GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17137-A of 1515 15th Street, LLC, Jacob A. Kamerow, Trustee & Edith Kaplan, Trustee, pursuant to 11 DCMR §3101.2, for a variance from the lot occupancy requirements under section 772, a variance from the area requirements pertaining to residential recreation space under section 773 and a variance from the loading requirements under section 2201, to construct a seven story residential building with ground floor and below grade retail and service uses in the Arts/C-3-A District at premises 1515 15th Street, N.W. (Square 209, Lot 100 (also known as A&T Lots 919-921)).

HEARING DATE: April 13, 2004
DECISION DATE: April 13, 2004 (Bench Decision)

DISPOSITION: By Order No. 17137, dated June 4, 2004, the Board granted Application No. 17137 by a vote of 4-0-1 (Geoffrey H. Griffis, Ruthanne G. Miller, John A. Mann II, and Anthony J. Hood, to approve; Curtis L. Etherly, Jr., not present, not voting).

MODIFICATION ORDER

By letter dated November 15, 2004, the Applicant submitted a request that the Board modify the approved plans in the subject application. The Applicant requested that the Board approve the reconfiguration of the parking spaces, a reduction in the number of residential units and an expansion in the amount of retail, service, arts, entertainment and office uses. The Applicant's request to modify the Order was filed timely pursuant to §3129.3 of the Zoning Regulations. Parties consist of the Office of Planning (OP) and Advisory Neighborhood Commission (ANC) 2F. Both parties submitted reports in support of the Applicant's request for modification, Exhibits No. 38 and 40, respectively.

THE MODIFICATION

The proposed modification of plans would make changes to the layout of the parking spaces and the number of parking levels. None of the variance relief granted is affected by this proposed modification. The layout of the parking levels has been revised to eliminate a large number of spaces in vault areas because of the prohibitive cost of relocating a 24-inch WASA sewer line that is located under P Street. As a result, a partial 4th level of parking below grade has been added to the project and far fewer spaces are proposed to be located in vault areas.

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The proposed modification of plans would reduce the number of residential units. None of the variance relief granted is affected by this proposed modification. To accommodate (i) the health club operator, who proposes to offer a day spa at the street level on 15th Street and requires that a larger area be devoted to ground floor spa uses and (ii) Metropolis Development Company's desire for office space in the building, five (5) ground floor residential units are to be converted into retail and office space. In addition, to respond to changing market conditions, a number of residential units have been reconfigured or consolidated.

The proposed modification of plans would increase the area devoted to retail, service, arts, entertainment and office uses. None of the variance relief granted is affected by this proposed modification. The amount of retail, service, entertainment and related space (including the health club) has increased as a result of the conversion of five (5) residential units into ground floor day spa space. In addition, 2,310 spare feet of retail space has been converted into office space for the use of Metropolis Development Company which, through an affiliate, is the developer of the subject project.

DECISION

The Board concludes that the requested plan modifications are minor and are within the requirements of §3129, as "minor modification[s] that do not change the material facts the Board relied upon in approving the application." After reviewing the request for modification and the supporting materials, including a letter of support from ANC 2F and a memorandum of support from OP, the Board has determined that the request should be granted.

Accordingly, it is therefore hereby **ORDERED** that the motion for minor modification of plans, as shown on Exhibit No. 37 of the record, is **GRANTED**.

DATE OF DECISION: December 7, 2004

VOTE: **3-0-2** (Geoffrey H. Griffis, Ruthanne G. Miller and John Mann II to approve; Anthony J. Hood and Curtis L. Etherly, Jr., not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: DEC 16 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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As Director of the Office of Zoning, I hereby certify and attest that on December 16, 2004, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning