

EXHIBIT A

PROPOSED CONDITIONS IDENTIFYING REMAINING DIFFERENCES BETWEEN STAFF AND THE APPLICANT

1. Hours of operation shall be as follows

Sunday:	11:00 a.m. to 10:00 p.m.
Monday through Wednesday <u>Thursday</u> :	11:00 a.m. to 12:00 a.m.
<u>Thursday</u> Friday <u>through and</u> Saturday	11:00 a.m. to 2:00 a.m.

All Club members and guests shall quietly vacate by such closing hours.
2. The maximum membership shall be 244 people. At least fifty percent (50%) of the members of the Club shall consist of individuals who are “townpersons” as defined in the Town of Palm Beach Code.
3. The maximum number of members and guests from 11:00 a.m. to 5:00 p.m. shall not exceed 140 people and 118 seats as provided for in the seating plan that is Exhibit ____ of this Agreement.
4. The maximum number of members and guests after 5:00 p.m. shall not exceed ~~264 members and guest and 244 seats~~ the maximum occupancy per the life safety plan.
5. Valet parking is required after 5:00 p.m. until closing. A valet parking permit from the Police Department shall be required. There shall be two valet areas as identified in Exhibit ____ and further described herein. A valet stand for drop off only shall be in the same location as the former 264 Grill restaurant on the west side of South County Road. The other valet stand for both drop off and pickup of vehicles shall be located on the 200 block of Seaview Avenue on the south side of the street. Valets shall not use the one hundred block of Seaview Avenue for parking, or any of Seaspray and Seabreeze Avenues for the maneuvering or parking of vehicles for club members and guests. The two hundred block of Seaview Avenue shall not be used for member or guest parking of the Club.
6. A minimum of 8 valets during Season and 3 valet out of Season shall be on duty after 5:00 p.m. when the Club is open for business. The valet traffic circulation plan for the valet permit shall match the Town Council approved plan. The number of valets may be modified by the Police Department should it be determined that more or less valets are required to manage the Club parking.
7. Valets shall only use the designated valet drop off and pick up locations on the valet parking permit.
8. The Club shall be required to meet all Florida Department of Transportation (FDOT) requirements pertaining to the valet operations in the rights-of-way, including, if required, signing a lease with FDOT for proposed valet operations.

9. The Club shall only host one event per calendar year and that event shall only be a New Year's Eve Party. That event shall not exceed more than two hundred members and guests. No club member shall be allowed to have or sponsor a large events. A large event is defined as an event which includes, but is not limited to, gatherings of more than sixty (60) people during lunch (11:00 a.m. to 5:00 p.m.) and ninety (90) people after 5:00 p.m. for charitable events, rehearsal dinners, wedding receptions, bar mitzvahs, Hanukkah, Christmas or birthday parties.
10. The Club shall be required to have one off-duty police officer in order to assist with traffic at the event. A minimum of two police officers shall be required for a New Year Eve Party Additional police officers may be required as determined by the Police Department.
11. Club members shall be instructed that parking is prohibited and ~~guests are prohibited from parking~~ in Phipps Plaza and on Seaview, Seaspray and Seabreeze Avenues. ~~In addition, Club members and guests arriving at the Club at 5:00 p.m. or thereafter shall be required to valet their vehicle unless they are being dropped off.~~
12. Employees of the Club shall not be allowed to park in the Town of Palm Beach. The Club shall be required to shuttle its employees to the Club from an off-island location. The off-island location and hours of access shall be provided to the Town. Employees may also ride their bicycles or use public transportation. A bicycle rack shall be provided in a location approved by the Town.
13. Employees shall be required to use the designated bicycle rack to park their bike.
14. The Club shall provide the Code Enforcement Division of the Town Police Department with the license plate numbers of all employees every six months to monitor and ensure compliance.
15. All trash shall be stored inside the Club until after 8:00 a.m. on the designated solid waste pick up day.
16. The applicant shall provide state of the art exhaust vents and scrubbers for the kitchen and shall have said exhaust and scrubbers cleaned on a weekly basis. The Club shall have the schedule readily available for inspection.
17. The Club shall be considered an "entertainment establishment" and shall meet the regulations in Sections 22-271 through 22-277 of the Code of Ordinances. Violation of these provisions would come under the Article ____, Remedies for Violation, in this Agreement.
18. There shall be no outside dining, receptions ~~or music~~ without required zoning approvals obtained by the Town.

19. The roof of the Club's buildings shall not be used for any type of Club activity unless required zoning approvals are obtained by the Town.
20. Violations of the maximum noise decibel requirements as identified in the Code of Ordinances shall be deemed a violation of this Agreement.
- ~~21. If the Town Council determines that there are unforeseen negative impacts created by the Club the Town shall have the right to address those impacts and modify or add conditions to the Agreement.~~