

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

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.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

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 placed 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)

8. No motor vehicle delivery service is permitted. (P&Z)
9. No food, beverages, or other material shall be stored outside.(P&Z)
10. 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)
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 backlit 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)

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.

SUP#2006-0029
606 King Street

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**