BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

IN RE: 5111 Connecticut Ave. N.W.	)	
Square 1989, New Lot 162	)	**BZA Appeal No. 16716**
Previous Lots 49-57 & 161	)	
	)	
Appeal of	)	
	)	
The Nebraska Avenue	)	
Neighborhood Association and	)	
Advisory Neighborhood	)	
Commission 3G	)	

APPLICANTS' APPEAL OF THE ADMINISTRATIVE DECISION OF THE ZONING ADMINISTRATOR* TO ISSUE BUILDING PERMIT No. 435464

I.
Introduction

The Nebraska Avenue Neighborhood Association and Advisory Neighborhood Commission 3G appeal the decision of the Zoning Administrator and/or the Acting Administrator of the Building and Land Regulation Administration in issuing building permit No. B435464. The permit was issued to Louis and Sonny Reyes by the Department of Consumer and Regulatory Affairs on March 8, 2001 for property located at 5111 Connecticut Avenue, N.W. The bases of this appeal are various noncompliances with DCMR Title 11 Zoning Code and procedural errors committed in evaluating the application (590AA) and issuing the permit.

*The Zoning Administrator and/or the Acting Administrator of BLRA.

ZONING COMMISSION
District of Columbia
Case 01-24
Exhibit 10

ZONING COMMISSION
District of Columbia
CASE NO.01-26
EXHIBIT NO.10

SUMMARY OF NONCOMPLIANCE WITH TITLE 11 ZONING CODE CONTAINED IN THE APPLICATION

(Sections in parentheses are from DCMR Title 11, unless otherwise specified.)

A. STRUCTURAL

1. FAR over 3.5 in an R-5-D residential district (§402.4);

2. Inadequate rear yard setback -- setback does not extend across entire rear of building (§404.1);

3. Height over 90 feet in an R-5-D district (§400.7), and/or

4. Improper housing for mechanical equipment, stairway, and elevator penthouse on the main roof (§§400.7 and 411);

5. Lack of appropriate parking and loading plans and the basis for computation of those plans (§§2101.1, 2201.1 and 3202.2 (a) (3)) ;

6. Convenience stores inappropriately located in the building (§§ 354.2 and 354.4).

B. USE; AND CODE AND LICENSING REQUIREMENTS FOR THAT USE

1. Development does not meet a matter of right use (§§303.5 (I) and 359).

2. The proposed facility does not meet all applicable code and licensing requirements (e.g. 22 DCMR §§ 3242 and 3257).

C. PROCEDURAL NONCOMPLIANCE and IRREGULARITIES:

1. The building permit application was not complete before setdown date for rezoning (Oct. 16, 2000). The application is not vested under R-5-D zoning and must comply with R-5-B zoning (§§ 3201 and 3204).

2. Inaccurate and incomplete information supplied on application materials (application and Environmental Impact Screening Form) invalidates these forms (Appendices E-1 and G).

II.

DETAILED DESCRIPTION OF DEVIATIONS OF TITLE 11 ZONING CODE CONTAINED IN THE APPLICATION

A. STRUCTURAL

1. THE FAR EXCEEDS 3.5

§402.4 Maximum FAR is 3.5 for the R-5-D zoning district. This structure exceeds that FAR due to errors in calculation in the FAR. Errors include omitting the following portions of the building from the numerator of the FAR calculation:

1. Basement omitted: 2,877 square feet
2. Third floor balcony omitted: 940 square feet
3. 8th floor penthouse (which does not meet criteria for 0.37 exemption) omitted: 1,682 sq. ft.

Corrected FAR Calculation:
86,369 / 23,107.51 = 3.74

CONCLUSION: The FAR of 3.74 exceeds the maximum allowed under R-5-D.

APPENDIX A-1 shows the plat
APPENDIX A-2 shows the grading plan
APPENDIX A-3 shows south side elevation with part of basement/cellar 4 feet above grade
APPENDIX A-4 shows floor plans
APPENDIX A-5 shows calculations

2. INSUFFICIENT REAR YARD SETBACK IS PROVIDED.

§ 404.1 Minimum Depth of Rear Yard under R-5-D of 4 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet.*

* Definitions: Yard, rear - a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title, The rear yard shall be for **the full width** of the lot and shall be unoccupied, except as specifically authorized in this title. Yard, rear, depth of - the mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.

The DCRA zoning official errored in allowing only 70 feet -- barely one-third of the property width -- to be counted as rear property line of the lot.

The front of the building borders Connecticut Ave., N.W. for a length of approximately 190 feet. Chevy Chase Parkway and Lot No. 48 form side borders. The rear borders the 15-foot alley and 22-foot wide alley continuation behind the building and former Lot No. 161. We dispute the use of setback for only about 70 feet of the rear of the building along the 15 foot wide alley with no rear yard setback along the 22 foot wide alley. This violates the rear yard setback requirement for the full width of the lot.

The building plans show the 22-foot wide alley to be walled in by the building walls on two sides and a 10 ft. retaining wall on the third side. This is inappropriate for a public alley! In addition, this plan leaves insufficient space for trash, parking garage entry, and loading/delivery facilities and access, all located in the rear yard setback of only 70 feet.

CONCLUSION: Insufficient rear yard setback is provided.

Appendix A-1 shows the plat on which no rear setback is seen along the 22-foot wide alley.
Appendix B Applicants description of the lot indicating north, south, east and west sides.

3. BUILDING HEIGHT OVER 90 FEET.

The height from the front grade (304.1 feet) to the highest point on the main roof (401 feet) means the building is approximately 97 feet, as seen on the rear elevation plan. This exceeds the 90 foot limit. While there is an allowance for roof structures, the structures on this building do not meet the requirements of roof structures as listed in §§ 400.7 and 441.

CONCLUSION: Highest point of the main roof exceeds 90 feet.

APPENDIX A-3 shows the rear elevation of the building.

4. NONCOMPLIANCE OF ROOF STRUCTURES

The roof structures do not comply with the §§ 400.7 and 411:
§ 400.7 If housing for mechanical equipment, a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:

(a) It shall meet the requirements of § 411;

(b) It shall be set back from all exterior walls a distance at least equal to its height above the

roof upon which it is located; and

(c) It shall not exceed eighteen feet six inches (18 ft. 6 in.) in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot six inch (18 ft. 6 in.) height of the housing.

§ 411.3 All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.

§ 411.5 Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in § 411.6.

§ 411.10 Before taking final action on a roof structure plan, the Zoning Administrator shall have submitted the plan to the Director of the Office of Planning for review and report. The report shall be returned within fifteen (15) days of the date of submission unless a different period has been provided by mutual agreement of all parties involved. [No documentation in DCRA files of submission of roof plan to the Office of Planning. Confirmed with the Office of Planning: Jennifer Steingasser, June 26, 2001.]

Several noncompliances exist for the roof structures: the stair and elevator penthouses are not set back from exterior walls; the height of the elevator penthouse roof exceeds 18 ft. 6 in.; the roof structures are not placed in one enclosure; and the roof structure plan was not reviewed by the Office of Planning.

CONCLUSION: The roof structures do not comply with zoning regulations.

APPENDIX C Roof structure plans,
APPENDIX A-3 Rear elevation showing height of elevator penthouse roof.

5. LACK OF APPROPRIATE PARKING AND LOADING PLANS AND CALCULATIONS

No parking and loading plans were found with the plans submitted to DCRA with the application. Neighbors requested DCRA to provide copies of such plans but none were forthcoming. Instead, a "precertification" letter was provided, claiming approval for one parking spot for each six units, based on §2101.1, subsidized housing serving the elderly and handicapped; and delivery and service docks of 12 by 30 ft. and 10 by 20 feet respectively based on a building of 30,000 to 100,000 sq. ft. serving all other uses in all districts (§2201.1).

For Community Residence Facilities serving more than 25 residents, the BZA shall determine the number of required parking spaces (§2101.1). This requirement allows the BZA to determine need based on factors such as inclusion of commercial shops, restaurants, medical offices, and the like in the facility. All are included in the subject facility.

Note that although 31 parking spots are currently provided, the minimum required is the deciding criterion--the others are not required and may be removed later. (Zoning Commission, June 7, 2001.)

This development did not undergo evaluation of traffic and parking issues by either the Department of Public Works or an outside consultant.

CONCLUSION: Required parking for the facility is not evaluated as required (§2101.1). Delivery areas and routing were not evaluated as required (§§3202.2 (a) (3) and 3202 (b)(2) **).**

6. INAPPROPRIATE LOCATION OF CONVENIENCE STORES IN THE FACILITY

§354.2 The adjuncts authorized under this section shall be limited to the main floor of the building or below.

§354.6 Convenience stores in apartments (R-5). The center of the principal entrance of the apartment house shall be more than one-fourth mile walking distance from the nearest principal business street frontage of any business district previously established and operating in a Commercial or Industrial district.

The beauty salon in the facility is located on the fourth floor (§354.2). The facility itself is located within 500 feet of a commercial district (which includes a beauty salon, grocery, pharmacy and many other establishments, (§354.6)).

CONCLUSION: Location of services in the facility is inappropriate.

B. USE; AND CODE AND LICENSING REQUIREMENTS FOR THAT USE

1. DEVELOPMENT DOES NOT SATISFY A MATTER OF RIGHT USE.

The initial application claimed the use was for assisted living residence; and a new apartment building. In a November, 2000, Plan Correction List, DCRA asked the applicant what the intended use was.

In a revised building permit application submitted February 5, 2001, the applicant claimed a matter-of-right use under § 303.5 (I) -- a Community Residence Facility (CRF) serving the handicapped as that term is defined in the Fair Housing Act.

OPERATIONAL DEFINITION OF COMMUNITY RESIDENCE FACILITY
"A Community Residence Facility (CRF) provides a level of health care in a safe, hygienic, protective / sheltered living arrangement for one (1) or more individuals who are not related by blood or marriage to the Residence Director. These individuals are ambulatory with or without the assistance of mechanical device(s), able to get in and out of bed, able to move about from place to place. **They are oriented to place, time and day; capable of making proper judgments in emergency situations**, able to perform the activities of daily living (eating, bathing, dressing, toileting and walking) independently or with minimal assistance. This level of health care is for individuals who desire or require supervision or assistance within a protected environment because of physical, mental, familial or social circumstances. This definition is for facilities that are for the elderly, half-way houses and group homes for mentally retarded persons. [Underline and bold added.]
(From the "Initial Community Residence Facility Licensure Application." Government of the District of Columbia, Department of Health, Health Regulation Administration.)

The building design includes secured wards with specially designed systems to house Alzheimers patients. These patients, housed in such secured facilities are substantially disoriented as to time, place and/or person. Such patients are cared for in intermediate care or nursing home (health care) facilities, not CRFs. Such health care facilities must meet the following requirements:

§359 HEALTH CARE FACILITIES (R-5)
§359.1 Health care facilities for sixteen (16) to three hundred (300) persons not including resident supervisors or staff and their families, 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.

§359.2 The applicant shall meet the standards and requirements set forth in §§358.2 through 358.7.

§359.4 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections, and, if a historic district of historic landmark is involved, of the State Historic Preservation Officer.

CONCLUSION: The facility does not meet a matter-of-right use. The application must obtain the appropriate approvals but has failed to do so.

APPENDIX D-1 Building Permit Application 590-AA submitted July 10, 2000
APPENDIX D-2 "Notification and Application" letter to Community Residence Facility Directors: letter and operational definition of community residence facility. Government of the District of Columbia, Department of Health, Health Regulation Administration..

2. THE PROPOSED FACILITY DOES NOT MEET ALL APPLICABLE CODE AND LICENSING REQUIREMENTS (~~§303.5~~) 358.5

§ 358.5 PROPOSED FACILITY SHALL meet all applicable code and licensing requirements. Examples of codes not evaluated and/or met:

§ 358.6 No adverse impact on the neighborhood (not evaluated)

§ 359.1 Health Care Facility requires BZA approval (for over 15 residents--Alzheimers ward-- not submitted)

§ 359.4 Submit to OP (not evaluated)

22 DCMR §3242 requires a study indicating facility elevator needs (only two are provided in this 7-story facility to meet all patient, emergency and supply and maintenance needs.) No study was supplied to or by DCRA.

22 DCMR Ch. 33 and 34 require that communal toilet facilities shall be provided on each floor where there are patient activities. Insufficient communal toilet facilities are provided.

CONCLUSION: The application does not meet all applicable 22 DCMR (health) requirements.

C. PROCEDURAL NONCOMPLIANCE and IRREGULARITIES:

1. APPLICATION 590AA SHOULD NOT BE VESTED AS R-5-D.

The application was not complete before the setdown date for the rezoning application before the Zoning Commission (Oct. 16, 2000). The application is not vested under R-5-D zoning and therefore must comply with R-5-B zoning. On June 7, 2001, the Zoning Commission approved the R-5-B district for the subject property. Since the application did not meet the criteria specific in §§3201 and 3204 before October 16, 2000, it must comply with the more restrictive zone R-5-B.

The initial application contained numerous material omissions. Most importantly, the use of the building, was not declared until January/February, 2001. Evaluation of the application could not take place until the use was declared.

Numerous other omitted items were addressed in Plan Revision Sheets after the October 16, 2000 setdown.

The application was resubmitted as 590 REV on February 5, 2001, due to omissions in the original application and/or material changes thereto.

CONCLUSION: The application is not vested under R-5-D zoning and must comply with R-5-B zoning district.

APPENDIX E-1 Plan Revision Sheets
APPENDIX E-2 Revised Building Permit Application 590-AA REV submitted February 5, 2001.

2. INACCURATE AND INCOMPLETE INFORMATION SUPPLIED ON APPLICATION MATERIALS (the initial application and the Environmental Impact Screening Form) INVALIDATE THESE FORMS.

The Building Permit Application clearly states that alteration of information will invalidate the application. Due to many alterations, the original 590AA form is invalid.

The Environmental Impact Screening Form (EISF) claims a 23 ft. 2 in. building rather that a seven-story building over 90 feet high. The EISF also claims an obviously inaccurate cost of $1.38 million. Parking and deliveries in a residential alley are not mentioned, nor is a plat provided for the traffic evaluation. This form and the agency evaluations based on it are not valid for the purpose of performing a legitimate environmental impact evaluation.

APPENDIX F: Environmental Impact Screening Form.

