

BEFORE THE ZONING COMMISSION OR BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA

FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD

THIS FORM IS FOR NON-PARTIES ONLY. IF YOU ARE A PARTY, PLEASE FILE A FORM 150 – MOTION.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.:

I, _____ hereby request the following relief:

Accept an untimely filing of _____

To reopen the record to accept _____

Points and Authorities:

Accept an untimely filing: Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to accept an untimely filing, including relevant references to the Zoning Regulations or Map. If you require more space, please use a separate piece of paper.

Reopen the Record: Please state each and every reason you believe the ZC or BZA should grant your request to reopen the record, including relevant references to the Zoning Regulations or Map. **The document(s) that you are requesting the record to be reopened for must be submitted separately from this form (see instructions).** No substantive information is to be included on this form.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date:		Signature:	
Name:			
Address:	Board of Zoning Adjustment District of Columbia		
Phone No(s)::	E-Mail:	CASE NO.21101 EXHIBIT NO.34	

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

I, Brandon Jamison, am the homeowner of the property at 223 Peabody St. NW, next door to the property at 245 Peabody St. NW, where the applicant requests special exception approval to convert the use from a church to a Child Development Center (CDC) under Subtitle U-203.1(h). Subtitle U-203.1(h) prescribes that "[t]he facility shall be located and designated to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance." The CDC as proposed fails to satisfy this requirement. The CDC intends to serve no fewer than 82 children and 20 adult staff, which will attract at least 65 auto person trips both during AM peak hours and PM peak hours. The 100 and 200 blocks of Peabody St. and the surrounding area cannot absorb this exponential increase in activity in light of the traffic congestion emanating from the Capital City Public Charter School located at 100 Peabody St. NW. The influx of traffic will place an even greater burden on an already strained system that regularly results in sideswiped cars and which will become more susceptible to pedestrian accidents as parents/guardians attempt to cross Peabody St. without the benefit of a crosswalk or traffic control officer to ensure their safety.

I request that the BZA accept this untimely request for party status, as I had previously relied upon my ANC (i.e., 4B), an automatic party in this case, to effectively represent my interest. My understanding is that the BZA must give "great weight" to the "issues and concerns" raised in a written report of an "affected" ANC approved at a properly noticed meeting that was open to the public by the full ANC with a quorum present. My ANC Michael Cohen (4B07) presented such a written report in the form of a resolution at the ANC 4B Public Meeting Monday night, September 23. (*See attached*). ANC Cohen's resolution offered measured support for the application, but it also identified several reservations related to exacerbation of traffic, parking, and alley access issues and it implored the applicant to take proactive steps to mitigate these concerns. ANC Cohen's resolution accurately captured my concerns and those of my neighbors (*see attached Petition with signatures*) and would have faithfully relayed those concerns to the BZA. However, ANC 4B rejected ANC Cohen's resolution and adopted a resolution that provides full-throated support for the application, dismissing my concerns and those of my neighbors in a single line of the resolution. (*See attached*).

Therefore, as the immediate next-door neighbor to 245 Peabody St. NW, I require party status to effectively raise my concerns with the BZA regarding the negative traffic and safety implications of BZA Case No. 21101.

Respectfully Submitted,



Brandon Jamison, Homeowner

223 Peabody St. NW

brandon.m.jamison@gmail.com

703-217-5847

09/25/2024

Date

Government of the District of Columbia Advisory Neighborhood Commission 4B



RESOLUTION #4B-24-0905

Supporting and Providing Feedback Regarding Request for Special Exception at 245 Peabody St., NW (BZA [21101](#)) Adopted September 23, 2024

Advisory Neighborhood Commission 4B (the “Commission”) takes note of the following:

