

Docket Item #6
SPECIAL USE PERMIT #2006-0029

Planning Commission Meeting
June 6, 2006

ISSUE: Consideration of a request for a special use permit to operate a restaurant (bakery/cafe).

APPLICANT: Bruegger's Enterprises, Inc.
by Duncan Blair, attorney

LOCATION: 606 King Street

ZONE: KR/King Street Urban Retail

PLANNING COMMISSION ACTION, JUNE 6, 2006: On a motion by Mr. Robinson, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend condition #10, as well as the addition of condition #20. The motion carried on a vote of 6 to 0. Mr. Dunn was absent.

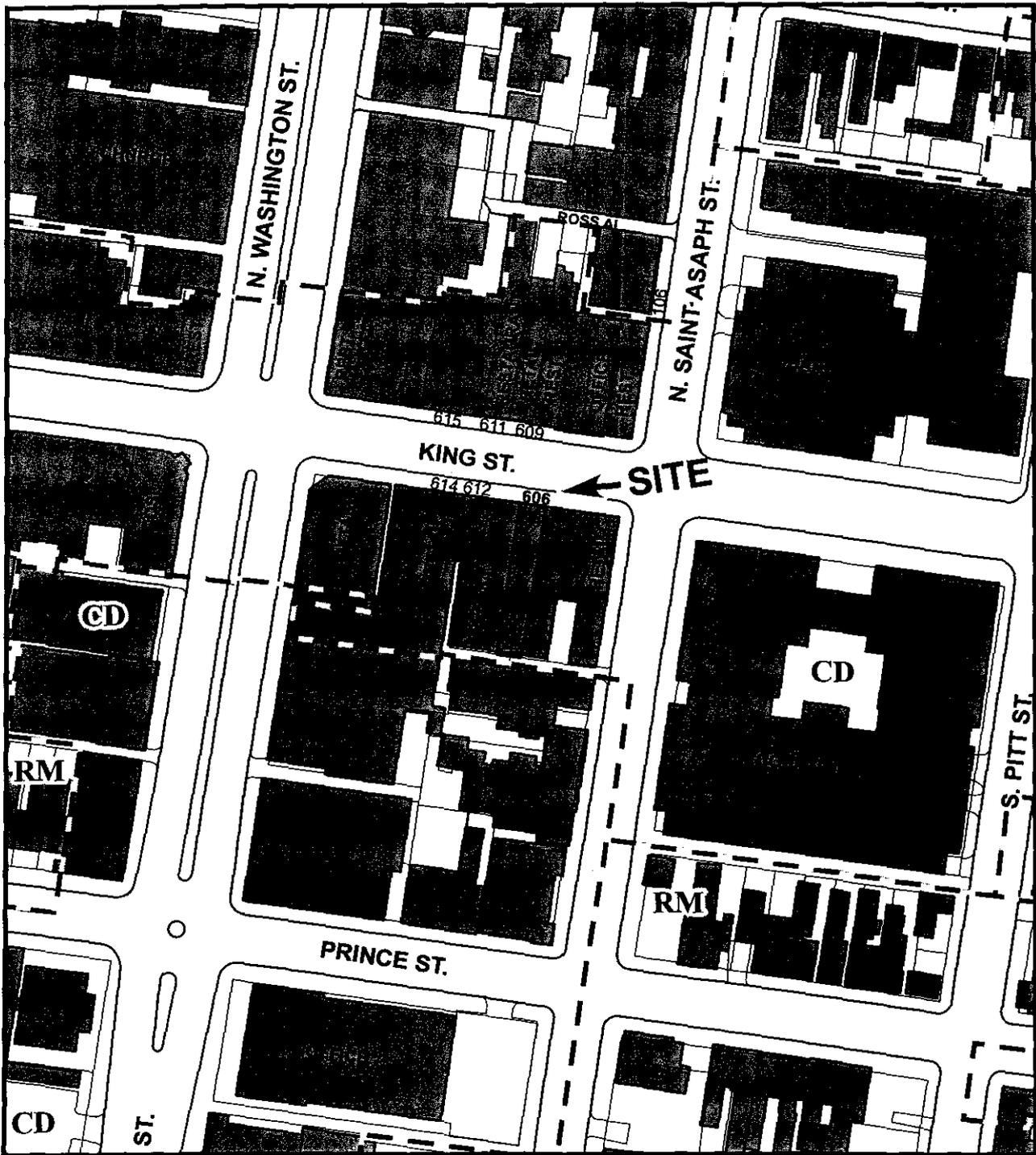
Reason: The Planning Commission was supportive of the proposed restaurant to be located within the 600 block of King Street and found that with the amendment of condition #10 and addition of condition #20 regarding employee parking to be located off-street, the use will not have significant impacts on the neighborhood.

Speakers:

Mr. Michael Hobbs president of the Old Town Civic Association spoke against the request, stating that the approval of the application would conflict with the King Street Retail Strategy as well as the Old Town Restaurant Policy. Mr. Hobbs requested an amendment to condition #2 limiting the hours to 6am to 6pm daily, an amendment to condition #10, and to substitute condition #12 to state the R-5 recommendation by T&ES. Mr. Hobbs also requested an additional condition requiring all employees to park off-street.

Mr. Duncan Blair, representing the applicant, stated that the balance of the 600 block of King Street is changing and since the McDonald's restaurant has left the block and the request by the applicant to be located on the block, would not change the balance of chain restaurants. Mr. Blair also indicated that he had no objections to Old Town Civic Association's request to amend condition #10 and to add a condition requiring that employees park off-street.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2006-0029

06/06/06



I. DISCUSSION

REQUEST

The applicant, Bruegger's Enterprises, Inc., requests special use permit approval for the operation of a restaurant and carry-out located at 606 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 21 feet of frontage on King Street, 124.2 feet of depth and a total lot area of 2,608.2 square feet. The site is developed with a two story commercial building that was previously occupied by BB&T Bank.



The surrounding area is occupied by a mix of restaurants, retail, and commercial uses. Immediately to the north is the previous location of Founder's Restaurant and most recently approved for a La Tasca Restaurant and Bar in January 2006 (SUP#2005-0118). An un-named alley runs from St. Asaph Street to the middle of the block. To the south is a mix of business and professional offices, as well as other commercial uses. To the west and east is Hallmark and Raul's Men's Wear, respectively.

BACKGROUND

In the past, the commercial space has been occupied by F&M Bank, Bank of Alexandria, and most recently by BB&T Bank. Staff is not aware of any complaints from the previous occupants of the location.

Bruegger's Bakery is a chain restaurant that began operation in New England, in 1983. The company currently operates approximately 250 restaurants throughout the United States with more expected to come.

