

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review

DATE: November 6, 2024

SUBJECT: OP Supplemental Report - BZA Case 21101 –Daytime Care (Child Development Center) at 245 Peabody Street, NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) continues to recommend **approval** of the requested special exception under Subtitle U § 203.1(h), pursuant to Subtitle X § 901.2 subject to any conditions recommended by the Department of Transportation (DDOT) and those proffered by the Applicant.

II. BZA REQUEST

At its public hearing on October 2, 2024, the BZA requested the Office of Planning (“OP”) provide a supplemental report addressing whether the charter school is a Child Development Center and triggers the 1,000 ft. provision of Subtitle U §204.1(h)(4).

OP contacted the Office of the State Superintendent of Schools (“OSSE”) to ascertain if they had issued a license to allow a Child development Center (“CDC”) at 100 Peabody Street. NW. OSSE provided a copy of a license that was issued on September 13, 2024, a week prior to the filing of the OP Report September 20, 2024 (Exhibit 26).

The license was granted to the Capitol City Public Charter School (“School”) with a capacity for 84 children total and would operate between 7:30 am and 6:00 pm. The service would provide pre- and after-school care to children attending the school.

OP also contacted the Department of Buildings (DOB) and received a copy of the Certificate of Occupancy (“C of O”), Attachment 2, effective January 7, 2019. The conditions of the C of O states:

APPROVED FOR PUBLIC CHARTER SCHOOL, 1000 STUDENTS AGES 3 TO 18,
FROM EARLY CHILDHOOD TO 12TH GRADE, 220 FACULTY/STAFF, 77 SURFACE
PARKING SPACES AND ACCESSORY REHEAT KITCHEN WITH 500 SEAT
AUDITORIUM.

The C of O does not mention a CDC, and DOB noted that there are no pending applications for a CDC at this time. Applicant findings (Exhibit 57) and information obtained from the school’s website indicated that a CDC, EagleCare, has been in operation for 12 years as part of the school operations. The school applied for the CDC license so that parents who qualified could obtain vouchers for tuition. The applicant for this case also confirmed with EagleCare that their program is only for students of the School.

In summary, the CDC has been in operation for some time, and is located within 1,000 feet of the proposed CDC at 245 Peabody Street, NW. OP, in consultation with DDOT, advised the Applicant

that they should provide updated information on traffic, drop-off and pick-ups, and parking when both CDCs are in operation in the mornings and evenings. DDOT has provided a Supplemental Report to the record at [Exhibit 58](#), describing their discussions with the applicant and indicating continued support for the application, subject to the agreed upon revised TDM Plan at [Exhibit 57E](#).

III. OFFICE OF PLANNING SUPPLEMENTED ANALYSIS

The amended analysis below includes the CDC operations at Capitol City Public Charter School. See also the initial OP Report at [Exhibit 26](#).

Subtitle U § 203.1(h) – Daytime Care

(h) Daytime care uses subject to the following conditions:

- (1) 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;*

The hours of operation would be 7:00 a.m. to 6:00 p.m., Monday through Friday, serving up to 80 children and up to 20 staff persons. At [Exhibit 25A](#), page 3, Table 2, the Applicant provides a projection of the number of students and staff who would arrive by car, walk, bike and transit. It shows that a majority of the students and teachers, approximately 60% and 72% respectively, would arrive by car and would be escorted to the building by a parent. Some children and teachers would also arrive by walking/biking, approximately 36% of the children and 20% of the teachers.

The applicant's Supplemental Transportation Memo at [Exhibit 57E](#) summarizes their additional analysis following additional observations, which demonstrated that there are on-street parking spaces for the projected pick-up and drop-off demand.

The applicant is not proposing to expand on-site parking, as this would result in a reduction in the size of the building or a loss of necessary play and open space on the lot. At [Exhibit 57 A](#) are new and revised conditions, intended to mitigate or minimize any potential impacts of the facility. This includes an extensive set of TDM conditions, which were worked out with DDOT.

As noted in the original OP Report, for safety and to avoid objectionable traffic conditions along the alleys, pick-ups and drop-offs to the proposed facility would be not be allowed along the alley at any time except for special needs children who would be given special permission. The Applicant states that it would be enforced this policy through penalties to include warning and then possible expulsion from the CDC if the behavior persists.

With the implementation of these recommendations the pick-up and drop-off of children should not create any objectionable traffic conditions.

- (2) Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;*

No change is proposed to be made to providing a play area on site, and the children would also be taken off-site on walks in the neighborhood. The off-site walking trips would be staggered and adequately staffed.

- (3) *The Board of Zoning Adjustment may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties; and*

OP continues to not identify a need for any additional special treatment. However, the Applicant has proffered to consult with Casey Trees to add more trees to the property, which OP would support.

- (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;*

Capitol City Public Charter School, located at 100 Peabody Street, NW and is approximately 548 feet west of the subject property has recently obtained a license to operate a child development center from 7:30 am to 6:00 pm, although the existing use has been in place for many years. The school serves over 1,000 students from pre-kindergarten to 12th grade and has a capacity to house 84 children in before and after school care.

Traffic

The Applicant states that their Transportation Statement considered and included the 1,000 students at the Capitol City Public Charter, which would include students who attend the before and after care CDC. The School's CDC hours are similar to those of the proposed CDC, from 7:30 am to 6:00 pm. Pick-ups and drop-offs for the charter school occurs directly in front of the school along Peabody Street between 2nd and Blair Streets and does not extend close to the proposed CDC.

