



GREENSTEIN DELORME & LUCHS, P.C.

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July 17, 2015

BY EMAIL AND MESSENGER

Mr. Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W., Room 3100
Washington, D.C. 20024

Re: 205 C Street, NE; Square 757, Lot 846

Dear Mr. Le Grant:

On behalf of our client, the FCNL Education Fund, the lessee of the first floor of the above-referenced property (the "Education Fund"), this is a request for a zoning determination to confirm (a) that the Education Fund may use the first floor of the 205 C Street, NE (the "Property") as a Private Club and (b) two other issues related to parking. We discussed these issues when our client's architect, John Wittmann, and I met with you on March 24, 2015. The subject Property is located in the R-5-B/Cap zone district, in which a "Private Club" is permitted matter-of-right, except when the use is a service customarily carried on a business (11 DCMR §330;.5(i)).

I. The Education Fund meets the criteria in the definition of a Private Club. The Zoning Regulations define a "Private Club" as follows:

"Club, private -- building and facilities or premises used or operated by an organization or association for some common avocational purpose such as, but not limited to, a fraternal, social, educational, or recreational purpose; provided, that the organization or association shall be a non-profit corporation and registered with the U.S. Internal Revenue Service; goods, services, food, and beverages shall be sold on the premises only to members and their guests; and office space and activities shall be limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization." (21 DCR 1465) (11 DCMR §199.1).



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This definition consists of three (3) essential elements.

1. The Property must be used for avocational purposes (with some accessory office space permitted). The Educational Fund intends to use the first floor space for Quaker education including planned programming in response to requests from Quaker groups and FCNL legislative priorities for grassroots organizing. The space is also designed to provide a setting to host Quaker worship or interfaith gatherings and for more formal meetings or dinners with guests who are members of the broader community. The Education Fund will not allow partisan or political fund-raising in this space as those activities are not consistent with its programs and mission.¹ Please see the proposed floor plan and letter from Diane Randall in Exhibit A.

2. The Property must be used by a non-profit organization. The Property is owned by 205 C Street LLC (the "LLC"), which is a subsidiary of FCNL Education Fund, Inc. The Education Fund is a 501(c)(3) non-profit organization with 11,991 members nation-wide in fiscal year 2014. Education Fund was incorporated in the District of Columbia on 1982. The Education Fund's purpose is to seek to educate members of the Religious Society of Friends and other citizens with respect to issues in those areas which touch upon and the concerns and causes the Friends have at heart. (See the Third recital of the enclosed Articles of Incorporation, the "Charter"). The LLC will lease the first floor space to the Education Fund once renovations are complete and upon the issuance of a new certificate of occupancy for the Property. Please see Exhibit B for copies of the Education Fund's IRS 501(c)(3) determination letter, non-profit corporation Charter and Bylaws, and a recent the Certificate of Good Standing from DCRA.

3. Where goods and services are provided to its members and guests. As discussed above, the first floor private club space will be used by the Education Fund for educational programming including informal gatherings, more formal meetings, Quaker worship and dinners for Educational Fund members and their guests. The Education Fund will staff these above-described programs. The staff will ensure that the space is maintained appropriately and that Education Fund internal policies, including restricting use of alcohol, are observed.

The 205 C Street, NE Property will not be used in any way as the "headquarters" for the Education Fund or for any administrative or lobbying functions. 205 C Street is adjacent to the office building owned and operated by FCNL Education Fund at 245 Second Street, NE. Office space for the Education Fund is located in the 245 Second Street, NE property where it has been located since the 1970s. As requested, please see a copy of the certificate of occupancy for 245 Second Street, NE enclosed as Exhibit C. Please note that the buildings on the two properties, 205 C Street and 245 Second Street, NE, are not physically connected.

¹ See the restrictions on such activity in second paragraph on page 2 of the enclosed Articles of Incorporation of the FCNL Educational Fund.



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The existing four apartment units at 205 C Street, NE will remain and will be located only on the second and third floors of the Property. These units are accessed by stairs via a common front hallway. The Education Fund will not operate the apartments as a hotel or inn and there are no sleeping accommodations on the first floor. There will be no Education Fund employees living or working in the first floor of the Property except as necessary for club administrative purposes, such as maintaining the Property and welcoming and accommodating Education Fund members and guests or supervising meetings, gatherings or dinners held on first floor of the Property. The Education Fund may occasionally allow its guests to hold gatherings in the first floor of the Property.

