

INTRODUCED: March 11, 2024

AN ORDINANCE No. 2024-089

To authorize the special use of the property known as 3001 West Leigh Street for the purpose of a mixed-use building with outdoor dining, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 8 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 3001 West Leigh Street, which is situated in a B-7 Mixed-Use Business District, desires to use such property for the purpose of a mixed-use building with outdoor dining, which use, among other things, is not currently allowed by section 30-446.2, concerning permitted principal and accessory uses, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: APRIL 8 2024 REJECTED: _____ STRICKEN: _____

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; 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 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 3000 West Leigh Street and identified as Tax Parcel No. N000-1593/011 in the 2024 records of the City Assessor, being more particularly described in Exhibit A of a deed recorded in the Office of the Clerk for the Circuit Court of the City of Richmond as Instrument #20000005B, and dated January 2, 2020, 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 a mixed-use building with outdoor dining, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Lillian (Salt House) Restaurant TI,” prepared by Fultz & Singh, and dated January 10, 2024, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special 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 special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a mixed-use building with outdoor dining, substantially as shown on the Plans.

(b) No off-street parking shall be required for the Special Use.

(c) The Property shall not be used for outdoor dining before 11:00 a.m. or after 11:00 p.m. Occupancy of the outdoor dining area shall not exceed 20 persons or the maximum capacity allowed by the Virginia Uniform Statewide Building Code, whichever is less.

(d) No live music shall be permitted in the outdoor dining area.

(e) All materials and site improvements shall be substantially as shown on the Plans.

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

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) 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.

(d) 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 (2020), as amended, and all future amendments to such laws.

(e) 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 special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special 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 (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special 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 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), 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 (2020), 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 special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special 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.

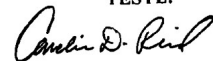
§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

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

APPROVED AS TO FORM:

City Attorney's Office

A TRUE COPY:
TESTE:



City Clerk



City of Richmond

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

Master

File Number: Admin-2024-0144

File ID: Admin-2024-0144

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 02/14/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 03/11/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-0144 - Application Documents,
Admin-2024-0144 - Ordinance AATF

Enactment Number:

Contact:

Introduction Date:

Drafter: James.Dealaman@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	2/14/2024	Matthew Ebinger	Approve	2/16/2024
1	2	2/14/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	2/15/2024	Kevin Vonck	Approve	2/21/2024
1	4	2/15/2024	Alecia Blackwell - FYI	Notified - FYI	
1	5	2/15/2024	Sharon Ebert - FYI	Notified - FYI	
1	6	2/15/2024	Caitlin Sedano - FYI	Notified - FYI	
1	7	2/22/2024	Jeff Gray	Approve	2/19/2024
1	8	2/23/2024	Lincoln Saunders	Approve	2/26/2024
1	9	2/28/2024	Mayor Stoney	Approve	2/27/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2024-0144

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: February 14, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)
(This is no way reflects a recommendation on behalf of the Mayor)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 3001 W. Leigh St. for the purpose of a mixed-use building with outdoor dining, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize a mixed-use building with outdoor dining, which use, among other things, is not currently allowed by section 30-446.2, concerning permitted principal and accessory uses, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required.

BACKGROUND: The property is in the Scott's Addition neighborhood situated on a block bounded by Altamont Avenue, Summit Avenue, W Clay Street, and W Leigh Street. The property is currently a 21,693 sq. ft. (0.498) parcel of land that contains an existing 5-story mixed-use structure.

The current zoning for the property is B-7 Mixed-Use Business District which does not allow outdoor dining areas situated within 100 feet of any property located in a residential zoning district. The proposal provides outdoor dining space that is approximately 82 feet away from the R-7 Single-and Two-Family Urban Residential District to the north therefore the applicant has requested a Special Use Permit.

The City's Richmond 300 Master Plan designates a future land use for the subject property as

Industrial Mixed-Use, which is defined as “formerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions. These areas may still retain some light industrial uses.”

