

PRELIMINARY STAFF REPORT

To: City Planning Commission
Zoning Docket: 012/15

Prepared by: Dubravka Gilic
Date: January 14, 2015

I. GENERAL INFORMATION:

Applicant: Poydras Properties II, LLC

Request: Request for a Conditional Use to permit a parking garage providing non-accessory off-street parking spaces and an amusement place in a CBD-2 Central Business District and the rescission of Ordinance No. 21,270 MCS (Zoning Docket 051/03, which granted a Conditional Use to permit a parking lot).

Location: The petitioned property is located on Square 307A, Lot Z-4, in the First Municipal District, bounded by Poydras, Girod, and La Salle Streets and Loyola Avenue. The municipal address is 1200 POYDRAS STREET. (PD 1A)

Description: The petitioned site is a rectangular lot located on the corner of Podras Street and Loyola Avenue. The lot measures approximately 207 feet along Poydras Street and 307 feet along Loyola Avenue for a total of approximately 65,935 square feet of area. The lot is currently used as a non-accessory, commercial parking lot with 128 parking spaces. The applicant proposes to redevelop the site as a 6-story mixed-use development containing a ground floor retail use with a parking, four floors of parking garage, and a top floor Dave & Buster's restaurant/amusement place. The total development will contain approximately 264,400 square feet, with retail use occupying approximately 18,400 square feet, a restaurant/amusement place 40,000 square feet, and a garage with 393 parking spaces. Entrances and exits to the parking garage are proposed from both Poydras Street and Loyola Avenue.

Why is City Planning Commission action required?

Article 6, Section 6.2.5(5) Permitted Uses of the Comprehensive Zoning Ordinance (and by reference **Article 6, Section 6.1.5**) states that non-accessory parking garages and amusement places are conditional uses in the CBD-1 Central Business District. Furthermore, The City Planning Commission is required to make a recommendation on all conditional use

applications prior to City Council action, in accordance with **Article 16, Section 16.6.4 Procedures for Conditional Use Permits** of the Comprehensive Zoning Ordinance.

II. ANALYSIS

A. What is the zoning of the surrounding areas? What is the existing land use and how are the surrounding areas used?

The subject site is located within the CBD-2 Central Business District. The upriver boundary of this district follows Pontchartrain Expressway and Howard Avenue from Loyola to S. Claiborne Avenues, while its downriver boundary staggers between Iberville, Canal and Cleveland Streets. The river-side boundary of the district for the most part is Loyola Avenue and a short stretch of Liberty and Treme Streets, while S. Claiborne Avenue serves as the lake-side boundary. This district serves as the office, sport and entertainment, medical and government institutions core of the city and also an employment and entertainment center for the larger New Orleans metropolitan area. Four major arterials, Loyola Avenue, Poydras, Tulane and Canal Streets serve this district, and the area is flanked by largest structures in the city, including the Mercedes Benz Superdome, the Smoothie King Arena, Tulane University Hospital and medical complex, City Hall, Hayat Regency Hotel, US Postal Office, and high-rise office towers that date primarily from the 1970s and 1980s. Many of these high-rise structures provide office space solely while others have ground level restaurant and retail uses. Non-accessory garages and surface level parking lots can be found throughout the district.

The subject site contains a non-accessory commercial parking lot with a capacity of 128 cars. The site occupies a portion of a large city square that contains Hyatt Regency Hotel, four office towers, a parking garage, and an outdoor plaza, the Champions Square. The structures on the block are contemporary in style; several have some commercial spaces, primarily restaurants, on the ground floor.

B. What is the zoning and land use history of the site?

Zoning History

1929 – ‘J’ Industrial District
1953 – ‘J’ Industrial District
1970 – CBD-2 Central Business District
Current – CBD-2 Central Business District

Land Use

1929 –Railroad
1949 –Railroad

C. Have there been any recent zoning changes or conditional uses in the immediate area? If so, do these changes indicate any particular pattern or trend?

There have been the following land use requests within five (5) blocks of the site in the past five (5) years:

Zoning Docket 02/15 was a request for a conditional uses to permit a non-accessory parking garage in a CBD-1 Central Business District. The municipal address is 908-940 Perdido Street. The City Planning Commission recommended approval of the request which is currently under consideration by the City Council. *This site is approximately three (3) blocks from the subject site.*

Zoning Docket 120/14 was a request for an amendment to the text of Article 18 of the Comprehensive Zoning Ordinance, to consider the establishment of the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD). The City Planning Commission recommended approval of the request. The consideration by the City Council is pending. *This site is within the proposed IZD area.*

Zoning Docket 26/13 was a request for a conditional use to permit a cocktail lounge in a CBD-1 Central Business District. The municipal address is 212 Loyola Avenue. The City Planning Commission recommended approval of the request which was subsequently approved by the City Council. *This site is approximately three (3) blocks from the subject site.*

Zoning Docket 75/12 was a request for a conditional use to permit an amusement place in a CBD-1 Central Business District. The municipal addresses are 445, 447 and 449 South Rampart Street. The City Planning Commission recommended approval of the request which was subsequently approved by the City Council. *This site is approximately three (3) blocks from the subject site.*

Zoning Docket 39/12 was a request for a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a coffee shop in a CBD-2 Central Business District. The municipal address is 1515 Poydras Street. It was recommended for approval by the City Planning Commission and subsequently approved by the City Council. *This site is approximately two (2) blocks from the petitioned site.*

Zoning Docket 116/11 was a request for a Conditional Use to permit an amusement place with the sale of alcoholic beverages in a CBD-1 Central Business District. The municipal address is 533 Baronne Street. It was recommended for

¹ The 1999 Land Use Plan presented a generalized indication of land uses, and was not lot-specific.

approval by the City Planning Commission and subsequently approved by the City Council. *This site is approximately four (4) blocks from the petitioned site.*

Zoning Docket 98/11 was a request for a conditional use to permit the sale of alcoholic beverages for consumption on-premises at a cocktail lounge and an amusement place in a CBD-1 Central Business District. The municipal addresses are 1009 Poydras Street and 442 South Rampart Street. It was recommended for approval by the City Planning Commission and subsequently approved by the City Council. *This site is approximately one (1) block from the petitioned site.*

Zoning Docket 52/11 was a request for an amendment to the text of the Comprehensive Zoning Ordinance to establish a new Interim Zoning District (IZD) named the CBD ABO Transfer Prohibition District, prohibiting the transfer of ABO licenses within the CBD, as provided in Article 11, Section 11.48(e) of the Comprehensive Zoning Ordinance, in all Central Business District zoning classifications. The request affects all properties within each of the CBD Central Business Districts. The request was recommended for modified approval by the City Planning Commission and was subsequently granted modified approval by the City Council. *This site is within the geographic area to which the proposed Interim Zoning District is applied.*

Zoning Docket 16/11 was a request to rescind Ordinance No. 11,631 M.C.S., a conditional use to permit a parking garage providing non-accessory off-street parking spaces, and a waiver of height in a CBD-1 Central Business District. The municipal addresses are 810-20 Poydras Street and 505-51 Carondelet Street. The City Planning Commission recommended approval of the request which was subsequently approved by the City Council. *This site is approximately three (3) blocks from the subject site.*

Zoning Docket 13/11 was a request for a conditional use to permit a parking lot in a CBD-1 Central Business District. The municipal address is 342-44 South Rampart Street. It was recommended for denial by the City Planning Commission but was subsequently approved by the City Council. *This site is located four (4) block from the subject site.*

Zoning Docket 75/10 was a request for a conditional use to permit a non-accessory parking garage in a CBD-1 Central Business District. The municipal address is 930 Poydras Street. It was recommended for approval by the City Planning Commission and subsequently approved by the City Council. *This site is located two (2) blocks from the subject site.*

Zoning Docket 41/09 was a request to reaffirm Ordinance No. 22,240 M.C.S. (Zoning Docket 105/05, a request for a Conditional Use to permit a 219 unit condominium development with an increase in the number of accessory off-street parking spaces, an increase in floor area ratio, and site review in a CBD-5 Central

Business District.) The municipal addresses are 919-939 Girod Street and 616-642 O'Keefe Street. It was recommended for approval by the City Planning Commission and was subsequently approved by the City Council. *This site is approximately three (3) blocks from the subject site.*

These requests are indicative of various redevelopment activities that have occurred in the vicinity of the subject site in recent years. Three of these requests, Zoning Dockets 02/15, 16/11 and 75/10, involve development of non-accessory parking garages some of which were associated with other commercial uses and in addition to accessory parking spaces. In the case of Zoning Docket 2/15, a parking garage was recommended for approval to provide non-accessory parking spaces. In the case of Zoning Docket 16/11, a parking garage proposed as part of the expansion of an existing hotel was allowed to provide non-accessory parking spaces. In the case of Zoning Docket 75/10, a parking garage within an existing commercial/residential development was permitted to provide non-accessory parking spaces. Three of the requests, Zoning Dockets 75/12, 116/11 and 98/11, involve development of amusement places. All of these three requests were recommended for approval by the City Planning Commission and subsequently approved by the City Council (for ZD 02/15, action of the Council is pending). The granting of the current conditional use request would be consistent with these recent actions.

Zoning Docket 51/03 was a request for a conditional use to permit a continued operation of a parking lot in a CBD-2 Central Business District. The municipal address is 1200 Poydras Street. It was recommended for approval by the City Planning Commission and was subsequently approved by the City Council. *This site is the petitioned site. If approved, the Conditional Use under consideration will rescind Ordinance No. 21,270 MCS granting approval of ZD 51/03.*

D. What are the comments from the design review staff?

The lot measures approximately 207 feet along Poydras Street and 307 feet along Loyola Avenue for a total of approximately 65,935 square feet of area. The site is currently used as a non-accessory, commercial parking lot with 128 parking spaces. The applicant proposes to redevelop the site as a 6-story mixed-use development containing a ground floor retail use, four floors of parking garage with 393 parking spaces, and a top floor Dave & Buster's restaurant/amusement place. The total development will contain approximately 264,400 square feet, with retail use occupying approximately 18,400 square feet, a restaurant/amusement place 40,000 square feet, and a garage 200,000 square feet. Entrances and exits to the parking garage are proposed from both, Poydras Street and Loyola Avenue.

The applicant has provided several iterations of the building exterior elevations in response to comments received from the design staffs of the City Planning

Commission and the Mayor's Office of Place Based Planning on the original proposal. The design staff believes that the proposed Version 4 of the project design (see the attachments) is the superior one and recommends its application should the project be approved. The only issue is related to the proposed signage that will be addressed later in this section of the report. The staff has also reviewed the project in terms of access and traffic circulation, within the garage and adjacent to the site. These comments will be presented in further sections of this report.

Compliance with Height, Area and Bulk Standards of Article 6, Section 6.2.7 of the CZO

The proposed development meets all standards of **Article 6, Section 6.2.7 Height, Area and Bulk Requirements** (Table 6.B) in respect to a maximum permitted height (no restrictions), maximum FAR (10 permitted, 6 proposed) and setbacks (no setbacks requirements for non-residential development). The project is required to meet the minimum Open Space Ratio (OSR) of 0.07, which for the site of this size (65,935 sq. ft.) equals 4,615 square feet. The proposal will maintain an existing pedestrian walkway/courtyard along its lakeside property line. This area is open to the general public. The petitioned property and the adjacent office tower located at 1250 Poydras each provide one half of the courtyard area. The courtyard located on the petitioned site contains approximately 4,650 square feet, thus meeting the stated OSR requirement.

Compliance with Design Standards for Parking Garages - Article 15, Sections 15.2.5, 15.2.7, 15.2.8 and 15.2.9 of the CZO

Garages developed within CBD are subject to standards of **Article 15, Section 15.2** of the CZO intended to minimize traffic congestion, provide safe entrances and exits to the garage, secure quality design and compatibility with the adjacent uses and developments.

15.2.8. Access Restrictions for Off-Street Parking

As proposed, the garage will have two access points, one from Loyola Avenue and the other from Poydras Street. According to **Article 15, Section 15.2.8** vehicular access for permitted or required off-street parking facilities may not be located on certain streets within the Central Business District including section of Poydras Street, from Claiborne Avenue to Convention Center Boulevard. These access restrictions have been put in place to maintain a certain quality of experience and a level of safety for the large numbers of pedestrians who use Poydras Street. This particular area is highly utilized by pedestrians, including tourists and members of the public of all ages accessing public services in the area, including medical services.

The Department of Public Works (DPW) has reviewed the proposal and expressed concerns regarding the proposed Poydras Street access to the garage. They believe that the pedestrian experience would be significantly degraded, and safety compromised by the creation of a driveway at this location. According to DPW, the safest choice would be to consolidate access on Loyola Avenue, even if that means some delay for motorists using the facility. As it will be discussed in greater detail in the next section of this report, the restriction of access to Loyola Avenue would also increase the safety of motorists using the garage because the traffic patterns based on this floor plan are geometrically dangerous due to a constrained space.

Article 15, Section 15.2.8 also states that vehicular access for permitted or required off-street parking facilities for this section of Poydras Street and certain other streets within the Central Business District, cannot be granted unless the Director of Safety and Permits certifies that there is no way to provide such parking spaces with access on some other street. The Director of Safety and Permits has reviewed the proposal and stated that the Department is unable to certify the request for a driveway entering the site from the Poydras Street pursuant to Section 15.2.8 of the CZO. The proposed garage will continue to be accessed from the current entry point to the parking lot on Loyola Avenue; therefore there is no need for a second access from Poydras Street.

Therefore, should the proposal be recommended for approval, it should be subject to the following proviso:

- The applicant shall eliminate Poydras Street access to the garage. The floor plans shall be revised to reflect this change and submitted to the staff of the City Planning Commission for review and approval.

The applicant argues that a single curb cut off of Loyola for access to the 400-car garage will be very difficult given the existing traffic flow in the immediate area, and particularly because of the adjacency to the very busy Hyatt Regency Hotel. The staff believes that better regulation and utilization of the curb side space along Loyola Avenue is needed in order to reduce traffic congestion and improve traffic flow. Therefore, the staff recommends:

- The applicant shall work with the Department of Public Works and the adjacent Hyatt Regency Hotel to develop an acceptable solution for the curb-side usage along the 600 block of Loyola Avenue.

Louisiana Stadium and Exposition District - Pedestrian Servitude of Passage Along Poydras Street

Besides this zoning access restriction for parking garages and parking lots along Poydras Street, there exists a Pedestrian Servitude of Passage controlled by the Louisiana Stadium and Exposition District (LSED) the purpose of which revolves around pedestrian safety and experience and the traffic flow in the area adjacent to the major sport venues controlled by the LSED. The applicant has secured the approval of the LSED to allow the 24 foot wide curb cut on Poydras Street over the pedestrian servitude for the entrance to the garage. (see agreement in the Attachments)

15.2.9. Specific Provisions for Parking Garages Authorized as Conditional Uses in CBD Districts

According to **Article 15, Section 15.2.9**, “*an off-street parking garage which requires permission by the City Council as a conditional use in a CBD District under the provisions of this Ordinance shall be authorized only when the garage complies with the standards required for all conditional uses in Section 16.6, and in addition, comply with all of the following specific provisions:*

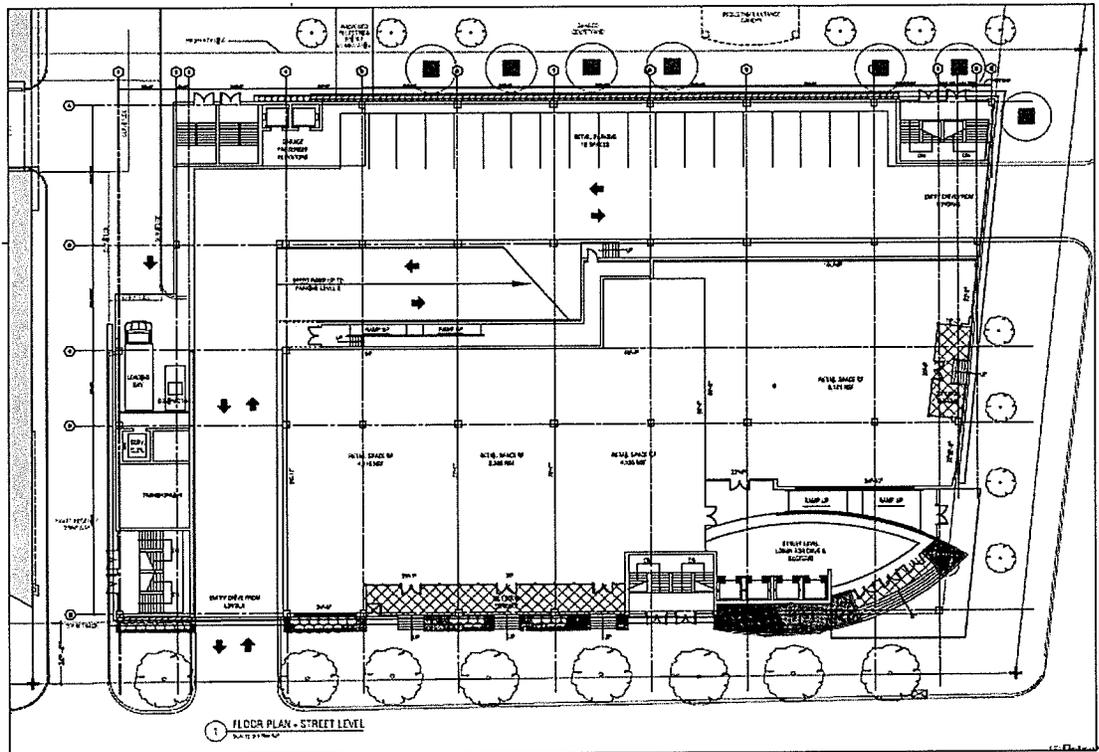
- 1. The use is in conformance with the overall parking policy of the City for the Central Business District and for the particular CBD District in which the parking garage is to be located.*
- 2. The siting and design of the parking garage is sensitive to protection of the integrity of surrounding buildings and areas of architectural and historical significance within the Central Business District and in conformance with the street façade controls in this Ordinance.*
- 3. The parking garage will not be incompatible with or adversely affect the growth and development of uses comprising vital and essential functions in the portions of the Central Business District within which the garage is to be located.*
- 4. The parking garage will not create or contribute to serious traffic congestion and will not unduly inhibit traffic and pedestrian flow and is compatible with the capacity of streets by which the garage is served, especially at peak hours.*
- 5. The parking garage will not have an adverse impact on the street system based on the amount of existing parking and potential for future accessory parking allowed under the provisions of this article.*
- 6. The exits and entrances to the parking garage are designed, located and planned to handle the anticipated peak hour volumes of entering and exiting vehicles and are compatible with street traffic patterns and volumes.*
- 7. The size of the garage is related to the surrounding existing and anticipated development in the area and is compatible with the parking policy of the City in the Central Business District.*

As proposed, the parking garage will support goals and objectives of the Master Plan for the CBD that call for development of services and uses in support of a high-density office and commercial district. The proposed building siting that frames the corner of the site and the proposed elevations (see Version 4 in the attachments) with the rhythm of horizontal and vertical elements, and the color scheme, have been carefully designed and selected to ensure harmonious relation with the adjacent buildings fronting Poydras Street and Loyola Avenue. The staff believes that the project design meets the standard 1, 2, 3, and 7 listed above. The provision of ground floor retail use on this important intersection will support the pedestrian activity and enhance the visual appearance of the area.

