GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

Date: October 25, 2011

VIA EMAILED PDF

Ellen McCarthy
Arent Fox
mccarthy.ellen@arentfox.com

RE: 1539 7th St. NW **SSL:** 0445, 0179 **[Subject Property]**

Dear Ms. McCarthy:

This letter confirms my review of your client's proposed medical marijuana dispensary to be located at the Subject Property in Washington, DC. My analysis included applying the zoning regulations set forth in Title 11 of the District of Columbia Municipal Regulations (DCMR) and the medical marijuana regulations set forth in Title 22, Subtitle C of the DCMR (these regulations were adopted, on emergency basis, by the Mayor on August 10, 2011, and were published in the *D.C. Register* on August 1, 2011 (58 D.C.R. 7207)).

After reviewing the District's zoning map, I found that the Property is zoned C-2-A. Under the D.C. zoning regulations, specifically 11 DCMR § 721.1, any use permitted in a C-1 District shall be permitted in any C- prefixed District as a matter of right. Pursuant to § 701.4 of the Zoning Regulations, a drug store or pharmacy is permitted as a matter of right in a C-1 District; and, therefore, would be permitted on property zoned in a C- prefixed district. The presence of an Overlay does not affect this use. As the Zoning Administrator, I interpret the zoning regulations on a case-by-case basis. As such, I have determined that a medical marijuana dispensary is permitted on the subject property.

Under 22C DCMR §§ 5201.1 and 5403.2, a medical marijuana dispensary shall not be located "within three hundred feet (300 ft) of a preschool, primary or secondary school, or recreation center." Based on the information you provided, the Property complies with these distance requirements. My office independently researched the District's Geographic Information System and found no identified preschools, primary or secondary schools, or recreation centers within a 300-foot radius of the Property's lot lines.

Therefore, based on the medical marijuana and zoning regulations, your representations, and my office's independent research, I conclude that your proposed medical marijuana dispensary at the Property is allowed as a matter of right use. As you are aware, this use is subject to the licensing requirements of the D.C. Department of Health, which administers and regulations the medical marijuana program. Please feel free to contact me at matthew.legrant@dc.gov if you have any questions.

Sincerely, Matthew Z. LeGrant

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