

INTRODUCED: July 24, 2017

AN ORDINANCE No. 2017-153

To authorize the conditional use of the property known as 700 East Main Street for the purpose of authorizing a nightclub, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 11 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 700 East Main Street, which is situated in a B-4 Central Business District, desires to use such property for the purpose of a nightclub, which is currently allowed only by approval of a conditional use permit by City Council pursuant to section 30-440.2 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 30-1045.5 of the Code of the City of Richmond (2015), as amended, it has been made to appear that, if granted pursuant to the terms and conditions set forth in this ordinance and Chapter 30, Article X, Division 5.1 of the Code of the City of Richmond (2015), as amended, the conditional use permit granted by this ordinance will not be contrary to the general purposes of Chapter 30 of the Code of the City of Richmond (2015), as

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 11 2017 REJECTED: _____ STRICKEN: _____

amended, as stated in section 30-100 of the Code of the City of Richmond (2015), as amended; will not be in conflict with the objectives and policies of the master plan for the City; will conform with all applicable sections of Chapter 30, Article X of the Code of the City of Richmond (2015), as amended, and other applicable requirements of the district in which it is proposed to be located; will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located; will not have an undue adverse effect on the public health, safety or general welfare; will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives; will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets; will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities; will not cause the destruction, loss or damage of significant natural, scenic or historic features to any greater degree than development of the property for uses permitted by right in the district; will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement and character of existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation, driveways, signage and lighting; and will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has

conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1045.5 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the conditional use set forth in and subject to the terms and conditions of this ordinance will not be contrary to the general purposes of Chapter 30 of the Code of the City of Richmond (2015), as amended, as stated in section 30-100; will not be in conflict with the objectives and policies of the master plan for the City; will conform with all applicable sections of Chapter 30, Article X of the Code of the City of Richmond (2015), as amended, and other applicable requirements of the district in which it is proposed to be located; will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located; will not have an undue adverse effect on the public health, safety or general welfare; will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives; will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets; will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities; will not cause the destruction, loss or damage of significant natural, scenic or historic features to any greater degree than development of the property for uses permitted by right in the district; will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement and character of existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation,

driveways, signage and lighting; and will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located.

§ 2. **Grant of Conditional Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 700 East Main Street and identified as Tax Parcel No. W000-0006/027 in the 2017 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/ACSM Land Title Survey, 700 Main, LLC, Showing a Parcel of Land Situated at Northeast Corner of the Intersection of East Main Street and North 7th Street, City of Richmond, Virginia,” prepared by Richardson Surveying and Mapping Services, LLC, dated April 4, 2013, and last revised June 23, 2014, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of authorizing a nightclub, hereinafter referred to as “the Conditional Use,” substantially as shown on sheet A2.00 of the plans entitled “Rooftop, 700 East Main Street, Richmond, VA,” prepared by Colonial Architects, P.L.C., dated January 21, 2015, and last revised November 20, 2015, hereinafter referred to as “the Plans,” a copy of which is attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a conditional use permit for the Property. The conditional use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This conditional use permit is conditioned on the following special terms and conditions:

(a) Pursuant to section 30-440.2 of the Code of the City of Richmond (2015), as amended, the use of the rooftop of the Property shall include a nightclub, substantially as shown on the Plans.

(b) Operation of the nightclub use permitted by this conditional use permit shall be conducted strictly in accordance with the document entitled “Kabana Rooftop Management Plan,” dated July 14, 2017, a copy of which is attached to and made part of this ordinance.

§ 4. **Supplemental Terms and Conditions.** This conditional use permit is conditioned on the following supplemental terms and conditions:

(a) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(b) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(c) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This conditional use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this conditional use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1045.14 through 30-1045.17 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the conditional use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this conditional use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Conditional Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the conditional use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request

File Number: PRE. 2017.266

RECEIVED

JUL 24 2017

O & R REQUEST

4-6707

JUL 5 2017

~~OFFICE OF THE ATTORNEY~~
OFFICE OF THE ATTORNEY

Office of the
Chief Administrative Officer

DATE: June 30, 2017

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: ~~Levar M. Stoney, Mayor (Patron: Mayor, by Request)~~ *Levar M. Stoney*
(This in no way reflects a recommendation on behalf of the Mayor) *for Mayor*

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning *PLD 7-5-17*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *MO*

RE: To authorize the conditional use of a portion of the property known as 700 East Main Street for the purpose of authorizing a rooftop nightclub, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the conditional use of a portion of the property known as 700 East Main Street for the purpose of authorizing a rooftop nightclub, upon certain terms and conditions.

