

**DOCKET ITEM #9*****Special Use Permit #2019-00113******Tall Ship Providence Pier******Riparian Area adjacent to Waterfront Park (1A Prince Street)***

Application	General Data	
Public hearing and consideration of a request for a Special Use Permit for facilities used for the docking and berthing of a historic ship and privately owned, public use buildings connected with the historic ship.	Planning Commission Hearing:	March 3, 2020
	City Council Hearing:	March 14, 2020
Address: Riparian Area adjacent to 1A Prince Street	Zone:	WPR / Waterfront Park and Recreation
Applicant: Tall Ship Providence Foundation, represented by M. Catharine Puskar, attorney	Small Area Plan:	Waterfront / Old Town
Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended conditions found in Section III of this report.		
Staff Reviewers: Abigail Harwell, Urban Planner, <a href="mailto:abigail.harwell@alexandriava.gov">abigail.harwell@alexandriava.gov</a> Dirk H. Geratz, AICP Principal Planner, <a href="mailto:dirk.geratz@alexandriava.gov">dirk.geratz@alexandriava.gov</a> Robert M. Kerns, AICP Development Division Chief, <a href="mailto:robert.kerns@alexandriava.gov">robert.kerns@alexandriava.gov</a>		



## **I. DISCUSSION**

### REQUEST

The applicant, Tall Ship Providence Foundation, represented by M. Catharine Puskar, attorney, requests a Special Use Permit (SUP) for facilities used for the docking and berthing of a historic ship and for privately owned, public use buildings connected with the historic ship based on Sections 5-503(C&D) within the riparian area (Potomac River) adjacent to Waterfront Park (1A Prince Street), which is zoned WPR / Waterfront Park and Recreation.

### SITE DESCRIPTION

The Tall Ship Providence Foundation (the applicant) is seeking to establish a facility to support the docking of a historic ship, known as the Tall Ship Providence. The applicant is proposing structures in the Potomac River just east of Waterfront Park, between King and Prince Streets. This area is part of the Waterfront Small Area Plan.

Due to the needed water depth for the ship, the proposed structures will extend 126'-6" from the shoreline, which is 38 feet beyond the City's pierhead line and into District of Columbia waters. The applicant is working with the Department of Energy & Environment (DOEE) for the District of Columbia for all necessary approvals related to the proposed encroachment, and would be required to obtain approvals and permits from all other local, state and federal agencies who have authority over the Potomac River. The facility will be connected to the City's shoreline via gangway connected to the existing bulkhead. The shoreline for this area is part of the City's future Flood Mitigation Implementation project and Waterfront Improvements plan. As such, the structures are proposed to be temporary until future flood mitigation efforts begin.

### BACKGROUND

The Waterfront Plan adopted by the City in 2012 outlines the planning vision for the City's Potomac River waterfront. The objective of the plan was to provide guidance for a revitalized area with continuous public access to, and increased activity on, the waterfront. The plan recognizes and supports cultural and institutional facilities within the waterfront area that contribute to its current and future viability as a visitor and destination center. One specific goal of the Alexandria Waterfront Small Area Plan is to add a historic ship and emphasize the City's maritime history (page 15).

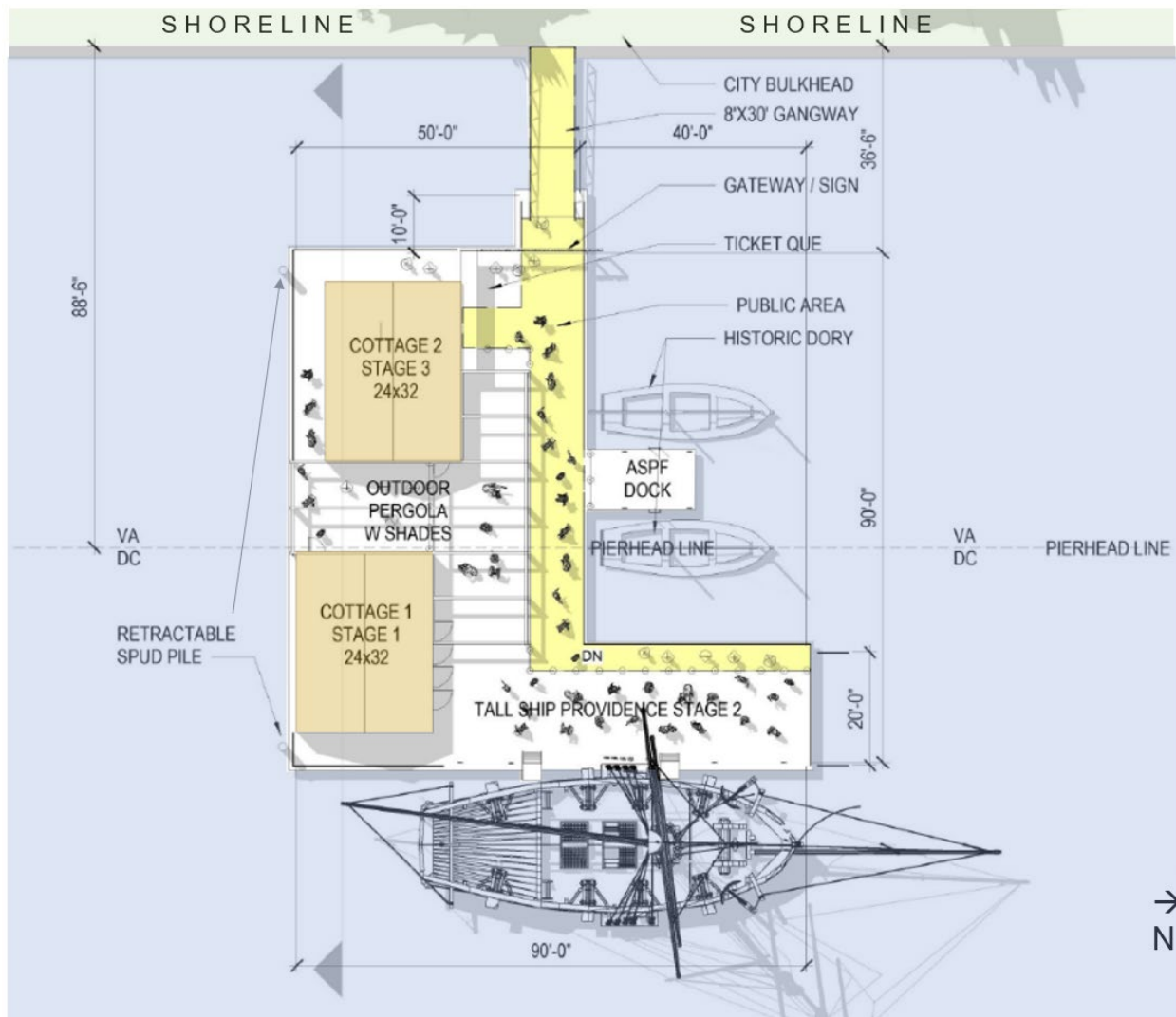
Since the Plan's adoption in 2012, several of its goals have been met, such as the relocation of the Old Dominion Boat Club (ODBC) building and parking lot in 2017, the completion of the interim Waterfront Park (which combined the King Street Park with the existing Waterfront Park) in 2018, maintenance dredging of the City Marina in 2015, as well as the ongoing redevelopment of the Robinson Terminal South pier, which is anticipated to be completed this year. The City is currently in the process of preliminary engineering for the Flood Mitigation Implementation project, which would result in grading and drainage improvements along the waterfront to minimize the nuisance flooding that frequently occurs in this area. Upon completion of the flood mitigation, the City will assess continued waterfront improvements consistent with the Waterfront Plan, which may include



the construction of a permanent pier near the foot of King Street and a promenade along the shoreline.

### PROPOSAL

The applicant in this case has proposed a floating pier consisting of two cottages, deck area, and a gangway that connects the pier to the shoreline. The floating pier is L-shaped, extending from the shoreline then turning north, measuring approximately 5,300 square feet in size. The access to the floating pier is not intended to obstruct any portion of the promenade along Waterfront park, and no permanent structures have been proposed on the shoreline, which would require a certificate of appropriateness from the Board of Architectural Review.



