

PRELIMINARY STAFF REPORT

To: City Planning Commission
Zoning Docket: 126/14

Prepared by: Valerie McMillan
Date: November 18, 2014

I. GENERAL INFORMATION:

Applicant: BCH Nola Magazine Commons

Request: This is a request for a conditional use to permit the sale of alcoholic beverages for on-premises consumption in a standard restaurant in a B-2 Neighborhood Business District and the rescission of Ordinance No. 23,755 MCS (Zoning Docket 075/09), which granted a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a retail store occupying less than 5,000 square feet of floor area.

Location: The petitioned property is located on Square 28 or 28HV, Lot B-1, in the Sixth Municipal District, bounded by Nashville Avenue, Magazine, Arabella and Camp Streets. The municipal addresses are 801 Nashville Avenue and 5721-23 Magazine Street. (PD 2)

Description: The site is located within a rectangular lot with frontage on Magazine Street. The lot measures one hundred twenty feet (120') in width by one hundred twenty feet (120') in depth and has an area of fourteen thousand, four hundred square feet (14,440 sq. ft.)

The petitioned site is currently under construction and is part of a multi-tenant strip of mixed commercial uses. Sanborn maps indicate the site has a history of commercial use. The petitioned unit will have an interior floor area of three thousand, two hundred sixty-five square feet (3,265 sq. ft.), and will also provide approximately three hundred two square feet of outside seating (302 sq. ft.), thus providing a total floor area of three thousand five hundred sixty-seven square feet (3,567 sq. ft.) The applicant's site plan indicates that there will be eleven (11) off-street parking spaces which will be accessed from Nashville Avenue. The applicant also states that a possible six (6) additional parking spaces will be available through a shared agreement with other tenants of the site. Based on the staff's site visit, it appears that approximately three diagonal parking spaces currently exist at the site, which appears to encroach on the public right-of-way. The applicant's proposal does not include these spaces. The applicant requests a conditional use in order to allow the sale of alcoholic beverages for on-premises consumption at the site, which is being developed as a standard restaurant.¹

¹ The applicant's application stated that the request was to allow the sale of alcoholic beverages for on and off-site

Why is City Planning Commission action required?

The subject site is located within the B-2 Neighborhood Business District. The B-2 District permits the sale of alcoholic beverages for on-premises consumption only as a conditional use, in accordance with **Article 5, Section 5.4.5 Conditional Uses**. 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 petitioned square consists of a large B-2 Neighborhood District as well as a large RD-3 Two-Family Residential District. The subject property is located on a corner site in the B-2 Neighborhood Business District portion of the square. This district is predominantly occupied by single and two-story, wood-frame and masonry commercial and mixed-use structures built to the street. Many of the structures within this district were originally built for commercial use, and feature the physical characteristics of such use, such as walls built on front and side property lines featuring large display windows. Others, including the structure at the subject site, were originally built for residential purposes and have since been converted for commercial use. As most of these structures predate the prevalence of automobile traffic, they often do not provide off-street parking spaces.

The B-2 District is occupied by a wide variety of uses, including apparel retail outlets, novelty stores, yoga studios, antique shops, general and professional offices, personal services, coffee shops, restaurants, banks, multiple-family housing, cocktail lounges, convenience and a grocery store. The RD-3 Two-Family District adjacent to the petitioned site generally consists of single and two-story, wood frame, single and two-family residences.

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

Zoning: 1929 – "E" Commercial District
1953 – "F" Heavy Commercial District
1970 – B-2 Neighborhood Business District

Land Use: 1929 – Two-Family Residential
1949 – Two-Family Residential
1999 – Commercial²

consumption. The staff verified with the applicant that the intent is not to sell any packaged liquor, and that the request is only to serve alcoholic beverages for on-site consumption.

² The 1999 Land Use Plan indicates the general land use for a square and is not lot-specific.

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

In the past five (5) years, there have been the following zoning applications for properties located within approximately five (5) blocks of the site:

Zoning Docket 14-09 was a request for an amendment to Ordinance No. 21,934 M.C.S. (Zoning Docket 02-05, a Conditional Use to permit the expansion of an existing bar and to include restaurant service in an existing structure in a B-2 Neighborhood Business District), to reduce the required number of off-street parking spaces. The City Planning Commission recommended approval of this request, which was subsequently approved by the City Council. *This site is located at 6100-6108 Magazine Street, approximately four (4) blocks from the petitioned site.*

Zoning Docket 075-09 was a request for a conditional use to permit the sale of alcoholic beverages for consumption off-premises at a retail store occupying less than 5,000 square feet of floor area in a B-2 Neighborhood Business District. The City Planning Commission recommended approval of this request, which was subsequently approved by the City Council. *This site is located at 5723-5725 Magazine Street which is part of the petitioned parcel.*

Zoning Docket 117-10 a request for a Conditional Use to permit the sale of alcoholic beverages for consumption off premises at a retail store in a B-2 General Commercial District. The City Planning Commission recommended approval of this request, which was subsequently approved by the City Council. *The site is located at 5601 Magazine Street, approximately two (2) blocks from the petitioned site.*

Zoning Docket 080-11 This is a request for an amendment to Ordinance No. 20,253 MCS (ZD 34/01, a Zoning Change from a B-2 Neighborhood Business District and RD-4 Two-Family Residential District to a C-1A General Commercial District and a Conditional Use to permit a retail use greater than 10,000 square feet in floor area and a mini-warehouse), to modify provisos to permit expanded hours for loading and trash pickup, an increase in the number of eighteen wheel trucks permitted to deliver merchandise to the site in a calendar day, expanded hours of operation, the display of merchandise outside the building, and live entertainment on the premises. The City Planning Commission recommended approval of this request, which was subsequently approved by the City Council. *This site is located approximately three (3) blocks from the petitioned site.*

Zoning Docket 079-11 was a request for an amendment to Ordinance No. 18,858 MCS (ZD 39/98, a Conditional Use to permit a monopole), to permit the expansion of an existing home for the aged greater than 25,000 square feet and within 150 feet of a residential district in an MS Medical Service District. The City Planning Commission recommended approval of this request, which was subsequently approved by the City Council. *This site is located approximately five (5) blocks from the petitioned site.*

This recent zoning actions indicate a trend in the increase of establishments which involve the sale of alcoholic beverages along the Magazine Street corridor. The City

Planning Commission and the City Council have consistently supported these requests. Therefore, this request fits within the current development pattern of the area.

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

The petitioned site is currently under construction and is part of a multi-tenant strip of mixed commercial uses. The petitioned unit will have a floor area of three thousand, five hundred sixty-seven square feet (3,567 sq. ft.). The applicant's site plan indicates that there will be eleven (11) off-street parking spaces which will be accessed from Nashville Avenue.

Screening

The submitted site and floor plans indicate that a trash receptacle is currently located at the rear of the site, but doesn't indicate whether or not the site is properly screened, staff recommends the following proviso:

- The applicant shall revise the site plan to indicate the location of trash receptacles that are screened by a six (6') foot opaque fence with latching gates.

Litter Abatement

Article 9A, Section 9A.13.6 (4) Litter Abatement Program of the Comprehensive Zoning Ordinance, requires that a litter abatement program shall be established for each development indicating procedures, pick-up schedule and a contact person.

- The applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, approved by the Department of Sanitation, inclusive of the location of trash storage out of the public right-of-way, the frequency of trash pickup, the clearing all litter from the adjacent right-of-way, and the periodic cleaning of the adjacent street rights-of-way, as necessary. The name and phone number of the owner/operator of the restaurant shall be kept on file in case of any violation.

Landscaping

The applicant's plans indicate limited landscaping shrubs to be located alongside the proposed parking spaces. The staff believes the additional landscaping will ultimately enhance the site.

- The applicant shall submit a revised site plan and landscape plan to include additional landscaping along the Magazine Street side of the site, subject to the review and approval of the City Planning Commission Staff.

Performance Standards for Restaurants

To ensure that this facility does not create nuisances for nearby residential uses, the staff recommends the following performance standards:

- The restaurant shall operate only between the hours of 8:00 a.m. and 10:00 p.m., Sunday through Thursday and 8:00 a.m. and Midnight Friday and Saturday.
- Alcoholic beverage service for consumption on premises shall be only in combination with food service. Food and non-alcoholic beverages sales shall comprise at least fifty percent (50%) of the revenue for the restaurant, and a full food menu shall be available at all times during which the restaurant operates.
- Signage for the advertisement of alcoholic beverages shall not be visible from the public rights-of-way.

The applicant also proposes a first floor holding bar and adjoining seating area with an approximate floor area of two hundred five square feet (205 sq. ft.). However, the site is currently under construction and to ensure the site continues to comply with the regulations of Article 11, Section 11.51 (Holding Bar), the staff recommends the following proviso:

- Prior to the issuance of any licenses by the Department of Safety and Permits, the applicant shall prove that the holding bar does not exceed fifteen percent (15%) of the seating area of the restaurant, not to exceed three hundred square feet (300 sq. ft.).

Lighting

The applicant's plans indicate a limited lighting plan. Since the restaurant will operate during daylight and evening hours, staff believes that additional lighting is required. Therefore, the staff recommends the following proviso:

- The applicant shall submit an updated lighting plan to allow for additional exterior lighting on site, subject to the review and approval of CPC staff. These lights shall be directed towards the interior of the site, away from neighboring properties.

Signage

The submitted drawings do not indicate any signage at the site. However, the staff would like to ensure that all signage is compliant with **Article 12, Section 12.2 and Article 5, Section 5.5.6** of the Comprehensive Zoning Ordinance prior to the issuance of the alcoholic beverage license. Therefore, the staff recommends the following provisos:

- Any signage shall require the applicant to submit a signage plan that is compliant with **Article 12, Section 12.2 and Article 5, Section 5.5.6** of the Comprehensive

Zoning Ordinance. Additionally, temporary signs, banners and promotional material for alcoholic beverages, including window signs shall be prohibited.

