

Dr. Toby Rogers
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09/25/2024

To: DC Board of Zoning Adjustment

**Re: Comments in opposition to BZA case # 21101
245 Peabody St NW (Square 3388, Lot 811)
Hearing date 10/02/2024**

I hereby provide written testimony in opposition to the above referenced BZA zoning adjustment application. I write in my capacity as a neighbor with primary residence within 200ft of the proposed development.

Pursuant to Zoning Regulations Subtitle U § 203.1(h), the special exception requested in the application must meet the following criterion:

“(4) More than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility may be approved only when the Board of Zoning Adjustment finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors;”

In their application, Mendomas LLC claim in response:

“Based on a review of the area using publicly available information and the GIS Map, there is not another child development center within 1,000 square feet of the Property.”

While this may have been true in January 2024, when the application was filed, it is no longer true. On September 13, 2024, DC OSSE granted a Child Development Center (CDC) license to Capital City Public Charter School, located at 100 Peabody Street NW. The license granted is for up to 84 students age 3-5+ years. I have attached a copy of the license to this email.

Capital City Public Charter School is 833ft from 245 Peabody Street. I have attached a copy of Google Maps confirming this distance is below the 1000ft threshold in the regulations.

The regulations clearly state that more than one (1) CDC... within 1000ft of another CDC... may be approved only when the BZA finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

While I understand that this new CDC license could not have been anticipated in January 2024, the reality is that the situation on the ground has changed. The traffic survey and statements of impact on the neighborhood that Mendomas LLC has submitted to the BZA are outdated and cannot be relied upon by the BZA to inform a zoning adjustment decision.

Consequently, I formally request the BZA grant a postponement of any decision regarding this application. The impact on the neighborhood of the recently granted (September 13, 2024) CDC license to Capitol City Charter School is not yet fully known. It is important for the BZA to understand that traffic on Peabody Street is already a problem in the mornings and evenings due to Capital City Charter School, requiring DDOT intervention with a permanent school crossing guard and new parking enforcement rules on Peabody Street.

Additionally, I find some of the statements from Mendomas LLC regarding the predicted traffic impact to be disingenuous. For example, they state *"It is anticipated that most if not all children served will arrive on foot, as the school is intended to serve the local community."* And yet, they also claim that this new CDC is to replace an existing CDC currently located 0.9miles away (117 Elm Ave, Takoma Park, MD 20912). It is completely unrealistic that most of their existing clients will walk two miles round-trip every morning and evening to this new location. Instead, it is much more likely that most of their clients will drive.

The requested postponement should allow the applicant to specifically address why their proposal for a CDC within 1000ft of another licensed CDC will not have an adverse impact on this residential neighborhood due to traffic, noise, operations, or other similar factors.

Thank you for considering my request.

Best wishes

A handwritten signature in black ink, appearing to read 'Dr. Toby Rogers', with a stylized, flowing script.

Dr Toby Rogers

Facility Details

Name	Capital City Public Charter School
Address	100 Peabody Street, NW , DC 20011
Facility Type	CDC (Child Development Center)
Contact	Steve LeBoo
Phone	(202) 808-9800
Email	sleboo@ccpcs.org
Website	Not Available

Facility Hours

Monday	07:30 AM-06:00 PM
Tuesday	07:30 AM-06:00 PM
Wednesday	07:30 AM-06:00 PM
Thursday	07:30 AM-06:00 PM
Friday	07:30 AM-06:00 PM
Saturday	Closed
Sunday	Closed

Accreditation

None	
Accepts Vouchers	Languages Spoken
No	English
Ages Served	Facility Capacity
3 - 5+ years	84 Children

License Information

License Type	Full License
A full license is issued when an applicant has demonstrated substantial compliance with the child development facilities regulations.	
Current License Begin Date	Sep 13, 2024
Current License Expiration Date	Sep 30, 2027
Current License Issuance Date	Sep 13, 2024

Substantiated Complaints

Substantiated Complaint: a grievance made by an individual or agency that has been investigated by OSSE or another government agency and proven to be true. Only complaints substantiated after 09/30/2017 will be posted on the website and maintained for a period of three years.

