

*Federation of*  
**STATE**   
**MEDICAL**  
**BOARDS**



2118 LEROY PLACE, N.W.

BZA CASE NO. 19659

JANUARY 31, 2017

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# FSMB: Background and Mission

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# About the FSMB

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## ARTICLE III

The corporation is organized exclusively for scientific and educational purposes, and its activities shall include the furtherance of the following objects and purposes:

**SEC. A.** To keep itself and its members informed concerning the medical and other healing arts practice acts of the District of Columbia, the several states of the United States and its territories and insular possessions, and of foreign countries, and of rules and regulations promulgated thereunder and concerning other pertinent desirable practices, methods or factors relating to the medical and other healing art licensure.

**SEC. B.** To study, determine, advocate and /or advance the adoption and maintenance by the District of Columbia, the several states of the United States and its territories and insular possessions of adequate and uniform standards for licensure in medicine and/or in the healing arts, and of proper administrative and enforcement provisions in such practice acts, and to study, determine, advocate and/or advance the interstate and interjurisdictional endorsement of medical licensure on such terms and under such conditions as the organization may determine desirable to protect and promote uniformity in the administration of medical practice acts.

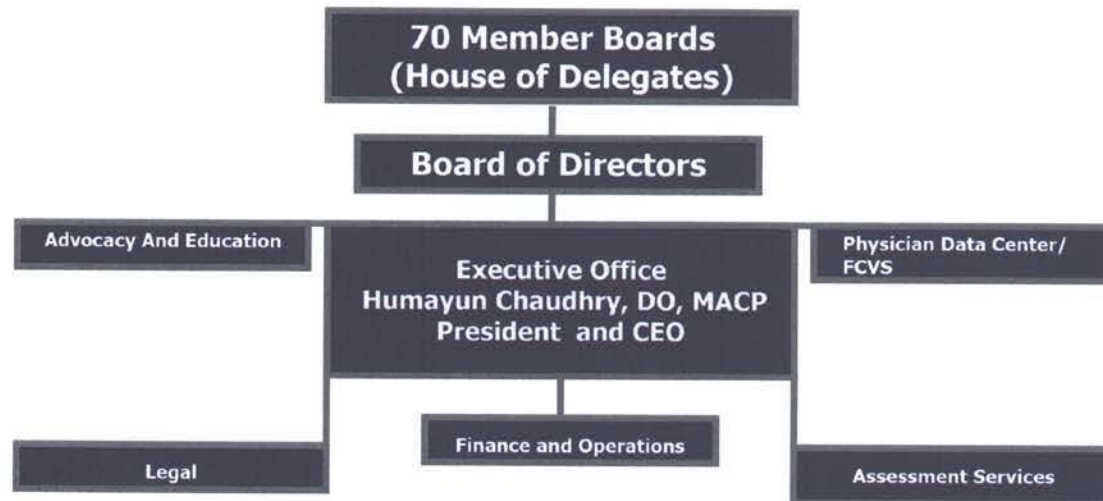
**SEC. C.** To develop and improve the quality of licensing examinations given to members of the medical profession, and to assist by means of research and study the member medical boards to improve the quality of their examinations.

**SEC. D.** To obtain and disseminate information regarding proposed legislation and administrative actions affecting the healing arts and licensure.

[FSMB Articles of Incorporation]

- Founded in 1912
- 70 Member Boards
  - Boards serve regulatory function for states
  - Board Members are duly sworn appointees of state government
- Organized as 501(c)(6) Non-profit
  - Prohibited from public fundraising
  - Does not have a PAC
  - “Common Business Interest” of membership is the state based regulation of medicine under state executive functions and the state medical practice acts

# About the FSMB



- Business Units
  - Advocacy and Education
  - Assessment Services
  - Physician Data Center
  - FCVS
  - Finance and Operations
  - Legal
- Offices
  - Eules, Texas
  - Washington, DC
- Employees
  - 160 in Texas
  - 8 in Washington, DC

# FSMB Mission and Vision 2015-2020

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## Vision

The FSMB is an innovative leader, helping state medical boards shape the future of medical regulation by protecting the public and promoting quality health care.

## Mission

The FSMB serves as the voice for state medical boards, supporting them through education, assessment, research and advocacy while providing services and initiatives that promote patient safety, quality health care and regulatory best practices.

**2015-2020  
Strategic Goals**

**Data and Research Services:**  
Expand the FSMB's data-sharing and research capabilities while providing valuable information to state medical boards, the public and other stakeholders.

**State Medical Board Support:**  
Serve state medical boards by promoting best practices and providing policies, advocacy, and other resources that add to their effectiveness.

**Advocacy and Policy Leadership:**  
Strengthen the viability of state-based medical regulation in a changing, globally-connected health care environment.

**Organizational Strength and Excellence:**  
Enhance the FSMB's organizational vitality and adaptability in an environment of change and strengthen its financial resources in support of its mission.

**Education:**  
Provide educational tools and resources that enhance the quality of medical regulation and raise public awareness of the vital role of state medical boards.

**Collaboration:**  
Strengthen participation and engagement among state medical boards and expand collaborative relationships with national and international organizations.

# Current FSMB Policy Initiatives

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- **Workgroup on Board Education Service & Training (BEST)** – identify, study, develop and make available resources to support the roles and responsibilities associated with service on a state medical or osteopathic board
- **Workgroup on Education About Medical Regulation** – study and develop methods and delivery models that would best educate medical students and residents on medical licensing and regulation, including critical issues/problems relevant to young physicians
- **Workgroup on Physician Wellness and Burnout** – will identify resources and strategies to address physician burnout
- **Workgroup on Prescription Drug Monitoring Programs** – evaluate the impact of mandatory PDMP query on patient outcomes and prescribing; evaluate challenges to increasing PDMP utilization and develop recommendations to state medical and osteopathic boards regarding physician utilization of PDMPs, including a recommendation regarding mandatory query
- **Workgroup to Study Regenerative and Stem Cell Therapy Practices** – evaluate the prevalence, promotional practices, and incidences of patient harm related to regenerative medicine and adult stem cell therapies and identify best practices for investigating complaints of patient harm, fraud and compliance with licensure requirements

# FSMB Educational Programs

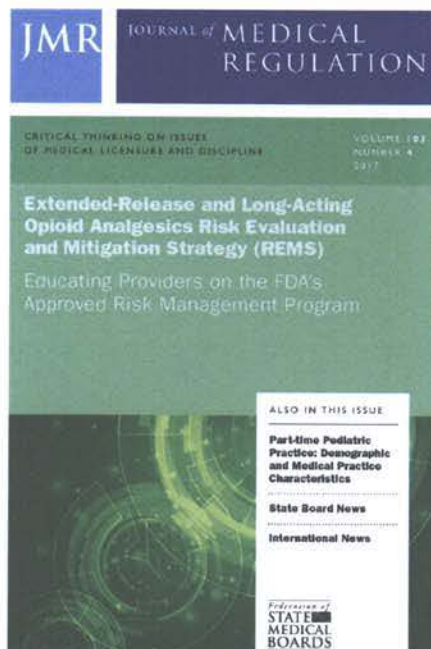
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- FSMB Annual Meeting
  - 4 day meeting
  - 450 attendees – open to public
  - Held in large hotel/conference center
- Board Attorney Workshop
  - 2 day meeting
  - 100 attendees – open to public
  - Held once a year in a hotel location
- Invitational Meetings
  - Timely meetings on issues of importance
  - 30-100 invited guests
  - Held in hotel location
- Monthly Webinars and Teleconferences



