BZA

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR 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	)	
	)	
Advisory Neighborhood	)	
Commission 3G	)	

Motion for Re-review

We request re-review/rehearing based on (1) presentation of new information by the Intervener Sunrise Assisted Living, LLC ("Sunrise") which was not available to the Appellants by the time of the hearing on August 3, 2001 (11 DCMR §3101.1) and (2) lack of decision on an Appellant's appeal point in the BZA's Decision and Order that the use and plans are noncompliant with use as a **Community Residence Facility** ("CRF"), as quoted below:

" 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 3432.3.)."

The Intervener, Sunrise Assisted Living, LLC ("Sunrise") supplied a critical exhibit to the BZA which was not served on the Appellants. This exhibit [Exhibit 44-- DC Act 13-297 with handwritten notations (the "Act")] appears to be a basis for a conclusion in the Decision and Order. The Decision and Order refers to the term "Assisted Living Facility" as used in DC Act 13-297 (the "Act"). There are material differences between an ALFs and a CRFs. CRF, not ALF, is addressed in 11 DCMR. **CRF is the specified use on the building application that is the basis for claiming a matter-of-right use.**

Under the Act, ALF and CRF are not synonymous (§101). An ALF is not necessarily a CRF, contrary to the claim of the Intervener (Exhibit 44). In particular, locked wards for severely impaired Alzheimers patients are "other facilities," not CRFs. Residents of CRFs must generally be oriented as to time and place. Residents of CRFs may not be confined, unlike severely impaired patients in ALFs. Permit No. B435464 plans clearly show the inclusion of a locked ward to confine patients.

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Sunrise has presented new and misleading information which incorrectly equates an ALF as a CRF. This facility does not comply with the requirements of a CRF.

Based on the above points, the Appellants respectfully request a re-reveiw/rehearing of this issue.

Yours truly,

Page Chiapella

Page Chiapella
President, Nebraska Ave. Neighborhood Assn.

Cc December 31, 2001 by first class mail:

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