Other Provisions

Should the conditional use be approved, the staff recommends the following standard proviso to ensure that the development is permitted appropriately by the Department of Safety and Permits in accordance with the requirements of the conditional use.

- 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 an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.

E. 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?

Traffic

The site is located near the intersection of Magazine Street and Nashville Avenue, which are both two-way major streets with one lane of traffic on each side and parking is generally available on either side. Off-street parking is not available along Magazine Street beginning at St. Joseph Street and ending approximately three blocks past Nashville Avenue. Off-street parking is available throughout along Nashville Avenue, and is the street that patrons would use to access the site's off-street parking.

The conditional use, which would allow the service of alcoholic beverages for on-premises consumption at the standard restaurant, would not affect the level of traffic the restaurant generates. Staff believes that the site would attract approximately the same number of visitors regardless of whether or not alcoholic beverages are being served; therefore, the standard restaurant would generate essentially the same level of traffic regardless of whether or not the conditional use is granted.

Parking

The proposed site has a floor area of three thousand five hundred sixty-seven square feet (3,567 sq. ft.), which per **Article 15, Section 15.2.5**, would require twenty-four off-street parking spaces. The attached zoning verification letter from the Department of Safety and Permits, states that the entirety of the petitioned site, which encompasses six thousand, three hundred twenty-eight square feet (6,328 sq. ft.), is grandfathered twenty-six (26) spaces. The applicant's site encompasses three thousand five hundred sixty-seven (3,567 sq. ft.) – therefore the applicant is grandfathered only fifteen (15) parking spaces and must provide eleven (11) off-street parking spaces.

It is important to note, however, that due to the age and original development pattern of the neighborhood, there is a limited supply of off-street parking in the surrounding residential areas. The applicant is aware of this and proposes to provide eleven (11) off-street spaces at the rear of the site, with one of the spaces being accessible for patrons who qualify under the American Disabilities Act (ADA), which would satisfy the applicant's parking requirement. The applicant also proposes a possible (6) additional spaces to be shared with other tenants of the site. The applicant's site plan does not indicate the dimensions for the proposed parking spaces; therefore the staff recommends the following proviso:

- The applicant shall update the parking plan to indicate the proposed spaces meet the guidelines of **Article 15, Section 15.2.13** (Design Standards).

Table 1: Parking Analysis of Petitioned Site³

Address	Floor Area	Required Spaces	Grandfathered Spaces	Remaining Required Spaces	Proposed Spaces
801 Nashville,	3,567 sq. ft.	26	15	11	11

As stated previously, it appears that approximately three diagonal parking spaces currently exist at the site, which appears to encroach on the public right-of-way. The applicant's site plan does not include these spaces. The staff recommends the following proviso in the event the applicant wants to include these spaces as part of the site:

- The applicant's off-street spaces shall not encroach into the public right-of-way.

The applicant's proposal also includes outdoor seating therefore the staff recommends the following proviso:

- The applicant shall update the site plan to indicate that the outdoor seating does not encroach onto the public right-of-way.

Loading

No off-street loading spaces are required for the use, as it occupies less than 5,000 square feet of floor area.⁴

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

The request was considered by the Planning Advisory Committee at its meeting on November 19, 2014. The committee passed a motion of no objection to the request subject to further review by Real Estate and Records and the City Planning Commission.

³ **Article 15, Section 15.2 (Table A)** states that standard restaurants shall supply one off-street parking space per 150 sq. ft. of floor area.

⁴ **Article 5, Section 5.5.8(2)(a)** of the Comprehensive Zoning Ordinance

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

The staff believes the proposed use of the site as a standard restaurant with alcoholic beverage sales is generally appropriate for the neighborhood-oriented commercial district in which it is located. The standard restaurant use is permitted as-of-right and the staff generally supports conditional use requests to allow the sale of alcoholic beverages for service with meals in standard restaurants. However, the sale of alcoholic beverages at standard restaurants can be perceived to be an activity that could encourage those establishments to operate in a manner similar to cocktail lounges and, because of this, produce some of the negative impacts sometimes associated with cocktail lounges. These impacts can include high levels of noise and traffic at late night hours that would not otherwise occur. Additionally, patrons of the restaurant, if intoxicated, could behave in obnoxious manners outside of an establishment, which could be perceived as irritating or even threatening by neighbors. The potential for such problems can be mitigated by responsible management. To further minimize the potential for such impacts, the staff limiting hours of operation and limiting the size of the holding bar area. With these provisos in place and adhered to, the staff expects that sale of alcoholic beverages at the restaurant will be inoffensive to nearby properties.

III. Are the proposed actions supported by or in conflict with the policies and strategies of the *Plan for the 21st Century: New Orleans 2030*?

The proposed conditional use is **not addressed** in the *Plan for the 21st Century*, commonly known as the Master Plan. “Chapter 14: Land Use Plan” of the Master Plan designates the future land use of the petitioned site as **Mixed-Use Low Density**. The goal, range of uses and development character for these designations are copied below:

MIXED-USE LOW DENSITY

Goal: Increase neighborhood convenience and walkability within and along edges of neighborhoods with low density residential and neighborhood-serving retail/commercial establishments.

Range of Uses: Low-density single-family, two-family and multifamily residential and neighborhood business; typically businesses in residential scale buildings interspersed with residences. Uses can be combined horizontally or vertically (ground floor retail required in certain areas). Limited light-industrial uses (craft and value added industry and passive warehousing and storage) may be allowed in some areas.

Development Character: Height, mass and density of new development varied depending on surrounding neighborhood character.

The proposed restaurant fits within the goal, range of uses and development character of the Mixed-Use Low Density designation, which includes restaurants and other businesses that serve local residents and enhance the pedestrian character of neighborhoods. However, the Master Plan does not address the issue of alcoholic beverage service as an accessory use in the Mixed-Use Low Density District.

As long as the proposal is not in conflict with the Master Plan, the decision whether or not to grant a Conditional Use may be made on a case-by-case basis.

IV. SUMMARY

Zoning Docket 126-14 is a request for a conditional use, to permit the sale of alcoholic beverages for consumption on premises, in a standard restaurant in a B-2 Neighborhood Business District. With responsible management, the sale of alcoholic beverages with meals at the subject site is not expected to negatively impact adjacent residential and commercial uses. The applicant will provide eleven (11) parking spaces, which, when added with the grandfathered spaces of the site, allows the applicant to meet their parking requirement. A number of standard conditions are recommended to address various impacts that could potentially result from the use. The staff believes that, subject to these conditions, the proposed use will be compatible with existing and permitted uses within the surrounding neighborhood.

V. PRELIMINARY STAFF RECOMMENDATION⁵

The staff recommends **APPROVAL** of Zoning Docket 126-14, a request for a conditional use to authorize the sale of alcoholic beverages for consumption on-premises at a standard restaurant in B-2 Neighborhood Commercial District, and the rescission of Ordinance No: 23,755 MCS (Zoning Docket 075/09), which granted a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a retail store occupying less than 5,000 square feet of floor area subject to thirteen (13) provisos:

1. The applicant shall revise the site plan to indicate that the trash receptacle is screened by a six (6') foot opaque fence with latching gates.
2. The applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, approved by the Department of Sanitation, inclusive of the location of trash storage out of the public right-of-way, the frequency of trash pickup, the clearing all litter from the adjacent right-of-way, and the periodic cleaning of the adjacent street rights-of-way, as necessary. The name and phone number of the owner/operator of the restaurant shall be kept on file in case of any violation.
3. The applicant shall submit a revised site plan and landscape plan to include additional landscaping along the frontage of the site, subject to the review and approval of City Planning Commission staff.
4. The restaurant shall operate only between the hours of 8:00 a.m. and 10:00 p.m., Sunday through Thursday and 8:00 a.m. and Midnight Friday and Saturday.

⁵ Subject to modification by the City Planning Commission

5. Alcoholic beverage service for consumption on premises shall be only in combination with food service. Food and non-alcoholic beverages sales shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times during which the restaurant operates.
6. Signage for the advertisement of alcoholic beverages and shall not be visible from the public rights-of-way.
7. The applicant shall submit an updated lighting plan to allow for additional exterior lighting on site, subject to the review and approval of CPC staff. These lights shall be directed towards the interior of the site, away from neighboring properties.
8. Prior to the issuance of any licenses by the Department of Safety and Permits, the applicant shall prove that the holding bar does not exceed fifteen percent (15%) of the seating area of the restaurant, not to exceed three hundred square feet (300 sq. ft.).
9. Any signage shall require the applicant to submit a signage plan that is compliant with **Article 12, Section 12.2 and Article 5, Section 5.5.6** of the Comprehensive Zoning Ordinance. Additionally, temporary signs, banners and promotional material for alcoholic beverages, including window signs shall be prohibited.
10. 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 an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
11. The applicant shall update the parking plan to indicate the proposed spaces meet the guidelines of **Article 15, Section 15.2.13** (Design Standards).
12. The applicant's off-street parking spaces shall not encroach into the public right-of-way.
13. The applicant shall update the site plan to indicate that the outdoor seating does not encroach onto the public right-of-way.

VI. REASONS FOR RECOMMENDATION

1. The proposed use is compatible with the mix of commercial uses in the B-2 Neighborhood Business District in which it is proposed.

