

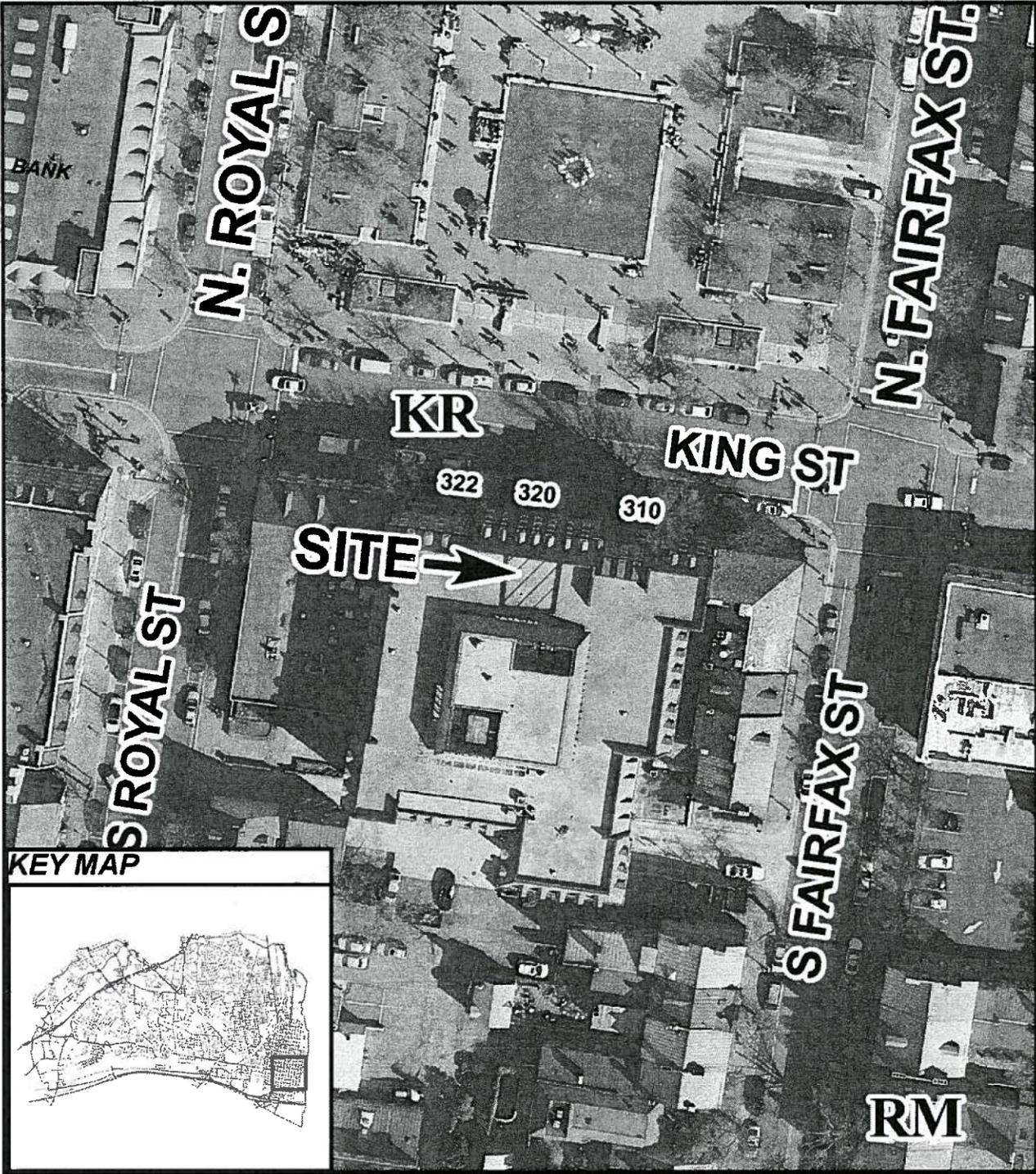
**Docket Item #6**  
**Special Use Permit #2010-0039**  
**320 King Street – Subway Café Restaurant**

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Application	General Data	
<b>Request:</b> Consideration of a request to operate a restaurant.	<b>Planning Commission Hearing:</b>	September 7, 2010
	<b>City Council Hearing:</b>	September 25, 2010
<b>Address:</b> 320 King Street	<b>Zone:</b>	KR/King Street Retail
<b>Applicant:</b> King Street Subway, Inc by Mary Catherine Gibbs, Attorney	<b>Small Area Plan:</b>	Old Town

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

**Staff Reviewers:** Eileen Oviatt [eileen.oviatt@alexandriava.gov](mailto:eileen.oviatt@alexandriava.gov)



**SUP #2010-0039**

**09/07/10**



**I. DISCUSSION**

REQUEST

The applicant, King St. Subway, Inc., requests special use permit approval for the operation of a restaurant located at 320 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 148 feet of frontage on King Street, 49 feet of frontage on S. Fairfax Street, 35 feet of frontage on S. Royal Street, and a total lot area of 26,024 square feet. The site is developed with the five-story Kay Building that consists of office space on the top floors and retail space on the first floor and Gadsby’s Arcade. Access to the property is from King Street.



The surrounding area is occupied by a mix of retail, office, and restaurant uses. Immediately to the north are Market Square and City Hall. To the west is a Long and Foster office branch. The Kay Building surrounds the space to the south and east and includes retail and personal service uses.

BACKGROUND

Historically, the subject unit has been used for retail uses, but has been vacant since the Wilfred-Rogers retail store closed in June, 2008. An SUP for Sandella’s Flatbread Café was approved in 2008, but that prospective tenant never occupied the space.

PROPOSAL

The applicant proposes to operate a Subway Restaurant at this location with 42 indoor seats under the “Subway Café” concept. According to the applicant, the “Subway Café” concept includes more upscale choices on the menu, including certain gourmet sandwiches as well as breakfast sandwiches, Seattle’s Best coffee and/or espresso service and gelato. The applicant has indicated that the business will operate according to the following:

- Hours: Sunday through Thursday, 7:00 a.m. – 10:00 p.m.  
Friday and Saturday, 7:00 a.m. – midnight
- Number of seats: 42 indoor seats  
8 outdoor seats
- Noise Impacts: None anticipated

Entertainment: No live entertainment is proposed.

