



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

April 23, 2020

Metropolitan Wellness, Inc.
c/o Mr. Corey Barnette
409 Eighth Street, SE, Unit 201, FL 2
Washington, DC 20003

**Re: Medical Marijuana Dispensary Proposed at 433 Massachusetts Avenue, NW
Square 0516S – Lot 0810**

Dear Mr. Barnette:

This letter confirms my review of a proposal to locate a medical marijuana dispensary in the building located at 433 Massachusetts Avenue, NW (the “Subject Property”). The Subject Property is within the D-4-R Zone District and is improved with a two-story commercial building with a basement. The upper two levels of the building were most recently leased by Le Pain Quotidien Restaurant; and the basement level is occupied currently by a Solid Core fitness facility. The Building has no residential use.

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 11, 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 12, 2011 (58 D.C.R. 7207)).

The purpose of regulating use categories in the D zones is to allow for an appropriate mix of residential, office, lodging, retail, service, entertainment, cultural and other uses. Additionally, unless otherwise or exempted by the provisions of Subtitle I, a building in the D-4-R zone shall provide a minimum amount of residential FAR required in the zone. The minimum residential requirements of the D-4-R zone are not applicable to the building on the Subject Property because it is a non-residential building that has a height of six (6) floors or less at and above-grade, and that has been in existence as of January 17, 1991. 11-I DCMR § 305.3(c). As the Zoning Administrator, I interpret the Zoning Regulations on a case-by-case basis.

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 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, the representations herein, and my office's independent research, I conclude that the proposed medical marijuana dispensary at the Subject 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 regulates the medical marijuana program.

Please feel free to contact me at matthew.legrant@dc.gov if you have any questions.

Sincerely,

Matthew Le Grant

Matthew LeGrant
Zoning Administrator

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a "final writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator's review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.