The pier will be stabilized by two spud piles that can be removed. The Tall Ship Providence will be moored at the east end of the pier. Two slips provided for small ships for smaller boats will be along the north side of the pier. A security gate will be provided at the point where the gangway connects to the floating pier, which also serves as an entry point for both the public as well as those

wishing to purchase tickets to visit the ship. The pier would be open to public during the hours of operation. The applicant is also proposing two cottages, both 768 square feet in size (24 feet by 32 feet), to be located on the pier. The structures would measure 17'-4" tall, with a 9:12 roof pitch and materials intended to mimic the character of small cottages and buildings that were commonly found along working waterfronts.

Based upon information from the applicant and the floor plans submitted, Cottage #2, closest to the shoreline, would be the ticket office and store where merchandise can be bought. Visitors wishing to board the ship would start here to purchase a ticket, then travel around the building to Cottage #1, in which a historical program providing information about the history of the ship is expected to be offered. Cottage #1 would also have two single-occupancy restrooms and some storage space. According to the applicant, the sewage from the restrooms would be contained in a tank under the structure and would be serviced in accordance with state health code regulations. After viewing the program, visitors would then gather onto the deck area and then board the ship. Visitors would then disembark after a tour of the ship, and again gather in Cottage #2, where a theatre area would provide further information on maritime history and the ship. The applicant has stated that groups of 25 people would be rotating between these three stations, with a maximum of 150 people as the capacity for the pier, both ticketed visitors as well as the public.

As the applicant is utilizing a portion of the Waterfront Park bulkhead at this location, a franchise agreement is being negotiated that would regulate the operational specifics for the ship and associated pier, including hours of operation, special events, utility access, relocation of the pier and ship during waterfront maintenance, and improvement activities. The applicant has listed that public tours would be available from 9 a.m. to 8 p.m. Monday through Friday, and 11 a.m. to 5 p.m. on Saturday, Sunday and Holidays. Further, they have indicated they will provide private craft beer, pirate and sunset cruises, private charters, as well as lectures, classes and other educational activities. The applicant has indicated that the proposed use would include serving beer, wine or mixed drinks associated with private activities.

It should be noted that there is an existing floating pier off Waterfront Park, which is used by the Alexandria Seaport Foundation. As part of this project, the applicant will be removing this pier in order to accommodate the proposed new pier. This will be coordinated between the applicant and Alexandria Seaport Foundation.

## **II. STAFF ANALYSIS**

### **WATERFRONT IMPLEMENTATION**

Staff recommends approval of the applicant's request to establish a historic vessel and associated structures on the waterfront, which represents another achievement toward the goals of the Waterfront Plan. Particularly near the foot of King Street, the Waterfront Plan wanted to add activity along the waterfront, with plan participants stating they would like to have more things to do, and more opportunities to learn about Alexandria's history, such as museums and tall ships (page 64). This was supported with a recommendation to encourage the active enjoyment of Waterfront Park with elements such as a permanent and/or visiting historic ships and other ships of character (page 66). The new pier is located to center the historic ship on Waterfront Park. This

location allows for more open views from King Street towards the water and from the newly installed, and also temporary, Waterfront Park.

As the City continues the implementation of the Waterfront Plan and flood mitigation improvements, the applicant will have to coordinate with the City for the removal of the floating pier and associated structures. The removal of these temporary structures by the applicant is necessary for construction activities that may include construction barges, dredging operations or other activities to implement the City-planned improvements. Condition #6 provides guidance for coordination between the City and applicant regarding timing for the removal of the floating structures and gangway connection to the shoreline. An alternative location for the historic vessel would need to be reviewed at that time, as well as the City's franchise agreement.

#### ZONING/MASTER PLAN DESIGNATION

The subject site is located in the WPR / Waterfront Park and Recreation zone and is within the Waterfront Small Area Plan boundaries. Section 6-203(C) of the Zoning Ordinance allows "facilities used for docking or berthing of boats or ships, including public or private marinas and/or boat docks with related facilities limited to water and electricity connections" pursuant to a special use permit. Additionally, Section 6-203(E) of the Zoning Ordinance allows "Privately owned public use buildings such as civic auditoriums or performing arts centers" pursuant to a special use permit. Further, the proposed uses are supported by the Waterfront Small Area Plan, as has been discussed in this report.

#### PARKING

Per Zoning Ordinance Section 8-500, off-street parking requirements shall not apply to those properties located immediately abutting the Potomac River. As the subject use is located within the Potomac River, they are exempt from having to provide any off-street parking. Conditions have been added that require the use to encourage both its employees and patrons to utilize public transportation and information regarding alternative forms of transportation and access to parking options. The negotiated franchise agreement will require the applicant to ensure visitors to the tall ship are informed of the location of off-street parking.

### **III. COMMUNITY OUTREACH**

The proposal was presented and discussed at the February 18th Waterfront Commission meeting. The applicant presented the proposal to the commission and responded to questions from the Commission members. It was also presented at the Federation of Civic Associations at their January meeting.

#### IV. 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, subject to approval of a Franchise Agreement with the City. (P&Z)
2. The location, design and materials of the floating pier, gangway and two cottages shall be consistent with the SUP application materials presented to the City Council, to the satisfaction of the Director of Planning and Zoning. Necessary modifications to address state or federal requirements may be permitted, subject to review and approval by P&Z and T&ES. (P&Z)
3. Applicant to provide a perpetual public access easement for the portion of the pier marked as public on the plans submitted to the City during public operation hours, hours as determined in the Franchise Agreement. The easement shall be to the satisfaction of the Director of P&Z and recorded prior to issuance of any permits.
4. All required state and federal permits and approvals must be obtained prior to issuance of any permits for the floating pier, gangway and associated cottages. Copies of those permits and approvals must be filed with all relevant city agencies. The Special Use Permit will be void if the Franchise Agreement is not granted by the City or if the state or federal approvals or permits are not obtained. (T&ES)(DPI)(P&Z)(RP&CA)
5. Structures connecting to the shoreline shall not restrict public access along the waterfront. (P&Z)(DPI)(RP&CA)
6. Structural, electrical and water connections to the bulkhead line shall be coordinated with the Department of Project Implementation prior to construction. The applicant shall be responsible for the installation of any new utilities. (DPI)(RP&CA)
7. At such time as the City moves forward with the implementation of the City's proposed waterfront and flood mitigation improvements to this area, the Applicant shall remove and relocate the floating pier, gangway, cottages and any other associated structures to an interim location to be determined in consultation with the City. The timing associated with the removal and relocation of the floating pier, gangway, cottages and any other associated structures shall be in compliance with the Franchise Agreement. (P&Z)(DPI)(RP&CA)
8. No outdoor storage of furniture (including tables, chairs or umbrellas), equipment or accessory material, etc. not related to the docking and berthing of boats and ships or other personal watercrafts, are allowed on the floating pier. The floating pier may have one storage box for the storage of safety equipment and other docking material not to exceed the dimensions of 60" x 25" x 25". (P&Z)(RP&CA)

9. Any private event occurring on the pier and/or in the cottages shall be subordinate to the primary use as a facility used for the docking or berthing of boats or ships and privately owned public use buildings. Such private events shall be in compliance with the terms set forth in the Franchise Agreement. (T&ES)
10. Alcoholic beverages may only be sold as part of private events associated with the Tall Ship Providence. (P&Z)
11. Any additional structures not identified in the application shall be subject to review and approval by the Director of Planning & Zoning. (P&Z)
12. The applicant shall require its employees who drive to use off-street parking. (T&ES)
13. 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)
14. 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 (Old Town Area Parking Study). (T&ES)
15. 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)
16. 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)
17. Applicant shall control odors and any other air pollution sources resulting from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Director of Transportation and Environmental Services. (T&ES)
18. A Water Quality Impact Assessment (WQIA) will be required. A pier is a water dependent facility and therefore allowed in the RPA, provided a water quality impact assessment is performed by the applicant and accepted by the City. (SWM)
19. Up to two affixed trash receptacles may be located on the floating pier. The trash receptacles shall be emptied at the end of each business day. Any overnight storage of trash must be located inside the cottages until such time as trash removal occurs. Trash and garbage shall be stored inside or in sealed containers inside the buildings that do not



allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. (P&Z) (T&ES)

20. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
21. 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)
22. The use must comply with the City's noise ordinance. No amplified sound including that from the PA (Public Announcement) system shall be audible at the shoreline line after 11 PM. (T&ES)
23. No equipment or other items such as floor mats shall be cleaned outside the buildings. No cooking residue or other wastes shall be washed onto the pier or into the River. (SWM)
24. Outdoor spills must be cleaned up by mopping or dry methods that do not produce a discharge to the River. (SWM) MOVE TO FA?
25. Chemicals, solvents, cleaning agents, etc. shall not be stored outside. (SWM)
26. Call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
27. 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)

STAFF: Robert Kerns, AICP, Division Chief, Department of Planning & Zoning  
Dirk Geratz, AICP, Principal Planner  
Abigail Harwell, Urban Planner III  
Jack Browand, Division Chief, Department of Recreation, Parks & Cultural Activities

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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.