Alcohol: Alcohol sales are not proposed.

Trash/Litter: Cardboard boxes and other trash from general restaurant operations. Trash and garbage will be deposited and stored in the commercial dumpster on the dumpster pad at the rear of the building. The applicant proposes approximately ¼ to ½ dumpster of trash and garbage per day. The dumpster will be emptied approximately three times per week. Restaurant staff will self-police the adjacent right of way, and dedicated employees will frequently walk the perimeter and clean up any Subway generated trash.

#### PARKING

The subject property is located within the Central Business District (CBD). According to Section 8-300(B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements.

#### ZONING/MASTER PLAN DESIGNATION

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

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

## **II. STAFF ANALYSIS**

Staff recommends approval of the proposed restaurant at this location. The proposed restaurant is compatible with and complementary to existing surrounding retail spaces, commercial offices, and Market Square. It is consistent with the Old Town Restaurant Policy and the King Street Retail Strategy and there is a prior similar restaurant approval in the same location.

#### *Old Town Restaurant Policy*

The Old Town Restaurant Policy requires restaurants to be analyzed for potential negative impacts on the surrounding residential area, especially with regard to the following factors: the availability of off-street parking, the impact of the restaurant on parking in the adjacent neighborhood, late night hours, alcohol, litter, and diversity of uses.

*Alcohol and Late Hours*

The applicant is not proposing any alcohol sales, and the proposed closing hours of 10:00 p.m., Sunday through Thursday and midnight, Friday and Saturday are consistent with other restaurants in the area.

*Litter*

As a quick service restaurant that proposes a large amount of carry-out business, this proposal has an increased potential for litter impacts. The applicant has clearly stated in their application that employees will be regularly monitoring the area immediately adjacent to the site to ensure that any trash is picked up. In addition, staff has included standard condition language requiring the applicant to pick up litter around the premises at least twice a day.

*Parking*

The recent Old Town Area Parking Study found that the key to making parking work in Old Town is the garages, and making sure that the spaces in the garages is utilized. There is ample off-street parking in existing garages in the immediate vicinity to accommodate patrons; however the restaurant is expected to serve a combination of local workers, residents and tourists who walk to the restaurant from nearby shops, offices, and hotels.

As this restaurant will not be open late at night and is not considered a destination restaurant, it is anticipated that patrons will consist primarily of those workers and visitors already in the area and should have little to no impact on the nearby residential areas. Even so, staff is recommending that the applicant participate 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 Old Town Area Parking Study.

*Diversity of Uses*

In this particular case, the proposed restaurant will occupy a space that was formerly used for retail, however, it should be noted that a retail store is not closing as a result of this restaurant proposal. In fact, the space has been vacant for over two years. To determine whether the replacement of retail space with a restaurant would upset the overall balance of these uses in the immediate vicinity, staff conducted a survey of uses in the 100, 200, 300, 400, and 500 blocks which revealed 17 restaurants and 31 retail or personal service uses. The restaurant uses are mostly clustered to the east, toward the waterfront in the 100 and 200 blocks of King Street. The majority of the restaurants in this area (13) are considered to be full service and include full table service.

If approved, the proposal would bring the total number of restaurants in the 200 through 400 blocks of King Street to six. This would be the only “quick service” restaurant within these three blocks, and retail shops and other uses would still predominate.

*King Street Retail Strategy*

The King Street Retail Strategy promotes a mix of retail shops and restaurants on King Street and in Old Town and encourages restaurants in particular because restaurants promote an active pedestrian experience and extend the activity into the evening hours.

The proposed restaurant would fill a long-vacant storefront and is compatible and complementary with existing surrounding retail spaces, commercial offices, and Market Square. Having an active restaurant tenant in this site would help to add more street level activity to King Street, will provide a convenience for area office workers and residents, and will extend activity into the evening. These features respond well to the goals stated in the King Street Retail Strategy.

The applicant has requested approval for outdoor seating as a part of this application, however, the subject property is part of the King Street Outdoor Dining Program, and requires a separate application and approval. Staff would support outdoor seating as long as the applicant can satisfy the requirements of the King Street Outdoor Dining program.

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 have the potential to detract from King Street's unique and eclectic retail character. Some fast food restaurants employ a design with garish lighting and signage and plastic furniture and fixtures that is not compatible with the historic buildings, small shops, and independent, eclectic collection of retail and restaurant experiences on King Street.

Staff considers the desirability of quick service restaurants on a case by case basis and in this instance finds that the proposed restaurant would be appropriate in this location. There are no other quick service restaurants on the subject block or blocks immediately adjacent.

Subway has historically offered an inexpensive lunch option for office workers in the area, having been located in both the 200 and 300 blocks of King Street. The proposed Subway at this location will be operated under the "Subway Café" concept, which the applicant has indicated includes more upscale choices on the menu as well as a higher quality of design and material in the interior design and finishes. The applicant has provided several concept design drawings that staff believes can be appropriate here. To ensure that the final design is consistent with the concept presented in the application, staff has included condition #21, which has been included in other recent SUPs for quick service restaurants along King Street. Restaurants with this condition include the Sandella's Flatbread Café previously approved for this location, Bruegger's Bagel at 606 King Street, and another Subway restaurant at 1512 King Street.

### **Conclusion**

Staff believes that the proposed restaurant is appropriate for this location and is consistent with both the Old Town Restaurant Policy and the King Street Retail Strategy. Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

### **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 between 7:00 a.m. and 10:00 p.m., Sundays through Thursdays, and between 7:00 a.m. and midnight, Fridays and Saturdays. (P&Z)
3. The maximum number of indoor seats at the restaurant shall be 42. Additional outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. No live entertainment shall be provided at the restaurant. (P&Z)
6. No alcohol service shall be permitted. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. 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)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
10. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) (T&ES)
11. 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. (P&Z) (T&ES)
12. The applicant shall direct patrons to the availability of parking at nearby public garages and 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 Strategy. (P&Z) (T&ES)

13. 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 does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site, outside of those containers. (P&Z)(T&ES)
14. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
15. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
16. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
17. 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 and robbery readiness training for all employees. (Police)
18. 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)
19. 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 or other high quality material.
  - 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 or show pictures or photos of food items.
20. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the

result of a complaint that rises to the level of a violation of the permit conditions; or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;  
Eileen Oviatt, Urban Planner.

