

# Conditions

## Use Permit Application No. 21-00002

Restaurant, without a drive-through or drive-in, with a retail alcoholic beverage license  
Pharaoh's Bar and Hookah | 1405 E Pembroke Ave, Hampton, VA 23663

### 1. Issuance of Permit

The Use Permit applies only to the location at 1405 E Pembroke Ave [LRSN 12003335] and is not transferable to another location.

### 2. No Live Entertainment

There shall be no live entertainment at the location.

### 3. No Outdoor Dining

There shall be no outdoor dining at the location.

### 4. Hours of Operation

The hours of operation of the 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

### 5. Capacity

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

### 6. Sound

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

### 7. Lighting

Exterior lighting shall be installed at the Owner's expense. Light fixture type, location and spacing shall comply with the latest edition of the "City of Hampton Outdoor Lighting Policy and Procedures" manual which is administered by the director of public works. Exterior lighting shall be reasonably designed to provide for the safety of the public in their use of parking lots, walkways and entrance areas. These areas shall be illuminated by a source providing not less than one-half of one (0.5) foot candle of light at the surface during hours of darkness. The light source shall be fully shielded, located so as not to cause glare or excessive light spillage onto neighboring sites and mounted or installed to maintain the aforementioned characteristics. All light poles located within pavement areas shall be protected by concrete curbing or shall be installed at the intersection of four (4) parking spaces.

### 8. 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 one (1) located in and monitoring the lounge area, one (1) located in and monitoring the bar area, and one (1) posted outside monitoring activity on the property during the hours of 10 PM until closing. Any criminal activity shall be reported to the

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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.

## 9. **Licensing and Compliance with all Laws**

The restaurant 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.

## 10. **Dancing**

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

## 11. **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.

## 12. **Expansion of Restaurant Use**

Any increase in the floor area calculated for purposes of parking, over the currently existing 2,519 square feet, which would require additional parking per Zoning Ordinance section 11-2 (as amended) shall not be permitted.

## 13. **Parking on Site**

Parking shall only be in legally marked parking spaces. Adding parking beyond the currently existing 34 parking spaces shall require Zoning Administrator approval via submittal of a plan per Zoning Ordinance section 1-7 or 1-8 (as amended).

## 14. **Site Access Modification**

As depicted in Exhibit A, the site access along Woodland Road nearest to East Pembroke Avenue shall be marked as a right-turn exit only. The site access along East Pembroke Avenue closest to Woodland Road shall be made inaccessible for vehicle ingress or egress. The means for making this access point on East Pembroke Avenue inaccessible shall be approved by the Directors of Public Works and Community Development, or their designees following review for its ability to deter vehicular traffic from entering or exiting the site, not impeding vehicular or pedestrian traffic in the right-of-way, not hindering emergency services for the site, not being in conflict with other codes and ordinances, and being appropriately visible so as to not create a potential hazard.

## 15. **Special 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.

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## 16. **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).

## 17. **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

