BURDEN OF PROOF FOR SPECIAL EXCEPTION

DETAILED STATEMENT OF THE APPLICANT

(Required Item 4.D. of Form 120)

Pursuant to Section 3104.1 of the Zoning Regulations, the BZA is authorized to grant a special exception where, in the judgment of the BZA, the special exception will be in harmony with the general purpose and intent of the zoning regulations and will not tend to affect adversely the use of neighboring property. As demonstrated below, the proposed special exception for the non-profit organization use of 1323 Girard Street (the "Property") satisfies the general standard set forth in Section 3104.1 of the Zoning Regulations as well as the specific requirements set forth in Sections 209 and 332.1 of the Zoning Regulations with respect to the use of the Property as a community center operated by a local community organization or association in a R-4 District. Accordingly, the Applicant is entitled to the requested special exception relief.

1) Section 3104.1--The Proposed Use Will Be In Harmony With The General Purpose And Integrity Of The Zoning Regulations, And Will Not Tend To Affect Adversely The Use Of Neighboring Property.

The Property consists of a three-story detached house with a driveway on the right side of the house. The proposed use of the property as a community center is intended to benefit the neighboring community and will not tend to affect adversely the use of neighboring property. Adjacent to the Property is (i) a detached house on the left, (ii) the parking lot of a building operated by Easter Seals on the right, and (iii) row houses behind. Across the street are a number of row dwellings. The requested special exception will not adversely affect the use of neighboring property. Instead, the use of the Property as a community center will enrich and enhance the Columbia Heights and Mount Pleasant neighborhoods by, among other things, getting neighborhood youth off the streets after school and keeping neighborhood youth from dropping out of school. In addition, the use of the Property as a community center is consistent with the use of the Property as a church by the prior owner, which did not adversely affect the use of neighboring property. Sojourners, the prior owner, operated a neighborhood center at the Property, which generally included child care/after-school programs, parenting support groups, and summer programs and recreational activities.

2) Section 209.2—A Community Center Shall Not Be Organized For Profit, But Shall Be Organized Exclusively For The Promotion Of The Social Welfare Of The Neighborhood In Which It Is Proposed To Be Located.

The Applicant is a 501(c)(3) non-profit organization. Article III of the Articles of Incorporation of the Applicant provides that the "corporation is organized exclusively for charitable, educational and social service purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code (IRS) of 1986 as now in effect or as may be hereafter amended (the "Code"). The purposes of the [c]orporation are to nurture Asian American youth and families, to develop leadership, and to strengthen community building through a partnership between youth and adults."

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Consistent with its mission, the Applicant intends to operate a non-profit community center at the Property. Such community center would serve the needs of the Columbia Heights and Mount Pleasant neighborhoods' Asian American youth and families through the following three core programs: (i) an after-school academic enrichment/tutoring program for students aged six to nineteen; (ii) a family-strengthening program; and (iii) a mentoring program. The after-school program focuses primarily on homework support and improving English language skills through daily ESL classes, academic enrichment and tutoring, but also offers an arts and recreation component, and, for high school students, SAT and college preparation classes. The family strengthening program provides educational, social and parenting support services to improve the parent-child relationship and prevent neglect and child abuse. And finally, the mentoring program provides mentoring services to children and young people in the Mount Pleasant and Columbia Heights neighborhoods.

As previously noted, in the past, the Applicant has operated these types of programs out of leased space at 3045 15th Street, N.W., and during such time such programs have experienced remarkable success in promoting the welfare of the District's Asian American community, in particular in the Mount Pleasant and Columbia Heights neighborhoods, including, significant decreases in school dropout rates, significant increases in the number of youth admitted to colleges and a marked decrease in the number of youth hanging around in street gangs.

3) Section 209.3—A Community Center Shall Offer No Articles of Commerce for Sale in the Center.

No articles of commerce will be offered for sale or sold at the Property.

4) Section 209.4—A Community Center Shall Not Likely Become Objectionable In A Residence District Because of Noise or Traffic.

The use of the Property as a community center shall not likely become objectionable because of noise or traffic. The hours of operation of the community center are expected to be 10:00 a.m. to 7:00 p.m., Monday through Friday. Applicant also intends to occasionally host board of directors, staff or other meetings and special events in the evening or on the weekends at the Property. Such special events would include things such as parent nights, volunteer receptions, art or other exhibits or performances, holiday parties, and other similar events.

The community center's regular days and hours of operation are not likely to create any objectionable noise, since they are generally normal business hours. The Easter Seals child development center, which is located next door to the Property has hours of operation from 7:00 a.m. to 6 p.m., Monday through Friday, and, to the knowledge of Applicant, such hours of operation have not created any noise problems for the neighborhood. Accordingly, there is no reason to believe that the hours of 10:00 a.m. to 7:00 p.m. would be objectionable because of noise.

With respect to traffic, since the community center is intended to serve the neighboring community, most participants in the programs would be walking to the community

center. Any persons arriving by car would be likely be dropped off and then picked up later at a designated time, thus not requiring any parking near the Property or creating any traffic problems. The Property has parking space to accommodate 4 to 5 automobiles (parking in tandem), which would serve as the parking for the staff of regular employees.

With respect to any occasional special events, it is not expected that they will generate objectionable noise or go on into the late evening and the Applicant is committed to ensuring that on the occasions when it hosts special events the noise and traffic impact on the neighborhood is minimal.

5) Section 209.5—The Use Of A Community Center Shall Be Reasonably Necessary Or Convenient To The Neighborhood In Which It Is Proposed To Be Located.

As stated in paragraph 2 above, the community center is intended to serve the Asian American community in the Mount Pleasant and Columbia Heights neighborhoods. The needs of this community are real and are not otherwise being met. The District is home to 5,000 Vietnamese refugees and legal immigrants. Vietnamese refugees are survivors of war, prison camps, famine, and severe discrimination. Because of their traumatic experiences, many adults are now living with depression, anxiety disorders, post traumatic stress disorder, and other mental health problems. Due to their lack of education, training, and employable skills, these refugees must work multiple, low-skill, low wage jobs in order to support their families. Lacking adequate food and shelter, many parents cannot focus on meeting their children's physical, emotional, social, and cognitive development needs. The majority have little or no time to interact with their children because of their need to focus on day-to-day living. Furthermore, because of language and cultural barriers, young people frequently take on an adult role as go-between/interpreter for their parents and society at large. Without basic support infrastructures, adequate food and shelter, and an understanding of how societal institutions work, refugee and immigrant adults are unable to help themselves and their children to succeed.

The use of a community center conducting the types of programs described in paragraph 2 above to serve the needs of the Columbia Heights and Mount Pleasant neighborhoods' Asian American youth and families is not only convenient to the neighborhood in which the community center in proposed to be located, but is arguably necessary to the continued betterment and success of the residents of such neighborhood.