PROPOSAL

The applicant proposes to operate a bakery/cafe' and carry-out to be located at 606 King Street. The applicant proposes to offer fresh hot bagels , unique coffee blends, specialty sandwiches, fresh-made salads, carb-friendly wraps, stone hearth breads, soups, and desserts. The specific aspects of the restaurant as proposed by the applicant are as follows:

Hours:	6am- 6pm Daily
Number of seats:	48

Number of patrons/week:	2,700
Noise Impacts:	None
Entertainment:	No live entertainment is being proposed.
Alcohol:	Alcohol sales are not being proposed.
Trash/Litter:	Cardboard delivery boxes and from general restaurant operations (product remnants). Trash and garbage will be deposited and stored in the commercial dumpster on the dumpster pad in the alley at the rear of the building. The applicant proposes approximately ½ dumpster of trash per day and a commercial garbage pick up three times per week. Restaurant staff will police the adjacent right-of-way for litter.
Hazardous Materials and Organic Compounds:	The applicant proposes small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business will be stored, used as solvents, and disposed of in accordance with applicable regulations.

PARKING

According to Section 8-300 (B) of the Zoning Ordinance, parking provisions do not apply to restaurants located within the Central Business district.

As part of the King Street Retail Strategy, a validated parking program, similar to “Park Alexandria,” was recommended in order to encourage the use of garages. The parking validation program would involve negotiating agreements with garage operators to accept a subsidy given by King Street restaurants to be used for customer’s parking. Both garage operators and restaurants calculate the amount that has been subsidized and the restaurant will pay the subsidized amount due to garage operators for allowing their customers to park there. At this time, the validated parking program does not exist, however it is anticipated to be operational by December 2007.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the King Street Urban Retail (KR) zone. Section 6-702 (A) (2) of the Zoning Ordinance allows a restaurant in the King Street Urban Retail (KR) zone only with a special use permit.

The proposed use is consistent with the King Street Urban Retail Strategy chapter of the Master Plan which designates the property for commercial use.

BOARD OF ARCHITECTURAL REVIEW

The subject property is located within the Old and Historic Alexandria District and is under the purview of the Board of Architectural Review (BAR) for any exterior changes visible from the public right-of-way. The application includes proposed new signage, awnings, and what appears to be alteration to the storefront, all of which require BAR review and approval. All changes visible from the public right-of-way, including but not limited to new signage, awnings, or other exterior alterations would require BAR review and approval.

II. STAFF ANALYSIS

Staff has no objections to the proposed bakery café to be located at 606 King Street. The proposed restaurant will contribute to the increased vitality of King Street and will also add to the mix of restaurant opportunities in the area. The applicant is not proposing live entertainment. The King Street Retail Strategy indicates that by 2008, there will be a warranted demand for additional restaurant space along King Street. Staff finds that the café will be a positive step in maintaining an active commercial area along King Street. The restaurant is not expected to negatively impact the nearby neighborhood given the nature of the café.

Staff supports the special use permit for a Bruegger's Bagels restaurant at 606 King Street for three principal reasons:

- This action would place an “active” restaurant use in a ground floor location that until now has been an “inactive” office use. This is in concordance with the goals of the *King Street Retail Strategy*.
- The proposed restaurant is compatible and complementary with existing surrounding uses, chiefly restaurants and retail.
- The Department of Planning and Zoning has worked with the applicant to ensure a high quality of interior decor that is in keeping with the upscale and exclusive nature of King Street.

The goals of the ongoing *King Street Retail Strategy* are very relevant to this application. One of the major thrusts of the *Strategy* is to improve the feel of King Street by replacing ground-floor office or bank uses with more active retail and restaurant uses. This subject location is exactly such a site – a ground-floor space that was formally used as a bank but is now vacant. Having an active restaurant tenant in this site would help to add more street-level activity to King Street.

The proposed Bruegger's Bagels restaurant would provide a mix of restaurant types within the 600 block of King Street. While quick service restaurants are not generally favored along King Street, the 600 block presents a different set of circumstances than elsewhere on King Street. In addition, the unique and upscale nature of King Street demands a higher standard of design, which this application addresses through quality upscale design standards. An active tenant, such as Bruegger's Bagels, in this space will be an improvement for Lower King Street and will provide a convenience for area office workers and residents. The Department of Planning and Zoning considers the desirability of quick service (fast food) restaurants on a case-by-case basis, and in this instance the proposed restaurant is clearly an improvement for the King Street corridor.

The issue of quick service restaurants has been discussed as part of the *King Street Retail Strategy* and there is general agreement that quick service restaurants, especially if part of a national chain and especially in a location where there are a number of similar restaurants, can detract from King Street's unique and eclectic retail character. In addition, the higher rents that such restaurants can typically afford tend to drive out local non-franchise entrepreneurs. Finally, the typical fast food design, with garish lighting and signage and plastic furniture and fixtures, is not compatible with the character of King Street. Because quick service restaurants can be problematic, the *Strategy* retains the requirement of a special use permit, even while affording full service restaurants the potential of an administrative approval.

In reviewing an application for a quick service restaurant, staff looks at whether the proposal is compatible with King Street's eclectic retail character; whether there are too many similar restaurants in the proposed location; and whether the design can be upgraded to a warm, inviting interior. In this case, there are neighboring restaurants that, while catering to nearby employees, are not national chains and are not the typical fast food restaurants. The area surrounding this proposed Bruegger's Bagels location is characterized by commercial offices, retail, and a hotel, and will benefit from this activity. Therefore, on balance, staff supports the application, and has included conditions outlining the upgraded interior design as a requirement.

The restaurant does not have a parking requirement under the Central Business District section of the Zoning Ordinance, however, the restaurant is required by the Old Town Restaurant Policy to address the need for off-street parking. The business is expected to serve a combination of local workers, residents, and tourists who walk to the restaurant from nearby shops and hotels. Staff recommends that the applicant participate in any parking validation program that is formed as a result of the King Street Retail Strategy. The King Street Retail Strategy encourages a number of strategies to address both employee and patron parking issues including parking subsidies and valet parking. Currently, the program is not in operation, however it is anticipated to be in operation by December 2007.

Parking management along King Street is a complex issue that affects every business. To alleviate on-street parking and encourage transit use, T&ES is recommending a new condition for all new

SUP's on King Street which requires the applicant to provide transit subsidies for employees. While this approach may encourage transit use, it also creates a potentially heavy burden on an individual business owner. The King Street Retail Strategy identifies a number of strategies to consider to improve parking management on King Street as part of a coordinated and comprehensive plan. Until the issues of parking are addressed comprehensively, staff finds that the existing standard conditions are sufficient for individual businesses that require special use permits, particularly this and another small restaurant currently being considered. These standard conditions include: posting information for employees about transit opportunities, and requiring employees that drive to park off the street. The feasibility and effectiveness of transit subsidies could be explored as part of a comprehensive parking management plan as recommended in the King Street Retail Strategy.

Staff has included a condition requiring a review of the restaurant one year after this approval so if there are any problems with its operation, additional conditions may be imposed. With the proposed conditions, staff recommends approval of the subject application.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to 5am - 11pm daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The seating capacity shall be limited to 50 seats. (P&Z)
5. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
6. Trash and garbage shall be place in sealed containers 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 and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
7. No live entertainment shall be provided at the restaurant. (P&Z)

10. **CONDITION AMENDED BY THE PLANNING COMMISSION:** The applicant 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 Study., ~~at least to the extent already required by this SUP with regard to employee and customer parking.~~ (P&Z) (PC)
11. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees. (Police)
12. The applicant shall encourage its employees 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. (P&Z)
13. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
14. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
17. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
18. The applicant shall prepare a design plan to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and Zoning and shall include the following elements: (P&Z)
 - a. No lighted signage in the windows is permitted.
 - b. Lighting fixtures in the dining area and the serving area shall not contain fluorescent bulbs, tubes, or other fluorescent lighting elements.

