

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2024-00058

Approved by Planning and Zoning: October 9, 2024

Permission is hereby granted to: Two Birds Family Services, Inc.

to use the premises located at: 1721 King Street

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

October 9, 2024

Date

Karl Moritz (by T. LaColla)

Karl Moritz, Director
Department of Planning and Zoning

DATE: September 23, 2024

TO: Tony LaColla, Land Use Regulatory Services Division Chief
Department of Planning and Zoning

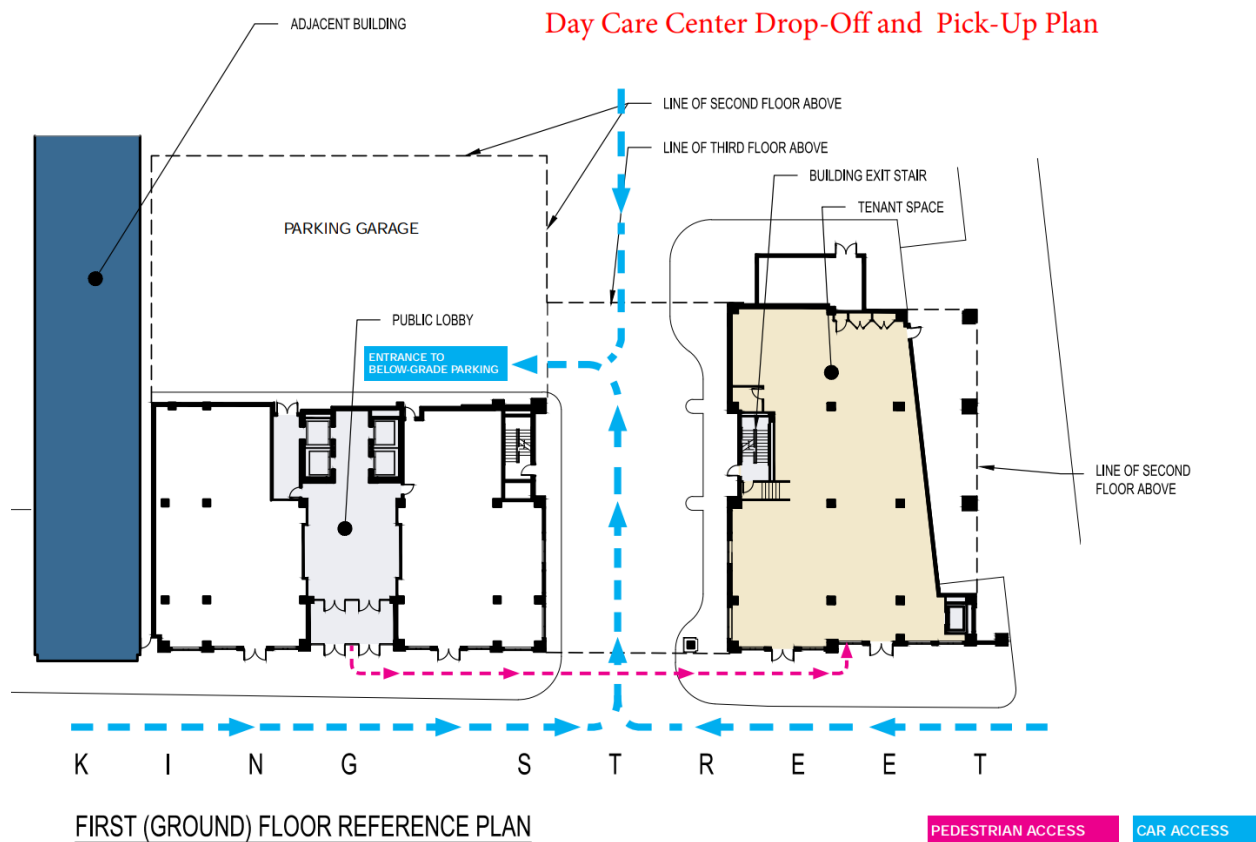
FROM: Mavis Stanfield, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00058
Administrative Review for Minor Amendment and Change of Ownership
Site Use: Day Care Center

Applicant: Two Birds Family Services, Inc.
Location: 1721 King Street
Zone: KR/ King Street urban retail

Request

Special Use Permit #2024-00058 is a minor amendment request to add 11 children to an existing day care center and to change the ownership from Hatch Workspace, LLC to Two Birds Family Services, Inc. The applicant does not propose any other changes to the operation and the applicant would continue operating during the hours of 6:30 a.m. to 6:30 p.m., Monday through Friday, and would provide pick-up and drop off on-site, as depicted below.



