



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of June 10, 2023

DATE: June 1, 2023

SUBJECT: SP65-U-22-1 USE PERMIT REVIEW for a child care center for up to 216 children (Primrose School); located at 2461 S. Clark St. (RPC#34-020-035).

Applicant:

N2M Kids, LLC d/b/a Primrose Schools

By:

Andrew A. Painter, Attorney/Agent
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA, 22201

C.M. RECOMMENDATION:

Renew the use permit for a child care center for up to 216 children (Primrose School), subject to the previously approved conditions and with a County Board review in one (1) year (June 2024).

ISSUES: This is a one (1) year use permit review for a child care center (Primrose School), located at 2461 S. Clark St. There are no known issues outstanding as of the date of this report.

SUMMARY: This is a one (1) year use permit review for a child care center (Primrose School) located at 2461 S. Clark St. As approved, the use permit allows for the operation of a child care center for Primrose School, providing care for up to 216 children. The child care center contains up to 35 staff members providing care for children between the ages of two (2) and five (5) years old within 15 classrooms. The hours of operation are Monday through Friday from 6:30 a.m. to 6:30 p.m. Drop-off occurs between 6:30 a.m. and 9:30 a.m. each morning, and pick-up occurs between 3:30 p.m. and 6:30 p.m. each evening. The child care center is located within the ground floor of the building with frontage on an outdoor play area along South Clark Street. The proposed indoor play area consists of approximately 1,238 square feet. The indoor play area directly opens up to a 778-square foot secured outdoor play area provided along the

County Manager: MJS/SFW
County Attorney: MNC [Signature]
Staff: Pierre Jolicoeur, DCPHD, Planning Division
Robert Gibson, DES, Development Services Bureau
12.

property's South Clark Street frontage. The outdoor play area is enclosed by a 6-ft. high, white vinyl privacy and lattice fence and concrete planter boxes. The use provides 15 parking spaces for staff and parents to use. The spaces are located on-site within the garage, with additional public on-street parking available if necessary. The applicant was issued a Certificate of Occupancy (#COFO23-00182) in May 2023 for up to 216 children and began operating on May 24, 2023.

BACKGROUND: The Century Center II building was constructed in 1973 and contains approximately 274,078 square feet of office and retail gross floor area ("GFA"). On June 18, 2022, the Arlington County Board approved a Site Plan Amendment and Use Permit to convert approximately 16,526 square feet of vacant ground-floor retail space formerly operated as a Subway Restaurant, and office space to an institutional use (child care center), to permit a child care center for up to 216 children (Primrose School), with a County Board review in one (1) year (June 2023).

Address / RPC: 2461 S. Clark St. (RPC #34-020-035)