- c. Furniture to be situated near the windows shall consist of wood tables and wood chairs with cloth upholstery.
 - d. Flooring within the dining area shall be ceramic tile.
 - e. Any tiling on the vertical surface of the cashier/service counter shall be a generally solid color and/or design.
 - f. Interior doors leading to or from the dining area shall be constructed of paneled wood.
 - g. Decorative wood interior trim shall include moldings and other detail, such as rosettes.
 - h. Menu boards, if any, shall not be backlighted or have any internal lighting.
19. 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 a 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)
20. **CONDITION ADDED BY THE PLANNING COMMISSION: The applicant shall require that its employees who drive to work use off-street parking. (PC)**

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
James Hunt, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-3 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-4 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-5 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
Staff did not include this recommendation as a condition of the SUP. (See Analysis Section)
- C-1 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.
- F-1 T&ES has no objection to the proposed restaurant use.

Code Enforcement:

- F-1 The applicant requests seating for 48 patrons. Should the total occupant load (patrons + employees) exceed 50 persons, a second approved means of egress will be required.
- C-1 The current use is classified as B. Business; the proposed use is A, Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 A new Certificate of Use of Occupancy is required prior to opening (USBC 119.1).
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-7 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-9 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-10 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is require for all regulated facilities. Permits are non-transferable
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plan must comply with the Alexandria City Code, Tittle 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities
- C-4 Certified Food Managers must be on dut7 during all hours of operation
- C-5 Provide a menu or list of foods to be handled at this facility to the Health Department prior to operating.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs with this.

Special Use Permit # 2006 0029

APPLICATION for SPECIAL USE PERMIT # _____

PROPERTY LOCATION: **606 King Street, Alexandria, Virginia**

TAX MAP REFERENCE: **074.02 09 08** ZONES: **CD/Commercial Downtown**

APPLICANT Name: **Bruegger's Enterprises, Inc.**

Address: **159 Bank Street, Burlington, Vermont 05401**

PROPERTY OWNER Name: **Edward Woolf and Elaine W. Stokols, Trustees**

Address: **6510 Gretna Green Way, Alexandria, Virginia 22312**

PROPOSED USE: **Special Use Permit to operate a restaurant.**

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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.

Land, Clark, Carroll, Mendelson & Blair, P.C.
Duncan W. Blair, Esquire



Print Name of Applicant or Agent

Signature

524 King Street

Mailing/Street Address

Telephone #

(703) 836-1000

Fax #

(703) 549-3335

d Blair@landclark.com

Alexandria, Virginia 22314

City and State Zip Code

Date

March 28, 2006

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

14

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (*check one*) the 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, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Bruegger's Enterprises, Inc., a Delaware corporation is 100% owned by Bagel Acquisition Corp., a Delaware corporation. The owners of Bagel Acquisition Corp., a Delaware corporation are Sun Bagel, LLC and Pilgrim Holdings, LLC. Bruegger's Enterprises, Inc.'s address is 159 Bank Street, Burlington, Vermont 05401.

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.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

See attached floor plan, preliminary exterior elevation and interior layout of a Bruegger's Bakery Café.

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, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

Bruegger's Enterprises, Inc., a Delaware corporation (the "Applicant") is requesting a special use permit to open a Bruegger's Bakery Café at 606 King Street in the Central Business District of the Old and Historic District of the City of Alexandria. Bruegger's Bakery Cafés are quick restaurants primarily serving breakfast and lunch offering both eat-in and take-out service. (See: www.brueggers.com for additional information.)

Bruegger's Bakery Cafés offers fresh hot bagels, unique coffee blends, specialty sandwiches, fresh-made salads, carb-friendly wraps, stone hearth breads, deli style sandwiches, soups, desserts and original cream cheese in an assortment of flavors. Bruegger's most famous and best selling product is its variety of authentic New York-style, water boiled bagels that are fresh baked and served hot. (Attached is a copy of a typical Bruegger's Bakery Café menu.)

USE CHARACTERISTICS

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

a new use requiring a special use permit,

a development special use permit,

an expansion or change to an existing use without a special use permit,

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).

The Applicant anticipates the Bruegger's Bakery Café will server approximately 2,700 patrons a week. Patron will consist primarily of nearby residents, employees of nearby businesses, shoppers and visitors to the Old and Historic District of Alexandria.

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

Bruegger's Bakery Café will employ on a full or part time basis approximately nine (9) employees working in two overlapping shifts per day. The anticipated number of employees on site at any one time is six (6), a general manager, a baker and four (4) line servers from 6:00 A.M. to 2:00 P.M. and three (3) employees from 2:00 P.M. until closing.

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

Day:

Hours:

Monday – Sunday

6:00 A.M. – 6:00 P.M.

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

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

It is not anticipated that noise levels will exceed permitted levels under the Alexandria City Code.

B. How will the noise from patrons be controlled?

It is not anticipated that patron noise will be a source of complaints; as such, no extraordinary noise mitigation and control measures are warranted.

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

It is not anticipated that offensive odors will emanate from the use of the property as a bakery café. All cooking equipment will be equipped with an exhaust system filtering and venting to the exterior of the building in accordance with City regulations.

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?

The type of volume of trash and garbage generated by the restaurant will be mainly refuse from products received (i.e. cardboard delivery boxes) and from general restaurant operations (product remnants). Trash and garbage will be deposited and stored in the commercial dumpster on the dumpster pad at the rear of the building.

B. How much trash and garbage will be generated by the use?

Bruegger's Bakery Café will generate approximately ½ dumpster of trash and garbage per day.

C. How often will trash be collected?

Trash and garbage will be collected by a commercial collector at least three (3) days a week.

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

Litter is not an anticipated problem; however, the restaurant's staff will self-police the adjacent right-of-way.

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:

Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

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:

Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

12. What methods are proposed to ensure the safety of residents, employees and patrons?

The location and hours of operations Bruegger's Bakery Café should provide a safe environment for its patrons and staff. It is not anti that extraordinary security measures will be required.

ALCOHOL SALES

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

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

None. The property is located within the Downtown Central Business District and is exempt from parking requirements.

B. How many parking spaces of each type are provided for the proposed use:

- N/A Standard spaces
- Compact spaces
- Handicapped accessible spaces.
- Other.

C. Where is required parking located? on-site off-site (*check one*)

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

N/A

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.

D. 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.

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

A. How many loading spaces are required for the use, per section 8-200 (B) of the Zoning ordinance? **None.**

B. How many loading spaces are available for the use?

One loading space is available behind the building.

C. Where are off-street loading facilities located? **Behind the building.**

D. During what hours of the day do you expect loading/unloading operations to occur?

The Applicant expects to load and unload in the morning before 7:00 A.M.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

The majority of loading/unloading will occur two (2) times per week on week days.

