



DATE: 06/01/17

TO: Alex Dambach, Land Use Regulatory Services, Division Chief  
Department of Planning and Zoning

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2017-0050  
Administrative Review for Minor Amendment  
Site Use: Restaurant  
Applicant: Blackwall Hitch Alexandria, LLC  
Location: 5 Cameron Street  
Zone: CD / Commercial Downtown

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### **Request**

Special Use Permit #2017-0050 is a minor amendment request to allow for the placement of a tent over the exterior dining area that is typically used during the warmer months. The purpose of this intensification is to extend the period of time the outdoor dining area may be used, including in colder months as well as during periods of inclement weather. No other changes to the operation are proposed.

### **Background**

Currently, Blackwall Hitch operates a 450 seat restaurant at 5 Cameron Street, of which 135 seats are located outside. The restaurant maintains operating hours between 11:30 and 2:00 a.m. on Monday through Friday, and 7:00 a.m. and 2:00 a.m. on Saturday and Sunday. Outdoor seating must be cleared of customers by 11:00 p.m. nightly.

On April 6, 2017 staff visited the subject property and found no violations of the conditions of Special Use Permit #2013-0076. Staff has not received any complaints that would require staff to docket the special use permit for public hearing.

### **Parking**

As there are no changes to the number of seats, conditions #18 through #21 have been carried over from SUP #2013-0076 to ensure compliance with the previously submitted parking plan.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association was sent an e-mail with information about the current application, while the Torpedo Factory Condo Association, Thompson House Condo Association and Queen Row Owners Association were mailed notification of the application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

**Staff Action**

Staff does not object to the minor amendment request as the proposed modification will allow the applicant to increase the amount of time a seasonal space is used. Outdoor seating with a tent over must still adhere to outdoor dining conditions. The proposed intensification will allow for exterior seating to be used outside of the warmer months, however the addition of a tent will not change the previously approved conditions as the maximum amount of seating will remain the same, and outdoor dining conditions have been carried over. Condition #31 has been added to limit the tent to 180 continuous days a year, a tent erected for longer than 180 days is considered permanent and will result in increases to countable square footage for purposes of calculating FAR. Staff has updated conditions where applicable to match current language.

Staff hereby approves the Special Use Permit request.

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

Date: 06/01/17  
Action: Approve



Alex Dambach, Land Use Regulatory Services, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT # 2017-0050**

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2013-00076)
2. Whenever there is a conflict between the provisions of the lease between the City of Alexandria and the applicant, and the conditions imposed under this permit, the conditions of this special use permit shall govern, and the lease shall be amended accordingly. (P&Z) (SUP#2013-00076)
3. The hours of operation for indoor seats shall be limited to between 11:30AM to 2:00AM Monday through Friday, and 7:00AM to 2:00AM Saturday and Sunday. The outdoor dining area shall be closed and cleared of all customers by 11:00PM. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2013-00076)
4. For indoor seats, meals ordered before 2:00AM may be sold, but no new alcohol may be served and no new patrons may be admitted after 2:00 AM. All patrons must leave by 3:00 AM. (P&Z) (SUP#2013-00076)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2013-00076)
6. On-premises alcohol sales may be offered at the restaurant only. (P&Z) (SUP#2013-00076)
7. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2013-00076)
8. The maximum number of total seats at the restaurant shall be 450 seats. (P&Z) (SUP#2013-00076)
9. The outdoor dining areas shall be limited to the areas delineated on accompanying plan drawings as well as the solarium area if that part of the structure is removed. When outside dining facilities are provided, the outdoor dining area shall be properly maintained to be free of litter and cleaned and washed at the close of each business day that it is in use. (P&Z) (SUP#2013-00076)
10. The design improvements and alterations to the building including changes to new awnings, glass cupola, and replacement sliding doors, the applicant must receive approval for a Certificate of Appropriateness from the OHAD Board of Architectural Review prior to the installation of these items. Any other exterior changes to the

building that are visible from a public-right-of-way, including but not limited to, signs, awnings, windows, roofing /siding material replacement, trellis, fencing, exterior light fixtures, new exterior vents, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review. (P&Z/BAR) (SUP#2013-00076)

