



Docket Item #10

Special Use Permit #2022-00049

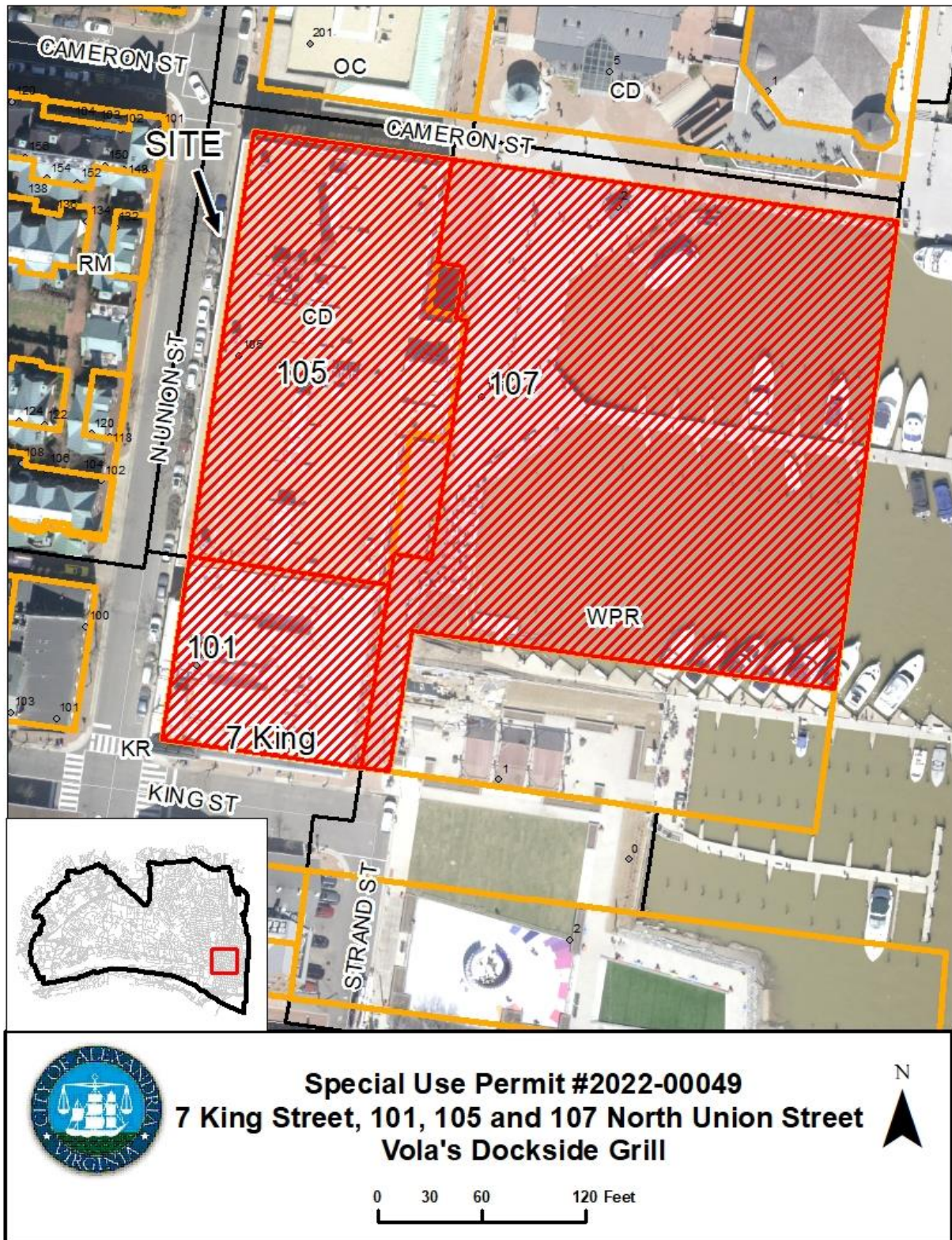
***7 King Street and 101, 105 and 107 North Union Street
Vola's Dockside Grill***

Application	General Data	
Request: Public Hearing and consideration of a request for a Special Use Permit for (A) an expansion of the indoor dining area; (B) outdoor dining seats over 40; and (C) a temporary trailer (amending SUP #2017-00039)	Planning Commission Hearing:	September 6, 2022
	City Council Hearing:	September 17, 2022
Address: 7 King Street and 101, 105 and 107 North Union Street	Zone:	CD/Commercial Downtown, KR/ King Street urban retail and WPR/Waterfront Park and Recreation Zones
Applicant: ARP Waterfront, LLC	Small Area Plan:	Old Town Small Area Plan Waterfront Small Area Plan

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewer: Ann Horowitz, ann.horowitz@alexandriava.gov

PROJECT LOCATION MAP



I. REPORT SUMMARY

The applicant, ARP Waterfront, LLC requests to amend Special Use Permit (SUP) #2017-00039 for Vola's Dockside Grill and Hi-Tide Lounge, an existing restaurant with outdoor dining. The amendment request includes the addition of indoor dining at adjacent tenant spaces and to incorporate the outdoor dining and temporary trailer uses at the Riverside Taco site, formerly a food and crafts market use operating under SUP #2019-00118. Staff recommends approval of the applicant's request subject to the conditions outlined in this report.