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?

Street access to the property is adequate.

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? N/A square feet.

18. What will the total area occupied by the proposed use be?

4,000 sq. ft. (existing) + _____ sq. ft. (addition if any) = 4,000 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: **Mixed use, downtown commercial structure.**

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: **48** At a bar: **N/A** Total number proposed: **48**

2. Will the restaurant offer any of the following?

NO Alcoholic beverages **NO** Beer and wine (on-premises)

NO Beer and wine (off-premises)

3. Please describe the type of food that will be served:

Fresh baked bagels, cream cheese, egg sandwiches, coffee and make-to-order café items including deli sandwiches, soups, salads, drinks and desserts (e.g. cookies, brownie bars, etc.).

4. The restaurant will offer the following service (check items that apply):

 X table service* bar **X** carry-out delivery

***There is no wait staff.**

5. If delivery service is proposed, how many vehicles do you anticipate? **NO**

Will delivery drivers use their own vehicles? Yes. No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. **X** No.

If yes, please describe:

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

OLD TOWN RESTAURANT POLICY

(Changes to Old Town Small Area Plan Chapter of the Master Plan, Adopted by City Council on November 13, 1993.)

On November 13, 1993 the City Council adopted Resolution No. 1672 outlining new policy and criteria used in applying the revised Old Town Restaurant Policy. Individuals who apply for a special use permit to operate a restaurant in Old Town must address in their entirety five criteria in order to be considered for a special use permit. An application will not be formally accepted for processing until this questionnaire is completed.

Goals of the Old Town Restaurant Policy

1. To lessen the on-street parking impact of restaurants in Old Town and adjacent areas;
2. To prevent rowdiness and vandalism from patrons leaving restaurants, particularly in the late evening; and
3. To control the spread of litter in Old Town.

Policies to attain the goals of the Old Town Restaurant Policy

City Council shall not approve a request for special use permit for any new restaurant, carry-out or fast food establishment or an expansion of an existing restaurant, carry-out or fast food establishment, unless it finds that the request does not significantly impact nearby residential neighborhoods. City Council shall consider the cumulative impact of the proposal and the number of already established restaurants, carry-outs, fast food establishments and the number of food service seats, bar seats and standing service areas in the immediate area. In the case of an expansion or other intensification, the entire operation of the establishment may be taken into account in determining its impact upon the nearby residential neighborhoods. In making that determination, City Council shall consider the following factors:

- a) The availability of off-street parking.
- b) The predicted impact of the restaurant on parking supply in the adjacent neighborhood.
- c) The extent to which the restaurant is open in the late night hours.
- d) The extent to which alcohol (such as spirits, mixed drinks, wine, and beer) consumption will predominate over food consumption, including consideration of the number of bar seats, if any, and the standing areas in the vicinity of bars.
- e) The predicted extent of litter generated in nearby neighborhoods.

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

**CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS
ADOPTED BY CITY COUNCIL BY RESOLUTION, NOVEMBER 13, 1993**

Parking

1. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:

- A. The parking demand generated by the proposed restaurant.
- B. The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
- C. How employees who drive will be accommodated off the street at least in the evenings and on weekends.
- D. The predicted impact of the restaurant on the parking supply at the evening peak, weekend peak, and daytime peak.
- E. A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.

2. Additionally, please answer the following:

A. What percent of patron parking can be accommodated off-street?

(Check one)

- 100%
- 75-99%
- 50-74%
- 1-49%
- No parking can be accommodated off-street

B. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends?

(Check one)

- All
- 75-99%
- 50-74%
- 1-49%
- None

C. What is the estimated peak evening impact upon neighborhoods?

(Check one)

- No parking impact predicted
- Less than 20 additional cars in neighborhood
- 20-40 additional cars
- More than 40 additional cars

29

Litter

The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

The staff of Bruegger's Bakery Café will police the right-of-way adjacent to the bakery.

1. Maximum number of patrons shall be determined by adding the following:

- 48 Maximum number of patron dining seats
- Maximum number of patron bar seats
- Maximum number of standing patrons
- Maximum number of patrons

2. 6 Maximum number of employees by hour at any one time

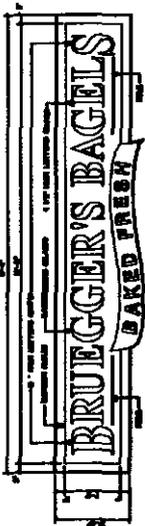
3. Hours of operation:
(Check one)

- X Closes by 8:00 P.M.
- Closes after 8:00 P.M. but by 10:00 P.M.
- Closes after 10:00 P.M. but by Midnight
- Closes after Midnight

[Closing time means when the restaurant is empty of patrons.]

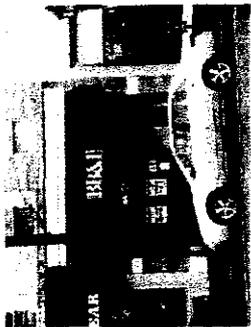
4. Alcohol Consumption:
(Check one)

- High ratio of alcohol to food
- Balance between alcohol and food
- Low ratio of alcohol to food

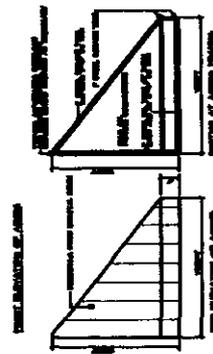
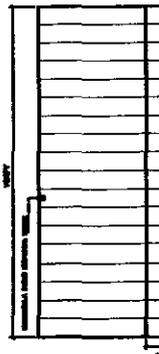
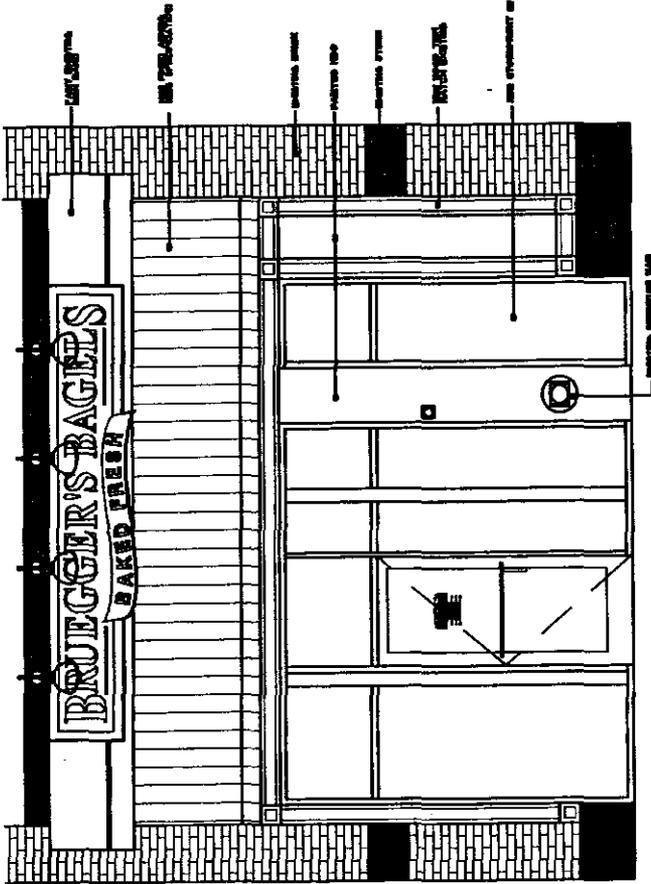