3. VARIOUS REQUIRED CLEARANCES HAVE NOT BEEN OBTAINED, INCLUDING THOSE RELATING TO USE, ELEVATORS, PARKING AND DELIVERIES.

4. "PRECERTIFICATION LETTERS" ARE AN INAPPROPRIATE MECHANISM TO ESTABLISH USE, PARKING AND LOADING/DELIVERY, SETBACK AND OTHER REQUIREMENTS

"Precertification letters" are letters prepared by the applicant before submission of the application itself, signed by DCRA staff before the application is submitted, and used by the applicant to claim DCRA approval of requirements of an application. In the case of 590AA, there was no verification by DCRA staff that the conditions in the "precertification letters" were met by the application or that the conditions described in the "precertification letters" did not change during the process of the application approval. In fact, they did change.

APPENDIX G: Copies of 3 "precertification letters:"

CONCLUSIONS: Accurate application has not yet been made for this project. "Precertification letters" are not appropriate in evaluating this application.

III.

REQUEST TO REVOKE BUILDING PERMIT B435464

Based on the information supplied in this document and the attached appendices showing noncompliance with DCMR Title 11 Zoning Code, the applicants respectfully request the Board of Zoning Adjustment to reverse the decision of the Zoning Administrator/Acting Administrator of BLRA and revoke Building Permit No. B435464.

IV.

Preliminary list of prospective witnesses.

Page Chiapella, John Frye, Nick Gill (or other representative of local real estate interests), Marilyn Holmes, Cris Fromboluti, Joseph Bishop, Allen Beach.

V.

List of attached appendices and their relevance

A-1 Surveyor's Plat with building plan.
Shows outline of basement/cellar and also noncompliant rear yard setback.

A-2 Building elevations (front, rear, and sides)
Shows part of south side and most of the rear or the basement/cellar walls are more than 4 feet above grade. Used to evaluate the proportion of square footage to include in the FAR.

A-3 Grading plan.
Shows part of basement/cellar perimeter which is 4 feet or more above grade.

A-4 Set of floor plans
Used in calculating FAR

A-5 FAR calculations
Shows FAR above 3.5.

B. Applicants description of the lot, indicating north, south, east and west sides, from EISF. Shows east side as a single side of the lot.

C Roof structure plans
Show noncompliance of roof structures, including multiple structures and lack of setback from the building side wall.

D-1 Building Permit Application 590-AA submitted July 10, 2000
Shows initial use stated as "assisted living" and "new apartment building."
Shows other missing and inaccurate information.

D-2 Letter to Community Residence Facility Directors presenting the operational definition of "Community Residence Facility."
Shows exclusion for persons who are not oriented to place, time and day; not reliably capable of making proper judgements in emergency situations. Secure ward for Alzheimers patients is not appropriate in a Community Residence Facility.

E-1 Plan Revision Sheets
Shows that the plans were not sufficiently complete for evaluation of the application before the downzoning setdown date of October 16, 2000.

E-2 Revised Building Permit Application 590-AA submitted February 5, 2001
Final application which presented a new claimed use of the building; other new information.

F Environmental Impact Screening Form.
Shows misinformation supplied to and used by various agencies in evaluating the impact of the building, such as height of 23 feet 2 inches, cost of 1.38 million dollars (consistent with a smaller building), etc.

G Copies of three "precertitication letters."
Some zoning decisions were based on these letters rather on Title 11 Zoning Code.

Maureen Ellen Dwyer and Richard S. Nero, Jr. to Gladys Hicks, December, 1998: agreement on the use as a matter-of-right.

Maureen Ellen Dwyer and Richard S. Nero, Jr. to Gladys Hicks, March, 1999: agreement on parking spaces, etc.

Paul A. Tummonds and Steven E. Sher to Michael Johnson, May, 2000: agreement on height, side court, etc.

4) no setback is required or provided on the R-5-D portion of the Subject Property along Chevy Chase Parkway; and
5) the R-2 portion of the Subject Property is an open court that has a width requirement of 22 feet 6 inches based on the requirement to provide 3 inches of court width per foot of building height.

The dimensions and locations of those open spaces are shown on the attached drawing prepared by Beery, Rio and Associates dated May 11, 2000.

Pursuant to the issues discussed in the May 2, 2000 meeting and outlined in this letter, please sign this letter in the space provided below to indicate your concurrence with the above.

If you have any questions or comments regarding this letter, please feel free to call us at (202) 457-7800.

Sincerely,

Paul A. Tummonds, Jr.

Steven E. Sher

CONCUR

Date: July 5, 2000

Michael D. Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs

Enclosure

cc: Sean Ambrose
Maureen Dwyer



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D. C., ... 2000

uilding Permit of SQUARE 1989 L

ach = 30 feet Recorded in Book FILE ACK page 54 B

Receipt No. 9457

to WILKES ARTIS

Surveyor, D. C.

By: DA JMA

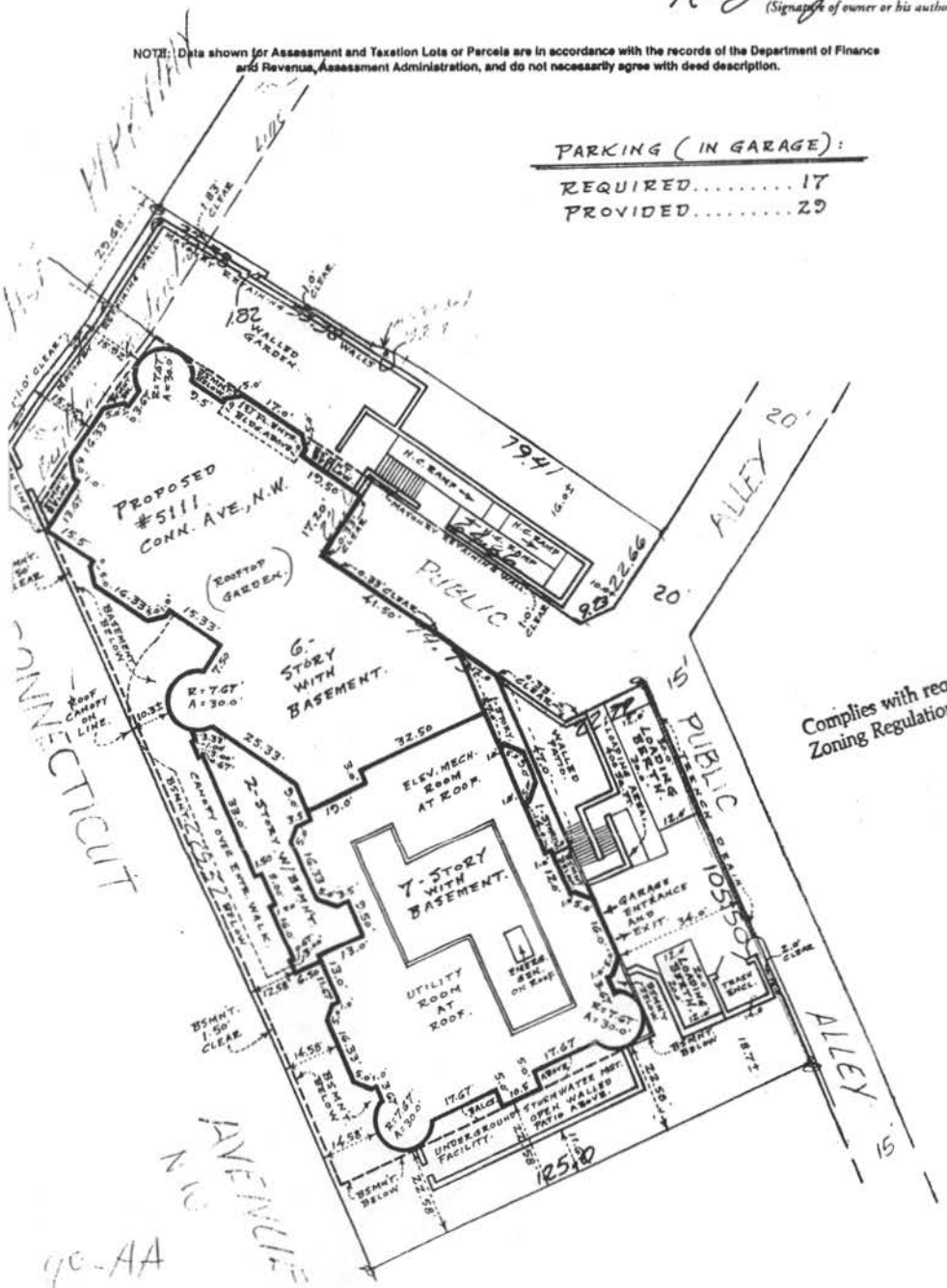
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plan as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb or alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property).

Date JULY 23, 2000 (REVISED: JULY 29, 2000.)

H.C. Langelan H.C. LANGELAN, D.C. RLS 911
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

PARKING (IN GARAGE):
REQUIRED.....17
PROVIDED.....29



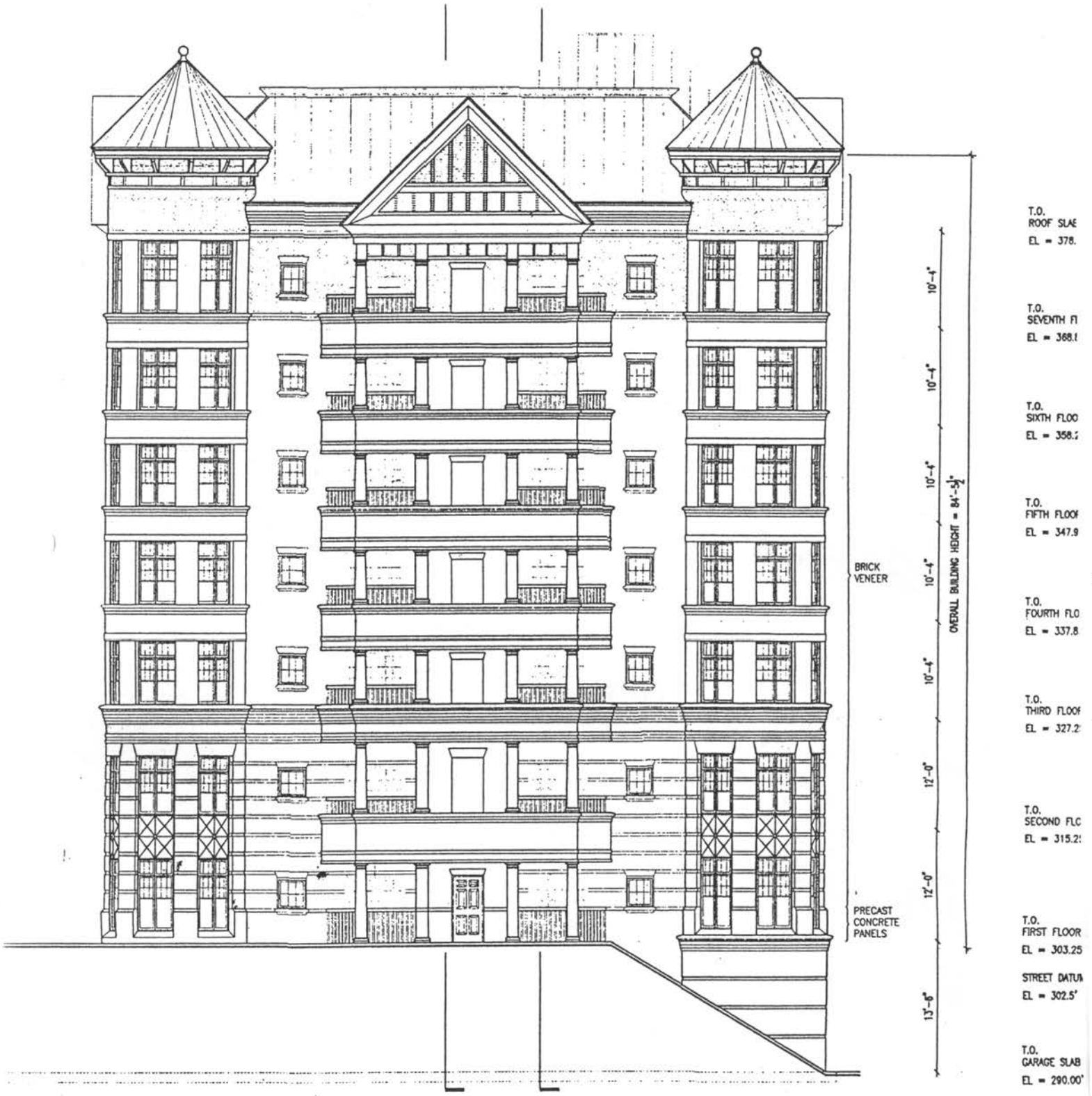
Complies with requirement of Zoning Regulations
Initial
2/14/01