“Intensity: Medium- to high-density, three to eight stories. Primary Uses: Retail/office/ personal service, multi-family residential, cultural, and open space. Secondary Uses: Institutional and government.” The property is situated around the Greater Scott’s Addition priority growth node, which “is home to a series of neighborhoods that provide new employment and housing developments connected by a series of open spaces and a transportation network that support families and aging-in-place. (p. 62)”

COMMUNITY ENGAGEMENT: The Greater Scott’s Addition Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan;

FISCAL IMPACT: \$300 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 11, 2024

CITY COUNCIL PUBLIC HEARING DATE: April 8, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission April 2, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant’s Report, Plans, Map

STAFF: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308

James Dealaman, Planner Associate - Land Use Administration 804-646-0455



Application for **SPECIAL 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)

- special use permit, new**
- special use permit, plan amendment**
- special use permit, text only amendment**

Project Name/Location

Property Address: 3001 West Leigh Street Date: April 20, 2023

Tax Map #: N0001593011 Fee: _____

Total area of affected site in acres: 1800 sqft

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: _____

Existing Use: _____

Proposed Use

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

Our restaurant is going into the corner/ground floor. We merely want to be able to put patio seating onto the sidewalk. (on Landlord property only)

Existing Use: _____

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Patrick Phelan

Company: AMP Restaurant Group

Mailing Address: 2939 West Clay St

City: Richmond State: VA Zip Code: 23230

Telephone: (860) 280-6133 Fax: ()

Email: patrick@longovenva.com

Property Owner: CSRA OPPORTUNITY ZONE FUND III OWNER LLC

If Business Entity, name and title of authorized signee: Louis J. Rogers, Principal

(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.)

10900 Nuckols Rd, Suite 200

Mailing Address: _____

City: Glen Allen State: VA Zip Code: 23060

Telephone: (804) 290-7900 Fax: ()

Email: nmason@capitalsq.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.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



Review & Approval process for **SPECIAL USE PERMIT**

In instances where it has been determined that underlying zoning regulations cannot be met, a special use permit may be granted by City Council to provide relief from zoning regulations.

Special use permit applications are reviewed for compliance with the City's Master Plan to ensure the proposal is compatible with the surrounding area and that it is an appropriate use for the site. Specifically, applications are reviewed to ensure that the City Charter conditions for granting special use permits have been met. The City Charter requires that prior to City Council approval; it must be shown that the proposed special use will **not**:

1. be detrimental to the safety, health, morals and general welfare of the community involved;
2. create congestion in streets, roads, alleys and other public ways and places in the area involved;
3. create hazards from fire, panic or other dangers;
4. tend to cause overcrowding of land and an undue concentration of population;
5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
6. interfere with adequate light and air.

Applicants **are encouraged** to schedule a pre-application conference with the Division of Land Use Administration staff to review related Master Plan, land use and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

Applicants should also discuss the proposed special use permit with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

The Division of Land Use Administration circulates the special use permit application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