- The property located at 245 Peabody St., NW (the “Property”), a former Mennonite Church that has been vacant or used sparingly for the past 7+ years, is the subject of a special exception application before the Board of Zoning Adjustment (BZA 21101). Mandomas, LLC (the “Applicant”) seeks approval to convert the existing church into a Child Development Center (CDC) facility.
- The Commission supports bringing new businesses to the area, particularly those that meet the needs of our diverse community. In this case, the Commission acknowledges the growing demand for childcare services within the neighborhood. However, the Commission’s support for this application is contingent on the Applicant making necessary concessions, and taking proactive steps, in order to ensure that no additional burdens are placed on existing neighbors if BZA 21101 is approved.
- While the Commission supports the applicant's proposal, we have reservations about the size and capacity of the daycare facility, which is expected to accommodate up to 80 children and 20 staff members daily. There appears to be a significant disconnect between what has been proposed by the Applicant and what nearby neighbors believe is appropriate for the property. Neighbors have expressed concern that, given the property's location within and proximity to a residential block, the size and capacity should more closely align with that of a Child Development Home (CDH) or Expanded Child Development Home, rather than a facility of this size and scale.

- The Applicant was diligent in assessing the implications of using the Property as a CDC with 80 students and 20 educators, and the Commission's support for this project is contingent upon the Applicant's ability to ensure and maintain that the property does not create objectionable traffic conditions, especially during drop-off and pick-up hours. Furthermore, the Commission emphasizes that the applicant must maintain continued awareness of any potential cumulative traffic impact that may arise in conjunction with other nearby schools and/or commercial properties to prevent exacerbating existing traffic issues in the area.
- There were other significant concerns that were raised by nearby neighbors during this application period. These concerns were primarily related to traffic and parking, and include:
 - Concerns that the size of the daycare, the number of students and educators proposed, and its daily operations could create objectionable traffic conditions on the surrounding streets, specifically the 200 block of Peabody St., NW; the 5900 and 6000 blocks of 3rd St., NW, and the 5900 and 6000 blocks of 2nd St., NW. There is also concern that existing traffic conditions on the 100 block of Peabody St., NW could be exacerbated if this special exception is granted.
 - While technically there is not another CDC within the required distance limitations provided by OSSE, there is a public charter school one block away from the Property (Capital City Public Charter School, located at 100 Peabody St., NW). Pick up and drop off for this charter school has led to traffic-related issues in the past, especially along the blocks mentioned above.
 - Neighbors who live on the 200 block of Peabody St., NW have already faced significant traffic-related issues during pick-up and drop-off hours. This includes neighbors' cars being sideswiped, car mirrors being knocked off of cars, neighbors' vehicles being blocked into private parking spaces, alleys, and driveways, and private parking spaces being blocked by other vehicles.
 - Concern that parents who are driving their children to daycare at 245 Peabody St., NW may utilize the adjacent alley for pick-up and drop-off, potentially obstructing access for nearby residents and hindering their ability to freely use the alley or access their private garages, private driveways, and/or private parking spaces. Neighbors have requested, and the Commission agrees that, as a condition of approval, the Applicant commit to working collaboratively with parents, nearby neighbors, and relevant

District agencies to ensure that traffic in the alley remains unobstructed and that neighbors' access to their private parking is not impeded.

- The street adjacent to the property is a local road that is already narrow, and there are concerns that this local roada cannot safely accommodate parking on both sides as well as the anticipated daily traffic for pick-up and drop-off of 80 children, even with the inclusion of dedicated pick-up/drop-off spaces. There has also been concern expressed that the traffic patterns on Peabody St., NW may not be able to accommodate emergency vehicles when traffic is heavy, and that these concerns may lead to traffic congestion and unsafe conditions for children, parents, and nearby neighbors.

Neighbors throughout Single Member District 4B07 have expressed varying opinions on this project. While some residents throughout the SMD have indicated their support for the Applicant and the idea of a new CDC at this location, neighbors who live closer to the proposed site have raised concerns and expressed opposition due to the issues included above. This opposition has been voiced through the submission of a petition as well as through phone calls and emails to their Advisory Neighborhood Commissioners.

