

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

March 30, 2015

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. 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 persons, the parking requirement is as determined by the BZA because 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 59 residents will require a minimum of eight (8) 19' x 9' parking spaces. 10 spaces are proposed (see site plan on SK-4)

Parking Space Location

Pursuant to Section 2116.4, parking spaces shall not be located between a lot line abutting a street and the more restrictive of either a building façade or a line extending from and parallel to a building façade. I have determined from the attached plans, Page SK-4, that the proposed parking spaces meet this requirement, as the spaces are located behind the line extending from and parallel to the building façade.

Roof Structure Wall – Architectural Embellishment

The proposed plans show a wall on the north edge of the building (see roof plan on page SK-7, elevation on page SK-8). 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 appropriately labeled as 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 133 foot long mass by adding visual variety and also reinforcing where the entry is. Therefore, the proposed wall is permitted as an architectural embellishment.

Architectural Embellishment Surrounding Roof

The height of the proposed building is measured from the curb at the center of the front of the building to the highest point of the roof or parapet. You have made this measurement from that curb to the highest point of the roof. (as illustrated in SK-4 – east side of middle of ground floor plan, SK-8 and also SK-9 – building section diagram). You have proposed that the two-foot high wall be deemed to be an architectural embellishment rather than a parapet. I agree with that designation, pursuant to your description of the architectural purpose of the 2-foot wall that it:

1. Functionally provides enough of a vertical surface to terminate roof membrane.
2. Visually provides adequate solid mass over window heads (so that there is a consistency in proportion of solid materials over glazing for the second through fifth floor windows which form a major part of the architectural composition)

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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. The plans, page SK-4, 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.

Fence-Trash/Mechanical Enclosures

As noted in my e-mail of February 1, 2015, to the project architect, fences and walls are exempted from the Zoning regulations, so the proposed walled enclosure around the trash receptacles (SK-4 and SK-8), which would be open to the sky and will not have any mechanical equipment over 4 feet in height as measured from adjacent grade, would not create any zoning issues.

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.

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

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment - Plan Set dated 2-12-15

File: Det Let re 5100 Georgia Ave NW to Sullivan 3-30-15