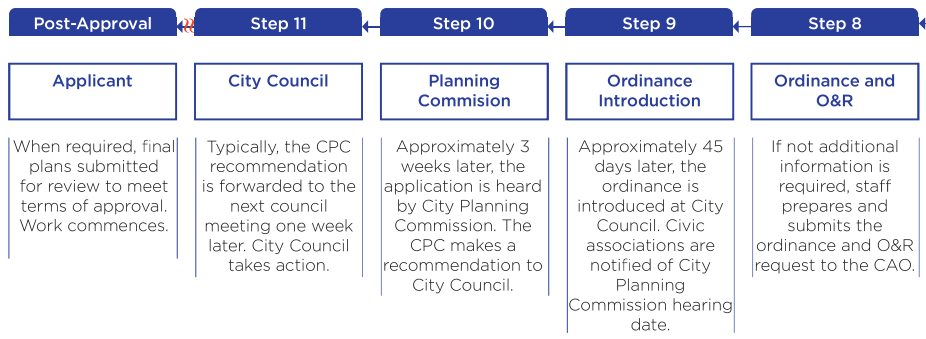
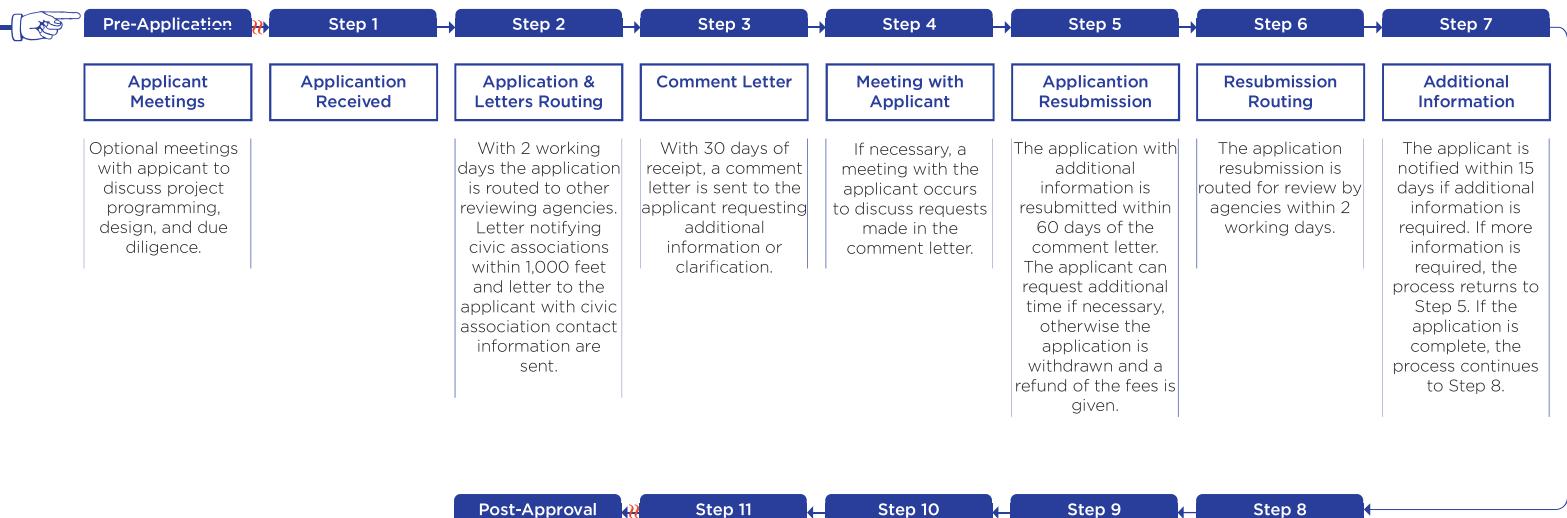
After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested conditions to be included in the ordinance and any suggested changes to the plans. If the property is located in a City Old and Historic District and the request involves exterior alterations, additions or new construction, the plans should also be reviewed by the Commission of Architectural Review prior to an ordinance being introduced in City Council. Once the plans are in final form, an ordinance is drafted and the plans are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed special use permit and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance. Six affirmative votes of City Council are required to adopt a special use ordinance. Please note that there is a fee of \$250 for each continuance caused by the applicant.

If the special use ordinance is adopted by City Council, the applicant has a specified time period in which to apply for a building permit to implement the special use permit. Building permit plans must be substantially in accordance with the adopted special use permit plans, otherwise a building permit will not be issued. In general, the approval process for special use permits takes between 120 to 180 days. However, depending on the complexity of the proposed special use permit, more or less time may be required. The City Planning Commission considers approval of special use permits at its regular meetings on the first and third Monday of each month.

Incomplete submissions or major modifications to the plan during the review process may cause delays in the schedule.

Legislative Land Use Application Process





FILING

Special use permit applications are filed with the:

Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street, Richmond, Virginia 23219
Telephone (804) 646-6304

APPLICATION REQUIREMENTS

The application for a special use permit must include the following, each part of which is explained below. ***Application must be submitted in an electronic format (PDF).***

- 1. Application form, including a completed checklist;**
- 2. Application fee;**
- 3. Applicant's report;**
- 4. Electronic PDF plans; and**
- 5. Survey plat.**

- 1. Application Form:** All the owners of the property must sign the application form. If a legal representative signs for a property owner, a copy of an executed power of attorney is required.
- 2. Application Fee:** The appropriate fee must accompany the application. Checks should be made payable to the "City of Richmond". The fees are determined from the attached fee schedule.
- 3. Applicant's Report: A written report must be submitted describing the proposed use.** For non-residential development, the description should include the anticipated number of employees, hours of operation, and an estimate of the amount of vehicular traffic that will be generated by the use. The report should point out the specific features of the special use that will ensure that it will be compatible with the surrounding area, and that it is an appropriate use for the site. In addition, the City Charter specifies certain conditions that must be met before City Council can approve a special use permit. It must be shown that the proposed special use will **not:**
 - be detrimental to the safety, health, morals and general welfare of the community involved;
 - tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
 - create hazards from fire, panic or other dangers;
 - tend to cause overcrowding of land and an undue concentration of population;
 - adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
 - interfere with adequate light and air.

