

Implementation of the CCI Action Plan is expected in three phases. Action steps scheduled for Phase I are expected to be completed by the end of 2018/early 2019. Phase I includes updates to the Arlington County Zoning Ordinance and County Code Chapters 52 and 59. Phase II action steps are scheduled for completion during 2019 and 2020, followed by Phase III starting in 2021 and beyond.

Description of Child Care Programs

Child care programs can generally be classified into two categories: center-based child care and family-based child care. The CCI addresses both center-based and family-based child care programs, of which are defined in Figure 1 below.

Figure 1. Description of Child Care Programs

	Center-Based Child Care	Family-Based Child Care
Definition	A facility operating for the purpose of providing care, protection, and guidance to a group of children.	A dwelling unit where children are received for care, protection, and guidance during only part of the 24-hour day, on a regular basis.
Types	<ul style="list-style-type: none"> • Child care centers • Cooperatives • Extended day programs • Parent’s day out programs • Preschools/nursery schools • Religiously-exempt child care centers 	<ul style="list-style-type: none"> • Family day care homes

The County’s Child Care Office in the Department of Human Services (DHS) licenses and administers child care programs in Arlington, except for extended day programs and programs which qualify for state-authorized religious exemptions. The Department of Community Planning, Housing, and Development (CPHD) coordinates the review of all land use and zoning-related permits for child care programs. To understand the extent of how many child care programs are regulated by the County, Figure 2 below describes the number of programs and child care slots in Arlington.

Figure 2. Number of Child Care Programs

	# of Programs	# of Slots
Center-Based Programs	<ul style="list-style-type: none"> • 41 child care centers • 23 extended day programs • 17 religiously-exempt child care centers • 7 parent’s day out programs • 5 preschools • 4 cooperatives 	6,113
Family-Based Programs	<ul style="list-style-type: none"> • 132 family day care homes 	716
Total	229	6,829

Source: DHS - Child Care Office, September 2018

Existing Child Care Regulations

Center-based and family-based child care programs in Arlington are regulated by local land use regulations (the Arlington County Zoning Ordinance), state licensing regulations (the Code of Virginia), and local licensing regulations (County Code Chapters 52 and 59). This section describes the history and current requirements set by both the licensing and land use regulations.

Child Care Licensing History and Process

Center-Based Programs

Center-based programs in Arlington are required to be licensed by the Virginia Department of Social Services (VDSS) and the Arlington County Department of Human Services (DHS). Center-based programs must meet the criteria established by the Code of Virginia in Agency 40, Chapter 185 “Standards for Licensed Child Day Centers,” and by County Code Chapter 52 in order to obtain a license from both agencies. The state’s current licensing standards were adopted in 1993, but state regulations surrounding center-based programs have existed since the mid-1970s.

Arlington County began licensing center-based programs in December 1975 upon the County Board’s adoption of County Code Chapter 52. Chapter 52 provides for the licensing and regulation of child care centers, preschools, nursery schools, and parent’s day out programs. Before its adoption, center-based programs were only licensed by the state. County residents, however, pushed for adoption of Chapter 52 in order to have local control over the quality of child care in Arlington. Per the Code of Virginia, Arlington County is the only jurisdiction in Virginia that can regulate child care programs that are regulated by the Commonwealth and is one of three jurisdictions that can regulate programs not regulated by the state (i.e. family day care homes with one to four children). DHS is currently examining how to align the County’s licensing regulations with the VDSS licensing regulations in order to streamline and clarify the licensing process for child care programs.

Family-Based Programs

Family-based programs in Arlington are licensed by VDSS and DHS depending on the number of children within the family day care home. Arlington County began licensing family-based programs in March 1977 upon the County Board’s adoption of County Code Chapter 59, which provides for the licensing and regulation of family day care homes. Chapter 59 establishes a maximum of nine children and requires family day care home providers with four to nine children to apply for a County license, as shown in Figure 4. A maximum number of nine children was established within family day care homes to align with state legislation that was concurrently being drafted.

In April 1977, VDSS adopted the “Minimum Standards for Licensed Family Day Care Homes.” These standards defined family day care homes as a home where nine or fewer children are provided care on a regular basis, and required providers with six to nine children to apply for a state license, as shown in Figure 4.

Figure 4. Family Day Care Homes Requiring a License (1977)

	Number of Children								
	1	2	3	4	5	6	7	8	9
Virginia Child Care License									
County Child Care License									

Legend	
	License

In February 1984, the State updated its standards to increase the maximum number of children in family day care homes from nine to 12; this standard is currently used by VDSS to regulate family day care homes in Virginia. Arlington County did not increase the allowable maximum number of children at that time; County records do not definitively indicate why.