The standards listed under 4, 5, and 6 are related to traffic circulation and the location and design of garage entrance and exit points. In the earlier discussion, (**Section 15.2.8. Access Restrictions for Off-Street Parking**) it was recommended that the Poydras Street access to the garage be eliminated. With this revision, the proposed project would meet the standards listed under 4, 5, and 6 of this section of CZO, as the garage traffic will not unduly inhibit traffic and pedestrian flow, will not have an adverse impact on the street system based on the amount of existing parking, and the exit and entrance to the garage will be designed to handle the anticipated volume of vehicles that is compatible with street traffic patterns and volumes.

15.2.5 Design Standards

The review of the interior circulation within the proposed garage further suggests problems with the Poydras Street entrance. The Department of Public Works (DPW) have found that because speed ramps are inaccessible from Poydras Street side, this entrance cannot be considered part of the access to the garage. In addition, there is head-in parking alongside the route from the driveway to the speed ramp. There are no turning templates shown that demonstrate that it is physically possible for a motor vehicle to make the turn from the Poydras Street entrance onto the speed ramp. This is a zero-radius turn from an apparent 24' two-way access way to an apparent 24' speed ramp. Vehicles exiting the speed ramp and making the U-turn to Poydras Street will be entering into the on-coming traffic stream on a blind or mirror-assisted U-turn. This will lead to congestion (as cars entering from Poydras have to back up to allow exiting vehicles to pass) at best and head-on collisions at worst. In short, the Poydras Street entrance is not functional for the speed ramps, and it may compromise the safety of the public and increase complexity and chance for accidents within the garage.



The DPW staff is also questioning the geometry of the access to the speed ramps from Loyola Avenue. They stated that it may also be difficult for vehicles to turn from Loyola onto the speed ramp without entering into the oncoming traffic stream of exiting vehicles. This garage would be especially difficult for larger vehicles to navigate without a lot of backing up and maneuvering. The DPW staff is requesting that the applicant submits a “turn template exhibit” for the garage as an addendum to the previously provided Traffic Impact Analysis (TIA). Should the proposal be recommended for approval, it should be subject to the following proviso:

- The applicant shall provide a Turn Template Exhibit for the garage as an addendum to the Traffic Impact Analysis for review and approval by the Department of Public Works.

Allocation of spaces within the garage

The garage will have a total of 393 parking spaces. The plans submitted for review do not indicate a number of spaces allocated to regular, compact and ADA accessible parking spaces. The allocation of compact parking spaces should meet the standards of **Article 15, Section 15.2.5** that limits the amount of compact parking to a maximum of 40% of the overall number of parking spaces within the garage. According to the same section of the CZO, a minimum of 3% of the overall number of parking spaces within the parking garage must be ADA accessible, but in no event shall more than ten (10) be required. If the requested

conditional use is approved, the allocation of regular, compact and ADA accessible parking spaces should meet the standards of **Article 15, Section 15.2.5** and these spaces should be indicated on the plan.

- The project shall meet standards of **Article 15, Section 15.2.5** regarding the allocation of regular, compact and ADA accessible parking spaces. This allocation of parking spaces shall be shown on the floor plans.

15.2.7 Queuing area

As proposed, the garage will have two entrance/exit points, one from/onto Loyola Avenue and the other one from/onto Poydras Street. Ticket machines will be on the garage second level. The number of queuing spaces within the structure has not been indicated on the plans. According to standards of **Article 15, Section 15.2.7 (11)** Design Standards:

“The design standards in Section 15.2.5 shall apply to all parking facilities in the CBD Central Business Districts. Accessory parking garages shall provide adequate reservoir space at the vehicular entrances within the structure to accommodate either ten (10) automobiles or five (5) percent of the total parking spaces provided by the garage, whichever amount is greater, but in no event shall such reservoir space be required for more than fifty (50) automobiles.”

Based on the number of parking spaces within the garage, a minimum of twenty (20) queuing, “reservoir spaces” should be provided. The Traffic Impact Analysis, submitted in conjunction with this request, states that the project meets the required queuing space and that it can accommodate peak hour traffic without creating congestion on the adjacent public rights-of-way. Therefore, should the project be recommended for approval, it should be subject to the following proviso:

- The applicant shall comply with standards of **Article 15, Section 15.2.7 (11)** and provide the required twenty (20) spaces within the garage and in front of the ticket booth. The queuing, “reservoir spaces” shall be shown on the floor plans.

Performance Standards for Amusement Places

The proposed Dave and Buster’s restaurant and amusement place will be located on the top, 6th floor of the mixed-use structure. It will contain approximately 40,000 square feet and it will be accessible from the ground floor passenger and service block elevators. The potential negative impact associated with amusement places which include noise, loitering and safety issues should be minimized given the location of the establishment on the upper floor of the building. However, to ensure the safety of their patrons, the staff has in the past recommended that

amusement places provide security and believes the proposed amusement place should do so as well.

- The amusement place operator shall provide a minimum of one (1) security guard at all times during which the use operates, who shall guard the entrances to the facility and the public right-of-way adjacent to the site.
- The sale of alcoholic beverages shall be restricted to those for consumption on premises.

While the applicant has not specified any proposed hours of operation for the amusement place, the staff believes the location within the Central Business District does not warrant a time restriction on the use. However, provisos relative to noise, litter and a prohibition on the posting and distribution of advertising flyers should mitigate potential adverse impacts on adjacent properties and the surrounding area.

- Live or recorded music shall be played within the building and not in the exterior areas of the site. Music of any kind shall be prohibited on the exterior of the building.
- The operator of the amusement place shall not distribute or cause to be distributed for purposes of commerce, any menus, flyers or promotional materials from any public right-of-way, and shall also require all performers, on behalf of themselves and any of their agents, to execute a legally binding document attesting to their agreement to comply with conditions set forth in this proviso. The City Attorney shall approve the form and content of a standard legal document to be used.
- The operator of the amusement place shall not affix or cause to be affixed to any public property or to any private property in a manner prohibited by law, any menus, flyers or promotional materials, and shall also require all performers, on behalf of themselves and any of their agents, to execute a legally binding document attesting to their agreement to comply with conditions set forth in this proviso. The City Attorney shall approve the form and content of a standard legal document to be used.

Signage

The applicant has not submitted detailed signage package for the project, but the exterior elevations show two attached, medallion style signs for Dave and Buster's amusement place, plus one vertical, projecting sign at the corner of Loyola Avenue and Poydras Street. The medallion signs are attached to sides of the central, highest element of the building that frames the corner of Loyola Avenue and Poydras Street. They are approximately ten (10) feet in diameter and are placed

over the façade that consists of an interchange of reflexive spandrel glass and metal panels. These signs, due to their size and bright color (blue and orange) are out of character with the prevalent signage types along Poydras Street and Loyola Avenue. Majority of signs identifying entire buildings are utilizing channel letters placed on the roof top parapet wall. Others, identifying individual businesses are placed above the entries on the ground floors. The staff believes that the corner, projecting sign is appropriate in terms of its size and visibility, and that the medallion signs, shown on the submitted elevation are excessive. The staff is also recommending a proviso relative to advertising the sale of alcoholic beverages and the presence of video poker onsite.

- The applicant shall submit a detailed signage plan, indicating the type, size, and location of all signage to be installed within the site. Medallion type signs suspended over windows and glass panels are not permitted. All proposed signage shall be consistent with the type and size of signs in the district and subject to review and approval by the staff of the City Planning Commission.
- No signage promoting alcoholic beverages shall be permitted on the exterior of the building or visible from the exterior of the building.

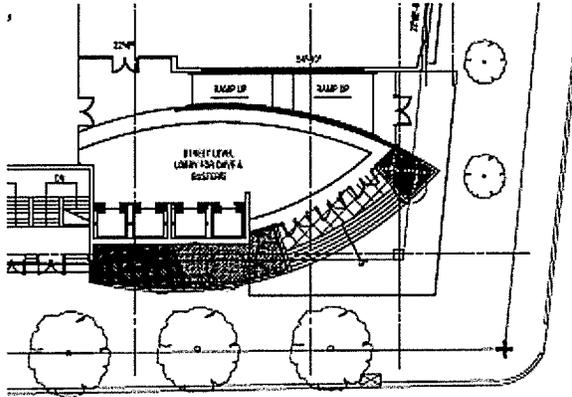
Landscaping

Except for the existing courtyard area on the lakeside of the site the garage will be developed from property line to property line, so there is no opportunity for on-site landscaping. The applicant is proposing to replace some trees in the courtyard area that appear not to be in good conditions. As for the existing trees along Loyola Avenue and Poydras Streets public rights-of-way, the applicant need to provide street protection and/or replacement plan. Therefore, the following proviso:

- The applicant shall install trees within the courtyard area as needed, and shall provide protection plan for existing trees within the Loyola Avenue and Poydras Street public rights-of-way, subject to the review and approval of the staffs of the City Planning Commission the Department of Parks and Parkways.

Encroachments

The proposed mixed-use development will occupy the site almost from property line to property line. The recently submitted revision to the ground floor plan indicates a corner stairway element that may be projecting into the Poydras Street and Loyola Avenue public rights-of-way. Besides, this element creates obstruction in the middle of the walking path and should be redesigned. Therefore, the staff recommends the following provisos:



- The applicant shall redesign the entry stairway to eliminate obstruction of the walking path on the Poydras Street sidewalk.
- The applicant shall secure the appropriate rights to utilize City property in connection with any encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.

Trash Storage and Litter Abatement.

The applicant has labeled one area with trash compactor on the submitted site plan. To ensure that the trash storage area is sufficient in size for the development of this size and that is not visible from the street, the staff recommends the following proviso:

- The applicant shall indicate all areas for the storage of waste on the site plan or individual floor plans. No trash storage shall be visible from the public rights-of-way. Additionally, the owner of the development shall submit a litter abatement program letter to the Department of Sanitation for approval, which is inclusive of the type and quantity of trash receptacles, and the frequency of trash pickup if contracted with a private trash removal company. The name and phone number of the manager of the business shall be included in this letter to be kept on file in case of any violation.

Lastly, to ensure the Department of Safety and Permits does not issue building permits, which are contradictory to the requirements of the conditional use; the staff recommends the following proviso:

- The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request administrative extensions as provided for in **Article 16, Section 16.9.11** of the Comprehensive

Zoning Ordinance will void the conditional use approval.

- D. What is the potential traffic impact? What are the off-street parking and off-street loading requirements? Can the required number of off-street parking spaces be provided on site, or would a waiver be required?**

Streets

The petitioned site is bounded by Loyola Avenue and Poydras Street, and Perdido Street, both major streets with three traffic lanes in each direction and a landscaped neutral ground. A new streetcar line was recently completed using a portion of the Loyola Avenue right-of-way. Other street adjacent to the site is Girod Street which is a two-way minor street with two traffic lanes, and one parking lane. LaSalle Street that bounds the square on its lakeside, is limited access street open to pedestrian traffic but which limits the vehicular access except with special permits.

Traffic Impact Analysis (TIA)

The proposed mixed-use development will be developed on the site currently occupied with a 128 space commercial parking lot. The garage will have 4-stories occupying second thru fifth floors with a capacity of 393 parking spaces. The first floor will contain 18,400 square feet reserved for retail use.

According to **Article 6, Section 6.12 Central Business District Traffic Impact Analysis**, “All new developments or building renovations or additions which create a total aggregate floor area of 50,000 square feet or more, or additions or changes of use to any existing structure(s) which create a total aggregate floor area of 50,000 square feet or more and which generate ten (10) percent more trips than those of existing development are required to submit a traffic impact analysis describing the impact which the project will have on the Central Business District transportation system in accordance with this section.”

A Traffic Impact Analysis (TIA) has been submitted as a part of the application, and has been amended to include an addendum with calculation of trip generation for the parking garage as a separate use. The staff of the Department of Public Works and the City Planning Commission is also requesting that the applicant submits “turn template exhibit” for the garage to demonstrate feasibility of accessing speed ramps from the Loyola Avenue garage entrance. See earlier discussion under 15.2.5 Design Standards.

The plan does not indicate restoration of the existing curbs no longer needed to access the site or the restoration of the adjacent sidewalks. Therefore the staff recommends the following proviso:

- The applicant shall submit plans for review and approval of the Department of Public Works and the Downtown Development District for sidewalk improvements within the public rights-of-way. The applicant shall modify the sidewalks to the design specifications of the respective department and/or agency.
- All new curb-cuts shall be subject to review and approval by the Department of Public Works.

Parking

The required off-street parking for mixed-use development is a sum of the required parking for individual uses. According to **Article 15, Section 15.2**, Table 15.C retail uses within CBD-2 District are required to provide one (1) parking space per 600 square feet of total floor area. The amusement places are required to provide one (1) parking space per 200 square feet of total floor area. Accordingly, based the size of each use, retail space will have to provide 31 parking space and amusement place 200 parking spaces. The garage will have a total of 393 parking spaces. Therefore, the garage will have 162 parking spaces available as non-accessory, commercial parking.

Use	Parking spaces/square feet of floor area	Floor Area	Required Parking
Retail Use	1/600 sq. ft.	18,400 sq. ft.	31
Amusement Place	1/200 sq. ft.	40,000 sq. ft.	200
Commercial parking	-	-	162
Parking Garage Total	-	-	393

Loading

Though amusement places are not use categories for which an off-street loading requirement is explicitly provided by **Article 15, Section 15.3, Table 15.G Loading Requirements** of the Comprehensive Zoning Ordinance, the staff believes that those uses logically should be considered to fall in the “retail store, department store, restaurant, wholesale house, or general service establishment” category for the purpose of calculating an off-street loading space requirement, as they are most similar to restaurants. That table notes that based on the 40,000 square feet of floor area, the proposed amusement place should provide three (3) off-street loading spaces. Based on the same standard, retail uses containing between 10,000 and 20,000 square feet are required to provide two (2) off-street loading spaces. The overall mixed use development will have to provide five (5) off-street loading space, while the project proposes only one (1). Based on the current planning standards for urban areas, the loading requirements of the existing zoning ordinance for the CBD District and city wide are considered excessive and in need of revision. The proposed CZO, currently under consideration, requires one (1)

loading space for commercial development containing up to 100,000 square feet of area. Therefore, the staff recommends a waiver of the four (4) off-street loading spaces for the project.

- The applicant shall be granted a waiver of **Article 15, Section 15.3** to allow one (1) loading space in lieu of the required five (5) off-street loading spaces.

F. Are there any comments from other agencies, departments or committees?

The proposal was considered by the Planning Advisory Committee at its meeting of January 7, 2015. A representative for the applicant was present and he stated that the applicant has entered into an agreement with the Louisiana Stadium and Exposition District regarding the *Pedestrian Servitude of Passage along Poydras Street* that the LSED controls. This agreement will allow the applicant Poydras Street access to the garage. The representative of the Department of Parks and Parkways enquired about the accuracy of the landscaping plan and location of the existing trees, while the Division of Real Estate and Records questioned location of property lines and the potential encroachments onto the public rights-of-way. The Department of Public Works expressed their concerns regarding the Poydras Street access in terms of the City's access restriction policy and issue of access to the speed ramps from both Poydras Street and Loyola Avenue. The committee passed a motion of no objection subject to further review by the City Planning Commission, Departments of Public Works, Parks and Parkways and Property Management Division of Real Estate and Records, and Sewerage and Water Board.

G. What effects or impacts would the proposed conditional use have on adjacent properties?

The proposed non-accessory parking spaces would provide parking to support uses on the site (retail and amusement place) and ones in the surrounding area, characterized by high-density developments with a mixture of office and commercial uses, including large sport venues. The proposed mixed-use development has been designed to ensure harmonious visual relation with the adjacent office and commercial buildings fronting Poydras Street and Loyola Avenue. In support of the City policy regarding access restrictions along certain streets in the CBD, put in place to maintain pedestrian safety and experience, the staff is recommending elimination of the proposed Poydras Street entrance to the parking garage. The garage will have to utilize the Loyola Avenue access only. With this and other provisos imposed regarding the landscaping, signage, and operational standards pertaining to the proposed amusement place, the staff believes that the proposed mixed use development should be a welcomed addition to the area.

III. Is the proposed action supported by or in conflict with the policies and strategies of the *Plan for the 21st Century*?

The proposal is **consistent** with the *Plan for the 21st Century*. “Chapter 14: Land Use Plan” of the Master Plan designates the future land use of the petitioned site as “Downtown Mixed Use.” The goal, range of uses, and development character for that designation are copied below:

Goal: Support and encourage a vibrant, 24-hour live-work-play environment in the Central Business District, and provide areas to support a high density office corridor.

Range of Uses: High density office, multifamily residential, hotel, government, institutional entertainment and retail uses. No new heavy or light industrial uses allowed.

Development Character: The scale of new development will vary depending on location within the CBD and will be determined by appropriate height and massing, particularly near historic districts.

The proposed use **is consistent** with the goal and range of uses described above. The design of the existing structure is consistent with the surrounding development within this part of the CBD.

IV. SUMMARY

Zoning Docket 012/15 is a request for a conditional uses to permit a non-accessory parking garage and an amusement place in a CBD-2 Central Business District. The petitioned lot is located at the Loyola Avenue and Poydras Street corner of the large city square which contains Hyatt Regency Hotel, four office towers, a parking garage, and an outdoor plaza. The site is currently used as a non-accessory, commercial parking lot with 128 parking spaces. The applicant proposes to redevelop the site as a 6-story mixed-use development containing a ground floor retail use, four floors of parking garage with 393 parking spaces, and a top floor Dave & Buster’s restaurant/amusement place. The total development will contain approximately 264,400 square feet, with retail use occupying approximately 18,400 square feet, a restaurant/amusement place 40,000 square feet, and a garage 200,000 square feet. Entrances and exits to the parking garage are proposed from both, Poydras Street and Loyola Avenue

Garages developed within CBD are subject to standards of Article 15, Section 15.2 of the CZO intended to maintain pedestrian safety, minimize traffic congestion, provide safe entrances and exits to the garage, and to secure quality design and compatibility with the adjacent uses and developments. In support of the City policy regarding access restrictions along certain streets in the CBD, put in place to

maintain pedestrian safety and experience, the staff is recommending elimination of the proposed Poydras Street entrance to the parking garage. The garage will have to utilize the Loyola Avenue access only.

