

**Use Permit Application No. 19-00002**

**Live Entertainment 2 in Conjunction with a Restaurant**

**Juan's Mexican Café & Cantina | 2423 McMenamin Street, Hampton, VA 23666**

**1. Issuance of Permit**

The Use Permit applies only to the location at 2423 McMenamin Street [LRSN 13002023] denoted in purple with diagonal lines and attached hereto as Exhibit A and is not transferable to another location.

**2. Location of Live Entertainment**

Live Entertainment may be conducted inside the building only and shall be limited to the location denoted as "live entertainment area" indicated on the attached floor plan denoted in green with a checkered pattern, and attached hereto as Exhibit B. 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 for live entertainment shall be limited to the following:

- o Sunday - Wednesday 11AM to 10:00PM
- o Thursday 11AM-12 midnight
- o Friday - Saturday 11:00 AM to 2:00 AM

**4. Capacity**

During the time that live entertainment is being provided, patronage and staff shall not exceed the maximum capacity determined by a City building official.

**5. Sound**

Live entertainment located at 2423 McMenamin Street [LRSN 13002023] shall comply with the Hampton City Code, Section 22-9 (as amended) with respect to any sound or noise.

**6. Security**

The business shall provide security services, consisting of in-house security, services of a ~~licensed contracted~~ security firm, or extra duty police officers at a minimum rate of one (1) per 75 patrons for the live entertainment area of three (3) security personnel present on the property during any live entertainment event. At least one (1) security personnel shall be posted outside the establishment to monitor patron behavior on McMenamin Street and West Claiborne Square, reporting any potential criminal activity to the Hampton Police Department. Staffing shall be sufficient to monitor and control patron behavior inside as well as upon exit of the building into the surrounding area.

**7. Licensing and Compliance with all Laws**

When required by law, 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.

**8. Dancing**

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

**9. Third Party Events**

If the facility is leased, let, or used by any third party for any event, the owner/operator, or his or her employees, shall be present at all times during the event and shall be responsible for compliance with all conditions of this use permit regardless of any contract or agreement with any third party regarding the facility. Any cover charges or tickets shall be collected directly by the owner/operator.

**10. 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).

**11. 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

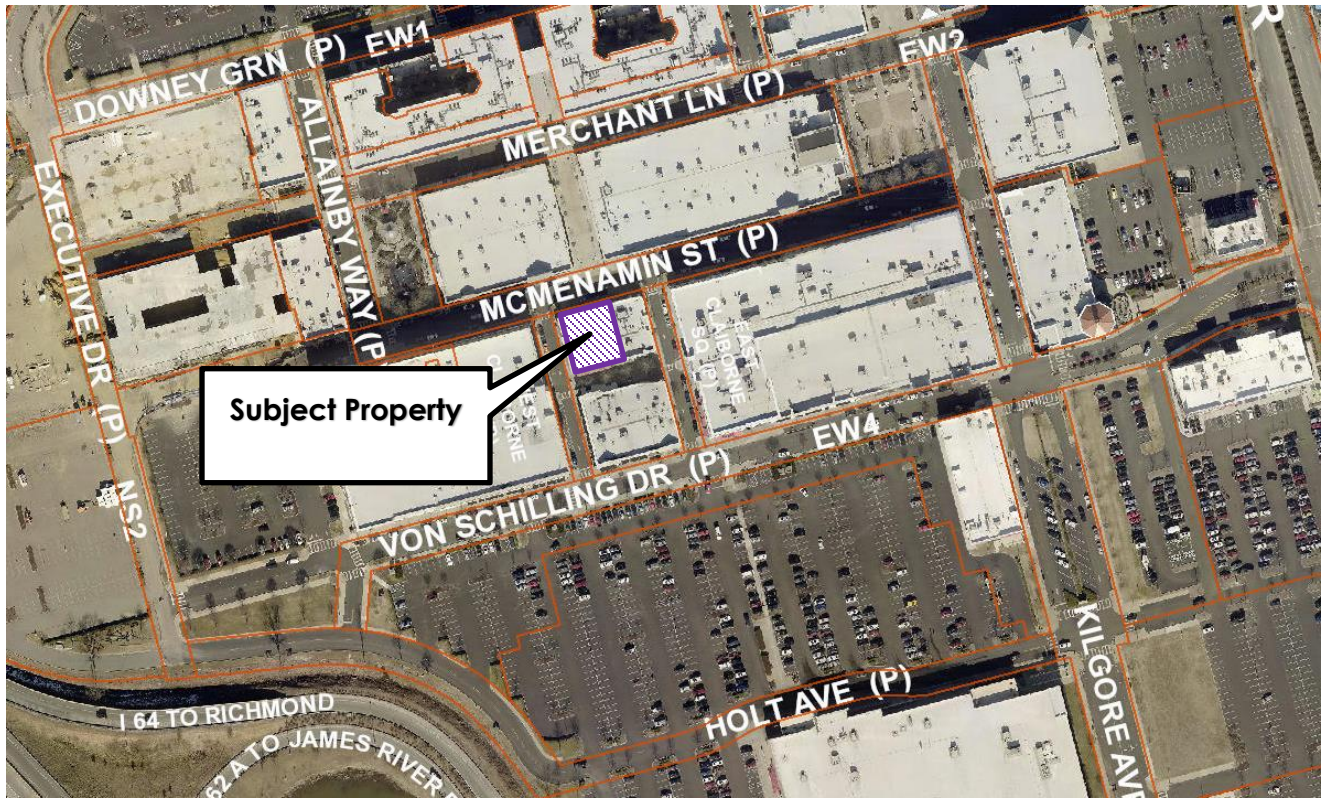
(3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