SITE DESCRIPTION

The subject sites for the existing and proposed uses occupy four lots of record – 7 King Street and 101, 105 and 107 King Street. The restaurant's existing indoor dining and kitchen are located at 101 North Union Street and 7 King Street (parcel: 101 North Union Street) and the existing outdoor dining is located at 107 North Union Street. The parcel at 101 North Union Street has approximately 110 feet of frontage along King Street and 110 feet of frontage along North Union Street for a total parcel area of approximately 12,100 square feet and is developed with a three-story brick commercial building. The restaurant occupies the south side of the first floor with approximately 110 square feet of frontage along King Street and approximately 41 feet of frontage along North Union Street for an area of 4,530 square feet. The restaurant's outdoor dining area is located on the City Marina, referenced as the 107 North Union Street parcel. The parcel consists of the dock and pier area between the Potomac River and the Waterfront Plaza. The total parcel is approximately 65,000 square feet in area with approximately 300 feet of frontage along the Potomac River. The restaurant's existing dockside outdoor dining occupies 1,255 square feet of area along the southern portion of the City Marina land with approximately 61 feet of frontage along the Potomac River (Figure 1).

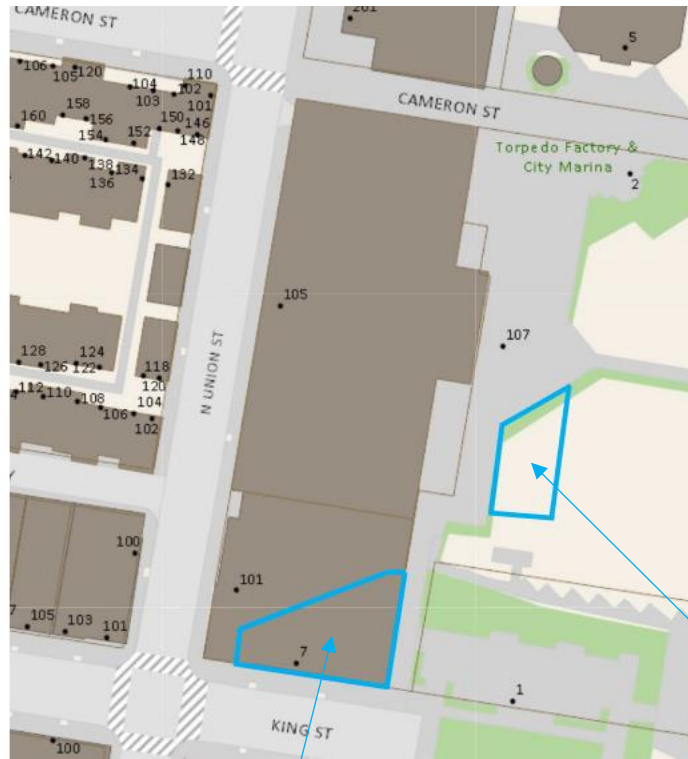


Figure 1: Location and images of existing the Vola's Dockside Grill operations at 7 King Street and 101 North Union Street outlined in blue

The proposed indoor and outdoor dining and temporary trailer that would be added to the Vola's SUP in this request are located at 101, 105 and 107 North Union Street. Two indoor dining areas would be located in two first floor tenant spaces at 101 North Union Street, occupying the north side of the building and separated by a public pedestrian breezeway from Vola's restaurant and the Hi-Tide Lounge. One tenant space is 150 square feet with 20 feet of frontage on North Union Street and 32 feet of frontage along the breezeway. The second tenant space is 98 square feet and fronts the breezeway on three sides for approximately 60 feet. The outdoor dining area containing

a trailer is located at 105 and 107 North Union Street on a 1,746 square foot area along the northeasternmost corner outside of the Torpedo Factory Arts Center. This City-owned area has been designated for private use through a long-term lease agreement with the City. The entire parcel at 105 North Union Street has approximately 245 feet of frontage on North Union Street, a depth of approximately 135 feet and a total lot area of 31,904 square feet. The 105 North Union Street parcel includes the three-story Torpedo Factory Arts Center (TFAC). A portion of the TFAC building shares a property line with Riverside Taco. (Figure 2)