The staff believes that the project design provides a harmonious visual relation with the adjacent office tower fronting Poydras Street and Loyola Avenue. With this and other provisos imposed regarding landscaping, signage, and operational standards pertaining to the proposed amusement place, the staff believes that the proposed mixed use development should be a welcomed addition to the area.

V. PRELIMINARY STAFF RECOMMENDATION²

The staff recommends **APPROVAL** of Zoning Docket 012/15, subject to one (1) waiver and nineteen (19) provisos.

Waiver:

1. The applicant shall be granted a waiver of **Article 15, Section 15.3** to allow one (1) loading space in lieu of the required five (5) off-street loading spaces.

Provisos:

1. The applicant shall eliminate Poydrass Street access to the garage. The floor plans shall be revised to reflect this change and submitted to the staff of the City Planning Commission for review and approval.
2. The applicant shall work with the Department of Public Works and the adjacent Hyatt Regency Hotel to develop an acceptable solution for the curb-side usage along the 600 block of Loyola Avenue.
3. The applicant shall provide a Turn Template Exhibit for the garage as an addendum to the Traffic Impact Analysis for review and approval by the Department of Public Works.
4. The project shall meet standards of **Article 15, Section 15.2.5** regarding the allocation of regular, compact and ADA accessible parking spaces. This allocation of parking spaces shall be shown on the floor plans.
5. The applicant shall comply with standards of **Article 15, Section 15.2.7 (11)** and provide the required twenty (20) spaces within the garage and in front of the ticket booth. The queuing, “reservoir spaces” shall be shown on the floor plans.

² Subject to modification by the City Planning Commission

6. The amusement place operator shall provide a minimum of one (1) security guard at all times during which the use operates, who shall guard the entrances to the facility and the public right-of-way adjacent to the site.
7. The sale of alcoholic beverages shall be restricted to those for consumption on premises.
8. Live or recorded music shall be played within the building and not in the exterior areas of the site. Music of any kind shall be prohibited on the exterior of the building.
9. The operator of the amusement place shall not distribute or cause to be distributed for purposes of commerce, any menus, flyers or promotional materials from any public right-of-way, and shall also require all performers, on behalf of themselves and any of their agents, to execute a legally binding document attesting to their agreement to comply with conditions set forth in this proviso. The City Attorney shall approve the form and content of a standard legal document to be used.
10. The operator of the amusement place shall not affix or cause to be affixed to any public property or to any private property in a manner prohibited by law, any menus, flyers or promotional materials, and shall also require all performers, on behalf of themselves and any of their agents, to execute a legally binding document attesting to their agreement to comply with conditions set forth in this proviso. The City Attorney shall approve the form and content of a standard legal document to be used.
11. The applicant shall submit a detailed signage plan, indicating the type, size, and location of all signage to be installed within the site. Medallion type signs suspended over windows and glass panels are not permitted. All proposed signage shall be consistent with the type and size of signs in the district and subject to review and approval by the staff of the City Planning Commission.
12. No signage promoting alcoholic beverages shall be permitted on the exterior of the building or visible from the exterior of the building.
13. The applicant shall install trees within the courtyard area as needed, and shall provide protection plan for existing trees within the Loyola Avenue and Poydras Street public rights-of-way, subject to the review and approval of the staffs of the City Planning Commission the Department of Parks and Parkways.
14. The applicant shall redesign the entry stairway to eliminate obstruction of the walking path on the Poydras Street sidewalk.

15. The applicant shall secure the appropriate rights to utilize City property in connection with any encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.
16. The applicant shall indicate all areas for the storage of waste on the site plan or individual floor plans. No trash storage shall be visible from the public rights-of-way. Additionally, the owner of the development shall submit a litter abatement program letter to the Department of Sanitation for approval, which is inclusive of the type and quantity of trash receptacles, and the frequency of trash pickup if contracted with a private trash removal company. The name and phone number of the manager of the business shall be included in this letter to be kept on file in case of any violation.
17. The applicant shall submit plans for review and approval of the Department of Public Works and the Downtown Development District for sidewalk improvements within the public rights-of-way. The applicant shall modify the sidewalks to the design specifications of the respective department and/or agency.
18. All new curb-cuts shall be subject to review and approval by the Department of Public Works.
19. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request administrative extensions as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.

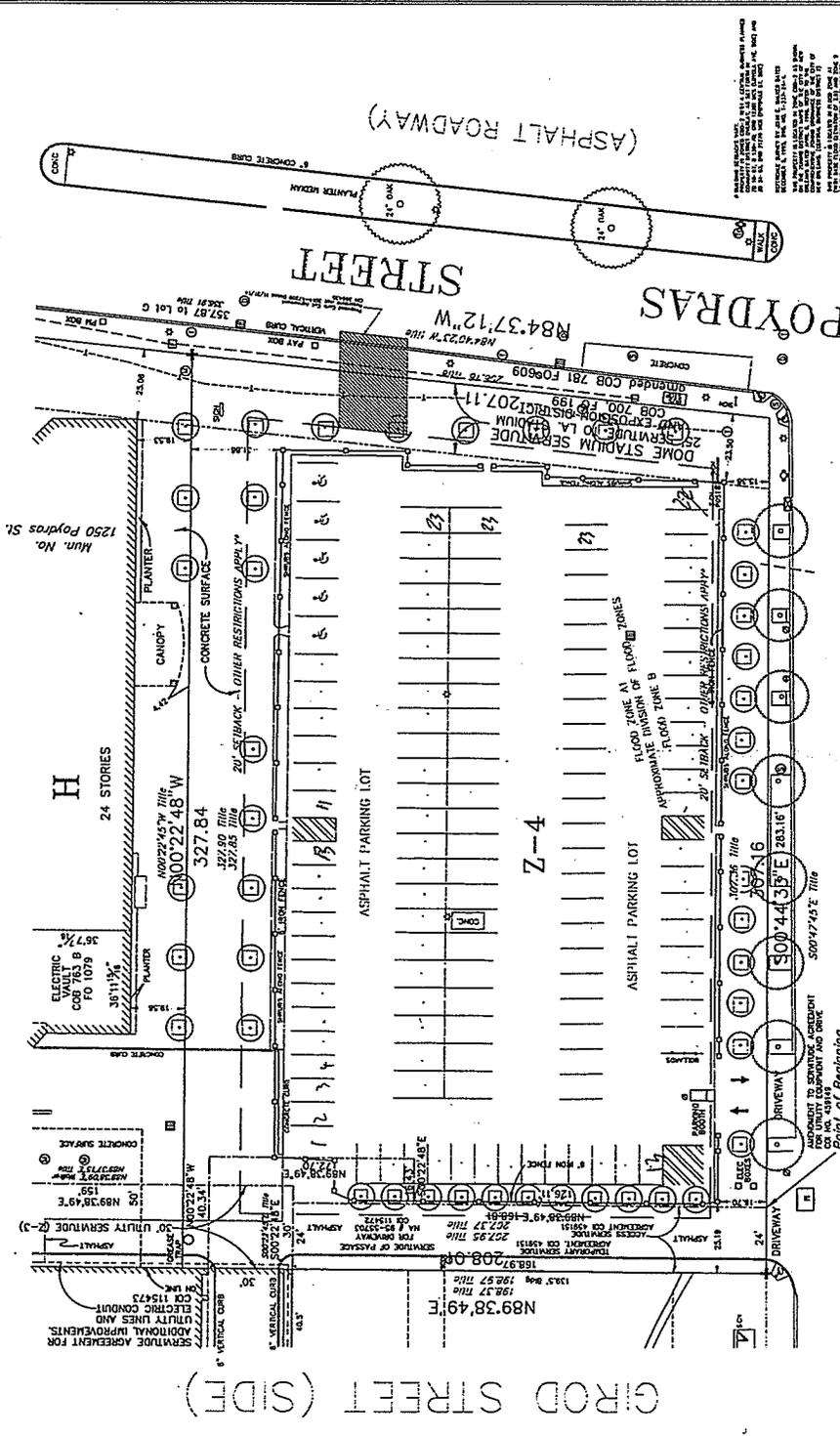
VI. REASONS FOR RECOMMENDATION

1. The proposed parking garage will replace a non-accessory parking lot and enhance the overall appearance of the site.
2. The proposed development will contribute to the ongoing revitalization of the Central Business District as a 24-hour, vibrant, mixed-use environment.
3. The proposed use is consistent with the *Plan for the 21st Century: New Orleans 2030 Land Use Plan* which designates the site Mixed-Use Downtown.

- VII.** Should the applicant desire changes to any recommended waivers or provisos, the applicant is encouraged to bring any proposed alternative language for discussion at the meeting.

SQUARE 307-1
 FIRST DISTRICT
 NEW ORLEANS, LA.

LASALLE STREET (SIDE)



LOYOLA AVENUE
 (ASPHALT ROADWAY)

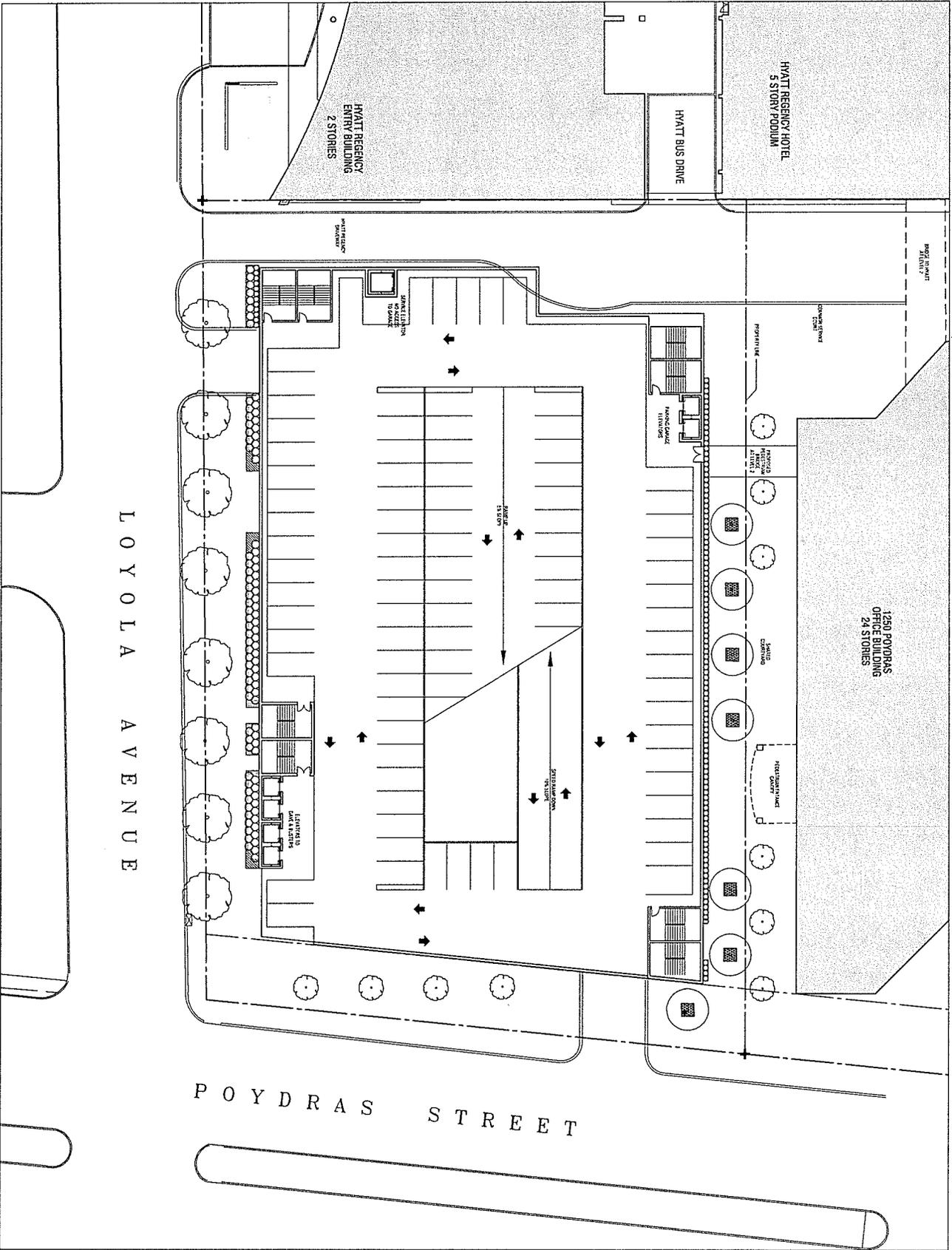
Site Plan of Lot Z-4 made for
 Hoppert Logging, LLC at request of
 Mr. Christopher Robertson, Jr.
 New Orleans, La. January 8, 2015

NO. OF SHEETS	DATE	BY	FOR
1	1/8/15
2
3
4
5
6
7
8
9
10

APPROVED TO SERVICE AGREEMENT
 FOR THE PROPOSED DRIVEWAY AND DRIVE
 POINT OF BEGINNING
 FOR 24' SERVIDUTE OF PASSAGE

BEFORE YOU DIG
 CALL 811

CHANDLER'S TRINK, L.L.C.



DAVE & BUSTER'S, PARKING GARAGE, & RETAIL BUILDING
 LOYOLA AVENUE, NEW ORLEANS, LA



DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 PROJECT NO.: _____
 SHEET NO.: _____

DATE	DESCRIPTION
12/11/11	REVISED
08/11/11	REVISED
05/11/11	REVISED
02/11/11	REVISED
11/10/10	REVISED
08/10/10	REVISED
05/10/10	REVISED
02/10/10	REVISED
11/09/09	REVISED
08/09/09	REVISED
05/09/09	REVISED
02/09/09	REVISED
11/08/08	REVISED
08/08/08	REVISED
05/08/08	REVISED
02/08/08	REVISED
11/07/07	REVISED
08/07/07	REVISED
05/07/07	REVISED
02/07/07	REVISED
11/06/06	REVISED
08/06/06	REVISED
05/06/06	REVISED
02/06/06	REVISED
11/05/05	REVISED
08/05/05	REVISED
05/05/05	REVISED
02/05/05	REVISED
11/04/04	REVISED
08/04/04	REVISED
05/04/04	REVISED
02/04/04	REVISED
11/03/03	REVISED
08/03/03	REVISED
05/03/03	REVISED
02/03/03	REVISED
11/02/02	REVISED
08/02/02	REVISED
05/02/02	REVISED
02/02/02	REVISED
11/01/01	REVISED
08/01/01	REVISED
05/01/01	REVISED
02/01/01	REVISED

LIVING GREEN WALL WITH
STONE PLANTER AT WALL BASE

REFLECTIVE SPANDREL GLASS

COMPOSITE METAL PANEL SYSTEM
COLOR 1



OPTION 4

DAVE & BUSTERS – PARKING GARAGE – RETAIL BUILDING

Dubravka Gilic

From: Jared E. Munster
Sent: Thursday, January 15, 2015 2:42 PM
To: Dubravka Gilic
Cc: Robert D. Rivers; Leslie T. Alley
Subject: 1200 Poydras

Dubravka, following review of the plans for the development at 1200 Poydras St (Dave & Busters), Safety and Permits is unable to certify the request for a driveway entering the site from the Poydras St side of the parcel, pursuant to Section 15.2.8 of the CZO. Per the submitted drawings the site will continue to be accessed from the current entry point on Loyola Ave., therefore there is no need for a second driveway from Poydras St.

Jared E. Munster, Ph.D.
Director
Department of Safety and Permits

Sent via mobile device.

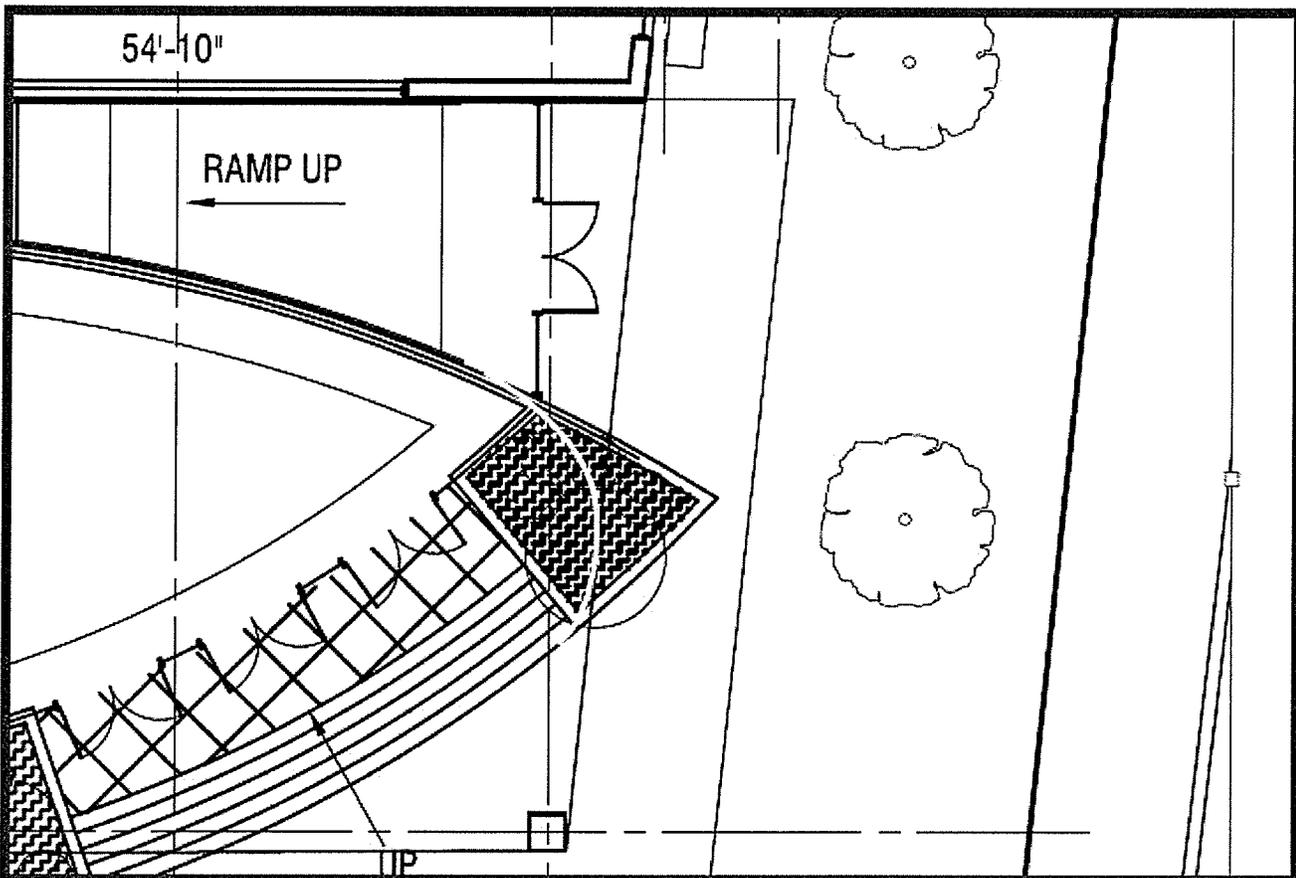
Dubravka Gilic

From: Louis R. Haywood
Sent: Tuesday, January 13, 2015 7:02 PM
To: Dubravka Gilic; Robert D. Rivers; William A. Gilchrist; Chadwick R. Cramer
Cc: Arlen D. Brunson; Allen M. Yrle; Neil D. Schneider
Subject: RE: D&B Garage update

Dubravka,

My comments are as follows:

- 1) The new pointy element between the corner stairs and the corner ramp pinches the sidewalk width and is a sharp edge. It violates good sidewalk design principles by creating an obstruction in the middle of the walking path (consider crowds moving towards it and then being squeezed by the protrusion). We'd like to see that reduced back to the building frontage or dulled down, rounded and reduced significantly.



