

INTRODUCED: January 8, 2024

AN ORDINANCE No. 2024-016

To authorize the conditional use of the property known as 309 East Broad 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: FEB 12 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 309 East Broad 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 (2020), as amended; and

WHEREAS, in accordance with section 30-1045.5 of the Code of the City of Richmond (2020), 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 (2020), 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 (2020), as

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 26 2024 REJECTED: _____ STRICKEN: _____

amended, as stated in section 30-100 of the Code of the City of Richmond (2020), 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 (2020), 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 (2020), 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 (2020), 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 (2020), 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 309 East Broad Street and identified as Tax Parcel No. W000-0036/003 in the 2024 records of the City Assessor, 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 the plans entitled “309-311 E Broad St,” prepared by Walter Parks Architects, dated June 3, 2022, and last revised September 27, 2022, 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 30-457.3 of the Code of the City of Richmond (2020), as amended, the use 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 “Ember Music Hall Management

Plan,” prepared by 309 Broad Street, LLC, dated May 22, 2023, and last revised July 14, 2023, a copy of which is attached to and made part of this ordinance.

(c) The hours of operation of the nightclub use permitted by this conditional use permit shall be from 12:00 a.m. until 2:00 a.m., and the nightclub use shall not operate between the hours of 2:00 a.m. and 6:00 a.m.

(d) During the hours of operation of the nightclub use, patron queuing on the exterior of the building shall only be permitted directly adjacent to the building wall on the Property and without any improvements, temporary or otherwise, unless said improvements are approved according to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) Operation of the nightclub use permitted by this conditional use permit shall not constitute an exemption to providing sound control. The nightclub use shall be conducted strictly in accordance with Chapter 11, Article II of the Code of the City of Richmond (2020), as amended.

§ 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 (2020), 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 (2020), 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 (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 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.

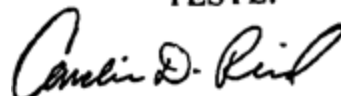
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a certificate of occupancy substantially in accordance with the Plans for the Conditional Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of occupancy shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the certificate of occupancy is not made within the time period stated in the previous sentence or the certificate of occupancy 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.

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-2023-1574

File ID: Admin-2023-1574

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 09/07/2023

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 01/08/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-1574 - O&R Transmittal Memo,
Admin-2023-1574 - Application Documents, Scanned
CUP - 309 East Broad Street AATF.pdf

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 | 12/1/2023 | Jonathan Brown | Approve | 12/5/2023 |
| 1 | 2 | 12/1/2023 | Kris Daniel-Thiem - FYI | Notified - FYI | |
| 1 | 3 | 12/4/2023 | Kevin Vonck | Approve | 12/8/2023 |
| 1 | 4 | 12/4/2023 | Alecia Blackwell - FYI | Notified - FYI | |
| 1 | 5 | 12/4/2023 | Sharon Ebert - FYI | Notified - FYI | |
| 1 | 6 | 12/4/2023 | Caitlin Sedano - FYI | Notified - FYI | |
| 1 | 7 | 12/20/2023 | Jeff Gray | Approve | 12/6/2023 |
| 1 | 8 | 12/20/2023 | Lincoln Saunders | Approve | 12/22/2023 |
| 1 | 9 | 1/2/2024 | Mayor Stoney | Approve | 12/22/2023 |

History of Legislative File

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

Text of Legislative File Admin-2023-1574

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: October 24, 2023

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)
(This in 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 conditional use of the property known as 309 East Broad Street for the purpose of authorizing a nightclub, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Conditional Use to authorize a nightclub for hosting ticketed music events in a restaurant establishment. The proposed entertainment activities, hours of operation, and alcohol sales at certain times of day within a restaurant are considered, by the Zoning Ordinance, to be nightclub activities. A conditional use permit is therefore required.

BACKGROUND: The property consists of a 11,666 sq. ft. (0.27 acre) parcel of land occupied by an existing 3-story mixed-use building (309-315 Broad St) containing office and retail uses at ground level. The scope of the proposal is limited to the ground floor unit with street addresses of 309-311 E Broad Street, which contain a restaurant space. The Applicant plans to provide amplified music, dedicated floor space for entertaining patrons and seeks to extend the hours of operation to 2 a.m. The proposed entertainment, activities, and hours of operation past 12:00 a.m. (midnight) are considered, by the Zoning Ordinance, to be nightclub activities. A conditional use permit is therefore required.

