

DATE: February 28, 2023

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

FROM: Patrick Silva, Urban Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00001  
Administrative Review for New Use  
Site Use: Child Care Home for Six to Nine Children  
Applicant: Esau Merino & Imelda Majano  
Location: 704 Four Mile Road  
Zone: RA/Multifamily

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**Request**

Special Use Permit #2023-00001 is a request to operate an approximately 1,056 square foot child care home at 704 Four Mile Road. The childcare home will offer its services for six to nine children, including resident children under the age of 12, during the proposed operational hours of 7 a.m. to 5 p.m., Monday through Friday. The child care home will provide approximately 2,000 square feet of fenced outdoor play area for the children which is in the rear yard of the property. The proposed pick-up and drop off configuration would have the children picked-up and dropped off in the dwelling’s driveway with parents walking their child to and from the home and their vehicles. The driveway located at the subject site will remain clear of resident vehicles while pick-up and drop-off operations occur.

**Background**

The use will be located within a single-family detached dwelling in the Arlandria/Chirilagua neighborhood. The subject property has been developed with a semi-detached dwelling since 1953.

**Parking**

Pursuant to Section 8-200(A)(1) of the Zoning Ordinance, a single-family dwelling is required to provide two parking spaces. The applicant meets this requirement by providing two parking spaces in the driveway located in their front yard.

**Community Outreach**

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, the Arlandria Civic Association was sent an e-mail with information about the current application. Staff received no comments or concerns regarding the request.

**Staff Action**

Staff supports the applicant’s request for a child care home at this location. Pursuant to Section 11-513(R) (3), the outdoor play area at the rear of the home exceeds the requirement of 75 square

feet for nine children over age two. In addition, the pick-up and drop off plan allows for the safe transfer of children and would not impact traffic flow in this residential neighborhood.

In order to mitigate any potential issues resulting from the childcare home operations at the subject site, Staff has included standard Special Use Permit conditions for the operation of the use.

Staff hereby approves the Special Use Permit request.

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

Date: February 28, 2023

Action: Approve

  
Tony LaColla, Land Use Services Division Chief

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

## **CONDITIONS OF SPECIAL USE PERMIT #2023-00001**

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 applicant shall obtain all required state, federal and local licenses and certificates prior to operation (P&Z)
3. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)
4. The applicant shall control odors, smoke and any other air pollutants from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (P&Z)
5. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z)
6. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least once a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
7. The applicant shall require its employees who drive to use off-street parking. (T&ES)
8. 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)
9. 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)
10. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)

11. 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 through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
  
- R-5 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least once a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
  
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)
  
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
  
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

C-1 VRC: less than 5, City Code: Less than 9 Virginia Code: less than 12, no more than 4 under 2 years old. The number of children should comply with the City Code.

Community & Human Services, Early Childhood Division

F-1 Site visit was conducted on February 9, 2023. This is a two-level town house with three bedrooms, one full bathroom and one half-bath bathroom. Three bedrooms and one full bathroom are located on the second level of the home. The home does not have a basement.

The entrance of the home is on the main level, giving direct access to the living room/dining room and the laundry room (which is locked), and the kitchen at the end. From the kitchen, there is direct access to the back porch and the yard, which is all fenced. The half bathroom is on the right side of the living room/dining room. The house is very clean and organized. Mr. Esau Merino is using the living room/dining room area of the home as the major childcare area space. The childcare area is child friendly, there is enough educational materials and toys. There is a small table with chairs that is used for eating and for creative activities.

The setup of the space offers a variety of activities that promote learning and creativity for all ages in care. There are 2 cribs that meet crib safety standards. There are also 6 cots that are utilized for napping. There is a changing table for diapering. The kitchen area has a gate for safety. Napping is in the child care area. There is a space for the children's personal belongings. During the home study there were 5 children, including an infant. The childcare space is excellent. The restroom is in the child care area to be used by children for toileting and hand washing purposes.

On the bottom of the stairs to upstairs there is a safety gate that serves as a barrier to prevent children from climbing the stairs. The home was found clean, free of clutter and meets health and safety standards. The area is observed to be safe. The electrical outlets are covered. The bathroom does not have any items stored that are hazardous, only the necessary items for hand washing and toileting are present.

Fire evacuation plan and an emergency preparedness plan are in place. All smoke alarms are in working order and are checked yearly by the Fire and Code Enforcement. Fire extinguisher is in proper working order. First Aid Kit is fully stocked. Mr. Merino follows the proper protocol and standards for cleaning and use of supplies as it relates to state and city requirements.

The yard is clean and safe. Mr. Merino has some child care equipment in the backyard for outdoor activity. 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 9 children. Mr. Merino operational hours are M-F from 7am to 5pm. His program offers services to children ages 2 months-old to school aged children. Mr. Merino's sister will be his assistant in her child-care business. Mr. Merino is presently a state licensed child care provider with a capacity for 5 children, but he wants to increase his capacity to 9

children.

Approval recommended for Mr. Esau Merino's special use permit to allow care for up to nine (9) non-resident children, pending compliance with other department recommendations and subject to licensing, registration requirements and other limitations of local and state regulations. Applicant does not have any residential children. Mr. Merino must maintain an assistant for the number of children and ages he plans to provide care for.

Parks and Recreation:

F-1 Applicant must comply with the state's playspace requirements.

Police Department:

No comments received

Health Department:

C-1 Childcare homes with nine or fewer children are exempt from requiring an Alexandria Health Department Permit. The facility shall comply with the following definition to maintain exemption from permitting:

2022 FDA Food Code 1-201.10

(3) "Food establishment" does not include:

(f) A kitchen in a private home, such as a small family daycare provider; or a bed-and-breakfast operation that prepares and offers FOOD to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the CONSUMER is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the FOOD is prepared in a kitchen that is not regulated and inspected by the REGULATORY AUTHORITY

Fire Department:

C-1 Applicant shall submit a fire prevention permit application that will result in an inspection by the Fire Marshal's office. Application can be accessed online at:

[www.alexandriava.gov/fire-department/the-fire-marshals-office](http://www.alexandriava.gov/fire-department/the-fire-marshals-office)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00001. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the child care home at 704 Four Mile Road.



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Applicant - Signature

03-10-2023

\_\_\_\_\_  
Date

Esau M Merino

\_\_\_\_\_  
Applicant - Printed

03-10-2023

\_\_\_\_\_  
Date