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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. (T&ES)
- 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. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 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 does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site, outside of these containers. (TES)
- 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. (T&ES)
- R-7 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)
- R-8 The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized programs to assist with both employee and customer parking for business that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (TES)
- C-1 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). (TES)

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City

Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form.

- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Enforcement:

- C-1 The current use is classified as B- Business; the proposed use is A-2 Assembly. 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 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 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-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 508.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-7 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-8 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-9 The USBC limits the occupant loading for the outdoor seating area to 15 square feet per person.
- C-10 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.
- C-11 A new 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-12 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-13 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-14 The proposed use is a change in use group classification; a new Certificate of Occupancy is required (USBC 116.1).

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. (Payable to VDH \$335.00)

- 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 \$200.00 fee for review of plans for food facilities (Payable to the City of Alexandria).
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods and equipments

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 assessment for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs.



# APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2010-0039

**PROPERTY LOCATION:** 320 King Street

**TAX MAP REFERENCE:** 075-01-08-02 **ZONE:** KR

**APPLICANT:**  
Name: King St. Subway, Inc.

Address: 4629 Aspen Hill Ct., Annandale, VA 22203

**PROPOSED USE:** 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

**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.

Mary Catherine Gibbs  
Print Name of Applicant or Agent

Mary Catherine Gibbs 10/22/10  
Signature Date

307 N. Washington St.  
Mailing/Street Address

703-836-5757 703-548-5443  
Telephone # Fax #

Alexandria, VA 22314  
City and State Zip Code

mcg.hcgk@verizon.net  
Email address

<b>ACTION-PLANNING COMMISSION:</b> _____	<b>DATE:</b> _____
<b>ACTION-CITY COUNCIL:</b> _____	<b>DATE:</b> _____

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of \_\_\_\_\_, I hereby  
(Property Address)  
grant the applicant authorization to apply for the \_\_\_\_\_ use as  
(use)  
described in this application.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Please Print  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. 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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

King St. Subway, INc. is owned by Hee Chae Lee, 51% and Yun Hee Lee, 49%, both of

4629 Aspen Hill Ct., Annandale, VA 22203.

SUP # 2010-0029

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 320 King Street, LC I hereby  
(Property Address)  
grant the applicant authorization to apply for the restaurant use as  
(use)  
described in this application.

Name: Paul Damereil Phone 703-519-0200  
Please Print  
Address: 320 King St., Alexandria, VA Email: \_\_\_\_\_  
Signature: *Paul Damereil* Date: June 22, 2010

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. 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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Hee Chae Lee	4629 Aspen Hill Ct, Annandale, VA 22203	51%
2. Yun Hee Lee	Same as above	49%
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 320 King Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Hee Chae Lee	None.	
2. Yun Hee Lee	None.	
3.		

**NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.**

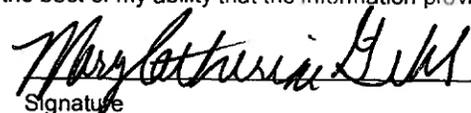
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

6/21/10

Date

Mary Catherine Gibbs

Printed Name



Signature

SUP # 2010-0039

**OWNERSHIP AND DISCLOSURE STATEMENT**  
Use additional sheets if necessary

**1. Applicant.** 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 320 King Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
c/o 1. Jacqueline McMullan McMullan Associates Inc.	26 Park Street Montclair, NJ 07042	20%
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or other Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Jacqueline McMullan	None	None
2.		
3.		

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

6/22/10  
Date

Paul Damereil  
Printed Name

*Paul Damereil*  
Signature

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**NARRATIVE DESCRIPTION**

## 3. Describe the nature of the request in detail:

This space that fronts on King Street, immediately across King from City Hall, was previously approved for a Santella's Flatbread restaurant, but that restaurant failed to open with the requisite 18 months from approval of the previous SUP. Prior to that, the space was utilized as a Wilfred-Rogers retail store which closed in June of 2008.

The proposed use is as a Subway Restaurant, and will be operated under the new "Subway Café" concept. The Subway Café concept includes more upscale choices on the menu, including certain gourmet sandwiches as well as breakfast sandwiches, Seattle's Best coffee and/or espresso service and gelato ice cream. The Applicant recognizes that this location fronting on King Street is an important one and that's why they think this is an appropriate location for their Subway Café concept. The Applicant also proposes to use upscale décor with upholstered chairs and a partial stone wall in the interior space. There is also more information on their website at [www.subwaydcw.com](http://www.subwaydcw.com). While Subway may be a quick-service franchise operation, they have been a part of this block in years past, as well as on the 200 block of King Street. When the Santella's application was approved, Staff recognized that quick service restaurants have a place within the King Street Retail Strategy. In this block, there are no other quick service restaurants on the subject block or blocks immediate adjacent to it. At that time, Staff noted that there had been a decrease in the number of quick serve restaurants in this block. And, Santella's had agreed to provide a higher quality of design and material for this establishment, as Subway is agreeing to do with this application.

The Applicant proposes to be open from 7 a.m. to 10 p.m. on Sunday through Thursday and 7 a.m. to midnight on Friday and Saturday. The Applicant wants to keep the same number of seats as was approved for the Santella's Flatbread restaurant, 42 interior and 8 exterior seats. See the attached floor plan. The maximum number of employees is approximately 15-20, if you count part-time employees, with no more than 8 on site at any one time. No alcohol service is proposed, and no entertainment is proposed.

**USE CHARACTERISTICS**

4. The proposed special use permit request is for (check one):  
 a new use requiring a special use permit,  
 an expansion or change to an existing use without a special use permit,  
 an 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).  
Typical number of patrons for a restaurant of this type on a daily basis.

- B. How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).  
Total of 15 employees, with no more than 8 on either of the two daily shifts.

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

Day:	Hours:
<u>Sunday - Thursday</u>	<u>7am - 10 pm</u>
<u>Friday and Saturday</u>	<u>7am to Midnite</u>

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

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.  
Typical noise from a restaurant of this type.

