

DC Department of Buildings

## **ESTABLISHING OR EXPANDING A CHILD DEVELOPMENT CENTER**

This guidance applies to establishing or expanding an existing Child Development Center (CDC) located in a building in a commercial zone district, not a single-family home or flat (known as a “child development home” in the zoning regulations and which requires a Home Occupation Permit (HOP)).

A certificate of occupancy is required to operate a CDC in the District of Columbia, and the center must comply with the zoning regulations (DCMR 11) and construction codes (DCMR 12).

A CDC is defined as a building or part of a building other than a child development home used for the non-residential licensed care, education, counseling, or training of individuals under the age of fifteen (15) years of age and totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as childcare centers, preschools, nursery schools, before-and-after school programs, and similar programs and facilities. A CDC includes the following accessory use: counseling, education, training, and health and social services for the person or persons with a legal charge of individuals attending the center, including, but not limited to, any parent, sibling, child, or legal guardian of such individuals. (DCMR 11, Subtitle B)

Before signing a lease, check the zoning district of the subject property to ensure that a CDC is permitted to be used and whether there is a limitation on the number of children. There may also be parking requirements for the staff of the center. You can check the zoning district online by visiting the Office of Zoning’s website at [dcoz.dc.gov/](http://dcoz.dc.gov/) and clicking on the 2016 zoning map. Enter the address or square and lot number to obtain the zoning district. The zoning regulations are also posted on the Office of Zoning’s website. Once you know the zone, you can check the regulations to determine if the use is allowed and if there is a limit on the number of children. You may call 202.671.3500, contact [dcra.kustomer.help/contact/contactus-SkowCOjX8](http://dcra.kustomer.help/contact/contactus-SkowCOjX8), or email [dobcs@dc.gov](mailto:dobcs@dc.gov).

The Building Code classifies the use as either an “E” educational use or an “I” institutional use depending on the ages and the total number of children. To be considered an “E” use, you must care for fewer than 100 children of any age. The care of greater than 100 children is classified as an “I” use. An “E” or “I” use could be required to provide increased life-safety protections, such as a sprinkler system for the entire facility.

Additionally, the space to be occupied must be accessible as required by the Americans with Disabilities Act (ADA) and American National Standards Institute (ANSI). This means that adult and child restrooms must be accessible to each user group and separated. In



other words, children are not permitted to use an adult restroom, and their specific restroom must be designed to accommodate disabled children. Accessible drinking fountains must be provided for both adults and children.

If you propose to care for children in the basement and/or on the second floor of the building, the building code requirements for egress (exiting) will limit the number of children allowed on those floors and their location in rooms on those floors.

If the building in which you are considering locating the child development center is mixed-use (i.e., retail on the first floor and office or residential uses on the floors above), the building code requires physical and fire separation between the child development center and the other uses.

A building permit is required before you occupy the space or change the load (change the number and/or ages of the children) if you are:

- Establishing the CDC in a new building;
- or the prior use of the space was not a CDC.
- or you are proposing to change the number or ages of children to be cared for in an existing center,

DOB will evaluate the building plans for compliance with the building code and zoning regulations. The building permit must be issued, and any required construction work must be completed and pass inspection before the issuance of a certificate of occupancy (C of O). The C of O will specify the maximum number of children by age and the number of staff (known as the “occupant load”).

The maximum allowable occupant load is a function of both the building code and the Office of State Superintendent (OSSE) regulations known as Chapter 1 (Child Development Facilities: Licensing) to Subtitle A (Office of the State Superintendent of Education) of Title 5 DCMR (Education). DOB will calculate the total occupant load for the building, which includes children and staff. That number is often greater than the number of children that OSSE will license. OSSE’s regulations will control the total number of both children and staff and will be reflected on the license it issues.

For more information about the building permit and C of O processes, visit [dob.dc.gov/](http://dob.dc.gov/).

Hillary Seybold is available via email at [hillary.seybold@dc.gov](mailto:hillary.seybold@dc.gov) or by phone at 202.491.1979 to provide guidance on some common challenges and opportunities childcare facilities projects are likely to encounter during the design, permitting, and construction phases.

For other general guidance, contact [dcra.kustomer.help/contact/contactus-SkowCOjX8](https://dcra.kustomer.help/contact/contactus-SkowCOjX8), email [dobcs@dc.gov](mailto:dobcs@dc.gov), or call 202.671.3500.