## **V. CITY DEPARTMENT COMMENTS**

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

### Planning & Zoning

- C-1 This project is located within the Historic District, which extends to the pierhead line. Cottages on the floating pier do not require BAR review at this time because the structures are considered temporary. No permits for any permanent structures shall be issued prior to release of a Certificate of Appropriateness from the Board of Architectural Review. (BAR)

### Transportation & Environmental Services:

- F-1 The plans shall be consistent with the Waterfront Small Area Plan for public access along the waterfront. (T&ES)
- F-2 The buildings are located on a floating structure and not on land. As such, they are not regulated by Stormwater Management or the Chesapeake Bay regulations. (SWM)
- 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:

- C-1 A building permit, plan review and inspections are required prior to the start of construction or prior to installation of the structure at the approved location. (Code Administration)

### Health Department:

- C-1 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.
- C-3 Construction plans shall comply with Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings (12 VAC 5-570) and Sewage Handling and Disposal Regulations (12 VAC 5-610).

Parks and Recreation:

- F-1 Additional operating conditions will be included in the City negotiated Franchise Agreement. The applicant is not permitted to operate or include activities in support of the use of the pier from the adjacent land without a written agreement with the City.
- F-2 Any proposed use of Waterfront Park will require the completion of a Special Events Application consistent with the Special Events Policy.

Fire Department:

- C-1 A fire prevention permit is required due to occupancy condition – assembly.

Police Department:

No comments received.



## APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** \_\_\_\_\_

**PROPERTY LOCATION:** 1 A Prince Street

**TAX MAP REFERENCE:** 075.01-05-08 **ZONE:** WPR

**APPLICANT:**

Name: Tall Ship Providence Foundation

Address: 201 N Union Street, Suite 110, Alexandria, VA 22314

**PROPOSED USE:** Facilities used for docking or berthing of boats or ships and privately owned public use buildings.

☒ **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

REVISED 12/26/19

REVISED 1/27/20

M. Catharine Puskar, attorney

Print Name of Applicant or Agent

2200 Clarendon Blvd, Suite 1300

Mailing/Street Address

Arlington, VA

City and State

22201

Zip Code

MC Puskar

Signature

12/9/19

Date

703-528-4700

Telephone #

703-525-3197

Fax #

cpuskar@thelandlawyers.com

Email address

**ACTION-PLANNING COMMISSION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION-CITY COUNCIL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

SUP # \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of the riparian area adjacent to 1A Prince Street, I hereby  
(Property Address)  
grant the applicant authorization to apply for the docking and berthing of boats or ships,  
and privately owned public use buildings use as  
(use)  
described in this application.

Name: James B. Spengler

Phone: 703.746.5502

Please Print

Address: 1108 Jefferson Street, Alexandria

Email: james.spengler@alexandriava.gov

Signature: James B. Spengler

Date: 02/04/2020

- 1.** Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

- 2.** The applicant is the (check one):

☐ Owner

☐ Contract Purchaser

☒ Lessee or

☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.

Tall Ship Providence Foundation is a non-profit organization.

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## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
<sup>1</sup> Tall Ship Providence	201 N Union Street	100%
<sup>2</sup> Foundation	Suite 201	
<sup>3</sup>		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1A Prince Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
<sup>1</sup> City of Alexandria	301 King Street	100%
<sup>2</sup>		
<sup>3</sup>		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
<sup>1</sup> Tall Ship Providence	None	None
<sup>2</sup> Foundation		
<sup>3</sup>		

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

12/23/19 CLAIRE S. SASSIN  
Date Printed Name

  
Signature

SUP # \_\_\_\_\_

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☐ **Yes.** Provide proof of current City business license

☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

**N/A**

## NARRATIVE DESCRIPTION

**3. The applicant shall describe below the nature of the request *in detail* so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)**

**Please see attached.**

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Tall Ship Providence Foundation  
Special Use Permit – Narrative Description

REVISED  
January 27, 2020

On October 2, 2019 the City of Alexandria awarded Tall Ship Providence Foundation (the “Applicant”) with a Franchise Ordinance for a Historic or Replica Historic Tall Ship Mooring at the City Marina. The Applicant is requesting a Special Use Permit for a new pier and two small buildings, which are necessary to the operation of the interpretive and cultural programming associated with the Tall Ship *Providence* (the “*Providence*”).

Per Section 6-203, “facilities used for docking or berthing of boats or ships, including public or private marinas and/or boat docks with related facilities limited to water and electricity connections” and “privately owned public use buildings” are permitted by Special Use Permit in the Waterfront Park and Recreation Zone (WPR). As such, the Applicant is requesting this Special Use Permit.

The proposed pier, located in Old Town and adjacent to Waterfront Park, is required to moor the *Providence* in Alexandria. Additionally, the two cottages are designed to serve as the visitor center/museum and will support the cultural and historical programming associated with the *Providence*. The proposed cottages have been situated on the pier in order to maximize views to the *Providence* from Old Town.

The Applicant proposes to construct two approximately 760 square foot cottages on the new pier. Cottage #1 will have eight to ten benches to hold up to 25 guests as well as one staff member, and it will serve as a classroom-like space for guests to learn about the *Providence* before boarding. This cottage will also include a small storage area, two bathrooms, and staff room. Cottage #2 will house the ticket booth, gift shop, a small gallery, the theater, and the equipment storage. Both cottages will sit on a floating barge, and the roof of the cottages will be covered with solar panels or solar roof tiles. Please see attached plans for more details.

The two cottages and the barge have been designed to respect the Waterfront Park and the Old and Historic Alexandria District. The Applicant’s goal is to provide an interactive experience that will allow visitors to see what life was like in the Continental Navy during the American Revolution. The Applicants look forward to working with the City to realize this exciting project, which will provide interest and activity on the waterfront.

**USE CHARACTERISTICS****4.** The proposed special use permit request is for (*check one*):

- ☒ a new use requiring a special use permit,  
☐ an expansion or change to an existing use without a special use permit,  
☐ an expansion or change to an existing use with a special use permit,  
☐ other. Please describe: \_\_\_\_\_

**5.** Please describe the capacity of the proposed use:

**A.** How many patrons, clients, pupils and other such users do you expect?  
Specify time period (i.e., day, hour, or shift).

A maximum of 150 patrons at any given time.

\_\_\_\_\_

**B.** How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).

Approximately 12 per shift.

\_\_\_\_\_

**6.** Please describe the proposed hours and days of operation of the proposed use:

**Day:**  
7AM-midnight daily

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Hours:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7.** Please describe any potential noise emanating from the proposed use.

**A.** Describe the noise levels anticipated from all mechanical equipment and patrons.

The use will comply with the noise ordinance.

\_\_\_\_\_

**B.** How will the noise be controlled?

Staff will monitor the Property for noise-related issues.

\_\_\_\_\_

\_\_\_\_\_

- 8.** Describe any potential odors emanating from the proposed use and plans to control them:

Staff will monitor the site for odor sources and address concerns appropriately.

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- 9.** Please provide information regarding trash and litter generated by the use.

- A.** What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

Paper, food and drink waste.

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- B.** How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

Trash production will vary seasonally and with events. An agreement for trash removal will be reached with a local company.

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- C.** How often will trash be collected?

As often as necessary.

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- D.** How will you prevent littering on the property, streets and nearby properties?

Staff will monitor the site for litter and address concerns appropriately.

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- 10.** Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes.

☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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- 11.** Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☒ Yes.      ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

Cleaning materials will be used on the property and will be disposed of in accordance with federal, state, and local laws.

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- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons? On-site Staff will monitor the Property for safety-related issues. A security gate separating the gangway from the bulkhead. There will also be security cameras in the cottages and trained on the ship. The Applicant has detailed the security arrangement in the Franchise Ordinance Proposal under Tab VIII, Number 3, "Life/Safety."

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## ALCOHOL SALES

**13.**

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☒ Yes      ☐ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Appropriate licenses will be acquired prior to the sale of alcohol.

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**PARKING AND ACCESS REQUIREMENTS**

- 14.** A. How many parking spaces of each type are provided for the proposed use:

0 \_\_\_\_\_ Standard spaces  
 \_\_\_\_\_ Compact spaces  
 \_\_\_\_\_ Handicapped accessible spaces.  
 \_\_\_\_\_ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (*check one*)

☐ on-site

☐ off-site

If the required parking will be located off-site, where will it be located?

No on-site parking is required pursuant to Section 8-500.

**PLEASE NOTE:** Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ **Parking reduction requested; see attached supplemental form**

- 15.** Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? NA

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? No off-site loading is required for this use.
- C. During what hours of the day do you expect loading/unloading operations to occur?  
Loading will not occur between 11PM and 7AM.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
As often as necessary.
16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?  
The site will be accessed through a public park.

## SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☐ Yes ☒ No
- Do you propose to construct an addition to the building? ☐ Yes ☐ No
- How large will the addition be? \_\_\_\_\_ square feet.
18. What will the total area occupied by the proposed use be?  
0 sq. ft. (existing) + 1,520 sq. ft. (addition if any) = 1,520 sq. ft. (total)
19. The proposed use is located in: *(check one)*
- ☒ a stand alone building
  - ☐ a house located in a residential zone
  - ☐ a warehouse
  - ☐ a shopping center. Please provide name of the center: \_\_\_\_\_
  - ☐ an office building. Please provide name of the building: \_\_\_\_\_
  - ☒ other. Please describe: Two small buildings on a barge.

End of Application



M. Catharine Puskar  
(703) 528-4700 Ext. 5413  
cpuskar@thelandlawyers.com

**WALSH COLUCCI  
LUBELEY & WALSH PC**

January 27, 2020

Dirk Geratz, Principal Planner  
301 King Street, Room 2100  
Alexandria, VA 22314

Re: The Tall Ship Providence Special Use Permit

Dear Mr. Geratz,

On behalf of the Tall Ship Providence Foundation (the “Applicant”), please accept this letter as an addendum to the application filed on December 9, 2019 as revised through January 27, 2020. In response to comments from City Staff, the Applicant has revised the design and clarified operational details. In order to stay on track for the March Planning Commission and City Council hearings, the following changes or clarifications have been made:

1. Proposed Location Shifted to the South. In response to concerns regarding sight lines from King Street, the Applicant shifted the location of the proposed pier to the south, to center the *Providence* on Waterfront Park with the two proposed cottages generally aligned with the tree line on the southern end of the park.
2. Public Access on the Pier. As shown in the enclosed exhibit, the Applicant proposes to maintain public access on the pier and in Cottage #2 during operating hours. The public will be able to walk on a portion of the pier to observe the *Providence*, boats from the Alexandria Seaport Foundation and other maritime organizations, and views of Old Town and the Potomac River.
3. Reduction in Height. The Applicant has revised the roof pitch from 12:12 to 9:12, which lowered the overall height of the two cottages by approximately 3’ 2”.
4. Removal of Entry Gate. The Applicant has relocated the entry arch structure toward the river at the end of the gangway to reduce the visual impact from the Park. A gate will still be provided at the entrance to the gangway to close the pier to guests and the public when the business is closed.
5. Bathrooms. The proposed use will include two (2) bathrooms in order to meet the Building Code requirements. Waste will be held in a waste-holding tank(s) located below the decking of the barge. At appropriate intervals, a pump-out service will pull up to the barge via Prince Street, run an evacuation hose to the access point and pump out the waste.

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELANDLAWYERS.COM  
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDBON 703 737 3633 ■ WOODBRIDGE 703 680 4664

6. Special Events. Consistent with the Franchise Agreement, the Applicant intends to host private charters and special events on the barge outside of regular operating hours. The Applicant will continue to discuss the details with Staff.
7. Approvals from Other Jurisdictions and Agencies. Please see the enclosed list of required approvals from jurisdictions and agencies outside of the City of Alexandria as well as the point person tasked with coordinating the approval. Also enclosed is a letter from the attorney handling the District of Columbia jurisdictional questions for your review.

Please see the enclosed drawings for more information. If you have any further questions, do not hesitate to reach out to me.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

A handwritten signature in dark ink, appearing to read "M. Catharine Puskar". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