Background

The building complex where the day care center is located is known as King Street Metro Place, which was constructed in phases and the shared underground parking was added over time. The City Council approved SUP #96-0114 in June of 1996 for the construction of 1721 and 1737 King Street with 124,930 square feet of office use, 17,000 square feet of ground floor retail, and 215 structured parking spaces. The City Council approved SUP #97-0092 in September of 1997 to construct the adjacent 247-room Hilton Hotel and accessory restaurant located at 1767 King Street with 236 associated structured parking spaces. The City Council approved SUP #97-0104 in October of 1997 to construct the existing 88 room residential time-share building located at 1757 King Street, ground floor retail, and 123 associated structured parking spaces. All underground parking is connected for shared access between the buildings with a total of 574 parking spaces.

The City Council approved rezoning #2005-0003 in June of 2005 to rezone the subject property from OCH / Office Commercial High to KR / King Street Urban Retail Zone in 2005.

On June 20, 2020, the City Council approved SUP 2020-00016 for a Special Use Permit to operate a non-complying day care center on the ground floor of the building at 1721 King Street. The current application is an expansion of this use.

On September 12, 2020, City Council approved TA#2020-0003 that allows day care centers in the KR zone that have more than 30 feet of frontage on King Street with special permit approval.

A zoning inspection was conducted on August 2, 2024, and the operation of the existing day care center was determined to be in compliance with the governing SUP. Further, there have been no zoning or property maintenance violations associated with the building for at least five years.

Parking

Vehicle access to the parking garage is via the private access road between King Street and Cameron Street. The applicant states that the landlord has granted Two Birds shared access to 25 spaces with its lease. Three parking spaces are currently marked and set aside for use as drop off points for the day care for a total of 28 parking spaces.

Section 8-200(A)(16) of the Zoning Ordinance requires day care centers to provide a minimum of 0.25 parking spaces for each 1,000 square feet of day care use in the Enhanced Transit Area. Similarly, Section 8-200(A)(19) of the Zoning Ordinance requires office uses to provide 0.25 parking spaces for each 1,000 square feet of office use in the Enhanced Transit Area. The total area of 11,326 square feet for the day care and office uses require a minimum of three parking spaces to be provided. The 28 parking spaces available to the day care and office uses in the 574-space parking garage would exceed the three-parking space requirement by the Zoning Ordinance.

The parking requirements in the Zoning Ordinance for the uses at 1721 King Street, including the proposed use, require 37 parking spaces; the uses at 1757 King Street require 19 parking spaces and the uses at 1767 King Street require 55 parking spaces. As the total parking requirement at King Street Metro Place is 111 parking spaces, the 574 parking spaces provided in the on-site shared garage greatly exceed the parking requirement for the complex's uses.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Upper King Street Neighborhood Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

Staff Action

Staff supports the applicant's request for a Special Use Permit to allow an increase in children from 100 to 111 and for a change in ownership for the day care center use at 1721 King Street. The Two Birds Co-working and Child Care Center diversifies the mix of uses proposed for the King Street Metro station area and provides surrounding workers and residents with childcare options.

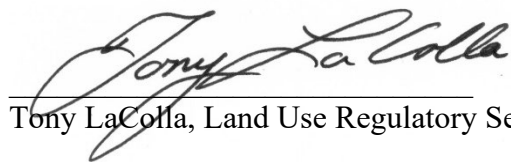
Staff does not believe that the increase in the number of children in the day care center use will have a significant impact on the surrounding area. Nonetheless, staff has largely retained standard conditions to mitigate potential noise, litter and parking impacts. Condition #15 requires staff to patrol the grounds for litter near the subject site. Conditions #10 through #14 mitigate parking impacts in the surrounding area by requiring employees to use off-street parking, encouraging parents to park off-street, and encouraging those who can, to use public transit. Additionally, the shared parking arrangement with other uses at King Street Metro Place has not resulted in negative impact as there have been no complaints from nearby residents or business owners. These impacts are further mitigated by the proximity to the King Street Metro Station. Realistic parking demand is further reduced by the unique nature of the day care center and co-working space in that trips may be combined by users of the co-working space and childcare space. Condition #7, which requires all windows to remain transparent, has been amended as staff has determined that partial window coverage is appropriate for the privacy and security of day care centers. Decorative window film, without advertisements, may be applied up to six feet. Anything above six feet must remain fully open and transparent.

