

INTRODUCED: March 22, 2021

AN ORDINANCE No. 2021-085

As Amended

To conditionally rezone the property known as 1801 East Main Street from the M-1 Light Industrial District to the TOD-1C Transit-Oriented Nodal District (Conditional), upon certain proffered conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 26 2021 AT 6 P.M

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “ALTA/NSPS Land Title Survey Showing Existing Improvements to # 1801 East Main Street, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, dated April 9, 2020, and last revised October 22, 2020, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 1801 East Main Street, with Tax Parcel No. E000-0133/001 as shown in the 2021 records of the City Assessor, is excluded from the M-1 Light Industrial District and shall no longer be subject to the provisions of sections 30-452.1 through 30-452.4 of the Code of the City of Richmond (2020), as amended, and that the same is included in the TOD-1C Transit-Oriented Nodal

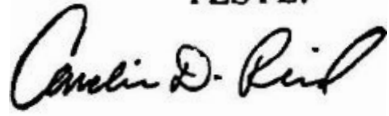
AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 14 2021 REJECTED: _____ STRICKEN: _____

District (Conditional) and shall be subject to the provisions of sections 30-457.1 through 30-457.10 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2020), as amended.

§ 2. That the rezoning set forth in section 1 of this ordinance shall be conditioned upon the compliance by the owner or owners with all of the proffered conditions contained in the agreement entitled “Case No. RZON-084798-2021, Proffered Conditions,” and dated [February 8] May 17, 2021, a copy of which is attached to, incorporated into, and made a part of this ordinance. These conditions, having been proffered by the owner or owners and accepted by the City, shall continue in full force and effect until a subsequent amendment to the City’s zoning ordinance changes the zoning of the parcel rezoned by this ordinance and specifically repeals such conditions.

§ 3. This ordinance shall be in force and effect upon adoption.

A TRUE COPY:
TESTE:

City Clerk

City of Richmond

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

Item Request

File Number: PRE.2021.493

RECEIVED
By Delivery County at 9:57 am, Mar 17, 2021

O & R Request

DATE: February 22, 2021

EDITION: 1

TO: The Honorable Members of City Council

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



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




THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Kevin J. Vonck, Acting Director, Department of Planning and Development Review



RE: To conditionally rezone the property known as 1801 East Main Street from the M-1 Light Industrial District to the TOD-1C Transit-Oriented Nodal District (Conditional), upon certain proffered conditions.

ORD. OR RES. No. 2021-__

PURPOSE: To conditionally rezone the property known as 1801 East Main Street from the M-1 Light Industrial District to the TOD-1C Transit-Oriented Nodal District (Conditional), upon certain proffered conditions.

REASON: The applicant is requesting to conditionally rezone the property to TOD-1C Transit-Oriented Nodal District (Conditional), which allows for dense, walkable transit-oriented mixed-use development whereas the current M-1 Light Industrial District does not permit dwelling uses and permits industrial uses not permitted under the TOD-1 regulations and a form of development not respectful of the urban environment. The "Proffered Conditions" being offered as a condition of the rezoning require that new buildings be stepped back above four stories and also requires that a horizontal design element be incorporated on the building wall facing East Main Street at the location of the initial step-back.

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 April 19, 2021, meeting.

BACKGROUND: The proposed rezoning would include a single parcel of land located at the southeast corner of East Main Street and South 18th Street, in the Shockoe Bottom neighborhood. The total land area of the parcel is 24,308 square feet, or 0.558 acres. The property is improved with a surface parking area and also contains a 1-story frame temporary trailer positioned on cinderblocks.

Richmond 300 recommends a future land use of “Destination Mixed-Use” for the property. The primary uses envisioned for Destination Mixed-Use are retail/office/personal service, multi-family residential, cultural, and open space. Secondary uses are institutional and government. The development style envisioned is higher-density, transit-oriented on vacant or underutilized sites. New development should be urban in form, may be of larger scale than the existing context, and should pay special attention to the historic character of the existing context. Development should enhance the public realm and create a sense of place, with many vertically mixed-use buildings. A gridded street pattern should be continued or introduced to increase connectivity. Ground floor uses are envisioned to engage with and enliven the street through windows, doors, storefronts and other features that allow transparency and interaction between building and street. The recommended intensity is high with new buildings typically a minimum of five stories. Pedestrian, bicycle and transit access must be prioritized.

