

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

AND

Z.C. ORDER NO. 11-22

Z.C. Case No. 11-22

**(Text Amendment - Group Instruction Centers or Studios as a Matter of Right in the C-1,
CR, and W Zone Districts)**

April 9, 2012

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of its adoption of amendments to §§ 199.1, 601.1, 602.1, 701.1, 901.1, and 902.1 of the Zoning Regulations (Title 11 DCMR). The amendments permit Group Instruction Centers or Studios as matter-of-right uses in C-1, CR, and W Zone Districts. The regulations define a Group Instruction Center or Studio as an establishment that principally offers group instruction in the performing arts, the martial arts, physical exercise, or yoga.

The Office of Planning (OP), in a report dated November 10, 2011, petitioned the Commission for text amendments to the Zoning Regulations to permit dance, exercise, martial arts, music, and yoga studios as matter-of-right uses in C-1, CR, and W Zone Districts. The report indicated that the Zoning Administrator (ZA) had concluded that yoga studios were not permitted within the C-1 Zone District because the use was not specifically defined. The most analogous use was “public bath, physical culture or health service”, which is first permitted in the C-2 Zone District pursuant to § 721.2 (t). The report further indicated that the ZA agreed to defer enforcement against an existing establishment pending the Commission’s consideration of a text amendment to allow yoga studios within the C-1 Zone District. Because this same analysis could be applied to dance, exercise, martial arts, or music studios, OP included those uses in its proposed text.

At its regular public meeting held November 28, 2011, the Commission set down this case for a public hearing. The Commission also granted OP and the Office of the Attorney General the flexibility to modify the description of the uses and the manner in which they are defined and authorized the Office of Zoning to advertise the revised text.

In response, OP, the Office of the Attorney General, and ZA worked together to clarify how the uses could best be described and defined. It was agreed that the various uses would be described collectively as “group instruction centers or studios” and that the music and dance studio uses could be subsumed within the term “performing arts”. The use of the broader term “performing arts” would also allow group acting instruction to be permitted within these zones. Two conforming amendments were also added to §§ 602.1(o) and 902.1(o) because each provision

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cross references a citation that will change as the result of the alphabetical insertion of "Group Instruction Center or Studio" within §§ 601.1 and 901.1 respectively.

A public hearing was scheduled for and held on March 1, 2012. At the close of the hearing, the Commission authorized the publication of a notice of proposed rulemaking in the *D.C. Register* and a referral to the National Capital Planning Commission (NCPC) for the thirty (30)-day period of review required under § 492 of the District Charter.

The Executive Director of NCPC, through a delegated action dated March 29, 2012, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on March 9, 2012, 59 DCR 1987, for a thirty (30)-day notice and comment period. No comments were received.

At a properly noticed public meeting held on April 9, 2012, the Commission took final action to adopt the text amendments, making no changes to the text as proposed, other than a change in how the amendments are described in order to reduce the length of this notice. Further technical changes were made to the descriptions, including modifying the preamble to the amendment to § 602.1 to remove a reference to a non-existing paragraph (s) and replacing it with a reference to paragraph (o).

Title 11 DCMR, **ZONING**, is amended as follows:

Chapter 1, **THE ZONING REGULATIONS**, § 199, **DEFINITIONS**, § 199.1, is amended by inserting the following definition in alphabetical order:

Group Instruction Center or Studio - An establishment that principally offers group instruction in the performing arts, the martial arts, physical exercise, or yoga.

Section 601, **USES AS A MATTER OF RIGHT (CR)**, § 601.1, is amended as follows:

By redesigning existing paragraphs "(m)" through "(ee)" as "(n)" through "(ff)".

By adding a new paragraph (m) to read as follows:

(m) Group Instruction Center or Studio.

Section 602, **PROHIBITED USES (CR)**, § 602.1(o), is amended by striking the citation to "§ 601.1(ee)" and inserting a reference to "§ 601.1(ff)" in its place.

Chapter 7, **COMMERCIAL DISTRICTS**, § 701, **USES AS A MATTER OF RIGHT (C-1)**, § 701.1, is amended as follows:

By redesigning existing paragraphs “(j)” through “(r)” as “(k)” through “(s)”.

By adding a new paragraph (j) to read as follows:

(j) Group Instruction Center or Studio.

Chapter 9, **WATERFRONT DISTRICTS**, is amended as follows:

Section 901, **USES AS A MATTER OF RIGHT (W)**, § 901.1, is amended by as follows:

By redesigning existing paragraphs “(m)” through “(dd)” as “(n)” through “(ee)”.

By adding a new paragraph (m) to read as follows:

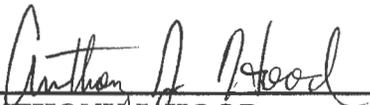
(m) Group Instruction Center or Studio.

Section 902, **PROHIBITED USES (W)**, § 902.1(o)(1), is amended by striking the citation to “901.1(dd)” and inserting a reference to “§ 901.1(ee)” in its place.

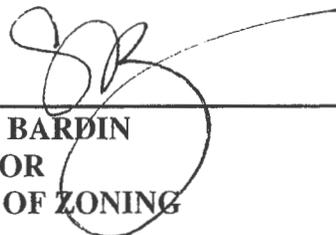
On March 1, 2012, at the conclusion of the public hearing and upon a motion of Commissioner May, and seconded by Commissioner Cohen, the Zoning Commission **APPROVED** the petition by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Marcie Cohen, Peter G. May, and Michael G. Turnbull to approve).

On April 9, 2012, upon motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Marcie Cohen, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on May 4, 2012.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



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MAY 2 2012

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 11-22 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. All ANC's (see attached)
3. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
4. All Councilmembers (see attached)
5. DDOT (Martin Parker)
6. Melinda Bolling, Acting General Counsel
DCRA
1100 4th Street, S.W.
Washington, D.C. 20024
7. Office of the Attorney General (Alan Bergstein)

ATTESTED BY:

A handwritten signature in cursive script, reading "S. S. Schellin", is written over a horizontal line.

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning