

EXHIBIT NO. 1

4  
4-22-06

Docket Item #4  
SPECIAL USE PERMIT # 2006-0011

Planning Commission Meeting  
April 4, 2006

**ISSUE:** Consideration of a request for a special use permit to operate a yoga studio (commercial school).

**APPLICANT:** James Ambrogi

**LOCATION:** 5416 Eisenhower Avenue  
(Parcel Address: 5400 Eisenhower Avenue)

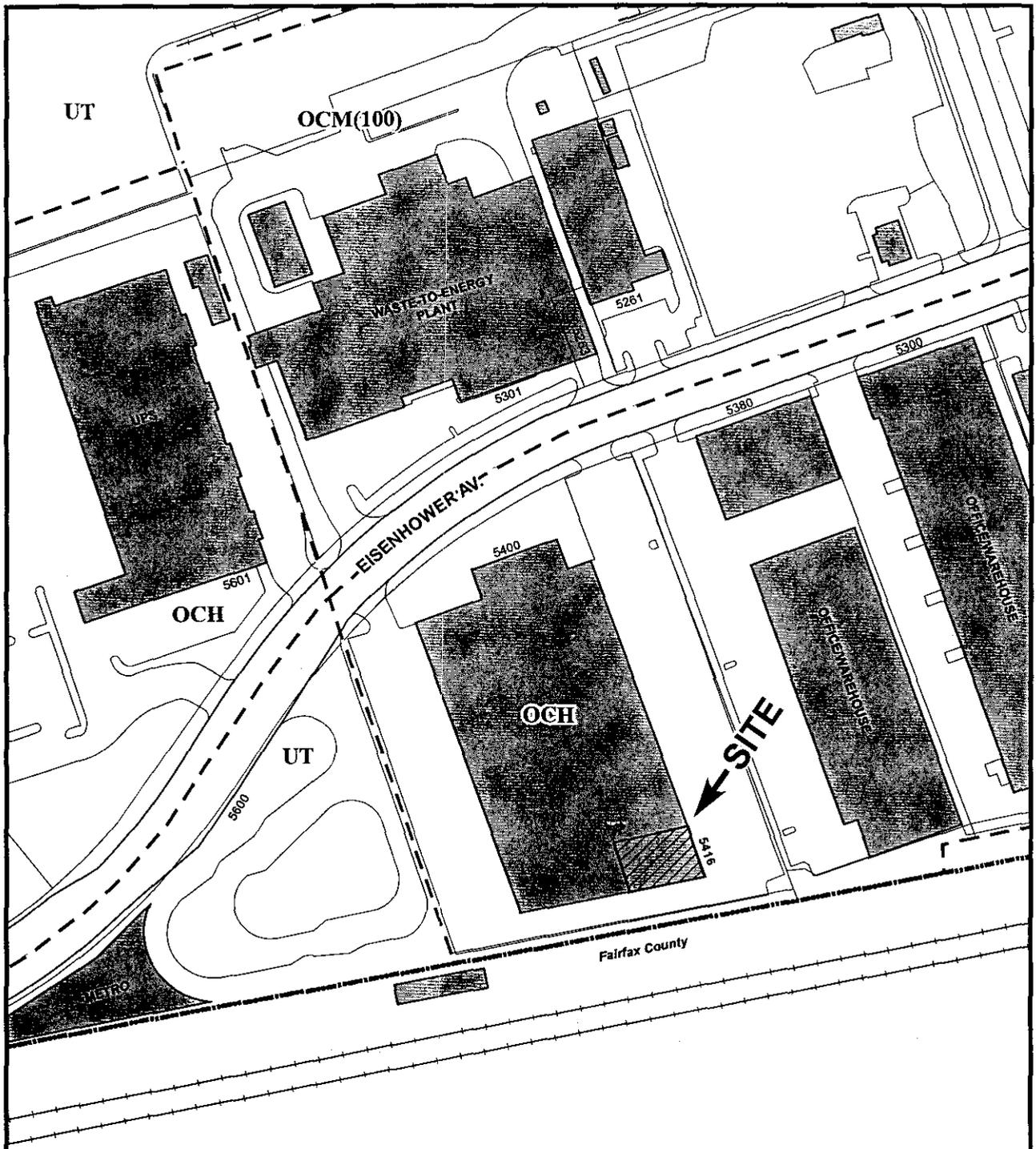
**ZONE:** OCH/Office Commercial High

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**PLANNING COMMISSION ACTION, APRIL 4, 2006:** By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