98-112.03

90-AA



FRONT ELEVATION



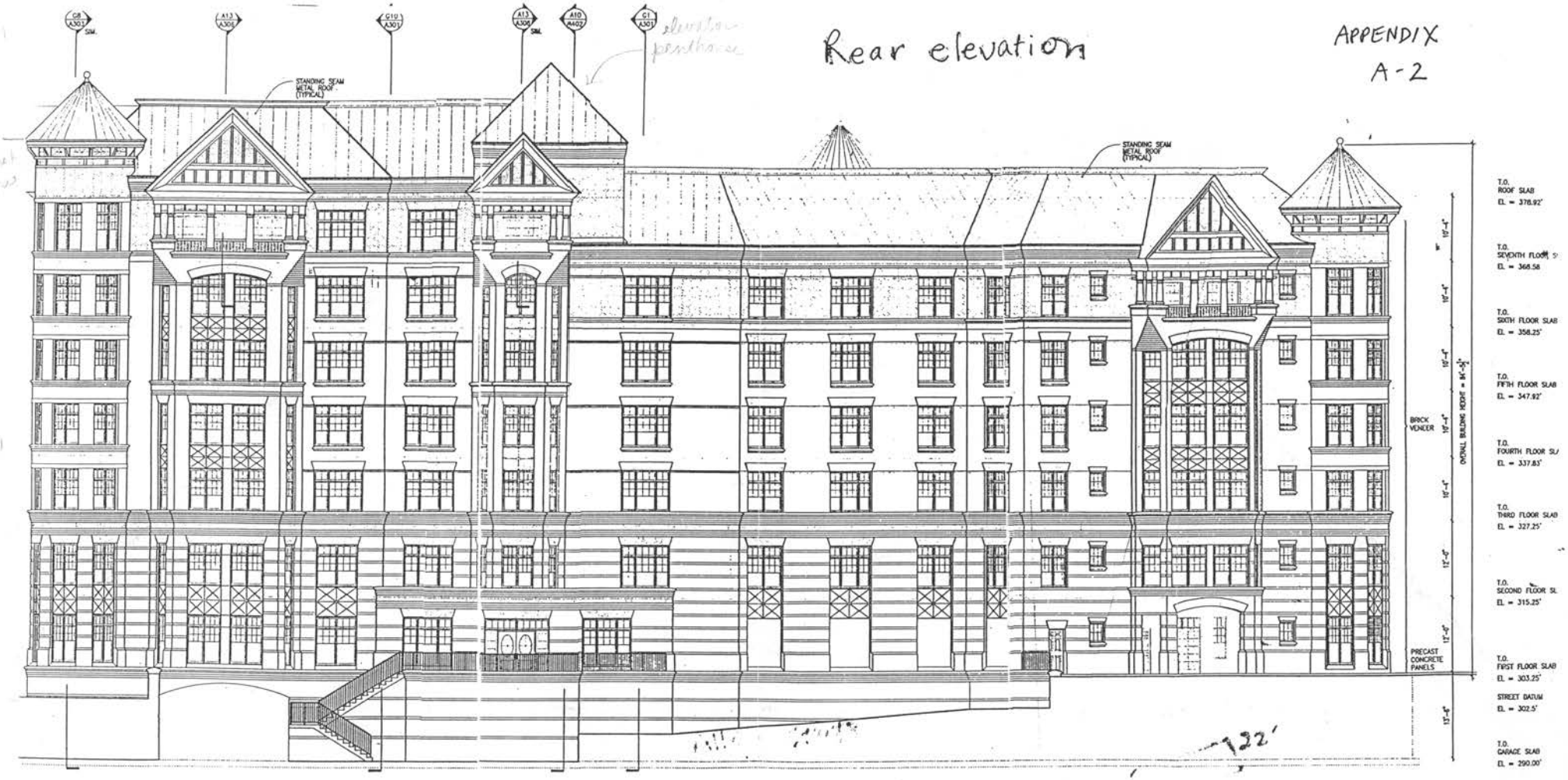
RIGHT ELEVATION

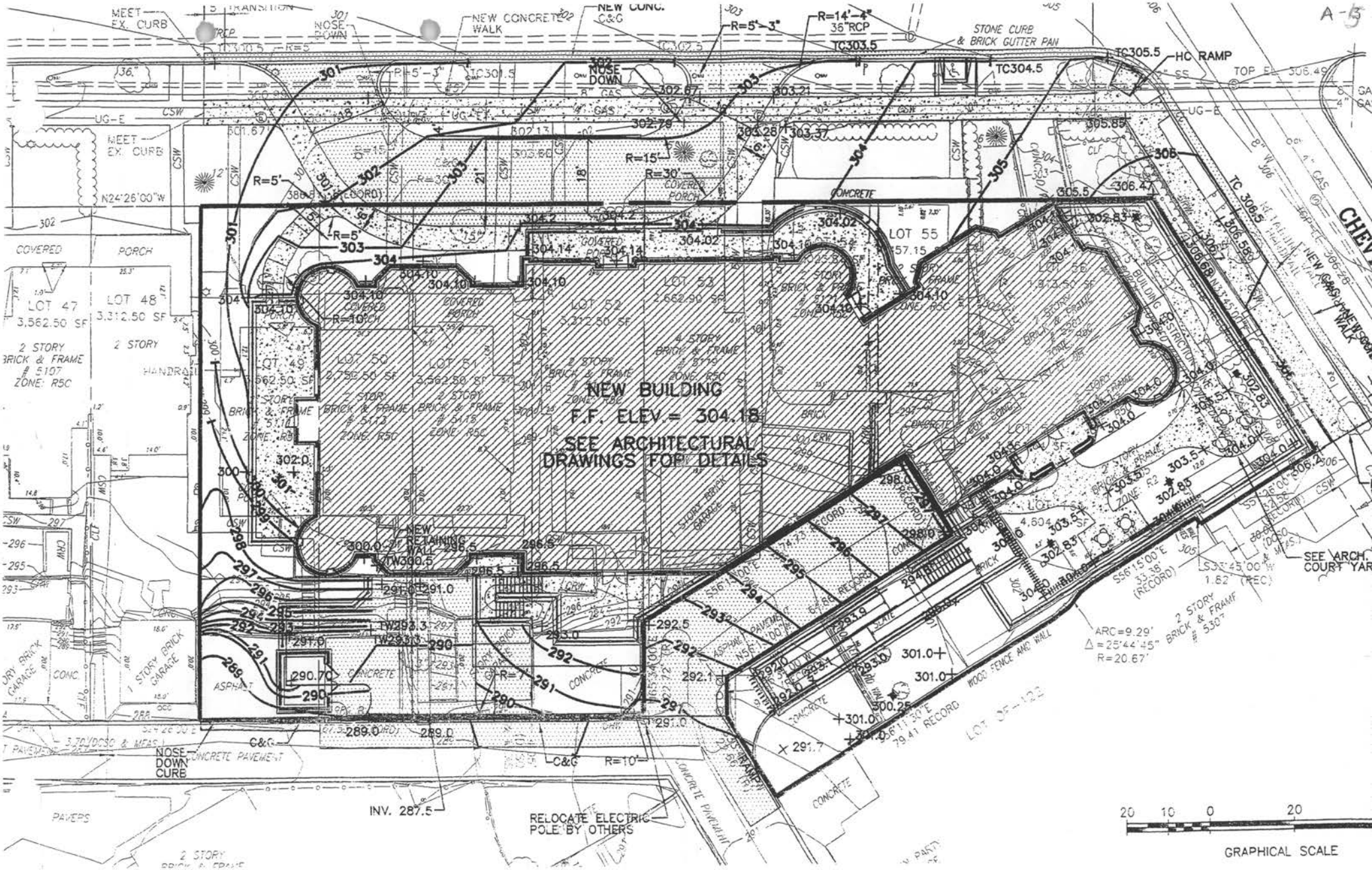
SOUTH ELEVATION

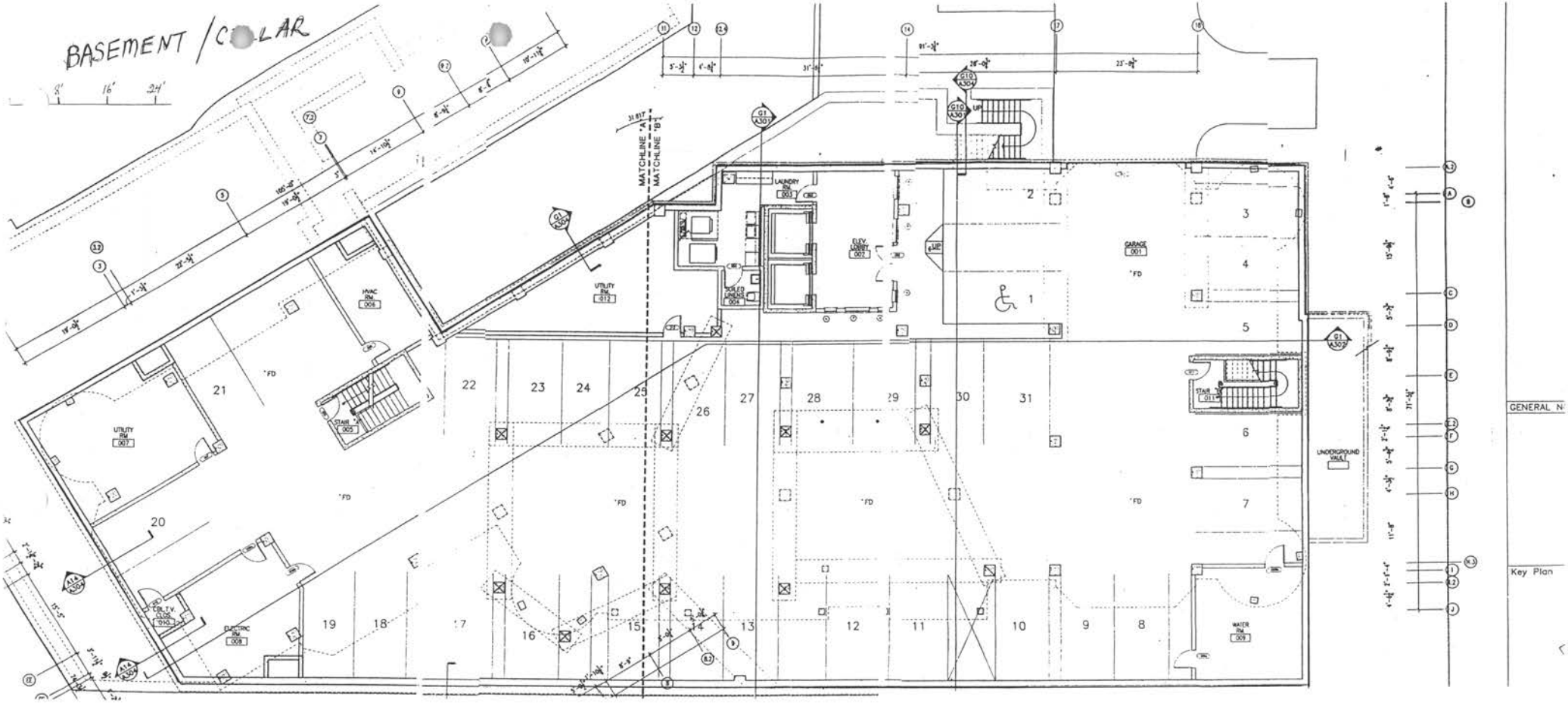
faces towards Nebraska Ave

APPENDIX
A-2

Rear elevation



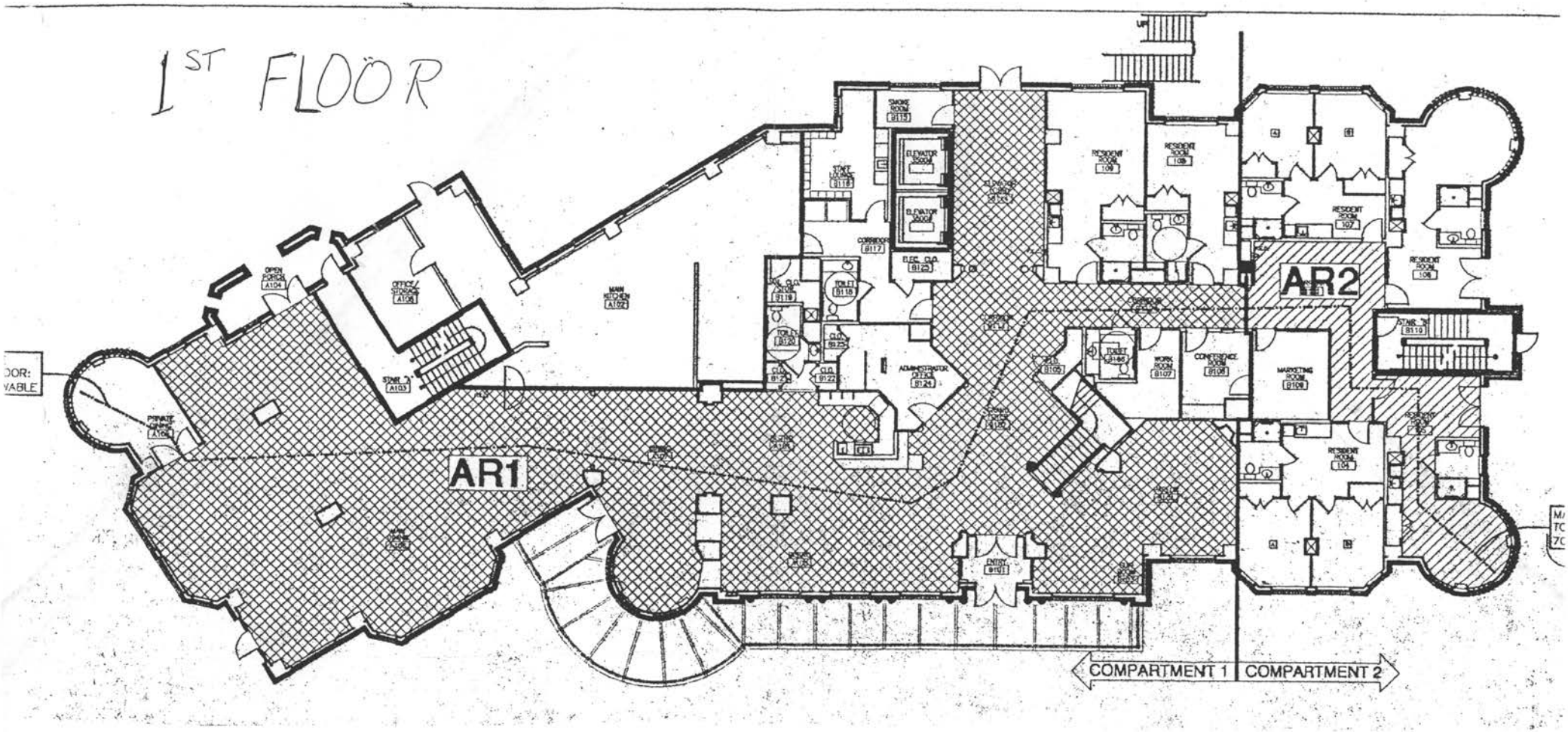

A-5
NEW BUILDING
F.F. ELEV.= 304.18
SEE ARCHITECTURAL
DRAWINGS FOR DETAILS
NEW RETAINING WALL
LOT 47
3,562.50 SF
LOT 48
3,312.50 SF
LOT 49
LOT 50
LOT 51
LOT 52
LOT 53
LOT 55
HC RAMP
STONE CURB & BRICK GUTTER PAN
NEW CONCRETE WALK
NOSE DOWN CURB
RELOCATE ELECTRIC POLE BY OTHERS
INV. 287.5
WOOD FENCE AND WALL
SEE ARCH. COURT YAR
GRAPHICAL SCALE
20 10 0 20



