



APPLICATION ACCEPTED: January 20, 2011  
BOARD OF ZONING APPEALS: April 20, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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April 13, 2011

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2011-MA-005**

### MASON DISTRICT

**APPLICANT:** Mohamed Daouny and Walima, Inc.  
d/b/a Walima Café

**ZONING:** C-6 and CRD

**LOCATION:** 3823-D South George Mason Drive

**ZONING ORDINANCE PROVISIONS:** 8-503

**TAX MAP:** 62-3 ((13)) 51

**SQUARE FOOTAGE:** 1,600 square feet

**PLAN MAP:** Office, retail and residential uses

**SPECIAL PERMIT PROPOSAL:** To permit the addition of a Group 5, Commercial Recreation Use (hookah lounge) in an existing commercial space

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-MA-005 subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

*O:\dhedr\Special Permits(4-20) SP 2011-MA-005 Walima Cafe' (comm rec)\SP 2011-MA-005 Walima Cafe staff report.doc*

Deborah Hedrick

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

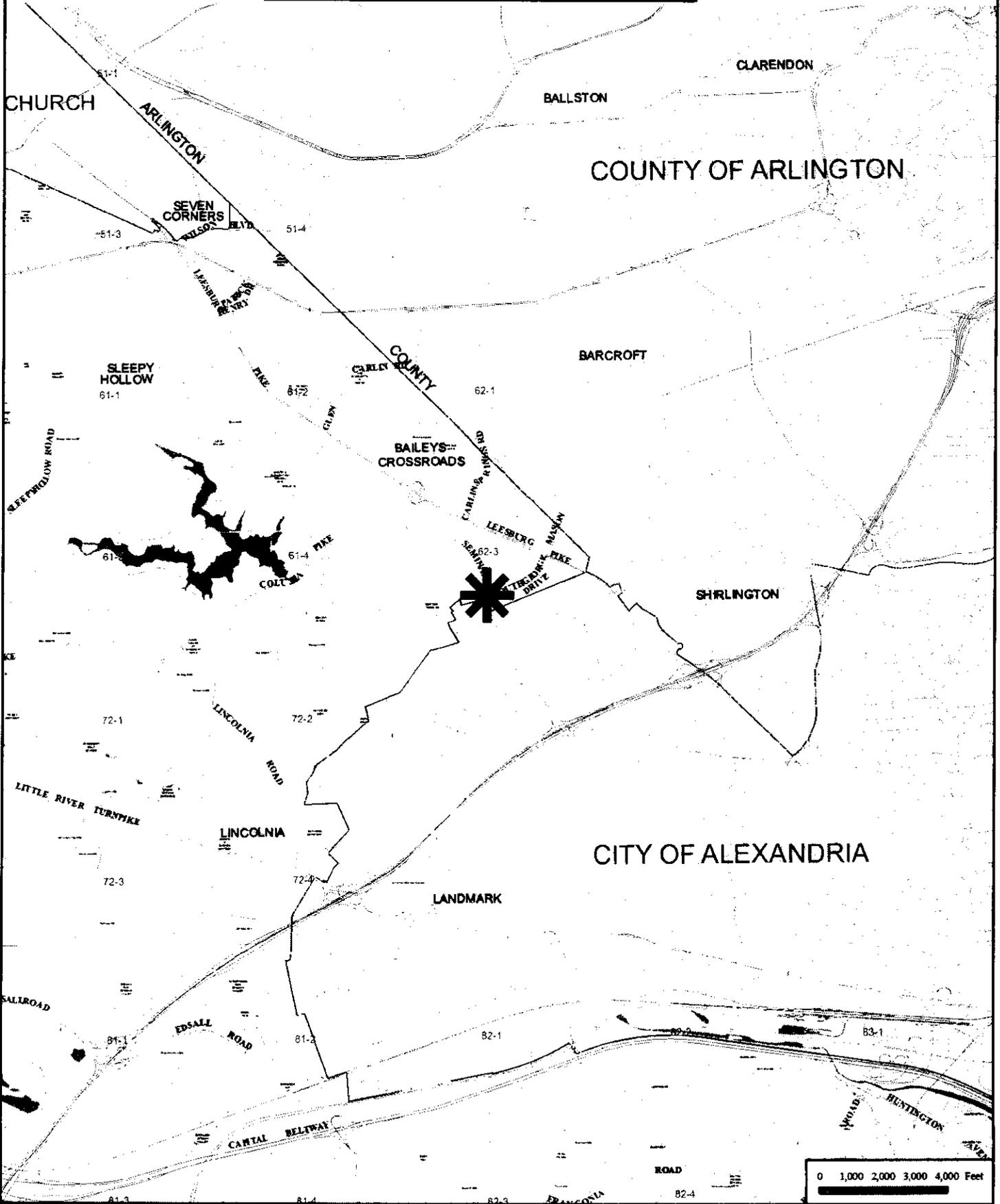
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