Figure 5. Family Day Care Homes Requiring a License (1984)

	Number of Children											
	1	2	3	4	5	6	7	8	9	10	11	12
Virginia Child Care License												
County Child Care License										*	*	*

Legend	
	License

*Not permitted by the County

In 2017, VDSS increased its standards and now requires family day care homes with five to 12 children to apply for a State license (see Figure 6), thereby increasing the number of family day care homes subject to State license requirements.

Figure 6. Family Day Care Homes Requiring a License (2017)

	Number of Children											
	1	2	3	4	5	6	7	8	9	10	11	12
Virginia Child Care License												
County Child Care License										*	*	*

Legend	
	License

* Not permitted by the County

Development Review Process

The Arlington County Zoning Ordinance determines where child care programs may be operated. Programs may be approved either by right or by special exception use permit. There are a limited number of zoning districts where child care programs are prohibited. The Zoning Ordinance also establishes parking requirements and use standards for all uses in Arlington County, including child care.

Center-Based Programs

Center-based child care programs may be authorized by the County Board with the approval of a use permit. Use permits typically take two to three months to process and allow for the County to analyze uses that may be essential or desirable, but inappropriate in certain locations within a specific zoning district due to site-specific issues. Upon approval of a use permit, the County Board adopts permit conditions to mitigate potential land use issues generated by the proposed child care use. These conditions are not required by the Zoning Ordinance but established on a case-by-case basis for every proposed child care program. Use permit conditions that are customarily adopted by the County Board for center-based child care programs are listed below.

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- The applicant agrees to comply with all requirements set forth in all applicable ordinances, codes, and regulations.
 - The applicant agrees that the hours of operation shall be limited to *[insert hours of operation]*. The applicant further agrees that the maximum permitted enrollment is *[list maximum enrollment number]*, 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 determined and designated by the Inspection Services Division in accordance with the Virginia Statewide Building Code, which may also be fewer than the maximum noted above.
 - The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center.
 - The applicant agrees to submit a parking plan and obtain the review and approval of such plan by the Zoning Administrator.

As part of the use permit process, staff also evaluates whether the child care applicant can provide the required number of off-street parking spaces per Section 14.3.7. of the Zoning Ordinance. The Zoning Ordinance currently requires center-based child care programs to provide one parking space per employee. Article 14 commonly contains provisions which permit the County Board or Zoning Administrator to approve reductions to minimum parking requirements, but child care programs are not eligible for such reductions. The Zoning Ordinance does allow, however, for center-based child care programs to request through the use permit process to allow off-site parking to meet parking requirements.

Family-Based Programs

The Zoning Ordinance permits family-based child care programs that care for up to five children within residential dwellings by right. Family-based programs with six to nine children require the approval of a use permit by the County Board. As part of the use permit process, the County Board customarily adopts permit conditions for family day care homes, although the conditions are not required by the Zoning Ordinance. The permit conditions typically adopted by the County Board include the following:

- The applicant agrees to comply with all requirements set forth in all applicable ordinances, codes, and regulations.
- The applicant agrees that the hours of operation of the day care will be limited to *[insert hours of operation]*.
- 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.
- The applicant agrees to make at least one 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 in the available on-street parking if needed to ensure that there is an available off-street parking space for the parents to use.

The Zoning Ordinance also establishes two use standards for family day care homes (Section 12.4.9.):

1. Every family day care home shall have a certificate of occupancy for both the residential dwelling and for the family day care home use as required in §15.3.
2. Every family day care home shall be licensed pursuant to Chapter 59 of the Arlington County Code.

Providers must comply with these use standards to receive a certificate of occupancy, which only enforce processes already required or mandated elsewhere. While Arlington has in practice examined use permits on a site-specific basis and required permit conditions to address land use impacts, the only land use standards that must be met for use permit approval of a child care program are the general use permit findings established in Zoning Ordinance Section 15.4.3:

The County Board shall find that after a duly advertised hearing that the use will not:

- A. Affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- B. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- C. Be in conflict with the purposes of the master plans of the county.

Child Care Land Use Barriers

Staff collected both qualitative and quantitative data using a variety of data collection methods to understand the actual and perceived barriers to child care in Arlington. In addition to general outreach and community engagement efforts, as outlined in Attachment 1, CPHD staff interviewed numerous staff in several departments who deal with child care in a variety of capacities. Additionally, staff conducted an online survey to center-based child care programs to obtain more specific data about child care land use barriers. The survey was emailed to the directors or operators of Arlington's center-based programs, excluding the 23 extended day programs operated by Arlington Public Schools. The survey included 28 questions about parking, employee commute patterns, barriers to opening and expanding a center-based program, licensing, outdoor play space, signage, non-traditional hours, subsidies, and accreditation. Of the 74 center-based child care programs included in the survey, there were 42 survey responses, equating to a 57 percent response rate.