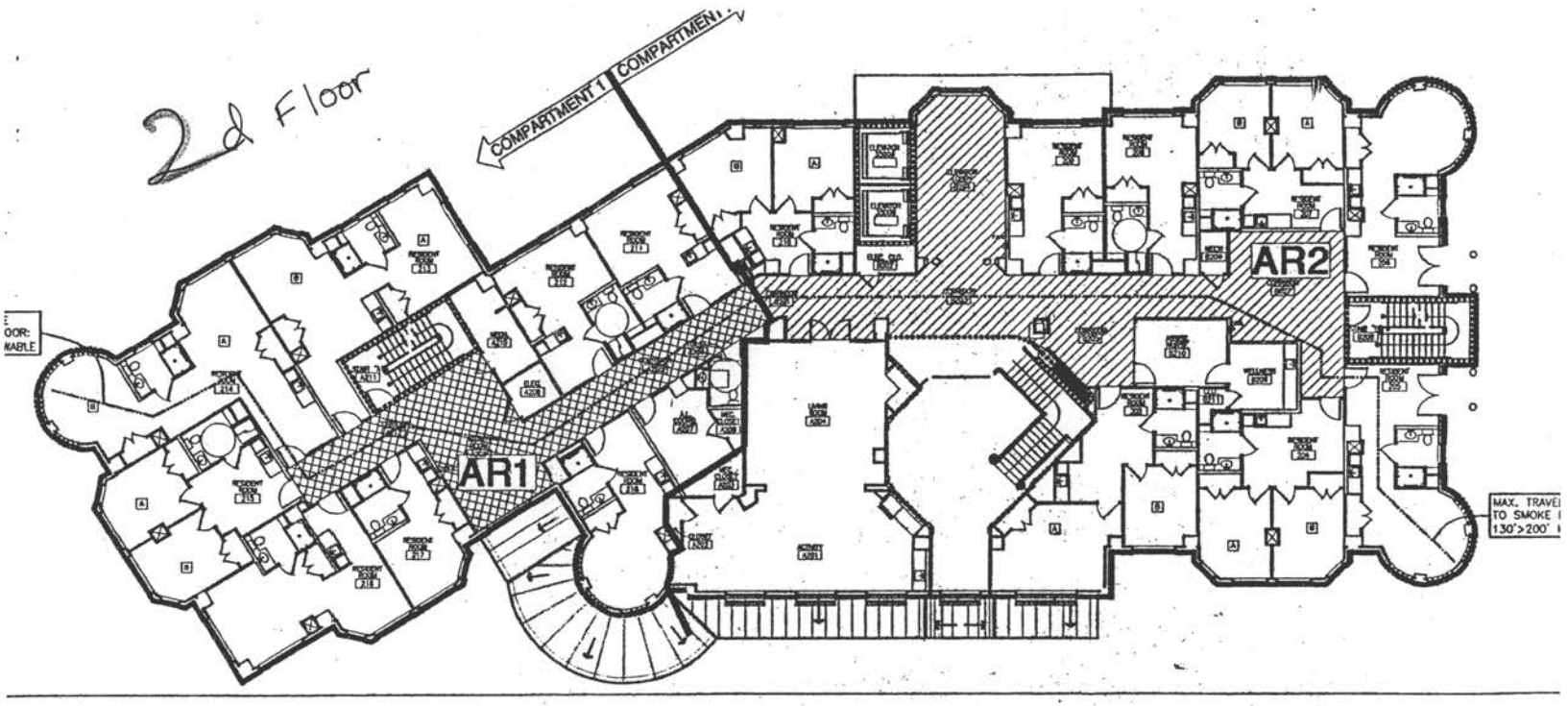
BASEMENT / CELLAR

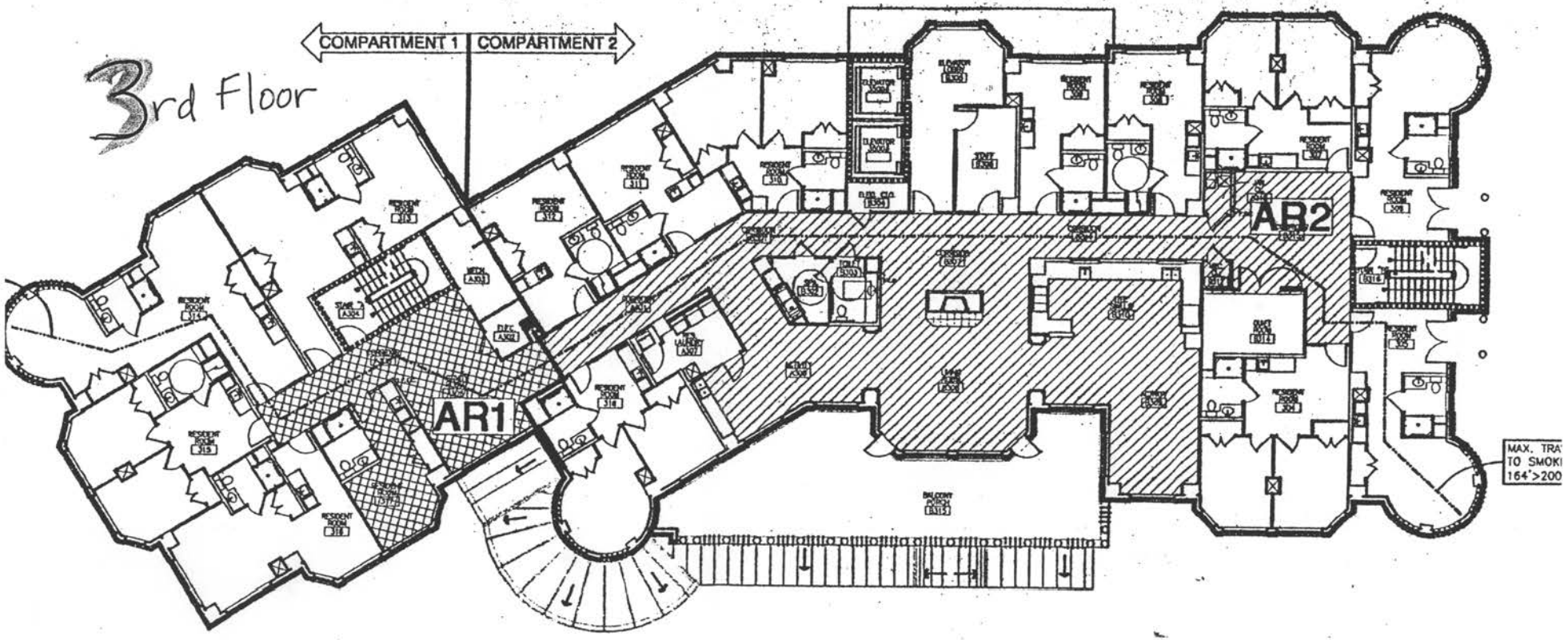
CONNECTICUT AVE.