The Commission appreciates the Applicant's diligent efforts to engage with the community and the Commissioners of Single Member District 4B06 and Single Member District 4B07. The applicant has held both virtual and in-person meetings, responded promptly to emails and phone calls, and provided opportunities for community members to express concerns and offer feedback on the application. Additionally, the Commission recognizes the Applicant's efforts in conducting further traffic-related studies after the start of the 2024-2025 school year to obtain a more accurate assessment of how traffic conditions at and around the Property interact with the traffic pattern on the 100 block of Peabody St. NW. Finally, the Commission is aware of and appreciates the Applicant's efforts to establish parent policies which clearly inform parents that drop-offs and pick-ups are prohibited from occurring in the alley adjacent to the Property.

RESOLVED:

- That Advisory Neighborhood Commission 4B supports BZA Case #21101 with the reservations noted above, recognizing the community's need for additional childcare options. However, the Commission also acknowledges the potential negative impacts this project could have on traffic, parking, and alley access. The Commission requests that the applicant take proactive measures throughout all phases of the project to

mitigate these impacts.

- That Advisory Neighborhood Commission 4B's support is contingent upon the applicant ensuring that the property's use as a CDC with the proposed size and capacity, does not result in objectionable traffic conditions for neighbors or those traveling through the area.
- That Advisory Neighborhood Commission 4B requests that the applicant regularly monitor traffic and parking conditions, particularly during peak hours of operation, and collaborate with DDOT, DPW, OSSE and any other relevant District agencies to explore additional traffic-calming measures or parking restrictions, as necessary.
- The Commission requests that the Applicant establish a clear line of communication with the community to ensure ongoing feedback and concerns from neighbors are addressed promptly, which may include periodic community meetings or updates to reassess conditions at all phases of this project.

FURTHER RESOLVED:

That the Commission designates Commissioner Michael Cohen, ANC 4B07 to represent the Commission in all matters relating to this Resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioners cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matter relating to this Resolution.

FURTHER RESOLVED:

That, consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of **X** members was present) on September 23, 2024, by a vote of **X** yes, **0** no, **0** abstentions.

PETITION

We, the undersigned, affix our signature to support the petition for opposing the D.C. Board of Zoning (BZA) application for 245 Peabody Street, NW (Square 3338, Lot 811) submitted to the Board by Mendomas LLC on January 26, 2024. As neighbors in the vicinity of the property at issue, we implore our district representatives and the BZA to disapprove Mendomas LLC's application for relief under § 901.2 – Special Exception under the Zoning Regulations.

We contend that the intended use of the property as a Child Development Center does not align with the purpose of the R-1B zone, which is to protect the quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and stabilize the residential areas and promote a suitable environment for family life. Further, per the Zoning Regulations special exception, the application does not meet the following conditions for daytime care use:

- The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.
- Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility.

Name	Address	Email
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Eure Washington <i>[Signature]</i>	6021 3rd St NW	
Katreda Gillese	6029 3rd St NW WDC 20011	Kedani@yahoo.com

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Name	Address	Email
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Grace Steinhardt	216 Quackenbos St NW	gamsstein@gmail.com
Mark M. Helmsner	241 Quackenbos St. NW Washington, DC 20011	mittelhawserm yahoo.com

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Jeremy Janow	6010 2nd St NW	jeremy.janow@hotmail.com

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Name	Address	Email
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A. Howard	6009 3rd St NW 20011	ahowardtoday@gmail.com
Toby Rogers	6004 3RD ST NW 20011	tobyrogers45@gmail.com

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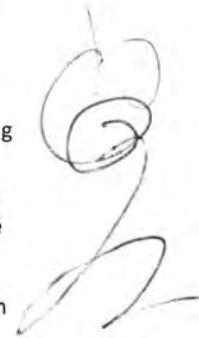
Name	Address	Email
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Willie Miller	5924 3rd NW	Doleynew3@Verizon.Com
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Natalie N. Sanders	5935 3rd St NW	just me in 2005@yahoo.com

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Name	Address	Email
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Delisa Saunders	203 Peabody Street NW	delisa.saunders@gmail.com
Name	Address	Email