The aforementioned data collection efforts helped staff identify the land use regulations and procedures that are considered to be barriers to child care. This section of the memo discusses the child care barriers to be addressed during Phase I of the CCI Action Plan.

Undersupply of Child Care

One of the conclusions drawn from the Risk and Reach Study included the identification of a severe child care availability shortage. Based on Census demographic data and the County's licensing data, Arlington's current child care capacity can only accommodate 51 percent of the County's children under the age of five. While an unknown number of families may not need formal child care services, the lengthy child care wait lists reported by residents indicate there is

a critical need for more child care openings. The undersupply will become increasingly critical given demographic projections that the number of children below age five will continue to rise and available space for child care remains limited. As such, child care has become unaffordable for many of Arlington's residents, especially for those with low incomes.

To address this demand, the CCI Action Plan notes the need to increase the availability and utilization of child care slots in Arlington. The CCI Action Plan includes numerous action steps to examine the County's land use policies and regulations in order to:

- Understand where child care programs are discouraged or prohibited;
- Increase the maximum number of children in family day care homes from nine to 12;
- Streamline the County's permitting and licensing processes; and
- Evaluate and assess the potential for incentives.

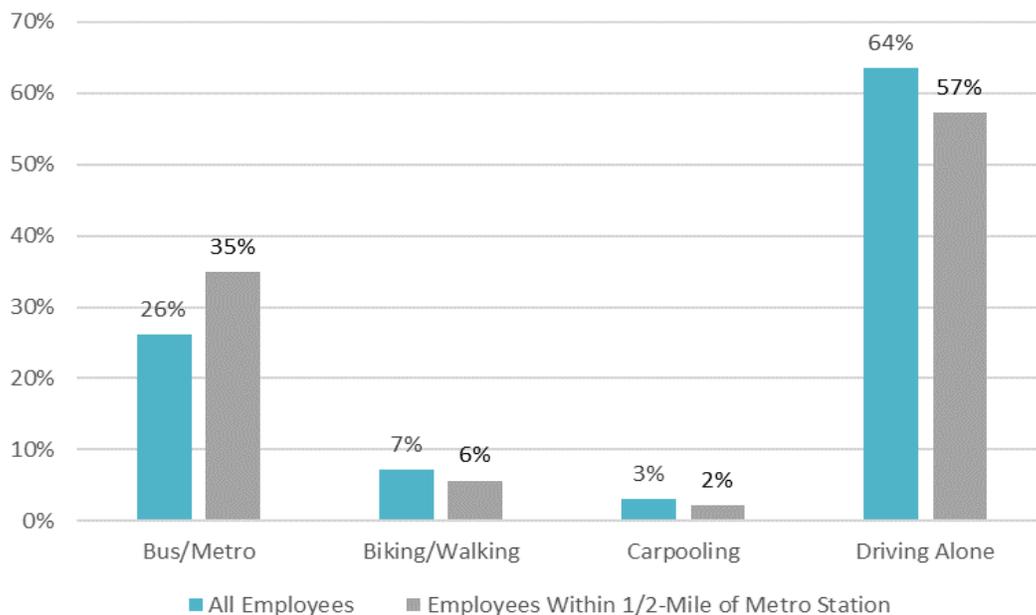
Staff anticipates the implantation of these action steps will help eliminate child care barriers and increase the supply of child care in Arlington.

Parking

As part of the online survey, 35 percent of center-based child care programs stated that finding a location with the required number of off-street parking spaces is a challenge to opening a child care program. During a child care center operator's site selection process, many potential locations are eliminated due to site constraints such as an inability to expand existing surface parking or lease structured spaces in garages to meet the minimum Zoning Ordinance parking requirement. Center-based child care operators commented throughout the CCI engagement process that many of their parking spaces remain empty throughout the day, emphasizing their assertion that the County's parking ratio, one space per employee, mandates an oversupply of parking. County staff from various departments during the informal staff interviews echoed this concern, stating that many of the required parking spaces for child care programs typically function as pick-up/drop-off of children and not solely for child care employee parking.