**Reason:** The Planning Commission agreed with the staff analysis.

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



**SUP #2006-0011**

**04/04/06**



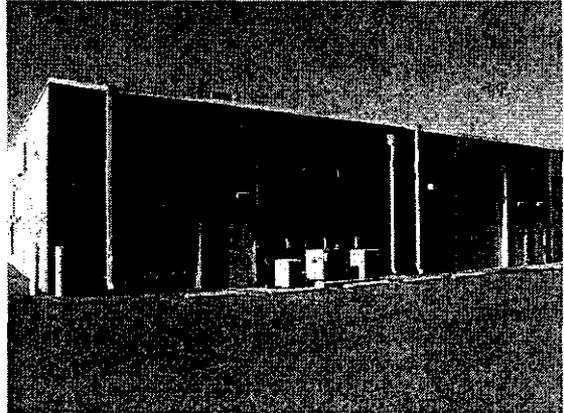
## I. DISCUSSION

### REQUEST

The applicant, James Ambrogi, requests special use permit approval for the operation of a yoga studio (commercial school) located at 5416 Eisenhower Avenue.

### SITE DESCRIPTION

The subject property is one lot of record with approximately 375 feet of frontage on Eisenhower Avenue, and a total lot area of 3.8 acres. The site is developed with a two-story industrial building and a parking lot with 159 parking spaces. The building has a total of 76,200 square feet subdivided into warehouse units and office space. It is occupied by a variety of light industrial and automobile repair uses. The property abuts the Metro line and RF&P Railroad line directly to the south. Ingress and egress is available only from Eisenhower Avenue. The subject tenant space is on the east side of the building between a window repair facility and an auto service center.



The subject tenant space is at the southeastern corner of the building and occupies 6,500 square feet. The space was previously occupied by offices.

### BACKGROUND

On October 25, 1997, City Council granted Special Use Permit #97-0107 for an umbrella special use permit to allow a variety of uses, including warehouse and storage, laundry/cleaning operation, printing and publishing facilities, research and testing and for a parking reduction of 50 spaces. On December 14, 2002, City Council granted Special Use Permit #2002-0098, a review of the permit as required in the previous SUP to ensure that parking issues did not arise. A commercial school use was not included in the approved uses anticipated within the umbrella by Council, and requires a separate SUP.

### PROPOSAL

The applicant proposes to operate a Bikram method Hatha yoga studio. Bikram yoga is a 90 minute routine performed in a room heated to 105 degrees. Showers and sinks will be provided. The studio will open at 5:45 a.m. and close at 10:00 p.m., with little activity during the non-class hours. Classes run for 90 minutes, with 30 minutes between classes. Noise and trash levels are anticipated to be minimal. Specific aspects of the operation as described by the applicant are as follows:

Class schedule and anticipated # of students:

Monday-Thursday: 6:15 a.m./15-20 students; 9:30 a.m./25-35 students; 5:30 p.m. and 7:30 p.m./35-45 students

Friday: 6:15 a.m.–15-20 students; 9:30 a.m.–25-35 students; 4:00 p.m. 25-30 students; 6:00 p.m.–30-35 students

Saturday: 8:00 a.m., 10:00 a.m. and 4:00 p.m./40+ students each class

Sunday: 9:00 a.m., 11:00 a.m. and 4:00p.m./40+ students each class

**PARKING**

Pursuant to Section 8-200(A)(11), the Zoning Ordinance requires a minimum of one parking space for each two students for a commercial school. As the applicant proposes to have a maximum of 50 students, 25 parking spaces are required. The parking required for the various uses in the building is as follows:

Use	Floor Area	Parking Category	Spaces Required
Auto repair	21,000	repair	53
Office	6,000	office	10
Warehouse/industrial	16,327	industrial	30
Retail	12,600	retail	58
Comm. School	5,250	comm. sch	20
Church	4,200	church	10
Vacant	4,200	industrial	12
<i>Proposed Comm Sch</i>	<u>6,450</u>	comm. sch	<u>25</u>
	76,027		218
<b>Spaces Provided:</b>	<b>171 + 50 (approved parking reduction) =</b>		<b>221</b>