The property is part of the City Center area in the Downtown District, situated on a block bounded by E Broad St, E Grace St, N 3rd St and N 4th St. City Center neighborhood is generally made up of commercial uses including retail and office as well as multifamily and mixed-use buildings.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Downtown Mixed-Use, which is defined as, "Central business district of the Richmond region features high-density development with office buildings, residential buildings, and a mix of complementary uses, including regional destinations in a highly-walkable urban environment." "Intensity: Buildings typically a minimum height of five stories. Primary Use: Retail/office/ personal service, multi-family residential, cultural, institutional, government, and open space." (p. 66)

The current zoning designation for this property and surrounding properties is B-4 - Central Business District. The subject property is fronting a priority street and has a street oriented commercial frontage.

COMMUNITY ENGAGEMENT: The Downtown Neighborhood Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Will be considered by Planning Commission on February 5, 2024 (tentative)

FISCAL IMPACT: \$1,500 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 8, 2024

CITY COUNCIL PUBLIC HEARING DATE: February 12, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

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, Plan, Survey, 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 **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: 309-311 East Broad Street Date: 6/2/2023

Tax Map #: W000036003 Fee: 1500

Total area of affected site in acres: 0.2678

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

Zoning

Current Zoning: B4

Existing Use: restaurant

Proposed Use

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

Restaurant with nightclub hours between 12AM and 2AM

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: Mark Baker

Company: Baker Development Resources

Mailing Address: 530 East Main Street

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 874-6275 Fax: ()

Email: markbaker@bakerdevelopmentresources.com

Property Owner: Dodson Dev E Broad LLC

If Business Entity, name and title of authorized signee: Dennis K Dodson II Manager

(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: 409 E Main Street #301

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 426-4148 Fax: ()

Email: duke@dodsonprop.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.**

| | |
|-------------------------|--|
| Title | Application_20230602_309 E Broad St_CUP- |
| File name | Application_20230...Broad St_CUP-.pdf |
| Document ID | 003472f7c5e2968eb510df4ea4c206f4bd1db13d |
| Audit trail date format | MM / DD / YYYY |
| Status | ● Signed |

Document History



SENT

06 / 05 / 2023

19:16:35 UTC

Sent for signature to Duke Dodson (duke@dodsonprop.com) from duke@dodsonprop.com
IP: 74.110.172.215



VIEWED

06 / 05 / 2023

19:21:25 UTC

Viewed by Duke Dodson (duke@dodsonprop.com)
IP: 162.245.131.89



SIGNED

06 / 05 / 2023

19:22:17 UTC

Signed by Duke Dodson (duke@dodsonprop.com)
IP: 162.245.131.89



COMPLETED

06 / 05 / 2023

19:22:17 UTC

The document has been completed.



June 2nd, 2023,
(revised 7/11/2023 per Land Use Administration comments)

BY ELECTRONIC SUBMISSION

Mr. Matthew Ebinger
City of Richmond Department of Planning and Development Review
Land Use Administration Division, Room 511
900 East Broad Street
Richmond, VA 23219

Re: Conditional Use Permit: 309 East Broad Street (W-000-0036/003)

Dear Mr. Ebinger,

This letter shall serve as the Applicant's Report accompanying the application for a Conditional Use Permit (the "CUP") in order to authorize a restaurant to operate as a nightclub, as that term is defined in the City Zoning Ordinance, during specified times within a ground floor commercial space in the property known as 309 East Broad Street (the "Property"). The Property is located at the southern side of East Broad Street between its intersection with 3rd and 4th Street. The Property is a ground floor unit contained within an existing 3-story mixed-use building, which is predominately occupied by Gather co-working. This request is limited to the ground floor unit with street addresses of 309-311 E Broad Street, as shown on the attached plans.

