



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of January 23, 2010**

**DATE:** January 15, 2010

**SUBJECTS:** U-3139-05-1 USE PERMIT RENEWAL for child care center and USE PERMIT AMENDMENTS for an increase in children to modify parking requirements at 825 23<sup>rd</sup> St. South (RPC# 36-031-005).

**Applicant:**

Maria Teresa Desaba  
825 23<sup>rd</sup> St. S.  
Arlington, VA 22201

**C. M. RECOMMENDATIONS:**

1. Renew the use permit for a child care center at 825 23<sup>rd</sup> St. South.
2. Approve the use permit amendment request to modify parking requirements, subject to revised Condition #7.
3. Defer the use permit amendment request to increase to fifty (50) children for three (3) months to the April 24, 2010 County Board meeting.

**ISSUES:** This is a scheduled renewal of a use permit for a child care center and amendments to increase in the number of children, and to modify parking requirements for the employees of the Center. No issues have been identified with renewal of the use permit or the request to modify parking requirements. However, as the Center has only been at capacity for approximately two (2) weeks, additional time is needed to observe traffic impacts and pick-up and drop-off with 34 children prior to recommending approval of the increase to 50 children. In addition, the Center is currently not satisfying all State child care requirements, and additional time is needed to ensure those issues are corrected prior to the expansion of the child care center.

**SUMMARY:** This is a scheduled renewal of a use permit for a child care center, Maria Teresa's Babies, located at 825 23<sup>rd</sup> St. South. In addition, the applicant is requesting a use permit amendment to increase the approved capacity of the Center from 34 to 50 children, and a reduction in parking requirements for the employees of the Center. The Center was originally approved on December 10, 2005, and, after four (4) years of renovation, opened on November 9, 2009. Upon completion of construction, the applicant concluded that the space measurements

County Manager: BMD/GA

Staff: Melanie Jesick, DCPHD, Planning Division  
Dolores Kinney, DES, Transportation  
Toya Bryant, DHS, Child Care Services

36.

PLA-5440

allow for more than the 34 children approved with the use permit, and submitted a use permit amendment request for an increase to 50 children. At the time of the request the Center had not yet reached its maximum capacity established by the use permit. As additional time was needed to observe the operation prior to recommending approval of an increase, the renewal and the amendment were deferred to the January 23, 2010 County Board meeting. Over the past month staff observed current operation of the use, including pick-up and drop-off, as the enrollment increased since opening. However, the Center has only been operating at the approved capacity of 34 for approximately two (2) weeks. Typically with uses such as this, a longer time period of observation is necessary to ensure there are no issues with the existing operation prior to recommending an increase. In addition, the Center is currently not meeting the requirements regarding State child care licensing. A deferral of the requested increase to fifty (50) children is recommended for three (3) months to allow time to observe the impacts of pick-up and drop-off at that capacity and for the child care requirements to be met prior to increasing enrollment. Staff supports renewal of the use permit to allow the Center to continue operating at the existing capacity of 34 children.

A second use permit amendment request is to modify the employee parking requirements for the employees, as none of the employees currently drive to the Center. They either live within walking distance or take public transportation. As a result, the applicant's employee parking garage spaces, rented to fulfill the parking requirements, are underutilized. Staff supports this request. Therefore, staff recommends renewal of the use permit for a child care center at 825 23<sup>rd</sup> St. and approval of the use permit amendment request to modify parking requirements, subject to revised Condition #7. It is further recommended that the use permit amendment request to increase to fifty (50) children be deferred for three (3) months to the April 24, 2010 County Board meeting.

**BACKGROUND:** The use permit was approved on December 10, 2005. The applicant received a building permit in September 2006 to commence renovation of a single-family home to a child care center, and construction has taken place over the past several years. During the December 2008 review of the use permit, it was found that construction was not complete and it was the end of a three (3) year extension for the use to commence. As the applicant had active building permits for the site, the County Board renewed the use permit for one (1) year to allow commencement of the use. Construction was complete in mid-2009, the applicant obtained a Certificate of Occupancy for 34 children on November 2, 2009, and the Center opened on November 9, 2009.

