

Conditions

Use Permit No.21-00019

Micro-brewery with Live Entertainment 2

1865 Brewing Company | 9 S Mallory Street [LRSN: 12001371]

1. Issuance of Permit

The Use Permit applies only to the location at 9 S Mallory Street [LRSN: 12001371] and is not transferable to another location.

2. Location of Live Entertainment

Live Entertainment may be conducted both inside and outside of the building, and shall be limited to the areas indicated on the attached floor plans, attached hereto as Exhibit A, B, and C. 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.

3. Hours of Operation

The hours of operation shall be limited to the following:

- Sunday - Thursday 6:00 AM to 12:00 AM
- Friday – Saturday 6:00 AM to 2:00 AM

4. Hours of Live Entertainment

The hours of Live Entertainment shall be limited to the following:

Indoor

- Sunday - Thursday 10:00 AM to 11:00 PM
- Friday – Saturday 10:00 AM to 1:00 AM

Outdoor

- Sunday - Saturday 10:00 AM to 10:00 PM

5. Capacity

During operation, patrons and staff shall not exceed the maximum capacity as determined by a City-issued Certificate of Occupancy.

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 services, consisting of in-house security, services of a contracted security firm, or extra duty police officers at a minimum of two (2) with one (1) located at the front entrance and one (1) at the rear entrance, all of whom will monitor the activity within the establishment, on the property, and within the parking lot during the hours of 10 PM until closing. 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. Staffing shall be sufficient to monitor and control patron behavior inside as well as upon exit of the building into the surrounding area.

8. Licensing and Compliance with all Laws

The business must maintain a valid license from the Virginia Department of Alcoholic Beverage Control (VABC) and comply with all restrictions or requirements imposed by VABC. In addition, this Use Permit may be terminated for any violation of federal, state, or local law.

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 Licensee Expiration

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 license.

11. 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).

12. 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.

