

EXHIBIT NO. 1

7  
9-21-04

Docket Item #6  
SPECIAL USE PERMIT #2004-0067

Planning Commission Meeting  
September 9, 2004

**ISSUE:** Consideration of a request for a special use permit to operate a yoga studio and for a parking reduction.

**APPLICANT:** Dahn Yoga  
by Sunghee Kim

**LOCATION:** 1630 King Street

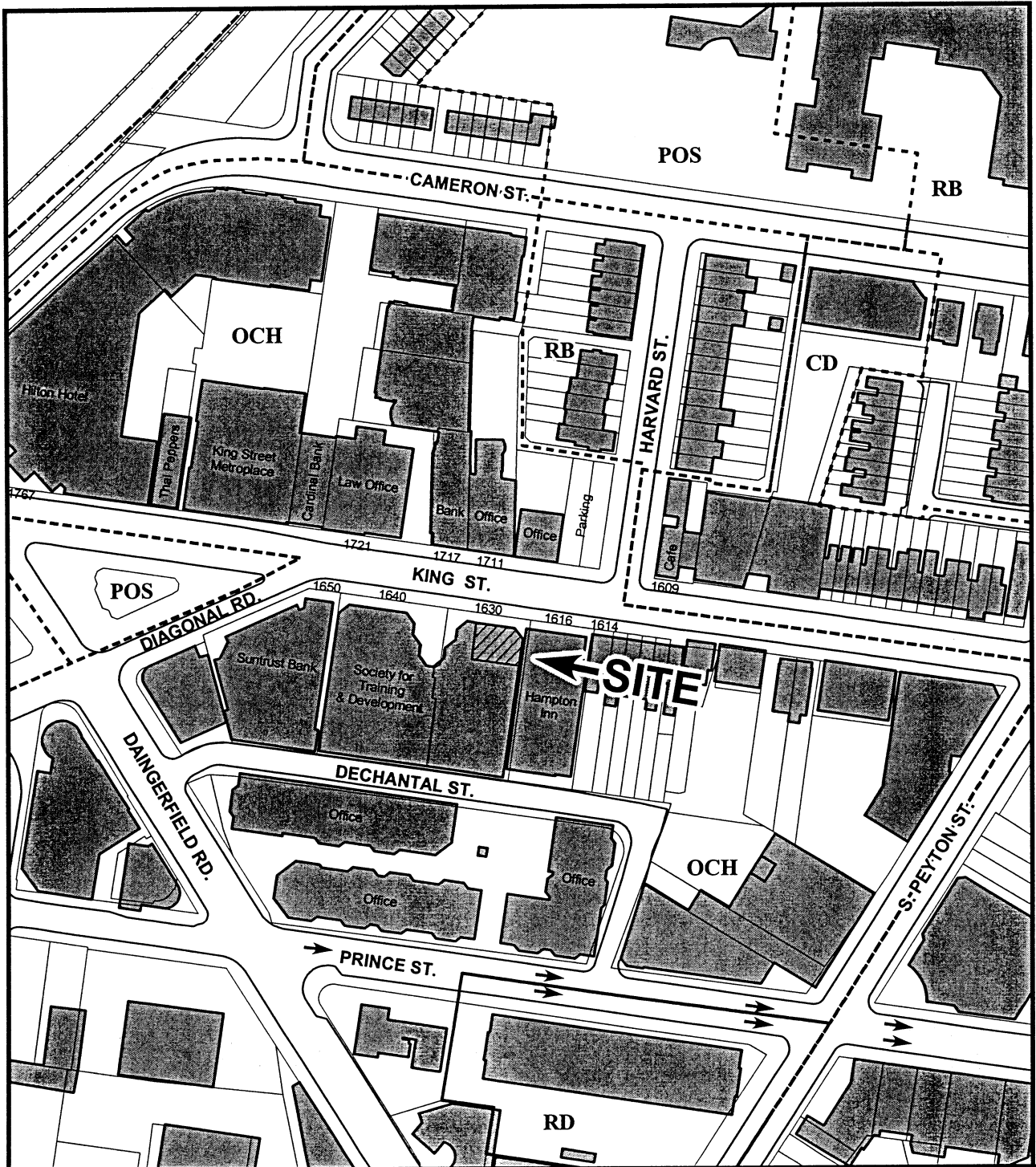
**ZONE:** OCH/Office Commercial High

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**PLANNING COMMISSION ACTION, SEPTEMBER 9, 2004:** 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 permit conditions found in Section III of this report.