EXTERIOR SIGN SPECIFICATION

1. SIGN SHALL BE MADE OF ALUMINUM BRASS FINISH AND PAINTED WHITE
 2. SIGN SHALL BE MADE OF 1/2" THICK ALUMINUM BRASS FINISH AND PAINTED WHITE
 3. SIGN SHALL BE MADE OF 1/2" THICK ALUMINUM BRASS FINISH AND PAINTED WHITE
 4. SIGN SHALL BE MADE OF 1/2" THICK ALUMINUM BRASS FINISH AND PAINTED WHITE
 5. SIGN SHALL BE MADE OF 1/2" THICK ALUMINUM BRASS FINISH AND PAINTED WHITE
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 8. SIGN SHALL BE MADE OF 1/2" THICK ALUMINUM BRASS FINISH AND PAINTED WHITE
 9. SIGN SHALL BE MADE OF 1/2" THICK ALUMINUM BRASS FINISH AND PAINTED WHITE
 10. SIGN SHALL BE MADE OF 1/2" THICK ALUMINUM BRASS FINISH AND PAINTED WHITE



EXISTING ELEVATION

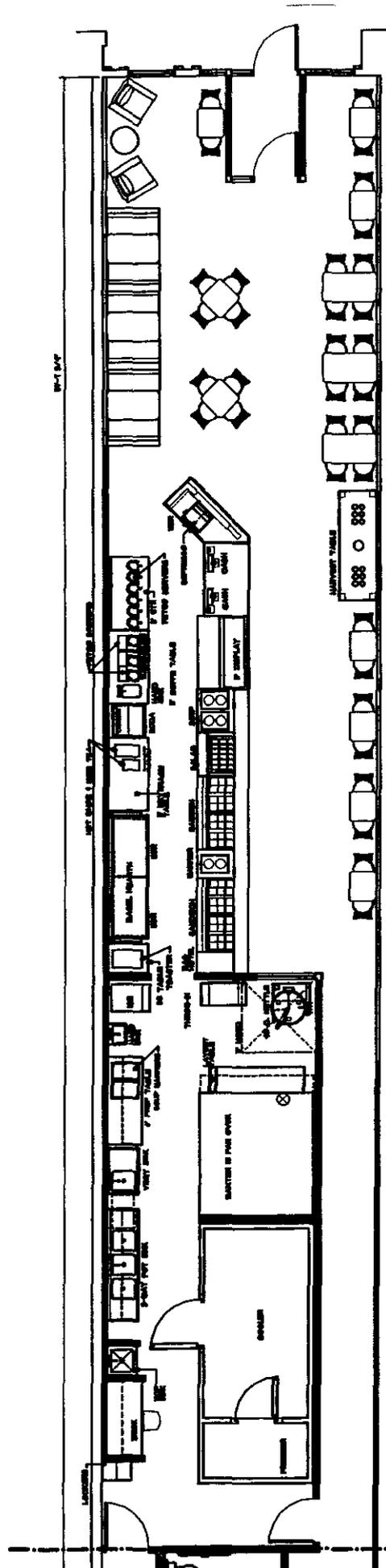


SCALE: 1/2" = 1'-0"
3/22/2006
L2

OLD TOWN
 606 KING STREET
 ALEXANDRIA, VA

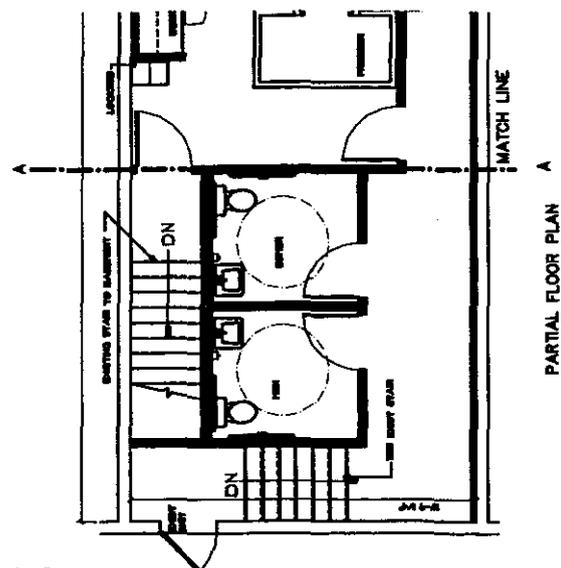


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PARTIAL FLOOR PLAN

27



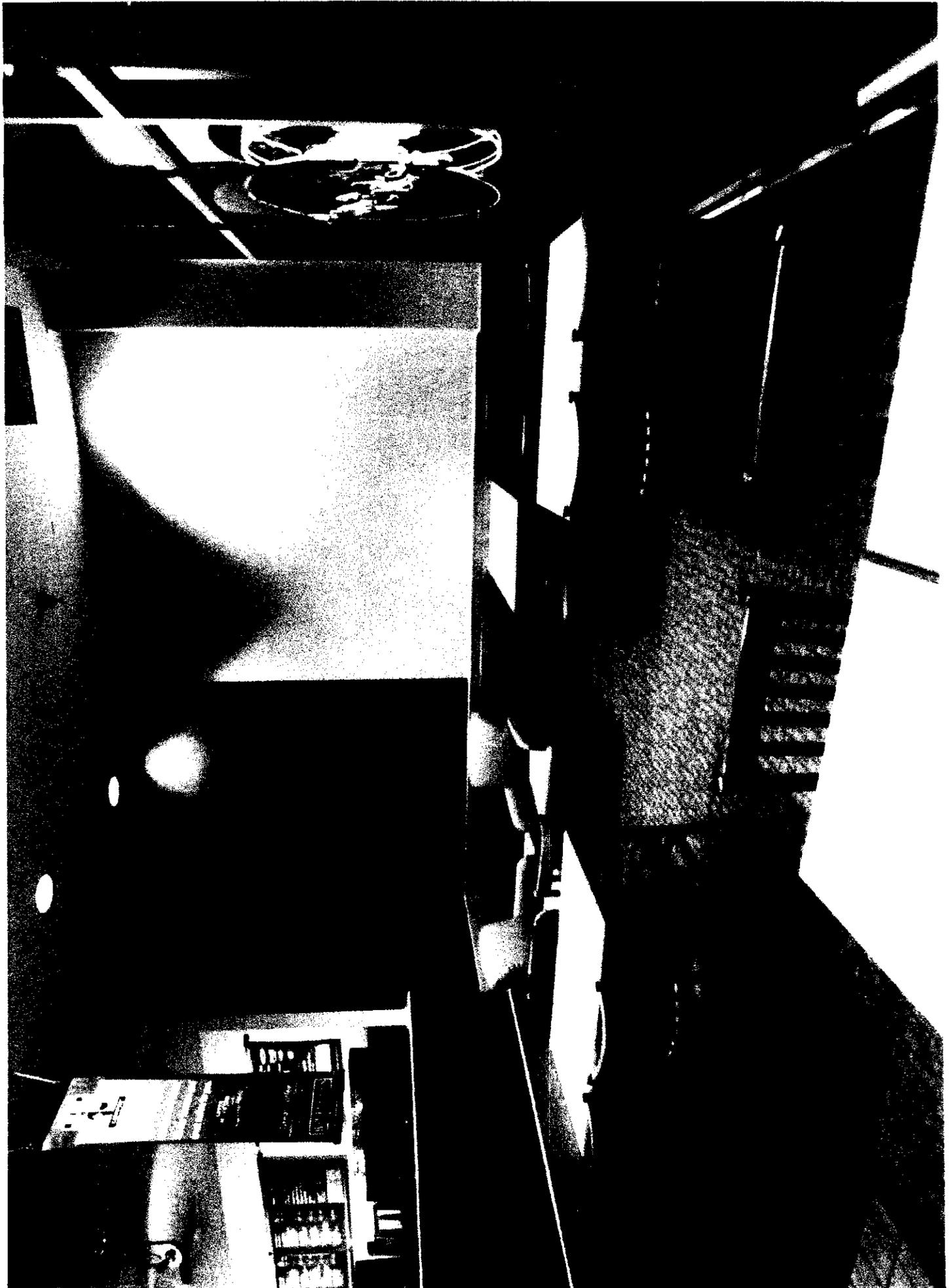
PARTIAL FLOOR PLAN

SCALE: 1/8" = 1'-0"
3/22/2008 L1

OLD TOWN
606 KING STREET
ALEXANDRIA, VA



C:\Program Files\Drawings\Bruegger's\2008\2008-013 Alexandria\OLD TOWN L1 0814





Nebraska

Green Mountain Coffee Roasters®

Bruegger's House Blend
Vibrant, engaging light roast

Bruegger's House Decaf
Smooth light roast decaf

Hazelnut Cream
Creamy with warm roasted nut flavors

French Vanilla
Tantalizingly aromatic
& soothingly sweet

For Best Coffee® Option
French Roast
Deep, dark, bold



Small	1.39	Mug Refills	.99
Medium	1.49	Brew for the Crew	12.99
Large	1.69	(96 ounces)	

Café Latte or Cappuccino	2.19	2.69	3.19
Café Mocha	2.69	3.19	3.69
Café au Lait	1.99	2.49	2.99
Espresso	Single 1.59	Double 2.09	

Add 50¢ for extra espresso or flavored syrup.



Bruegger's offers Full Trade Certified® coffee everywhere.

Beverages

Coca-Cola Soft Drinks

SMALL	MEDIUM	LARGE
1.29	1.39	1.49

Premium Juice

Nantucket Nectars 1.89

Tropicana Orange Juice 1.89

Apple Juice .99

Milk 1.69

Bottled Water 1.39

Smoothies

Pulp Friction
No mashing around with strawberry & banana

Red Red Wine
Strawberry & raspberry make you feel so fine

Simple Sings
Get down with coconut, pineapple & banana

Mad House
Raspberry & banana will knock your socks off

Minty Mango
Sung Fido mango & banana

Strawberry Sherbet
Strawberry's girly

Latte Froze
Blended coffee & French Mocha

French Mocha
Coffee & chocolate blended just right

Hot Chocolate	1.49	1.69	1.99
Chai Tea Latte	2.19	2.69	3.19
Hot Tea		1.09	
Iced Tea	1.29	1.39	1.49



Prices subject to change & may vary. Prices do not include tax.

Locations

NEBRASKA

Omaha

4015 Dodge Street
402-558-0800 • fax 402-558-7414

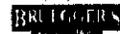
12989 West Center Road
402-333-8886 • fax 402-333-8848

228 N 114th Street
402-697-7888 • fax 402-697-7892

Lincoln

1209 Q Street
402-474-6001 • fax 402-474-6009

www.brueggers.com