The following provides more information about the site:

Site: The site is comprised of a three (3) story structure, which was converted from a residential home to a child care center.

|               |                             |
|---------------|-----------------------------|
| To the north: | Single-family homes.        |
| To the south  | Our Lady of Lourdes church. |
| To the east:  | Single-family homes.        |
| To the west:  | Single-family homes.        |

Zoning: This site is zoned “R-5,” One-Family, Restricted Two-Family Dwelling District.

Land Use: The subject site is designated as “Low” Residential (1 – 10 units per acre) on the General Land Use Plan.

Neighborhood: The Center is located within the Aurora Highlands Civic Association. The Aurora Highlands Civic Association voted to support the request to increase to 50 children at their January 13, 2010 meeting (letter attached). In addition, the Arlington Ridge Civic Association has also expressed their support for the expansion.

**DISCUSSION:** Currently the Center is not satisfying all State licensing requirements and additional time is needed to resolve those issues. Renewal of the use permit is recommended so that the applicant can work closely with the County child care office and the State to resolve the outstanding issues.

The following provides more information on the requested use permit amendments:

Request for Increase to 50 Children

At the time the use permit was approved in 2005, the capacity established in the use permit, 34 children, was based on the space of the structure at that time. Over the past four (4) years the applicant has done extensive renovation to convert a single-family home into a child care center, adding a total of 684 square feet to the original structure. The Child Care Office has re-measured the space and concludes that the space will allow for this increase.

There is a fifty (50) foot zone in front of the Center designated as a 15-minute pick-up and drop-off area between the hours of 7:00 - 9:00 a.m. and 4:00 – 6:00 p.m., and signs have been installed to delineate this pick-up and drop-off area. Generally there is enough space in this on-street area for two (2) cars to pick-up and drop-off at one (1) time.

The operation, including pick-up and drop-off, has been observed since the Center opened, each time with an increased number of pick-ups and drop-offs:

- November 24, 2009: 13 children observed during morning drop-off period.
- January 5, 2010: 17 children in evening pick-up period.
- January 12, 2010: 27 children in evening pick-up period.

Although the observation periods did not show activity based on the maximum enrollment of 34 children, there were no issues at the time of observation. The Center has been operating at the capacity of 34 for approximately two (2) weeks. Typically, with uses such as this, a longer time period of monitoring is standard before recommending approval of an increase.

In addition, some issues have been identified related to the child care licensing requirements for the Center. Staff was informed on January 13 that the State child care inspector conducted an inspection earlier this month, on January 5 and noted several concerns. One of these concerns is that Ms. Desaba needs to retake an orientation that outlines the health and safety standards for

Centers, which differ from that of family day care (Ms. Desaba has operated a family day care for 9 children in the County). The State licensing inspector has given Ms. Desaba until April 2010 to complete this orientation, which is when her current, Conditional license expires.

A three (3) month deferral would allow for additional observations to be conducted of the pick-up and drop-off prior to recommending approval of the increase, and would allow time for the licensing issues to be resolved prior to expanding the capacity of the center.

#### Request to Modify Employee Parking Requirements

Condition #7 of the approved use permit requires the applicant to identify and provide parking spaces for employees of the Center. In order to meet this requirement prior to obtaining a Certificate of Occupancy (CO) for the use, the applicant has rented parking spaces in a parking garage in Crystal City for use by employees, as parking is not available at the Center site. The required amount of employee parking for 34 children is 12 employee parking spaces (this is based on a ratio of one (1) employee per three (3) children under two (2) years of age.). The applicant states that the rented garage spaces are not utilized, as four (4) employees live within walking distance to the Center, and the rest take public transportation. There are no issues with modifying the parking requirement for employees, and it is recommended that Condition #7 regarding the provision of employee parking be revised.