M. Catharine Puskar

cc: Abigail Harwell  
Jack Browand  
Clair Sassin  
Diana West

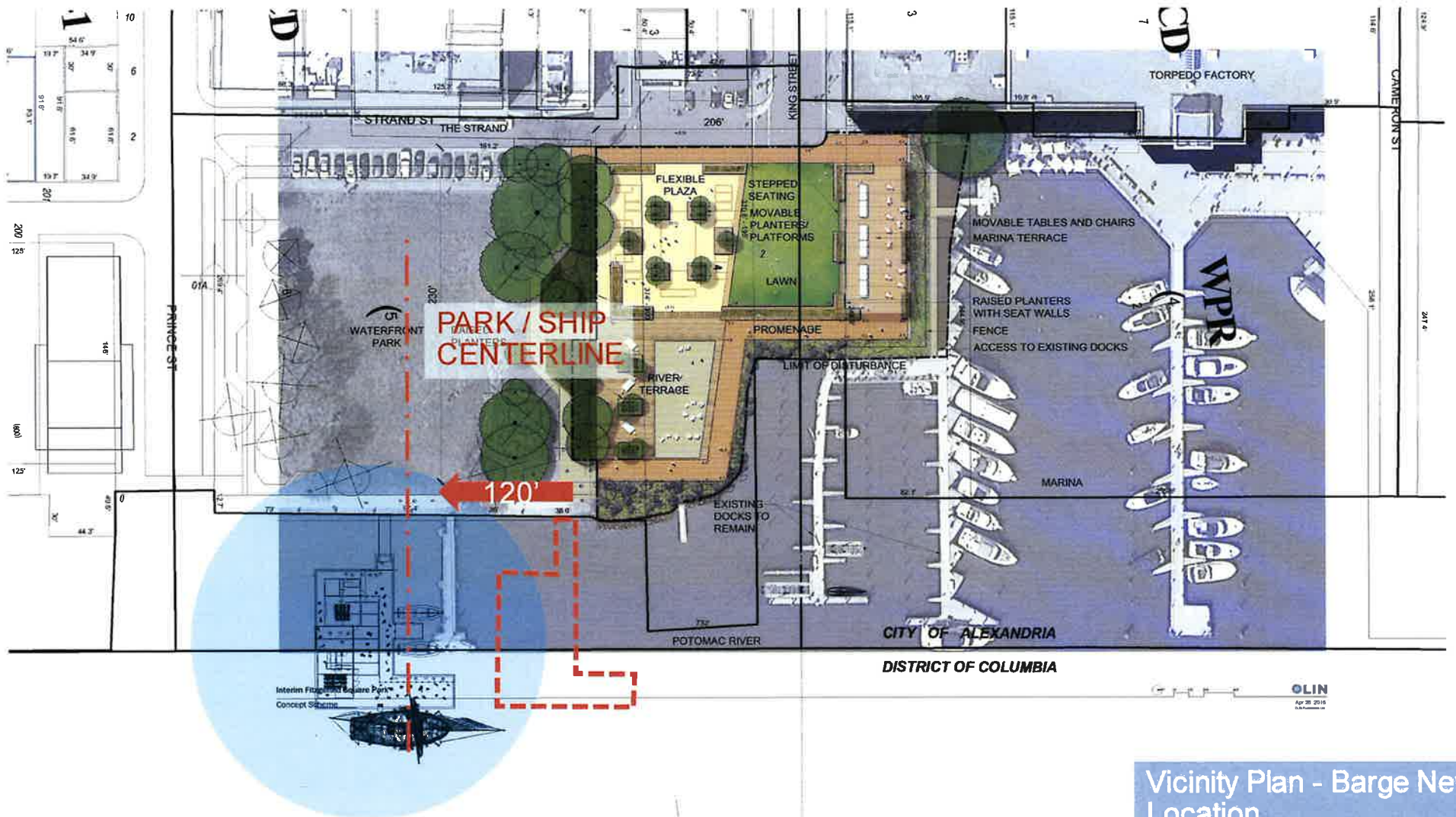
Enclosures





# TALL SHIP PROVIDENCE

Schematic Design 01/27/2020 Update



Vicinity Plan - Barge New Location



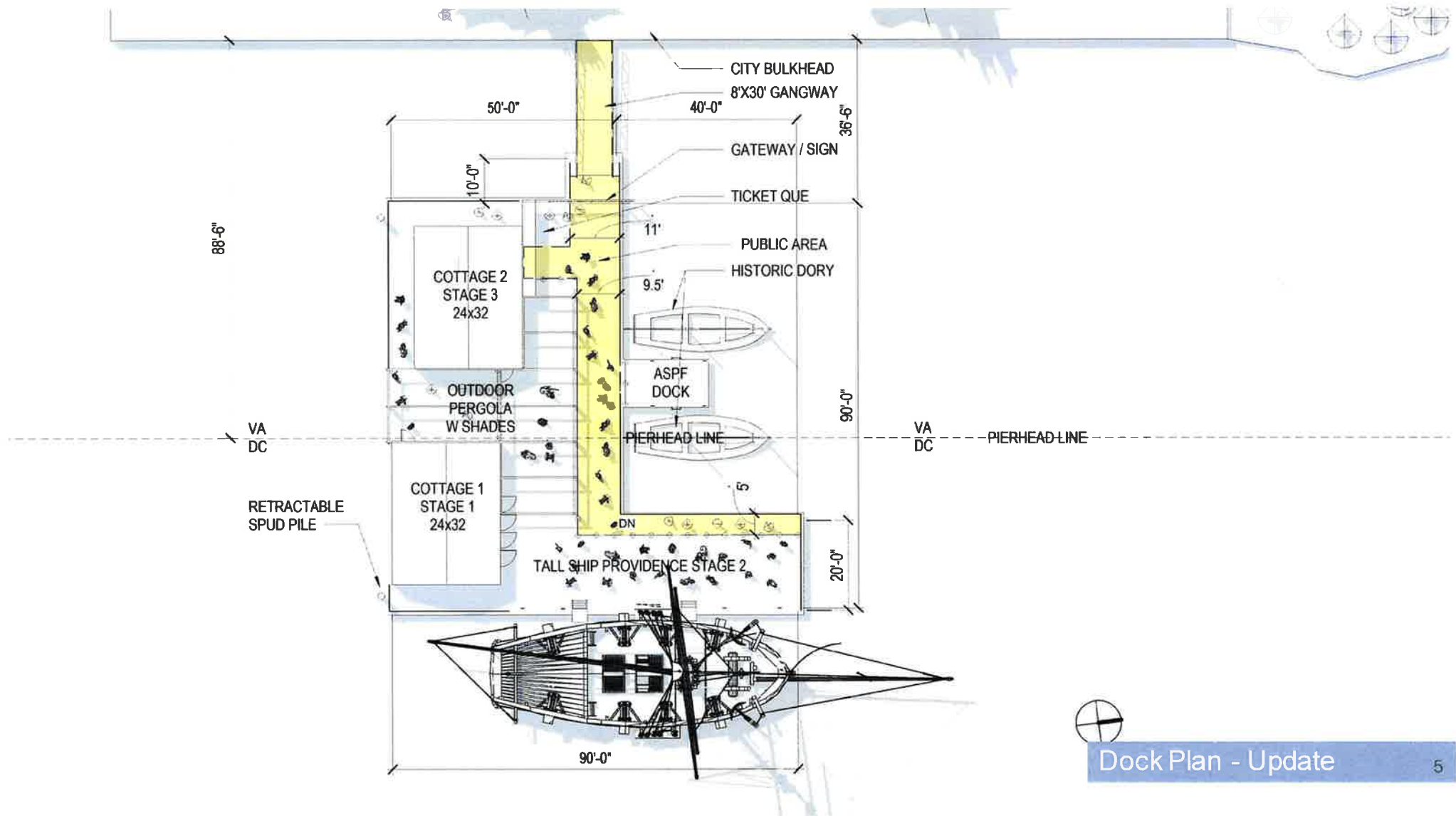
Image Added for Historic  
Context - Alexandria 1863

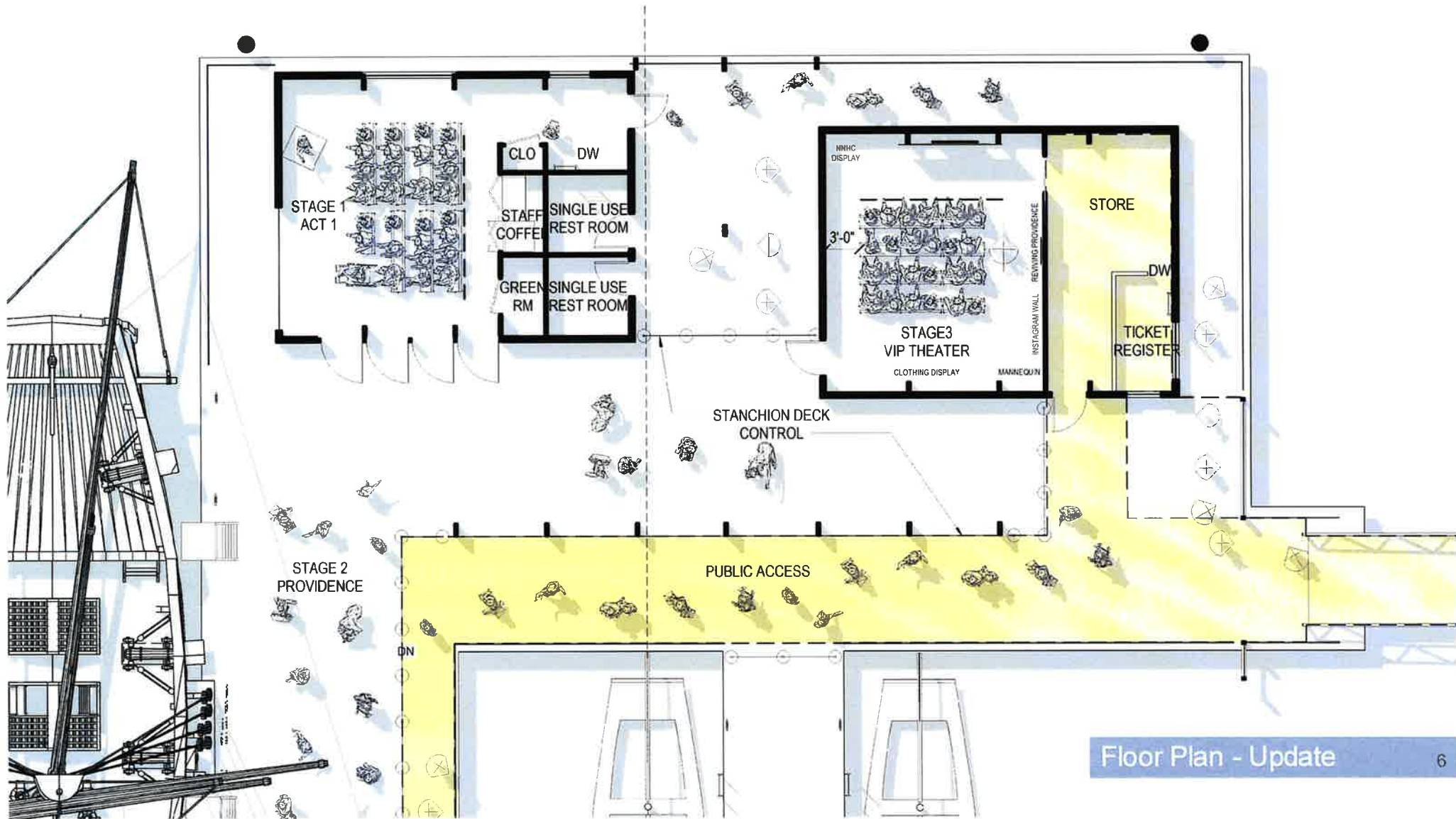
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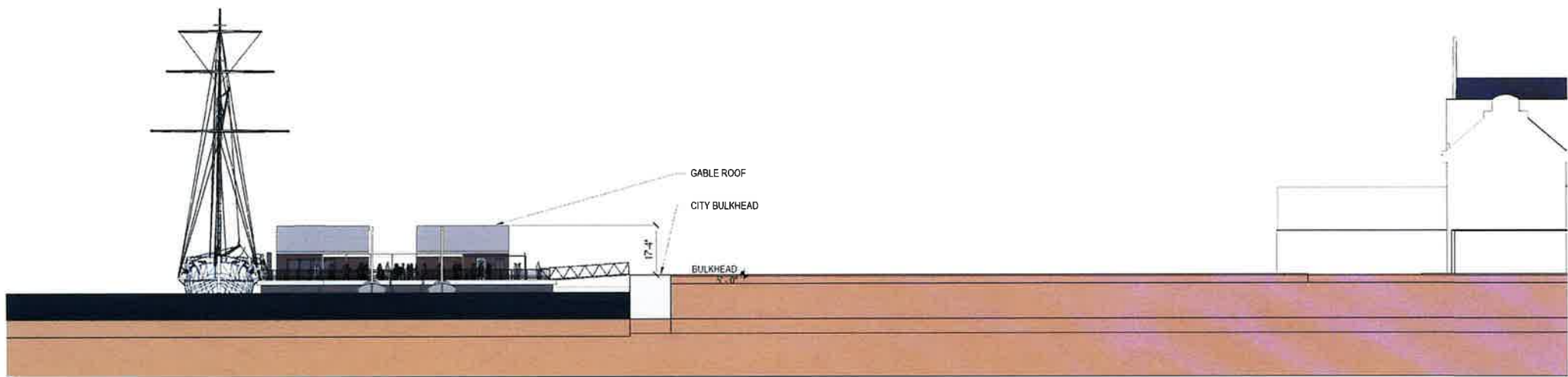


