

EXHIBIT NO. 1

8
3-17-07

Docket Item #6
SPECIAL USE PERMIT #2006-0124

Planning Commission Meeting
March 6, 2007

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Bruegger's Enterprises, Incorporated
Bruegger's Bagels
by Duncan Blair, attorney

STAFF: James Hunt, Planner
james.hunt@alexandriava.gov

LOCATION: 520 John Carlyle Street, Unit 110

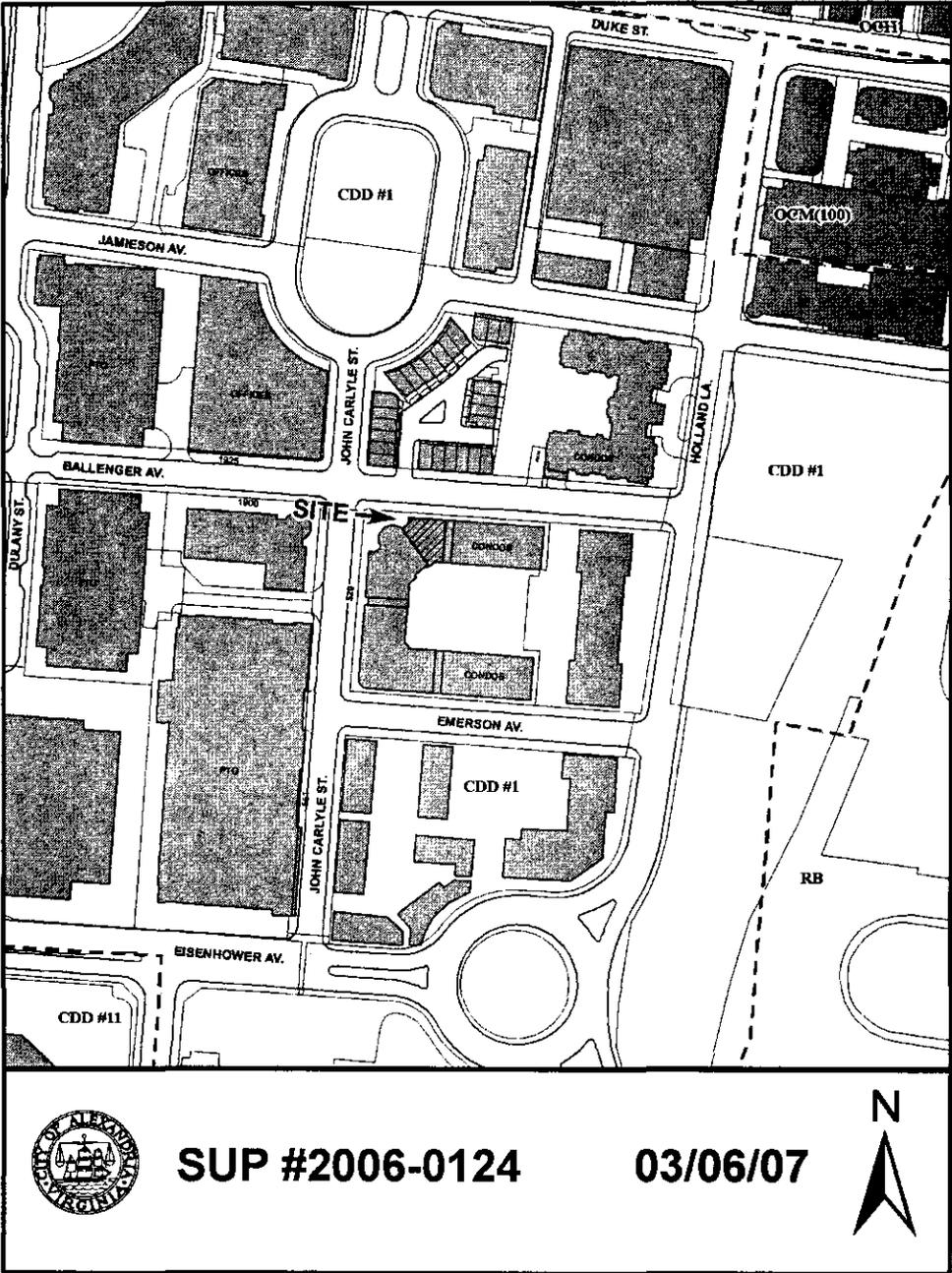
ZONE: CDD 1/Coordinated Development District

PLANNING COMMISSION ACTION, MARCH 6, 2007: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all codes, ordinances and staff recommendations, and an amendment to condition #6. The motion carried on a vote of 6 to 0. Ms. Lyman was absent.

