

The CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER held a meeting open to the public on November 21, 2017, at 9:00 a.m. located in Conference Room 10E, Phoenix City Hall, 200 West Washington Street, Tenth Floor, Phoenix, Arizona. The results for the meeting were as follows:

*Approved / Stips 14. Application #: ZA-505-17-4

Existing Zoning: C-2 WSNSPD Location: 5114 North 7th Street Quarter Section: 19-28(H8)

Proposal: Use permit to allow outdoor dining and outdoor alcohol beverage consumption accessory to a restaurant/bar (Hula's Modern Tiki) within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district. Ordinance Sections: 623.D.156.c.

Applicant: Adam Baugh, Withey Morris, PLC

Representative: Adam Baugh, Withey Morris, PLC

Owner: Windsor Place Property, LLC Taken out from under advisement on January 3, 2018 and approved with the following stipulations:

- 1) Prior to the issuance of a Certificate of Occupancy or Certificate of Completion for the Hula's patio area, a 10-foot high masonry wall ("Wall") shall be constructed along the West side of the patio, as approved by the Planning and Development Department but, in any case, as described below. See Attachment A – Wall Location. The Wall shall be constructed entirely of masonry block and will contain no air gaps. The Wall will have no graphics or mural(s) painted on the side facing the Windsor Square Historic District ("Windsor Square").
- 2) The existing boundary line wall will be supplemented by installing acoustical shielding atop its present topmost block, from the new Wall northward at least 25-feet, but in any event along the full length of the common boundary wall abutting 5119 North 6th Street.
- 3) The patio shall have a perimeter containment wall or fence to prevent the unlawful removal of alcohol from the premises, in addition to installing the Wall.
- 4) Any ingress/egress to/from the patio from the exterior of the premises shall be oriented to the east (i.e., away from Windsor Square), so that any customer trying to access the patio must use the east-side access point.
- 5) Patio lighting shall comply with all applicable City of Phoenix light-spillage ordinances and be down-shielded away from Windsor Square residences, as approved by the Planning and Development Department, so that no patio or ZAHO Marked Agenda, November 21, 2017 Page 7 interior lighting shall be projected beyond the Wall westerly.
- 6) Employees shall monitor patron activity on the patio at all times.
- 7) No live music, televisions, intercom or other sound-emitting system(s) shall be staged, mounted or placed on the patio walls or floors; and all indoor speakers shall be oriented toward the interior of the indoor part of the premises.
- 8) Any recorded music audible in the patio area shall not exceed 55 db at the property line.

9) The hours of operation for the patio will be Sundays through Tuesdays, from 10:30 a.m. to 10:00 p.m.; Wednesdays and Thursdays, from 10:30 a.m. to 10:30 p.m.; and Fridays and Saturdays, from 10:30 a.m. to 11:59 p.m.

10) The doors/windows adjoining the patio on the north building elevation of the premises may only be open during the patio's hours of operation described in Stipulation 9 above.

11) Hula's shall provide Windsor Square's board with the names and phone numbers of the daytime and evening premises' managers, and those managers shall be required during their shifts to keep their phones "on," to facilitate timely communications between the neighbors and Hula's. This information shall be updated no less frequently than every six months.

12) The Use Permit shall be reviewed within 6 months of the issuance of Hula's Certificate of Occupancy or Certificate of Completion. ADDITIONALLY, HULA'S AND THE WINDSOR SQUARE NEIGHBORHOOD HAVE AGREED TO THE FOLLOWING CONDITIONS:

13) Upon closure of the patio, any tables and chairs brought inside the premises shall be by lifting off the finished surface, not dragging along that surface.

14) Hula's use of the service alley west of the premises shall be restricted between the hours of 10:00 p.m. and 8:00 a.m. daily to trash removal and emergency exiting only. At all other times, the premises' doors accessing the service alley will remain shut, except for Hula's staff's use. The doors will have auto-close and soft-close mechanisms installed to mitigate noise.

15) The trash dumpster will be constructed only of plastic/poly material with plastic/poly lids. The lids will have a catch-bar, so lids do not slam open against the dumpster's body.

16) The trash dumpster will be enclosed in a block/CMU enclosure, as approved by the Planning and Development Department. With the consent of the other retail center tenants, which Hula's will attempt obtaining in good faith ZAHO Marked Agenda, November 21, 2017 Page 8 [without obligation other than to attempt to secure joint tenant consent], the trash dumpster will be locked at night, to be opened by Hula's staff at the beginning of the day shift or, alternatively, at any time after 8 a.m. by another tenant's staff.