

DATE: August 15, 2014

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0074
Administrative Review for Change of Ownership

Site Use: Private Commercial School
Proposed Business Name: Bikram's Yoga College of India
Applicant: East Coast Heat Wave, LLC
Location: 5416 Eisenhower Avenue
(Parcel Address: 5400 Eisenhower Avenue)
Zone: OCH/Office Commercial High

Request

Special Use Permit #2014-0074 is a request to change the ownership of a private commercial school at 5416 Eisenhower Avenue from James Ambrogi to East Coast Heat Wave, LLC. The applicant proposes no changes to the existing business and would continue to offer the accessory massage use. The school name would remain as Bikram's Yoga College of India.

Background

The subject business is located in an industrial/commercial flex space in the Van Dorn Metro Business Center. The City Council approved SUP#2006-0011 for a private commercial school (yoga studio) on April 22, 2006.

Inspections in 2009 and 2011 revealed that the business was in compliance with all conditions of the Special Use Permit. An inspection on August 6, 2014 conducted for this change of ownership request also found that the conditions were being met.

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. With a maximum of 50 students at any one time, the school would be required to provide 25 parking spaces. The required parking spaces are available in the 171 space parking lot based on a recent staff analysis.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Cameron Station Civic Association and the Summers Grove Homeowners Association have been informed of the change of ownership request. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff views the change of ownership as a reasonable request and supports the proposal. The continued use of the tenant space as a yoga studio is suitable for the industrial/office flex space and would not impact the adjacent commercial neighborhood in terms of noise, odors, or trash.

Conditions have been carried forward from the previous SUP with the deletion of Condition 5 since it has been satisfied. Standard conditions related to the posting of hours, deliveries, litter removal, and employee parking have been added in Conditions 9 through 12, respectively.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: August 15, 2014
Action: Approved

Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2014-0076

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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) (SUP#2006-0011)
2. The maximum number of students on the site shall be limited to 50. (P&Z) (SUP#2006-0011)
3. The hours of operation of the facility shall be 5:00 a.m. to 10:00 p.m. daily. (P&Z) (SUP#2006-0011)
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) (SUP#2006-0011)
5. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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) (SUP#2006-0011)~~
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. (T&ES) (SUP#2006-0011)
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) (SUP#2006-0011)
8. **CONDITION AMENDED BY STAFF:** 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) (SUP#2006-0011)
9. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)

10. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
11. **CONDITION ADDED BY STAFF:** 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 to prevent an unsightly or unsanitary accumulation once each day that the business is open to the public. (T&ES)
12. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. (T&ES)

CITY DEPARTMENT COMMENTS

Legend: C – code requirement R – recommendation S – suggestion F – finding

Transportation & Environmental Services

- F-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) (SUP2006-00011)
- F-2 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) (SUP2006-00011)
- F-3 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 once each day to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- F-4 The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
- 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. (T&ES) (SUP2006-00011)
- C-2 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). 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) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Administration

No comments received

Fire

- C-1 Applicant indicates that the total occupant load will exceed 49 on weekends therefore, a fire prevention permit will be required for this occupancy condition – Assembly.

Police

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0076. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 5416 Eisenhower Avenue.

Applicant – Signature

Date

Applicant – Printed

Date