The applicant is required to regularly inform parents of the pick-up and drop off plan as stated in Condition #5 and Condition #6 requires the applicant to adhere to the existing pick-up and drop off plan. As required parking and day care loading take place within the existing parking garage located next door to the subject property, adequate pedestrian access to the tenant space exists between the garage and the entrance along King Street via sidewalks and pedestrian crossings.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 9, 2024

Action: Approved



Tony LaColla, Land Use Regulatory Services Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2024-2024-00058

The applicant 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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2020-00016)
2. Condition deleted by the Planning Commission. (PC) (SUP #2020-00016)
3. The maximum number of children permitted at the facility is limited to ~~400~~ 111 at any one time. (P&Z) (SUP #2020-00016)
4. The day care center facility shall obtain all required state, federal, and local licenses and certificates prior to opening its place of business. (P&Z) (SUP #2020-00016)
5. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all Special Use Permit provisions and requirements. The applicant shall also inform parents, as part of parent orientations and as annual reminders, of all applicable Special Use Permit provisions and the pick-up and drop off requirements, including the location of the designated parking spaces. (P&Z) (SUP #2020-00016)
6. **CONDITION AMENDED BY STAFF:** The applicant shall provide adequate drop off and pick-up facilities, consistent with its ~~proposed~~ existing plan. The transfer of children shall not occur in the public right-of-way. (P&Z) (~~SUP #2020-00016~~)
7. **CONDITION AMENDED BY STAFF:** All windows shall remain transparent six feet above ground level. Decorative window film, without advertisements, may be applied up to six feet from ground level. ~~The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~ (P&Z) (~~SUP #2020-00016~~)
8. If the applicant chooses to use a City Park for play space, it shall apply to the Department of Recreation, Parks and Cultural Activities (RPCA). If approved, permission will be granted to the applicant with a written agreement between RPCA and the applicant. (RPCA) (SUP #2020-00016)

9. **CONDITION AMENDED BY STAFF:** ~~The applicant shall comply with the City of Alexandria's Noise Control code, n~~ No amplified sounds shall be audible at the property line. (P&Z) (T&ES) (SUP #2020-00016)
10. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP #2020-00016) (SUP #2020-00016)
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) (SUP #2020-00016)
12. The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES) (SUP #2020-00016)
13. 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) (SUP #2020-00016)
14. This business is eligible and encouraged to apply to participate in the City's Discount Employee Parking Program (or other similar program is one is created) that offers discounted parking at select City parking facilities on evenings and weekends. Additional information and the application for the program are available at alexandriava.gov/parking. (T&ES) (SUP #2020-00016)
15. 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) (SUP #2020-00016)
16. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after ~~approval it has been operational, and then again every three years for compliance with all conditions and shall may~~ 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) or 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; or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed~~ to offset land use impacts not addressed in the city code.(P&Z) (SUP #2020-00016)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

FINDINGS:

- F-1 Standard DROW, SWM, Transportation and OEQ conditions are included in the current SUP#2020-00016.
- F-2 As long as the applicant still has access to the garage, significant impacts are not anticipated to the pickup and drop off plan due to the increased enrollment. **(Traffic Engineering)**
- F-3 SUP is not subject to floodplain ordinance regulations. Further development and building permits may be subject to further review and compliance with floodplain ordinance regulations. **(Floodplain)**

Code Enforcement:

- C-1 The building permit and CO approved occupants including children and staff. If the total occupant loads increase, a building permit is required for review.

Fire:

- C-1 The change of ownership will require a fire prevention permit. No comments or concerns about the increase enrollment.

The permit application can be accessed online at:
www.alexandriava.gov/fire-department/the-fire-marshals-office.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities that are serving and/or preparing food. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Construction plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.

C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

Parks and Recreation:

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00058. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the day care center at 1721 King Street.

JP Coakley
Applicant - Signature

October 10, 2024
Date

JP Coakley
Applicant – Printed

October 10, 2024
Date