Nebraska • 5M • 10/05 • 05-150

menu



30

Fresh-Baked Bagels

Big Bagel Bundle Baker's dozen bagels & 2 tubs of cream cheese	11.99	Baker's Dozen	6.49
Bagel Bundle 6 bagels & 1 tub of cream cheese	6.49	Half Dozen	3.99
Breakfast for the Bunch Baker's dozen bagels, 2 tubs of cream cheese & 96 ounces of Gean Mountain Coffee	19.99	Three Bagels	2.19
		Single Bagel	.79
		Single square bagel, wrap or stone hearth bread	.99
		Cheesy Bagels Topped with your choice of cheddar, muenster or jalapeño cheddar	1.29
Round Bagel Flavors (may vary by location)		Square Bagel Flavors	
Asiago Parmesan	Honey Grain	Sesame	Asiago Parmesan
Blueberry	Onion	Sundried	Everything
Cinnamon Raisin	Plain	Tomato	Plain
Everything	Poppy	Whole Wheat	Sesame
Garlic	Pumpkinseed		

Cream Cheese

Smooth, creamy and spreadable. Made in the heart of Vermont's dairy country with nothing but the freshest of ingredients.

Cream Cheese Tubs 2.99

Cool & Creamy Flavors (may vary by location)

Plain	Bacon Scallion	Smoked Salmon
Light Plain	Honey Walnut	Strawberry
Garden Veggie	Jalapeño	Wildberry
Light Garden Veggie	Light Herb Garlic	

Breakfast Classics

Egg & cheese with honey ham, sausage or bacon	4.19	2.99	Denver Egg, honey ham, Swiss cheese, green pepper & red onion	4.69	3.49
Egg & cheese	3.69	2.49			
Cream cheese sandwich	3.19	1.99			
Butter, jelly, honey or prepared	2.39	1.19			
Peanut butter sandwich	2.49	1.29			

Make it a Softwich, Wrap or Stone Hearth Bread Sandwich for 25¢ extra.

Sandwich Classics

	Softwich, Wrap or Bread	Bagel		Softwich, Wrap or Bread	Bagel
Herby Turkey Roasted turkey, light herb garlic cream cheese, sundried tomato spread, lettuce & red onion Delicious on an Asiago Softwich	5.79	4.99	Smoked Salmon* Smoked salmon, plain cream cheese, tomato, red onion & capers	6.19	5.29
Supreme Club Roasted turkey, honey ham, bacon, lettuce & tomato Perfect on Honey Wheat Stone Hearth Bread	5.79	4.99	Santa Fe Turkey Roasted turkey, jalapeño cream cheese, green chiles, lettuce & tomato	5.79	4.99
Lovebirds de Veggie Light herb garlic cream cheese, roasted red peppers, muenster cheese, lettuce, tomato & red onion	5.29	4.49	Radishy Roast Beef Roast beef, cheddar cheese, lettuce, tomato, red onion & horseradish mayo Recommended on an Asiago Softwich	5.79	4.99
Cuban Chicken Grilled chicken strips, honey ham, Swiss cheese, lettuce, pickle slices, chipotle sauce & dijon mustard We recommend it on a Plain Softwich	6.09	5.29	Hot Shot Turkey Roasted turkey, light garden veggie cream cheese, sweet 'n hot pepper & onion relish, lettuce and red onion	5.79	4.99
Cranberry Cobbler Roasted turkey, cheddar cheese, cranberry sauce, lettuce & red onions	5.79	4.99	Thai Peanut Chicken Diced chicken, Thai peanut cream cheese, Thai peanut sauce, lettuce, cucumber & sprouts Served on a Whole Wheat Wrap	5.79	4.99

MAKE IT A MEAL! Add a medium Coke with chips or an apple to any sandwich or salad. 2.19



Meals to Go!

