

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

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

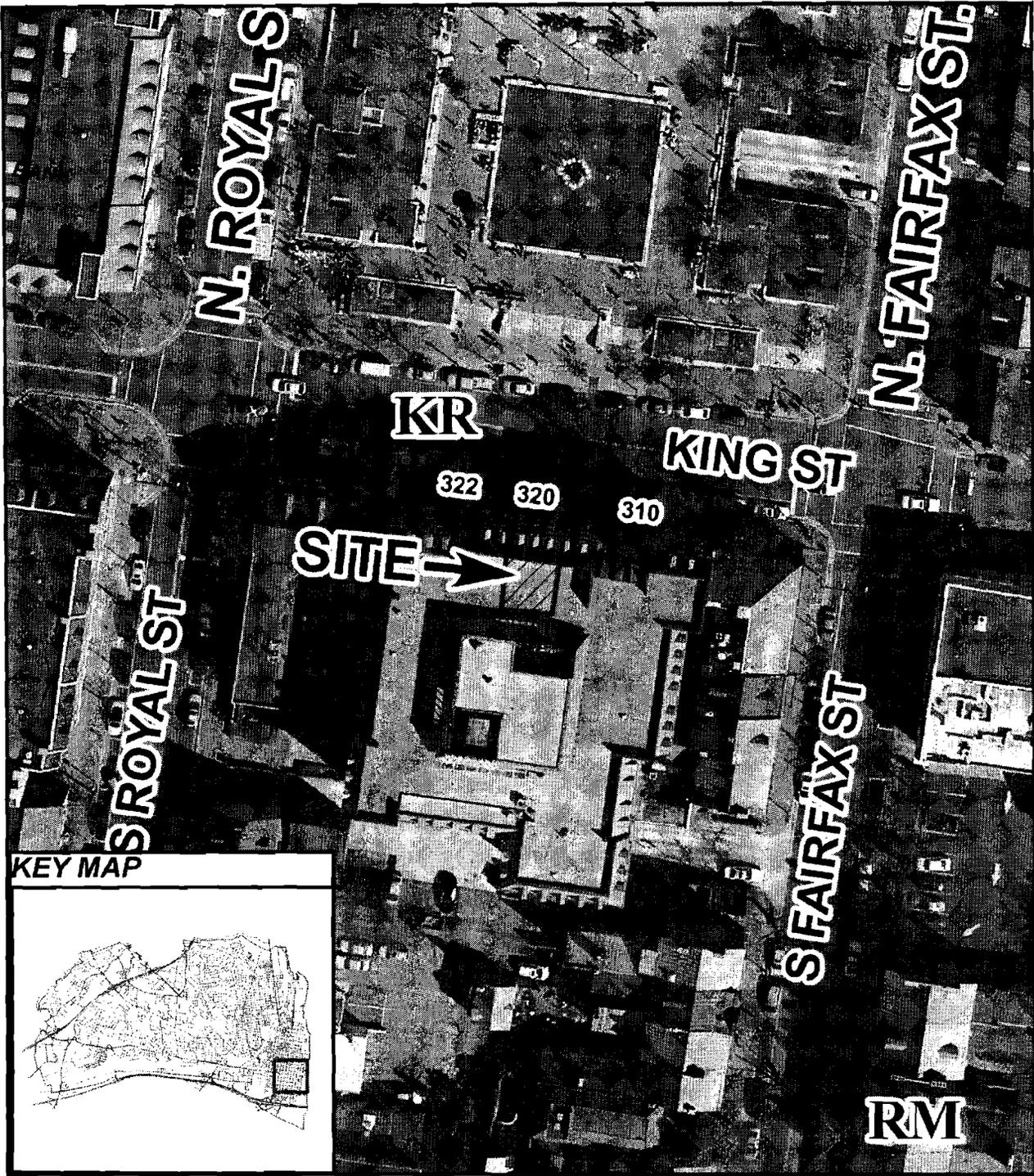
Staff Reviewers: Eileen Oviatt eileen.oviatt@alexandriava.gov

PLANNING COMMISSION ACTION, SEPTEMBER 7, 2010: On a motion by Mr. Wagner, seconded by Mr. Robinson, the Commission voted to recommend approval of the special use permit, subject to the staff conditions, with an amendment to condition #19 and the addition of condition #21. The motion carried on a vote of 6-0. Mr. Komoroske was absent.