**CONCLUSION:** Given that it is difficult to evaluate the potential impact of the increase to fifty (50) children, as the Center has only been operating at capacity for two (2) weeks, and as there are some child care requirements that have not been satisfied, it is recommended that the use permit amendment for the increase in children be deferred for three (3) months. Staff also supports renewal of the existing use permit to allow the Center to continue to operate and maintain its current child care license while working to address concerns. There are no issues with the proposed amendment to modify the employee parking requirements. Therefore, staff recommends renewal of the use permit for a child care center at 825 23<sup>rd</sup> St. South. Furthermore, staff recommends approval of the use permit amendment request to modify parking requirements, subject to revised Condition #7. Staff recommends deferral of the use permit amendment request to increase to fifty (50) children to the April 24, 2010 County Board meeting.

Revised Condition #7:

- ~~Prior to issuance of a certificate of occupancy for a child care center, the applicant agrees to identify, in writing to the Zoning Administrator and to the Child Care Office, the location of the on-site and off-site parking that would accommodate staff associated with the proposed child care center prior to the issuance of a certificate of occupancy. The applicant shall provide an annual report of how employees arrive to work to the Zoning Administrator by December 31. Such Should any staff drive to work on a given day, the staff parking shall not occur in any areas designated for pick-up and drop-off of children and adjacent residential streets. Any off-site parking provisions shall require documentation, in writing, of the permission of the property owner.~~

PREVIOUS COUNTY BOARD ACTIONS:

- December 10, 2005 Approve use permit (U-3139-05-1) subject to the conditions of the staff report, with a six (6) month administrative review (June 2006) and a County Board review in one (1) year (December 2006).
- December 9, 2006 Deferred use permit (U-3139-05-1) for a child care center to the September 2007 County Board meeting.
- September 8, 2007 Deferred use permit (U-3139-05-1) for a child care center to the September 2008 County Board meeting.
- September 13, 2008 Deferred use permit (U-3139-05-1) for a child care center to the December 13, 2008 County Board meeting.
- December 13, 2008 Renewed the use permit for the child care center for one (1) year to allow commencement of the use, as evidenced by the applicant obtaining a Certificate of Occupancy by December 1, 2009, subject to all previously approved conditions, and with a County Board review in one (1) year (December 2009).
- December 12, 2009 Deferred the use permit renewal for a child care center and the requested amendment for an increase in children to the January 23, 2010 County Board meeting.

Approved Conditions:

1. The applicant agrees that the hours of operation will be weekdays from 7:00 a.m. to 6:00 p.m. with a maximum capacity of 34 children. Provided, however, that the Child Care Office may determine the final number of children that can be served in the program following the required renovations and improvements to the site. This number may be modified based on appropriate space ratios. The applicant agrees not to enroll more than 34 children, or such other number as the Child Care Office has determined can be accommodated and as evidenced by the certificate of occupancy.
2. The applicant agrees that once a certificate of occupancy is issued for a child care center and until such use is discontinued, the structure shall not be occupied as a dwelling.
3. Prior to submitting any application for a building permit, the applicant agrees to obtain approval of any plans for structural changes, either to the interior or exterior of the structure, from both the Child Care Office and the Zoning Administrator to ensure that the architectural integrity of the single-family residence remains intact.
4. The applicant agrees to meet all requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
5. The applicant agrees that all outdoor play shall be planned at scheduled intervals acceptable to the Child Care Office to minimize potential neighborhood impacts. The applicant agrees to obtain the Child Care Office's approval of a plan for such play as minimizing neighborhood impacts prior to the issuance of any certificate of occupancy for the child care use on the site.
6. The applicant agrees to require parents of children attending the program (or persons designated by the parents) to escort their children to and from the center at all times. The applicant will also prepare, in coordination with the Child Care Office and the Planning Division, a comprehensive pick-up and drop-off plan, and will obtain the Child Care Office's and the Planning Division's approval of such plan prior to the issuance of any Certificate of Occupancy for a child care center on the site. The applicant agrees to implement the approved plan and to submit written documentation to the Zoning Administrator that a letter has been distributed to the parents of the children in care explaining the procedures for dropping off and picking up children in accordance with the plan prior to the issuance of a certificate of occupancy for a child care center.
7. The applicant shall provide an annual report of how employees arrive to work to the Zoning Administrator by December 31. Should any staff drive to work on a given day, the staff parking shall not occur in any areas designated for pick-up and drop-off of children and adjacent residential streets.
8. The applicant agrees that the top floor of the single family home shall not be used for