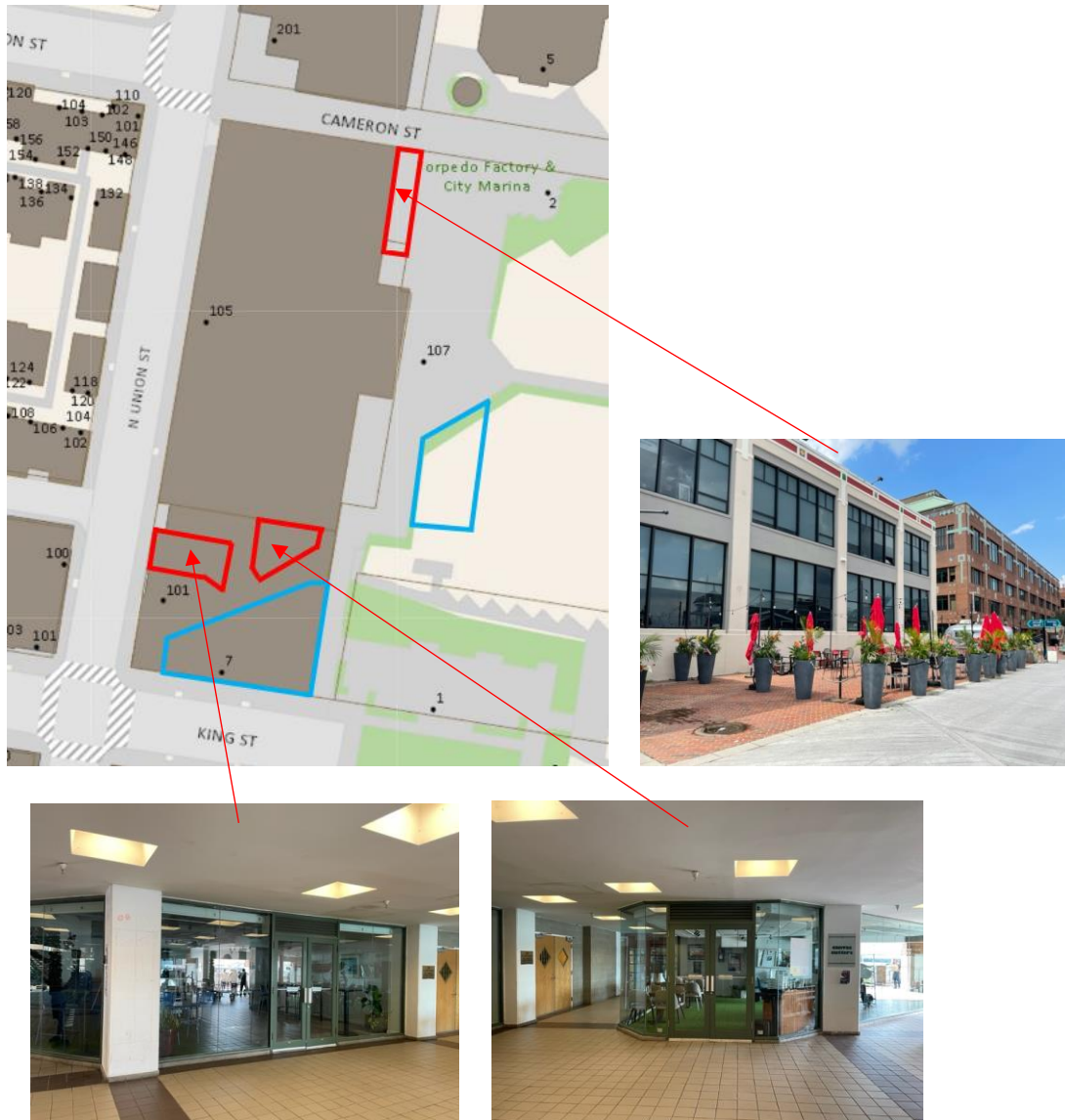


Figure 2: Location and images of proposed additions to Vola's Dockside Grill operations at 7 King Street and 101 North Union Street outlined in red

The Torpedo Factory Art Center abuts the subject lots to the north and west and the City Marina and Potomac River are located to the east. A dense mix of restaurants, retail and office uses surround the lots to the west, north and south.

USE BACKGROUND

Vola's Dockside Grill at 7 King and 101 and 107 North Union Streets

The site where Vola's now occupies was first approved by City Council in May 2013 through SUP #2013-0009 for a 3,950 square foot, 150-seat restaurant and accessory market known as Waterfront Market. Of those 150 approved seats, 76 seats were located indoors, 54 seats were located outdoors on a portion of the Torpedo Factory and City Marina. To provide for permit dining on the City Marina, the restaurant received Planning Commission approval in May 2013 to change Section 9.06 of the City Charter, permitting a change of use of the City Marina space. With Planning Commission approval, the City Charter was amended in May 2013 through Section 9.06 #2013-0002 and the restaurant executed a lease agreement with the City to use City Marina space for outdoor dining.

In March 2015, City Council approved an increase in restaurant seats through SUP #2014-0128 which allowed Waterfront Market to increase to 222 total seats and 4,530 square feet for the Hi-Tide Lounge (135 indoor seats, 67 outdoor City Marina land).