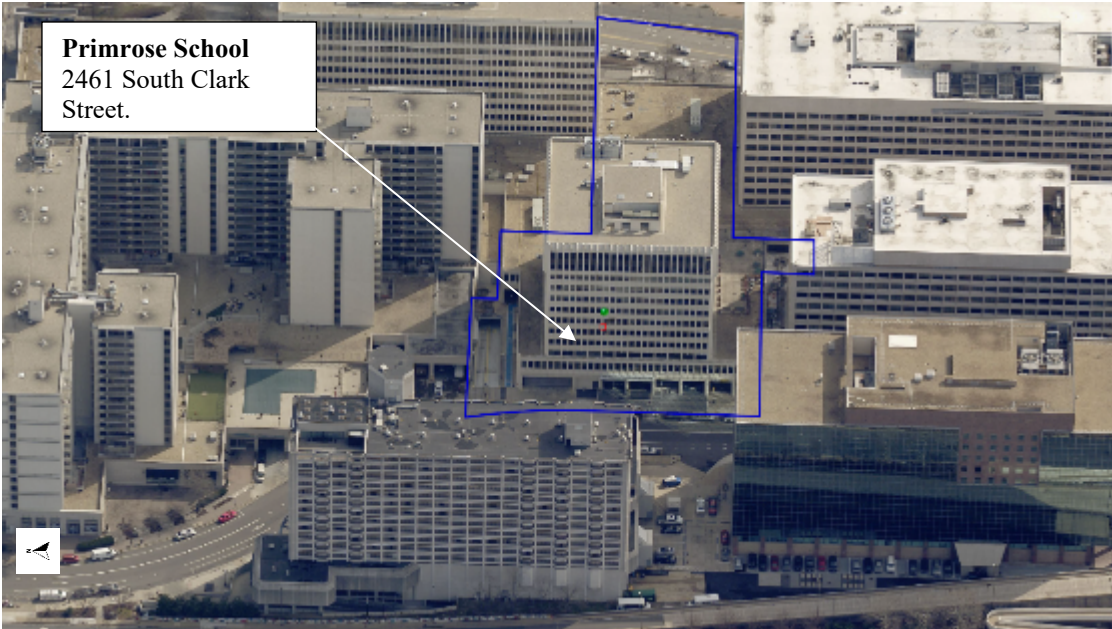
Neighborhood: Crystal City

Zoning: C-O Mixed Use District

GLUP: GLUP: "High" Office-Apartment-Hotel; GLUP Note 1 "Crystal City Coordinated Redevelopment District"

Existing Land Use: The Property is subject to Site Plan #65, approved by the Arlington County Board ("County Board") on February 17, 1968, to permit a six-building mixed-use development known as "National Center." Site Plan #65 was amended before construction of the development began and, eventually, permitted seven buildings (five office buildings, a hotel building, and a residential building) supported by underground parking. The Century Center II building was constructed in 1973 and contains approximately 274,078 square feet of office and retail gross floor area ("GFA").

Figure 1: Aerial View



Source: Pictometry

Figure 2: Street View



Source: CPHD

DISCUSSION: The following details the existing use and staff assessment:

REVIEWED USE:

Type of Use: Child care center (up to 216 children)

Hours of Operation: Monday through Friday from 6:30 a.m. to 6:30 p.m.

Location and Layout: The child care center is approved to occupy 16,526 square feet of space on the ground floor of the Century Center II building’s frontage on South Clark Street. The daycare provides 15 classrooms serving children between the ages of two (2) and five (5) years. Indoor and outdoor play areas are provided on the site and parking is provided within the parking garage on the site.

Parking:

Table 1. Parking Requirement

Required	Provided
22	15

Arlington County Zoning Ordinance (ACZO), Section 14.3.7 requires one off-street parking space per 10 children for day care uses. The applicant received approval of a modification of ACZO Sect. 14.3.7.C.2 to allow seven (7) fewer spaces to serve the use.

Outdoor Play Area:

The child care use is served by an indoor play area consisting of approximately 1,238 square feet that directly opens up to a 778-square foot secured outdoor play area that is enclosed by a 6-foot high, white vinyl privacy and lattice fence and concrete planter boxes.

ASSESSMENT:

DHS, Child Care Office:

Child Care Office (CCO) staff reported no concern regarding the child care center as approved.

Zoning Enforcement:

Zoning Enforcement confirmed compliance with use permit conditions during the review and approval of the Certificate of Occupancy (CO) (#COFO23-00182).

Inspection Services Division (ISD):

ISD conducted a property inspection and approved a maximum capacity of 216 children for the use with issuance of the CO (#COFO23-00182) on May 19, 2023.

DES, Transportation:

The use permit was initially approved with a modification of Arlington County Zoning Ordinance §14.3.7.C.2 to allow 15 rather than 22 parking spaces to serve the use, which was justified by the site's transit rich location within Crystal City. The Property is located within a 10-minute walk (0.5 mile) of the Crystal City Metrorail station and there are four bus routes within a quarter-mile of the property. The Applicant also requested permission to designate parking spaces along South Clark Street in front of the proposed child care center for short-term parking for drop-off and pick-up activities during certain hours of the day; however, that request will be evaluated separately by DES as there have been recent bicycle travel way improvements directly in front of the site that may preclude this activity. Other short-term parking spaces (public metered spaces and private garage spaces) are available in the vicinity of the site that may be utilized as well.