Image Added for Historic  
Context - Jamestown c 1750 4





Floor Plan - Update











Point of View King ST  
Centerline 02 Added

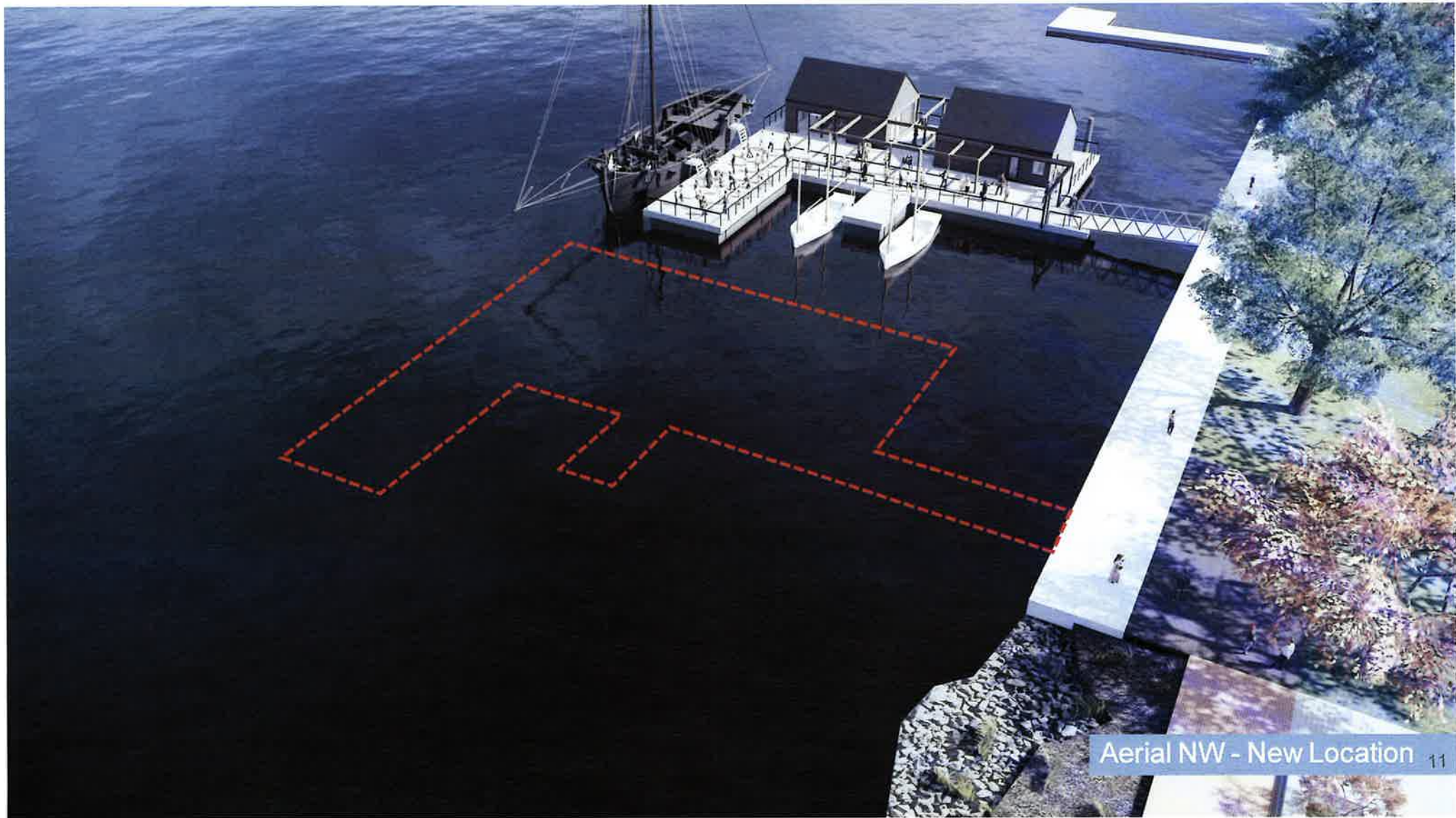
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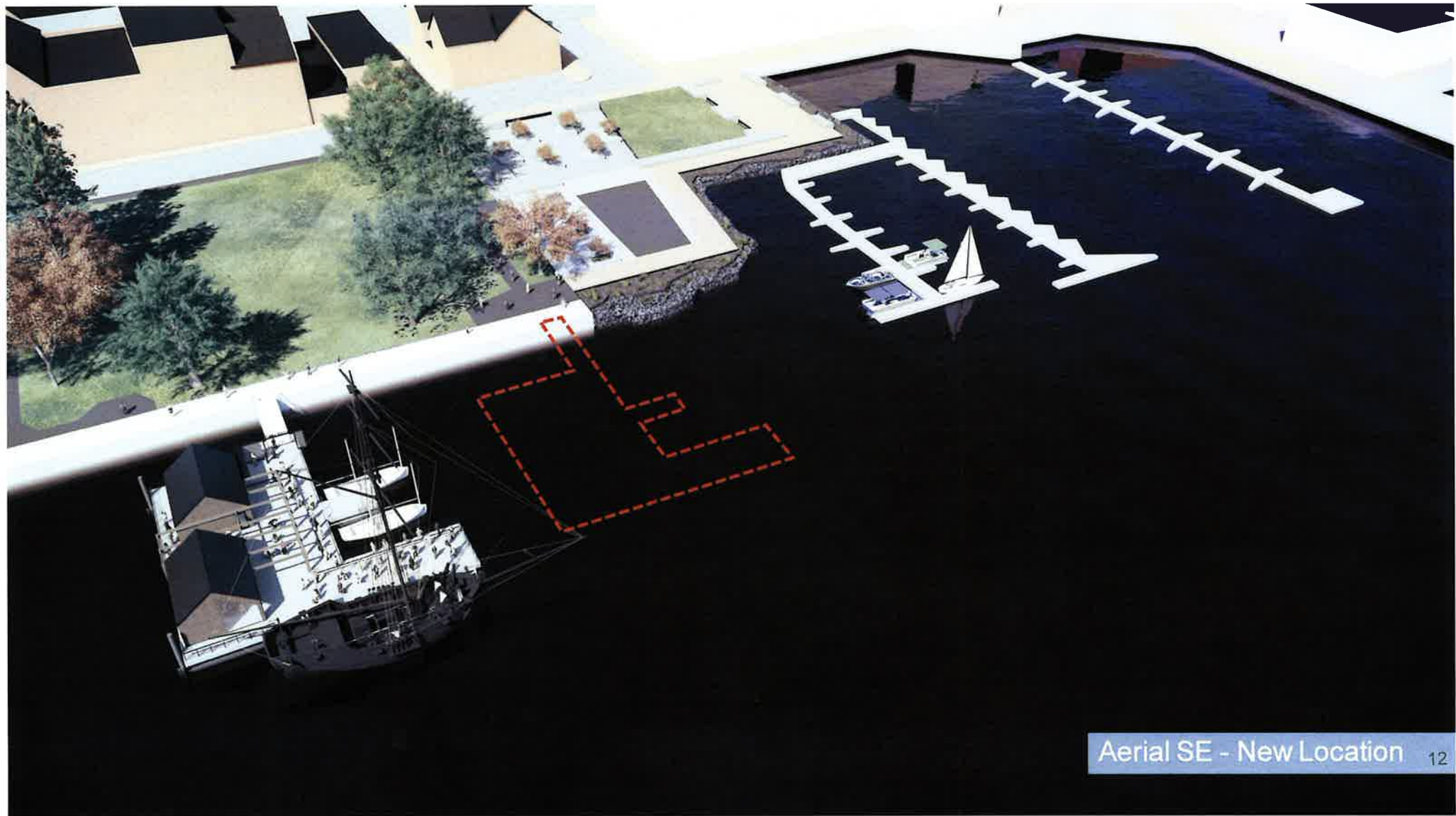