11. The design elements of the outdoor dining area should, be consistent with the appearance and quality standards approved in the King Street Outdoor Dining Design Guidelines; i.e., tables and chairs are not permitted to be white plastic, etc. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning or, if required, the Board of Architectural Review, for review and approval. (P&Z) (SUP#2013-00076)
12. Amplified sound shall be limited to background music at or below 60 decibels at the property line and shall be discontinued at 11:00 PM or when there is a City-sponsored program in the Marina area. (P&Z)(T&ES) (SUP#2013-00076)
13. **CONDITION AMENDED BY STAFF:** Live entertainment shall be limited to indoors only providing ambient/background music for patrons and should be subordinate to the restaurant use. Noise levels shall not exceed 60 decibels measured at the property line per the Alexandria City Code. On a limited basis, when sound is transmitted to the outdoor dining areas it will be managed through the use of directional speakers and other noise mitigating tools and must be discontinued at 11:00 PM. No live entertainment and amplified music are allowed in the proposed tent area at any time. (P&Z)(TES) (SUP#2013-00076)
14. No admission or cover fee shall be charged for live entertainment. 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. (P&Z) (SUP#2013-00076)
15. No customer delivery service shall be available from the restaurant. (P&Z) (SUP#2013-00076)
16. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be placed in sealed containers maintained in the Torpedo Factory Office Building/Food Court Complex loading and unloading dock area off Thompsons Alley. ~~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 on site outside of those containers.~~ Trash and garbage shall be stored inside or in sealed containers 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. 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. (P&Z) (T&ES)  
(SUP#2013-00076)

17. 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#2013-00076)
18. The applicant shall require its employees who drive to use off-street parking. In order to achieve this, the applicant shall provide employees who use mass transit with subsidized bus and rail fare media and also provide subsidies for off street parking. The applicant shall also post DASH and Metrobus schedules on-site for employees. Furthermore, the applicant shall conduct a survey of all of its employees every six months to document the method each employee uses to get to work as well as the exact locations where each employee who drives parks his/her car. The results of each survey shall be provided to the City upon request. (P&Z)(T&ES) (SUP#2013-00076)
  - a. Employees who drive to work must park off-street, preferably in the Thompson Alley garage according to the terms of lease between the City and the tenant.
  - b. If the Director of Planning and Zoning and the Director of Transportation and Environmental Services find parking conditions in the area to be impacted by on-street employee parking based on the biannual employee parking survey results conducted by the applicant, the applicant shall lease employee parking spaces in off-street facilities.
19. The applicant shall provide membership in the Capital Bikeshare program to its employees who request to participate. (SUP#2013-00076)
20. The applicant will encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website and through subsidies for off-street parking by way of the offering of a one dollar (\$1) off discount on the cost of the meal order for each diner that presents a parking space ticket to restaurant staff at the time the patron requests its bill. (SUP#2013-00076)
  - a. The City will monitor on- and off-street parking in Old Town as milestones in Waterfront Plan implementation occur, as outlined in the Waterfront Small Area Plan and discussed by the Old Town Area Parking Study (OTAPS) work group.
  - b. If the Director of Planning and Zoning and the Director of Transportation and Environmental Services find parking conditions in the area to be significantly impacted by patron parking, the applicant will take steps to mitigate that impact, such as participating in a citywide parking valet program (if offered by the City at that time) or provide a private valet service to increase the

capacity of the Thompson Alley Garage and to utilize other off-street parking options.

21. The applicant shall comply with the Parking Plan submitted with the revised application, dated November 8, 2013, which is hereby incorporated into this Special Use Permit. Modifications to the Parking Plan as required shall be made to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES)(P&Z) (SUP#2013-00076)
22. The proposed fire pits located on the rear deck shall meet all appropriate building and fire prevention requirements to the satisfaction of the Alexandria Fire Department and Fire Marshall. (P&Z) (SUP#2013-00076)
23. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2013-00076)
24. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES) (~~SUP#2013-00076~~)
25. **CONDITION AMENDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (~~SUP#2013-00076~~)
26. The applicant shall only utilize the Torpedo Factory Office Building/Food Court loading and unloading dock that is located off Thompsons alley for deliveries and refuse removal. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00PM and 7:00AM. (P&Z)(T&ES) (SUP#2013-00076)
27. 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#2013-00076)
28. The applicant shall be responsible for the maintenance and landscaping within planter boxes located immediately adjacent to the property on the west, east, and the southern elevations of the site through a maintenance agreement/adopt-a-garden program between the applicant and the City. (RPCA)(P&Z) (SUP#2013-00076)
29. The applicant shall provide utility connections and rough-in construction for public restrooms to serve the Marina and Waterfront. The City acknowledges that it is responsible for the final design and finishing as well as the operations and maintenance of the public restrooms. Should such a time occur that the City determine an alternate location for public restrooms along the Torpedo Factory

Marina Plaza area, the area designated for public restrooms shown on the plan drawings will revert back to the control of the lessee once other public restrooms become available on the Waterfront. (RPCA) (SUP#2013-00076)

30. **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#2013-00076~~)
  
