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 #2020-00094

Approved by Planning and Zoning: December 18, 2020

Permission is hereby granted to: Mohammad Ali Subzwari

to use the premises located at: 3100 Richmond Highway

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.

December 18, 2020 Karl Moritz (by T. LaColla)

Date Karl Moritz, Director
Department of Planning and Zoning
DATE: December 18, 2020

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

FROM: Anna Kohlbrenner, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2020-00094
Administrative Review for Special Use Permit for a Change of Ownership
Site Use: Restaurant
Applicant: Mohammad Ali Subzwari
Location: 3100 Richmond Highway
Zone: CDD #24/Coordinated Development District #24

Request
Special Use Permit #2020-00094 is a request to change ownership of an existing restaurant from Ather Subzwari to Mohammad Ali Subzwari. The applicant would continue to operate a restaurant with carry-out and delivery service, offering outdoor seats. The restaurant would continue to operate under the name, Marino’s Pizza & Subs.

Background
On December 15, 2001, City Council granted Special Use Permit #2001-0068 to Ather Subzwari to extend the hours of operation and add outdoor seating to the existing restaurant. The business owner at the time received eight zoning violations in the past five years. There were two zoning violations in 2017 regarding tall grass/weeds on and around the property and not adhering to condition #10 of SUP #2001-0068 regarding outdoor seating. There were two zoning violations in 2018 regarding excessive trash bags on the ground with no dumpster and a temporary signage violation. There was one zoning violation in 2019 regarding the storing of an inoperable vehicle on the property. There were three zoning violations in 2020 regarding loose trash on the property, and two Special Use Permit violations regarding the need of a change of ownership. The business owner has remediated the violations and has no outstanding zoning violations.

Parking
Pursuant to Section 8-200 (A)(17)(a)(i) of the Zoning Ordinance, the restaurant is required to provide a minimum of one parking space for every 1,000 square feet of floor area and up to a maximum of three spaces for every 1,000 square feet. With 1,002 feet of indoor space, the minimum parking requirement is 2 spaces. All 12 outdoor dining seats are exempt from the parking requirement as stipulated in Section 8-200 (A)(17)(e). The applicant exceeds the requirement by providing nine on-site parking spaces, and two additional spaces for delivery vehicles.

Community Outreach
Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, Arlandria Civic Association and Lynhaven Committee was sent written notification of the current application. Staff did not receive any comments.
**Staff Action**

Staff finds the change of ownership request to be reasonable as it supports the continuance of a restaurant at a prominent central location in the auto-centric area of Richmond Highway near Potomac Yard and the Del Ray and Lynhaven neighborhoods.

Conditions have been carried forward from Special Use Permit #2001-0068. Several have been amended and added to reflect present-day condition language. Conditions related to the development of the property have been amended or deleted as the majority were satisfied at the time of construction.

Staff hereby approves the Special Use Permit request.

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

Date: December 17, 2020  
Action: Approved

[Signature]

Tony LaColla, Division Chief

Attachments:  
1) Special Use Permit Conditions  
2) Statement of Consent
CONDITIONS OF SPECIAL USE PERMIT #2020-00094

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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) (SUP #2001-0068)

2. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be restricted to between 8:00 a.m. and 1:00 a.m. Monday through Thursday, 8:00 a.m. to 2:00 a.m. Friday and Saturday, and between 10:00 a.m. to 1:00 a.m. on Sunday. The hours of the outdoor dining area shall be limited to between 10:00 a.m. and 10:00 p.m. daily. All patrons must leave the premises one hour after the closing hour. The outdoor dining area shall be cleared of patrons by 10:00 p.m. and cleaned, locked and scrubbed by 10:30 p.m. daily. (P&Z) (PC) (SUP #2001-0068)

3. At least two trash containers shall be located in the parking area for the use of patrons; the containers shall not be permitted to overflow, and the areas around them shall be kept clean. (P&Z) (SUP #2001-0068)

4. 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 daily and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2001-0068)

5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2001-0068)

6. Trash and garbage shall be stored inside or in a dumpster. (P&Z) (SUP #2001-0068)

7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2001-0068)

