

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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-----:
IN THE MATTER OF: :
: :
OFFICE OF PLANNING - : Case No.
TEXT AMENDMENTS TO PERMIT : 11-22
GROUP INSTRUCTION CENTERS OR :
STUDIOS AS A MATTER-OF-RIGHT :
IN THE C-1, CR, AND W ZONE :
DISTRICTS :
: :
-----:

Thursday,
March 1, 2011

The Public Hearing of Case No. 11-22
by the District of Columbia Zoning Commission
convened at 6:30 p.m. in the Jerrily R. Kress
Memorial Hearing Room at 441 4th Street, N.W.,
Washington, D.C., 20001, Anthony J. Hood,
Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD W. SCHLATER, Vice Chairman
MARCIE COHEN, Commissioner
PETER MAY, Commissioner (NPS)
MICHAEL G. TURNBULL, FAIA, Commissioner
(OAC)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation
KAREN THOMAS

The transcript constitutes the
minutes from the Public Hearing held on March 1,
2011.

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P-R-O-C-E-E-D-I-N-G-S

6:31 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is a Public Hearing of the Zoning Commission for the District of Columbia for Thursday, March 1, 2012.

My name is Anthony Hood. Joining me this evening are Vice Chairman Schlater, Commissioner Cohen, Commissioner May, and Commissioner Turnbull. We are also joined by the Office of Zoning staff, Ms. Sharon Schellin, the Office of Planning, Ms. Steingasser and Ms. Thomas.

This proceeding is being recorded by a court reporter and it's also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of this evening's hearing is Zoning Commission Case Number 11-22. This is a request by the Office of Planning for Text Amendment to the Zoning Regulations in order to permit dance, exercise, martial arts, music and

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1 yoga studios as a matter of right uses in the C2,
2 CR, and W-1 Zoning districts. Notice of today's
3 hearing was published in the D.C. Register on
4 December 23, 2011, and copies of the announcement
5 are available to my left on the wall near the
6 door.

7 The hearing will be conducted in
8 accordance with 11 DCMR 3021, as follows:

9 Preliminary matters;

10 Presentation by the Office of
11 Planning;

12 Reports of other government agencies;

13 Reports of the ANCs (in this case,
14 it's all throughout the city);

15 Organizations and persons in support;

16 Organizations and persons in
17 Opposition.

18 The following time restraints will be
19 maintained in this hearing: organizations five
20 minutes, individuals three minutes.

21 All persons appearing before the
22 Commission are to fill out two witness cards.

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1 These cards are located to my left on the table
2 near the door.

3 The staff will be available
4 throughout the hearing to discuss procedural
5 questions.

6 Please turn off all beepers and cell
7 phones at this time, so as not to disrupt these
8 proceedings.

9 At this time, the Commission will
10 consider any preliminary matters. Does the staff
11 Have any preliminary matters?

12 MS. SCHELLIN: No sir.

13 CHAIRMAN HOOD: Okay. With that, we
14 will go straight to the Office of Planning. Ms.
15 Thomas?

16 MS. THOMAS: Yes. Good evening, Mr.
17 Chairman and members of the Commission.

18 Before you are test amendments to the
19 Zoning Regulations to permit group instruction
20 centers or studios as a matter of right in the C1,
21 CR, and Waterfront Districts. As you may recall,
22 OP petitioned the Commission in November of 2011,

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1 to amend the text of the Zoning Regulations to
2 permit dance, exercise, yoga, and martial arts as
3 a matter of right in these districts. And, at
4 that time, the Zoning Administrator determined
5 that, given current interpretation, these uses
6 were not currently permitted in the C1 and were
7 first permitted in the C1 district.

8 At the set down meeting, we asked for
9 flexibility to modify the description and to
10 insure that the definition presented some clarity.

11 So, in collaboration with the Office of the
12 Attorney General and the Zoning Administrator, it
13 was determined that the collective term that best
14 describes these uses would be a group instruction
15 center or studio. And we also included the
16 performing arts in the definition to allow group
17 acting instruction. So the new term and
18 definition, as proposed in our supplemental
19 report, which is before you, and we are
20 recommended approval of the text amendment as
21 representative of the original intent to permit
22 yoga, dance, exercise, and martial arts studios

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1 within the low density and mixed use districts as
2 cited in our report. And I will be happy to take
3 any questions. Thank you.

