



May 29, 2018

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Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

RE: Revised Statement - Modification of Significance for BZA Case #19169C on behalf of Birchington, LLC (Lots 20-21, 804-805, 824-825, and 829, Square 526)

Chairperson Hill and Honorable Members of the Board:

After further consultation with the Office of Planning, the Applicant hereby revises the Modification of Significance request to meet the requirements of ZR-16, which requires relief from the loading requirements of Subtitle C § 909.1 of the 2016 Zoning Regulations (“ZR-16”), and a waiver from the maximum slope requirements for access aisles under Subtitle C § 904.2.

Consequently, please find enclosed a revised statement and tabs detailing the revised relief request. These filings **supersede Exhibits #3, 3A-C, 3D1, 3D2, and 3E-J**. The Modification request will allow construction of a building originally approved by the Board of Zoning Adjustment in BZA Order No. 19169, for property located at 303-317 K Street NW (Square 526, Lots 20-21, 804-805, 824-825, and 829).

Please let us know if you have any questions.

Sincerely,

COZEN O'CONNOR

By: Meridith Moldenhauer

Certificate of Service

I hereby certify that on this 29th day of May, 2018, a copy of this revised statement with tabs was served, via email, as follows:

District of Columbia Office of Planning
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Advisory Neighborhood Commission 6E
c/o Alexander Padro, Chairperson
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Advisory Neighborhood Commission 6E07
c/o Kevin Rogers, Chairperson/SMD Commissioner
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By: Meredith Moldenhauer

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

**MODIFICATION OF SIGNIFICANCE
BIRCHINGTON, LLC**

**BZA CASE #19169C
303-317 K STREET NW**

REVISED STATEMENT OF THE APPLICANT¹

I. Background on Modification of Significance

This revised statement is submitted on behalf of the Applicant, Birchington, LLC (the “Applicant”), the owner of the property located at 303-317 K Street NW, (Square 526, Lots 20-21, 804-805, 824-825, and 829) (the “Property”) in support of its application for a Modification of Significance to Order No. 19169 (the “Order” or the “2016 Approval”) pursuant to 11 DCMR Subtitle Y § 704 of the 2016 Zoning Regulations (“ZR-16”).² As discussed below, the Applicant is requesting special exception loading relief from Subtitle C §§ 901.1 and 904.2 to allow an all-hotel use on the Property (the “Modified Project”). The massing and height of the building permitted in the 2016 Approval will remain unchanged, and the Modified Project will provide 44 parking spaces and two, 20’-service spaces in the below-grade garage accessed from 4th Street.

A. 2016 Approval Granted Certain Relief for Hotel/Residential Mixed Use Project.

The Order is dated February 29, 2016 and became effective on March 10, 2016.³ In the 2016 Approval, the Board unanimously granted area variances from the 1958 Zoning Regulations (“ZR-58”) rear yard requirements under § 774.1, the off-street parking requirements under § 2101.1, and loading under § 2201.1, to construct a 130’-tall, 14-story hotel and apartment building in the DD/DD-HPA/C-2-C (now D-4-R) District (the “Original Project”). *See* BZA Order #19169 at **Tab A**.⁴ The Original Project approved 200 hotel rooms on Floors 2-11 and 30 residential units on floors 12-14, and approximately 2,000 s.f. of bar/restaurant space on the ground floor. The proposed hotel use is permitted as a matter of right in the zone. In the Order, the Board’s approval was subject to the Approved Plans at BZA Exhibit #41, which are included here at **Tab B**.

Approval of the Order was recommended by the ANC 6E, the Office of Planning (“OP”) and the District’s Department of Transportation (“DDOT”). There were no parties in opposition to the 2016 Approval. Further, there were no letters or witnesses in opposition.

¹ At the direction of the Office of Planning, the Applicant here revises the Modification to request relief under ZR-16. Accordingly, special exception relief from two 30’ loading berths and the associated platforms and a waiver of the 12% grade for access are requested. No parking relief is necessary.