CPHD, Planning:

Staff supports renewal of the approved use permit for a child care center for up to 216 children to operate in a ground-floor retail space within the Century Center II building located at 2461 S. Clark St. During the review period, the applicant complied with the use permit conditions, and no documented issues or violations were reported by County agencies. The current enrollment of the program is 216 children and there is adequate parking on-site to accommodate the employees. Staff supports renewal of the use, as it has not: a) adversely affected the health or safety of persons residing or working in the neighborhood of the proposed use; b) been detrimental to the public welfare or injurious to property or improvements in the neighborhood; and c) is not in conflict with the purposes of the master plans of the County. Therefore, staff recommends the County Board renew the subject use permit, subject to all previously approved conditions, with a County Board review in one (1) year (June 2024), which will afford staff, the community, and the County Board the opportunity to assess operations of the child care center.

PUBLIC ENGAGEMENT:

Level of Engagement:

Communicate: This level of engagement is appropriate because it is not expected that the operation of the use will adversely impact the neighborhood once it becomes operational.

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 May 18, 2023, and May 25, 2023, issues of the Washington Times for the June 10, 2023, County Board Meeting.
- Placards were placed in various locations surrounding the subject property within seven (7) days of the public hearing.

In addition to the above legal requirements:

- Crystal City and Aurora Highlands civic associations were informed of the application via email communication. The subject property is located within the Crystal City Civic Association and is adjacent to the Aurora Highlands Civic Association and is within the boundaries of the National Landing Business Improvement District.

Community Feedback:

Crystal City Civic Association: Crystal City Civic Association expressed support for the use.

Aurora Highlands Civic Association: Aurora Highlands Civic Association expressed support for the use.

National Landing Business Improvement District (BID): National Landing BID expressed support for the use.

CONCLUSION: Staff supports the renewal of the approved use permit for a child care center for up to 216 children to operate in a ground-floor retail space within the Century Center II building located at 2461 S. Clark St. The applicant was issued a Certificate of Occupancy on May 19, 2023, and commenced operations May 24, 2023. In accordance with the applicant's Certificate of Occupancy, the applicant can serve up to 216 children. The operation is not expected to adversely affect the health or safety of persons residing or working in the neighborhood and is not in conflict with the purposes of the master plans of the County. Therefore, staff recommends the County Board renew the subject use permit, subject to all previously approved conditions, with a County Board review in one (1) year (June 2024), which will afford staff, the community, and the County Board the opportunity to assess operations of the child care center. Staff recommends a one-year County Board review, instead of the typical three-year review, to assess the operations of the child care center, since it is newly opened.

Approved Conditions for Use Permit SP65-U-21-1:

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 to maintain a minimum clear sidewalk width of 10 ft. along the building's South Clark Street frontage.
3. The applicant agrees that the fence as shown on the Conceptual Site Plan dated May 10, 2022 and prepared by ADA Architects, Inc. shall be no taller than six feet. Further, the applicant agrees that neither the fence nor any other structure shall encroach into public right-of way or easements without permission from the County Board. Any application for encroachment or vacation shall be submitted to the DES, Real Estate Bureau, and must be approved by the County Board.
4. The applicant agrees that the hours of operation shall be 6:30am to 6:30pm Monday through Friday. The applicant further agrees that the maximum permitted enrollment is up to 216 or such number as determined by the Department of Human Services Child Care Office, which may be fewer than the maximum noted above. The applicant further agrees that the maximum total occupant load, inclusive of children and adults, shall be as determined and designated by the Inspection Services Division in accordance with the Virginia Uniform Statewide Building Code, which may also be fewer than the maximum noted above.
5. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to the operation of this child care center. The name, telephone number, and electronic mail address of the liaison shall be submitted by the applicant to the Zoning Administrator and the Crystal City Civic Association and the Aurora Highlands Civic Association - prior to issuance of a Certificate of Occupancy for the use.
6. The applicant agrees to submit a parking management plan to the County, for review and approval. The applicant agrees that the plan shall be approved only if it shows a minimum of 15 off-street parking spaces located on the site and dedicated for the child care use during the hours of operation of the child care facility. The applicant further agrees that those 15 dedicated parking spaces shall be available for staff and visitors of the child care center during the hours of operation for the facility. The 15 dedicated parking spaces shall comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by Section 14 of the Arlington County Zoning Ordinance. Approval of the parking management plan by the County shall be obtained prior to issuance of a certificate of occupancy for the child care use.

