



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of June 16, 2012

DATE: June 5, 2012

SUBJECTS:

- A. U-3139-05-1 USE PERMIT AMENDMENT to expand enrollment of a Child Care Center from 50 to 68 for Maria Teresa's Babies; located at 825 23rd St. South, (RPC# 36-031-005).
- B. U-3299-11-2 USE PERMIT for secondary use of a parking lot for employee parking for Maria Teresa's babies child care center; located at 2222 S. Arlington Ridge Road (RPC# 37-038-001).

Applicant (Item A):

Maria Teresa Desaba
825 23rd Street S.
Arlington, Virginia 22202

By:

Giovanni Saba
937 17th Street S.
Arlington, Virginia 22202

Applicant (Item B):

Advent Lutheran Church
2222 S. Arlington Ridge Road
Arlington, Virginia 22202

C.M. RECOMMENDATIONS:

- A. Approve the subject use permit amendment (U-3139-05-1) to expand the maximum permitted enrollment from 50 children to 68 children, with a modification from Zoning Ordinance requirements requiring off-street parking on site, subject to all previously approved conditions and amended conditions #1 and 11, and with a County Board review in one (1) year (June 2013).

County Manager:

BMD/GA

County Attorney:

[Signature] *[Signature]*

Staff: Peter Schulz, DCPHD, Planning Division

PLA-6223

10.

- B. Approve the subject use permit (U-3299-11-2) for a secondary use of a parking lot for employees of Maria Teresa's Babies, subject to the conditions of the staff report.

ISSUES: This is a use permit amendment request for an expansion of an existing child care center from 50 to 68 children with a modification from Zoning Ordinance requirements for off-street parking to be located on the same lot as the use, and a use permit request for secondary use of a church parking lot for parking for employees of the child care center, and no issues have been identified.

SUMMARY: There are two (2) subject requests for the child care center known as Maria Teresa's Babies. Subject "A" is a use permit amendment request to increase the maximum permitted enrollment of the child care center from 50 to 68 children. This case has been deferred since June 2011 while the applicant was the subject of an Intensive Plan of Correction (IPOC) by the state Department of Social Services. The IPOC has been removed, and the applicant now has the approval of the state and county child care licensing bodies to expand. Staff supports the increase, as the applicant is compliant with the existing conditions of approval, the proposed enrollment increase has the support of the local Civic Association. The applicant is also requesting a modification from the Zoning Ordinance parking regulations requiring employee parking to be on site. The applicant has no available on-site parking, but has obtained permission to park at a nearby church (which is the subject of use permit U-3299-11-2). Staff supports the modification request, as most employees do not drive to the child care center, and the applicant proposes to use the Church's lot for those who do, and in the past no issues have arisen from the current lack of parking. Therefore, staff recommends that the County Board approve the subject use permit amendment (U-3139-05-1) to permit an increase in the maximum enrollment from 50 to 68 children with a modification from the Zoning Ordinance Requirement that off-street parking be provided on site, subject to all previously approved conditions and amended conditions #1 and 11, with a County Board review in one (1) year (June 2013).

Subject "B" is a request by Advent Lutheran Church for a use permit for secondary use of their parking lot for Maria Teresa's Babies' employees during weekdays. Section 33.A.8.b.(3) of the Zoning Ordinance permits secondary use of the parking lots of lodges and places of worship by noncommercial vehicles subject to a use permit. The church is four (4) blocks from the site, and complies with the requirements of [Section 33.A.8.b.\(3\)](#), which permits the secondary use of the parking lots of places of worship for parking by noncommercial vehicles for off-site users. Therefore, staff recommends that the County Board approve the subject use permit (U-3299-11-2) for a secondary use of a parking lot for a place of worship for employees of Maria Teresa's Babies, subject to the conditions of the staff report.

