CARING FOR YOUR FACILITY

An Overview of the Regulatory and Permitting Process for Updating Childcare Facilities
“The Department of Consumer and Regulatory Affairs (DCRA) supports a **thriving community** of residents, businesses, and visitors through **diligent protection** of health and safety and **equitable administration** of regulation and compliance in our District.”
• **Customer Service**: We’ve revamped our customer service model to ensure that when you contact us, we get you the help you need within 3 business days.

• **Dashboard**: We’ve built a live dashboard on our website to show you how we’re doing—everything from vacant building inspections to permit reviews.

• **Streamlined Enforcement**: We’ve down the number of days it takes to respond to a tenant housing complaint from months to three days, and regulatory investigations from 60 to 30 days.

Learn more: DCRAvision2020.com
WHAT WE DO

Permit Operations
Approve building and construction plans for authorized work
2013 DCMR 12 Construction Codes

Office of the Zoning Administrator
Administer, interpret, and enforce zoning regulations
2016 DCMR 11 Zoning Regulations

Inspections and Compliance
Conduct housing code & construction inspections
2013 DCMR 12 Construction Codes
HOW DO THE ZONING REGULATIONS APPLY TO MY CHILDCARE FACILITY?

Zoning Regulations vary by zone and:

- Permit Child Development Centers (CDCs) as a matter of right in the RA-#, MU-#, etc. zones.
- CDCs in the RF-1 zone are permitted to enroll up to 16 children as a matter of right, and 17+ as a special exception.
- Establish minimum and maximum lot occupancy and pervious surface coverage for each zone.
- Define sizes of yards and setbacks for each zone.
- Require ½ parking space for every 1,000 square feet of a CDC’s Gross Floor Area (GFA).
HOW DO THE ZONING REGULATIONS APPLY TO MY CHILDCARE FACILITY?

Zoning Regulations vary by zone and:

- Permit Child Development Homes (CDH) to enroll up to 9 children as a matter of right, and 10-12 as a special exception in all zones.
- Are reviewed by DCRA through the permit review process, including building permits, Home Occupation Permits (HOP) and Certificates of Occupancy (C of O).
 Official Zoning Map

This map displays the boundaries of the Zoning Regulations of 2016 with interactive search capability that allows users to look up zoning information for any property in the District.

3D Zoning Map

The DC Office of Zoning (DCOZ) is proud to present this interactive virtual map to help you visualize zoning data as well as curate potential development scenarios. The map offers 3D building and geospatial feature accuracy.

Weekly Zoning Cases Report

An interactive summary of cases filed before the Zoning Commission and Board of Zoning Adjustment. Cases can be filtered by date filed, and relief sought.

Go To Map >
Go To 3D Map >
Go To Report >
https://dcooz.dc.gov/zrr/zr16
HOW DOES THE BUILDING CODE APPLY TO MY CHILDCARE FACILITY?

The building code provides rules for all aspects of construction and modification and:

- Determines a facility’s occupant load, or the maximum number of children and staff the space can accommodate.
- Sets minimum standards for fire and life safety measures such as fire alarms, fire separations (walls & ceilings), sprinkler systems, number and types of exits, etc.
- Is reviewed by DCRA through the permit review process and inspections.
HOW DOES THE BUILDING CODE APPLY TO MY CHILDCARE FACILITY?

• Appendix M of the Building Code sets standards for the safe operation of CDHs, including:
  o The number and types of exits required
  o Location of smoke detectors and fire extinguishers
  o Types of acceptable door locks
  o Fencing requirements for outdoor play spaces
  o Number of children permitted by square footage and ratios of staff to infants and children

• Prohibits the establishment or expansion of CDHs in multifamily residential buildings with 3 or more units.

• Appendix M is available on the DCRA childcare resources page: https://dcra.dc.gov/service/childcare-permitting-regulations
WHEN AM I REQUIRED TO UPDATE (MODERNIZE) MY FACILITY?

- When converting or incorporating space that was previously used for anything other than childcare into a new or expanding facility, called a change in use.
- When changing the location or extent of space occupied by an existing childcare program.
- When increasing the total number of occupants or increasing the number of infants served by an existing program. The building code defines infants as children 2.5 years (30 months) old and younger.
- CDH programs are required to comply with Appendix M of the Building Code when applying for an a new or expanded HOP.
CONSIDERATIONS WHEN ESTABLISHING OR EXPANDING A CHILDCARE FACILITY

• When looking for a new facility or thinking about expanding your existing operation, please consider the following elements that commonly need to be addressed:
  o Special exception approval to operate a CDC in a zone that does not permit the use as a matter of right.
  o Installation of exit doors or egress windows, especially for spaces that include a basement or second story.
  o Access from all exits to a public Right of Way such as a named street or alley.
  o Providing ramps or chair lifts where there are differences in grade level across a floor of the interior space.
CONSIDERATIONS WHEN ESTABLISHING OR EXPANDING A CHILDCARE FACILITY

- Neighbor notification and safe construction protocol for performing work on “party walls” that are shared with an adjacent building.