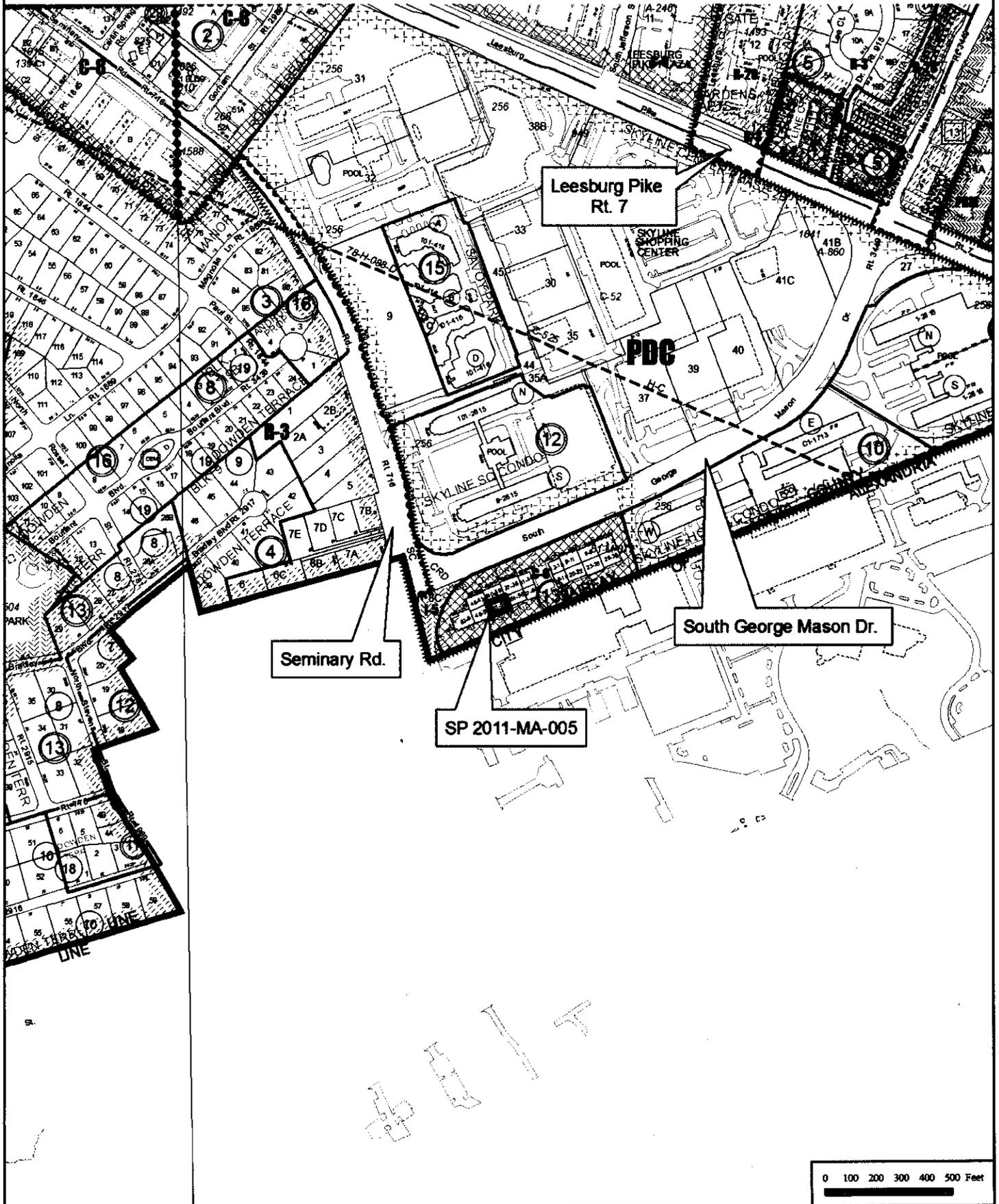


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2011-MA-005**  
**WALIMA, INC. D/B/A WALIMA CAFE**



**Special Permit**  
**SP 2011-MA-005**  
**WALIMA, INC. D/B/A WALIMA CAFE**























**DESCRIPTION OF THE APPLICATION**

**Special Permit Request:** To permit the addition of a Group 5, Commercial Recreation Use (hookah lounge) in an existing commercial space

**PROPOSED**

<b>Size of Unit:</b>	1,600 square feet*
<b>Parking:</b>	5.1 spaces**
<b>Seats:</b>	40 seats
<b>Hours of Operation:</b>	11:00 a.m. – 2:00 a.m., seven days a week
<b>Employees:</b>	3 full-time employees

\*The leased portion of the shopping center for the use is only applied for this application. Although the applicant has indicated on the application form that the subject property consists of 1,600 square feet in size, the Tax Assessment records for this unit indicate 1,116 square feet and the parking tabulation indicates 1,175 square feet.

\*\*The required parking spaces are based on a parking tabulation, dated October 13, 2009 and approved by the Department of Public Works and Environmental Services (DPWES), attached as Appendix 5.

**LOCATION AND CHARACTER**

**Existing Site Description**

The subject site is located at the southeast corner of South George Mason Drive and Seminary Road as part of the Skyline development area. The application unit, which the applicant indicates measures 1,600 square feet, is within a shopping center with commercial uses such as restaurants, quick service food stores, and beauty salons. The shopping center fronts along South George Mason Drive and Seminary Road, where there are ingress and egress points, and there are storefronts along the rear of the building as well. The immediate area is zoned C-6. It is also located within the Bailey’s Crossroads/Seven Corners Commercial Revitalization District (CRD). There are a total of 311 parking spaces on site. Mature vegetation line the site’s boundaries, and deciduous trees are also planted within landscape islands in the parking lot.

To the north and east, there are high-rise condominiums, and to the immediate south, there is an industrial use, which is within the City of Alexandria’s jurisdiction. Across Seminary Road to the west, there are single-family detached residences, which are also within the boundaries of the City of Alexandria. Dowden Terrace, a community of single-family detached dwellings, is northwest of the site. Immediately adjacent to the western boundary of the site, there is a small parcel of land which is owned by the Board of Supervisors and zoned I-5, according to the Fairfax County Zoning Map; however, the parcel is not developed.

**Surrounding Area Description**

Direction	Use	Zoning
North	Skyline Square Condominium	PDC
South	Industrial use (City of Alexandria limits)	N/A
East	Skyline House Condominium	PDC
West	Single-family detached dwellings (City of Alexandria limits)	N/A

**BACKGROUND**

**Site History**

On November 2, 1981, the Board of Supervisors (BOS) approved RZ 81-M-072 with proffers to permit a zoning change from I-5 to C-6 on 4.4165 acres, including the petitioned site. BuildAmerica 7 at Skyline House Condominium was built in 1982.

On April 19, 2010, the owner/lessor of the subject property was issued a Notice of Violation (NOV) as a result of an April 7, 2010 zoning inspection which revealed that the applicant, Walima Café was not serving food, but was found offering tobacco products and smoking devises for sale, use and consumption on site. An approved Non-Residential Use Permit (Non-RUP) was issued in 2006 for a “fast food” use and not a commercial recreation use (hookah lounge). Although the business remains in operation today, the applicant has indicated to staff that the operation of a hookah lounge is not taking place while they await a decision on this special permit application.

A similar application in the same shopping center is scheduled to be heard before the Board of Zoning Appeals (BZA) on April 13, 2011. There are no other previous applications for hookah lounges in Fairfax County.

## ANALYSIS

### Special Permit Plat (Copy at front of staff report)

**Title of SP Plat:** BuildAmerica 7

**Prepared By:** Dewberry & Davis

**Dated:** April 1981

### Special Permit Plat and Proposed Use:

The submitted plat is a copy of the original site plan dated April 1981, which was approved and bonded based on the previous I-5 zoning district. The shopping center's 4.4165 acre site was rezoned from I-5 to C-6 with the approval of zoning application RZ 81-M-072 on November 2, 1981 as previously stated. The landowner agreed to a proffer that would amend the approved site plan to comply with the new C-6 zoning district and to provide the required number of parking spaces for the office and retail uses on site.

The applicant proposes to operate a hookah lounge in a leased commercial space, which the applicant states measures 1,600 square feet, within the existing shopping center. The Zoning Administration Division determined, in a letter dated February 5, 2010, that a hookah lounge is a Commercial Recreation Use since it is a form of "relaxation and amusement." It is most similar to other commercial recreation uses, such as indoor firing ranges, archery ranges, and fencing. A copy of the determination letter is included as Appendix 6.

The proposed hookah lounge will operate from 11:00 a.m. to 2:00 a.m., seven days a week with a maximum of three employees on site. The lounge space will have several tables with seats provided throughout the leased space. A copy of the proposed floor plan is attached as Appendix 7. A maximum capacity of up to 50 people, including employees, is proposed. Coffee, tea, soda and other non-alcoholic beverages will be served. Food will not be prepared or served in the lounge, but light snacks, such as chips, nuts, etc., will be provided and carryout or prepackaged food can be eaten in the lounge. Patrons, who must be a minimum of 18 years of age, will pay for the use of the hookahs and tobacco on site, and no tobacco or other retail sales are proposed. Light background music and/or the existing televisions will be played. No live entertainment is proposed. No dance floor area is proposed.