Reason: The Planning Commission agreed with staff analysis.

The Planning Commission expressed concerns about the number of quick service type restaurants in the Carlyle Development and requested that staff develop standards to ensure that space is reserved for the type of full service restaurants envisioned for the area.

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 #2006-0124

03/06/07



I. DISCUSSION

REQUEST

The applicant, Bruegger's Enterprises, Inc., requests special use permit approval for the operation of a Bruegger's Café located at 520 John Carlyle Street, Unit 110.

SITE DESCRIPTION

The subject property is one lot of record with 277 feet of frontage on John Carlyle Street, 279 feet of depth and a total lot area of 77,228 square feet. The site is being developed with the Shops at Carlyle Square building, a multi-story condominium building that includes a mix of residential and retail uses. The proposed restaurant space is located in a middle tenant space on the first floor and occupies 1,905 square feet of retail space.



The building is part of the 70-plus acre Carlyle development that has been designed for a mix of office, residential, and retail uses.

PROPOSAL

The applicant proposes to operate a bakery/ café and carry-out within Carlyle. The applicant proposes to offer bagels, coffee, specialty sandwiches, fresh-made salads, 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 Indoors <u>+20 Outdoors</u> 68 Total Seats
Noise:	No noise impacts are anticipated
Trash/Litter:	Trash will be collected commercially and staff will monitor the adjacent right-of-way for trash
Live Entertainment	No live entertainment will be offered
Alcohol Service:	No alcohol service will be provided

PARKING

The parking requirements for the subject building were specified in the Transportation Management Plan (Special Use Permit #2254) for the Carlyle Development, and these parking requirements were met for the subject site in the development of the on-site parking garage. The parking garage provides parking for the building's retail and residential uses. The on-site parking garage provides 40 parking spaces for the retail uses of the building. The proposed use satisfies the parking requirement.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD#1/Coordinated Development District zone. Section 5-602 (A) of the Zoning Ordinance identifies OC/Office Commercial zone as the underlying zone, which allows a restaurant only with a special use permit.

The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for a use consistent with the OC zoning requirements listed under the CDD #1 zone.

II. STAFF ANALYSIS

Staff recommends approval of the proposed Bruegger's Bagels shop. The shop will contribute to more active ground floor uses within Carlyle. There is a demand for a bagel café to be located in close proximity to an area with a large number of office workers. Bagel shops like Bruegger's Bagels are uses that are attractive to other retail uses, including full-service restaurant establishments considering locating in the Carlyle Development.

As with other recent quick service restaurant applications, staff has analyzed the amount of retail space within the Carlyle area to determine the location, distribution, and whether sufficient area remains to accommodate future retail and restaurant uses. The quick service restaurants that have been approved to occupy spaces within Carlyle have been predominately located along John Carlyle Street. The total amount of retail space within Carlyle is 258,850 square feet. The amount of retail space that has been occupied by quick service restaurants at this time is 14,842 square feet. Other retail uses occupy 27,322 square feet of retail space. Therefore, the amount of retail space remaining after occupancy of the pending Bruegger's Bagels Café is 212,481 (see attached itemized list of retail occupancy). Staff finds there is a sufficient amount of retail space remaining for other retail uses as well as full service and quick service restaurants.

Carlyle Retail Space Occupancy

Establishment	Use	Address	Block	Square Footage
Uptowners Café	Quick Service	333 John Carlyle St	C	1,600
Subway	Quick Service	1800 Duke St	E	1,674
Plaza Gourmet	Quick Service	1940 Duke St	C	4,200
Jimmy John's	Quick Service	330 John Carlyle St	E	2,675
Quizno's	Quick Service	401 Dulany St.	F	1,200
Jerry's Subs	Quick Service	520 John Carlyle St	L	1,843
Starbucks	Quick Service	1901 Ballenger Avenue	G	1,650
***Potbelly	Quick Service	1925 Ballenger	G	2,300
***Bruegger's Bagels	Quick Service	520 John Carlyle St	L	1,905
Total Quick Service Occupied				19,047
Café Gallery Market	Retail	2141 Jamieson Ave	A	1,000
Cruise Holidays	Retail	2161 Jamieson Ave	A	1,000
Serenite Day Spa	Retail- Personal Service	520 John Carlyle St, Unit #180	L	3,072
Chevy Chase Bank	Retail- Personal Service	2051 Jamieson Ave, Unit #150	B	3,500
Charles Schwab	Retail- Personal Service	330 John Carlyle Square, Unit #120	E	3,204
Burke & Herbert Bank	Retail- Personal Service	1775 Jamieson Ave	E	3,392
PTO Coffeehouse	Retail- Quick Service (Accessory)	501 Dulany	M	500
Meridian Mart	Retail- Grocery	401 Holland Lane, Unit#1	H	1,000
Matthew Johnston Gallery	Retail	400 John Carlyle St.	H	3,000
Carlyle Club	Retail- Full Service Restaurant	1900 Jamieson Ave	G	7,654
Total Retail Space Occupied				46,369
Total Carlyle Retail Space				258,850
Total Carlyle Retail Space Remaining				212,481