PREVIOUS COUNTY BOARD ACTIONS:

- February 11, 1968 Rezoning Z-1909-68-1, 2300 through 2500 blocks Jefferson Davis Highway, east side (McShain tract) From: M-2 To: C-O
- Approved site plan within the limits of a 2.0 FAR of GFA and 600 apartment Units.
- October 26, 1968 Approved an amendment to approve a subdivision subject to all previous conditions of approval.
- April 12, 1969 Amendment to permit 1,482,234 sq. ft. of GFA, and 420 apartment units.
- June 4, 1969 Amendment to add 559 hotel units
- February 7, 1970 Reduced number of motel units from 559 to 350, increased apartment units by 13, and increase the GFA of the Zachary Taylor Building to 437,429 square feet (and reduce the fourth office building to 357,008 square feet produce a total GFA for the project of 1,477,470 square feet as per the original approval which stipulated a 2.0 FAR. subject to one new condition and all existing conditions.
- September 12, 1970 Site Plan Amendment to permit a reconfiguration of the final office building into two separate towers, subject to conditions of Nos. 1, 2, 3 and modification of No. 4 as requested by the Aurora Highlands Civic Association.
- February 24, 1971 Approved a site plan amendment “relative to the shopping center complex”, with existing and 6 new conditions.
- August 7, 1971 Amendment to increase number of motel units from 350 to 400 subject to all previous conditions and two new conditions
- November 6, 1971 Approved moving the proposed Pierce office building to the interior of the site and

reduce the, resulting in a reduction of 15,00 s.f. of g.f.a. but such 15,000 s.f. may be used in the future without County Board approval.

July 8, 1972

Approved a site plan amendment for signs at the hotel, 2399 Jefferson Davis Highway.

December 1, 1973

Approved an amendment for a canopy, signs, and facade changes at 2301 Jefferson Davis Hwy., subject to new and existing conditions.

March 23, 1974

Denied a site plan amendment for conversion of the commercial floor area and deletion of a requirement for a pedestrian tunnel.

April 6, 1974

Approved live entertainment and a public dance hall at the hotel.

June 5, 1974

Denied a request to keep a temporary construction sign at 2301 Jefferson Davis Highway (Buchanan House).

September 7, 1974

Approved a health and social club on the lower commercial level of the Zachary Taylor building, 2351 Jefferson Davis Highway.

November 9, 1974

Approved elimination of approximately 27,500 square feet of commercial space from the upper commercial level at 2531 Jefferson Davis Highway (Zachary Taylor Building}.

Approved an amendment at the Pierce and Fillmore Buildings for conversion of 51,308 commercial floor area to office floor area and delete a requirement for a pedestrian tunnel from National Center to Crystal Plaza, subject to conditions

February 8, 1975	Denied a site plan amendment to for elimination of a pedestrian corridor through the Van Buren Office Building
March 8, 1975	The Board authorized advertising for public hearing on May 10, 1975, a site plan amendment Z-1909 for the Fillmore -Pierce Building of National Center to remove the provision of a "temporary or permanent wall" on the Fillmore-Pierce/Buchanan House property line.
April 15, 1975	Deferred a site plan amendment request to June 14, 1975 Request to close south entrance to truck drive and convert to commercial space; reduce truck unloading areas (Ground Level) & conversion of such area to commercial; and approved a Site Plan Amendment for 2361 Jefferson Davis Highway, as follows for modification as per plans of the Hayes Building, including Elimination of freight elevator to upper mall (ground Level) and conversion of such areas to commercial; Conversion of approximately 44,250 square feet from commercial to office space; and elimination of service elevator (Upper Commercial Mall Area); and Enclosure of approximately 12,750 square feet under the building for office space and restaurant; installation of tennis courts; expansion of bathrooms to provide showers; upgrading of landscaping and location of cooling tower (Plaza Deck), subject to conditions.
May 10, 1975	Approved Site Plan Amendment Z-1909-68- 1 to clarify the amendment of November 9, 1974, for the Fillmore-Pierce Building, regarding the provision of a "temporary or permanent wall" on the Fillmore Pierce/Buchanan House property line, 2341 and 2351 Jefferson Davis Highway, subject to conditions.
June 17, 1975	Approved Site Plan Amendment Z-1909-68- 1, request to close south entrance to truck

drive and convert to commercial space, reduce truck unloading areas and relocate pedestrian corridor, 2361 Jefferson Davis Highway (National Center -Hayes Building), subject to a restriction being placed and enforced to the best of the applicant's ability, prohibiting loading and unloading of large vehicles between the hours of 7:00 and 9:00 a.m. and 4:00 and 6:00 p.m., Monday through Friday.