BACKGROUND: The subject use permit to convert an existing single-family house into a child care center for 34 children (Maria Teresa's Babies) was originally approved by the Board in [December 2005](#). Construction to convert the house took some time, and the child care center did not open until 2009. In [January 2010](#), the County Board approved a use permit amendment to allow a maximum enrollment of 50 children. The applicant's program continued to grow, and by [June 2011](#), the applicant requested another use permit amendment to allow for an expanded

maximum enrollment from 50 to 68 children to accommodate children on the waiting list. The State and County child care licensing authorities at that time were not supportive of an increase in the enrollment. Although the applicant was compliant with the conditions of the existing use permit, and the physical facilities were adequate for a larger number of children, there were concerns by the state and county child care licensing authorities about the operation of the educational part of the child care program. The applicant had been placed in an Intensive Plan of Correction (IPOC) by the state Department of Social Services. The use permit request therefore was deferred for six (6) months to monitor the applicant's progress in improving their educational programs. In [December 2011](#), the use permit was deferred for another six (6) months (until June 2012) for further monitoring. During this time the applicant has been compliant with the conditions of approval and cooperated with the state and the county to improve their program.

A. The following provides additional information about the child care center site and location:

Site: The subject property is a converted three-story single-family house, located on a 9,000 square foot lot in the Aurora Highlands neighborhood.

To the north: Single and two-family dwellings zoned "R-5".

To the east: Single and two-family dwellings zoned "R-5".

To the south: Our Lady of Lourdes Church zoned "R-5" and "R-6".

To the west: Single and two-family dwellings zoned "R-5".



Zoning: "R-5" One-Family, Restricted Two-Family Dwelling Districts

Land Use: The site is designated [“Low” Residential \(1-10 units/acre\)](#) on the General Land Use Plan (GLUP).

Neighborhood: The subject site is located in the Aurora Highlands Civic Association area. A letter of support from the civic association is attached.

B. The following provides additional information about the off-site parking site and location:

Site: The subject property is a church, located on a 45,000 square foot lot in the Arlington Ridge neighborhood.

To the north: Single-family dwellings zoned “R-10”.

To the east: Single-family dwellings zoned “R-10”.

To the south: Single-family dwellings zoned “R-10” and “R-6”.

To the west: Single Single-family dwellings zoned “R-10”.

Zoning: [“R-10”](#) One-Family Dwelling Districts

Land Use: The site is designated [“Low” Residential \(1-10 units/acre\)](#) on the General Land Use Plan (GLUP).

Neighborhood: The subject site is located in the Arlington Ridge Civic Association area, and no comments have been received at this time.



DISCUSSION:

A. The use permit amendment to increase enrollment (U-3139-05-1)

The applicant has been compliant with the conditions of the use permit since opening the child care center in late 2009. The child care center has experienced much growth in their waiting list during this period. The neighborhood supports the increase in enrollment. The Intensive Plan of Correction (IPOC) was removed by the state Department of Social Services (DSS) and both the DSS and Arlington County Child Care Office now support the increase in enrollment. Details of child pick-up and drop-off will be provided by an updated pick-up/drop-off plan which will be provided to the County before issuance of a Certificate of Occupancy for the increased number of children (a similar plan was required when the child care center was approved to expand from 34 to 50 children in 2010). [Arlington Economic Development](#) has identified a great need for child care, especially in the commercial corridors. Staff therefore supports the requested increase in the maximum number of children from 50 to 68.

B. The use permit for secondary parking (U-3299-11-1) off-site

The applicant must also hire a minimum of two (2) new employees to handle the increased number of children, for which the applicant is requesting a modification from the Zoning Ordinance requirement that off-street parking be provided on site. There is currently only a small driveway on the site, and there is not space on the property to accommodate an off-street parking area that complies with the Zoning Ordinance requirements for commercial parking. The applicant states that most employees walk, take public transportation, or are dropped off at the site. There have been no complaints to the County over the child care center's lack of on-site parking.

