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|-----------|------------------------|-------------|--------------|
| ADDRESS: | 533-35 Toulouse Street | APPLICANT: | Erika Gates |
| OWNER: | 533 Toulouse LLC | SQUARE: | 26 |
| ZONING: | VCC-2 | LOT SIZE: | 2482 sq. ft. |
| USE: | Mixed | OPEN SPACE: | |
| DENSITY: | | REQUIRED: | 747 sq. ft. |
| ALLOWED: | 4 Units | EXISTING: | None |
| EXISTING: | Unknown | PROPOSED: | No change |
| PROPOSED: | No change | | |

ARCHITECTURAL/HISTORICAL DESCRIPTION:

Rating: **Yellow:** Contributes to the character of the district.

This address actually features two c. 1860 buildings--one 2-story and one 3-story masonry commercial building, each having two bays across the front facade. These very plain commercial buildings were remodeled in 1961 with the addition of cast iron balconies and a "Colonial Revival" entrance.

Vieux Carré Commission Meeting of **11/17/2021****DESCRIPTION OF APPLICATION:**
Permit #21-26935-VCGEN11/17/2021
Lead Staff: Erin Vogt

Appeal to retain roof deck and hot tub, per application & materials received 09/27/2021, respectively. [Notices of Violation sent 04/11/2014, 12/04/2014, 02/13/2015, 03/29/2016, 12/02/16, 02/28/2019, STOP WORK ORDER posted 03/04/2014]

STAFF ANALYSIS & RECOMMENDATION:

11/17/2021

A Stop Work Order was posted on 04/03/14 when work was in progress on the unpermitted rooftop deck. The deck is located on the two-story portion of the building and accessed from a door from the three-story portion of the building. The deck has been continuously cited as a violation, with staff requesting additional information about its construction and affect on the underlying roof system. The Architectural Committee denied retention of the deck and hot tub on 10/12/2021.

Currently, rooftop decks are reviewed under the same standards as rooftop additions. The guidelines state that, "The VCC requires review of all exterior items located on a roof surface including paving, railings, and built-in furnishings." Further, the guidelines state that, "the VCC does not recommend a rooftop addition on a Green, Pink, or Yellow rated building" or "a rooftop addition on a building of less than three full stories in height." [VCC DG: 14-17] The buildings are yellow rated and the roof deck is located on the two story portion of the structure.

The deck was constructed without benefit of VCC review or approval. Drawings submitted by the applicant show it as 6" composite decking on top of a 2x8 pressure treated wood framework, with 2x6 supports at 5'-0" o.c. The applicant stated that the decking can be removed in order to repair and maintain the underlying roof system. However, staff notes that the existing composite decking is also outside of the Design Guidelines and is unlikely to have been approved if submitted for review prior to installation.

A hot tub was also installed on top of the deck. Regarding water features, the Guidelines state that, "the VCC does not allow installing an above-ground pool or hot tub with the exception of a readily movable, plastic "kiddie" pool." [VCC DG: 10-11]

Following Committee denial of the deck and hot tub, the applicant submitted materials which indicate that the flat, second floor roof may have been used as a roof deck since a renovation in the 1960s, when the hip roof was removed and replaced with a flat roof. A 1967 Times Picayune article mentions a "roof garden" at the property, and the door accessing the roof from the third floor may date to this renovation. However, this area was not architecturalized until the unpermitted work in 2014, and the cast iron rail at the front parapet is not tall enough to adequately protect any rooftop occupants.

Staff is concerned that the roof system will deteriorate if the roof deck is allowed to remain. Additionally, the added weight of the hot tub may be a concern from a structural perspective. Given that the existing conditions deviate significantly from the Design Guidelines due to the building's rating and height, staff recommends **denial** of the appeal to retain the roof deck and hot tub. If the Commission decides to overturn the Committee's decision and allow retention of the deck, the Commission should consider requiring that the deck be pulled back from the front parapet to minimize visibility, with final review to take place at the Committee level.

VIEUX CARRÉ COMMISSION ACTION:

11/17/2021

Architecture Committee Meeting of **10/12/2021****DESCRIPTION OF APPLICATION:**
Permit #21-26935-VCGEN10/12/2021
Lead Staff: Erin Vogt

Appeal to retain roof deck, hot tub, and HVAC platform, and proposal to modify guardrail, per application & materials received 09/27/2021, respectively. [Notices of Violation sent 04/11/2014, 12/04/2014, 02/13/2015, 03/29/2016, 12/02/16, 02/28/2019. STOP WORK ORDER posted 03/04/2014]

STAFF ANALYSIS & RECOMMENDATION: 10/12/2021**Roof deck and hot tub:**

An application to address violations was last reviewed at the 11/12/2019 Committee meeting. At previous reviews, the Committee asked that the rooftop deck be documented in drawing form and expressed concern for the ability to maintain the underlying roof and building. No one attended the 11/12/2019 meeting and the item was deferred for two weeks to allow for representation.

