

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING
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MEMORANDUM

TO: Zoning Commission of the District of Columbia

FROM: *J for* Jennifer Steingasser, Deputy Director

DATE: July 18, 2008

SUBJECT: ZC 08-16 A - Setdown Report – Request for a Text Amendment to definition of Child Development Center (Section 199, 11 DCMR)

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APPLICATION

The Office of Planning (OP) requests a text amendment to Section 199 to include infants to be permitted in the corresponding definition of a Child Development Center, in conformance with current Department of Health (DOH) child care regulations.

RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission setdown the following proposed text amendments:

(Old text marked through and new text is shown in **bold and underline**):

CHAPTER 1 THE ZONING REGULATIONS
199 DEFINITIONS

Child/Elderly Development Center - a building or part of a building, other than a child development home or elderly day care home, used for the non-residential licensed care, education, counseling, or training of individuals ~~two (2) years old or older but~~ under the age of fifteen (15) years of age and/or for the non-residential care of individuals age 65 or older, totaling ~~six (6)~~ **seven (7)¹** 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 child care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling, education, training, and health and social services for the person or persons with legal charge of individuals attending the

¹ The current regulations allow 6, a to 7 is being proposed in another text amendment - ZC 08-16, also so that zoning regulations conform to current child care regulations.

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center, including, but not limited to, any parent, spouse, sibling, child, or legal guardian of such individuals.

BACKGROUND

The child care regulations (DCMR 29, Chapter 3- Child Development Facilities) were updated on April 27, 2007 and reflect that child development centers cater to children, infants and toddlers.

The Department of Health, Child and Residential Care Facilities Division (DOH/C&RCFD) is responsible for the inspection and licensure of all child development facilities in the District of Columbia. The age limitation inadvertently added as part of a former amendment to this section of the zoning regulations would prevent a number of existing child care facilities in the District from renewing or obtaining their licenses, as the Department of Consumer and Regulatory Affairs (DCRA) may not issue occupancy permits for children under the age of two (2) years.

The Board of Zoning Adjustment raised this issue with respect to recent cases before the Board and requested OP to address this issue through a text amendment which reflects the DOH's regulations. The new Child Development Facility Regulations (2007) defines a child development facility as follows:

“Child Development Facility” or “Facility” means a center, home or other structure that provides care and other services, supervision and guidance for children, infants, and toddlers on a regular basis, regardless of its designated name

The proposed text change to the definition of Child Development Center brings consistency between the Zoning Regulations and the Department of Health licensing regulations. Therefore OP recommends the proposed changes as submitted.