APPLICATION ACCEPTED: July 13, 2011
BOARD OF ZONING APPEALS: October 5, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 28, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MA-068

MASON DISTRICT

APPLICANT:	Artya Inc. d/b/a Fairouz Mediterranean Cafe
ZONING:	C-6, SC and CRD
LOCATION:	3815 A/F South George Mason Drive
ZONING ORDINANCE PROVISIONS:	8-503
TAX MAP:	62-3 ((13)) 9 and 22
SQUARE FOOTAGE:	2,350 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-068 but only 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:\rhorner\Special Permits\Fairouz Hookah Bar\SP 2011-MA-068 Fairouz staff report.doc Rebecca Horner

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/

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Integrity * Teamwork * Public Service

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.

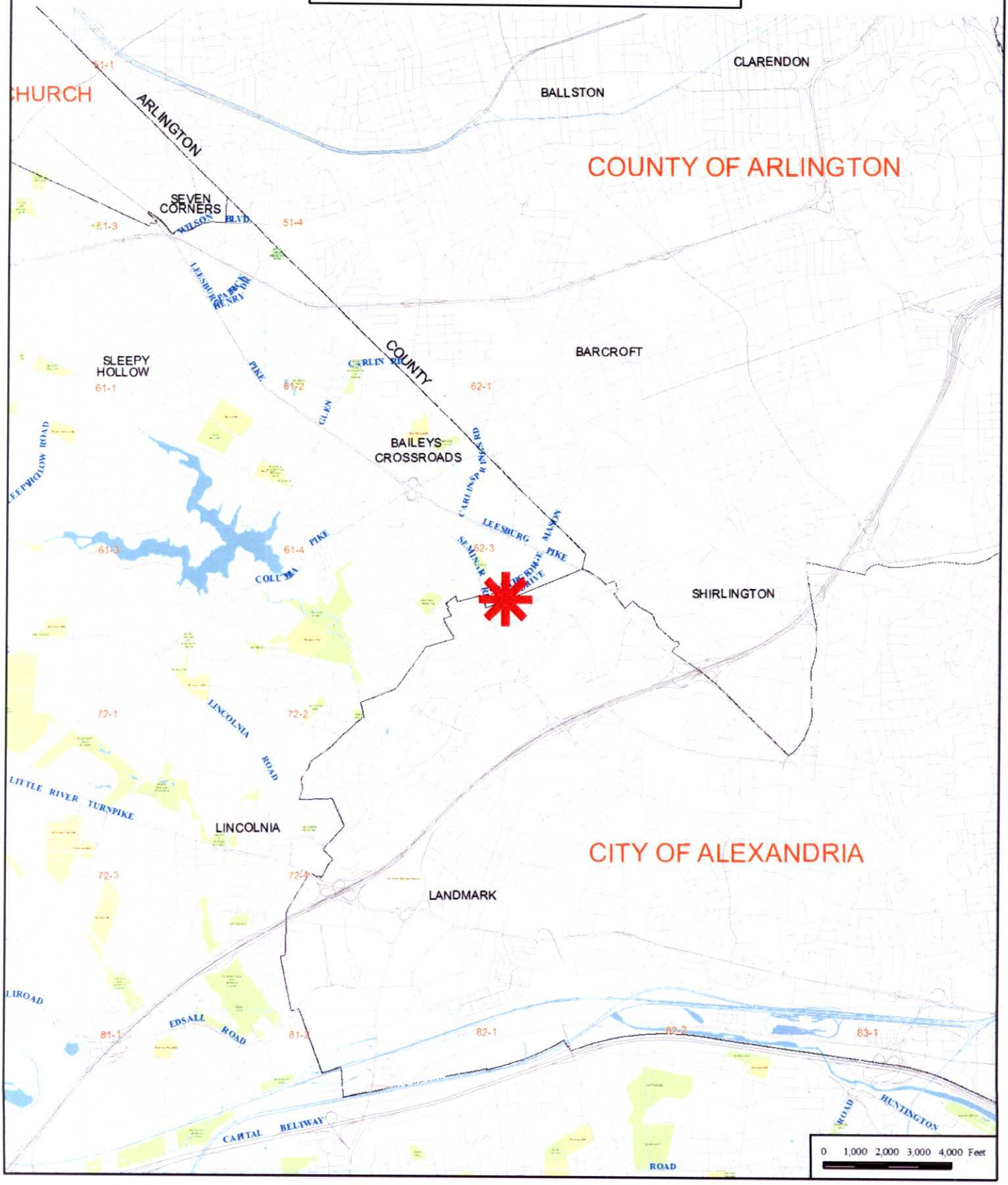
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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-068

ARTYA, INC. D/B/A FAIROUZ
MEDITERRANEAN CAFE



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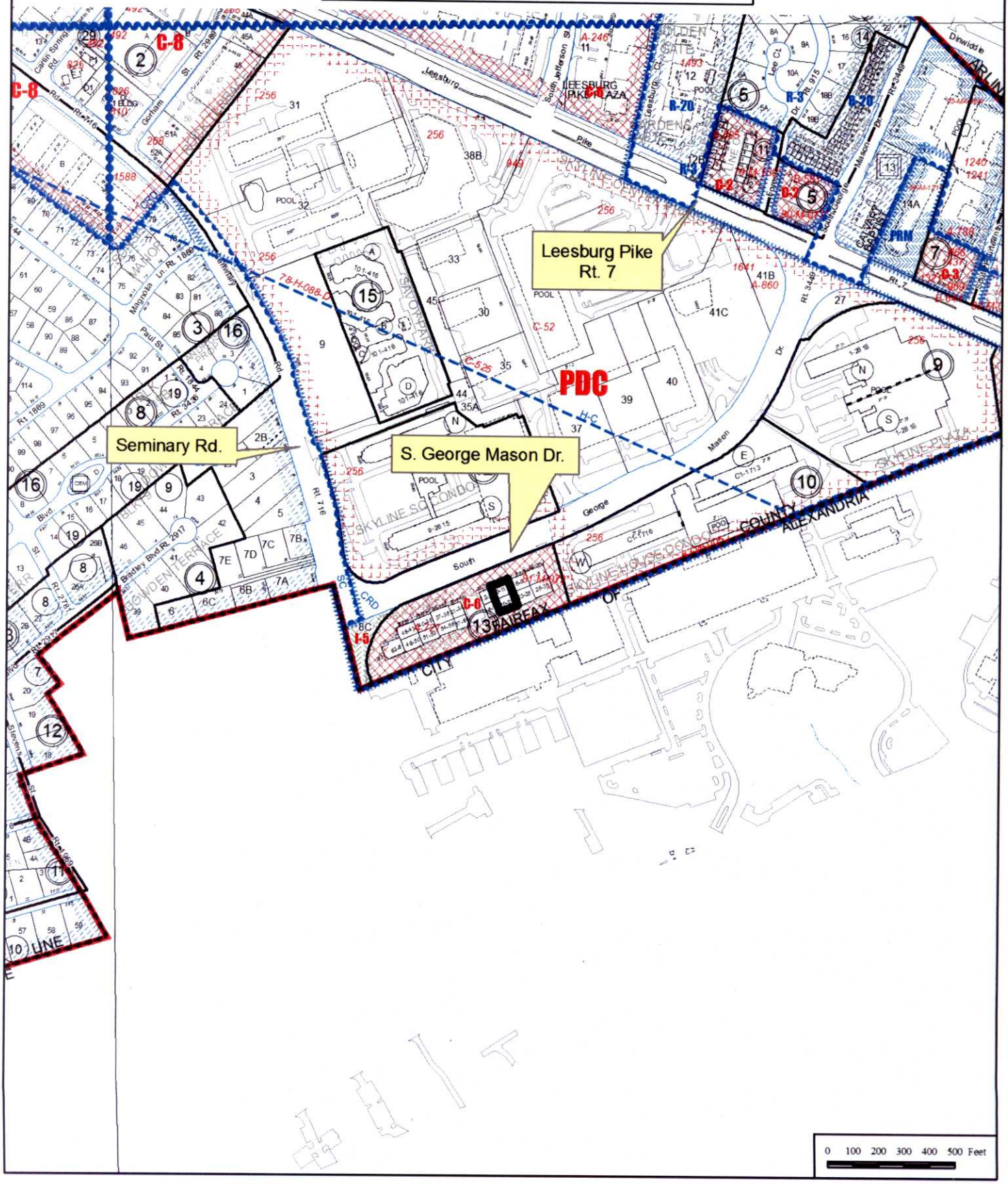

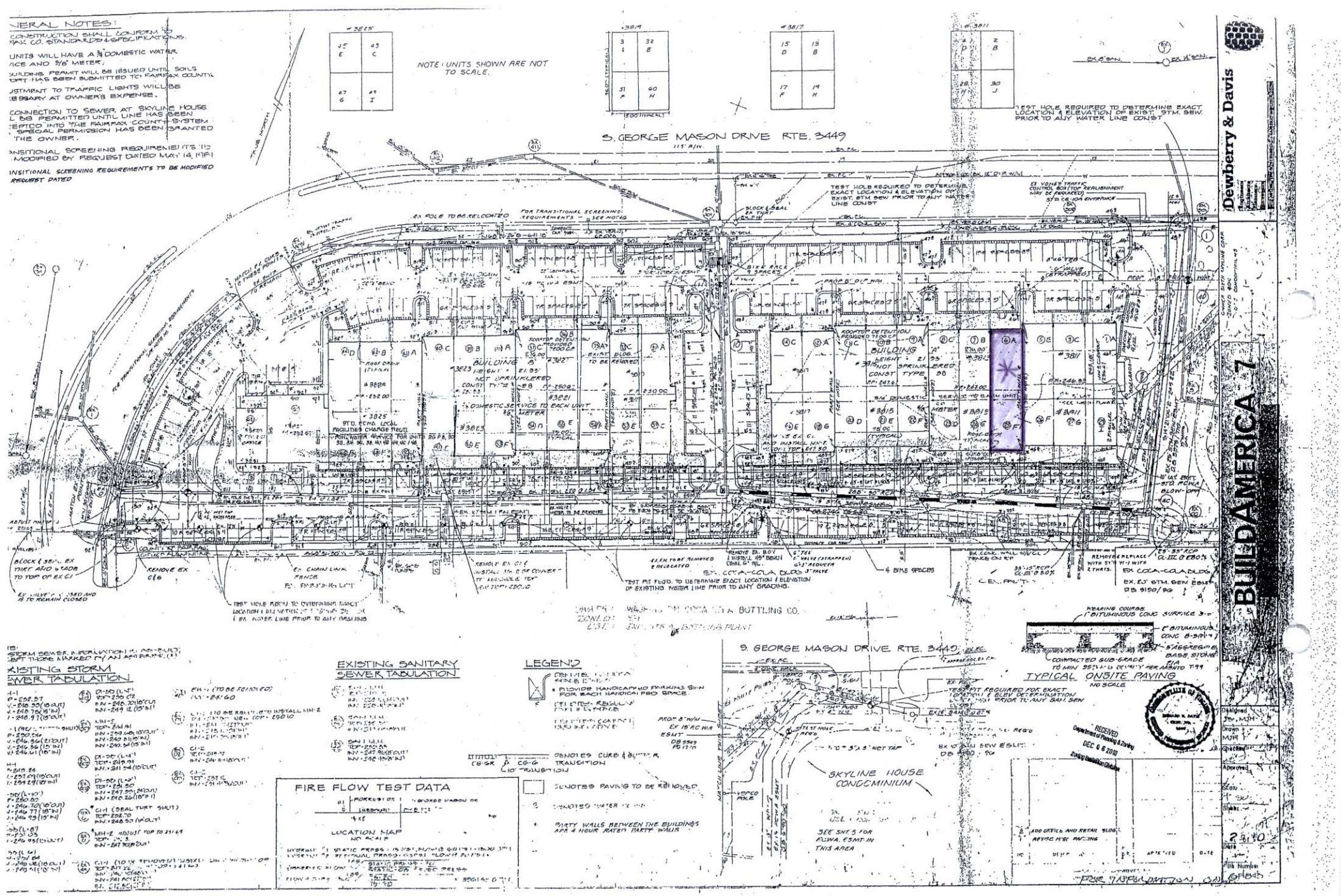

NERAL NOTES:
CONSTRUCTION SHALL CONFORM TO FAX CO. STANDARDS & SPECIFICATIONS.
UNITS WILL HAVE A ¾" DOMESTIC WATER VICE AND 5/8" METER.
BUILDING PERMIT WILL BE ISSUED UNTIL SOILS ORT HAS BEEN SUBMITTED TO FAIRFAX COUNTY.
JUSTMENT TO TRAFFIC LIGHTS WILL BE ESSARY AT OWNER'S EXPENSE.
CONNECTION TO SEWER AT SKYLINE HOUSE L BE PERMITTED UNTIL LINE HAS BEEN EPTED INTO THE FAIRFAX COUNTY SYSTEM. SPECIAL PERMISSION HAS BEEN GRANTED THE OWNER.
ANSITIONAL SCREENING REQUIREMENTS TO MODIFIED BY REQUEST DATED MAY 14, 1981
ANSITIONAL SCREENING REQUIREMENTS TO BE MODIFIED REQUEST DATED
NOTE: UNITS SHOWN ARE NOT TO SCALE.
S. GEORGE MASON DRIVE RTE. 3449
TEST HOLE REQUIRED TO DETERMINE EXACT LOCATION & ELEVATION OF EXIST. STM. SEW. PRIOR TO ANY WATER LINE CONST
TEST HOLE REQUIRED TO DETERMINE EXACT LOCATION & ELEVATION OF EXIST. STM. SEW. PRIOR TO ANY WATER LINE CONST
BUILDING "A"
BUILDING "B"
NOT SPRINKLERED
CONST TYPE 3B
4 BIKE SPACES
EX. COCA-COLA BLDG
TEST PIT REQ'D. TO DETERMINE EXACT LOCATION & ELEVATION OF EXISTING WATER LINE PRIOR TO ANY GRADING.
EX. CHAIN LINK FENCE
EX. PARKING LOT
REMOVE EX. C&G
BLOCK & SEAL EX. THRT. AND GRADE TO TOP OF EX. C&G
EX. VALVE & CLOSED AND IS TO REMAIN CLOSED
TEST HOLE REQ'D TO DETERMINE EXACT LOCATION & ELEVATION OF EXISTING WATER LINE PRIOR TO ANY GRADING
EX. COCA-COLA BOTTLING CO.
S. GEORGE MASON DRIVE RTE. 3449
TYPICAL ONSITE PAVING
NO SCALE
WEARING COURSE
1" BITUMINOUS CONC SURFACE
COMPACTED SUB-GRADE
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SKYLINE HOUSE CONDOMINIUM
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EXISTING STORM SEWER TABULATION
EXISTING SANITARY SEWER TABULATION
LEGEND
DENOTES CURB & GUTTER TRANSITION
DENOTES PAVING TO BE REMOVED
PARTY WALLS BETWEEN THE BUILDINGS ARE 4 HOUR RATED PARTY WALLS
FIRE FLOW TEST DATA
LOCATION MAP
NO SCALE
RECEIVED
Department of Planning & Zoning
DEC 06 2010
Zoning Evaluation Division
Dewberry & Davis
BUILD AMERICA 7

1. Panoramic view of the front of 3811 to 3819 S. George Mason Drive
2. Front of 3815-A S. George Mason Drive
3. Front of 3815-A S. George Mason Drive
4. Front Parking and Street in front of 3815-A S. George Mason Drive
5. Front Parking lot in front of 3815-A S. George Mason Drive
6. Panoramic view of the rear of 3811 to 3819 S. George Mason Drive
7. Back of 3815-A S. George Mason Drive
8. Front Parking lot and service road in front of 3811 to 3827 S. George Mason Drive
9. Back of 3815-A S. George Mason Drive and adjacent properties.
10. Back of 3815-S S. George Mason Drive and viewing east of subject property.
11. In front of subject property and viewing north.
12. In front of subject property and viewing north.
13. Panoramic view of the interior of subject property and view lounge.
14. Photograph of entire lounge.
15. Photograph of entire lounge.
16. Photograph of entire lounge.
17. Photograph of entire lounge.
18. Hookah display and cash register
19. Kitchen
20. Shelves and storage
21. Refrigeration.
22. Refrigeration and Prep areas