**SUP #2004-0067**

**09/09/04**



## I. DISCUSSION

### REQUEST

The applicant, Dahn Yoga by Sunghee Kim, requests approval of a special use permit for a commercial yoga school, and for a parking reduction located at 1630 King Street.

### SITE DESCRIPTION

The subject property is one lot of record with approximately 92 feet of frontage on King Street and a total lot area of approximately 15,977 square feet. The site is developed with an office building of the Federal Department of Credit Union that is connected to the adjacent office building at 1640. Both structures share the same design, plaza, and a parking garage.

To the north of the site across King Street are offices and the BB&T Bank. The Hampton Inn hotel is located to the east. To the south is the King Street Exchange office building. To the west is the 1650 King Street office building.

### PROJECT DESCRIPTION

The applicant proposes to occupy approximately 1,400 square feet of the building's ground floor area facing King Street with a yoga studio and accessory retail store. This space was previously used by offices, which had no direct access or visibility from King Street. In an effort to accommodate the proposed use and to make the building more pedestrian oriented, the landlord is in the process of remodeling the tenant space, including adjusting the floor plan and replacing one of the windows with an entrance onto King Street. The applicant proposes to provide a display area of yoga related retail items along the King Street window front. The remaining space will contain one exercise room used for class instruction, rest rooms, changing rooms, and up to two small rooms for private health consultations (see attached plan).

Hours of operation: The business is proposed to operate from 8:00 A.M. to 10:00 P.M., Monday through Friday, and from 9:00 A.M. to 5:00 P.M., Saturdays and Sundays.

Classes/Clients: The applicant will start with approximately three scheduled yoga classes daily, which are taught in group settings and last one hour. Between five and 10 customers are anticipated to attend with a maximum enrollment of 14 students per class. In addition, the applicant will offer private one-on-one classes and health consultations.

Employees: The applicant plans to have only one teacher providing instruction to one class at any one time. A maximum of two staff persons will be on-site at any one time.

PARKING

The subject property is located in the King Street Metro Parking District which encourages mixed uses and Metro ridership and typically includes relaxed parking requirements. However, yoga studios do not have relaxed parking requirements under the King Street Metro Parking District regulation as several other uses do. Pursuant to Section 8-200(A)(11) of the zoning ordinance, a yoga school with a maximum capacity of 14 students must provide 7 parking spaces (1 space/2 clients). The applicant will provide two off-street parking spaces located within the building's parking garage. With seven spaces required and two provided, the applicant is short of five spaces and is therefore applying for a parking reduction. The applicant states that the reduction of five spaces is justified for the following reasons: (1) Most of the clients and employees are expected to either walk, carpool, or take public transportation from the King Street Metro Station when commuting to and from the yoga studio, and (2) On-street parking and public parking garages are available within resalable proximity of the proposed yoga studio.

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/yoga studio in the OCH zone only with a special use permit. The proposed use is consistent with the King Street/Eisenhower Avenue Metro Station Small Area Plan chapter of the Master Plan which designates the property for high density office and commercial uses.

**II. STAFF ANALYSIS**

Staff has no objection to the proposed yoga studio/commercial school located at 1630 King Street.

Planning and Zoning staff is currently conducting a King Street Retail Study, with emphasis on creating a livelier street environment for the continued success of King Street. On most sections of King Street, this means limiting non-retail uses on the ground floor, because such uses often do not generate the visual appeal or consumer drawing power that is essential to a vital commercial corridor. However, the 1600 block is an anomaly in this regard. This block is largely bereft of retail activity, particularly in the evenings, because most ground-floor uses are offices or hotels. One of the block's few restaurant tenants, Pita Place, closes at 5:00 P.M. on weekdays because of the lack of evening activity.

