

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

March 7, 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 - REVISION

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 (consisting of 5 images on Sheet 0020). 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) designation of a roof structure wall as a parapet or architectural embellishment; (iv) rear yard requirement; (v) loading requirement; (vi) roof height determination; and (vii) minor flexibility for lot occupancy. This letter replaces the letter I issued on January 11, 2016.

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.

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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 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 56 residents will require a minimum of seven (7) 19’ x 9’ parking spaces. 7 spaces are proposed (see Image #2 on Exhibit A).

Roof Structure Wall – Architectural Embellishment

The proposed plans show a mansard feature along the south and east edge of the building rising to a height of 1.2’ (see Image #5 on Exhibit A). I have determined that this mansard feature is an architectural embellishment, as it is constructed 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 mansard feature 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 on Exhibit A shows 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. Therefore, no loading facilities under Chapter 22 of the Zoning Regulations are required.

Roof Height Measurement

For purposes of measuring the height of a building, the “highest point of the roof” will be the top of the parapet at elevation 232’ as indicated on the roof plan drawing (Images #4 and #5 on Exhibit A). The 50’ building height allowed for this zone will be measured from that high point from the building height measuring point of the top of the curb opposite from the the center of the front of the building (elevation 182’).

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Minor Flexibility for Lot Occupancy

You have also requested a determination of minor flexibility for the maximum permitted lot occupancy for the proposed project. Originally, the owner desires to install a 170 square foot area vestibule on the ground floor. This vestibule will be a second floor terrace open to the sky with trellis members spaced no more than 2' on center and will not count against FAR. It will, however, count against lot occupancy and I have determined that the granting of minor flexibility of 1.6% of building area is justified for this isolated situation, pursuant to Section 2522.1:

2522.1 The Zoning Administrator is authorized to permit the following deviations, if the Zoning Administrator determines that the deviation or deviations will not impair the purpose of the otherwise applicable regulations:

- (a) Deviations not to exceed two percent (2%) of the area requirements governing minimum lot area, percentage of lot occupancy, and areas of courts and roof structures;

I have determined that the requested deviation of 1.6% will not impair the purpose of the otherwise application regulations, since the deviation is principally due to architectural features which arguably improve the aesthetics of the project without materially impacting the actual amount of lot coverage.

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

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: Exhibit A: Architectural Plan Sheet 0020 dated 01.18.16
Exhibit B: Isometric drawings – Sheet A322 dated 12.23.15