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MAY 24 2011
Zoning Evaluation Division

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Department of Planning & Zoning
MAY 24 2011
Zoning Evaluation Division

SAUDI
EMIRATES
FAIROUZ
CAFE
OPEN
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CENTER IS
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NO
PARKING
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BANESE
EGYPTIAN
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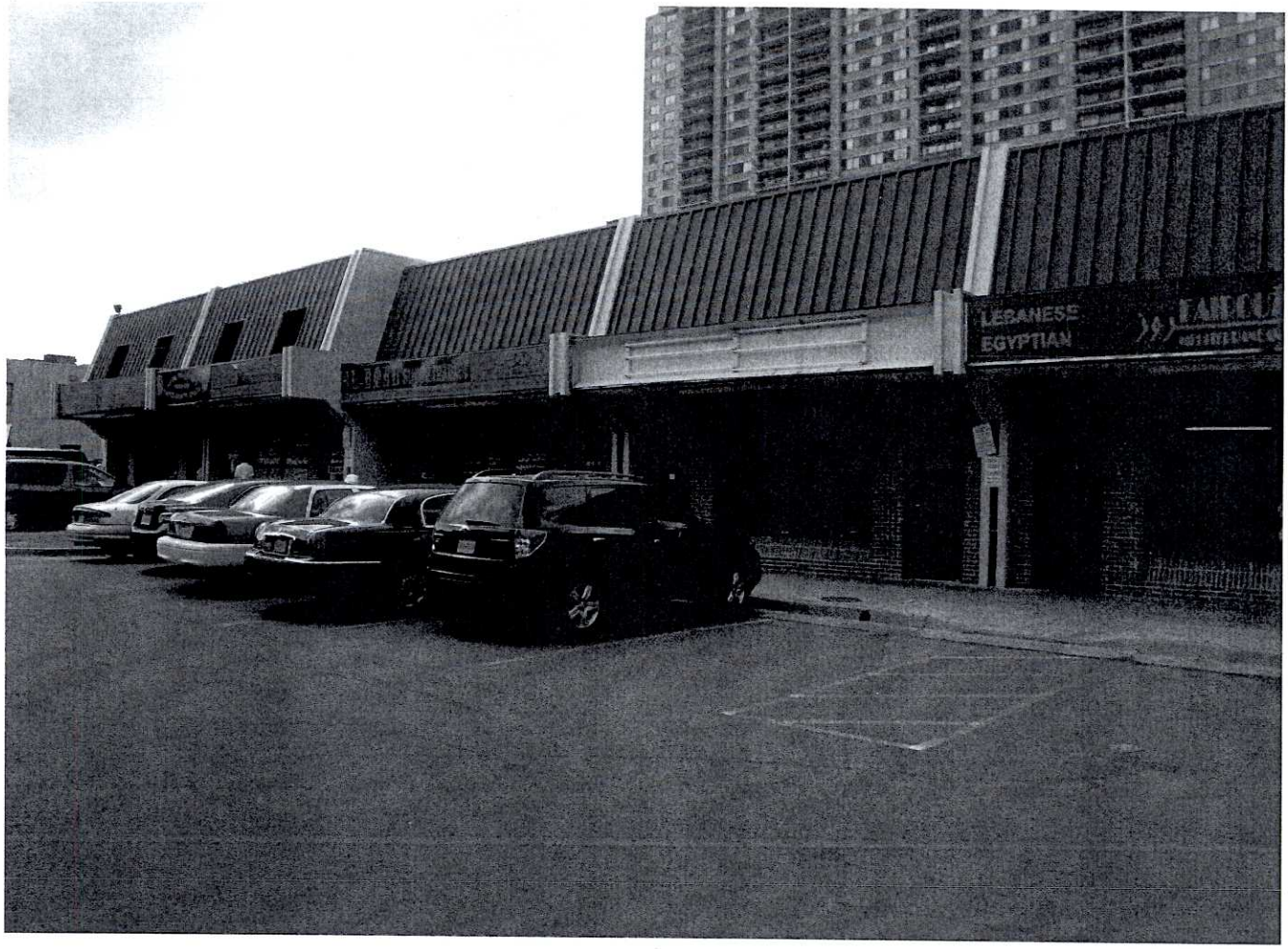
Zoning Evaluation Division



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SAUDI
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Peacock Restaurant
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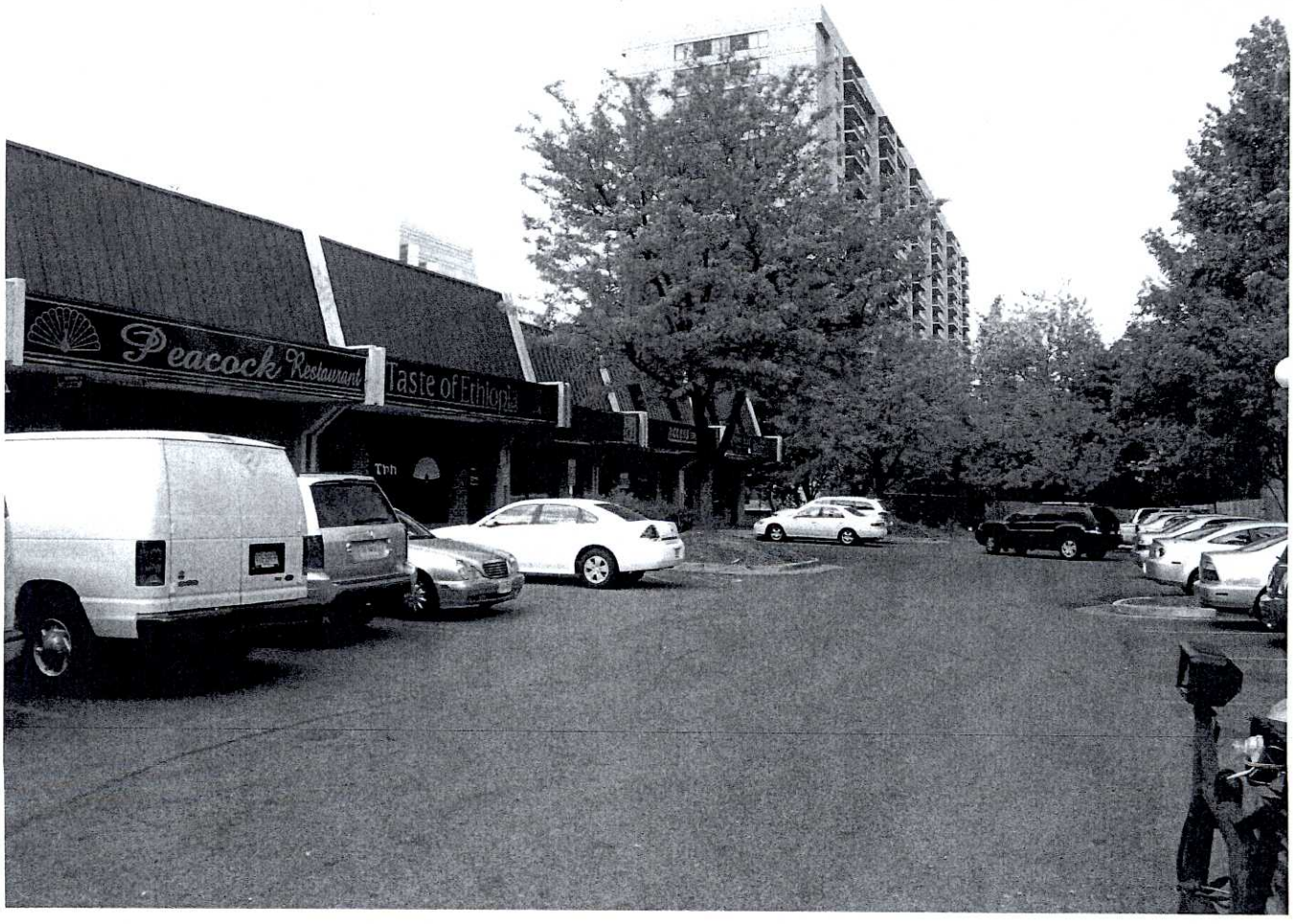
Peacock Restaurant
Taste of Ethiopia

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MAY 24 2011
Zoning Evaluation Division

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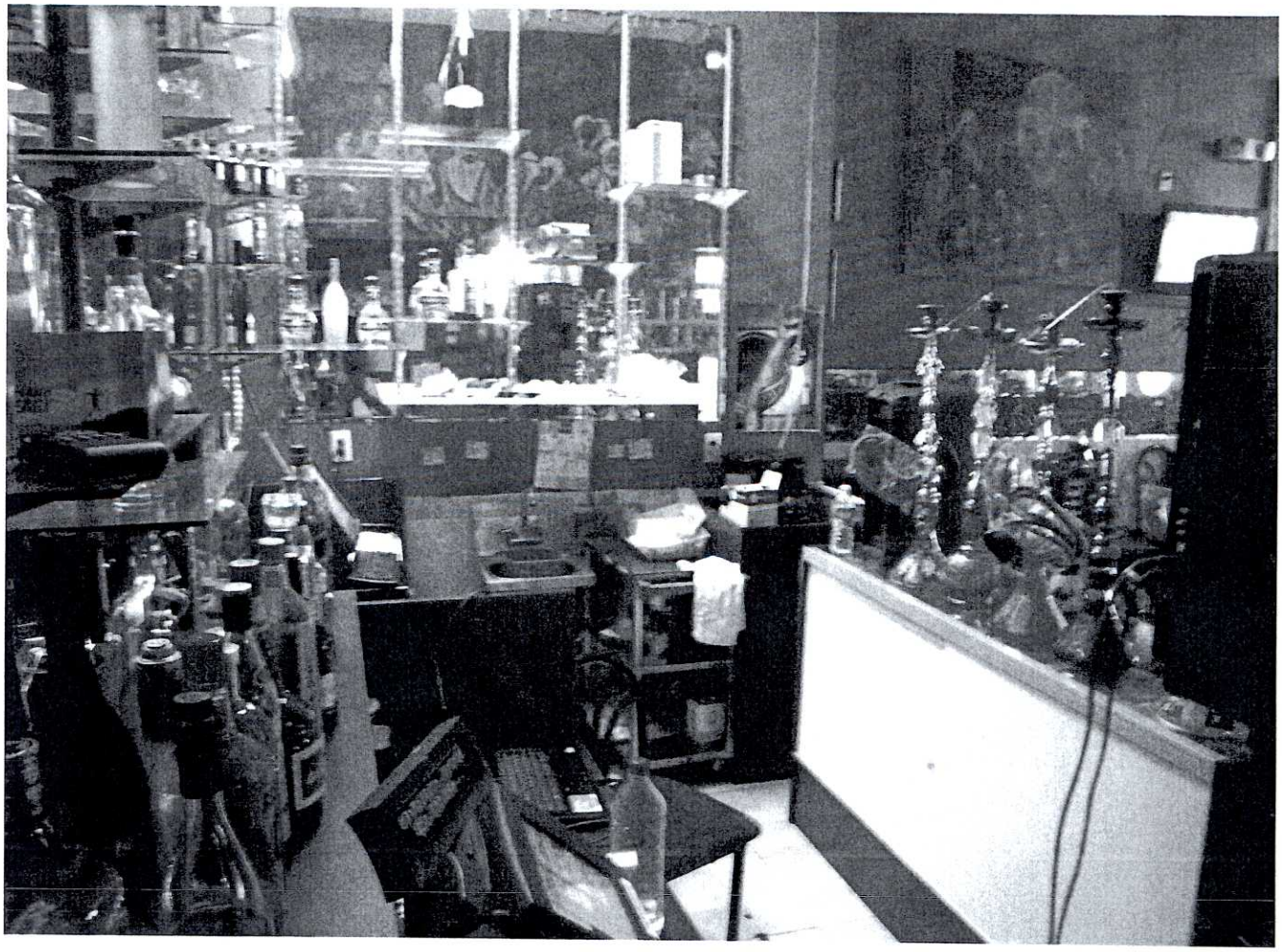

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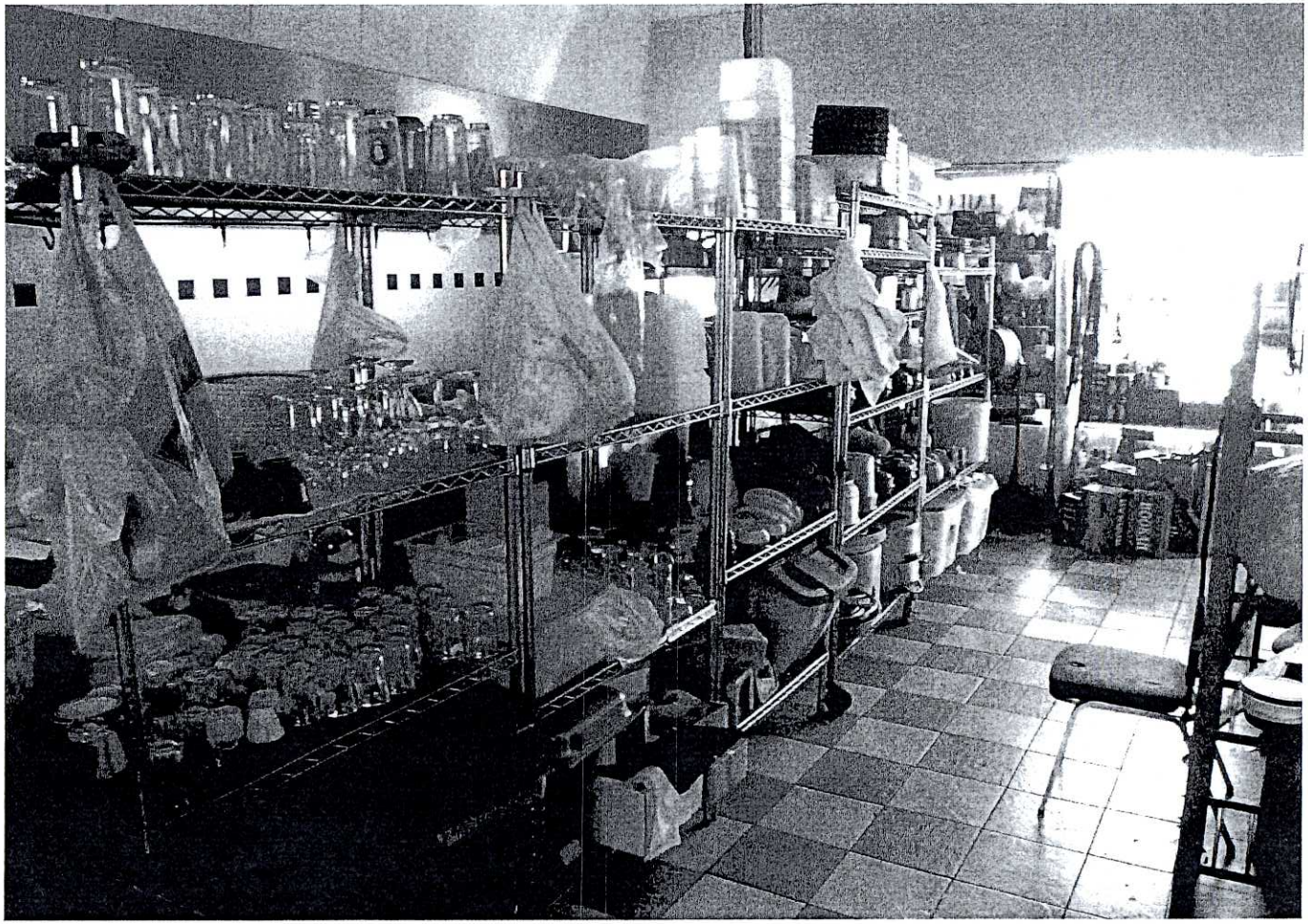