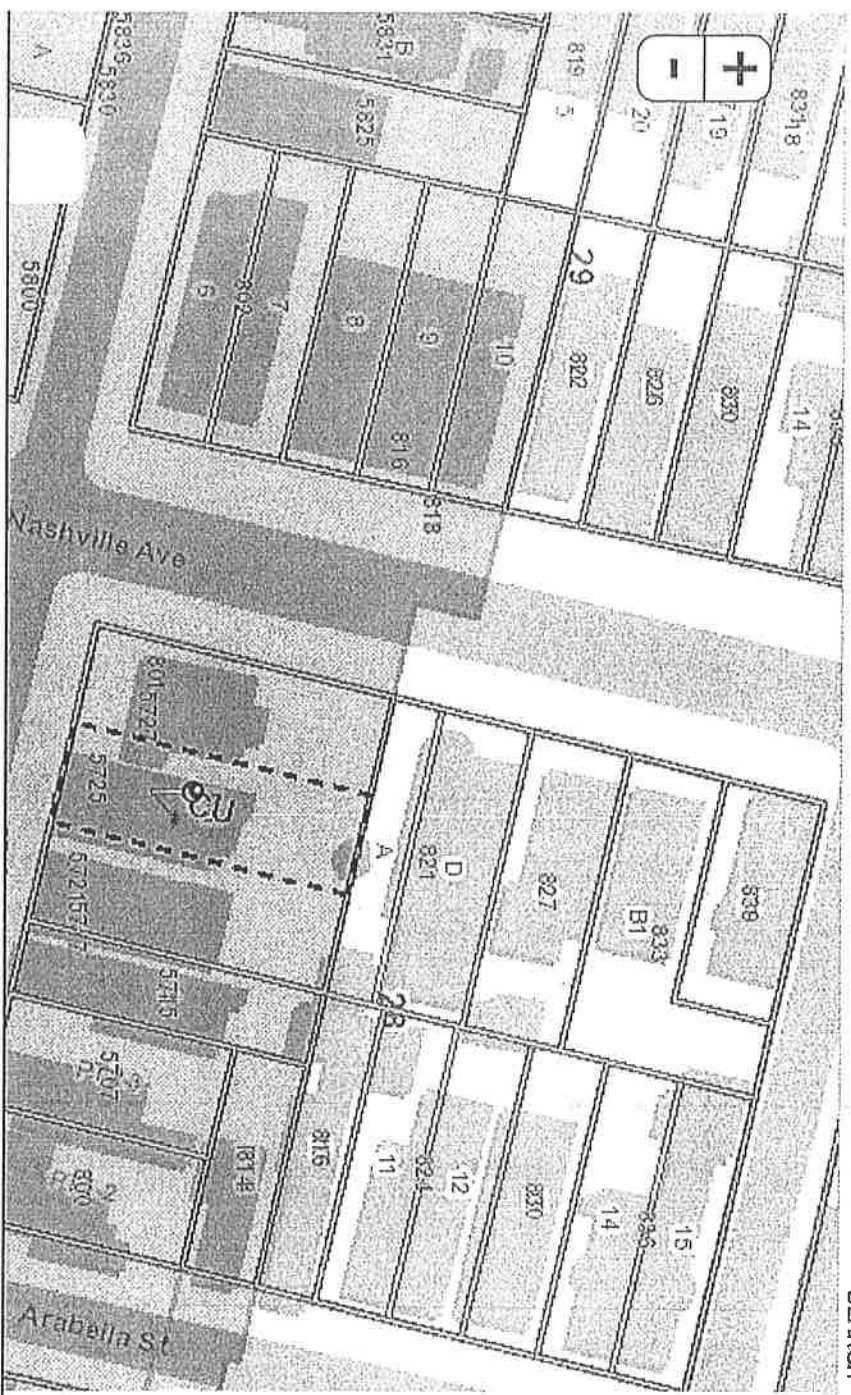
2. Those negative impacts that are sometimes associated with the sale of alcoholic beverages for on-premises consumption can be sufficiently mitigated through the compliance with the recommended operational standards.

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.



CITY OF NEW ORLEANS PROPERTY VIEWER

- SEARCH
- MEASURE
- LAYERS
- BASEMAP
- PRINT
- HELP



- Square
- Lot
- Address Points
- Parcels
- Zoning
- CU/EU/Planned Dev
- Overlays/IZD's
- Future Land Use
- Draft Zoning Districts
- Local Historic Districts
- National Register of Historic Places
- Vieux Carre Commission
- Neighborhood Conservation Districts

PROPERTY INFORMATION

Site Address: 801 NASHVILLE AVE, LA, 70115
 First Owner Name: BCH NOLA MAGAZINE COMMONS LLC
 Mailing Address: 2924 KNIGHT ST, SUITE 402
 Mailing City: SHREVEPORT
 Mailing State: LA
 Mailing Zip 5: 71105
 Property Description: HURSTVILLE SQ 28 LOT B-1 120X120 SUBD
COMBINED 5727, 5723&5717 MAGAZINE ST

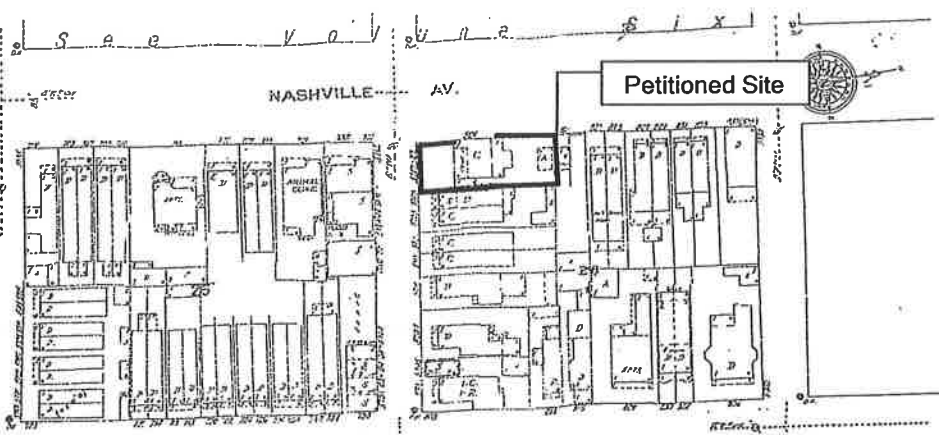
CONDITIONAL USE/EXCEPTIONAL USE/PLANNED DEVELOPMENT

A land-use that is allowed to operate subject to design and/or operational requirements thru a review and approval process.

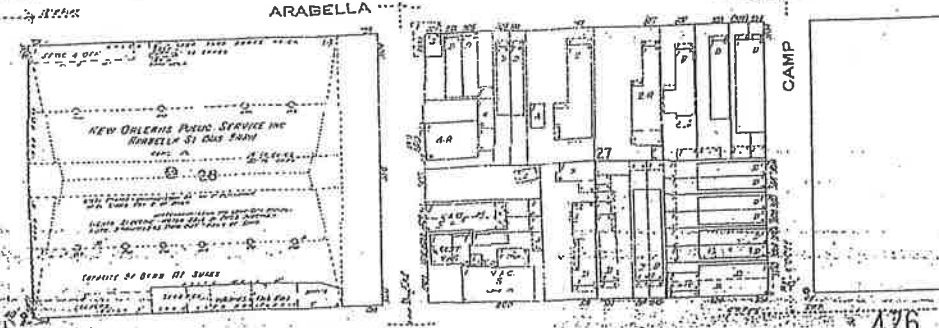
Zoning Action Type: CU
 Zoning Docket Number: 75
 Zoning Docket Year: 2009
 Ordinance Number: 23,755

Some ordinances may be found by accessing [Municode](#). All ordinances are available from the Clerk of Council's office in City Hall.

475

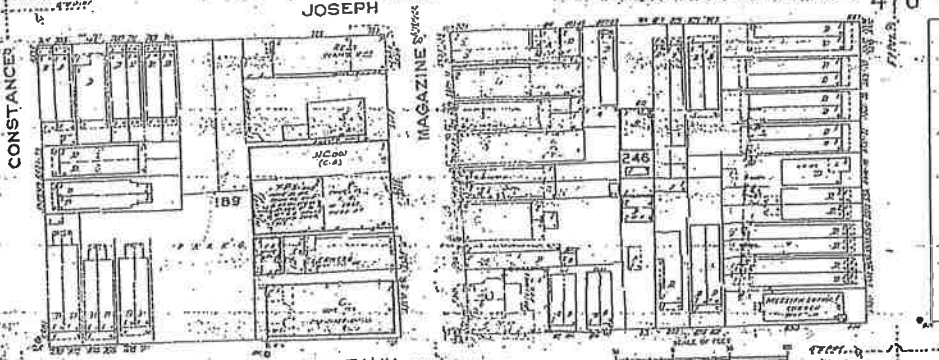


473



JOSEPH

476

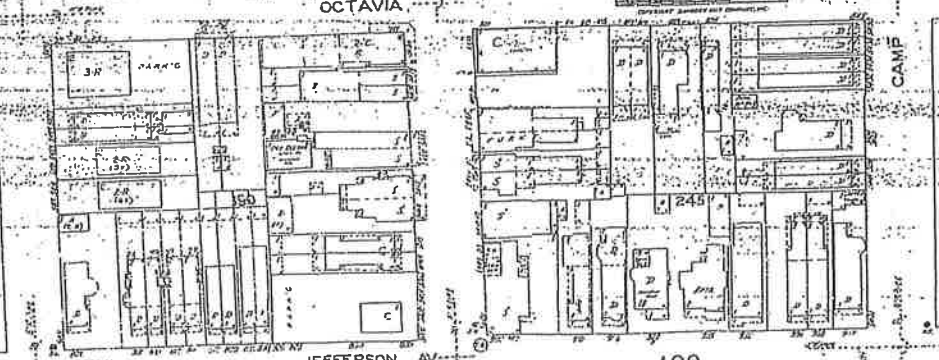


CONSTANCE

OCTAVIA

CAMP

471



472

JEFFERSON AV.