- B. How will the noise be controlled?  
No additional measures necessary beyond typical doors and windows as this type of  
use has a limited noise impact

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

Subway makes its own bread, but its ovens will be appropriately controlled for a use of this type.  
\_\_\_\_\_  
\_\_\_\_\_

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? (i.e. office paper, food wrappers)  
Typical trash for a use of this type, paper products and food waste.  
\_\_\_\_\_

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)  
Typical amount for a use of this type, about a 1/4 dumpster to 1/2 dumpster a day.  
\_\_\_\_\_

C. How often will trash be collected?  
Approx. 3 times per week by a commercial trash company.  
\_\_\_\_\_

D. How will you prevent littering on the property, streets and nearby properties?  
Employees will self-police the area immediately adjacent to the site to ensure trash is picked up.  
\_\_\_\_\_

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:

\_\_\_\_\_  
\_\_\_\_\_

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:

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

None above the normal safety measures taken by all business owners.

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### ALCOHOL SALES

13.

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

Yes       No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

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**PARKING AND ACCESS REQUIREMENTS**

14. A. How many parking spaces of each type are provided for the proposed use: **N/A**

- \_\_\_\_\_ Standard spaces
- \_\_\_\_\_ Compact spaces
- \_\_\_\_\_ Handicapped accessible spaces.
- \_\_\_\_\_ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A \_\_\_\_\_

Does the application meet the requirement?  
 Yes  No

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

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

\_\_\_\_\_

**PLEASE NOTE:** 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.

C. 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.  
  
 Parking reduction requested; see attached supplemental form

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

A. How many loading spaces are available for the use? 0

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 \_\_\_\_\_

Does the application meet the requirement?  
 Yes  No

- B. Where are off-street loading facilities located? \_\_\_\_\_  
There is a loading space immediately in front of the site.
- C. During what hours of the day do you expect loading/unloading operations to occur?  
Before business hours.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
On an as needed basis, but approximately once a week.

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 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?  
1797 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = 1797 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: 320 King Arcade  
 an office building. Please provide name of the building: \_\_\_\_\_  
 other. Please describe: \_\_\_\_\_

End of Application



# 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: 42                      Outdoors: 8                      Total number proposed: 50

2. Will the restaurant offer any of the following?

Alcoholic beverages ( <b>SUP only</b> )	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Beer and wine — on-premises	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Beer and wine — off-premises	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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

Subway will be serving various breakfast and lunch items including many healthy sandwiches,  
including breakfast sandwiches, both cold and hot sandwiches, as well as coffee/espresso, and gelato.

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

table service     bar     carry-out/dine-in     delivery

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     No

If yes, please describe:

**Parking impacts.** Please answer the following:

1. 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
  
2. 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
  
3. 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

**Litter plan.** 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 Applicant proposes to self-police the immediate vicinity to keep the area clean and free of litter from the restaurant.

**Alcohol Consumption and Late Night Hours.** Please fill in the following information.

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

50	Maximum number of patron dining seats
+	Maximum number of patron bar seats
+	Maximum number of standing patrons
=	50 Maximum number of patrons
  
2.  Maximum number of employees by hour at any one time
  
3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)  
 Closing by 8:00 PM  
 Closing after 8:00 PM but by 10:00 PM  
 Closing after 10:00 PM but by Midnight  
 Closing after Midnight
  
4. Alcohol Consumption (check one) N/A  
 High ratio of alcohol to food  
 Balance between alcohol and food  
 Low ratio of alcohol to food



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University of Maryland,  
Baltimore County,  
1000 Hilltop Circle,  
Baltimore, MD 21250

# ***Proposed Design and Décor Elements***

# **SUBWAY** Cafe MATERIAL BOARD



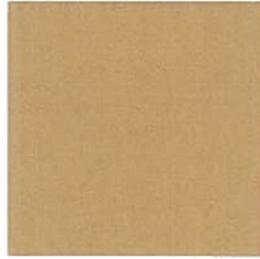
**Biltmore  
Cherry  
Laminate**  
(Wilsonart)



**Black  
Leather**  
(Arc-Com)



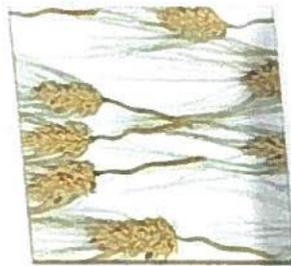
**Rhythm  
Berry  
Fabric**  
(Arc-Com)



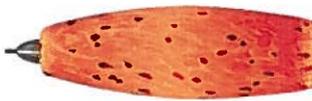
**Bosc Pear  
Paint**  
(Sherwin  
Williams)



