

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

August 11, 2014



Via Emailed PDF

Cynthia A. Giordano
Saul Ewing LLP

Re: Fort Totten - Proposed Fitness Center - Conformance with PUD #06-10

Dear Ms. Giordano:

You requested that I memorialize our discussion of July 10, 2014 regarding the permissibility of the following types of uses in a proposed new fitness facility, to occupy a portion of a mixed use residential/retail building to be developed in Square 3765 pursuant to Zoning Commission Order No. 06-10, dated December 14, 2009.¹ PUD #06-10 approved a consolidated planned unit development (“PUD”) and a related Zoning Map amendment from the R-5-A zone district, to the C-2-B zone district for Square 3765.

The proposed gym, health club and fitness center (“Fitness Center”) is permitted pursuant to Section 721.2(t) (public bath, physical culture, or health service) including without limitation the following specific ancillary uses and services:

- (1) basketball court;
- (2) volley ball court;
- (3) swimming pool;
- (4) full gym (weights and aerobic machines);
- (5) spa (including nails, hair and massage²);
- (6) tanning salon;
- (7) rock-climbing wall facilities;

¹ The proposed fitness facility is to be located on Lot 5 in Square 3765 within a larger mixed-use development to be developed on Lots 1-4 and 800 in Square 3766. Lots 1-5 and 806 in Square 3768 and Lots 1 and 2 in Square 3769.

² We understand that the massage services are only permitted as an ancillary use which occupies less than 20% of the floor area of the fitness facility and generates less than 20% of the overall revenues for the Fitness Center.

- (8) retail sales of health food snacks, supplements, and other nutritional supplements and vitamins;
- (9) retail sales of beverages, sports apparel, accessories and equipment;
- (10) related services to include but not be limited to personal training, weight loss services, physical rehabilitation and similar rehab services;
- (11) dance, aerobic, yoga and other fitness-related classes; and
- (12) juice bar.

Finally, you requested that I confirm that there are no zoning restrictions with respect to the Fitness Center's operating with all or part of its ancillary services and uses every day of the week 24 hours a day, seven days a week for every day of the year. I conclude that the zoning regulations do not contain any such restrictions.

Please let me know if you have any further questions regarding this matter.

Sincerely,



Matthew Le Grant
Zoning Administrator