

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

March 24, 2015



Via Emailed PDF and US Mail

Martin P. Sullivan
Sullivan & Barros, LLP
1990 M Street, NW- Suite 200
Washington, DC 20036

Re: Proposed Private Club Use by the American Dental Association – 137 C Street, SE.

Dear Mr. Sullivan:

You have asked for my determination regarding the permitted use of the property located at 137 C Street, SE (“the “Subject Property”) for a private club, based on the prospective occupant’s intended use. The Subject Property is located in the R-4 zone district, in which a “Private Club” is permitted as a matter-of-right, except when the use is a service customarily carried on as a business (11 DCMR §330.5(i)). Your client, the American Dental Association (“ADA”), pursuant to the description hereinbelow, is proposing to use the Property as a private club. I have determined that the described intended use would indeed qualify as a private club pursuant to the Zoning Regulations.

The Zoning Regulations define “Private Club” as:

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).

This definition consists of three essential elements: (1) the property must be used for avocational purposes (with some accessory office space permitted); (2) by a non-profit organization; (3) where the goods and services provided are limited to members and guests.

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You have represented to me the following: The American Dental Association is a 501(c)6 non-profit organization founded in 1859. It is the nation's largest dental association and is the leading source of oral health related information for dentists and their patients. The ADA is a member-run organization, with more than 157,000 members in 50 states, the District, and Puerto Rico. The ADA works to advance the dental profession on the national, state, and local levels. The philanthropic arm of the ADA provides scholarships for dental students, advocates for children's dental health and supplies disaster relief to members in need.

You have represented to me that the ADA is proposing to use the Subject Property principally as a meeting place for its members and guests, for the purpose of socializing, networking, educational sessions and conferences, and dining. In particular, the ADA will use the Subject Property as a place of destination solely for ADA members and their guests to visit for networking, socializing, and educational purposes, and will sponsor meetings and events with members and guests of the ADA. The ADA may occasionally use the Property for overnight stays for members and guests, but this use will be limited to members and guests and there will be no direct fees or other payment exchanged for such use and the Subject Property will not operate as a hotel or inn.

The proposed use may also include occasional educational sessions or networking activities for the exploration of common areas of interest of members and their guests. The Subject Property will not be used in any way as a "headquarters" for the ADA, or for administrative office or lobbying functions. The ADA has offices in the District, at 1111 14th Street, NW, which it uses for lobbying and local administrative functions of the ADA. The main offices of the ADA are located in Chicago. There will be no ADA employees living or working at the Subject Property except as necessary for *club* administrative purposes, such as maintaining the Subject Property and welcoming and accommodating ADA members and guests and/or supervising events. I understand that the ADA may also occasionally allow its guests to hold events on the Subject Property.

In determining whether or not a proposed use will comply with the three essential elements to the definition of a private club, my office relies on several previous decisions and cases, both from the D.C. Court of Appeals and from the BZA. These precedents include the Association for Preservation of 1700 Block of N Street NW vs. BZA, 384 A.2d 668 (D.C. 1978), in which the Court of Appeals upheld use by the YMCA as a private club, finding that its educational and recreational activities were *avocational* in nature. In BZA Application No. 13279 of the Cosmos Club, the BZA held that the Cosmos Club was a private club and that inherent in that private club use would be dining assembly and lodging facilities as accessory uses. In BZA Application No. 13740 of the University Women's Club, the Board described the subject private club use in that case to include educational programs for members, weekly meetings, luncheons, and transient housing for members, with fifteen rooms for overnight stays. Finally, BZA Application

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No. 14113 of the National Republican Club noted dining, receptions, seminars, and conferences as legitimate private club functions.

The most direct guidance on this issue can be found as part of the District's submissions in BZA Appeal No. 18090, a case which was ultimately dismissed on procedural grounds. In the District's Pre-hearing Statement for Appeal No. 18090, DCRA counsel strongly supported my decision to allow private club use by the Airports Council International. The description of the proposed use in the ACI case is very similar to that proposed here by the ADA. In any event, each case stands on its own merits, and the ADA clearly meets the three-part definition of "private club." The ADA is a non-profit organization, the proposed principal use as described herein is clearly avocational in nature, and the goods and services provided will be limited to ADA members and guests.

For these reasons, I have determined that if used principally for the purposes described hereinabove, the ADA's proposed use of the Subject Property will be considered a "private club" and will therefore be permitted as a matter-of-right on the Subject Property.

Sincerely, 
Matthew Le Grant
Zoning Administrator