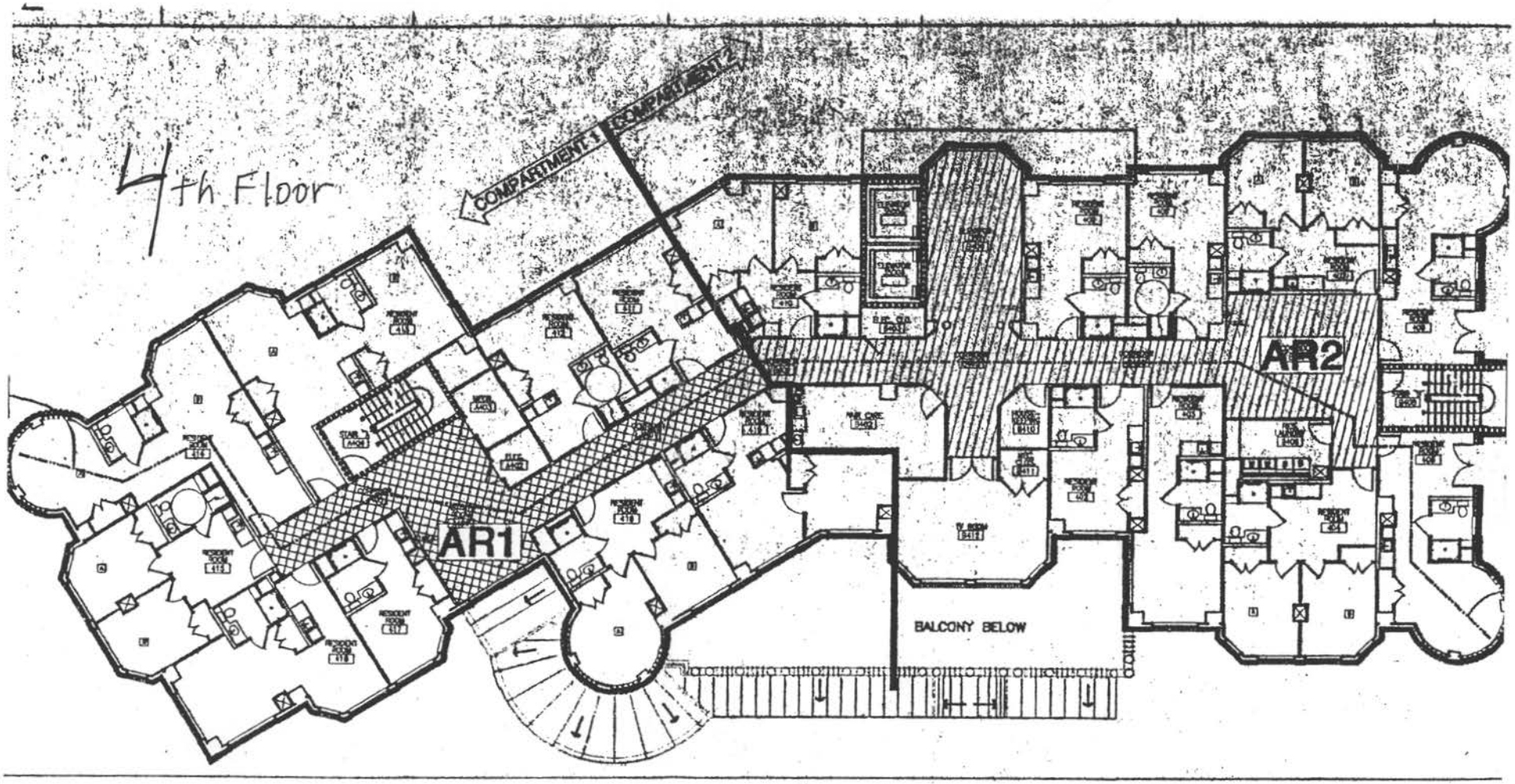
1ST FLOOR



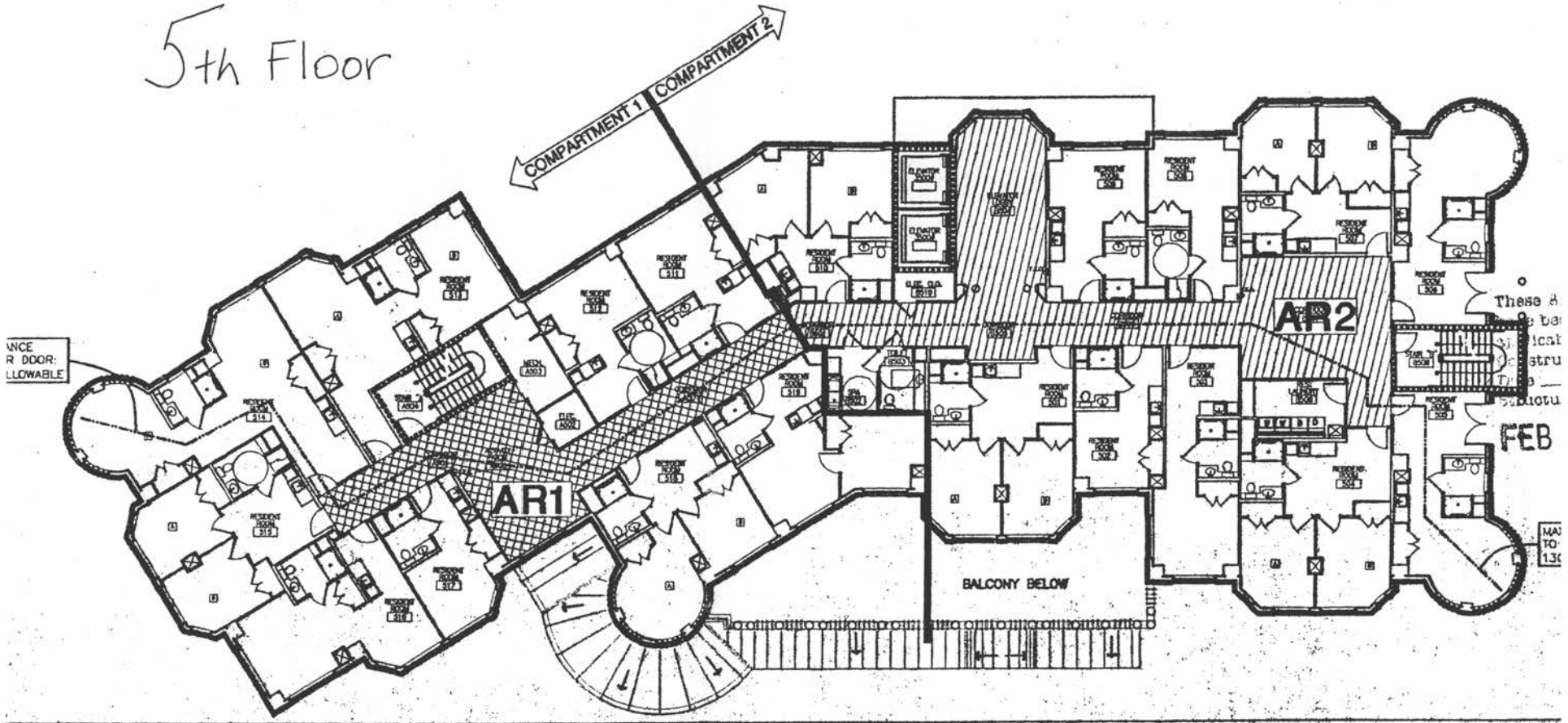
2nd




COMPARTMENT 1
COMPARTMENT 2
3rd Floor
AR1
AB2
MAX. TRA
TO SMOKI
164'>200

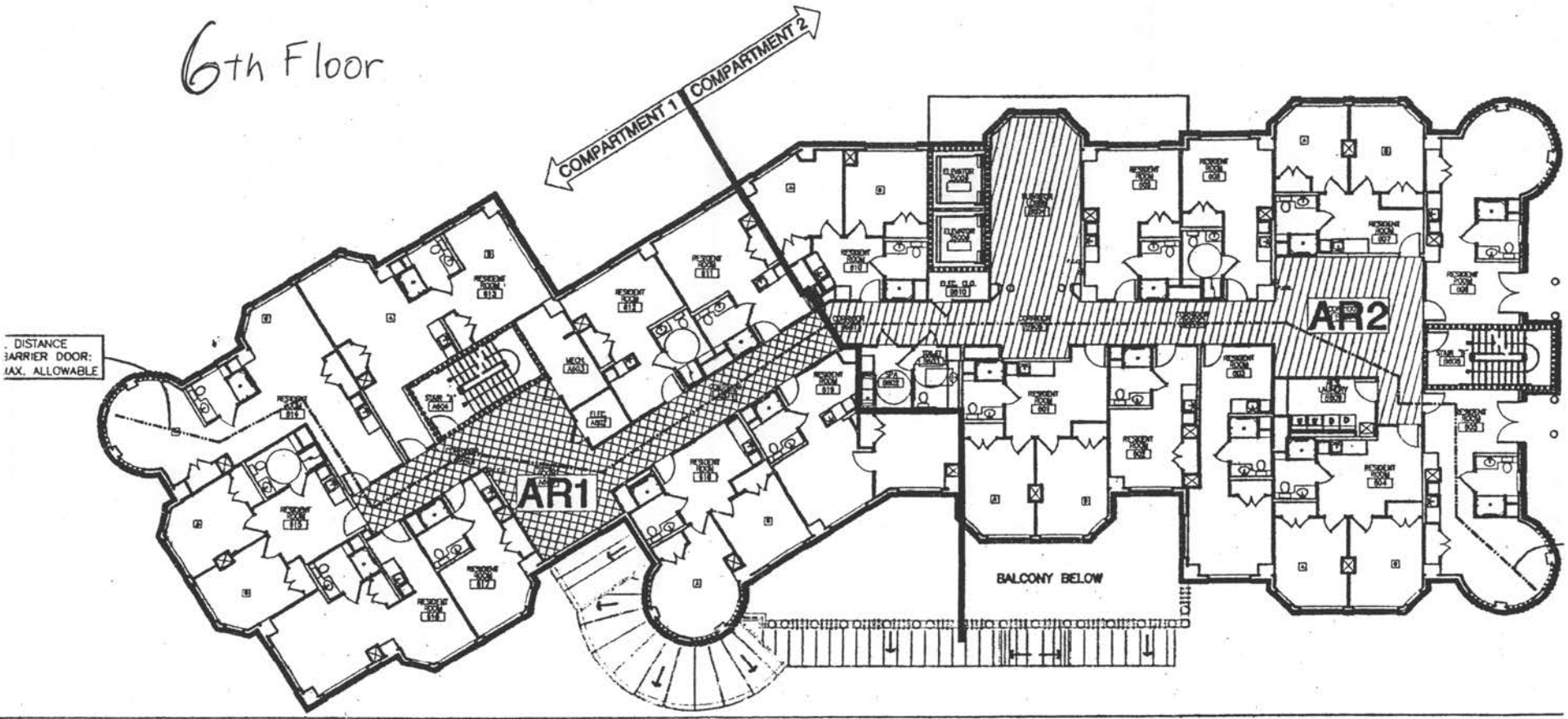

4th Floor
COMPARTMENT 1
COMPARTMENT 2
AR1
AR2
BALCONY BELOW

5th Floor



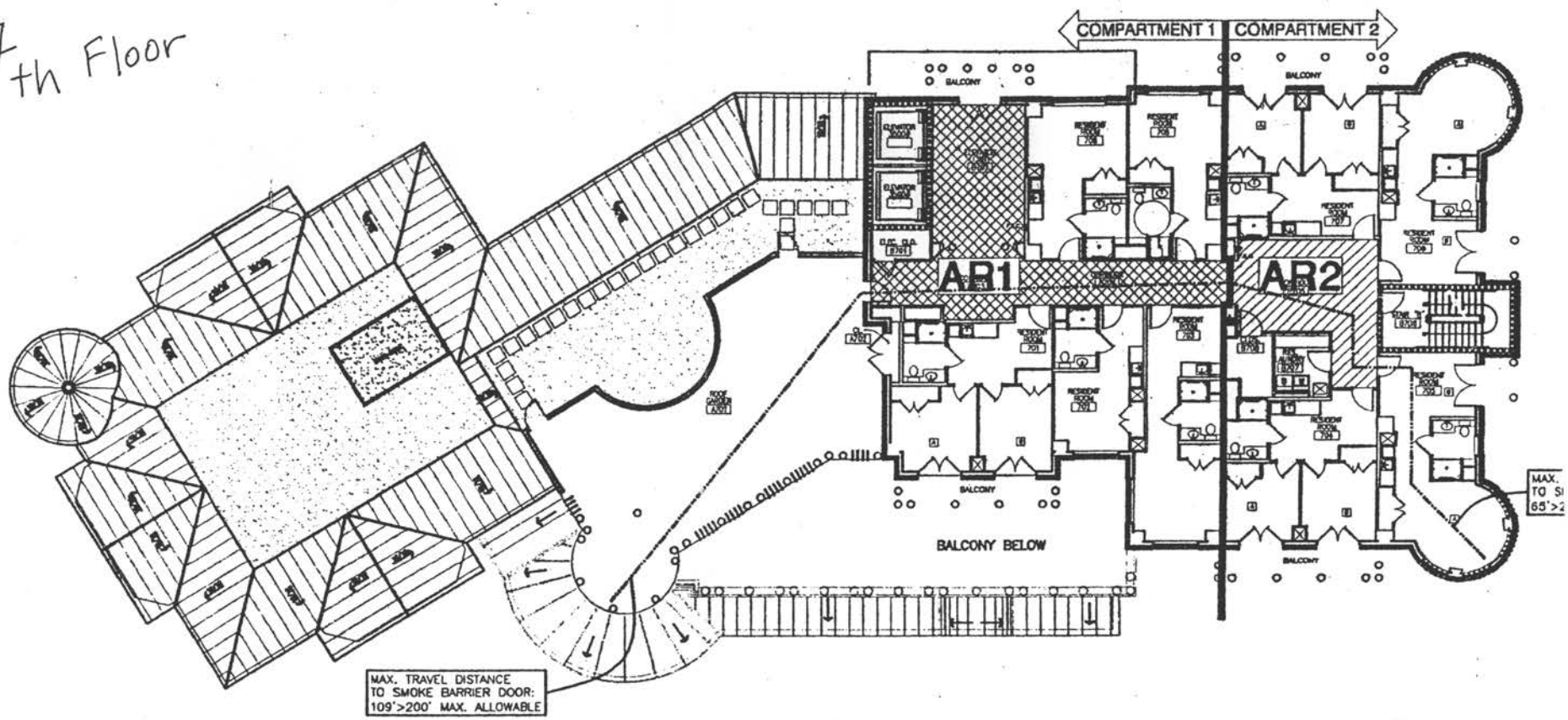
FIFTH FLOOR PLAN (W/TRAVEL DISTANCES)

6th Floor



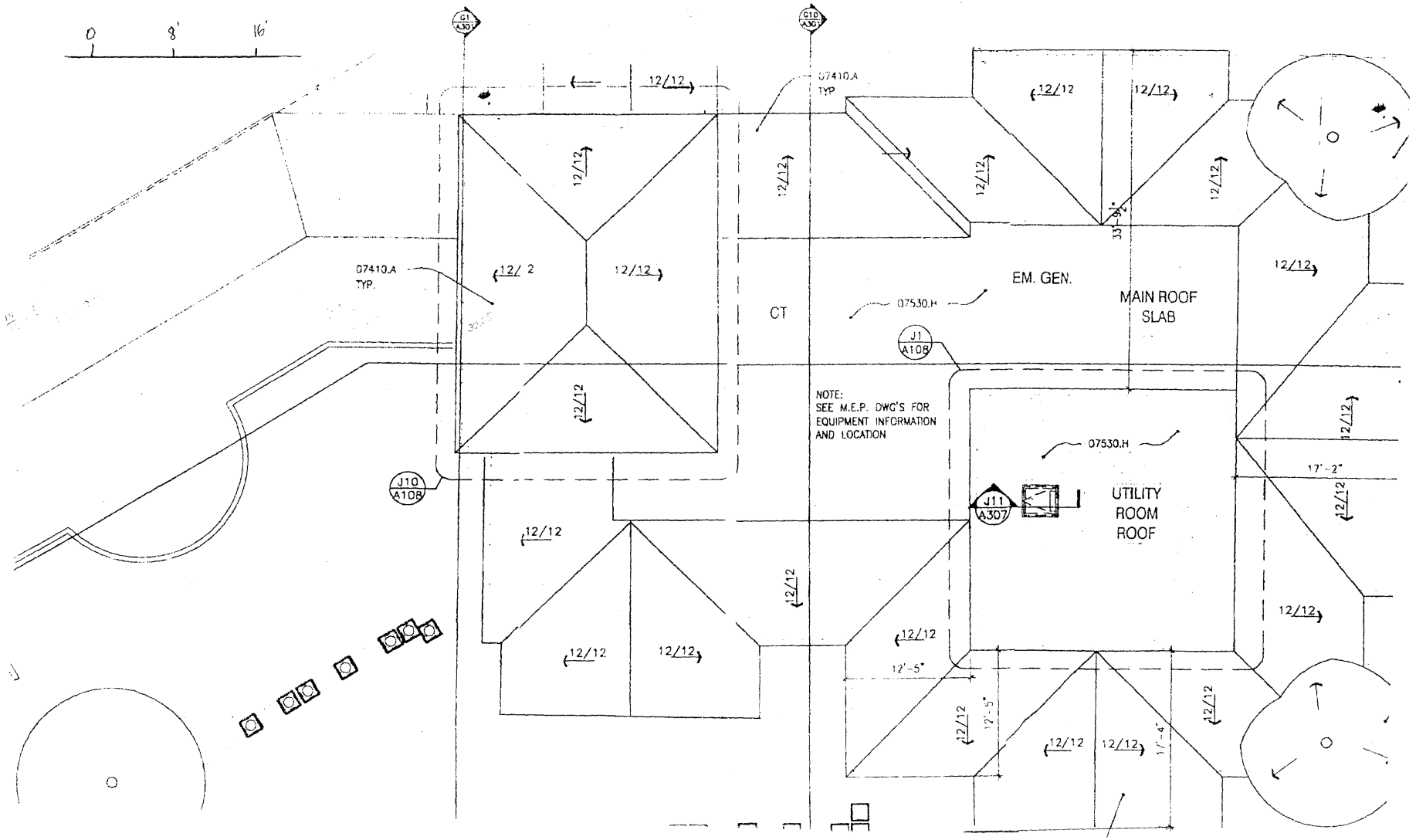
SIXTH FLOOR PLAN (W/TRAVEL DISTANCES)

7th Floor



SEVENTH FLOOR PLAN (W/TRAVEL DISTANCES)