# FSMB Educational Publications



- Journal of Medical Regulation
- Regulatory Trends reports
  - Utilized by state and federal policymakers
- Scholarly Publications
  - Biennial Census of Physicians
  - Articles published in publications such as New England Journal of Medicine and JAMA

# FSMB Advocacy Office – Washington, DC

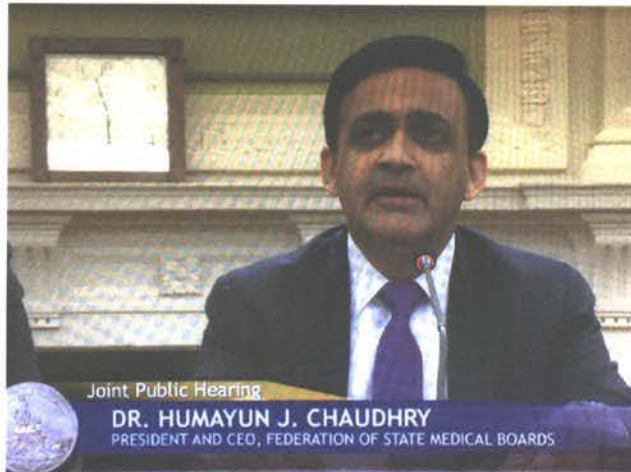


Testimony to House Committee on Veteran's Affairs  
(November 2017)

- Established in 2009
- Houses Federal and State Policy, communications, legal staff
- Serves as a leading legislative and regulatory resource to Member Boards (state legislative tracking), Congress, Administration, and health care associations
- Meets regularly with Members of Congress and the Administration
- Serves as the “National Home” for Member Boards, and facilitates Capitol Hill and district meetings
- Supports FSMB committees and workgroups

# FSMB Advocacy Office

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- Unique resource for DC Department of Health and DC Board of Medicine
- Since establishing DC office, DOH and DC BOM regularly call upon the FSMB staff to testify in front of the City Council, educate the board and its staff about best practices and policies in medical regulation, and provide expertise and staff that complement the research and analysis capacities of its divisions.

# FSMB Meetings – Board of Directors



- Held quarterly, with 1 meeting in Washington, DC
  - Mid-February
  - Coincides with a day of visits to Capitol Hill
- Duration: 4 days (Wed-Sat afternoon)
- Held during normal business hours
- Number of Attendees: 25, including staff

# FSMB Committees and Workgroups



- In-person Meetings:
  - 1 to 2 days
  - Held during business hours
  - Average size: 10-15, including staff
  - Average frequency: 2-3 per quarter



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# Purchase of the Property

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# FSMB Position

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- FSMB understood that the special exception was necessary when it purchased the property and believes that it is an organization, in both type and operation, that will not detrimentally impact the neighborhood
- FSMB desires the opportunity to fully enjoy the property, including expansion of staff in a manner that allows it to meet the needs of its member boards and further its mission and vision
- FSMB desires to have the ability to host its February Board of Directors meeting and some of its workgroup meetings at the location and will do so with notice to community to avert any detrimental impact
- FSMB desires, and is accepting of, operational conditions that balance its needs with the needs of the neighboring community and believes that its proffered conditions meet that balance
- FSMB desires to be an active neighbor, participating in neighborhood activities and supporting neighborhood events/organizations

# FSMB Property Search

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- FSMB search for permanent property began in 2016
- Conditions for search included:
  - Room to host small meetings
  - Expand/relocate staff as needed
- Over 30 Properties reviewed
  - Brownstones (ex: 508 8th St SE/501 C St. NE)
  - Condo properties (1109 16<sup>th</sup> Street NW)
  - Large (ex: 923 15th St NW – \$5.2MM, 11,600 sq. ft.)



# Purchase Process

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- List Price: \$3.5MM
- Three Bids Received
  - FSMB
  - Foreign Government
  - Real Estate Developer
- FSMB Accepted Offer: \$4.15MM

November 29, 2017

To Whom It May Concern:

With regards to the purchase of 2118 Leroy Place NW, Washington, DC, I acted as the Buyers' Agent on behalf of the Federation of State Medical Boards.

Before finalizing our offer, I asked the Listing Agent if they had any other offers. She replied that they had two—one was a real estate developer and one was from a foreign nation buying it for the purpose of an embassy.

Please let us know if you have any questions.

Best,



Stanton Schnepf  
Senior Managing Director of Sales  
202.997.5192  
stanton@compass.com



# Purchase Process

- List Price: \$3.5MM
- Three Bids Received
  - FSMB
  - Foreign Government
  - Real Estate Developer
- FSMB Accepted Offer: \$4.15MM

November 29, 2017

To Whom It May Concern:

With regards to the purchase of 1000 Leroy Place NW, Washington, DC, on behalf of the Federation of State Medical Boards.

Before finalizing our offer, I asked the Listing Agent if they had two—one was a real estate developer and one was from a US embassy.

Please let us know if you have any questions.

Best,



Stanton Schnepf  
Senior Managing Director of Sales  
202.997.5192  
stanton@compass.com

-----Original Message-----  
From: Michael Goldman [mailto:mgoldman@mezo.com]  
Sent: Monday, October 02, 2017 7:42 PM  
To: Todd Phillips <TPhillips@fsmb.org>  
Subject:

Todd,  
Are things coming along on Leroy? Just wanted to check in... definitely do not want to be a bother but I spent a lot of time and money analyzing the feasibility. As I mentioned, 90 percent of my work is done representing non-profits.

Thanks  
Michael

Sent from my iPhone  
Michael Goldman

From: Michael Goldman [mailto:mgoldman@mezo.com]  
Sent: Wednesday, December 13, 2017 7:21 AM  
To: Todd Phillips <TPhillips@fsmb.org>  
Subject:

Todd,  
I left you a voicemail yesterday. Would you be open to talking with me about Leroy?

Michael

Michael Goldman  
President | MGA



1710 Rhode Island Ave., NW | Suite 1200 | Washington, DC 20036  
T: 202.706.6200 | D: 202.706.6201 | C: 202.246.4874  
mgoldman@mezo.com | www.mezo.com

