

LICENSE HEARING MINUTES
Fly Freak Yoga, 755 Prior Avenue, #1220
Thursday, June 7, 2018, 11:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 11:05 a.m.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Licensee: Hayley Saccoman, Applicant/Owner

License Application: Health/Sports Club

Other(s) Present: Rod Musson, Property Owner Representative; Christopher Hampl, Friend/Advisor

Legislative Hearing Officer Nhia Vang gave the following information about the hearing: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received a letter of concern/objection, which triggered this hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application, and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, Ms. Vang will develop a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda at the City Council meeting.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation that the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge. The City Council is the final authority on whether the license is approved or denied.

Minutes:

Jeff Fischbach, Department of Safety and Inspections (DSI), gave a staff report. He said Condition 1 was a requirement for CPR training and was standard for health/sports club. He read Condition 2, prohibiting consumption of alcoholic beverages, and said it was a condition DSI had recommended.

1. At least one employee or manager, trained and qualified in first aid and CPR according to standards established by rule by the Department of Safety and Inspections shall be on duty at all times that the licensed premises are in operation or open to members of the

public. Such standards shall be in conformity with standards and guidelines established by the American Red Cross with respect to water safety instructors or by the American Heart Association for similar purposes.

2. Licensee acknowledges that the consumption of alcoholic beverages within the licensed premises is explicitly not permitted.

Mr. Fischbach said there was no correspondence received from the neighborhood association. He said Building was in process (payment of the SAC fee and inspection approval were needed); Environmental Health was in process (plan approval and inspection approval were needed); License was approved; Zoning was approved; and DSI recommended approval with conditions, subject to receiving a signed lease agreement, payment of SAC fees and other inspection approvals. He said the licensee had indicated she would be sending a copy of the signed lease agreement, and the building owner indicated he would pay the SAC fee. He said it was his understanding that Environmental Health had approved the plan but he had asked the applicant to confirm that. He said it was large building with multiple uses and undeveloped space. Ms. Vang asked if the parking was shared by all tenants. Mr. Fischbach said that was correct; he said there was parking on the approved site plan and also underground parking. He referred to the aerial photo. Ms. Vang asked how many spaces there were. Mr. Fischbach said he didn't have that information with him but perhaps the building owner could answer.

In response to questions from Ms. Vang, applicant Hayley Saccoman reviewed her business plan and experience. She said there were several possibilities to make money through classes, teacher training, private lessons, and private parties. She said her plan for parties was the reason for Condition 2, but alcohol didn't align with her goals for the business. She said she would allow caterers to be used, but not frequently. She said she or another teacher would be on site all the time to monitor private events. She said she had been a teacher all over town for a couple of years, teaching yoga, aerial yoga, aerial fitness, aerial dance, and private aerial parties, and had done teacher trainings all over the world. She said customers would sign up for classes in advance and walk-ins would be accepted, but there would be no memberships. She said she would start with an all-credit payment format while she was learning the business ropes. She said she knew the teaching side of things but the business side was going to be her learning curve. She said she planned to have three or four staff, working as independent contractors. She said she and one other person would be on site most days, but she hoped to have at least one day off per week where she would have two staff members on site. She said she was looking at being open until the early evening of 8:45 – 9:00 p.m. but was open to expanding the hours, depending on demand, to 10:00 p.m. at the latest. She said the earliest they would start would be 6:00 a.m. She said she was currently looking at seven days a week, but was open to dropping it to six if they didn't have the people. She said the space was just under 3000 square feet, and included land and aerial studios. She said membership would not be not required but she would require a beginner class before anything else for aerial students. She reviewed the floor plan with Ms. Vang. Rod Musson, building owner representative, said there were common bathrooms for the building. Ms. Saccoman said she didn't have her own bathrooms, and there were no showers. She reviewed her experience including six years as a yoga instructor and three years as an aerial yoga instructor.

Ms. Vang asked Ms. Saccoman to respond to the letter of objection received from a neighbor. Ms. Saccoman said they had the permit to do what they were doing in the building, and, in terms

of late night noise and rowdiness, that wouldn't be her customers, and she felt she would provide a nice buffer.