actual child care. The applicant agrees to submit written documentation to the Zoning Administrator evidencing this agreement prior to the issuance of a certificate of occupancy.

9. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, as well as to the Aurora Highlands Civic Association, prior to issuance of any building permit.
10. The applicant is aware and agrees that the required Virginia State and Arlington County Child Licenses will not be issued prior to the issuance of a certificate of occupancy for a child care center.



January 14, 2010

Chairman Jay Fisette  
Arlington County Board  
2100 Clarendon  
Blvd, Suite 900  
Arlington, VA22201

RE: U-3139-05-1 / Maria Teresa Desaba

Dear Chairman Fisette and Members of the Arlington County Board:

The Aurora Highlands Civic Association (AHCA) recognizes that there is a need for quality daycare in our community. We live in a neighborhood with two small part-day preschools and one full-day daycare. The centers that do serve our area, such as Calvary Children's School and Busy Bee, have waiting lists with more than a hundred families competing for spots. Maria Teresa Desaba has a wonderful reputation among our neighbors, having been a licensed, in-home care provider for more than 20 years. She has contributed to the welfare and enrichment of dozens of children whose parents live or work nearby.

We therefore support Ms. Desaba's application for an amendment to increase the number of enrolled children to 50 at Maria Teresa Day Care, 825 23rd Street South.

We further recommend that the County expedite the traffic observation period at the center, which is now enrolled at 34, prior to the January 23, 2010 Board meeting, where Ms. Desaba's application will be reviewed.

