

SPECIAL USE PERMIT CONDITIONS

**Asher + Rye
348 Whitaker Street**

17 This SPECIAL USE PERMIT CONDITIONS (this "Agreement") is entered into as of September 17, 2021, by RETHINK DESIGN LLC, a Georgia limited liability company ("Rethink"), , the owner of Asher + Rye (the "Business"), located at 348 Whitaker Street, Savannah, GA (the "Property"), in favor of the residents and neighbors who reside close to the Business.

WHEREAS, pursuant to the City of Savannah zoning ordinance:

- (i) the Property is currently zoned "Downtown Residential";
- (ii) the Downtown Residential zoning classification does not permit food service by right; and
- (iii) food service is permitted within the Downtown Residential zoning classification only if grandfathered or pursuant to a special use permit approved by the Mayor and Aldermen of the City of Savannah (the "City Council").

WHEREAS, the Business has applied for such a special use permit with the City of Savannah (the "Special Use Permit") which, if issued, would allow the Business to provide limited food service on the Property, subject to any conditions agreed to by the City Council and attached to such Special Use Permit.

LIST OF CONDITIONS

NOW THEREFORE, in consideration of the covenants set forth herein, including certain neighboring property owners' withdrawal of their objections to the Special Use Permit (as conditioned hereby), the undersigned hereby agrees to the following terms and conditions, which will become effective if and when the City Council adopts such conditions as conditions to its issuance of the Special Use Permit:

- 1) Limited Kitchen Equipment. The Business will not have a kitchen and its kitchen equipment for food preparation will be limited to a bread/food warmer and refrigeration. This condition will not prevent the retail sale of restaurant equipment or use of a coffee machine for coffee service.
- 2) Hours of Operation. Food service under the Special Use Permit at the Business will be allowed ONLY from 9am to 4pm, Monday through Saturday, and 10am to 4pm on Sunday.
- 3) Outdoor Seating. Outdoor service of non-pre-packaged food shall occur only at food service tables and chairs located underneath the existing overhang. Seating at such

food service tables shall be limited to a maximum of sixteen (16) seats. Under no circumstances shall outdoor seating be placed south of the line running along the southern wall of the existing building which houses the Business.

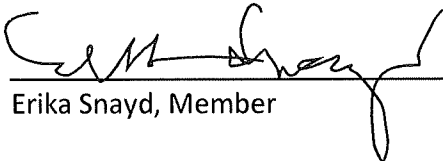
- 4) Alcohol. The Business shall not serve alcohol to the public without a Special Event/alcohol permit.
- 5) Music. Outdoor music shall be limited to 70 decibels, measured on the Jones Street sidewalk in front of the adjacent building on Jones Street.
- 6) Food Delivery Services. Food delivery services, such as Uber Eats, Door Dash or Grub Hub, shall not be permitted to pick up food at the Business.
- 7) Special/Private Events. The Business shall not pull more than six (6) Special Event Permits from the City of Savannah per year.
- 8) Non-Transferability of Special Use Permit. The Special Use Permit issued by the City Council shall not be transferable to any other business other than the Business, nor to any other owner of the Business other than Rethink. Accordingly, upon the closure of the Business, or upon any sale or other transfer of a controlling interest in the Business by Rethink (including any stock sale or a sale of the majority of the Business' assets), the Special Use Permit shall become immediately null and void.

[Signatures Contained on Following Page]

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be executed, and, subject to the adoption of this Agreement and/or the conditions set forth herein by the City Council in connection with the Special Use Permit, agree to be bound by all such adopted conditions, as of the day and year the Special Use Permit is issued by the City Council.

RETHINK DESIGN, LLC,
a Georgia limited liability company

Date of Execution: 9-17-2012

 (L.S.)
Erika Snayd, Member