A yoga establishment on the 1600 block could bring some vitality and after-hours activity to a section of King Street that now effectively closes up after standard business hours. The proposed use will particularly be beneficial if the premises are modified to create a more retail-friendly physical appearance, including the retail window display. In order to ensure an attractive and engaging street view, staff has included a condition requiring the approval of the Director of Planning and Zoning for the new floor plan and facade alterations that include the addition of an entrance from King Street. Staff's hope is that, even if the yoga business were to vacate the space in the future, the space

will be better suited to retail occupancy than it is now. Staff also foresees a greater demand for such uses in the future. In conclusion, staff believes that this application is consistent with the overall goals of the King Street Retail Study to create a more vibrant street atmosphere along King Street and to benefit Upper King Street both now and in the future.

Staff also supports the proposed parking reduction requested by the yoga studio because of its close proximity to the King Street Metro Station, the potential pedestrian traffic from surrounding neighborhoods, and the expected carpooling of employees and clients. However, because of the historic parking shortage in this area, staff has included a condition requiring the applicant to provide at least two off-street parking spaces within 500 feet of the school and to encourage its staff and students to car pool or take public transportation when traveling to and from the yoga studio.

Staff has also included a condition requiring a review of the school after it has been operational for one year so that if there are problems with its operation, additional conditions may be imposed. With these conditions, staff recommends approval of the special use permit for the yoga studio/commercial school and the parking reduction.

### 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 business or entity in which the applicant has a controlling interest. (P&Z)
2. A maximum of 14 students shall be permitted for each class. (P&Z)
3. The hours of operation shall be limited to between 8:00 A.M. and 10:00 P.M. daily. (P&Z)
4. The parking reduction requested by the applicant is granted provided that the applicant provide two off-street parking spaces within 500 feet of the project site, and that the applicant shall require its employees who drive to work to use this parking. (P&Z)
5. The applicant shall post signs directing patrons to the provided off-street parking and the availability of commercial parking facilities in the immediate area. (P&Z)

6. The applicant shall encourage its students and staff to use mass transit or to car pool when traveling to and from the school, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of car pooling opportunities. (P&Z)
7. No employees or delivery vehicles shall park on or load from the public right-of-way. (P&Z)
8. The applicant shall submit a floorplan generally consistent with staff's proposal (see attached) to include retail display along the King Street window front. The interior layout and entrance design are subject to the approval of the Director of Planning and Zoning. (P&Z)
9. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and robbery awareness program for all employees prior to the business opening. (Police)
10. 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)
11. Loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES)
12. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
13. The applicant shall conduct employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, as well as ongoing training for sales of alcohol to minors. (P&Z)

14. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Bettina Irsps, 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:

- F-1 Staff finds that there are several commercial parking facilities in the immediate neighborhood. T&ES believes this facility will have a negligible impact on available on-street parking, and supports the applicant's request for a parking reduction.
- R-1 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.
- 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.

##### Code Enforcement:

- F-1 This application is not a change of use, nor does the applicant indicate any intended changes within the proposed space. However, should a renovation of the space be required, all construction shall conform to the USBC; modifications to the existing structure shall comply with the USBC; construction permits and plans will be required.
- C-1 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-2 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

##### Health Department:

- F-1 No comments



SUP#2004-0067  
1630 King Street

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. This is to be completed prior to the business opening.
- 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.

APPLICATION for SPECIAL USE PERMIT # 2004-0067

[must use black ink or type]

PROPERTY LOCATION: 1630 King St. Alexandria 22314

TAX MAP REFERENCE: 063040905 ZONE: CD

APPLICANT Name: Mayo Earth Inc. (DBA Dahn Yoga)  
~~Bell Rock Development Corp.~~

Address: 2450 W Broadway #108 Mesa AZ 85202

PROPERTY OWNER Name: ~~State~~ State Department of Federal Credit

Address: 1630 King St. Alexandria 22314

PROPOSED USE: Yoga Studio commercial educational

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.