Reason: The Commission agreed with staff analysis, although there was discussion about the interior design condition and an amendment to condition #19 to address the concerns of the applicant. The Commission also added a condition to prohibit any changes to the design of the existing bay window facing King Street.

Speakers:

Mary Catherine Gibbs, representing the applicant, presented the application.



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. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall prepare a design plan substantially consistent with the plan submitted as part of the application 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)

21. **CONDITION ADDED BY PLANNING COMMISSION:** The applicant shall make no change to the design of the existing bay window on the facade. (P&Z)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Eileen Oviatt, 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. (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, 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 6/22/10
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

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

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 # 2010-0089

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 Damerell Phone 703-519-0200

Please Print

Address: 320 King St., Alexandria, VA Email: _____

Signature: *Paul Damerell* 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.

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.		

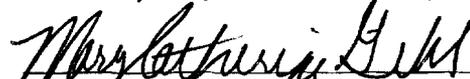
3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this 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 Mary Catherine Gibbs
Date Printed Name


Signature

SUP # 2010-0539

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.

5/22/10

Paul Damerell



Date

Printed Name

Signature

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. 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:

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.

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.

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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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 (SUP only) Yes No
Beer and wine — on-premises Yes No
Beer and wine — off-premises Yes 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. 8 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

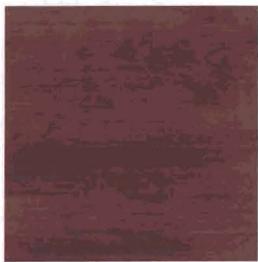
4. Alcohol Consumption (check one) N/A
 - High ratio of alcohol to food
 - Balance between alcohol and food
 - Low ratio of alcohol to food



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

Proposed Design and Décor Elements

SUBWAY Cafe MATERIAL BOARD



**Biltmore
Cherry
Laminate**
(Wilsonart)



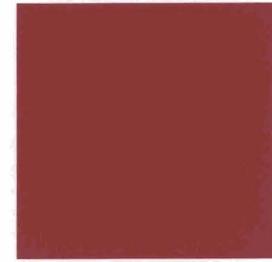
**Black
Leather**
(Arc-Com)



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

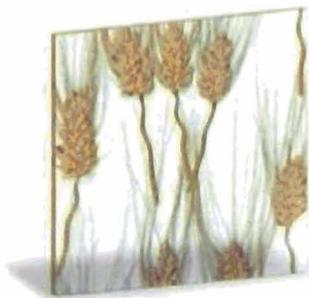


**Bosc Pear
Paint**
*(Sherwin
Williams)*



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

29



**Wheat Resin
Panel**
(Lumicor)



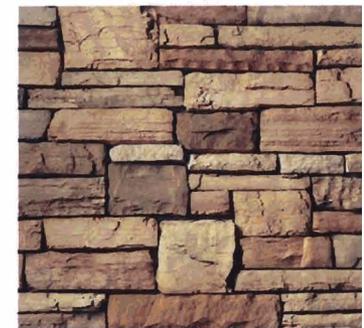
**Mini Solman
Pendant**
*(Translite
Sonoma)*



**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

30





3D RENDERINGS

31





3D RENDERINGS

32





3D RENDERINGS

33





3D RENDERINGS



34

3D RENDERINGS





3D RENDERINGS



310



3D RENDERINGS



37



3D RENDERINGS

38



SUBWAY
Cafe

3D RENDERINGS



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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: Mary Catharine Gibbs

2. ADDRESS: 507 N. Washington St.

TELEPHONE NO. 7/832 5757 E-MAIL ADDRESS: mcg.hgt@vizon.net

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____

The Applicant

4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____

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 NO _____

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.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; 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 during the public discussion period 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.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0539

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 9/22/10
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

ACTION-PLANNING COMMISSION: Rec Approval w/ amendments: 6-0 9/7/10
ACTION-CITY COUNCIL: CC approved PC recommendation DATE: 9-25-10
7-0
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