

BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Mount Sinai Baptist Church

1608 3rd Street, NW (Square 520, Lot 93).

I. INTRODUCTION AND NATURE OF RELIEF.

Mount Sinai Baptist Church (the “**Church**” or the “**Applicant**”) is the owner of the property located at 1608 3rd Street, NW (Square 520, Lot 93) (the “**Subject Property**”), which is zoned RF-1. The Subject Property is currently improved with a row dwelling used as an outreach center by the Church (the “**Building**”). Unique Learning Center (“**ULC**”) is a 501(c)(3) nonprofit organization that provides a nurturing and educating Christian environment for at-risk children and youth in the Historic Shaw community in northwest Washington, DC. The Church desires to lease the Building to ULC which currently operates out of Mt. Sinai Baptist Church, located directly across the street from the Subject Property, at 1615 3rd Street, NW.

Subtitle U § 320.1(b) permits a community service center by special exception in the RF-1 Zone, provided that the organization is “created for the purpose of improving the social or economic well-being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose.” ULC meets this definition, as it is a non-profit organization dedicated to providing a nurturing and educating Christian environment for at-risk children and youth in the community in which this Center will be located. Accordingly, the Applicant is requesting relief pursuant to U § 320.1(b).

II. BACKGROUND.

A. Mission and Philosophy.

Unique Learning Center is a 501(c)(3) nonprofit organization dedicated to providing a nurturing and educating Christian environment for at-risk children and youth in the Greater Historic Shaw community in northwest Washington, DC. ULC seeks to provide inner city children and youth with the most effective tools of human development, thereby unlocking the rich potential of their undiscovered gifts and talents. Since 1982, ULC has partnered with parents, teachers, community leaders as well as a team of volunteers to instill academic excellence and high moral standards in its students. ULC takes a holistic approach to meeting the needs of inner city kids whose lives are daily affected by the negative aspects of urban life.

Recognizing that true education means development of the whole person, ULC strives to reach its students in three principal areas: (1) Academic Enrichment; (2) Recreational & Cultural Development; and (3) Moral and Spiritual Growth. Examples of ULC activities include tutoring programs, book clubs, summer camps, sporting events, community service events, and bible studies. ULC has grown significantly under director Sherry Woods, from a small effort with eight (8) children into a daily after-school and summer program reaching forty (40) students each year. With the support of area churches and neighborhood spaces, ULC has been changing the lives of children who would otherwise slip through the cracks of the public-school system.

B. Description of the Subject Property and Surrounding Area.

The Subject Property is an interior lot located at 1608 3rd Street, NW and zoned RF-1. The Subject Property is currently improved with a row dwelling owned by the church and used as Men's and Women's outreach center. To the east and west of the Subject Property are an improved public alley and 3rd Street, respectively. Abutting the Subject Property to the north and south are row dwellings. The area is primarily characterized by a mix of residential and religious uses. ULC currently operates out of Mt. Sinai Baptist Church, which is located at 1615 3rd Street, NW and is

directly across 3rd Street from the Subject Property. Across the alley to the east is the Fourth Street-Friendship Seventh Day Adventist Church. The Shaw-Howard Metro Station is located five-tenths of a mile (0.5 mi.) from the Subject Property.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE U § 320.1(b).

A. Overview.

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under Subtitle U § 320.1(b) of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

B. Requirements of Subtitle X § 901.2.

The granting of a special exception in this case “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps” and “will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2).

The Zoning Regulations specifically permit the use of a community service center in this zone by special exception. ULC is a community-serving non-profit organization dedicated to providing a nurturing and educating Christian environment for at-risk children and youth in the

Greater Historic Shaw community in northwest Washington, DC, where the Subject Property is located. Accordingly, the use will be in harmony with the general purpose and intent of the zoning regulations.