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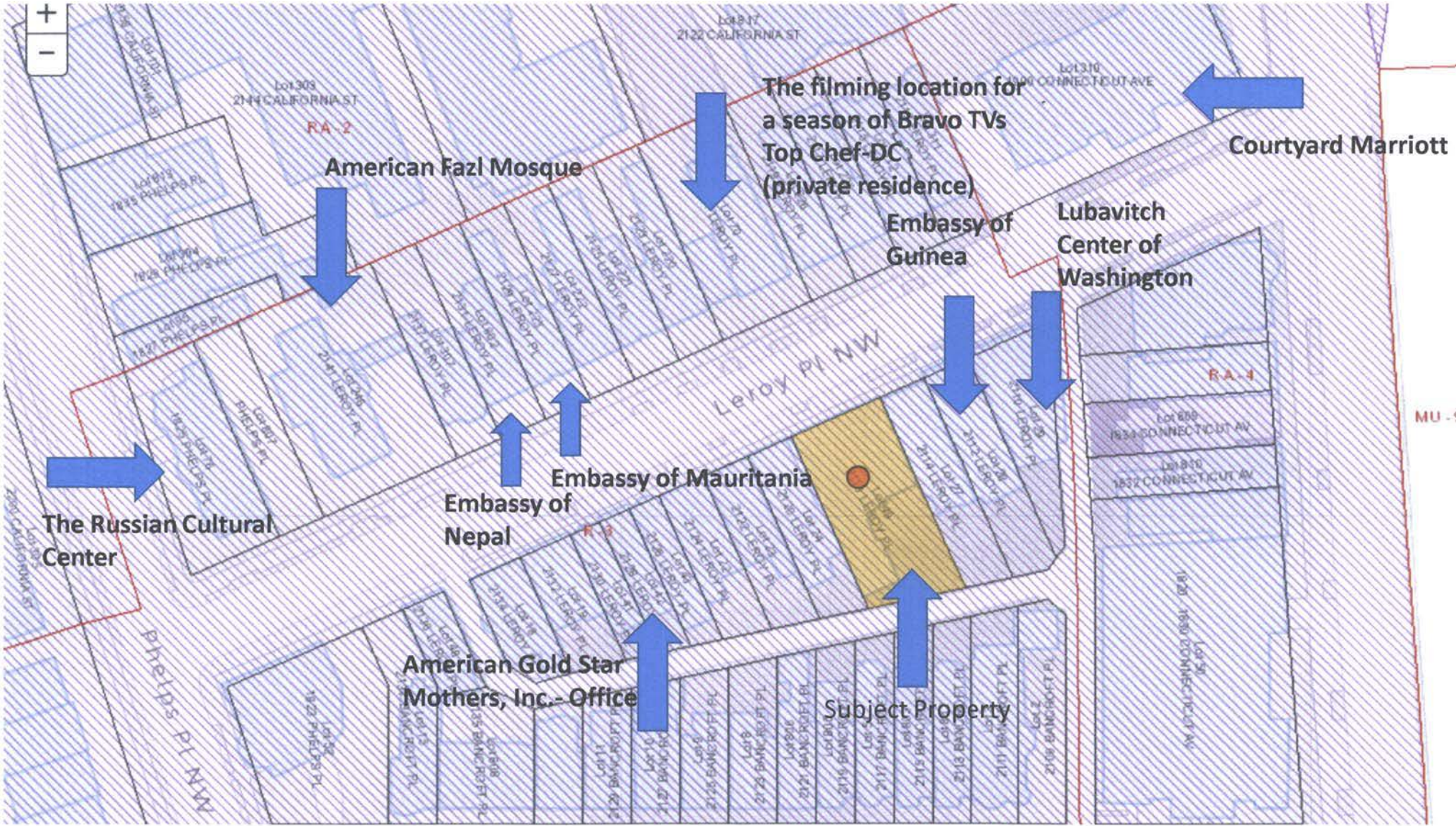
# History of the Property

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# History of the property



- Originally constructed in 1902
- Owned and Operated by the Hungarian Government from 1948-1951
- Owned and Operated by the Colombian Government from 1951-2017, with 25-40 Chancery Staff through October, 2015.
- Sold to Federation of State Medical Boards on July 18, 2017



+  
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Lot 1303  
2144 CALIFORNIA ST  
RA-2

American Fazl Mosque

The filming location for  
a season of Bravo TV's  
Top Chef-DC  
(private residence)

Courtyard Marriott

Embassy of  
Guinea

Lubavitch  
Center of  
Washington

The Russian Cultural  
Center

Embassy of  
Mauritania  
Embassy of  
Nepal

RA-4

MU-9

American Gold Star  
Mothers, Inc. - Office

Subject Property

Leroy Pl NW

Phelps Pl NW

Lot 817  
2122 CALIFORNIA ST

Lot 1310  
1830 CONNECTICUT AVE

Lot 894  
1828 PHELPS PL

Lot 904  
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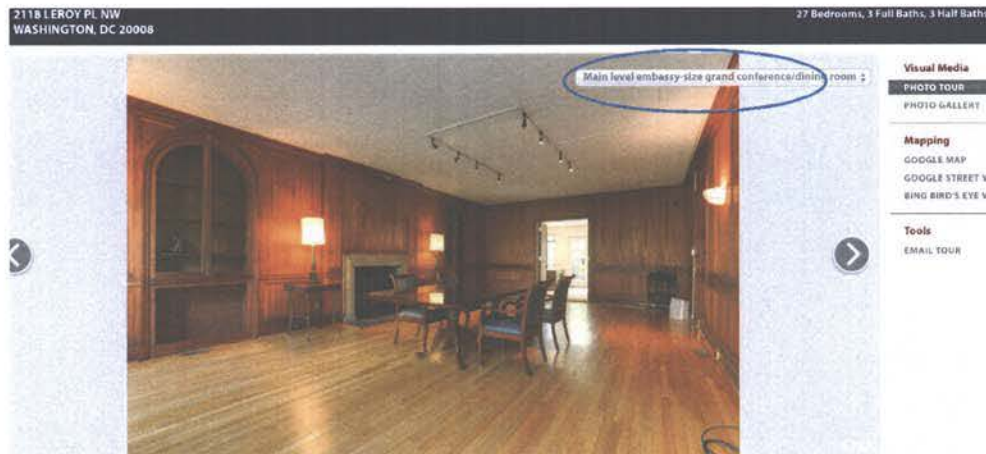
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# Existing Space



2 of the 3  
full baths  
located in  
basement



- Square Footage: 11,813
- Zoned R-3
- Listing Details
  - 27 Bedrooms
  - 3 Full Baths
  - 3 Half Baths
- Although listed as residential, marketed with embassy potential

# Existing Space



- Conditions at closing
  - 18 offices
  - 4 conference rooms
  - Open cubicle layout
- Consisted of 25-40 staff until October 2015, when most were relocated to a new location.
- Building was used for storage and ancillary space from October, 2015, until July, 2017.