- 2) The speed ramps still appear inaccessible from Poydras entrance, the Poydras entrance cannot be considered part of the access to the speed ramps per zoning because there is head-in parking alongside the route from the driveway to the speed ramp. There are no turning templates shown that demonstrate that it is physically possible for a motor vehicle to make the turn from the Poydras or the Loyola entrance onto the speed ramp. **This is a zero-radius turn from an apparent 24' two-way access way to an apparent 24' speed ramp.** It is probably impossible for vehicles to exit the speed ramp and make the U-turn to Poydras without entering into the on-coming traffic stream on a blind or mirror-assisted U-turn. This will lead to congestion (as cars entering from Poydras have to back up to allow exiting vehicles to pass) at best and head-on collisions at worst. It may

also be impossible for vehicles to turn from Loyola onto the speed ramp without entering into the oncoming traffic stream of exiting vehicles. This garage would be especially difficult for, say, an F-150 or larger truck to navigate without a lot of backing up and maneuvering. In short, it appears the Poydras entrance may not be functional for the speed ramps, as I mentioned in the meeting, and it does seem to compromise the safety of the public and increase complexity and chance for accidents within the garage.

- 3) New curb cuts on Poydras are prohibited by the CZO. This rule is in place to maintain a certain quality of experience and a level of safety for the large numbers of pedestrians who use Poydras. This particular area is highly utilized by pedestrians, including tourists and members of the public of all ages accessing public services in the area, including medical services. DPW is concerned that the pedestrian experience would be significantly degraded, and safety may very well be compromised to some degree by the creation of a driveway at this location. The safest choice would be to consolidate access on Loyola Avenue, even if that means some delay for motorists using the facility. As previously mentioned, this would also increase the safety of *motorists* because the traffic patterns based on this floor plan are geometrically dangerous due to a constrained space.
- 4) DPW continues to review the TIA and would appreciate turn template exhibits for the garage. I have communicated what appear to be calculation errors to Denis Finigan at Urban Systems and have requested some backup calculations from him as well.

Thanks,
Louis

From: Dubravka Gilic
Sent: Tuesday, January 13, 2015 3:28 PM
To: Robert D. Rivers; William A. Gilchrist; Chadwick R. Cramer; Louis R. Haywood
Cc: Arlen D. Brunson
Subject: FW: D&B Garage update

Bill and Chad – please review the façade options (5 versions) and the modified street level plan. Let me know which option you prefer.

Louis – can you please review the addendum to the TIP and let me know if you have any comments.

I'm writing the report as we speak and will appreciate your comments as soon as you can provide them.

Thanks!.

Dubravka Gilic, AICP
City Planning Commission
504.658.7019

From: Tom Hogan [<mailto:hogan@hcarch.net>]
Sent: Tuesday, January 13, 2015 10:18 AM
To: Dubravka Gilic; Chadwick R. Cramer; William A. Gilchrist
Cc: Christopher Robertson Jr.; Steve Laski; John Conkerton
Subject: D&B Garage update

Dubravka,

It was a pleasure to meet with you and your team to review the design of the Dave & Buster's/ Garage/ Retail Building. It was a very productive and beneficial discussion. Please find the following attachments and distribute to the larger team as you deem necessary as I do not have the contact info for all present during our meeting on Friday.

1. Updated presentation of the exterior design of the building in response to many of the comments discussed during the meeting. Several options are proposed for your review in this package, but I think all of them respond

favorably to the comments and improve the direction of the design. We understand that signage is not a part of this review and will be discussed under a separate approval process.

2. Updated floor plan indicating the required FEMA flood elevation of the street level retail (approx. 3' above the adjacent curb elevations). The floor plan also addresses some of the commentary regarding the ADA ramp from Poydras, making it a more prominent access point. Please note that the renderings have not yet been adjusted to include the raised floor of the street level retail spaces.
3. An amendment to the Traffic Study addressing the items mentioned as deficient in your previous comments. We strongly feel that a single curb cut off of Loyola for access to this 400 car garage will be a disaster for the traffic flow in the immediate area adjacent to the very busy Hyatt Regency which is already quite congested at peak times.

We welcome the opportunity to have a conference call with you and your team to review these updated materials prior to the finalization of your report. Please advise if this will be possible.

Tom Hogan

HC Architecture, Inc
1425 Dutch Valley Place
Studio B
Atlanta, Georgia 30324
404-685-8868 o
404-245-6992 c

Dubravka Gilic

From: Louis R. Haywood
Sent: Tuesday, January 13, 2015 6:54 PM
To: dfinigan@urbansystems.com
Cc: Neil D. Schneider; Dubravka Gilic; Allen M. Yrle
Subject: Dave and Busters TIA needs
Attachments: D&B Traffic Report_Addendum_2015_0112.pdf

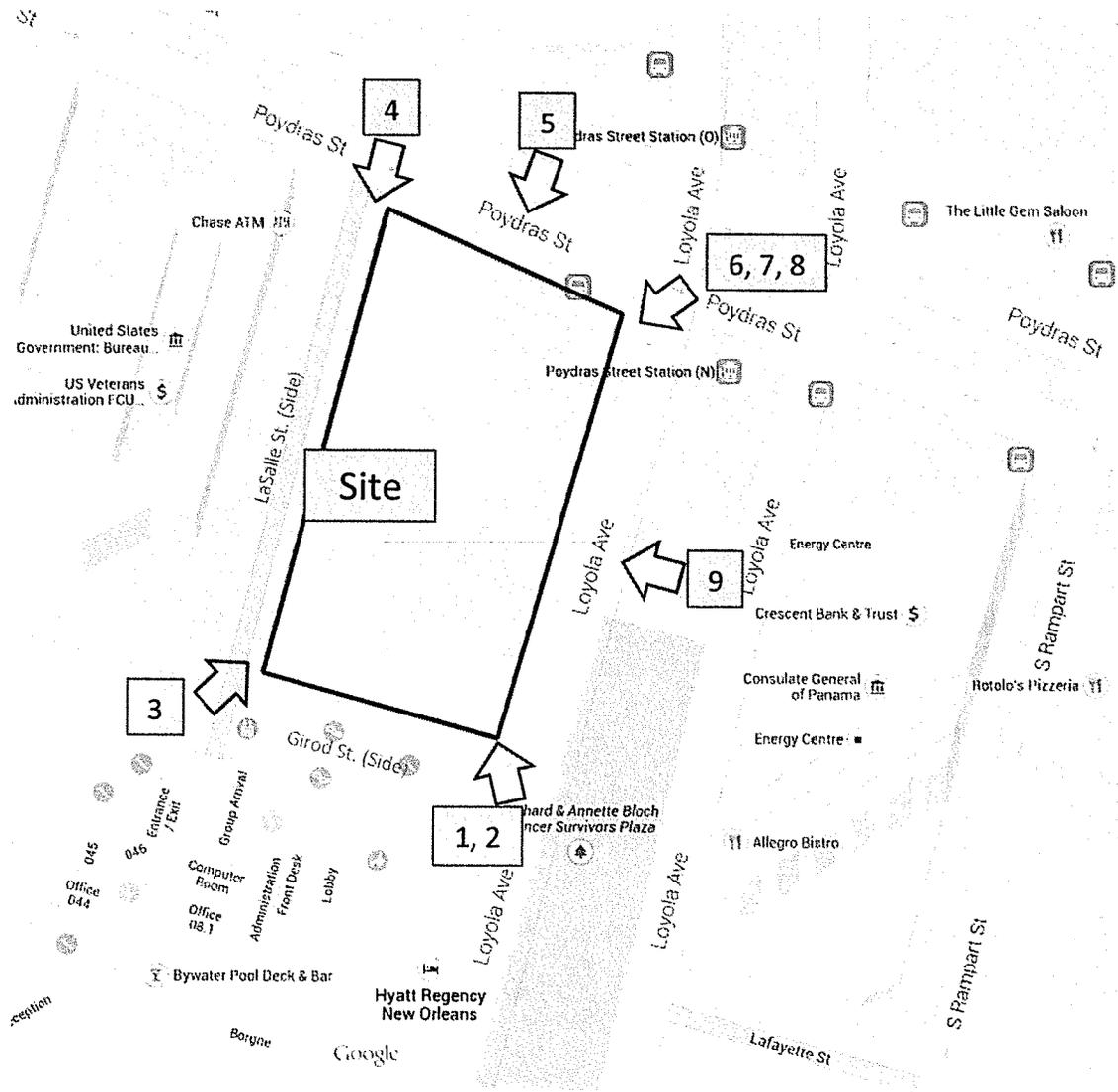
Denis,

Please provide SYNCHRO back-up for both the TIA and the addendum, with timings used.

Further, it appears that the traffic data figures in the addendum's Figures 1,2, and 3 are not adding up correctly. Please verify that the addition is correct. For instance, there are 20 vehicles in Figure 1 (existing AM peak) using the Poydras median U-turn. Figure 2 (project trips) adds 10 trips. Figure 3 (projected totals) shows only 10 trips making the U-turn. I believe this number should be 30, unless there is somehow displacement somewhere.

Thanks,

Louis Haywood
Construction Project Manager
Department of Public Works
City of New Orleans
1300 Perdido St Room 6W03
New Orleans, LA 70112
(504) 658-8056