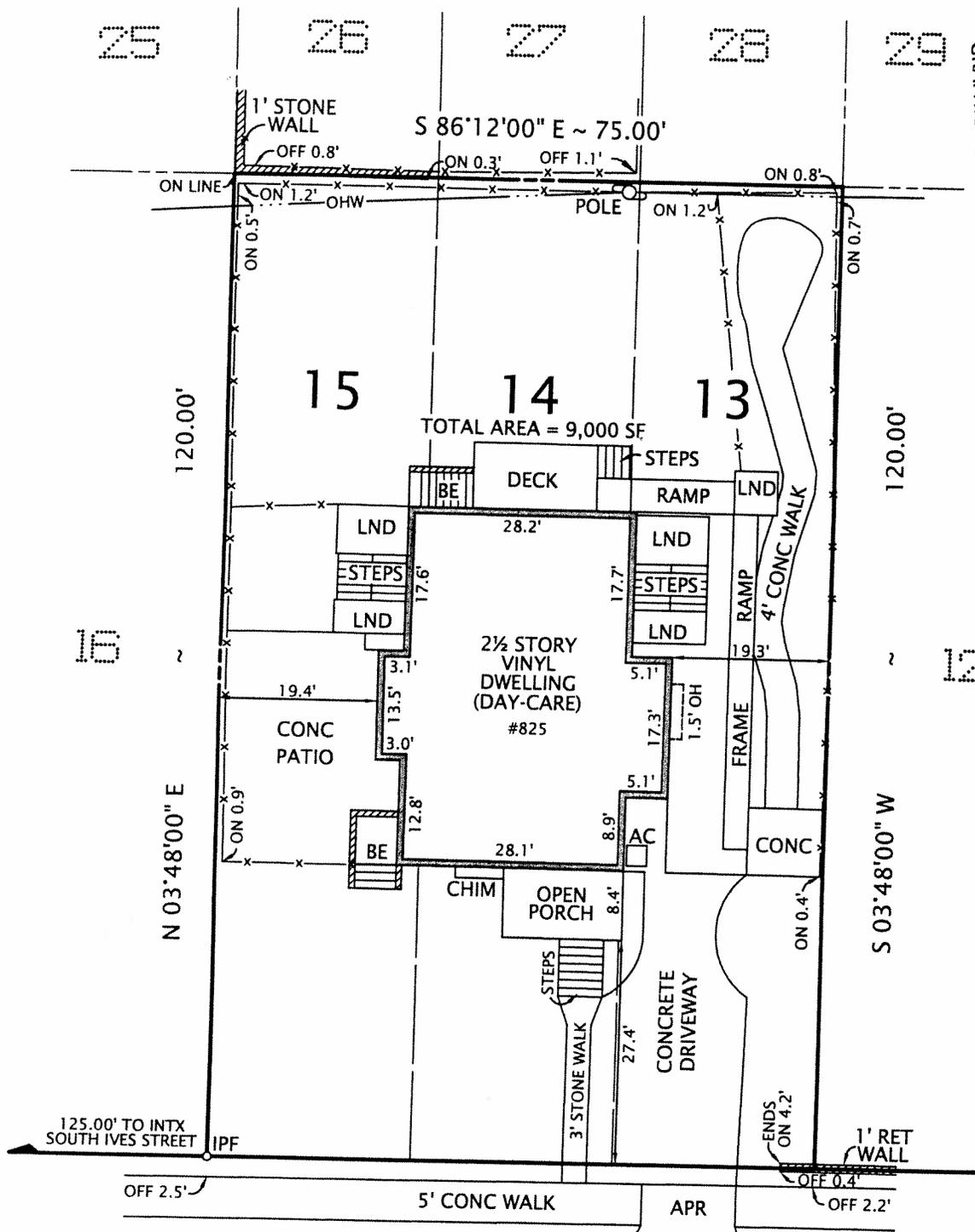
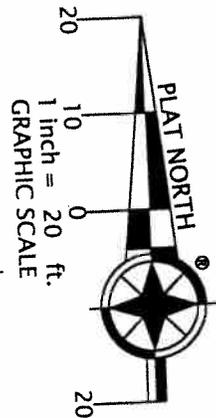
We would also like to remind the Board that although the AHCA welcomes the addition of this daycare center on 23rd Street, it is our position that if and when Maria Teresa Day Care changes location or sells its license that the property and structure remain zoned as a daycare center or revert to a residential home.