² The Applicant notes that it initially filed a request for a Modification of Consequence to obtain approval for the Modified Project. *See* BZA Case No. 19169B. However, after it was determined that additional relief was required, the Applicant withdrew that application. A copy of the BZA Letter Confirming Withdrawal of BZA Case No. 19169B is attached here at **Tab C**.

³ Pursuant to the Board’s Order in BZA Case No. 19169A, the validity of the Order has been extended to February 29, 2020. A copy of the Board’s Order in BZA Case No. 19169A is included at **Tab D**.

⁴ Specifically, in the 2016 Approval, the Board granted 100% relief from the rear yard requirement, a 76-parking space reduction for the hotel use and relief from the required 30’-loading berth and 100’ loading space requirement associated with the hotel use.

B. 2016 Approval Locates parking/loading access from 4th Street, as Required by DDOT.

Also approved were two below- grade parking decks with 46 parking spaces and one 20²-service delivery space. The Property does not have a rear alley. The District’s Department of Transportation (“DDOT”) would not permit the continued use of a curb cut on K Street for the Original Project, and directed that all loading and parking be accessed from one curb cut on 4th Street. Specifically, the January 19, 2016 OP Report (the “January 2016 OP Report”) states, “The site does not have alley access and the District Department of Transportation does not permit curb cuts from K Street at this location.” A copy of this OP Report is attached as **Tab E**. Accordingly, the Original Project’s loading and parking is accessed from 4th Street as shown on **Tab B**.

As approved, the Original Project also includes detailed Traffic Mitigation and Loading Management Plans. Also, a 50²-on street valet/loading area along 4th Street is proposed to accommodate the Hotel’s larger loading needs. This space would also serve as a valet parking area during times when it is not used for loading.⁵

II. Proposed Modification of Significance

The Applicant is retaining the Original Project’s general building footprint, height and massing, and the Traffic Mitigation and Loading Management Plans as approved. The purpose of this modification is to remove the residential component and proceed with an all-hotel project.

A. Description of the Modified Project

The Modified Project would be 13-stories and 130²-in height, approximately 10.4 FAR in density, and provide 247 hotel rooms. The Modified Project would provide 44 parking spaces and *two* 20²-service loading spaces in the below-grade parking garage with the entrance off of 4th Street.⁶ The service spaces will be located near the vehicular entrance. The Modified Project also proposes a penthouse with a small amount of meeting space on the first level and mechanical space on the second level; the penthouse is designed to satisfy the zone’s height and setback requirements. The proposed approximate total gross floor area of the Modified Project is 111,604 s.f. A copy of the proposed plans for the Modification Project is attached at **Tab F**.

B. Additional Loading Relief Required for the Modified Project

Pursuant to Subtitle C § 901.1 of ZR-16, the Modified Project would require three, 30²-loading berths and associated platforms. Because the BZA has already granted relief for one, 30²-

⁵ Approval of the on-street loading/ valet area will be issued by DDOT’s Public Space Committee and is outside the scope of the BZA application.

⁶ Although no parking spaces are required under ZR-16, (and accordingly no additional parking relief is necessary), the Applicant will continue to provide 44 parking spaces in the below-grade, two-story parking garage. The Applicant will implement the approved Transportation Demand Mitigation (“TDM”) measures attached as **Tab G** here.

loading berth, the Applicant now requests relief for two 30'-loading berths and the associated platforms. See Subtitle C § 901.1. Additionally, in order to provide the two 20'-service spaces, the Modified Project seeks a waiver from the maximum slope requirements for access aisles of Subtitle C § 904.2, pursuant to the conditions listed in Section § 909.3. The requested loading relief can be granted as special exceptions pursuant to Section § 909. All other relief granted in the Order remains the same. Charts detailing the relief granted in the 2016 Approval and identifying the additional relief requested in this Request is attached at **Tab H**.

A comparison of the relief granted in the 2016 Approval and the relief requested in Modified Project is below:

	<u>2016 Approval (BZA Case No. 19169)</u>	<u>Modified Project</u>	<u>Additional Relief requested for the Modified Project</u>
Loading Relief	<u>Required:</u> One 30'- loading berth One 100'-loading platform One 20'- service space	<u>Required:</u> Three 30'- loading berths Driveway slope of 12%	
	<u>Provided:</u> One 20'-service space	<u>Provided:</u> Two 20'-service spaces Driveway slope of 14%	
	<u>Relief Granted:</u> One 30'- loading berth One 100'-loading platform	<u>Special Exception Relief Necessary</u> Two 30'-loading berths and associated platforms Driveway slope of 14%	Special Exception Relief: Two 30'-loading berths and associated platforms Driveway slope of 14%

C. Property cannot accommodate any 30'-loading berths on site.

As detailed in the record for the 2016 Approval, the Property cannot accommodate any 30'-loading berths on site. Specifically, due to the Property's small size/irregular shape and lack of K Street curb cut no 30'-truck could enter the site "front-in" as required by DDOT.⁷ During the February 9, 2016 public hearing on the 2016 Approval, Erwin Andres, the Applicant's traffic expert, testified that the Applicant had tested various designs but no 30' loading area that could accommodate a "front-in" loading was possible without eliminating a significant portion of the lobby or impacting a significant amount of the back of house area.

The record in the 2016 Approval includes truck turning diagrams that demonstrate the infeasibility of 30-foot trucks to access the site (the "Truck Turning Diagram"). See BZA

⁷ DDOT's Design and Engineering Manual requires front-in, front-out loading, and discourages back-in only loading maneuvers. Indeed, in the February 2016 DDOT Report, DDOT states, "DDOT requires that loading take place in private space and that no back-up maneuvers occur in the public realm. This often results in loading being accessed through an alley network." Similarly, if the modification request is required to be processed under ZR-16, the Applicant would require relief from two additional 30'-loading berths. As discussed at length in the Approval, the Property's exceptional conditions would create practical difficulties to accommodate additional 30'-loading berths on the site, as any and all 30'-loading berths could not be accommodated without a back-in maneuver, and such maneuver would not be permitted by DDOT.

Exhibit #29D, included here at **Tab I**. Indeed, in DDOT's February 16, 2016 Report (the "February DDOT Report"), attached here at **Tab J**, DDOT found, "Due to the relative small size of the lot and desire to avoid creating a curb cut on K Street, DDOT determined that a 30' loading berth could not be accommodated on-site without backing maneuvers." During the February 9, 2016 hearing, DDOT testified that

With respect to the 30-foot loading berth, DDOT understands the challenges of providing a 30-foot berth within DDOT standards in terms of proximity and the backing movements. And so the issue isn't so much around providing relief from that component, but it is about making the 20-foot loading service delivery area that's proposed as useful as possible.

Testimony of Jonathan Rogers, 2/9/16 Tr. 17, Lines 6-13

Because it is documented that no 30'-loading berths can be accommodate on the site, the Applicant is seeking the current relief.

III. Community Outreach for Modification Request

The Applicant met with ANC 6E's Development and Zoning Committee on April 26, 2018 to discuss the Modified Project. The Applicant will present the request to that Committee and the full ANC at their next regularly-scheduled meeting. The Applicant has also met with OP and DDOT on May 31, 2018 to discuss the requested Modification.

IV. Modification Request's Compliance with Subtitle Y § 704

The Applicant's request for a Modification of Significance complies with the relevant subsections of Subtitle Y § 704 as follows:

- *Subtitle Y § 704.1 - Any request for modification that cannot be processed pursuant to Subtitle Y § 703 shall require a public hearing.*

The Applicant's request for additional relief requires a full Board hearing and may not be processed pursuant to Subtitle Y § 703.

- *Subtitle Y § 704.2 - An application for a modification of significance shall be made in an appropriate manner provided by the Director. The applicant shall furnish two (2) copies of all information required by the form at the time of filing the application, including the following:*

- a. A completed application form,*

A copy of the updated application form reflecting the ZR-16 relief has been filed.

