

PB File No. 2320
Washington Squared Owner, LLC
601-685 Washington Avenue
7/26/2016

MODIFIED CONDITIONS OF APPROVAL

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

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- 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 (3rd level) with the criteria listed below:

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- ii. The indoor portions of the project may operate until 5:00 AM and shall 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) ~~all other exterior operations, including the rooftop pool deck shall be closed from 1:00 AM to 7:00 AM, seven (7) days per week.~~
- iii. All outdoor areas of the venue(s) may operate from 7:00 AM to 1:00 AM and shall not be permitted to have a DJ or entertainment music (defined as music, whether live or recorded, whether amplified or non-amplified, which is played at a volume that is louder than ambient background music) as follows seven (7) days per week:

<u>Times</u>	<u>Type of Permitted Music</u>	<u>DJ Permitted</u>
<u>9:00 AM to 11:00 AM</u>	<u>Ambient Only</u>	<u>Yes, Ambient Only</u>
<u>11:00 AM to 8:00 PM</u>	<u>Ambient Or Entertainment</u>	<u>Yes, Ambient Or Entertainment</u>
<u>8:00 PM to 1:00 AM</u>	<u>Ambient Only</u>	<u>Yes, Ambient Only</u>
<u>1:00 AM to 9:00 AM</u>	<u>None</u>	<u>No</u>

~~(defined as a sound level that does not interfere with normal conversation) from 11:00 PM to 9:00 AM, seven (7) days per week.~~

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~~iv. Ambient music may be played by a DJ anytime between 9:00 AM and 1:00 AM on the exterior of the venue(s), but all music on the exterior of the building must cease at 1:00 AM until 9:00 AM, seven (7) days per week.~~

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 (BTR), 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. This shall include the requirement that noise from the sound system shall not be plainly audible at the western balconies of the Arcadia House Condominium located at the southwest corner of 7th Street and Washington Avenue. A final report issued by such acoustical consultant shall be submitted to staff prior to the issuance of a BTR.

~~vi.v. A final report issued by such acoustical consultant shall be submitted to staff prior to the issuance of a BTR.~~ Additionally, 60 days after the issuance of a BTR, 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 demonstrating that the system's performance still complies with the design intent and recommendations of the sound system submitted as part of this application.

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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.

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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.

REVISED VALET, DELIVERIES AND COLLECTIONS ON COLLINS COURT

All valet drop-off and pick-up, deliveries and waste collections will occur on the private Property adjacent to Collins Court, with the exception of any delivery properly utilizing any of the City's designated on-street loading zones in the nearby area.

Building and hotel management and the valet operator will work together to ensure safe and efficient management of the valet, loading and waste collections operations. See attached ground-level plan. Dedicated delivery and waste collection times, as described below, will minimize conflicts.

Valet drop-off will occur at the east end of the breezeway with 6 parallel stacking spaces for a total of 126'. All spaces measure 10' x 21' and are suitable for parallel parking. The first space will be designated exclusively for valet drop-off. The other 5 spaces will double as loading spaces. The valet operators drive the short distance north to the garage ramp to store vehicles on the parking level.

Valet pick-up will occur at 3 spaces located north of the breezeway by the stair and elevator core towards the north end of the building. Patrons can access the pick-up location from the third level pool deck through the stair and elevator core or at ground level from the breezeway. The middle of the 3 spaces, which is in front of 2 internal loading spaces, will only be utilized during peak valet pick-up periods and shall not be used during 7:00 AM and 1:00 PM, which are dedicated delivery times. Stacking, as needed will occur either on the ramp or internally on the parking level to avoid any impacts on Collins Court. The valet operator will drive vehicles down the ramp and pull into the valet pick-up spaces, using the middle space only during peak times and not during the dedicated delivery window.

Deliveries will occur mainly in 2 very large internal loading spaces (45' 4" deep by 26' 2" wide combined) located north of the garage ramp and 2 large internal loading spaces (one 45' 4" deep by 12' wide and one 28' by 10' wide) located immediately south of the garage ramp. These 4 loading spaces can accommodate vehicles of all sizes. Deliveries may also be accomplished in the 5 shared parallel spaces (each 10' by 21') at the valet drop-off area south of the breezeway. These spaces are meant to be used for smaller vehicles, such as vans, and only if the 4 main loading spaces are occupied. In the rare event that an extremely large truck makes a delivery, it can use the 105' of loading area south of the breezeway.

In the event of valet and loading occurring simultaneously in the 5 valet/loading spaces located south of the breezeway, building and hotel management and the valet operator will work together to keep the northern portion of this area open for valet and direct loading vehicles to the southern portion to minimize gaps and unusable areas between vehicles.

The refrigerated trash room is located adjacent to the northern 2 loading spaces and refuse and recycling collections will be made by taking the receptacles out of trash room to the collection

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vehicles on Collins Court. Due to an agreed collection window with the private waste hauler, building and hotel management will be ready to take refuse and recycling out as soon as the truck arrives to minimize the collection operation to only a few minutes.

HOURS OF OPERATIONS

Valet operations will be available 24 hours, 7 days per week, with peak hours for drop-off between 1:00 PM and 5:00 PM and pick-up between 5:00 PM and 8:30 PM.

Deliveries for the hotel and ground floor retail operations will be scheduled between 7:00 AM and 1:00 PM, which is outside the peak valet times. There may be circumstances that require deliveries outside this specified delivery window and building and hotel management will do their very best to ensure that such deliveries do not adversely impact the valet operations, neighboring uses or guests and patrons of the Property.

Refuse and recycling collections will be scheduled between 7:00 AM and 1:00 AM.

ASSOCIATED 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.

Delivery trucks shall only be permitted to make deliveries from the designated loading spaces contained within the property or in designated on-street loading areas as approved by the Parking Department.

Deliveries and waste collections may occur daily between 7:00 AM and 1:00 PM.