**12. Review of Live Entertainment Uses**

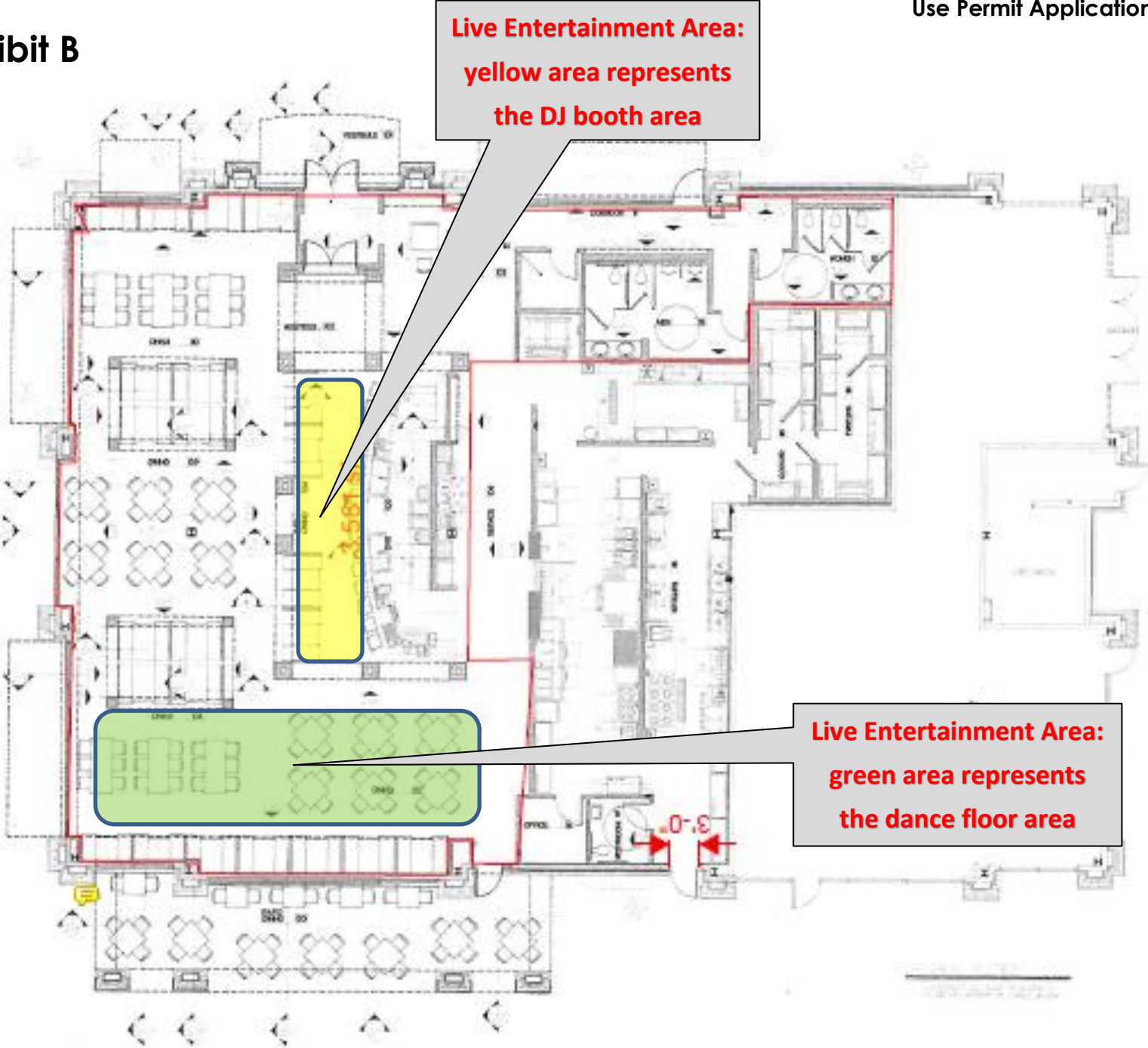
After 12 months of operation, the Use Permit will be scheduled for review by the Director of Community Development (the "Director") to consider if the continuation of the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hour and manner of operation, noise, light, neighborhood complaints, police service calls, and any

violations of any federal, state, or local law. If after review, the Director determines that the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the permit shall be scheduled for the same administrative review in 5-year increments. If the Director determines that the Use Permit would be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the Director will notify the Permittee in writing and may initiate the revocation process before City Council. Nothing contained herein shall limit the City's ability to enforce City Code violations at any time during the operation.

## EXHIBIT A



**Exhibit B**



**Live Entertainment Area:**  
yellow area represents  
the DJ booth area

**Live Entertainment Area:**  
green area represents  
the dance floor area