Based on the above, the proposed use for the first floor of the Property is consistent with the Private Club use.

II. Garage and Number of Parking Spaces

The Education Fund also requests determinations on two parking issues. The parking issues are whether (a) the Education Fund can maintain the two existing but non-conforming parking spaces and (b) the private club use of the first floor triggers a requirement for additional parking.

(a) Non-conforming Spaces

The Education Fund believes that the garage pre-dates the current 1958 zoning regulations and has requested permission from the HPRB to raze the garage building as part of its concept review of the proposed building renovations (HPA 15-304). Please see the enclosed 1903, 1909, 1921 and 1967 Baist Maps showing a garage in the rear of the property abutting the alley and a survey showing the 17.39 ft. wide by 18.19 ft. long (17'5" by 18'2") dimensions of the existing tin frame garage enclosed as Exhibit D. We reviewed all the permit records for the Property at the D.C. Archives which cover the period of 1949 to 1995 and were unable to locate a copy of the permit for the garage. See attached D.C. Archives report form showing the files of records located enclosed as Exhibit E.

Therefore, we conclude that the dimensions of the current garage pre-date current zoning. Please be advised that the HPRB agreed at its meeting on June 25, 2015 that the garage could be razed. Based on our March 24, 2015 meeting, we understand that after the garage is razed, the existing two (2) parking spaces (8.69 ft. by 18.19 ft. each) will satisfy the parking requirement for the four apartment units if the spaces are preserved in their current location on the Property. The Education Fund's architect showed a proposed parking area on the plan submitted to HPRB (see the First Floor Plan dated March 27, 2015) and has subsequently revised that plan to show two parking spaces. Photographs of the garage, the First Floor Plan and subsequent sketch are enclosed as Exhibit F.



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(b) Private Club Parking

The Education Fund is also requesting a determination on additional off-street parking as a result of the private club use and the enlargement of the building. Pursuant to Section 2120.3 of the Zoning Regulations, a historic resource and any additions thereto are exempt from the requirement of Section 2100.4 to provide additional parking as the result of a change in use and from the requirement of 2100.6 to provide additional parking as a result of an increase in intensity of use, except that parking shall be required for any addition where: (a) the gross floor area of the historic resource is being increased by 50% or more, and (b) the parking requirement attributable to the increase in gross floor area is at least four (4) spaces.

The Historic Preservation Office of the Office of Planning has confirmed that the building is considered a contributing structure to the Capitol Hill Historic District with respect to parking. Please see the waiver of additional off-street parking spaces dated April 20, 2015 enclosed as Exhibit G. The proposed renovation of the building will change the gross floor area (“GFA”) of the building as follows:

205 C Street, NE; Square 757, Lot 846	Current GFA	Proposed GFA
Space devoted to Apartments	2,920 sf. not including 655 sf. in cellar	2,428 sf. not including cellar ²
Space devoted to Private Club	N/A	1,214 sf. not including cellar

As you can see from the above chart, the total GFA of the building will increase by 24% and the change in use of the first floor of the building is a 42% increase in GFA devoted to the new use. There is no change to the number of apartment units, so the two existing parking spaces continue to satisfy the number of parking spaces required for four (4) apartment units in the R-5-B zone district. The first floor GFA of the private club use would require only three (3) parking spaces. Even if there is cellar space devoted to the private club use, neither the total increase in GFA nor change in use GFA for the private club triggers the requirement for additional parking in Section 2120.3. Therefore, there is no requirement for additional off-street parking based on the above information and exhibits.

² The cellar space will be used for utilities and mechanical equipment that serve the entire building.



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If you agree with this analysis, I would greatly appreciate receiving a letter confirming your determination as soon as possible. For your convenience, I have also enclosed a draft confirmation letter for your review. If you need any additional information, or have any questions, please let me know. Additionally, if you think it would be helpful, I am available to meet with you to review this information.

Thank you for your assistance in this matter.

Very truly yours,

GREENSTEIN, DELORME & LUCHS, P.C.

A handwritten signature in black ink, reading "Lyle M. Blanchard", written over a horizontal line. The signature is fluid and cursive.

Lyle M. Blanchard

Enclosures

cc: Ms. Diane Randall