Sincerely,

*Michael Dowell*  
Michael Dowell  
President, AHCA

Attachment: 13 Jan 2010 email with draft staff report summary

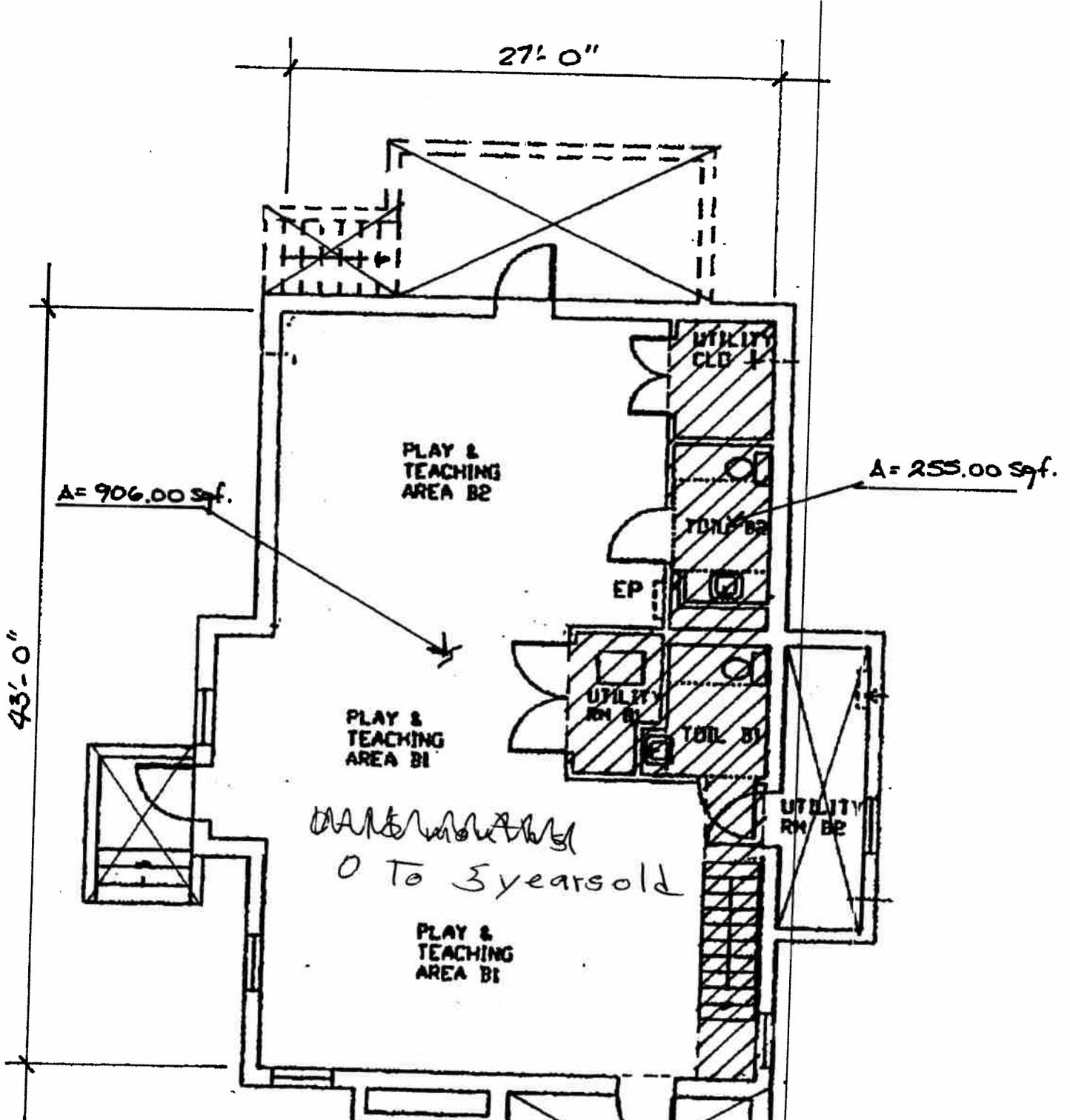
- NOTES: 1. FENCES ARE FRAME.  
 2. UTILITIES ARE UNDERGROUND.



N 86°12'00" W ~ 75.00'  
**23rd STREET SOUTH**  
 60' WIDE

PLAT  
 SHOWING HOUSE LOCATION ON  
 LOTS 13,14 AND 15, BLOCK 12  
**ADDISON HEIGHTS**  
 (DEED BOOK U-4, PAGE 56)  
**ARLINGTON COUNTY, VIRGINIA**  
 SCALE: 1" = 20' NOVEMBER 4, 2000