The impacts of the proposed CDC would be mitigated through the institution of a number of tangible actions such as having an assigned drop off and pick-up area in front of the property along Peabody Street; prohibiting parking and pick-ups and drop-offs along the alley; prohibiting staff from parking along Peabody Street; having a designated staff person in-front the CDC during peak pick-up and drop-off times to monitor traffic flow and prevent congestion; encourage the use of other transportation options to reduce vehicular trips to the site; and other actions proposed in the Transportation Demand Management Plan. The Applicant has also offered to continue to work with the ANC, the community and the charter school to address some of the existing traffic problems resulting from the charter school.

The CDC would require five parking spaces which would be provided at the rear of the building and accessed from the alley. At the public hearing it was suggested that additional spaces could be provided on site. DDOT has recommended against providing additional parking spaces on the property which would take space away from the play area. The Applicant states that in addition to these spaces, there would also be an adequate number of vacant on-street parking which staff can utilize. Although not required, the Applicant proposes to provide four bicycle spaces at the front of the building and one space inside the building. DDOT is also recommending the additional TDM measures be implemented to encourage teachers and staff to use alternate modes of transportation and reduce traffic to the site.

Noise and Operations

The operations of the CDC would be limited to five days per week between the hours of 7:00 a.m. and 6:00 p.m. The operations would be mostly indoors with limited outdoor play time and so would not be expected to generate noise to affect the adjacent neighbors or the wider community. The Application has provided a fence around a portion of the building to provide security but would also help to buffer noise during play time. Due to the distance between the facilities, it is not expected that the noise generated by the School's CDC would combine with that of the proposed CDC to cause excessive noise within the neighborhood.

General Special Exception requirements of Subtitle X, Chapter 901.1

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The R Districts are generally intended for low density residential and supporting, compatible non-residential uses. As demonstrated above, the proposal meets the requirements of the Subtitle U § 203.1(h) and is therefore in harmony with the general purpose and intent of the Zoning Regulations and Map.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed CDC is proposing measures and conditions to mitigate any adverse impacts on traffic due to pick-up and drop-off operations in conjunction with that of the CDC at the Capitol City Public Charter School. Fencing that would minimise noise and provide privacy to adjacent properties, limited hours of operations, and trash storage within an enclosed area and collected a minimum of once per week would all further mitigate potential impacts. Therefore, the proposed CDC should not unduly adversely affect the use of the neighboring properties.

ATTACHMENTS

Attachment 1 – License for Child Development Facility
Attachment 2 – Certificate of Occupancy

Attachment 1 – License for Child Development Facility



DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

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

Attachment 2 – Certificate of Occupancy

Government of the District of Columbia
Department of Consumer and Regulatory Affairs
 1100 4th Street SW
 Washington DC 20024
 (202) 442 - 4400
dcra.dc.gov





CERTIFICATE OF OCCUPANCY



PERMIT NO. CO1900412

Issued Date: 01/07/2019

Address: 100 PEABODY ST NW	Zone: R-1-B	Ward: 4	Square: 3381	Suffix:	Lot: 0812
Description of Occupancy: PUBLIC CHARTER SCHOOL, 1000 STUDENTS AGES 3 TO 18, FROM EARLY CHILDHOOD TO 12TH GRADE, 220 FACULTY/STAFF, 77 SURFACE PARKING SPACES AND ACCESSORY REHEAT KITCHEN WITH 500 SEAT THEATER.					
Permission Is Hereby Granted To: CAPITOL CITY PUBLIC CHARTER SCHOOL	Trading As: N/A	Floor(s) Occupied 1ST THRU 3RD	Occupant Load: 1720 No. of Seats		
Property Owner: DISTRICT OF COLUMBIA	Address: SUITE 307 1350 PENNSYLVANIA AVE NW WASHINGTON, DC 20004-3003	BZA/PUD Number:	Occupied Sq. Footage: 168000 PERMIT FEE: \$651.64		
Building Permit Number (if applicable)	Type of Application: Load Change	Approved Building Code Use Public Theater - A-1: Approved Zoning Code Use Approved Zoning General Use Education Public			
<p>Conditions/ Restrictions:</p> <p>APPROVED FOR PUBLIC CHARTER SCHOOL, 1000 STUDENTS AGES 3 TO 18, FROM EARLY CHILDHOOD TO 12TH GRADE, 220 FACULTY/STAFF, 77 SURFACE PARKING SPACES AND ACCESSORY REHEAT KITCHEN WITH 500 SEAT AUDITORIUM.</p> <p>THIS CERTIFICATE MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS MAIN ENTRANCE, EXCEPT PLACES OF RELIGIOUS ASSEMBLY. Use complies w DCMR Title 11 (Zoning) and Title 12 (Construction).</p> <p>As a condition precedent to the issuance of this Certificate, the owner agrees to conform with all conditions set forth herein, and to maintain the use authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all spaces whose use is authorized by this Certificate and to require any changes which may be necessary to ensure compliance with all the applicable regulations of the District of Columbia.</p>					
Interim Director: Ernest Chrappah	Permit Clerk: Gwendolyn Owens		Expiration Date:		
<p>1/7/2019</p> <p>TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639</p>					