A Stop Work Order was posted on 04/03/14 when work was in progress on the unpermitted rooftop deck. The deck is located on the two-story portion of the building and accessed from a door from the three-story portion of the building.

Currently, rooftop decks are reviewed under the same standards as rooftop additions. The guidelines state that, “The VCC requires review of all exterior items located on a roof surface including paving, railings, and built-in furnishings.” Further, the guidelines state that, “the VCC does not recommend a rooftop addition on a Green, Pink, or Yellow rated building” or “a rooftop addition on a building of less than three full stories in height.” [VCC DG: 14-17]

The deck was constructed without benefit of VCC review or approval. Drawings submitted by the applicant show it as 6” composite decking on top of a 2x8 pressure treated wood framework, with 2x6 supports at 5’-0” o.c.

A hot tub has also been installed on top of the deck. Regarding water features, the Guidelines state that, “the VCC does not allow installing an above-ground pool or hot tub with the exception of a readily movable, plastic “kiddie” pool.” [VCC DG: 10-11]

The application includes appeals to retain the roof deck as is, and no longer proposes to reduce the size by setting it back 10’ from the front elevation as was previously proposed. They are also appealing to retain the metal parapet cap flashing. The diagonal rail extension at the front parapet will be removed and a new 42” guardrail installed at the edge of the roof deck, behind the existing cast iron rail. Staff finds the proximity between the existing and new rail to be problematic, as it will be highly visible unless it is set back.

Staff is still concerned that the roof system will deteriorate if the roof deck is allowed to remain, and it is not clear if the supports allow the system to drain properly. Additionally, the added weight of the hot tub may be a concern from a structural perspective. Given that the existing conditions deviates significantly from the Design Guidelines, staff recommends **denial** of the appeal to retain the roof deck and hot tub.

HVAC:

The applicant is appealing to retain the HVAC equipment and platform installed on the lower infill roof and replace the existing rolldown roofing system with a metal standing seam. The exact material is not specified. While this location may be approvable for retention, the current conditions do not appear to meet code requirements for roof access and safety rails. Staff is also concerned that drainage may be affected as well. A full roof plan should be submitted for further review, along with manufacturer’s spec sheets for the units, a code compliant platform, and rail with screening.

Staff recommends **deferral** of the appeal to retain the HVAC equipment and platform.

ARCHITECTURAL COMMITTEE ACTION: 10/12/2021

Ms. Vogt read the staff report with Ms. Gates and Ms. Harmon present on behalf of the application. Ms. Gates stated that she had been recently hired and had not been aware of the previously discussed 10’ set back, but the owner would probably be fine with doing that. She added that they would also probably be fine with removing the jacuzzi, as they were fairly flexible. Ms. Harmon stated that she had been brought on to address the violations and was not involved in undertaking the work. She added that the roof was draining fine and that it was actually very well built - the deck boards were easily removable for roof maintenance and the vertical supports had roof pads under them.

Mr. Fifield asked the Committee if they had any questions. Ms. DiMaggio asked if this would have been

approved if they had gone through the proper channels initially. Mr. Fifield added that this was a good question and asked if the property was single family. Ms. Gates stated that the first floor was commercial, and the second floor was residential. Ms. DiMaggio asked if the door to the roof predated the roof deck or if it had been added when the roof deck was installed. She referred to slide 176. Ms. Harmon stated that it appeared to be historic. Mr. DiMaggio stated that she was more concerned about the location and whether there was evidence the roof was accessible. Ms. Gates stated that she believed the door dated from a significant renovation completed in the 1960s. She noted that the sill of the door was level with the roof deck, not the roof itself, adding that she believed the ironwork dated to that renovation as well. Mr. Fifield asked Mr. Bergeron if he had any comments or questions. Mr. Bergeron stated that he was having difficulty evaluating whether or not the Committee would have approved it. He noted that the report indicated that the deck was “not recommended,” but not explicitly prohibited. Ms. Gates stated that perhaps this one was more open to interpretation due to the heavy renovation and the “less historic block.” With no items remaining on the agenda, the Committee went to their scheduled 30-minute recess for public comment.

Public Comment:

Nikki Szalwinski

FQ Citizens

While this building may have had extensive alterations in the past this should not be an excuse to allow this rooftop deck to remain. While the applicant's representatives state there is no issue with drainage this deck appears to be between two buildings, one of which is separately owned and could now or in the future suffer damage as a result of this deck. Further we note that this recent installation is another example of avoiding process and asking for forgiveness after the fact. Allowing this retention sets a dangerous precedent throughout the district. We ask that the committee adhere to the design guidelines and process and deny this retention.

Motion and Discussion:

Mr. Bergeron moved to **deny** the appeal to retain the roof deck and hot tub, and to **defer** the appeal to retain the HVAC equipment and platform. Ms. DiMaggio seconded the motion and the motion passed unanimously. Mr. Fifield asked that staff inform the applicant of their right to appeal the Committee's decision and the procedure for doing so.