*** = Pending Status

With these conditions, staff recommends approval of the special use permit.

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 business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 68 patrons inside and outside. (P&Z)
3. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean the seating area at the close of each day of operation. (P&Z)
4. The applicant may provide seating for up to 20 outdoor seats. Any outdoor seating areas, including umbrellas, shall not include advertising signage (P&Z)
5. No live entertainment shall be provided at the restaurant. (P&Z)
6. **CONDITION AMENDMED BY THE PLANNING COMMISSION:** ~~No~~ Delivery service shall be ~~provided~~ permitted to customers in the immediate area. (P&Z)(PC)
7. The hours of operation shall be limited to 5am- 11pm daily. (P&Z)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
9. No alcohol service shall be permitted. (P&Z)
10. No food, beverages, or other material shall be stored outside. (P&Z)
11. 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)(T&ES)
12. 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)

13. Applicant shall provide the City \$500.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
15. 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)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)(P&Z)
17. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
18. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees prior to operation. (Police)
19. 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)(P&Z)
20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)
21. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)

22. The applicant shall design both the exterior and interior portions of the space pursuant to the Carlyle Design Guidelines, to the approval of the Director of Planning and Zoning. (P&Z)
23. 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.
24. 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, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;
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 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 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-3 Loudspeakers shall be prohibited from the exterior of the building.
- R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 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-6 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.
- 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.
- C-2 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)

Code Enforcement:

- C-1 The current use is classified as R-2; the proposed use is A-2. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 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 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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-7 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-8 Toilet Rooms for Persons with Disabilities:
(a) Water closet heights must comply with USBC 1109.2.2
(b) Door hardware must comply with USBC 1109.13

- C-9 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-10 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-11 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.
- C-12 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.

- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 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 duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening

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 readiness program for all employees.
- F-1 The applicant is not seeking an ABC permit. The Police Department concurs.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2006-0124

PROPERTY LOCATION: 520 John Carlyle Street, Unit 110, Alexandria, Virginia

TAX MAP REFERENCE: 73.04 01 33

ZONE: CDD-1

APPLICANT

Name: Bruegger's Enterprises, Inc.

Address: 159 Bank Street, Burlington, Vermont 05401

PROPERTY OWNER

Name: Carlyle Condominium Development, LLC

Address: 4401 Northside Parkway, c/o Post Apartment Homes, LLC, Atlanta, GA

30327

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 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

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

Land, Clark, Carroll, Mendelson & Blair, P.C.

Duncan W. Blair

Print Name of Applicant or Agent

524 King Street

Mailing/Street Address

Alexandria, VA 22314

City and State Zip Code

Signature

703 836-1000 703 549-3335

Telephone # Fax #

dblair@landclark.com

Email address

December 27, 2006

Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____

Date & Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

SUP #

2006-0124



APPLICATION

SPECIAL USE PERMIT

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

1. The applicant is the (check one):
- Owner
 - Contract Purchaser
 - Lessee or
 - Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, 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 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" 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.

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 with 48 indoor seats and twenty outdoor seats adjacent to the cafe at 520 John Carlyle Street, Unit 110, in the Carlyle development. 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 and employees of nearby businesses.

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 building's trash compactor room adjacent to Unit 111 Carlyle Square and shown on the Lease Plan attached to the application.

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.

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?

Pursuant to TMP SUP 2254 for the Carlyle Development, the forty (40) parking spaces in the Carlyle Square Condominium structured parking facility satisfies the parking requirements of the retail space in the condominium.

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

- _____ 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:

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?

None.

C. Where are off-street loading facilities located?

It is anticipated that loading and unloading activities will occur through the front door with delivery vehicles parking on the adjacent public streets.

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

It is anticipated that loading and unloading activities will occur 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?

It is anticipated that there will be two deliveries a day.

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? _____ square feet.

