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May 17, 2016

BY EMAIL

Ms. Sara Bardin
Director
DC Office of Zoning
441 4th Street, NW
Washington, DC

Re: BZA Application for Change of Nonconforming Use--218 D Street, SE

Dear Ms. Bardin:

Per the notice on the Office of Zoning's website, this is to inform you of our intention to file a BZA application during the month of May for a change of nonconforming use from a nonprofit office use to a group instruction (exercise) studio in the R-4 zone, on the second floor of the building at the above location. In both ZR58 and ZR16, the proposed nonconforming use must be a use that is permitted as a matter of right in the most restrictive zoning district in which the existing nonconforming use is permitted as a matter of right. Both a matter of right unrestricted nonprofit office use and a matter of right group instruction studio are first permitted in the C-1 zone.

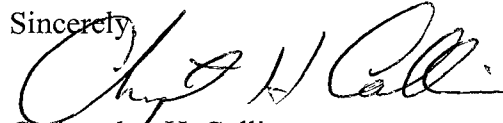
The provisions of ZR58 are less restrictive with respect to the proposed change of nonconforming use to a group instruction studio use than those in ZR16. Specifically, in ZR58, Section 2003.5 states that in the Residence Districts, the proposed use shall be either a dwelling, flat, apartment house, or neighborhood facility. Although a "neighborhood facility" is not a defined term in the Zoning Regulations, based upon prior rulings by the BZA, the proposed group instruction studio fits the description of a neighborhood facility. Per ZR16, Sub. C, Sec. 204.9(b), for a change of nonconforming use in the Residence Zones, the proposed use must be either a "single dwelling unit, flat, or multiple dwelling unit development". There is no provision in ZR16 to allow a change of nonconforming use to a neighborhood facility in the Residence Zones.

Board of Zoning Adjustment
District of Columbia
CASE NO.19319
EXHIBIT NO.13

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DC Office of Zoning
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Please confirm that the application as described herein may be filed during the month of May, for consideration by the BZA under ZR58, Section 2003. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ch H Collins", written over the word "Sincerely,".

Christopher H. Collins

CHC:jma

cc: Stephen Varga, Office of Zoning
Paul London

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