**Fired Brick  
Red Paint**  
(Sherwin  
Williams)



**Wheat Resin  
Panel**  
(Lumicor)



**Mini Solman  
Pendant**  
(Translite  
Sonoma)



**Louvre  
18 x 18  
Palais Floor Tile**  
(Crossville)



**Chopsticks  
6 x 12  
Color Blox Too  
Wall Tile**  
(Crossville)



**Caramel Country  
Cultured Stone®**  
(Owens Corning)



# 3D RENDERINGS





# 3D RENDERINGS



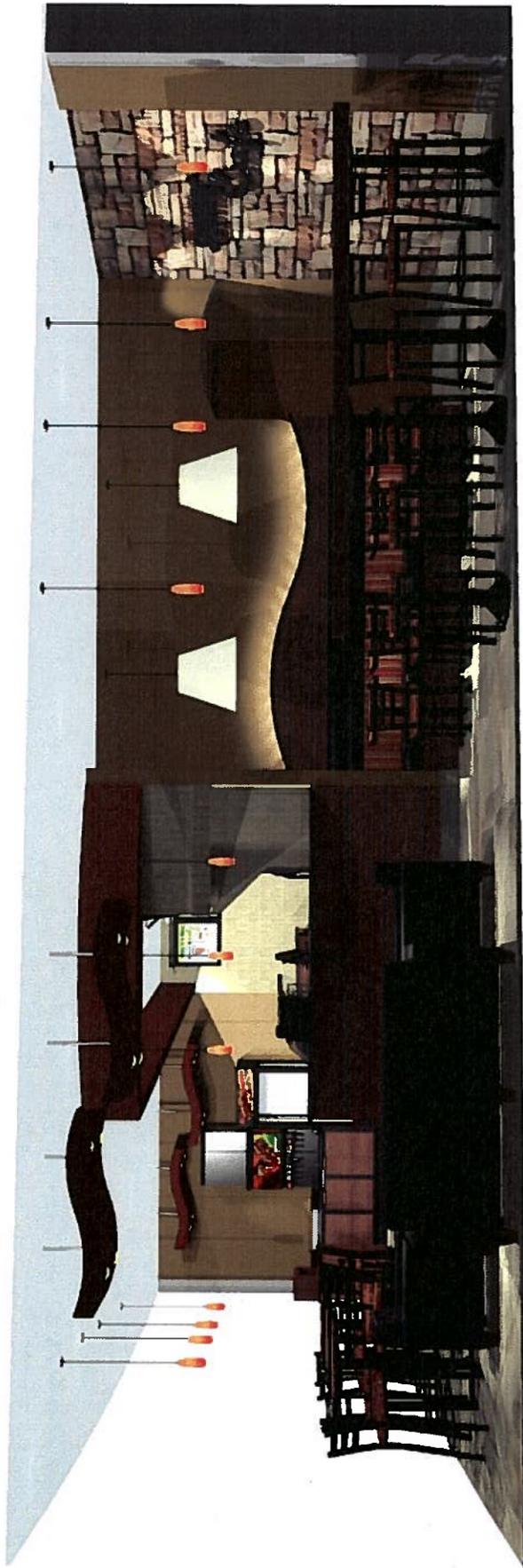


# 3D RENDERINGS



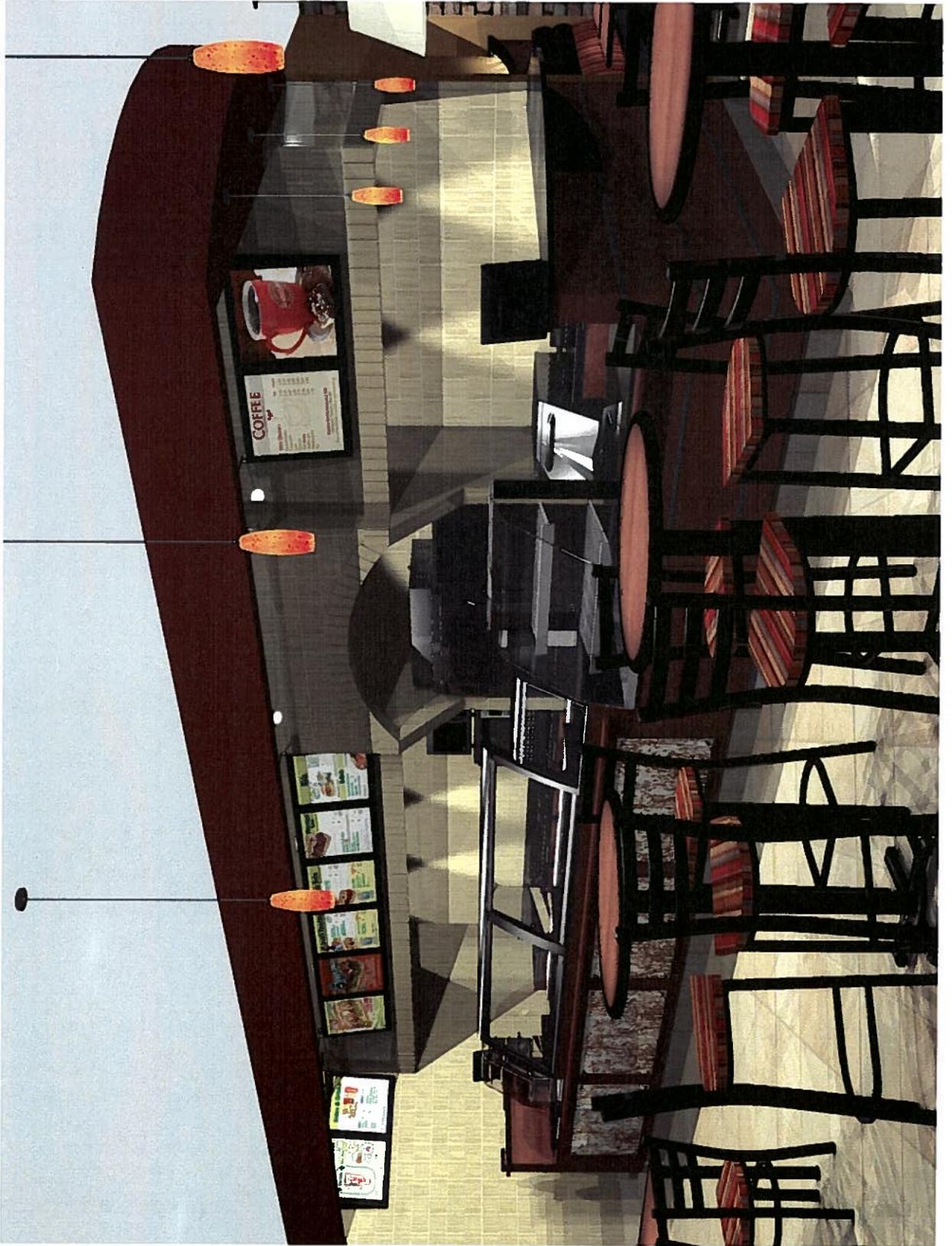


# 3D RENDERINGS





# 3D RENDERINGS



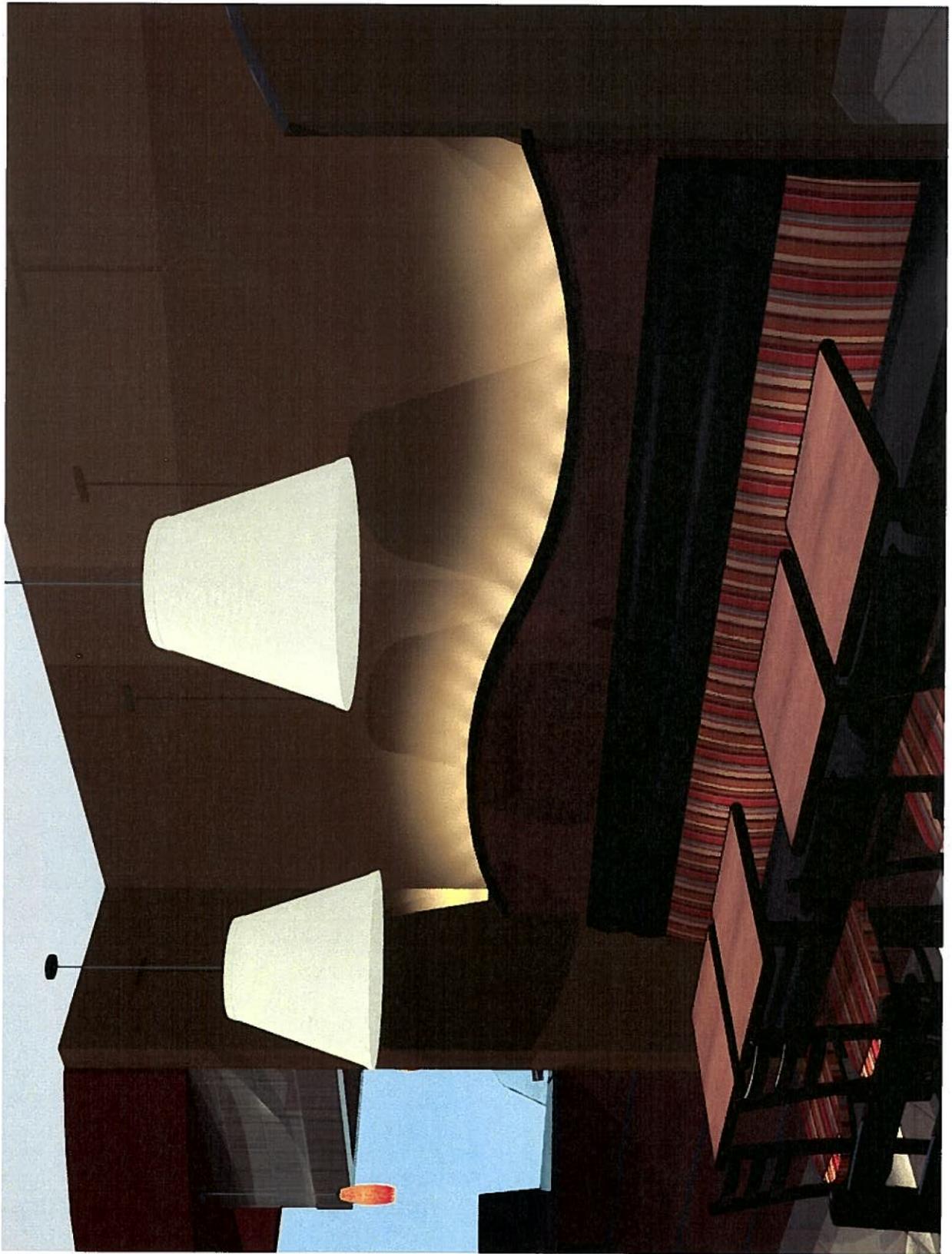


# 3D RENDERINGS





# 3D RENDERINGS





# 3D RENDERINGS





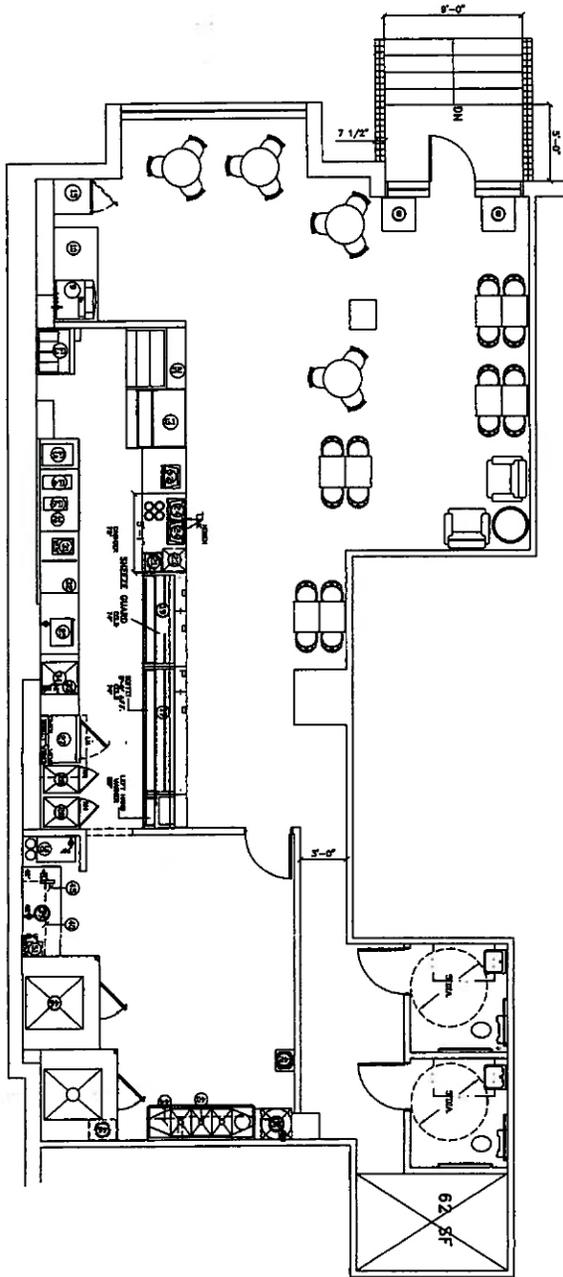
# 3D RENDERINGS





# 3D RENDERINGS





PA-3 - 320 KING STREET  
 9-22-09 1/4" = 1'-0"  
 1797 NET SF USABLE SPACE

NO.	DESCRIPTION	MANUFACTURER
01	48" X 36" TABLE	PLUMB
02	9 TONN RECEPTACLE	PLUMB
03	10 1/2" DIA. SINK	PLUMB
04	11 1/2" DIA. SINK	PLUMB
05	12 1/2" DIA. SINK	PLUMB
06	13 1/2" DIA. SINK	PLUMB
07	14 1/2" DIA. SINK	PLUMB
08	15 1/2" DIA. SINK	PLUMB
09	16 1/2" DIA. SINK	PLUMB
10	17 1/2" DIA. SINK	PLUMB
11	18 1/2" DIA. SINK	PLUMB
12	19 1/2" DIA. SINK	PLUMB
13	20 1/2" DIA. SINK	PLUMB
14	21 1/2" DIA. SINK	PLUMB
15	22 1/2" DIA. SINK	PLUMB
16	23 1/2" DIA. SINK	PLUMB
17	24 1/2" DIA. SINK	PLUMB
18	25 1/2" DIA. SINK	PLUMB
19	26 1/2" DIA. SINK	PLUMB
20	27 1/2" DIA. SINK	PLUMB
21	28 1/2" DIA. SINK	PLUMB
22	29 1/2" DIA. SINK	PLUMB
23	30 1/2" DIA. SINK	PLUMB
24	31 1/2" DIA. SINK	PLUMB
25	32 1/2" DIA. SINK	PLUMB
26	33 1/2" DIA. SINK	PLUMB
27	34 1/2" DIA. SINK	PLUMB
28	35 1/2" DIA. SINK	PLUMB
29	36 1/2" DIA. SINK	PLUMB
30	37 1/2" DIA. SINK	PLUMB
31	38 1/2" DIA. SINK	PLUMB
32	39 1/2" DIA. SINK	PLUMB
33	40 1/2" DIA. SINK	PLUMB
34	41 1/2" DIA. SINK	PLUMB
35	42 1/2" DIA. SINK	PLUMB
36	43 1/2" DIA. SINK	PLUMB
37	44 1/2" DIA. SINK	PLUMB
38	45 1/2" DIA. SINK	PLUMB
39	46 1/2" DIA. SINK	PLUMB
40	47 1/2" DIA. SINK	PLUMB
41	48 1/2" DIA. SINK	PLUMB
42	49 1/2" DIA. SINK	PLUMB