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 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, LX Group LLC, is renovating the Property to function as a restaurant with an added flexibility to host ticketed music events. It would generally be configured as a linear space with fixed seating along one interior wall, standing space/egress in the middle of the floor area, and a box office, bar, and fixed seating area along the opposite interior wall. To the rear of the space would be the restrooms, kitchen, and utility areas—which would generally be behind an approximately 60-square foot performance platform. Appended to this request is a conceptual life safety floor plan titled “309-311 E Broad St,” completed by Walter Parks Architects and last dated 9/27/2022, for further reference.

Upon issuance of the CUP, the restaurant would only be operated as a nightclub for approximately four-to-eight hours per week depending on the number of shows scheduled. The stage is generally small and the intent is to provide an intimate environment for smaller, independent acts. The total maximum occupant load is 442 persons. Much of the existing use is permitted by right as a restaurant. However, City Code provides that such activity after midnight, including amplified background music for standing patrons, automatically makes it a night club 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, 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. Therefore, the proposed use would be a nightclub for approximately eight hours each week. The CUP is needed to authorize the use of the Property for approximately four-to-eight hours per week of activity between 12:00 midnight and 2:00 AM.

This request is consistent with the recommendations of the Richmond 300 Master Plan (the “Master Plan”), which recommends “Downtown Mixed-Use” for the Property. This designation, which describes the central business district of the Richmond region, suggests “vertically mixed-use” buildings and encourages “active commercial ground floor uses” that “engage with, and enliven, the street.” Cultural uses are a contemplated primary use in this future land use category. Additionally, this Property is located adjacent to three regional/national growth nodes including Downtown Core, Monroe Ward, and Jackson Ward, which are described as centers “with significant cultural, entertainment, government, and business destinations as well as shopping, housing, and unique place-based attractions.”

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 the Richmond 300 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 and the Pulse Corridor. 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, offices, and retail storefronts. 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—such as the provision of private DCJS-certified private security during nightclub hours.

The zoning nightclub definition is very loose and captures uses with varying operational characteristics. In this case, with a general limitation of about four-to-eight hours a week, 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 Richmond 300 Plan, 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 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,



Mark R. Baker

{Enclosures}

Ember Music Hall
309 Broad Street, LLC
309 East Broad Street
Richmond VA 23219

EMBER MUSIC HALL MANAGEMENT PLAN

May 22nd, 2023, last revised July 14th 2023

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 4-8 hours during a given week depending on how many shows we have, but will under no circumstances operate for more than fourteen (14) hours a week as a nightclub.
 - **Dates we have Live shows per our calendar 12:00 AM – 2:00 AM**

2. Type of Virginia Alcoholic Beverage Control license:

- Mixed beverage
- Wine and Beer on 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 attached at A.130 General Info.PDF

4. Total occupant load:

Occupancy Type Total Occupants

Inside/Music Hall

Assembly (A-2) 439

Kitchen (B) 3

Total Inside 442

Total Occupants 442

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 on selected 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 any event date while the establishment is operated as a nightclub there will be 4 - 8 private DCJS Certified security personnel, from a licensed and insured security company
- An off-duty City of Richmond officer will be hired on "Sold-Out" events to ensure additional safety for our patrons
- Security team, along with the Box Office Cashier, will monitor all occupants by using a double-clicker system, one to determine entry and the other to determine exit. We have a no-re entry policy to ensure this number stays accurate

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

- The security personnel shall be stationed at all entrances and exits at the venue and in high traffic areas to keep walkways clear and free flowing with 2 "floating" security members to assist where needed.
- Line queuing- We are using a ticketing platform called Dice for patrons to purchase tickets online prior to arriving at the venue. This platform provides multiple options for expedient entry into the venue including, phone scanners, hand held scanners, and mobile check in. The box office area will be used for general admission where approximately 50 guests can be in que at a time. The venue entrance at 311 Broad Street will also be used for express entry for patrons who have pre-purchased reserved dining tickets, which will be up to 75 guests. These two entrances will allow us to have minimal queuing outside the venue.

Direct Contacts:

General Manager

Cody Hott

804.301.3001 | cody@lxgrp.com

Managing Partner / Owner

Kunal Shah

804.637.0727 | kunal@lxgrp.com