Crowd pleasing platters, salads & box lunches
for all your get togethers! Ask for details.



Deli Sandwiches

	Softwich, Wrap or Bread	Bagel	EXTRAS	
Roasted Turkey	5.29	4.49	Cheese Swiss, Muenster, American, Cheddar	.50
Roast Beef or Ham	5.29	4.49	Premium toppings Sundried tomato spread Roasted red peppers	.69
Chicken or Tuna Salad	5.29	4.49	Green chiles Jalapeño peppers	
Garden Veggie	4.49	3.69	Bacon	1.00
Hummus	4.79	3.99		
BLT	5.29	4.49	All deli sandwiches include your choice of:	
			Lettuce	Mayo
			Tomato	Horseradish Mayo
			Red Onion	Dijon Mustard
			Green Pepper	Honey Mustard
			Cucumber	Chipotle Sauce
			Sprouts	

Tossed for You Salads

Build Your Own Salad just the veggies	5.99 4.99	Sesame Chicken Salad Exotically different. Grilled chicken strips, sesame seeds, sliced almonds & chow mein noodles with fresh garden greens. Enjoy tossed with our Asian Sesame dressing.	5.99
Choose 3 veggies, 1 meat, 1 cheese & 1 topping tossed with fresh garden greens & the dressing of your choice.		Mandarin Medley Salad Sweet mandarin oranges, dried cranberries & blue cheese crumbles make this salad a special treat. Served with fresh garden greens, topped with sliced almonds & tossed with our Balsamic Vinaigrette.	5.19
Chicken Caesar Salad without chicken	5.99 4.99		
A classic favorite with a twist. Asiago cheese, grilled chicken strips, crunchy croutons & fresh garden greens tossed with Caesar dressing. A fresh squeeze of lemon says WOW!			

Soup

Add a cup of soup to any sandwich or salad for 2.39

Cup 2.79 Bowl 3.49 Take Home 7.19

Sweets

Homemade Cookies	1.49
Muffins	1.69
Dessert Bars	1.99/2.29

Prices subject to change & may vary. Prices do not include tax.
*Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.

Statement of Michael E. Hobbs
on behalf of the
Old Town Civic Association
Planning Commission
~~September 9, 2004~~ 6/6/06

Bruegger's Enterprises, Inc.
SUP #2006-0029

Thank you, Chairman Wagner and members of the Commission. I am Michael Hobbs, President of the Old Town Civic Association, and I thank you for this opportunity to share our views as you consider this special use permit application for a Bruegger's Bakery restaurant.

We respectfully demur from the staff recommendation that you recommend approval of this permit. We believe that with the conditions as proposed—or perhaps more importantly, in the absence of conditions that are not proposed—the grant of this SUP would not be consistent with the *King Street Retail Strategy*; it would not maintain the proper balance between commercial and residential uses in Old Town; and it would set a very troubling precedent for your consideration of future applications.

Balance Between Commercial and Residential Uses

The *King Street Retail Strategy*, reemphasizing a portion of The Old Town Small Area Plan, states that:

Old Town is unique in that it maintains a very fine residential area in close proximity to the commercial establishments on King and Washington Streets. While both the residential and the commercial areas are currently strong, *there is a fragile balance which must be preserved if both are to remain strong and if the ambience of Old Town is to be preserved.* Further, the commercial areas contain a mix of activities that is unique within the metropolitan area, and *that mix needs to be protected if the character of Old Town is to be preserved.* (Emphasis added.)

The *King Street* strategy further states that “the intent of the Strategy is to maintain the Old Town Restaurant Policy . . . that directs the City to carefully scrutinize new restaurants for their impact on the neighboring residential community.” That policy provides that:

City Council shall not approve a request for special use permit for any new restaurant . . . *unless it finds that the request does not significantly impact nearby residential neighborhoods.* (Emphasis added.)

Consideration of a permit for any new restaurant must be measured against that standard. We believe that the present application falls short in several respects.

Substitution of a Restaurant for a Non-Restaurant Use

We believe that any new or expanded restaurant application should be carefully scrutinized, but *especially* where a restaurant is taking the place of some other previous use. The possibility that restaurants—particularly outlets of large national chains—might drive out retail and other non-restaurant uses was a particular concern in the discussion of the *King Street Retail Strategy*. That is not a result that we should welcome—unless we want to rename it the “King Street Restaurant Strategy.” To the extent that restaurants replace non-restaurant uses, we reduce the mix of uses that we deem vital to the success of King Street and defeat the purpose of the *Strategy* and the Old Town Small Area Plan.

The staff report states (p. 5) that “one of the major thrusts of the *Strategy* is to improve the feel of King Street by replacing ground-floor office or bank uses with more active retail and restaurant uses.” But the staff report on the *King Street Retail Strategy* that you adopted a year ago stated explicitly (p. 13) that:

Ground floor uses, the most important for the vitality of the street, are limited principally to retail uses *and personal service uses, including banks*
(Emphasis added.)

Using “retail” and “restaurant” interchangeably, as so often happened in the original *King Street* document, creates problems of interpretation and understanding. But we do not believe that it was either the intent or the understanding that restaurant uses should be preferred to personal service uses, including banks, or to retail uses *as that term is commonly understood: shops selling merchandise, not meals*. The City should not now adopt such a policy.

Cumulative Impact on the Community

The number of new restaurant seats proposed here (48) is moderate, leading staff to conclude that it would not have a negative impact on the nearby residential neighborhood. But as stated in the Old Town Restaurant Policy, you are to consider, not merely the impact of the present application, but

. . . the *cumulative* impact of the proposal and the number of already established restaurants, carry-outs, fast food establishments and the number of food service seats, bar seats and standing service areas in the immediate area.

The impact of a half dozen new (or enlarged) 50-seat restaurants could be *at least* as substantial as that of one new 300-seat restaurant. If each restaurant application were considered only in isolation, the process could neither recognize nor address that cumulative impact—and its consequences for the broad policy objectives of the *King Street Retail Strategy* and Old Town Small Area Plan. There are already several *dozen* restaurants in the King Street corridor east of Patrick Street, and in the past two years alone, the City has approved *hundreds* of new or enlarged restaurant seats. We respectfully suggest that trend is not in the best interest, certainly of the nearby residential neighborhoods, but neither of the existing retail and restaurant establishments on King Street, nor ultimately, of the City as a whole.