# Previously Existing Space Layout

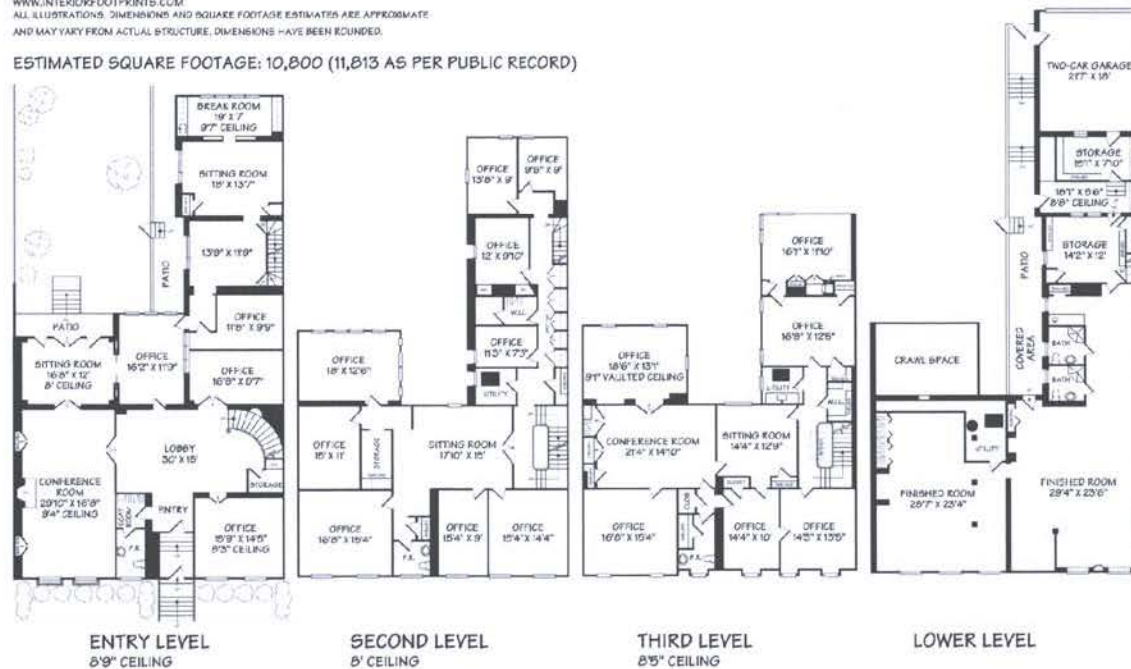
2118 LEROY PLACE NW, WASHINGTON, DC

@2017 HAGEN/BERGSTROM

WWW.INTERIORFOOTPRINTS.COM

ALL ILLUSTRATIONS, DIMENSIONS AND SQUARE FOOTAGE ESTIMATES ARE APPROXIMATE AND MAY VARY FROM ACTUAL STRUCTURE. DIMENSIONS HAVE BEEN ROUNDED.

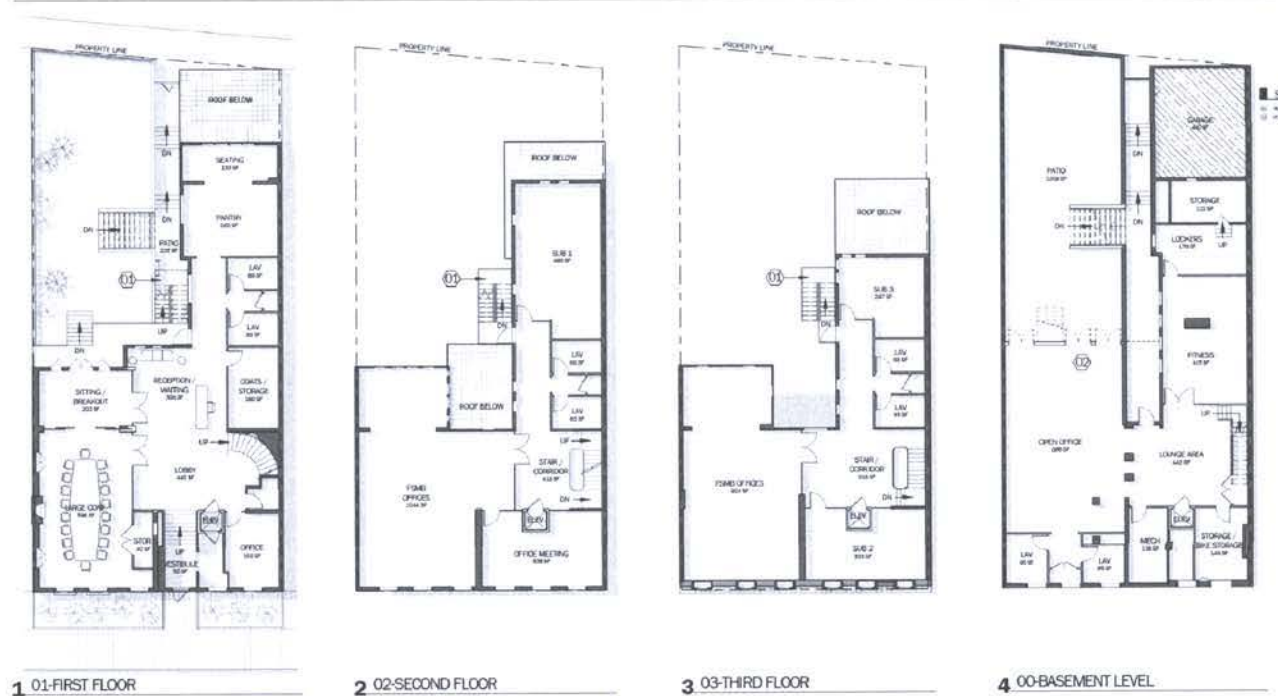
ESTIMATED SQUARE FOOTAGE: 10,800 (11,813 AS PER PUBLIC RECORD)



- Square Footage: 11,813 sq. ft.
- Gross Floor Area: 10,825.03 sq. ft.
- Attached garage for 1-2 cars.



# Proposed Use of Subject Property



\*Preliminary Design and Layout

## Proposed Office Space

- Board of Directors Conference Room
- Small Conference Rooms
- Staff Offices and Break Areas

## Additional

- General Building Improvements necessary
- Compliance with SKHA and HPRB guidelines
- Update for ADA Accessibility
- Approval to invest a substantial amount to a quality renovation

# Proposed Operational Conditions

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- Permanent office location to provide services to member state and territorial medical boards
- Maximum of 15 Employees with the ability to stretch to 20 on a temporary basis
  - Some Education/Assessment Positions currently located in TX may shift to DC to better coordinate with federal counterparts
  - Addition of 2-3 staff members focused on health or legal issues
  - Interns to assist policy and legal staff
- Business hours of 8AM-6PM
- Occasional meetings/visitors
- No fundraisers or after hours parties, and limited receptions
- One 4-day meeting of the Board of Directors per year
- 2-3 committee and workgroup meetings per quarter (limited to normal business hours)

D.C.

# Only in D.C.: What to do when your neighbor is a foreign government

“The Department takes this matter very seriously and understands the problems and challenges residents face when questions arise about a foreign government’s maintenance of their property assets located in the District of Columbia,” according to a statement from a department official.

Usually, the country has a few options: Fix the building and move back in, or sell. But a foreign coup or bankruptcy could mean that a country doesn’t have the political will or cash to act.

“As long as a property is notified to us as used for diplomatic or consular purposes,” the statement said, “it enjoys the corresponding level of inviolability. While this may restrict some actions by the District of Columbia, the rules of inviolability also protect reciprocally, United States diplomatic and consular properties abroad.”

## Former Colombian embassy finds a buyer, new purpose

By Michael Neibauer— Associate Editor, Washington Business Journal

Nov 2, 2017, 11:18am

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D.C. Del. Eleanor Holmes Norton has recently taken up the cause of neighborhoods blighted by vacant properties owned by foreign governments.

“When these buildings become vacant, run down or otherwise fall below the standards of other buildings in the area, they may pose health and safety risks and depress property values,” Norton wrote to Secretary of State Rex Tillerson in late August.

The former **Embassy of Colombia** at 2118 Leroy Place NW in Kalorama is currently vacant, but it won't be for long. It will be the new D.C. home of The Federation of State Medical Boards, pending the approval of the city's Board of Zoning Adjustment. The federation has requested a special exception to use the 8,100-square-foot building as an office for a nonprofit.