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

1905 sq. ft. (existing) + -0- sq. ft. (addition if any) = 1905 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 multifamily and retail.**

SUP # 2006-0124



APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?
Indoors: 48 Outdoors: 20 Total number proposed: 68

2. Will the restaurant offer any of the following?
Alcoholic beverages (**SUP only**) _____ Yes X No
Beer and wine — on-premises _____ Yes X No
Beer and wine — off-premises _____ Yes X No

3. Please describe the type of food that will be served:
Fresh baked bagels, cream cheese, egg sandwiches, coffee, made to order deli sandwiches, soups, salads, drinks and desserts.

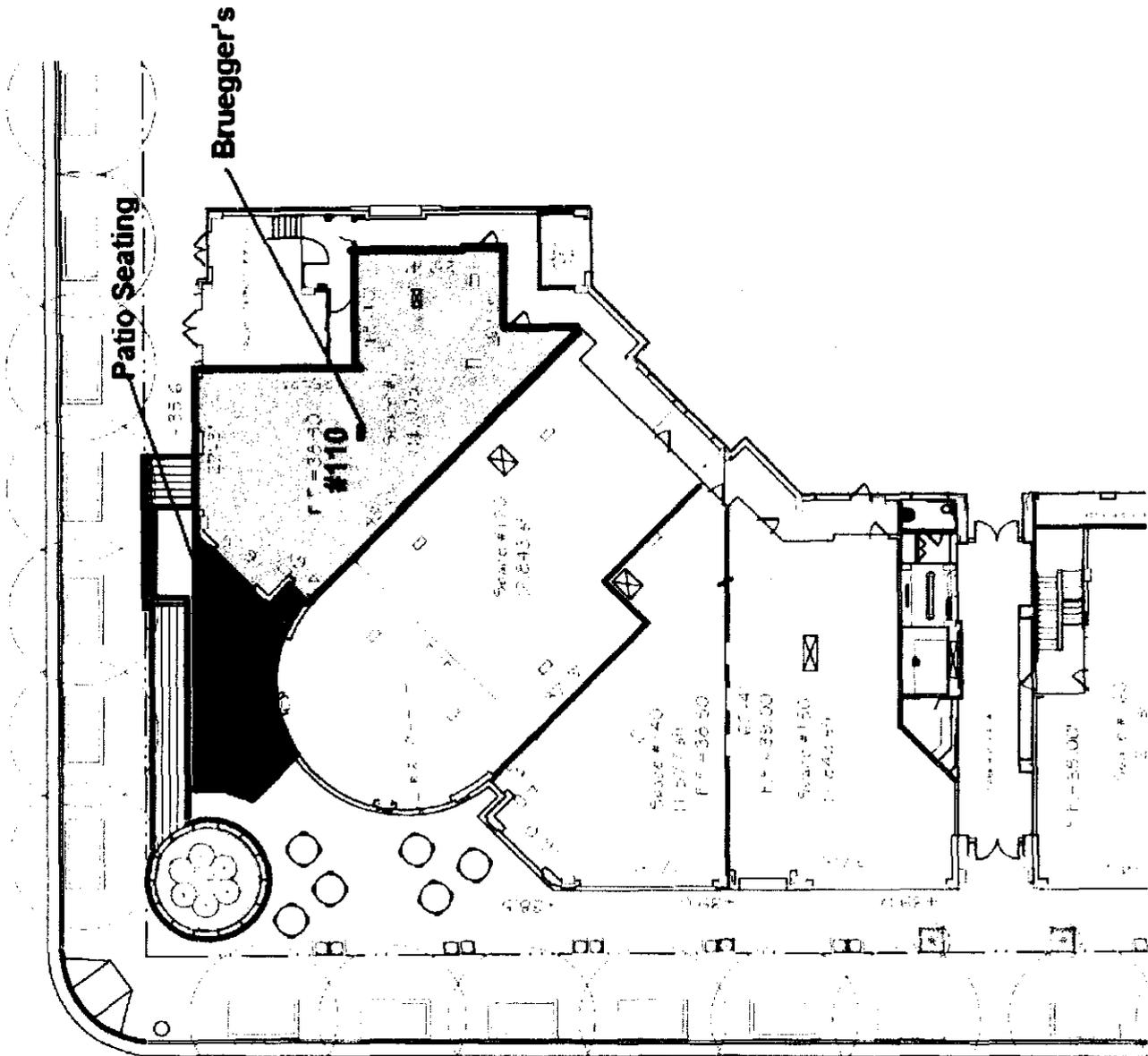
4. The restaurant will offer the following service (check items that apply):
X* table service _____ bar X carry-out _____ delivery
*There is no wait staff.