469

DEPARTMENT OF SAFETY & PERMITS
ZONING ADMINISTRATION DIVISION
CITY OF NEW ORLEANS

MITCHELL J. LANDRIEU
MAYOR

PAUL MAY
DIRECTOR

ZONING VERIFICATION

The City's Zoning Map can be found online at <http://cno-gisweb02.cityofno.com/CNOPropertyviewer/default.aspx>; the full and complete text of the Comprehensive Zoning Ordinance is available online at <http://www.municode.com/resources/onlinelibrary.asp>.

Date: 6/12/13

To: _____

This letter is to verify the zoning classification of the following property:

Address: 801 Nashville, 5724 Magazine, & 5723-25 Magazine

Lot Number(s): B, C, D Square(s): 28

Zoning Designation: B-2

Zoning Description: Neighborhood Business District

Zoning Base Map: _____

Attachment(s): _____

Comments: ① 801 Nashville - retail use - providing 4 off-street parking spaces
 $1775 \div 200 = 8$ spaces required - 4 grandfathered.

② 5723-25 Magazine - retail use (Conditional use # 75-09)
 $2053 \div 200 = 10$ space grandfathered!

③ 5724 Magazine - retail use - $2500 \div 200 = 12$ spaces grandfathered!

Inspector Signature: [Signature]

Please note that the City's Zoning Base Maps do not reflect municipal addresses and may not contain accurate legal property descriptions. Prior to any sale, purchase, or mortgage any interested party should personally review the most current maps, which are maintained by the City Planning Commission (1340 Poydras Street, Suite 900).

1300 PERDIDO STREET | ROOM 7E05 | NEW ORLEANS, LOUISIANA 70112
TELEPHONE: 504.658.7125 | FACSIMILE: 504.658.7210



ZD 126-14

Disclaimer: This site plan of the Center is not to scale and may not be representative of the Center (as completed) and the interior partitioning of the Premises that is to be delivered to Tenant ready for Tenant's Work. This site plan is informational only and intended to identify the conceptual plan of the Center and approximate location and configuration of the Premises.

nashville ave ▲

11'-5"

OUTDOOR DINING

26'-2"

TENANT SPACE A
approx 3265 sf gross

TENANT SPACE B / C
approx 2459 sf gross

AREA OF POTENTIAL
FUTURE DEVELOPMENT

TRASH
AREA

magazine st ▼

N

TENANT _____

LANDLORD _____

EXHIBIT "A" - SITE PLAN

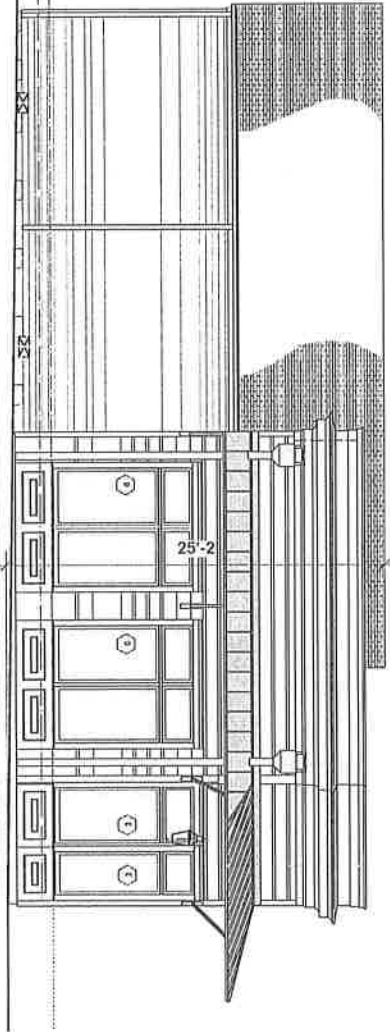
STUDIO WTA

architectural • planning • interiors
1119 Tchoupadee Street
New Orleans, LA 70110
504.593.9074 tel

WUOLMEXXON

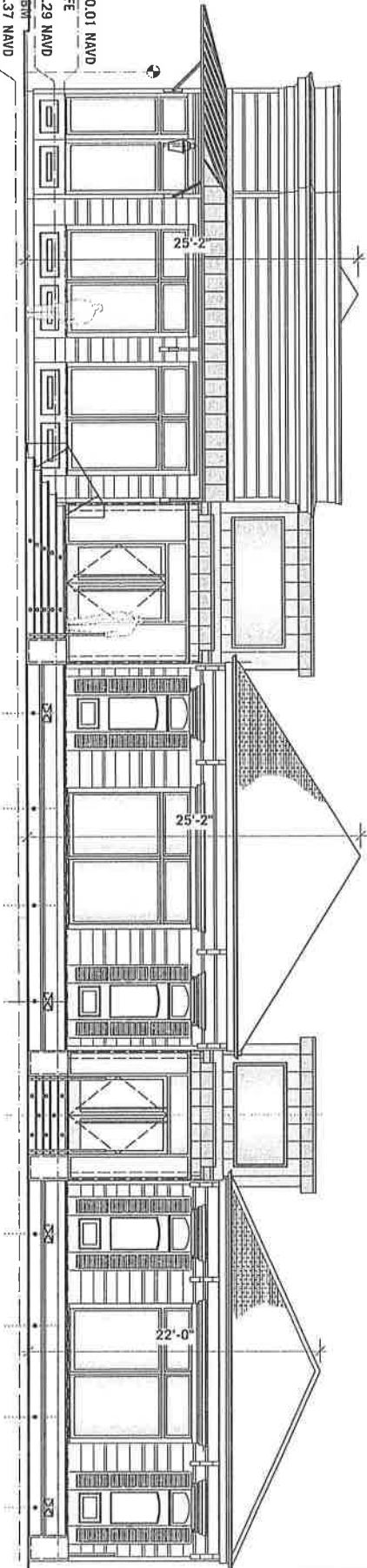
10.01 NAVD
FFE
9.29 NAVD
CBM
6.37 NAVD
Top of Curb

2 elevation - proposed - Nashville Ave
1/8" = 1'-0"



10.01 NAVD
FFE
9.29 NAVD
CBM
6.37 NAVD
Top of Curb

1 elevation - proposed - Magazine St
1/8" = 1'-0"

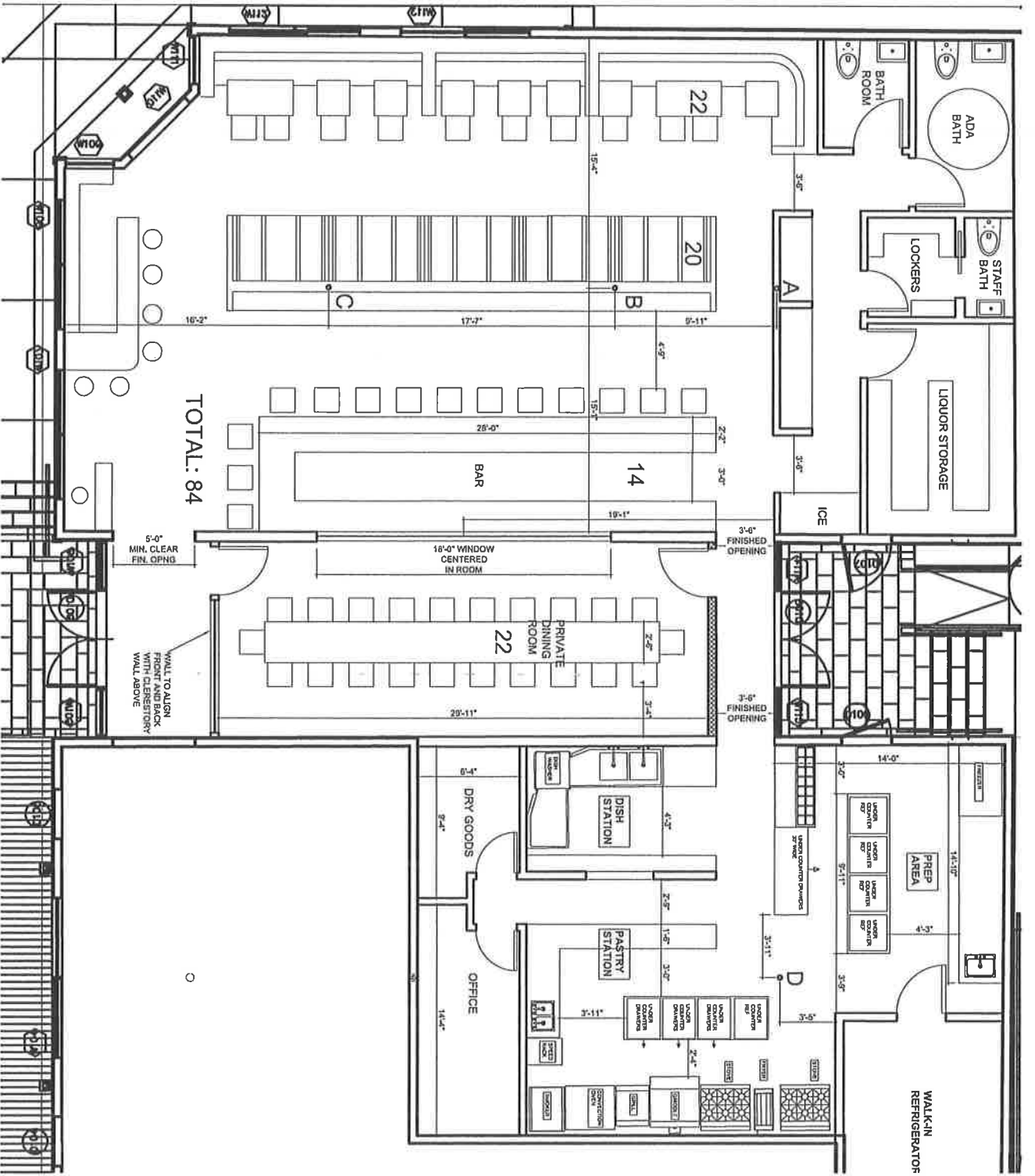


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ARCHITECTS + PLANNERS
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New Orleans, LA 70112
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www.studiowta.com

RENOVATIONS AND ADDITIONS
MAGAZINE AND NASHVILLE
5717-5727 MAGAZINE ST, NEW ORLEANS, LA 70115

Building
Heights
scale: 1/4" = 1'-0"

ASK08
23 October 2014



Neighborhood Participation Program

Re: Summary of Neighborhood Meetings

We began this process by meeting with Jeremy Tennant from the New Orleans City Planning Department to discuss the proposed restaurant and to determine the necessary city approvals to operate the restaurant. Upon discovering that we would require a Conditional Use to serve alcohol at our restaurant, we received a contact list from Mr. Tennant which included all neighbors within a 300 ft. radius, several neighborhood associations, and Councilmember Susan Guidry's contact information. We mailed the attached NPP letter to each contact member on our list to invite them to two neighborhood meetings to learn more about our restaurant and to voice any comments, questions, or concerns. Additionally, we met with a representative of Councilmember Guidry's office to present our proposed restaurant and garner any feedback her office might have before we engaged the neighborhood.