[Section 33.A.8.b.\(3\)](#) of the Zoning Ordinance permits the secondary use of the parking lots of places of worship for parking by noncommercial vehicles for off-site users. The applicant has secured the permission of Advent Lutheran Church, located at 2222 S. Arlington Ridge Road about four (4) blocks west of the child care center, to use the church's parking lot. The child care center operates during the daytime (7 a.m. to 6 p.m.) weekdays, and any parking demand would also be in the daytime when there are [few church activities](#).

Staff finds that the proposed off-site parking arrangement will promote the effective use of the County's limited parking facilities, reduce traffic congestion, will not negatively impact adjacent neighborhoods and streets, and will not result in parking being unavailable for the Church's use. Therefore, staff recommends approval of a use permit for the secondary use of the Advent Lutheran Church parking lot for off-site parking for employees of Maria Teresa's Babies.

CONCLUSION: The state and county child care licensing authorities are now satisfied with the quality of the programs at the subject child care center, and now support an increase in enrollment from 50 to 68 children. The impact on adjacent properties and traffic will be mitigated by provision of an updated pick-up and drop-off plan, and provision of off-site parking spaces for center employees in the close by in the same neighborhood. The proposed use permit amendment and proposed new use permit will not adversely affect the health or safety of nearby

persons residing or working in the neighborhood, will neither be detrimental to the public welfare nor property in the neighborhood, and is in conformance with the County's master plans. Therefore, staff recommends that the County Board approve the use permit amendment (U-3139-05-1) to permit an increase in the maximum enrollment from 50 to 68 children with a modification from the Zoning Ordinance requirement that off-street parking be provided on site, subject to all previously approved conditions and amended conditions #1 and 11 as set forth below, with a County Board review in one (1) year (June 2013); and staff recommends that the County Board approve the use permit (U-3299-11-2) for a secondary use of a parking lot for a place of worship for employees of Maria Teresa's Babies, subject to the conditions set forth below for U-3299-11-2.

A. Existing Conditions and proposed Amended conditions #1 and 11 for U3139-05-1:

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~~ 68 children. The applicant further agrees that the maximum number of children permitted to be served will be limited to 68 or the number for which the child care is licensed, whichever is less.
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~~ before issuance of a Certificate of Occupancy for the expanded enrollment. The curbside management plan shall contain information on how the curbside pick-up and drop-off will be managed with ~~50~~ 68 children.

B. Proposed Conditions for U-3299-11-2

1. The applicant agrees that the hours of operation for the secondary use of the parking lot shall be Monday through Friday 6:30 a.m. through 6:30 p.m.
2. Parking shall be limited to employees' personal and non-commercial vehicles only.

PREVIOUS COUNTY BOARD ACTIONS:

At 825 23rd Street South

December 10, 2005	Approved 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.
January 23, 2010	Approved a use permit renewal and amendment to increase enrollment to 50 children, subject to revised conditions #1 and 7, and new condition #11, with an administrative review in six (6) months and a County Board review in one (1) year (January 2011).
January 22, 2011	Renewed a use permit for a child care center for 50 children, subject to all previous conditions with an administrative review in one (1) year (January 2012) and a County Board review in three (3) years (January 2014).



April 4, 2011

Chairman Chris Zimmerman
Arlington County Board
2100 Clarendon Blvd, Suite 900
Arlington, VA 22201

RE: Maria Teresa's Babies Day Care, 825 23rd Street South

Dear Chairman Zimmerman and Members of the County Board:

