

*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2019-0088

Approved by Planning and Zoning: December 4, 2019

Permission is hereby granted to: Crafty Crab Alexandria Inc.

to use the premises located at: 5770 Dow Avenue

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

9/28/2020

Date

*Karl Moritz* (by T. LaColla)

Karl Moritz, Director  
Department of Planning and Zoning

DATE: December 4, 2019

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

FROM: Max Ewart, Planner I, Land Use Services  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0088  
Administrative Review for a Change of Ownership  
Site Use: Restaurant  
Applicant: Crafty Crab Alexandria Inc.  
Location: 5770 Dow Avenue  
(Parcel address: 650 South Van Dorn Street)  
Zone: CDD #17/Coordinated Development District – Landmark Gateway

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**Request**

Special Use Permit #2019-0088 is a request for a change of ownership to operate a restaurant in an existing 5,574 square foot commercial tenant space at 5770 Dow Avenue from Portner Brewhouse, LLC to Crafty Crab Alexandria, Inc. The restaurant would serve seafood and operate under the name Crafty Crab Seafood. The applicant does not propose any additional changes to the operation and would operate under the conditions of the previously approved Special Use Permit #2016-0051.

The applicant would continue to operate according to these operational details:

Hours of Operation: 11 a.m. – 11 p.m., Monday Through Thursday  
11 a.m. – 12 a.m., Friday and Saturday  
10 a.m. – 11 p.m., Sunday

Seating: Indoor seats (when outdoor seats are in use): 156  
Indoor seats (when outdoor seats are not in use): 166  
Outdoor seats: 73

Noise: Minimal noise is expected

Odors: Minimal odors from a restaurant are expected

Alcohol Sales: On and off-premises alcohol sales are permitted

**Background**

In January 2012, City Council approved DSUP #2011-0030 for the construction of the three building Modera Tempo mixed-use development, composed of 15,000 square feet of ground floor commercial space and 492 upper floor residential units. The DSUP approved a 58-space outdoor surface parking lot for the commercial uses and a parking garage consisting of 694 spaces,

primarily for residential use. On November 16, 2019, City Council approved DSUP #2019-0021 for a reallocation of parking spaces, shifting 44 of the spaces originally designated for residential use to commercial use. The addition of 44 commercially designated spaces in the parking garage accounts for 102 total spaces that may be commercially used in the Modera Tempo development.

In October 2015, staff administratively approved SUP #2015-0089 to operate the Portner Brewhouse restaurant with 156 indoor seats and 20 outdoor seats. City Council approved SUP #2016-0051 for an amendment to permit an additional 53 seats, allow off-premises alcohol sales and for a 14-space parking reduction. There have been no zoning violations at this site.

**Parking**

Section 8-200(A)(17)(a) requires restaurants in the Enhanced Transit Area to provide one parking space for every 1,000 square feet of floor area. The 5,574 square foot restaurant would be required to provide six parking spaces in the shared commercial parking areas.

At the date of this Special Use Permit, the other uses occupying the commercial space at the Modera Tempo site include two health profession offices and three existing restaurants. Two health profession offices occupy approximately 3,500 square feet of space and the three restaurants occupy approximately 6,500 square feet. These uses would be required to provide a total of 13 parking spaces, when combined with the proposed restaurant's parking requirement, the commercial uses are required to provide a total of 19 parking spaces, which is satisfied by the on-site commercial parking accommodations of 102 spaces. The parking reduction approved in SUP #2016-0051, therefore, is no longer required for this use.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, The Cameron Station Civic Association was sent an email notification regarding the current application. Staff did not receive any comments regarding the application.

**Staff Action**

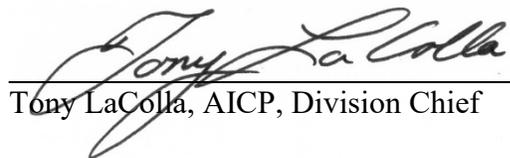
Staff supports the applicant's request for a change of ownership of a restaurant located at 5770 Dow Avenue. The request to change the ownership of the business is reasonable and the use would fill a recently vacated restaurant space in a growing residential area.

Staff has carried over conditions from the previously approved Special Use Permit, deleting those that are no longer relevant and amending others to reflect present-day condition language. Conditions #14 and #15, requiring the applicant to inform employees about public transit and carpool options, have been deleted and replaced with Conditions #27 and #28, which reference the use of GoAlex programs to promote public transportation use. Condition #26, requiring the applicant to submit the lease agreement for parking spaces in the parking garage to the Director of Planning and Zoning, was deleted because the parking reduction is no longer required. Staff has also amended and added conditions to represent present-day standard condition language for restaurant uses.

