

EXHIBIT NO. 1

4  
3-15-03

Docket Item # 6  
SPECIAL USE PERMIT #2002-0124

Planning Commission Meeting  
March 4, 2003

**ISSUE:** Consideration of a request for a special use permit to operate a massage establishment.

**APPLICANT:** Jette Keis Hansen, doing business as Old Town Massage Center

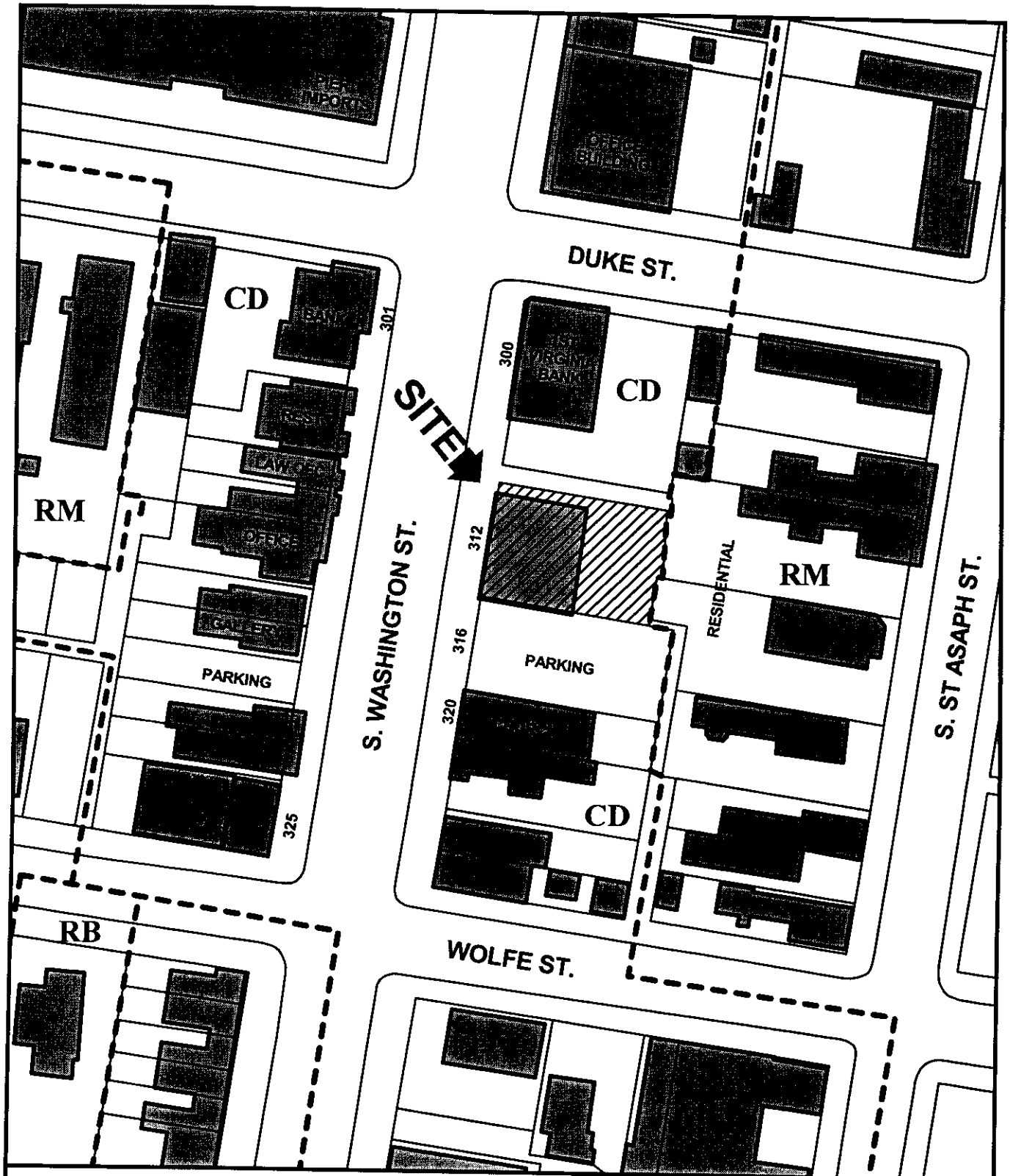
**LOCATION:** 312 South Washington Street

**ZONE:** CD/Commercial Downtown

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**PLANNING COMMISSION ACTION, MARCH 5, 2003:** 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.