An existing bar counter will be used to prepare drinks inside the lounge space. The hookahs, which are also known as water pipes, will be prepared in the kitchen area, which is in the rear of the space. The specific method of preparing a hookah can vary, but generally, the hookah is assembled with key essential parts, including a bowl, water

jar, and plate or foil. The charcoal, which is mainly wood based, for the hookah is heated in a pan on a stove and then transferred to the top of a hookah on a perforated plate or piece of foil, which rests above the tobacco in a bowl. These pieces, which comprise the body of the hookah, are all connected together above a water jar. A hose or multiple hoses connect to the body of the hookah, and patrons draw air through the hose down through the charcoal, tobacco, and into the water jar to create smoke from the hookah. Once the user is done smoking the tobacco through the hookah, they extinguish any remains of the charcoal and tobacco in a decorative bowl with water provided on site.

Staff was concerned that the smoke from the hookah lounge will infiltrate adjoining units, so a tenant layout plan will be required for Building Plan Review prior to approval of a new Non-RUP. As part of the tenant layout plan, appropriate ventilation has to be provided at the level of a smoking lounge for the hookah lounge. In addition, a Fire Safety Technical Inspection will be required so the Fire Marshal's Office can inspect the hookah lounge to verify fire safety measures in the unit.

### **Land Use Analysis:**

The Comprehensive Plan's base plan recommendation for the immediate area (Sub-Unit F-1) around the application site is for 3,018,000 square feet of office uses, 260,000 square feet of retail uses and 3,600 multi-family residential units. The redevelopment option is for a mixed-use development containing residential, office, retail, park and recreational components. The addition of a hookah lounge does not conflict with neighboring commercial uses in the shopping center and complies with the redevelopment option for the area.

Comments were received from the Office of Commercial Revitalization and Reinvestment and the Fairfax County Department of Transportation. The applicable memos are attached as Appendices 8 and 9. No issues were identified by these agencies relating to the proposed use.

## **ZONING ORDINANCE PROVISIONS**

### **Special Permit Requirements (See Appendix 10)**

#### General Special Permit Standards (Sect. 8-006)

Staff believes that the application for the addition generally meets all of the eight (8) General Special Permit Standards, particularly Standard 3. The applicant is proposing a hookah lounge in an existing shopping center and does not propose any new construction. The adjacent tenant spaces to the proposed hookah lounge are commercial uses, and the shopping center is located within an area of mixed uses, including residential, commercial and industrial uses. However, staff had concerns

regarding health and safety impacts of the use, particularly fire safety issues since the hookahs are heated with charcoals. The applicant has agreed to a yearly fire safety inspection. The hookah lounge will also be open to inspection by all Fairfax County departments during the hours of operation.

#### Group 5 Standards (Sect. 8-503)

The Group 5 Standards require that the proposed use comply with the lot size and bulk regulations for the C-6 District, comply with the performance standards and satisfy site plan review. The site met these requirements at the time of site plan approval, and no site modifications are proposed.

#### **Summary of Zoning Ordinance Provisions**

All applicable standards have been satisfied with the proposed development conditions.

#### **CONCLUSIONS AND RECOMMENDATIONS**

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report. The Proposed Development Conditions have been reviewed by the Fire Marshal's Office and Building Plan Review staff of DPWES and have been included to address their comments.

#### **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Notice of Violation dated April 19, 2010
5. Proposed Site Plan Use and Parking Tabulation Revision for BuildAmerica 7
6. Zoning Administration Division Determination Letter
7. Proposed Floor Plan for the Walima Café
8. Office of Community Revitalization and Reinvestment Memo dated March 4, 2011
9. Fairfax County Department of Transportation Memo dated March 4, 2011
10. Applicable Zoning Ordinance Provisions Checklist

**PROPOSED DEVELOPMENT CONDITIONS****SP 2011-MA-005****April 13, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-MA-005 located at Tax Map 62-3 ((13)) 51 to permit a commercial recreation use under Section 8-503 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

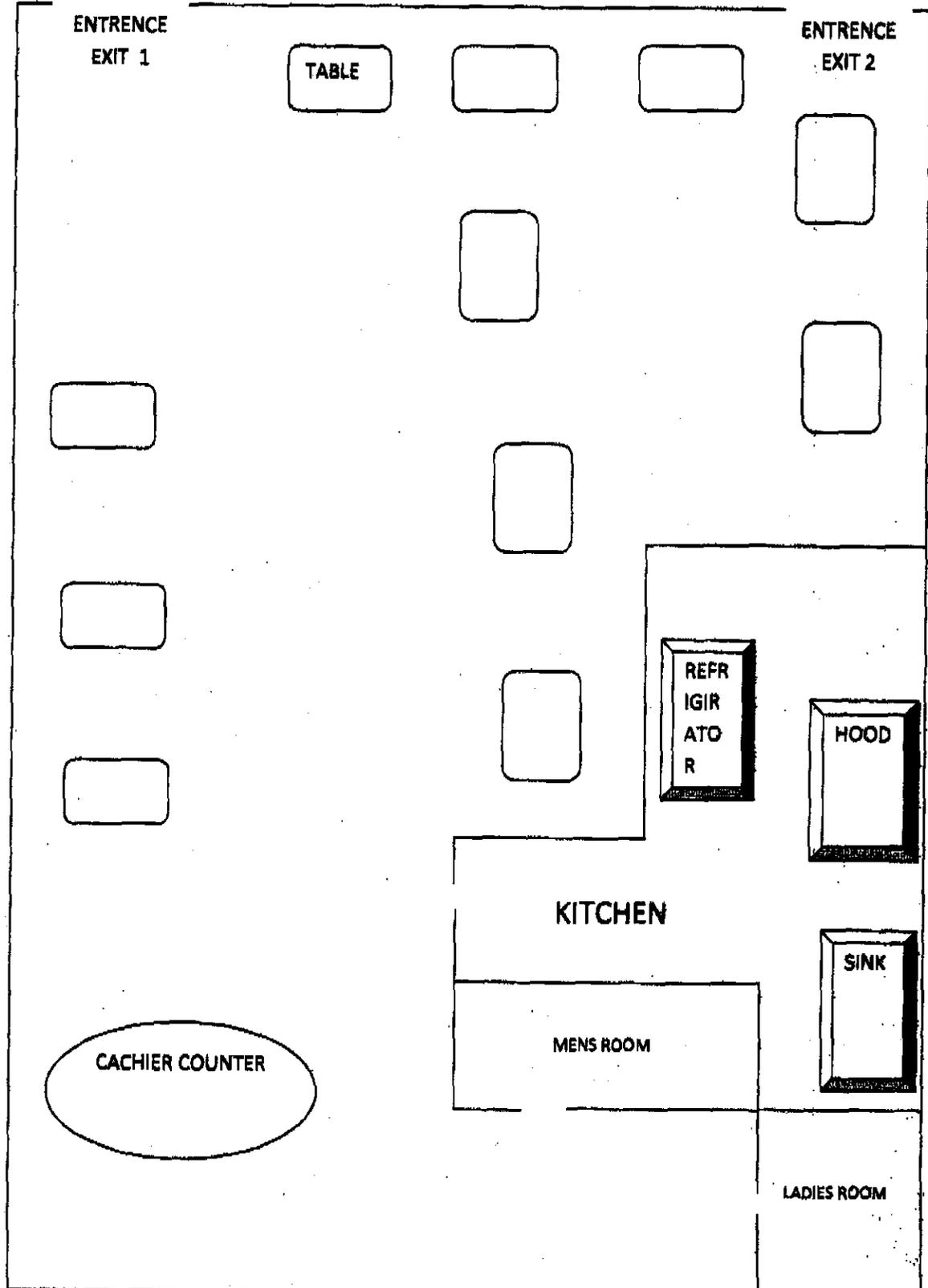
1. This approval is granted to the applicant only, Mohamed Daouny and Walima, Inc. d/b/a Walima Café and is not transferable without further action of this Board, and is for the location indicated on the application, 3823-D South George Mason Drive, and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the special permit plat prepared by Dewberry & Davis, dated April 1981, approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this Special Permit shall be in substantial conformance with these conditions. Minor modifications to the approved Special Permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The use shall be in general conformance with the floor plan, included as Attachment 1.
6. Maximum occupancy shall not exceed 50 persons, including employees, in the facility at any time.
7. The maximum hours of operation of the use shall be limited to 11:00 a.m. to 2:00 a.m., daily.
8. Employees shall be a minimum of eighteen (18) years of age.