Mix of Restaurant Uses

The staff report correctly observes that approval of this permit would add to the “mix of restaurant types within the 600 block of King Street.” Since the demise of the Chesapeake Bagel house in the same block, that is literally true. But we suggest that is too narrow a standard. As noted, there are already dozens of alternative choices within a block or two or three; and the *King Street Retail Strategy* itself recognized (p. 2-5) that this sub-area, which it designated the “Regional Crossroads Sub-Area”, already “contains the largest concentration of restaurants along King Street.” Our aspiration for a diversity of restaurant choices should address, not just the immediate block, but at a minimum the alternatives available within reasonable walking distance.

Demand for Restaurant Uses

The staff report suggests (p. 5) that the proposed use at this site is appropriate because the *King Street Strategy* “indicates that by 2008, there will be a warranted demand for additional restaurant space along King Street.” We believe it indicates quite the contrary.

It is literally true that the *Strategy* indicated more gross demand for restaurant space in 2008 than in 2003: but in both years, the indicated demand fell far short of the existing uses. The “warranted retail demand” for eating establishments in the King Street Area rises from 170,300 square feet in 2003 to 200,300 square feet in 2008—as compared to a *present* supply (at least as of 2003 or 2004, when the study was conducted) of 224,300 square feet. Thus, there was a *surplus*, not a deficit, of 54,000 square feet of restaurant space in 2003, and of 24,000 square feet by 2008. Only when “drinking” establishments are added to the projection is there a modest indicated undersupply (5,700 square feet by 2008)—and that is before the addition of considerable new restaurant space that has already taken place since the survey was conducted.

The indicated demand, furthermore, was for King Street *as a whole*—all the way from the waterfront to the Memorial. We suspect that most of the indicated demand for additional restaurant space was closer to the western end where new offices, homes and retail outlets are being established—not, as indicated, in the area which already has the highest concentration of restaurants.

This would accord with the experience of our association’s own members. When we surveyed their opinion on several aspects of the King Street Retail Strategy a year ago, fewer than 30% indicated a need or desire to encourage new or expanded restaurants in their neighborhood—and several of those who did specifically excepted chain restaurant outlets.

Parking Impact

Restaurant uses, by their very nature, are those which may most often have a negative impact on the availability of on-street parking for residents and for other retail uses in the surrounding neighborhood.

The impact of the present application on parking demand, and how it will be addressed, is vague. The application simply asserts, without any documentation, that “100% of patron parking” and “all employees who drive” can be accommodated off-street. The staff report recommends (p.6) “that the applicant participate in any parking validation program that is formed as a result of the King Street Retail Strategy,” but acknowledges that the program is not anticipated to be in operation until December 2007—2 ½ years after the *Strategy* was adopted.

The Old Town Restaurant application requests that the applicant “submit a parking management plan (PMP), which specifically addresses” how patrons and employees who drive will be accommodated off-street. It states that “acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.” The present application, and the conditions recommended by staff, include none of the above.

There is a recommended condition relating to parking [#10], but it merely requires that the applicant shall participate in an organized program to assist with employee and customer parking if and when such a program is established—and then “only to the extent already required by this SUP with regard to employee and customer parking.” But the SUP includes no other such requirement. The staff report states (p. 7) that the “standard conditions” applied to restaurant applications pending the completion of a promised “coordinated and comprehensive plan . . . to improve parking management on King Street” include a *requirement* that “employees that drive . . . park off the street”—but we find no such condition in the present report. Condition #12 provides that the applicant shall “encourage” its employees to use mass transit by posting route information, but that is a weak incentive at best.

The Transportation & Environmental Services Department recommends a condition (#R-5) that employees who drive use off-street parking and that the applicant provide a subsidy for employees who use mass transit. The Planning & Zoning staff expresses concern that this requirement “creates a potentially heavy burden on an individual business owner.” But the amount of the subsidy is not specified, and the burden of providing for employee parking, if not borne by this employer, is essentially shifted to other employers, and to residents. In any case, the present applicant—a national chain with 250 restaurants and growing—could hardly be considered the sort of small, “mom and pop” enterprise that might be unduly burdened by providing parking for its nine employees at this site.

Relation to Objectives of the *King Street Retail Strategy*

The staff report urges, in general, that approval of this restaurant application would be beneficial because it would contribute to the “vitality” of King Street, that it would enhance street-level “activity”, and add to the “mix” of uses on the street. We do not disagree with those broad objectives, but suggest that, by themselves, they are such elastic standards as to be, in effect, no standards at all. *Any* application for a new or expanded restaurant on the ground floor of a building could arguably be said to contribute to these criteria—irrespective of its accordance with the broad policy objectives and the other specific requirements of the *King Street Retail Strategy*, the Old Town Small Area Plan, and its component Old Town Restaurant Policy.

Hours of Operation

The assumption of insubstantial impact on the surrounding neighborhood seems to be premised at least in part on the represented daytime-only hours of operation; the application indicates a plan to operate from 6:00 a.m. to 6:00 p.m. daily. But the recommended conditions (#2) permit operation from 5am to 11 pm daily.

Administrative Approval

Though not relevant to the present application, we note in passing that the staff report indicates (p. 6) that the *King Street Retail Strategy* “retains the requirement of a special use permit [for quick service restaurants], even while affording full service restaurants the potential of an administrative approval.” We believe that was true of an earlier iteration of the *Strategy*, but that the option for administrative approval of certain restaurants in Old Town was not part of the *Strategy* as ultimately recommended by the Planning Commission and adopted by Council.

RECOMMENDATION

For the reasons stated, we recommend that this application not be approved, at least in its present form.

At the very least, if the application were to be approved, we would recommend:

- (1) That condition #2 be amended to provide for hours of operation from 6 am to 6pm daily, as requested in the application.
- (2) That condition #10 be amended to read:

The applicant 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 Study, ~~at least to the extent already required by this SUP with regard to employee and customer parking.~~

- (3) That condition R-5, as recommended by the Transportation & Environmental Services Department, be substituted for condition #12.

Thank you for your consideration.

Special Use Permit # 2006 0029

APPLICATION for SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 606 King Street, Alexandria, Virginia

TAX MAP REFERENCE: 074.02 09 08 ZONES: CD/Commercial Downtown

APPLICANT Name: Bruegger's Enterprises, Inc.

Address: 159 Bank Street, Burlington, Vermont 05401

PROPERTY OWNER Name: Edward Woolf and Elaine W. Stokols, Trustees

Address: 6510 Gretna Green Way, Alexandria, Virginia 22312

PROPOSED USE: Special Use Permit to operate a restaurant.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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.

Land, Clark, Carroll, Mendelson & Blair, P.C.
Duncan W. Blair, Esquire



Print Name of Applicant or Agent

Signature

524 King Street

Mailing/Street Address

Telephone #

(703) 836-1000

Fax #

(703) 549-3335

d Blair@landclark.com

Alexandria, Virginia 22314

City and State

Zip Code

March 28, 2006

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: Recommended approval as amended 6-0 6/6/06

ACTION - CITY COUNCIL: 6/17/06 - CC approved the PC recommendation 6-0