Sunghee Kim  
Print Name of Applicant or Agent

  
Signature

1849 Old Georgetown Rd  
Mailing/Street Address

301-907-6520 301-907-6524  
Telephone # Fax #

Bethesda MD 20814  
City and State Zip Code

6/28/04  
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.

Mago Earth Inc. (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)

Nature of Activity : Yoga meditation

Type of Patrons : Adult professionals

# of employees : 2

# Hours M-F 9Am - 8:30Pm

Sat 9Am - 12Pm

Parking provision for employees - In the Building 2 spaces

patrons - street parking

parking garage

Noise generated by this use - None

**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).

M-F ( 9<sup>am</sup> - 12<sup>pm</sup> 10-15 people      Sat 9<sup>am</sup> - 12<sup>pm</sup> 10-15 people  
6<sup>pm</sup> - 8:30<sup>pm</sup> 10-15 people      3 classes/day, 1 hour

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

2

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

Day:

Hours:

M-F 8:00<sup>am</sup> - 10:00<sup>pm</sup>

Sat 9<sup>am</sup> - 2<sup>pm</sup>

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

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

None - This is a very calming exercise

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:

None

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 - office materials

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

1 kitchen size bag per day

C. How often will trash be collected?

Daily & removed off site daily by staff

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

None Anticipated - we do not generate trash

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?

Instructors Carpool (travel together)  
Students are encouraged to stay together.

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### 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?

N/A

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

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

⇒ See application for parking reduction

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:

\_\_\_\_\_

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? N/A

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?  
None

**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?  
~ 1400 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: Federal Department of credit union