4 CHAIRMAN HOOD: Thank you, very much,
5 Ms. Thomas.

6 Do we have anyone who is in
7 opposition of this text amendment? Okay. Maybe
8 we should have all got together and had a yoga
9 class tonight. Okay. So with that,
10 Commissioners, do we have any questions of Ms.
11 Thomas? Commissioner Turnbull?

12 COMMISSIONER TURNBULL: Well, I have
13 one and I don't want to sound off on the edge on
14 there. But were you concerned with any language
15 that you might have to add after physical exercise
16 and put in parenthesis, like non-sexual? I mean,
17 I don't want to go off the deep end. But we've
18 had situations before where we put things down and
19 it could be -- I mean, if I'm saying well I'm
20 offering couples who have trouble and say we're
21 going to do Kama Sutra exercises -- I don't know.
22 I'm just out there, throwing it out as an off the

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1 wall kind of thing. Are you concerned about any
2 misinterpretation of the language on physical
3 exercise?

4 MS. STEINGASSER: No.

5 COMMISSIONER TURNBULL: Okay. So
6 it's just me, I guess. I'm just -- I was just --
7 I mean, I know we've had things go down the road
8 before that have come back to haunt us. And we've
9 added non-sexual. I mean, if you look at our
10 Zoning Regs, there's like so many sections that
11 will say non-sexual. You know, and I'm just
12 wondering on this if there was any concern at all
13 by the -- did that enter your mind at all?

14 MS. THOMAS: Actually not. But I
15 think, when a permit is issued or the C of O is
16 issued, there is a caveat in there that states not
17 sexually oriented.

18 COMMISSIONER TURNBULL: Oh that --
19 okay. And I've seen that before on different BZA
20 cases where we're reviewing it. And it will say
21 on the Certificate of Occupancy or whatever. So
22 that should cover us, then?

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1 MS. THOMAS: Yes. I think that would
2 be a safe bet to cover us.

3 COMMISSIONER TURNBULL: Thank you.

4 MS. THOMAS: Right.

5 CHAIRMAN HOOD: Any other questions
6 to the Office of Planning? Anybody? Okay.

7 But that's a good point, Commissioner
8 Turnbull. Reports of other Government Agencies?
9 I didn't see any.

10 Reports of any ANCs? I didn't see
11 any. I guess what I'll do is ask anyone -- I've
12 already asked. There's no one here in opposition.

13
14 So everyone who is in support, who
15 wants to testify tonight, if you would just come
16 forward. And if you could just identify yourself
17 and what group or organization you're with and
18 we'll take your testimony? Whoever wants to go
19 first.

20 MS. MAHON: Can you hear me? Okay.

21 So good evening, Mr. Chairman and
22 members of the Zoning Commission. My name is

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1 Annie Mahon and I live at 3703 Northampton Street,
2 NW in Chevy Chase, D.C. I'm also the owner of the
3 Circle Yoga studio, which is also located in Chevy
4 Chase, D.C. at 3838 Northampton Street Northwest.

5 So, thank you for giving me this
6 opportunity to tell you about our yoga studio and
7 its impact on the community.

8 So our yoga studio, like most studios
9 in the city, is small and it's focused on the
10 neighborhood in which we reside. Our classes can
11 accommodate about 20 students at any one time.
12 And we usually have about eight to 12 students in
13 a class. So we started this studio for the
14 purpose of supporting stressed out neighbors. And
15 we have students of every age, from babies and
16 kids that come to classes with their families
17 through 80+ year olds. We offer at least one to
18 two free classes or workshops every week of the
19 year and draw people in who might not otherwise be
20 able to afford to come to the studio. We've also
21 created more than a dozen part-time front desk
22 positions, for which we employ students and

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1 retirees from the neighborhood.

2 The vast majority of our students,
3 teachers, and staff, live within walking distance
4 of the studio. And many either walk or bike to
5 class. We've created a small public garden with a
6 picnic table where neighbors and students can hang
7 out during nice weather. And when we renovated
8 our building, we transformed it from a falling-
9 down chain linked mess that it was, to a neat,
10 sustainable property which won the First Annual
11 Mayor's Environmental Excellence Award here for a
12 small business in 2009. We also participated in
13 the D.C. Renewable Energy Incentive Program, and
14 we installed 7000 watt solar arrays and reduced
15 our CO2 production by an estimated 14,000 pounds
16 per year.

