

DATE: June 28, 2023

TO: Tony LaColla, Division Chief
Department of Planning and Zoning

FROM: Mavis Stanfield, Urban Planner, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00046
Administrative Review for a New Use
Site Use: Child or Elder Care Home
Applicant: Alexia Acho
Location: 121 E. Maple Street
Zone: R-2-5/Single and two-family zone

Request

Special Use Permit #2023-00046 is a request to operate a childcare home at 121 E. Maple Street. The applicant would care for up to nine children from the ages of three months to five years. The proposed hours of operation are 7:30 a.m. to 5:30 p.m., Monday through Friday. There will be a total of three caretakers, the applicant and two employees. The drop off window would occur between 7:30 a.m. to 9 a.m. and the pick-up window would occur between 4 p.m. to 5:30 p.m. The fenced rear yard has an area of approximately 2,200 square feet of area. The clients would park in the driveway and walk their child(ren) to the front door.

Background

The subject property is a two-family home located on a 3,163 square foot parcel. The site is surrounded by two family and single-family homes to the west, south and north, and townhouses to the south and west.

The property has no history of zoning violations.

Parking

The Zoning Ordinance does not require childcare operations in residences to provide additional parking beyond the residential requirement. It is noted that the applicant has two parking spaces in the driveway of her house that will be utilized during the day for drop off and pick-up of children. The driveway is approximately 55 feet in length and therefore can accommodate two vehicles parked in tandem.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, Rosemont Citizens Association was notified by email. Staff has not received any comments.

Staff Action

Staff supports the applicant’s request to operate a childcare home for up to nine children under the age of 12. The applicant’s proposed childcare operation would fulfill a need for additional childcare options in the City. The use is not expected to produce adverse neighborhood impacts since the operation proposed is relatively small. The property would remain primarily residential. The maximum number of children in the applicant’s care, including resident children under the age of 12, would be limited to nine as stipulated in Condition #3. The driveway must be reserved for parents’ use during drop off and pick-up to maintain the orderly transfer of children, as noted in Condition #6. During these times, the applicant shall park on the street where residents are permitted to park beyond two hours.

It is noted that at the time the first inspection was conducted by staff from Department of Community and Human Services (DCHS) on June 7, 2023, there were missing items needed to be completed by the applicant for approval by their department. A follow-up inspection on June 14, 2023, by DCHS staff established that the missing items had been addressed and they recommended approval of the application.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: June 28, 2023

Action: Approved

 ADH
Tony LaColla, Division Chief

-
- Attachments: 1) Special Use Permit Conditions
3) Department Comments
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2023-00046

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the childcare home shall be limited to between 7:30 a.m. and 5:30 p.m., Monday through Friday. (P&Z)
3. The maximum number of children, including any resident children under the age of 12, that may be cared for in the home at any one time shall be nine. (P&Z)
4. The applicant shall maintain all required licenses for operation as a childcare home. (P&Z)
5. The applicant shall maintain 75 square feet of fenced outdoor play space in the rear yard for each child over age two. (P&Z)
6. Vehicles associated with drop off and pick-up shall park in the driveway of the applicant's property. Staggered arrival and departure times shall be scheduled to ensure that all drop off and pick-up occurs on the property. The applicant's private vehicle shall be parked on the street during the hours of drop off and pick-up. (P&Z)
7. The applicant shall require its employees who drive to work to use off-street parking spaces. (T&ES)
8. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
9. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. The business shall contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES).
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least once a day and at the close of business, and more often, if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

11. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed.
(P&Z)

CITY DEPARTMENT COMMENTS

Legend C – code requirement R – recommendation S – suggestion F – finding

Transportation & Environmental Services

- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-4 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least once a day and at the close of business, and more often, if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

City Code Requirements

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Summary of the code requirements:

- VRC: less than 5 per VCC sec. 310.6, or

Comply with VCC Section 313.3 - Family Day homes registered or licensed by the Virginia Department of Social Services (VDSS) shall be classified as Group R-2, R-3 or R-5.

VDSS requirements: "Family Day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered.

- City Code: Less than 9, no children's age limit

Summary:

1. If family day homes registered or licensed by the Virginia Department of Social Services (VDSS) shall be classified as Group R-2, R-3, or R-5. – 9 children, no age limit.
2. If the daycare is not registered or licensed in VDSS, not more than 5 children are cared, the use is still R-5.
3. If the day care is not registered or licensed in VDSS, more than 5 children are cared, less than 9 children. There are 3 cases:
 - a. **Per VCC sec. 305.2 Group E, day care facilities.**

This group includes buildings and structures or portions thereof occupied by more than five children older than 2¹/₂ years of age (less than 9) who receive educational, supervision or personal care services for fewer than 24 hours per day. – Sprinkler is required if
The Group E fire area is located on a floor other than a level of exit discharge serving such occupancies.
 - b. **Per VCC 308.5.1 Classification as Group E.**

A child day care facility that provides care for more than five (less than 9) children $\geq 2\frac{1}{2}$ years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these childcare rooms has an exit door directly to the exterior, shall be classified as Group E. – No sprinkler system required per VCC 903.2.3.
 - c. **If the condition "a" is not meet, the day care will be classified as I-4 use**

Fire Department

- C-1 Applicant shall submit a fire prevention permit application that will result in an inspection by the Fire Marshal's office. Application can be accessed online at: www.alexandriava.gov/fire-department/the-fire-marshals-office

Health Department

No comments received.