43	50 1/2" DIA. SINK	PLUMB
44	51 1/2" DIA. SINK	PLUMB
45	52 1/2" DIA. SINK	PLUMB
46	53 1/2" DIA. SINK	PLUMB
47	54 1/2" DIA. SINK	PLUMB
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73	80 1/2" DIA. SINK	PLUMB
74	81 1/2" DIA. SINK	PLUMB
75	82 1/2" DIA. SINK	PLUMB
76	83 1/2" DIA. SINK	PLUMB
77	84 1/2" DIA. SINK	PLUMB
78	85 1/2" DIA. SINK	PLUMB
79	86 1/2" DIA. SINK	PLUMB
80	87 1/2" DIA. SINK	PLUMB
81	88 1/2" DIA. SINK	PLUMB
82	89 1/2" DIA. SINK	PLUMB
83	90 1/2" DIA. SINK	PLUMB
84	91 1/2" DIA. SINK	PLUMB
85	92 1/2" DIA. SINK	PLUMB
86	93 1/2" DIA. SINK	PLUMB
87	94 1/2" DIA. SINK	PLUMB
88	95 1/2" DIA. SINK	PLUMB
89	96 1/2" DIA. SINK	PLUMB
90	97 1/2" DIA. SINK	PLUMB
91	98 1/2" DIA. SINK	PLUMB
92	99 1/2" DIA. SINK	PLUMB
93	100 1/2" DIA. SINK	PLUMB

REVISIONS:	SHEET TITLE: EXISTING CONDITIONS/ PRELIMINARY PLAN	PROJECT: 320 KING STREET
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WILEY & ASSOCIATES  
 525 MAIN STREET , #101  
 LAUREL, MARYLAND 20707  
 PHONE: (301) 776-2780

SEP 2010 0031

Docket Item #6  
Sup 2010-0039



To:  
Cc:  
Bcc:  
Subject: Fw: COA Contact Us: Special Use Permits

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----- Forwarded by Eileen Oviatt/Alex on 09/02/2010 03:28 PM -----

From: Joe Cantwell <jcantwell1@mac.com>  
To: Eileen.oviatt@alexandriava.gov  
Date: 09/02/2010 03:25 PM  
Subject: Fwd: COA Contact Us: Special Use Permits

---

**From:** Joe Cantwell <jcantwell1@mac.com>  
**Date:** September 2, 2010 3:20:29 PM EDT  
**To:** [Eileen.oviatt@alexandria.gov](mailto:Eileen.oviatt@alexandria.gov)  
**Subject:** Fwd: COA Contact Us: Special Use Permits

Hello Ms. Oviatt:

I was disappointed to learn that you are recommending approval of a Special Use Permit for a proposed Subway restaurant at 320 King Street.