REASON: The applicant has proposed a rooftop nightclub use in the B-4 Central Business District. The B-4 district requires a conditional use permit for a nightclub use.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its August 21, 2017, meeting; or its September 5, 2017, meeting if the August meeting is canceled for the summer recess. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 19,870 SF (0.46 acre) parcel of land improved with a commercial building constructed, per tax assessment records, in 1964 and containing hotel and ground floor and rooftop restaurant uses. The property is located in the city's central business district at

the northeast corner of the intersection of East Main Street and North 7th Street.

The property is zoned in the B-4 Central Business District and is the subject of a 2013 special use permit amendment which enabled the current hotel use of the building. The proposed rooftop nightclub would be operated in conjunction with the existing rooftop restaurant and would be regulated by the conditions of the management plan mandated by the conditional use permit.

The City of Richmond's Downtown Plan designates the property within an Urban Core Area of the City Center district. "This area is characterized by high density, an intense mix of uses, and civic buildings of regional significance, distributed along urban blocks with wide sidewalks, regular street tree plantings, and buildings that front the street. City Center is an example of the urban core condition in Downtown Richmond, with tall buildings that contain a range of office, residential and retail space. Continued pedestrian-oriented development will support a vibrant street realm in City Center. Buildings are typically located on larger lots, and one building may cover a significant portion of the block. They are typically five or more stories in height. Buildings are located directly fronting the sidewalk. The ground floor of buildings is an active frontage with doors and windows fronting the street. Uses are minimally restricted, and commercial uses are permitted on the ground floor in all cases" (p. 3.27).

Adjacent and nearby properties are a part of the same B-4 Central Business District that encompasses much of the area. A mix of office, mixed-use, commercial, and multi-family residential land uses are present in the area.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,500 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: July 24, 2017

CITY COUNCIL PUBLIC HEARING DATE: September 11, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, August 21, 2017 or September 5, 2017

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance and Management Plan, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: Matthew J. Ebinger, AICP, Acting Principal Planner
Land Use Administration (Room 511), 646 6308

PDR O&R 17-18



Application for **CONDITIONAL USE PERMIT**

Department of Planning and Development Review

Land Use Administration Division

900 E. Broad Street, Room 511

Richmond Virginia 23219

(804) 646-6304

<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- conditional use permit, new
- conditional use permit, amendment

Project Name/Location

Property Address: 700 East Main Street Date: December 27, 2018

Tax Map #: W0000006027 Fee: \$1500

Total area of affected site in acres: 0.458 acres

(See page 8 for fee schedule please make check payable to the "City of Richmond")

Zoning

Current Zoning: B-4 (Central Business)

Existing Use: Hotel/Restaurant

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Restaurant and Night Club

Existing Use: Restaurant

Is this property subject to any previous land use cases?

- Yes
- No If Yes, please list the Ordinance Number _____

Applicant/Contact Person: Andrew M. Condlin, Esq.

Company: Roth Doner Jackson Gibbons Condlin, PLC

Mailing Address: 819 East Main Street, Suite 2110

City: Richmond State: VA Zip Code: _____

Telephone: (804) 977-3373 Fax: (804) 441-8438

Email: acondlin@rothdonerjackson.com

Property Owner: 700 Main, LLC

If Business Entity, name and title of authorized signee: Neil Amin, Managing Member

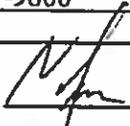
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 2000 Ware Bottom Spring Road

City: Chester State: VA Zip Code: 23836

Telephone: (804) 777-9000 Fax: ()

Email: neil@shaminhotels.com

Property Owner Signature: 

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**



roth doner jackson gibbons condlin, plc

attorneys at law

919 East Main Street, Suite 2110, Richmond, VA 23219-4625
(804) 441-8440 (main) - (804) 441-8438 (fax)
www.rothdonerjackson.com