C. Requirements of Subtitle U § 320.1(b).

Subtitle U § 320.1(b) permits a community service center in the RF-1 Zone, provided that the organization is “created for the purpose of improving the social or economic well-being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose.” ULC meets this definition, as it is dedicated to providing a nurturing and educating Christian environment for at-risk children and youth in the community in which it is located. The relief is also subject to the following conditions:

(1) A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions;

Due to the nature of the use, ULC is not likely to become objectionable to neighboring properties because of noise or otherwise objectionable conditions. ULC already operates out of the Church which is directly across the street from the Subject Property. Most volunteers live in the immediate area and walk to the Church. Street parking is also available directly in front of the Church and the Subject Property. The Subject Property is also located within one-half mile (0.5 mi.) of a Metro Station. Based on these factors, the use is unlikely to increase traffic conditions in the neighborhood. As the program already exists in the immediate area, the use is unlikely to increase noise in the neighborhood.

The children who participate in ULC programs are local residents of the Shaw-Howard area where the Subject Property is located. ULC is primarily an after-school program with a per day average of about thirty (30) elementary to middle school aged students. On Mondays and Wednesday, the average number of students increases to around 35-40, as high school students attend the program on those days. The majority of the children who participate in ULC programming currently walk from school to the Church. Regarding hours, staff will be on-site from approximately 9 am - 7 pm, although those hours will vary depending on staff schedules. On a typical day, the students arrive at ULC at 3:30pm. On Mondays, Tuesdays, and Thursdays, ULC is open until approximately 6:30pm. On Wednesdays, ULC is open until approximately 8:30pm, although students will likely be across the street at Mt. Sinai for a weekly "Wednesday Night Meal" and tutoring. On Fridays, ULC is open from about 4:00pm - 9:00 pm, as teens meet during this time for Bible Study and a Friday night outing.

(2) The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located; and

The Subject Property is located in the Shaw-Howard area in Ward 5 and the mission of ULC is to provide programs for at-risk youth who live in the that area. Accordingly, the proposed use is reasonably necessary to the neighborhood in which it is proposed to be located.

(3) A community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual.

The ULC is organized as a 501(c)(3) non-profit organization and no part of its net income inures to the benefit of any private shareholder or individual.

IV. CHARACTERISTICS OF A COMMUNITY-SERVICE CENTER.

Subtitle B defines a community service use as "A not-for-profit use established primarily to benefit and serve the population of the community in which it is located." Subtitle U §

320.1(b) further provides that in order to qualify for a special exception, the organization has to be "created for the purpose of improving the social or economic well-being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose." The ULC meets this definition primarily because it meets the needs of inner-city kids in the immediately surrounding Shaw area whose lives are daily affected by the negative aspects of urban life.

There are other organizations approved under this section that have much in common with the mission of ULC:

Case No. 16491. In BZA Case No. 16491 of McKendree-Simms Brookland United Methodist Church, the applicant requested, and the Board granted relief in order to operate a temporary community service center for the distribution of food and clothing in a church annex located at 2411 Lawrence Street, N.E and zoned R-1-B. The church originally used the property as the outreach house for neighbors and the homeless or who do not have the ability to provide food or clothing for themselves.

Case No. 17080. In BZA Case No 17080 of Asian American LEAD, the applicant requested, and the Board granted relief in order to operate a community-service center at 1323 Girard Street, NW and zoned R-4 (now RF-1). Asian American Lead is a 501(c)(3) nonprofit organized "to nurture Asian American youth and families, to develop leadership, and to strengthen community building through a partnership between youth and adults." The community center would serve the needs of Asian-American youth and families, particularly in the Columbia Heights and Mount Pleasant communities, through three core programs: (i) an after-school academic enrichment/tutoring program for students ages 6 to 19; (ii) a family-

strengthening program that will provide educational, social, and parenting support services; and
(iii) a mentoring program.

Case No. 19388. In Case No. 19388 of Hope and a Home, the applicant requested, and the board granted relief in order to operate a community service center in the cellar of an existing flat in the RF-1 Zone at premises 1236 Columbia Road N.W. Hope and a Home is an independent 501(c)(3) nonprofit and non-governmental organization dating back to 1976 with a mission to empower low-income families with children in DC to create stable homes of their own and to make lasting changes in their lives. The applicant proposed to reconfigure the cellar level of the flat and use the space primarily for administrative work, although it was noted that infrequent scheduled meetings with family clients may occur at the site each week.

V. CONCLUSION.

For the reasons stated above, this Application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

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Date: May 7, 2019

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