

DATE: August 23, 2023

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

FROM: Patrick Silva, Urban Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00061  
Administrative Review for Minor Amendment  
Site Use: Restaurant with Outdoor Dining  
Applicant: Alexandria Waterfront Associates Limited Partnership  
Location: 1 Cameron Street (Parcel Address: 5 Cameron Street)  
Zone: CD / Commercial Downtown

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### **Request**

Special Use Permit #2023-00061 is a request for a Minor Amendment to amend Special Use Permit #2019-00038 by expanding the floor area occupied by the existing restaurant by 1,791 square feet for purposes of adding a motorized retractable pergola to the restaurants existing outdoor dining area. The motorized pergola is intended to provide shade and weather protection for customers seated in the restaurant's existing outdoor dining area. No other changes to the existing business and no additional seating is being proposed.

### **Background**

In October 1986, City Council first approved Special Use Permit #1944 to Alexandria Waterfront Restoration Group for a 350-seat restaurant with outdoor dining at the subject property. The restaurant building was constructed pursuant to Site Plan #1987-0043. Most recently, in July 2019, City Council approved Special Use Permit #2019-00038 allowing the applicant to amend Condition #9 of Special Use Permit #1944 to permit outdoor loudspeakers.

Over the last five years, as a result of proactive inspections, City staff issued warnings to the restaurant operators for Code violations, primarily related to litter and trash. In all of those cases, the restaurant operators remedied the violations promptly. In addition, Planning and Zoning staff performed a routine Special Use Permit inspection on June 11, 2018 and found violations of Conditions #6 and #9. Staff issued a warning notice for trash and garbage stored outside (Condition #6) and for outdoor loudspeakers (Condition #9). The restaurant operator corrected the trash and garbage violation. The applicant then applied for Special Use Permit #2018-00069 to allow for outdoor loudspeakers. Although the case was docketed for the November 2018 Planning Commission and City Council hearings, the applicant requested deferral twice and the case was rescheduled for the January 2019 public hearings. The applicant then withdrew the SUP request on December 20, 2018, citing their desire to learn about possible changes to the noise ordinance related to outdoor speakers before proceeding. Because the applicant did not remove the outdoor loudspeakers and was no longer seeking SUP approval for them, zoning inspectors issued a notice of violation of Condition #9 on January 29, 2019. Ultimately, the applicant decided to proceed

with the request to allow loudspeakers in the restaurant's outdoor dining area, which was approved by aforementioned Special Use Permit #2019-00038.

**Parking**

The restaurant is located within the Central Business District (CBD). Since at least 1983, the Zoning Ordinance has not mandated off-street parking requirements for restaurants within the CBD. Staff has not found that this restaurant within the CBD parking area generates substantial parking impacts as the King Street Metro Station, King Street Trolley, DASH buses, Capital Bikeshare and the Potomac Riverboat Company's water taxi service provide customers and employees a variety of transportation alternatives to driving. Furthermore, a number of parking garages and lots are located within three blocks of the restaurant for customers and employees who drive.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses regarding the request.

**Staff Action**

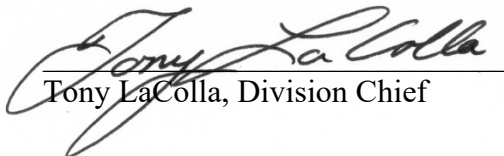
Staff does not object to the Minor Amendment request as the restaurant has operated successfully at this location for many years with little to no negative impacts on its immediate vicinity or neighbors.

Special Use Permit conditions have been carried over from Special Use Permit #2019-00038. However, several conditions have been amended and one has been added in order to reflect the current standard Special Use Permit conditions for a restaurant with outdoor dining. This includes amendments to Conditions #2, #4, #5, #6, #19, #20, #22, and #36 as well as the addition of Condition #37.

Staff hereby approves the Special Use Permit request.