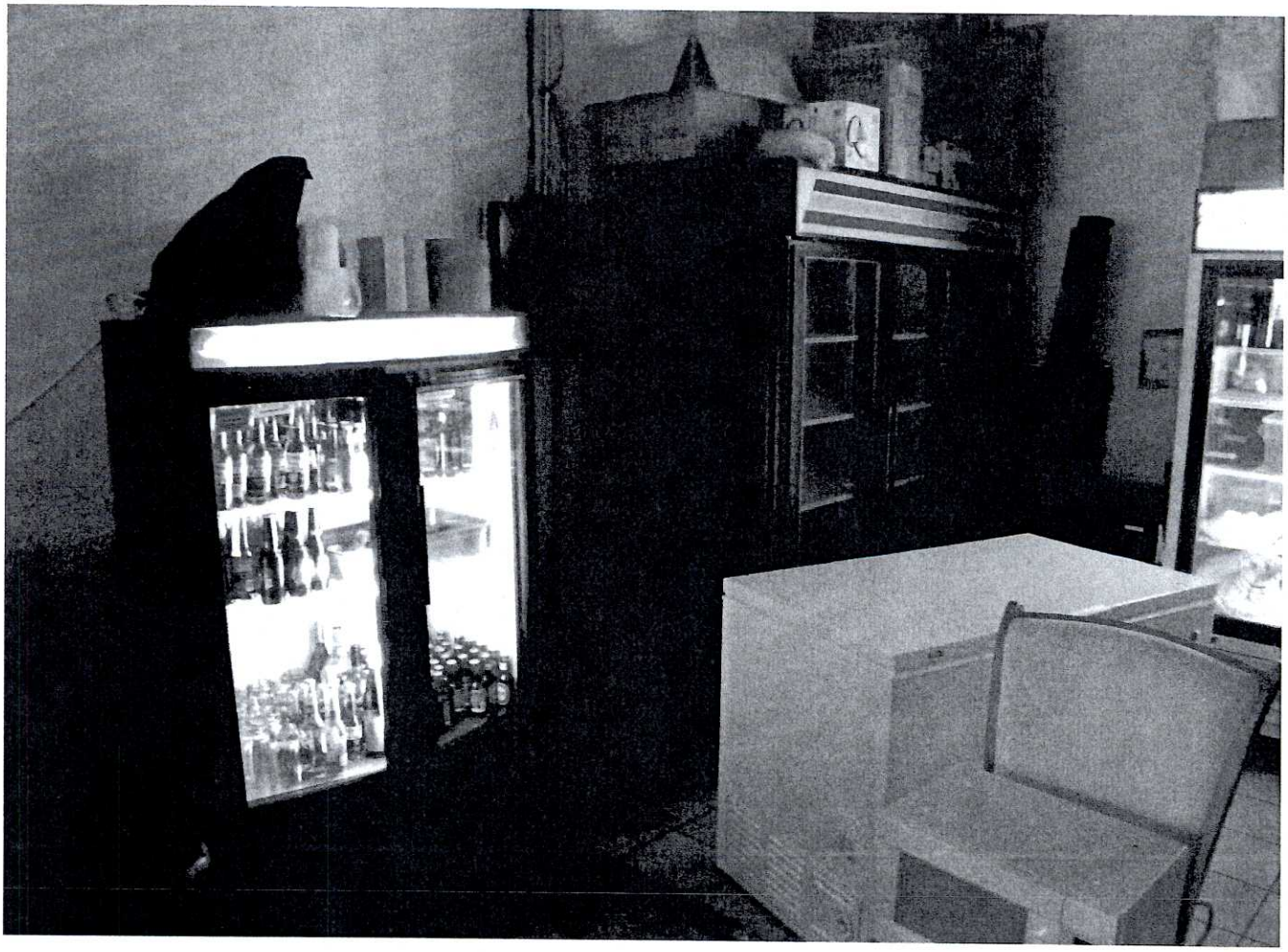

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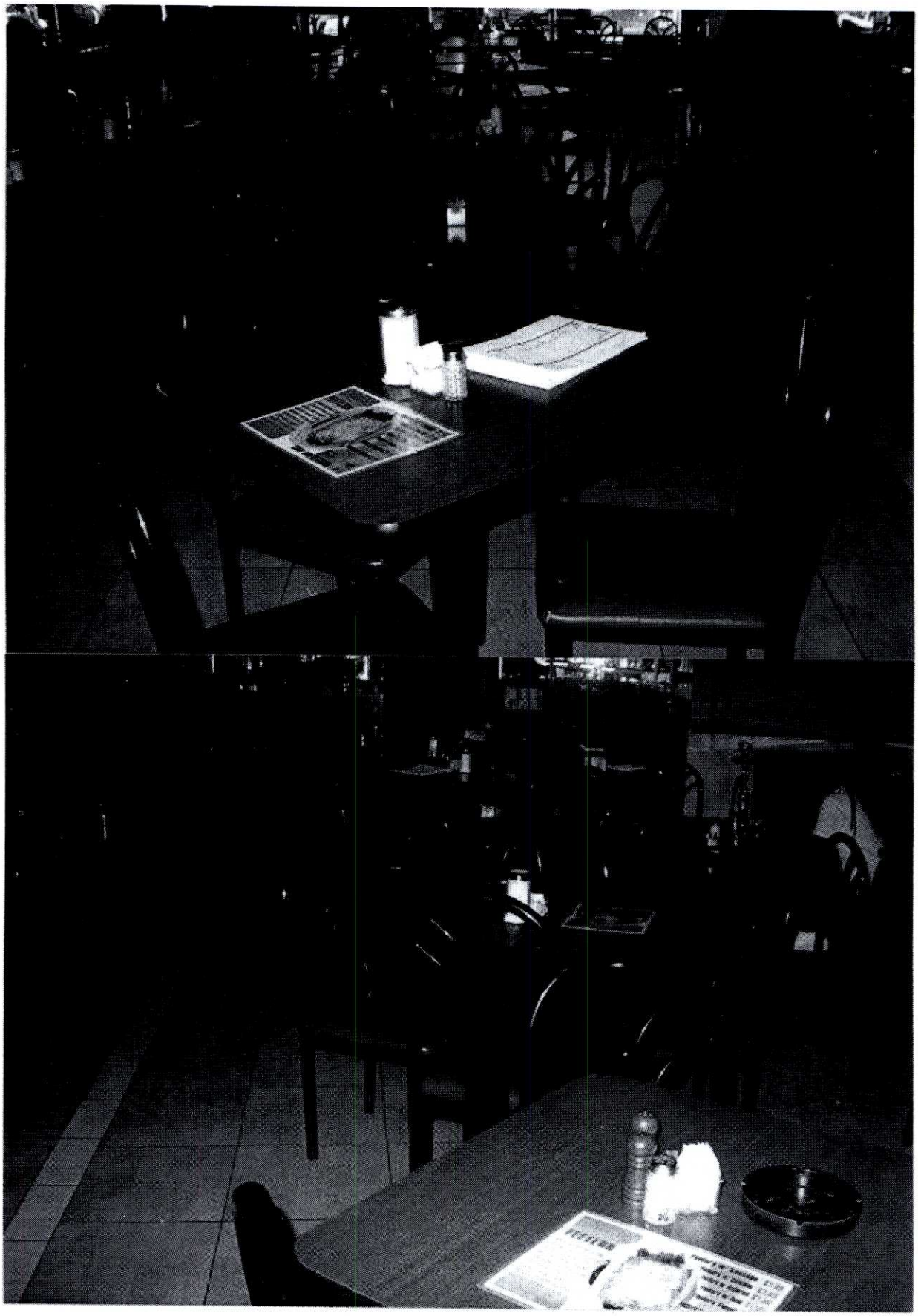
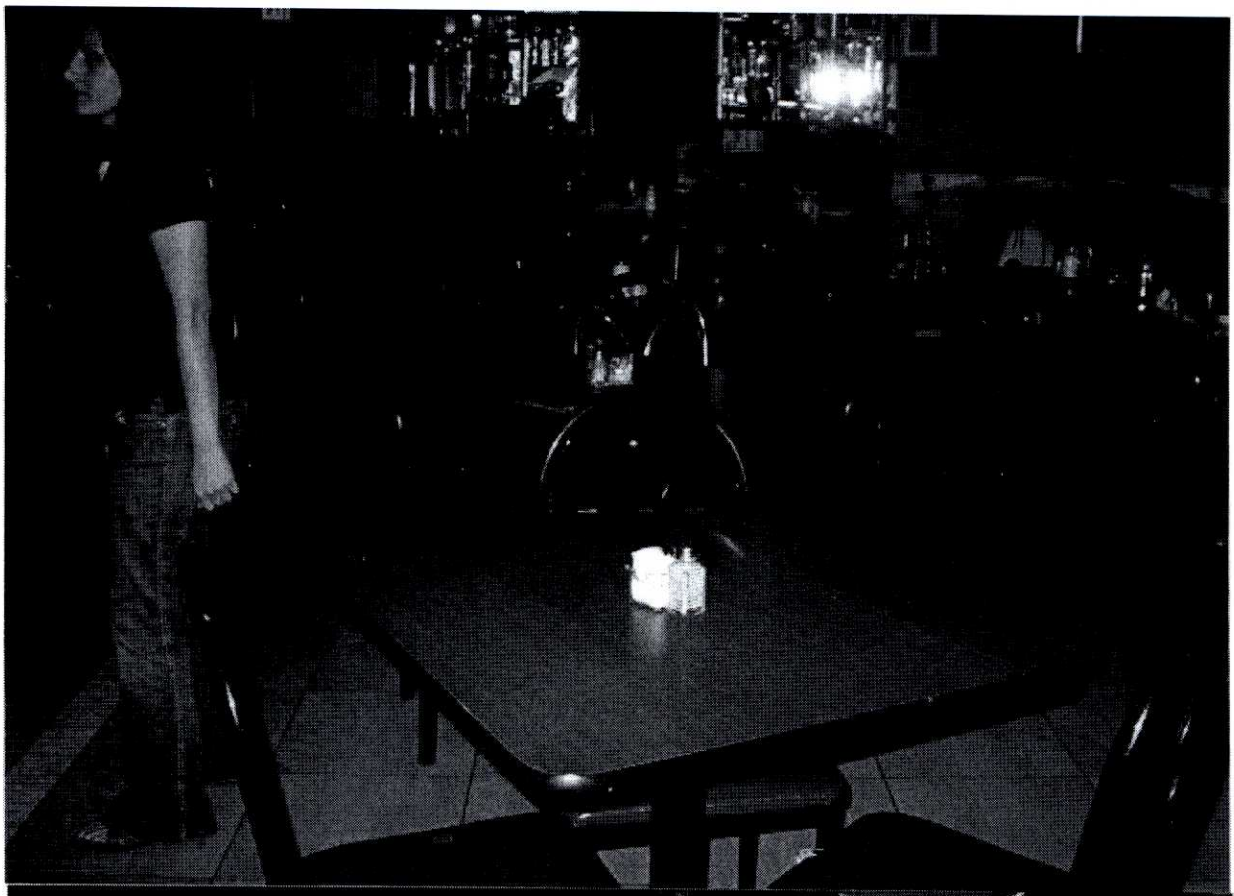
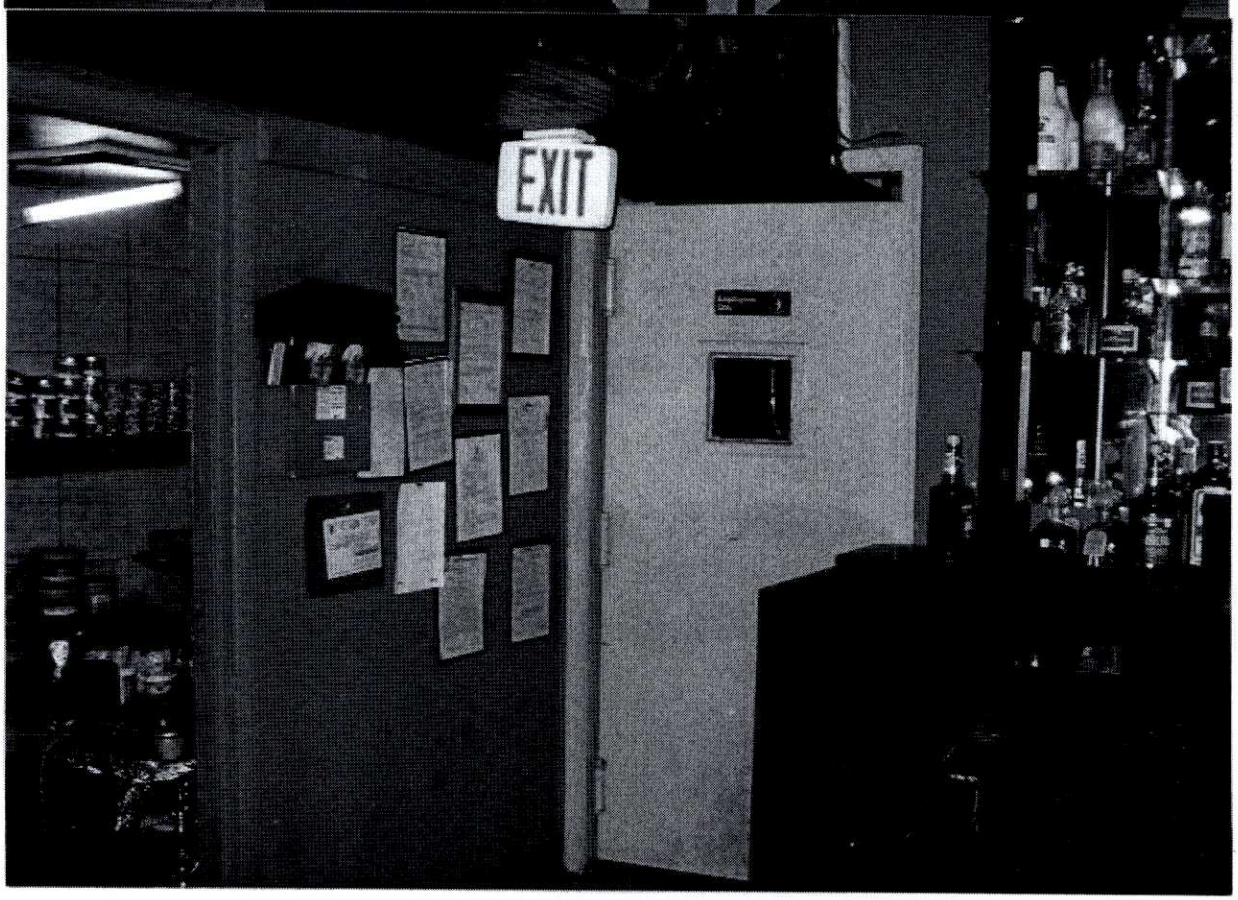





EXIT

FAIROUZ Cafe

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit a Group 5, Commercial Recreation Use (hookah lounge) in an existing commercial space to remain.

	PROPOSED
Size of Unit:	2,350 square feet*
Parking Proposed:	10 spaces**
Parking Required:	11 spaces (10.2 based on GFA)
Occupancy:	98 (90 patrons, 8 employees)
Hours of Operation:	11:00 a.m. – 2:00 a.m., Sunday - Thursday 11:00 a.m. – 4:00 a.m. Friday – Saturday
Entertainment:	Live, including musicians, DJs, belly dancing and similar entertainment

*The leased portion of the shopping center for the use is only applied for in this application. Although the applicant has indicated on the application form that the subject property consists of 2,350 square feet in size, the Tax Assessment records for this unit indicate 1,116 square feet (per unit) 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 4.

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 2,350 square feet, is within a shopping center with commercial uses such as restaurants, two hookah lounges, 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 also storefronts along the rear of the building. The immediate area is zoned C-6. The site is located within the Bailey's Crossroads/Seven Corners Commercial Revitalization

District (CRD). There are a total of 311 parking spaces within the shopping center. Mature vegetation lines the site's boundaries and deciduous trees are 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.

An approved Non-Residential Use Permit (Non-RUP) was issued on March 3, 2006 for the subject property for an "Eating Establishment" use and not a commercial recreation use (hookah bar). The hookah use is currently ongoing.

A number of code enforcement issues have been raised at the subject property since 2006. Several Notice of Violation(s) NOVs and summonses were issued by fire inspection staff; a copy of the fire code history is found in Appendix 5. On March 8, 2011 the Zoning Enforcement Branch of the Zoning Administration Division issued a letter, attached in Appendix 6, indicating the use was operating without a correct Non-RUP and without a Special Permit, as required. On April 14, 2011 the Department of Code Compliance restated the violation, which is also contained in Appendix 6. Staff visited the site on July 30, 2011 with County inspection staff. During the inspection two

summonses were issued by fire inspection staff.