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# Community Outreach

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# Community Outreach

## October 4, 2017

- ANC Commissioners Goldstein and Bender
- Kindy French - (Sheridan Kalorama Historical Association)
- Christopher Chapin (Sheridan Kalorama Neighborhood Council)

## Introductory Meeting – 90 minutes

- FSMB provided a tour of property and explanation of potential use
- FSMB indicated willingness to accept conditions like those at 2110 Leroy (Friends of Lubavitch)

## FSMB Immediate Improvements at Request of Neighbors

- Improved Landscaping and maintenance
- Improve building lighting and provide lived-in feel
- Improvements to security during pending application

From: Goldstein, Ellen L. (ANC 2D02) [mailto:2D02@anc.dc.gov]  
Sent: Friday, October 6, 2017 11:27 AM  
To: Bender, David R. (ANC 2D01) <2D01@anc.dc.gov>, Eric Fish <efish@fsmb.org>  
Cc: Kindy French <[REDACTED]@verizon.net>  
Subject: Re: 2118 Leroy

Thanks Eric. Looks like a good list. The other item mentioned that, if repaired, would provide lots of good will – and that is the wall leak in the back.

Have a great weekend. Ellen

From: Bender, David R. (ANC 2D01)  
Sent: Friday, October 6, 2017 9:54:47 AM  
To: Eric Fish, Goldstein, Ellen L. (ANC 2D02)  
Cc: Kindy French  
Subject: Re: 2118 Leroy

Good morning, Eric, appreciate your quick attention to these details. Best, David

From: Eric Fish <efish@fsmb.org>  
Sent: Friday, October 6, 2017 6:30:09 AM  
To: Goldstein, Ellen L. (ANC 2D02)  
Cc: Kindy French, Betula, David R. (ANC 2D01)  
Subject: Re: 2118 Leroy

All:  
I brought some of the concerns to my CEO and the staff member in charge of the project and as a result was able to get the following approved:

1. Maintenance on the backyard grass and trimming of front bushes, including contracting for snow/ice removal
2. Purchase and placement throughout the building of several lamps with timers which would be on during business hours and into the evening
3. Upgraded security system including first floor sensors and connection to smoke and fire detectors

Although somewhat minor, I hope these help allay some concerns about the "lived-in" feel of the building and help preserve the current feel of the block.

Thanks,  
Eric

On Oct 5, 2017, at 3:19 PM, Goldstein, Ellen L. (ANC 2D02) <2D02@anc.dc.gov> wrote:

Eric - a pleasure to meet you and your team yesterday. You've got a big undertaking and lots on your "to-do" list. Good idea to start with our neighborhood groups and appreciate the time you spent with us.

Ellen Goldstein

# Community Outreach

## Dr. David Feigin (2120 Leroy Place)

- In-person meeting at FSMB office on November 15, 2017
- Dr. Feigin was not representing the SKNC but indicated he was on the SKNC study committee formed to address FSMB application
- FSMB intentions and potential use of property explained, including willingness to accept conditions on use
- Dr. Feigin provided additional information to further FSMB understanding of standing water in alley, which was raised at October 4 meeting

**From:** Eric Fish <[efish@fsmb.org](mailto:efish@fsmb.org)>  
**Sent:** Thursday, November 16, 2017 10:40 AM  
**To:** David Feigin  
**Cc:** [\[REDACTED\]@gmail.com](mailto: [REDACTED]@gmail.com); Lisa A. Robin (FSMB); Todd Phillips  
**Subject:** Re: 2118 Leroy Place

Dr. Feigin-

Please share my email with all interested neighbors. I have also heard from Mr. Melman who appreciated our outreach and attention to some landscaping matters. He also referenced a potential need to do some tree work. I know that the SKHA has guidelines related to trees. Do you have a copy, or know where I could find those guidelines so I can share with FSMB staff?

Thank you again-  
Eric

On Nov 16, 2017, at 10:21 AM, David Feigin [\[REDACTED\]@jhmi.edu](mailto: [REDACTED]@jhmi.edu)> wrote:

Eric,

Thanks very much for meeting with me at such length, and for the follow-up. I have already emailed all the neighbors to tell them about our productive meeting. Would it be okay with you if I forward your email to them and to SKNC committee members?

Very best regard to you both,

Dave

David S. Feigin, MD

# Community Outreach

## Dan Melman (2114 Leroy Place)

- Initial contact on November 13 with request to reduce lighting and duration of automated timers
- Follow up contact indicated main concerns were the state of back yard trees and landscaping
- Expressed gratitude for willingness to meet with neighbors and address issues related to the building

**From:** Melman Rogers Family [mailto:██████████@gmail.com]  
**Sent:** Thursday, November 16, 2017 10:22 AM  
**To:** Eric Fish <efish@fsmb.org>  
**Subject:** Re: 2118 Leroy Place

Thank you for reaching out to us. Also thank you for meeting with our neighbor Dave Ecigin.

I did want to commend your prompt attention to the front walk area upon closing. I will say our one major complaint about the embassy next door was that we could not get them to tend to the plantings along our common fence which have grown out of control. The fruit trees closest to the house throw down fruit in the fall, and we have aggressively pruned back what we can reach that over-hangs our fence. I also feel that the large tree in your NW corner is not thriving and looks quite ragged. When you make plans for renovation, we would encourage you to have that removed. We likely won't be able to attend the upcoming ANC meeting but look forward to hearing more of your plans.

D

On Wed, Nov 15, 2017 at 10:25 AM, Eric Fish <efish@fsmb.org> wrote:  
Mr. Melman

As you may be aware, the FSMB will be appearing before the ANC2D next Monday, November 20th. The purpose of the appearance is to introduce the FSMB to the neighborhood and discuss the potential use of the 2118 Leroy Place property for the FSMB's Advocacy Office. The FSMB's Special Exception and Variance Application (attached) will be heard by the Bureau of Zoning Adjustment on December 20<sup>th</sup>.

Ahead of the ANC meeting and next month's hearing, I wanted to give you the opportunity to ask any questions regarding the application, intensity of use and any impact on your property. Please feel free to email or call me at [202-463-4005](tel:202-463-4005) (office) or ██████████ (cell).

I am also aware that you have already been in contact regarding some changes to the FSMB's initial improvements that were discussed with neighborhood representatives (ANC commissioners, and representatives from the Sheridan Kalorama Historical District and the Sheridan Kalorama Neighborhood Council) and hope the issue related to lighting has been resolved to your satisfaction. If there are any outstanding issues affecting you and your family's enjoyment of your property, please let me know and I will have them addressed immediately.