September 20, 1975

Approved a box sign at 2399 Jefferson Davis Hwy.

October 4, 1975

Approved construction signs totaling 243 square feet, 2341 Jefferson Davis Highway.

February 7, 1976

Approved a site plan amendment to permit computer facilities on the penthouse floor level, 34,074 square feet, currently being an undesignated use area, subject to conditions, at the Taylor Building 2531 Jefferson Davis Hwy.

August 7, 1976

Approved an amendment for conversion of 26,484 square feet of first floor commercial space and 3,696 square feet of cafeteria to gross floor area (office) at 2531 Jefferson Davis Highway (Taylor Building).

September 11, 1976

Approved use of 2,300 square feet of commercial space for a cinematography studio, 2361 Jefferson Davis Highway (Hayes Building).

Approved use 19,872 square feet of penthouse for executive office, 2341 Jefferson Davis Highway, subject to conditions.

December 4, 1976

Denied a site plan amendment to convert the snack bar and vending area (1,625 square feet) on the plaza level to gross floor area (office), at 2361 South Jefferson-Davis Highway.

March 22, 1977

Approved a site plan amendment to convert approximately 1,000 square feet of snack bar and vending area on the plaza level to office

	space, at 2361 South Jefferson-Davis Highway.
	Approved a site plan amendment to convert approximately 1,000 square feet of snack bar and vending area on the plaza level to office space, at 2361 South Jefferson-Davis Highway.
June 4, 1977	Approved signs at 2341 Jefferson-Davis Highway.
July 30, 1977	Approved a site plan amendment to convert approximately 8,000 square feet of commercial space to office space, 2341 Jefferson-Davis Highway (Century Building), subject to conditions.
September 10, 1977	Accepted withdrawal of a site plan amendment at 2341 Jefferson Davis Highway (Century Building).
December 10, 1977	Approved a site plan amendment to convert 34,074 square feet on the penthouse floor level to executive offices 2531 Jefferson Davis Highway (Taylor Building, National Center), subject to conditions.
March 4, 1978	Denied a site plan amendment to eliminate a condition conceding occupancy of the executive offices on the penthouse floor level, 2531 Jefferson Davis Highway (Taylor Building).
	Approved a site plan amendment to install a seven-foot high chain link fence along the internal perimeters of garage levels B-1, B-2 and B-3 for security and controlled commercial parking purposes, 2301 South Jefferson Davis Highway.
May 13, 1978	Accepted withdrawal of a site plan amendment request for 2361 Jefferson Davis Highway.

June 3, 1978	Approved an outdoor dining facility at 2301 Jefferson Davis Highway with a review in one year.
November 18, 1978	Approved a site plan amendment for parking of up to 60 rental cars on the bottom parking level of Stouffer's Hotel for the Ajax RentACar operation, 2399 Jefferson Davis Highway.
February 13, 1979	Approved conversion 7,600 square feet of street level commercial space to office use at 2361 Jefferson Davis Hwy, Hayes Building. Approved a site plan amendment for the Taylor Building subject to one new condition.
June 9, 1979	Renewed an outdoor dining facility at 2301 JDH subject to all previous conditions. Approved a conversion of 10,500 square feet of commercial space to office use, 2301 Jefferson Davis Highway, subject to one condition.
June 10, 1980	Renewed an outdoor dining facility for 2301 Jefferson Davis Highway subject to previous conditions and review in one year.
August 9, 1980	Accepted withdrawal of a site plan amendment application for 2521 and 2531 Jefferson Davis Highway.
January 3, 1981	Approved a Site Plan Amendment to convert approximately 7,000 square feet of cafeteria space to office use, for 2521 and 2531 Jefferson Davis Highway (National Center).
December 12, 1981	Renewed an outdoor dining facility for 2301 Jefferson Davis Highway with a review in one year.
July 7, 1984	Approved a site plan amendment for a freestanding 2 foot 6 inch by 8 foot freestanding pylon identification sign for 2341 Jefferson Davis Highway, subject to conditions.

