

# *City of Alexandria, Virginia*

## *Department of Planning & Zoning*

---

### **SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2024-00004

Approved by Planning and Zoning: February 22, 2024

Permission is hereby granted to: Edugenius US Real Estate Group LLC

to use the premises located at: 321 First Street

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

February 22, 2024 *Karl Moritz* (br T. LaColla)

Date Karl Moritz, Director  
Department of Planning and Zoning

Change in name only for applicant from Edugenius US Real Estate Group LLC to 321 First Street LLC, no change in ownership:

May 13, 2024 *Karl Moritz (signed by TL)*

Date Karl Moritz, Director  
Department of Planning and Zoning

DATE: February 22, 2024

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

FROM: Mavis Stanfield, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00004  
Administrative Review for Change of Ownership  
Site Use: Day Care Center  
Applicant (2/22/2024 approval):  
Edugenius US Real Estate Group LLC  
Applicant (5/13/2024 name update; no change in business ownership):  
321 First Street, LLC  
Location: 321 First Street  
Zone: CDX/Commercial Downtown Zone (Old Town North)

---

### **Request**

Special Use Permit #2024-00004 is a request to change ownership of an existing day care center from Hall and Associates to Edugenius US Real Estate Group, LLC. No changes to the daycare center operations are proposed and the applicant would continue operating during the hours of 6:30 a.m. to 6:30 p.m., Monday through Friday, and would provide pick-up and drop-off on-site.

### **Background**

The original two-story brick building portion of the current structure was constructed in 1965. City Council approved special use permit SUP #97-0194 on February 21, 1998, to the original business owner, Hall and Associates, LLC to operate a day care center on the site. The SUP required the childcare center to provide 10 parking spaces.

City Council approved SUP 98-0113 on October 17, 1998 to reduce the number of required parking spaces to nine, when it was determined that the design could not accommodate the previously approved ten spaces.

City Council approved DSUP 2008-0016 on December 13, 2008, to Hall and Associates, LLC for a development special use permit, with site plan, to construct an addition to the existing childcare center. The applicant proposed to construct an addition on the two adjacent lots, which had been used as a surface parking lot. The proposed addition maintained eight parking spaces at the ground level, with a classroom, multipurpose room, storage rooms and an outdoor terrace located on the second level. In addition to expanding the day care center use, the development special use permit increased the permitted FAR from 1.5 to 1.55 and reduced the number of required parking spaces from

16 to eight and provided all compact spaces. This change of ownership SUP is to maintain the eight compact spaces.

Only one complaint has been filed in the past five years related to the site. On August 14, 2020, a complaint was filed regarding low limbs of a tree obstructing the use of the sidewalk and parking along the street. This complaint was quickly resolved.

**Parking**

The subject property is located within the Enhanced Transit Area. In accordance with Section 8-200(A)(1)(a) of the Zoning Ordinance, day care center uses located within the Enhanced Transit Area are subject to a parking rate of .25 parking spaces per 1,000 square feet and a maximum parking rate of 3.0 parking spaces per 1,000 square feet. Tax records indicate that the building is comprised of 9,590 square feet. Therefore, the minimum number of required spaces is three and the maximum number of spaces is 29. With the provision of eight compact spaces on the property, the parking requirements are met.

**Community Outreach**

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. Staff did not receive any comments to cause docketing of the change of ownership request.

**Staff Action**

Staff supports the change of ownership request and finds the continued operation of a childcare center at this location to be a positive amenity to the community and particularly to young families. Further, the only complaint received in the past five years has been completely unrelated to the childcare center use. Staff has carried forward the previous conditions of DSUP 2008-0016. Condition #42 limits the hours of operations to Monday through Friday, 6:30 a.m. to 6:30 p.m. Condition #45 requires all children to be dropped off and picked up from the parking lot east of the building. The condition further states that the applicant shall ensure that parents or guardians do not block the alley with vehicles or double-park when transporting children.

