CITY GATE

Lynn Bergfalk, Executive Director

www.city-gate.org

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March 12, 2002

Mr. Geoffrey H. Griffis, Chairman
Board of Zoning Adjustment
441 4th Street NW, Suite 210-S
Washington, DC 20001

Dear Mr. Griffis:

Attached are the materials you requested from City Gate at our hearing on February 19, 2002, concerning our application No. 16826, for a special exception to use 5917 16th. NW for church programs. You asked me to provide more details on program population and time of use, also to address the question of any adverse impacts. Further, you directed me to continue working with the community, including the ANC and the Sixteenth Street Heights Civic Association, and I have included a report on those contacts.

I do believe we meet the burden of proof for Church Programs (Section 216). I also believe our application is consistent with the 16th Street Heights overlay, with the caveat that we need relief on the off-street parking requirement if we are considered a new non-residential use. I believe the information we presented about the unusual number of street parking spaces immediately available to our facility would warrant such relief.

I do remain confused by how the overlay applies to us, and continue to believe that the Zoning Administrator's original referral was correct, which did not mention the overlay. A straight-forward reading of the overlay shows that it was clearly intended to "control the further conversion of residential housing to nonresidential uses" (1551.3 (b)). I believe under the intent of the overlay, we should be seen as a continuing use of an existing nonresidential property where the issue is simply the modification of an existing valid C of O for a church to one for church programs.

Except for the parking requirement (which would not apply to an existing use), I believe the question of whether we are a new or existing non-residential use (clearly the building has a valid C of O as a church) is ultimately moot because our presence and programs are consistent with the purposes of the overlay, compatible with the neighborhood, and would not have an adverse impact on the community.

We hope we were successful in making this case at our hearing, and we thank you for your consideration of our application.

Sincerely,

Lynn Bergfalk

Lynn Bergfalk

BZA
Case No. 16826
Exhibit No. 42

Board of Zoning Adjustment
District of Columbia
CASE NO.16826
EXHIBIT NO.42

3568 Brandywine Street, NW • Washington, DC 20008 Telephone (202) 237-1799 Email lbergfalk@erols.com

PROGRAM INFORMATION

City Gate's application for church programs included residential use for staff and volunteers, and several small-scale programs such as after-school tutoring, ESL classes, Saturday cultural/language programs, and occasional week night or Sunday meetings.

The Board of Zoning Adjustment has specifically requested more detailed information about that part of our application relating to regularly occurring programs, including population numbers for proposed programs, along with specific programming times. We were instructed to consider what we might envision doing over the three year period for which a certificate of occupancy would be issued, not just immediate plans.

1. We stated at the hearing that we currently envisioned having after-school tutoring three afternoons each week, plus one morning and one evening ESL class each week, and on Saturdays a culture and language day program for Bulgarian children (which is a response to a specific need presented to City Gate).

2. The one clarification or addition pertinent to immediate plans would be to note that "after-school" tutoring would need to be replaced by day sessions during the summer. The need for constructive educational and mentoring programs for children and youth is at least as great as the need for "after school" programs. Elsewhere in the city we are involved with "out-of-school time" programs involving both summer and after-school.

3. We recognize if these ESL and children's programs are successful, there may be a need to add additional days to the program schedule for some ministries. For example, there could be the need and opportunity to have ESL classes three or four days each week, without increasing the number of people using the facility at any one time. Or there could be a need to expand after-school tutoring from three to four or five days.

4. If we understand the concerns about how our church programs would impact the neighborhood, the key is really keeping the volume of use at a given time at a modest level that would not create traffic or noise disturbance, etc. Whether there were 2 or 4 or 6 ESL classes in the course of a week would make no difference if they were scheduled at separate times. Likewise, whether tutoring/mentoring was held 3 or 4 afternoons is less important than making sure the number of participants that would be on site for each day is limited to an appropriate number.

5. In view of #2, #3 and #4, we are proposing two schedules (school year and summer) with daily program slots that could be utilized as needed. Particularly with ESL classes, it is unrealistic to schedule specific weekdays and times a year or two in advance, because the schedules of adult students who have jobs and the availability of volunteers requires flexibility. We can provide specific parameters within which classes can be scheduled and/or additional classes or tutoring added if needed.

6. PROPOSED SCHOOL-YEAR PROGRAM PARAMETERS

Monday – Friday	Activity	Population (up to this number)
9:30 – Noon	ESL Class	10-15 students, 2 volunteers
3:30 – 5:30 pm	After-school Tutoring	12-18 students, 4-6 volunteers
7:00 – 9:00 pm	(M-Th only) ESL Class	10-15 students, 2 volunteers
Saturday		
9:30 am – 4 pm	Children's Culture/language program	15-20 students, 6 volunteers

7. PROPOSED SUMMER PROGRAM PARAMETERS

Monday – Friday	Activity	Population (up to this number)
9:30 – Noon	ESL Class	10-15 students, 2 volunteers
OR	Children's enrichment program	12-18 children, 4 volunteers
1:00 – 5:30 pm	Children's enrichment program	12-18 children, 4 volunteers
7:00 – 9:00 pm	(M-Th only) ESL Class	10-15 students, 2 volunteers
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8. PLEASE NOTE: Population numbers reflect a range up to a maximum. Actual daily participation might be considerably less. The above program slots serve as parameters for time available for our various church programs. We are planning on using less than 1/3 of those slots at present. Perhaps in two or three years we might use 2/3 of these program times if there was a need. These parameters provide some room for additional ministries without increasing the population on site at a given time. The parameters also would allow moving classes or programs from one day to another, depending on the schedules of students and volunteers.

