

The changes agreed to by &pizza and the neighborhood stakeholders are shown below in **red**.

It is **ORDERED** THAT THE SEPTEMBER 19, 2014 ORDER, 18770-A, GRANTING A VARIANCE AND SPECIAL EXCEPTION SUBJECT TO ATTACHED EXHIBITS AND CERTAIN CONDITIONS IS HEREBY MODIFIED SUCH THAT EXHIBITS 40C IS REMOVED, **EXHIBITS 7A-C AND 12 ARE ADDED**, AND THE MODIFIED ORDER IN ITS ENTIRETY READS AS FOLLOWS:

It is therefore ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE **PLANS AT EXHIBIT 7A-C AND 12** AND WITH THE FOLLOWING CONDITIONS:

- 1. Approval of the exception shall be for a period of five (5) years from the original September 19, 2014 date of the unmodified order.**
2. Hours of operation shall not exceed:
 - a. Sundays through Wednesdays, 10:00 am to 11:00 pm;
 - b. Thursdays, 10:00 am to midnight; and
 - c. Fridays and Saturdays, 10:00 am to 2:00 am.
3. Garbage shall be collected a minimum of six days per week, and recycling a minimum of five days per week, subject to the following conditions:
 - a. Collections shall not occur before 7:00 am;
 - b. The Applicant shall provide the garbage and recycling companies with keys to the trash enclosure;
 - c. All receptacles shall be kept within the trash enclosure only, unless being hauled to or from sanitation trucks;
 - d. All receptacles shall be secured with lids, including while within the trash enclosure and while being hauled to and from sanitation trucks. Exterior doors to the trash enclosure shall remain closed unless refuse is being hauled to sanitation trucks;
 - e. Garbage and recyclables shall be placed within receptacles within the trash enclosure only;
 - f. Garbage and recycling spills shall be cleaned as they occur;
 - g. Daily, prior to opening, the applicant shall ensure that no debris was left within the breezeway and that the trash enclosure doors are properly shut and secure.
 - h. The trash enclosure shall be power washed weekly, or more often to prevent food or grease film on the floor of the enclosure, breezeway and receptacles;
 - i. The trash enclosure shall be used only for the storage of trash and recycling;**
 - j. Applicant shall allow DPW, DCRA and Zoning Administrator inspectors to access the trash enclosure and breezeway.

4. As specified in Exhibits 7A-C, the applicant shall use a ventless oven system, install either a hood or exhaust grill over each oven stack, and remove all cooking exhaust through the specified ductwork and Pollution Control Unit (PCU) described in Exhibit 12. The PCU will exhaust through the face of the building as specified in Exhibits 7A-C. The applicant shall maintain the system in good working order, and shall enter into a maintenance contract with a service provider to, among other things, regularly clean the ductwork and PCU and provide new or clean filters in order to ensure effective elimination of odors from the vented cooking exhaust for the duration of the time that the applicant operates at 405 7th S., SE.

5. No vents shall be permitted on the roof or at the rear of the property with the exception of the bathroom exhaust vents.

6. No outdoor seating shall be permitted, including the rear yard and the roof. Employees shall not be permitted to take breaks within the rear yard or the breezeway.

7. As specified in Exhibits 7A-C: the HVAC unit at the rear of the property shall be replaced with a new HVAC unit located atop the trash enclosure; a mini split to cool the trash enclosure will also be installed atop the trash enclosure; and a cooler condenser shall be installed atop the dog leg roof. These mechanicals will be soundproofed as specified in Exhibits 7A-C to meet the standards employed by ArtUSA (or similar noise control product business) at 413 8th Street, S.E. No additional mechanical equipment shall be installed on either roof or at the rear of the property.

8. The trash enclosure (as depicted in the plans in Exhibits 7A-C) shall include a trash compactor and cardboard baler (as depicted in Exhibit 40E), and odor control unit to be constructed as proposed. The trash enclosure shall comply with the recommendations contained in the rodentologist report dated May 22, 2014 (as depicted in Exhibit 40D) except for nos. 12, 15 and 16, which are not applicable to this site.

9. Deliveries shall be made through the front only. No deliveries shall be made through the breezeway.

10. The applicant shall frequently remove trash and debris from the sidewalk to the front of the property and power wash this area regularly.

11. The applicant shall appoint a designated individual member of its organization to ensure compliance with the provisions of this order.