- b. The nature of, reason(s), and grounds for the technical correction, minor modification, or modification of consequence,*

The nature of the Modification of Significance is described in this Revised Statement.

c. The name and addresses of the owners of all property located within two hundred feet (200 ft.) of the subject property and two (2) copies of self-stick labels printed with their names and addresses;

The name and addresses of owners within 200 feet were filed at BZA Exhibit #4.

d. A copy of the resume of any expert witness who will be testifying in the case;

e. A written summary of the testimony of all witnesses;

Stephen Varga, Planning Services Director at Cozen O'Connor, and qualified expert witness in land use, will provide testimony that the proposed relief satisfies the planning and zoning requirements of the Zoning Regulations. Mr. Varga's resume is included herein at **Tab K**.

f. A copy of any Board final order, map, plan, or other action or relief proposed to be modified or corrected, and

A copy of BZA Order #19169 is included in the record at **Tab A**. Also, a copy of the BZA Order No. 19169A, which extended the validity period to February 2020 is in the record at **Tab D**.

g. Proof of service to all parties.

This revised statement was served on all parties to the original application, as evidenced by the attached Proof of Service. The only party to the original application was ANC 6E.

• Subtitle Y § 704.3 - No application for modifications of significance shall be processed until the application is complete and all required fees are paid in accordance with the applicable fee schedule prescribed in Subtitle Y, Chapter 16.

A filing fee of \$811.20 was paid as shown in BZA Exhibit #7. This fee represents 26% of the original filing fee of \$3,120.00 submitted with BZA Application No. 19169, in accordance with Subtitle Y § 1600.1(e).

• Subtitle Y § 704.4 - All written requests shall be served by the moving party on all parties in the original proceeding at the same time that the request is filed at the Office of Zoning.

ANC 6E was the only party to the original proceeding besides the Applicant. The Applicant will provide the ANC with all written requests.

• Subtitle Y § 704.5 - All requests for modifications of significance shall be served on all other parties to the original application at the same time as the request is filed with the Board.

ANC 6E was the only party to the original proceeding besides the Applicant. The Applicant will provide the ANC with all requests.

- *Subtitle Y § 704.6 – A public hearing on a request for a significant modification shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification.*

The requested modification is for loading and loading access relief required for an all-hotel project under ZR-16 and the evidence provided will be focused on these considerations. The Applicant will continue to abide by the three conditions that were approved as part of BZA Order #19169, which are:

1. The Applicant shall limit the financial incentive as part of the TDM plan to bikeshare and carshare memberships only.
2. The Applicant shall provide a minimum of eight short-term bicycle spaces.
3. The Applicant shall amend the Loading Management Plan to require any delivery using a truck 20 feet in length or shorter to use the on-site delivery space.

- *Subtitle Y § 704.7 - The scope of a hearing conducted pursuant to Subtitle Y § 704.1 shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision.*

The Applicant will not ask the Board to opine on any other area of relief except for the relief for two 30'-loading berths (relief from Subtitle C § 901.1) and the 14% driveway grade (relief from Subtitle C § 904.2.)

- *Subtitle Y § 704.8 - A decision on a request for modification of plans shall be made by the Board on the basis of the written request, the plans submitted therewith, and any responses thereto from other parties to the original application.*

The Board's decision on this Modification of Significance will be based on the record filed in BZA Case No. 19169C, including the plans for Modified Project at **Tab F**.

- *Subtitle Y §704.9 –The filing of any modification request under this section shall not act to toll the expiration of the underlying order and the grant of any such modification shall not extend the validity of any such order.*

On March 28, 2018, the BZA approved the two-year time extension of BZA Order #19169, extending its effective date to March 29, 2020. *See* BZA Order 19169A at **Tab D**. Consequently, this modification is filed within the effective period of BZA Order #19169A.

