

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR**

January 11, 2016

Via Emailed PDF and US Mail



Martin P. Sullivan  
Sullivan & Barros, LLP  
1990 M Street, NW, Suite 200  
Washington, DC 20036

Re: 5100 Georgia Avenue, NW; Square 2929, Lots 41, 3; Determination Letter for Proposed Construction and Use of the Property for an Assisted Living Memory Care Center.

Dear Mr. Sullivan:

You have asked for my review and confirmation regarding the proposed construction and use of a health care facility known as an assisted living facility, pursuant to our meeting on January 21, 2015, and then further revised in later submissions to me. Architectural plans are attached hereto as Exhibit A. Items reviewed and discussed in this letter include (i) the use of the proposed facility being intended to be operated as housing for person with handicaps, pursuant to Section 330.5(d); (ii) the parking requirement for the proposed facility; (iii) location of the parking spaces; (iv) landscaping requirements for the parking spaces; (v) designation of a roof structure wall as a parapet or architectural embellishment; (vi) rear yard requirement; (vii) loading requirement; and (viii) fence in rear yard..

Proposed Use Intended as Housing For Persons With Handicaps

You have stated that the proposed facility is intended to be operated as an assisted-living facility primarily for the care of persons affected by various forms and degrees of age-related dementia. You have stated that the proposed facility will be licensed under D.C. Law 13-127, D.C. Official Chapter 1 of Title 44 related to Assisted Living Residence Regulation.

I have determined that facilities regulated under this section of the D.C. Code are, by the nature of their operations, intended to be operated as housing for persons with handicaps, as such term is interpreted by my office as it applies to the Zoning Regulations. Therefore, the facility proposed herein does qualify as a matter-of-right use, pursuant to 11 DCMR § 330.5(d), without limit on the number of rooms, units, or residents housed.

Parking Requirement for Assisted Living Facility

Assisted Living facilities fall within the larger zoning category of “community-based residential facilities.” The parking requirement for CBRF’s in the C-2-A zone district is 1 space for 8

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persons housed, and 2 spaces for up to 15 persons. For housing for 16 or more, the parking requirement is as determined by the BZA – as, typically, CBRF's of 16 or more persons in this zone district require BZA special exception relief. Since the proposed facility will be a matter-of-right under Section 330.5(d), there will be no BZA determination of the parking requirement and there is otherwise no directly applicable section in Chapter 21 to provide a parking requirement to the proposed facility. I have therefore extrapolated the requirement for 15 or less residents, determining that the parking requirement for matter-of-right CBRFs over 15 residents would be along that same ratio, or 1 space for every 8 persons housed. Therefore, an intended population of 49 residents will require a minimum of six (6) 19' x 9' parking spaces. Seven (7) spaces are proposed (see site plan on Image 2, of attached sheet 0020).

#### Roof Structure– Architectural Embellishment

The proposed plans show a mansard roof feature on the north edge of the building (This wall rises 4 feet above the roof). At that level, the wall would be too high to be considered a parapet wall, and too close to the exterior wall to be considered a rooftop penthouse – as it would violate the 1:1 setback requirement for penthouses. However, I have determined that the wall is an architectural embellishment, as it is constructed so as not to shield rooftop equipment, but rather for architectural purposes. The design intent was to break up the building mass by adding visual variety. Therefore, the proposed wall is permitted as an architectural embellishment.

#### Rear Yard Requirement

The rear yard setback requirement in the C-2-A zone district is fifteen (15) feet. You have chosen the Georgia Avenue frontage to be the front of the subject property, making the opposite side the rear of the subject property. Image #2 of the plans show a rear yard of fifteen (15) feet for the entire length of the property, therefore the proposed plan meets the minimum rear yard setback requirement.

#### Loading Requirement

Your plans call for forty-nine (49) units in the proposed building, and the retail space on the first floor will consist of less than 5,000 square feet of gross floor area. Therefore, no loading facilities will be required.

#### Roof Height Measurement

For purposes of measuring the height of a building, when soil for a green roof is added on top of a building, the “highest point of the roof” will be the top of the actual roof structure, on which the watertight membrane sits underneath the soil, and not the top of the soil or other portions of the green roof structure.

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Please feel free to contact me if you have any questions.

Sincerely,   
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Matthew Le Grant  
Zoning Administrator

Attachments: Exhibit A: Architectural Plan Sheet 0020 dated 11-16-15  
Exhibit B: Isometric drawings - Sheet A322

File: Det Let re 5100 Georgia Ave NW to Sullivan 1-11-16