



DOB

DC DEPARTMENT OF BUILDINGS

Child Care Provider Permitting

Office of Zoning Administration

Friday, November 4, 2022

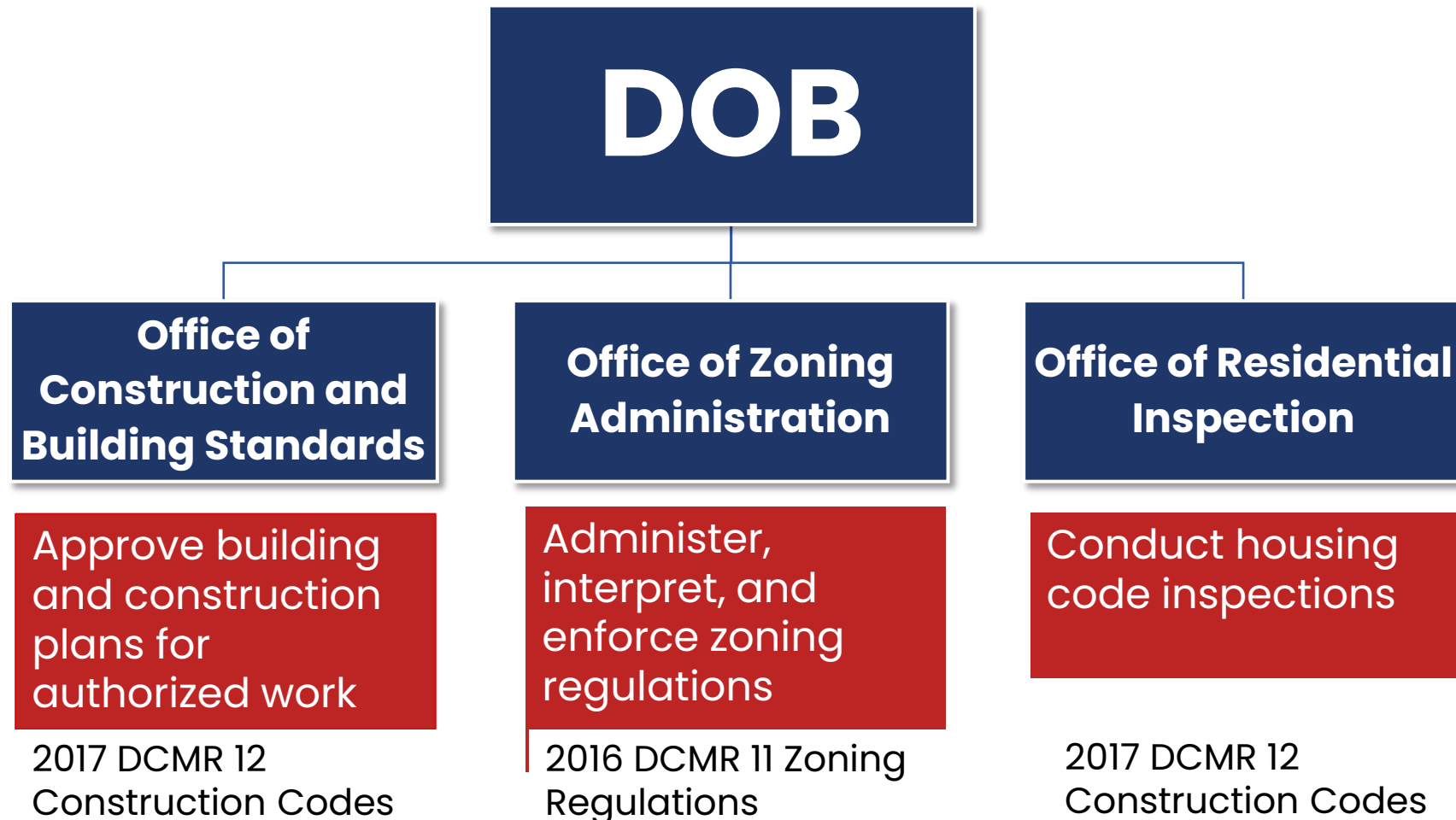
Agenda

- Who We Are
- What We Do
- How We Serve You
- Child Development Center Permitting Process
- The Zoning Regulations and CDCs
- The Building Code and CDCs
- Required Permits
- Certificate of Occupancy (C of O) Application Process and Requirements
- Childcare Fire Safety Inspections
- Child Development Home Process
- The Zoning Regulations and CDHs
- The Building Code and CDHs
- Required Permits
- Home Occupation Permit (HOP) Application Process and Requirements
- Building Permit Process
- Preliminary Design Review Meetings (PDRM)
- The BZA
- Additional Resources