Ms. Vang asked about parking. Property owner Rod Musson said all of the parking was shared. He provided a copy of the site plan. Mr. Fischbach noted that the parking layout on the plan provided was different from that on the approved site plan, and said Mr. Musson would need to do a new site plan if that was how he wanted to stripe the front lot. Mr. Musson said they had submitted it. Mr. Fischbach said he had received an inquiry from another business in the building about outdoor seating, and at that time Zoning was not in communication with anyone. Mr. Musson said he would have to see who it was he'd talked to. Mr. Fischbach clarified it was just the surface parking directly in front of the building. Mr. Musson said the new plan had fewer parking spots than the original approved site plan. He said there were a total of 317 stalls on the property including underground, with 198 spots required for the current tenants. He said the site plan showed two additional lots across the street, and they were in communication with that building owner to get some additional parking there; and they were also talking with the owner of the property south of the building to purchase that lot for parking. Ms. Vang asked about the timing. Mr. Musson said it would take about three weeks to get out of appraisal. He said they knew that parking was a concern and were committed to providing shuttle service to bus and train stops. Ms. Saccoman said she was thinking of providing a discount for customers using light rail.

Mr. Fischbach said the (parking) numbers mentioned by Mr. Musson sounded about right for the approved site plan, and it was just a matter of getting approval for re-striping the front. In response to a question from Ms. Vang, he said the parking requirement was more than met.

Ms. Vang confirmed with Mr. Musson that other than submitting site plan for approval, nothing was changing.

Ms. Vang asked whether the building was residential and commercial. Mr. Musson said there was no residential. In response to additional questions from Ms. Vang, he said the building was 60% occupied, and the nearest residential was across the street with a buffer zone.

Mr. Fischbach said there was a buffer of commercial along Prior, and the residential was on the other side of the alley along Howell. Mr. Fischbach and Ms. Vang reviewed the aerial photo.

Ms. Vang confirmed with Mr. Musson that the SAC fees would be paid that day.

Ms. Vang asked Ms. Saccoman where she was in the Environmental Health process. Ms. Saccoman said Barb (Environmental Health staff) had okayed the floors and the laundry plan, and, after some communication, they had agreed upon the cleaning of the shelving. In response to additional questions from Ms. Vang, she said she was hoping to have it inspected and approved within the month, and hoping to have her "Jubilation Party" on the 30th. She said she would reach out to Barb about the inspection. Ms. Vang said there were a couple things that needed to be squared away.

Ms. Vang confirmed with Ms. Saccoman that there was no strict membership requirement. She asked Ms. Saccoman to be cognizant that the issue of noise was raised, and that private party customers be made aware of that as well. Ms. Saccoman said there was always going to be a staff person on site, and she had also sound-proofed the ceilings, and Mr. Musson had sound-proofed the walls.

Ms. Vang asked how many people could be in the space at a time. Ms. Saccoman said 46 per studio but that would be a lot; she said she expected 30 tops, and 10 at a time would be more normal.

Ms. Vang said she had no other questions since the raised concerns were parking and noise. She asked whether windows would be open. Ms. Saccoman said they would be closed all the time, and were high up.

Christopher Hampl, business advisor, asked whether they were legally required to have a defibrillator on site and training. Mr. Fischbach said Ms. Saccoman should ask Barb (Environmental Health staff). Ms. Saccoman said they weren't doing heat. Mr. Fischbach said he didn't know whether it was a requirement.

Mr. Musson asked whether a tenant could bring in their own alcohol. Mr. Fischbach stated that alcohol could only be done through a license issued by DSI. Ms. Vang asked about a caterer with a license to sell. Mr. Fischbach said this was not a rental hall; he said the private parties were group classes.

Ms. Saccoman asked whether she could apply for another license if she wanted customers to be able to bring in alcohol. Mr. Fischbach said not with this use. He said if she was asking if it could be two uses, and be a rental hall, he didn't know. Ms. Saccoman would need to follow-up with DSI if that was her intention.

Ms. Vang confirmed that Ms. Saccoman was agreeable to the conditions. Ms. Saccoman said she was. Ms. Vang said she would recommend that the City Council approve the license with the agreed upon conditions. She said she hoped the process could be completed within three to four weeks. Mr. Fischbach said he would get the signed condition affidavit that day. Ms. Vang said she would like a copy of the approved site plan.

The hearing was adjourned at 11:37 a.m.

The Conditions Affidavit was signed on June 7, 2018.