9. Entry to the establishment shall be limited to customers who are eighteen (18) years of age and older. A door counter shall be present during the hours of operation to validate the age of patrons and to ensure compliance with the maximum occupancy permitted.
10. The number of required parking spaces shall be provided in conformance with the provisions of Article 11 of the Zoning Ordinance, as determined by DPWES. All parking for the use shall be on site of the BuildAmerica shopping center.
11. No alcohol shall be stored or served on site.
12. No food shall be prepared on site, except prepackaged snacks.
13. There shall be no amusement games or gambling on the premises.
14. There shall be no live entertainment or a dance area.
15. The use shall be open to inspection by all departments of the County of Fairfax during the hours of operation.
16. The applicant shall complete a Fire Safety Technical Inspection once a year. A copy of the inspection shall be filed with the Fairfax County Department of Planning and Zoning.
17. Prior to approval of a new Non-RUP, a tenant layout plan shall be submitted for review in accordance with the currently adopted Virginia Construction Code.
18. The Non-RUP shall include restrictions on the maximum occupancy permitted, number of permitted tables and the maximum hours of operation.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

# WALIMA, INC



Application No.(s): SP 2011-MA-005  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/9/11  
(enter date affidavit is notarized)

I, Mohamed Daouny, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)       applicant  
                          applicant's authorized agent listed in Par. 1(a) below      108587

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)**

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Mohamed Daouny	3823-D So. George Mason Drive Falls Church, VA 22041	Applicant/Lessee
Walima, Inc., d/b/a Walima Cafe	(same)	Co-Applicant
Zineb Khatib	(same)	Agent for Applicant/Lessee, and Co-Applicant
Jean Claude Lambrechts	7512 Masonville Drive Falls Church, VA 22042	Title Owner/Lessor

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/9/11  
(enter date affidavit is notarized)

108587

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Walima, Inc.  
3823-D So. George Mason Drive  
Falls Church, VA 22041

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Mohamed Daouny

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2011-MA-005  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/9/11  
(enter date affidavit is notarized)

108587

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2011-MA-005  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/9/11  
(enter date affidavit is notarized)

108587

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/9/11 108587  
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) [ ] Applicant [ ] Applicant's Authorized Agent

MOHAMED DAOUNY  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 9th day of MARCH 2011, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

[Signature]  
Notary Public

My commission expires: JUNE 30, 2013

JASMINE KAMIKA SHAWNTE SCOTT  
Notary Public  
Commonwealth of Virginia  
7232964  
My Commission Expires Jun 30, 2013

RECEIVED  
Department of Planning & Zoning

FEB 24 2011

Zoning Evaluation Division

From: Zineb Khatib & Mohamed Daouny  
Walima cafe 3823D south. George Mason drive  
Falls Church, VA 22041

To: Department of Planning and Zoning (DPZ)  
Cc: Special Projects/Applications Management Branch

Subject: SPECIAL PERMIT STATEMENT (Commercial Recreation)

My name is Zineb Khatib, I live in 6302 8th Street Alexandria, VA 22312 and my phone number is (571) 723 1582. My husband and I are the owners of a small family business named Walima Cafe located in 3823D S. George Mason drive Falls Church, VA 22041. Our establishment is 1600 Square feet, contains 15 tables for an occupancy of 40 seats.

I am writing this statement on behalf of my husband, my family and myself to appeal for your kind consideration to grant us a Special Permit to continue operating our small family business which was negatively affected specially this last two years, due to the declining economy and its impact on our community and the following:  
After the implementation of the ban on mixing smoking tobacco with food consumption in Fairfax County and due to the size of our small business and our inability to afford relocating to a bigger establishment, my husband and I have elected to apply for a Special Permit for a Hookah Bar to allow us serve beverages and the internationally known fruit flavoured tobacco pipe, also known as "ShiSha/Hookah" to our main customers who are predominately from middle eastern background who are our regular customers (mostly from a 1.5 mile radius) since we started operating our small business seven years ago.

This proposed use of our Hookah Bar will be compatible with the existing land use and the general development and character of the neighbourhood. It will satisfy the general standards pursuant to Section 9-006 of the Zoning Ordinance.

As mentioned above we have been in this facility for seven years. And since, we haven't made **any** exterior changes, I am also requesting a waiver of the 23 special permit plat (spp) already submitted to the department of planning and zoning prepared by Drew Berry and Davis in 1981.

Our place again is a hookah-bar (smoking of tobacco through water pipes) where customers come to relax and socialize after a long working day, and as stated by the owner which is the shopping centre manager there is no parking problems so far specially because our real working time is in the evening where all the other stores are closed.

The business is operated by me, my husband and a helper from 11:00 AM to 2:00 AM, *Seven days a week.*

Enclosed with this statement of justification you will find the following documents for your review.

