

# CONDITIONS

Use Permit Application No. 22-00015  
Restaurant 3 | Pharaoh's Bar and Hookah  
1405 E Pembroke Ave. Hampton, VA. 23663

## 1) Issuance of Permit

- a. The use permit applies only to the location at 1405 E Pembroke Avenue, Hampton, VA 23663 [LRSN 12003335] and is not transferable to another location.
- b. The use permit supersedes previously approved use permit No. 21-00002, making use permit No. 21-00002 void.

## 2) Site Access Modification

- a. 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, meaning no entry and no left turn exit. 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. Live entertainment, as permitted through this use permit, may not be conducted until the site access modifications have been achieved.
- b. 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 Procedure" 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. Live entertainment, as permitted through this use permit, may not be conducted until the site access modifications have been achieved.

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## 3) Live Entertainment

- a. Live entertainment may be conducted inside the building only and shall be limited to the area indicated as the DJ location on the floor plan attached hereto as Exhibit B, except that dance performers may be permitted to perform throughout the lounge area.
- b. All live entertainment, including dance performers, shall comply with Section 23-13 of the City Code, as amended, and shall not include any elements of an "adult establishment" as defined by the Zoning Ordinance.
- c. The DJ booth area shall be limited to not more than a 6' X 6' area behind the counter as shown on 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.
- d. The furniture shall be maintained as shown on Exhibit B and shall not be rearranged. No dance floor for patrons or performers shall be permitted.
- e. Direct access to the lounge area from outside shall be maintained during hours of operation.

## 4) Hours of Operation

The hours of operation shall be limited to the following:

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

## 5) Capacity

- a. During operation, patrons and staff shall not exceed the maximum capacity as stated on the Certificate of Occupancy.
- b. Staff or security at the entrance(s) shall keep a counter of patrons in the establishment. The counter shall be displayed to public safety personnel upon request by public safety personnel.

## 6) Outdoor Dining

- a. A request may be made to permit outdoor dining upon increasing the number of available parking spaces sufficient to enable the use as required by Chapter 11 of the Zoning Ordinance. If additional parking is approved by the Zoning Administrator, the Zoning Administrator may, in consultation with the Director of Community Development, issue written

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zoning approval provided that the proposed outdoor dining complies with applicable zoning ordinance regulations.

- b. Hours of outdoor dining, if established, shall be limited to 5:00 AM to 10:00 PM every day.

## 7) Sound

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

## 8) Security

- a. 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 inside lounge, 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.
- b. All security officers must have Department of Criminal Justice Certification.
- c. Any criminal activity shall be reported to the Hampton Police Division, and security will cooperate with the Hampton Police Division and other City of Hampton public safety personnel into any investigation of criminal activity.
- d. Staffing shall be sufficient to monitor and control patron behavior inside as well as upon exit of the building into the surrounding area, including all areas where patrons park.

## 9) 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.

## 10) 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.

## 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.

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## 12) 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.

## 13) 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).

## 14) Nullification

The 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 (2) year period unless otherwise specified in the Hampton 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



**Legend**  
 ■ Parcels  
 - Lot Lines

To be marked and/or signed as right-turn exit-only, unless parking lot is redesigned and layout approved by Zoning Administrator and Director of Public Works

To be blocked as no entrance or exit, unless parking lot is redesigned and layout approved by Zoning Administrator and Director of Public Works



**Title:**

**Date:** 3/24/2021

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Hampton is not responsible for its accuracy or how current it may be.*

Exhibit B  
Prepared 05/24/2023