5. If delivery service is proposed, how many vehicles do you anticipate? N/A
Will delivery drivers use their own vehicles? _____ Yes _____ No
Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
_____ Yes X No
If yes, please describe:

SUP 2006-0124

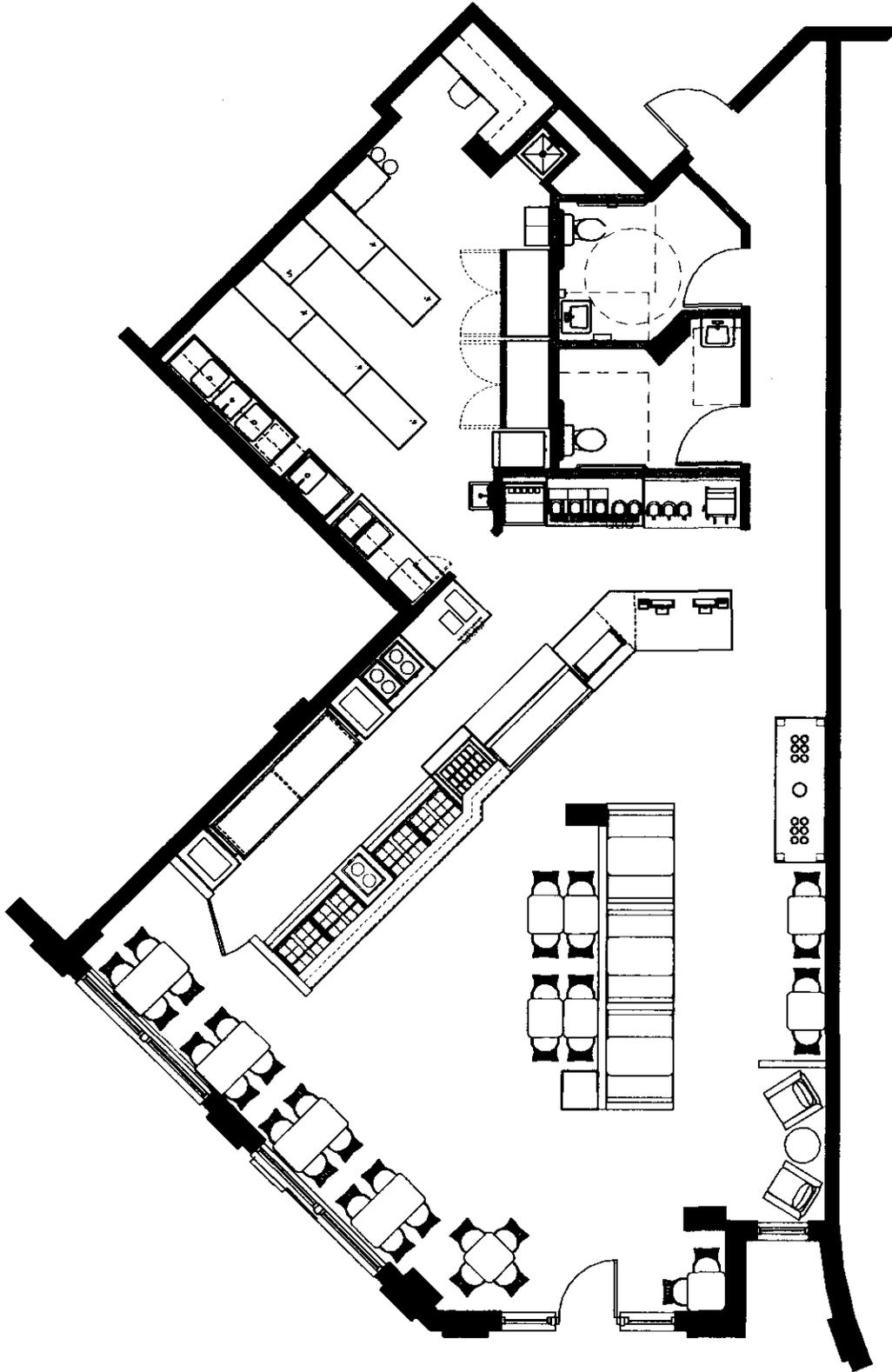
**BRUEGGER'S
CARLYLE SQUARE**



23
CARLYLE STREET

H N

SUP2006-0124



48 SEATS
 1905 SQUARE FEET

SCALE: 3/16" = 1'-0"
 10/31/2006 JB

CARLYLE
 ALEXANDRIA VA.