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Name	Address	Email
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Nikkie Pele	5902 2nd pl NW	
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Lincoln Fonseca	217 NW	
London Fonseca	217 Ogilthorpe Street NW	
Matthew Adams	204 Quickenbox Street	
Jacqueline Snowden	210 Rockwood St NW	jacquelinesnowden@gmail.com
Shelia Dong	920 Sheridan St, NW	aguadolegmail
Jeff Swope	228 Peabody St	hs3.info@gmail.com
TARA JAMISON	223 Peabody Street NW	tara.m.jamison@gmail.com

Government of the District of Columbia Advisory Neighborhood Commission 4B



DRAFT RESOLUTION #4B-24-0906

**Supporting Request for Special Exception at 245 Peabody Street, NW
(BZA Case No. 21101)
Adopted September 23, 2024**

Advisory Neighborhood Commission 4B (Commission) takes note of the following:

- Applicant MENDOMAS LLC, on behalf of Estrellitas Montessori, requests a special exception under [Subtitle U § 203.1\(h\)](#), pursuant to [Subtitle X § 901.2](#) to operate a child development center or CDC at 245 Peabody Street, NW in Advisory Neighborhood Commission 4B.
- The Applicant proposes a new child development center serving 82 children with 20 staff at 245 Peabody Street, NW, a former church that has been unused for several years. There is no other child development center within 1,000 feet of the proposed location as prohibited by [Subtitle U § 203.1\(g\)](#).
- Daycare costs in the District of Columbia are, by some measures, the [most expensive in the nation](#). Some of this increased cost is due to a shortage of daycare availability, with [one study reporting only enough seats for 71% of the demand](#) for early child care with decreasing availability since 2018. This shortage is [causing disruptions and increasing costs](#) for parents and across the District's economy.
- Advisory Neighborhood Commission 4B has previously expressed concern about the "continuing and increasing need for quality, affordable childcare within the District of Columbia and within the Commission boundaries." [Resolution 4B-19-1108](#), Regarding BZA Case #20111 – Trinity Episcopal Church (Nov. 25, 2019).
- The Applicant in this case, Estrellitas Montessori, has a successful track record of operating a licensed daycare at 5331 Colorado Avenue, NW, in Ward 4 for many years with a capacity of 148 children.

- While some neighbors along Peabody Street, NW have expressed concerns about traffic and parking from the daycare, the District Department of Transportation's report on the proposed daycare concluded that the impact of the project will be "moderate to minor." Other neighbors have expressed support.
- The District's Office of Planning has submitted a Report finding that "the proposal meets the requirements of Subtitle U § 203.1(h) and is therefore in harmony with the general purpose and intent of the Zoning Regulations and Map."
- The Applicant has engaged in a pattern of good faith engagement with the community and the Commission beginning in January 2024. They have conducted and updated a traffic study, as well as agreed to several efforts to mitigate traffic and parking concerns.

RESOLVED:

- That Advisory Neighborhood Commission 4B expresses support for the application for a special exception at 245 Peabody Street, NW, in BZA Case No. 21101 for a child development center.
- That Advisory Neighborhood Commission 4B believes the Transportation Demand Management Plan reached collaboratively between the Applicant and the District Department of Transportation is sufficient to mitigate any traffic impacts on the neighborhood, including banning alley usage, providing parking beyond the minimum required, and providing new bike racks.
- That Advisory Neighborhood Commission 4B likewise supports the Applicant's proposed conditions, but is concerned about the proposed hours limitation that may prohibit the Applicant from providing late pick up or childcare for shift workers or emergency workers.

FURTHER RESOLVED:

That the Commission designates Commissioner Evan Yeats, ANC 4B04, Commissioner Tiffani Nichole Johnson, ANC 4B06, Commissioner Erin Palmer, ANC 4B02, Commissioner Alison Brooks, ANC4B08, Commissioner Michelle Colson, ANC 4B01, to represent the Commission in all matters relating to this Resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioners cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matter relating to this Resolution.

FURTHER RESOLVED:

That, consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of members was present) on September 23, 2024, by a vote of yes, no, abstentions.