The report must indicate the reasons why the applicant feels these conditions will be met (e.g., features of the plan, characteristics of the proposed use or surrounding area). ***Please note*** that the ***above materials will be forwarded to the City Planning Commission and City Council along with the special use permit ordinance.***



FILING

4. **Plans:** Plans are required to provide sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with surrounding development. Plans must be properly scaled and include a scale bar. Depending on the request, plans may include the following:
 - a. Site Plan
 - b. Elevation Plans
 - c. Floor Plans
 - d. Landscape Plans
 - e. Signage Plan & Details
 - f. Lighting Plan & Details

In some cases not all plans would be relevant to the request and may not be required. If there is a question about the level of detail required, please contact Land Use Administration Staff. Electronic Plans (PDF) are required with the initial application and any subsequent resubmissions. Electronic plans may be submitted on a disk or via email at: DCDLanduseadmin@richmondgov.com.

5. **Survey Plat:** A PDF of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
 - a. North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
 - b. Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.



COMMUNITY UNIT PLAN

Preliminary	\$3,000 + \$100/acre ¹
Extension of Preliminary Approval	\$1,500
Final	\$1,500 + \$100/acre ¹
Amendment	\$1,500 + \$100/acre ¹

CONDITIONAL USE PERMIT

Initial	\$1,500 + \$100/acre ²
Amendment	\$1,000 + \$100/acre ²

PLAN OF DEVELOPMENT

Floor area & Land disturbed ≤5,000 square feet	\$500 + \$100/acre ²
Floor area & Land disturbed ≥5,001 & ≤50,000 square feet	\$1,000 + \$100/acre ²
Floor area & Land disturbed ≥50,001 square feet	\$1,500 + \$100/acre ²

REZONING/CONDITIONAL REZONING

Each continuance caused by the applicant	\$1,500 + \$100/acre ²
	\$250

SPECIAL USE PERMIT

<i>Use</i>	<i>Initial</i>	<i>Amendment</i>
Day Nursery	\$300	\$200
Single- or two-family detached or attached dwelling	\$300	\$200
Outdoor dining	\$300	\$200
Mobile food business	\$300	\$200
Sign	\$300	\$200
Multi-family dwelling (3 to ten units)	\$1,800	\$1,200
Commercial or industrial equal to or less than 5,000 sq ft	\$1,800	\$1,200
Multi-family dwelling (more than 10 units)	\$2,400	\$1,800
Commercial or industrial more than 5,000 sq ft	\$2,400	\$1,800
Each continuance caused by the applicant	\$250	

SUBDIVISION

Preliminary Plat	\$500 + \$15/lot
Extension of Preliminary Plat Approval	\$150
Final Plat	\$500 + \$15/lot
Subdivision Confirmation Letter	\$100
Continuance*	\$50
Plat of Correction	\$100

A full refund of the application fee is permitted if the application is withdrawn prior to the second submittal of plans. Once a second submittal of plans is made, fees are not refundable.

¹For Community Unit Plans (CUP), the first 10 acres are included in the base price.

²For Conditional Use Permits, Plans of Development, and Rezoning, the first acre is included in the base price.

For all applications with an additional price per acre, fractions of an acre are rounded up to the nearest whole number. Do not prorate the fee per fraction of acre.

- Example: A Conditional Use Permit (CUP) for a 0.76 acre property would owe \$1,500 (base fee only). A CUP for a 2.3 acre property would owe \$1,700 (\$1,500 base fee + 2*100 (for the 1.3 acres over the first acre))

* No charge for the 1st continuance requested by the applicant or for any continuance requested by the Planning Commission. The second or subsequent continuance request by the applicant costs \$50.

Fees went into effect upon adoption of Ordinance No. 2018-209 by City Council on September 10, 2018.

Applicant Report
Salt House Restaurant
3001 West Leigh Street
Special Use Application
City of Richmond

April 23, 2023

AMP Restaurant Group (Longoven, Nokoribi) has signed a lease with Capital Square Development to open a restaurant on the first floor of the Gem apartments at 3001 West Leigh Street. We are in the process of getting our construction plans approved by the city, and that is going well.

Salt House is a fine dining raw bar concept. There will be table service & similar service levels for the type of restaurant we are opening.

We request that we be allowed to have patio seating (20 seats +/-) on the private property just outside of 3001 West Leigh. We would not encroach on the public sidewalk - the accompanying plat drawings show where the private property stops and we would stay inside those lines. In addition, the likely hours of operation (noon until 10pm) would not be abnormal. There would not be any outdoor live music. There is no additional exterior lighting being proposed and all exterior lighting has already been approved and installed under the base building permit (BLDC-082686-2021). Tenant signage will be submitted under a separate sign permit. We anticipate opening in early September 2023.

