

# CONDITIONS

## Use Permit Application No. 24-0454

Restaurant 3 | Pecola's Tapas & Shisha  
1144 Big Bethel Road (portion of LRSN: 4002763)

### 1. Issuance of Permit

This Use Permit is for a Restaurant 3 ("Restaurant"), as that use is defined in the Hampton Zoning Ordinance, and shall apply only to the location at 1144 Big Bethel Road [portion of LRSN: 4002763] ("Location") as identified on **Exhibit A** attached hereto, and is not transferable to another location. Any expansion beyond the designated area will require an amended Use Permit.

### 2. Location of Live Entertainment

Live Entertainment may be conducted inside the building only and shall be limited to the area identified as "Live Entertainment" on the floor plan, attached hereto as **Exhibit B**. 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.

### 3. Hours of Operation

The hours of operation for the restaurant, including live entertainment and outdoor dining, shall be limited to the following:

- Sunday-Thursday 10:00 AM to 12:00 AM
- Friday-Saturday 10:00 AM to 2:00 AM

### 4. Window Transparency & Privacy

Notwithstanding allowable window signage in accordance with Chapter 10 of the Hampton Zoning Ordinance, no window treatment or finish shall be installed that would impede visibility into the Restaurant from the outside.

### 5. Capacity

During operation, patrons and staff shall not exceed the maximum capacity as determined by the City Building Official or their designee for the Restaurant.

### 6. Sound

The business shall comply with Hampton City Code section 22-9 (as amended) with respect to any sound or noise.

### 7. Security

The business shall provide security personnel during the hours of 10 PM until closing and during any live entertainment on the premises. Security personnel shall consist of a minimum of one (1) located in and monitoring the inside restaurant and bar area, and one (1) posted outside to monitor patron behavior upon their exit of the building into the parking lot and surrounding areas. All security personnel must be certified by the Virginia Department of Criminal

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Justice Services (VDCJS) and certification of training by all security personnel must be kept current and provided to the city upon request. Any criminal activity shall be reported to the Hampton Police Division, and security will cooperate with the Hampton Police Division in their investigation into the criminal activity.

### 8. Dancing

The business shall comply with Hampton City Code section 4-16 (as amended) with respect to dancing on the premises and dance floor area.

### 9. Third Party Promoters

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.

### 10. ABC 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. The Use Permit will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility, or the passage of three (3) months without an active retail alcoholic beverage control.

### 11. Compliance with Laws

- 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.
- b. In addition, 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.

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- c. This Use Permit may be terminated for any violation of federal, state, or local law.

### 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

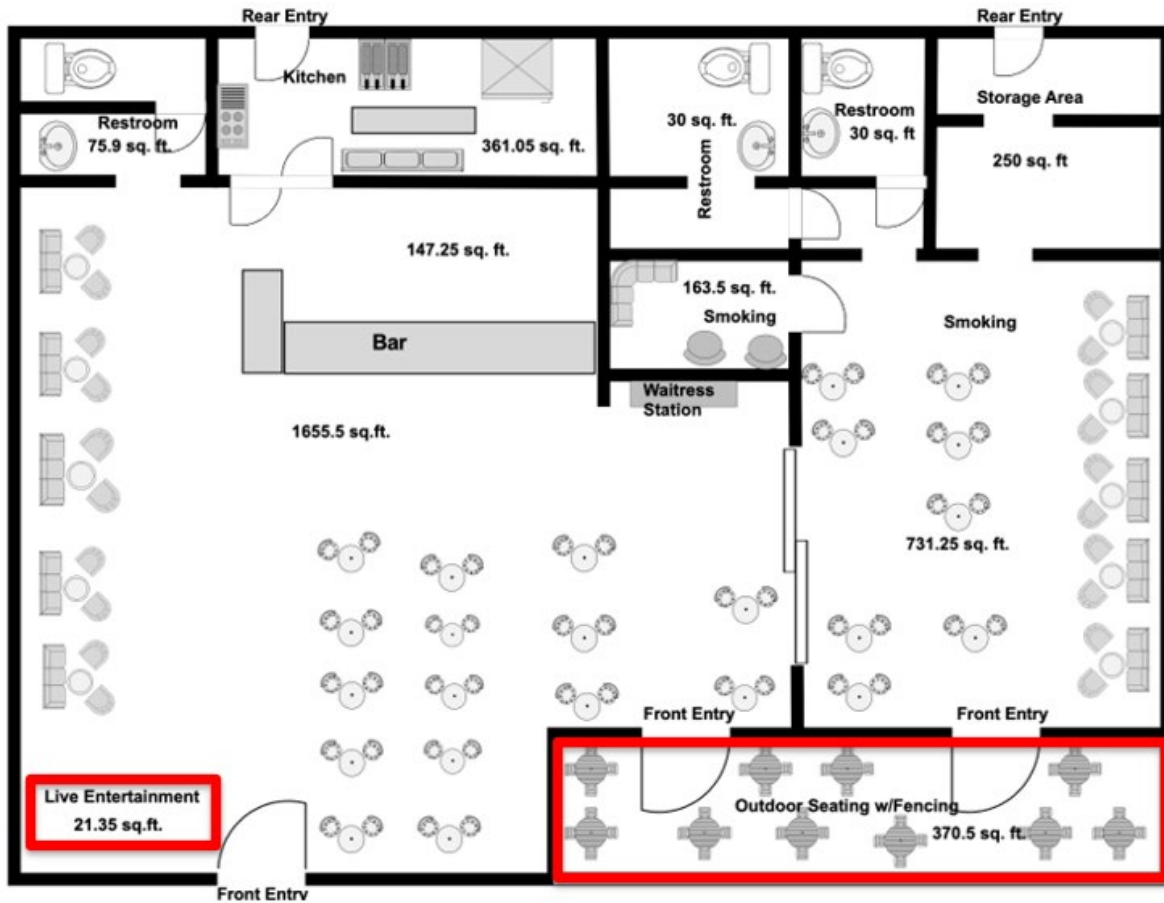


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## EXHIBIT B



Floor Plan