Andrew M. Condlin
(804) 977-3373 (direct)
acondlin@rothdonerjackson.com

December 27, 2016

BY HAND DELIVERY

Ms. Lory Markham
City of Richmond Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Conditional Use Permit: 700 East Main Street

Dear Lory:

This letter shall serve as the Applicant's Report accompanying the application for a Conditional Use Permit (the "CUP") in order to authorize an existing restaurant to operate as a "nightclub", as that term is defined in the City Zoning Ordinance, during specified times for the property known as 700 East Main Street (the "Property"). The Property is located at the northeast corner of East Main and North 7th Street. The Property is occupied by a twenty-story commercial building containing approximately 290,000 square feet of floor area. The building is occupied by several commercial uses including two hotels, a ground floor restaurant, and a roof top (20th floor) restaurant that is the subject of this request.

The Property is zoned B-4 Central Business, which permits restaurants and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons. Prior to January 14, 2013, restaurants could be occupied as establishments with entertainment without restriction – meaning they could serve patrons and provide entertainment up until 2:00 AM. However, a zoning text amendment (Ordinance no. 2012-234-2013-2), adopted January 14, 2013, defined establishments with certain features operating after midnight as "Nightclubs". Specifically, the existing features that must occur after midnight to be deemed a "nightclub" include the service of alcoholic beverages, the provision of floor space for dancing or standing in conjunction with an entertainment activity, and music that is amplified through speakers for the purpose of entertaining patrons. Restaurants/establishments very commonly include these features in the vicinity downtown, which is a destination entertainment area. However, to the extent that they do, they are likely considered nonconforming (grandfathered).

My client, 700 Main, LLC, has redeveloped the Property and occupied it with a mix of uses including two hotels and an associated rooftop use that is primarily restaurant and outdoor

{00573158;v3}

dining as described above since the issuance of the initial certificate of occupancy, issued after the adoption of the new nightclub guidelines. The establishment has become a successful destination venue with strong brunch, lunch and dinner hour patronage as well as with an after-dinner evening crowd and related entertainment. The Property is improved consistent with a restaurant with fixed seating for dining, outdoor dining area/deck, a bar, and areas designated for standing in close proximity to the bar.

The business is most often operated as a typical restaurant and bar with background music playing through speakers. There is no stage or dance floor. So the entertainment activity consists generally of background music and on occasion with a DJ. On select occasions falling intermittently on Wednesdays live music or other live entertainment is provided. This activity qualifies as a nightclub for a total of eight hours each week from midnight until 2:00 AM Wednesday through Saturday. Much of the existing use, in fact all of it taking place prior to 12:00 midnight on Wednesdays through Saturdays, is permitted by right as a restaurant. The characteristics of the use do not change after 12:00 midnight. However, City Code provides that such activity after midnight, including amplified background music for standing patrons, automatically makes it a nightclub requiring a conditional use permit. Unfortunately, this type of entertainment activity can only be operational from 6:00 AM until 12:00 midnight per the 2013 nightclub standards. As a result, while not intuitively a nightclub with the absence of a dance floor or stage, the use of the Property including the service of alcohol associated with the provision of music through speakers for the patrons is not permitted after 12:00 midnight. The owner was unaware that the operational characteristics of the establishment after midnight would be considered a nightclub until receiving notification from the City

As a result, the proposed use would be a "nightclub" for eight hours each week, Wednesday through Saturday. The use of the Property is subject to a Special Use Permit, Ordinance No. 2013-229-205, which permits the "use of the building for uses permitted in the underlying zoning". The underlying B-4 zoning permits "permitted principal and accessory uses" and "principal uses permitted by conditional use permit." The nightclub use is enumerated as a principal use permitted by conditional use permit. Therefore, a conditional use permit is needed to authorize the use of the Property as a nightclub during those 8 hours.