31. **CONDITION ADDED BY STAFF:** A tent may be erected on the northern deck for no more than 180 continuous days a year. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Condition #12: Amplified sound shall be limited to background music at or below 60 decibels at the property line and shall be discontinued at 11:00 PM or when there is a City-sponsored program in the Marina area. (T&ES) (SUP#2013-00076)
- R-2 Condition #13: **CONDITION AMENDED BY STAFF**: Live entertainment shall be limited to indoors only providing ambient/background music for patrons and should be subordinate to the restaurant use. Noise levels shall not exceed 60 decibels measured at the property line per the Alexandria City Code. On a limited basis, when sound is transmitted to the outdoor dining areas it will be managed through the use of directional speakers and other noise mitigating tools and must be discontinued at 11:00 PM. No live entertainment and amplified music are allowed in the proposed tent area at any time. (T&ES)
- R-3 Condition #17: **CONDITION AMENDED BY STAFF**: Trash and garbage shall be placed in sealed containers maintained in the Torpedo Factory Office Building/Food Court Complex loading and unloading dock area off Thompsons Alley. ~~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 on site outside of those containers.~~ Trash and garbage shall be stored inside or in sealed containers 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. 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. (P&Z) (T&ES)
- R-4 Condition #18: The applicant shall require its employees who drive to use off-street parking. In order to achieve this, the applicant shall provide employees who use mass transit with subsidized bus and rail fare media and also provide subsidies for off street parking. The applicant shall also post DASH and Metrobus schedules on-site for employees. Furthermore, the applicant shall conduct a survey of all of its employees every six months to document the method each employee uses to get to work as well as the exact locations where each employee who drives parks his/her car. The results of each survey shall be provided to the City upon request. (T&ES) (SUP#2013-00076)

- a. Employees who drive to work must park off-street, preferably in the Thompson Alley garage according to the terms of lease between the City and the tenant.
  - b. If the Director of Planning and Zoning and the Director of Transportation and Environmental Services find parking conditions in the area to be impacted by on-street employee parking based on the biannual employee parking survey results conducted by the applicant, the applicant shall lease employee parking spaces in off-street facilities.
- R-5 Condition #19: The applicant shall provide membership in the Capital Bikeshare program to its employees who request to participate. (T&ES) (SUP#2013-00076)
- R-6 Condition #20: The applicant will encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website and through subsidies for off-street parking by way of the offering of a one dollar (\$1) off discount on the cost of the meal order for each diner that presents a parking space ticket to restaurant staff at the time the patron requests its bill. (P&Z) (T&ES) (SUP#2013-00076)
- c. The City will monitor on- and off-street parking in Old Town as milestones in Waterfront Plan implementation occur, as outlined in the Waterfront Small Area Plan and discussed by the Old Town Area Parking Study (OTAPS) work group.
  - d. If the Director of Planning and Zoning and the Director of Transportation and Environmental Services find parking conditions in the area to be significantly impacted by patron parking, the applicant will take steps to mitigate that impact, such as participating in a citywide parking valet program (if offered by the City at that time) or provide a private valet service to increase the capacity of the Thompson Alley Garage and to utilize other off-street parking options.
- R-7 Condition #21: The applicant shall comply with the Parking Plan submitted with the revised application, dated November 8, 2013, which is hereby incorporated into this Special Use Permit. Modifications to the Parking Plan as required shall be made to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES) (SUP#2013-00076)
- R-8 Condition #25: **CONDITION AMENDED BY STAFF**: Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-9 Condition #26: **CONDITION AMENDED BY STAFF**: All waste products including but not limited to organic compounds (solvents and cleaners), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)

- R-10 Condition #27: The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2013-00076)
- R-11 Condition #28: The applicant shall only utilize the Torpedo Factory Office Building/Food Court loading and unloading dock that is located off Thompsons alley for deliveries and refuse removal. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00PM and 7:00AM. (T&ES) (SUP#2013-00076)
- R-12 Condition #29: 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#2013-00076)
- C-1 **ADDED BY STAFF**: 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 City Council 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 **ADDED BY STAFF**: The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 **ADDED BY STAFF**: Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

**Code Enforcement:**

No comments received.

**Health Department:**

No comments received.

**Parks and Recreation:**

No comments received.

Police Department:

No comments received.

Fire Department:

- F-1 Applicant shall submit a floor plan showing seating layout, isle widths, any heat source, electrical sources, and exit locations to ensure a code compliant setup.
- F-2 Applicant shall submit manufacturer's data sheets, flame spread certificate, and smoke development certificate for the tent.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0050. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 5 Cameron Street.



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Applicant - Signature



\_\_\_\_\_  
Date

Blackwall Hitch Alexandria, LLC,  
By: Duncan W. Blair, Attorney

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Applicant - Printed

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Date