8. Kitchen or other types of equipment shall not be cleaned outside, nor shall any cooking residue be washed onto the streets, alleys, sidewalks or storm sewers. (T&ES) (SUP #2001-0068)

9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2001-0068)

10. **CONDITION AMENDED BY STAFF:** Twelve seats may be provided outdoors if the applicant can meet Health Department and Code Enforcement requirements prior to their use. (P&Z) (SUP #2001-0068)
11. Delivery service to customers shall be limited to a maximum of two delivery vehicles. (P&Z) (SUP #2001-0068)

12. No employees or delivery vehicles shall park or load from Wesmond Drive or the public alley adjacent to the site. (P&Z) (SUP #2001-0068)

13. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2001-0068)

14. No alcohol sales are permitted. (P&Z) (SUP #2001-0068)

15. The use of loudspeakers or musicians outside of the restaurant shall be prohibited. (T&ES) (SUP #2001-0068)

16. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP #2001-0068)

17. **CONDITION DELETED BY STAFF:** All disposable paper goods or drink containers shall be clearly marked so that the source of any litter can be identified. (P&Z) (SUP #2001-0068)

18. **CONDITION AMENDED BY STAFF:** The applicant shall close the northernmost curb cut on Jefferson Davis Highway and install and maintain landscaping along the Jefferson Davis Highway frontage of the property generally consistent with planning staff’s plan to the satisfaction of the Director of Planning and Zoning. All landscaping shall be installed by April 30, 2002 maintained. (P&Z) (SUP #2001-0068)

19. **CONDITION AMENDED BY STAFF:** The applicant shall submit a plot plan for review and approval prior to construction activity. The plan shall include topographic information, show existing and proposed features, dimensions and details. The landscaping beds shall be constructed at, or below, grade maintained in such a way as to capture stormwater runoff from the parking area. (P&Z) (T&ES) (SUP #2001-0068)

20. **CONDITION DELETED BY STAFF AND SATISFIED BY APPLICANT:** The applicant shall replace the northernmost driveway apron located on Jefferson Davis Highway with city standard curb/gutter and sidewalk. Access to parking lot shall be from existing 20 foot public alley on north side of property and remaining access points. (T&ES) (SUP #2001-0068)

21. **CONDITION DELETED BY STAFF AND SATISFIED BY APPLICANT:** The applicant shall obtain, at its expense, one Model SD-42 Bethesda Ironsides city trash container for installation on the adjacent public right-of-way next to the bus stop. (T&ES) (SUP #2001-0068)

22. **CONDITION DELETED BY STAFF AND SATISFIED BY APPLICANT:** The applicant shall provide the Director of Planning and Zoning a copy of the contract for the two pay telephones located on or adjacent to the subject property, and shall remove the pay telephones upon expiration of the contract. (City Council) (SUP #2001-0068)
23. **CONDITION DELETED BY STAFF AND SATISFIED BY APPLICANT:** The applicant shall replace its freestanding sign with a monument sign at such time as the existing sign is refaced or replaced, but in no case later than September 15, 2005. (P&Z) (SUP #2001-0068)

24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval 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, (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) (SUP #2001-0068)

25. **CONDITION DELETED BY STAFF AND SATISFIED BY APPLICANT:** The applicant shall construct the sidewalk, remove the asphalt and install the landscaping improvements within one year from approval of the special use permit (by December 2002). (City Council) (SUP #2001-0068)

26. **CONDITION DELETED BY STAFF AND SATISFIED BY APPLICANT:** The applicant shall reduce the height of the sign by December 2005. (City Council) (SUP #2001-0068)

27. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)

28. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)

29. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)

30. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)

31. **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. (P&Z)

32. **CONDITION ADDED BY STAFF:** 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. (P&Z)
33. **CONDITION ADDED BY STAFF**: Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (P&Z)

34. **CONDITION ADDED BY STAFF**: The use must comply with the city's noise ordinance. (P&Z)
STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2020-00094. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 3100 Richmond Highway.

[Signature]
Applicant - Signature

12/24/20
Date

[Printed Name]
Applicant - Printed

12/24/20
Date