MAIN ROOF PLAN



FAR CALCULATIONS – 5111 Connecticut Ave., N.W

Basement

Square footage = 16,054

Perimeter = 540 feet
Perimeter 4 feet above grade = 170 feet

170/540 = 31.5%

31.5% x 16,054 = 5,057

3d Floor

Square footage without balcony = 11,914

Balcony square footage = 940

8th Floor

Square footage, utility room = 828

Square footage, elevator machine room = 854

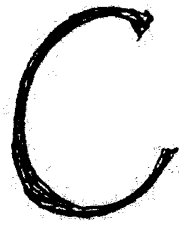
Total square footage = 1,682

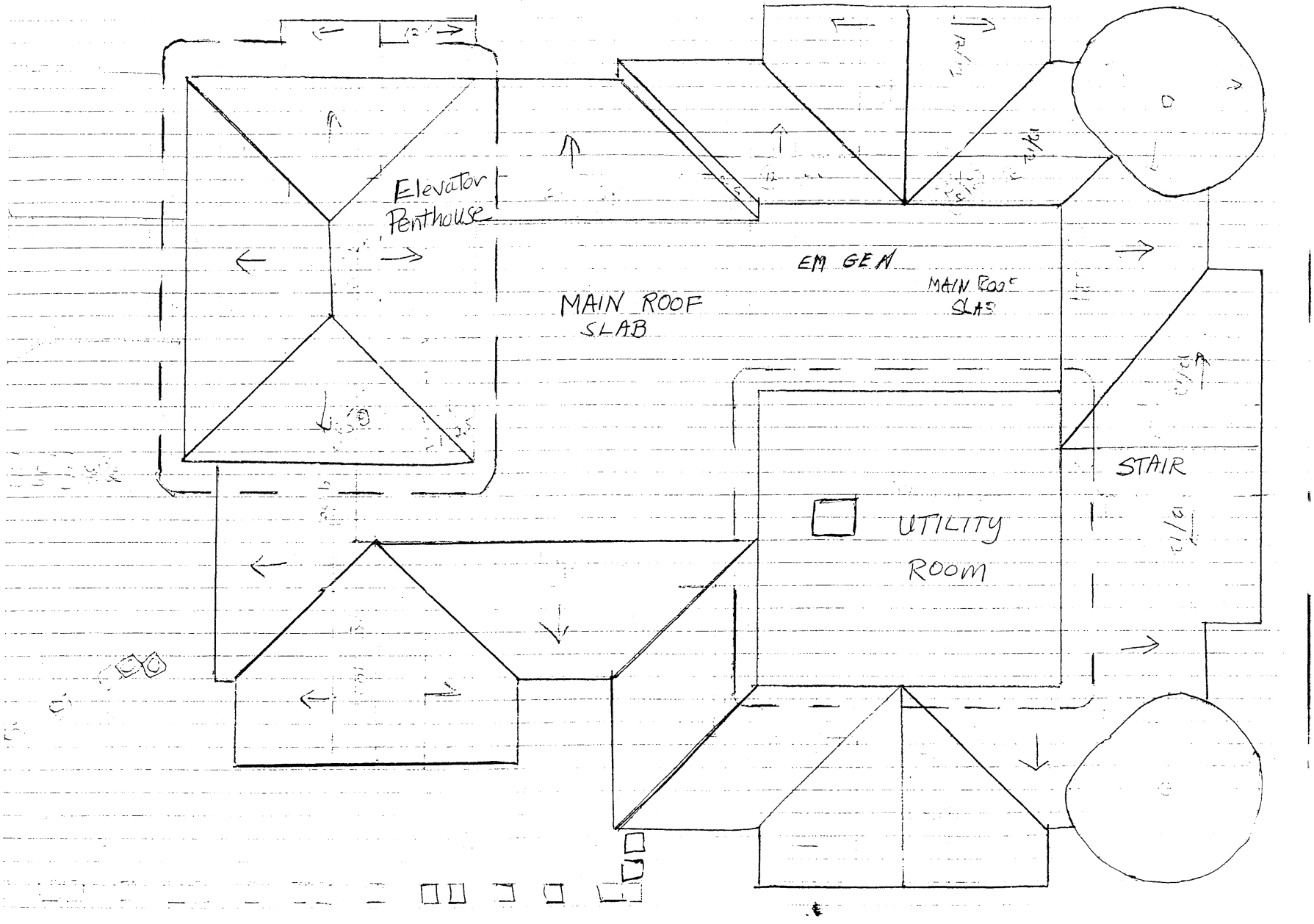
Errors in Calculation of FAR

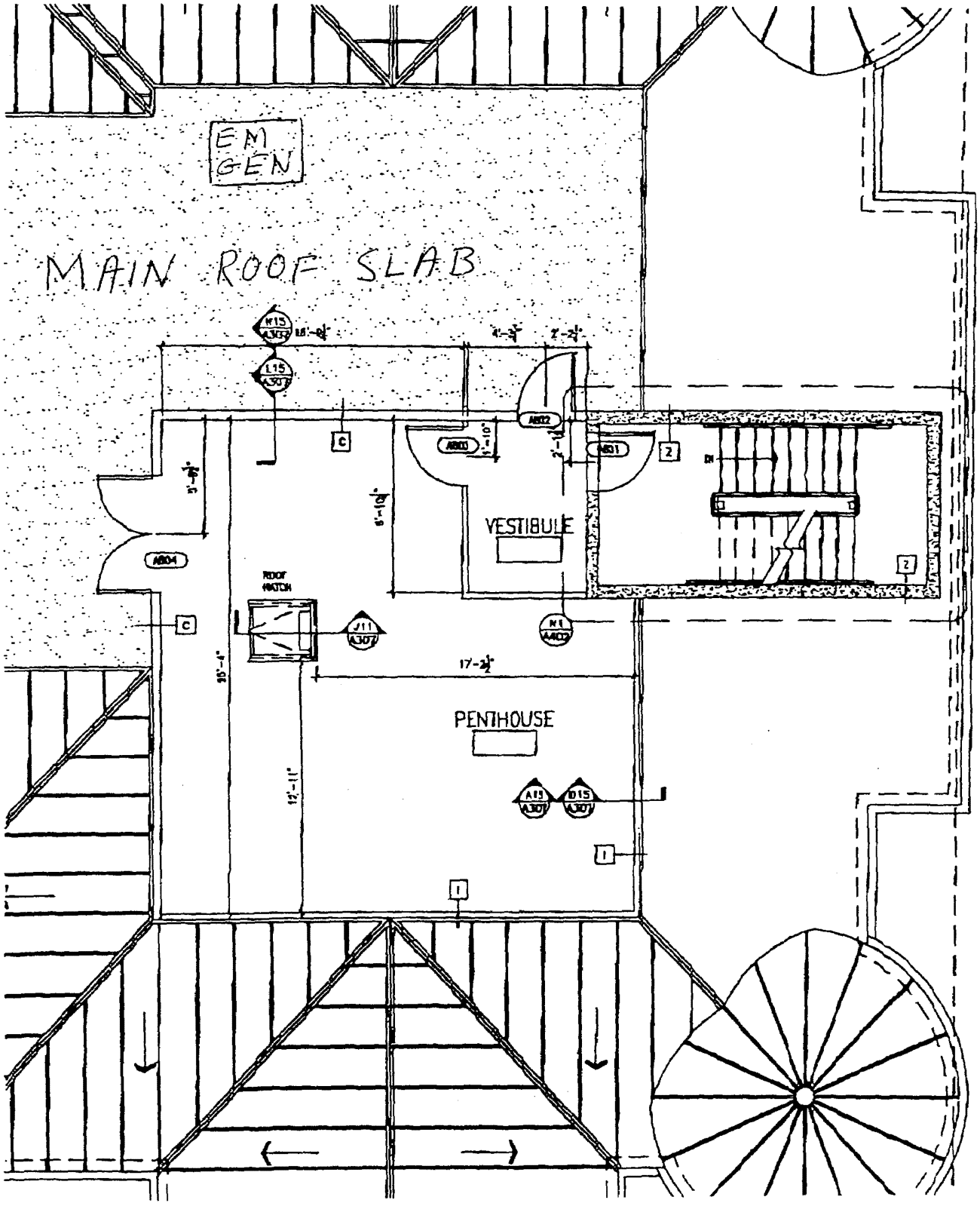
	Counted by DC	Should Be Counted	Difference
Basement	2,180	5,057	-2,877
3d Flr Balcony	-0-	940	-940
8th Floor	-0-	1,682	-1,682
Building Total	80,870	86,369	-5,499

Correct FAR Calculation:

86,369/23,107.51 = **3.74**




Elevator Penthouse
MAIN ROOF SLAB
EM GEN
MAIN ROOF SLAB
STAIR
UTILITY ROOM


EM GEN
MAIN ROOF SLAB
VESTIBULE
PENTHOUSE
ROOF HATCH
17'-2½"
12'-11"
C
2
1

D

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name:	29. Lic. No.:	30. Architect's Address: *(include Zip)*	31. Phone:
Steven H. Ruiz	ARC4553	Beery, Rio & Associates 8001 Braddock Rd., 4th Fl. Springfield, VA 22151	703-249-7660
32. Engineer's Name:	33. Lic. No.:	34. Engineer's Address: *(include Zip)*	35. Phone:
Clyde G. Hurst, Jr.	3456	308 Hillwood Ave. Falls Church, VA 22046	703-534-7872
36. Building Contractor's Name:	36A. Lic. No.:	37. Contractor's Address:	38. Phone:
To Be Selected			

39. Type of Construction	40. Fire Suppression:	41. Booster Pump:	42. Total Lot Area:	43. Breakdown of Lot Area (= 100%
☐ Masonry ☐ Steel ☐ Wood ☐ Other: ☒ Concrete	☒ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☐ None ☐ Other:	☒ New ☐ Existing ☐ None	23,106 sq. ft.	a. Building: 57 % b. Paved Area: % c. Greenery: %

44. Present Gross Floor Area of Bldg.:	45. Proposed Gross Floor Area of Bldg:	46. Floors involved in this permit:	47. **Projection beyond building line?**
sq. ft.	80,800 sq. ft.	☒ All ☐ Floors	☐ Yes, answer **q. 48-52** ☒ No, SKIP **q. 48-52**

48. Number and type of **projection:**	49. Distance of **projection:**	50. Width of **projection:**	51. Width of building frontage: ft 52. Signature of Owner **(projection only):**

53. Water or Sewer Excavation?	54. Driveway Construction?	55. Sheeting/Shoring Necessary?	56. Elevators involved?	57. No. and type of elev.:	58. Plans Certified by Engineer?
☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes, answer **q. 57** ☐ No, SKIP **q. 57**	Geared 2(35001b)	☒ Yes, cert. is attache ☐ No

59. Estimated Cost of Work:
New/Add.: $ 10 Million
(b) Alt/Rep.: $ _____
Total: $ 10 Million

60. Volume of New Bldg. or Addition:
1,048,615 cubic ft.

OFFICIAL USE ONLY

Alter/Repair FEE	New Const. FEE	Filing Fee	TOTAL PERMIT FEE
$	$	$	$
By: Date:	By: Date:	By: Date:	By: Date:

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:	62. Contractor's Address: *(include Zip)*	63. Phone:

64. Insurance Company:	65. Policy or Certif. No.:	66. Expir. Date:	67. Raze Method:

68. Building Material:	69. Raze Entire Building?	70. Building Condemned?	70A. Building Vacant?	71. Public Space Vault?	72. Disconnect Water and/or Sewer?	73. Size of Wa Connecti
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	in.

74. Plumber's Name:	75. Lic. No.	76. Length:	77. Width:	78. Height:	79. Volume:	80. Party Wall?
		ft.	ft.	ft.	cu. ft.	☐ Yes ☐ No

81. Asbestos in the Building?	82. Raze Contractor Signature:	OFFICIAL USE ONLY
☐ No ☐ Yes, Location _____	83. Owner's Signature:	By:

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93)

The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work:	85. Material:	86. Height:	87. Color:	88. Location:
$		ft.		☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land*

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application.

89. Signature of Adjoining Owner:	90. Phone: Work Home	OFFICIAL USE ONLY FEE By: Date:
91. Address of Adjoining Owner:	92. Lot:	93. Square:

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

94. Material and type:	95. Height: ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application.

98. Signature of Adjoining Owner:	99. Phone: Work Home	
100. Address of Adjoining Owner:	101. Lot:	102. Square:

OFFICIAL USE ONLY: FEE | BY | Date

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number:	104. Length: ft.	105. Width: ft.	106. Area: sq. ft.	107. Height: ft.	108. Volume: cu. ft.	109. Estimated Cost of Work: $

110. Material of Roof:	111. Material of Sides:	112. Wall thickness:: ☐ External ( ) inches ☐ Party ( ) inches	113. Color:

OFFICIAL USE ONLY: FEE | BY | Date

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color:	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line _____ in. Beyond pt. of attachm. _____ in.	118. Height of lowest part of awning: (a) _____ ft above sidewalk (b) _____ ft above parking (c) _____ ft above grade

119. Material of Frame:	120. Material of Covering:	121. Lettering on Awning? ☐ Yes ☐ No	122. Fixed posts? ☐ Yes ☐ No	123. Over sidewalk cafe? ☐ Yes ☐ No

OFFICIAL USE ONLY: FEE | BY | Date

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number:	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No, SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power _____ VA	128. Electrical Contractor: Lic. No.:

129. Address of Electrical Contractor *(include Zip)*	130. Signature of Licensed Electrician:	131. Phone:	132. License No.:

133. Height relative to building and ground: (a) _____ ft _____ in above sidewalk (b) _____ ft _____ in above roof (c) _____ ft _____ in is bldg height (d) _____ ft _____ in above projection or window (e) _____ ft _____ in from roof to sign's bottom	134. Material of Sign:	135. Type of Sign:	136. Color:
	137. Width: ft.	138. Length: ft.	139. Area of Sign: sq. ft.
			140. Width of Business Frontage: ft

141. C of O Number for Building:	142. Sign Contractor Lic. No.:
143. Sign Contractor's Address:	144. Phone:

OFFICIAL USE ONLY: Sign FEE | Elect. FEE | Total FEE | $ | $ | BY | Date | BY | Date | BY | Date

(I) APPLICANT'S SIGNATURE:

A. **OWNER:** I hereby certify that I am the owner of the property; that the application and plans are complete and correct to the best of my knowledge; and that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner: _____ Address: _____ Date: _____

B. **AGENT:** I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent: Mario Escalante Address: 8605 Cunningham Dr Date: 7-10-00

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):

A. PERMIT CONTROL

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. PADC by: _____ Date: _____
- ☐ 4. Cap. Gateway by: _____ Date: _____
- ☐ 5. W.H./ Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. RLA by: _____ Date: _____
- ☐ 10. Rental Accom. by: _____ Date: _____
- ☐ 11. Chinatown Distr. by: _____ Date: _____
- ☐ 12. Utility Clearance by: _____ Date: _____
- ☐ 13. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DPW — Permit and Records Division
  Access to Parking Street ☐ Street ☐ Alley
  Cleared by: _____ Date: 7/10/00
- 3. DPW - Consumer Engineer
  Cleared by: _____ Date: 7/10/00
- ☐ 4. ERA - Erosion Control
  Cleared by: _____ Date: 7-10-00

Restrictions of the Permit:

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: _____ Date: 7/10/00
- ☐ 2. Information Center by: _____ Date: _____
  - ☐ (a) ABC Board by: _____ Date: _____
  - ☐ (b) Noise Control by: _____ Date: _____
  - ☐ (c) Industrial Safety by: _____ Date: _____
  - ☐ (d) Vector Control by: _____ Date: _____
  - ☐ (e) D.C. Animal by: _____ Date: _____
  - ☐ (f) Police Dept. by: _____ Date: _____
- ☐ 3. Zoning by: _____ Date: _____
  Zoning Update by: _____ Date: _____
- ☐ 4. DPW - Permit and Records Division/Deposit #
  Sidewalk Deposit $ _____ Driveway Deposit $ _____
  by: _____ Date: 7/10/00
- ☐ 5. Water/Sewer Design Branch
  Consumer Eng. by: _____ Date: _____
- ☐ 6. Environmental Regulation Administration
  - ☐ Environmental Policy Review
    Control No.: _____
    by: _____ Date: _____
  - ☐ Erosion Control by: _____ Date: _____
  - ☐ Storm Water Mgmt. by: _____ Date: _____
  Plan No. _____
- ☑ 7. Mechanical Eng. Review by: _____ Date: _____
- ☑ 8. Plumbing Eng. Review by: _____ Date: _____
- ☑ 9. Electrical Eng. Review by: _____ Date: _____
- ☐ 10. Health Plan Review
  - ☐ (a) Food Plan Review by: _____ Date: _____
  - ☐ (b) Medical X-ray Plan Rev. by: _____ Date: _____
- ☑ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section) by: _____ Date: _____
- ☑ 12. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 14. Construction Insp. Branch (Field Check) by: _____ Date: _____
- ☐ 15. Historic Pres. Div. by: _____ Date: _____
- ☑ 16. Structural Eng. by: _____ Date: _____
- ☐ 17. Permit and Certificate Issuance Counter By: _____ Date: _____
- ☐ 18. Q.C. By: _____ Date: _____