17 This year, Circle Yoga became the
18 first worker-owned yoga cooperative in the Mid-
19 Atlantic region. So it's hard to overstate how
20 much the community that we're in really loves and
21 supports the studio. And I'm not exaggerating
22 when I say I hear from someone almost every single

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1 day about how much the studio means to them in
2 their life. Many people tell me how much they
3 enjoy classes, workshops and groups. But
4 underlying everything they say is their real
5 appreciation for a place they can come to and find
6 relief from every day stress in their lives, with
7 the support of neighbors and friends. This type
8 of a vibrant community center is often missing
9 from modern city life.

10 We've had students who came to class
11 the very day after they lost a spouse or the day a
12 friend was murdered or bring an anxious child into
13 a relaxing yoga class. What we offer them is a
14 welcoming safe place to bond with friends and
15 neighbors, while learning stress reducing
16 techniques. In the time that we've been in the
17 community, thousands -- literally, thousands of
18 people have thanked me by e-mail, phone, or mail
19 or in person for what they call the gift of Circle
20 Yoga. During that same time, I have not once had
21 anyone complain about the studio, except for one
22 woman who objected to our bamboo.

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1 So one of my favorite things I see is
2 that, when students leave class, they'll go off
3 into a Starbucks together for coffee or Bread and
4 Chocolate for lunch or just hang around in the
5 garden talking about their kids. And, one day, as
6 I was walking to the studio, I saw a line of about
7 seven moms that were chatting and pushing
8 strollers and carrying yoga mats who had just left
9 the studio and were heading out to lunch together.

10 So I just love seeing that. That makes me really
11 happy.

12 And, while I was preparing this
13 testimony, I got an email from one of our students
14 who described our impact on the community and it
15 was better worded than I would ever be able to
16 say. She said the studio is a very important part
17 of our community here in Chevy Chase, D.C.,
18 enhancing the health, physical and mental, of
19 residents of all ages and building connection
20 among the community residents and thus, building a
21 stronger community every day. So, as a District
22 resident and owner of a small business located in

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1 the District, I believe the approval of the Zoning
2 Text Amendment application will benefit all
3 neighborhoods in the District. Therefore, I ask
4 that you approve this application. Thank you,
5 very much.

6 CHAIRMAN HOOD: Okay. Thank you,
7 very much. Next?

8 MS. DI ROSA: Hi. My name is Anne Di
9 Rosa and I live at 5500 Chevy Chase Parkway
10 Northwest. And I'm a student at Circle Yoga.
11 Every week I walk to the studio and attend classes
12 with a multi-generational group of peers. It is
13 my community. Two years ago, I was diagnosed with
14 breast cancer, and it was at Circle Yoga that I
15 was able to come to terms with my scary diagnosis
16 and to deal with my anxiety in the weeks and
17 months after that. It is much more than a yoga
18 studio. It has transformed my perspective on
19 life.

20 It was my daughter, many, many years
21 ago, who first introduced me to the studio, when
22 she was about seven years old. She attended

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1 summer camp there for several years. And one
2 year, she hosted her birthday party at the studio.

3 Another one of my kids had a yoga instructor from
4 the studio come to the Wilson High School varsity
5 soccer practices to teach the players proper
6 stretching techniques.

7 This studio offers a broad range of
8 classes, workshops, speakers, and is responsive to
9 what the neighborhood needs. I have made so many
10 friends through Circle Yoga. And, often, I need
11 someone in another facet of my life and it comes
12 out in conversation that we both take courses at
13 Circle Yoga, and there's an instant bond. Circle
14 Yoga is a very special place for so many people
15 in our neighborhood. It's truly one of the
16 anchors of our neighborhood. So I hope that you
17 will approve the Zoning Text Amendment
18 application. Thank you.

19 CHAIRMAN HOOD: Thank you. Next?

20 MR. GARRETT: Thank you, Mr. Chairman
21 and Commission. Thank you for having the
22 opportunity to speak about a subject I love, and

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1 that's Circle Yoga. It's a place I've been going
2 to for about eight years. And I've taken a whole
3 variety of classes there, meditation sessions, all
4 kinds of different kinds of classes over the
5 course of time. And I guess what I'd like to say
6 is just three points -- make three, brief points.