This request is consistent with the recommendations of the Downtown Plan on a variety of levels. The Downtown Plan recognizes the Property as an Urban Core Area, which suggests the area is appropriate for "an intense mix of uses". The Downtown Plan further recognized that "Recent redevelopment and revitalization efforts have helped to spark a returned interest in transforming the City Center into a 24-hour mixed-use community...The plan for the City Center seeks to build upon this momentum and encourage more residents, visitors, and businesses to return to the area." The proposed and existing uses of the Property collectively represent that intense mix while assisting in the transformation of the area into a vibrant "24-hour mixed-use community". Consistent with the appropriateness of an intense mix of uses, the provision of entertainment uses in the vicinity is recognized as a positive by the Downtown Plan, which recognizes the continued success of downtown areas such as Shockoe Slip as an upscale

residential, office and entertainment district. Finally, the redevelopment of the Property to include two hotels, a ground floor upscale restaurant and the rooftop restaurant/nightclub responds to Downtown Plan text relating to the City Center Area and the Convention Center. It was recognized that the Convention Center, which creates an opportunity to draw convention-goers and visitors into Downtown, would benefit from revitalization of the area around it through the addition of development that would be appealing to visitors and encourage convention-goers to venture further into Downtown. Given the close proximity of the Property to the Convention Center, its redevelopment represents the type of revitalization the Downtown Plan referred to. The Property is ideally situated to meet the lodging needs of convention goers while adding needed appeal to downtown visitors through the provision of an upscale rooftop destination restaurant/nightclub.

The conditional use provisions are intended as a means for reviewing and approving certain uses which, although generally appropriate in the district in which they are permitted, have potentially greater impacts on neighboring properties than uses which are permitted by right. The numerous existing restaurant/nightclubs in the downtown area and the recognition of the benefit of revitalization, 24-hour mixed-use, and entertainment uses in the Downtown Plan support that the proposed use is generally appropriate in the area. Given the site-specific context, the proposed use is even more appropriate at this location. City Policy supports such a use for the Property given the call for investment in the vicinity of the Convention Center. The proposed use is compatible with surrounding land uses. The property is surrounded predominantly by professional and government office buildings which are largely unoccupied during the hours of the nightclub's proposed operation. The closest land uses are hotels located within the same building. Given the relationship of the restaurant/nightclub to the hotels directly below it, the ownership has an added vested interest in operating it in a manner that minimizes its impacts on guests staying there. Finally, while similar restaurant/nightclubs in the vicinity are nonconforming and operate without condition, this request includes a Management Plan (Exhibit A), which includes measures that are intended to ensure compatibility with the surrounding area and mitigate any unanticipated adverse impacts.

The zoning nightclub definition is very loose and captures uses with varying operational characteristics. Some of those characteristics, such as permanent dance floors and stages and operation throughout the week might be more impactful than others. In this case, with a general limitation to Wednesday through Saturday nights, the Management Plan, and the floor plan which is absent any dance floors or stages, the proposed operation of the Property as a nightclub is limited in impact. Unlike many venues which might rely solely on late night patronage, the existing use will remain a full service restaurant that will attract visitors to the area throughout the day. Given the recommendations of the Downtown Plan, the surrounding land uses, the specific details of this request and the specific location and attributes of the Property, the proposed use is appropriate for the Property and it meets the criteria set forth in the Charter of the City of Richmond that the use: (1) will not be contrary to the general purposes of the chapter as stated in section 114-100; (2) will not be in conflict with the objectives and policies of the master plan for the city; (3) will conform with all applicable sections of Article X and other

Ms. Lory Markham
December 27, 2016
Page 4

applicable requirements of the district in which it is proposed to be located; (4) will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located; (5) will not have an undue adverse effect on the public health, safety or general welfare; (6) will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives; (7) will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets; (8) will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities; (9) will not cause the destruction, loss or damage of significant natural, scenic or historic features to any greater degree than development of the property for uses permitted by right in the district; (10) will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement and character of existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation, driveways, signage and lighting; and (11) will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located.

Thank you for your time and consideration of this request, please let me know if you have any questions.

Sincerely,

Andrew M. Condlin

Enclosures

cc: The Honorable Ellen F. Robertson

Kabana Rooftop
700 Main Roof, LLC
700 East Main Street
20th Floor
Richmond VA 23219

KABANA ROOFTOP MANAGEMENT PLAN

July 14, 2017

Operational characteristics and features of the nightclub:

1. Hours of operation, and days of the week on which the establishment will be operated as a nightclub:

- Hours during which the establishment will be operated as a nightclub
 - The restaurant will be operated as a nightclub a total of 6 hours during a given week.
 - **Thursdays - Saturdays 12:00 AM – 2:00 AM**

2. Type of Virginia Alcoholic Beverage Control license:

- Mixed beverage
- Wine and Beer off premises

3. Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor and standing room areas and capacity, which floor plan shall be posted on the premises in a prominent location viewable by the patrons:

See plans entitled: "Rooftop, 700 East Main Street, Richmond, VA," prepared by Colonial Architects, P.L.C., dated January 21, 2015.

