

From: **LeGrant, Matt (DCRA)** <matthew.legrant@dc.gov>
Date: Fri, Dec 9, 2011 at 5:06 PM
Subject: The Crucible - 16 M Street NE
To: Tony Goodman <tonytgood@gmail.com>
Cc: "Nero, Richard (DCOZ)" <richard.nero@dc.gov>, Alia E Dastagir <aliae.dastagir@googlemail.com>, "Reid, Rohan (DCRA)" <rohan.reid@dc.gov>, "O'Brien, Linda (COUNCIL)" <LObrien@dccouncil.us>, "Majett, Nicholas (DCRA)" <nicholas.majett@dc.gov>, "Sankaran, Senthil (EOM)" <senthil.sankaran@dc.gov>, "Wells, Thomas (COUNCIL)" <TWells@dccouncil.us>, Robin-Eve Jasper <rjasper@nomabid.org>

Tony Goodman

ANC Commissioner, 6C04

I wanted to give you, as well as others who have inquired about this matter, an update regarding my review of this establishment. After completing my review I have determined that the proposed establishment is classified as a Private Club. As such, it is not a Sexually Oriented Business Establishment. In order to distinguish the Private Club use from a Sexually Oriented Business Establishment use, I found that The Crucible meets the requirements of the Zoning Regulations' definition of being a "Club, Private", 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.

The applicant has provided documentation of the organization's non-profit status, its avocational [recreational] use, and has also given me information regarding the Club's membership and guest policies. As a Private Club, it is different than a business that is open to the general public. A Sexually Oriented *Business* Establishment [my emphasis, in *italics*] is a type of business that meets the following definition:

Sexually-oriented business establishment - an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, films, materials, and articles, or an establishment that presents as a substantial or significant portion of its activity, live performances, films, or other materials, that are distinguished or characterized by their emphasis on matters depicting, describing, or related to specified sexual activities and specified anatomical areas.

These establishments may include, but are not limited to, bookstores, newsstands, theaters, and amusement enterprises. If an establishment is a sexually-oriented business establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title.

Since The Crucible is not a business, it is not subject to the above definition.

Accordingly, DCRA has approved the building permit for The Crucible for a Private Club use. That permit, B1110444, was issued yesterday, December 8, 2011.

Please let me know if you have any further questions.

Best Regards,

Matthew Le Grant

Zoning Administrator

Dept of Consumer and Regulatory Affairs

Government of the District of Columbia

1100 4th St SW - Room 3100

Washington, DC 20024

Phone: [202 442-4652](tel:2024424652)

FAX: [202 442-4871](tel:2024424871)

Email: matt.legrant@dc.gov

Web:

<http://dcra.dc.gov/DC/DCRA/Permits/Certificates+of+Occupancy+and+Zoning>