The property contains 159 parking spaces as well as 16 loading areas, only four of which are required. The non-required loading bays could be considered parking spaces, for a total of 171 parking spaces on the property. The total parking requirement on the property with the proposed yoga facility is 218 spaces. A parking reduction of 50 spaces was approved under the umbrella special use permit in December 2002. Therefore, as long as the total aggregate parking requirement for the whole building does not exceed 221 spaces, no additional parking approval is required. Although the approved reduction exceeds the difference between the current requirement and what is actually available, additional spaces were included in the reduction to allow some flexibility as

uses change in the building. Therefore, an additional parking reduction is not necessary for the proposed yoga studio as there are a sufficient number of spaces already included in the umbrella parking reduction.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCH/Office Commercial High zone. Section 4-1103(U) of the Zoning Ordinance allows a commercial school in the OCH zone only with a special use permit.

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for office and commercial uses.

**II. STAFF ANALYSIS**

Staff supports the proposed yoga studio located at 5416 Eisenhower Avenue. The school is less industrial and more consistent with the OCH zone, which staff encourages for the site. The site is occupied by many light industrial and warehouse uses that are not likely to be impacted by the proposed yoga studio. There are no residential uses in the immediate vicinity that would be impacted from the use. There is a dance studio also in the building, and staff is not aware of any issues with that operation. Many of the classes for the yoga studio are offered during evening and weekend hours when most of the other businesses in the building are closed. Staff was somewhat concerned about competition for parking during daytime hours, if the applicant were to choose to provide a daytime class at some point in the future, given that these are peak hours of other uses in the building. However, staff visited the subject property during daytime hours and found numerous available parking spaces.

Staff has included a condition requiring a review of the studio in one year so that if there are problems with its operation, additional conditions may be imposed. Staff has also included a condition requiring that the applicant encourage its employees and students to use mass transit by posting transit schedules.

With these conditions, staff recommends approval of the special use permit for the proposed commercial school.

**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 maximum number of students on the site shall be limited to 50. (P&Z)
3. The hours of operation of the facility shall be 5:00 a.m. to 10:00 p.m. daily. (P&Z)
4. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
5. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
6. The applicant shall encourage its employees and students to use mass transit or to carpool when traveling to and from the facility, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (T&ES)
7. 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, and on how to prevent underage sales of alcohol. (P&Z)
8. 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 received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

**STAFF:** Eileen Fogarty, Director, Department of Planning and Zoning;  
Richard Josephson, Deputy Director;  
Valerie Peterson, 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:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)

##### Code Enforcement:

- C-1 The current use is classified as B, Business; the proposed use is A, Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

- C-6 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-7 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC
- C-8 Required exits, parking, and facilities shall be accessible for persons with disabilities.
- C-9 A new certificate of occupancy shall be obtained prior to occupying this facility.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities (This includes health clubs).
- C-2 Permits are non-transferable.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 11, Swimming Pools, Administrative Regulation 20-6, Swimming Pools.
- C-4 Permits must be obtained prior to operation.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery readiness program for all employees.

APPLICATION for SPECIAL USE PERMIT # 2006-0011

APP

[must use black ink or type] Parcel Add: 5400 Eisenhower Ave

PROPERTY LOCATION: 5416 EISENHOWER AVENUE

TAX MAP REFERENCE: 77.01-01-03 ZONE: OCH

APPLICANT Name: JAMES Ambrogi

Address: 1200 BRADDOCK Place # 214 Alexandria, Va 22314

PROPERTY OWNER Name: UNITY, LLP

Address: \_\_\_\_\_

PROPOSED USE: Yoga STUDIO

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

JAMES AMBROGI  
Print Name of Applicant or Agent

James Ambrogi  
Signature

1200 BRADDOCK Place # 214  
Mailing/Street Address

703-739-4475 \_\_\_\_\_  
Telephone # Fax #

ALEXANDRIA, VA 22314  
City and State Zip Code

02-02-06  
Date

==== DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY =====

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

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

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

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

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

James Ambrogi

1200 BRADDOCK PLACE #214

Alexandria, Va 22314

100%

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license  
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