Staff is aware of other issues related to the shopping center and some specifically to the hookah establishments. Police records indicate that the most common calls to the shopping center in the evenings when retail businesses are closed and the entertainment uses are open are noise complaints and parking violations. The parking lot becomes overcrowded and cars block the driving aisles. Noise is a recurring issue for the adjacent residential condominium tower residents, who often call the police. There appears to be a number of calls to the subject property related to noise and parking.

Two other hookah establishments are located in the same shopping center. There are current inquiries by others to establish additional hookah lounges in the shopping center. There are no other previous applications for hookah lounges in Fairfax County, outside of the BuildAmerica 7 shopping center.

ANALYSIS

Special Permit Plat Copy at front of staff report

Title of SP Plat: BuildAmerica 7

Prepared By: Dewberry & Davis

Dated: April 1981

Proposed Use:

The applicant proposes to operate a hookah bar in two tenant bays (A, F) that have been combined, within the existing shopping center, which the applicant states measures, in total, 2,350 square feet. One tenant bay, approximately 1,175 square feet is primarily used as a customer area and the other tenant bay of the same size and separated by a swinging door is the kitchen (food and drink preparation) area. A copy of the proposed floor plan is included at the front of the staff report. The applicant proposes hours of operation from 11:00 a.m. to 2:00 a.m., Sunday through Thursday and 11:00 a.m. to 4:00 a.m. Friday and Saturday, and a maximum occupancy of 98 including employees.

Liquor License and Sales:

The establishment currently holds an ABC liquor permit for on premises alcohol sales. Food is prepared and served in the lounge, as a requirement of the ABC liquor permit. Alcoholic beverages are prepared in the kitchen.

Hookah Smoking:

The patrons will pay for the use of the hookahs and tobacco on site. The hookahs, which are also known as water pipes, will be prepared in an adjacent room within the main customer area. 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.

Entertainment:

The applicant requests live entertainment on Friday and Saturday nights from 10:00 p.m. to closing. Live entertainment is described by the applicant to include a belly dancer, musician(s) and/or a D.J. No dance floor area is proposed.

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.

The shopping center is under a condominium style management where the parking lots are managed by the condominium BuildAmerica Skyline. The applicant indicates that the Board of Directors of the Condominium Association closes the parking lot at 2:00 a.m. and begins towing cars.

Issue: Though the applicant has requested hours of operation until 4 a.m. on Friday and Saturday nights, noise is already an issue with adjacent residential owners as evidenced by complaints to the police. Additionally current hours of operation are limited to 2 a.m. by the Condominium Association as BuildAmerica Skyline does not allow cars to be parked in the parking lot past 2 a.m.

Resolution: Staff believes the hours of operation should be limited to 2 a.m. A development condition is included with this limitation.

Issue: The applicant has requested as occupancy of 98 persons; 90 patrons and 8 employees. The Department of Public Works and Environmental Services (DPWES) recently issued an occupancy permit for a total occupancy of 88 within the two bays included in the special permit application, which is less than the applicant's request.

Resolution: Based on the occupancy permit approved by DPWES, the occupancy of the hookah bar must be limited to a maximum of 88 persons, including staff. A development condition has been included with this limitation.

Issue: Live entertainment may include use of amplification systems which could cause noise violations and complaints.

Resolution: Staff recommended that either live entertainment be limited to non-amplified entertainment systems or that the applicant revise the interior site layout to provide a double door/vestibule type system which would limit noise spillage when patrons enter/exit the building and recommended triple pane glass be used in the front customer façade to help reduce noise spillage out of the tenant space. The applicant agreed to the interior revisions, so a development condition is included addressing these changes.

The Office of the Fire Marshal recommends panic hardware on all exit doors. A development condition is included to address this recommendation.

Eating Establishment:

Food is prepared in an existing kitchen. The applicant has a full menu and the original non-RUP was an "Eating Establishment". Because the establishment is also a restaurant, the clean air provisions of the Code of Virginia apply. A representative of the Fairfax County Division of Environmental Health indicated that Fairouz Mediterranean Café received the a Virginia Department of Health designation that exempts them from the clean air provisions that require separated spaces for smoking and non-smoking patrons. There are several requirements of the VDH designation that need to be continuously maintained in order to retain the designation and continue the practice of a restaurant without separated spaces.

Issue: In order for the proposed use as described to be in compliance with all laws in the layout as proposed the VDH designation of a "private club" must be maintained.

Resolution: Staff included a condition to provide that the applicant maintain their designation as a "private club" with the VDH in order to exempt them from the clean air act provisions of separated spaces when serving food, or that the applicant revise the site interior to meet the clean air act provisions for eating establishments.

Ventilation:

In previous hookah applications, staff was concerned that the smoke from the hookah lounge will infiltrate adjoining units. In the other hookah applications, staff addressed this by requiring a tenant layout plan for Building Plan Review prior to approval of a new

Non-RUP. As part of the tenant layout plan, appropriate ventilation shall be provided at the level of a smoking lounge for the hookah bar. In addition, a Fire Safety Technical Inspection will be required, allowing the Fire Marshal's Office to inspect the hookah lounge to verify fire safety measures in the unit.

Issue: Staff has in the past been concerned about smoke infiltration in adjacent tenant bays.

Resolution: A development condition is included to address necessary ventilation during site plan review.

Parking and Transportation Analysis:

The applicant is assigned ten parking spaces in the shopping center. Parking requirements for a commercial recreation use are typically based on occupancy, at a rate of one space per three occupants and one space per employee, per Sect. 11-104 (18) of the Zoning Ordinance. Based on this calculation, 38 parking stalls would be required. However the provisions of the Off Street Parking and Loading, Sect. 11-104(23) allow uses within a shopping center to be parked at the shopping center rate, except for areas occupied by offices, eating establishments and hotels. The shopping center parking rate is 4.3 parking spaces per 1,000 square feet of gross floor area (GFA). Based on the shopping center rate and the subject property GFA of 2,350, 10.2 (rounded up to 11) parking stalls are required. The applicant has agreed to reduce the GFA in his units in order to reduce the parking requirement to ten stalls. A proposed interior layout showing the GFA reduction is included in this report. Additionally, the presumed intent of the Zoning Ordinance parking allowance to permit all uses within a shopping center to park at a shopping center rate presumes a mix of uses that have parking demands at different times of day, allowing for a smaller number of stalls to accommodate a variety of uses (and presumably without creating a parking problem). The allowance probably did not consider an instance when a shopping center becomes heavily occupied by uses which routinely require more parking and/or have overlapping parking demands which cause parking problems.

Existing Parking for site	10 stalls	**Shopping center parking rate**	4.3 stalls/ 1,000 sf GFA
Parking needed for 2,350 sf GFA (based on shopping center rate)	11 stalls	**Commercial Recreation parking rate**	One (1) space per three (3) occupants plus one (1) stall per employee
Amount of GFMA reduction necessary for assigned # of stalls	47 square feet		

The Fairfax County Department of Transportation provided comments which are attached in Appendix 7. The Department of Transportation indicated there are no issues with the application provided that the required parking for the use is available.

Issue: Commercial recreation uses generate more traffic than the shopping center parking rate and parking violations are a chronic problem at the shopping center.

Resolution: The Board of Zoning Appeals may limit occupancy within the subject property to an amount that reduces the parking stall demand of a commercial recreation use. Allowing occupancy of 60 would create a parking stall demand of 20 based on customers plus add one additional stall for each employee. The use may still park at the parking center rate, but parking demand would be reduced because the occupancy is limited.

Community Revitalization District Analysis:

The Office of Community Revitalization and Reinvestment (OCRR) reviewed the request and provided comments which are attached in Appendix 8. OCRR noted that there are two existing hookah lounges within the BuildAmerica shopping center and that the existing hookah establishments are not full-service restaurants with alcohol sales and live entertainment. OCRR indicated that the combination of these activities in the proposed hookah bar may be appropriate in a location with enough building area to adequately support these uses and the number of patrons the applicant hopes to service. OCRR suggests that the applicant may consider whether alternative locations with sufficient building area and increased parking might be preferable and potentially support a more viable business operation.

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. 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, given the history of violations found by fire inspection staff, staff has concerns regarding health and safety impacts of the use, particularly fire safety issues since the hookahs are heated with charcoals. A development condition is included to require the hookah lounge be open to inspection by all Fairfax County departments during the hours of operation. This was a condition for the other two existing hookah establishments.

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 **but only** with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Parking Tabulation Revision for BuildAmerica 7
5. Violation history provided by fire inspection staff
6. Zoning Enforcement Branch and Office of Code Compliance violation letters.
7. Proposed Floor Plan for the Fairouz Mediterranean Café
8. Office of Community Revitalization and Reinvestment Memo dated August 25, 2011
9. Fairfax County Department of Transportation Memo dated August 23, 2011
10. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-MA-068

September 28, 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)) 9 & 22 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, Artya,, Inc. d/b/a Fairouz Mediterranean Café and is not transferable without further action of this Board, and is for the location indicated on the application, 3815-A/F 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 site layout plan provided by the applicant, 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 be based on the approved Non-RUP occupancy as issued by the Fairfax County Department of Public Works and Environmental Services, and subject to final approval by the Fire Marshal's office but under no circumstances shall the occupancy exceed 88.

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. If alcohol is served, the applicant shall maintain a valid ABC liquor license at all times and the site shall be in conformance with the provisions of said license.

12. If food is served, the applicant shall maintain a valid food handler's permit with the Virginia Department of Health at all times and the site shall be in conformance with the provisions of said permit at all times.

13. The applicant shall maintain the designation of a "private club", whereby the clean air act provisions exempt the subject property from separate ventilated spaces for food sales, at all times and maintain conformance with said designation at all times. In the event the applicant loses the exemption of clean air act provisions, the applicant shall amend the interior site layout to become in conformance with all applicable provisions of the Virginia Department of Health for Eating Establishments and apply for all applicable permits from Fairfax County.

14. Live entertainment shall be limited to Friday and Saturday between the hours of 10:00 p.m. and 2:00 a.m. and the applicant shall amend the building plan and install a double-door vestibule system to reduce noise spillage to areas outside of the premises walls. The applicant shall also install triple pane glass on the front façade of the building to reduce noise from exiting the interior of the premises.

15. The applicant shall provide appropriate ventilation for a smoking lounge to prevent smoke infiltration into adjacent units through the building plan review process to the Department of Public Works and Environmental Services.

16. The site shall be available for inspection by the Fairfax County Office of the Fire Marshal during the hours of operation.

17. All exit doors shall be installed with panic hardware, to the satisfaction of the Fairfax County Office of the Fire Marshal.

18. The applicant shall reduce the GFA of the subject property in order to meet all parking requirements. Prior to the issuance of a new Non Rup, the interior space shall be altered as per the floor plan included in Attachment 1 and all building permits and final inspections shall be obtained.

19. The use shall be open to inspection by all departments of the County of Fairfax during the hours of operation.

20. 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.

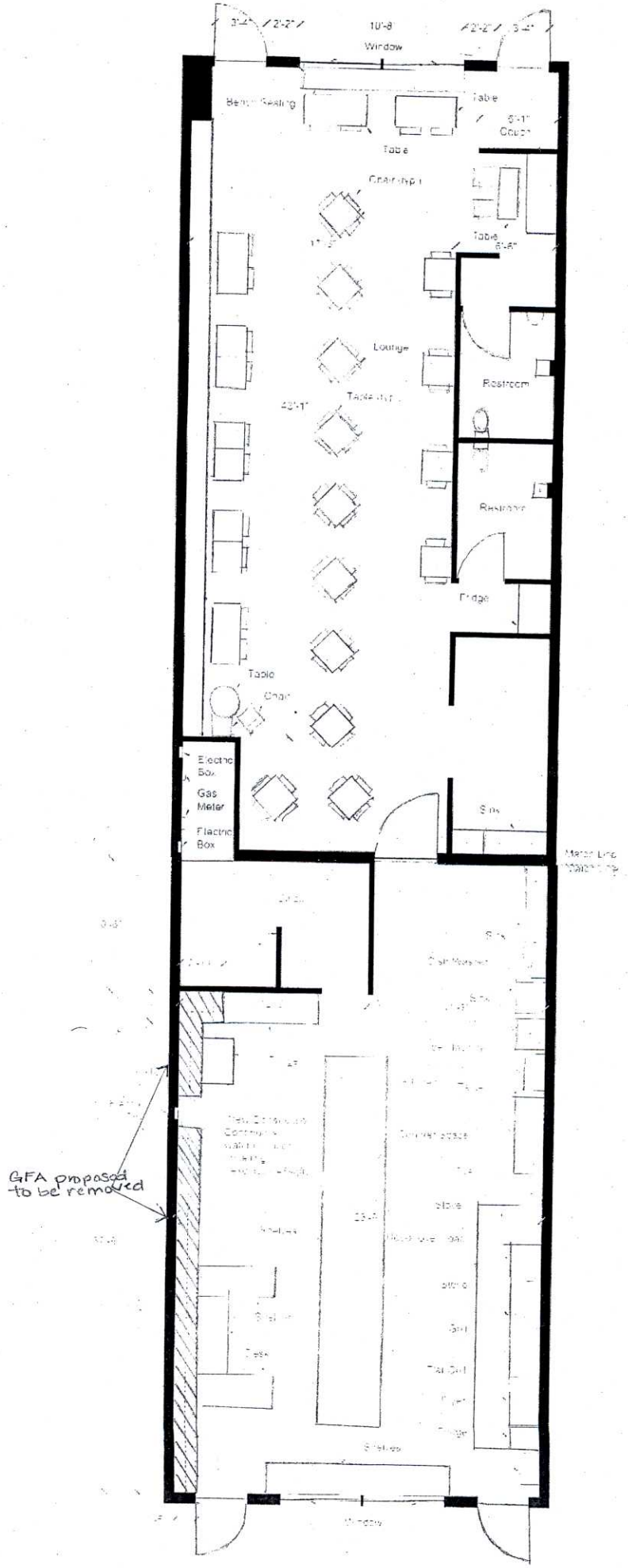
21. Prior to approval of a new Non-RUP, a tenant layout plan shall be submitted for review in accordance with the currently adopted Virginia Construction Code.

22. 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, twelve (12) 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.

ATTACHMENT 1



APPENDIX 2

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/23/11
(enter date affidavit is notarized)

I, Samer W. Burgan, Esquire, 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 11240

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.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
ARTYA, Inc. d/b/a Fairouz Mediterranean Cafe	9010 Alexis Court Springfield, VA 22152	Applicant/Lessee
Bill & Associates, LLC	9280 Blue Steel Way Lorton, VA 22079	Title Owner/Leasor
Burgan & Associates, P.C.	5673 Columbia Pike, Suite 201 Falls Church, VA 22041	Attorney/Agent
-Samer W. Burgan, Esq.		Attorney/Agent

(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: 5/23/11 (enter date affidavit is notarized)

112140

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)

ARTYA, Inc.
d/b/a Fairouz Mediterranean Cafe
9010 Alexis Court
Springfield, VA 22152

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)

Ahmed Attia

(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): _____

(county-assigned application number(s), to be entered by County Staff)

Special Permit/Variance Attachment to Par. 1(b)

DATE: 5/23/11 (enter date affidavit is notarized) 112140

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

Bill & Associates, LLC
9280 Blue Steel Way
Lorton, VA 22079

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Guillermo Barbosa

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

Burgan & Associates, P.C.
5673 Columbia Pike, Suite 201
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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Samer W. Burgan

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

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/23/11 (enter date affidavit is notarized)

112140

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): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/23/11 (enter date affidavit is notarized) 112140

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.

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/23/11 (enter date affidavit is notarized)

112140

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

Samer W. Burgan, Esq.