4. Total occupant load:

<u>Occupancy Type</u>	<u>Total Occupants</u>
<i>Inside/Lounge</i>	
Assembly (A-2)	127
Kitchen (B)	4
Total Inside	131
<i>Outside/Deck</i>	
Assembly (A-2)	204
Outdoor Bar (B)	1
Total Outdoor	205
Total Occupants	<u>336</u>

5. General type, frequency, and hours of entertainment to be provided:

- Entertainment would generally include, but not be limited to, a DJ with occasional live music or other live performances.
- Entertainment would be provided Thursday through Saturday nights from 12:00 AM until 2:00 AM.

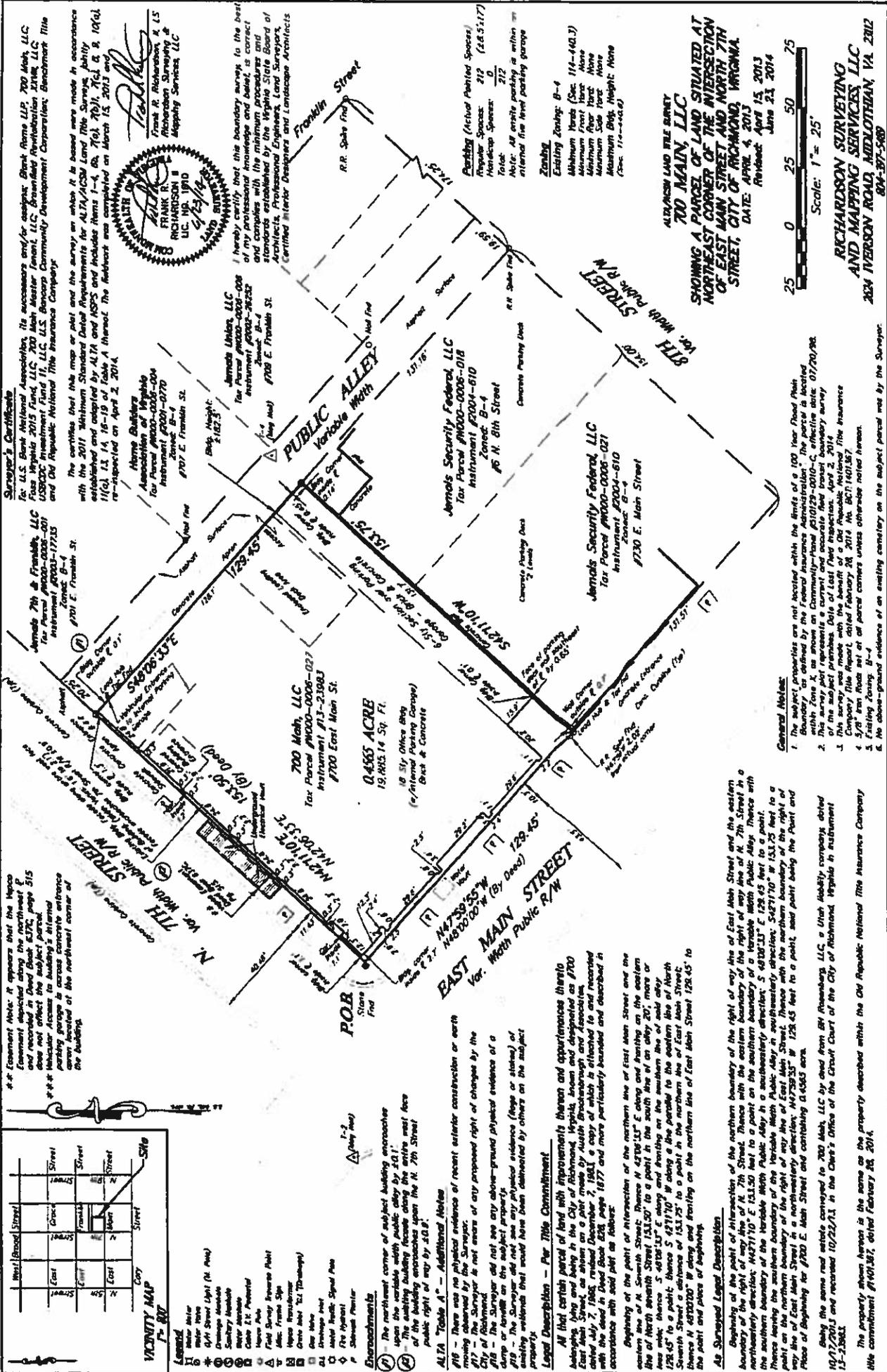
6. Provisions for security and crowd management, including the following:

