

September 27, 2024

Michael Cohen
248 Quackenbos St., NW
Washington, DC 20011

Board of Zoning Adjustment
441 4TH Street, NW
Suite 200/210-S
Washington, DC 20001

Re: Comments on BZA Case 21101 by ANC Commissioner, SMD 4B07

Dear Chairperson Hill and Members of the Board of Zoning Adjustment:

My name is Michael Cohen and I am the Advisory Neighborhood Commissioner (ANC) for Single Member District 4B07. This project, BZA Case #21101, as proposed by MENDOMAS LLC (the “Applicant”) at 245 Peabody Street Northwest (the “Property”) is located in Single Member District 4B07. I am writing this letter to the Board of Zoning Adjustment on my own accord, the views represented here are my own, and they do not reflect the views of Advisory Neighborhood Commission 4B (the “Commission”).

For the past nine months, in my role as ANC for SMD 4B07, I have engaged with both neighbors and the Applicant to attempt to identify a solution that satisfies the concerns regarding this project. I have facilitated in-person meetings, virtual meetings, and a dialog between neighbors and the Applicant to try and reach a compromise that would be acceptable to those who are involved. I have informed the community of project updates by posting notices and letters on my [website](#), holding regular Single Member District meetings, and including pertinent information about the project in my monthly newsletter. I subsequently drafted a resolution containing *conditional support* for the project, which I introduced to the Commission on September 23, 2024. Unfortunately, other ANCs on the Commission replaced my resolution with their own resolution that provided this project *full, unconditional support* (Resolution #4B-24-0906). Resolution #4B-24-0906 is ultimately what the Commission passed and it is the resolution that you see before you today.

I continue to have several concerns regarding this project and Resolution #4B-24-0906:

First, I believe that the Commission has materially misrepresented that the Applicant is in compliance with [Subtitle U § 203.1\(g\)](#). Section 203.1(g) of Subtitle U states that:

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.

Although Resolution #4B-24-0906 was approved by the Commission on September 23, 2024, the ANCs who drafted, introduced, and subsequently voted in favor of it failed to acknowledge that another licensed Child Development Center (CDC) by the name of Capital City Public Charter School (CCPCS) is located only one block away at 100 Peabody St., NW and is less than 1,000 feet from the Property. The edge of the Property measured to the edge of CCPCS' property is a mere 520 feet (Exhibit A) and when measured door to door, is approximately 800 feet (Exhibit B). In fact, not only did Resolution #4B-24-0906 fail to acknowledge another CDC in close proximity to the Property, it (incorrectly) took note that:

*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).** (emphasis added).*

While the presence of CCPCS being within 1,000 feet of the Property has always been a significant concern, the recent change in circumstances – specifically the issuance of a CDC license to CCPCS in September 2024 – now directly affects compliance with Section 203.1(g) of Subtitle U. The Applicant was fortunate that, at the time of their application in January 2024, CCPCS had not yet obtained a CDC license. However, the primary issue has always been that there are concerns related to the cumulative impact of having two large, similar facilities within such close proximity to one another. The fact that CCPCS now holds a CDC license simply reinforces the need for the BZA to consider these regulations carefully and with increased scrutiny. I remain concerned that if the BZA were to approve this application under the current circumstances, and with the 82 students and 20 staff requested by the Applicant, this would exacerbate existing concerns related to traffic, safety, and community resources. I urge the BZA to consider current conditions as it relates to CDC licensure during the upcoming hearing, even if those conditions technically did not exist at the time of the application.

Furthermore, it is important to note that [both CCPCS and the Property are located on a street that DDOT has classified as a 'local road'](#). *The primary role of a local road is to provide access to adjacent land uses, with ideally a very limited role in terms of traffic mobility.* (See page 2-2, [DDOT Public Realm Design Manual](#)). Having two CDCs less than 1,000 feet of one another on this type of road poses the risk of making a bad traffic situation even worse. This concern is particularly relevant because CCPCS operations have already caused significant traffic problems on and around the 100 and 200 block of Peabody St., NW and surrounding streets (See [Resolution #4B-23-0603](#)). Neighbors who live on the 100 and 200 blocks of Peabody St., NW, as well as those who live on surrounding streets such as the 6000 block of 2nd St., NW and 6000 block of North Dakota Ave., have long had to deal with problematic traffic conditions resulting from the presence of CCPCS being on a local road near a complex intersection (Peabody/North Dakota/Blair/Kansas). If you were to visit the 100 and 200 blocks of Peabody St., NW today, you would see evidence of problematic traffic conditions everywhere: LED-blinking stop signs, supplemental DDOT signage, speed humps, raised crosswalks, DDOT traffic control officers (when available), and DPW parking enforcement officers (when available). This does not include the numerous emails and calls that I

receive regularly from neighbors in this area who have been blocked in by double parking, had their alleys blocked, and had their cars damaged. Cars routinely use the 100 and 200 blocks of Peabody St., NW as both a “racetrack” and a “parking lot” to get their kids to and from school, as well as to wait for them before and after school. The removal/replacement of the local bus route (K2) by WMATA (see p. 232, [Proposed 2025 Better Bus Network Service – Route Profiles](#)), combined with the proposed addition of a new CDC with 82 students and 20 staff members, will have a considerable impact on vehicular traffic in the area. [This is why close to sixty \(60\) neighbors signed a petition opposing the project at 245 Peabody St., NW.](#)

