

DATE: December 2, 2022

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 #2022-00095
Administrative Review for a New Use
Site Use: Child or Elder Care Home
Applicant: Anila Naz
Location: 5612 Harding Avenue
Zone: RB/Townhouse Zone

Request

Special Use Permit #2022-00095 is a request to operate a child care home at 5612 Harding Avenue. 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 5:00 p.m., Monday through Friday. There will be a total of two caretakers, the applicant and her daughter-in-law. The drop-off window would occur between 7:30 a.m. to 9:30 a.m. and the pick-up window would occur between 4 p.m. to 5:00 p.m. The rear yard is fenced, landscaped and has an area of approximately 920 square feet. The clients would park on the street in the two assigned parking spots on Harding Avenue and walk their child(ren) to the front door.

Background

The subject property is a townhome located on a 2,237 square foot parcel. The site is surrounded by other townhomes to the north, east and south and by an apartment complex to the west. Properties located beyond the immediate surroundings of the application property include the Dora Kelley Nature Park to the west, the Chambliss Park to the north and the John Adams Elementary School to the east. The applicant currently operates a child care facility with an enrollment of five children.

Parking

The Zoning Ordinance does not require child care operations in residences to provide additional parking beyond the residential requirement. It is noted that the applicant has two assigned parking spaces in front of her house that will be utilized during the day for drop-off and pick-up of children. Members of Ms. Naz's household will park on the street in unassigned parking spaces during the day, when drop-off and pick-up of children occur.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard

on the site. In addition, Seminary West Civic Association was notified by email. Staff has not received any comments.

Staff Action

Staff supports the applicant's request to operate a child care home for between six and nine children. The applicant's proposed child care operation would fulfill a need for additional child care options in the City. With the imposition of conditions, the use is not expected to produce adverse neighborhood impacts since the operation proposed is relatively small and it is the expansion of an existing child care. The property would remain primarily residential. The maximum number of children in the applicant's care would be limited to nine as stipulated in Condition #3. Staff believes that with the imposition of conditions, such as prohibiting double-parking on Harding Avenue and a separate condition to stagger arrival and departure times of children, the child care use can be regulated for the benefit of the community.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: December 2, 2022

Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2022-00095

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 child care home shall be limited to between 7:30 a.m. and 5:00 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 child care 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. The applicant shall apply to the Department of Recreation, Parks, and Cultural Activities for any use of public parks to establish a schedule of use. (P&Z)
7. The applicant shall ensure that no vehicles double park on Harding Avenue for pick-up or drop off-by staggering the arrival and departure times of children. (P&Z)
8. Vehicles associated with drop-off and pick-up shall be parked in the two assigned spaces located in the front of the property along Harding Avenue. (P&Z)
9. Vehicles associated with drop off and pick-up shall be permitted to idle for no more than 10 minutes when parked. (P&Z)
10. The applicant shall require its employees who drive to work to use off-street parking spaces. (T&ES).
11. 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)
12. 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).

13. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
14. 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)
15. 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 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)
- R-2 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-3 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-4 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 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)

Code Department

- 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)

Fire Department

- C-1 A fire inspection is required for this use – State Regulated Daycare.
- F-1 Note: State License indicates capacity is 5 but application indicates 9.
- C-2 If not already installed, single station smoke alarms shall be in all bedrooms (3); one outside of bedrooms (1); on main floor (1); in utility room (1); and recreation room (1) on basement level.

Health Department

No comments received.

Police Department

No comments received.

Recreation, Parks, and Cultural Activities

The applicant shall contact RPCA if they decide to use a public park.

Department of Community and Human Services, Early Childhood Division

November 17th, 2022

Application for Special Use Permit #2022-00095
Address: 5612 Harding Avenue, VA 22311

Site visit was conducted on November 17th, 2022. This is a three-level town house with four bedrooms, three full bathrooms and one half-bath bathroom. Three bedrooms and two full bathrooms are located on the top level of the home. The other bedroom is in the basement, with a full bathroom.

The entrance of the home is located on the middle level, on the left side of the house giving access to the kitchen, the dining, and the living room area which has a sliding glass door that leads to the back porch. The half bathroom on the main level is located on the right side of the entrance of the house. The house is very clean and organized.

Ms. Anila Naz is using the basement of the home as her major child care area space. This area has a slide glass door that gives direct access to the back yard which is all fenced. The child care area is child friendly, there is plenty of educational toys. There is a small table with chairs that is used for eating and for creative activities. The walls are decorated with posters promoting learning, such as colors and numbers. The setup of the space offers a variety of activities that promote learning and creativity for all ages in care. On the floor there is a play mat for the children safety. There are 2 cribs that meet crib safety standards. There are also 4 cots that are utilized for napping. There is a changing table for diapering which has the proper covering as well.

In addition, in the child care area, there is a small kitchen, and laundry machine on the left side. There is no stove, but there is a refrigerator and a microwave. The kitchen area has a gate for safety. There is a bedroom, which is used as a napping area. The child care area has space for the children's personal belonging. During the home study there were 3 children, but Ms. Naz stated that she cares for 4 children. One child was absent. The childcare space is excellent. The restroom in the basement is used by children for toileting and hand washing purposes. On the bottom of the stairs in the basement there is a safety gate that serves as a barrier to prevent children from climbing the stairs.

The home was found clean, free of clutter and meets health and safety standards. Ms. Naz only used the basement as her major childcare area, and the area is observed to be safe. The electrical outlets are covered. The bathroom does not have any items stored that are hazardous, only the necessary items for hand washing and toileting are present.

Fire evacuation plan and an emergency preparedness plan are in place. All smoke alarms and carbon monoxide detectors are in working order and are checked yearly by Fire and Code Enforcement. Fire extinguisher is in proper working order. First Aid Kit is fully stocked.

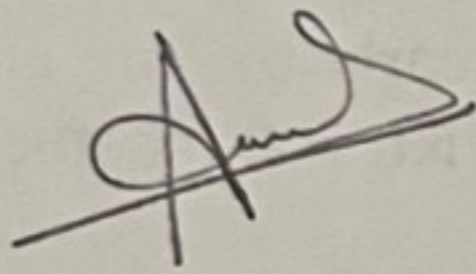
Ms. Naz is following the proper protocol and standards for cleaning and use of supplies as it relates to state and city requirements and COVID-19. The sliding glass door that leads to a fenced in back yard offers plenty of outdoor space for play. The yard is clean and safe.

Ms. Naz has several child care equipment in the backyard for outdoor activity. The entire home and space for childcare purposes was found to be very well kept, clean and organized with sufficient space to care for up to 9 children. Ms. Naz's operational hours are M-F from 8am to 5pm. Her program offers services to children ages 2 months-old to school aged children. Ms. Naz's daughter-in-law, who also lives in the house, will be her assistant in her child-care business. Ms. Anila Naz is presently a state licensed child care provider with a capacity for 5 children, but she wants to increase her capacity to 9 children.

R: Approval recommended for Ms. Anila Naz's special use permit to allow care for up to (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. Naz must maintain an assistant for the number of children and ages she plans to provide care for.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00095. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the child care home at 5612 Harding Avenue.



Applicant - Signature

12-02-2022

Date

Anila naz

Applicant - Printed

12-02-2022

Date