



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of January 26, 2008

DATE: January 10, 2008

SUBJECT: U-3174-07-1 USE PERMIT for a family day care for 9 children at 873 N. Patrick Henry Dr. (RPC #12-018-010)

Applicant:

Sellapperumage Roshanie Fernando
873 N. Patrick Henry Dr.
Arlington, Virginia 22205

C. M. RECOMMENDATION:

Approve, subject to the proposed conditions, with an administrative review in six (6) months (June 2008), and with a County Board review in one (1) year (January 2009).

ISSUES: This is a family day care home request which was previously deferred to complete licensing requirements and address civic association concerns.

SUMMARY: The applicant requests a use permit to expand her existing day care business from five (5) to up to nine (9) children. This item was previously deferred from the June, September, and November County Board meetings to allow the applicant the opportunity to complete licensing requirements and to provide time to meet with the Dominion Hills Civic Association to discuss the association's concerns. The applicant has completed licensing requirements and continues to work with the County Child Care Office to ensure continued compliance with County regulations. The Dominion Hills Civic Association reports that it supports the proposed family day care home use. The proposed conditions should mitigate any potential traffic and parking impacts associated with the family day care use. Therefore, staff recommends approval of the family day care home, subject to the proposed conditions, with an administrative review in six (6) months (June 2008), and with a County Board review in one (1) year (January 2009).

BACKGROUND:

Site: The subject property is a single-family dwelling located on an interior residential lot which has primary frontage on Patrick Henry Drive. The lot contains a total of 6,454 square feet and a concrete driveway, perpendicular to the front lot line, extending from Patrick Henry Drive to the rear of the lot. The existing structure is a two-story dwelling comprised

County Manager: _____

Staff: Rasheda DuPree McKinney, DCPHD, Planning

PLA-4858

of 2,360 square feet. The subject property is adjacent to other single-family residential dwellings.

Zoning: The site is zoned “R-6”, One-Family Dwelling Districts. Section 9 of the Zoning Ordinance permits family day care homes for six (6) to nine (9) children pursuant to use permit approval.

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

Neighborhood: This site is located within the Dominion Hills Civic Association.

DISCUSSION: Currently the applicant operates a by-right day care home for five (5) children with two additional child care providers who reside at this residence. The children in care range in age from birth to five (5) years, and during breaks in the school year schedule, will include school-age children over the age of five (5) years. The day care home’s hours of operation will continue to be from 7 a.m. to 6 p.m. on Mondays through Fridays. Pick-up and drop-off times will continue to be staggered between 7-9 a.m. and 3-6 p.m.

The family day care operates primarily in the lower level space of the existing residence. The day care space has direct stair access to the rear yard. The rear yard has play equipment and open space for recreation and is completely enclosed by a six-foot tall fence. The concrete driveway on the north side of the dwelling can accommodate up to three (3) vehicles. The driveway will be utilized to provide pick-up and drop-off space for parents. On-site pick-up and drop-off creates a safer environment for children and parents by placing vehicles in close proximity to the child care space while preserving more on-street parking for resident use.

The County Child Care office reports that the applicant has maintained her license to operate a day care for five (5) children, and is in compliance with County regulations. The Child Care office states that the applicant has completed documentation to meet the licensing requirements to expand her day care to provide care for up to nine (9) children.

The Dominion Hills Civic Association had expressed concerns about the number of family daycare homes in this section of their neighborhood, additional vehicle trips, and parking. The following is a list of family day care homes in the 22205 zip code, which expands over several neighborhoods, as shown on the attached map:

Address	Capacity	Zoning Ordinance Requirement
1. 989 North Patrick Henry Drive	Up to Five (5) Children	By-Right
2. 2241 North Harrison Street	Up to Five (5) Children	By-Right
3. 1410 North Ohio Street	Up to Five (5) Children	By-Right
4. 2119 North Lexington Street	Up to Five (5) Children	By-Right
5. 5973 Wilson Boulevard	Up to Five (5) Children	By-Right
6. 6244 North 12 th Street	Up to Five (5) Children	By-Right
7. 873 North Patrick Henry Drive	Up to Five (5) Children	By-Right; Proposed Expansion
8. 6088 North 8 th Place	Up to Nine (9) Children	Existing Use Permit

9. 6152 Wilson Boulevard	Up to Five (5) Children	By-Right
10. 6816 North 19 th Street	Up to Five (5) Children	By-Right
11. 5317 Wilson Boulevard	Up to Nine (9) Children	Existing Use Permit
12. 5955 North 8 th Road	Up to Nine (9) Children	Existing Use Permit
13. 6015 Lee Highway	Up to Five (5) Children	Existing Use Permit*
14. 5620 North 8 th Road	Up to Five (5) Children	By-Right
15. 5834 North 21 st Street	Up to Five (5) Children	By-Right
16. 6092 North 8 th Place	Up to Five (5) Children	By-Right

* Use Permits are no longer required for day care uses of up to five children.