As a result of the Commission’s failure to represent the concerns of neighbors who live closest to the Property through Resolution #4B-24-0906, additional neighbors have since applied for party status, albeit belatedly. I would argue that all of the neighbors who have filed for ‘party status’ for this case will be uniquely affected by this project and would be subject to objectionable traffic conditions if a new CDC with 82 children and 20 staff were to open at the Property. This is why I strongly urge you to consider granting ‘party status’ to these neighbors, who include: a) Mr. Brandon Jamison, b) Mr. Joshua Toll, and c) Ms. Genell Anderson, so that their concerns can be thoroughly understood and evaluated. Manor Park has a longstanding tradition of promoting inclusivity and transparency among its residents. The neighborhood is known for its active and engaged community, including both newcomers and long-time residents. I respectfully request that the Board of Zoning Adjustment uphold these values by granting ‘party status’ to these neighbors, ensuring they have the voice that is so deeply valued in Manor Park.

In summary, my concern remains that the size and capacity of this project (e.g. number of students and staff proposed) has a high potential to create problematic and objectionable traffic conditions, particularly when combined with a nearby CDC facility (CCPCS), that is already causing similar issues for residents on the 100 and 200 blocks of Peabody St., NW. I want to clarify that I am not entirely opposed to a CDC at 245 Peabody St., NW. If the Applicant were to limit the number of students and staff in a way that reduced the likelihood of adding to the existing traffic problems in the area, I would consider more robust support for this project. Furthermore, I previously expressed many of these concerns, along with a Commissioner from the neighboring Single Member District (4B06), [in a letter to the Office of Planning dated March 15, 2024.](#)

While I understand that the BZA must give “great weight” to the Commission’s position, I respectfully request that you also carefully consider the contents of this letter, the comments made by nearby neighbors, and the totality of the circumstances. I urge you to evaluate the impact this project may have on the community and the evidence presented.