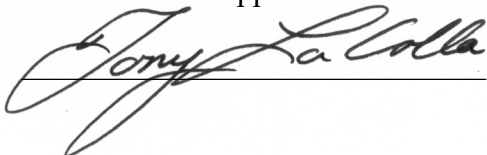
An inspection conducted on February 7, 2024, revealed that the business operation is in compliance with the conditions of DSUP.

Staff hereby approves the Special Use Permit request.

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

Date: February 22, 2024

Action: Approved



Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

## CONDITIONS OF SPECIAL USE PERMIT #2024-00004

The applicant 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 applicant shall provide all improvements depicted on the approved preliminary plan dated September 2008 and comply with the following conditions of approval. (DSUP 2008-0016)
2. The applicant shall work with staff to create a building return at the northeastern corner of the building, similar to the dumpster screening, to the satisfaction of the Director of P&Z. (P&Z) (DSUP 2008-0016)
3. The applicant shall construct an on-site mock-up panel prior to vertical construction and approval of the wall check survey.
  - a. The mock-up panel shall include each of the proposed building materials for review and approval by the Department of Planning and Zoning.
  - b. The mock-up panel shall remain on-site until the completion of the building. (P&Z) (DSUP 2008-0016)
4. The applicant shall hire a LEED accredited professional as a member of the design and construction team. The LEED-AP shall work with the team to incorporate sustainable design elements and innovative technologies with the goal of achieving LEED Certification under the U.S. Green Building Council; or the LEED-AP shall demonstrate that a minimum of 26 points toward LEED Certification will be achieved. The LEED-AP shall provide a checklist and specific examples of technologies used prior to the release of a building permit, to the satisfaction of the Directors of P&Z, RP&CA and T&ES. (P&Z)(RP&CA)(T&ES) (DSUP 2008-0016)
5. The applicant shall provide the following pedestrian improvements to the satisfaction of the Directors of P&Z and T&ES:
  - a. The applicant shall remove the existing curb cut at the southwestern corner of the property. The curb cut shall be replaced with a brick sidewalk. The applicant shall work with staff to determine the extent of the brick sidewalk to ensure proper alignment with the existing streetscape.
  - b. All pedestrian improvements shall be completed prior to the issuance of a certificate of occupancy permit. (P&Z) (DSUP 2008-0016)
6. In the event lighting levels on the First Street frontage do not meet the City of Alexandria Standards, the applicant shall install “Colonial” Town & Country lights with 18 foot black fiberglass poles, 4 foot direct buried, with mounting heights of 14 feet on the First Street frontage to match the existing lights on the

- north side of First Street. The total number of lights shall be determined based on the photometric plan required in condition 16. (P&Z)(T&ES) (DSUP 2008-0016)
7. The applicant shall provide \$1,150 per receptacle to the Director of T&ES for purchase and installation of one (1) Iron Site Bethesda Series, Model SD-42 decorative black metal trash can by Victor Stanley. The receptacle shall be located in the public right of way as approved by the Director of T&ES. (T&ES) (DSUP 2008-0016)
  8. The applicant shall provide one (1) employee bicycle parking rack to provide two (2) bicycle parking space(s) on the surface as shown on the preliminary site plan. Bicycle parking rack shall be located in a manner that will not obstruct the existing/proposed sidewalks. Bicycle parking standards and details for acceptable locations are available at: [www.alexandriava.gov/bicycleparking](http://www.alexandriava.gov/bicycleparking) (T&ES) (DSUP 2008-0016)
  9. The applicant shall develop, provide, install and maintain an integrated Landscape Plan that is coordinated with other associated site conditions to the satisfaction of the Directors of P&Z, RP&CA, and T&ES. At a minimum the Landscape Plan shall:
    - a. Be in compliance with the City of Alexandria Landscape Guidelines, as applicable;
    - b. Include all planted areas and planter boxes. (P&Z)(RP&CA)(T&ES) (DSUP 2008-0016)
  10. The applicant shall provide tree preservation measures in compliance with City of Alexandria Landscape Guidelines.
    - a. All tree protection measures shall be verified in-field by the City Arborist prior to commencing ground disturbing activity on site.
    - b. In the event that trees are damaged or lost, the applicant shall replace damaged vegetation with one tree per caliper inch of the sum total caliper inch measurement of trees deemed severely or terminally damaged.
    - c. Where full replacement is not practical, the applicant shall provide the monetary value of each replacement tree based on the current market rate for specification, procurement, installation and warranty of trees. (RP&CA) (DSUP 2008-0016)
  11. A freestanding identification sign shall be prohibited. (P&Z) (DSUP 2008-0016)
  12. A temporary informational sign shall be installed on the site prior to the approval of the final site plan for the project and shall be displayed until construction is complete or replaced with a marketing sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project. (P&Z)(T&ES) (DSUP 2008-0016)

