



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of January 22, 2011

**DATE:** January 12, 2011

**SUBJECT:** U-3139-05-1 USE PERMIT REVIEW for a child care center located at 825 23<sup>rd</sup> St. S. (Maria Teresa's Babies) (RPC#: 36-031-005).

**Applicant:**

Maria Teresa Desaba  
825 23<sup>rd</sup> St. S.  
Arlington, VA 22202

**C. M. RECOMMENDATION:**

Renew the use permit for a child care center for 50 children located at 825 23<sup>rd</sup> St. S., subject to all previous conditions, and with a County Board review in three (3) years (January 2014).

**ISSUES:** This is a scheduled review of a use permit for a child care center and no issues have been identified.

**SUMMARY:** This is a scheduled one (1) year review of a use permit for a child care center for 50 children called Maria Teresa's Babies located at 825 23<sup>rd</sup> St. S. in Aurora Highlands. The use is in compliance with the conditions of the use permit. The applicant has submitted the annual report of how employees arrive to work, per approved Condition #7. This condition to modify the parking requirements for the center was approved by the County Board on January 23, 2010, as none of the employees drive to work. The annual report submitted by the applicant, dated December 8, 2010, states that all of the current employees walk, take public transportation, or are dropped off. As the use permit amendment to increase the number of children to 50 was approved with a one (1) year review, staff recommends another County Board review in three (3) years, consistent with the practice to review use permits in one (1), three (3), and five (5) year intervals if there are no known issues. Therefore, staff recommends renewal of the use permit for a child care center for 50 children at 825 23<sup>rd</sup> St. S., subject to all previous conditions, and with a County Board review in three (3) years (January 2014).

County Manager:

*BMD/GA*

Staff: Melanie Jesick, DCPHD, Planning Division  
Dolores Kinney, DES, Transportation  
Debra Sheppard-Ross, DHS, Child Care Services

11.

PLA-5808

**BACKGROUND:** The original use permit for a child care center for 34 children was approved on December 10, 2005. From that point until approximately mid-2009, the center was under construction. The applicant obtained a Certificate of Occupancy for 34 children on November 2, 2009, and the center opened on November 9, 2009. At the January 23, 2010, County Board meeting the County Board 1) renewed the existing use permit for a child care center for 34 children, 2) approved a use permit amendment for an increase to 50 children, and 3) approved a use permit amendment to modify the parking requirements for the center, as none of the employees drive to work. A scheduled administrative review was conducted by staff in July 2010, and no issues were identified.

**DISCUSSION:** The applicant states there are currently 48 children enrolled in the center. The center continues to operate from 7:00 a.m. to 6:00 p.m. Monday – Friday.

The applicant states that they are planning to apply for an increase in the number of children at the center. In anticipation of this, they are working with a nearby church to be able to accommodate parking needed for the increase in employees. Staff has notified the applicant that a use permit amendment will be needed for an increase in children, and that a use permit will also be needed from the church for a secondary parking area, per the Zoning Ordinance.

**Since the last use permit review and approval of the use permit amendments (January 23, 2010):**

Use Permit Conditions: The applicant is in compliance with all use permit conditions.

Community Code Enforcement: The Code Enforcement Office has not reported any issues with the use.

Fire Marshal's Office: The Fire Marshal's Office has not reported any issues with the use.

Child Care Office: The Child Care Office reports that the center is generally in compliance with the requirements of their office. Some concerns and violations noted during the last technical visit include updating the paperwork of staff (including criminal history and Child Protective Service paperwork), getting children outdoors daily, and updating the weekly activity schedule. The Child Care Office will continue working with the applicant to address these items.

Civic Association: The site is located within the Aurora Highlands Civic Association. The Aurora Highlands Civic Association was notified and, to date, has not provided comments on the use permit review. The Arlington Ridge Civic Association, also involved with the use permit review and amendments one (1) year ago, was also notified, and, to date, has not provided a response on the use permit review.

**CONCLUSION:** There are no known issues with the use and the applicant is in compliance with the use permit conditions. Consistent with standard practice, a three (3) year County Board review is recommended. Therefore, staff recommends renewal of the use permit for a child care

center for 50 children at 825 23<sup>rd</sup> St. S., subject to all previous conditions, and with a County Board review in three (3) years (January 2014).

PREVIOUS COUNTY BOARD ACTIONS:

December 10, 2005	Approve use permit (U-3139-05-1) for child care center for 34 children, 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 review (U-3139-05-1) for a child care center to the September 2007 County Board meeting.
September 8, 2007	Deferred use permit review (U-3139-05-1) for a child care center to the September 2008 County Board meeting.
September 13, 2008	Deferred use permit review (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.
January 23, 2010	Renewed the existing use permit; approved an increase to 50 children; and approved use permit amendment to modify parking requirements for the child care center at 825 23 <sup>rd</sup> St. South, with an administrative review in six (6) months (July 2010) and a County Board review in one (1) year (January 2011).

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 50 children.
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.
11. The applicant shall submit a curbside management plan to the Zoning Administrator within 30 days of this County Board approval. The curbside management plan shall contain information on how the curbside pick-up and drop-off will be managed with 50 children.



**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

Case Location(s)