

**BEFORE THE BOARD
OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

**APPLICATION OF
DITTO RESIDENTIAL, LLC**

**BZA APPLICATION NO. 18785
HEARING DATE: JUNE 24, 2014
ANC 5D06**

**REQUEST FOR WAIVER OF RULES FOR
SUBMISSION OF ADDITIONAL DOCUMENTATION
AND REVIEW OF ADDITIONAL VARIANCE RELIEF**

The Applicant respectfully requests a waiver from the Board under Section 3100.5 of the Zoning Regulations for the following:

1. Acceptance of additional information by the Applicant regarding additional variance relief; and
2. Review and consideration of this variance request by the Board at the public hearing on June 24, 2014.

A. BACKGROUND

After this Application was filed, and during review by the Office of Planning, a question was raised whether Section 2117.8(a) would limit the garage ramp to a maximum grade of 12%. That Section states as follows:

"A driveway that provides access to required parking spaces shall meet the following standards: (a) it shall have a maximum grade of not more than 12% with a vertical transition at the property line..."

As soon as this issue was raised, the Applicant's representatives requested a meeting with the Zoning Administrator to review this issue. That meeting was held on June 3, 2014. By memorandum dated June 4, 2014, the Applicant provided the Zoning Administrator with

citations, rulings and other precedent to support the position that Sec. 2117.8(a) does not apply to the garage ramp in this case. See Exhibit A. On June 12, 2014, the Zoning Administrator determined that the ramps of underground parking garages are not subject to Section 2117.8(a) when they are covered by a roof; and that the proposed garage ramp (which is not covered by a roof) more closely resembles a driveway, and is therefore limited to a maximum grade of 12% over its entire length.

Therefore, in order to address this issue, the Applicant respectfully requests that the Board waive the rules per Sec. 3100.5 in order to accept this document into the record, and to consider this request for a variance at the public hearing on June 24. The waiver will not prejudice the right of any party, and is not otherwise prohibited by law. The Board has previously granted similar waivers to allow review and approval of amendments to other Applications after the applicable filing dates.

The details of the garage ramp, including the grade percentage, are shown on the architectural plans and elevations submitted with the Application (BZA Exhibit No. 12). These plans have been part of the public record since April 16, 2014, and were part of the Applicant's presentations at the community meetings.

This issue will have no impact on the public. The garage, and therefore the garage ramp, will not be available for use by the public, but instead will be accessible only to those residents of the building who will have a parking space in the garage.

B. THE APPLICANT MEETS THE BURDEN OF PROOF FOR SUPPLEMENTAL VARIANCE RELIEF

The Statement of the Applicant (BZA Exhibit No. 55) is hereby incorporated by reference. That document describes the standards for granting area variances, as well as the exceptional situations and conditions affecting the property. In summary, the site is a small,

narrow, corner lot that abuts an active firehouse. These factors in turn dictate the location of the building footprint and the garage ramp location and configuration.

The strict application of a requirement for a maximum grade of 12% for the entire length of the garage ramp would result in a practical difficulty. The ramp is approximately 124 feet in length, and is accessed from the public alley to the north of the property. As shown on BZA Exhibit No. 12, the ramp has a maximum grade of 8% with a vertical transition at the property line along the alley. The ramp grade then increases to 16%, and then tapers back down to 8% as it approaches the parking garage entrance.

If a maximum grade of 12% was required for the entire length of the ramp, the bottom of the ramp would not be able to reach the garage level. The residential units on the lower level of the building would need to be eliminated. Alternatively, raising the floor level of the parking garage to meet the bottom of a 12% grade ramp would require all floors of the building to be correspondingly raised. This would in turn increase building height, and increase the FAR of the building from 3.0 FAR to 3.75 FAR, because the ceiling of the lowest level of residential units would thus become more than 4 feet above the adjacent finished grade.

Relief can be granted without substantial detriment to the public good, and without substantially impairing the intent, purpose or integrity of the zone plan. The public good will not be affected by the inclusion of the garage ramp as proposed by the Applicant. The garage will not be open and available to the public. Rather, the garage will be available only to those residents of the building who have a parking space in the garage.

The garage ramp was designed in accordance with the American Institute of Architects, Architectural Graphic Standards, 8th Addition (See Exhibit B). That document shows that for a ramp of greater than 65 feet in length, a vertical transition of 8% at the property line for the

"blend" portion, with a ramp grade of 16%, is recommended. The garage ramp in this Application was designed to meet these published industry design standards.

Section 2117.8(a) of the Zoning Regulations does NOT require a maximum grade of 12% for the entire length of a garage ramp, or a driveway. That section states that "a driveway...shall have a maximum grade of not more than 12% *with a vertical transition at the property line.*"

The 12% maximum driveway grade has historically been applied at the property line, and not for the entire length of either a ramp or a driveway. If Section 2117.8(a) was intended to require a 12% maximum grade for the entire length of a ramp (or a driveway) the italicized words at the end of the above quote would not have been necessary.¹ The modifying phrase in Section 2117.8(a) makes clear that the 12% limitation applies at the property line, and not for the entire length of the ramp or driveway.

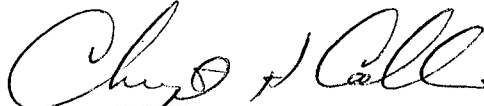
Further, as more fully discussed in the memorandum to the Zoning Administrator at Exhibit A, the Zoning Administrator and the Zoning Commission have previously recognized the distinctions between a driveway and a garage ramp, and have also recognized that a garage ramp does not need to be covered by a roof in order to be classified as a ramp. See, e.g., Section 2117.10 - "All open parking spaces, including...driveways, and ramp areas..."; Z.C. Order Nos. 05-38 and 949, and BZA Order Nos. 14002 and 17063, all of which included exterior "ramps".

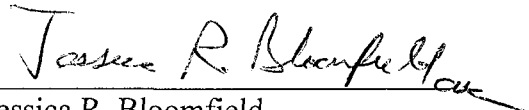
¹ Compare the language of the DDOT Design and Engineering Manual at Section 31.2.3.1 - "The grade of any driveway within public space shall not exceed 12%.

For all of the above reasons, the approval of the project with a garage ramp with a grade as shown on the plans will not result in a substantial detriment to the public good or a substantial impairment of the intent, purpose or integrity of the zone plan.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Christopher H. Collins

By: 
Jessica R. Bloomfield

cc: Steve Cochran, Office of Planning, by email
Jamie Henson, DDOT, by email
Tina Laskaris, ANC 5D06, by email