DAVE & BUSTER'S PARKING GARAGE & RETAIL BUILDING CONDITIONAL USE SUBMITTAL

SITE PHOTOGRAPHS

December 1, 2014

Scairono Martinez Architects
3642 Magazine Street
New Orleans, LA 70115

DAVE & BUSTER'S
PARKING GARAGE AND RETAIL BUILDING

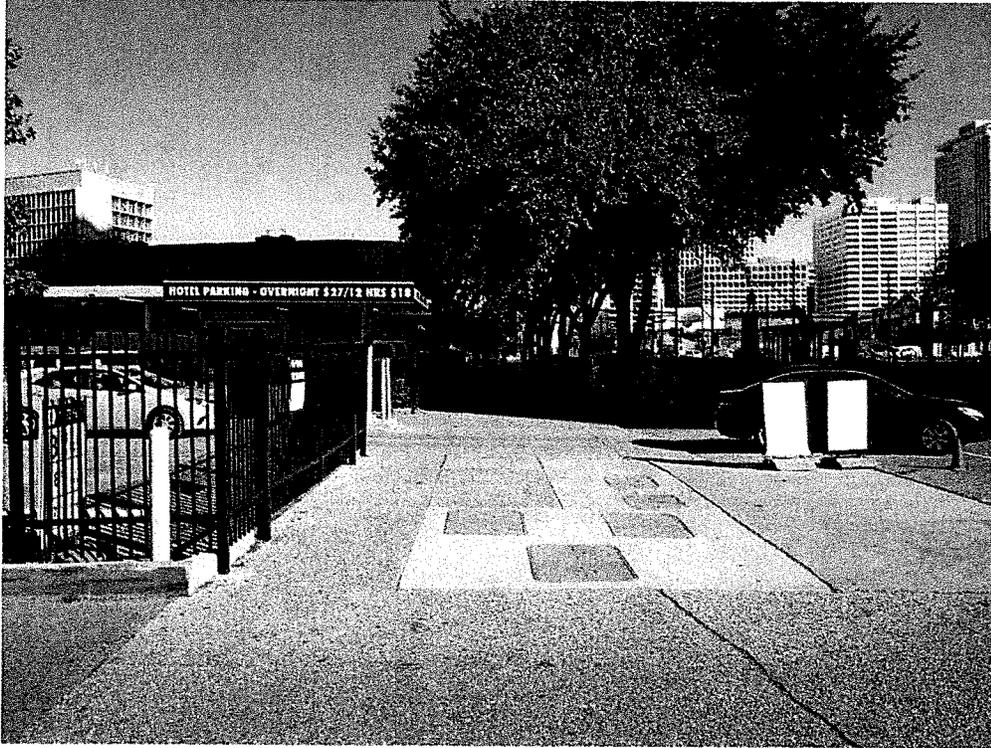


Photo 01 – Loyola Ave / Girod St corner, view to Poydras



Photo 02 – Girod St. / LaSalle St. corner, view to Poydras / Loyola

DAVE & BUSTER'S
PARKING GARAGE AND RETAIL BUILDING

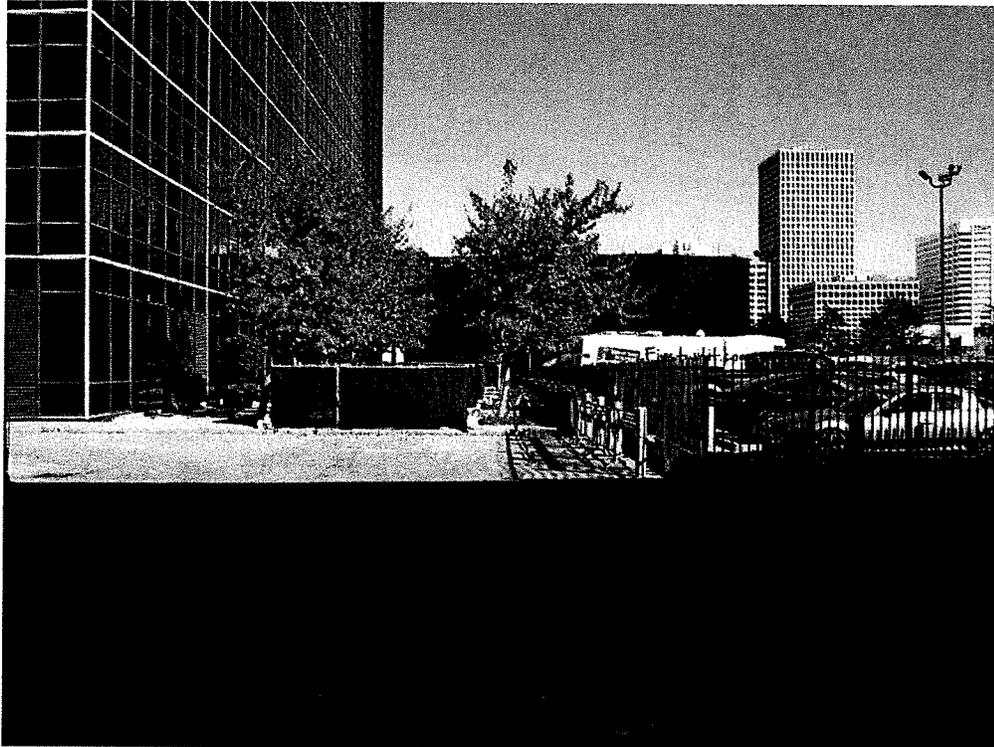


Photo 03 – Girod / LaSalle St. corner, view to Poydras



Photo 04 – LaSalle / Poydras corner, view to Girod

DAVE & BUSTER'S
PARKING GARAGE AND RETAIL BUILDING



Photo 05 – Poydras, north end of site



Photo 06 – Poydras, north end of site

DAVE & BUSTER'S
PARKING GARAGE AND RETAIL BUILDING



Photo 07 – Poydras / Loyola corner, view to Girod / LaSalle

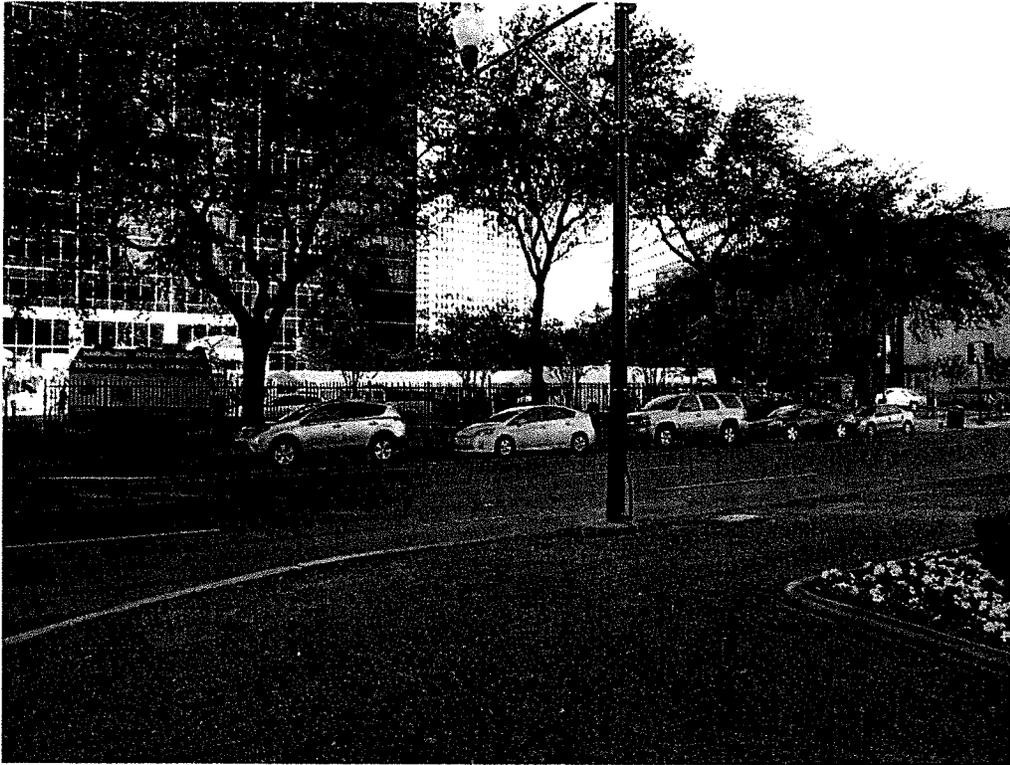


Photo 08 – Loyola, east end of site

DAVE & BUSTER'S
PARKING GARAGE AND RETAIL BUILDING

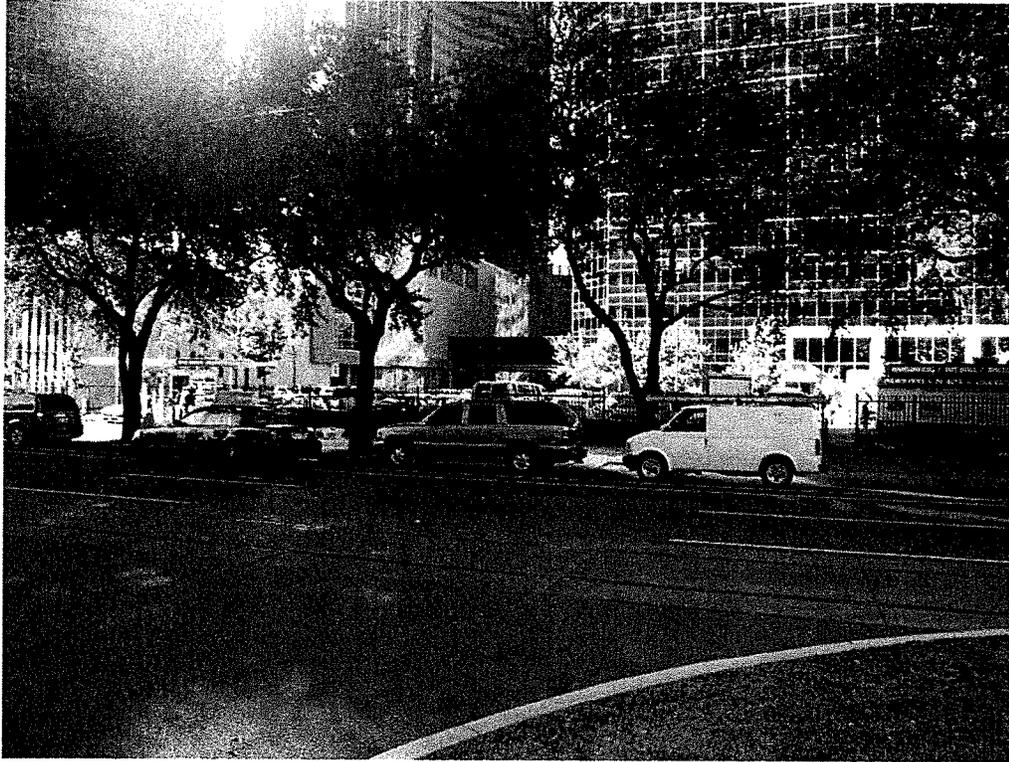


Photo 09 – Loyola, west end of site

AGREEMENT MODIFYING
PEDESTRIAN SERVITUDE OF PASSAGE
BY AND BETWEEN
LOUISIANA STADIUM AND
EXPOSITION DISTRICT
AND
POYDRAS PROPERTIES II LLC

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ORLEANS

BE IT KNOWN, that on the dates hereinafter indicated, but effective as of the last date signed (the "Effective Date"), before the undersigned Notaries Public, each duly commissioned and qualified in and for the Counties/Parishes in the States hereinafter indicated, and in the presence of the hereinafter identified undersigned witnesses,

PERSONALLY CAME AND APPEARED:

LOUISIANA STADIUM AND EXPOSITION DISTRICT, a political subdivision of the State of Louisiana, appearing herein through its Chairman, L. Ron Forman, a person of the full age of majority, duly authorized pursuant to a Resolution of its Board, dated October 28, 2014, attached to and made a part hereof as EXHIBIT "A-1";

Mailing Address: 1500 Girod Street
New Orleans, LA 70113

(hereinafter referred to as "LSED"); and

POYDRAS PROPERTIES II LLC, a limited liability company, organized and existing under the laws of the State of Delaware, having its principal place of business located at Little Rock, Arkansas, appearing herein through, Christopher W. Robertson, it's duly authorized manager, pursuant to a resolution last dated November 14, 2014, attached hereto and made a part hereof as EXHIBIT "A-2";

Mailing Address: 1250 Poydras Street, Suite 2499
New Orleans, Louisiana 70113
ATTN: Christopher W. Robertson

(hereinafter referred to as "OWNER");

Hon. Dale N. Atkins
CLERK OF CIVIL DISTRICT COURT
INST #: 2014-47209 11/21/2014 03:41:04 PM
TYPE: SERV 15 PG(S)

CIN#: 566435

COPY

RECITALS

A. OWNER owns a certain tract of land known as LOT Z-4, Square 307-A, First Municipal District in the City of New Orleans, located at the corner of Loyola Avenue and Poydras Street and the improvements located thereon are known as 501 Loyola Avenue in New Orleans, all as more fully described on EXHIBIT "B" (the "Property").

B. LSED is the owner and grantee of those certain servitude rights of pedestrian passage, granted in that certain agreement, dated December 22, 1970, filed at COB 700, folio 199,

Notarial Archives No.013042 (the "Original Agreement"), all as further amended on the records of Orleans Parish, which created a servitude of passage in favor of LSED, over and upon the sidewalks located on the Property and fronting on the southern right of way of Poydras Street between Loyola Avenue and the southwest corner of the right of way of South Liberty Street, all as more fully described as EXHIBIT "C" and as shown in "Red" on shown on that certain survey by Gandolfo, Kuhn, LLC, dated June 5, 2014, attached hereto as EXHIBIT "D" (the "Survey") and is known in the Original Agreement as Servitude No. 1 ("Servitude No. 1").

C. The northern boundary of the Property fronts on the public right of way of Poydras Street and is subject to Servitude No. 1 for an area 25 feet deep along the full length of the northern boundary. OWNER desires to re-develop the Property from its current use as a parking lot into a multi-story, multi-use parking and retail complex in one building on the Property (the "Project").

E. In order to function properly and provide physical, legal and safe access to its improvements, the Project must have a new curb cut to Poydras Street within the area of Servitude No.1 for the benefit of itself, its tenants, assigns, guests and invitees during the re-development and permanent legal and physical access upon completion of the Project.

F. LSED, in the spirit of cooperation with Owner as the neighbor of Mercedes Benz Superdome and the Smoothie King Center, and in the belief that the District will benefit from the Project, has agreed to the modification of the Servitude to allow the curb cut to Poydras Street from the Property.

AGREEMENT

1. CURB CUT MODIFICATION. LSED and Owner covenant and agree that the Servitude No. 1 is hereby amended and modified to permit the construction, maintenance and use of an new curb cut which shall be placed near the north east corner of the Property, over and upon the Servitude Area to Poydras Street in an area approximately 24 feet wide, tapering out an additional three feet to the street, all as shown on the Site Plan attached hereto as EXHIBIT "E". The grant of the curb cut modification herein shall be non-exclusive and Owner's use of such servitude shall not materially interfere with LSED's use of the Servitude No. 1. Owner hereby acknowledges the existing Original Agreement and shall comply with all provisions and terms therein. Owner further acknowledges that the rights and servitude granted herein are limited and qualified to the extent of LSED's rights and authority set forth in the Original Agreement.

2. ACCEPTANCE OF SERVITUDE. OWNER now comes and does hereby acknowledge, confirm and accept the amended and modified servitude rights granted by LSED in and for itself, its heirs, tenants and assigns.

3. CONSIDERATION. LSED and OWNER acknowledge the receipt and sufficiency of the consideration for this amended and modified servitude.

4. BINDING EFFECT. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors, transferees and assigns.

5. COMMENCEMENT. This Agreement shall commence upon the Effective Date.

6. ENFORCEMENT. The servitudes as amended and modified herein shall be enforceable by either party (or its successors and assigns). In addition to the right to collect damages (excluding consequential damages), the right to exercise the remedies established herein and any other remedies provided by law, the enforcing party shall have the right to enforce the provisions hereof by specific performance or by mandatory or prohibitory injunctions without the necessity of proving irreparable injury, without the requirement of a bond, and without regard to the other limitations of Louisiana Code of Civil Procedure Article 3601. A party shall not be in default as to any matter unless it has been given a written notice specifying the default by the other party and the default is not cured within thirty (30) days after the receipt of the notice. If a default cannot be cured within thirty (30) days, such party shall not be in default if it commences to cure the default within thirty (30) days and diligently and continuously proceeds to cure the default as soon as possible.

7. RELEASE OF NOTARY. The parties hereto dispense with and waive the production of any and all searches and certificates, including without limitation, UCC searches, conveyance, mortgage and lien and privilege certificates, tax and paving researches and certificates, title researches, environmental testing, and a current survey, and release and relieve the notary/attorney who prepared the Agreement and/or the undersigned Notaries, the law firm of Lugenbuhl, Wheaton, Peck, Rankin and Hubbard, a PLC, LAWLA Title, LLC, and Roedel, Parsons Koch Blache Balhoff & McCollister, P.C. and their corresponding sureties or insurers, of and from any and all liability or responsibility in connection therewith.

8. NOTICES. Any notice required or permitted to be given under this Agreement by one party to the other shall be in writing and the same shall be given and shall be deemed to have been served and given if: (i) placed in the United States mail, return receipt requested, addressed

to such party at the address hereinafter specified, or (ii) deposited into the custody of a nationally recognized overnight delivery service, addressed to such party at the address hereinafter specified. The address of LSED and OWNER, respectively, for all purposes under this Agreement and for all notices hereunder shall be:

LSED: The Board of Commissioners of the Louisiana
Stadium and Exposition District
1500 Girod Street
New Orleans, LA 70113

With a copy to: Roedel Parsons
8400 Jefferson Hwy., Suite 301
Baton Rouge, LA 70809
ATTN: Larry Roedel, Esq.

OWNER: Poydras Properties LLC
1250 Poydras Street
Suite 2499
New Orleans, LA 70113
ATTN: Christopher W. Robertson

With a copy to: Grossberg, Yochelson, Fox & Beyda, LLP
1200 New Hampshire Avenue NW
Suite 555
Washington, D.C. 20036
ATTN: Richard Levin, Esq.

From time to time either party may designate another address for all purposes of this Agreement by giving the other party not less than 5 days' advance written notice of such change of address in accordance with the provisions hereof.

9. ENTIRE AGREEMENT. This Agreement contains the entire agreement between LSED, TENANT and OWNER, and no oral statements or prior written matter relating to the subject matter hereof and not specifically incorporated herein shall be of any force and effect. No variation, modification or changes hereof shall be binding on either party hereto unless set forth in a document executed by such parties or a duly authorized agent, officer or representative thereof.

10. ATTORNEYS FEES. Each party shall be responsible for its own attorneys' fees. Notwithstanding the foregoing, in the event of litigation between the parties arising out of or relating to this Agreement, the prevailing party will be entitled to recover court costs and reasonable fees of attorneys, accountants and expert witnesses incurred by such a party in connection with such action.

11. TERMINOLOGY. The captions beside the section numbers of this Agreement are for reference only and shall not modify or affect this Agreement in any manner whatsoever. Wherever required by the context, any gender shall include any other gender, the singular shall include the plural, and the plural shall include the singular.

12. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Louisiana.

13. SEVERABILITY. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

14. RULE OF CONSTRUCTION. This Agreement shall be interpreted to give effect to its fair meaning and shall not be construed more or less favorably to either LSED or OWNER.

15. COUNTERPARTS. This Agreement may be executed in multiple counterparts which when taken together will form original complete documents.

Signature Pages to Follow

THUS DONE AND PASSED in my office in the City of New Orleans, Parish of Orleans, State of Louisiana, on the 28th day of October, 2014, in the presence of the undersigned competent witnesses who have hereunto subscribed their names with the said appearers and with me, Notary, after due reading of the whole.

WITNESSES:

Janice Reese
Signature of Witness

Janice Reese
Printed Name of Witness

THE BOARD OF COMMISSIONERS OF
THE LOUISIANA STADIUM AND
EXPOSITION DISTRICT

[Signature]
By: L. Ron Forman, Chairman

Date: 10-28-14

[Signature]
Signature of Witness

J.E. Brignac
Printed Name of Witness

APPROVED:

[Signature]

Attorney for
Louisiana Stadium and Expedition District

[Signature]
NOTARY PUBLIC

Printed Name: Larry M. Roedel
Notary/Bar Roll No. 11385
My Commission Expires: at death

THUS DONE AND PASSED in my office in the Parish of Orleans, State of Louisiana,
on the Nov^{3rd} day of 2014, 2014, in the presence of the undersigned competent
witnesses who have hereunto subscribed their names with the said appearers and with me,
Notary, after due reading of the whole.

OWNER:

WITNESSES:

[Signature]
Signature of Witness

Benny Bray
Printed Name of Witness

[Signature]
Signature of Witness

Christopher W. Robertson Jr.
Printed Name of Witness

POYDRAS PROPERTIES II LLC

[Signature]
By: Christopher W. Robertson
Its: Manager
Date: 11-12-14



[Signature]
NOTARY PUBLIC
Printed Name: Nikki Madden
Notary/Bar Roll No. _____
My Commission Expires: ~~at death~~ 3-9-2015

EXHIBIT A

THE AUTHORITY DOCUMENTS

A-1 Resolution of LSED

A-2 Resolution of Poydras Properties II LLC

EXHIBIT A-2

RESOLUTIONS OF POYDRAS PROPERTIES II LLC

The undersigned hereby certify that they constitute all of the members of POYDRAS PROPERTIES II LLC, a Delaware limited liability company (the "Company"), are all of the members entitled to vote on the following resolutions, and, as such, have consented to, and do hereby consent, to the following resolutions:

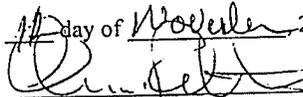
Be it RESOLVED, that Christopher W. Robertson, in his capacity as Manager of the Company, is hereby authorized on behalf of the Company to execute and deliver that certain Agreement Modifying Pedestrian Servitude of Passage by and between Louisiana Stadium and Exposition District and the Company dated as of the Effective Date (the "Servitude Modification") determined by the Manager to be necessary in order to evidence and/or effectuate a modification to pedestrian access granted under that certain Agreement dated December 22, 1970, filed at COB 700, folio 199 Notarial Archives No. 013042 ("Servitude No. 1") affected by the construction of a multi-story, multi-use parking and retail structure on that certain real property owned by the Company and known as Parcel Z-4 in Square 307A in the city of New Orleans, Louisiana (the "Property"); and that the Servitude Modification be, and it is hereby, approved and authorized by the Company;

FURTHER RESOLVED, that the rights, power and authority evidenced by, and/or contained in, these resolutions are in addition to, and not in limitation of, rights inherent in a Delaware limited liability company; and

FURTHER RESOLVED, that the foregoing resolutions are hereby declared to be binding upon the Company.

This Written Consent may be executed in a number of counterparts, all of which taken together shall for all purposes constitute one Written Consent, binding on all Members. Each counterpart may be delivered by facsimile or electronic transmission.

Given under our hands and seals this 11 day of November, 2014.

 (SEAL)
Christopher W. Robertson

Given under our hands and seals this 14th day of November, 2014.

ELMAN LP HOLDING, LLC,
a Delaware limited liability company

By: Panache Productions, Inc.,
a California corporation, Manager

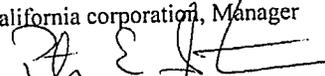
By:  (SEAL)
Name: Peter E. Strauss
Title: President

EXHIBIT B

PROPERTY

A certain parcel of ground, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining situated Square 307-A in the First Municipal District of the City of New Orleans, State of Louisiana, bounded by Poydras Street, Loyola Avenue, Girod Street and LaSalle Street and is designated as Lot Z-4, as shown on a Survey by the office of Gandolfo Kuhn, L.L.C. drawing number T-209-1 dated December 3, 2004 and is more particularly described as follows:

Begin at the intersection of the southerly line of Poydras Street and the westerly line of Loyola Avenue; thence along said westerly line of Loyola Avenue South $00^{\circ}44'33''$ East a distance of 307.16 feet to the division line of Lot Z-4 and Lot B; thence along said line South $89^{\circ}38'49''$ West a distance of 208.01 feet to the division line of Lot Z-4 and Lot H; thence along said line North $00^{\circ}22'48''$ West a distance of 327.84 feet to the southerly line of Poydras Street; thence along said line South $84^{\circ}37'12''$ East a distance of 207.11 feet to the Point of Beginning, containing 65,724 square feet.

