FAX

To: Board of Zoning Adjustment
FAX: 202-727-6072

Date: August 10, 2001

From: Page Chiapella
Nebraska Avenue Neighborhood Association
Tel: 301-443-4715

Re: **Appeal No. 16716**
Materials requested by the BZA on 8/3/01

The following are our documentation showing that (1) DCRA did not provide the Office of Planning with a roof structure plan for their evaluation and (2) the building permit application and fee were accepted by DCRA with essential items missing, including the plat plan.

Attached:

Email to Ellen McCarthy, Office of Planning, requesting formation re: roof structure plan

Email from Jennifer Steingasser, Office of Planning, re: roof structure plan

Plan Correction List from DCRA to applicant dated 7/18/00 requesting a Plat Plan for Job No. 590AA.

BZA
Case No. 16716
Exhibit No. 48

Board of Zoning Adjustment
District of Columbia
CASE NO.16716
EXHIBIT NO.48

Chiapella, Page (NIAAA)

From: Chiapella, Page (NIAAA)
Sent: Thursday, July 12, 2001 1:56 PM
To: 'ellen.mccarthy@dc.gov'
Subject: Roof structure review: 5111 Connecticut Ave. NW

Ellen:

We have not been able to access many of DCRA's records for 5111 Connecticut Ave. Therefore, we would appreciate a confirmation of what, if anything, your records indicate for roof structure review for 5111 Connecticut Ave., NW. Did DCRA request a review and approval of the roof structures for 5111 Connecticut Ave., NW (Building Permit Application No. 590AA)?

Thank you.
Page Chiapella

Chiapella, Page (NIAAA)

From: Jennifer Steingasser [Jennifer.Steingasser@dc.gov]
Sent: Friday, July 13, 2001 2:05 PM
To: Chiapella, Page (NIAAA)
Cc: McCarthy, Ellen (OP)
Subject: Roof Structure Review 5111 Conn. AV NW

Ms. Chiapella,

In response to your inquiry, our files indicate that the Office of Planning has not received a request to review the roof structures for the project at 5111 Connecticut Avenue, N.W., building permit number 590AA.

Jennifer Steingasser, AICP
Development Review Specialist
DC Office of Planning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BLRA-10 (Rev. 8/89) /89)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
TECHNICAL REVIEW BRANCH

PLAN CORRECTION LIST

Job No.	
590 AA	

Engineer	Section	Date
OTENG- AGIPONG	STRUCTURAL	7/18/00

CHANGES REQUIRED ON PLANS PRIOR TO APPROVAL:

No.

1. PROVIDE A PLAT PLAN SHOWING LOCATION OF THE BUILDING.
2. 1ST FL. THE EXTERIOR STAIR TO BE PROTECTED FROM ACCUMULATION OF ICE AND SNOW. (SEC 1014.12 OF BOCA)
3. THIS IS TYPE 1B CONSTRUCTION, THEREFORE, WOOD CANNOT BE USED FOR THE SUPPLEMENTAL STAIRS.

9. Noncompliant Use

Code Provisions

11 DCMR § 199.1: "**Community-based residential facility** – a residential facility for persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. . . .

(b) **Community residence facility** – a facility that meets the definition for and is licensed as a community residence facility under the Health Care Facilities and Community Residence Facilities Regulations, 22 DCMR § 3099.1."

11 DCMR § 358: "YOUTH CARE HOMES AND COMMUNITY RESIDENCE FACILITIES (R-5)"

11 DCMR § 358.5: "The proposed facility shall meet all applicable code and licensing requirements."

11 DCMR § 359.1: "Health care facilities for sixteen (16) to three hundred (300) persons . . . shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment, in accordance with the conditions specified in § 3108 of chapter 31 of this title, subject to the provisions of this section."

BOCA § 308.0: "**Institutional Use Groups**."

BOCA § 308.2 – "Use Group I-1: This use group shall include buildings and structures which house six or more individuals who, because of age, mental disability or other reasons, must live in a supervised environment but who are physically capable of responding to an emergency situation without personal assistance. Where accommodating persons of the above description, the following types of facilities shall be classified as I-1 facilities: board and care facilities, half-way houses, group homes, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or less occupants shall be classified as a residential use group."

BOCA § 308.3 – "Use Group I-2: This use group shall include buildings and structures used for medical, surgical, psychiatric, nursing, or custodial care on a 24-hour basis of six or more persons who are not capable of self-preservation. Where accommodating persons of the above description, the following types of facilities shall be classified as I-2 facilities: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals and detoxification facilities. A facility such as the above with five or less occupants shall be classified as a residential use group."

22 DCMR § 3250.7 – "The number of elevators in the facility shall be determined by an elevator need study submitted by the owner of a skilled care facility to be approved by the Mayor, and shall be provided in accordance with the federal Hill-Burton standards applicable to projects, as set forth in the Department of Health and Human Services Publication No. (HRA) 76-4000."

22 DCMR § 3415.1: "A community residence facility shall not use physical restraint or confinement except in an emergency to protect a resident from harming himself or herself or others."

22 DCMR § 3432.3: "In each community residence facility with more than thirty (30) residents, when residents have the use of common living or eating sapce on floors other than floor on which their bedrooms are located, additional tiolets and lavatories shall be provided on those floors in the proportion of (1) toilet and lavatory for each thirty (30) residents."

11 DCMR § 2101.1 – "For Community Residence Facilities serving more than 25 residents, the BZA shall determine the number of required parking spaces (§2101.1)."

Exhibits

NANA Volume II, page 22 – Time line of proposed use of the building

NANA Volume II, page 14 – Building code summary

NANA Volume I, page D-5 – Operational definition of community residence facility

NANA Volume II, page 15 – Title 22 code sections

NANA Volume II, page 7 – 3d floor plan

10. Vesting Unavailability

Code Provisions

11 DCMR § 3202.2: "To determine compliance with the provisions of this title, each application for a building permit shall be accompanied by any of the following that is deemed necessary:

(a) Scaled drawings showing the following: . . .

(2) The plan, elevation, and location by dimensions of all existing and proposed structures, and the proposed use of those structures;"

11 DCMR § 3202.5: "If an application for a building permit is filed when the Zoning Commission has pending before it a proceeding to consider an amendment of the zone district classification of the site of the proposed construction, the processing of the application, and the completion of work pursuant to the permit, shall be governed as follows: . . .

(b) If the application is filed after the date on which the Zoning Commission has made a decision to hold a hearing on the amendment, the application may be processed, and any work authorized by the permit may be carried to completion, only in accordance with the zone district classification of the site pursuant to the final decision of the Zoning Commission in the proceeding, or in accordance with the most restrictive zone district classification being considered for the site."

Exhibits

NANA Volume I, page D-1 – Initial building permit application

NANA Volume I, page E-1 – Plan correction list

NANA Volume I, page E-2 – DCRA letter

NANA Volume I, page E-6 – Revised building permit application

NANA Volume II, page 22 – Time line of proposed use of the building

11. Miscellaneous Matters

Code Provisions

BOCA § 1010.2 – "Every floor area shall be provided with the minimum number of approved independent *exits* as required by Table 1010.2 based on the occupant load, except as modified in Section 1010.3. . . .

Table 1010.2: MINIMUM NUMBER OF EXITS FOR OCCUPANT LOAD

Occupant load:	500 or less
Minimum number of exits:	2"

Exhibits

NANA Volume II, page 8 – 7th floor plan