The property is also located within the “Downtown - Shockoe” primary growth node, which envisions the area as a national destination for historic tourism, education and interpretation as well as a regional and neighborhood destination. New development should complement historic sites and support public space amenities such as the 17th Street Farmer’s Market Plaza, the Low Line, and a new park. Uses around Main Street Station support the bustle of a train station with amenities that serve commuters, visitors, residents and employment base. A “primary next step” is creating the Shockoe Small Area Plan, which is currently under development. The portions of both S 18th Street and E Main Street that abut the property are both designated as “Major Mixed-Use Streets” on the Street Typologies Map.

The property is currently located in the M-1 Light Industrial District, which permits a variety of commercial and light industrial uses. Auto-oriented uses including auto repair and sales, drive-up facilities, and fuel dispensing are permitted under the current M-1 Light Industrial District. Dwelling uses are not permitted in the current M-1 Light Industrial District. The portion of East Main Street that abuts the property is designated as street-oriented commercial.

Properties to the west and north are located within the B-5 Central Business District. Properties to the east and south are also located within the M-1 Light Industrial District. Commercial and mixed-use buildings occupy properties along the East Main Street frontage to the east, west and north of the subject property. Multifamily buildings are located on two adjacent parcels- one fronting on South 18th Street and the other fronting on South 19th Street.

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: March 22, 2021

CITY COUNCIL PUBLIC HEARING DATE: April 26, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
April 19, 2021

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Report, Draft Ordinance, Survey, Map,
Proffered Conditions

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-5648

Legal Description

Beginning of a survey monument, which stone monument marks the intersection of the southern line of East Main Street, as monumented, and the eastern line of South 18th Street, thence (1) in an easterly direction along the east and southern line of East Main Street, as monumented, 180.38' +/- to a point, thence (2) in a southeasterly direction 182.50' +/- to a point on the northern line of an alley about 1.5' wide, thence (3) in a westerly direction along the said northern line of alley about 1.5' wide 62.15' to a point, thence (4) continuing the said northern line of alley about 1.5' wide 25.12' to a point, thence (5) in a northwesterly direction along the west face of a wall 43.43' to a point, thence (6) in an easterly direction along the north face of a wall 5.81' to a point, thence (7) in a southeasterly direction along the east face of a wall 25.19' to a point, thence (8) in a westerly direction along the southern face of a wall 56.12' to a point on the eastern line of South 18th Street, thence (9) in a northwesterly direction along the eastern line of South 18th Street 111.45' +/- to a stone monument, the point of beginning.

ALSO BEING FURTHER DESCRIBED AS

BEING of the point of intersection of the eastern boundary of the right of way line of South 18th Street and the southern boundary of the right of way line of East Main Street, thence proceeding along the southern boundary of the right of way line of East Main Street in a southeasterly direction S 88°32'22" E 180.43 feet to a point;

thence leaving the southern boundary of the right of way line of East Main Street and proceeding in a southeasterly direction S 88°32'21" E 177.87 feet to a point on the northern boundary of the right of way line of a 12.5' Public Alley;

thence proceeding along the northern boundary of the right of way line of a 12.5' Public Alley in a northwesterly direction the following two (2) courses and distances:

1) N 30°37'57" E 65.22 feet to a point;

2) thence N 88°30'10" E 32.70 feet to a point;

thence leaving the northern boundary of the right of way line of a 12.5' Public Alley and proceeding along a Survey To Line following the center of the lot 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 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1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 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1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 208