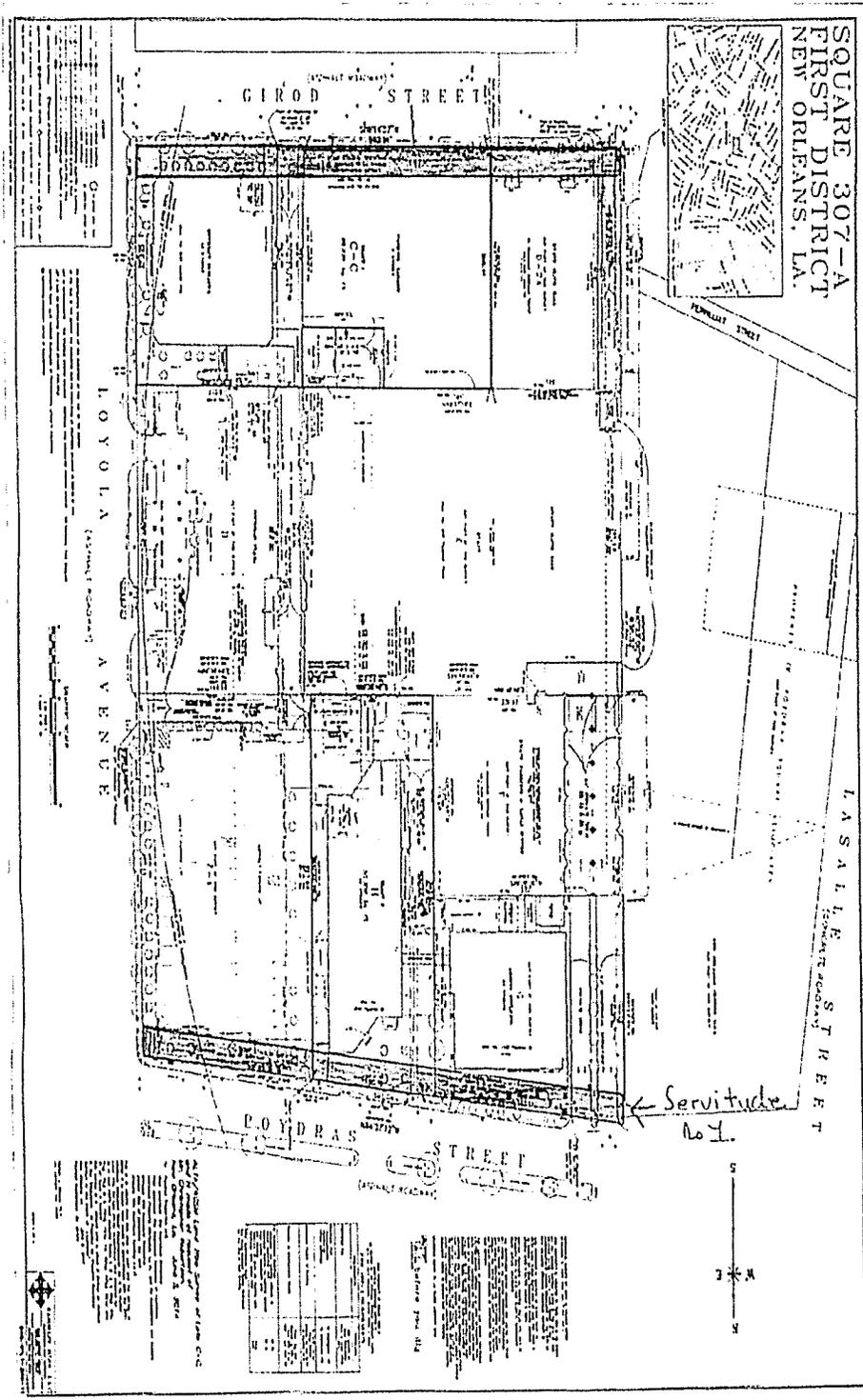
EXHIBIT C

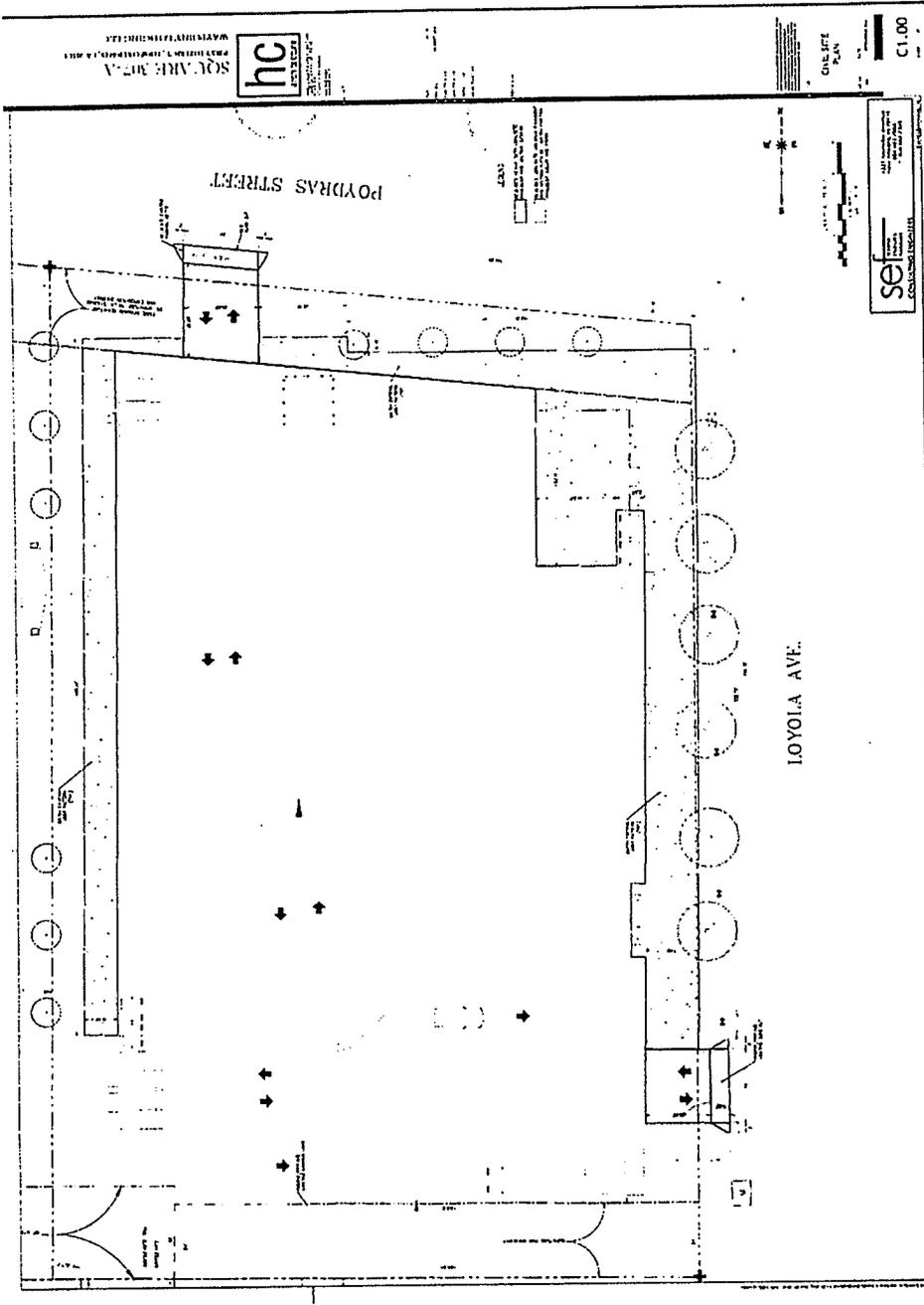
Servitude No. 1 Legal Description

Commencing at the intersection of the southern right of way line of Poydras Street and the western right of way line of Loyola Avenue, said point of intersection being the point of beginning, proceed in a southerly direction along the western right of way line of Loyola Avenue a distance of 25.14' to a point. Thence in a westerly direction along a line 25' south of and parallel to the southern right of way line of Poydras Street a distance of 590.26' to a point on the western right of way line of South Liberty Street. Thence in a northerly direction along the western right of way line of South Liberty Street a distance of 25.13' to a point on the southern right of way line of Poydras Street. Thence in an easterly direction along the southern right of way line of Poydras Street a distance of 590.07' to the point of beginning. Said described portion of ground contains 14,754 square feet and is in accordance with plan by Adloe Orr, Jr. and Associates dated March 9, 1970, copy of which is attached hereto and made part hereof.

EXHIBIT D

The Survey Showing Servitude No. 1





CURB CUT SITE PLAN

EXHIBIT E

SOY ARE 307-A
MAY 11 1994
MAY 11 1994



C1.00

1340 Poydras Street, 4th Floor
New Orleans, Louisiana 70112

Telephone (504) 407-0005



Chelsey Richard Napoleon
Chief Deputy Clerk

Land Records Division

Hon. Dale N. Atkins
Clerk of Court and Ex-Officio Recorder
Parish of Orleans

DOCUMENT RECORDATION INFORMATION

Instrument Number: 2014-47209

Recording Date: 11/21/2014 03:41:04 PM

Document Type: SERVITUDE

Addl Titles Doc Types:

Conveyance Instrument Number: 566435

Filed by: OPUS LEGALIS, JAMI MITCHELL
201 ST CHARLES AVE
STE 114-320
NEW ORLEANS, LA 70170

**THIS PAGE IS RECORDED AS PART OF YOUR DOCUMENT AND
SHOULD BE RETAINED WITH ANY COPIES.**

Dave and Buster's TIA Addendum

Introduction

This addendum has been prepared to address DPW and CPC staff comments on the TIA that was prepared for the proposed redevelopment of a surface parking lot in the southwest quadrant of the intersection of Loyola Avenue at Poydras Street. The existing surface parking lot has a capacity of roughly 135 vehicles. The entry / exit drive is located on Loyola Avenue, in close proximity to two access driveways that service the Hyatt Hotel. The closest drive, within 25 feet of the lot access drive, provides access to service areas to adjacent buildings, the Hyatt valet parking garage and an internal Hyatt drive the supports bus loading and unloading. Approximately 75 feet south or uptown of the service drive is the entry to the Hyatt porte-cochere.

Hotel taxi staging is located on the Loyola curb in advance of the parking entry / exit drive. Taxi's feeding the porte-cochere travel in the parking lane and cross the existing drive. During peak hotel activity times, check-in and check-out and special events, the operator reports that congestion is often experienced at the parking lot driveway, affecting both entry and exit movements.

A Hop-On / Hop-Off bus stop is located on the curb between the porte-cochere entry and exit drives.

The proposed project consists of ground floor retail space, a 393 space parking garage, and Dave and Buster's, a full service restaurant and entertainment venue.

Garage Access and Queuing

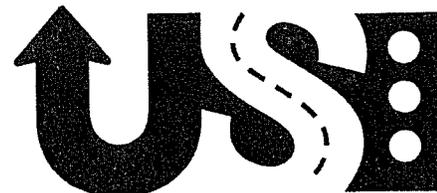
Two access drives are proposed for the garage. One located on Loyola Avenue, in the approximate location of the existing access drive, and a second located on Poydras Street, approximately 125 feet in advance of the intersection of Poydras and Loyola. The curb along Poydras at the site is a Pay-to Park Zone.

The first parking level in the garage is reached by a speed ramp. Ticket spitters will be located at the top of the ramp meeting the vehicle queue standards under both the current CZO and the Draft CZO. Based on this design, garage entry queues are not expected to impact traffic flow on Poydras or on Loyola.

Garage Trip Generation Estimates during The AM Peak Hour

The informational report, *Trip Generation*, does not provide data or a methodology estimating the trip generation characteristic for non-accessory garage land uses. Projected site generated traffic for the garage can be estimated based on primary source garage entry and exit data collected by the consultant for similar garages in the CBD. In this study garage trip generation characteristics were determined by field observation of garage entry and exit activity during the AM and PM peak hour and interviews with the garage operators.

URBAN SYSTEMS inc.



During the highest hour of demand during the AM peak hour, a vehicle trip generation rate of approximately 0.40 (0.386) vehicles per parking space was determined. For purposes of this analysis, a non-peak direction trip generation rate of 10% of the total spaces will be used for the AM peak periods.

The proposed garage site is currently used for surface parking. The capacity of the surface parking lot is 135 spaces. The estimated capacity of the proposed garage structure is 393 spaces. The net increase in parking spaces is 258 spaces.

Table 1 presents the projected AM Peak Hour vehicle trip generation associated with 258 new parking spaces when it was assumed in the TIA that the retail component and Dave and Buster's would generate minimal vehicular trips.

Table 4
New Vehicle Trip Estimates

AM Peak Hour		
In	Out	Total
103	26	129

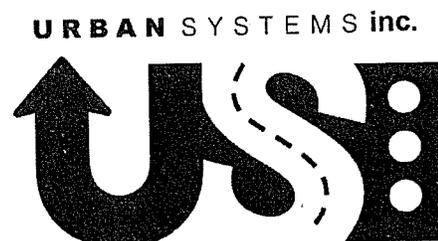
Intersection LOS Analysis

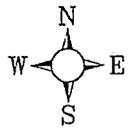
New AM peak hour traffic volume counts were recorded on Poydras and on Loyola at the site. Counts recorded on Loyola included volume counts for both the surface lot driveway and the adjacent Hyatt driveway. Counts were also recorded at the median openings on both Poydras and Loyola that would provide access to the garage driveways. Mid-block pedestrian counts were also recorded. Figure 1 presents existing vehicular and pedestrian volume counts.

Project trips during the AM peak hour were estimated. Primary AM peak hour ingress was assumed to be via Poydras and primary egress via Loyola. Entering traffic volumes recorded at the surface lot drive were reassigned, 50% to the Poydras drive and 50% to Loyola Drive. Figure 2 presents projected driveway volumes during the AM peak hour. Projected driveway volumes include existing parking lot entry and exit traffic.

Figure 3 presents existing plus projected AM peak hour volume estimates.

Projected AM peak hour intersection LOS and capacity conditions at the intersection of Loyola at Poydras were analyzed. Table 2 presents a comparison of existing and projected LOS conditions at the intersection.





LEGEND:	
X	AM Peak Hour
○	Unsignalized Intersection
●	Signalized Intersection
XX	Pedestrian Count

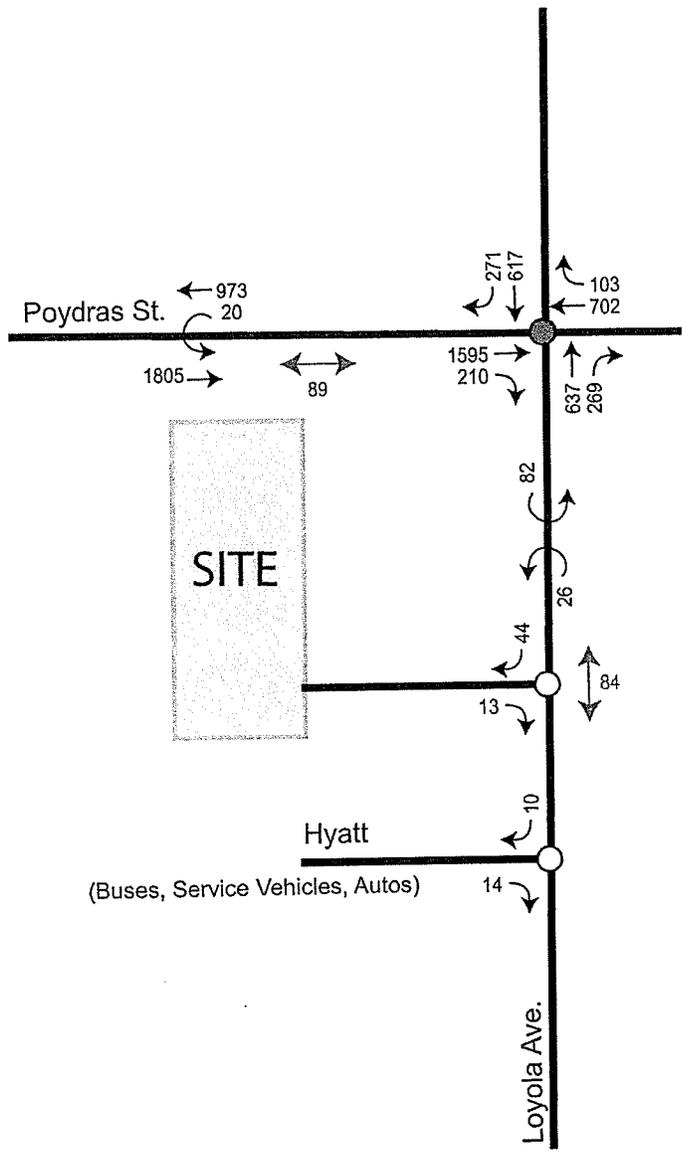
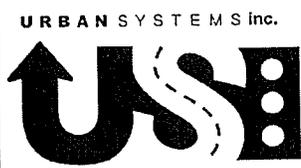
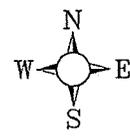


Figure 1
AM Peak Hour Traffic Counts

Dave and Buster's, Parking
Garage and Retail Building
New Orleans, LA
NOT TO SCALE
FOR PLANNING PURPOSES ONLY





LEGEND:

- X AM Peak Hour
- Unsignalized Intersection
- Signalized Intersection

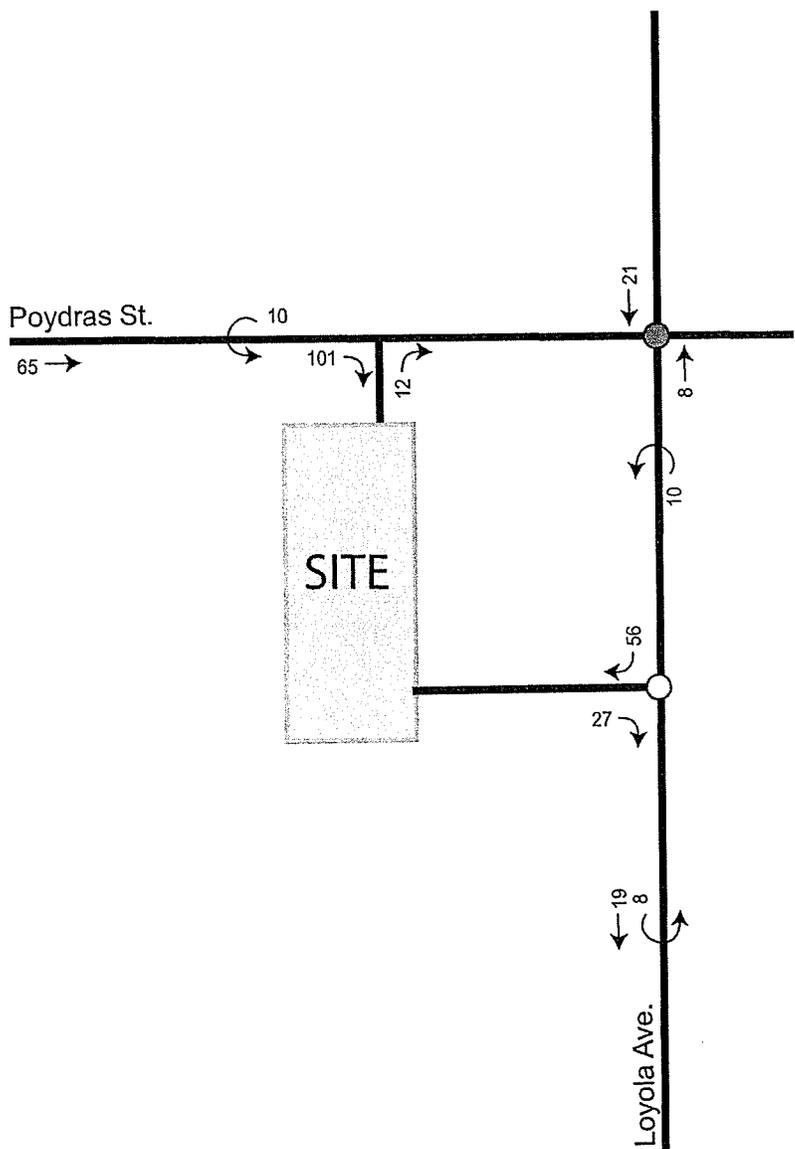
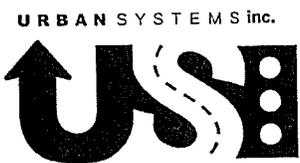
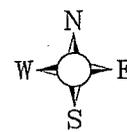


