

CONDITIONS

Use Permit Application No. 24-0489
Restaurant 3 | Karma Restaurant & Lounge
87 & 85 Lincoln St. Hampton, VA. 23669

1. Issuance of Permit

The Use Permit is for a Restaurant 3, as that use is defined in the Hampton Zoning Ordinance, applies only to the location at 87 & 85 Lincoln Street [portion LRSN: 2003249] ("Location") as identified on **Exhibit A** attached hereto, and is not transferable to another location. Any expansion beyond the area designated on **Exhibit A** will require an amended use permit.

2. Hours of Operation

a) The general hours of operation for the restaurant shall be limited to the following:

- Sunday – Thursday 5:00 AM to 12:00 AM
- Friday – Saturday 5:00 AM to 2:00 AM

b) The indoor live entertainment hours of operation shall be limited to the following:

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

c) Notwithstanding the foregoing, the restaurant may be open during the hours of 5:00 AM to 2:00 AM on the following holidays:

- New Year's Eve
- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Saint Patrick's Day
- May 5th
- Memorial Day
- June 19th
- Independence Day
- July 11th
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Eve
- Christmas Day
- Hampton University Homecoming Week (Sunday through Sunday)

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3. Location of Live Entertainment

Live Entertainment may be conducted inside the building only and shall be limited to the area indicated on the floor plan attached hereto as **Exhibit B** and further identified as "Live Entertainment Area". The layout of tables and chairs shall be as depicted in **Exhibit B** so as not to allow for a dance floor or similar open space. The set up 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.

4. Window Transparency / Privacy

The storefront façade windows shall have the silver reflective window film/finishing removed. No exterior or interior window treatment including but not limited to film, tint, blinds, curtains, shades, shutters, and other devices used to cover windows for privacy shall be installed that would impede visibility into the restaurant from the outside while the restaurant is in operation

5. Capacity

During operation, patrons and staff shall not exceed the maximum capacity determined by a City building official.

6. Sound

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

7. Security

The business shall provide security services to monitor patron behavior upon their exit of the building into the parking lot and surrounding areas during business hours. All security personnel must be certified by the Virginia Department of Criminal Justice Services (VDCJS) and certification of training by all security personnel must be kept current and provided to the city upon request. ~~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 monitoring activity on the property during the hours of 10 PM until closing.~~

A security plan shall be developed and submitted to the Community Development Department. Once submitted, the plan will be reviewed by the Hampton Police Division and must be approved in writing by the Police Chief or designee with a copy of the most recent approved plan kept on site and provided upon request to the city. Another copy shall be kept on file with the

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Community Development Department as part of the approvals of this use permit application. The security plan shall ensure appropriate levels of monitoring of the interior area as well as outside of the business, to include the adjacent parking area. The security plan shall assure that security personnel are onsite and providing the required monitoring from 10:00 PM until closing and until all patrons have disbursed from the adjacent parking lot.

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. Staffing shall be sufficient to monitor and control patron behavior inside as well as upon exit of the building into the surrounding area.

8. Dancing

The business shall comply with Chapter 4, Article II of the Hampton City Code (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. This 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 license.

11. Compliance with Laws

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 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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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:

- (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