Who We Are

- The **District of Columbia Department of Buildings (DOB)** is one of the District's newest agencies, having begun its service on October 1, 2022
- Its mission is to protect the safety of residents, businesses, and visitors and advance the development of the built environment through permitting, inspections, and code enforcement
- DOB is separated into five different offices:
 - Office of the Director
 - Office of Construction and Building Standards
 - Office of Zoning Administration
 - Office of Residential Inspection
 - Office of Strategic Code Enforcement

What We Do



How We Serve You

Department of Buildings (DOB)

Navigating Regulations

Fire and Emergency Medical Services (FEMS)

Ensuring Life Safety

Office of the State Superintendent of Education

Achieving Licensing

Low Income Investment Fund

Securing Grant Funds



DOB Services

- For All Customers:
 - Certificate of Occupancy (C of O)
 - Home Occupation Permit (HOP)
 - Initial Childcare Fire Safety inspections
 - Building permit issuance
 - Preliminary Design Review Meetings (PDRM)
 - BZA referral memoranda, etc.
- For Childcare Customers:
 - Personalized preliminary and application assistance
 - Priority plan review and permit issuance
 - Walkthroughs of eligible prospective locations for new or expanding programs under the A2Q Grant with referral from LIIF

Child Development Centers (CDCs)

- A **Child Development Center** is defined as a facility located in premises other than the residence of the operator of the facility that serves more than 12 children
- This definition encompasses facilities generally known as childcare centers, preschools, nursery schools, before and after school programs, and similar programs and facilities
- DOB oversees several aspects of the permitting and licensing requirements for facilities to be legally recognized as CDCs in the District of Columbia

CDC Regulatory Checklist

- ☒ Permitted as a matter of right on properties zoned for daytime care users
- ☐ Not permitted in most residential zones unless as a special exception
- ☒ The number of occupants is determined by the size of the space
- ☒ Requires **Certificate of Occupancy (C of O)** from DOB
- ☒ Subject to Building Code and Zoning Regulations
- ☒ May require a Building Permit
- ☒ C of O required for OSSE license
- ☒ Requires **Basic Business License (BBL)** from Department of Licensing and Consumer Protection (DLCP)

CDC Steps To Begin

- Decide to expand or establish a CDC
- Ensure your facility complies with the Zoning and Building Code regulations:
 - A building permit may be required
- Complete the C of O application at dob.dc.gov/service/get-certificate-occupancy
 - Ensure your application includes a written evacuation plan and graphic fire evacuation plan. Your application may also require a copy of your issued building permit
- An inspection will be scheduled to verify evacuation plans
- Receive issued C of O permit when the inspection is passed, and the application is approved

Zoning Regulations and CDC

- **Regulations vary by zone, and:**
 - Permit Child Development Centers (CDCs) with uncapped seats as a matter of right in most of the high density residential and mixed-use zones such as the RA-#, MU-#, PDR-#, etc.) under an issued Certificate of Occupancy (C of O)
 - Permit CDCs in the RF-1 zone to enroll up to 16 children as a matter of right, and 17+ children as a special exception with Board of Zoning Adjustment (BZA) approval. Please note churches in the RF-1 Zone may be eligible for an uncapped number of seats under a change in use to childcare
 - Require new and expanding CDCs to provide ½ parking space for every 1,000 square feet of the Gross Floor Area
 - Establish rules for property development, such as use, building size and height, yard and setback requirements, parking, etc.

Building Codes and CDC

- 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 DOB through the permit review process and inspections

Required CDC Permits

- A Building Permit and a new C of O are both required when:
 - Converting or incorporating space that was previously used for anything other than childcare (education, retail, church, etc.) into a new or expanding CDC facility. This is called a **change in use** or a **new building**
 - When there is a **load change** by increasing either: a. the number of students or total occupants; or b. the relative number of infant slots. The Building Code defines infants as children up to 2.5 years (30mos) in CDCs
 - When changing the location or size of the space occupied by an existing CDC—also called a **load change**

Required CDC Permits

- C of O applications submitted as a **change in ownership** are eligible for review without a mandatory building permit, if the proposal is strictly for a change in ownership only (e.g. no changes to anything except the name)
- However, the childcare fire safety inspection and on-site stamping of evacuation plans remains an essential requirement of the C of O review process for **all** application types

C of O Requirements

- **Standard Supporting documentation:**
 - Deed, lease, or other written authorization to use the space
 - Current C of O for the subject space (eRecords)
 - Documentation of the number of parking spaces available on- or off-site for the CDC's use
 - Written fire evacuation plan (fillable form available)
 - Graphic fire evacuation plan (checklist and example available)
 - Authorization Form, applicable to submissions made by an agent on the owner's behalf
- DOB childcare fire safety inspection
- Additional documentation or review time may apply depending on proposal variables.

