



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director
Historic Preservation and Development Review

DATE: November 10, 2011

SUBJECT: **ZC 11-22** Text Amendments to Sections 199, 601, 701 and 901 to include dance, exercise, martial arts, music and yoga studios as a matter-of-right in the C-1, CR and W-1 through W-3 District.

The Office of Planning requests the Zoning Commission take the following actions:

- 1) **Setdown for public hearing** for text amendments to §§199, 601, 701 and 901 of 11 DCMR, Zoning Regulations, to permit dance, exercise, martial arts, music and yoga studios as a matter-of-right in the C-1, CR, and W Districts; and
- 2) **Accept this report** as the supplemental filing required by 11 DCMR § 3013.1.

BACKGROUND

The Zoning Administrator (ZA) informed the Office of Planning (OP) that yoga studios were not permitted within the C-1 District. The ZA determined that due to the lack of a defined term for the use, this type of studio is considered as a service establishment similar to a *public bath, physical culture or health service*, per § 721.2 (t), and would be first permitted in the C-2 District. The ZA has agreed to defer enforcement against an existing establishment subject to the Commission's consideration of the recommended text amendment to allow yoga studios within the C-1 District. Further, the ZA suggested that OP not only consider yoga studios, but the larger group of like uses including **dance, exercise, martial arts or music studios**, which are also not now permitted within the subject zone districts. Therefore, OP is petitioning the Zoning Commission to consider a proposed text amendment to include these uses within the low-density and mixed-use districts cited in this report.

ANALYSIS

The CR, C-1, and W Districts' general provisions are as follows:

600 GENERAL PROVISIONS (CR)

600.1 *The purpose of the Mixed Use Commercial Residential (CR) District shall be to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses.*

700 NEIGHBORHOOD SHOPPING DISTRICTS (C-1)

700.1 *The Neighborhood Shopping (C-1) District is designed to provide convenient retail and personal service establishments for the day-to-day needs of a small tributary area, with a minimum impact upon surrounding residential development.*

700.3 *Some community facilities, housing, and mixed uses, as well as the usual neighborhood shopping and service establishments, shall be permitted.*

900 GENERAL PROVISIONS: WATERFRONT DISTRICTS



900.4 *The purpose of the Waterfront Districts is to encourage a diversity of compatible land uses at various densities, including combinations of residential, offices, retail, recreational, arts and cultural, **and other miscellaneous uses.***

900.5 *The W-1, W-2, and W-3 Districts are also intended to be relatively self-contained by supplying a variety of housing, **service**, employment, and recreational opportunities in one (1) location. This characteristic allows one (1) area to serve many different needs of a single population and to thereby reduce the amount of vehicular traffic generated by the uses in the districts.*

OP proposes a text amendment to permit dance, exercise, martial arts, music and yoga studios as matter-of-right uses within the above mentioned zone districts and concludes that the uses are not contrary to the provisions noted above. A use variance alternative would likely result in cases that could not be supported by OP or be approved by the BZA because a use variance would require a showing that the property in question could not be used by the property owner for any of the permitted uses within the applicable zone. Based on the passive nature of their operations, these studios are compatible with the types of uses anticipated within these zone districts, including as:

- A personal service establishment, with minimum impact on surrounding neighborhood development as anticipated within the Neighborhood Shopping Districts (C-1) (§700.1); and
- A recreational or miscellaneous use, as contemplated by the provisions of the CR and W-1 through W-3 Districts.

Permitting the uses as a matter-of-right within the low-density commercial and mixed-use zone districts would be responsive to the contemporary personal service establishments for neighborhoods and would strengthen the vibrancy and vitality of the C-1 retail districts. The retention and permission of these studios can help contribute to the mix of personal service establishments allowed in the low-density commercial and mixed-use districts. This can be achieved with negligible impacts to the surrounding community, as they are typically not very large (preliminary analysis shows that the average size of a yoga studio is only 2,000 square feet) and are generally pedestrian-oriented, with the majority of clients within walking distance of the studios. Therefore, the required parking ratio is proposed as the same for a service establishment within a commercial building in the C-1, CR, and W Districts in **Section 2101 – Parking** as follows:

- In excess of 3,000 sf, 1 for each additional 300 sf of gross floor area and cellar floor area.

COMPREHENSIVE PLAN

The proposed text amendment fulfills the objectives and policies for the Land Use Element of the Comprehensive Plan, including:

LU. 2.4 Neighborhood Commercial Districts and Centers

Commercial uses and local public facilities are an essential part of the District’s neighborhoods. Many of these uses are clustered in well-defined centers that serve as the “heart” of the neighborhood. These areas support diverse business, civic, and social activities. Each center reflects the identity of the neighborhood around it through the shops and establishments it supports and the architecture and scale of its buildings. ...^{312.1}

Many District neighborhoods, particularly those on the east side of the city, lack well-defined centers or have centers that struggle with high vacancies and *a limited range of neighborhood-serving businesses*. Greater efforts must be made to attract new retail uses to these areas by improving business conditions... *Again, zoning regulations should establish where these uses are appropriate.*

Policy LU-2.4.1: Promotion of Commercial Centers

Promote the vitality of the District’s commercial centers and *provide for the continued growth of commercial land uses to meet the needs of District residents*, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. *Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents.* ^{312.5}

The matter-of-right use of the subject studios within the proposed zones would not be inconsistent with the land use objectives and policies for the low-density and mixed-use commercial centers of the District.