King Street Plaza Roof Pitch  
Reduction 9/12

10







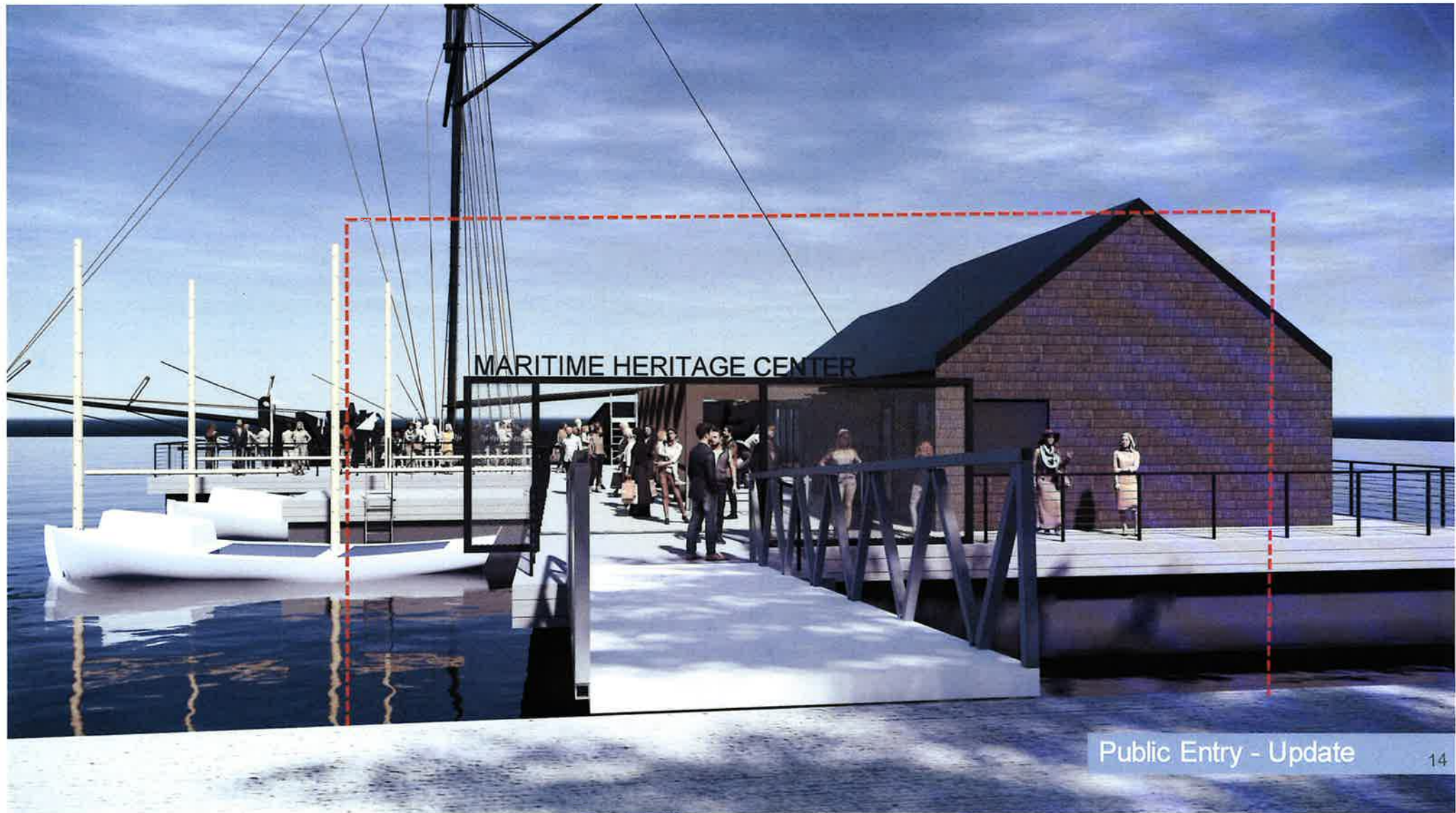
Aerial SE - New Location 12





POV Waterfront Park Added 13









Tall Ship Providence Foundation Special Use Permit  
 Additional Permits/Approvals Required  
 January 27, 2020

	ITEM	DETAILS	AGENCY	DUE DATE	TURNAROUND TIME	STATUS
1	Standard Joint Permit Application	Covers VMRC, USACE, and DEQ.	Gets submitted to VMRC, is forwarded from there to: USACE, City of Alexandria, DEQ, and NPS.	As soon as possible.	Approximately <b>two to four weeks</b> from receipt by VMRC to issuance of tidal wetland permit and forwarding to other agencies.	Target submission by January 31
2	Standard Joint Permit Application		USACE/NPS		Action by additional agencies may take <b>four to five months</b> . Also, NPS will have to ask a separate branch of USACE for a "106 review."	
3	106 Review for Navigable Channels		USACE		Possibly <b>six months</b> . <b>Note: this is SEQUENTIAL, not concurrent with SJP process above.</b>	
4	City of Alexandria building permits	HGA to discuss	City of Alexandria	Following SUP approval	Approximately <b>two months</b> after submission.	





Allison C. Prince  
APrince@goulstonstorr.com  
(202) 721-1106 (tel)

January 24, 2020

VIA ELECTRONIC MAIL

Abigail Harwell  
Department of Planning & Zoning  
Development Division  
City of Alexandria, Virginia

Re: Special Use Permit #2019-00113 – 1A Prince Street – District of Columbia  
Authority Over Structures Beyond the Pierhead Line

Dear Abigail:

This letter responds to your request for information on any District of Columbia approvals needed for the proposed project in Special Use Permit #2019-00113 (the “Project”). In sum, the District does not need to take any action to approve the Project. The reasons are as follows: (1) the Army Corps of Engineers has jurisdiction of the area between the pierhead lines, (2) the Project does not include an attachment to the river bed that triggers the need for a District of Columbia building permit, and (3) the Project will not include any discharge into the Potomac River,

Generally, the property line between the District of Columbia and Virginia is set at the pierhead line on the Virginia side of the Potomac River outside of Alexandria, Virginia. Therefore, generally the District has jurisdiction over property beyond the pierhead line heading toward the District in the Potomac River. However, the bed of the Potomac River is owned by the United States, as noted in the attached 2011 letter from the District of Columbia Office of Planning to the City of Alexandria Director of Planning (the “OP Letter”).