Fire Safety Inspection

- When your C of O application and evacuation plans have been received and reviewed, we will proceed with scheduling the initial DOB childcare fire safety inspection.
- The purpose of the inspection is to verify the facility's compliance with applicable regulations and enable on-site approval (with stamps) of written and graphic evacuation plans.
- This visit is performed independently of the Fire Marshal's (FEMS) annual fire inspection or inspections under any associated building permits.

Child Development Homes (CDHs)

- A **Child Development Home (CDH)** is defined as a facility located in the primary residence of the operator of the facility that serves up to 9 children, with up to 12 allowed with special exception
- This definition encompasses residence-based facilities generally known as childcare centers, preschools, nursery schools, before and after school programs, and similar programs and facilities
- DOB oversees several aspects of the permitting and licensing requirements for facilities to be legally recognized as CDHs in the District of Columbia

CDH Regulatory Checklist

- Permitted in all residential zones
- Not permitted in multi-family buildings with three (3) or more units
- Must be the operator's primary residence
- Up to 9 children permitted as a matter of right (including resident children); up to 12 children permitted with special exception
- Requires **Home Occupation Permit (HOP)** from DOB, and is subject to HOP regulations and Appendix M of Building Code
- HOP requires to obtain **OSSE** license
- May require a Building Permit
- Requires **HOP** from DOB, and is subject to HOP regulations and Appendix M of Building Code
- Does not require business license

CDH Steps To Begin

- Decide to expand or establish a CDH
- Ensure your home complies with the HOP and building code regulations:
 - A Building Permit may be required
- Complete the HOP application at dob.dc.gov/node/1616176
 - Ensure your application includes a written evacuation plan and graphic fire evacuation plan
- An inspection will be scheduled to verify evacuation plans
- Receive issued HOP permit when the inspection is passed, and the application is approved

CDH Zoning Definition

"A dwelling unit used in part for the licensed care, education, or training of no more than nine (9) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit --*
11DCMR B-100

- A CDH with a maximum of **9 children** (including resident children) is permitted as a **matter of right** in all residential zones (*U-251.1(b)*)
- In all Zones, the Building Code prohibits the establishment or expansion of a CDH located in a multi-family building with 3 or more units

**For the purpose of calculating the total occupant load, Appendix M of DCMR 2017 Construction Codes is more restrictive and includes ALL resident children as part of the total group size*

Expanded CDH Of Up To Nine (9) Children

*“A dwelling unit used in part for the licensed care, education, or training of no more than **six (6) individuals, up to a maximum of twelve (12) individuals** fifteen (15) years of age or less including all individuals aged four (4) and younger* who reside in the dwelling unit”*

- CDHs with **7-9 children** (including resident children) are classified as **Expanded** Child Development Homes and permitted as a **matter of right** in all residential zones *provided that **no more than six (6)** of the individuals may be **under two (2) years of age** (11DCMR B-100, U-251.1(b)(2))*

**For the purpose of calculating the total occupant load, Appendix M of DCMR 2017 Construction Codes is more restrictive and includes ALL resident children as part of the total group size*

Expanded CDH Of Up To Twelve (12) Children

*“**Expanded** Child Development Homes for **ten (10) to twelve (12) individuals** fifteen (15) years of age or younger may be permitted as a **special exception** by the **Board of Zoning Adjustment (BZA)**”(U-251.1(b)(3))*

Zoning Regulations and CDH

Regulations vary by zone, and:

- Permit in-home childcare providers to operate Child Development Homes (CDH) within their primary residence under an issued Home Occupation Permit (HOP)
- Permit CDHs to enroll up to 9 children as a matter of right in all residential zones (R-#, RF-#, etc.) and 10-12 children as a special exception with Board of Zoning Adjustment (BZA) approval
- Establish rules for property development, building size and height, yard and setback requirements, decks, etc

Building Codes and CDH

Appendix M of the Building Code sets minimum standards for the safe operation of CDHs, including:

- The number and types of exits required
- Location of smoke detectors and fire extinguishers
- Types of acceptable door locks
- Fencing requirements for outdoor play spaces and decks
- 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

Required CDH Permits

- New HOP applications are required for a **change in address** if the CDH provider wishes to continue their program at the new place of residence
- CDH programs are required to comply with the standards of Appendix M of the Building Code when applying for an HOP to **establish** a new or **expand** an existing CDH
- Building permits may be required to bring your home into compliance with Appendix M of the Building Code, or for **renovating** your program area, play spaces, and home
- The DOB Homeowner's Center offers specialized permit services for residential projects

The Home Occupation Permit (HOP) allows individuals to conduct certain occupations in their principal residences, while at the same time protecting residential neighborhoods from possible negative effects of those occupations.

*--DCMR Title 11
Section U251*

HOP Requirements

Required Supporting Documentation:

- DC-issued identification card
- Written fire evacuation plan (fillable form available)
- Graphic fire evacuation plan (checklist and example available)
- Required DOB Childcare Fire Safety Inspection

Some important conditions of approval and issuance:

- Must be the **principal residence** or domicile of applicant
- HOPs do not expire, but are non-transferable from one person or location to another
- No more than 2 non-resident employees in a CDH, or 3 in an Expanded CDH
- Resident children count toward occupancy
- 320 square feet of the home may be devoted to exclusive CDH use

For more information and to apply online: dob.dc.gov/node/1616176

Fire Safety Inspections: CDH

- When your HOP application and evacuation plans have been received and reviewed, we will proceed with scheduling a childcare fire safety inspection. Please note: this is NOT the same as a fire inspection performed by the Fire Marshal (FEMS).
- The purpose of the inspection is to verify the home's compliance with applicable regulations and enable on-site approval of written and graphic evacuation plans.
- The Inspector will evaluate the following elements of Appendix M standards:



*Exit Doors & Egress
Windows*



Doors & Locks



Stairs & Landings



Occupancy



Fire Extinguishers



CO & Smoke Detectors



Yards, Fences, & Decks



Electrical Outlets, etc.

Building Permit Requirements

- Virtually all scopes of work requiring a building permit will also require the submission of plans stamped by a Registered Design Professional (RDP) such as an architect (“Tips” guide in appendix)
- You or an authorized agent may apply for a building permit online through the [Accela Citizen Access Portal](#).
- The standard building permit application type is the “Alteration & Repair”—including change in use or occupant load
- Please find additional information about building permit application process and requirements [on our website](#)

Building Permit Requirements

- After submission, you will receive an email invitation to access **ProjectDox**, the portal through which you will upload your plans and supporting documents.
- The [ProjectDox User Application Guide](#) is available for your reference
- Start the application process and input your project variables to generate a cost estimate or calculate your own estimate using our [permit fee schedule](#)

Preliminary Design Review Meeting (PDRM)

- 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 their project team to discuss their proposal with DOB technicians from Zoning, Building Code, or both divisions
- The goal of the two-hour meeting is to review the proposed plans for compliance with applicable building codes and/or zoning regulations before a building permit application is initiated

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 DOB.
- 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

BZA 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, such as:
 - A use that is not permitted as a matter of right, nor as a special exception
 - An expansion of a nonconforming use prohibited by subtitle C Section 304.1

BZA Process

1. DETERMINE BZA RELIEF IS REQUIRED

Request a referral memo from the Office of the Zoning Administrator (OZA)

Self-certify with the assistance of an architect or attorney licensed in DC

2. REACH OUT TO YOUR COMMUNITY

Notify adjacent property owners and neighbors of your plans

and

Start a conversation with your Advisory Neighborhood Commission (ANC)

3. APPLY FOR A SPECIAL EXCEPTION OR VARIANCE

Through the Office of Zoning's (OZ) online Interactive Zoning Information System (IZIS), apply using the **BZA Application Wizard**. The OZ will assign a hearing date.