CASE NO. RZON-084798-2021
PROFFERED CONDITIONS

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950, as amended) and the Zoning Ordinance of the City of Richmond, Virginia, for themselves and their successors or assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Height. No building on the Property may exceed eleven (11) stories in height.
2. Build-To Line. The phrase "Build-To Line", as used in these proffers, shall mean, with respect to any building on the Property, the hypothetical line formed by the majority of the building wall facing East Main Street on the ground-level story of such building.
3. Initial Step-Back.
 - a. The building wall facing East Main Street on the fifth through tenth stories of any building on the Property shall be stepped back five (5) feet from the Build-To Line.
 - b. The building wall facing East Main Street on each of the third and fourth stories of any building on the Property may, at the owner's discretion, be stepped back five (5) feet from the Build-To Line.
4. Upper Step-Back. The building wall facing East Main Street on any story above the tenth story of any building on the Property shall be stepped back ten (10) feet from the Build-To Line.
5. Optional Step-Back. The owner may, at its option, increase the step-backs set forth above.
6. Cornice Line. To reinforce the cornice line, the architecture of any building on the Property shall incorporate a horizontal design element on the building wall facing East Main Street at the location of the initial step-back.

1801 E. MAIN, LLC,
a Delaware limited liability company

By: 
R. Robert Benaicha, Attorney-in-Fact
Date: February 8, 2021

**Application for REZONING/CONDITIONAL REZONING**

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/>

Project Name/LocationProperty Address: 1801 East Main StreetDate: January 7, 2021Tax Map #: E0000133001 Fee: \$1,500.00Total area of affected site in acres: 0.558 acres

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

ZoningCurrent Zoning: M-1Existing Use: Surface Parking**Proposed Zoning/Conditional Zoning**

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

Applicant requests rezoning to TOD-1 subject to certain conditions in accordance with the attached applicant's report and proffered conditions

Existing Use: Surface Parking

Is this property subject to any previous land use cases?

Yes
☐No
☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Representative - R. Robert BenaichaCompany: HirschlerMailing Address: 2100 East Cary StreetCity: RichmondState: VAZip Code: 23223Telephone: (804) 771-9512Fax: ()Email: rbenaicha@hirschlerlaw.com**Property Owner:** 1801 E. MAIN, LLC, a Delaware limited liability companyIf Business Entity, name and title of authorized signer: R. Robert Benaicha, attorney-in-fact

(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: c/o Shulman Rogers, 12505 Park Potomac Ave., 6th Floor, ATTN: Sam SpirliosCity: PolomacState: MDZip Code: 20854Telephone: (240) 997-4303Fax: ()Email: bspirlios@marksonre.com**Property Owner Signature:** By: [Signature]R. Robert Benaicha, attorney-in-fact

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.

1801 E. MAIN, LLC'S APPLICANT'S REPORT

1. REZONING REQUEST.

1801 E. Main, LLC (the "Applicant") desires to implement the vision of the City of Richmond's (the "City") comprehensive plans in the commercial center of Shockoe Bottom. The Applicant desires to rezone to TOD-1 [Transit-Oriented Nodal District] the parcel known as 1801 East Main Street, comprising approximately 0.555 acres at the southeast corner of the intersections of 18th and East Main Streets and shown on the City's tax map as #E0000133001 (the "Property"). The City's Richmond 300 plan (the "Master Plan") designates this Property's future land use as "Destination Mixed-Use" and the City's Pulse Corridor Plan (the "Pulse Plan", and together with the Master Plan, the "Plans") designates this Property as "Corridor Mixed-Use". The Applicant understands that TOD-1, subject to the step-back, 11-story height limitation and cornice-maintenance conditions set forth in Applicant's proposed Proffered Conditions, is an appropriate rezoning for these designations.

