neighborhood. The mix of people who populate the streets of the Vieux Carre is an intangible aspect of the character of the neighborhood that contributes a great deal to the tout ensemble. Any expansion of short-term rentals in the district beyond the present VCE zoning district would have a negative impact on the tout ensemble, reducing the number of permanent residents in the district by reducing the number of housing units available to them.

As I understand it, the CPC is issuing their recommendations today. Please reach out to the CPC and members of the Council with your comments and concerns related to short term rentals. This matter will be heard and discussed at the CPC's next scheduled meeting on Tuesday, January 24th at 1:30pm. Today, I'm asking the staff to review the CPC's recommendations and draft a report on the impact of those recommendations to the tout ensemble to be shared at our next meeting."

Mr. Milliner noted that the VCC jurisdiction includes the social environment of the neighborhood. He continued that the Federal court recognized the *tout ensemble* includes the social fabric in a case involving the Jackson Square artists.

IV. DIRECTOR'S REPORT

Commissioner Veneziano arrived during the director's report.

V. OTHER BUSINESS

Review and approval of 2023 Vieux Carré Commission Meeting schedule.

Commissioner Viridure moved to approve the 2023 meeting schedule. Commissioner Pearson seconded the motion, which passed unanimously.

Previously Scheduled Agenda

VI. OLD BUSINESS

1039 Burgundy St: 22-15634-VCGEN; John C Williams, applicant; Michael Katzenstein, owner; Proposal to construct addition on roof of orange rated garage, modify garage doors, modify millwork openings, and install roof deck, per application & materials received 05/24/2022 & 10/25/2022, respectively.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=929037>

Ms. Vogt read the staff report with Mr. Capella and Mr. Williams present on behalf of the application. Mr. Capella stated that the parapet would not be raised and should be 12'-5", which was the current height. Ms. Viridure addressed staff and the members of the Committee stating "there's seems to be a difference of opinion here. Why did the ARC approve? Staff raises good points." Mr. Bergeron responded that this was very unique to this building and that the owner had provided documentation that it was existing and had been activated for some time. Mr. Block responded that it had not been architecturalized or approved before, but from a use perspective, had functioned as a roof deck. Ms. Viridure asked if it would be used with umbrellas and furniture; Mr. Williams responded no, it would be too small. He went on to say that it would become a single-family house with roof access only through the adjacent office. Mr. Capella stated that the owners currently had access to the full roof now, and that architecturalizing it had the effect of restricting the use to a smaller area, and future owners would also be restricted. Ms. DiMaggio stated that she objected to the decorative rail. Mr. Williams responded, "it is currently there so we planned to reuse it." Ms. DiMaggio stated that she would like to see something more functional and less decorative since it might be visible. Mr. Capella stated that they were open to that.

There was no public comment.

Mr. Williams noted the positive recommendation from the Committee. Ms. Viridure stated that the parapet was shown taller on the drawings; Mr. Capella stated that it had been revised and would not be. Ms. Viridure responded that that would make the rail and deck more visible; Mr. Capella stated that the parapet extension would have had to have attached to the neighbor's building, which they did not want to do.

Ms. Viridure moved for **approval**, with the applicant to work with the Committee to simplify the rail and to move it back to further reduce the visibility of the roof deck. Ms. DiMaggio seconded the motion, which passed unanimously.

VII. NEW BUSINESS

1009 Burgundy St: Michael Reid, applicant; Jeffery C Collins, owner; Proposal to construct new storage shed and install generator on roof, per materials received 04/12/2022 & 11/02/2022, respectively.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=924103>

Ms. Vogt read the staff report with Messrs. Reid and Collins present on behalf of the application. Mr. Reid stated that they would move the generator to the required distance and had developed a temporary protection plan for the adjacent building. He added that they would be matching details from the existing buildings, including Frank Masson's shutter details from a previous renovation on the site. Mr. Reid stated that they had included a vibration pad on the roof as a courtesy to the neighbor, and that they had gotten in touch with the generator manufacturer, who told them that the noise level through the wall during exercise would be approximately 27.9 dBL. Mr. Reid added that they would coordinate exercise with neighboring property owners, including 1009 St. Philip and 1017 St. Philip, so their generators would all exercise at the same time so overall impact would be minimized. Mr. Reid stated that Mr. Collins owned the back wall of the dependency at 1011 St. Philip, and that they were putting expansion joints at the foundation and roof and running the joists longways so there would be no penetrations in the wall that would carry vibration. He stated that Mr. and Mrs. Collins were long time residents who wanted to be able to stay home during hurricanes. Mr. Collins added that their main concern was the refrigerator, particularly medications that need to stay refrigerated.

Ms. Viridure asked how the shed roof would be accessed and if she was seeing a hatch in the drawings. Mr. Reid stated that it was accessed by the service ell balcony, and she was seeing a vent in the roof that would provide ventilation to the shed below. He repeated that the shed would not be air conditioned to avoid condensation.

There was no public comment. Mr. Bergeron noted the absence of the neighboring property owner at 1011 St. Philip.

Ms. Virdure moved to **approve** the work with the proviso that the structural details and protection plan return to the Committee for final review prior to permit. Mr. Guichard seconded the motion, which passed unanimously.

1015 Decatur St: Loretta Harmon, applicant; Rahim Rashkbar, owner;

Proposal to renovate building including the conversion of one existing third-floor double hung window to a side hinged window/door hybrid, per application & materials received 10/25/2022 & 12/07/2022, respectively.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=950001>

Mr. Albrecht read the staff report with Ms. Harmon present on behalf of the application. Commissioner Virdue asked what the plan was for the door hardware. Ms. Harmon noted that a discrete push plate on the exterior would be used.

There was no public comment.

