

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



October 29, 2013

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP
800 17th Street, N.W. - Suite 1100
Washington, DC 20006

Re: 2301 M Street, NW - Square 36, Lot 46

Dear Mr. Sher:

This is to confirm the substance of our discussion on October 9, 2013, concerning the proposed partial enclosure of an arcade at the building known as 2301 M Street NW, located at the northwest corner of the intersection of 23rd and M Streets, N.W. The site is known as Record Lot 46 in Square 36. The property contains approximately 16,781 square feet of land area and is zoned CR.

The property is improved with a mixed use building containing apartments, office space and ground floor retail. The building was approved for zoning purposes in 1980, as represented in Zoning Computation Sheet 80-231, a copy of which is attached. Box No. 20 indicates that the building used up almost all of the permitted gross floor area (100,680.4 square feet permitted, 100,687.66 square feet provided).

The first floor of the building is setback from the face of the building above along 23rd Street, so as to create an arcade at that level. The corner of the building at the first floor is further chamfered at the first floor, creating a glass wall on the diagonal to the intersection. The space inside the building on that corner is currently occupied by a bank.

The records of the District do not indicate whether the space outside the glass wall of the first floor was given an arcade credit under then §7614 (later recodified as §2515 and since repealed). Neither the cited Zoning Computation Sheet nor any information contained in the District's archives address that question.

You advised that it is proposed to change the use of the bank to an exercise studio. Both uses are permitted in a CR District. It is further proposed to remove the diagonal glass wall on the first floor and extend the enclosed portion of the first floor out to 23rd and M Streets. The area proposed to be enclosed is shown on the attached schematic first floor plan. This would add approximately 723 square feet to the enclosed area of the building.

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In the absence of definitive information as to whether the arcade on the ground floor received a credit under §7614, I am left with two alternatives:

- If the space did not receive a credit, then, in accordance with the Regulations at the time, the space would have been counted in gross floor area and would have been included in the 100,687.66 square feet provided. Extending the enclosed space as proposed would not increase the gross floor area of the building and would therefore be permitted.
- If the space did receive the arcade credit, under §2524 of the current Regulations, an existing open arcade in a building in a CR District may be enclosed, if the area is solely devoted to retail, arts or service uses. Since the proposed use has been determined to be a service use, §2524 would allow the enclosure.

I therefore conclude that, under either scenario, the proposed enclosure complies with the Zoning Regulations. Please let me know if I may be of further assistance.

Sincerely,



Matthew Le Grant
Zoning Administrator

Attachments: -Comp Sheet 80-231
-Plan for Arcade Enclosure