The Waterfront Market operated until the winter of 2015 when it briefly closed prior to the launch of a revised restaurant concept, renamed as Vola's Dockside Grill and Hi-Tide Lounge. Staff administratively approved SUP #2015-0132 in January 2016 which granted a change of ownership from Waterfront Market, LLC to Alexandria Restaurant Partners, LLC and a minor amendment to increase the hours of operation for indoor dining from 11 p.m. to 12 p.m., Sunday through Thursday. Most recently, City Council approved SUP #2017-0002 in March 2017 which approved a change of ownership from Alexandria Restaurant Partners, LLC, to ARP Waterfront, LLC, and an increase in dining, expanding the outdoor dockside dining from 67 to 114 outdoor seats. As part of the approval, the outdoor dining area increased to 1,225 square feet of City Marina land from the previously approved 883 square feet. Later, City Council approved SUP #2017-00039 in June 2017 to add 31 seats and indoor limited live entertainment.

A recent inspection found the restaurant and outdoor seating uses compliant with all SUP conditions.

Riverside Taco at 105 and 107 North Union Street

Several decades ago, a lease agreement was established with the City for the private commercial use of the area where Riverside Taco is located and the area below the Chart House to promote increased activity and entertainment opportunities in the plaza. For many years, individual vendors and the TFAC leased the area. Additionally, the City was permitted to host community events at this location.

City Council approved Special Use Permit #2018-0111 on February 23, 2019 for ARP Waterfront, LLC to operate the existing outdoor food and crafts market, featuring TFAC artists, with a food truck operating on private property, and outdoor dining seats for food truck patrons and the public. City Council amended the SUP through SUP #2019-00118 to allow for amplified background music projected through outdoor speakers, which are not attached to the TFAC, and live acoustic unamplified music during the hours of operation except with RPCA special events approval.

As the use evolved, ARP Waterfront, LLC, operating both Vola's and Riverside Taco, found that the area north of the TFAC was better suited to accommodate Vola's growing demand for outdoor dining given the pandemic impacts after March 2020. In addition, it was difficult to consistently book artists to fulfill the outdoor market component of the business concept. To reflect the actual use of the Riverside Taco area, the applicant submitted this SUP application for an amendment to Vola's SUP. SUP approval of this request would render the Riverside Taco SUP inactive.

The SUP inspection for compliance with existing conditions identified that all conditions were met with the exception Condition #15 for the placement of over six-foot light posts and umbrellas placed within 7'6" of the TFAC façade. The applicant immediately remedied the issue.

PROPOSAL

The applicant proposes to amend its SUP for Vola's Dockside Grill for an increase in a 5.5% increase in indoor seating area at two adjacent 101 North Union Street tenant spaces. The reprogramming of its Riverside Taco outdoor food and craft market use at 105 and 107 North Union Street accounts for the requested amendment to increase outdoor dining seats and for a temporary trailer, which will be used as a food service station.

Under other City permits, the applicant has the option to separately apply for outdoor dining seats on the sidewalk and in an on-street parklet s along the unit block of King Street.

A summary of existing and proposed aspects of the operation is:

Hours of operation:

Indoor dining	7 a.m. – 12 a.m., Sunday – Thursday 7 a.m. – 1 a.m., Friday – Saturday
Outdoor dockside dining	7 a.m. – 11 p.m., daily
Outdoor trailer area dining	10 a.m. – 11 p.m., daily

Seats and square footage:

<u>Location</u>	<u>seats</u>	<u>square footage</u>
Indoor dining (existing)	127	4,530
Indoor dining (proposed)	78	248
Outdoor dockside dining (existing)	68	1,255
Outdoor trailer area dining (existing under SUP #2010-00118 and proposed for SUP amendment)	90	
	363 total seats	

Type of Service:

Table and carry-out

Alcohol Sales:

On-premises and off-premises

Delivery:

Third-party delivery service

Live Entertainment (existing):

Indoors Limited live entertainment

Outdoor dockside: None

Outdoor trailer area: Unamplified acoustic limited live entertainment between the hours of 6 p.m. to 11 pm, Monday through Friday and until 11 p.m. on Saturdays, Sundays and holidays; amplified performances are permitted with RPCA permit; speakers may be used that are not attached to the building.

LEASE AGREEMENT

The applicant is required to maintain an active lease for use of the City's property at the City Marina for the outdoor dockside dining (Condition #30). City Council approved the most current lease on March 10, 2020. The annual lease is based on the market value of commercial floor space with an adjustment to reflect the outdoor location. Under the lease agreement, the City retains the land ownership and the applicant has permission to use the outdoor space under the terms and conditions of its SUP approval. The lease term is set for a period of three years and will expire on March 31, 2023. The applicant may request lease renewals for City Council consideration.

PARKING

The restaurant is located within the City's Central Business District (CBD) and Section 8-300 (B) of the City's Zoning Ordinance exempts the parking requirements for restaurants and outdoor dining in the CBD. As such, the restaurant is not required to provide any off-street parking.