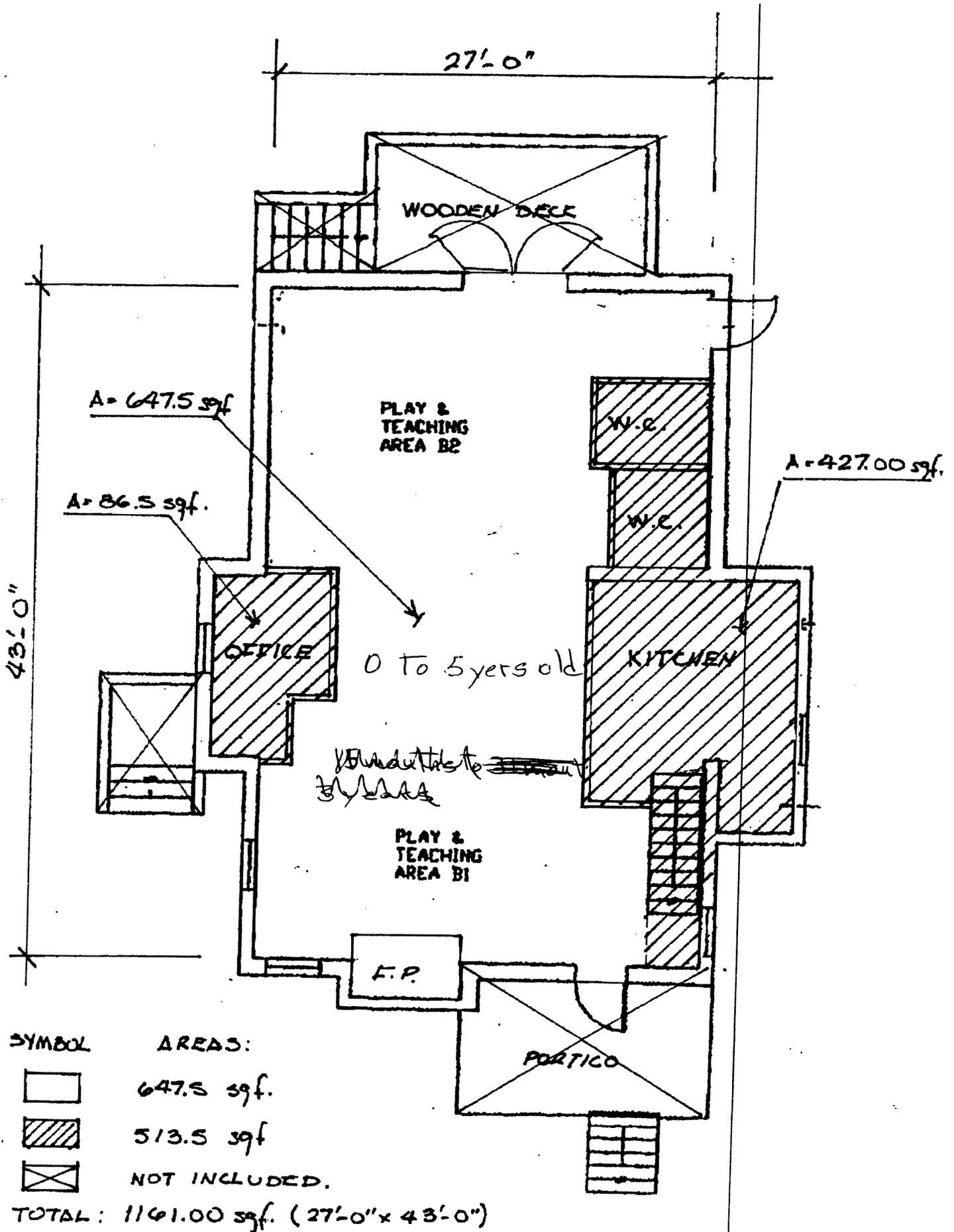
NOT CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.