Sincerely,  
Eric Fish



# Community Outreach

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## ANC2D Presentation - November 20, 2017

- FSMB (Dr. Chaudhry and Eric Fish) provided 20 minutes to introduce organization to FSMB and to answer questions from the ANC
  - FSMB expressed openness to conditions similar to those at 2110 Leroy Place
  - Questions from ANC Commissioners focused on issues of building size for current staffing levels, extent of impact brought on by periodic meetings, issues related to traffic
- ANC allowed 20 minutes for SKNC and SKHA presentations
- ANC allowed 20 minutes for public comment and question

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# Special Exception Relief

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# Zoning Commission and Special Exception Background

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- The ZC specifically voted to permit the “use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization.”
- Purpose: “It is in the public interest to provide for the continued use and maintenance of large residential buildings within historic sites and districts, and it is in the public interest to maintain and preserve large residential buildings of historical and architectural significance which are not within historic sites and districts.”
- Subject building is a Large building in need of full-scale interior restoration
- Has been used as office space by the Republic of Colombia from 1951 to October, 2015
- Similar buildings sit on the market for over a year (2241 Bancroft Place, N.W., for example) which has been on the market for 495 days (as of today January 31, 2018)

(1) Building is listed in the District of Columbia's Inventory of Historic Sites or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites

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The Building is listed in the Sheridan-Kalorama Historic District

(2) The gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 sq. ft.) or greater

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- Gross floor area, not including other buildings on the lot, is approximately 10,852 square feet
- Not initially aware that a large percentage of the lower level – all of which was used by the previous owner – is included in the Gross Floor Area calculation
- It was the Cullen BZA Order, for 2110 LeRoy, which alerted counsel to the fact that the Gross Floor Area may exceed 10,000 square feet.
- On further investigation, including a topographical survey and GFA analysis by CAS Engineering, it was confirmed that the total GFA for the Building is 10,852 square feet.

# Letter from architect

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January 30, 2018

Federation of State Medical Boards  
1300 Connecticut Avenue, NW Suite 500  
Washington, D.C. 20036  
Attn: Eric Fish  
[efish@fsmb.org](mailto:efish@fsmb.org)

RE: 2118 LeRoy Place, NW - Gross Floor Area Analysis

RE: 2118 LeRoy Place, NW - Gross Floor Area Analysis

Dear Mr. Fish:

You have asked for a determination regarding the calculation of Gross Floor Area ("GFA") for the building located on the property at 2118 LeRoy Place, NW (the "Building")

As you know, our engagement with FSMB on this matter has included a Feasibility Study, which was undertaken for the purpose of providing information on required renovations to the building in order to satisfy requirements for potential office use by FSMB. This Study is preliminary in nature, as we have not determined the interior layout, type of finishes, and other such details.

As part of this Study, however, we have evaluated the amount of Gross Floor Area within the Building. That analysis is included on Page 12 of the Study (Study attached as Exhibit A). For the lower level Gross Floor Area amount, we have based our analysis on the amount calculated by CAS Engineering in a Topographical Survey/Lower Level GFA analysis performed by them (attached as Exhibit B).

The total amount of Gross Floor Area in the Building is as follows:

**Total Gross Floor Area - Existing Conditions**

Basement Level	2,703.90 sf (out of a total floor area of 3,258.20)
First Floor	3,042.56 sf
Second Floor	2,663.54 sf
Third Floor	2,415.03 sf

Total Gross Floor Area 10,825.03 sf

(3) Use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties

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- When the Zoning Commission specifically adopted this area of special exception approval, it clearly expected that any nonprofit organization use would include a certain level of use
- So the measurement of adverse affect is not against the backdrop of a vacant piece of land.
- The expected impact of the proposed use should be compared to impacts one might expect from any large residential use, or a low-intensive nonprofit use (although the BZA has indeed approved some very intensive uses under this special exception – see Tudor Place).
- The expected impact can also be compared against the previous use, and not the intermediate use between the winding down of the Colombian chancery and the purchase by FSMB.
- It can also be compared against other nonprofits approved for this relief. Including 2110 LeRoy, a building 3 doors down, smaller than 2118, for which 35 employees were approved.
- It can also be compared to other potential permitted uses, including Embassy use, which is a matter-of-right use, or another chancery, which could be approved as a special exception.
- By these standards, the proposed use, with 15-20 employees, no cars on the street, very infrequent visitors or deliveries, no night or weekend use, easily meets this special exception condition.

(3) Use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties

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- Opposition letters imply that any use that is not residential will inherently adversely affect the use of neighboring properties, but the Zoning Commission, in adopting this framework, and the BZA, in approval in past cases, has indicated that a certain, conditioned, level of nonresidential use is considered to not adversely affect the use of neighboring properties.
- The relief is specifically enumerated to provide for non-profit use in historic, residential neighborhoods.
- The FSMB is a solid citizen, providing a valuable nonprofit service to its member state licensing boards and to the state of health care in the country and in the District, including the District's own Board of Medicine.
- The FSMB's proposed operations will be quite limited, and are significantly less intensive than the previous Colombian Chancery use, a use which some neighbors have noted was barely noticeable, and did not substantially detract from the residential character of the neighborhood.
- Similar case just three doors down from the Property, at 2110 Leroy (BZA Order No. 15555) where the Board approved a nonprofit office use for a building slightly smaller than the 2118 Leroy Building, with a limit of thirty-five (35) employees



(3) Use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties (contd.)

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- Office of Planning has proposed very strict conditions, well in excess of those approved for 2110 LeRoy. The Applicant is in agreement with most of the conditions, and proposes minor changes with others which will not materially affect the overall use.
- See next section regarding no adverse affect from parking and traffic.
- See also later section addressing Opponents comments, which speak to the lack of potential adverse affect.

(4) The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood;

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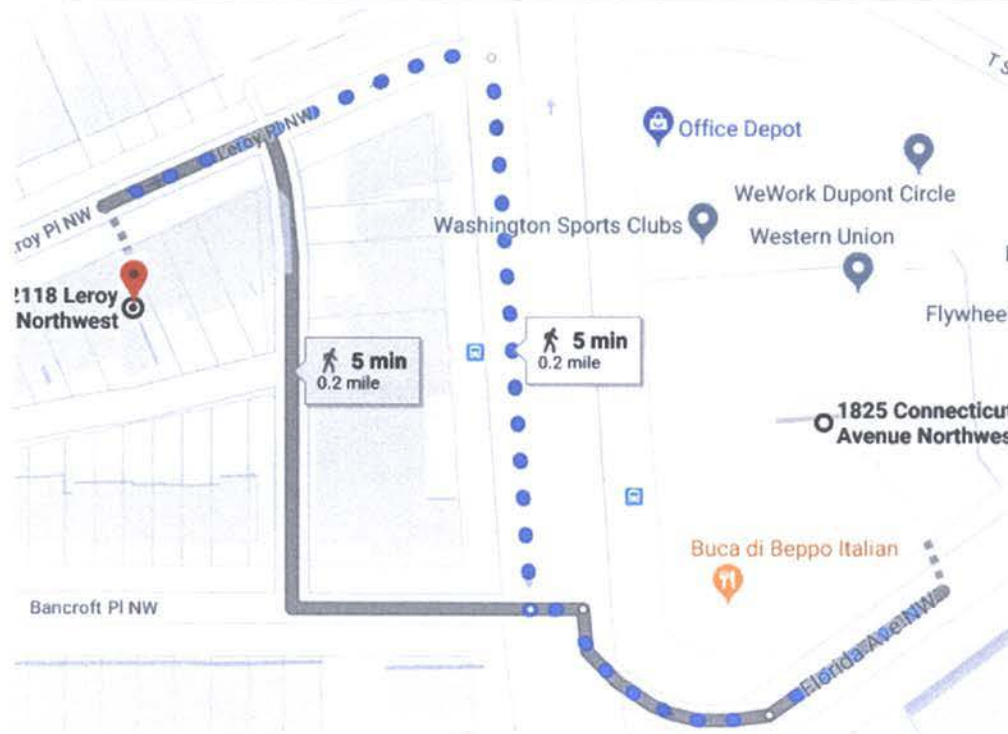
- Proposed non-profit office use is a use that is inherently quiet and generates little traffic
- Currently two full-sized parking spaces on the Property and only eight full-time employees at the existing FSMB office in the District
- Proposed use will generate no additional parking demand, and many office employees currently utilize public transportation. The previous use had 25-40 staff. The proposed is a significant reduction from that number.
- Public parking garage about .2 miles from the Property, located at 1825 Connecticut Avenue
- Washington Hilton garage is .1 mile from the Property, FSMB would direct out of town guests to stay here, limits any potential additional vehicle traffic
- While most of Applicant's current staff use public transportation, any drivers will be required to park in these garages and *not* in the residential neighborhood
- Applicant does propose to have a cap of no more than twenty-five (25) staff in the office at any given time, although current plans contemplate an initial staff of about ten (10)