We held two meetings with the neighbors and neighborhood associations surrounding the proposed restaurant. Although the contact list only required us to invite the listed neighborhood associations, we also extended the invitation to the Upper Hurstville Neighborhood Association as well as the Upper Hurstville Security District. In total, 52 people attended our meetings. The first meeting was held on Monday, September 22, 2014 and the second meeting was held Wednesday, September 24, 2014. Both meetings were held at St. Paul's United Church of Christ at 8PM. As evidenced by our attached sign-in sheets provided at each meeting. The first meeting was attended by 33 neighbors and the second by 20 neighbors. Representatives from the Audubon Riverside Neighborhood Association, Upper Hurstville Neighborhood Association, Upper Hurstville Security District, and Councilmember Guidry's office were present for at least one and, in some cases, both of the meetings. Additionally, we were contacted via email by about 5-7 neighbors. At the meetings we kept strict minutes of all comments, questions, and concerns that were made by the neighbors as well as those comments and concerns that were raised through emails we received separate and apart from our meetings. Below each question or concern in the attached document, we have provided our response as to how each will be addressed, how we will work to address each, or why we are unable to address the concern and the reasons why. Through emails provided to us at both meetings, we have established a strong list of direct contacts with our neighbors and neighborhood associations and we will use this as the primary method to keep the neighborhood abreast of all things concerning the proposed restaurant. Additionally, we have made contact with the Audubon Riverside Neighborhood Association and are currently negotiating a list of provisos that will accompany the proposed conditional use permit so that the neighborhood's concerns can be adequately represented.

Publications:

Additionally, please find attached two publications, from UptownMessenger.com and Nola.com respectively, that were written about our project after our neighborhood meetings.

Mani and Sean Josephs

BY U.S. MAIL AND HAND DELIVERY

RE: Neighborhood Participation Meeting

Dear Neighbor,

As your new neighbor, we would like to invite you to an information session discussing our new neighborhood restaurant, which is to be located at Magazine and Nashville. The subject site is located where serving alcohol is a Conditional Use Permit, which means we are required to apply for approval to serve alcohol. With the help of the owner, we will be submitting an application to get the approval of both the City Planning Commission and the City Council. However, before we submit our application, my wife (a local New Orleanian) and I would like the opportunity to meet you in person, explain more about the restaurant, voice our thoughts on how it will improve the neighborhood, as well as give you the opportunity to voice your questions or concerns.

Our meetings are scheduled to take place:

- Monday, September 22, 2014 at 8:00pm & Wednesday, September 24, 2014 at 8:00pm
- St. Paul's United Church of Christ Auditorium, 600 Eleonore Street

For your information, we have attached a preliminary site plan to give you a better feel of how the site might flow. The new restaurant is expected to be approximately 3,200 square feet and located in the corner building on Magazine and Nashville, 801 Nashville Avenue. Entrances to the restaurant will be located on Magazine and off the back parking lot. Our parking lot will have 16 off-street parking spaces during hours of operation. We anticipate hours of operation to be as follows:

- Lunch: Monday - Friday 11am - 3pm
- Brunch: Saturday and Sunday 9am - 3pm
- Dinner: Sunday - Monday 5:30pm - 10:30pm; Tuesday - Thursday 5:30pm - 11pm; Friday - Saturday 5:30pm - 12am

Construction on the building has already begun and estimated to be concluded in 4-6 months. Once the construction of the building structure is completed, construction on the restaurant will begin and estimated to be concluded within 6 months thereafter.

As a new restaurant in New Orleans, we try to be as open and aware of all issues that may arise. At our meeting you will find a sign-in sheet. We encourage you to please fill this out so that we can obtain email addresses which would allow us to update/notify you of any changes to the plans. As always, please free to contact us with any further questions and concerns. Our contact information is as follows:

Mani and Sean Josephs
sean@maysvillenc.com

Thank you again for your time.

NEIGHBORHOOD PARTICIPATION PROGRAM
Minutes of Neighborhood Meetings

1st NPP Meeting: 9/22/14

- 1. Is it a built to assume lease and how long is the lease – who is spending the money – is the tenant an investor in the development of the building?**

At the meeting, we stated to the neighbors that the Lease is a triple net lease that has a term of 10 years from when we open for business. Further, the Landlord property owner is building the shell of the building. Once completed, we will begin building out the interior of the leased premises for the proposed restaurant.

- 2. How big is the restaurant in New York – Maysville?**

Roughly 3,200 Square Feet.

- 3. How many parking spaces do you have on the space?**

At the meeting explained, we explained that the building has 17 parking spaces. We, the restaurant tenant, are entitled to 11 parking spaces in the back of the building at all hours. Additionally, we will have the use of the remainder of the parking lot, an additional 6 spaces, after the hours of operation of the other two tenants of the center.

- 4. What buildings will be leased?**

The corner unit located on the corner of Magazine and Nashville.

- 5. How much proportionally will the bar be of the restaurant?**

The bar area will be roughly 20% of the restaurant seating area. There will be seating for dinner service at the bar area as well.

- 6. How is the construction happening when there are three separate lots on the premises?**

There is no construction over property lines as the property was resubdivided into one lot of record.

- 7. Have you thought of an alternative to the parking in the back of the building?**

We have not thought of an alternative to the parking in the back of the building as of the date of the first NPP meeting. We do not need a parking variance from the New Orleans Department of Safety and Permits.

UPDATE: We have met with ARNA and are in the process of negotiating a proviso to conditional use to address the parking concerns by not allowing the employees of the restaurant Tenant to park in the lot behind the building.

8. Have you talked to other businesses about using their parking lot to park in?

At the time of the meeting we had not talked to other businesses as no additional parking was needed per the Orleans Parish CZO.

UPDATE: We reached out to several businesses in the neighborhood but were not able to procure any additional parking. We have met with ARNA and are in the process of negotiating a proviso to conditional use to address the parking concerns by not allowing the employees of the restaurant Tenant to park in the lot behind the building.

9. How many employees will you hire at the business and where are they going to park?

Roughly 40 employees. The restaurant employees who drive vehicles to work will be responsible for their own parking. They will not park in the designated parking lot behind the restaurant. At the meeting, a neighboring restaurant owner voiced to the group that, through his experience, the majority of his employees use public transit and do not drive their own vehicles to work.

10. How does the parking spaces work and have you applied for a variance?

The building has 17 parking spaces. The restaurant Tenant is entitled to 11 parking spaces in the back of the building at all hours. Additionally, the Restaurant Tenant will have the use of the remainder of the parking lot, an additional 6 spaces, after the hours of operation of the other two tenants of the center. We have not applied for a parking variance as we meet all zoning and code requirements under the New Orleans CZO.

UPDATE: We have met with ARNA and are in the process of negotiating a proviso to conditional use to address the parking concerns by not allowing the employees of the restaurant Tenant to park in the lot behind the building.

11. What are your hours of operation?

At the meeting we provided the following hours of operation:

- Lunch: Monday - Friday 11am - 3pm
- Brunch: Saturday and Sunday 9am - 3pm
- Dinner: Sunday – Monday 5:30pm - 10:30pm; Tuesday - Thursday 5:30pm - 11pm; Friday - Saturday 5:30pm - 12am

UPDATE: We are currently negotiating hours of operation with ARNA to be introduced to City Council as a proviso to the Conditional Use Permit.

12. What about the ABO if the restaurant is not successful and the ABO continues to be there?

The major concern of this neighbor was that a bar could take the leased space and assume the alcohol license and conditional use if this restaurant ceases to exist in the leased space. The alcohol license that we are seeking is an alcohol license specific to the operation of a restaurant. Further, although the conditional use will run with the property, it will only allow for the sale of alcohol to be associated with a use that is a Permitted Use under the then in effect CZO. A bar and/or cocktail lounge is not a permitted use under the current CZO or draft CZO. Therefore, additional NPP, CPC, and City Council approval will be required for a bar and/or cocktail lounge to operate on the space and take advantage of this conditional use associated with the property.

13. Questions about the developers meetings with ARNA?

At the meeting we explained that as the tenant, we were not a part of the preliminary meetings with ARNA. However, at the meeting an ARNA representative addressed this question by indicating that the developer met with ARNA prior to commencing project construction to address ARNA concerns. Furthermore, the ARNA representative indicated that all aspects of the development are permitted under the CZO.

14. What is a conditional use?

At the meeting, we explained that a conditional use allows for something to occur on a parcel of property that is not a permitted use under the CZO. We then explained that we are seeking a conditional use that allows us, the restaurant tenant, to serve alcohol in connection with the operation of our restaurant.