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639

ZONING

C of O Number _____ Date _____

F ing Use(s) _____

☐ New bldg.
☐ P.O.D.
☐ File in room 329

Job No.:	BZA Case No.:	PUD Order No.:

DPW — PUBLIC SPACE

Street Name: _____
Street Width: _____
Road Width: _____
Sidewalk Width: _____
Parking: _____
Restrictions: _____

ANNEX

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT SERVICE CENTER

BUILDING PERMIT CONTROL BATCH SHEET

Date: 7/10/00 Intake Time: 844 ☒AM ☐PM	LOG NO. 00- 21333	Review Completion Due: 590 ☐AM ☐PM
Address: 5111 Conn Cave NW		Actual Time Review Was Completed ☐AM ☐PM

REQUIRED REVIEWS (Checked boxes only)	REVIEWER	COMPLETION TIME	REVIEW STATUS
☒ PUBLIC SPACE		☐AM ☐PM	☒ Approved ☐ HFC ☐ Ref. to DPW ☐ Conf. w/ Applicant
☒ ZONING New Apartment Bldg	[illegible]	☒AM ☐PM 9/15	☐ Approved ☒ HFC ☐ Ref. to BZA ☐ Ref. to Zoning Administr. ☐ Conf. w/ Applicant File
☒ SOIL EROSION		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to DOH ☐ Conf. w/ Applicant
☐ STORMWATER MGMT.		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to DOH ☐ Conf. w/ Applicant
☐ AIR QUALITY		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to DOH
☐ EIS		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to DOH
☒ WATER AND SEWER	[illegible]	☐AM ☐PM 10-20	☐ Approved ☒ HFC ☒ Ref. to WASA ☐ Conf. w/ Applicant ☐ WASA Deposit Required
☒ MECHANICAL/PLUMBING	[illegible]	5/1 ☐AM ☐PM	☐ Approved ☒ HFC ☐ Conf. w/ Applicant
☒ HEALTH (Food & Medical)		☐AM ☐PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant
☒ ELECTRICAL	[illegible]	7/29 ☐AM ☐PM	☐ Approved ☒ HFC ☐ Conf. w/ Applicant
☒ ELEVATOR 11/6/00	[illegible]	☐AM ☒PM	☐ Approved ☒ HFC ☐ Conf. w/ Applicant
☒ FIRE PROTECTION	[illegible]	8/10 ☐AM ☐PM	☐ Approved ☒ HFC ☐ Conf. w/ Applicant 10/26
☒ STRUCTURAL	[illegible]	7/15 ☐AM ☐PM	☐ Approved ☒ HFC ☐ Conf. w/ Applicant

REMARKS

BLRA 82A - Rev. 3 - 3/00



GOVERNMENT OF THE DISTRICT OF COLUMBIA /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
Joan Mac	Zoning	11/13/90

CHANGES REQUIRED ON PLANS PRIOR TO APPROVAL:

No.	
1.	Revise Construction Permit to Specify Intended Use. What Specific Residential Use is proposed?
2.	Indicate Distance of Penthouse to all Edges of Main Roof.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

January 19, 2001

Mr. Paul A. Tummons, Jr.
Law Offices of Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20002

Re: Building Permit Application for Proposed Sunrise Assisted Living Facility (5111 Connecticut Avenue, N.W. – Job Number 590-AA)

Dear Mr. Tummons:

We have reviewed the filed Building Permit Application for the above project and the following inconsistencies/deficiencies were noted and must be corrected in order to complete the zoning review.

1. As noted in November 13, 2000 "plan correction list", you must specify what CRF use is proposed. Permit application must be revised to read "CRF, housing for the handicapped as the term is defined by the Fair Housing Act. This change will qualify the proposed use as a matter of right in the underlying zoning district.

2. Also as noted in the November 13, 2000 "plan correction list", the distance of the penthouse to all edges of the main roof must be noted.

3. On the Building Permit application #00-590-AA, in the "Existing Use(s)" section, it is denoted that the land is vacant. A site visit revealed that the site for the proposed project is occupied by existing residential rental facilities.

Should you have any questions or need additional assistance from this office, please do not hesitate to contact me at (202) 442-4538.

Respectfully,

Denzil L. Noble
Deputy Administrator

Cc: Carlynn Fuller, Interim DCRA Director
Theresa Lewis, Deputy Director
Michael D. Johnson, Zoning Administrator
Diane L. Jemmott

DLN/TB/ee

BEERY RIO &
ASSOCIATES
ARCHITECTS
8001 BRADDOCK ROAD, 4th FLOOR
SPRINGFIELD, VIRGINIA 22151
(p) 703.426.9057 (f) 703.426.9280
www.beeryrio.com

Mr. Mohammed Ali
GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
Technical Review Branch
941 North Capitol Street, N.E.
Washington, DC 20002

Phone: 202.442.4470
FAX: 202.442.4862

DATE: September 12, 2000

PROJECT NAME: 5211 CONNECTICUT AVENUE, N.W.
Washington, DC
PROJECT NUMBER: 98142

Dear Mr. Ali,

The following is in response to your code letter dated 8/10/00 for Job Number 590AA.

1. Comply with structural and fire review comments, if any, and revise electrical plans as applicable.

   We have reviewed and replied to all of the structural and fire review comments.

2. Comply with Model Energy Code (MEC-95) Section 505.1 Electrical Energy Consumption, i.e., "In multi-family dwelling provisions shall be made to determine the electrical energy consumed by each tenant by separately metering individual dwelling units."

   This facility is <u>not</u> a multi-family dwelling. The vast majority of energy consumption in this facility is attributable to the common heating system and very little energy is used by the individual units. Furthermore, the individual units only allow for limited adjustment of temperature.

   This facility qualifies as transient buildings which are temporary domiciles such as motels, dormitories, health care facilities and nursing homes. This facility provides assisted living services to seniors. Assisted living services include a small living unit (approximarely 400 – 550 sq. ft.) with a private bathroom and do not have a private kitchen. Meals are provided in a common dining room and has large common areas in which patients spend the majority of their time.

3. Otherwise electrical is o.k.

Acknowledged.

Sincerely,

Steven H. Ruiz, AIA
Partner

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
P.A.D.C. No.:	O.G. No.:				By:
H.P.A. No.:	S.L. No.:	Ward No.:	Receipt No.:	Date:	Receipt No.:

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

BLRA-33 (Rev. 10/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (727-7050)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

(PRINT IN INK OR TYPE. DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

Rev 590AA

CLEARANCE TO FILE
By: _____ Date _____

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1. Address of Proposed Work:	Suite No.:	2. Lot: Site	3. Square:	4. Application Date:
511 Conn Ave. N.W.		Persub	1989	July 10, 2000

5. Owner of Building or Property: (see attached pages)	6. Address: (include Zip)	7. Phone: 703 Lupdate
Sunny + Louis Reyes, et al.	511 Conn Ave. N.W.	Work: 744-1830 Home:

8. Agent for Owner: (if applicable)	9. Address: (include Zip)	10. Phone: 301
Mario Escalante	4920 Niagara Rd 101	Work: Home: 486-0020

11. Type of Proposed Work (check all applicable boxes):

- [x] New Building
- [ ] Addition
- [ ] Alteration and Repair
- [ ] Raze Building
- [ ] Retaining Wall
- [ ] Fence
- [ ] Shed
- [ ] Awning
- [ ] Garage
- [ ] Sign
- [ ] Other (Specify) _____

12. Description of Proposed Work:

Seven story cast in place concrete structure containing Assisted Living Residences (CRF, housing for the handicapped as the term is defined by the Fair Housing Act) with underground parking.

13. Existing Use(s) of Building or Property:	14. Ex. No. of Stories of Bldg.:	15. Ex. No. of Dwelling Units:	Official Use Only
Residential, Partially vacant Facilities			Miscellaneous FEE $
16. Proposed Use(s) of Building or Property: CRF (housing for the handicapped as the term is defined by the Fair Housing Act)	17. Prop. No. of Stories of Bldg.: 7 + Pent	18. Prop. No. of Dwelling Units: 102	By: Date:

19. Starting Date of Work:	20. Completion Date of Work:	21. Method of Removing Construction Debris:	22. Does the proposed work involve disturbing the earth or razing a building?
ASAP	Feb 15, 2002	[ ] Pick-up Truck [ ] Dumpster [ ] Other (specify):	[x] Yes, answer q. 23 [ ] No, SKIP q. 23-27

23. Is the area of disturbed earth more than 50 sq. ft.?	24. Soil Erosion Control Methods:	25. Area of Offsite Drainage:	26. No. of Footings or Columns:	27. Size of Footings of Columns:
[x] Yes, answer q. 24-25 [ ] No, SKIP q. 24-25		0 sq. ft.		22X22 sq. ft.

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I).

Complete Section B if the proposed work is **new building, addition or alteration.** (Page 2)
Complete Section C if the proposed work is **razing a building.** (Page 2)
Complete Section D if the proposed work is a **retaining wall.** (Page 2)
Complete Section E if the proposed work is a **fence.** (Page 3)
Complete Section F if the proposed work is a **shed/garage.** (Page 3)
Complete Section G if the proposed work is an **awning.** (Page 3)
Complete Section H if the proposed work is a **sign.** (Page 3)

OFFICIAL USE ONLY

	R	P	H	A
M				
P				
E				
F				
S				

W [ ] Yes [ ] No
PLANS
[ ] No
[ ] Sm. [ ] Lg.

2 0307 wd-375

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name:	29. Lic. No.:	30. Architect's Add (include Zip)	31. Phone:
AUI 2	4553		703 349-7660
32. Engineer's Name:	33. Lic. No.:	34. Engineer's Address: (include Zip)	35. Phone:
[illegible]	3456		703 534-7812
Building Contractor's Name:	36A. Lic. No.:	37. Contractor's Address:	38. Phone:
T30			

39. Type of Construction	40. Fire Suppression:	41. Booster Pump	42. Total Lot Area	43. Breakdown of Lot Area (= 100%):
☐ Masonry ☐ Steel ☐ Wood ☐ Other: ☑ Concrete	☑ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☐ None ☐ Other:	☑ New ☐ Existing ☐ None	sq. ft.	a. Building 57 % b. Paved Area % c. Greenery: %

44. Present Gross Floor Area of Bldg.:	45. Proposed Gross Floor Area of Bldg:	46. Floors involved in this permit:	47. Projection beyond building line?
sq. ft.	80,800 sq. ft.	☑ All ☐ Floors _____	☐ Yes, answer q. 48-52 ☒ No, SKIP q. 48-52

48. Number and type of projection:	49. Distance of projection:	50. Width of projection:	51. Width of building frontage: ft. 52. Signature of Owner (projection only):

53. Water or Sewer Excavation?	54. Driveway Construction?	55. Sheeting/Shoring Necessary?	56. Elevators involved?	57. No. and type of elev.:	58. Plans Certified by Engineer?
☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes, answer q. 57 ☐ No, SKIP q. 57	GEARED 2(3500 lb)	☑ Yes, cert. is attached ☐ No

59. Estimated Cost of Work:
(a) New/Add.: $ 10 mil
(b) Alt/Rep.: $ _____
Total: $ 10 mil

60. Volume of New Bldg. or Addition: 1,048,615 cubic ft.

OFFICIAL USE ONLY

Alter/Repair FEE		New Const. FEE		Filing Fee		TOTAL PERMIT FEE	
$		$ 20,972.30		$ 2000.00		$ 18,972.30	
By:	Date:	By: [illegible]	Date: 3/8/01	By:	Date:	By: [illegible]	Date: 3/8/01

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:	62. Contractor's Address: (include Zip)	63. Phone:

64. Insurance Company:	65. Policy or Certif. No.:	66. Expir. Date:	67. Raze Method:

68. Building Material:	69. Raze Entire Building?	70. Building Condemned?	70A. Building Vacant?	71. Public Space Vault?	72. Disconnect Water and/or Sewer?	73. Size of Water Connection:
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	in.

74. Plumber's Name:	75. Lic. No.	76. Length:	77. Width:	78. Height:	79. Volume:	80. Party Wall?
		ft.	ft.	ft.	cu. ft.	☐ Yes ☐ No

81. Asbestos in the Building?	82. Raze Contractor Signature:	OFFICIAL USE ONLY		
☐ No ☐ Yes, Location _____		FEE	By:	Date:
	83. Owner's Signature:	$		

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93)

The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work:	85. Material:	86. Height:	87. Color:	88. Location:
$		ft.		☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land*

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application.

89. Signature of Adjoining Owner:	90. Phone: Work / Home	OFFICIAL USE ONLY		
		FEE	By:	Date:
91. Address of Adjoining Owner:	92. Lot: / 93. Square:	$		

(E) FENCE — COMPLETE ITEMS 94 THRU 102)

The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

94. Material and type:	95. Height: ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application.

98. Signature of Adjoining Owner:	99. Phone: Work Home	OFFICIAL USE ONLY: FEE $	By:	Date:
100. Address of Adjoining Owner:	101. Lot:	102. Square:		

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number:	104. Length: ft.	105. Width: ft.	106. Area: sq. ft.	107. Height: ft.	108. Volume: cu. ft.	109. Estimated Cost of Work: $	OFFICIAL USE ONLY: FEE $ By: Date:
110. Material of Roof:	111. Material of Sides:	112. Wall thickness:: ☐ External ( ) inches ☐ Party ( ) inches				113. Color:	

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color:	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line ____ in. Beyond pt. of attachm. ____ in.	118. Height of lowest part of awning: (a) ____ ft above sidewalk (b) ____ ft above parking (c) ____ ft above grade	OFFICIAL USE ONLY: FEE $ By: Date:

119. Material of Frame:	120. Material of Covering:	121. Lettering on Awning? ☐ Yes ☐ No	122. Fixed posts? ☐ Yes ☐ No	123. Over sidewalk cafe? ☐ Yes ☐ No

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

*24. Number:	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No, SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power ____ VA	128. Electrical Contractor: Lic. No.:

129. Address of Electrical Contractor *(include Zip)*	130. Signature of Licensed Electrician:	131. Phone:	132. License No.:

133. Height relative to building and ground: (a) ____ ft ____ in above sidewalk (b) ____ ft ____ in above roof (c) ____ ft ____ in is bldg height (d) ____ ft ____ in above projection or window (e) ____ ft ____ in from roof to sign's bottom	134. Material of Sign:	135. Type of Sign:	136. Color:
	137. Width: ft.	138. Length: ft.	139. Area of Sign: sq. ft.
			140. Width of Business Frontage: ft.

