

September 26, 2024

Submitted to the Board of Zoning Adjustment via IZIS

Re: Letter in Opposition concerning BZA Case No. 21101 (245 Peabody Street NW)

Dear D.C. Board of Zoning Adjustment:

My name is Safa Ansari-Bayegan and I own the property at 6001 3rd Street NW, which is next door to 245 Peabody Street NW, separated by a public alleyway. I oppose the application submitted by Mendomas LLC to the D.C. Board of Zoning Adjustment (“BZA”) for a special exception under Subtitles X, § 901.2 and U, § 203.1(h) of the Zoning Regulations to use the property as a Child Development Center (“CDC”). The BZA has discretion to determine whether the proposed exception satisfies the relevant zoning requirements, and here, the Applicant does not meet the conditions for daytime care use. I urge the BZA to carefully consider the objectionable traffic conditions and safety hazards that would flow from the approval of this project and take into account the material lack of information in the record regarding the cumulative impact of the existence of another CDC within 1,000 ft. of 245 Peabody Street NW.

- 1) This facility, projected to serve 80 students and employ 20 staff members will create objectionable traffic conditions and unsafe conditions for picking up and dropping off young children daily. These concerns are significant and should not be dismissed by incomplete and inaccurate traffic study submissions.

The initial and updated traffic statements provided by the Applicant do not begin to adequately address existing traffic conditions and make a number of significant assumptions about the anticipated additional traffic the project will generate.

As an initial matter, much of the content of the traffic study is based on observations of the Applicant’s other location at 5331 Colorado Avenue NW, which is not analogous for a number of reasons including the size of Colorado Avenue (a two-way marked street with bike lanes). The Applicant repeatedly relies on the representation that most families enrolling their students in this school will walk on foot (“it is anticipated that most if not all children served will arrive on foot” per the initial statement), however this hardly rings true. Indeed, on numerous occasions, the Applicant has referenced the existing waitlist at its other location and its intent to close their Takoma Park, MD location (at 117 Elm Avenue, Takoma Park, MD 20912), presumably once operations are running on Peabody Street. These cannot both be true.

Additionally, careful study of the data and methodologies employed in these traffic statements reveal that these are outcome-driven documents and do not reflect the reality of what a day care facility of this size would mean for congestion on Peabody at peak pick-up and drop off-times, not to mention unsafe traffic conditions in an area that is already heavily trafficked due to the Capital City Public Charter School (“CCPCS”) operations on Peabody. For example, in the initial traffic study submission, Table 3 it appears that the numbers are simply incorrect. If there are 80 students, and they are estimating that 60% will arrive by car (notwithstanding prior representations that most, if not all will arrive on foot), that is 48 students arriving by car, and even if there are 1.6 students per car, that is still 30 car trips just for students. If there are 20 staff

members, and 72% will arrive by car, that is an additional 14 trips, for a total of 44 inbound car trips during peak AM hours, which is well over the threshold of 25 trips in one direction. The studies submitted by the Applicant must be carefully scrutinized by this Board, as they are not a sound basis to approve a project of such magnitude in a residential area that is already experiencing heavy traffic.

As a resident who uses Peabody Street daily, I can attest to the fact that the street is simply not wide enough to absorb the additional traffic that the project would actually cause and unsafe road conditions for both cars and pedestrians alike would surely be the result. Not only does this create concern for our ability to get to and from work each day, but also the safety impact on children who are being dropped off in such circumstances, as well as for other children in the neighborhood who already commute to CCPCS by foot.

- 2) The current submissions pending before the Board fail to account for the newly licensed CDC less than 1,000 ft from this proposed project and thus the exception sought cannot be granted on the current record.

As of September 13, 2024, the CCPCS located on Peabody Street NW, less than 1,000 ft from this proposed project, has received licensing as a CDC with facility capacity of 84 children (*see* Exhibit A). The Applicant's project "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" (emphasis added). The BZA cannot make such a finding on this record. The Applicant's initial statement predates this development, as does both the original traffic study and its subsequent traffic statement. In other words, none of the submissions by the Applicant address the existence of this CDC within 1,000 ft of the proposed project, and the record is devoid of any information regarding the cumulative effect of this development. As such, at minimum, a postponement is necessary for an assessment of the cumulative effect to be conducted.

For these reasons, I ask that the BZA to find that the Applicant does not meet the requirements for special exception relief, and in the alternative that the Board issue a postponement in order to ensure that the Applicant accounts for recent developments that further underscore that the scope of this project will have an adverse impact on the neighborhood and create unsafe conditions for the young persons it seeks to serve.

Thank you for your time and consideration.


Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Safa Ansari-Bayegan', with a horizontal line extending to the right.

Safa Ansari-Bayegan

sansaribayegan@gmail.com

Exhibit A – CCPCS Licensing



Child Development Facility Profile

District of Columbia Office of the
State Superintendent of Education



Facility Details		Facility Hours		Accreditation									
Name	Capital City Public Charter School	Monday	07:30 AM-06:00 PM	None									
Address	100 Peabody Street, NW , DC 20011	Tuesday	07:30 AM-06:00 PM										
Facility Type	CDC (Child Development Center)	Wednesday	07:30 AM-06:00 PM	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #f2f2f2;"> <th>Accepts Vouchers</th> <th>Languages Spoken</th> </tr> </thead> <tbody> <tr> <td>No</td> <td>English</td> </tr> </tbody> </table> </div> <div style="width: 45%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #f2f2f2;"> <th>Ages Served</th> <th>Facility Capacity</th> </tr> </thead> <tbody> <tr> <td>3 - 5+ years</td> <td>84 Children</td> </tr> </tbody> </table> </div> </div>		Accepts Vouchers	Languages Spoken	No	English	Ages Served	Facility Capacity	3 - 5+ years	84 Children
Accepts Vouchers	Languages Spoken												
No	English												
Ages Served	Facility Capacity												
3 - 5+ years	84 Children												
Contact	Steve LeBoo	Thursday	07:30 AM-06:00 PM										
Phone	(202) 808-9800	Friday	07:30 AM-06:00 PM										
Email	sleboo@ccpcs.org	Saturday	Closed										
Website	Not Available	Sunday	Closed										

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

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