- November 16, 1985
- Approved an amendment to increase office gross floor area by 10,010 square feet by extending the third floor over the mall and adding two terraces on the fourth floor roof level for the parcel of real property known as 2341 Jefferson Davis Highway, subject to 2 conditions.
- September 20 ,1986
- Approved a site plan amendment to convert 13,500 square feet of cafeteria space on the first floor to office gross floor area for 2521 and 2531 Jefferson Davis Highway (Polk and Taylor Buildings).
- July 11, 1987
- Approved a site plan amendment to delete condition number three of the February 24, 1971 Site Plan Amendment approval requiring an elevated connection between the existing pedestrian bridge over South Clark Street into the Van Buren Building for the parcel of real property known as 2511 Jefferson Davis Highway, subject to all previous conditions and an amended Condition #2 from the October 10, 1992 approval.
- August 8, 1998
- Approved a site plan amendment to permit the University of Oklahoma to conduct adult education classes in approximately 1,210 square feet of retail gross floor area for the parcel of real property known as 2301 South Jefferson Davis Highway, subject to an amended condition #4.
- August 17, 1999
- Approved a site plan amendment for conversion of approximately 41,544 square feet of Buchanan Mall retail space to office space and renovation and upgrade of approximately 30,710 square feet of retail along the street, including modifications to the streetscape and exterior façade for the parcel of real property known as 2301 South Jefferson Davis Highway, subject to conditions.

January 27, 2001	Approved a site plan amendment for conversion of approximately 100,000 square feet of existing office floor area to provide for a school (DeVry) at 2341 Jefferson Davis Highway, subject to conditions.
September 13, 2008	Approved a site plan amendment for a freestanding sign for the parcel of real property known as 320 S. 23rd Street (Chili's), subject to all previous conditions and review in five years.
July 10, 2010	Approved an amendment to a comprehensive sign plan at 2450 Crystal Drive and 2461 S. Clark St. subject to all previously approved conditions, one (1) modified condition #24, and new conditions #27-28.
November 19, 2011	Renewed a site plan amendment for an outdoor café in the public right-of-way for Pizza Autentica at 2450 Crystal Drive (RPC# 34-020-034), subject to all previous conditions and review in three years.
October 28, 2014	Approved SP-65-U-14-2 for a use permit associated with a site plan for the parcel of property located at 2399 Jefferson Davis Highway (Hilton Crystal City) (RPC# 34-020-033), for a telecommunications facility, subject to conditions.
February 27, 2017	Approved a site plan amendment to replace a pool house, expand the lobby, and make façade improvements for an additional 3,480 s.f. of g.f.a. at the Buchanan House Apartments (320 23rd Street S.), subject to conditions.
May 20, 2017	Deferred a site plan amendment (SP #65), Crystal City Block Plan, rezoning, and new site plan (SP #442) to the July 15, 2017 County Board meeting.
July 15, 2017	Approved a Site Plan Amendment to SP #65 to withdraw 2351 Jefferson Davis Highway (RPC# 34-020-032) from the existing site plan

(RPC# 34-020-002, 34-020-029 through -031, and -033 through -35); and

Approved CCBP-Q-1 Crystal City Block Plan with two alternatives for Block Q of the Crystal City Sector Plan, bounded by Crystal Drive on the east, 23rd Street South on the north, Jefferson Davis Highway on the west, and VA Route 233/Airport Viaduct to the south; and

Approved Z-2591-16-1 Rezoning "C-O" Mixed-Use District to "C-O-Crystal City" Mixed Use Crystal City District, for the property located at 2351 Jefferson Davis Highway (RPC# 34-020-032); and

Approved Site Plan #442 for an up to 302-unit, multi-family residential building with approx. 22,000 square feet of ground floor retail for the property located at 2351 Jefferson Davis Highway (RPC# 34-020-032).