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

Subscribed and sworn to before me this 23rd day of May 2011, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: July 31st 2011

Orlando C Karpf
Notary Public
Commonwealth of Virginia
My Commission Expires 07/31/2011
Commission ID# 7089741

RECEIVED
Department of Planning & Zoning
MAY 24 2011
Zoning Evaluation Division

2011 (SF#_____)
ARTYA, Inc.
D/B/A FAIROUZ MEDITERRANEAN CAFÉ
SPECIAL PERMIT APPLICATION
STATEMENT OF JUSTIFICATION
TM #062-3-((13))-0009 and #62-3-((13))-0022
3815 A & F South George Mason Drive
Falls Church, Virginia 22041
May 24, 2011

DESCRIPTION OF THE APPLICATION

Special Permit Request:	To allow a "hookah bar" as a Group 5, Commercial Recreation use, and intend to sell food. Pursuant to Fairfax County Use Determination dated February 5, 2010, a "hookah bar" is deemed to be most similar to "indoor firing ranges, archery ranges, fencing and other similar indoor recreation uses." There is no new construction associated with this application. This is a request for a special permit use within a commercial/shopping center condominium.
Record Fee Owner/ Applicant:	**Bill & Associates, LLC/ ARTYA, Inc. d/b/a FAIROUZ MEDITERRANEAN CAFÉ**
Zoning:	Community Retail Commercial District (C-6); Sign Control (SC); Commercial Revitalization District (CR1)
Size:	SP 6/30/2011 2,350 ~~2,303.92~~ square feet of maximum gross floor area within existing BuildAmerica at Skyline Condo, Unit 44, Phase I and parking area shown on SP Plat
Type of Operation:	Hookah bar, café - a place where customers can socialize in a comfortable and relaxing environment while enjoying coffee, food, drink and Hookah (the smoking of tobacco through water pipes)
Hours of Operation:	11:00 a.m. to 2:00 a.m., daily, in compliance with the Board of Directors of Condominium Association, but would extend to 4:00 a.m. on Fridays and Saturdays, pending application and approval from said Board.

Estimated Number of Patrons:	Seating Capacity: 90
Number of Employees:	8
Estimate of Traffic Impact/ Maximum Expected Trip: Generation:	This hookah bar is expected to generate approximately 12 trips per peak hour on a Saturday and 8 trips per peak hour on a weekday (based up trip generation estimates from the ITE Manual, 8th Edition, Land Use Code: Shopping Center (820)
Vicinity to be Served:	Falls Church, Seven Corners, Seminary Road
Waivers and Modifications:	None - no new construction. This is a request for a special permit use within an existing commercial shopping center condominium.
Hazardous and Toxic Substances:	The Applicant is not aware of the existence on or in the subject condominium unit of any Hazardous or Toxic Substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 335, Hazardous Waste as set forth in Commonwealth of Virginia/Department of Waste Management Regulations VR 672-10-1 Virginia Hazardous Waste Management Regulations, or petroleum products as defined in Title 40, Code of Federal Regulations Part 280. The Applicant does not intend to generate, utilize, store, treat and/or dispose of any of the same on site, except as allowed by applicable law for cleaning purposes and normal and customary business practices. The Applicant is not aware of any existing nor does the Applicant propose storage tanks or containers.

LOCATION AND CHARACTER

Existing Site Description:	The subject condominium unit is located on a fully developed site with a commercial/shopping center condominium known as BuildAmerica Skyline, consisting of various retail, restaurant, office end personal service uses.

Surrounding Area Description:

The adjacent property to the south is entirely within the boundaries of the City of Alexandria. To the northwest lies the Dowden Terrace subdivision, as well as several single family homes. Skyline Square Condominium, Skyline Shopping Center and Savoy Park are to the north within a PDC development. To the east lies Skyline House Condominium and further to the east is Skyline Plaza Condominium.

Direction	Use	Zoning
North	Skyline Square Condominium, Savoy Park Condominium and Skyline Shopping Center	PDC (residential and retail)
South	City of Alexandria	N/A
East	Skyline House and Skyline Shopping Center	PDC
West	Dowden Terrace and single family homes	R-3

COMPREHENSIVE PLAN PROVISIONS:

Plan Area: Area I — Baileys

Planning Sector: Baileys Crossroads Community Business Center, Baileys East, Sub-Unit F-1

Plan Map: Mixed Use

Plan Text: This sub-unit is located on the south side of Leesburg Pike and borders the City of Alexandria boundary. It is currently developed with the Skyline Center which is a mixed-use development, containing residential, office, retail, park and recreational components.

Base Plan Recommendations – The base plan recommendation for this sub-unit is 3,018,000 square feet of office uses, 260,000 square feet of retail uses and 3,600 multi-family residential units.

Redevelopment Option – This sub-unit is planned for and developed as a mixed-use development, containing residential, office, retail, park and recreational components.

CONFORMANCE WITH SECTION 8-006 (GENERAL STANDARDS)

1. **The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.** The proposed use is located within Sub-Unit F-I, which is planned as developed. The proposed use is in harmony with the adopted comprehensive plan because it implements the mixed use recreational component.

2. **The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.** The proposed use is a Group 5 Commercial Recreation Use which is specifically allowed in the C-6 district by special permit. It is a commercial recreation use oriented to serve several neighborhoods, in harmony with the general purpose end intent of the C-6 district.

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 the adjacent or nearby land and/or buildings or impair the value thereof.** The subject property and surrounding area are fully developed. The proposed use of the site will be harmonious with the other uses within the BuildAmerica shopping center because it complements these existing retail, restaurant and personal service uses. There are a number other hookah bars within the BuildAmerica shopping center, which, to the best of the applicant's knowledge of which have already been granted a "Commercial Recreation" use permits. On February 5, 2010, the Fairfax County Zoning Administrator issued a use determination stating that a "hookah bar" is deemed to be most similar to "indoor firing ranges, archery ranges, fencing and other similar indoor recreation uses" and the applicant, is attempting to comply with said use determination by filing this special permit application. A hookah bar use that is validly and lawfully operating by approved special permit will serve to enhance the other uses within the existing BuildAmerica shopping center, as well as the surrounding community that it serves. Patrons and neighbors will feel safe and secure with a valid and lawful use operating within the subject unit, and, as approved, this use will encourage other similar uses operating in violation to apply for the proper approvals and permits.

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.** There is no new construction associated with this use and the area if

fully developed. Pedestrians can use the existing sidewalks and crosswalks located within the area.

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.** There is no new construction associated with this use. The site is fully developed.

6. **Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.** There is no new construction associated with this use. The site is fully developed.

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.** There is no new construction associated with this use. The site is fully developed and there is adequate utility, drainage, parking and loading to accommodate the proposed use. This use is parked under the ordinance requirements for a shopping center of 100,000 square fee of gross floor area or less, and this particular use requires/provides 10 spaces.

8. **Signs shall be regulated by the provisions of Article 12.** All signage on the site will meet Zoning Ordinance requirements.

Section 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.** There is no new construction associated with this use. The site is fully developed,

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**. This use complies with such performance standards.

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.** This use is not located within 100 feet of any adjoining property which is in an R district.

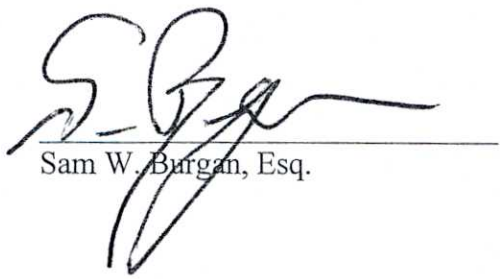
4. **Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.** There is no new construction associated with this use.

Section 7-500 Sign Control (SC) Overlay District Additional Regulations – Sign Control Overlay Districts are established in furtherance of Sect. 12-101 by restricting freestanding signs in the intensely developed commercial and industrial areas of the County where there is an increased need to reduce visual clutter, sight distance obstructions and interference with traffic control signals and mechanisms and where the speed of traffic does not warrant the freestanding signs otherwise permitted by the provisions of Article 12. The shopping center located at this site is fully developed, and there is no new construction associated with this use. All building mounted signage shall comply with the provisions of Article 12.

Section 7-1001 Commercial Revitalization Districts (In General) – The Commercial Revitalization Districts are established to encourage economic development activities in the older commercial areas of the County in order to provide desirable employment and enlarge the tax base consistent with the provisions of Sections 15.2-200, 2283 and 2284 of the Code of Virginia, as amended. The districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas. The proposed use enlarges the tax base by operating in an existing restaurant cafe space within an existing shopping center and will encourage continued support of the other uses in the shopping center by attracting additional customers.

Appendix 7, Part 2, A7-200 Bailey's Crossroads/Seven Corners Commercial Revitalization District
There is no new construction associated with this use; however, the proposed use complies with said regulations.

SUMMARY: This Application meets the C-6, SC and CRD zoning district requirements, as well as the enumerated general and specific standards for approval of a Group 5 Special Permit. This use is appropriately located within an existing shopping center with other similar and supportive uses. Adequate parking is provided and there is a relatively small traffic impact arising from this use, which is accommodated by the existing transportation network. The commercial recreation use of a hookah bar café is in conformance with the Comprehensive Plan, and provides a place where customers can socialize in a comfortable and relaxing environment while enjoying coffee, meal, drink and Hookah.



Sam W. Burgan, Esq.

SP 2011-0151
ARTYA, Inc.
D/B/A FAIROUZ MEDITERRANEAN CAFÉ
SPECIAL PERMIT APPLICATION
STATEMENT OF JUSTIFICATION
TM #062-3-((13))-0009 and #62-3-((13))-0022
3815 A & F South George Mason Drive
Falls Church, Virginia 22041

ADDENDUM TO APPLICATION:

Type of Operation: Hookah bar, café - a place where customers can socialize in a comfortable and relaxing environment while enjoying coffee, food, drink and Hookah (the smoking of tobacco through water pipes). Drinks to include alcoholic beverages. Additional secondary uses to include live entertainment such as a belly dancer, musician(s) and/or a DJ.

Sam W. Burgan, Esq.

RECEIVED
Department of Planning & Zoning
JUN 16 2011
Zoning Evaluation Division

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: SGA COMPANIES, INC. Address: 7508 WISCONSIN AVENUE, 4TH FLOOR, BETHESDA, MD 20814 Phone #: 301.652.6266 FEE: $770.00

Plan Name: BUILD AMERICA 7 Original Site Plan #: 4614-SP-01

Zoning: C-6 Rezoning Case #: 81-M-072 Proffered: [/] Yes [ ] No Tax Map # 62-3((1)) PAR 8, 8A, 8B

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: RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION	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
3827 South George Mason Drive (Seven-Eleven)	1	61	RETAIL (B)	✓			2750	2200							4.3 PER 1000 GFA	11.8
3829 " (Pizza)	1	62	RESTAURANT	✓			1495	1196	16						1/4 SEATS	
3831 " (Office/Body Massage)	1	63	OFFICE (B)	✓			1125	900							1/2 EMPL.	6.0
															3.6 PER 1000 GFA	4.1

(If additional space is required use Page 2)

APPROVED
COUNTY OF FAIRFAX
OFFICE OF SITE DEVELOPMENT SERVICES
DPWES
BY
DATE 4 Dec 09

NUMBER OF ACCESSIBLE SPACE(S) PROVIDED	7	+VAN ACCESSIBLE SPACE(S) PROVIDED	1	=TOTAL ACCESSIBLE PARKING SPACE(S) on the parking lot (See Note 6 below)	8
				REQUIRED PARKING FOR ENTIRE SITE PLAN	310.9
				TOTAL PARKING SPACES PROVIDED	311

(The total number of parking spaces, including accessible parking spaces, available and useable for vehicular parking on the area covered by this site plan [See Note 6 below])

[1] List proffered use Prohibitions or Limitations.
[2] In building where one floor has more than one use (personal services, general office & retail), use a separate line for each use. The uses must correspond to those identified in Article 11 of the Zoning Ordinance, or else documentation of the Zoning Administration determination must be attached to the tabulation.
[3] Units which are vacant shall be included, the intended use shall be indicated and parking allocated.
[4] Developer should make an initial parking assignment for each unit on the site plan. If developer, condominium, association or landlord wishes to make changes to assigned number of spaces after final site plan bond release, a site plan revision for reallocation of parking will be required. This form, when properly completed and certified, is intended to be such a site plan revision.
[5] If use is a Grandfathered use, it may be calculated at previous code parking rate if so identified and justification is submitted with the parking tabulations.
[6] Certification is taken to mean that the number of parking spaces shown as being provided is actually available on the site and useable (not occupied or blocked by dumpsters, air conditioners, incinerators, storage trailers, etc.), that all uses on the site have been included in the above listing, and that the requisite number of spaces and signage for compliance with ADA are provided. The number of parking spaces must be in conformance with the associated rezoning, special exception, special permit and variance.

COMMONWEALTH OF VIRGINIA
SASSAN GHARAI
No. 019167
ARCHITECT

Certified Correct[6] (Applicant) Engineer's Signature: SASSAN GHARAI - PREPARED IN ACCORDANCE WITH SECTION 54.1-401 OF THE VIRGINIA STATE CODE Date: OCTOBER 13, 2009

County Approval by: Date:

Property Owners, Landlords, Condominium Association - Concurrence with Tabulation
Print Name & Title (Include company name when appropriate): GEORGE CHAPLIN, MANAGER Signature: Date: 11-5-09

Submit to: Land Development Services, Plan and Document Control, 12055 Government Center Parkway, Suite 506 Fairfax, Virginia 22035-5503
REVISED FORM (7/2009)

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

Sheet 1 of 7

4614-PKS-018-3

APPENDIX 4

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

REC'D

Engineer: SGA COMPANIES, INC. Address: 7508 WISCONSIN AVE., 4TH FLOOR, BETHESDA, MD 20814 Phone #: 301.652-6263 (ext. 123)

Plan Name: BUILD AMERICA - 7 Original Site Plan #: 4614 - SP 01 Tax Map # 62-3(ii) PAR. 8, 8A, 8B

Zoning: C-6 Rezoning Case #: 81-M-072 Proffered: [✓] 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: RIGHT	USE PERMITTED BY: SPECIAL PERMIT	USE PERMITTED BY: SPECIAL EXCEPTION	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	
3811D SOUTH GEORGE MASON DRIVE	(COSMETOLOGY SCHOOL VACANT)	1	4	OFFICE (B) INTENDED	✓			1175	940							3.6/1000 GFA	4.2	✓
3811E	— " — (ALADDIN RESTAURANT)	1	5	RESTAURANT RETAIL	✓			"	"							4.3/1000 GFA	5.1	SEE UNIT #26 ✓
3813A	" (SUNSHINE HAIR SALON)	1	6	RETAIL	✓			"	"							4.3/1000 GFA	5.1	✓
3813B	" (MAY MAY RETAIL)	1	7	RETAIL	✓			"	"							4.3/1000 GFA	5.1	✓
3813C	" (OASIS RETAIL)	1	8	RETAIL	✓			"	"							4.3/1000 GFA	5.1	✓
3815A	" (FAIROUZ RESTAURANT)	1	9	RESTAURANT	✓			"	"							4.3/1000 GFA	10	SEE UNIT #22
3815B	" (RESTAURANT)	1	10	RESTAURANT	✓			"	"	COMBINED WITH UNIT/SUITE #21							SEE SUITE #21	✓
3815C	" (DRY CLNR CAFE)	1	11	DRY CLEANER RETAIL	✓			"	"							4.3/1000 GFA	5.1	✓
3817A	" (DENTAL CLINIC)	1	12	DENTIST RETAIL	✓			"	"							4.3/1000 GFA	5.1	✓
3817B	" (GLOBAL TAX/TRADE)	1	13	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: SGA COMPANIES, INC. Address: 7508 WISCONSIN AVE, 4TH FLOOR, BETHESDA, MD 20814 Phone #: 301.652.6263

Plan Name: BUILD AMERICA 7 Original Site Plan #: 4614-SP-01 Tax Map # 62-3(11) PAR 8, 8A, 38