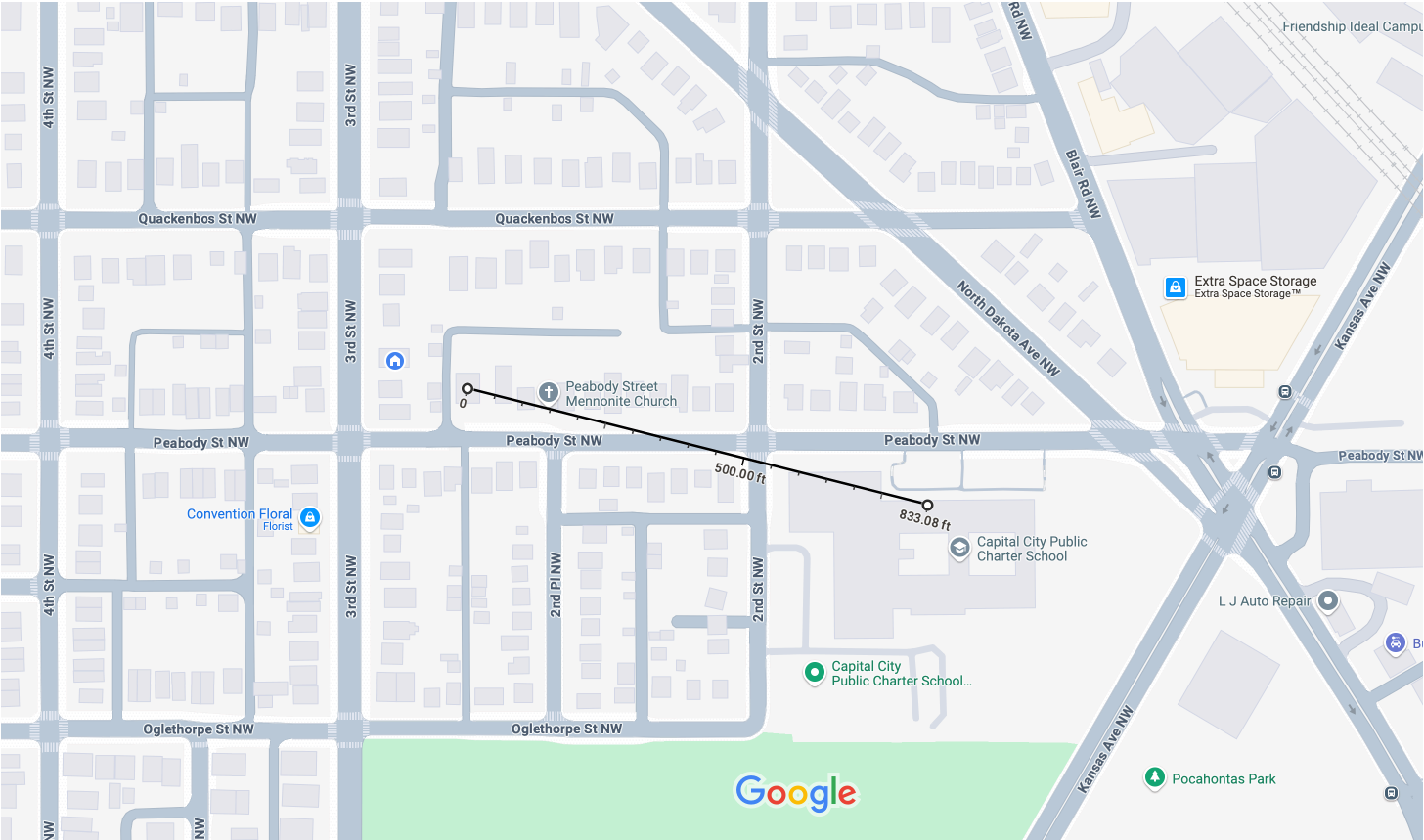
Complaint Date	Allegation Type	Deficiency Code	Resolution Date
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Inspection Reports

Initial Inspection – Inspection completed for a new applicant for child care licensure.

Annual and Renewal Inspection Report – Inspections conducted at a licensed child care facility.

Inspection Date	Inspection Type
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Map data ©2024 Google 100 ft

Measure distance
Total distance: 833.08 ft (253.92 m)