The fact that this would be the only "quick service" restaurant on the "subject block or blocks immediately adjacent" should not be the driving factor in considering the application. Doing so would suggest that the only people this restaurant is designed to serve (and, therefore, impact) are city employees and similar workers in the subject block and blocks immediately adjacent. One does not need to look far beyond the door of 320 King Street to see CVS, Starbucks, Walgreens, Chipotle, Ritz Camera, Restoration Hardware, Books-A-Million, Breugger's Bagel's, Sun Trust Bank, La Madeliene...all chains. And, every one of these retailers markets to residents of Old Town, Alexandria and beyond. Subway will be no different.

The driving factor should be to enhance "King Street's unique and eclectic retail character." Subway is not just a national chain, it is an international chain - the largest in the world based on number of outlets. It is the number one "submarine sandwich franchise" in the world and its stated corporate goal is to become the number one quick serve restaurant chain. A Subway restaurant in the 300 block of King Street just adds to the chaining of Old Town.

The applicants are not even residents of Alexandria...shouldn't that also carry some weight in your analysis?

I am against the city granting this SUP. Please have my comments added to the record when it comes up for consideration on September 7th.

Thank you.

Joseph Cantwell

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Begin forwarded message:

**From:** [Nathan.Randall@alexandriava.gov](mailto:Nathan.Randall@alexandriava.gov)  
**Date:** August 4, 2010 4:18:44 PM EDT

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 have the potential to detract from King Street's unique and eclectic retail character. Some fast food restaurants employ a design with garish lighting and signage and plastic furniture and fixtures that is not compatible with the historic buildings, small shops, and independent, eclectic collection of retail and restaurant experiences on King Street.

