

PB File No. 2320  
Washington Squared Owner, LLC  
601-685 Washington Avenue

**MODIFIED CONDITIONS OF APPROVAL**

7. The following shall apply to the operation of the proposed parking garage:

\* \* \*

- d. The minimum parking required by the land development regulations shall be provided, or the Applicant shall pay a parking in lieu fee for any spaces that cannot be provided in the parking level.

8. The Applicant agrees to the following operational conditions for all permitted and accessory uses and . . .

\* \* \*

- a. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the proposed café, restaurant, café cart, and two (2) outdoor courtyard areas located on the roof of the second floor (3<sup>rd</sup> level) with the criteria listed below:

\* \* \*

- ii. The indoor portions of the project may operate until 5:00 AM and all other exterior operations, including the rooftop pool deck shall be closed from ~~11 pm to 8 am Sunday through Thursday and Midnight to 8 am Friday and Saturday~~ 1:00 AM to 7:00 AM, seven (7) days per week.

- iii. All outdoor areas of the venue(s) shall ~~not be permitted to~~ have a DJ or music, whether live or recorded, whether amplified or non-amplified, which is played at a volume that is louder than ambient background music (defined as a sound level that does not interfere with normal conversation) from 11:00 AM to 8:00 PM, seven (7) days per week. Exterior Ambient music shall be limited to the hours of 9:00 AM am to 8 pm daily 1:00 AM, seven (7) days per week. No music of any kind shall be permitted between the hours of 1:00 AM and 9:00 AM, seven (7) days per week.

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- iv. The house sound system shall be installed and set in such a manner as to limit the acoustical output of the system and have password protected security on all controls at all times in accordance with the design intent and recommendations of the sound system study submitted as part of this application. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department. Prior to the issuance of the Business Tax Receipt, the sound system shall be tested under the supervision of a qualified acoustical professional and the City's sound study peer reviewer, to ensure that all aspects of the system's performance comply with the design intent and recommendations of the sound system study submitted as part of this application. A final report issued by such acoustical consultant shall be submitted to staff. 60 days after opening, the sound systems in the facility shall be tested by a qualified acoustic professional, and a report shall be submitted to the Planning Department for review.

\* \* \*

- b. Delivery trucks shall only be permitted to make deliveries from the designated loading spaces contained within the property, and from designated on-street loading zones as authorized by the Parking Department.

\* \* \*

- e. Deliveries and waste collections may occur daily between ~~6:00 AM and 5:00 PM~~ 7:00 AM and 1:00 PM.

\* \* \*

- k. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises, except adjacent to Collins Court, of the subject property.

**NEW CONDITIONS OF APPROVAL**

No valet or loading activity shall block the garage ramp.

Valet pick-up may only occur in front of the 2 northernmost loading spaces at peak pick-up times, but never during the hours of 7:00 AM to 1:00 PM.

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**Prohibited Uses**

As voluntarily proffered by the applicant, the following uses shall be prohibited at the property: pawnshops; tattoo parlors or body piercing shops; check cashing stores; and t-shirt and souvenir shops.