Please let us know if you have any questions. We appreciate your consideration.

Patrick Phelan
Owner, AMP Restaurant Group

Prepared by and After Recording
Return To:

20-53

M-12'06

Capital Square Development, LLC
10900 Nuckols Road, Suite 200
Glen Allen, Virginia 23060
Attention: Jeffrey A. Gregor, Esquire
Virginia Bar No.: 45421

GPIN No.: N0001593007, N0001593008, and N0001593011

Consideration: \$1,800,000.00
Assessment: \$994,000.00

Title Insurance: Chicago Title Insurance Company

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed") is made and entered into as of the 30th day of December, 2019 by and between, **CASH PROPERTIES LLC**, a Virginia limited liability company ("Grantor"), and **CSRA OPPORTUNITY ZONE FUND III OWNER, LLC**, a Virginia limited liability company ("Grantee"), having an address of 10900 Nuckols Road, Suite 200, Glen Allen, Virginia 23060.

WITNESSETH:

That for and in consideration of the above referenced amount, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant, bargain, sell and convey with SPECIAL WARRANTY unto Grantee in fee simple, the following described property (the "Property"):

See **EXHIBIT A** attached hereto and incorporated herein.

This conveyance is made expressly subject to the restrictions, conditions, rights-of-way, and easements, if any, contained in the instruments constituting the chain of title to the Property conveyed by this Deed.

Grantor further covenants to execute such further assurances of the conveyance of the
Property.

[Signature appears on following page.]

WITNESS the following signatures and seals:

Grantor:

CASH PROPERTIES LLC,
a Virginia limited liability company

By: Sean Cantrell
Sean Cantrell, Manager

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Henrico, to-wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Sean Cantrell, Manager of CASH PROPERTIES LLC, a Virginia limited liability company, whose name is signed to the foregoing instrument, has acknowledged the same before me in the aforesaid jurisdiction on behalf of the limited liability company.

GIVEN under my hand and seal on December 30, 2019.

Candace M. Winston
Notary Public

My Commission expires: 2/28/21
Registration No.: 7352008

[Affix Legible Notary Seal]



EXHIBIT A

PARCEL I: (3003 W. Leigh Street)

ALL that certain lot or parcel of land, lying and being in the City of Richmond, Virginia, with improvements thereon designated as 3003 West Leigh Street and being Lot 21 in Square E in the subdivision of Parcel 8 of the Hermitage Tract.

COMMENCING at a point on the south line of Leigh Street 35 feet west of Altamont Avenue and thence running westwardly along and fronting 30 feet on the south line of Leigh Street and thence running back between lines parallel with the west line of Altamont Avenue 140.0 feet to an alley 20 feet wide.

PARCEL II: (3005 W. Leigh Street)

ALL that certain lot or parcel of land, lying and being in the City of Richmond, Virginia, with all improvements thereon designated as 3005 West Leigh Street and being Lot 20 in Square E in the subdivision of Parcel 8 of the Hermitage Tract.

COMMENCING at a point on the south line of Leigh Street 65 feet west of the west line of Altamont Avenue; thence running westwardly along and fronting 30 feet on the said south line of Leigh Street thence running back from said front between parallel lines 140.0 feet to an alley 20 feet wide.

PARCEL III: (3007 W. Leigh Street)

ALL that certain lot, piece or parcel of land, together with the improvements thereon, commonly known by House No. 3007 (formerly 3107) West Leigh Street, lying and being in the City of Richmond, Virginia, situated on the southern line of Leigh Street, and being more particularly described as follows:

BEGINNING at a point on the southern line of Leigh Street ninety-five (95) feet west of its intersection with the western line of Altamont Avenue: thence extending Westwardly along and fronting on the southern line of Leigh Avenue (30) feet; thence extending back from said front between parallel lines one hundred forty feet to an alley twenty (20) feet wide, which said property abuts 30 feet; being Lot 19 in Square E of the subdivision of Parcel No. 8 in the Hermitage Tract

PARCEL IV: (3009 W. Leigh Street)

ALL that certain lo, piece or parcel of land, with improvements thereon, lying and being in the City of Richmond, Virginia, known as 3009 West Leigh Street and designated as Lot 18, Block E, Plan of Parcel No. 8 of Hermitage Tract, as shown on a certain plat prepared by Fred A. Gibson & Associates, entitled "Plat Showing Improvements on Lot 18, Block 'E', Plan of Parcel 8 of Hermitage Tract, in the City of Richmond, Virginia" dated May 15, 1991, and recorded in the

Clerk's Office, Circuit Court, City of Richmond, Virginia, in Deed Book 269, page 110 and to which plat reference is hereby made for a more particular description of the lot hereby conveyed.

BEING the same real estate conveyed to Cash Properties, LLC, a Virginia limited liability company, by Deed from 3009 West Leigh Street, LLC, a Virginia limited liability company, dated October 24, 2008, recorded November 14, 2008 in the Clerk's Office of the Circuit Court of the City of Richmond, Virginia, as Instrument No. 080029298.

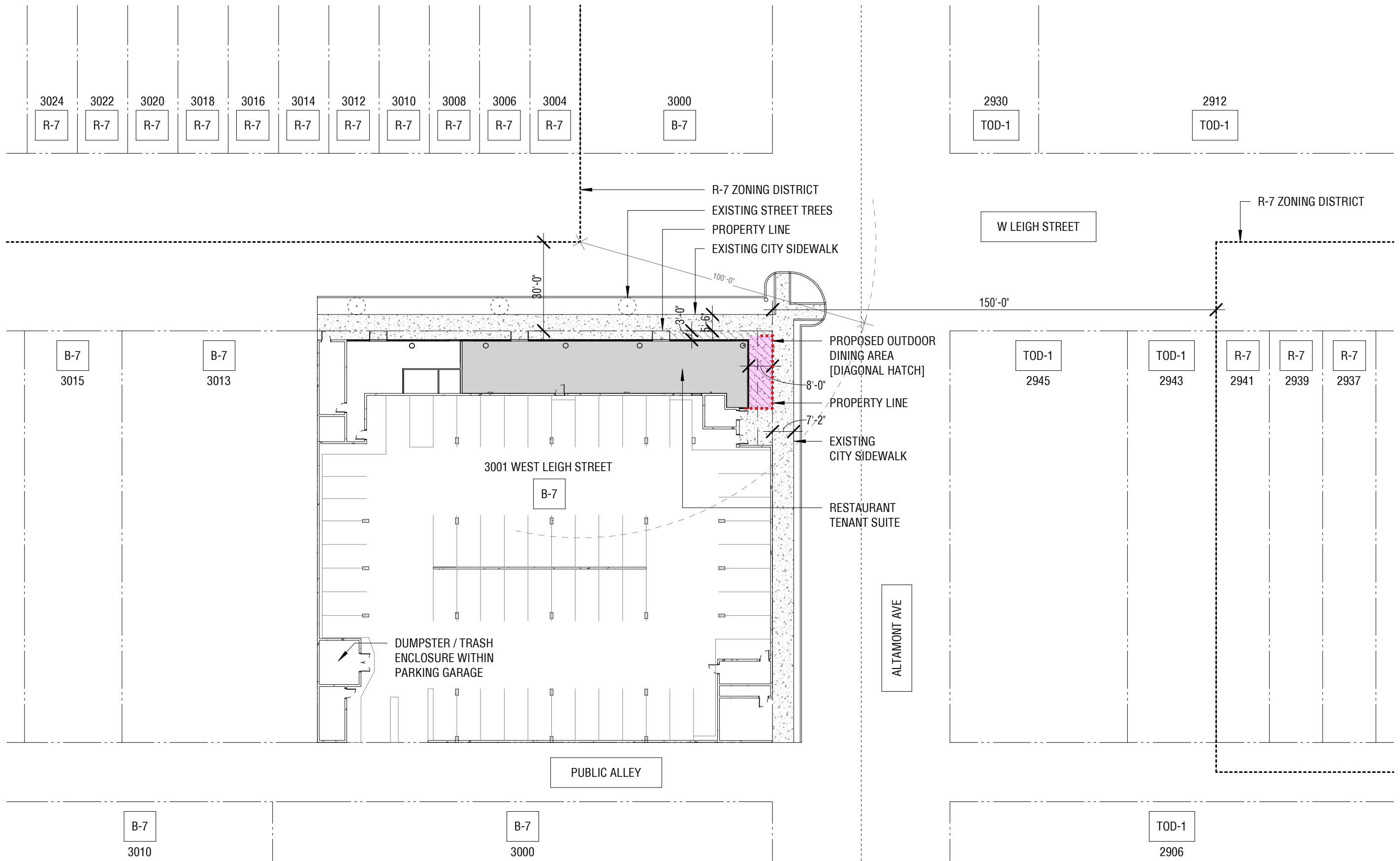
PARCEL V: (3001 W. Leigh Street)