Zoning: C-6 Rezoning Case #: 81-M-072 Proffered: ✓ 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: RIGHT	USE PERMITTED BY: SPECIAL PERMIT	USE PERMITTED BY: SPECIAL EXCEPTION	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	
3817C South George Mason Drive (GROCERY/BUTCHER)	1	14	RETAIL												4.3/1000 GFA	5.1	✓
3817D " (KHARTOUM CENTER)	1	15	OFFICE												3.6/1000 GFA	4.2	✓
3823C " (HAIR SALON)	1	40	RETAIL												4.3/1000 GFA	5.1	✓
3825A " (CODER THERAPY)	1	41	OFFICE												3.6/1000 GFA	4.2	✓
3825B " (AWASH MARKET)	1	42	RETAIL												4.3/1000 GFA	5.1	✓
3825C " (ORBAT TRAVEL)	1	43	OFFICE												3.6/1000 GFA	4.2	✓
3825D " (CHAVEN CAFE)	1	44	RETAIL CAFE												4.3/1000 GFA	5.1	✓
3825E " (JALAL HAIR SALON)	1	45	RETAIL												4.3/1000 GFA	5.1	✓
3817E " (SKY UPHOLSTERY)	1	16	OFFICE												3.6/1000 GFA	4.2	✓
3817F " (SKY UPHOLSTERY)	1	17	OFFICE												3.6/1000 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 WISCONSIN AVE., 4TH FLOOR, BETHESDA, MD 20814 Phone #: 301-652-6263
Plan Name: BUILD AMERICA 7 Original Site Plan #: 4614-SP-01 Tax Map # 62-3 (11), PAR. 8, 8A, 8B
Zoning: C-6 Rezoning Case #: 81.M.072 Proffered: [✓] 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: RIGHT	USE PERMITTED BY: SPECIAL PERMIT	USE PERMITTED BY: SPECIAL EXCEPTION	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	
3817 G South George Mason Drive	(AL-AMAL SUPERMARKET GROCERY)	1	18	OFFICE BUSINESS	✓			1175	940							3.6/1000 GFA	4.2	✓
3817 H	" (VACANT OFFICE)	1	19	OFFICE (INTENDED)	✓			"	"							3.6/1000 GFA	4.2	✓
3815 D	" (AL-AMAL SUPERMARKET GROCERY)	1	20	RETAIL	✓			"	"							4.3/1000 GFA	5.1	✓
3815 E	" (RESTAURANT)	1	21	RESTAURANT	✓			"	"	35			11			1/4 SEAT 8.7; 1/2 EMP. 5.2	14.2	✓
3819 F	" (DARSHAN STUDIO)	1	58	OFFICE	✓			"	"							3.6/1000 GFA	4.2	✓
3819 G	" (MARHABA MARKET)	1	59	OFFICE (BUSINESS)	✓			"	"							3.6/1000 GFA	4.2	✓
3819 H	" (SHOWA HAIR SALON)	1	60	BUSINESS	✓			"	"							3.6/1000 GFA	4.2	✓
3819 A	" (BANADIRE CAFÉ)	1	31	CAFE	✓			"	"							4.3/1000 GFA	5.1	✓
3819 B	" (HAIR SALON)	1	32	BUSINESS	✓			"	"							3.6/1000 GFA	4.2	✓
3819 C	" (SKYLINE INT'L MARKET)	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: SGA COMPANIES, INC. Address: 7508 WISCONSIN AVE, 4TH FLOOR, BETHESDA, MD 20814 Phone #: 301.652.6263

Plan Name: BUILD AMERICA 7 Original Site Plan #: 4614-SP-01 Tax Map # 62-3 (E) PAR 8, 8A, 8B

Zoning: C-6 Rezoning Case #: 81.M-072 Proffered: [✓] 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: RIGHT	USE PERMITTED BY: SPECIAL PERMIT	USE PERMITTED BY: SPECIAL EXCEPTION	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	
3819D South George Mason Drive (HARAMBE TRAVEL)	1	34	OFFICE	✓			1175	940							3.6/1000 GFA	4.2	✓
3821A " (SKYLINE RESTAURANT)	1	35	RETAIL RESTAURANT BUSINESS	✓			"	"							4.3/1000 GFA	5.1	✓
3821B " (EYO RESTAURANT)	1	36	RESTAURANT	✓			"	"	30			2			1/4 SEAT = 7.5; 1/2 EMPL. = 1	8.5	✓
3821C " (NAIL CAFE)	1	37	RETAIL CAFE	✓			"	"							4.3/1000 GFA	5.1	✓
3823A " (GROCERY/TRAVEL)	1	38	RETAIL	✓			"	"							4.3/1000 GFA	5.1	✓
3823B " (BARBER CAFE)	1	39	RETAIL CAFE	✓			"	"							4.3/1000 GFA	5.1	✓
3825F " (RETAIL)	1	46	RETAIL	✓			"	"							4.3/1000 GFA	5.1	✓
3825G " (HAIR SALON)	1	47	RETAIL	✓			"	"							4.3/1000 GFA	5.1	✓
3825H " (CARTHAGE RESTAURANT)	1	48	RESTAURANT	✓			"	"							4.3/1000 GFA	5.1	✓
3825I " (ORBAT TRAVEL/OFFICE)	1	49	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: SGA COMPANIES, INC. Address: 7508 WISCONSIN AVE, 4TH FLOOR, BETHESDA, MD 20814 Phone #: 301.652.6263

Plan Name: BUILD AMERICA 7 Original Site Plan #: 4614-SP-01 Tax Map # 62-3 (CL) PAR 2, 3A, 8B

Zoning: C-6 Rezoning Case #: 81-M-072 Proffered: [✓] 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: RIGHT	USE PERMITTED BY: SPECIAL PERMIT	USE PERMITTED BY: SPECIAL EXCEPTION	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
3825J South George Mason Drive (CODER THERAPY)	1	50	OFFICE	✓			1175	940							3.6/1000 GFA	4.2 ✓
3823D " (WALIMA RESTAURANT)	1	51	RESTAURANT	✓			"	"							4.3/1000 GFA	5.1 ✓
3823E " (SKYLINE BUTCHER)	1	52	RETAIL	✓			"	"							4.3/1000 GFA	5.1 ✓
3823F " (AZIEB MARKET)	1	53	RETAIL	✓			"	"							4.3/1000 GFA	5.1 ✓
3821D " (PRICE RESTAURANT)	1	54	RESTAURANT	✓			"	"							4.3/1000 GFA	5.1 ✓
3821E " (ANDALUCIA)	1	55	RETAIL OFFICE BUSINESS	✓			"	"							3.6/1000 GFA	4.2 ✓
3821F " (EMT MONEY MONALISA)	1	56	OFFICE	✓			"	"							3.6/1000 GFA	4.2 ✓
3819E " (STORAGE)	1	57	RETAIL (INTENDED)	✓			"	"							4.3/1000 GFA	5.1 ✓
3815F " (FAIROUZ RESTAURANT)	1	22	RESTAURANT	✓			"	"	COMBINED WITH SUITE #9							SEE SUITE #9 ✓
3813D " (AL-JAZEERA RESTAURANT)	1	23	RESTAURANT	✓			"	"							3.6/1000 GFA	4.2 ✓

nter 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, 4TH FLOOR, BETHESDA, MD 20814 Phone #: 301.652.6263

Plan Name: BUILD AMERICA 7 Original Site Plan #: 4614-SP-01 Tax Map # 62-3 (Col) PAR 8; 8A, 8B

Zoning: C-6 Rezoning Case #: 81-M-072 Proffered: [✓] 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: RIGHT	USE PERMITTED BY: SPECIAL PERMIT	USE PERMITTED BY: SPECIAL EXCEPTION	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	
3813E South George Mason Drive (IBEX RESTAURANT)	1	24	RESTAURANT	✓			1175	940	36			2			1/4 SEAT = 9; 1/2 EMPL. = 1	10	✓
3813F " (IBEX RESTAURANT)	1	25	RESTAURANT	✓			"	"	COMBINED WITH SUITE #24							COMBINED WITH SUITE #24	✓
3811F " (ALADDIN RESTAURANT)	1	26	RESTAURANT	✓			"	"	COMBINED WITH SUITE #5							SEE UNIT #5	✓
3811G " (FALIK FASHION)	1	27	RETAIL BUSINESS	✓			"	"							3.6/1000 GFA	4.2	✓
3811H " (AT&T PHONE)	1	28	RETAIL BUSINESS	✓			"	"							3.6/1000 GFA	4.2	✓
3811I " (AL-AMANA RETAIL)	1	29	RETAIL	✓			"	"							4.3/1000 GFA	5.1	✓
3811J " (UNISEX HAIR SALON)	1	30	RETAIL	✓			"	"							3.6/1000 GFA	4.2	✓
3811A " (GROCERY/CAFÉ)	1	1	RETAIL (DELI)	✓			"	"							4.3/1000 GFA	5.1	✓
3811B " (DIAMOND HAIR SALON)	1	2	OFFICE BUSINESS	✓			"	"							3.6/1000 GFA	4.2	✓
3811C " (KEBERICHO CAFE)	1	3	CAFE 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.

APPENDIX 5

Artya Inc. d/b/a Fairouz Café

3815 A/F S. George Mason Drive // FPCP #15352

Recent History of Code Enforcement and Inspection Activity (2010 and 2011 Only)

7/30/2011 – J. Brinkerhoff, J. Thomas (Corporate Summons Obtained)

- Routine Occupancy Check w/ a FXCO Zoning Planner, DCC, and FXCO PD (after midnight).
  - The purpose of the visit also included the following:
    1. Reissue FPCP for commercial cooking operation in lieu of Assembly (50+).
    2. Gather first hand, onsite data for the planner reviewing the zoning SE/SP application
- Occupant load and Non-RUP posted (36 Maximum for both)
- Observed unprotected grease producing commercial cooking operation in violation of SFPC:
  - 904.2.1 - Failure to Provide Approved Automatic Fire Protection for Existing Type I Hood
  - 901.4 - Failure to Maintain Required Fire Protection for Existing Type I Hood
  - *NOTE* - On 12/2/2010, the business owner (Ahmed Attia) was notified in writing by Tara Borsellino to "keep cooking equipment lined up for proper suppression coverage."

7/15/2011 – J. Brinkerhoff (No paper report, FIDO only)

- Routine Occupancy Check w/ABC, DCC, ICE, and FXCO PD (before midnight).
- Occupant load and Non-RUP posted (36 Maximum for both)
- Observed 47 persons inside the business. Verbal warning issued to business owner (Ahmed Attia) to maintain occupancy within established limits. The owner seemed confused as to what he needed to do to remain compliant with occupancy limitations. It was explained several times that all he needed to do was comply with the occupant load and Non-RUP limitations until he was granted approval for an increase in occupancy limitations by the Zoning Administrator and the Building Official.

12/13/2010 – T. Borsellino (Inspection Report)

- FPCP Inspection Follow-Up. Violations Corrected.

12/2/2010 – T. Borsellino (NOV)

- FPCP Inspection. Business owner (Ahmed Attia) notified in writing to "keep cooking equipment lined up for proper suppression coverage."

10/9/2010 – T. Miscovich (No Report, FIDO only)

- Routine Occupancy Check. No Outstanding Life Safety Issues (before midnight).

4/24/2010 – J. Vacchio, T. Miscovich, J. Thomas (Summonses only)

- Routine Occupancy Check w/ DDC (before midnight).
  - 9 summonses issued to business owner (Ahmen Attia) for various SFPC violations.
  - All charges were adjudicated with no convictions resulting.

Prior to 2010 – Inspection reports and NOVs issued prior to 4/24/2010 dating back to the previous tenant (Walima Café) are included in the documentation packet.

OCCUPANT LOAD & FPCP ENDORSEMENT: While speaking with Dan Williams on Friday (8/12/2011) about an unrelated matter, the subject of the Fairouz Cafe occupant load came up. Dan was approached by the business for an increased maximum occupant load. Dan conducted a site visit last week and determined that he can issue a DPWES occupant sign for around 80-90. He will likely do so next week. After that, the FMO can change the FPCP endorsement back to Assembly (50+) from commercial kitchen provided the business prepares and submits a fire safety and evacuation plan.

PENDING COURT CASE. The preliminary hearing for the charges related to the 7/30/2011 unsafe operation of the commercial kitchen is set for 8/25/2011.

COUNTY OF FAIRFAX
FIRE AND RESCUE DEPARTMENT
FIRE PREVENTION DIVISION
4100 Chain Bridge Road
Fairfax, Virginia 22030
Phone: 703-246-4849 Fax: 703-246-4872

21439

REPORT OF INSPECTION / NOTICE OF VIOLATION

Page 1 of 2	Date Received:	Inspection Date: 8/24/04
TYPE: Occ - Tank - Hood - FPCP - F/U - Other - (Special) - Complaint #:		
Address: 3815 South Berge Mason Dr		Suite: A+F
Business Name: Musica Cafe'		Inspector: 418, 416, 410
Contact Person:	Where to Report:	Phone #: 845-2508
Contractor:		Phone #:
Address	City:	State: Zip Code:
Rep. (Print): Eric Villalva	Signature:	
Fire Code Permit #:	Usage Codes:	Exp. Date:
Non RUP #: A-2004-0976	Permit #:	Receipt #: Pass ☐ Fail ☑
Number of Inspectors: 3	Time Start: 1900	Time Comp: 2000 Total Time: 60m Total Fees: n/c

performed LSI inspection following shall be corrected immediately:

1. 1003.2-2.5 - obtain/post occupant load - handout left
2. obtain/post updated non-rup - A-2004-0976 is wrong - listed as food store
3. obtain/post - Fire Prevention Code Permit - & Application left
4. 603.7 - Fire suppression system tagged non-compliant by vendor in Aug 03 - shall be tagged compliant and inspected/serviced within 7 days.
5. 904.11.5 - Provide 'K' class fire extinguisher within 30' of the fryers.
6. 1011.3 - Means of egress shall be free of obstructions
7. Building Dept and Zoning office will be notified of issues for their departments.

Circle one: Approved - Approved With P/L - Rejected - Sticker Issued

Approved Pend'g Sys. Final - FPCP Issued - Other _____

The above violations of the Fire Prevention Code were noted during this inspection and shall be corrected on or before Sept 1, 20 04.

By the order of J Harnett Rank 831

White - Fire Prevention Division File Copy | Yellow - Customer Copy | Pink - Inspector Copy | Gold - Revenue & Records Copy

COUNTY OF FAIRFAX
FIRE AND RESCUE DEPARTMENT
FIRE PREVENTION DIVISION
4100 Chain Bridge Road
Fairfax, Virginia 22030
Phone: 703-246-4849 Fax: 703-246-4872

REPORT OF INSPECTION / NOTICE OF VIOLATION

Page 2 of 2	Date Received:	Inspection Date: 8/24/04
TYPE: Occ - Tank - Hood - FPCP - F/U - Other	Special - Complaint #:	
Address: 3815 South George Mason Dr		Suite:
Business Name: Musica Café		**Inspector:**
Contact Person:	Where to Report:	Phone #:
Contractor:		Phone #:
Address	City:	State: Zip Code:
Rep. (Print): Eric Mallard	**Signature:**	
Fire Code Permit #:	Usage Codes:	Exp. Date:
Non RUP #:	Permit #:	Receipt #: Pass ☐ Fail ☐
Number of Inspectors:	Time Start: / Time Comp: / Total Time:	Total Fees:

(8) 605.1 - ABATE all electrical HAZARDS
(9) 904.11.6.3 - Kitchen hood requires to be on a cleaning schedule and followed - Sticker INDICATES it was due for cleaning in March 04.

(10)

Circle one: Approved - Approved With P/L - Rejected - Sticker Issued
Approved Pend'g Sys. Final - FPCP Issued - Other _____

The above violations of the Fire Prevention Code were noted during this inspection and shall be corrected on or before Sept 1, 20 04.