# Location of Garages: Universal North Garage



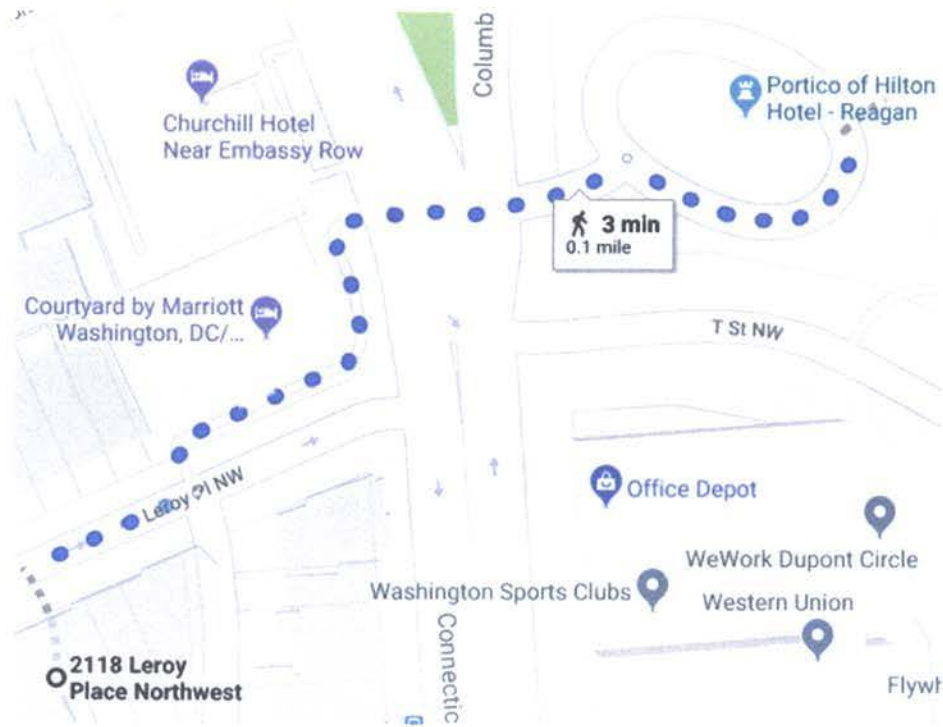
- 1875 Connecticut Avenue (PMI)
- Located 0.1 mi. from the Property
- 3 minute walk
- 200 parking spots

# Location of Garages: Universal South Garage



- 1825 Connecticut Avenue (PMI)
- Located 0.2 mi. from the Property
- 5 minute walk

# Location of Garages: Washington Hilton



- Located 0.1 mi. from the Property
- 3 minute walk
- 400 parking spots

(5) No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization

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- No goods, chattel, wares, or merchandise will be commercially created, exchanged or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization.

*(6) Any additions to the building or any major modifications to the exterior of the building or to the site shall require approval of the Board of Zoning Adjustment after review and recommendation by the Historic Preservation Review Board with comments about any possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located;*

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- The Applicant is not planning to modify the exterior of the Building or the site beyond those that are necessary, and approved by the HPO, to provide access in compliance with ADA requirements

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## Addressing Opponents' Comments

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## Opponents' Comment

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- **Claim: Use Will adversely affect through bus and vehicular traffic and “permanently” removing a property from residential use.**
- FSMB does not have buses, nor will they have them, or contract for them; nor will employees or guests arrive by bus (unless they arrive by Metro Bus off of Connecticut Avenue).
- All driving staff, other than the CEO parking in the garage space, will be required to park off-site, in one of the three noted nearby parking garages.
- Guests and visitors are very infrequent. Average once a week.
- Employees do not “come and go” in the course of the day.

## Opponents' Comment

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- **Claim: The Percentage of Residential (75%) precludes approval; Erodes the features inherent to residential uses**
- This relief is only permitted in historic, residential zones. The Opponent's primary and oft-repeated argument (that this is a residential neighborhood) is actually a prerequisite for seeking this approval. Opponent does not say why the Kalorama neighborhood should be exclusively exempted from the Zoning Commission's intent for this special exception.
- The 75% percentage does not change as a result of this proposal. The Applicant is not taking an existing residential use out of circulation. The property has been used for nonresidential purposes for the last 65+ years, and that use will be reduced, while the Building will be restored and maintained.
- Neighbors have commented on the record that during 2014, when the Colombian Chancery still had 25-40 staff working at 2118 LeRoy, that the use appeared to be extremely limited. Mr. Guinee, across the street, has noted that at this time the chancery use "did not substantially detract from the residential character of the neighborhood" para. 18 of his filing from last night.

## Opponents' Comment

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- **Claim: Chancery Use was Reduced in Recent Years**

- The Colombian Ambassador has informed the Applicant that the Chancery use was in place, with 25-40 staff, until October, 2015, and was used for storage and ancillary space after that, until it was sold to FSMB in July, 2017.
- The Opponents argue on one hand that vacancy or limited use is bad, as it does when it says that FSMB not being there at night and on weekends is a bad thing, and then at other times the Opponents argue that limited use is good, as when they argue the chancery use was so valued for its alleged limited use (which, as it turns out, was substantially more intense than what FSMB has agreed to, regarding staff numbers).
- Immediate Neighbors have expressed concern about certain items which were neglected by the previous owner; items which the Applicant immediately addressed, including lighting, landscaping, and other issues.

## Opponents' Comment

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- **Claim: Chancery Use was Reduced in Recent Years**

- P. 17 from Opponent Statement: “The Applicant claims that the proposed office use will not inflict greater impacts than the previous chancery use. **However, in order to make this determination, facts relating to the former chancery use must be presented so that a fair comparison can be made.** These facts are not included in the Applicant’s materials. Rather, the only proffered evidence is that the Chancery Building use became very limited after 2007, and that it is vacant now.”
- We agree with the Opponent’s statement above, and in response to their contention that the Building had limited use since 2007, we asked for and received a letter from the Ambassador noting that full use of the Building continued through October 2015 with 25-40 staff, and all the attendant functions from such a use.

