

DATE: October 7, 2022

TO: Tony LaColla, Division Chief  
Department of Planning and Zoning

FROM: Mavis Stanfield, Urban Planner, Land Use Services  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00078  
Administrative Review for a New Use  
Site Use: Child or Elder Care Home  
Applicant: Fausia Hasan Malik  
Location: 1001 North Vail Street  
Zone: RA/Multifamily Zone

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### **Request**

Special Use Permit #2022-00078 is a request to operate a childcare home at 1001 E Vail Street. The applicant would care for nine children from the ages of three months to five years. The proposed hours of operation are 7:30 a.m. to 5:30 p.m. on Monday through Friday. There will be a total of two caretakers, the applicant and her husband, Mahboob Malik. The drop-off window would occur between 7:30 a.m. to 9 a.m. and the pick-up window would occur between 4 p.m. to 5:30 p.m. The rear yard is fenced, landscaped and has an area of approximately 1000 square feet. The applicant expects at least half of the parents to walk their children to the house. The parents who drive would park on the street in the two assigned parking spots on the applicant's property and walk their child to the front door.

### **Background**

The subject property is a townhome located on a 3,309 square foot parcel. The site is surrounded by other townhomes. Properties located beyond the townhome development include multifamily development to the south, single family to the east and I-395 to the northwest. Polk Park is located to the northeast of the property and the James K. Polk Elementary School is located further to the southeast. The applicant currently operates a childcare facility with an enrollment of four children.

### **Parking**

The Zoning Ordinance does not require childcare operations in residences to provide additional parking beyond the residential requirement. It is noted that the applicant has two assigned parking spaces in front of her house that will be utilized during the day for drop off and pick-up of children. Members of Mrs. Malik's household will park on the District 12 Permit parking located along North Vail Street during the day.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, Brookville-Seminary Valley Civic Association was notified by email.

In an October 3, 2022, email to staff, a concern was raised by a resident that the current clients/customers double-park along Vail Street in front of the property, and at times residents have had to wait for parents to pick up children before they could get to their own homes. The resident further expressed concern that some of the parents would back out of the parking spaces rather than driving forward to turn around at the opposite end of the street. Staff has added development conditions to address these issues. No other concerns were received.

**Staff Action**

Staff supports the applicant's request to operate a childcare home for between six and nine children. The applicant's proposed childcare operation would fulfill a need for additional childcare options in the City. With the imposition of conditions, the use is not expected to produce adverse neighborhood impacts since the operation proposed is relatively small and it is the expansion of an existing childcare. The property would remain primarily residential. The maximum number of children in the applicant's care would be limited to nine as stipulated in Condition #3.

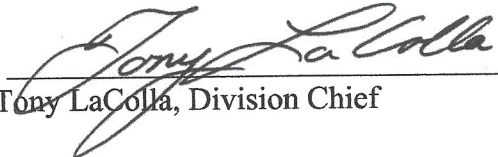
Staff learned that the pick-up and drop off plan has adversely impacted neighbors at times in the past. Three conditions have been included to mitigate these impacts. Condition #9 has been included to limit the time vehicles can remain idle on the street. To ensure that the use does not result in traffic congestion, staff has included Condition #7 which requires the applicant to stagger arrivals and departures and prohibits the double parking of parents' cars. Lastly, Condition #10 requires that vehicles dropping off or picking up children drive to the end of the median in North Vail Street to exit the neighborhood, rather than backing out to the entrance of the street. Staff believes that with the imposition of these conditions, the child care use can be better regulated for the benefit of the community.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: October 7, 2022

Action: Approved

  
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Tony LaColla, Division Chief

- Attachments:
- 1) Special Use Permit Conditions
  - 2) Department Comments
  - 3) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2022-00078**

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the childcare home shall be limited to between 7:30 a.m. and 5:30 p.m., Monday through Friday. (P&Z)
3. The maximum number of children, including any resident children under the age of 12, that may be cared for in the home at any one time shall be nine. (P&Z)
4. The applicant shall maintain all required licenses for operation as a childcare home. (P&Z)
5. The applicant shall maintain 75 square feet of fenced outdoor play space in the rear yard for each child over age two. (P&Z)
6. The applicant shall apply to the Department of Recreation, Parks, and Cultural Activities for any use of public parks to establish a schedule of use. (P&Z)
7. The applicant shall ensure that no vehicles double park on North Street for pick-up or drop off by staggering the arrival and departure times of children. (P&Z)
8. Vehicles associated with drop off and pick-up shall be parked in the two assigned spaces located in the front of the property along North Vail Street. (P&Z)
9. Vehicles associated with drop off and pick-up shall be permitted to idle for no more than 10 minutes when parked. (P&Z)
10. Vehicles associated with drop off and pick-up shall exit by driving to the end of the median and shall not back-out to the entrance of North Vail Street. (P&Z)
11. The applicant shall require its employees who drive to work to use off-street parking spaces. (T&ES).
12. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)



13. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
  
14. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

## CITY DEPARTMENT COMMENTS

Legend      C – code requirement   R – recommendation   S – suggestion   F - finding

### Transportation & Environmental Services

- R-1      The applicant shall require its employees who drive to use off-street parking.  
(T&ES)
- R-2      The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
- R-3      The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
- R-4      The applicant shall encourage patrons to park off-street.

### Code Department

No comments.