By the order of J. HARTWELL Rank SB1

White - Fire Prevention Division File Copy | Yellow - Customer Copy | Pink - Inspector Copy | Gold - Revenue & Records Copy

COUNTY OF FAIRFAX
FIRE AND RESCUE DEPARTMENT
FIRE PREVENTION DIVISION
4100 Chain Bridge Road
Fairfax, Virginia 22030
Phone: 703-246-4849 Fax: 703-246-4872

128228 **REPORT OF INSPECTION / NOTICE OF VIOLATION**

Page 1 of 1	Date Received:	Inspection Date: 3-31-05
TYPE: Occ - Tank - Hood - FPCP - F/U - Other - (Special) - Complaint #:		
Address: 3815A S. George Mason Dr		Suite:
Business Name: MUSICA Cafe		Inspector: 407, 405, 417
Contact Person: ART or JACKIE	Where to Report:	Phone #: 703-845-2600
Contractor:		Phone #: (301) 343-2630
Address	City:	State: Zip Code:
Rep. (Print): ART CASTRO	Signature:	
Fire Code Permit #:	Usage Codes:	Exp. Date:
Non RUP #:	Permit #:	Receipt #: Pass ☐ Fail ☐
Number of Inspectors: 3	Time Start: 15:15 / Time Comp: 15:40 / Total Time: 25 min	Total Fees: N/A

Conducted Life Safety inspection. Per SFPC
(1) 605.5 Extension Cord shall not be used as permanent wiring (cooler)
(2) 904 Provide proper hood coverage for cooking line appliances.
(3) 904. Provide proper Suppression for Cooking line appliances.
(4) 904.11.5 Provide "K" class fire extinguisher within 30' of kitchen Hood.
1003.2.2.5 Post occupant load - instructions provided
(5) Fire Prevention Code Permit required - application provided.
(6) obtain Non Residential Use Permit (Zoning)
Correct immediately! Follow up after 4-30-05

Circle one: Approved - Approved With P/L - Rejected - ✗ Sticker Issued
Approved Pend'g Sys. Final - FPCP Issued - Other _____

The above violations of the Fire Prevention Code were noted during this inspection and shall be corrected on or before ✗, 20✗.
By the order of R. SHILL Rank SBT

White - Fire Prevention Division File Copy | Yellow - Customer Copy | Pink - Inspector Copy | Gold - Revenue & Records Copy

USE Group: _____

CONST Type:

FPCP

Follow-up

128660

COUNTY OF FAIRFAX
FIRE AND RESCUE DEPARTMENT
FIRE PREVENTION DIVISION

4100 Chain Bridge Road
Fairfax, Virginia 22030
Phone: 703-246-4849 Fax: 703-246-4872

SQFT:

APPT START TIME -

MD
☐ NEW
☐ EXISTING
☐ AM ☑ PM

REPORT OF INSPECTION / NOTICE OF VIOLATION

Page ____ of ____	Date Received: 04/14/2005	Inspection Date: 04/15/2005

TYPE: Occ - Tank - Hood - FPCP - (F/U) - Other - Special - Complaint #: _____

Address: 3815 A SOUTH GEORGE MASON DR FAIRFAX	Suite:
Business Name: MUSICA CAFÉ	**Inspector:** 405
Contact Person: MARIA / Where to Report:	Phone #: (703) 845-2608
Contractor:	Phone #:
Address / City: / State: / Zip Code:	
Rep. (Print): Jackie Castro	**Signature:**
Fire Code Permit #: / Usage Codes:	Exp. Date:
Non RUP #: / Permit #: / Receipt #:	Pass ☒ Fail ☐
Number of Inspectors: 1 / Time Start: 12.15 / Time Comp: 12-30 / Total Time: 15min	Total Fees: N/C

Follow up For occupancy

Follow up From test 3-31-05
All items have been cleared
Next step need to Get Non Residential
Use Group Permit From Zoning

All clear

Circle one: (Approved) - Approved With P/L - Rejected - Sticker Issued

Approved Pend'g Sys. Final - FPCP Issued - Other _____

The above violations of the Fire Prevention Code were noted during this inspection and shall be corrected on or before _____, 20____.

By the order of _____ Rank SBF

White - Fire Prevention Division File Copy | Yellow - Customer Copy | Pink - Inspector Copy | Gold - Revenue & Records Copy

USE Group: _____

CONST Type:
Occupancy
Pre-Occupancy
138020

COUNTY OF FAIRFAX
FIRE AND RESCUE DEPARTMENT
FIRE PREVENTION DIVISION
4100 Chain Bridge Road
Fairfax, Virginia 22030
Phone: 703-246-4849 Fax: 703-246-4872

SQFT:
APPT START TIME -

MD
☐ NEW
☐ EXISTING
☑ AM ☐ PM

REPORT OF INSPECTION / NOTICE OF VIOLATION

Page 1 of 1	Date Received: 02/21/2006	Inspection Date: 02/23/2006

TYPE: (Occ) - Tank - Hood - FPCP - F/U - Other - Special - Complaint #: _____

Address: 3815 SOUTH GEORGE MASON FALLS CHURCH 22041-	Suite: A
Business Name: FAIRIOUZ	**Inspector:** 417
Contact Person: AHMED / Where to Report:	Phone #: (703) 929-0276
Contractor:	Phone #:
Address / City: / State: / Zip Code:	
Rep. (Print): AHMED ATTIA	**Signature:**
Fire Code Permit #: / Usage Codes:	Exp. Date:
Non RUP #: / Permit #: / Receipt #:	Pass ☑ Fail ☐
Number of Inspectors: 1 / Time Start: 0915 / Time Comp: 0945 / Total Time: 30	Total Fees: $48.50

Pager: 1175 Sq Ft.

EXISTING SPACE
PRE- OCCUPANCY INSPESTION APPROVED
HAVE ELECTRICIAN RE-WIRE OR PLACE NEW ELECTRIC OUTLET ON WALL, NEEDS TO BE MOUNTED NOT DANGLING.
APPLICATION FOR FPCP GIVEN TO OWNER FOR 060
ALSO OCCUPANCY LOAD HAND OUT GIVEN.

OK TO GO TO ZONING TO OBTAIN NON-RUP (OCC. PERMIT) CALL (703) 246-4849 TO SCHEDULE FINAL OCCUPANCY INSPECTION ONCE NON-RUP IS ON SITE. AND THE DINING AREA IS SET UP THE WAY IT'S GOING TO BE.

Circle one: Approved - Approved With P/L - Rejected - Sticker Issued
Approved Pend'g Sys. Final - FPCP Issued - Other _____

The above violations of the Fire Prevention Code were noted during this inspection and shall be corrected on or before _____, 20__

By the order of K Smith Rank IP 417

White - Fire Prevention Division File Copy | Yellow - Customer Copy | Pink - Inspector Copy | Gold - Revenue & Records Copy

USE Group: A3

CONST Type: 2B

Occupancy Follow-up 138247

COUNTY OF FAIRFAX
FIRE AND RESCUE DEPARTMENT
FIRE PREVENTION DIVISION
4100 Chain Bridge Road
Fairfax, Virginia 22030
Phone: 703-246-4849 Fax: 703-246-4872

SQFT:
APPT START TIME -

SCB
☐ NEW
☐ EXISTING
☐ AM ☐ PM

REPORT OF INSPECTION / NOTICE OF VIOLATION

Page 1 of 1 | Date Received: 03/02/2006 | Inspection Date: 03/02/2006

TYPE: Occ - Tank - Hood - FPCP - F/U - Other - Special - Complaint #: _____

Address: 3815 S. GEORGE MASON DR FALLS CHURCH | Suite: A

Business Name: MUSICA CARE | Inspector: 417

Contact Person: | Where to Report: | Phone #:

Contractor: | Phone #:

Address | City: | State: | Zip Code:

Rep. (Print): AHMED ATTIA | **Signature:** [signature]

Fire Code Permit #: | Usage Codes: | Exp. Date:

Non RUP #: A-2005-0552 | Permit #: | Receipt #: 051080574 | Pass ☑ Fail ☐

Number of Inspectors: 1 | Time Start: 1345 | Time Comp: 1400 | Total Time: 15 | Total Fees: $24.00

Pager: 1175 SQ FT

ON PRE-OCC found junction Box NOT SECURED - HAS BEEN FIXED
Occupancy Approved - Sticker issued

Circle one: Approved - Approved With P/L - Rejected - Sticker Issued
Approved Pend'g Sys. Final - FPCP Issued - Other _____

The above violations of the Fire Prevention Code were noted during this inspection and shall be corrected on or before _____, 20____.

By the order of [signature] Rank IP417

White - Fire Prevention Division File Copy | Yellow - Customer Copy | Pink - Inspector Copy | Gold - Revenue & Records Copy

www.fairfaxcounty.gov/FIRE

COUNTY OF FAIRFAX
OFFICE OF THE FIRE MARSHAL
FIRE PREVENTION DIVISION
10700 PAGE AVENUE
FAIRFAX, VIRGINIA 22030
www.fairfaxcounty.gov/fr/prevention

1175 ✡
A3
26

	Phone (703)	Fax (703)
FIRE INSPECTIONS:	246-4849	246-4872
ACCEPTANCE TESTING:	246-4821	246-9173
RETESTING:	246-4830	267-6716
HAZMAT SERVICES:	246-4386	385-7591

☒ **REPORT OF INSPECTION** ☐ **NOTICE OF VIOLATION** ☐ **TEST BILLING FORM** 1 of 2

A/P# NO FPCP	Inspection #	Scheduled Inspection Date/Time 9/23/08	
Work Type		Inspection Type Safety	
Project Address 3815-A S. George Mason Dr. Falls Church 22041			Suite
Project/Business Name Fairouz Mediterranean cafe			
Contact Name Ahmed			Phone # 703-845-7929
Contractor			Phone #
Address			
Non RUP# A-2006-0266		Usage Codes	
Number of Inspectors 3	Start Time 14:15	Stop Time: 14:30	Total Time 15
Additional Inspection/Test required (YES) NO		Pass ☐ Partial Pass ☐ Fail ☒	Closed ☐
Inspector 408, 410, 403	Where to Report		

Conducted Safety inspection 9/23/08: The following violations shall be corrected immediately: * OBTAIN & post FPCP (left application)
VSFP. 627.3 - Exit signs shall be illuminated @ all times
605.1 - abate all electrical hazards - repair/replace electrical box (Long Storage Rm.)
906.2 - Fire extinguishers shall be maintained/serviced annually.
605.5 - extension cords shall not be used for permanent wiring. Remove all.
605.1 - abate electrical hazard (#1) cord to Hot plate for Charcoal Htr shall be repaired/replaced
(#2) Check for usage allowance of hot plate/charcoal.
* OBTAIN occupant load from Bldg. Dept. & post - Bldg. # 703-324-1060

FOLLOW UP INSPECTION DATE Oct 6th, 2008 (or after)

Approved | Approved with P/L | (Rejected) | Sticker Issued | Approved Pending System Final | FPCP Issued | Other

Evacuation Order Issued: Yes No | Violation Corrected: Yes No | Spot Check: Yes No

Violations of the Fire Prevention Code or the Building Code listed in this notice shall be corrected immediately or as otherwise specified. No occupancy inspections will be made until all deficiencies regarding the Fire Protection Systems have been corrected.

By the order of [redacted], FM# 408, Assistant Fire Marshal.

x AHMED ATTIA — CUSTOMER PRINTED NAME
x OWNER — TITLE / POSITION
x [signature] — SIGNATURE

FRD Form # | White - Fire Marshal File | Yellow - Customer Copy | Pink - Inspector Copy | Gold – Revenue and Records

Safety Insp. Cont.

COUNTY OF FAIRFAX
FIRE AND RESCUE DEPARTMENT
FIRE PREVENTION DIVISION
4100 Chain Bridge Road
Fairfax, Virginia 22030
Phone: 703-246-4849 Fax: 703-246-4872

Page 2 of 2 | Date: 9/23/08

Address: 3815-A S. George Mason Dr. Falls Church 22041 | Suite:

Business Name: Faroos Mediterranean Cafe | Inspector(s): 408, 410, 403

Rep. (Print): | Signature:

703.1 - Fire Resistive rating shall be maintained - Repair replace ceiling Tiles / dry wall - throughout.

906.2 - Fire extinguishers shall be Maintained / inspected annually
906.9 - Fire extinguishers shall be Mounted (Not on floor)

904.6.1 - Hood system shall be Serviced every 6 months / inspection expired.

failure to comply may result in Revokation of FPEP or criminal summons.

* Please call when completed or for questions
Asia # 703-246-4863

The above violations of the Fire Prevention Code were noted during this inspection and shall be corrected on or before immediately, 2008. By the order of [signature] Rank AFM

White-Office / Yellow-Office / Pink-Follow Up / Gold-Occupant

COUNTY OF FAIRFAX Borselleno
OFFICE OF THE FIRE MARSHAL
FIRE PREVENTION DIVISION
10700 PAGE AVENUE
FAIRFAX, VIRGINIA 22030
www.fairfaxcounty.gov/fr/prevention

571 FIDO OK
221-1053

	Phone (703)	Fax (703)
FIRE INSPECTIONS:	246-4849	246-4872
ACCEPTANCE TESTING:	246-4821	246-9173
RETESTING:	246-4830	267-6716
HAZMAT SERVICES:	246-4386	385-7591

☐ REPORT OF INSPECTION ☒ NOTICE OF VIOLATION ☐ TEST BILLING FORM

1 of 1

A/P# ~~L 15852~~	Inspection# 4931342	Scheduled Inspection Date/Time 11/17/09 1318	PRI 1
Work Type ASSEMBLY 50+ OCCUPANTS		Inspection Type FPCP INSPECTION	
Project Address 3815A S George Mason Dr Falls Church			Suite
Project/Business Name FAIROUZ RESTAURANT			
Contact Name Ahmed.			Phone#
Contractor FAIROUZ RESTAURANT ID: 380616			Phone# (703)845-7929 x
Address 3815 A/F SOUTH GEORGE MASON DR FALLS CHURCH, VA 22041-			
Non RUP# A-2006-0266		Usage Codes Open 11am-2am x 7 days	
Number of Inspectors #1 (#417)	Start Time 11:15	Stop Time 12:00	Total Time 45M	Total Fees N/C
Additional Inspection/Test Required YES (NO)		Pass ☐ Partial Pass ☒	Fail ☐	Closed ☐
Inspector ~~P. MICHEL~~ Borsellino	Where to Report	AT 11.00 AM CONTACT AHMED 703-845-7929 STORE OR 703-929-0276 CELL #		

Performed a fire inspection the following violations shall be corrected:
605.1 Abate electrical hazard (Cover plates for outlets - strain wiring power strips -)
1004.3 Occupant load posted in all assembly
1027.5 Emergency lights required and maintained
906.9 Fire extinguisher shall be mounted (K class) minimum 4" from floor no higher 5 ft
Non Rup on site

FOLLOW UP INSPECTION DATE 12-1-09

Approved	Approved with P/L	Rejected	Sticker Issued	Approved Pending System Final	FPCP Issued	Other

Evacuation Order Issued: Yes No Violation Corrected: Yes No Spot Check: Yes No

Violations of the Fire Prevention Code or the Building Code listed in this notice shall be corrected immediately or as otherwise specified. No occupancy inspections will be made until all deficiencies regarding the Fire Protection Systems have been corrected.

By the order of X Borsellino, FM# 417, Assistant Fire Marshal.

X AHMED AIT IN X OWNER
CUSTOMER PRINTED NAME / TITLE / POSITION

X
SIGNATURE

FRD Form # White - Fire Marshall File Yellow - Customer Copy Pink - Inspector Copy Gold - Revenue and Records

BORSELLINO (FM)

COUNTY OF FAIRFAX 571 221 1031
OFFICE OF THE FIRE MARSHAL
FIRE PREVENTION DIVISION
10700 PAGE AVENUE
FAIRFAX, VIRGINIA 22030
www.fairfaxcounty.gov/fr/prevention

FIDO
OK

	Phone (703)	Fax (703)
FIRE INSPECTIONS:	246-4849	246-4872
ACCEPTANCE TESTING:	246-4821	246-9173
RETESTING:	246-4830	267-6716
HAZMAT SERVICES:	246-4386	385-7591

☒ REPORT OF INSPECTION ☑ NOTICE OF VIOLATION ☐ TEST BILLING FORM 1 of 1

A/P# 415352	Inspection # 4931342	Scheduled Inspection Date/Time 11/24/09	
Work Type ASSEMBLY 50+ OCC.		Inspection Type FPCP INSPECTION F/U.	
Project Address 3815 A/F S. BUCKE MASON DR FALLS CHURCH.			Suite
Project/Business Name FALKONZ RESTAURANT			
Contact Name AHMED. AF			Phone # 703 845 7929.
Contractor			Phone #
Address SAME AS ABOVE			
Non RUP# A-2006-0266		Usage Codes	
Number of Inspectors (1) 417	Start Time 1305	Stop Time: 1320	Total Time 15 MINS / Total Fees Ø
Additional Inspection/Test required YES (NO)		Pass ☒ Partial Pass ☐ Fail ☐ Closed ☐	
Inspector ~~T. BORSELLINO~~ N. MASCIANGELO.	Where to Report		

PERFORMED FOLLOW-UP INSPECTION, ALL PREVIOUS VIOLATIONS CORRECTED AT THIS TIME.