2. DEVELOPMENT PROPOSAL.

The Applicant shares the Plans' vision of growing the residential and employment base in Shockoe Bottom through transit-oriented redevelopment of underutilized parcels. This type of redevelopment would capitalize on Shockoe Bottom's status as a national, regional and neighborhood destination that is home to the City's multi-modal transportation hub – Main Street Station. Shockoe Bottom is designated in the Master Plan as a Regional/National Priority Growth Node, with Main Street Station as the hub for this growth. The Property's location one and a half blocks east of Main Street Station makes it an ideal opportunity to attract even more visitors, consumers and businesses to the heart of this vital neighborhood by turning an unproductive surface parking lot into a higher-density, mixed-use building with an active ground floor that focuses on completing the walkable, visually-active streetscapes of Shockoe Bottom. The Applicant believes the capital investment market will be attracted to TOD-1 zoned land at this location. Granting this rezoning request will allow the Applicant to attract investment into, and development of, this underutilized parcel within the confines of the form-based requirements of the TOD-1 zoning district. The rezoning of this Property will catalyze additional mixed-use, dense, walkable redevelopment of underutilized parcels in the neighborhood that will spark Shockoe Bottom's transformation into a true 24-hour destination neighborhood, with active streets lined with eateries, breweries, offices, and retail stores and shops, as well as cultural and multi-family residential uses.

The City realized the economic benefits of by-right zoning with its blanket rezoning efforts in Scott's Addition and other parts of the City. Investment capital was attracted to the City, economic development expanded and aging areas of the City have been

rejuvenated with new lifestyle neighborhoods. New businesses are opening up offices in the City and the City's population is growing, providing the workforce necessary to continue the expansion of the City's commercial economy and the additional tax revenue needed to fund the City's essential services and schools.

Although not yet completed, the Applicant understands that the Shockoe Small Area Plan will likely seek to promote maintenance of historic cornice lines along East Main Street. As of the date of submission of this rezoning application, the Applicant has not had an opportunity to review a draft of the Shockoe Small Area Plan because it has not yet been circulated for public review. Nevertheless, the Applicant seeks to be responsive to the anticipated goals of the Shockoe Small Area Plan by proffering the step-back, 11-story height limitation and cornice-maintenance conditions set forth in the Applicant's proposed Proffered Conditions.

Through the rezoning process, the Applicant would appreciate receiving from staff confirmation that the TOD-I district, subject to Applicant's proffered conditions, is appropriate for the Destination Mixed-Use and Corridor Mixed-Use future land use designations and comments from staff that would guide the Applicant's development of a site plan post-rezoning.

3. EXISTING PROPERTY CONDITIONS.

The Property is currently zoned M-1 [Light Industrial District] and is unimproved but for an asphalt parking surface. The Property is currently operating as a surface parking lot which has been the existing use on the Property for many years.

Neighboring properties include a mixture of uses. The Property shares a border with the former Have a Nice Day Café building along South 18th Street, the Main Street Realty office building to the east along East Main Street, the Overview Apartments building to the southeast and the Lofts at Canal Walk apartment building to the south.

4. ECONOMIC DEVELOPMENT.

Rezoning this Property to TOD-I would allow the City to leverage this underutilized tract of land for new economic development one block from the City's multi-modal transportation hub.

The project will be a catalyst for the new investment and economic growth envisioned within the Master Plan for this area. This catalyst will come without the need for new infrastructure spending by the City. Attracting capital to develop this Property will create new jobs in this area of the City and provide new consumer dollars for the local businesses. The development of this Property will also bring new residents and consumers to further stimulate economic growth.

5. MASTER PLAN.

a. *Follows the City's Plans.*

The City's Master Plan recognizes the potential for this Property by designating it as a Destination Mixed-Use Area. As a Destination Mixed-Use Area this Property has been identified by the City as appropriate for higher-density pedestrian- and transit-oriented development.

Additionally, the City's Pulse Plan designates this Property as a Corridor Mixed-Use Area, which is similar in goals to the Destination Mixed-Use Area in being appropriate for higher-density pedestrian- and transit-oriented development.

Rezoning this Property to TOD-I follows the Plans' goals for the future use of this Property.

b. *Meets Other Goals of the City's Master Plan.*

Granting the requested rezoning to TOD-I will also address other goals the City has espoused in the Plans. The TOD-I zoning will provide a unique opportunity in this area for new, high-quality development that will enhance the public realm and create a sense of place to encourage other nearby vacant and underutilized property to redevelop consistent with the Plans. The tremendous success of Scott's Addition and other areas of the City shows how granting by-right zoning leads to attracting capital investment into the City and the expansion of tax revenue for the City.