The average patrons is 20 to 30 with a maximum of 40 persons. Most of them live within a walking distance with 4 cars hourly basis

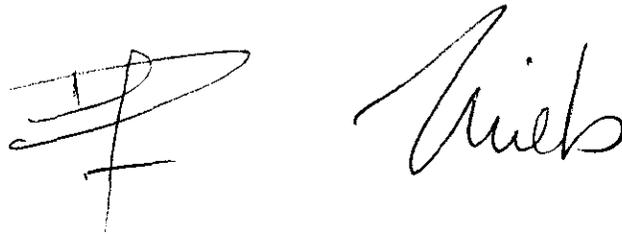
*No alcoholic beverages will be served. Only light snacks will be available, such as nuts and chips.  
No cooking will take place.*

- A notarized copies of the Special Permits/Variance Affidavit
- A copy of Official Zoning Map
- Photographs of the property and surrounding areas
- 4 Special permit Application forms
- A letter from the property owner attesting that we are leasing the property.

I appreciate your understanding of our situation in advance, and await your favourable response to our request.

Very Respectfully/

Z. Khatib and M. Daouny

The image shows two handwritten signatures in black ink. The signature on the left is a stylized, cursive 'Z' followed by a vertical line, representing Z. Khatib. The signature on the right is a cursive 'M' followed by 'Daouny', representing M. Daouny.

02-24-2011

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX  
DEPARTMENT OF PLANNING AND ZONING  
ZONING ADMINISTRATION DIVISION  
NON-RESIDENTIAL USE PERMIT

THIS PERMIT SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES IN THE ESTABLISHMENT

Non-RUP No.: A-2006-0271

Permission is hereby granted to WALIMA CAFE to use 1,200 square feet of floor area on the floor of the building located at 03823D SOUTH GEORGE MASON DR also known as Tax Map 062-3- /13/ /0001- Subdivision

which property is located in the C-6 Zoning District(s), for the following purpose: RETAIL SALES ESTAB. (SHOPPING CENTER)

This Non-Residential Use Permit is issued subject to the following limitations and conditions:  
EAST FOOD PARKED AT THE SHOPPING CENTER RATE

Use Group of Building: A3M  
Type of Construction: RB (437) (M)  
Building Permit #:

Issued this 07 day of March, 2006  
William E. Schupp  
Zoning Administrator



Initials: TMILLE

NOTE: Occupancy approval subject to final inspection by the Fairfax County Fire Marshal's office. Please call 246-4849 to schedule final occupancy inspection. Minimum Inspection Fee \$ 24.00 Applied to Final Bill Rect# \_\_\_\_\_

THIS PERMIT IS FOR USE AND OCCUPANCY ONLY. ANY CHANGE IN THE USE, OCCUPANCY OR PROPRIETORSHIP, OR ENLARGEMENT OR EXPANSION OF THE PREMISES FOR WHICH THIS IS ISSUED SHALL REQUIRE THE APPLICATION AND APPROVAL OF A NEW NON-RESIDENTIAL USE PERMIT.

whom it may concern,

I, Jean C. Lambrechts, want to inform you that I am leasing 3823-D South Mason Dr. Falls Church, VA 22041 to Mohamed Daouny and Zineb Khatib. Also, there are no problems with the parking issue. And feel free to contact me at the following address and phone number: 703-585-7156 &

RECEIVED  
Department of Planning & Zoning  
JUL 12 2010  
Zoning Evaluation Division

Sincerely,

Jean C. Lambrechts.

  
3823e ST George Mason D  
Fallschurch VA 22041

May 17, 2010

To Whom It May Concern:

Please be advised that Mohamed and Zeneb Daouny are leasing 3823D South George Mason Drive, Baileys Crossroads, Va. 22041 from me.

Sincerely,

Jean C. Lambrechts

703.585.7156



RECEIVED  
Department of Planning & Zoning  
MAY 17 2010  
Zoning Evaluation Division



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

April 19, 2010

## NOTICE OF VIOLATION

### SHERIFF'S LETTER

Jean C. Lambrechts  
7512 Masonville Drive  
Falls Church, VA 22042

Re: 3823 D S. George Mason Drive  
Build America at Skyline Condo  
Unit 51, Phase 1  
Tax Map Ref: 62-3 ((13)) 51  
Zoning Districts: C-6, CRD

Dear Property Owner:

A zoning inspection on April 7, 2010 and subsequent review of files of the Zoning Permit Review Branch revealed that you are allowing Wilma Cafe located at the aforementioned address to operate as a Commercial Recreation use, specifically a "Hookah Bar". The inspection revealed that Wilma Cafe was not serving any food, but was found offering tobacco products and smoking devices for sale, use and consumption on site. The Non-RUP (Non Residential Use Permit) # A 2006 0271 issued for a "fast food" use. This "Hookah Bar" use is deemed to be a Commercial Recreation use under the Zoning Ordinance and in the C-6 District requires a Group 5 Special Permit. Research of the Zoning Permit Review Branch files reveal no Group 5 Special Permit has been approved for a Commercial Recreation use at this location. The change of use to a Commercial Recreation use without having obtained a Special Permit is in of Par. 1 of Sect. 303 of the Zoning Ordinance which states:

No use of a structure or land that is designated as a special permit use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special permit use in such district, unless a special permit has been approved by the BZA and the use has been established in accordance with the provisions of Article 8.

Department of Planning and Zoning  
Zoning Administration Division  
Zoning Enforcement Branch  
12055 Government Center Parkway, Suite 829  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 FAX 703-324-1343  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Based on the above information, this letter will serve as official notice for you to clear this violation within ten (10) days of receipt of the Notice. Compliance shall be accomplished by the following:

- Vacating the premises; or
- Ceasing all use, consumption, and/or sale of tobacco products and related paraphernalia; and returning to the approved use of "Fast Food".

In order to operate as a Commercial Recreation Use (Hookah Bar) it is necessary to apply for and successfully obtaining a Group 5 Special Permit, and obtaining a Non-RUP reflecting the change in approved use.

Specific instructions and requirements relative to permits can be obtained by contacting the Zoning Permit Review Branch, 12055 Government Center Parkway, Fairfax, Virginia, telephone 703-222-1082, between the hours of 8:00A.M. and 4:30 P.M., Monday through Friday.

A follow-up inspection will be made at the expiration of the time period outline in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 and Sec. 15.2-2286 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such ten (10) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$2455.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Jean C. Lambrechts  
April 19, 2010  
Page 3

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1335 or (703) 324-1300.