15. How many people will you employ if you are at full capacity on a big night?

Roughly 15 employees on a big night.

16. How many people to do you think will be in the restaurant on a general basis?

At the meeting, we explained that there is really no way of knowing how many people the we can expect to attend the restaurant on a general basis, however, we explained that we have a capacity of 89 seats which provides an idea of how many people can be present in the restaurant at its fullest capacity.

UPDATE: We have since reworked our seating capacity to accommodate 84 seats.

17. Would you consider reworking the restaurant hours of operation?

Yes.

UPDATE: We are currently negotiating hours of operation with ARNA to be introduced to City Council as a proviso to the Conditional Use Permit.

18. Do you have a plan B if the restaurant does not work out?

No.

19. When will you have a rough timeline on when you might have an alternative plan to the parking?

Although we have reached out to other property owners in the neighborhood, we have been unable to develop an alternative plan for parking. The building has 17 parking spaces. The restaurant Tenant is entitled to 11 parking spaces in the back of the building at all hours. Additionally, the Restaurant Tenant will have the use of the remainder of the parking lot, an additional 6 spaces, after the hours of operation of the other two tenants of the center. Additionally, we have not applied for a variance as none is needed per the CZO and Safety and Permits.

UPDATE: We have met with ARNA and are in the process of negotiating a proviso to conditional use to address the parking concerns by not allowing the employees of the restaurant Tenant to park in the lot behind the building.

20. Have you met with Susan Guidry regarding the project?

Yes. We met with Gordon Mcleod, Councilmember Guidry's Director of Land Use and Special Projects, prior to the NPP meetings.

21. Are you going to have outdoor seating and are you going to have a stereo system?

Yes. The restaurant will have 300 sq. ft. of outdoor seating and music will be played through a stereo system in and out of the restaurant. The level of music will be low and meet all noise decibel level regulations provided by applicable noise ordinances.

22. Can you get out of your Lease?

Yes, there are provisions that will allow for us to terminate our negotiated lease, however, as we stated at the NPP Meeting, we have put time energy and effort into this restaurant to make it a reality. Further, it is our dream to be here in New Orleans and we are willing to work with the neighbors especially on parking.

UPDATE: We are currently negotiating hours of operation with ARNA to be introduced to City Council as a proviso to the Conditional Use Permit.

Support for the project voiced at the 1st meeting:

Several neighbors voiced support for the project based largely on reviews and press reports of the other restaurants that we are currently in operating in New York. Additionally, several neighbors highlighted the direct connection the neighborhood has seen with the increase of quality establishments such as the proposed restaurants and the increase in property value of the neighborhood. Further, many neighbors expressed an excitement for how the restaurant will add to the walkability of the neighborhood.

2nd NPP Meeting: 9/24/14

1. How is the parking laid out?

The building has 17 parking spaces. We are entitled to 11 parking spaces in the back of the building at all hours. Additionally, we will have the use of the remainder of the parking lot, an additional 6 spaces, after the hours of operation of the other two tenants of the center. Additionally, we have not applied for a variance as none is needed per the CZO and Safety and Permits.

UPDATE: We have met with ARNA and are in the process of negotiating a proviso to conditional use to address the parking concerns by not allowing the employees of the restaurant Tenant to park in the lot behind the building.

2. Is the leased premises the building on the corner?

Yes. We are leasing the building on the corner of Magazine and Nashville.

3. Is it going to be one building?

It is our understanding that there will be three leasable spaces located within one building.

UPDATE: The center will be three structures connected by breezeways.

4. What are your hours of operation on a nightly basis?

At the meeting we provided the following hours of operation:

- Lunch: Monday - Friday 11am - 3pm
- Brunch: Saturday and Sunday 9am - 3pm
- Dinner: Sunday – Monday 5:30pm - 10:30pm; Tuesday - Thursday 5:30pm - 11pm; Friday - Saturday 5:30pm - 12am

UPDATE: We are currently negotiating hours of operation with ARNA to be introduced to City Council as a proviso to the Conditional Use Permit.

5. Do you have any plans for live music?

We certainly do not anticipate having live music on a nightly or even regular basis, however, if, in the future we desire to host live music, we will work with the neighborhood to address any concerns they may have at that time.

6. What is a conditional use?

At the meeting, we explained that a conditional use allows for something to occur on a parcel of property that is not a permitted use under the CZO. We then explained that we are seeking a conditional use that allows us, the restaurant tenant, to serve alcohol in connection with the operation of our restaurant.

7. The neighborhood does not lend itself to late nights?

UPDATE: We are currently negotiating hours of operation with ARNA to be introduced to City Council as a proviso to the Conditional Use Permit.

8. Once it is converted into a restaurant will it stay a restaurant?

We indicated at the meeting that as long as we occupy the lease space, it will stay a restaurant. Please see the answer to Question 9 to see our further explanation to a related concern.

9. Could you ever put a bar in that space?

We provided at the meeting that we are seeking this conditional use to serve alcohol in connection with the operation of our restaurant and not for the operation of a bar or cocktail lounge. Further, we explained that the alcohol license that we are seeking is an alcohol license specific to the operation of a restaurant. Further, although the conditional use will run with the property, it will only allow for the sale of alcohol to be associated with a use that is a Permitted Use under the then in effect CZO. A bar and/or cocktail lounge is not a permitted use under the current CZO or draft CZO. Therefore, additional NPP, CPC, and City Council approval will be required for a bar and/or cocktail lounge to operate on the space and take advantage of this conditional use associated with the property.

10. Where is the dumpster going to go and do you know the hours when the dumpster is going to be cleaned out?

There is a designated trash area in the rear of the building where the dumpster will be located and surrounded by fencing. At the time of the meeting we were not aware of the times that the dumpster would be cleaned out but indicated that we were willing to work with the neighborhood to come to a time that would be reasonable.

UPDATE: We have met with ARNA and are currently negotiating a proviso to be presented to the City Council and included in the Conditional Use Permit that will address trash pick-up times.

11. When do you anticipate opening?

We anticipate opening in the late spring or summer of 2015.

12. How does the conditional use work and who needs to approve the projects?

At the meeting, we explained that a conditional use allows for something to occur on a parcel of property that is not a permitted use under the CZO. We then explained that we are seeking a conditional use that allows us, the restaurant tenant, to serve alcohol in connection with the operation of our restaurant. We further explained the process by which a conditional use permit is obtained: (1) the NPP process; (2) City Planning Commission meeting; and (3) approval of the City Council.

Support for the restaurant voiced at the 2nd NPP meeting:

Many of our new neighbors voiced their support for our restaurant specifically indicating how excited they were to have us join and add to the walkability and livability of the neighborhood.

Sign In

9/22/14

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Sign In

9/24/14

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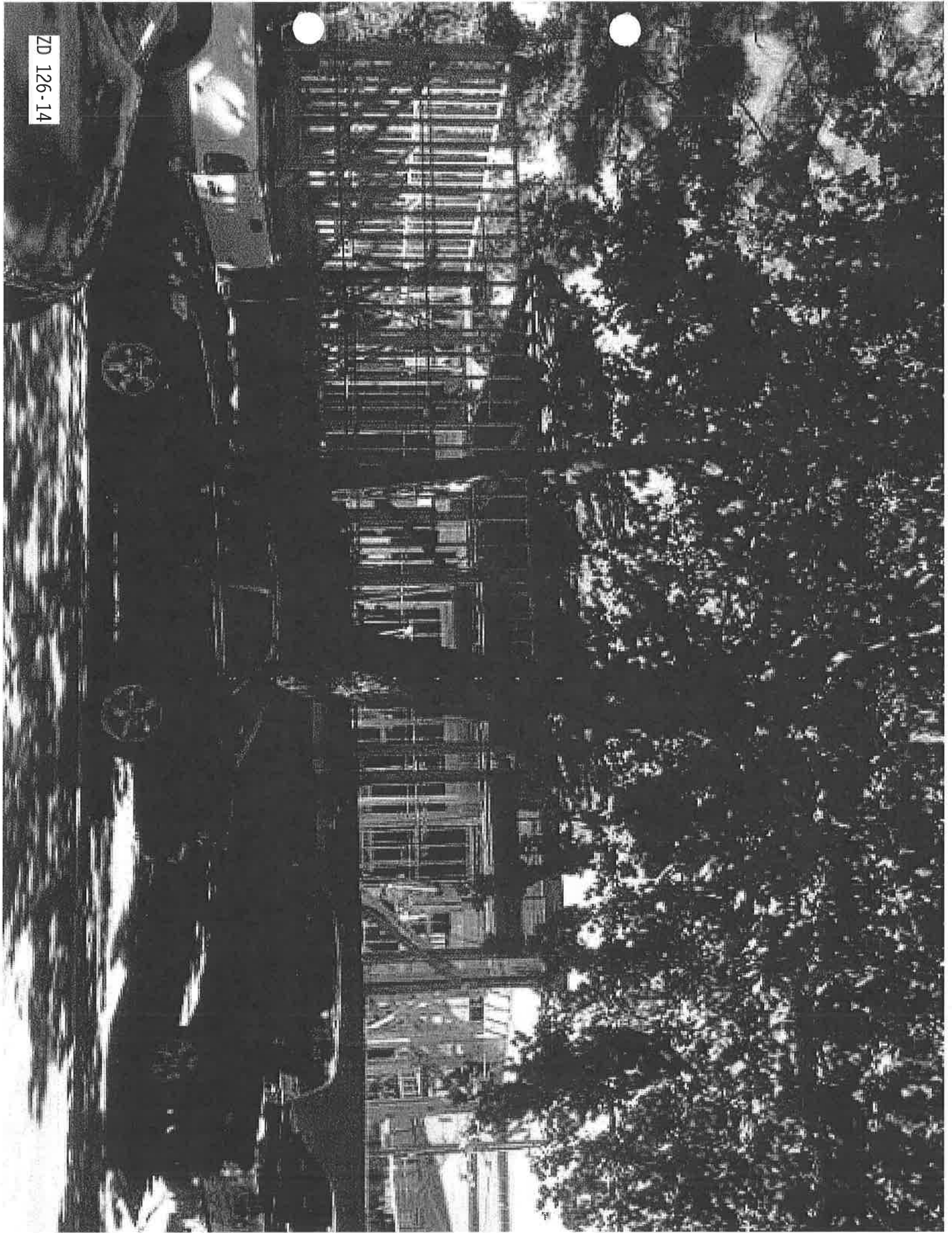