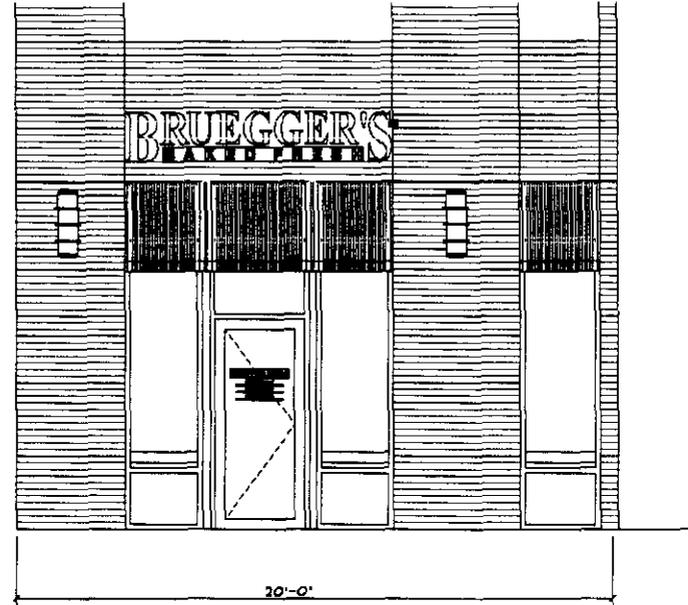
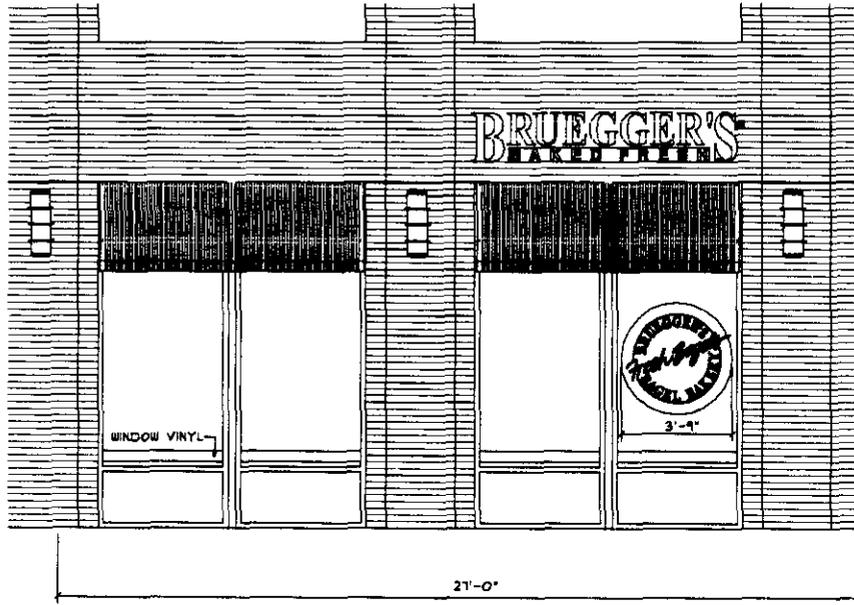
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ARCHITECTURAL
 DESIGN
 SERVICES
 4815 WOODBURN AVENUE, SUITE 100
 ALEXANDRIA, VA 22304
 (703) 575-1000

24

25



RACEWAY MOUNTED ILLUMINATED CHANNEL LETTERS

ALLOWED SIGN AREA- 1 SQUARE FOOT PER 1 LIN. FOOT OF STORE FRONT- 41 SQ FEET
 SIGN AREA (2) SIGNS AT 15 SQ. FT.- 30 SQ FEET
 WINDOW SIGN (1) 57.4 SQ. FT. = 4
 ACTUAL TOTAL SIGN AREA UTILIZED- 44 SQ FT

