

Conditions

Use Permit Application No. 23-0283

Multifamily Dwellings

Peninsula Main VA LLC | 1631, 1641, 1651, 1661, 1671, and 1675 Merchant Lane [LRSN 13004973]

1. Issuance of Permit

The Use Permit is for the development of multifamily dwellings, as that use is defined in the City's Zoning Code, applies only to the locations at 1631, 1641, 1651, 1662, 16671, and 1675 Merchant Lane [LRSN 13004973] ("Location"), is further limited and confined to the designated area as identified on **Exhibit A** attached hereto ("Multifamily Units"), and is not transferable to another location. Any expansion beyond the area designated on **Exhibit A** will require an amended use permit.

2. Maximum Units

Number of dwelling units shall not exceed nine (9) as stated within the application materials.

3. Design Standards

Any site development and building elevations, including subsequent additions, alterations, or renovations shall comply with the Coliseum Central Design Standards, dated January 2018 (as amended).

4. Management

The Multifamily Units shall have established on-site management within Peninsula Town Center, as defined in **Exhibit B**, with regular business hours which shall, at minimum, include 9 AM – 5 PM Monday through Friday.

5. Shared Amenities

Prior to issuance of a building permit associated with this Use Permit, the applicant shall obtain approval from the Community Development Director and the City Attorney, or their designees, of a Shared Amenities Agreement (the "Agreement"), to be executed by the parties after such approval. The Agreement shall include, at minimum, all of the following terms:

- a. The parties shall include the applicant, owner of the Location, and owner(s) of The Chapman Apartments parcels located at 670-690 Downey Green, 1630-1690 Merchant Lane, and 1420 Merchant Lane [LRSNs 13002725, 13004231, 13004229, 13004230];
- b. A guarantee and method (e.g., passcode, door lock, hours of operation) of access to the amenities of The Chapman Apartments by residents of the proposed Multifamily Units depicted in **Exhibit A**. Such amenities shall include all amenities of The Chapman Apartments (excluding those related to mail and storage services), which currently include, but shall not be limited to:
 - i. Rooftop garden terrace,

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- ii. Community gas grills,
 - iii. Outdoor dog play area,
 - iv. Theater room,
 - v. Common use resident office suites,
 - vi. Common area conference room,
 - vii. Bike storage room,
 - viii. Dog wash station, and
 - ix. Fitness center with spin room;
- c. The effective date shall be the date when occupancy of all or any part of the Multifamily Units is first permitted by the City;
 - d. The term shall be such that access to the above-mentioned amenities exists for the entirety of the operation of the Multifamily Units, and shall be enforceable against all successors, heirs, devisees, transferees, and assignees of the parties;
 - e. A commitment to the maintenance of the above-mentioned amenities such that they are functional for adequate use;
 - f. Any amendment to the Agreement shall be approved by the Director of Community Development and the City Attorney, or their designees, prior to taking effect, such that an amended use permit is not required;
 - g. A provision requiring 90-days written notice to the Director of Community Development prior to termination of the Agreement, which shall also include the proposed plan for replacement amenities; and
 - h. A method to provide the Director of Community Development and the City Attorney, or their designees, with copies of the Agreement and any amendments thereto upon request.

Except for reasonable periods of temporary remodeling, reconstruction or maintenance, prevention of access to, use of, and/or elimination of the shared amenities as set forth in the Agreement shall constitute a violation of this Use Permit.

6. Certificate of Occupancy

The applicant must obtain a Certificate of Occupancy prior to commencing operation.

7. Compliance with Laws

- a. If the applicant is a legal entity, other than a person or persons, including, but not limited to a limited liability company or corporation, applicant shall be authorized to transact business in Virginia as a domestic or foreign business entity and shall provide proof of registration to the Zoning

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Administrator, upon request. Applicant shall not allow its existence to lapse or its certificate of authority or registration to transact business in Virginia to be revoked or cancelled at any time while this Use Permit is in effect.