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

**NARRATIVE DESCRIPTION**

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

This space will be used to conduct Bikram method Hatha yoga classes. Bikram yoga is a 90 minute routine consisting of 26 postures, performed twice, in a specific sequence. Bikram yoga is performed in a room heated to 105 degrees (minimum 1,500 sq ft), carpeted floor, and mirrored walls, and changing areas (both male and female) with showers and sinks. A lobby area (minimum 400sq ft) is required for student registration and administrative activities. While Bikram yoga is ideal for all ages and fitness levels, students less than 13 years of age must be accompanied by a parent and have permission of the studio director. Class times and sizes:

M-Thur: 6:15am 15-20/ 9:30am 25-35/ 5:30pm & 7:30pm 35-45  
Fri: 6:15am 15-20/ 9:30am 25-35/ 4pm 25-30/ 6pm 30-35  
Sat: 8am, 10am, 4pm/ 40+ students in each class  
Sun 9am, 11am, 4pm/40+ students in each class

The studio will open at 5:45am and close at 10pm with little activity during the non-class hours. Normally only one employee will be present, however, on some days there could be two employees. The space is located adjacent to the Van Dorn metro stop and a city bus stop. It is anticipated that 60% of the students will drive to the space, 30% will use metro, and 10% will ride the bus. There is always 30 minutes between classes so students will not compete for available parking spaces. No noise or odors will be produced from the operation of the studio and only minimum paper type trash will be generated from the use of bathrooms.

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**USE CHARACTERISTICS**

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

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

6:15 AM 12-15 / 9:30 AM 25-30 / 5:30 & 7:30 PM 35-40  
SAT 8 AM / 10 AM / 4 PM 40+ / SUN 9 AM / 11 AM / 4 PM 40+

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

NEVER MORE THAN 2

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

Day:

Hours:

MON-THUR  
FRI  
SAT  
SUN

6:15 AM, 9:30 AM, 5:30 PM, 7:30 PM  
6:15 AM, 9:30 AM, 4 PM, 6 PM  
8 AM, 10 AM, 4 PM  
9 AM, 11 AM, 4 PM

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

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

NONE

B. How will the noise from patrons be controlled?

N/A

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

N/A

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?

MINIMAL Paper waste associated with  
NORMAL BATHROOM USE

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

minimal

C. How often will trash be collected?

2 Times Per week

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

POSTED SIGNS REQUESTING PATRONS NOT TO LITTER

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:

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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 residents, employees and patrons?

EXTERIOR LIGHTING, ENCOURAGING use of the buddy  
SYSTEM, providing escort upon request. CONTACT  
Alexandria Police for a Security Assessment

#### ALCOHOL SALES

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

Yes.  No.

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

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**PARKING AND ACCESS REQUIREMENTS**

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

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

1 SPACE FOR EVERY 2 STUDENTS

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

159 Standard spaces

\_\_\_\_\_ Compact spaces

\_\_\_\_\_ Handicapped accessible spaces.

\_\_\_\_\_ Other.

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

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

N/A

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

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

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

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

C. Where are off-street loading facilities located? N/A

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

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

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?  
CURRENT ACCESS IS ADEQUATE

