

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

November 14, 2017

Christopher H. Collins
Holland & Knight LLP
800 17th Street, NW
Washington, DC 20006



Re: 1502 Park Road, NW

Dear Mr. Collins:

This letter is to confirm that the Brothers of Charity, a Catholic religious order, may occupy the above property for the purposes and in the manner described below.

The Property and the Zoning

Based upon information that you have given to me, I understand that 1502 Park Road, NW (Square 2675, Lot 302) is a large three-story dwelling, and an attached building, that is zoned RA-2. It is located on the south side of Park Road, generally between 14th and 16th Streets, NW, and in the portion of Park Road bounded by Hiatt Place on the east, and Pine Street on the west. I understand that the house has 7 bedrooms and an unfinished basement. I also understand that the owner died in 2015, that the property is currently vacant, and that the executor of the estate has not yet opened probate but will do so soon.

The following uses are among those that are permitted as a matter of right in the subject RA-2 zone:

- single-family, flat, and multi-family dwellings
- private clubs with sleeping accommodations
- child/elderly development center or adult day treatment facilities for up to 25 individuals
- boarding house for up to 8
- medical care uses, including hospital, clinic, and medical office
- clerical and religious group residences for no more than 15 persons
- emergency shelter for up to 4 persons, not including resident supervisors or staff and their families
- health care facility for up to 6 persons, not including resident supervisors or staff and their families
- institutional, religious-based uses (“a non-governmental use involving the public assembly of people or provision of services for religious purposes and which may include related services or uses fundamental to the religious mission” (emphasis added); excludes rescue mission and temporary revival tents)

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Matter-of-right accessory uses in the RA-2 zone include:

- up to two boarders within a principal dwelling
- lodging (i.e., bed and breakfast) as a home occupation, with up to two sleeping rooms for guests

A dwelling unit and a household are defined as:

Dwelling Unit: One (1) or more habitable rooms comprising complete independent living facilities for one (1) or more persons, and including within those rooms permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit is intended for a single household.

Household: Shall be defined as one (1) of the following:

- (a) One (1) family related by blood, marriage, adoption, or foster agreement.
- (b) Not more than six (6) persons who are not so related, living together as a single house-keeping unit;
- (c) A religious community having not more than fifteen (15) members; or
- (d) A residential facility providing housing for up to six (6) persons with disabilities and two (2) caregivers. For purposes of this subsection, a "disability" means, with respect to a person, a physical or mental impairment which substantially limits one (1) or more of such person's major life activities, or a record of having, or being regarded as having, such an impairment, but such item does not include current, illegal use of a controlled substance.

The Proposed Use

I understand that the owner made it known during her lifetime that after her death, she wants the home to be used for charitable purposes, and that the executor is interested in carrying out those wishes. I understand that a Catholic religious order known as the Brothers of Charity is interested in purchasing the home for religious residential purposes. The plan would include having several members of the Brothers of Charity, including Brothers, and possibly also other individuals in the process of religious formation, to live as a religious community in the residence, with the ability to have guests living in community with them. These guests would include those in need of temporary accommodations, which is a fundamental practice of the Brothers of Charity. (For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in." Matthew 25:35) For those guests who are in need of any type of specialized assistance, the Brothers would help them to find such assistance, including more suitable living accommodations where such assistance could be provided. I understand that the total number of those who could be accommodated on the property is approximately 12-14. The use would also include a chapel. This religious use within the Archdiocese would be under the jurisdiction of the Archbishop of Washington.

Options for classification of the proposed use as a matter of right include:

- an institutional religious-based use providing services for religious purposes and which may include related services or uses fundamental to the religious mission;
- a religious group residence with guest rooms (see attached email confirmation from Denzil Noble of 7-25-03, confirming that a religious group residence for up to 15 may also have guest rooms); or
- a dwelling unit with up to six unrelated individuals living as a household, with guest rooms for additional persons.

I have determined that under principles of the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), the proposed use could reasonably be interpreted as a combination of the above uses. See the attached brochure from the US Department of Justice which describes RLUIPA in more detail. I note that the RA-2 zone allows, among other things, multiple dwellings and private clubs with an unlimited number of sleeping accommodations. Absent the religious aspect of this request, either two separate dwellings for up to six unrelated individuals each, living as a single household, and each household having guest rooms, or a private club with an unlimited number of sleeping accommodations, could be established on the premises and could accommodate an equal or greater number of persons than the proposed use, in conformance with the zoning regulations.

Based on the above, I have determined that this proposed use may be classified for zoning purposes as a combination clerical/religious group residence and institutional religious-based use.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: Email from Noble of 7-25-03
RLUIPA Brochure