Police Department

No comments received.

Recreation, Parks, and Cultural Activities

No comments received.

Department of Community and Human Services, Early Childhood Division

June 7th & 14th, 2023

Application for Special Use Permit #2023-00046

Address: 121 E. Maple Street
Alexandria, VA 22301

Ms. Alexia Acho is a 24-year-old woman from Peru. She reports having 3 years work experience as a Nanny prior to applying for her State License. The applicant is currently employed as an assistant for the operations of another Alexandria City State Licensed Childcare Home owned by Mr. Marco Quino.

Site visits were conducted on two dates, 6/07/2023 and on 6/14/2023. The site visit conducted on 6/14/2023 was a follow up on missing items needed to be completed by applicant for approval of a Family Day Home at this address. This dwelling is a three-level town house with three bedrooms, one half-bathroom and one full bathroom. The three bedrooms are located on the top level of the home. The top level of the home and the basement level to be included will not be utilized at all for childcare services. The entrance of the home is located on the middle level, which offers access to a living room and dining area, full kitchen, and half bath.

Ms. Acho's main child-care area is set up on the middle level in a space connected living and dining room. This space is excellent to use as the main functioning area because it is relatively large, which allows children to navigate safely and offers plenty of natural outdoor lighting from the windows. The kitchen area has a back door that leads out to a large, fenced in yard and offers a safe space for children to play. The half-bathroom on the middle level is located very near to the basement door. The basement door will be kept closed and locked to keep children from accessing it during business hours. The restroom is easily accessible to the main child-care area and will be utilized for toileting and hand washing purposes. There is a staircase on the middle level that leads to the upstairs of the home. It is equipped with a safety gate that serves as a barrier to prevent children from climbing the stairs. The kitchen also has a protective barrier safety gate to prevent children from accessing the area.

Ms. Acho has decorated the play area with an educational theme that is bright and

colorful. There is a play table that will be utilized for eating and creative activities. The walls are decorated with various posters that promote learning, such as ABC's, 123's and days of the week. The set up offers a variety of activities that promote learning and creativity for all ages in care. Play items are easily accessible at children's eye level. The hard wood floors are padded by colorful foam play mats that exhibit numbers and the alphabet. The main space on the living room side has very minimal furnishings and makes a great space for napping purposes. Ms. Acho has 3 sleep mats and is awaiting the arrival of an order with more. The home *is not* equipped with a crib. Applicant was made aware that it is against City and State Regulations to provide care to crib aged children without the proper sleep equipment. The changing table for diapering has the proper covering and is in the main area away from the food preparation space. Children's personal belongings are stored in a designated cubby space that will be assigned per child. Ms. Acho does not currently have any children enrolled.

The home was found clean, free of clutter and meets health and safety standards. The kitchen is safeguarded by a gate, doors have safety knob covers, and sockets in all areas of the main child-care space are covered. The bathroom does not have any items stored that are hazardous, only the necessary items for hand washing and toileting are present. The main area offers 2 exits in the event of the need to evacuate during an emergency. Fire evacuation plan and an emergency preparedness plan is in place. All smoke alarms and carbon monoxide detectors are in working order and are checked yearly by the State Licensing Inspector. The fire extinguisher is in proper working order. First Aid Kit is fully stocked. Ms. Acho follows the proper protocol and standards for cleaning and use of supplies as it pertains to state and city requirements and COVID-19. Home has an operating land line phone, with a hard-wired phone accessible during emergencies. The provider also has a battery-operated radio and an emergency back packed equipped with the proper items in the event of an evacuation. The door that leads to a fenced-in backyard is clean and safe. The yard has safe playground equipment. The entire home and space for childcare purposes was found to be well kept, clean and organized with sufficient space to care for up to 7, but no more than 9 children with 2 assistants, and no more than 4 infants (Infant Care *is not* allowed without the proper sleep equipment per infant).

Ms. Acho's operational hours are M-F 7:30 am to 5:30 pm. Her program offers services to children aged 1 to 5 years old. The provider is in the process of hiring 2 assistants to aid in her child-care business. Assistants must adhere to all required City and State Background Checks, Health & Safety requirements for TB, First Aid and CPR certifications. Applicant must update the assigned State Licensing Inspector of any changes in the household and assistants hired.

F-1: Approval recommended for Ms. Alexia Acho's special use permit to allow care for up to (7- 9) non-resident children, pending compliance with other departments recommendations and subject to licensing, registration requirements and other limitations of local and state regulations. Applicant does not have any residential children under the age of 12, which would lower the capacity. Ms. Acho must maintain an assistant for the number of children and ages she plans to provide care for and is required to do so as well if accepting infants and is aware that no more than 4 infants are allowed.

Natalia L. Spinner, Family Services Specialist, Early Childhood Division
Department of Community and Human Services
Natalia.spinner@alexandriava.gov 703.746.5938

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00046. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the childcare home at 121 E. Maple Street.

Alexia Adho
Applicant - Signature

06/29/2023
Date

Alexia Adho
Applicant – Printed

06/29/2023
Date