6. CONCLUSION.

Currently, the Property is vacant, underutilized, and ripe for development as high-density mixed use that will stimulate additional development within this gateway to the City. The City's Master Plan's designation recognizes and promotes this potential.

Approval of this rezoning request will allow for significant investment into the Property. This new investment will continue the success the City has realized through its creation of by-right opportunities. These by-right opportunities are attracting new business, consumers and residents to the City and expanding the City's commercial economy and revenue. These new revenues from by-right economic development opportunities will be instrumental in funding the City's public schools and other infrastructure for the years to come.

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PROFFERED CONDITIONS

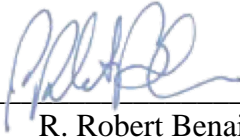
The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950, as amended) and the Zoning Ordinance of the City of Richmond, Virginia, for themselves and their successors or assigns, proffer that the property under consideration (the “Property”) will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Height. No building on the Property may exceed eleven (11) stories in height.
2. Definitions.
 - a. The phrase “Build-To Line”, as used in these proffers, shall mean, with respect to any building on the Property, the hypothetical line, along each street front of the building, formed by the majority of the ground-floor building wall facing such street.
 - b. The phrase “Corner Zone”, as used in these proffers, shall mean, with respect to any building on the Property, that portion of the street frontage of such building lying between twenty (20) and forty (40) feet in either direction from the Property’s corner at East Main and 18th Streets.
3. Initial Step-Back.
 - a. *Corner Zone.* Beginning at the seventh floor in the Corner Zone, the building wall shall be stepped back five (5) feet from the Build-To Line.
 - b. *Outside the Corner Zone.*
 - i. The building wall facing East Main Street on the fifth through ninth stories of any building on the Property shall be stepped back five (5) feet from the Build-To Line.
 - ii. The building wall facing East Main Street on each of the third and fourth stories of any building on the Property may, at the owner’s discretion, be stepped back five (5) feet from the Build-To Line.
4. Upper Step-Back. The building wall facing East Main Street on any story above the ninth story of any building on the Property having more than nine (9) stories shall be stepped back ten (10) feet from the Build-To Line.
5. Optional Step-Back. The owner may, at its option, increase the amount of, or, outside of the Corner Zone, lower the location of, the step-backs set forth above.

6. Urban Design Elements.

- a. *Hold the corner.* Any building on the Property shall have ground-floor uses that wrap around the corner. Such ground-floor uses may include the lobby entrance to upper-story uses in addition to otherwise permitted non-dwelling uses (e.g., retail or commercial uses). The portion of any building on the Property lying within the Corner Zone shall include a demonstrative architectural element or will vary architecturally from the other portions of the building so as to anchor the corner and create a sense of place.
- b. *Entrances face the street.* Main entrances to businesses and residences in any building on the Property shall face either East Main Street or 18th Street to facilitate pedestrian activity.
- c. *Façade articulation.* The East Main Street façade of any building on the Property shall utilize varying colors and materials to accent ground-floor non-dwelling uses and the historic character of the existing context, as determined by the Director of the Department of Planning and Development Review in his or her discretion as part of the plan of development approval process. To reinforce the cornice line and maintain historical and architectural continuity with the neighborhood, the architecture of any building on the Property shall articulate the roof lines and upper levels with a distinguishable design (e.g., parapet).
- d. *Screened parking/services.* To the extent that any parking or service entrance faces 18th Street, and the streetside wall or parking area curb to either side of such entrance is set back at all from the sidewalk, attractive landscaping shall extend from such streetside wall or curb to the sidewalk to help maintain a streetwall.
- e. *TOD Form Elements.* Subject to the provisions of these Proffered Conditions that expressly address the TOD Form Elements set forth in Corridor-Wide Recommendation CW.1 of the City of Richmond's Pulse Corridor Plan (the "Form Elements"), the design of any building on the Property shall comply with the Form Elements.

1801 E. MAIN, LLC,
a Delaware limited liability company

By: 
R. Robert Benaicha, Attorney-in-Fact

Date: May 17, 2021