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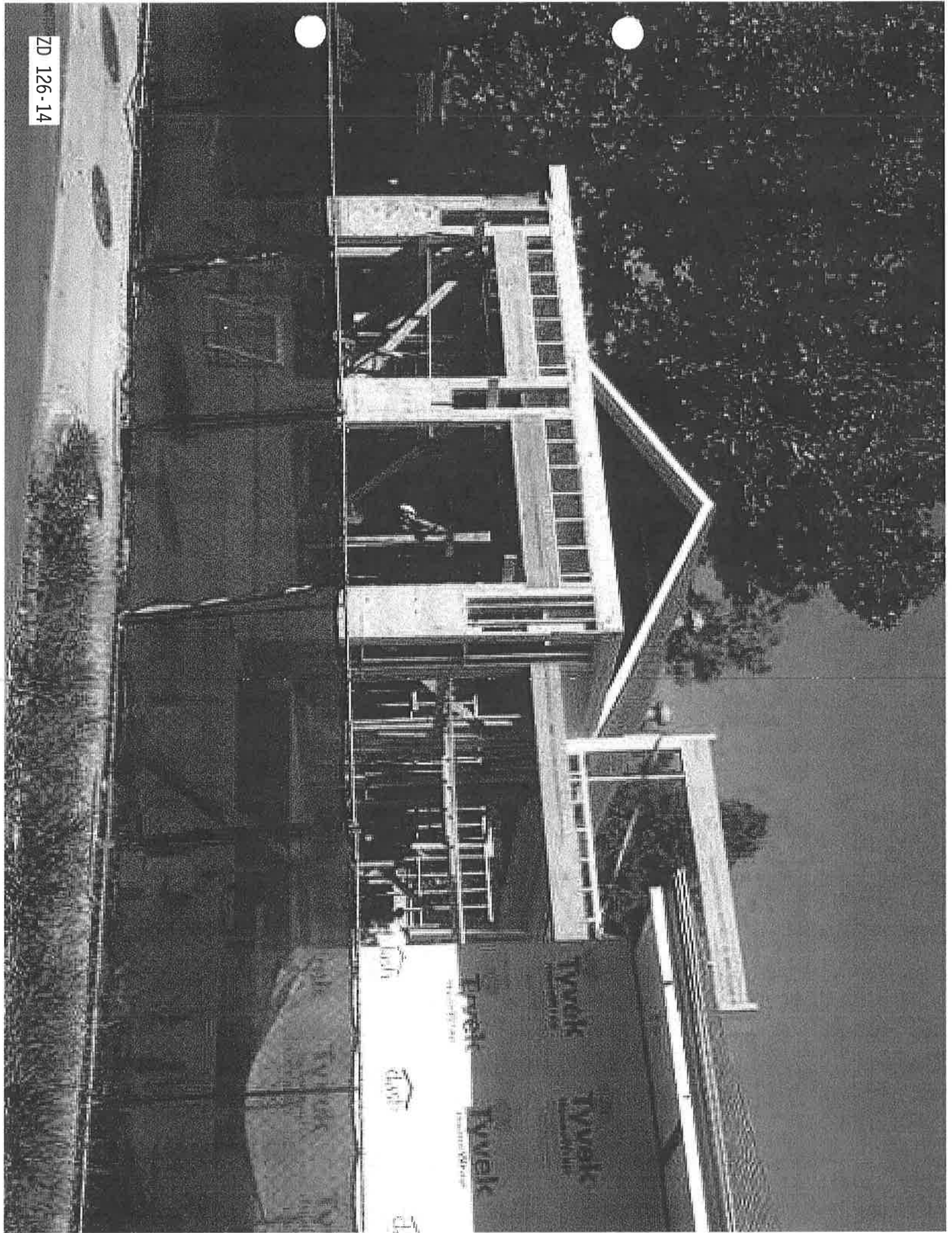


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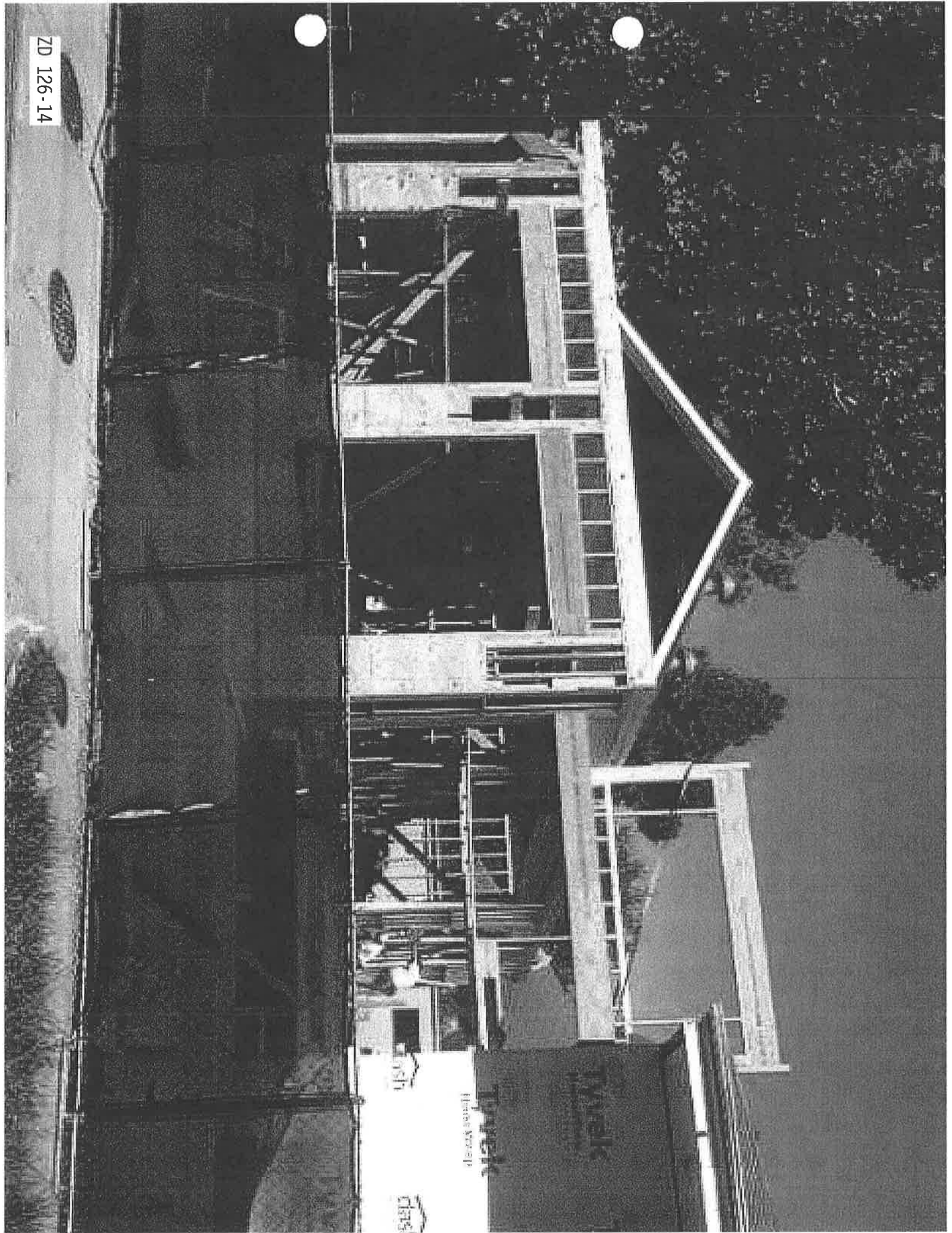
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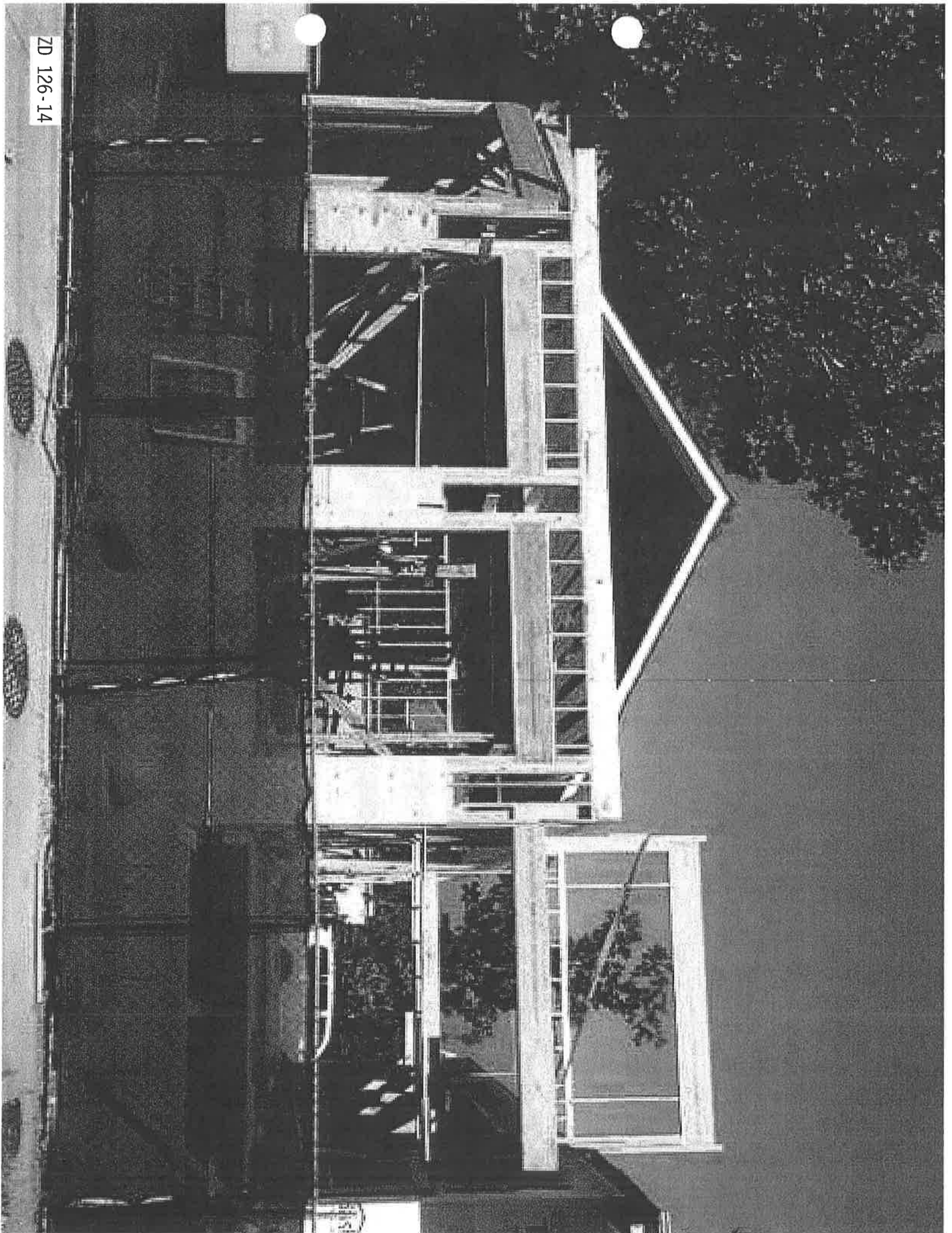