To better understand this issue, the center-based child care survey asked operators how their employees primarily commute to work. The purpose of this question was to assess the effectiveness of the existing parking ratio's ability to accommodate off-street parking demand. As shown by Figure 3, survey respondents stated that approximately 64 percent of employees, on average, drive alone to work, followed by 26 percent who take public transit. Based on the survey results, close to 40 percent of parking spaces go unused by employee staff during any given work day. Proximity to a Metro station further emphasizes this trend as employees at center-based programs within a ½-mile of a Metro station drove alone less than employees who worked at non-transit-accessible centers, as shown by Figure 3.

Figure 3. Center-Based Program Employee's Commute Patterns



County Processes

Throughout the CCI Action Plan engagement process, there was a general consensus among child care providers that the County's child care review process was highly complicated and confusing to navigate. The Code of Virginia requires most child care programs in Virginia to be licensed by VDSS and allows only five local jurisdictions – the City of Alexandria, City of Falls Church, City of Fairfax, Arlington County, and Fairfax County – to license those programs not licensed by the state. Child care programs outside of these jurisdictions are only required to obtain a license by VDSS. Arlington County is the only jurisdiction allowed by the County of Virginia to license child care programs already licensed by VDSS, essentially requiring dual licensure.

Arlington's child care program operators stated they experienced frustration having to deal with both the state and multiple local government agencies that all had different lengthy processes, review times, and costs. Additionally, each processes' timelines are not necessarily aligned or approved linearly. For example, a child care license is required to receive a final certificate of occupancy, but to receive a final certificate of occupancy, applicants need a child care license.

To understand this frustration, the center-based child care survey asked programs to identify the biggest operational challenges they faced when first establishing a child care business in Arlington. The top four responses are listed below in order of prevalence:

- Recruiting high-quality staff members (41%)
- Navigating the use permit process (35%)
- Navigating the building permit process (29%)
- Awareness of and/or understanding the steps to licensure (29%)

Options for Consideration

To address the land use child care barriers identified earlier in the report, staff is analyzing several potential amendments to the Arlington County Zoning Ordinance to address:

- How child care is defined;
- The maximum number of children in family day care homes;
- The development review process of family day care homes;
- Use standards for family day care homes; and
- Parking requirements for center-based and family-based programs.

Staff is currently collecting input on these topics through a variety of community engagement efforts and plans to bring forth recommendations to ZOCO in January 2019. Preliminary ideas for Zoning Ordinance amendments will be previewed and discussed at the December 11th meeting.

Attachment 1

Community Engagement Efforts (January 2018 to March 2019)

Engagement Efforts to Date	
January 25, 2018	Community meeting to discuss the Child Care Initiative and the draft Action Plan
February 12, 2018	CCI Work Group meeting
February-March 2018	Informal County staff interviews to understand child care land use barriers
March 12, 2018	CCI Leadership Roundtable meeting
May-August 2018	Center-based child care program online survey
May 24, 2018	CCI Work Group meeting
June 21, 2018	CCI Leadership Roundtable meeting
July 24, 2018	County Board Work Session <ul style="list-style-type: none"> • Accepted the CCI Action Plan
July 25, 2018	CCI Work Group meeting
September 13, 2018	Meeting with child care providers to discuss County Code and Zoning Ordinance amendments
September 17, 2018	Public community meeting to discuss County Code and Zoning Ordinance amendments (69 attendees)
September 26, 2018	CCI Work Group meeting
September 27, 2018	CCI Leadership Roundtable meeting
October 24, 2018	CCI Work Group meeting
November 2018	Family-based child care program online survey
November 7, 2018	Presentation to the Chamber of Commerce Government Affairs & Economic Development Committee
November 8, 2018	Presentation to the Virginia Cooperative's Extension Leadership Council/Outreach & Diversity Committee
November 8, 2018	Presentation to the Commission on the Status of Women
November 13, 2018	Presentation to the County's Economic Development Commission
November 15, 2018	Civic Association and BID focus group meetings (afternoon and evening sessions) to discuss County Code and Zoning Ordinance amendments
November 28, 2018	Presentation to NAIOP
November 28, 2018	Presentation to the Arlington Partnership for Children, Youth, and Families
November 28, 2018	CCI Work Group meeting
November 29, 2018	Transportation Commission meeting
November 29, 2018	Meeting with child care providers to discuss amendments to County

	Code Chapters 52 and 59
December 11, 2018	ZOCO meeting
Upcoming Engagement Efforts	
December 17, 2018	Meeting with child care providers to discuss amendments to the Zoning Ordinance
December 19, 2018	CCI Work Group meeting
December 20, 2018	CCI Leadership Roundtable meeting
January 2019	ZOCO meeting to discuss staff’s recommendations to amend the Zoning Ordinance
February 2019	County Board meeting – Request to Advertise
March 2019	Planning Commission and County Board hearings