a. Provisions for a level of security and crowd management sufficient to comply with the requirements of chapter 6, article V of the code of the City of Richmond, whether or not the nightclub is required to obtain a public dance hall permit:

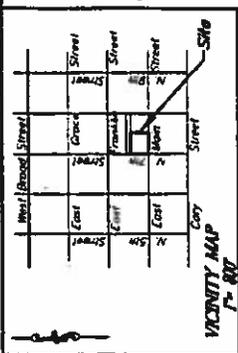
- **On Thursday through Saturday evenings while the establishment is operated as a nightclub there will be 6 private security personnel and 1 off duty officer.**

b. Procedures, features, arrangements and staffing levels for security and crowd management for both the interior and exterior of the premises:

- **The private security personnel shall be stationed at all entrances and exits outside and in high traffic areas to keep walkways clear and free flowing with 1 "floating". The off duty officer shall be at the front door.**



*** Easement Note: It appears that the Virginia Easement depicted along the northeast E line and recorded in Deed Book 872C, page 515 does not affect the subject parcel. The parking garage is across concrete entrance screen located at the northeast corner of the building.



- Legend**
- 1 Meter Meter
 - 2 Meter Meter
 - 3 4th Street Light (N. Ave)
 - 4 Survey Boundary
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ALTA Table A - Additional Note

1. There was no physical evidence of recent relative construction or earth surveying by the Surveyor.

2. The Surveyor is not aware of any proposed right of changes by the City of Richmond.

3. The Surveyor did not see any above-ground physical evidence of a dump or landfill on the subject property.

4. The Surveyor did not see any physical evidence (logs or stumps) of existing subgrade that would have been delineated by others on the subject property.

Legal Descriptions - Per Title Commitment

All that certain parcel of land with improvements thereon and appurtenances thereto including map and being in the City of Richmond, Virginia known and designated as 1700 East Main Street, as shown on a plat made by Austin Brookmeyer and Associates, dated July 7, 1985, as revised December 7, 1985, a copy of which is attached to and recorded with the deed in Deed Book 828, page 1877 and more particularly bounded and described in accordance with said plat as follows:

Beginning at the point of intersection of the northern line of East Main Street and the eastern line of N. Seventh Street; thence N 42°00'11" E along and fronting on the eastern line of N. Seventh Street 151.50' to a point in the south line of an alley 20' wide or less wide; thence S 48°05'17" E along and fronting on the western line of said alley 128.45' to a point; thence S 42°11'10" W along a line parallel to the eastern line of North Seventh Street a distance of 151.25' to a point in the northern line of East Main Street; thence N 48°02'00" W along and fronting on the northern line of East Main Street 128.45' to the point and piece of beginning.

All Surveyed Legal Descriptions

Beginning at the point of intersection of the northern boundary of the right of way line of East Main Street and the eastern boundary of the right of way line of N. 7th Street; thence with the eastern boundary of the right of way line of N. 7th Street in a southerly direction; N42°11'10" E 151.50' to a point on the southern boundary of a Variable Width Public Alley; thence with the southern boundary of the Variable Width Public Alley in a southerly direction; S 48°05'17" E 128.45' feet to a point; thence with the northern boundary of the Variable Width Public Alley in a southerly direction; S 42°11'10" W 151.25' feet to a point on the northern boundary of the right of way line of East Main Street; thence with the northern boundary of the right of way line of East Main Street in a northwesterly direction; N42°11'10" W 128.45' feet to a point; and point being the Point and Piece of Beginning for 1700 E. Main Street and containing 0.4565 acres.