ADVERSE IMPACTS

We do not foresee any adverse impacts from these programs on the surrounding neighborhood. The on site population for the anticipated program is well within the capacity of the basement and first floor meeting areas. Parking needs would be minimal, inasmuch as most participatants would be walking, using public transportation, or in the case of Saturday children, would be dropped off. The nature of the activities is primarily educational, and certainly in keeping with the character of the neighborhood.

The particular church-related programs outlined above are small-scale in scope, geared to the neighborhood, with a number of participants actually coming from the neighborhood. They are the kind of activities that in fact would benefit this or any neighborhood.

COMMUNITY CONTACTS AND RELATIONSHIPS

The Board of Zoning Adjustment requested that we continue working with the community, including the ANC and Sixteenth Street Heights Civic Association (SSHCA), to address any neighborhood concerns.

1. I spoke with Mr. James Jones, chair of ANC4A. I asked how we might address any community concerns, and whether I should meet, together or individually, with the commissioners. He felt that was not needed, and that the commissioners' concern was primarily to respond to the wishes or concerns of our specific neighborhood, and that I should address those with the SSHCA.

2. I spoke with Mr. John Chagnon, our single district commissioner. I understand his position to be that there is nothing to talk about unless I first change my proposal. I told him that my knocking on doors and other efforts to contact neighbors indicated that people in the immediate neighborhood seemed to either support or not be opposed to our application. He said people had called him in opposition. He did not answer my question of how many or if it were permissible to tell me who, so I could address their concerns.

3. I have made approximately a dozen calls to Mr. Earl Shamwell, president of the SSHCA (leaving messages a number of times, and speaking directly with him perhaps 4 times). We have not yet been able to meet, but he has assured me that he and the vice president of the SSHCA will meet with me. We have attended the January and February meetings of the SSHCA, and will continue to attend the monthly meetings and be available to address any questions and to build a working relationship.

4. Mr. Shamwell was the only community person to address our application at the February ANC meeting, and specifically identified his testimony as being given not as an individual but as representing the SSHCA. The same representation was strongly, repeatedly, and specifically made in the letter he placed in the BZA hearing file. I therefore was surprised to learn that our application had never been discussed by the SSHCA at any public meeting.
   Mr. Shamwell subsequently explained (at the February SSHCA meeting) that time had not allowed for him to consult the Association, but that he was sure after many years in the neighborhood that he knew how the Association felt, and thought it was important to go ahead and speak on their behalf. As his letter to the BZA notes, he believes his presentation to ANC4A was the reason for their opposition to City Gate's application.

5. I believe Mr. Shamwell's actions in #4 above were well-intentioned, but I believe his conclusions, reached without discussing this matter with me, essentially deprived City Gate of due process, including the right to make our case and to directly answer concerns. It placed members of the SSHCA in the awkward position of having to choose between supporting their president or the application of a new neighbor (even so, some concerns about this lack of process as well as some support for City Gate were voiced at the February meeting). I appreciate that Mr. Shamwell has qualified his opposition to our application by referring to our request as originally presented or understood, and has indicated a willingness to work for understanding and/or solution acceptable to everyone. We will continue to work with neighbors and to attend the monthly Association meetings to develop that common ground.

6. It was stated at the February SSHCA meeting that the neighbors on either side of our property opposed our application. I immediately sent the adjoining neighbors on either side a letter expressing respect for their views, and offering to respond to any concerns. However, both these neighbors phoned me to say unequivocally that they did not oppose our application and that no one had even spoken to them about this matter. One of them left this message on my phone:

   > "I just received a letter from you stating that we opposed the church. This was brought up at the last Sixteenth Street Heights Civic Association meeting. I don't know where that information came from. No one has approached me, no one has asked us anything, so I really don't know where they got that information from. I am very, very surprised to hear this. I don't oppose you all being there so I don't know, I really have no idea where this information came from. I'm really shocked to hear this. Anyway, you can give me a call at any time."

   The comments from the other neighbor were in the same vein.

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March 12, 2002 Please note faxed w/ wrong date 3/12 Hard copy to be hand delivered tomorrow

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Wisconsin Avenue Baptist Church
3920 Alton Place, NW
Washington, DC 20016
(202) 537-0972

CITY GATE

DATE: ~~3/11/02~~ 3/12/02 (3/12)

TO: BZA

FAX: 727-6072

PAGES (including cover): 6

FROM: Lynn Bergfalk City Gate

PHONE: 237-1799

SUBJECT: RE 16826

Return Fax: 202-537-1966

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Washington, DC 20016
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CITY GATE

DATE: 3/19/02

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FAX: 727-6072

PAGES (including cover): 6

FROM: Lynn Bergfalk City Gate

PHONE: 237-1799

SUBJECT: #16826

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2002 MAR 12 PM 4:54

Return Fax: 202-537-1966

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