V. The Applicant meets the burden of proof for special exception relief for the loading requirements under Subtitle C § 901.1 and 904.2⁸

As determined in the 2016 Approval, the Original Project met the burden of proof for variance relief from the loading requirements. The Modification of Significance now requests special exception relief for the two, additional 30'-loading berths required for the all-hotel structure required under ZR-16. As discussed below, the requested Modification of Significance satisfies the special exception requirements.

Under D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the requested relief:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2. In this case, special exception relief from the loading provisions of Subtitle C § 901.1 is subject to the special conditions of Subtitle C § 909.1.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Wash. v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps

The purposes of the D zones are to promote the development of high-density developments, including hotels. Subtitle I §§ 100.1, 102.1(k). The requested loading relief will be harmonious with the general purpose of the D zones, because providing relief from the two required 30’ berths will allow the construction of a lodging use as intended in the Zone Plan under Subtitle I § 300.1. The hotel’s loading needs are anticipated to be accomplished in the two 20’ service spaces in the garage, as well as the on-street 50’ dedicated loading/valet area. Further, deliveries will be coordinated via a Loading Management Plan. Lastly, if additional large loading is required, it could be accommodated in the commercial loading zone in front of the Ellisdale project further north on

⁸ The Applicant is of the opinion that special exception relief is appropriate for the requested reduction of two 30’-loading berths because no K Street curb cut is permitted. However, if the Board determines that variance relief from the loading requirements is required, the Applicant asserts that the variance requirements of Subtitle X §§ 1000.1; 1002 are satisfied because the Property has exceptional conditions that would result in practical difficulties to the Applicant if the loading relief is not granted, and such relief can be granted without substantial detriment to the public good and without substantially impairing the intent of zone plan or map, as detailed in **Tab L**.

4th Street. Also, OP had previously determined that the variance relief requested in the 2016 Approval would have not substantial impairment to the zone plan.

B. The Proposed Relief will not Adversely Affect the Use of Neighboring Property

The use of neighboring property will not be adversely affected by the relief for the loading berths. As noted, the Applicant will provide two 20'-service spaces in the below-grade garage that are anticipated to accommodate most deliveries to the Property. Indeed, DDOT acknowledged that "A well-designed service delivery space would be able to accommodate a portion of the site's loading needs, thereby reducing demand for curbside loading space." See BZA Exhibit #36.

The anticipated minimal number of larger-truck trips per day would be accommodated on 4th Street in the anticipated 50' dedicated loading/valet area. Also, the removal of the residential use from the Project likely reduces the need for large truck loading, as there will be no residential "move-ins" or "move-outs." Finally, if additional large loading is required, it could be accommodated in the commercial loading zone in front of the Ellisdale project.

The Modified Project will also implement the approved Loading Management Plan, which includes the following:

- Vendors and on-site tenants will be required to coordinate and schedule deliveries and a loading coordinator will be on duty during delivery hours.
- Trucks accessing the on-street loading space will be limited to a maximum of 30 feet in length.
- All tenants will be required to schedule any loading conducted using a truck greater than 20 feet in length.
- Deliveries will be scheduled such that the on-street loading capacity is not exceeded and so as not to conflict with potential valet operations. In the event that an unscheduled delivery vehicle arrives while the loading space is full, that driver will be directed to return at a later time when the loading space will be available so as to not impede traffic along 4th Street.
- Deliveries from 30' trucks or 20'-service vehicles will be prohibited from being delivered directly from K Street and instead will be required to use the loading area on 4th Street.
- Trucks using the loading area will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System.
- The loading area operation will be limited to daytime hours of operation, with signage indicating these hours posted prominently at the loading space with notification also given to tenants. The use of the on-street space for loading will be coordinated with valet operations so as to determine the most optimal times for loading.

- Any delivery using a truck 20 feet in length or shorter will be required to utilize the on-site delivery space.