Being the same real estate conveyed to 700 Main, LLC by deed from BR Roseburg, LLC, a Utah liability company, dated 10/07/2013 and recorded 10/22/13 in the Clerk's Office of the Circuit Court of the City of Richmond, Virginia in instrument 13-25863.

The property shown hereon is the same as the property described within the OH Republic National Title Insurance Company 80% commitment #1401367, dated February 28, 2014.

General Notes:

- The subject properties are not located within the limits of a 100 Year Flood Plain Boundary, as defined by the Federal Insurance Administration. The parcel is located within Zone X, as shown on Community-Flood #1010229-2010-C, effective date: 07/20/08.
- This survey was made in accordance with the Virginia Surveying and Mapping Act of 1980 and the subject premises. Date of Last Field Inspection: April 2, 2014.
- This survey was made with the benefit of a OH Republic National Title Insurance Company Title Report, dated February 28, 2014 No. BC11401367.
- 5/8" Iron Rod set at all parcel corners unless otherwise noted hereon.
- Existing Zoning: B-4.
- No above-ground evidence of an existing easement on the subject parcel was by the Surveyor.

Surveyor's Certificate

I, the undersigned, being a duly Licensed Professional Surveyor in the State of Virginia, do hereby certify that this map and plat and the survey on which it is based were made in accordance with the 2011 Minimum Standards of Professional Practice for ALTA/ACSM Land Title Surveys, as established and adopted by ALTA and NSPS, and includes items 1-4, 6, 7(a), 7(b), 7(c), 8, 9, 10(a), 11(a), 12, 13, 14, 15, 16-19 of Table A thereof. The instrument was filed on April 15, 2013 and re-surveyed on April 2, 2014.

Home Builders Association of Virginia
 For Parcel #1000-0006-004
 Instrument #201-0770
 #707 E. Franklin St.

James Leitch, LLC
 For Parcel #1000-0006-008
 Instrument #2002-26282
 Zone: B-4
 #700 E. Franklin St.

Jermals Security Federal, LLC
 Tax Parcel #1000-0006-018
 Instrument #2004-610
 Zone: B-4
 #6 N. 8th Street

Jermals Security Federal, LLC
 Tax Parcel #1000-0006-021
 Instrument #2004-610
 Zone: B-4
 #730 E. Main Street

700 Main, LLC
 Tax Parcel #1000-0006-027
 Instrument #13-23983
 #700 East Main St.

0.4565 ACRE
 19,865.14 Sq. Ft.
 18 City Office Bldg
 (Informal Parking Garage)
 Back & Concrete

Public Alley
 Variable Width
 121.16'

East Main Street
 Var. Width Public R/W
 128.45'

North 7th Street
 Var. Width Public R/W
 128.45'

Franklin Street
 R.R. Spike Road

8711 W. Main Street
 Var. Width Public R/W
 128.45'

Richardson Surveying and Mapping Services, LLC
 2624 Iverson Road, Middleburg, VA 20112
 804-897-5889

Richardson Surveying and Mapping Services, LLC
 Frank R. Richardson, PLS
 Richard R. Richardson, PLS
 License No. 1910
 9/25/14

I hereby certify that this boundary survey to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.

Permitting (Actual Permitted Spaces)
 Regular Spaces: 219 (28.5:17)
 Handicap Spaces: 212
 Total: 431

Note: All events parking is within the attached fire level parking garage

Zoning
 Existing Zoning: B-4
 Minimum Front Setback: 114'-140.3'
 Minimum Front Yard: None
 Minimum Side Yard: None
 Minimum Rear Yard: None
 Maximum Bldg. Height: None
 (See 17-1-200-04)

ALTA/ACSM LAND TITLE SURVEY
700 MAIN, LLC
SHOWING A PARCEL OF LAND SITUATED AT
NORTHEAST CORNER OF THE INTERSECTION
OF EAST MAIN STREET AND NORTH 7TH
STREET, CITY OF RICHMOND, VIRGINIA.
 DATE: APRIL 15, 2013
 REVISION: APRIL 23, 2014

Scale: 1" = 25'
 25 0 25 50 75

Richardson Surveying and Mapping Services, LLC
 2624 Iverson Road, Middleburg, VA 20112
 804-897-5889