ZONING/ MASTER PLAN DESIGNATION

Multiple zones apply to the restaurant, outdoor dining and temporary trailer operation areas. The restaurant's indoor dining use at 7 King and 101 North Union Street is in the KR zone; outdoor dockside dining at 107 North Union Street is in the WPR zone; and the outdoor dining in the temporary trailer area is in the CD and WPR zones. Although Section 11-511(A)(2)(b)(i) allows administrative SUP minor amendment approval for restaurants with an indoor seating expansion of up to 33 % of floor area, the added indoor dining request was incorporated with the SUP hearing review for outdoor dining seats exceeding 40 and for a temporary trailer, as required in Sections 11-513(M)(3) and Section 7-1101(C), respectively.

The subject lots are located within the Waterfront Small Area Plan and the Old Town Small Area

Plan. The Waterfront Small Area Plan identifies the area as one that encourages a range of commercial uses and public events to support an active pedestrian experience. The Old Town Small Area Plan similarly designates the area for mixed-uses along the waterfront area.

The restaurant and outdoor dining uses are also located in the City's Old and Historic District. Any exterior work or signage will require review and approval by the Board of Architectural Review (BAR).

II. STAFF ANALYSIS

Staff recommends approval of the applicant's SUP amendment request to add indoor dining seats at 101 North Union Street and to wrap in the Riverside Taco operation into Vola's Dockside Grill with the addition of 90 outdoor seats and the use of a temporary trailer for two years with the option to extend for one year (Condition #47). Together, the applicant's two businesses have contributed to the vitality of the City Marina since 2018 and the request to combine them under one SUP with added indoor seats not only maintains this momentum but also would be heightened with the addition of conditions to include periodic Torpedo Factory Arts Center public events programming and public seating in the temporary trailer outdoor dining area when the restaurant is not in operation.

Conditions from the previous Vola's Dockside Grill 2017 SUP appear as the first 36 conditions. Relevant conditions are carried forward from the Riverside Taco's SUP #2018-00111 and SUP #2019-00118 and are included after Condition #37. Many conditions for Vola's Dockside Grill have been amended or deleted to reflect present-day condition language and requirements for restaurants, which resulted from text amendments approved in September 2020 to "right-size" business regulations with actual impacts. For example, the number of indoor seats is no longer determined in the SUP but by the statewide uniform building code as noted in Condition #2 and hours of indoor dining operation are left to the discretion of the business operator, as detailed in Condition #6. The loading zone area has been amended in Condition #3 given a recent Traffic and Parking Board ruling to add a loading zone on the 100 block of North Union Street, a location more convenient to Vola's than Fayette Alley. Reference to the lease agreement update, that City Council approved on March 10, 2020, for use of the waterfront dock until March 31, 2023 is noted in Condition 30.

Generally, the added conditions that appear anew in this SUP report ensure the year-round, active use and maintenance of the outdoor dining in the trailer area and limit impacts on the City's Torpedo Factory Art Center. This dining area is located in a visually prominent area, where a significant number of pedestrians stroll along one of the most popular stretches of the waterfront between Founders Park and the Waterfront King Street Park. Increased seating for the public would be available in the City Marina when the restaurant's outdoor dining in the trailer area is not operating and it shall be kept in good order, as noted in Conditions #44c and #44f. As some wear and tear has resulted from the tables and chairs scraping against the Torpedo Factory's historic building materials along the east elevation, staff recommends that the applicant repair the damaged areas in consultation with the City's Historic Preservation staff (Condition #46) and the dining furniture shall be set three feet from the façade to prevent new damage (Condition #44e).

To augment the activation of the area with publicly accessible programming in this prominent location, staff recommends that the applicant allow the City to use the area for up to 10 public events free of charge, as outlined in Condition #40. Lastly, the applicant has volunteered to manage and maintain the public bathrooms next to Blackwall Hitch in a similar fashion to the arrangement it upholds with the City at Robinson Terminal South, outlined in Condition #39.

Subject to the conditions in Section III of this report, staff recommends approval of the Special Use Permit Request.

III. RECOMMENDED CONDITIONS

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 corporation in which the applicant has a controlling interest. (P&Z) (SUP #2014-0128)
2. **CONDITION AMENDED BY STAFF:** The maximum number of ~~total~~ indoor seats at the restaurant shall be determined by the statewide building code. ~~The number of indoor seats shall not exceed 166 seats.~~ Up to 114 outdoor seats may be provided on the Marina in the designated area through the previously approved lease agreement between the applicant and the City provided minimum aisle clearance requirements are met. The layout of the outdoor dining areas shall be consistent with the plans submitted with this application and illustrated in the report. ~~Additionally, up to twenty (20) outdoor seats along King Street may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program (P&Z) (SUP 2017-00039)~~
3. **CONDITION AMENDED BY STAFF:** ~~The applicant shall utilize Fayette Alley as a loading and unloading area located off North Union Street for supply deliveries.~~ Loading and unloading may ~~not~~ only occur ~~and is strictly prohibited on King Street and in loading zone designated areas on North Union Street.~~ Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (P&Z)(T&ES) ~~(SUP #2014-0128)~~
4. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers maintained in the Torpedo Factory Office Building (201 N. Union St)/Food Court Complex loading and unloading dock area off Thompsons Alley or in the City dumpster located across Union Street. The trash shall be sealed appropriately and stored in the contained dumpster which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. 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 P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. The applicant shall not use City trash receptacles in the City Marina for trash disposal. (P&Z) (T&ES) (RPCA) ~~(SUP #2017-0002)~~

5. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2013-0009)
6. **CONDITION AMENDED BY STAFF:** For indoor seats dining areas, ~~meals ordered before 12 a.m. Sunday Thursday and before 1a.m. Friday Saturday, may be sold, but no new alcohol may be served and no new patrons may be admitted after 12 a.m. Sunday Thursday and after 1 a.m. Friday Saturday. All patrons must leave by 1 a.m. Sunday Thursday and by 2 a.m. on Friday Saturday~~ one hour after the closing time. (P&Z) (SUP #2015-0132)
7. **CONDITION AMENDED BY STAFF:** The hours of operation for all outdoor seats shall be limited to between 7 a.m. and 11 p.m., 7 days a week. The outdoor dining area shall be closed and cleared of all customers by 11 p.m. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP #2013-0009)
8. **DUPLICATE CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #31:** ~~No live entertainment shall be permitted in any outdoor dining area. Limited live entertainment is permitted inside the restaurant and must comply with the City's noise ordinance.~~ (P&Z) (SUP #2013-0009)
9. **CONDITION AMENDED BY STAFF:** ~~No customer delivery service shall be available from the restaurant.~~ Restaurant-managed delivery vehicles must be provided with dedicated off-street parking spaces for each delivery vehicle. (P&Z) (SUP #2013-0009)
10. **CONDITION AMENDED BY STAFF:** On and off-premises alcohol sales may be ~~offered at the restaurant~~ sold consistent with a Virginia ABC license. (P&Z) (SUP #2013-0009)
11. **CONDITION DELETED BY STAFF:** ~~Beer or wine coolers may be sold for off premises consumption only in 4 packs, 6 packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.~~ (P&Z) (Police) (SUP #2013-0009)
12. **CONDITION AMENDED BY STAFF:** The use must comply with the City's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line and cannot be heard beyond the property line inside the Torpedo Factory Art Center. (P&Z) (T&ES) (SUP #2017-0002)
13. 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, and on how to prevent underage sales of alcohol. (P&Z) (SUP #2013-0009)
14. Condition deleted. (SUP #2013-0009)

15. The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (T&ES) (SUP #2013-0009)
16. **CONDITION DELETED BY STAFF:** ~~The applicant shall maintain an up-to-date parking agreement for three (3) off-street parking spaces for employees during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. Evidence of the parking agreement shall be provided during the SUP inspection. (T&ES) (SUP #2015-0132)~~
17. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2015-0132)
18. 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) (SUP #2017-0002)
19. 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) (P&Z) (SUP #2017-0002)
20. 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) (SUP #2013-0009)
21. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP #2013-0009)~~
22. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside and in all outdoor dining areas. (P&Z) (~~SUP #2013-0009~~)
23. **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)(~~SUP #2017-00039~~)

24. The applicant shall require its employees who drive to use off-street parking (T&ES) (SUP #2015-0132)
25. The applicant shall encourage their employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (SUP #2017-0002)
26. 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 for more information about available resources. (T&ES) (SUP #2017-0002)
27. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP #2017-0002)
28. **CONDITION AMENDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in ~~an enclosure with a roof~~side the building. (T&ES) (~~SUP #2017-0002~~)
29. **CONDITION AMENDED 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. Used cooking grease drums/containers should be stored outside of the RPA if practicable. Lids must always remain closed on waste grease drums/containers and spills cleaned up by mopping or dry methods that do not produce a discharge to the gutter, storm or combined inlets.~~ (T&ES) (~~SUP #2017-0002~~)
30. **CONDITION AMENDED BY STAFF:** The applicant shall adhere to all conditions of the lease agreement with the City as approved by City Council on March 18, 2017 10, 2020, or any future leases for use of this area bordering the waterfront for outdoor dining that might be granted by the City Council to the applicant. (P&Z) (~~SUP #2017-00039~~)
31. **CONDITION AMENDED BY STAFF:** No admission or cover fee shall be charged for limited live entertainment in the indoor dining area. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment to the principal function of the restaurant as an eating establishment by featuring the food service as well as the entertainment. Limited live entertainment is not permitted in the outdoor dockside dining area. (P&Z) (~~SUP #2017-00039~~)
32. Excluding the existing screening of windows in the Hi-Tide Lounge, all other 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) (SUP #2017-00039)