Sincerely,



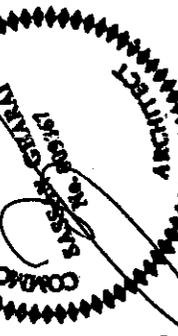
W. B. Moncuré  
Senior Zoning Inspector

WBM/seg

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: SGA COMPANIES, INC. Phone #: 201-662-6269 Fee: \$770.00  
 Plan Name: BUILD AMERICA 7 Address: 7508 WISCONSIN AVENUE 4TH FLOOR, BETHESDA, MD 20814  
 Zoning: C-6 Original Site Plan #: A61A-SF-D1 Tax Map #: 62-3(1) PAR 8, 8A, 8B  
 Rezoning Case #: 81-M-072 Preferred:  Yes  No Proffered Use Restrictions (See Note 1 below): N/A

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	PERMITTED BY		SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				RIGHT	SPECIAL PERMIT										
3827 SOUTH GEORGETOWN DRIVE (GENERAL BUSINESS)	1	61	RETAIL (B)	✓		2770	2200				APPROVED			AS PER 1000 GFA	11-8
3829 " (PIZZA)	1	62	RESTAURANT	✓		1495	1196	16			COUNTY OF FAIRFAX OFFICE OF SITE DEVELOPMENT SERVICES			1/4 SEAT 1000 GFA	6-0
3831 " (OFFICE BODY HUSBAND)	1	63	OFFICE (B)	✓		1125	900				DATE: <u>7/20/09</u>			3.6 PER 1000 GFA	4-1
(If additional space is required use Page 2)															
+VAN ACCESSIBLE SPACES PROVIDED: 1 +TOTAL ACCESSIBLE PARKING SPACES ON THE AREA COVERED BY THIS SITE PLAN (See Note 6 below): 310.9 -TOTAL ACCESSIBLE PARKING SPACES REQUIRED BY THIS SITE PLAN (See Note 6 below): 8 TOTAL PARKING SPACES PROVIDED: 311															



Certified Correct (Applicant) Engineer's Signature: SASSAN GHARAL - PREPARED IN ACCORDANCE WITH SECTION 58.1-40 OF THE VIRGINIA Code  
 Date: 11-5-09  
 Property Owner, Landlords, Condominium Association - Concurrence with Tabulation Print Name & Title (include company name when appropriate): ESTERIE CHAPLIN, Manager Signature: \_\_\_\_\_  
 Submit to: Land Development Services, Plan and Document Control, 12055 Government Center Parkway, Suite 506 Fairfax, Virginia 22035-5503  
 R. REVISED FORM (7/28/09)

Number of copies required: One (1) original with Engineer's Seal, Signature and date, plus four (4) copies.



PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: **SGA COMPANIES, INC.**  
 Plan Name: **BUILD AMERICA - 7**  
 Zoning: **C-6**

Address: **7508 WISCONSIN AVE., 4<sup>TH</sup> FLOOR, BETHESDA, MD 20814** Phone #: **301.652.6263 (ext. 123)**  
 Original Site Plan #: **A614 - SP 01** Tax Map #: **62-3 (11) PART 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100**  
 Reasoning Case #: **81-M-072** Profited:  Yes  No Proffered Use Restrictions (See Note 1 below) **N/A**

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE	SEE UNIT # 28
				RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION											
3811D SOUTH GEDGE MASON DRIVE	1	A	OFFICE (See Note 2, 3 and 4 below)	<input checked="" type="checkbox"/>			1175	940							3.6/1000 GFA	4.2	
3811E	1	5	RESTAURANT	<input checked="" type="checkbox"/>			"	"							1.7/1000 GFA	5.1	SEE UNIT # 28
3813A	1	6	RETAIL	<input checked="" type="checkbox"/>			"	"							1.3/1000 GFA	5.1	
3813B	1	7	RETAIL	<input checked="" type="checkbox"/>			"	"							1.3/1000 GFA	5.1	
3813C	1	8	RETAIL	<input checked="" type="checkbox"/>			"	"							1.3/1000 GFA	5.1	
3815A	1	9	RESTAURANT	<input checked="" type="checkbox"/>			"	"							1.3/1000 GFA	5.1	
3815B	1	10	RESTAURANT	<input checked="" type="checkbox"/>			"	"							1.3/1000 GFA	10	SEE UNIT # 28
3815C	1	11	RETAIL	<input checked="" type="checkbox"/>			"	"							1.3/1000 GFA	5.1	
3817A	1	12	RETAIL	<input checked="" type="checkbox"/>			"	"							1.3/1000 GFA	5.1	
3817B	1	13	RETAIL	<input checked="" type="checkbox"/>			"	"							1.3/1000 GFA	5.1	

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.



PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: SGA COMPANIES, INC.  
 Plan Name: BUILD AMERICA 7  
 Zoning: C-6

Address: 788 WILSON AVENUE, 4<sup>TH</sup> FLOOR, BETHESDA, MD 20814  
 Original Site Plan #: 4614-SP-01  
 Rezoning Case #: 81.M-072  
 Phone #: 301.652.6263  
 Tax Map #: 62-3(1) P17-28A-28  
 Profited:  Yes  No

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICES BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION										
3817C SOUTH GEORGE MASON DRIVE (GROcery)	1	14	RETAIL												4.3/1000	5.1
3817D " (HAIR SALON)	1	15	OFFICE												GFA	4.2
3823C " (HAIR SALON)	1	40	RETAIL												GFA	5.1
3825A " (CONCER THERAPY)	1	41	OFFICE												GFA	4.2
3825B " (WASH MARKET)	1	42	RETAIL												GFA	5.1
3825C " (ORBAT TRAVEL)	1	43	OFFICE												GFA	4.2
3825D " (HAVEN CAFE)	1	44	RETAIL CAFE												GFA	5.1
3825E " (JALAL HAIR SALON)	1	45	RETAIL												GFA	5.1
3817E " (SKY OPTOMETRY)	1	16	OFFICE												GFA	4.2
3817F " (SKY OPTOMETRY)	1	17	OFFICE												GFA	4.2

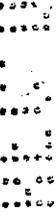
Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: SGA COMPANIES, INC. Address: 7508 WILSON AVE., 1 FLOOR, BETHESDA, MD 20814 Phone #: 301-652-6263  
 Plan Name: BUILD AMERICA 7 Original Site Plan #: 4614 SP-01 Tax Map #: 62-3 (01) PAE 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100  
 Zoning: C-6 Rezoning Case #: B.M. 072 Profiler: Yes ( ) No ( ) Proffered Use Restrictions (See Note 1 below) N/A

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 3 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION										
3817 G SOUTH CREEGE MASONRY DRIVE	1	18	OFFICE (BUSINESS)	✓			1175	940							3-6/1000 GFA	4.2
3817 H "	1	19	OFFICE (INTERMED)	✓			"	"							3-6/1000 GFA	4.2
3815 A "	1	20	RETAIL	✓			"	"							4-3/1000 GFA	5.1
3815 E "	1	21	RESTAURANT	✓			"	"	35		11				1/2 seat, 1/2 1/2 emp, 1/2 1/2	14.2
3819 F "	1	58	OFFICE	✓			"	"							3-6/1000 GFA	4.2
3819 G "	1	59	OFFICE (BUSINESS)	✓			"	"							3-6/1000 GFA	4.2
3819 H "	1	60	BUSINESS	✓			"	"							3-6/1000 GFA	4.2
3819 A "	1	51	CAFE	✓			"	"							4-3/1000 GFA	5.1
3819 B "	1	38	BUSINESS	✓			"	"							3-6/1000 GFA	4.2
3819 C "	1	33	RETAIL	✓			"	"							4-3/1000 GFA	5.1

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.



PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: **EGA COMPANIES, INC.**  
 Plan Name: **BUILD AMERICA 7**  
 Zoning: **C-6**

Address: **1208 WISCONSIN AVE, 1<sup>ST</sup> FLOOR, BETHESDA, MD 20814** Phone #: **301-652-6261**  
 Original Site Plan #: **1614 SP. 01** Tax Map #: **62-3 (1) PAE 31 PA 28**

Resoning Case #: **21.M-072**

Proffered:  Yes  No Proffered Use Restrictions (See Note 1 below) **N/A**

ADDRESS	LIST EACH FLOOR (include basements)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 2 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION										
3819 D SOUTH GEORGE MASON DRIVE	1	34	OFFICE	✓			1175	940							3.6/1000	4.2
"	1	35	DETAIL RESTAURANT BUILDINGS	✓			"	"							GFA	5.1
3821 B	1	36	RESTAURANT	✓			"	30			2			1/4 SEAT = 7.9	8.5	
3821 C	1	37	RETAIL CAFE	✓			"	"						1/4 SEAT = 7.9	5.1	
3823 A	1	38	RETAIL	✓			"	"						GFA	5.1	
3823 B	1	39	RETAIL CAFE	✓			"	"						GFA	5.1	
3825 F	1	46	RETAIL	✓			"	"						GFA	5.1	
3825 G	1	47	RETAIL	✓			"	"						GFA	5.1	
3825 H	1	48	RESTAURANT	✓			"	"						GFA	5.1	
3825 I	1	49	RETAIL	✓			"	"						GFA	5.1	

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: SGA COMPANIES, INC.  
 Plan Name: BUILD AMERICA 7  
 Zoning: C-6

Address: 7508 WILCOALSIN AVE, 1<sup>TH</sup> FLOOR, BETHESDA, MD 20814  
 Original Site Plan #: 4614-SF-01  
 Phone #: 301.672.6263  
 Tax Map #: 62-3(4) PAR 2, 3A, 4, 8A

Reasoning Case #: 81M-072  
 Preferred:  Yes  No  
 Proffered Use Restrictions (See Note 1 below): N/A

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 1 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION										
3821 SOUTH GEORGE MASON DRIVE (CODER THERAPY)	1	50	OFFICE	✓		1175	940							3.6/1000 GFA	A.2	
3821A "	1	51	RESTAURANT	✓		"	"							4.3/1000 GFA	5.1	
3821E "	1	52	RETAIL	✓		"	"							4.3/1000 GFA	5.1	
3821F "	1	53	RETAIL	✓		"	"							4.3/1000 GFA	5.1	
3821D "	1	54	RESTAURANT	✓		"	"							4.3/1000 GFA	5.1	
3821E "	1	55	RETAIL OFFICE BUILDING	✓		"	"							3.6/1000 GFA	5.1	
3821F "	1	56	OFFICE	✓		"	"							3.6/1000 GFA	A.2	
3819E "	1	57	RETAIL (INTERMED)	✓		"	"							4.3/1000 GFA	A.2	
3815E "	1	22	RESTAURANT	✓		"	"							4.3/1000 GFA	5.1	
3813D "	1	23	RESTAURANT	✓		"	"							3.6/1000 GFA	#9	
															SEE SUITE #9	

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.



PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: SGA COMPANIES, INC. Address: 7508 WISCONSIN AVE. 4<sup>TH</sup> FLOOR, BETHESDA, MD 20814 Phone #: 301.697.6261  
 Plan Name: BOWLA AMERICA 7 Original Site Plan #: 4614-SP-01 Tax Map # 62-3(01) BAR R, TA 28  
 Zoning: C-6 Reasoning Case #: 81-N-072 Proficiency: Yes [ ] No [x] Proffered Use Restrictions (See Note 1 below) N/A

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				NIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION										
3815 SOUTH GEORGE MASON DRIVE	1	2A	RESTAURANT	✓		1175	940	36			2				1/4 SEAT = 9 } 1/2 SEAT = 11 } 10	
"	1	25	RESTAURANT	✓		"	"	COMBINED WITH SUITE #5							COMBINED WITH SUITE #24 SEE UNIT #5	
3811 F	1	26	RESTAURANT	✓		"	"	COMBINED WITH SUITE #5								
3811 G	1	27	RETAIL BUSINESS	✓		"	"							3.6/1000	4.2	
3811 A	1	28	RETAIL BUSINESS	✓		"	"							GFA	4.2	
3811 J	1	29	RETAIL	✓		"	"							3.6/1000	5.1	
3811 I	1	30	RETAIL	✓		"	"							GFA	4.2	
3811 A	1	1	RETAIL (HAIR)	✓		"	"							GFA	5.1	
3811 B	1	2	OFFICE BUSINESS	✓		"	"							3.6/1000	4.2	
3811 C	1	3	CAFE RETAIL	✓		"	"							GFA	5.1	

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

February 5, 2010

Bizuwork Tafesse  
Hiwot Fassaha  
3825 D South George Mason Drive  
Falls Church, Virginia 22041



RE: **Use Determination**  
Haven Lounge – “Hookah Bar”  
3825 D South George Mason Drive  
Tax Map: 62-3 ((13)) 44  
Zoning Dist: C-6

Dear Mr. Tafesse and Ms. Fassaha:

This is in response to your undated determination request with an attached floor plan received on December 8, 2009. In your request, you describe the use primarily as a place where customers can socialize in a comfortable and relaxing environment while enjoying coffee and Hookah, which I understand is the smoking of tobacco through water pipes. Further, I understand that such uses are typically described as “hookah bars”. Your description indicates that the hours of operation for the hookah bar would be from 11 a.m. to 2 a.m. and you would have two employees. Your request also indicates that hookah sales would provide sixty-five (65) percent of your business income.

The hookah bar use is not specifically noted in the Zoning Ordinance, however, Par. 1 of Sect. 2-302 provides, in pertinent part, that in the event there is not a particular use listed in the Ordinance that corresponds with the use in question, then it shall be interpreted that the use in the Ordinance having the most similar characteristics as the use in question shall govern. I note that the dictionary definition of recreation as follows:

1. refreshment in body or mind, as after work, by some form of play, amusement, or relaxation
2. any form of play, amusement, or relaxation used for this purpose, as games, sports, or hobbies.

Based on the description of your use, the hookah bar is therefore deemed to be a Commercial Recreation use, as it is a form of relaxation and amusement. A Commercial Recreation use is Group Five (5) Special Permit use, which is further defined into specific categories, such as pool and dance halls. The hookah bar is deemed to be most similar to indoor firing ranges, archery ranges, fencing and other similar indoor recreation uses. This commercial recreation use is

Department of Planning and Zoning  
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1374 FAX 703-803-6372  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

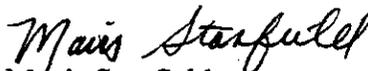


Mr. Tafesse and Ms. Fassaha  
February 5, 2010  
Page 2

permitted in the C-6, Community Retail Commercial District, with approval of a special permit. I note that you were informed of this determination several weeks ago and again at a meeting held at our office on January 12, 2010. All special permit applications require the submission of an application form, plat, and fees, notification of adjacent property owners, and a public hearing before the Board of Zoning Appeals. Please contact the Zoning Evaluation Division for information and assistance with this application at (703) 324-1290.

