

CONDITIONS

Use Permit Application No. 24-0437
Private University | 2 Eaton St [LRSN 2003199]
Hampton University

1) Issuance of Permit

The Use Permit is for a Private University, as that use is defined in the Hampton Zoning Ordinance, applies only to the location at 2 Eaton St [LRSN: 2003199] ("Location") as identified on **Exhibit A** attached hereto, is further limited and confined to the 14th Floor of 2 Eaton St, including the interior space as well as the outdoor patio area (the "Event Space").

2) Events

Events shall be private and not open to the general public, whether or not a fee is charged.

3) Third Party Promoter

Neither the facility nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event at the facility.

4) Location of Live Entertainment

Live entertainment may be conducted inside the building only. The setup and use of any equipment shall not interfere with required clear space for safe exit in the case of emergency, per the Uniform Statewide Building Code and/or the Statewide Fire Prevention Code.

5) Hours of Operation

- a. The hours of operation for outdoor amplified sound or outdoor live entertainment shall be limited to 11:00AM to 10:00PM.
- b. The hours of operation for indoor amplified sound or indoor live entertainment shall be 8:00AM to 2:00AM.
- c. If indoor live entertainment is occurring, all windows and doors shall be kept closed during the hours of 10:00PM to 2:00AM.

6) Certificate of Occupancy

The applicant shall obtain a Certificate of Occupancy prior to commencing operations and shall comply at all times with the maximum capacity listed on the certificate.

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7) Sound

Live entertainment located at the Event Space shall comply with Section 22-9 of the Hampton City Code (as amended) with respect to any sound or noise.

8) Security

Staffing shall be sufficient to monitor and control patron behavior upon their exit of the building into the surrounding area. Any criminal activity shall be reported to the Hampton Police Division, and security shall cooperate with the Hampton Police Division in their investigation into the criminal activity.

9) Dancing

The applicant shall comply with Chapter 4, Article II of the Hampton City Code (as amended) with respect to dancing on the premises.

10) Licensing and Expiration

- a. Applicant shall obtain and maintain all applicable licenses to conduct the business authorized by this Use Permit prior to engaging in any such business, including, but not limited to, those that may be required by the Virginia Department of Alcoholic Beverage Control (VABC). Applicant shall comply with all restrictions or requirements imposed by VABC.
- b. If at any point after this Use Permit is approved, an ABC license is obtained for the Event Space, then the following shall permanently apply to the Event Space: this Use Permit will automatically expire upon a change of ownership of the property, a change in possession, or a change in the operation or management of a facility.

11) Compliance with Laws

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

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12) 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).

13) Nullification

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

- a. 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;
- b. 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
- c. 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