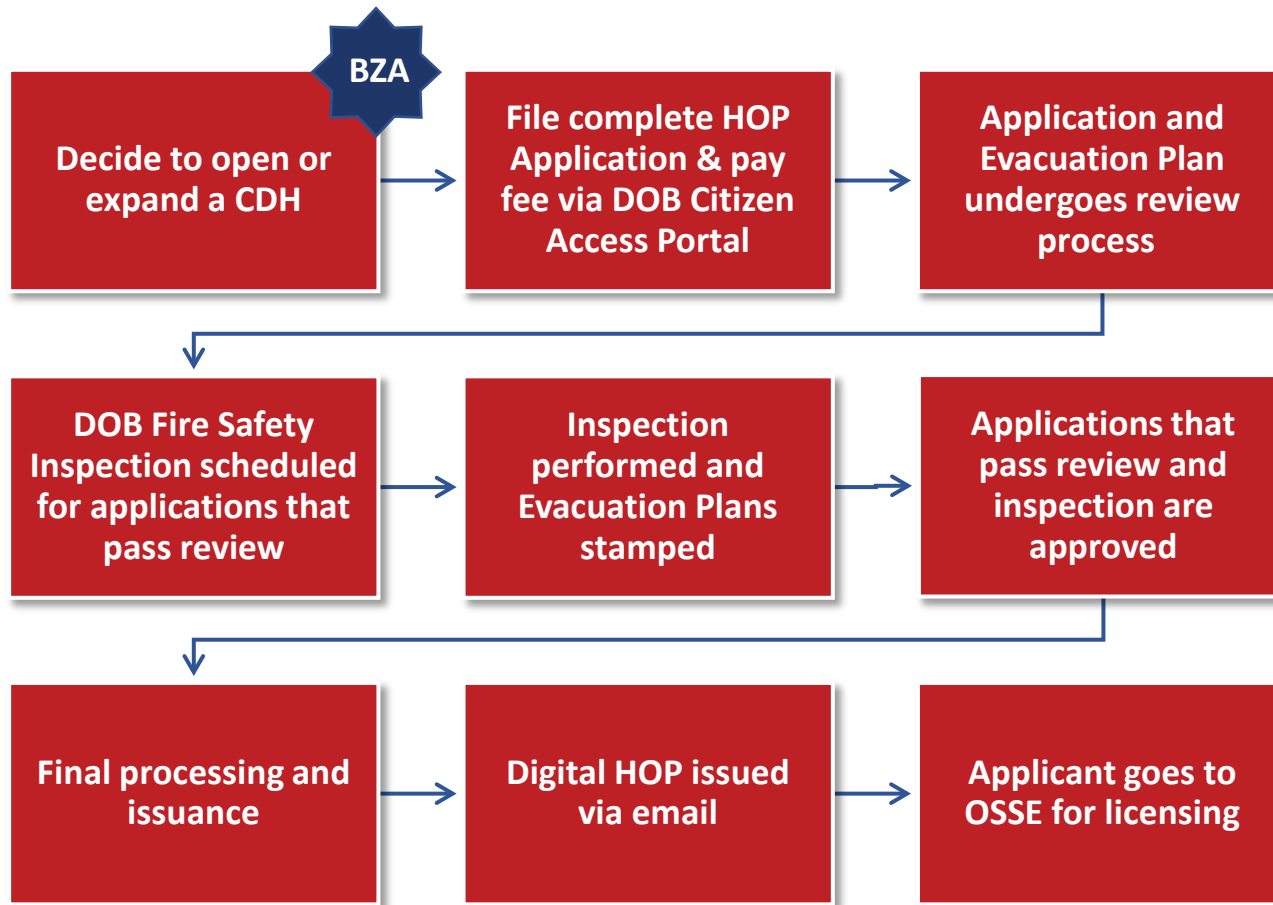
4. COMPLETE THE HEARING AND OBTAIN THE ORDER

If the BZA approves your special exception or variance after the hearing, an **Order is published in the DC Register** that summarizes the testimony, the Board's action, and any conditions. It is considered effective **10 days after publication**, and you may **resume the permitting process**.

BZA FAQs

- To learn more about the Board of Zoning Adjustment (BZA) process, please review the DOB *“Guide to the BZA Application Process”* document, visit dcoz.dc.gov/about/faq
- You also may contact Robert Reid, Zoning Specialist in the Office of Zoning (OZ) at Robert.reid@dc.gov or (202) 727-5471

CDH Road Map



Additional Resources

- If you are interested in researching more about a property, you may find the following tools and resources helpful to gathering information:
 - [Official Zoning Map](#)
 - [Searchable Unofficial Zoning Regulations](#)
 - [eRecords Permit Archive](#)
- We will also be happy to perform a preliminary analysis of property data, permit history, zoning, and other available information so you can make informed decisions about your vision for a space. Please send research request to dob@dc.gov with “childcare” and the property address in the subject line for the most expedient receipt and response

Childcare Needs With DOB



Hillary Seybold, *Plan Reviewer*

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dob@dc.gov , ATTN : Hillary Seybold

Connect with DOB



Contact: DOB@dc.gov



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