

Item # 5 Further Solutions

The currently proposed conditions, listed in Item #1, are the most comprehensive, definitively detailed, and limiting conditions for any food-related special exception on record. Many of the conditions are unprecedented, to the best of our knowledge.

For instance, the operation closes at 2 p.m. every day. Perhaps no condition is as effective as this one, as the use simply does not operate after 2 p.m. and, therefore, never operates during the more impactful evening hours. This closing time is one hour earlier than the original conditions in the first BZA case.

This early closing time also then allows for a second unprecedented condition. Trash will never be stored overnight, either in or outside the Premises. Also, the public trash can will be emptied when CYM's daily trash is collected in the late afternoon. This eliminates the possibility of CYM being a source of a public trash can overflow or its own trash causing any issues. This is a brand-new condition. There was no trash condition in the first approval.

A third unprecedented condition is the street monitor, meant to mitigate against the stoop-sitting complaints (although we point out that the many resident owner supporters of CYM who live within a few feet of and in sight of CYM strongly dispute the level of impact from this complaint). This is also a brand-new condition.

The Applicant continues to agree to prohibit delivery from delivery service apps but also agrees to never have *any* delivery service, either in-house or by third-party service.

Stanchions will coordinate lines. This is a new condition.

In response to the Boardmembers' requests for even more conditions beyond the list above, CYM agrees to maintain signs asking patrons not to sit on any stoops and will offer flyers with the same message. The flyer will also direct patrons to available public seating.

In the past few months, including at the first hearing session, it has become apparent that certain unregulated uses are likely contributing to many of the conditions complained of by opponents of the Application much more than CYM. Specifically, Coffee Republic, which has no zoning conditions on its use, has a health inspection report showing no contract for either trash hauling services or rat/pest control services. Second, when school started, multiple properties with student tenants were the source of trash issues, including the Emads' property adjoining CYM, and another rental property across the street from CYM. See enclosed photos. CYM's manager cleaned up the trash from the street when they arrived in the morning.

In summary, the above conditions are more extensive than any other approved special exception food-related use. But more than that, the conditions are easy to measure, track, and enforce, and they are designed to directly address stated concerns effectively.



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