### Fire Department

C-1      A Fire Prevention Permit will be required for the home child care operation.

### Health Department

No comments.

### Police Department

No comments.

### Recreation, Parks, and Cultural Activities

F-1      The applicant shall contact RPCA if they decide to use a public park.

### Department of Community and Human Services, Early Childhood Division

**September 15, 2022**

**Application for Special Use Permit #2022-00078**

Address: 1001 N. Vail Street Alexandria, VA 22304

Site visit was conducted on 9/15/2022. This dwelling is a three-level town house with three bedrooms, two half-baths and two full-baths totaling 4 bathrooms. The three bedrooms are located on the top level of the home. The top and middle level of the home will not be utilized for child-care services. The middle level provides a front entrance door that leads to a hallway where one of the

half bathrooms is located. There is a staircase near the front door entrance that leads to the upstairs of the home where the bedrooms are located. The living room and dining room both connect to the kitchen providing the option to enter and exit the kitchen from either space. The dining room area has French doors that leads out to a concrete patio and back yard space that is relatively large. The yard is private as it has a tall wooden fence enclosing the space and lots of grass and greenery that is very well maintained.

A second staircase on the middle level leads to the basement of the home. The basement is the area being utilized for child-care services. On this level a hallway with the second half bathroom will be utilized for handwashing and toileting. This restroom is easily accessible to the main child-care area. It comes equipped with a child safe stepstool for use during hand washing and offers a child size safety toilet seat. There is also hand soap provided, paper towels and a step lid trash can. A laundry room and utility closet are also accessible along the same hallway. All rooms off this hallway have doors that remain closed and are safety proofed with doorknob covers. A spacious closet along the hallway is utilized for extra items pertaining to child-care operations as well as space to store children's belongings.

A door at the end of the hallway on the basement level, always remains open, leads into the main child-care area. The doorway is safety proofed with the proper safety gate to serve as a barrier for children wandering from the space. The main child-care space is relatively large. It allows plenty of space for children to navigate and play freely and safely. It also comes equipped with a small kitchenette that has a sink, microwave, refrigerator, and plenty cabinetry for storage of non-perishable food items. Although meal preparation takes place in the main kitchen before children arrive, the basement kitchenette allows for proper storage and safe keeping of meals during the day. Cabinets have been child safety proofed. This space is excellent to use as the main functioning area because it also offers plenty of natural outdoor light provided by one big window. There is also a back door that serves as an emergency exit that leads to a concrete staircase up to the back yard. This backdoor is also utilized for drop off and pick up of children. The fenced in yard has a gate accessible to a service road which is where parents park during drop off and pick up. Ms. Malik also reports, when weather permits, the grassy space of the yard will be utilized for outdoor activity and play.

Ms. Malik has decorated the play area with an awesome educational theme that is bright and colorful. There is a play table that will be utilized for eating and creative activities. The walls are decorated with various posters that promote learning, such as ABC's, 123's and days of the week. The set up offers a variety of activities that promote learning and creativity for all ages in care. These stations are easily accessible at children's eye level. The space has 2 cribs 2 that meet crib safety standards. Provider also has 2 sleep cots that are utilized for napping. The cribs and sleep cots are properly spaced out during sleep time. The cots are collapsible and easily stored away when not in use. The changing table for diapering has the proper covering as well. Ms. Malik currently has 4 children enrolled, 3 that were present on the day of the site visit. There are two preschool age children, 2 and 3 years of age, and two infants, 7 months and a 1 year-old.

The home was found clean, free of clutter and meets health and safety standards. All sockets in the main child-care space are covered. The bathroom does not have any items stored that are hazardous, only the necessary items for hand washing and toileting are present. The main area offers 2 exits in the event of the need to evacuate during an emergency. Fire evacuation plan and an emergency preparedness plan is in place. All smoke alarms and carbon monoxide detectors are in working order and are checked yearly by Fire and Code Enforcement. Fire extinguisher is in proper working order. First Aid Kit is fully stocked. Ms. Malik is following the proper protocol and standards for cleaning and use of supplies as it pertains state and city requirements and COVID-19. The entire home and space for childcare purposes was found to be very well kept, clean and organized with sufficient



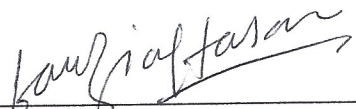
space to care for up to 7, but no more than 9 children.

Ms. Malik's operational hours are M-F, 7:30am to 5:30pm. Her program offers services to children ages 3 months to 5 years old. Provider's husband and assistant, Mahboob Malik, helps aid her in the child-care business daily operations and care to children. Mr. Malik participated in the proper training and completed all requirements to be approved as an assistant through DCHS's Early Childhood Division. He is listed on her City Registration Permit. However, any assistant hired moving forward will be required to adhere to State Licensing's approval process.

**R: Approval recommended for Ms. Fauzia Malik's special use permit to allow care for up to (7- 9) non-resident children, pending compliance with other departments recommendations and subject to licensing, registration requirements and other limitations of local and state regulations. Applicant does not have any residential children under the age of 12, which would lower the capacity. Ms. Malik must maintain an assistant for the number of children and ages she plans to provide care for.**

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00078. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the childcare home at 1001 North Vail Street.

  
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Applicant - Signature

10/10/2022  
Date

FAUZIA HASAN MALIK  
Applicant - Printed

10/10/2022  
Date