13. All public notice signage erected by the applicant prior to the public hearing(s) shall be removed within 10 days of the completion of the public hearing process for the project. (P&Z) (DSUP 2008-0016)
14. The plat of consolidation shall be approved and recorded prior to the release of the final site plan. (P&Z) (DSUP 2008-0016)
15. Coordinate location of site utilities with other site conditions on the site plan to the satisfaction of the Directors of RP&CA, P&Z, and T&ES. These items include:
  - a. Location of site utilities including above grade service openings and required clearances for items such as transformers, telephone, HVAC units and cable boxes.
  - b. Minimize conflicts with plantings, pedestrian areas and major view sheds.
  - c. Do not locate above grade utilities in dedicated open space areas.
  - d. If applicable, applicant shall underground all the secondary utilities serving the site (RP&CA)(P&Z)(T&ES) (DSUP 2008-0016)
16. Provide a lighting plan with the final site plan to verify that lighting meets City standards. The plan shall be approved to the satisfaction of the Directors of T&ES, P&Z, RP&CA in consultation with the Chief of Police and shall include the following, as applicable:
  - a. Clearly show location of all existing and proposed street lights and site lights, shading back less relevant information;
  - b. A lighting schedule that identifies each type and number of fixtures, mounting height, and strength of fixture in Lumens or Watts;
  - c. Manufacturer's specifications and details for all proposed fixtures including site, landscape, pedestrian, sign(s), and security lighting.
  - d. A photometric plan with lighting calculations that include all existing and proposed light fixtures, including any existing street lights located on the opposite side(s) of all adjacent streets. Photometric calculations must extend from proposed building face(s) to property line and from property line to the opposite side(s) of all the adjacent streets and/or 20 feet beyond the property line on all adjacent properties, and right-of-way. Show existing and proposed street lights and site lights.
  - e. Photometric site lighting plan shall be coordinated with architectural/building mounted lights, site lighting, street trees and street lights and minimize light spill into adjacent residential areas.
  - f. Provide location of conduit routing between site lighting fixtures so as to avoid conflicts with street trees.
  - g. Detail information indicating proposed light pole and footing in relationship to adjacent grade or pavement. All light pole foundations shall be concealed from view.