33. **CONDITION DELETED BY STAFF:** ~~The applicant shall comply with the intent and policies listed in its parking management plan, to the satisfaction of the Directors of Transportation and Environmental Services. (T&ES) (SUP #2017-00039)~~
34. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages and availability, and alternative modes of transportation on advertising and on the restaurant's website. Where applicable, the applicant shall provide a map of nearby garages. Information on the garages and alternative modes of transportation shall be clearly indicated on daily menus for customer use. (T&ES) (P&Z) (SUP #2017-00039)
35. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide employees memberships to the City's bike sharing program on a per request basis. (T&ES) (SUP #2017-00039)~~
36. **CONDITION DELETED BY STAFF:** ~~The applicant shall submit a parking management plan for review and approval that is consistent with the conditions of its SUP approval. (T&ES) (SUP #2017-00039)~~
37. **CONDITION ADDED BY STAFF:** The outdoor dining areas shall be cleaned and washed at the close of each business day that they are in use. (P&Z) (SUP #2018-0111)
38. **CONDITION ADDED BY STAFF:** 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. (P&Z) (SUP #2018-0111)
39. **CONDITION ADDED BY STAFF:** The applicant shall manage and maintain the public bathrooms adjacent to Blackwall Hitch. The public restrooms will operate from 9 a.m. to 11 p.m. seven (7) days per week all year long, including holidays and when outdoor dining is not in use by the applicant. The applicant will inspect and clean restrooms on an interval of at least every three (3) hours each day. The applicant shall provide the City with the name of the organization responsible for providing restroom service for fabrication and posting by the City at the public restrooms. The applicant shall be responsible for all maintenance of the restrooms to ensure continuous operations and availability to the public. Maintenance is to be performed within one (1) business day and/or consistent with Health Code regulations. (RPCA).
40. **CONDITION ADDED BY STAFF:** The applicant shall allow the City to use the outdoor area near the temporary trailer free of charge up to five (5) days per year on a Thursday, Friday, or Saturday and up to five (5) days per year on a Sunday, Monday, Tuesday, or

Wednesday, unless otherwise mutually agreed upon, for public events. The applicant shall be responsible for removal of furniture, lights, planters and stanchions prior to the event at no charge to the City. All users shall be responsible for compliance with all conditions of the SUP. Such use shall be scheduled with at least 90 days written notice or within a time frame mutually agreed in writing between the City and the applicant. (RPCA)

41. **CONDITION ADDED BY STAFF:** The applicant shall not use outdoor generators. (P&Z) (RPCA) (SUP #2018-0111)
42. **CONDITION ADDED BY STAFF:** The applicant shall ensure that the patron queue line shall be along the eastern edge of the brick patio area and does not extend into the public right of way or impedes entrance to The Torpedo Factory Art Center. (P&Z) (RPCA) (SUP #2018-0111)
43. **CONDITION ADDED BY STAFF:** The applicant shall maintain a minimum clearance of 13 feet between the north entrance of the Torpedo Factory Art Center and the outdoor dining area. (T&ES) (P&Z) (RPCA) (SUP #2018-0111)
44. **CONDITION ADDED BY STAFF:** In the outdoor dining area with the temporary trailer:
 - a. Unamplified acoustic limited live entertainment shall be permitted between the hours of 6 p.m. to 11 pm, Monday through Friday and until 11 p.m. on Saturdays, Sundays and holidays. Amplification is only permitted in association with a special event that requires a permit from Recreation, Parks, and Cultural Activities Department or in the form of background music until 11 p.m. and cannot be heard beyond the property line and inside the Torpedo Factory Art Center. (RPCA) (T&ES) (P&Z) (SUP#2019-00118)
 - b. Umbrellas and other objects or structures higher than six feet shall be located 7'6" from the façade of the Torpedo Factory Art Center building. No structures or object shall exceed 10 feet in height in the outdoor dining area containing the trailer. Should the existing Airstream trailer be replaced with a new trailer taller than six feet, it shall be placed 7'6" from the façade of the Torpedo Factory Art Center building and shall not exceed 10 feet (P&Z) (RPCA) (SUP #2018-0111)
 - c. Seating in the outdoor dining area with the temporary trailer shall be available for public seating when the restaurant and/or outdoor dining area is not in operation to include off season. Public seating shall be available when the outdoor dining is not being used and shall be signed to communicate public access. (P&Z) (RPCA)
 - d. Install signs, consistent with City standards, in and adjacent to the dining area to (1) indicate the location of patron bathrooms behind Blackwall Hitch and (2) the restaurant dining hours. (RPCA)
 - e. Ninety seats are permitted at the outdoor area and tables and chairs shall be placed a minimum of three feet from the façade of the Torpedo Factory Art Center to

prevent damage. (P&Z) (RPCA)