# Letter from the Colombian Ambassador

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*Embajada de Colombia  
Washington, D. C.*

S-EUSWHT-18-0108

Washington DC, January 26<sup>th</sup> 2018

Mr.  
Eric Fish  
Vice President of Legal Services  
Federation of State Medical Boards  
1300 Connecticut Ave., NW  
Washington DC, 20008


Dear Mr. Fish

I am writing to you in response to the inquiry regarding former Colombian Government property and usage of the house located at 2118 Leroy Pl. NW, Washington DC, 20008.

I hereby present the following facts:

- The Government of Colombia purchased the above-mentioned property in 1951, from the Government of Hungary and was used as the Embassy of the Republic of Colombia in the United States (Chancellery) from 1951 to October 2015.
- The Government of Colombia used the property as a functional Embassy with approximately 25-40 full time diplomats, administrative assistants and military personnel.
- The Republic of Colombia moved its operations to a new location in October 2015, bringing together all the Colombian agencies present in DC to a single location. However, Colombia maintained the property at 2118 Leroy Pl., including using the building for storage and other auxiliary functions up until the time of sale in July 2017.
- All the contracts for utilities, janitorial services, security, insurance and gardening were in force until the time of the sale.

Sincerely,

  
CAMILO REYES  
Ambassador

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1724 MASSACHUSETTS AVENUE, NW - WASHINGTON, DC 20036. TEL: 202-357-8338  
WWW.COLONBIAEMB.ORG - EMBASSY@COLOMBIAEMB.ORG



**Embassy of Colombia US**



**Vice President Garzón,  
Ambassador Villegas Meet with  
Leader of Human Rights Watch in  
Washington, DC**

On January 9, Colombian Vice President Angelino Garzón and Ambassador Luis Carlos Villegas met with José Miguel Vivanco, Executive Director of the Human Rights Watch Americas Division, in Washington, DC.

2014 Meeting (via Colombian Embassy Flickr)

## Previous Use

**January 27, 2010- Press Releases - PRESS RELEASE.** Embassy of Colombia. January 26, 2010 The Embassy of Colombia in Washington D.C. will host a press conference by Colombian Vice President Francisco Santos, on Friday, January 29th, 2010, at 2:00 p.m. ,in the offices of the Colombian Embassy, at 2118 Leroy Place, NW. Vice President Santos will travel to Washington to participate in a conference organized by the United States Institute of Peace and the Interamerican Dialogue, where he will present Colombia's experience in the Universal Periodic Exam (UPI). The UPI is a process developed in 2006 by the United Nations Council on Human Rights, in which the human rights situation of each of the 192 member states is evaluated. To confirm your attendance to Vice President Santos' press conference, or for more information, please email Muni Jensen, Press Secretary, at [moj@colombiaemb.org](mailto:moj@colombiaemb.org). BOLETN DE PRENSA. Embajada de

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# Response to OP's Proposed Conditions

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# Response to OP's Proposed Conditions:

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Office hours of operation will be 8am to 6pm Monday through Friday

- Applicant agrees to this condition

Staff and visitor parking will be in nearby parking garages and on-street parking will not be allowed

- Applicant agrees to this condition

All deliveries will be restricted to weekday office hours

- Applicant agrees to take best efforts on this condition. Deliveries are from Amazon about once every two weeks. Delivery times are not necessarily predictable. But they will be very infrequent.

The Applicant and the ANC shall establish a neighborhood liaison

- Applicant agrees to this condition and looks forward to building a strong and lasting relationship with the Kalorama community.



# Response to OP's Proposed Conditions:

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No additional or external alterations to the existing building

- Applicant agrees but would like to qualify that there be no alterations “beyond those necessary, and approved by the HPO, to provide access in compliance with ADA requirements”

# Response to OP's Proposed Conditions:

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Loading will be restricted to the alley

- Applicant would like clarification as to what constitutes loading vs. delivery
- Once renovation is complete and the space is furnished, "loading" will be extremely rare.
- Deliveries to the alley, by FedEx or Amazon, in Applicant's opinion, are not advisable, nor would they be desired by those living on Bancroft backing up to the alley.
- Deliveries are so infrequent as to not adversely affect the use of any property by having a front delivery about once a week. This is a level of frequency in line with or less than the typical residential use.
- Amazon deliveries often happen together with other deliveries on a street, and a requirement to deliver in the rear may just create an unnecessary additional trip.
- Deliveries may still show up in the front. If Applicant directs to the back, that defeats the purpose of this condition.

# Response to OP's Proposed Conditions:

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A maximum of 15 employees may work on-site

- The Applicant will agree to a condition of fifteen (15) full-time staff, with flexibility for space of up to five (5) temporary or visiting staff, for a total not to exceed twenty (20) staff. This would be a substantial reduction from the Colombian Chancery use that took place up until October, 2015.
- Case 15555- 2110 Leroy Place, NW
  - Opposed by the ANC and neighbors
  - Permitted to have 35 employees
  - Building was ~900 sf. Less Gross Floor Area than the 2118 Building
  - No term limit was proposed by OP or levied by BZA

# Response to OP's Proposed Conditions:

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Annual meetings and events will not be held at the subject property and will be held off-site

- Restrictive condition- see handout showing the types of meetings FSMB is proposing, typical of office use

## Response to OP's Proposed Conditions:

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### **The Non-Profit use will be approved for a period of 5 years**

- The Applicant finds this condition unprecedented and unjustified.
- Limiting the Applicant to 5 years is not conducive to building a productive rapport with the surrounding community; i.e., it lends itself to creating more contention between the Applicant and the neighborhood to have to do this again in 5 years.
- FSMB is planning on investing substantial amounts into a high-quality restoration of the Building. It is patently unjust – particularly in light of the very restrictive conditions otherwise – to levy a 5 year term limit on this proposed use.
- FSMB will accept whatever time period the Board sees fit, but feels strongly that no time limit is warranted, and a 5-year term is certainly much too short.
- The recently new practice of putting a time limit on this approval runs counter to the Zoning Commission's objective of preserving and maintaining larger buildings.

# Response to OP's Proposed Conditions:

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## The Non-Profit use will be approved for a period of 5 year

- Traditionally, these approvals have NOT included time limits. The Tudor Place Foundation was an extraordinary case, with the potential for adverse effect so real that a time limit was required to monitor that situation, a situation which includes daily bus tours, and weddings and parties with up to 500 participants. The proposed use here bears no resemblance to the potential adverse effect in that case, and cannot reasonably be used as a model for a time limit in this case.
- Case No 19674-1670 31<sup>st</sup> Street, NW (Tudor Place Foundation Case)
  - Opposed by the neighbors
  - Limited to 5 years because they were permitted to hold regularly scheduled tours (10 per day), 7 days a week, had issues with bus traffic bringing tour groups to the property, and were permitted to hold:
    - 6 events per year with up to 500 attendees per event;
    - 10 events per year with up to 199 attendees per event; and
    - 15 events per year with up to 99 attendees per event
    - And weddings/wedding receptions with up to 75 people

# Other Conditions: Satisfied

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- 1) Documentation that the building meets the 10,000 square foot requirement
  - See submission from the Applicant's architect
- 2) Information regarding expected deliveries and visitors
  - Addressed by Eric Fish
- 3) BZA concur with the Zoning Administrator determination that Applicant qualifies as a Non-Profit
  - Addressed earlier: See charter and previous BZA Cases approving non 501(C)(3) organizations