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

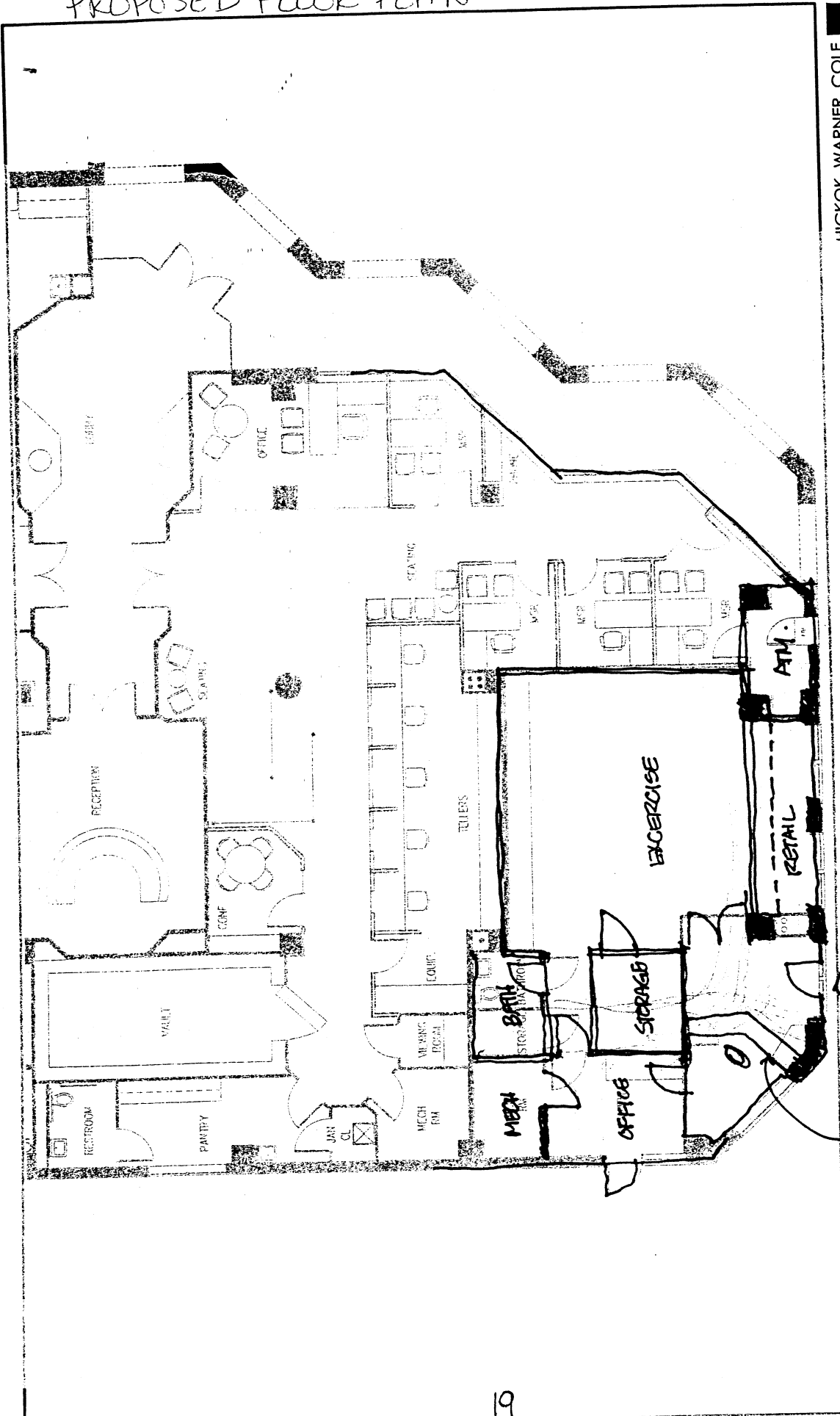
**PARKING REDUCTION SUPPLEMENTAL APPLICATION**

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)  
According to Planning Commission Staff, ~~to~~ Applicant's proposed business requires a total of 7 spaces. 2 spaces will be provided by Applicant for its staff + clients. Applicant requests a parking reduction of 5 spaces.
  
2. Provide a statement of justification for the proposed parking reduction. Applicant's clients are expected to arrive by metro (location is 2 blocks from King st. metro), walk (local residents), and to use the surrounding public garages.
  
3. Why is it not feasible to provide the required parking? Number of people needing spaces would vary and the cost of providing the spaces is high.
  
4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?  Yes.  No.
  
5. If the requested reduction is for more than five parking spaces, the applicant must submit a Parking Management Plan which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.
  
6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

# PROPOSED FLOOR PLAN

SUP 2004-0067



HICKOK WARNER COLE  
Architects

1023 31st Street, NW Washington, DC 20007  
P 202.667.9776 F 202.667.2260

ASK#  
SP-01

DATE:  
JUNE 4, 2004

SCALE:  
1/8" = 1'-0"

COMMENT:  
SPACE PLAN SDFCU BRANCH  
FIRST FLOOR 1530 KING STREET

PROJECT NAME:  
STATE DEPARTMENT FEDERAL CREDIT UNION  
PROJECT NO.:  
04025.00  
ISSUED UNDER:  
DRAWING REF.:

FRONT  
CORNER  
ENTRY.

KING

Proposed Floor Plan

APPLICATION for SPECIAL USE PERMIT # 2004-0067 #1

[must use black ink or type]

PROPERTY LOCATION: 1630 King St. Alexandria 22314

TAX MAP REFERENCE: 063040905 ZONE: CD

APPLICANT Name: Musgo Earth Inc. (DBA Danu Yoga)  
~~Bell Rock Development Corp.~~

Address: 2450 W Broadway #108 Mesa AZ 85202

PROPERTY OWNER Name: ~~State~~ State Department of Federal Credit Union

Address: 1630 King St. Alexandria 22314

PROPOSED USE: Yoga Studio commercial educational

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Sunghee Kim  
Print Name of Applicant or Agent

  
Signature

1849 Old Georgetown Rd  
Mailing/Street Address

301-907-6520 301-907-6521  
Telephone # Fax #

Bethesda MD 20814  
City and State Zip Code

6/28/04  
Date

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

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

ACTION - PLANNING COMMISSION: 9/9/04 RECOMMENDED APPROVAL UC  
9/21/04 **cc approved the recommendation of the**

ACTION - CITY COUNCIL: Planning Commission 7-0