ARCHITECTURAL
 DESIGN
 SERVICES



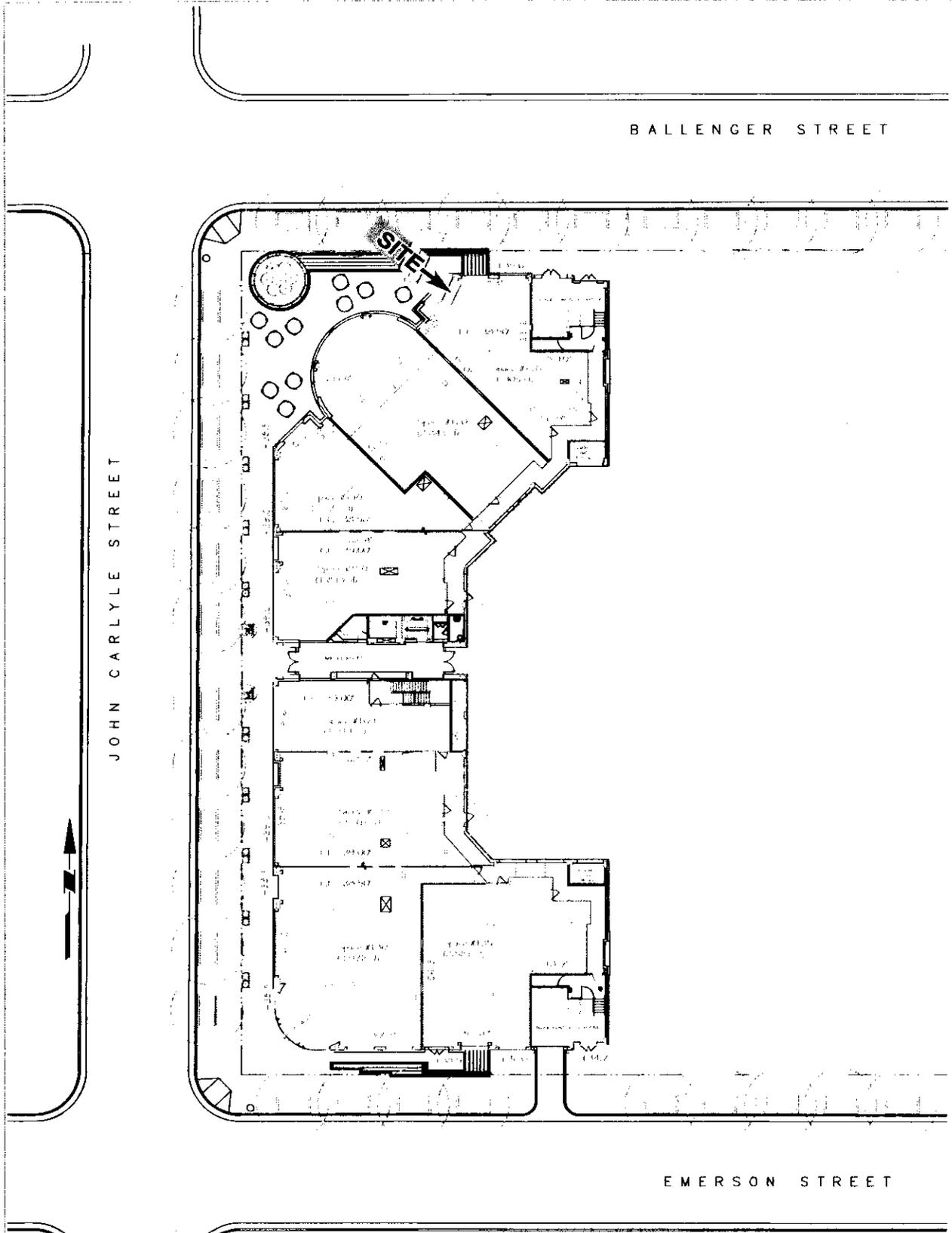
CARLYLE SQUARE
 ALEXANDRIA, VA

SQ FT=	SEATING=
SIGN LAYOUT	SCALE: 1/4"=1'-0"
BEI PROJECT #	12/18/2006

D:\Drawings\Brueggers\2006\2006-018 Carlyle Square\11E1

Sup2006-0124

SUP 2006 day



JOHN CARLYLE STREET

BALLENGER STREET

EMERSON STREET

STREET LEVEL PLAN

1 Exhaust Shaft Location
Gross Retail Area = 17,083 SF

NOTES

THIS PLAN SET IS A GUIDE TO THE RENTAL SPACE FORMING A PART OF THE LEASE UNIT.
IT IS NOT A CONTRACT AND DOES NOT REPRESENT THE EXACT DIMENSIONS OF THE SPACE.
THE LESSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
THE LESSEE SHALL BE RESPONSIBLE FOR ALL UTILITIES AND SERVICES.
THE LESSEE SHALL BE RESPONSIBLE FOR ALL MAINTENANCE AND REPAIRS.