The Army Corps of Engineers traditionally has sole jurisdiction over structures between pierhead lines of the navigable waters of the United States. While the Mayor of the District of Columbia governs all structures, wharves, and piers shoreward of the District pierhead line in the Potomac River, *see, e.g.*, D.C. Code § 10-501.01; 21 DCMR §21-600.1, because this is beyond the District pierhead line, this provision would not apply. Instead, the Army Corps of Engineers has jurisdiction over the area between the pierhead lines as the navigable waters of the Potomac River.

Also, for this Project, the portion beyond the pierhead line is not a structure that would be required to receive a building permit under the District regulations. A structure under the Zoning regulations is “Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the

ground.” 11-B DCMR § 100.2. Because there is no connection to the ground beyond the pierhead line, there is no structure within the District’s jurisdiction. While there is a retractable spud that can connect to the river bed, because this is retractable, it would not create a “permanent location on the ground,” which means it would not constitute a structure under the Zoning regulations.

Finally, while the OP Letter notes that if there is any discharge into the Potomac River, such discharge is subject to the District Department of Energy and Environment jurisdiction, the Project will not involve any discharge into the Potomac River, and therefore will not require a District permit for discharge.

In conclusion, based on the above information, we do not believe the District of Columbia will need to issue a permit or approval for the Project.

Sincerely,



Allison Prince  
Director

ACP

Enclosure

District of Columbia Office of Planning



Office of the Director

March 7, 2011

Farroll Hamer  
Director of Planning  
City of Alexandria  
Department of Planning & Zoning  
301 King Street, Room 2100  
Alexandria, VA 22314

Dear Director Hamer:

I am writing to respond to your inquiry about the District of Columbia's permitting process for construction of piers and other structures in the Potomac River. After having reviewed your case, the District of Columbia has determined that the City of Alexandria (a) is not required to obtain District permissions to construct structures located inside the pierhead line; (b) should consult with the U.S. Army Corps of Engineer for the approval process for moving the pierhead line; and (c) is required to receive District Department of the Environment water quality permits should the proposed project result in discharges into the water. This letter provides additional detail about the District's determination, as well as provides points of contact within the District government to whom you may direct further questions.

Findings

Geographically, the bed of the Potomac River is located within the boundaries of the District of Columbia and has been since 1791<sup>1</sup> and the Council of the District of Columbia is generally authorized to make rules and regulations for the government and control of wharves, piers, bulkheads, structures, adjacent waters, basins, slips, docks, and land under the water.<sup>2</sup> Today, except in one area along the Virginia shoreline, the boundary of D.C. ends at the mean high water mark on the Virginia shore and changes with fluctuations in that high water mark. The only area along the Virginia shoreline where this is not true is along the Alexandria waterfront. Along the Alexandria waterfront, the boundary of D.C. ends at the pierhead line, as changed or altered, which boundary was clarified in 1945 by Congress.<sup>3</sup> The clarification act states that from Second Street in Alexandria south to the D.C./Maryland boundary line, the D.C./Virginia boundary follows the "present established pierhead line" and that "wherever the location of the pierhead line along the Alexandria water front is altered, then the boundary shall follow the new location of the pierhead line." Accordingly, the D.C./Virginia boundary runs along the mean high water

<sup>1</sup> See *Smoot Sand & Gravel Corp. v. Washington Airport, Inc.*, 283 U.S. 348 (1931) and *U.S. v. Robertson Terminal Warehouse, Inc.*, 575 F. Supp. 2d 210, 213 (D.C.D.C. 2008).

<sup>2</sup> See Title 5 USC – Appendix, Reorganization Plan No. 3 of 1967, Part IV, Transfer of Functions to the D.C. Council, (9) Public Buildings and Grounds, Pub. L. 90-623, Sec 7(b), Oct 22, 1968, 82 Stat. 1315 (Chapter 9 of Title 5 of the United States Code, Public Buildings and Grounds).

<sup>3</sup> For clarification of the boundary line between the District of Columbia and the Commonwealth of Virginia, see the Congressional Act of October 31, 1945, 59 Stat. 552, D.C. Official Code §1-101, Note codified at D.C. Official Code, vol. 1, p.112 (2001) and D.C. Official Code §1-207.17 (2001). Also, the U.S. Army Corps of Engineers established harbor lines in front of the Alexandria waterfront in 1939, consisting of a bulkhead line and a pierhead line. *Robertson Terminal Warehouse, Inc.*, 575 F. Supp. at 228.



mark on the Virginia shore, but bumps out to the pierhead line adjacent to the Alexandria waterfront, and the Alexandria waterfront is therefore within the territory and jurisdiction of the State of Virginia.

Please note that the bed of the Potomac River is owned by the U.S. and, for purposes other than navigation, is administered by the National Park Service, as part of its National Capital Region.<sup>4</sup> This may trigger the need for the City of Alexandria to receive permission from the National Park Service to construct within the pierhead line. Please also note that the District of Columbia has not researched or made any determinations as to the above requirement, but is flagging the matter for the City of Alexandria to research and make its own determination.

Finally, the City of Alexandria is required to abide by the District's Water Pollution Control Act (the "WPCA"),<sup>5</sup> since riverward of the Alexandria pierhead line is regulated by the District of Columbia. According to the WPCA, no person is allowed to discharge pollutants to the waters of the District without a permit. Depending on the nature and quantity of the pollutants discharged, the District may authorize a permit directly, or may be required to certify federal permits which may be issued by the U.S. Army Corps of Engineers or the U.S. Environmental Protection Agency under the Clean Water Act.<sup>6</sup> To determine which permits are required, whether District and/or federal, the City of Alexandria should contact the District Department of the Environment to discuss the specific nature of the pollutants and the associated permit requirements.

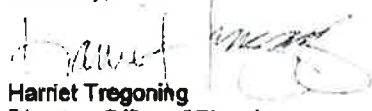
#### Points of Contact

If you should have further questions about this issue, please feel free to contact me directly at (202) 442-7636 and [harriet.tregoning@dc.gov](mailto:harriet.tregoning@dc.gov) or to contact the following specialized experts:

Jurisdiction and Authority: Alan Bergstein, Section Chief, Land Use Division, Office of the Attorney General, at (202) 442-9777 and [alan.bergstein@dc.gov](mailto:alan.bergstein@dc.gov).

Water Quality Permits: Collin Burrell, Associate Director, Water Quality Division, District Department of the Environment, at (202) 535-2255 and [collin.burrell@dc.gov](mailto:collin.burrell@dc.gov).

Sincerely,



Harriet Tregoning  
Director, Office of Planning

cc: Allen Lew, City Administrator  
Christophe Tulou, District Department of the Environment  
Alan Bergstein, Office of the Attorney General

<sup>4</sup> See *Iskcon of Potomac, Inc., v. Kennedy*, 61F.3d 949 (D.C. Cir. 1995).

<sup>5</sup> D.C. Official Code §8-103.01 *et seq.*

<sup>6</sup> Clean Water Act, 33 U.S.C. 1251 *et seq.*

**100            DEFINITIONS**

100.2        When used in this title, the following terms and phrases shall have the meanings ascribed:

Structure: Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term structure shall not include mechanical equipment, but shall include the supports for mechanical equipment. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

SOURCE: Final Rulemaking published at 63 DCR 2447, 2650 (March 4, 2016 – Part 2); as amended by Final Rulemaking published at 63 DCR 10620 (August 19, 2016); as amended by Final Rulemaking published at 63 DCR 10932 (August 26, 2016); as amended by Final Rulemaking published at 63 DCR 15404 (December 16, 2016); as amended by Final Rulemaking published at 64 DCR 340 (January 13, 2017); as amended by Final Rulemaking published at 64 DCR 4055 (April 28, 2017); as amended by Final Rulemaking published at 64 DCR 6110 (June 30, 2017); as amended by Final Rulemaking published at 64 DCR 7254 (July 28, 2017); as amended by Final Rulemaking published at 65 DCR 8555 (August 17, 2018); as amended by Final Rulemaking published at 66 DCR 2337 (February 22, 2019); as amended by Final Rulemaking published at 66 DCR 12137 (September 13, 2019); as amended by Final Rulemaking published at 66 DCR 13705 (October 18, 2019).