Exhibit A - 1st Floor LE Area

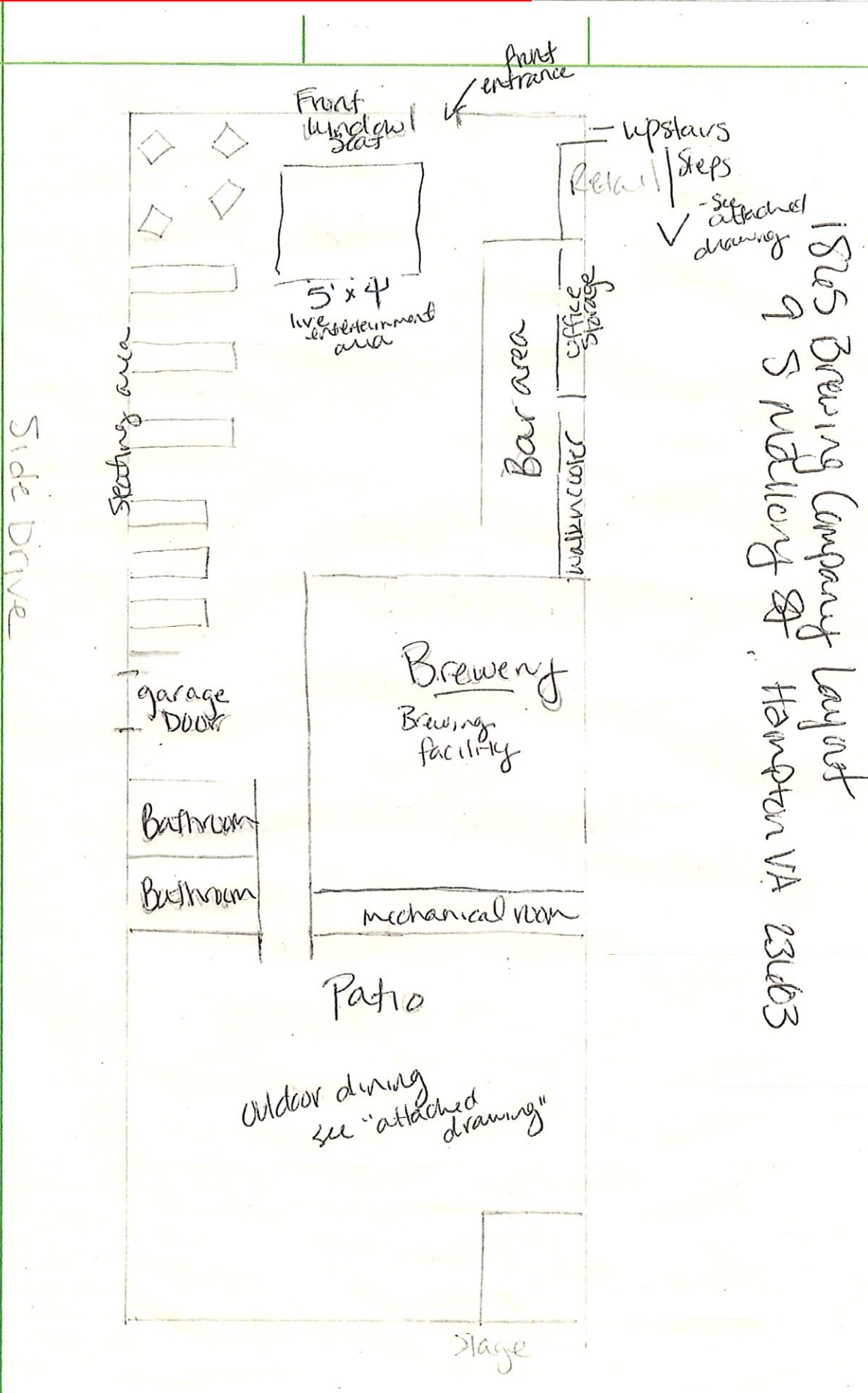


Exhibit B - 2nd Floor LE Area

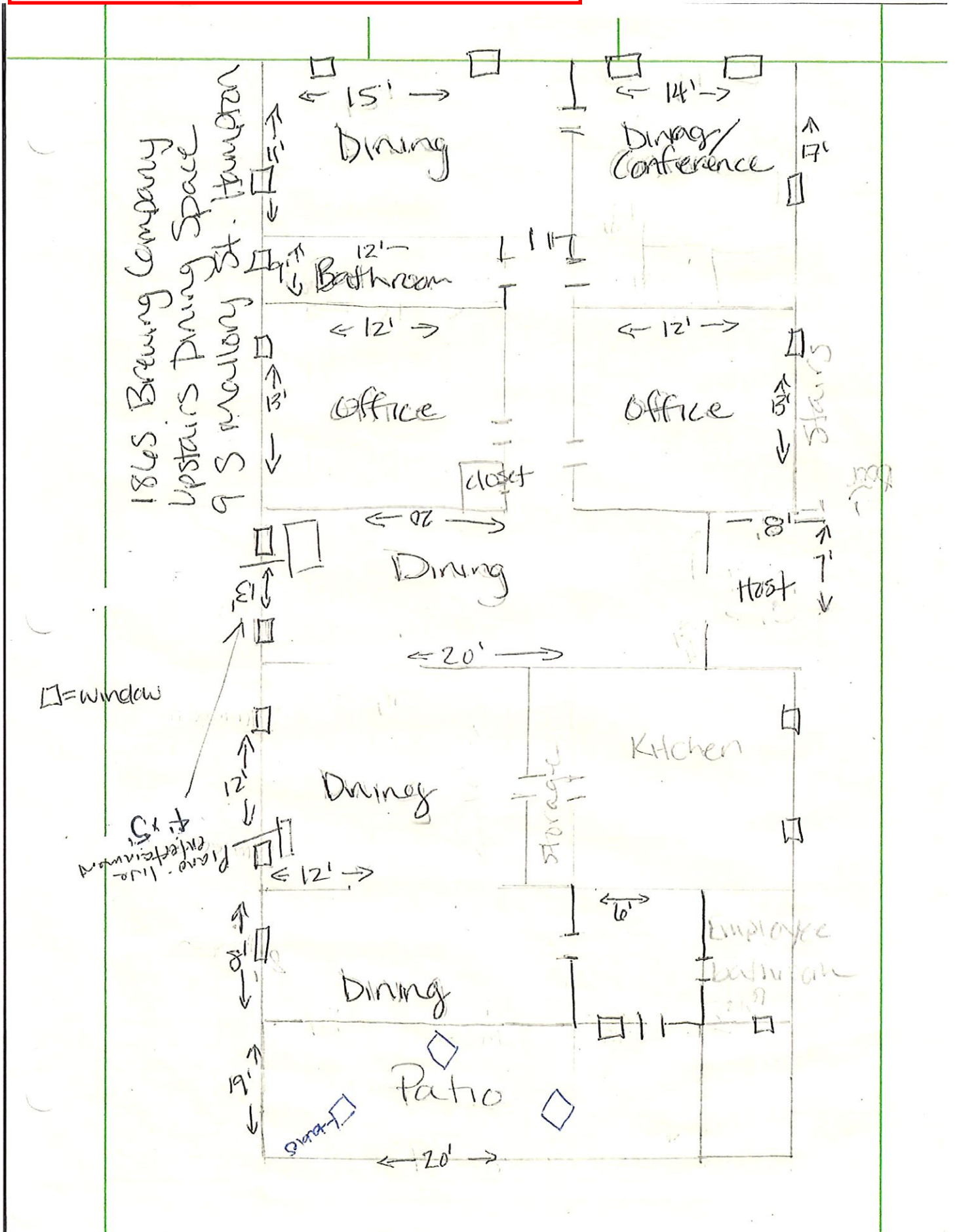
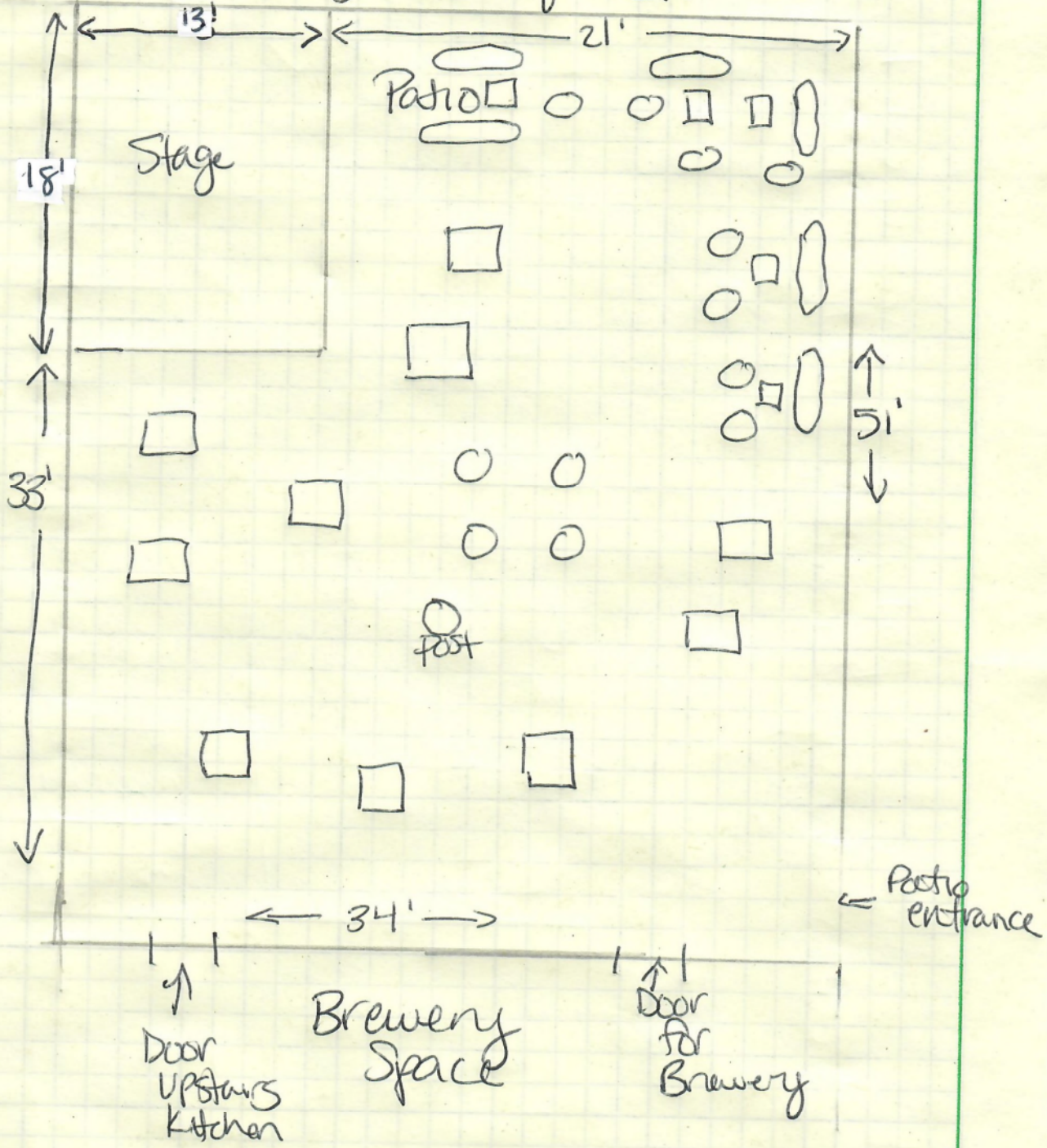


Exhibit C - Patio LE Area

1865 Patio - 1734 square ft.
 Stage - 234 square ft.



1865 Brewing Company
 Patio

□ = tables
 ○ = couches & chairs

9 S Mallory St.
 Hampton VA 23063