Sincerely,

Michael Cohen

Michael Cohen
Advisory Neighborhood Commissioner, 4B07
4B07@anc.dc.gov

Exhibits

Exhibit A

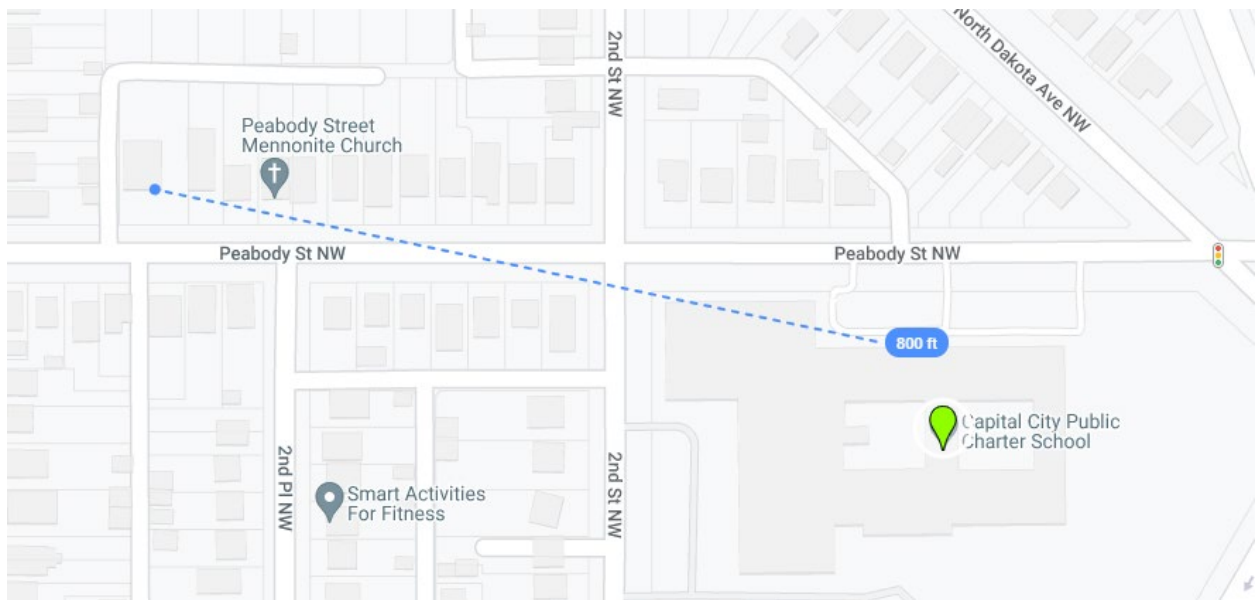


Exhibit B

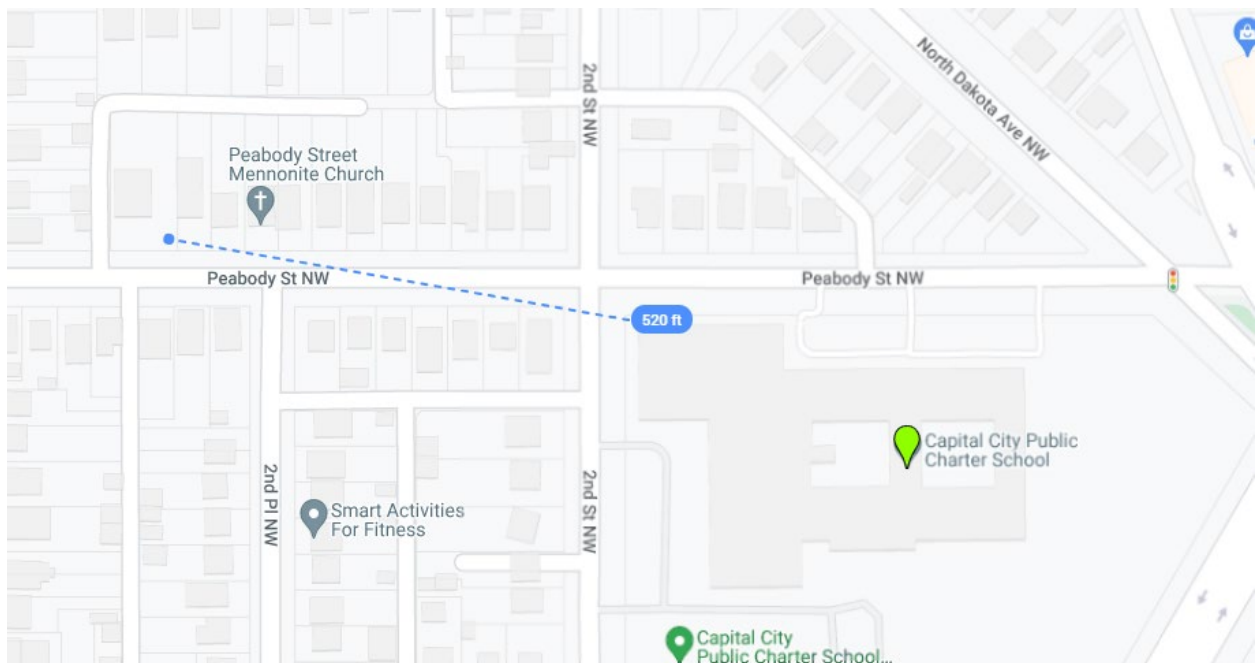


Exhibit C



DIVISION OF EARLY LEARNING LICENSE FOR CHILD DEVELOPMENT FACILITY

THE ENTITY BELOW IS LICENSED TO OPERATE A CHILD DEVELOPMENT FACILITY IN COMPLIANCE WITH 5A DCMR § 100 et seq. THIS LICENSE APPLIES ONLY TO THE NAMED LICENSEE AND FACILITY ADDRESS LISTED BELOW. THIS LICENSE IS NOT TRANSFERABLE AND SHALL NOT BE VALID FOR USE BY ANY OTHER PERSON(S) OR ENTITY(IES), OR AT ANY PLACE OTHER THAN THAT DESIGNATED IN THE LICENSE.

License Status:	CURRENT
Type of License:	INITIAL
Facility Name:	CAPITAL CITY PUBLIC CHARTER SCHOOL
Facility Address:	100 PEABODY STREET, NW WASHINGTON, DC 20011
Parent Entity/Licensee:	CAPITAL CITY PUBLIC CHARTER SCHOOL

License Number:	CDC-102950
Issue Date:	09/13/2024
Expiration Date:	09/30/2027
Type of Facility:	CENTER
Type of Care:	OUT-OF-SCHOOL-TIME

Facility Operation Information	
Months	ALL YEAR (JANUARY - DECEMBER)
Days	MONDAY - FRIDAY
Hours	7:30 AM - 6:00 PM

Ages of Children Served	Authorized Capacity
Infants (0 Months - 12 Months)	
Toddlers (12 Months - 36 Months)	
Preschoolers (36 Months - 5 Years)	24
School Age (5 Years - 15 Years)	60
Total Authorized Capacity	84

Limitations on Services:
CHILDREN THREE (3) YEARS THROUGH THIRTEEN (13) YEARS OF AGE.

THE LAW REQUIRES THIS LICENSE AND LICENSE LETTER TO BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

Sara Mead

Sara Mead
Deputy Superintendent of Early Learning