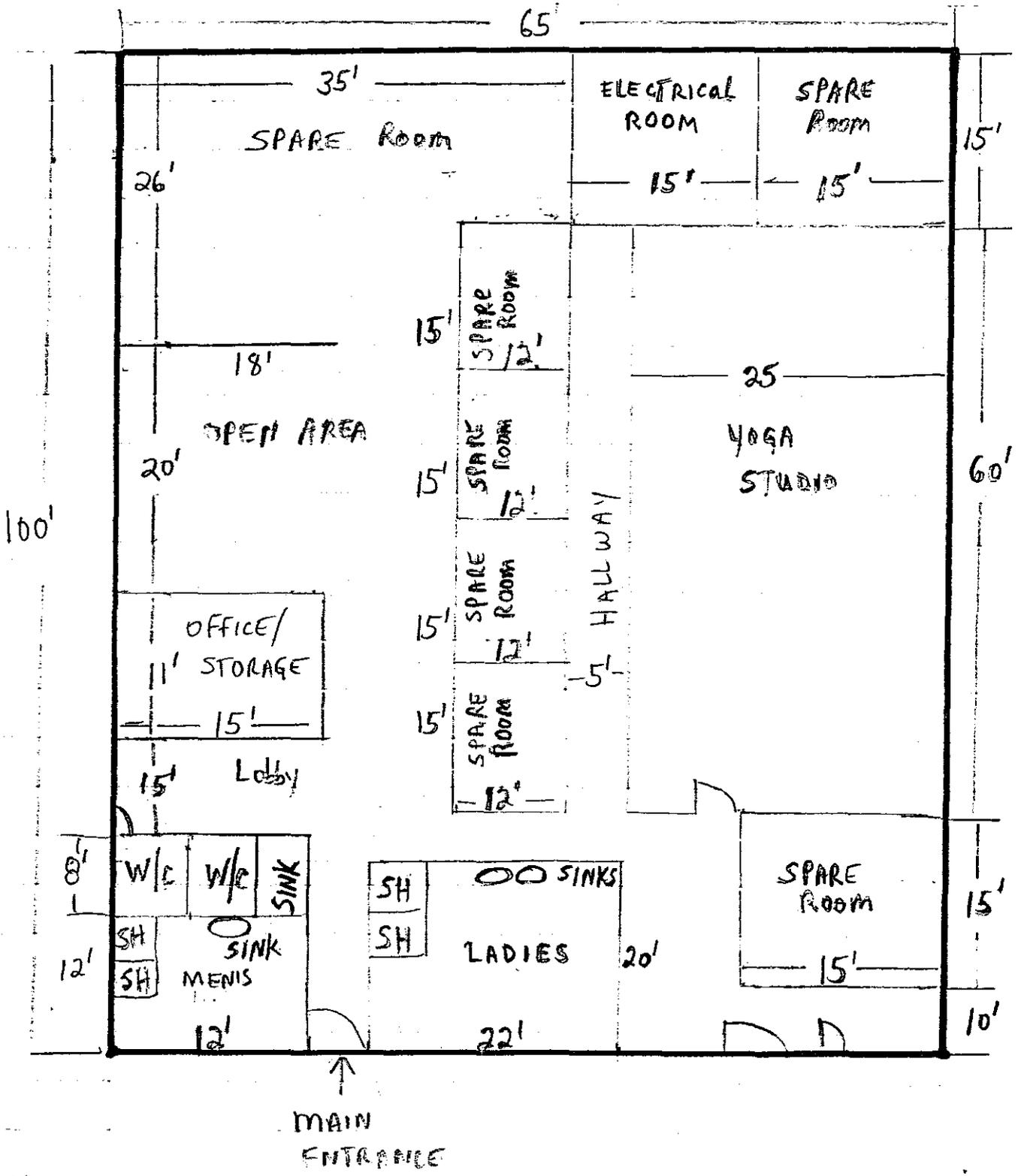
**SITE CHARACTERISTICS**

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.