In the 2016 Approval, DDOT determined that a 20'-service space, in conjunction with the Loading Management Plan, will provide the necessary facilities for the efficient and orderly provision of supplies to the hotel use, thereby preventing adverse impacts to neighboring properties. Accordingly, it goes to reason that having *two* 20'-service spaces below grade will further reduce adverse effects, thereby limiting associated impacts to neighboring property. Additionally, the Applicant will continue to work with DDOT as required. In doing so, the Applicant is committed to ensure that neighboring properties are not adversely affected by the granting of the requested relief.

C. The Project Satisfies the Special Exception Requirements for Partial Reduction of Number of Loading Berths

Pursuant to Subtitle C § 909.2, in addition to meeting the general special exception requirements as described above, the Board requires that the Applicant demonstrate that the Project meets the conditions of that section as follows:

- (a) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR; or*

The Property is a landlocked parcel with no rear alley. As such, curb cuts are required from the public right of way. Although the Property currently has a curb cut along K Street, because this section of K Street is identified for special sidewalk treatment in the Downtown Streetscape Area, a K Street curb cut would be in violation of Chapter 11 of Title 24 DCRM. In the 2016 Approval, DDOT determined that it would not allow the hotel to have a K Street curb cut. *See* the January 2016 OP Report: "The site does not have alley access and the District Department of Transportation does not permit curb cuts from K Street at this location." Therefore, the only means of vehicular access to the Project not in violation of Chapter 11 of Title 24 DCRM would be a curb cut from 4th Street.

Unfortunately, the Property's small size and irregular shape make "front-in" loading impossible from the 4th Street curb cut. This is documented in the Truck Turn Diagrams illustrating that no 30'-truck could enter the site "front-in." DDOT agreed with the Truck Turning Diagrams, and in its February 2016 DDOT Report stated, "due to the relative small size of the lot and the desire to avoid creating a curb cut on K Street, DDOT determined that a 30' loading berth could not be accommodated on-site without backing maneuvers."

The conditions on the Property have not changed since the 2016 Approval, and so the provision of two *additional* 30' berths for the Modified Project is similarly infeasible. Therefore, because Chapter 11 of Title 24 DCRM prohibits a curb cut from K Street, and no 30'-loading is feasible from 4th Street, the special exception relief should be granted.

(b) The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

Not applicable to the Property.

D. The Project Satisfies the Special Exception Requirements for Waiver of Access Requirements

The Board may grant relief from the loading requirements via special exception pursuant to Subtitle C § 909.3, and the Project meets the conditions of that section as follows:

(a) The lot has unusual topography, grades, shape, size, or dimensions; or

The Property has unusual shape and size. The Property is irregularly-shaped. As an assemblage of seven (7) lots, four (4) of those lots, Lots 21, 20, 824 and 825, jut out 20 feet beyond the rear lot lines of the rest of the Property (the "Dogleg Lots"). As a result, the Property forms a wide "L" shape that creates an area in the northeast corner of the site that is too wide and shallow for the efficient movements of loading vehicles within the building.

Also, the Property is a small corner lot that fronts along K and 4th Streets NW. It has a lot area of only approximately 10,767 square feet, which is small considering the intended hotel uses and permitted height and densities. Further, the Applicant is unable to assemble more land due to the other recently constructed developments on 4th and K Streets.

The confluence of these unusual characteristics makes the provision of the loading access requirements difficult. For these reasons, the waiver of the access requirements for 14% should be granted.

(b) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.

The alternate access arrangement presented by the Applicant would improve site design by providing space necessary for the provision of a second 20' loading space in the garage. Traffic patterns will not be adversely affected by the provision of an access aisle slope of 14%, nor will the modification provide less-safe ingress or egress. Regardless, the Applicant will work with DDOT to address any concerns raised by the waiver request.

In conclusion, as outlined above, the Applicant meets the special exception requirements for the loading requirements and the waiver conditions for loading access.

VI. Conclusion

For the reasons stated above, the Modified Project meets the applicable standards for special exception relief under the Regulations. Accordingly, the Applicant respectfully requests that the Board grant the Modification of Significance.

Sincerely,

COZEN O'CONNOR



By: Meredith H. Moldenhauer