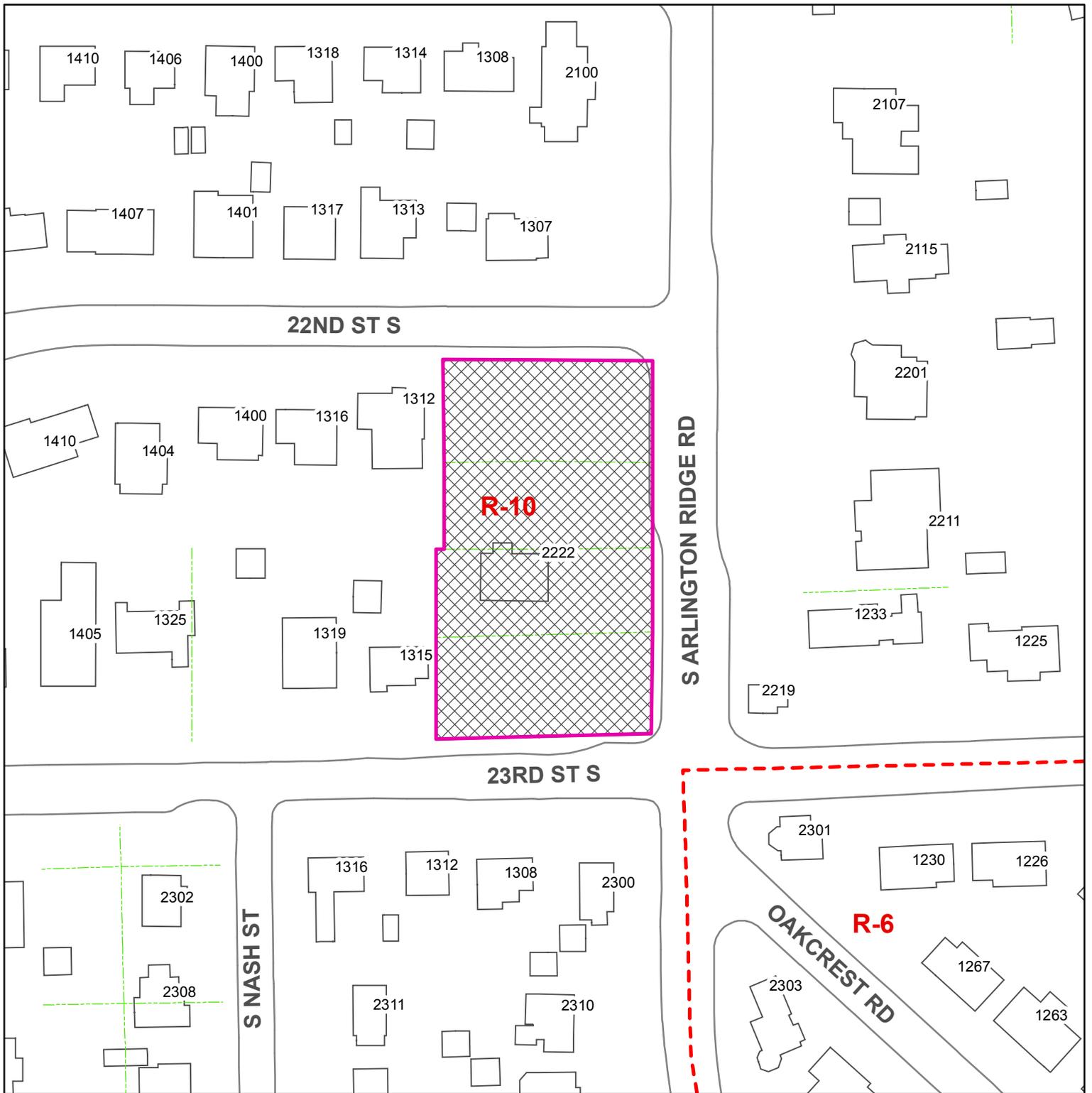
At our March meeting, the Aurora Highlands Civic Association (AHCA) heard from Ms. Maria Teresa Desaba that there is a wait list at her daycare center, and that she will be applying to the County to increase the number of enrolled children to 68 from its current enrollment of 50.

We recognize that there is a need for quality daycare in our community and we therefore do not oppose or otherwise take a position on her application to increase enrollment at her daycare center at this time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Dowell".

