



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of September 22, 2018

DATE: October 11, 2018

SUBJECT: U-3521-18-1 USE PERMIT for a family day care home for up to nine (9) children (Fillmore Daycare); located at 301 S. Fillmore St. (RPC# 24-024-011).

Applicant:

Shaheen Yasin
301 S. Fillmore St.
Arlington, VA ZIP

C.M. RECOMMENDATION:

Approve the use permit for a family day care home (Fillmore Daycare) subject to the proposed conditions of the staff report and with a County Board review in one (1) year (October 2019).

ISSUES: No issues have been identified as of the date of this report.

SUMMARY: This is a new use permit request for a family day care home for up to nine (9) children, located at 301 S. Fillmore St.. The applicant has been operating a by-right family day care home for up to five (5) children for more than a decade. The daycare operates in a single-family residence and has an outdoor play area on site. The site meets the requirements for one (1) parking space for pick-up and drop-off. There are no anticipated adverse impacts to the surrounding properties or to the transportation network and the expansion is supported by the Child Care Office.

BACKGROUND:

Address: 301 S. Fillmore St. (RPC# 24-024-011).

Neighborhood: Located in the Penrose neighborhood and adjacent to Arlington Heights.

County Manager:

mgs/smb

County Attorney:

[Signature]

MNC

Staff: Mary (Molly) O'Connell, DCPHD, Planning Division
Erika Gibson, DHS, Child & Family Services
Jane Kim, DES, Transportation Division

Zoning: R-6 One-Family Dwelling District

GLUP: “Low” Residential (1-10 units/acre)

Existing Land Use: The 4,200-square-foot lot is developed with a two-story single-family home with a paved driveway and fenced backyard.

Figure 1: Aerial View



Source: Pictometry.

Figure 2: Street View



Source: CPHD

DISCUSSION: The following provides details about the proposed use and staff analysis:

PROPOSED USE:

<u>Type of Use:</u>	Family Day Care Home for up to nine (9) children
<u>Hours of Operation:</u>	24 hours a day, Monday through Sunday.
<u>Parking:</u>	The applicant has a paved driveway with space available for parents to park during pick-up and drop-off (Figure 2).
<u>Outdoor play:</u>	Arlington County does not have an outdoor play requirement for family day care homes. However, the applicant has a fenced deck and rear yard with small equipment to provide outdoor play (Figure 3).

Figure 3: Outdoor Area



Source: Applicant

ASSESSMENT:

DHS, Child Care Office: The Child Care Office is supportive of the request to expand the by-right day care and has provided a Memo of Support which is attached to this report.

DES, Transportation: There are no issues with the request. The applicant is able to provide one (1) parking space in the driveway to meet the requirements of Condition #4. While there is no street parking on South Fillmore Street., any potential overflow could utilize the unrestricted street parking located approximately 200 feet away on 2nd Street. South (Figure 4). The family day care home is accessible from 2nd Street South via sidewalk.

Figure 4: Street Parking



Source: Google Maps

DCPHD, Planning: Staff recommends approval of the subject use permit. The applicant is able to meet the standard requirements for pick-up and drop-off parking and the expansion is supported by the Child Care Office. Additionally, staff is supportive of the non-restrictive hours. The applicant normally operates during “regular business hours” (7:30 a.m. to 6 p.m.), however began offering extended care for a client who worked a shift schedule. Since then, the applicant has kept this offer open for parents who work irregular hours. The County has previously approved use permits for family day care homes with 24-hour care and, when operating the by-right use for five (5) children and under, there are no time restrictions. The applicant indicated that generally only one (1) child, if any, required care outside of normal hours. The use is not anticipated to adversely affect the health or safety of persons residing or working in the neighborhood;

will not be detrimental to the public welfare or injurious to property or improvements; and is not in conflict with the master plans of the County.

PUBLIC ENGAGEMENT:

Level of Engagement:

Communicate

This level of engagement is appropriate because the implementation and operation of the proposed use to is not anticipated to adversely impact the neighborhood.

Outreach Methods:

- Public notice was given in accordance with the Code of Virginia §15.2-2204. Notices of the County Board hearing on the use permit were placed in the September 26, 2018, and October 3, 2018, issues of the Washington Times for the October 20, 2018, County Board Meeting.

In addition to the above legal requirements:

- Individual letters outlining the project description and public hearing details were mailed to surrounding property owners of the subject property.
- Placards were placed in various locations surrounding the subject property within seven (7) days of the public hearing.
- Civic associations were informed of the application via email communication. The subject property is located within the Penrose Neighborhood Association and is adjacent to the Arlington Heights Civic Association.

Community Feedback:

Penrose Neighborhood Association: The president of the Penrose Neighborhood Association reported mixed responses from the neighborhood. Those in favor support the expansion because of the need for more services; those opposed have concerns about increased traffic congestion, pick-up and drop-off, and commercial encroachment in a residential area.

Arlington Heights Civic Association (AHCA): The president of AHCA responded to staff and indicated that there are sentiments both for and against the proposed use. Those in favor support the expansion because of the need for more services and from personal experience (i.e. former clients); those opposed have concerns about pick-up and drop-off, traffic congestion, and pedestrian safety.

CONCLUSION: The use is not anticipated to have an undue adverse impact on the community and will provide a valuable service to the County. Therefore, staff recommends the County

Board approve the use permit for a family day care home for up to nine (9) children, subject to the proposed conditions, and with a County Board review in one (1) year (October 2019).

Proposed Conditions:

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; the Arlington County Health Regulations; and the Arlington County Child Care Center Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.
2. The applicant agrees that parents and/or another authorized caregiver of children receiving care shall escort their children both to and from the home at all times.
3. The applicant agrees to make at least one (1) 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. The applicant further agrees to park personal vehicles off-site if needed to ensure that there is an available off-street parking space for the parents to use.

PREVIOUS COUNTY BOARD ACTIONS:

There are no previous County Board actions for this site.

Memo

September 11, 2018

To: Arlington County Zoning Division

From: Erika Gibson, DHS Child Care Supervisor

Re: Shaheen Yasin, 301 S. Fillmore St., Arlington, VA 22204

The Child Care Licensing Specialist visited the above family child care home and has reviewed the requirements of Chapter 59 of the Arlington County Code as it relates to the property. Child Care Services approves the provider's plan to expand the license capacity from four (4) children to nine (9) children. In approval of the plans with the following conditions:

- The program will maintain compliance with the permitted license capacity which includes the provider's children in the home under the age of fourteen (14) years of age.
- The provider must also comply with Local, County and State Ordinances requirements as it move forward with licensure.
- The program will maintain compliance with all requirements of Chapter 59.

Ms. Yasin has sufficient understanding of Chapter 59 to ensure compliance moving forward. Ms. Yasin understands the Certificate of Occupancy will not be approved if there is not compliance with Chapter 59.

If you need any further information, please contact Erika Gibson, Child Care Supervisor at (703) 228-1680.



U-3521-18-1

301 S Fillmore St

RPC #s 24-024-011



Case
Location(s)

Scale: 1:600

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

Department of Community Planning, Housing and Development

County Use Only
Date Placard Posted _____
By _____
Removed _____