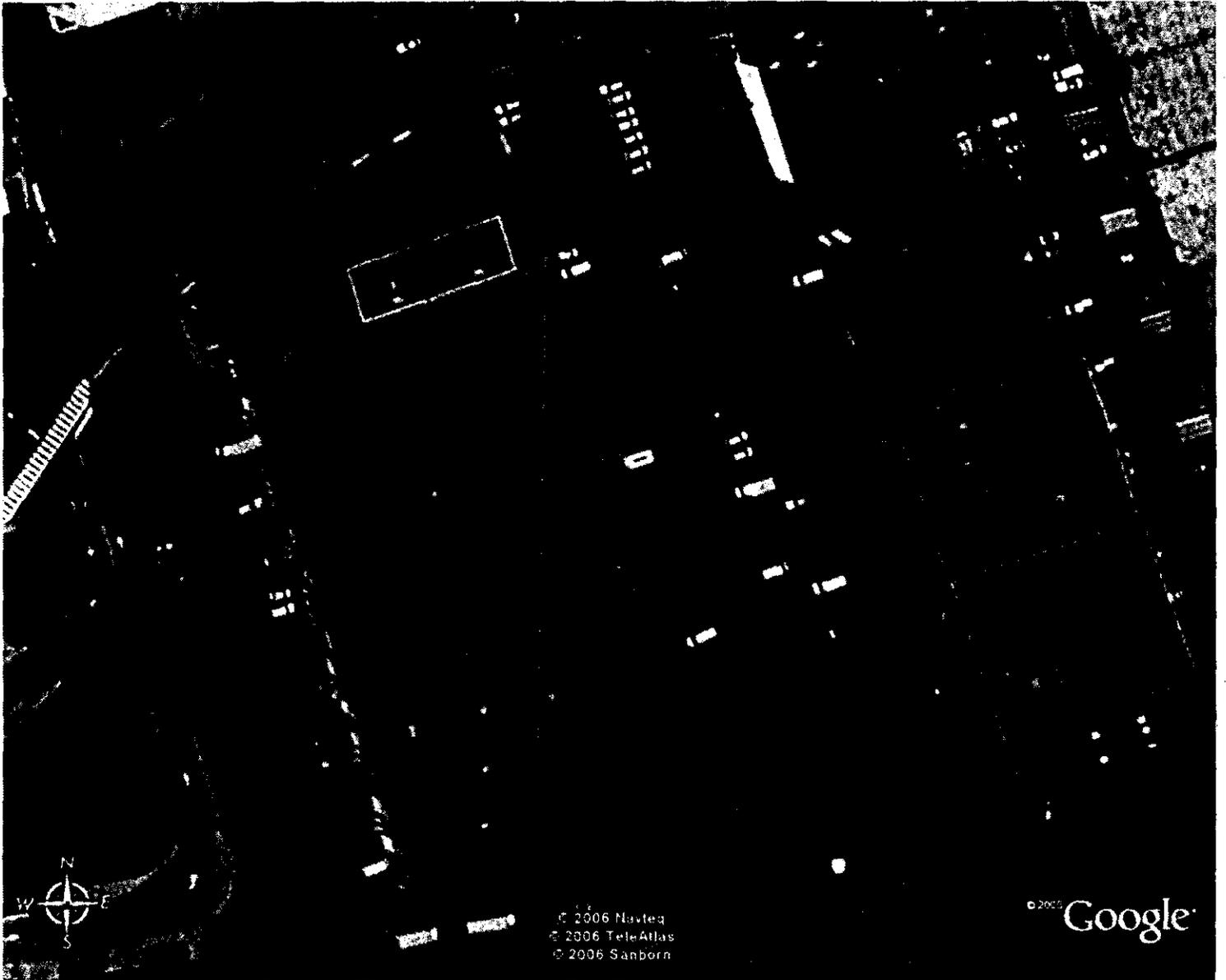
18. What will the total area occupied by the proposed use be?  
6,500 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = \_\_\_\_\_ sq. ft. (total)

19. The proposed use is located in: (check one)  
[ ] a stand alone building [ ] a house located in a residential zone  a warehouse  
[ ] a shopping center. Please provide name of the center: \_\_\_\_\_  
[ ] an office building. Please provide name of the building: \_\_\_\_\_  
[ ] other, please describe: \_\_\_\_\_

SUP2006-0011



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VAN DORN METRO BUSINESS PARK  
TENANT LIST

UNIT NUMBER	TENANT NAME	SQUARE FOOTAGE
5400B	THE ALEXANDRIA BABA'IS	1,500
5400C	PERMANENT SOLUTIONS, INC	4,500
5402	PERMANENT SOLUTIONS	4,027
5404	DON ALLEN SERVICE CENTER	8,400
5408	CHRIS COLLINS DANCE STUDIO	5,250
5410	NATIONAL LINEN AND UNIFORM	3,150
5412	IN HIS CHRISTIAN MINISTRIES	4,200
5414	WORLD AUTO	8,400
5416	VACANT	6,450
5418	PANAMOVERS	4,200
5420	NATIONWIDE FURNITURE	12,600
5426	PERFORMANCE DISCOUNT TIRE	4,200
5428	VACANT	4,200
5430	MIRROW AND GLASS CENTER	4,950

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