* OCCUPANT LOAD PLANS SHOULD BE SUBMITTED BY 12/01/09 ACCORDING TO CUSTOMER *

* WILL FOLLOW UP WITH CUSTOMER ON A NEWLY GENERATED CASE (CERC) ON 11/24/2009

FOLLOW UP INSPECTION DATE —

(Approved) Approved with P/L Rejected Sticker Issued Approved Pending System Final FPCP Issued Other

Evacuation Order Issued: Yes No **Violation Corrected:** Yes No **Spot Check:** Yes No

Violations of the Fire Prevention Code or the Building Code listed in this notice shall be corrected immediately or as otherwise specified. No occupancy inspections will be made until all deficiencies regarding the Fire Protection Systems have been corrected.

By the order of [signature], FM# 407, Assistant Fire Marshal.

AHMED ATTIA — CUSTOMER PRINTED NAME
OWNER — TITLE / POSITION
[signature] — SIGNATURE

FRD Form # White - Fire Marshal File Yellow - Customer Copy Pink - Inspector Copy Gold – Revenue and Records

COUNTY OF FAIRFAX
OFFICE OF THE FIRE MARSHAL
FIRE PREVENTION DIVISION
10700 PAGE AVENUE
FAIRFAX, VIRGINIA 22030
www.fairfaxcounty.gov/fr/prevention

FIDO
OK

	Phone (703)	Fax (703)
FIRE INSPECTIONS:	246-4849	246-4872
ACCEPTANCE TESTING:	246-4821	246-9173
RETESTING:	246-4830	267-6716
HAZMAT SERVICES:	246-4386	385-7591

☑ **REPORT OF INSPECTION** ☐ **NOTICE OF VIOLATION** ☐ **TEST BILLING FORM** 1 of 1

A/P# Case# 20090736	Inspection # 4943675	Scheduled Inspection Date/Time 11/24/2009	
Work Type ASSEMBLY 50+ OCC.		Inspection Type Case#	
Project Address 3815 A S. GEORGE MASON DR. FALLS CHURCH			Suite VA 22041
Project/Business Name FAIROUZ RESTAURANT			
Contact Name AHMED		Phone # 7038457929	
Contractor		Phone #	
Address SAME AS ABOVE			
Non RUP# A-2006-0266		Usage Codes	
Number of Inspectors 1 (417)	Start Time 1320	Stop Time: 1335 / Total Time 15M	Total Fees N/C
Additional Inspection/Test required (YES) NO		Pass ☐ Partial Pass ☒ Fail ☐ Closed ☐	
Inspector T. BORSELLINO	Where to Report PERSON		

>1004.3 OCCUPANT LOAD SHALL BE POSTED IN ALL ASSEMBLY AREAS (OR ROOMS) AT ALL TIMES.

CUSTOMER WILL SUBMIT PLANS TO FIRE PREVENTIONS OFFICE BY 12/01/2009

CUSTOMER SAID THEY SUBMITTED PLANS TO BLDG DEPT FOR INTERIOR PARTITION. PERMIT WILL BE ONSITE BEFORE STARTING WORK.

FOLLOW UP INSPECTION DATE 12/01/2009

Approved | (Approved with P/L) | Rejected | Sticker Issued | Approved Pending System Final | FPCP Issued | Other

Evacuation Order Issued: Yes No **Violation Corrected:** Yes No **Spot Check:** Yes No

Violations of the Fire Prevention Code or the Building Code listed in this notice shall be corrected immediately or as otherwise specified. No occupancy inspections will be made until all deficiencies regarding the Fire Protection Systems have been corrected.

By the order of [signature], FM# 417, Assistant Fire Marshal.

[signature] CUSTOMER PRINTED NAME | OWNER TITLE / POSITION | 407 AHMED ATTIA SIGNATURE

FRD Form # White - Fire Marshal File Yellow - Customer Copy Pink - Inspector Copy Gold – Revenue and Records

COUNTY OF FAIRFAX
OFFICE OF THE FIRE MARSHAL
FIRE PREVENTION DIVISION
10700 PAGE AVENUE
FAIRFAX, VIRGINIA 22030
www.fairfaxcounty.gov/fr/prevention

Borselleri
571 276-1031
FIDO
OK

	Phone (703)	Fax (703)
FIRE INSPECTIONS:	246-4849	246-4872
ACCEPTANCE TESTING:	246-4821	246-9173
RETESTING:	246-4830	267-6716
HAZMAT SERVICES:	246-4386	385-7591

☐ REPORT OF INSPECTION ☐ NOTICE OF VIOLATION ☐ TEST BILLING FORM

1 of 1

A/P# 20090736 3	Inspection # 4943842	Scheduled Inspection Date/Time 12-1-09	
Work Type		Inspection Type F.U. Case # 20090736 3	
Project Address 3815 A. George Mason Dr. Falls Church VA			Suite 22041
Project/Business Name Fairuz Cafe			
Contact Name Ahmed.		Phone #	
Contractor		Phone #	
Address			
Non RUP#		Usage Codes	
Number of Inspectors 1	Start Time 1350	Stop Time: 1415	Total Time 25M
Additional Inspection/Test required YES NO		Pass ☒ Partial Pass ☐ Fail ☐ Closed ☐	
Inspector 417	Where to Report		

Performed a follow up fire inspection. Occ load plans filed and approved for 32 persons

Occ 32
Load.

FOLLOW UP INSPECTION DATE

Approved | Approved with P/L | Rejected | Sticker Issued | Approved Pending System Final | FPCP Issued | Other

Evacuation Order Issued: Yes No **Violation Corrected:** Yes No **Spot Check:** Yes No

Violations of the Fire Prevention Code or the Building Code listed in this notice shall be corrected immediately or as otherwise specified. No occupancy inspections will be made until all deficiencies regarding the Fire Protection Systems have been corrected.

By the order of M. Borselleri, FM# 417, Assistant Fire Marshal.

Macy. WATERS

CUSTOMER PRINTED NAME | TITLE / POSITION | SIGNATURE

FRD Form # | White - Fire Marshal File | Yellow - Customer Copy | Pink - Inspector Copy | Gold – Revenue and Records

APPENDIX 6

FILE COPY

County of Fairfax, Virginia

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

March 8, 2011

NOTICE OF VIOLATION

CERTIFIED MAIL
Return Receipt Requested
Receipt #7010 1870 0000 7790 7862

Bill & Associates, LLC
c/o Guillermo Barbosa, Registered Agent
9280 Blu Steel Way
Lorton, VA 22079

Re:	3815 A South George Mason Drive Build America at Skyline Condo Unit 9, Phase 2
Tax Map Ref:	62-3 ((13)) 1
Zoning Districts:	C-6, CRD

Dear Registered Agent:

The purpose of this letter is to rescind the Notice of Violation issued to you by letter, dated April 19, 2010, and issue a new Notice of Violation regarding a zoning violation on the above-referenced property.

A zoning inspection on February 10, 2011 and subsequent review of files of the Zoning Permit Review Branch revealed that you are allowing Fairouz Cafe located at the aforementioned address to operate as an Indoor Commercial Use, specifically a "Hookah Bar". The inspection revealed that Fairouz Café was not serving any food, and was found offering tobacco products and smoking devices for sale, use and consumption on site. The Non-RUP (Non Residential Use Permit) # A 2006 0266 was issued for an "Eating Establishment" use. This "Hookah Bar" use is deemed to be a Indoor Commercial Recreation Use under the Zoning Ordinance. The C-6 District requires a Group 5 Special Permit for a Commercial Recreation Use. Research of the Zoning Permit Review Branch files revealed no Group 5 Special Permit has been approved for an Indoor Commercial Recreation use at this location. This change of use to an Indoor Commercial Recreation use without having obtained a Special Permit is in violation of Par. 1 of Sect. 2-303 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.

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 an" Eating Establishment".

In order to operate as a Commercial Recreation Use (Hookah Bar) it is necessary to apply for and successfully obtain a Group 5 Special Permit, and obtain a Non-RUP reflecting the change in the 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 outlined 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 $600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1319 or (703) 324-1300.

Sincerely,

D. Grigg

County of Fairfax, Virginia

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

April 14, 2011

CERTIFIED MAIL
Return Receipt Requested
Receipt: #7008 0150 0000 4650 7100

Mr. Sam W. Burgan
Burgan & Associates, P.C.
5673 Columbia Pike, Suite 829
Falls Church, Virginia 22035

RE: 3815A South George Mason Drive, Fairfax, VA 22032
Build America at Skyline Condo
Unit 9, Phase 2
Tax Map Ref: 62-3 ((13)) 1
Zoning District: C-6, CRD

Dear Mr. Burgan;

This letter is in response to your letter dated April 4, 2011, regarding the Notice of Violation issued on March 8, 2011 to Bill & Associates, LLC. Bill & Associates is the registered agent for your client, Ahmad Attia who owns the Fairouz Café located at the aforementioned address.

The purpose of this letter is to re- affirm that the Notice of Violation dated March 8, 2011 was not "erroneous" by any means. The inspection revealed that there was no food service present at the time of the inspection. There were no food products or empty dishes on any of the tables in the seating area of the restaurant. Almost all the tables were occupied by people smoking hookah pipes. There were no dirty dishes except one plate a knife and fork. This plate was setting in the rear kitchen area of the restaurant. There were no food products on the cooking surface or in the deep fryers in the kitchen area. During the inspection there was no one in the kitchen except one female, she stood in front of the stove or the rear half of the kitchen area for most of the inspection. The only times the kitchen area was used was for the preparation of hookah pipes and the exchange of the ceramic bowls. The kitchen had no dishes in the 3 sink cleaning area as well. There was a small pan setting in a plastic laundry tub in the rear kitchen area.

Consultation with the Zoning Evaluations Division this date confirmed there has been no Special Permit submitted reference to the Fairouz Café. I can only surmise that no action has occurred in the effort to begin the Special Permit process. Should an application be accepted the Notice of Violation would then not move forward until such time as the

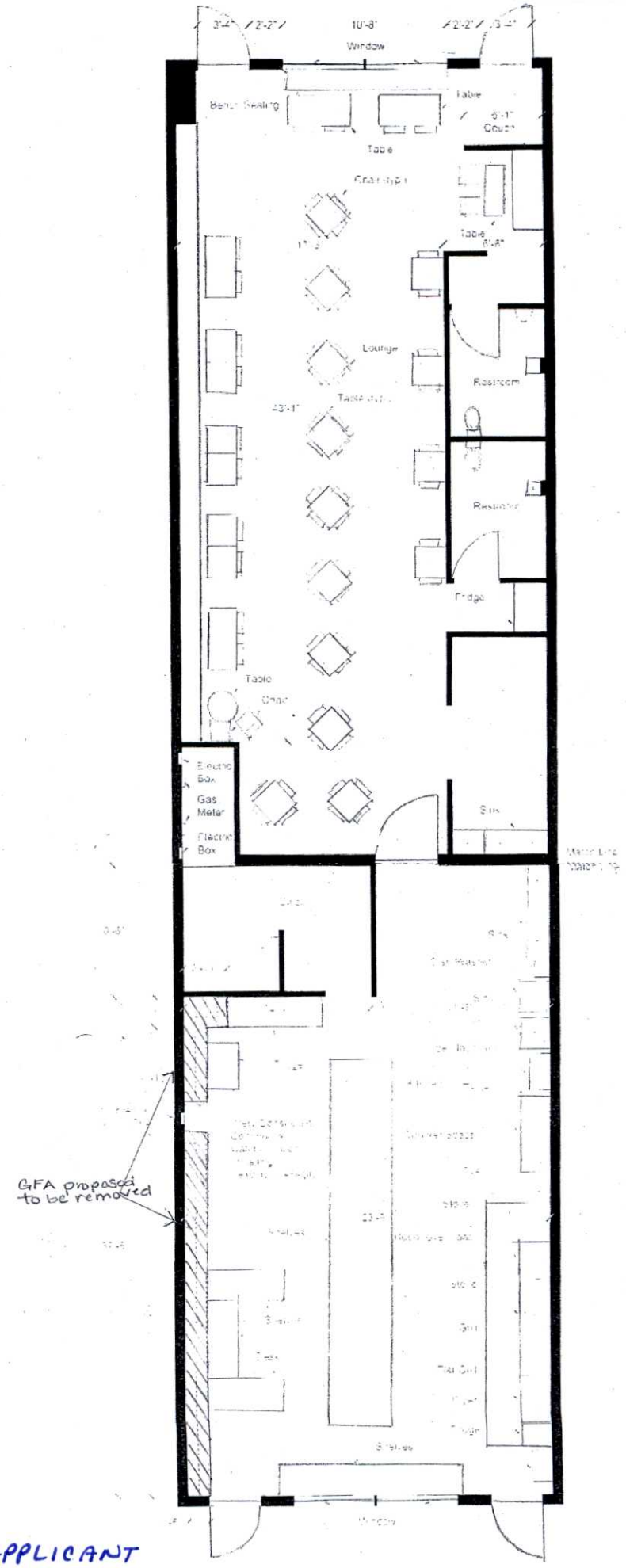
Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035
Phone 703-324-1300, Fax 703-324-9346
www.fairfaxcounty.gov

application was denied. Should the application be accepted and subsequently approved by the Board of Zoning Appeals (BZA) then no further action would take place regarding the issued Notice of Violation. Then the requirements for the property to be brought in compliance would be for both; the Special Permit and the Fairfax County Zoning Ordinance.

Should you have further questions regarding this manner, please do not hesitate to call me at 703-324-1319.

David B. Grigg
Property Maintenance / Zoning Enforcement Inspector

DBG/



SITE LAYOUT AMENDED BY APPLICANT & RESUBMITTED TO STAFF ON 09-01-11

County of Fairfax, Virginia

MEMORANDUM

DATE: August 25, 2011

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

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

SUBJECT: Fairouz Mediterranean Café – Comments on SP 2011-MA-068

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 July 9, 2011.

The applicant is requesting a Special Permit to allow for the operation of a hookah bar and restaurant at 3815 A & F South George Mason Drive, within the Bailey's Crossroads Commercial Revitalization District. Live entertainment, including music and dancing, are also proposed. The restaurant has been in operation in its current location. The application does not describe any changes to the exterior of the building.

OCRR Comments:

Two other hookah bars are currently in operation within the Build America Shopping Center. These, however, are not full-service restaurants with alcohol sales. Neither includes live entertainment. The applicant is proposing a combination of all these activities in a location of approximately 2,350 square feet.

The proposed hookah bar, in combination with full-service restaurant and live entertainment, may be appropriate in a location with enough building area to adequately support these uses and the number of patrons the applicant hopes to serve. The applicant may consider if alternative locations with sufficient building area and increased parking might be preferable and potentially support a more viable business operation.

CC: Susan C. Langdon, Chief, Special Permit and Variance Branch
Rebecca Horner, 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.fcrevit.org

APPENDIX 9

County of Fairfax, Virginia

MEMORANDUM

DATE: August 23, 2011

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

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

FILE: 3-6 (SP 2011-MA-068)

SUBJECT: Transportation Impact

REFERENCE: SP 2011-MA-068; Artya, Inc. d/b/a Fairouz Mediterranean Cafe
Traffic Zone: 1420
Land Identification: 62-3 ((13)) 44

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat and other information made available to this department. The applicants wish to have a hookah bar to serve coffee, food and drink and Hookah (the smoking of tobacco through water pipes) and to include entertainment such as a belly dancer, musicians and /or a DJ. The proposed hours of operation are from 11:00 a.m. to 2:00 a.m. The seating capacity is 90 and the number of employees is 8.

This café is in a shopping center and this department has no transportation issues with this application provided that the required parking for the use is available.

AKR/LAH/lah

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877 5723
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FCDOT
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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.