Of these locations, only five (5) of these homes are located within the Dominion Hills neighborhood as shown on the attached map. Four (4) of the five (5) homes are located on either a minor arterial or principal arterial street which is designed to carry higher volumes of traffic. Currently, only one family day care home is permitted to care for up to nine children in this neighborhood. On June 19, 2007, the County Board approved a family day care home for up to nine (9) children at 6088 N. 8th Place one block from the subject use permit site. Both the existing and proposed uses are located on or adjacent to North Patrick Henry Drive, which is classified as a minor arterial street designed to carry higher volumes of traffic than other neighborhood residential streets.

Typically, use permits are subject to conditions developed to mitigate parking and traffic impacts of the proposed uses wherever they are anticipated. While on-street parking is abundant in this neighborhood, to respond to the civic association's concerns, the applicant has agreed to conditions to stagger pick-up and drop-off times during business hours to alleviate parking demand during peak traffic hours. The applicant has also agreed to a condition to provide at least one (1) unobstructed off-street parking space for childcare pick-up and drop-off. The proposed conditions will reduce parking and traffic impacts on the surrounding neighborhood.

Since this case was deferred in November 2007, the applicant has provided a copy of her contract with her day care parents which includes a statement restricting parents from blocking any resident's driveway and that parents must sign in agreement. The applicant has also provided the civic association with a list of details regarding her day care operation and a list of vehicles registered to her home address. Staff has received letters from her day care parents who state that they have been informed by the applicant to refrain from parking in front of other residences and asserting that they regularly utilize parking readily available on-site or in front of the applicant's residence. Staff has also received a letter from one of the applicant's immediately adjacent neighbors who supports the expansion of the existing day care.

CONCLUSION: The applicant continues to work with the County Child Care office to ensure continued compliance with County regulations. The proposed increase of children attending the subject family day care would not create a significant impact to the community. The expansion of the subject day care home would help to provide additional resources to address concerns regarding a shortage of day care opportunities in Arlington County. The applicant will continue to work with Dominion Hills Civic Association who has voted to support the proposed expansion. The civic association notes that they voted to support the proposed expansion and prefer that the County Board consider this request at the March County Board meeting but would

not object should the request be reviewed in January instead. Staff finds that the applicant has demonstrated continued compliance with County regulations and has operated in good faith by providing information to and participating in dialogues with the community throughout the use permit process. Since the applicant has committed to continue to work with the civic association, and the association reports that they can now support the use, the additional deferral would not likely result in a significant benefit to the community and would delay the applicant's ability to extend her services to other parents. Therefore, staff recommends approval of the use permit request for a family day care, subject to the following conditions, with an administrative review in six (6) months (June 2008), and with a County Board review in one (1) year (January 2009).

1. The applicant agrees to meet the 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.
2. The applicant agrees that parents of children receiving care shall escort their children both to and from the home at all times.
3. The applicant agrees that the hours of operation are Monday through Friday between 7 a.m. and 6 p.m., and the total number of children under the applicant's care should not exceed nine (9) children at any one time, except children who are related by blood, adoption or marriage to the person who maintains the home, pursuant to the provisions of the Child Care Ordinance.
4. The applicant agrees to make at least one unobstructed off-street parking space available to parents for pick-up and drop-off. Such off-street parking shall at no time obstruct any public right-of-way, or impede access to any neighboring property or driveway.
5. The applicant agrees to continue to stagger pick-up and drop-off times during business hours to alleviate parking demand during peak hours.
6. The applicant agrees, pursuant to Sec. 59-17 (b) (6) of Chapter 59 of the Arlington County Code (Family Daycare Homes), to provide direct supervision of all children in the applicant's care during all times of outdoor play activity.
7. The applicant agrees, pursuant to Sec. 14.2-24 of Chapter 14.2 of the Arlington County Code, (Motor Vehicles and Traffic) that children in the applicant's care will not be allowed to play on any street.

PREVIOUS COUNTY BOARD ACTIONS:

June 9, 2007

Deferred use permit (U-3174-07-1) for a family day care home to the September 9, 2007 County Board meeting.

September 8, 2007

Deferred use permit (U-3174-07-1) for a family day care home to the November 13, 2007 County Board meeting.

November 13, 2007

Deferred use permit (U-3174-07-1) for a family day care home to the January 26, 2007 County Board meeting.