- f. The area shall be cleaned, maintained and kept orderly at all times, including when the area is not in use and in the off season. (P&Z) (RPCA)
- g. The design of the outdoor dining areas and all its components shall be consistent with the quality standards of the King Street Outdoor Dining Design Guidelines. Any outdoor seating areas, including umbrellas, shall not include advertising signage. (P&Z) (SUP #2018-0111)
- 45. **CONDITION ADDED BY STAFF:** Sound systems, speakers, or any corresponding equipment cannot be attached to any building face including the Torpedo Factory Art Center. (RPCA) (SUP #201-00118)
- 46. **CONDITION ADDED BY STAFF:** The applicant shall repair the Torpedo Factory Art Center walls on the eastern elevation where tables and chairs have damaged the façade. An action plan describing proposed repair methods shall be submitted to preservation@alexandriava.gov for review within 30 days of SUP approval before repairs work commences. Final repairs shall be to the satisfaction of the Directors of Recreation, Parks, and Cultural Activities and Planning and Zoning. (RPCA) (P&Z)
- 47. **CONDITION ADDED BY STAFF:** Temporary trailer is permitted for two years until September 16, 2024 with an opportunity to increase the term for an additional one year through administrative SUP approval. (P&Z)
- 48. **CONDITION ADDED BY STAFF:** The applicant shall pay TFAC \$1500 a year for electrical use and rental of the closet that contains the electrical connections. (RPCA)

STAFF: Tony LaColla, AICP, Division Chief, Land Use Services
Ann Horowitz, Principal Planner

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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The existing conditions from SUP2015-00132 and SUP2018-00111 shall apply.
- F-2 The property is located in the RPA, however, no changes to impervious surfaces or land use, as it pertains to water quality, are proposed with this SUP. No objections at this time.
- R-1 AMENDED CONDITION: Chemicals, detergents, cleaners and used oil shall be stored securely inside the building. (T&ES)
- R-2 AMENDED CONDITION: Used cooking grease drums/containers should be stored outside of the RPA if practicable. Lids must always remain closed on waste grease drums/containers and spills cleaned up by mopping or dry methods that do not produce a discharge to the gutter, storm or combined inlets. (T&ES)

Code Enforcement:

- C-1 Per 2018 Virginia Construction Code Table 403.1, for a restaurant, one water closet could serve 75 occupants and per 2018 Virginia Existing Building Code Sec. 809.1, the number of occupants using existing plumbing fixtures could be increased by max 20% . As indicated on plans there are four existing water closets, which can serve max. 360 occupants. Therefore, if the number of proposed seats exceeds 360 additional plumbing fixtures are required.
- C-2 In accordance with 2018 Virginia Existing Building Code a building permit is required for a space with a change of occupancy.

Fire:

No comments or concerns

Health:

No comments received

Recreation, Parks and Cultural Activities

- R-1 Retain relevant conditions from SUP-2019-00118
- R-2 The applicant shall allow the City to use the outdoor area near the temporary trailer free of charge up to five (5) days per year on a Thursday, Friday, or Saturday and up to five (5) days per year on a Sunday, Monday, Tuesday, or Wednesday, unless otherwise mutually agreed upon, for public events. The applicant shall be responsible for removal of furniture, lights, planters and stanchions prior to the event at no charge to the City. All users shall be responsible for compliance with all conditions of the SUP. Such use shall be scheduled with at least 90 days written notice or within a time frame mutually agreed in writing between the City and the applicant. (RPCA)
- R-3 Umbrellas and other objects or structures higher than six feet shall be located 7'6" from the façade of the Torpedo Factory Art Center building. No structures or object shall exceed 10

feet in height in the outdoor dining area containing the trailer. Should the existing Airstream trailer be replaced with a new trailer taller than six feet, it shall be placed 7'6" from the façade of the Torpedo Factory Art Center building and shall not exceed 10 feet (RPCA)

- R-4 Seating in the outdoor dining area with the temporary trailer shall be available for public seating when the restaurant and/or outdoor dining area is not in operation to include off season. Public seating shall be available when the outdoor dining is not being used and shall be signed to communicate public access. (P&Z) (RPCA)
- R-5 Install signs, consistent with City standards, in and adjacent to the dining area to (1) indicate the location of patron bathrooms behind Blackwall Hitch and (2) the restaurant dining hours. (RPCA)
- R-6 Tables and chairs shall be placed a minimum of three feet from the façade of the Torpedo Factory Art Center to prevent damage. (RPCA)
- R-7 The area shall be cleaned, maintained and kept orderly at all times, including when the area is not in use and in the off season. (RPCA)
- R-8 The applicant shall repair the walls facing the waterfront at the south and north side of the TFAC where tables and chairs have damaged the façade. (RPCA)
- R-9 The applicant shall manage and maintain the public bathrooms adjacent to Blackwall Hitch. The public restrooms will operate from 9 a.m. to 11 p.m. seven (7) days per week all year long, including holidays and when outdoor dining is not in use by the applicant. The applicant will inspect and clean restrooms on an interval of at least every three (3) hours each day. The applicant shall provide the City with the name of the organization responsible for providing restroom maintenance service for fabrication and posting by the City at the public restrooms. The applicant shall be responsible for all maintenance of the restrooms to ensure continuous operations and availability to the public. Maintenance is to be performed within one (1) business day and/or consistent with Health Code regulations. (RPCA).
- R-10 The applicant shall pay TFAC \$1500 a year for electrical use and rental of the closet that contains the electrical connections. (RPCA)

Police Department:

No comments received