ALL that certain lot, piece or parcel at land with improvements thereon, designated as No. 3001 (formerly 2301) West Leigh Street, lying and being in the City of Richmond, Virginia, at the southwest corner of Leigh Street and Altamont Avenue, and bounded and described as follows, to-wit:

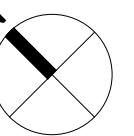
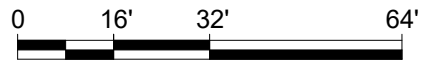
COMMENCING at the intersection of the south line of Leigh Street with the west line of Altamont Avenue, and running Westwardly along the said south line of Leigh Street and fronting thereon thirty-five (35) feet, and extending back from said front southwardly and between prattle lines one hundred and forty (140) feet to an alley in common twenty (20) feet wide, the eastern line of said lot being the west line of Altamont Avenue and being Lot No. 22 in Square E in the subdivision Parcel No. 8 of the Hermitage Tract, a plat of which is recorded in the Circuit Court of Henrico County, Virginia, in Plat Book 6, page 98, and for a more recent description reference is hereby made to plat of survey made by Potts, Minter and Associates, P.C., Land Surveyors, dated February 13, 1990, a copy of which is recorded with Deed in Deed Book 228, page 1135.

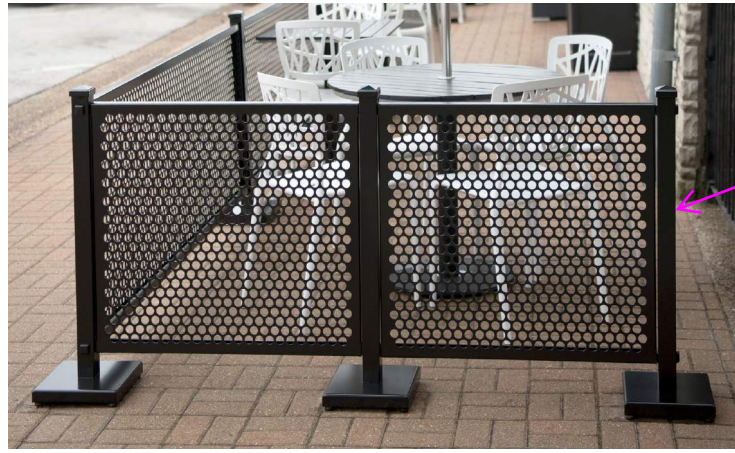
BEING the same real estate conveyed to Cash Properties, LLC, a Virginia limited liability company, by Deed from Betty K. Voss, sole heir of Jack Milton Wright, Jr., (also known as Jack M. Wright, Jr.), dated May 11, 2016, recorded May 16, 2016 in the Clerk's Office of the Circuit Court of the City of Richmond, Virginia, as Instrument No. 160009042.

INSTRUMENT 200000058
RECORDED IN THE CLERK'S OFFICE OF
RICHMOND CITY CIRCUIT COURT ON
JANUARY 2, 2020 AT 12:06 PM
\$1800.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$900.00 LOCAL: \$900.00
EDWARD F. JEWETT, CLERK
RECORDED BY: TMG

