



*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2023-00081  
Approved by Planning and Zoning: October 4, 2023  
Permission is hereby granted to: Bashar Mehiar and Ramzi Haifawi  
to use the premises located at: 5101 Seminary Road  
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

October 4, 2023

*Karl Moritz* (by M. Stanfield)

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Date

Karl Moritz, Director  
Department of Planning and Zoning

DATE: October 4, 2023

TO: Tony LaColla, Land Use and Regulatory Services Division Chief  
Department of Planning and Zoning

FROM: Mavis Stanfield, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00081  
Administrative Review for a Minor Amendment  
Site Use: Temporary trailer  
Applicant: Bashar Mehiar and Ramzi Haifawi  
Location: 5101 Seminary Road  
Zone: CDD #21, Coordinated development district

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**Request**

Special Use Permit #2023-00081 is a request to extend operation of a restaurant kitchen in a trailer at 5101 Seminary Road. The applicants, operating as the Double Apple Lounge, are proposing to continue the use of the trailer as a temporary kitchen to serve guests inside the restaurant building, at their outdoor dining area, and for takeout meals. The kitchen would be used every day from 6 a.m. until 12 midnight. The 160 square foot trailer is located on the east side of the building and is 20 feet in length, 8 feet in depth. The temporary trailer is not parked in parking spaces and does not reduce parking availability.

**Background**

On October 17, 1992, City Council approved SUP #2622 to operate a convenience store at the site. This SUP remained active until City Council approved SUP #2755 on January 22, 1994 for a dry-cleaning business that was required to be reviewed by City Council after one year. City Council subsequently approved SUP #94-0367 as a review of SUP #2755, allowing the applicants to continue operating the dry-cleaning business. On October 10, 2014, staff administratively approved a request to operate a retail market via a market letter of agreement. Staff approved another market letter of agreement on December 22, 2017 for a different applicant to operate an international retail market. In November 2019, staff administratively approved SUP #2019-00086 for a restaurant with outdoor dining for applicant Alemseged Gebreyesus.

In February 2020, a building permit was approved for renovations to the structure, including the addition of a kitchen in the existing structure on the property. As an effect of the Covid-19 economic downturn, the applicants could no longer afford to add the kitchen as approved in the building permit and adjusted their business plan to use the building for indoor restaurant seating, which includes a hookah lounge, and to temporarily operate a kitchen from a trailer.

In September 2020, a zoning inspection was conducted on the property and it was discovered the ownership of business had changed and a temporary trailer was operating on the site, without SUP approval, and used as the restaurant's kitchen. The business operator was informed that administrative Special Use Permit approval was required for the restaurant use and City Council approval of temporary trailer was required.

The applicants were granted administrative Special Use Permit (SUP#2020-00074) approval for the change of ownership for a restaurant and outdoor dining from Alemseged Gebreyesus to Bashar Mehiar and Ramzi Haifawi on March 23, 2021.

On May 15, 2021, Special Use Permit SUP#2021-00107 was approved by City Council to allow the temporary trailer, serving as a kitchen for the restaurant, to continue to operate. Condition #3 stated the trailer approval extended only until April 16, 2023. The condition further permitted the applicant to extend the use of the temporary trailer for six months, to expire on October 16, 2023, through administrative Special Use Permit. This administrative SUP is to extend the use of the trailer until October 16, 2023.

#### **Parking**

Section 8-200(A)(17)(a) of the Zoning Ordinance requires restaurants in the enhanced transit area to provide a minimum of one parking space and a maximum of three spaces for every 1,000 square feet of floor area. There is also an outdoor seating area with 20 seats, which are exempt from additional parking requirements per Section 8-200(A)(17)(c) of the Zoning Ordinance. The 160 square foot trailer would add to the approximately 1,200 square foot restaurant for a total of 1,360 square feet. The minimum parking required for the site is two parking spaces and the maximum is six. The parking minimum parking requirement is met in the eleven-space parking lot.

#### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Seminary West Civic Association was sent a written notification of the current application. Staff received an email from the President of the Seminary West Civic Association stating that they would not support an expansion of the restaurant given the inadequate parking and poor access to and from a dangerous segment of Seminary Road, however, they would support the current operation to construct a kitchen.

#### **Staff Action**

Staff supports the applicant's request to operate the temporary trailer until October 16, 2023. After that point, the applicant has indicated that he will limit food selections to be able to operate without a kitchen.

It is noted that in their action in May 2021, the Planning Commission referenced conditions in the Administrative SUP #2020-00074. These conditions relate to controlling air pollution, disposal of waste products, supply deliveries and the noise ordinance. While noted in the City Department Comments of this report, the conditions are not separately listed due to this reference in the Planning Commission's action. Staff also did not include the comment regarding live entertainment, as that is also addressed in the governing SUP #2020-00074 for the restaurant. Staff

added conditions related to cleaning kitchen equipment, storing cooking oil and picking up litter on the site.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: October 4, 2023

Action: Approve

By MES

  
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Tony LaColla, Land Use Services Division Chief

- Attachments: 1) Special Use Permit Conditions  
2) City Department Comments  
3) Statement of Consent

## CONDITIONS OF SPECIAL USE PERMIT #2023-00081

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. The location and specifications of the temporary trailer shall be substantially consistent as proposed in the application dated December 21, 2020 and shall be sited at least 25 feet from the residential lot located at 2618 Foster Avenue. (P&Z)
3. **CONDITION AMENDED BY STAFF:** The temporary trailer shall be permitted at the site ~~for two years after SUP approval and until April 16, 2023. The applicant may extend the installation of the temporary trailer for six months and expiring on October 16, 2023~~ through this administrative Special Use Permit. (P&Z)
4. Exterior power washing of the trailer shall not be completed using any kind of detergents. (T&ES)
5. Chemicals, detergents or cleaners shall not be stored outside the trailer. (T&ES)
6. Condition deleted by Planning Commission and replaced with Condition 12 (PC)
7. Condition deleted by Planning Commission and replaced with Condition 12 (PC)
8. Condition deleted by Planning Commission and replaced with Condition 12 (PC)
9. Condition deleted by Planning Commission and replaced with Condition 12 (PC)
10. Condition deleted by Planning Commission and replaced with Condition 12 (PC)
11. The Director of Planning and Zoning shall review the Special Use Permit one year after it has been operational and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation; or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)
12. The applicant shall comply with Conditions 13 and 15-18 of SUP #2020-00074 for restaurant and outdoor dining uses. (PC)
13. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall

be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it.

14. **CONDITION ADDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers.
15. **CONDITION ADDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public.

### CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

#### Transportation & Environmental Services:

- R-1 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-3 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-4 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-5 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-6 The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)
- R-7 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often, if necessary, to prevent unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-8 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof.
- R-9 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it.
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the

City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)

- C-2 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

No comments received.

Health Department:

**Food Facilities**

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 As required on permit conditions, the mobile unit trailer must move each day for commissary use (food preparation, cleaning/sanitizing utensils/ equipment, waste/ water disposal, etc.) at specified commissary location: Mazaro Restaurant 2909 Wilson Blvd Arlington, VA 22201.
- C-7 Patrons must order and receive food from the mobile unit trailer. Food may not be prepared, ordered, nor received from the Double Apple Hookah Lounge building without a valid health department permit.



C-8 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Parks and Recreation:

No comments received.

Police Department:

No comments received.

Fire:

A fire prevention permit will be required. A fire prevention permit application will result in an inspection by the Fire Marshal's office. Application can be accessed online at: [www.alexandriava.gov/fire-department/the-fire-marshals-office](http://www.alexandriava.gov/fire-department/the-fire-marshals-office).

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00081. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 5101 Seminary Road.

  
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Applicant - Signature

10-11-23  
Date

RAMZI HAIFAWI  
\_\_\_\_\_  
Applicant - Printed

10-11-23  
Date