- b. This Use Permit may be terminated for any violation of federal, state, or local law.
- c. The Multifamily Units shall be subject to the provisions of the Hampton Zoning Ordinance and the Hampton City Code, to include, but not limited to, noise, setbacks, and building code requirements.

8. Revocation

Notwithstanding any condition or provision of this Use Permit to the contrary, the Use Permit may be revoked for violation of any terms or conditions of the Use Permit as set forth in chapter 14 of the Hampton Zoning Ordinance (as amended).

9. Nullification

The Use Permit shall automatically expire and become null and void under any of the following conditions:

- (1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- (2) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the City Council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council; or
- (3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

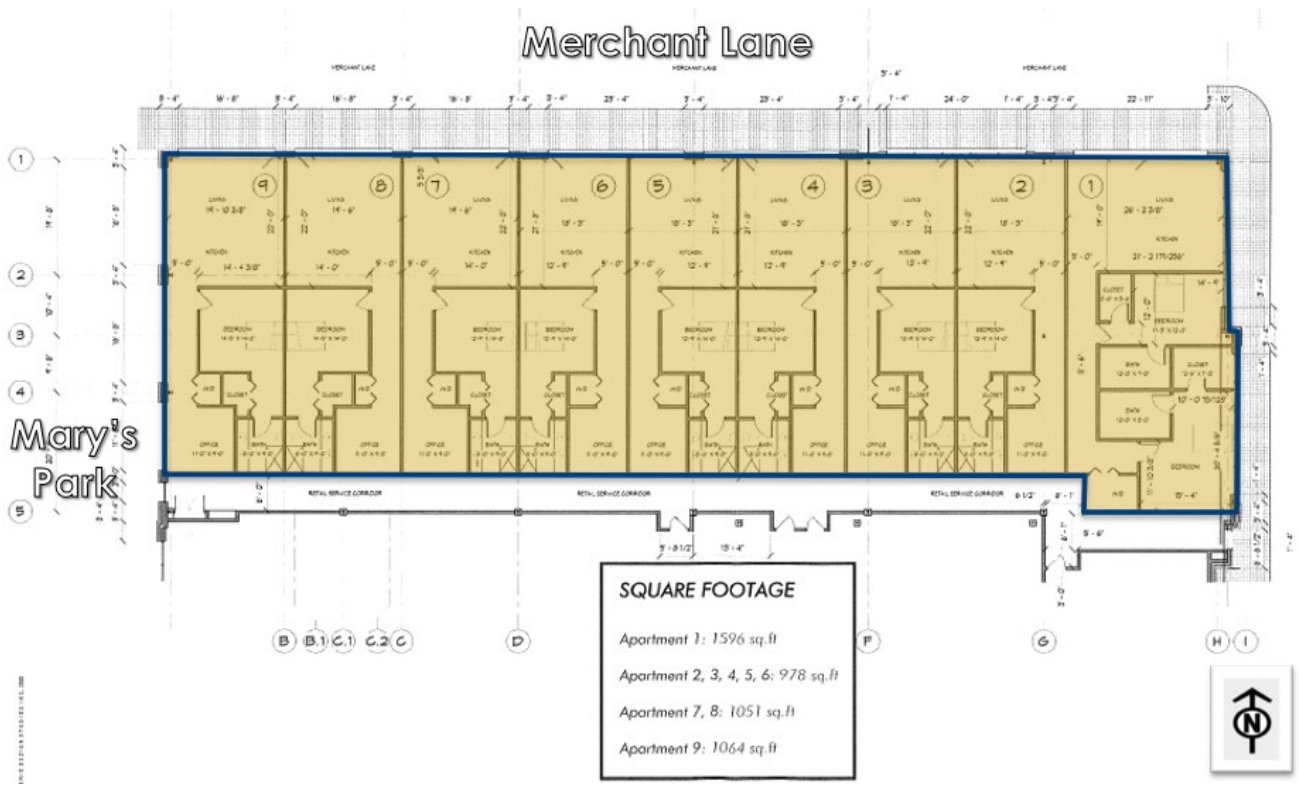
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EXHIBIT A



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EXHIBIT B