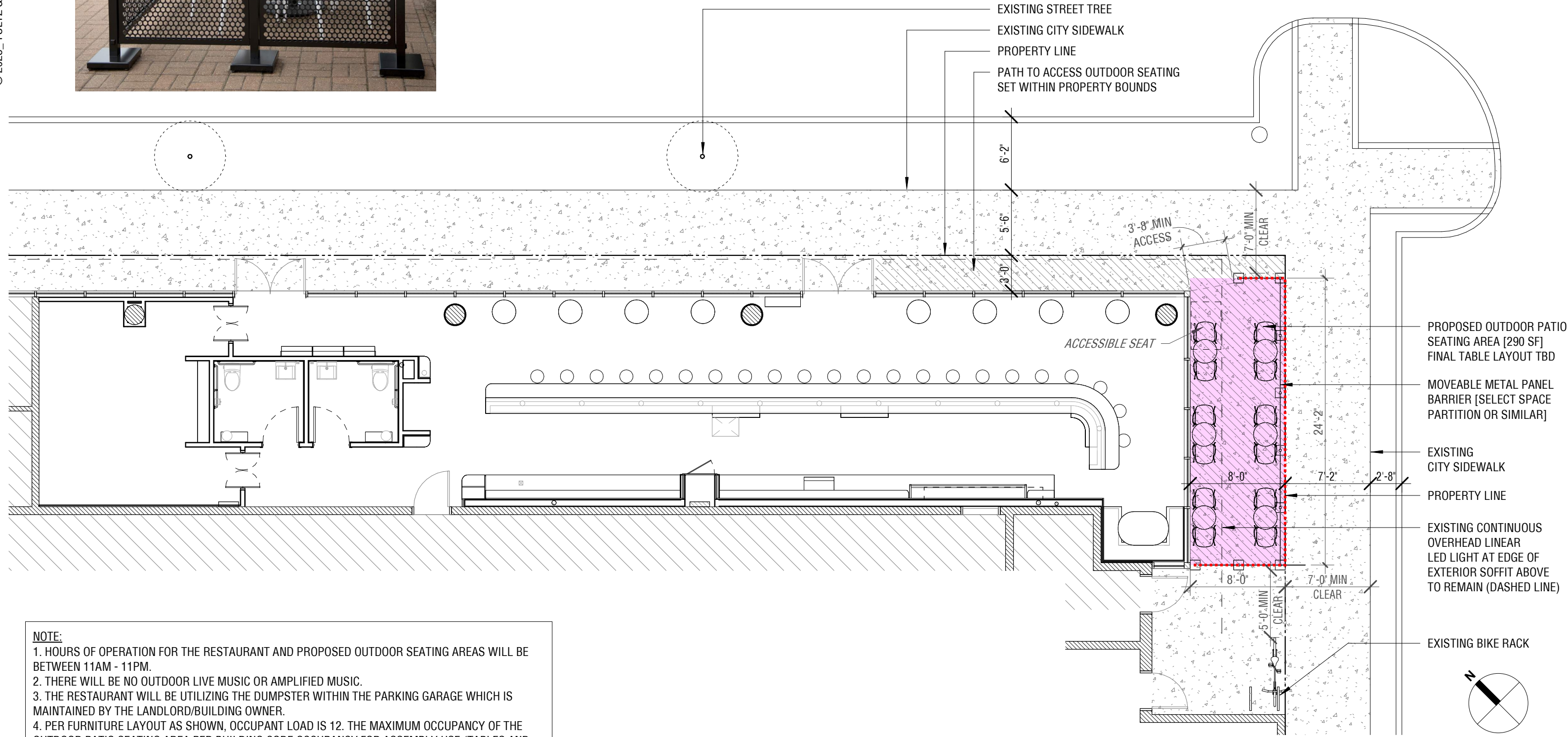


NOTE: REFERENCE C-101 EXISTING CONDITIONS SURVEY AND C-104 LAYOUT PLAN BY SEKIV SOLUTIONS [DATED 10/16/2020] FOR EXISTING SITE CONDITIONS.





EXAMPLE OF BARRIER AT PATIO SEATING BY SELECT SPACE PARTITIONS.
<https://www.selectspacepartitions.com/>
COLOR SELECTION TBD.



NOTE:
1. HOURS OF OPERATION FOR THE RESTAURANT AND PROPOSED OUTDOOR SEATING AREAS WILL BE BETWEEN 11AM - 11PM.
2. THERE WILL BE NO OUTDOOR LIVE MUSIC OR AMPLIFIED MUSIC.
3. THE RESTAURANT WILL BE UTILIZING THE DUMPSTER WITHIN THE PARKING GARAGE WHICH IS MAINTAINED BY THE LANDLORD/BUILDING OWNER.
4. PER FURNITURE LAYOUT AS SHOWN, OCCUPANT LOAD IS 12. THE MAXIMUM OCCUPANCY OF THE OUTDOOR PATIO SEATING AREA PER BUILDING CODE OCCUPANCY FOR ASSEMBLY USE (TABLES AND CHAIRS) IS 20 OCCUPANTS. FINAL FURNITURE LAYOUT TO BE DETERMINED BY RESTAURANT TENANT.
5. ALL TENANT SIGNAGE WILL BE SUBMITTED UNDER A SEPARATE SIGNAGE PERMIT AT A LATER DATE.