Ms. DiMaggio made the motion for the approval of the application with the details to be worked out at the staff level. Ms. Virdure seconded the motion and the motion passed unanimously.

VIII. CHANGE OF USE HEARINGS

723-25 St. Peter Street: 22-30724-VCGEN; Emily Flagler, Architect, LLC, applicant; FQ Voodoo LLC, owner; Proposal to modify alley gate and install light fixtures in conjunction with a **change of use** from *retail to restaurant (standard)*, per application & materials received 10/11/22.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=948307>

Ms. Vogt read the staff report with Ms. Flagler and Ms. Jaeger present on behalf of the application. Ms. Flagler stated that it was very minimal work with no large cooking equipment. She added that they were reusing existing light fixtures, just changing out lamping. She stated that they had already received approval from the Department of Real Estate and Records. She went on to say that they were no longer intending to modify the dormers in the back due to tight timing. Ms. Vogt noted that the dormers were in violation and this would not mean they were approved for retention, explaining that they would still have to be addressed by the owner. She added that millwork had been altered on the first floor, rear, etc. but was the responsibility of the owner and not part of the scope of work for the change of use.

Ms. Flagler stated that they would be adding sprinkler heads on the outside, but that they had selected the menu in order to avoid significant equipment, and were happy to iron out any details needed. Ms. DiMaggio asked if Committee review was required for the sprinklers; Ms. Vogt responded that she needed to see the final proposal and discuss with the Director. Mr. Block stated that it was likely to be at staff level. Ms. DiMaggio stated that she appreciated the light touch, and that it was difficult to do a restaurant with so little work. Ms. Virdure asked if the Commission was only reviewing the **change of use**; Mr. Bergeron responded yes, all work was approved at the Committee level.

There was no public comment.

Ms. Virdure moved to forward a **positive recommendation** on the **change of use** to the Director of Safety and Permits. Ms. Veneziano seconded the motion, which passed unanimously.

IX. APPEALS AND VIOLATIONS

421 Burgundy St: 22-31875-VCPNT; Ernest Goodwin William, applicant; Gay Lynn Marchand Jones, Richard P Keating, Jeffrey W Moore, William E Goodwin, Mark E Nelms, Kenneth A Bowen, owner;

Proposal to install alternative roofing material to natural slate as per application & materials received 10/21/2022.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=949479>

Mr. Albrecht read the staff report with Mr. Goodwin and Mr. Jones present on behalf of the application. Mr. Goodwin explained the situation- roofer ran off with their insurance money, some condo owners were not paying fees, and some owners pooled enough money for a synthetic roof not a slate roof. He went on to say that they had retained a lawyer but had little faith they would recoup any money. Mr. Pearson asked if they had even found the roofer to serve him with notice. Mr. Goodwin sated no, that they believe they had tracked him down in Texas, but this proved to be false.

Mr. Pearson asked if the applicant was asking for a temporary approval. Mr. Goodwin stated yes, but that he wasn't really sure for how long. Ms. DiMaggio asked if they had priced the cement slate type shingles. Mr. Goodwin stated yes, but that there was not much difference in price than with the slate. Ms. Virdure stated that she was concerned with it tying into the neighboring roof. Mr. Block agreed and told the Commission this would have to go back to the ARC where this matter of "tying in" could be discussed and examined.

Public comment: Michael Reid- what if it was used as a case study for a green rated building.

Ms. DiMaggio stated that she "liked this idea" and noted recent issues being seen with obtaining natural slate. She continued noting the example of recent approval for Aeratis synthetic decking as result of the difficulty in obtaining long lasting wood decking. Mr. Block noted that when the Design Guidelines are updated issues of sustainability will be addressed including some of these alternative materials.

Ms. DiMaggio made the motion for the approval of the installation of the DaVinci with staff and the ARC to examine the details with the approval based on hardship and for the roof not to be grandfathered. Ms. Veneziano seconded the motion and the motion passed unanimously.

Commissioner Guichard left the meeting.

January 18th, 2023 Agenda

X. OLD BUSINESS

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, demolish the front masonry wall, construct new foundation, and reconstruct the St. Ann elevation, per application & materials received 07/27/2021 & 12/21/2022, respectively.

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

Mr. Albrecht read the staff report with Mr. Williams and Ms. Conner present on behalf of the application. Mr. Williams stated that they would like to go ahead and get construction documents together and that the were getting the contractor to install the shoring.

Mr. Bergeron questioned if there was not urgency to getting the building shored. Mr. Williams assured there was urgency, that they were trying to navigate the different components and hit an insurance snag.

Mr. Bergeron noted that this is a pretty drastic proposal but that the Architecture Committee could not deny the structural reports that were presented. Commissioner Virdue wanted to confirm that there would be no alterations. Commissioner Bergeron noted that the Architecture Committee had worked diligently to and not demolish the wall.

Nikki Szalwinski, representing French Quarter Citizens, requested that there be paid extreme attention to details, including samples of moldings, and verified drawings. She continued that she disagreed with the whole application noting that they have never seen the foundation, that the design guidelines recommend replacing like with like, and that they should consider a thorough repoint.

Commissioner Bergeron stated that it would be nice if the façade could remain. Commissioner Virdue asked if the existing bricks would be re-used. Mr. Williams replied that they would be.

Ms. Virdure made the motion to approve with the application to go back to the Architecture Committee for final review of construction documents and for an inspection schedule to be established. Mr. Pearson seconded the motion and the motion passed unanimously.

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

Mr. Pearson moved to ratify the Architecture Committee and staff actions since November 16, 2022. Commissioner Virdue seconded the motion, which passed unanimously.

Commissioner DiMaggio moved to adjourn the meeting. Commissioner Virdue seconded the motion, which passed unanimously.

The meeting was adjourned at approximately 1:41 pm.