141. C of O Number for Building:	142. Sign Contractor Lic. No.:	OFFICIAL USE ONLY: Sign FEE $	By:	Date:	Elect. FEE $	By:	Date:	Total FEE $ 1.07	BY:	Date:
143. Sign Contractor's Address:	144. Phone:									

(I) APPLICANT'S SIGNATURE:

A. **OWNER:** I hereby certify that I am the owner of the property; that the application and plans are complete and correct to the best of my knowledge; and that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner:_____ Address:_____ Date:_____

B. **AGENT:** I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent: Mario Escalante Address: 4920 NIAGARA RD Date: 2-5-00

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):

A. PERMIT CONTROL

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. PADC by: _____ Date: _____
- ☐ 4. Cap. Gateway by: _____ Date: _____
- ☐ 5. W.H./ Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. RLA by: _____ Date: _____
- ☐ 10. Rental Accom. by: _____ Date: _____
- ☐ 11. Chinatown Distr. by: _____ Date: _____
- ☐ 12. Utility Clearance by: _____ Date: _____
- ☐ 13. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DPW — Permit and Records Division
  Access to Parking Street ☐ Street ☐ Alley
  Cleared by: _____ Date: 2/7/01
- ☐ 3. DPW - Consumer Engineer
  Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
  Cleared by: _____ Date: _____

Restrictions of the Permit:
NOTIFY DEPARTMENT OF PUBLIC WORKS
48 HOURS PRIOR TO START OF CONSTRUCTION
DC WASA, WATER SVC & SEWER SVC
RALPH JORDAN, MARTIN WALLACE
AREA CONSTRUCTION ENGINEER, WASUA
TELEPHONE [illegible] AND MECHANICAL
[illegible] TO BE REQUIRED. (202) 787-2393
(202) 612-3460

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639

C. PLANS AND APPLICATION APPROVAL

- ☑ 1. Information Counter by: [signature] Date: 2/5/01
- ☐ 2. Information Center by: _____ Date: _____
  - ☐ (a) ABC Board by: _____ Date: _____
  - ☐ (b) Noise Control by: _____ Date: _____
  - ☐ (c) Industrial Safety by: _____ Date: _____
  - ☐ (d) Vector Control by: _____ Date: _____
  - ☐ (e) D.C. Animal by: _____ Date: _____
  - ☐ (f) Police Dept. by: [signature] Date: 2/14/01
- ☑ 3. Zoning by: [signature] Date: _____
  Zoning Update by: _____ Date: _____
- ☑ 4. DPW - Permit and Records Division/Deposit # D01984
  Sidewalk Deposit $ [illegible] Driveway Deposit $ _____
  by: [signature] Date: 3/5/01
- ☑ 5. Water/Sewer Design Branch
  Consumer Eng. by: [signature] Date: 3-8-2001
- ☐ 6. Environmental Regulation Administration
  - ☐ Environmental Policy Review
    Control No.: 00-00014
    by: [signature] Date: 3/8/01
  - ☑ Erosion Control by: [signature] Date: 3-06
  - ☐ Storm Water Mgmt. by: [signature] Date: 3-06-01
    Plan No. N/A
- ☐ 7. Mechanical Eng. Review by: [signature] Date: 2/4/01
- ☐ 8. Plumbing Eng. Review by: [signature] Date: 2/4/01
- ☐ 9. Electrical Eng. Review by: [signature] Date: 2/7/01
- ☒ 10. Health Plan Review
  - ☒ (a) Food Plan Review by: [signature] Date: 2/7/01
  - ☐ (b) Medical X-ray Plan Rev. by: _____ Date: _____
- ☐ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section) by: [signature] Date: 2/16
- ☐ 12. Elevator Plan Rev. Sec. by: [signature] Date: 2-07-01
- ☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 14. Construction Insp. Branch (Field Check) by: _____ Date: _____
- ☐ 15. Historic Pres. Div. by: _____ Date: _____
- ☐ 16. Structural Eng. by: [signature] Date: 3/8/01
- ☐ 17. Permit and Certificate Issuance Counter By: _____ Date: _____
- ☐ 18. Q.C. By: [signature] Date: 3/8/01

ZONING

C of O Number _____ Date _____
Existing Use(s) PUD NEW BUILDING

- ☐ New bldg.
- ☐ P.O.D.
- ☐ File in room 329

Job No.:	BZA Case No.:	PUD Order No.:

DPW — PUBLIC SPACE

Street Name: _____
Street Width: _____
Road Width: _____
Sidewalk Width: _____
Parking: _____
Restrictions: _____



590-AA

WILKES, ARTIS, HEDRICK & LANE
CHARTERED
ATTORNEYS AT LAW
SUITE 1100
1666 K STREET, N. W.
WASHINGTON, D. C. 20006-2897
(202) 457-7800

LE ADDRESS: WILAN
202-457-7814

MAUREEN E. DWYER
202-457-7860

ANNAPOLIS, MARYLAND
BETHESDA, MARYLAND
FAIRFAX, VIRGINIA
GREENBELT, MARYLAND
WALDORF, MARYLAND

December 15, 1998

BY HAND

Ms. Gladys Hicks
Deputy Zoning Administrator
614 H Street, N.W.
Room 333
Washington, D.C. 20001

Re: 5111-5123 Connecticut Avenue, N.W.

Dear Ms. Hicks:

This letter is to confirm that use of the above referenced property as a new assisted living facility will fully comply with the use requirements of the Zoning Regulations once the Zoning Commission has taken final action on the proposed text amendments to the Zoning Regulations for community-based residential facilities (Zoning Commission Case No. 97-15(i)).

The site consists of Lots 49-56 in Square 1989 (see attached plat) and is currently improved with a mix of residential buildings. The property is zoning R-5-D. The plan is to raze the existing buildings and to construct a new assisted living facility consisting of approximately 100 units or 120 residents.

When we met with you on October 15, 1998, we discussed in detail the proposed use and the existing zoning requirements. (Enclosed is a copy of the agenda from our meeting, with attachments.) At that time, you confirmed that under current zoning regulations, the proposed assisted living facility would require special exception approval as a community-based residential facility given the nature of the services provided. We also discussed at that time the proposed text amendments to the Zoning Regulations for community-based residential facilities which will amend the Regulations by permitting

such facilities as a matter of right in the R-4 and higher districts. The proposed new subsection 330.5(i) reads as follows:

> 330.5(i) The following uses shall be permitted as a matter of right in an R-4 district: ...
>
> (i) Community based residential facility; Provided, that notwithstanding any provision in this title to the contrary, the Zoning Administrator has determined that such community based facility, which otherwise complies with the zoning requirements of this title that are of general and uniform applicability to all matter of right uses in an R-4 District, is intended for, license, and operated as housing the handicapped as that term is defined under Section 3602(h) of the Fair Housing Act, as amended, 42 U.S.C. Section 3601 et seq. (1955).

You confirmed at our meeting that once the Zoning Commission took final action on the proposed text amendments, the proposed assisted living facility would qualify as a facility operated as housing for the handicapped as that term is defined under the Fair Housing Act. The actual definition adopted in Section 802 of the Fair Housing Act Amendment defines handicap as, inter alia, "a physical or mental impairment which substantially limits one or more of such person's major life activities."

The Zoning Commission has now taken proposed action on the text amendments and NCPC has also indicated that it has no objection to the proposed text amendments. Once the Zoning Commission has taken final action on the proposed text amendments, the proposed assisted living facility which is located in an R-5-D district will be permitted as a matter of right and such use fully complies with the requirements of the Zoning Regulations.

If the above conforms with your understanding of the facts, please indicate your agreement by signing in the space provided below.

Thank you for your attention to this matter.

Sincerely yours,

Maureen Ellen Dwyer

Richard S. Nero, Jr.
Urban Planner

MED/RSN:lm/120609

APPROVED:

Gladys Hicks
Deputy Zoning Administrator
Date: 12/17/98

LE ADDRESS: WILAN
202-457-7814

MAUREEN E. DWYER
202-457-7860

WILKES, ARTIS, HEDRICK & LANE
CHARTERED
ATTORNEYS AT LAW
SUITE 1100
1666 K STREET, N. W.
WASHINGTON, D. C. 20006-2897
(202) 457-7800

ANNAPOLIS, MARYLAND
BETHESDA, MARYLAND
FAIRFAX, VIRGINIA
GREENBELT, MARYLAND
WALDORF, MARYLAND

March 8, 1999

BY HAND

Ms. Gladys Hicks
Deputy Zoning Administrator
614 H Street, N.W.
Room 333
Washington, D.C. 20001

Re: Proposed Assisted Living Facility at Connecticut and Nebraska Avenues
Lots 49-57 and 161 in Square 1989

Dear Ms. Hicks:

The purpose of this letter is to request a confirmation of the calculation of parking and loading requirements for a proposed assisted living facility located on Connecticut Avenue, N.W. at the above referenced property.

The site consists of Lots 49-57 and Lot 161 in Square 1989 (see attached plat) and is currently improved with a mix of residential buildings. With the exception of Lot 161 which is zoned R-2, the property is zoned R-5-D. The plan is to raze the existing buildings and to construct a new assisted living facility consisting of approximately 100 units or 120 residents. By letter dated December 15, 1998, a copy of which is attached, you confirmed that once the Zoning Commission took final action on proposed text amendments to Subsection 330.5(i), the proposed assisted living facility would qualify as a facility operated as housing for the handicapped and would be permitted as a matter of right, provided all other requirements of the Zoning Regulations were met.

The question we discussed was how to calculate the parking and loading requirements for this use. Under Section 2101.1, the regulations provide that for "publicly assisted housing, reserved for the elderly and/or handicapped: all districts" the parking requirement is one for each six dwelling units. Since the proposed facility will be housing reserved for the elderly and handicapped, the parking requirement should be one for each six dwelling units which would result in a requirement of 17 parking spaces if 100 units are provided.

For purposes of the loading requirements, there is no separate classification for elderly or handicapped housing. Accordingly, the loading requirement should be based on the provision that provides that for "any other use in all districts: with 30,000 to 100,000 feet of gross floor area"

For purposes of the loading requirements, there is no separate classification for elderly or handicapped housing. Accordingly, the loading requirement should be based on the provision that provides that for "any other use in all districts: with 30,000 to 100,000 feet of gross floor area" the loading requirement is one loading berth at 30 feet deep, one loading platform at 100 feet, and one service/delivery loading space at 20 feet deep.

When we met with you on March 8, 1999, we discussed in detail the proposed use and the existing parking and loading requirements. You confirmed that one parking space for every six units is the parking requirement and that the proposed use would also need to provide one 30-foot loading berth, one 100-foot loading platform and one 20-foot service/delivery space.

If the above conforms with your understanding of the facts, please indicate your agreement by signing in the space provided below.

Thank you for your attention to this matter.

Sincerely yours,

Maureen Dwyer

Maureen Ellen Dwyer

Richard S. Nero, Jr.
Urban Planner

MED/RSN:lm/133034

APPROVED:

Gladys Hicks

Gladys Hicks
Deputy Zoning Administrator
Date: 3/8/99

SUNRISE DEVELOPMENT
Connecticut and Nebraska Avenues

March 2, 1999
1:00 p.m.

AGENDA

I. BACKGROUND

A. Status of Zoning Commission action
B. Previous Zoning Administrator letter
C. Properties under contract (Lots 49 - 56, 161)

III. REVIEW SITE ISSUES

A. Lots 49 - 56 zoned R-5-D; Lot 161 zoned R-2
B. Limitations on use of Lot 161 (drive through? access? parking? open space?)
C. Zoning requirements for loading and parking:

Section 2101.1 for parking - 1 for each 6 dwelling units.

Section 2201.1 for loading - any other use in all districts:

With 30,000 - 100,000 square feet
1 at 30 feet deep
1 at 100 square feet
1 at 20 feet deep

#131331

Paul A. Tummonds, Jr.
202.457.7854
ptummonds@wilkesartis.com

Wilkes Artis

Chartered
Attorneys at Law

Suite 300, 1666 K Street, NW
Washington, DC 20006-2803
202.457.7800
Fax: 202.457.7814

May 16, 2000

VIA HAND DELIVERY

Mr. Michael Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Re: Proposed Sunrise Assisted Living Facility at 5111 - 5123 Connecticut Avenue, N.W., Square 1989, Lots 49-57 and 161, (the "Subject Property")

Dear Mr. Johnson:

The purpose of this letter is to confirm the matters discussed in our meeting on May 2, 2000 regarding the Subject Property. The Subject Property is split-zoned R-5-D and R-2. Sunrise Development, Inc. ("Sunrise") intends to construct an assisted living facility only on the portion of the Subject Property that is located in the R-5-D District.

In order to proceed with the production of the building permit application drawings, you confirmed the following information:

1) the maximum building height is 90 feet which is measured from the level of the curb opposite the mid-point of the building frontage along Connecticut Avenue, N.W. to the highest point of the roof (including the parapet wall);
2) the rear yard setback requirement is 34 feet based on the 102 foot height of the building measured from the finish grade at the rear of the building to the highest point of the roof or parapet and the required 4 inches of setback for each foot of vertical distance;
3) the side yard requirement on the southern portion of the Subject Property will be 22 feet 6 inches based on the 90 foot height of the building and the requirement to provide 3 inches of setback for each foot of height;

RECEIVED 6/6/00 — Duplicate sent (Requires MDJ Concurring Signature)

4) no setback is required or provided on the R-5-D portion of the Subject Property along Chevy Chase Parkway; and
5) the R-2 portion of the Subject Property is an open court that has a width requirement of 22 feet 6 inches based on the requirement to provide 3 inches of court width per foot of building height.

The dimensions and locations of those open spaces are shown on the attached drawing prepared by Beery, Rio and Associates dated May 11, 2000.

Pursuant to the issues discussed in the May 2, 2000 meeting and outlined in this letter, please sign this letter in the space provided below to indicate your concurrence with the above.

If you have any questions or comments regarding this letter, please feel free to call us at (202) 457-7800.

Sincerely,

Paul A. Tummonds, Jr.

Steven E. Sher

CONCUR

Date: July 6, 2000

Michael D. Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs

Enclosure

cc: Sean Ambrose
Maureen Dwyer