Should you have any further questions, please do not hesitate to contact me at 703-324-1314.

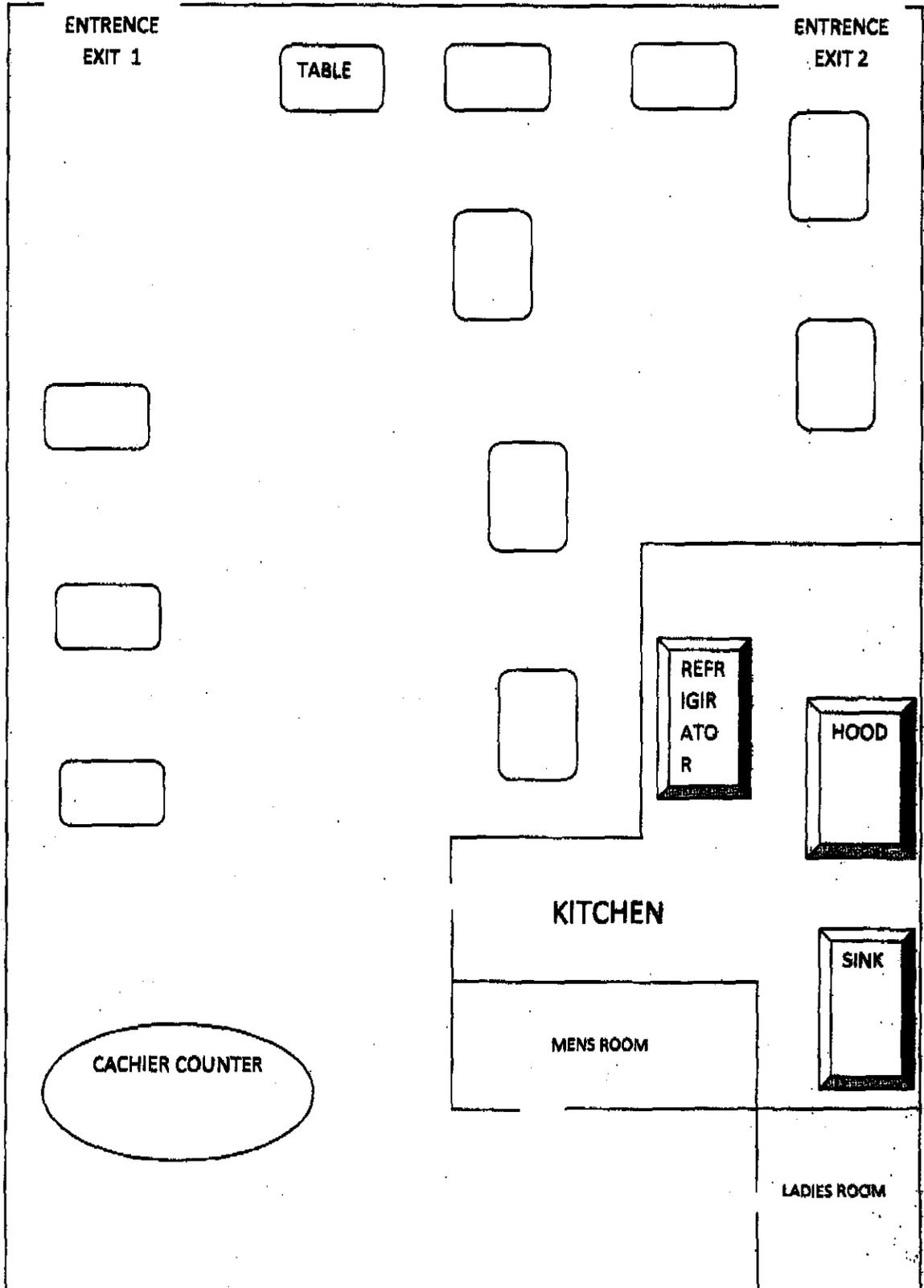
Sincerely,

  
Mavis Stanfield  
Deputy Zoning Administrator for Appeals

MS/

cc: Penelope A. Gross, Supervisor, Mason District  
Eileen M. McLane, Zoning Administrator  
Leslie B. Johnson, Senior Deputy Zoning Administrator  
Diane Johnson-Quinn, Deputy Zoning Administrator  
for Zoning Permit Review Branch  
Michael R. Congleton, Senior Deputy Zoning Administrator  
for Zoning Enforcement/Property Maintenance

# WALIMA, INC





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** March 4, 2011

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning & Zoning

**FROM:** *Barbara A. Byron*  
Barbara A. Byron, Director  
Office of Community Revitalization and Reinvestment

**SUBJECT:** Walima Café – Comments on SP 2011-MA-005

The Office of Community Revitalization and Reinvestment (OCRR) has reviewed the above referenced Special Permit application marked "Accepted" by the Department of Planning and Zoning on January 20, 2011.

The applicant is requesting a Special Permit to allow for the operation of a hookah bar / café at 3823D South George Mason Drive, within the Bailey's Crossroads Commercial Revitalization District. The café has been in operation for approximately seven years in its current location. The application does not proposed any changes to the exterior of the building.

OCRR Comments:

OCRR has no specific comments or objections regarding the proposed special permit request. However, the proposed use should confirm compliance with all applicable codes and regulations to ensure the safety and welfare of users and the adjacent businesses.

**CC:** Susan C. Langdon, Chief, Special Permit and Variance Branch  
Debbie Hedrick, Staff Coordinator, DPZ/ZED  
OCRR File



Office of Community Revitalization and Reinvestment  
12055 Government Center Parkway, Suite 1048  
Fairfax, VA 22035  
703-324-9300, TTY 711  
[www.fcrcv.org](http://www.fcrcv.org)



# County of Fairfax, Virginia

## MEMORANDUM

DATE: March 4, 2011

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver, Chief  
Site Analysis Section  
Department of Transportation *AKR*

**FILE:** 3-6 (SP 2011-MA-005)

**SUBJECT:** Transportation Impact

**REFERENCE:** SP 2011-MA-005; Walima Cafee  
Traffic Zone: 1420  
Land Identification: 62-3 ((13)) 15

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated April 1981. The applicant wishes to have a small restaurant/hookah café shop to serve and sell food, beverages and the fruit flavored tobacco pipe known as the "Chicha/Hookah" to an average of 20-30 patrons with a maximum of 40. The business operates from 11:00 a.m. to 2:00 a.m.

This is an existing café in a shopping center and this department has no transportation issues with this application.

AKR/LAH/lah

## **ZONING ORDINANCE PROVISIONS**

### **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-503 Standards for all Group 5 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 5 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
3. No building designed primarily and specifically for such use shall be located within 100 feet of any adjoining property which is in an R district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.