- Change in use requirements for compliance with 12A DCMR (the 2013 Building Code), which may include making the entire space accessible to ANSI standards, installing a sprinkler system, and other improvements.

- Project scope that requires review by other agencies such as DDOT (public space), DOEE (lead, air quality, excavation, storm water), DC Water (water lines for sprinklers), and the Historic Preservation Review Board.
WHEN DO I NEED A BUILDING PERMIT?

• All structural and most nonstructural work requires building permits. Building permits are required for new construction, demolition, alteration, repair, additions, and trade work such as electrical, plumbing, and mechanical. This includes:
  o Fence installation
  o Interior remodeling
  o Building decks and stairs
  o Replacing appliances and fixtures connected to plumbing (toilets, dishwashers)
  o Hardwiring smoke detectors

• A building permit review process is also required for approval of a C of O application for an expansion or relocation of program space, change in occupant and/or infant load, change in use, or establishment of a new facility.
HOW DO I APPLY FOR A BUILDING PERMIT?

• Please review permit application requirements at https://dcra.dc.gov/page/permit-application-process.
• You or an authorized agent may apply for a building permit online at https://dcra.dc.gov/service/permit-online-services.
• Start the application process and input your project variables to generate a cost estimate, or calculate your own estimate using the permit fee schedule at https://dcra.dc.gov/page/about-permits.
• CDH operators may wish to utilize the Homeowner’s Center as a resource in obtaining permits for their home projects. Please visit https://dcra.dc.gov/service/homeowners-center for more information.
Ahead of submitting a building permit application, the applicant may wish to schedule a Preliminary Design Review Meeting (PDRM).

The PDRM is an opportunity for the applicant and Registered Design Professional (RDP) who drew the plans to meet with DCRA technicians. The goal of the two hour meeting is to review the plans for compliance with applicable building codes and/or zoning regulations.
You can schedule a PDRM here: [https://dcra.dc.gov/pdrm](https://dcra.dc.gov/pdrm). Select a **Zoning PDRM** to meet with a zoning technician, or a **Permitting PDRM** to meet with fire, structural, mechanical, plumbing, electrical, and zoning technicians.
WHAT IS THE BOARD OF ZONING ADJUSTMENT (BZA)?

The Board of Zoning Adjustment (BZA) is an independent, quasi-judicial body. It is empowered to grant relief from the strict application of the Zoning Regulations (variances), approve certain uses of land (special exceptions), and hear appeals of actions taken by the Zoning Administrator at DCRA.
WHAT ARE SPECIAL EXCEPTIONS & VARIANCES?

• A special exception or variance may be sought when an aspect of your proposal is not permitted as a matter of right by the zoning regulations; neither is automatically granted.

• A special exception is a conditioned, permitted use in a particular zone district; that is, the use is permitted provided certain specific criteria are met to ensure that certain negative impacts will not occur. Examples of childcare-related special exceptions include:
  – Establishing a CDC in a residential zone (e.g. R-#, R-1-#)
  – Establishing a CDC of more than 16 children in an RF-1 zone
  – Expanding a CDH to enroll 10-12 children
WHAT ARE SPECIAL EXCEPTIONS & VARIANCES?

• A **variance** acts as a waiver where the strict application of the Zoning Regulations results in "exceptional practical difficulties or exceptional and undue hardship" upon a property owner. Examples of childcare-related variances include:
  o A use that is not permitted as a matter of right, nor as a special exception.
  o An expansion of a nonconforming use prohibited by subtitle C Section 304.1.
WHAT IS THE BOARD OF ZONING ADJUSTMENT (BZA)?

A guide to the BZA application process is linked at the bottom of the DCRA childcare resources page: https://dcra.dc.gov/service/childcare-permitting-and-regulations.
WHAT IS THE BOARD OF ZONING ADJUSTMENT (BZA)?

Frequently asked questions about the BZA can be found here: https://dcooz.dc.gov/about/faq.
THANK YOU

Questions?
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