7 One is, it's a true community center. People
8 love hanging out there and connecting with each
9 other. It's -- it really, to my mind, is the true
10 community center for a lot of us. Two, my wife --
11 I didn't realize that you were also a breast
12 cancer survivor, Annie. But, on Sunday, there's a
13 yoga for breast cancer survivors. And, over the
14 course of time, it's not full up. And it's become
15 extremely important to the women -- to my wife and
16 her friends. And she has really bonded to a lot
17 of those people and it's really been beautiful to
18 see. And it's a very special kind of thing. And
19 it's also -- it's different than whatever some of
20 the really aggressive yoga you might see people
21 standing on their head somewhere or whatever
22 people are doing. And then, I guess the other

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1 thing I'd like to say is just that, afterwards,
2 because it is a community center, we like to, you
3 know, go out. We have friends. We do a class.
4 We might go have tea. I've had tea with the
5 teacher of yoga last Friday. It was really
6 delightful. So, I mean, it's just a really
7 special place and we're honored that you're
8 considering this. Thank you.

9 CHAIRMAN HOOD: I might have been
10 meditating. But did you give us your name?

11 MR. GARRETT: Oh, I'm sorry. Anthony
12 Garrett and I live at 5517 Chevy Chase Parkway,
13 NW.

14 CHAIRMAN HOOD: Your first name is
15 Anthony?

16 MR. GARRETT: Yes.

17 CHAIRMAN HOOD: You're a good man.

18 MR. GARRETT: Oh, thank you, sir.

19 CHAIRMAN HOOD: Okay.

20 MR. GARRETT: Oh, that's right.
21 We've got the same name.

22 CHAIRMAN HOOD: All right.

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1 Commissioners, any questions of this panel?
2 Commissioner Cohen?

3 COMMISSIONER COHEN: Thank you,
4 Chairman. I'm just curious. How large is your
5 studio? In square footage?

6 MS. MAHON: In square footage? The
7 studio is about 2000 square feet. And then we
8 actually -- the upstairs of the building is rented
9 out to the Avalon Theatre offices.

10 COMMISSIONER COHEN: Okay. I think I
11 know where that is. And what does the front of
12 the facade of the studio look like? I mean is
13 it --

14 MS. MAHON: It's brick. It's a brick
15 building and it has lettering that says Circle
16 Yoga on it.

17 COMMISSIONER COHEN: Okay. And do
18 you have anything in the windows? Is it open to
19 the street?

20 MS. MAHON: Oh, yes. Yes. There are
21 windows. There are windows on the street -- on
22 Northampton. There's windows on every side. Yes.

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1 And I'm not sure. Is that answering you? Okay.

2 COMMISSIONER COHEN: Yes. It does.

3 Thank you.

4 CHAIRMAN HOOD: Are there any other
5 questions for this panel? Okay. I want to thank
6 you all for coming down and providing your
7 testimony. We greatly appreciate it. Okay. We
8 didn't have anyone here in opposition. So I guess
9 we are ready to deliberate. Any reservation about
10 moving forward? I mean, it was very complex
11 today. So, would somebody like to make a motion?
12 Commissioner May?

13 COMMISSIONER MAY: Mr. Chairman, I
14 would move that we approve Zoning Commission Case
15 Number 11-22, Text Amendments to Sections 199, 601
16 701, and 901 to include dance, exercise, martial
17 arts, music, and yoga studio as a matter of right
18 in the C1, CR, and W-1 through W-3 districts.

19 CHAIRMAN HOOD: Okay. It's been
20 moved. Can I get a second?

21 COMMISSIONER COHEN: Second.

22 CHAIRMAN HOOD: Moved and properly

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1 seconded. Any further discussion? Are you ready
2 for the question? All those in favor, aye?

3 ALL: Aye.

4 CHAIRMAN HOOD: Not hearing any
5 opposition, Ms. Schellin, would you please record
6 the vote?

7 MS. SCHELLIN: Yes. Staff records
8 the vote five to zero to zero to approve proposed
9 action on Zoning Commission Case Number 11-22,
10 Commissioner May moving, Commission Cohen
11 seconding, Commissioners Hood, Schlater, and
12 Turnbull in support.

13 CHAIRMAN HOOD: Okay. Ms. Schellin,
14 do we have anything else before us?

15 MS. SCHELLIN: That is it.

16 CHAIRMAN HOOD: Okay. Well, with
17 that, I want to thank everyone for their
18 participation tonight. And this hearing is
19 adjourned.

20 (Whereupon, the hearing was adjourned
21 at 6:47 p.m.)

22

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