**SUP #2002-0124**

**03/04/03**



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Only City licensed therapists may provide massage services at the facility. (P&Z)
3. 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. (Police)
4. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees. (Police)
5. The Director of Planning and Zoning shall review the special use permit one year after approval 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, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, 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)

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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.

DISCUSSION:

1. The applicant, Jette Keis Hansen doing business as Old Town Massage Center, requests special use permit approval for the operation of a massage establishment located at 312 South Washington Street.
2. The subject property is one lot of record with 67.6 feet of frontage on South Washington Street, 100 feet of depth and a total lot area of 6,826 square feet. The site is developed with a six story building known as the Alexandria Medical Building. The subject business is proposed to occupy 1,100 square feet on the third floor. The subject building is occupied by a mix of office and personal service uses including dentist and chiropractic offices, and skin, hair, and body care businesses. The first floor of the building facing South Washington Street is occupied by a salon and a dry cleaners. The immediate vicinity of South Washington Street is occupied by a mix of office and commercial uses. To the north of the building is the First Virginia Bank. To the south is a church. To the east of the subject property are residential uses.
3. The applicant requests approval to operate a therapeutic massage center specializing in deep tissue massage, pregnancy massage, neuromuscular massage, sports massage, and stone massage. Up to six therapists will operate from the facility, all licensed and certified, with a maximum of three giving massages at any one time. The applicant anticipates about 15 to 20 patrons each day from Monday to Friday, and about 10 patrons each day on Saturday and Sunday.
4. The following hours of operation are proposed:

| <u>Day</u>            | <u>Hours</u>           |
|-----------------------|------------------------|
| Monday through Friday | 8:00 a.m. to 8:00 p.m. |
| Saturday and Sunday   | 9:00 a.m. to 6:00 p.m. |
5. According to Section 8-200 (F) of the zoning ordinance, no off-street parking need be provided for land in use on June 25, 1963, as long as there is no change or expansion of the use. In this case, the building was built in 1956 as an office building. For calculating parking, a massage establishment is considered an office use, operating much like a doctor's or dentist's office. Therefore, off-street parking for the proposed use is not required.

The subject building has on-site parking including nine spaces reserved for other tenants in the building, and 18 shared spaces available on a first come for serve basis for any of the building users. There are no other on-site spaces available to reserve specifically for the applicant.

6. Board of Architectural Review staff is working with the property owner to initiate a sign program for the building. The applicant is not proposing any signage on the exterior of the building.
7. Zoning: The subject property is located in the CD/Commercial downtown zone. Section 4-500 of the zoning ordinance allows a massage establishment in the CD zone only with a special use permit.
8. Master Plan: The proposed use is consistent with the Old Town small area plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff does not object to the proposed massage establishment located at 312 South Washington Street. The proposed use is compatible with other uses in the area, including the other tenants of the building which include a dentist's and a chiropractor's office. It is a small operation, with a low number of clients and employees each day.

Staff is concerned generally about potential parking impacts as the on-site parking lot is often full. However, the proposed use is a small one with few clients and employees, and similar to many of the uses already existing in the building. Additionally, there are many on-street spaces available on South Washington Street immediately in front of the building. Therefore, staff has not required that the applicant provide parking for customers. Staff recommends a one year review so that in the event parking or any other issues arise, new conditions may be considered.

Staff discussed with the applicant the standard requirement that all employees be required to park off street and, after attempting to find parking, she strenuously objected because of the lack of availability of commercially feasible spaces. Given the applicant's inability to find parking and the fact that the proposed small use is only one of many small offices in the building, none of which have to provide parking, staff has not included the requirement in this case.

Staff recommends approval of the request for special use permit subject to recommended conditions.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Valerie Peterson, Urban Planner.

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.
- F-1 Although on-street parking in the immediate area is limited, T&ES believes this small business operation will primarily attract clients from local residents and nearby office buildings, and will have a negligible impact on available on-street parking. T&ES has no objections to the request for parking reduction.

Board of Architectural Review

- F-1 Property is located in the Old and Historic Alexandria District.
- F-2 Any exterior architectural change such as signs, exterior ductwork, or fenestration must conform to the Washington Street standards and be reviewed and approved by the Board of Architectural Review, Old and Historic Alexandria District.

Code Enforcement:

- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are non-transferable.
- C-2 This facility must meet current Alexandria City Code requirements for massage establishments.
- C-3 Permits must be obtained prior to operation.
- C-4 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 4.2, Massage Regulations.
- C-5 All massage therapists must possess a current massage therapist certification issued by the Commonwealth of Virginia in accordance with the Code of Virginia Chapter 599, Sect. 54.1-3029 and must possess a current massage therapist permit issued in accordance with the Alexandria City Code Title 11, Chapter 4.2 prior to engaging in any massage activity.

Police Department:

- R-1 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.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

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APPLICATION for SPECIAL USE PERMIT # 2002-0124

[must use black ink or type]

PROPERTY LOCATION: 312 S. WASHINGTON ST, SUITE 3C, ALEX

TAX MAP REFERENCE: 74.04 - 03 - 16 ZONE: CD

APPLICANT Name: JETTE KEIS HANSEN <sup>DBA</sup> OLD TOWN MASSAGE  
CENTER  
Address: 4315 SELKIRK DR, FAIRFAX, VA, 22032

PROPERTY OWNER Name: JETTE 310 S. WASHINGTON ST LLC  
Address: PO BOX 8053, FALLS CHURCH, VA 22041

PROPOSED USE: MASSAGE CENTER (STRICTLY  
THERAPEUTIC)

**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.

Jette Keis Hansen  
Print Name of Applicant or Agent

Jette K Hansen  
Signature

4315 SELKIRK DRIVE  
Mailing/Street Address

(703) 518 8484  
Telephone # Fax #

FAIRFAX VA 22032  
City and State Zip Code

12.6.02  
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.

\_\_\_\_\_  
N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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)

A therapeutic massage center employing up to 6 therapists (all licensed and certified) serving the Alexandria community. The center will be open Mon-~~Fri~~ <sup>-SAT + SUN</sup> 8AM-9AM-6AM. Expected patronage will be no more than 20 customers per day. Parking will be provided for patrons either in parking lot at building site or on street. Parking reduction application is also being submitted. The center specializes in Deep tissue, pregnancy massage, Neuromuscular Massage, Sports Massage and Stone Massage. No noise level increase is expected.

**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).

MON - Fri      15-20 people per day

SAT + SUN      10 people per day

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

2 contractors - MON - SUN - hrs of operation

2 subletors - MON - SUN - hrs of operation

owner operation MON-SAT. hrs of operation

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

Day:

Hours:

MONDAY - FRIDAY

8 AM - 8 PM

SATURDAY + SUNDAY

9 AM - 6 PM

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

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

NO MECHANICAL EQUIPMENT USED. PATRONS ARE QUIET AND ONLY PARK AND ENTER SPACE

B. How will the noise from patrons be controlled?

NO REAL NEED FOR NOISE CONTROL,  
People generally fall asleep during massages.

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

NO ODORS.

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?

OFFICE WASTE - PAPER TOWLS.

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

- 2 BAGS PER DAY

C. How often will trash be collected?

- DAILY

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

WILL KEEP OWN SPACE CLEAN AND  
ASSIST IN MAINTAINING NEARBY SPACES CLEAN.

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:

General cleaning products for cleaning of space. (ie: one bottle of w.c cleaner, one bottle windex, one bottle of floor wax)

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

Products are stored out of sight and reach of patrons. Clients are screened to assure appropriate expectations

#### 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 per 400 square feet

*grandfathered parking.*

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

3 Standard spaces

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

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

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

*MIX*

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:

Bldg has some spaces others located in neighborhood  
Reduction for 3 spaces requested

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? 1 in front of building

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?

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?

**3RD FLOOR**

1100 <sup>APPROX</sup> sq. ft. (existing) + 0 sq. ft. (addition if any) = 1100 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: ALEXANDRIA MEDICAL BLDG.

other, please describe: \_\_\_\_\_

OLD TOWN MASSAGE CENTER  
 312 S. WASHINGTON ST, 3C  
 ALEX, VA, 22032  
 703 518 8484.

JUP 2002-0124



SOUTH WASHINGTON ST.



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APPLICATION for SPECIAL USE PERMIT # 2002-0124 (4)

[must use black ink or type]

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ACTION - PLANNING COMMISSION: 03/04/03 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 3/15/03PH--CC approved the Planning Commission recommendation.