- h. The lighting for the areas not covered by the City of Alexandria' standards shall be designed to the satisfaction of Directors of T&ES and P&Z.
  - i. Provide numeric summary for various areas (i.e., roadway, walkway/ sidewalk, alley, and parking lot, etc.) in the proposed development.
  - j. Full cut-off lighting shall be used at the development site to prevent light spill onto adjacent properties. (P&Z)(RP&CA) (T&ES)(Police)(DSUP 2008-0016)
- 17. Show turning movements of standard vehicles in the parking lot. The turning movements shall meet AASHTO vehicular guidelines and shall be to the satisfaction of the Director of T&ES. (T&ES) (DSUP 2008-0016)
- 18. All the existing and proposed public and private utilities and easements shall be shown on the site plan and a descriptive narration of various utilities shall be provided. (T&ES) (DSUP 2008-0016)
- 19. During construction, all Traffic Control Device design plans, Work Zone Traffic Control plans, and Traffic Studies shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES) (DSUP 2008-0016)
- 20. The applicant shall identify a person who will serve as liaison to the community throughout the duration of construction. The name and telephone number, including an emergency contact number, of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site and shall be placed on the project sign, to the satisfaction of the Directors of P&Z, RP&CA and T&ES. (P&Z)(RP&CA)(T&ES) (DSUP 2008-0016)
- 21. The applicant shall submit a wall check to the Department of P&Z prior to the commencement of framing for the building(s). The wall check shall include the building footprint, as depicted in the approved final site plan, the top-of-slab elevation and the first floor elevation. The wall check shall be prepared and sealed by a registered engineer or surveyor and shall be approved by the City prior to commencement of framing. (P&Z) (DSUP 2008-0016)
- 22. If the City's existing public infrastructure, including but not limited, to streets, alleyways, driveway aprons, sanitary and storm sewers, street lighting, traffic and pedestrian signals, sidewalks, curb and gutter, and storm water drop inlet structures are damaged during construction, or patch work required for utility installation then the applicant shall be responsible for construction/ installation or repair of the same as per the City of Alexandria standards and specifications and to the satisfaction of Director, Transportation and Environmental Services. A pre-construction walk/survey of the site shall occur with Construction and Inspection Staff to document existing conditions prior to any land disturbing activity. (T&ES) (DSUP 2008-0016)



23. No major construction staging shall be allowed from N Royal Street and N Fairfax Street. The Applicant shall meet with T&ES to discuss construction staging activities prior to release of any permits for ground disturbing activities. (T&ES) (DSUP 2008-0016)
24. The applicant shall submit a construction management plan for review and approval by the Directors of P&Z, T&ES and Code Enforcement prior to final site plan release. The plan shall:
  - a. Include a plan for temporary pedestrian and vehicular circulation;
  - b. Include the overall schedule for construction and the hauling route;
  - c. Copies of the plan shall be posted in the construction trailer and given to each subcontractor before they commence work;
  - d. If the plan is found to be violated during the course of construction, citations will be issued for each infraction and a correction notice will be forwarded to the applicant. If the violation is not corrected within ten (10) calendar days, a “stop work order” will be issued, with construction halted until the violation has been corrected. (P&Z)(T&ES)(Code) (DSUP 2008-0016)
25. Prior to the release of the final site plan, a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging shall be provided for information purpose; however, an amended Traffic Control Plan, if required by the Director of Transportation and Environmental Services shall be submitted to the Director of T&ES along with the Building Permit Application. (T&ES) (DSUP 2008-0016)
26. Prior to commencing clearing and grading of the site, the applicant shall hold a meeting with notice to all adjoining property owners and civic associations to review the location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Departments of P&Z and T&ES shall be notified of the date of the meeting before the permit is issued. (P&Z)(T&ES) (DSUP 2008-0016)
27. A “Certified Land Disturber” (CLD) shall be named in a letter to the Division Chief of C&I prior to any land disturbing activities. If the CLD changes during the project, that change must be noted in a letter to the Division Chief. A note to this effect shall be placed on the Phase I Erosion and Sediment Control sheets on the site plan. (T&ES) (DSUP 2008-0016)
28. During the construction phase of this development, the site developer, their contractor, certified land disturber, or owner’s other agent shall implement a waste and refuse control program. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them, and all sanitary waste at the construction site and prevent offsite migration that may cause adverse impacts to neighboring properties or to the environment to

the satisfaction of Directors of Transportation and Environmental Services and Code Enforcement. All wastes shall be properly disposed offsite in accordance with all applicable federal, state and local laws. (T&ES)(Code Enforcement) (DSUP 2008-0016) (DSUP 2008-0016)