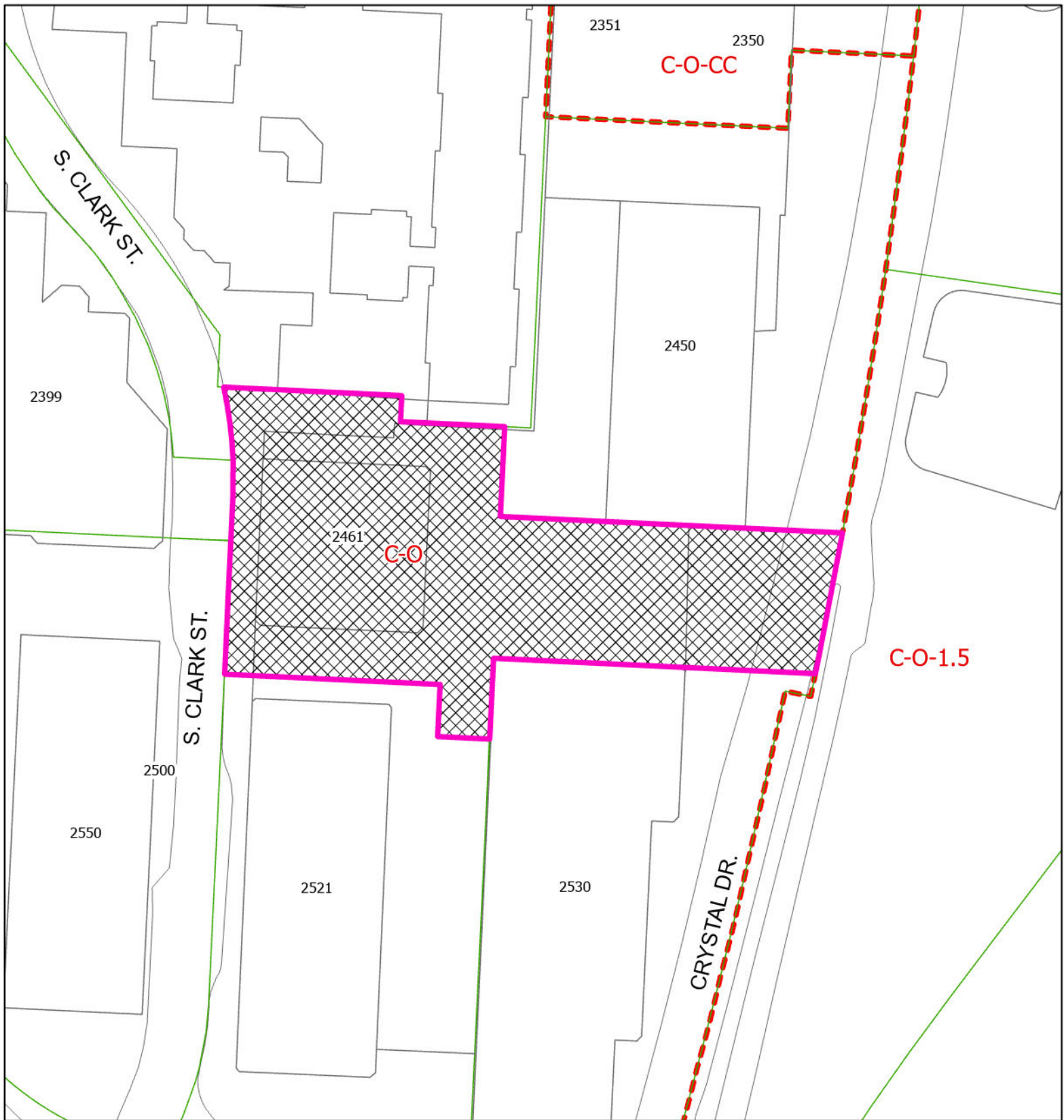
June 7, 2021

Adopted the ordinance to approve a site plan amendment to SP #65, subject to all previously approved conditions (including but not limited to Conditions #1 through #8 approved on February 11, 1968; and additional Conditions #1 through #4 approved on July 15, 2017) with revised Condition #3 (as amended) and new Conditions #5 through #8 of the staff report.

June 18, 2022

Adopted ordinance to approve the site plan amendment to convert approximately 16,526 square feet of retail space to an institutional use (child care center), subject to all previously approved conditions and new Conditions #1 through #4.

Approved the use permit amendment to permit a child care center for up to 216 children (Primrose School), with a County Board review in one (1) year (June 2023).



SP65-U-22-1

2461 SOUTH CLARK STREET

RPC #34-020-035

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



Case Location

Scale 1:1,200



County Use Only
 Date Placard Posted _____
 By _____
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