Staff considers the desirability of quick service restaurants on a case by case basis and in this instance finds that the proposed restaurant would be appropriate in this location. There are no other quick service restaurants on the subject block or blocks immediately adjacent.

**To:** Joe Cantwell <[jcantwell1@mac.com](mailto:jcantwell1@mac.com)>  
**Subject: Re: COA Contact Us: Special Use Permits**

Mr. Cantwell,

Thanks for your email. I was out of the office last week. I have forwarded your email to Eileen Oviatt, who is the planner and point of contact for this case. I should note that she is out of the office this week. I checked to see whether the petitioner is a resident of Alexandria, per your request. The business appears to be owned by two individuals from Annandale.

Regards,  
Nathan

From: Joe Cantwell <[jcantwell1@mac.com](mailto:jcantwell1@mac.com)>  
To: [Nathan.Randall@alexandriava.gov](mailto:Nathan.Randall@alexandriava.gov)  
Date: 07/27/2010 04:49 PM  
Subject: Re: COA Contact Us: Special Use Permits

Hello Nathan:

Thank you for responding to my query. The SUP request that I am concerned about is for a Subway store that wants to open across King Street from City Hall. Though I have lived in the area for only a year, I am already seeing more national chains in Old Town than I ever would have imagined. Does the heart of Old Town need yet another restaurant, and a national franchise at that? I don't think so.

Is the petitioner a resident of Alexandria?

Thank again for your response. Please let me know if you have any questions.

Regards,

Joe Cantwell

On Jul 19, 2010, at 4:06 PM, [Nathan.Randall@alexandriava.gov](mailto:Nathan.Randall@alexandriava.gov) wrote:

Mr. Cantwell:

Thank you for contacting the City of Alexandria Department of Planning & Zoning. There are a number of ways in which residents may express their opposition to a Special Use

Permit request, including email, phone, and written letter. Residents may also speak at a public hearing if the SUP request requires a full hearing.

If you have an objection to a specific request currently under consideration, the best course of action would be for you to reply to this email indicating which request you're concerned about, its location, and the nature of your objection. Typically I am the staff member assigned to Special Use Permits, but if the request in question is being managed by someone else, I can put you in touch with him or her. If emailing your comments is not convenient for you please let me know.

Regards,  
Nathan Randall  
Urban Planner II



**Time:** [Wed Jul 14, 2010 23:59:48] **Message ID:** [22884]

**Issue Type:** Special Use Permits  
**First Name:** Joe  
**Last Name:** Cantwell  
**Street Address:** 104 Queen Street  
**City:** Alexandria  
**State:** VA  
**Zip:** 22314  
**Phone:** 3015124240  
**Email Address:** [jcantwell1@mac.com](mailto:jcantwell1@mac.com)  
**Subject:** How does a resident object to a Special Use Permit request?  
**Comments:**

Docket Item #6  
SUP 2010-0039

**HART, CALLEY, GIBBS & KARP, P.C.**

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757  
FAX (703) 548-5443  
hcgk.law@verizon.net

LURAY OFFICE:

170 KIBLER DRIVE  
LURAY, VA 22835

TELEPHONE: 540-743-2922  
FAX: 540-743-2422

HARRY P. HART  
MARY CATHERINE H. GIBBS  
HERBERT L. KARP

ASSOCIATE  
DAVID L. CHAMOWITZ

OF COUNSEL  
CONSTANCE H. PIERCE

RETIRED  
ROBERT L. MURPHY, 2001  
CYRIL D. CALLEY, 2005

September 7, 2010

Mr. John Komoroske, Chair  
and Members of the Planning Commission  
c/o Ms. Faroll Hamer, Director  
Department of Planning & Zoning  
City Hall, Room 2100  
Alexandria, VA 22314

Re: Docket Item No. 6, SUP # 2010-0039  
320 King Street, King St. Subway, Inc.

Dear Mr. Komoroske and Members of the Planning Commission:

We represent the Applicant, King St. Subway, Inc. in the above referenced application on your docket. The Applicant appreciates the positive recommendation of the Staff in favor of bringing this new Subway Café restaurant to this storefront that has been vacant since 2008. The Staff Report provides a detailed analysis as to the appropriateness of this restaurant in this location under both the Old Town Restaurant Policy as well as the King Street Retail Strategy.

There is one condition that the Applicant requests be amended with regard to the design of the interior of the restaurant. While the Applicant agrees that the level of design for this space must exceed that of other Subway restaurants in other parts of the City, the Applicant firmly believes that the Subway Café Concept design drawings submitted with their application accomplishes this laudable goal. As a result, the Applicant requests that Condition No. 19 be amended to state that, "the interior design of the restaurant shall be in keeping with the upscale concept drawings as submitted with the application and found at pages 28-39 of the Staff Report."

Thank you and we look forward to discussing this item with you on your docket tonight.

Sincerely,

  
Mary Catherine Gibbs

cc: Mr. Hee Chae Lee, King St. Subway, Inc.  
Mr. John Fillipiak, VP Development Subway DC of Washington

Docket Item # 6  
SUP 2010-0039

**Fw: SUP # 2010-0039 Docket Item No. 6, Planning Commission Meeting of September 7, 2010**

Eileen Oviatt to: Barbara Ross  
Cc: Kendra Jacobs

09/07/2010 04:40 PM

----- Forwarded by Eileen Oviatt/Alex on 09/07/2010 04:40 PM -----

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Date: 09/07/2010 04:39 PM  
Subject: Re: SUP # 2010-0039 Docket Item No. 6, Planning Commission Meeting of September 7, 2010

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Dear Planning Commissioners:

The Old Town Civic Association (OTCA), has reviewed the applicant's request and for the record takes the following position regarding the 320 King Street proposal:

OTCA would object to any amendment to City Staff's recommended condition #19 due to the fact that the location of the proposed Subway has a rather large front window that looks out onto Market Square and City Hall. As you well know, concept drawings can be subject to wide interpretation, particularly with regard to such things as the use and location of lighted signage, the type of lighting used in the space, the style of furniture, etc. If Subway is intent on having an "upscale" interior, then it is not clear why they object to condition #19, especially given the size of the front window of the space Subway will occupy.

Sincerely  
John Gosling  
President, Old Town Civic Association