PROPOSED TEXT AMENDMENT

The Office of Planning (OP) therefore recommends that the Zoning Commission set down for public hearing, the following text amendments to 11 DCMR §§ 199, 601, 701 and 901, with all new text shown in **bold, underlined text**:

1. Amend Section 199 – DEFINITIONS to read as follows:

Dance, Exercise, Martial Arts, Yoga or Music Studio: An establishment in which customers assemble for dancing, self-defense training, choral or musical instrument instruction, other movement drills for learning, rehearsals, non-audience performances, and group exercises, including aerobics, meditation, the teaching or practicing of yoga and offerings of classes in learning how to teach yoga.

2. Amend Section 601 - USES AS A MATTER OF RIGHT (CR) as follows:

601.1 The following uses shall be permitted as a matter of right in a CR District:

(ff) Dance, Exercise, Martial Arts, Yoga or Music Studio

3. Amend Section 701- USES AS A MATTER OF RIGHT (C-1) - as follows:

701.1 The following service establishments shall be permitted in a C-1 District as a matter of right:

(s) Dance, Exercise, Martial Arts, Yoga or Music Studio

4. Amend Section 901- USES AS A MATTER OF RIGHT (W) as follows with a new 901.1 (cc) and re-numbered to read as follows:

901.1 The following uses shall be permitted in the W-1, W-2, and W-3 Districts as a matter of right:

(cc) Dance, Exercise, Martial Arts, Yoga or Music Studio

~~(ee)~~ **(dd)** Youth residential care home, community residence facility, or health care facility for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families; provided, that there shall be no property containing an existing community-based residential facility for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the subject property; and

~~(dd)~~ **(ee)** Notwithstanding § 352.3, temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 664E, 707, 708, 708E, 708S, or 744S, in accordance with § 2110. In the event that the cumulative parking limit established in § 2110.1 (a) is met, additional temporary surface parking spaces accessory to the Ballpark on Squares 664E, 707, 708, 708E, 708S, or 744S shall be permitted as a special exception in a W-2 District if approved by the Board of Zoning Adjustment pursuant to § 2110.2.

ATTACHMENT 1

A brief survey of existing yoga studios in the District, including those registered with the Mid-Atlantic Yoga Association, revealed that of the twenty-eight studios surveyed, (not including private home studios or classes offered by appointment at client’s homes or gyms or health clubs that offer yoga classes), 21% were located within the C-1, CR, W-1 or W-3 Districts where they are now not permitted without variance relief. A review of the variance cases before the BZA in the last ten years reveals no such cases.

Studio Name	Street Address	City	State	Zip	Zone
1 Circle Yoga	3838 Northampton St N	Washington	DC	20015	C-1
2 Dahn Yoga Center	5010 Connecticut Avenue	Washington	DC	20008	C-1
3 Hot Yoga	3408 Wisconsin Ave NW	Washington	DC	20016	C-1, PUD C-2-A
4 Inspired Yoga (18th & Yoga)	1115 U St NW	Washington	DC	20009	CR
5 Down Dog Yoga	1046 Potomac Street N	Washington	DC	20007	W-1
6 Georgetown Yoga	1053 31st St NW	Washington	DC	20007	W-3, W-1
1 Bikram Yoga Capitol hill	410 H St NE	Washington	DC	20002	C-2-A
2 Bikram's Yoga College of India	4908 Wisconsin Avenue	Washington	DC	20016	C-2-A
3 Boundless Yoga	1522 U St NW	Washington	DC	20009	C-2-A
4 Capitol Hill Yoga	221 5th St NE	Washington	DC	20003	C-2-A
5 Dahn Yoga Center	3106 M St NW	Washington	DC	20007	C-2-A
6 Joy of Motion	1333 H St NE	Washington	DC	20005	C-2-A
7 Joy of Motion	5207 Wisconsin Ave NW	Washington	DC	20015	C-2-A
8 MINT	1724 California Street, N	Washington	DC	20009	C-2-A
9 Somafit	2121 Wisconsin Ave NW	Washington	DC	20007	C-2-A
10 Spiral Flight	1826 Wisconsin Ave NW	Washington	DC	20007	C-2-A
11 Studio Serenity	2469 18th St NW	Washington	DC	20009	C-2-B
12 Tranquil Space	2024 P St NW	Washington	DC	20009	C-2-B
13 Unity Woods Yoga Center	2639 Connecticut Ave N	Washington	DC	20008	C-2-B
14 Stroga	1808 Adams Mill Road N	Washington	DC	20001	C-2-B
15 Astanga Yoga Center	4435 Wisconsin Ave NW	Washington	DC	20016	C-3-A
16 Flow Yoga Center	1450 P St NW	Washington	DC	20005	C-3-A
17 Spirit of Wellness	4401 Connecticut Ave N	Washington	DC	20008	C-3-A
18 Yoga House	3634 Georgia Ave NW	Washington	DC	20010	C-3-A
19 Bikram Yoga Dupont	1635 Connecticut Avenue	Washington	DC	20009	C-3-B
20 Yoga District	1635 Connecticut Avenue	Washington	DC	20009	C-3-B
21 Joy of Motion	1643 Connecticut Ave, N	Washington	DC	20009	C-3-B
22 Dahn Yoga Center	700 14th St NW	Washington	DC	20005	C-4

Existing Yoga Studios