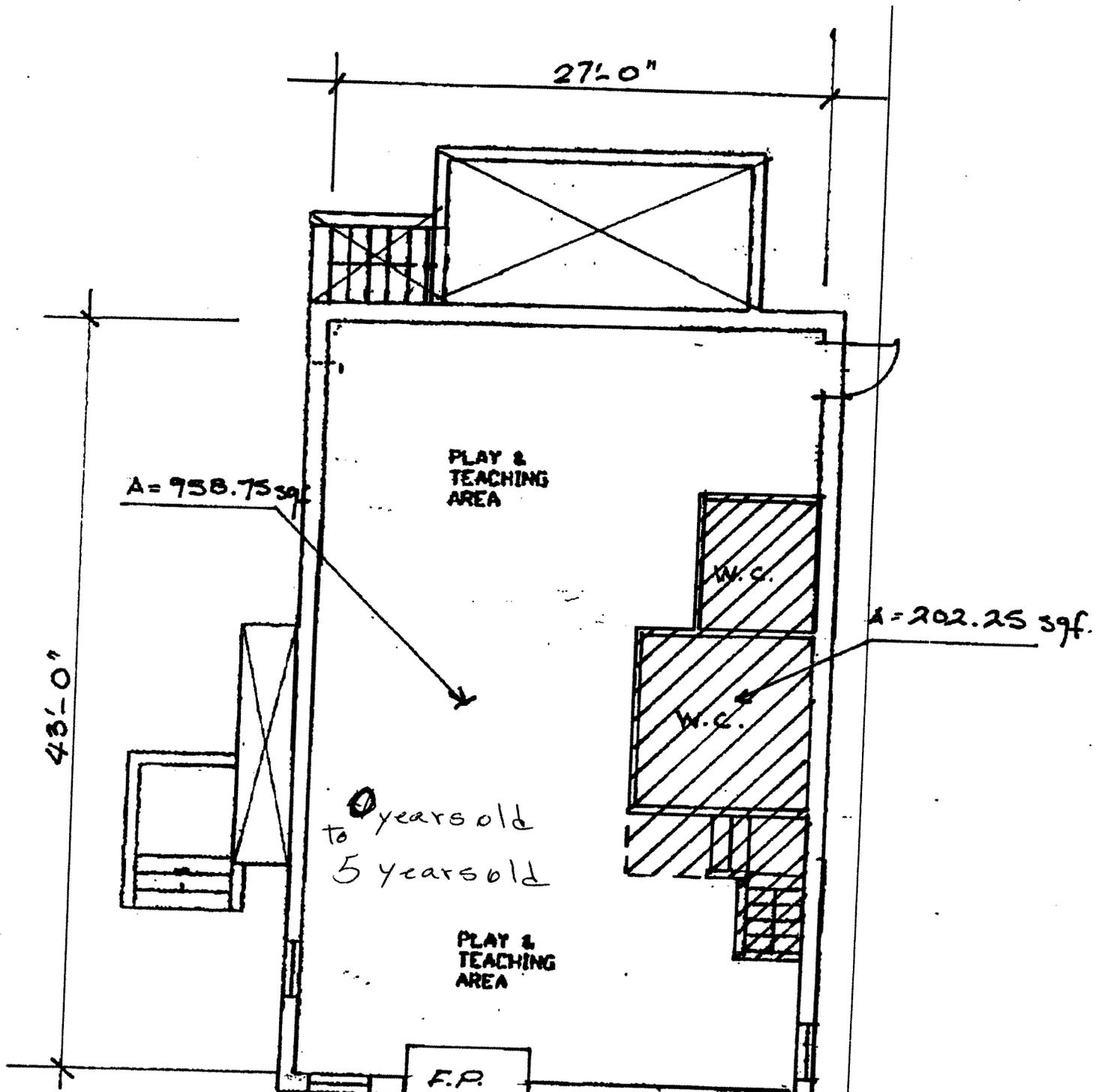
- SYM. AREAS:
- 906.00 sq. ft.
  - 255.00 sq. ft.
  - NOT INCLUDED

TOTAL = 1161.00 sq. ft. (27'-0" x 43'-0")

BASEMENT FLOOR PLAN. sc 1/8" = 1'-0"



FIRST FLOOR PLAN. SC. 1/8" = 1'-0"



A = 958.75 sqf

A = 202.25 sqf

0 years old to 5 years old

SYMBOLS AREAS.

[Rectangle] 958.75

[Hatched] 202.25

[X] NOT INCLUDED

TOTAL: 1161.00 (27'-0" x 43'-0")

SECOND FLOOR PLAN SC 1/4" = 1'-0"



**U-3139-05-1**  
**825 23rd St. S.**  
**(RPC# 36-031-005)**

Note: These maps are for property location assistance only.  
 They may not represent the latest survey and other information.



Not To Scale

