

May 7, 2023

New Orleans City Council
1300 Perdido St.
New Orleans, LA 70112

Dear City Councilmembers,

In October of last year, you were asked to consider an appeal of decisions by the Historic District Landmarks Commission (HDLC) and the Architectural Review Committee (ARC) to deny 100% roof demolition and the prohibited addition of a third floor to a Significant rated building to be used as a new Hotel. Over the last few years, the new owners of this property have gone through the process two previous times. Both of those times they were trying to demolish 100% of the historic roof in a full control HDLC district and build rooftop penthouses, which is specifically prohibited on Significant rated buildings. In the Spring of 2022, after being denied by both the ARC and HDLC, they filed to appeal to the City Council, only to rescind the appeal and go back through the process. With little substantive changes, they resubmitted their plans to the ARC and HDLC, only to be denied again for the same reasons. They withdrew in October after they realized their appeal would not be granted.

Now, they come to you a THIRD time. Instead of building penthouses, they are proposing a 100% roof demolition, and building a flat roof in order to accommodate more hotel rooms on the third floor. This would destroy the pitched roof (composed of original roofing materials) that is clearly and prominently visible from multiple points from Esplanade. The ARC originally considered these plans in February, but chose to defer their decision to the March meeting, so that the Commissioners would be able to go to the site themselves and see how visible the new rooms would be. As you can see from the photo attached to this email, the new roof line is more prominent than the existing one, and is far from barely visible or a small adjustment. Due to this, there was no way they could approve the plans. The HDLC followed suit on April 5 when they unanimously voted to “Deny the request to appeal the ARC recommendation for denial because the existing roof form is still intact, is visible, and continues to read visually as a historic roof from several points in the surrounding public right of way. Additionally, the proposed amount of roof demolition is not considered appropriate based on the HDLC Guidelines and the Significant rating of the



building.” We ask you to support the three previous decisions by both the ARC and HDLC and DENY their appeal for the following reasons:

1) Historic Creole Architecture- This building is a combination of three party wall buildings, built in the 1830’s and 1840’s for Julien Adolphe Lacroix, a wealthy, free African American grocer who lived above his store. They were unified in the 1850’s, with the traditional covered walkway a demonstration of Creole architecture. The building has maintained the same envelope since at least 1868, per New Orleans Architecture Volume IV: The Creole Faubourgs, and has maintained an active presence as a lynch pin of commerce on Frenchmen. It has housed many businesses, such as groceries, finance companies, and, most recently, Vaso’s and Mona’s, when they closed when this owner bought the building. This building has remained economically viable for almost two hundred years, and it is surely still the case now.

2) Significant Rated Building- Due to the continual preservation of this building’s historic condition, the HDLC has rated the property a Significant building, due to it being a Building of Major Architectural Importance. This is not a distinction that is granted lightly. Not only that, but the developer’s project would require a 100% roof demolition, when HDLC rules limit that to 50% in full control HDLC districts, much less a Significant building. If this Appeal is granted, you will be ignoring the most basic standards of the HDLC process. Once that is done, we struggle to know how any appeal can be denied for other properties in HDLC controlled areas. Let’s not set a dangerous precedent.

3) Visibility- From the beginning of this pursuit, the developer’s architect tried to suggest that they could make these additions by not making them visible from street level. However, this proved impossible, as the pennants they hung to represent the new roofline are clearly visible from Esplanade, Chartres, and Decatur, as well as from the 400 block of Frenchmen. As the attached photos show, they failed to meet the significantly lower standards of “visibility” and “limited visibility”.

4) Fairness to other citizens- Normal residents of New Orleans in Historic Districts are required to get HDLC approval (Staff or Commission) for such projects as replacing railings, removing or adding shutters, and



replacing windows, among other things. And, obviously, new construction requires approval from the ARC and HDLC. This developer has not received any approval, yet rather than following the rules in place, they and their representative are asking you to let them build an addition without meeting the criteria that normal citizens must meet.

5) Nine Criteria- The HDLC and Board of Zoning Adjustments (BZA) follow the Approval Standards of the CZO, as stated in Section 4.6.F. A violation of one of these standards is grounds for denial. There is nothing unique to this building (compared to others in the area), nor would the standards deprive the applicant rights commonly enjoyed by other properties, granting this variance would allow them special privileges, and following the regulations would not be a demonstrable hardship on the developer, as evidence by over 150 years of this building's current structure, and the fact two businesses were operating there until the current owner bought the property. This alone violates standards 1,2,4, and 6. It is only reasonable that other properties would ask for the same alterations to their buildings on Frenchmen, as well as in other HDLC controlled areas. This would change the nature of the locality and be injurious to the neighbors in blocks surrounding Frenchmen This would be a violation of standards 5 and 8. This is most significant when considering 529-531 Esplanade. The extended and raised third floor would peer into their second floor windows, eliminating the privacy they've had for over 150 years.

So far we have totaled six violations of the Nine Criteria, but none of these are the most obvious violation. Even those without knowledge of the area can't deny that granting this Appeal would be a blatant violation of Standard 7: "The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or interested party(s)." What other reason (besides profit) could there be for adding an additional floor to a hotel? As HDLC Chairperson Jennie Cannon West pointed out, they can't claim they need the extra revenue to make the project fiscally successful, because they have already begun interior demolition work on the property, before knowing whether or not they would be granted the third floor penthouse. How can they claim economic need



when they started work before they appeared in front of the HDLC?
Granting this appeal would allow other applicants to violate the most basic tenets of the HDLC.

If it sounds like you've heard all of this before, it's because you have. Most of this letter is the same as the one we sent to you in October, because the issues and principles haven't changed. We did not oppose the Conditional Use to allow a Hotel over 10,000 which was granted last year, but we do oppose changing this historically important building. Whether it is third floor Penthouses, or building the third floor back into the courtyard, the fact of the matter is that the changes proposed by the owner will again call for a 100% roof demolition of a Significant rated building, resulting in a highly visible addition. We appreciate your careful consideration of our arguments, and urge you to affirm last year's opposition to this project and consider the many concerning precedents that will be set if you grant this appeal. Please DENY their appeal.

Sincerely,
Allen Johnson
President