Figure 2
AM Project Trips

Dave and Buster's, Parking
Garage and Retail Building
New Orleans, LA
NOT TO SCALE
FOR PLANNING PURPOSES ONLY





LEGEND:

- X AM Peak Hour
- Unsignalized Intersection
- Signalized Intersection

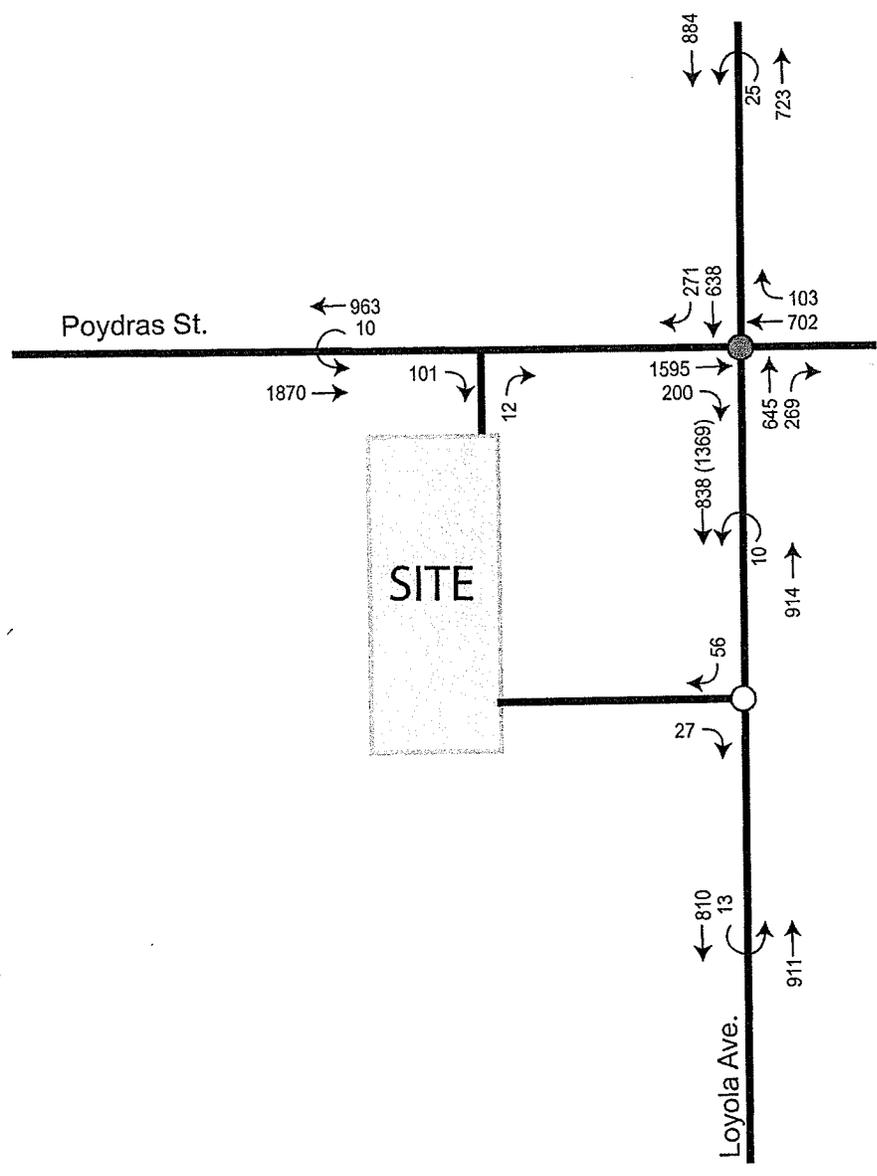


Figure 3
Projected Conditions Volumes

Dave and Buster's, Parking
Garage and Retail Building
New Orleans, LA
NOT TO SCALE
FOR PLANNING PURPOSES ONLY

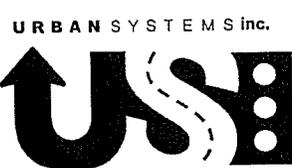


Table 2
Comparison of Existing and Projected AM Peak Hour LOS:
Poydras at Loyola

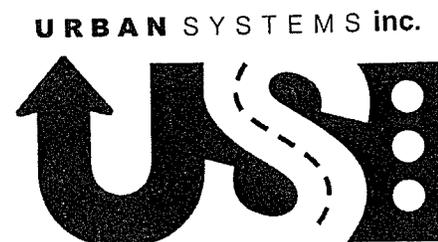
Intersection Approach	Existing		Projected	
	LOS	Delay	LOS	Delay
	C	22.6	C	22.5
Poydras riverbound	C	26.3	C	26.0
Poydras lakebound	B	14.6	B	14.6
Loyola downbound	C	22.5	C	22.5
Loyola upbound	C	22.3	C	22.5

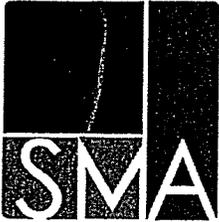
A review of Table 2 indicates minimal change in LOS or Delay with projected traffic. Delay on the riverbound Poydras approach is estimated to improve slightly due to the interception right turn garage traffic by the Poydras garage entry. This reduction is not significant.

Special Events

Due to the proximity of the project to the Superdome it can be assumed that the parking garage, as is the case with other accessory and non-accessory garages and surface parking lots in the immediate study area, will service event day demand. Under special event conditions, police manual traffic control is employed on Poydras and on Loyola and on the extended street network in the Superdome area. In addition, manual traffic control is often employed at garage exit points. Immediately following an event, pedestrian volumes are such that garage and parking lot exit is extremely limited until the crowd dissipates and officers permit vehicular traffic to flow.

The additional 258 spaces added to the area parking inventory would be expected to have little effect on current game day traffic conditions.





Meeting Notes

Project: Dave & Buster's Parking Garage and Retail Building
 Poydras Street & Loyola Avenue
 New Orleans, LA 70113
 SMA Project No. 1432

Date/Time: 08 Dec 2014, 6:00 – 6:40 PM

Location: 1250 Poydras, Room 499

Purpose: Neighborhood Participation Program Meeting

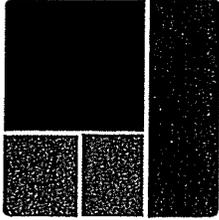
Attended	Initials	Name	Organization/Company
Y	JC	John Conkerton	Scairono Martinez Architects
Y	CR Jr	Chris Robertson, Jr	Poydras Properties
Y	WA	Walter Antin	Interested Party
Y	RF	Rick Farrell	Interested Party (Walk-Ons)
Y	LF	Leigh M. Ferguson	Downtown Development District

Major Items of Discussion:

Item No.	Discussion/Description of Item	Critical Date	Actions Required
1	JC reviewed project: New 6-story building to house 1 level of retail, 4 levels of parking and a top level for a Dave & Buster's restaurant. Retail space will be +/- 18,400 sq. feet and restaurant will be +/- 40,000 sq. ft. Total building area is +/- 264,400 sq. ft. and there will be 393 total parking spaces. Site plan, floor plans, elevations, civil and landscape drawings were available for review.	N/A	None
2	JC reviewed reasons for Conditional Use application after LF questioned the need for one for this property. The Conditional Use is requested for: A. Additional accessory parking – The project is allowed 32 spaces for the retail and 50 spaces for the restaurant. 393 provided spaces – 82 allowed spaces = 311 additional spaces. B. Place of amusement – Dave & Buster's concept includes an arcade area in the restaurant. There will be no casino-type "gaming" machines in the project and an amusement use will be allowed at this location when the new zoning ordinance is adopted.	N/A	None
3	WA requested clarification on the orientation of the building with respect to adjacent landmarks. JC clarified the layout.	N/A	None

Scairono
 Martinez
 Architects

3642 Magazine Street
 New Orleans, LA 70115
 (504) 896-2000
 scaironomartinez.com



4	RF asked questions about the business plan and lease. CR Jr. responded.	N/A	None
5	LF questioned the relatively limited size / use of the building with respect to the prominent corner location. CR Jr responded that the developers analyzed their goals, financial concerns and market conditions and felt that this is the best project for their property at this time.	N/A	None
6	RF asked about the time frame for construction. CR Jr. responded that construction would start as soon as the necessary permits are obtained.	N/A	None

END OF MINUTES

There are no further meetings scheduled and there were no concerns left unaddressed.

Meeting Notes recorded by John Conkerton, released on 11 Dec 2014

Attachments: Sign-in sheet

Distribution:	<u>Name</u>	<u>via</u>
	All Attending	e-mail
	Tom Hogan	hogan@hcarch.net
	City of New Orleans	CUP submittal
	SMA file 1432	

The contents of these meeting notes are intended to summarize the topics discussed during the above referenced meeting. These notes are the author's interpretation of the discussions that transpired during the noted meeting. Should these notes not concur with your understanding of the issues discussed, please inform Scairono Martinez Architects. All persons copied should review these meeting notes and notify Scairono Martinez Architects in writing or e-mail no later than 3 working days after receipt of the minutes of any error, omission, objection, or discrepancy of any kind contained herein. Unless a written or email response is received by Scairono Martinez Architects, the contents of these meeting notes will stand as presented herein and the information herein will be considered complete, accurate and accepted by all persons (and their respective company/ organization) present at the discussions.

Dave and Buster's, Parking Garage and Retail Building

Traffic Impact Analysis
New Orleans, Louisiana

Prepared by

URBAN SYSTEMS inc.

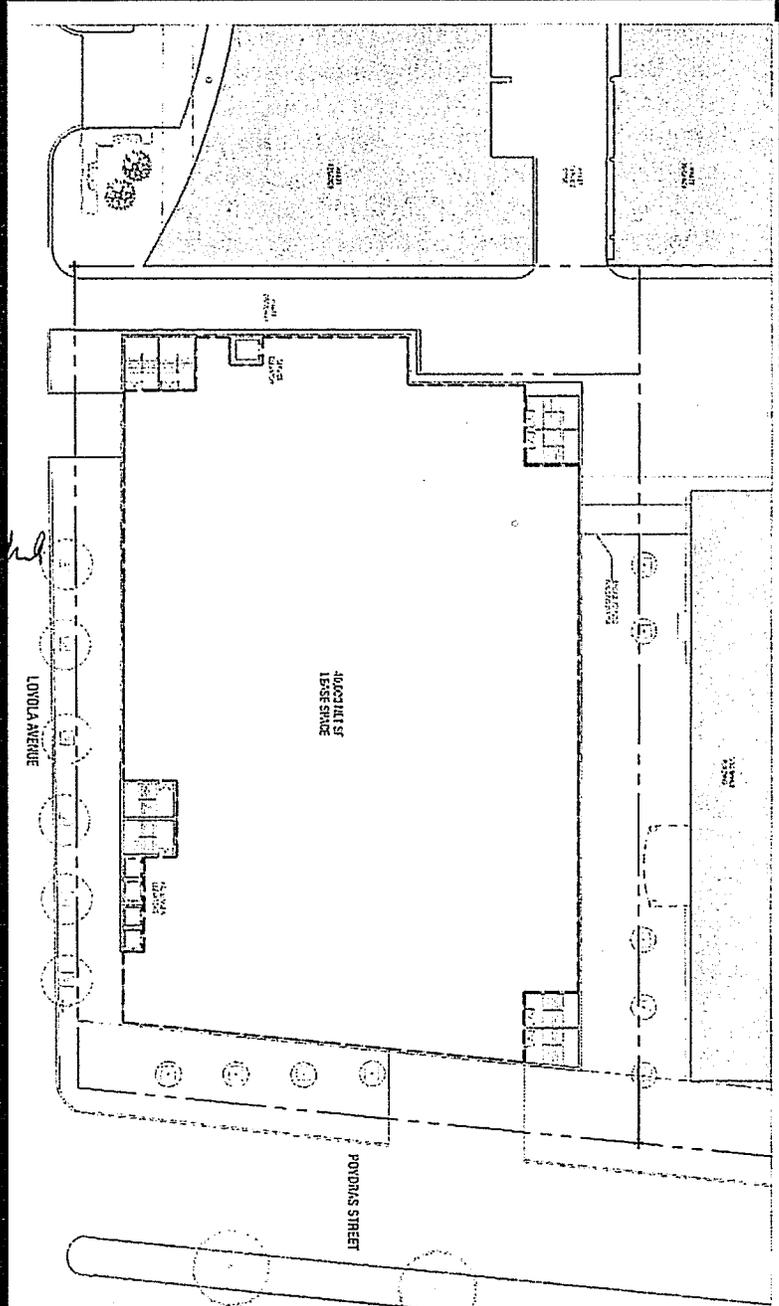


400 N Peters Street, Suite 206
New Orleans, Louisiana 70130
504.523.5511 504.523.5522 f



Prepared for

HC Architecture, Inc
1425 Dutch Valley Place
Studio B
Atlanta, Georgia 30324



USI Project #: 14-082
December 2014

Dave and Buster's, Parking Garage, and Retail Building Traffic Impact Analysis New Orleans, Louisiana

Introduction

This report summarizes a traffic impact analysis (TIA) for a proposed multi-story building that will include a ground floor retail building, four floors of parking garage and a fifth story Dave and Buster's. The building is proposed to include an 18,339 square foot retail business, 40,000 square foot Dave and Buster's restaurant and 393 parking spaces (ground floor and garage). The proposed location for the project is the northwest corner of the intersection of Loyola Avenue and Poydras Street in New Orleans, Louisiana. The current site is a privately operated on-street parking lot. This study included capacity analysis of the major intersection in the study area to determine the impact of the trips associated with this new development. Figure 1 presents the approximate site location.

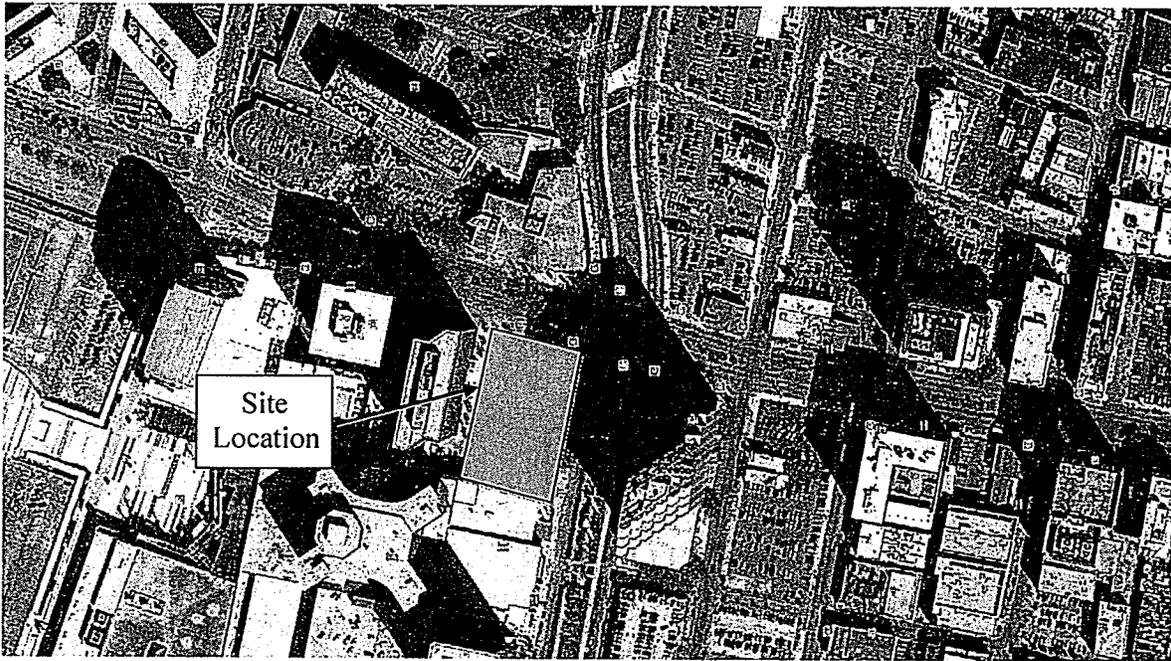


Figure 1. Vicinity Map
(Image Source Google Earth)

Site Access

Access to the site is proposed via two right-in/right-out driveways, one on Poydras Street and one on Loyola Avenue. An existing driveway at the proposed driveway location on Loyola Avenue currently provides access to the parking lot. Figure 2 presents the proposed ground level site plan for the development which includes the retail space. Figure 3 presents the fifth floor site plan which will be the Dave and Buster's. Layouts of parking levels two through four are included in the Appendix.

LEGEND:

- X PM Peak Hour
- Unsignalized Intersection
- Signalized Intersection

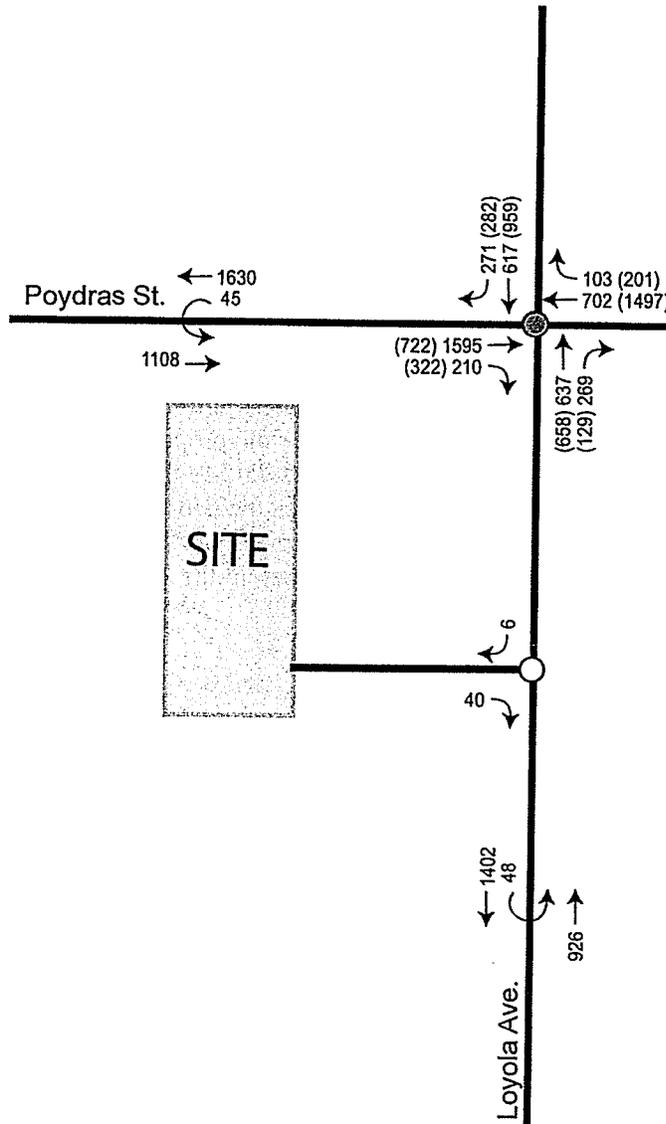
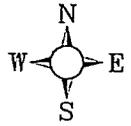


Figure 4
Existing Conditions Volumes

Dave and Buster's, Parking
Garage and Retail Building
New Orleans, LA

NOT TO SCALE
FOR PLANNING PURPOSES ONLY

URBANSYSTEMS inc.