Michael Dowell
AHCA President



U-3299-11-2

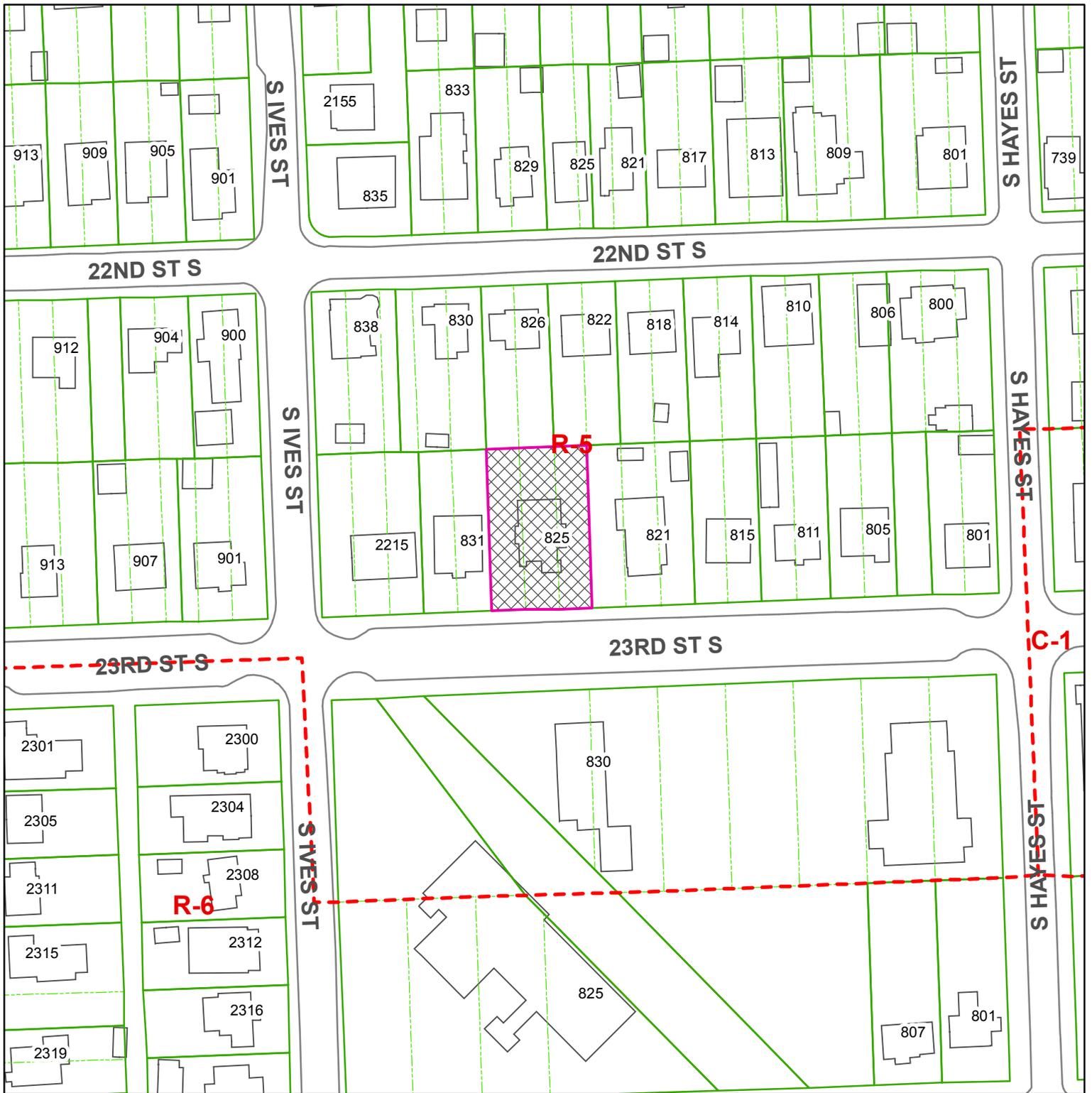
2222 S Arlington Ridge Rd

RPC# 37-038-001



 Case Location(s)
Scale: 1:1,200

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



U-3139-05-1

825 23rd St S

RPC# 36-031-005



 Case Location(s)

Scale: 1:1,200

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