29. Temporary construction trailer(s) shall be permitted and be subject to the approval of the Director of P&Z. The trailer(s) shall be removed prior to the issuance of a certificate of occupancy permit for the building. (P&Z) (DSUP 2008-0016)
30. As part of the request for a certificate of occupancy permit, the applicant shall submit a height certification and a location survey for all site improvements to the Department of P&Z. The height certification and the location survey shall be prepared and sealed by a registered architect, engineer, or surveyor. The height certification shall state that the height was calculated based on all applicable provisions of the Zoning Ordinance. (P&Z) (DSUP 2008-0016)
31. A minimum of eight parking spaces, as represented on the preliminary plan, shall be located in the garage. (P&Z) (DSUP 2008-0016)
32. For all day care employees who use Metro, Metrobus, DASH or another form of mass transit to work, the applicant shall subsidize the fares for mass transit. The applicant shall demonstrate compliance with this condition prior to Certificate of Occupancy and make this information readily available to all employees. (P&Z) (DSUP 2008-0016)
33. The Director of Planning and Zoning shall review the parking condition after the facility 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 or (b) the Director has determined that there are problems with the parking and that new or revised conditions for the parking are needed. (P&Z) (DSUP 2008-0016)
34. The applicant shall provide seven off-street parking spaces for day care employees during construction, without charge. The applicant shall provide written notification establishing the location of the off-street parking for day care employees, to the satisfaction of the Directors of P&Z and T&ES. (P&Z) (DSUP 2008-0016)
35. The applicant shall provide an off-street parking plan for all construction workers without charge. For the construction workers who use Metro, DASH, or another form of mass transit to the site, the applicant shall subsidize a minimum of 50% of the fees for mass transit. Compliance with this condition shall be based on a plan, which shall be submitted to the Department of P&Z and T&ES prior to the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall:
  - a. Establish the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction

workers will be assigned to the work site, and mechanisms which will be used to encourage the use of mass transit.

- b. Provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes.
  - c. If the plan is found to be violated during the course of construction, a correction notice will be issued to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. (P&Z)(T&ES) (DSUP 2008-0016)
36. The storm water collection system is located within the Potomac River watershed. All on-site storm water curb inlets and public curb inlets within 50 feet of the property line shall be duly marked using standard City markers, or to the satisfaction of the Director of T&ES. (T&ES) (DSUP 2008-0016)
  37. The plan shall indicate whether or not there is any known soil and groundwater contamination present as required with all preliminary submissions. Should any unanticipated contamination, underground storage tanks, drums or containers be encountered at the site, the Applicant must immediately notify the City of Alexandria Department of Transportation and Environmental Services, Division of Environmental Quality. (T&ES) (DSUP 2008-0016)
  38. Contractors shall not cause or permit vehicles to idle for more than 10 minutes when parked. (T&ES) (DSUP 2008-0016)
  39. Prior to approval of Final Site Plan, the applicant shall provide an amount of \$5,000 deposited in the Living Landscape Fund of the City, dedicated to improvements to Montgomery Park. (RP&CA) (DSUP 2008-0016)
  40. 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) (SUP #98-0113)
  41. The maximum number of children permitted at the day care facility at any one time shall be that number for which the center has been licensed by the state. (P&Z) (SUP #98-0113)
  42. The hours of operation shall be limited to between 6:30 A.M. and 6:30 P.M., Monday through Friday, as requested by the applicant. (P&Z) (SUP #98-0113)
  43. The applicant shall provide the outdoor play area to the satisfaction of the Virginia State Department of Social Services, Division of Licensing Programs. (P&Z) (SUP #98-0113)
  44. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding safety programs for the staff and children. (P&Z) (SUP #98-0113)~~

45. All children shall be dropped off and picked up from the parking lot east of the building. The applicant shall ensure that parents or guardians do not block the alley with vehicles or double-park when transporting children. The applicant shall provide parents with this information either by posting notice within the facility or by distributing flyers. (P&Z) (SUP #98-0113)
  
46. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one (1) 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)

**STATEMENT OF CONSENT**

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00004. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the day care center use at 321 First Street.

\_\_\_\_\_  
Applicant - Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant – Printed

\_\_\_\_\_  
Date