Staff hereby approves this special use permit request.

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

Date: December 4, 2019  
Action: Approved



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Tony LaColla, AICP, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2019-0088**

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2015-0089)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be 156 during the time when the 73 outdoor dining seats are in use. The maximum number of indoor seats at the restaurant shall be 166 seats during the time when outdoor dining is not in use. Consistency with the Building Code and compliance with the requirements of ~~DSUP\_2011-0030~~#2019-0021, Condition #8a is required. The maximum number of outdoor seats at the restaurant shall be 73. At no time shall the total number of indoor and outdoor seats at the restaurant exceed 229. (P&Z) (~~SUP #2016-0051~~)
3. The hours of operation for the indoor portion of the restaurant shall be limited to between 11 a.m. and 11 p.m., Monday through Thursday; 11 a.m. and 12 a.m., Friday and Saturday, and 10 a.m. to 11 p.m. on Sunday. For indoor seating, meals ordered before 11 p.m., Sunday to Thursday may be sold, but no new restaurant patrons may be admitted after 11 p.m. and all patrons must leave by 12 a.m. For indoor seating, meals ordered before 12 a.m., Friday and Saturday may be sold, but no new restaurant patrons may be admitted after 12 a.m. and all patrons must leave by 1 a.m. The outdoor dining area shall be cleared of customers by 11 p.m., Sunday through Thursday and by 12 a.m., Friday and Saturday. The outdoor dining area shall be washed at the close of each business day that it is in use. (P&Z) (SUP #2015-0089)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2015-0089)
5. Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z) (T&ES) (SUP #2015-0089)
6. Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z) (SUP #2015-0089)
7. On-premises alcohol service shall be permitted at the restaurant, consistent with a valid Virginia ABC license. The sale of off-premises alcohol may be permitted at the restaurant. Off-premises beer may be sold only in 4-packs, 6-packs, 22-ounce large format bottles or growlers of 32 to 64 fluid ounces. Accessory to the restaurant use, kegs of beer may be sold. (PC) (City Council) (SUP #2016-0051)
8. No live entertainment shall be allowed in the indoor or outdoor seating areas of the restaurant. (P&Z) (T&ES) (SUP #2015-0089)

9. No delivery service of food to customers shall operate from the restaurant. (P&Z) (SUP #2015-0089)
10. **CONDITION AMENDED BY STAFF:** All signage at the site shall comply with Condition #46 and #47 of DSUP #2011-0030 #2019-0021 and all other applicable codes and ordinances. (P&Z) (SUP #2015-0089)
11. 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 #2015-0089)
12. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2015-0089)
13. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (T&ES) (SUP #2015-0089)
14. **CONDITION DELETED AND REPLACED WITH CONDITION #28:** ~~The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES) (SUP #2015-0089)~~
15. **CONDITION DELETED AND REPLACED WITH CONDITION #27:** ~~The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (T&ES) (SUP #2015-0089)~~
16. At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES) (SUP #2015-0089)
17. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP #2015-0089)
18. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T&ES) (SUP #2015-0089)
19. 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 #2015-0089)

20. The use shall comply with the city's noise ordinance. All outdoor speakers shall be prohibited. No amplified sound shall be audible at the property line. (T&ES)
21. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES) (SUP #2015-0089)
22. Supply deliveries, loading, and unloading activities shall not occur between the hours of 10:00pm and 7:00am. Deliveries are prohibited on South Van Dorn and South Pickett Streets. (T&ES) (SUP #2015-0089)
23. 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 #2015-0089)
24. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP #2015-0089)
25. **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 #2016-0051)
26. ~~**CONDITION DELETED BY STAFF:** The applicant shall provide a signed lease agreement to the Director of Planning and Zoning indicating that at least eight parking spaces in the on-site garage are made available for its employees prior to final approval of the Certificate of Occupancy. The applicant shall provide an up-to-date contract upon request during SUP inspections. (P&Z) (SUP #2016-0051)~~
27. **CONDITION ADDED BY STAFF:** 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. (P&Z)
28. **CONDITION ADDED BY STAFF:** 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. (P&Z)

29. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
  
30. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0088. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 5770 Dow Avenue.

DocuSigned by:  
  
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Applicant – Signature

9/29/2020  
Date

MING ZHANG  
Applicant – Printed

9/29/2020  
Date