CARLYLE SQUARE

REV	DESCRIPTION	DATE
1	SPACE - 100 REDUCTION	12/16/05
2	ADD SPACE #185	03/15/06
3	VARIOUS Rm's #110, #120 & #140	09/27/06

Lease Plan

26

POST PROPERTIES
1800 Diagonal Road, Suite 480
Alexandria, VA 22314
Telephone: 703.739.1535
Facsimile: 703.739.1539

ISSUE DATE
9/27/06

ALEXANDRIA, VIRGINIA

1 OF 3

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 6, 2007

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: RICHARD JOSEPHSON, ACTING DIRECTOR
DEPARTMENT OF PLANNING AND ZONING *RJ*

SUBJECT: SUP#2006-0124 (520 JOHN CARLYLE STREET)

In discussions with the applicant, staff has amended the following condition on page 6 of the staff report:

6. **CONDITION AMENDED BY STAFF:** ~~No delivery service shall be provided~~
Delivery service shall be permitted to customers in the immediate area. (P&Z)

SPEAKER'S FORM

DOCKET ITEM NO. 8

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. **NAME:** Duncan W. Blair, Esquire
- 2. **ADDRESS:** 524 King Street, Alexandria, Virginia 22314
TELEPHONE NO. 703 836-1000 **E-MAIL:** dblair@landclark.com
- 3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
Bruegger's Enterprises, Inc.
- 4. **WHAT IS YOUR POSITION ON THE ITEM?**
For
- 5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**
Attorney
- 6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2006-024

PROPERTY LOCATION: 520 John Carlyle Street, Unit 110, Alexandria, Virginia

TAX MAP REFERENCE: 73.04 01 33 **ZONE:** CDD-1

APPLICANT

Name: Bruegger's Enterprises, Inc.
Address: 159 Bank Street, Burlington, Vermont 05401

PROPERTY OWNER

Name: Carlyle Condominium Development, LLC
Address: 4401 Northside Parkway, c/o Post Apartment Homes, LLC, Atlanta, GA 30327

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 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

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

Land, Clark, Carroll, Mendelson & Blair, P.C.

Duncan W. Blair

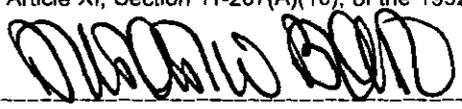
Print Name of Applicant or Agent

524 King Street

Mailing/Street Address

Alexandria, VA 22314

City and State Zip Code

Signature 

703 836-1000 703 549-3335

Telephone # Fax #

dblair@landclark.com

Email address

December 27, 2006

Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: Recommended Approval 3-6-07 6-0

ACTION - CITY COUNCIL: 3/17/07 - CC approved the PC recommendation 7-0 (see attache

Council Action: _____

- 8. SPECIAL USE PERMIT #2006-0124
520 JOHN CARLYLE STREET, UNIT 110
BRUEGGER'S BAKERY CAFE
Public Hearing and Consideration of a request to operate a restaurant; zoned CDD #1/Coordinated Development District. Applicant: Bruegger's Enterprises, Inc. by Duncan Blair, attorney

PLANNING COMMISSION ACTION : Recommend Approval 6-0

City Council approved the Planning Commission recommendation, with the following amendment: 1. If City Council passes the smoke-free restaurant ordinance, the restaurant shall be smoke-free within three months of adoption .

Council Action: _____

- 9. SPECIAL USE PERMIT #2006-0123
3101 NORTH HAMPTON DRIVE - COM 101
RESTAURANT/PARKING REDUCTION
Public Hearing and Consideration of a request to operate a restaurant and for a parking reduction; zoned CRMU-H/Commercial Residential Mixed Use High. Applicant: David Gwathmey

PLANNING COMMISSION ACTION : Recommend Approval 6-0

City Council approved the Planning Commission recommendation, with the following amendments: 1. If City Council passes the smoke-free restaurant ordinance, the restaurant shall be smoke-free within three months of adoption; 2. There shall be up to 51 seats, including outdoor seating, if approved by the Condominium Association; and 3. Condition #4 is changed to read that the parking reduction is commensurate with the number required to accommodate the number of seats in the restaurant .

Council Action: _____

- 10. SPECIAL USE PERMIT #2007-0002
115 NORTH PATRICK STREET
CONGREGATE HOUSING/SAFE HAVEN
Public Hearing and Consideration of a request to allow a congregate housing facility for the Safe Haven Program, and approval to provide parking within 300 feet of the facility, zoned CD/Commercial Downtown. Applicant: Alexandria Community Services Board by M. Catherine Gibbs, attorney.

PLANNING COMMISSION ACTION : Recommend Approval w/amendments 6-0

City Council approved the Planning Commission recommendation, with the following amendments: 1. Amend condition #9 to add an additional sentence that reads "Residents can ask for reestablishment of the Neighborhood Advisory