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

Date: August 23, 2023  
Action: Approved

  
Tony LaColla, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2023-00061**

The 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 corporation in which the applicant has a controlling interest. (P&Z) (P&Z)(SUP2019-00038)
2. **CONDITION AMENDED BY STAFF:** ~~The maximum number of restaurant seats shall be 350, which may be located either indoors or and outdoors seats shall comply with the state building code within the existing outdoor dining area. Outdoor seats shall not encroach into the public right-of-way.~~ (P&Z) (SUP2019-00038)
3. Condition deleted. (PC) (SUP #1944)
4. **CONDITION AMENDED BY STAFF:** ~~Hours of operation shall be 7 a.m. to 2 a.m., daily. Meals and alcoholic beverages ordered before 2 a.m. may be served but no new patrons shall be admitted, and no new meals or alcoholic beverages shall be served after 2 a.m. All patrons must leave the premises one hour after the closing hour by 3 a.m.~~ (P&Z)(SUP2019-00038)
5. **CONDITION AMENDED BY STAFF:** No food, beverages, or other materials shall be stored outside, with the exception of materials specified in other conditions. (P&Z)(SUP2019-00038)
6. **CONDITION AMENDED BY STAFF:** ~~Trash, and garbage and used cooking oils shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animal, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters.~~ (P&Z) (SUP2019-00038)
7. That trash and garbage be collected daily except Sunday when the business is open. (P&Z) (SUP #1944)
8. Condition deleted.
9. The use shall comply with the City's Noise Ordinance. Outdoor loudspeakers shall be permitted for background music in the outdoor dining area until 11 p.m., daily. (T&ES) (P&Z) (SUP2019-00038)
10. That trash compactor be provided to reduce volume of trash. (T&ES) (SUP #1944)
11. Condition deleted.
12. Condition deleted.

13. Condition deleted.
14. Condition deleted.
15. Condition deleted.
16. Whenever there is a conflict between provisions of the lease between the City of Alexandria and the applicant dated March 27, 1986, and the conditions imposed under this permit, the conditions of this special use permit shall govern. (CC) (SUP #1944)
17. Condition deleted.
18. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2019-00038)
19. **CONDITION AMENDED BY STAFF:** Limited, indoor live entertainment may be offered and must comply with the City's noise ordinance ~~shall be permitted at the restaurant~~. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP2019-00038)
20. **CONDITION AMENDED BY STAFF:** On and off premises alcohol sales ~~shall be permitted~~ in compliance with Virginia ABC requirements. (P&Z) (SUP2019-00038)
21. The applicant shall conduct employee training sessions on an on-going basis, including as part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent alcohol sales to underage persons. (P&Z) (SUP2019-00038)
22. **CONDITION AMENDED BY STAFF:** ~~Food and~~ Delivery service vehicles operated ~~or~~ and managed by the applicant are permitted ~~shall be prohibited~~. Delivery vehicles must be parked off-street when not in use. (P&Z) (SUP2019-00038)
23. 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 toward the street frontage. (P&Z) (SUP2019-00038)
24. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP2019-00038)
25. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP2019-00038)

26. 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) (SUP2019-00038)
27. The applicant shall control cooking odors, smoke and 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 and Environmental Services. (T&ES) (SUP2019-00038)
28. 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) (SUP2019-00038)
29. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2019-00038)
30. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP2019-00038)
31. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES) (SUP2019-00038)
32. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES) (SUP2019-00038)
33. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES) (SUP2019-00038)
34. 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. (T&ES) (SUP2019-00038)
35. The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES) (SUP2019-00038)
36. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall

review the special use permit after it has been operational for one year, 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 the result of a complaint that rises to the level of a violation of the permit conditions 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) (~~SUP2019-00038~~)

37. **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. (T&ES)

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Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
- R-2 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-3 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
- R-4 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
- R-5 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
- 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 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)



- C-3 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:

- C-1 A building permit is required for review.

Parks and Recreation:

No comments or concerns.

Police Department:

No comments received.

Health Department:

No comments or concerns.

Fire Department:

No comments or concerns.

Historic Preservation

- F-1 The property sits within the Old and Historic Alexandria District.
- F-2 The property is designated as a Late building within the district.
- F-3 Alterations will require BAR review and approval. Please contact [preservation@alexandriava.gov](mailto:preservation@alexandriava.gov) for more information.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00061. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1 Cameron Street.

*douglas zang*

Applicant - Signature

08/30/2023

Date

Douglas Zang

Applicant – Printed

08/30/2023

Date