LEGEND:

- X PM Peak Hour
- Unsignalized Intersection
- ⊙ Signalized Intersection

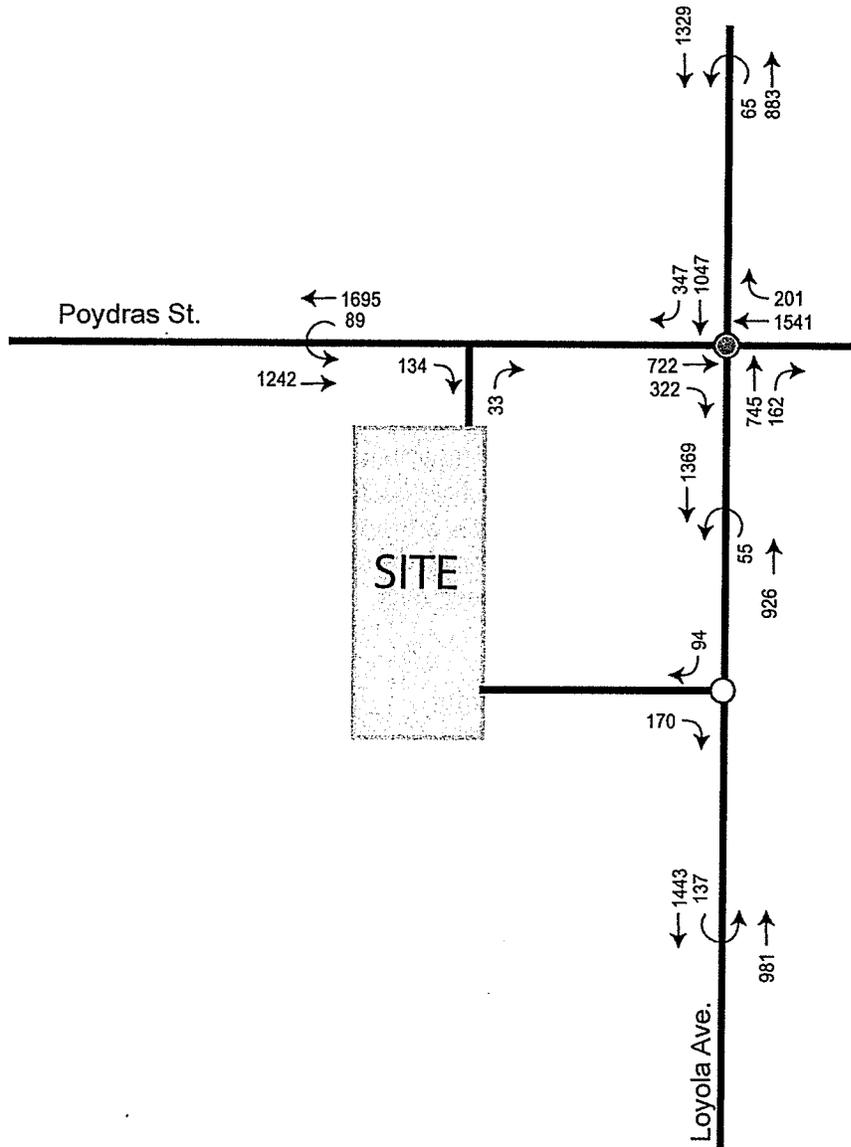
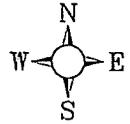


Figure 6
Projected Conditions Volumes

Dave and Buster's, Parking
Garage and Retail Building
New Orleans, LA

NOT TO SCALE
FOR PLANNING PURPOSES ONLY

URBANSYSTEMS inc.



Study Area

The major intersection analyzed in this study was the signalized intersection of Loyola Avenue at Poydras Street. However for the purpose of trip distribution, count data was collected at the existing site driveway and adjacent u-turns.

Existing Conditions

Loyola Avenue is a six lane boulevard with three travel lanes in each direction. The outside lane of the roadway in each direction is a shared streetcar / vehicular travel lane. Curb use on both sides the street includes on-street parking.

Poydras Street is a six lane boulevard with three travel lanes in each direction.

The intersection of Loyola Avenue at Poydras Street is controlled by a fixed time traffic signal.

Data Collection

Peak hour turning movement counts were collected at the intersection of Poydras St and Loyola Ave. The westbound U-turn and the southbound U turn near the proposed site were also counted during the PM Peak hour. The peak hours were identified as 7:45 to 8:45 AM and 4:30 to 5:30 PM. Only the critical PM peak was analyzed in this study as the trips in the AM peak are expected to be significantly less than in the PM peak. The resulting PM peak hour existing volumes are presented in Figure 4. The count data is included in the Appendix.

Capacity Analysis

Capacity analysis was performed to determine existing operational conditions in the AM and PM peaks. This type of analysis is the industry standard for traffic impact studies and the methods are the widely accepted practice of evaluating impacts on traffic operations.

Levels of Service (LOS) represent a qualitative and quantitative evaluation of the traffic operation of a given intersection using procedures developed by the Transportation Research Board and contained in the Highway Capacity Manual Special Report 209. The Highway Capacity Manual (HCM) procedures have been adapted to computer-based analysis packages, which include signalized and unsignalized intersection modules.

Intersection geometry, turning movement volumes, and traffic control parameters were entered into Highway Capacity Software, version 5.4 (HCS+) for the signalized intersection to determine the expected LOS. For signalized intersections, the HCM bases LOS quality on average control delay (in terms of seconds per vehicle).

Levels of Service range from LOS A, a condition of little or no delay, to LOS F, a condition of capacity breakdown represented by heavy delay and congestion. LOS B is characterized as stable flow. LOS C is considered to have a stable traffic flow, but is becoming susceptible to congestion with general levels of comfort and convenience declining noticeably. LOS D approaches unstable flow as speed and freedom to maneuver are severely restricted and LOS E represents unstable flow at or near capacity levels with poor levels of comfort and convenience. Table 1 present Level of Service criteria for signalized intersections.

Table 1.
Level of Service Criteria:
Signalized Intersections

Level of Service	Control Delay (s/veh)
A	≤ 10
B	> 10 and ≤ 20
C	> 20 and ≤ 35
D	> 35 and ≤ 55
E	> 55 and ≤ 80
F	> 80

Signalized intersection analysis was based on the existing traffic signal phasing and timing which was measured in the field.

Existing Conditions Analysis

Table 2 presents the results of the analysis for the 2014 existing conditions; the capacity analysis reports are included in the Appendix.

Table 2.
Level of Service Analysis: 2014 Existing Conditions

Intersection	PM Peak	
	LOS	Delay
OVERALL	C	22.4
Poydras St Eastbound	B	16.3
Poydras St Westbound	C	23.4
Loyola Ave. Northbound	C	21.1
Loyola Ave. Southbound	C	27.1

A review of Table 2 indicates that the existing intersection operates with acceptable LOS and Delay.

Trip Generation

The trips that will be generated by the development were estimated using the 9th Edition of the *ITE Trip Generation Manual*. This manual represents the summary of vehicle trip generation studies conducted by public and private sector entities for a wide variety of land uses. Data reported in *Trip Generation* is considered to be appropriate for use in the estimation of traffic impacts resulting from land development and, as such, is accepted by the city of New Orleans in the preparation of traffic impact analyses. For this study the first level retail was modeled as a pharmacy, but may be developed as other retail use(s). Land Use “881, Pharmacy with a Drive Thru Window” was used for the trip generation, using the independent variable square foot gross floor area. For the proposed Dave and Buster’s Land Uses “435, Multipurpose Recreational Facility”, “925, Drinking Place”, and “932, High-Turnover Restaurant were used and averaged based on the independent variable square foot gross floor area. The trip generation data is included in the Appendix.

A 25% reduction was applied to account for pass-by trips, internal capture, transit, and pedestrians.

Table 3 presents the resulting project trips for the PM peak hour.

**Table 3.
Trip Generation Estimates**

		Land Use							
		435 Multipurpose Recreational Facility	925 Drinking Place	932 High- Turnover Restaurant	Avg	881 Pharmacy with Drive- Thru Window	Subtotal	25% Reduction	New Trips
Independent Variable		40,000 sf				18,339 sf			
Projected PM Peak Trips	Enter	79	300	236	205	91	296	74	222
	Exit	65	154	158	126	91	217	54	163
	Total	144	454	394	331	91	513	128	385

Trip Distribution

The trip distribution was estimated based on existing traffic patterns, street network connectivity, surrounding land use, and engineering judgment. The resulting PM peak project trips are presented in Figure 5 and the resulting projected conditions volumes for the PM peak are presented in Figure 6.

LEGEND:

- X PM Peak Hour
- Unsignalized Intersection
- Signalized Intersection

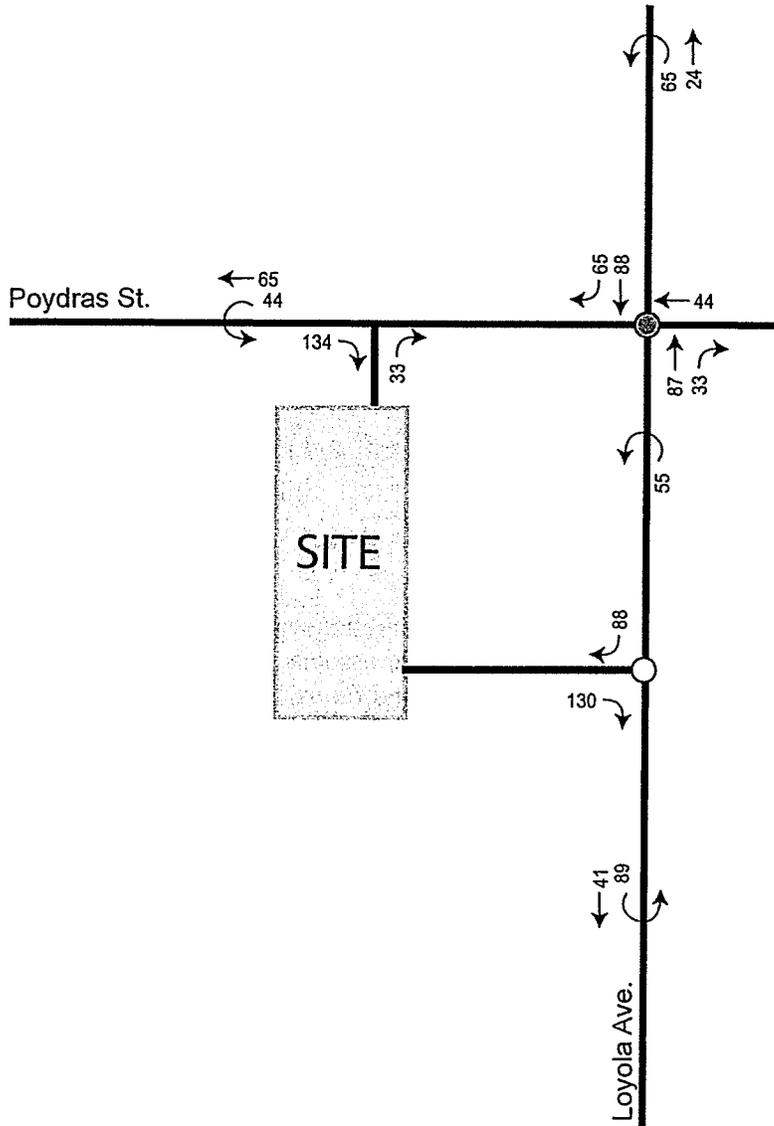
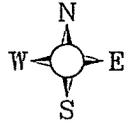


Figure 5

PM Project Trips

Dave and Buster's, Parking
Garage and Retail Building
New Orleans, LA

NOT TO SCALE
FOR PLANNING PURPOSES ONLY

URBANSYSTEMS inc.



Projected Conditions

Capacity analysis was conducted for the PM peak at Poydras St and Loyola Ave. Table 4 presents a comparison of the existing and projected conditions for the study intersection. The capacity analysis reports are included in the Appendix.

Table 4.
Level of Service Analysis: PM Peak Existing and Projected Conditions

Intersection	Existing		Projected	
	LOS	Delay	LOS	Delay
OVERALL	C	22.4	C	24.4
Poydras St Eastbound	B	16.3	B	16.3
Poydras St Westbound	C	23.4	C	24.4
Loyola Ave. Northbound	C	21.1	C	22.3
Loyola Ave. Southbound	C	27.1	C	31.8

A review of Table 4 indicates that minimal increases in LOS and delay are expected with the addition of the project related trips.

Conclusions

This report has outlined current traffic volume and flow conditions at the subject intersection of Poydras St at Loyola Ave. This study projected new traffic associated with the proposed retail business and Dave and Buster's, and evaluated the impact and future LOS conditions at the study intersection.

Capacity analysis indicates that, with the addition of the project related trips the intersection of Poydras St and Loyola Ave is expected to operate with an acceptable LOS and delay with the current phasing and signal timing.

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: August 21, 2003

CALENDAR NUMBER: 24,909

NO. 21270 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER GILL PRATT

AN ORDINANCE to repeal Ordinance No. 12,381 M.C.S., establishing a CBPCD Central Business Planned Community District, and to permit the establishment of a Conditional Use to allow the continued operation of an existing parking lot in a CBD-2 Central Business District, on Square 307A, Lots Z-4, D-2 and C-C, in the First Municipal District, bounded by Loyola Avenue, Poydras, Girod and LaSalle Streets; and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 51/03 was initiated by IStar CLT I, LP and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended approval in its report to the City Council dated June 26, 2003 to repeal Ordinance No. 12,381 M.C.S., and to permit a conditional use presented in Zoning Docket Number 51/03; and

WHEREAS, the recommendation of the Planning Commission was upheld and the changes were deemed necessary and in the best interest of the City of New Orleans, and were approved subject to one (1) waiver and five (5) provisos in Motion Number MB03B520 of the Council of the City of New Orleans adopted on August 7, 2003.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS that Ordinance No. 12,381 M.C.S. is repealed in its entirety.

SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS that a conditional use to permit the continued operation of a parking lot in a CBD-2 Central Business District, on Square 307A, Lots Z-4, D-2 and C-C, in the First Municipal District, bounded by Loyola Avenue, Poydras, Girod and LaSalle Streets; is hereby authorized and approved, subject to the following waiver and provisos, as specifically set forth herein:

WAIVER:

1. The developer shall be granted a waiver of Article 11, Section 11.28.3b of the Comprehensive Zoning Ordinance requesting that the Conditional Use permit for the surface parking lot be renewed every five (5) years.

PROVISOS:

No person shall use any of the properties described herein or permit another to use any of those properties described herein for the use authorized by this ordinance, unless the following requirements are met and continue to be met:

1. The developer shall replace any dead or missing trees along the public right-of-way and along the property that abuts the adjacent commercial use as set forth in Article 15, Section 15.2.5.8c. of the Comprehensive Zoning Ordinance and with the approval of the Department of Parks and Parkways;
2. The business shall participate in a litter abatement program with the name of the owner or manager on file in case of violations. The program should include daily removal of litter and periodic hosing of the sidewalks in the public right-of way;
3. The developer shall comply with the sign regulations of the CBD-2 Central Business District as stipulated in Article 6, Section 6.2.6 of the Comprehensive Zoning Ordinance;
4. The developer shall add a metal fence, similar to the existing metal fence bordering the Loyola Avenue and Poydras Street frontage, along the perimeter of the petitioned property that abuts the loading dock area of the adjacent commercial use as stipulated

in Article 15, Section 15.2.5.8c of the Comprehensive Zoning Ordinance prior to the end of 2004; and

5. The developer shall address the safety concerns posed by the settlement of the land and the movement of the tree grates on the Loyola Avenue side frontage, for the benefit and safety of pedestrians, subject to the Department of Public Works and the Department of Parks and Parkways.

SECTION 3. Whoever does anything prohibited by this Ordinance or fails to do anything required to be done by this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine or to imprisonment or both, such fine and/or imprisonment set by Section 1-13 of the 1995 Code of the City of New Orleans, or should alternatively be subject to whatever civil liabilities, penalties or remedies the law may prescribe. Conviction shall be cause for the immediate cancellation of the Use and Occupancy permit of the premises.

SECTION 4. This ordinance shall have the legal force and effect of authorizing this conditional use only after all the provisos listed in Section 1 of this Ordinance which impose a one-time obligation have been completely fulfilled and complied with, and only after all the provisos listed in Section 1 which impose a continuing or on-going obligation shall have begun to be fulfilled, as evidenced by the Planning Commission=s approval of a final site plan (which shall be incorporated into this ordinance by reference) and its subsequent recordation, and no use or occupancy certificates or permits (other than the building permits needed to fulfill the provisos) shall be issued until all the provisos which impose a one-time obligation have been completely fulfilled and complied with, and only after all the provisos listed in Section 1 which impose a continuing or ongoing obligation shall have begun to be fulfilled, as evidenced by the Planning Commission=s approval of final site plan (which shall be incorporated into this ordinance by reference) and its subsequent recordation.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS September 18, 2003

OLIVER M. THOMAS, JR.

PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON September 19, 2003

APPROVED: September 26, 2003

C. RAY NAGIN

MAYOR

RETURNED BY THE MAYOR ON September 26, 2003 AT 2:55 P. M.

PEGGY CRUTCHFIELD

CLERK OF COUNCIL

ROLL CALL:

YEAS: Batt, Clarkson, Gill Pratt, Gusman, Sapir, Thomas, Willard-Lewis - 7

NAYS: 0

ABSENT:0