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DASH
GET A SIGN HERE

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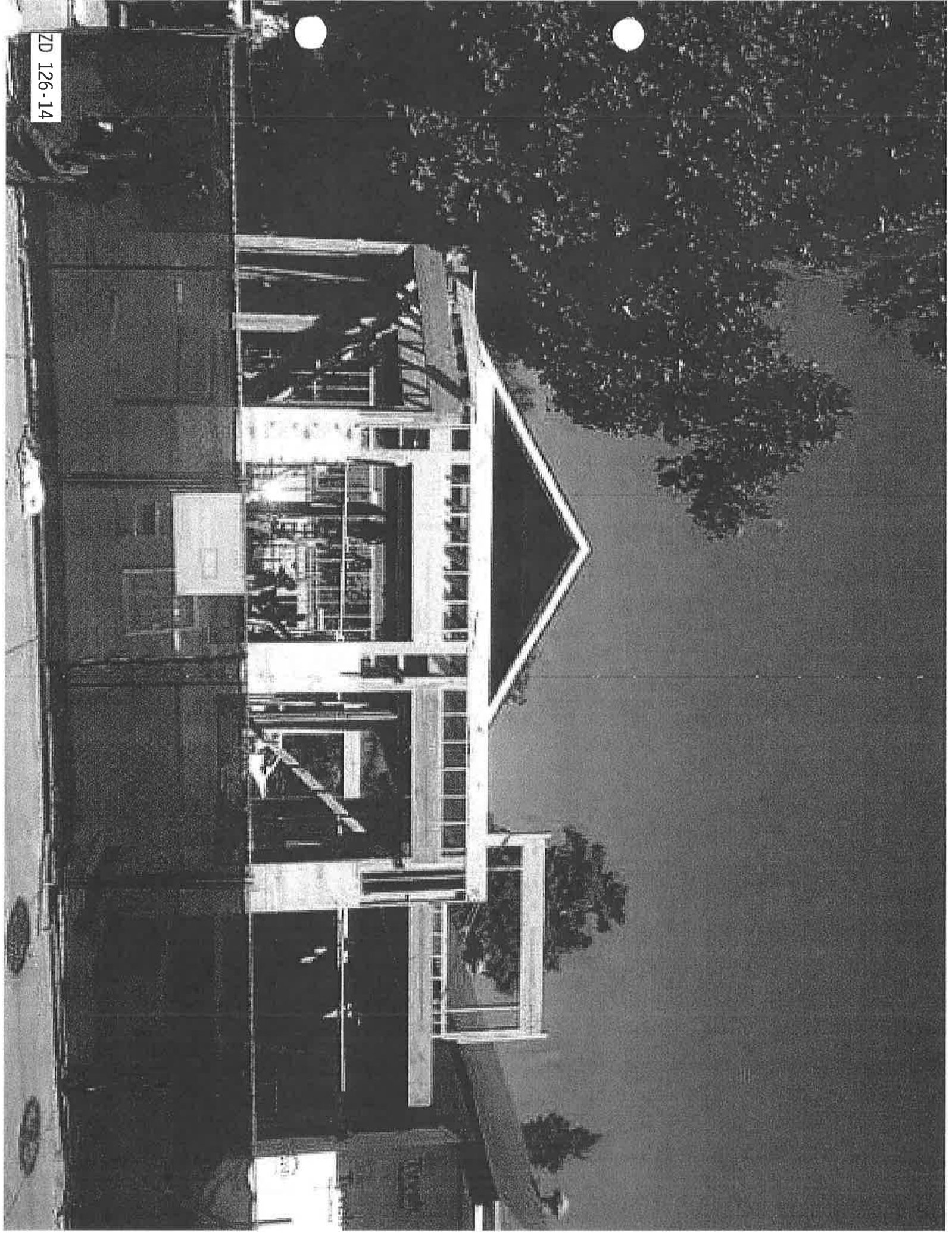


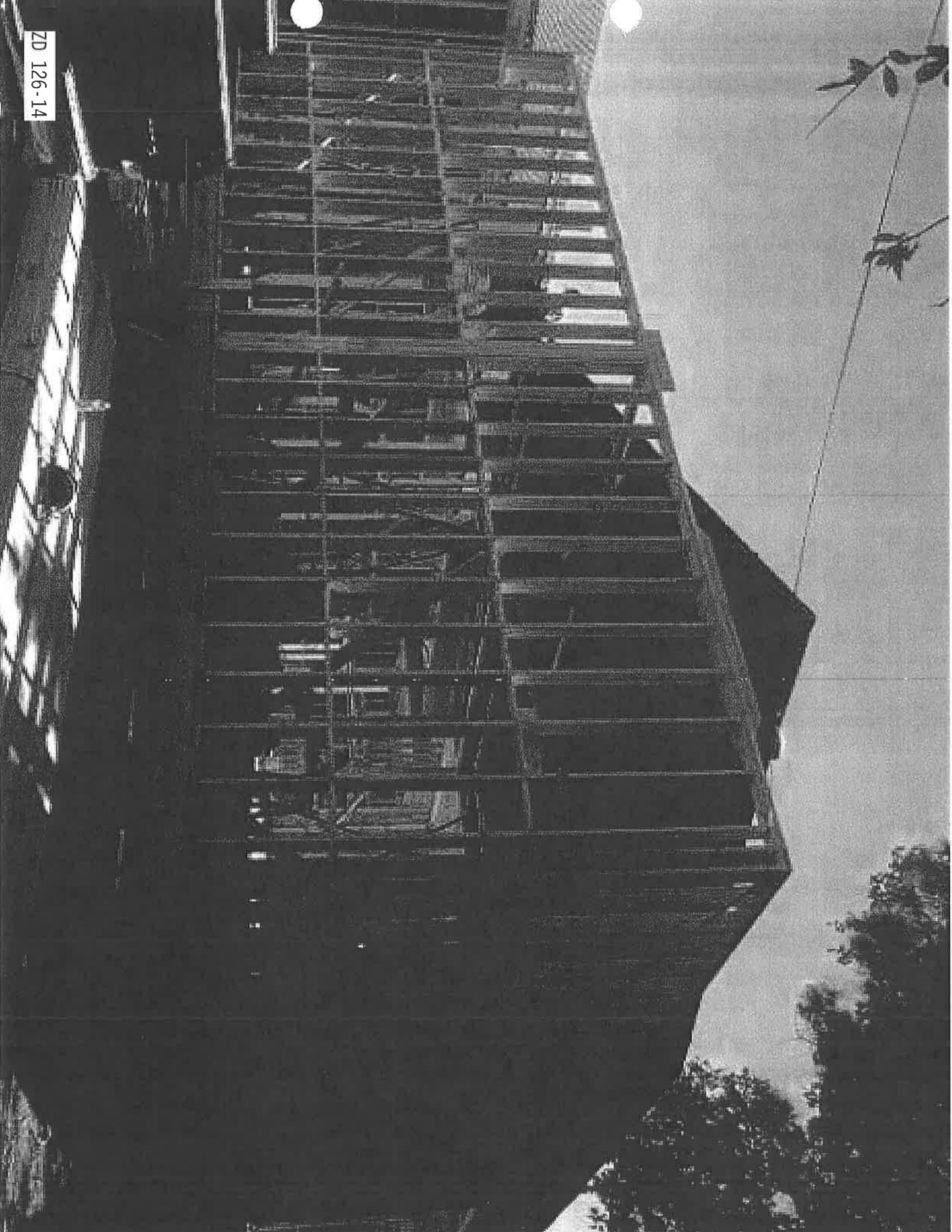
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