GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: July 19, 2001

SUBJECT: BZA Case # 16736 Use Variance Request

APPLICATION-IN-BRIEF

Applicant: CIH Renaissance Limited Partnership
3060 16th Street, N.W.
Square 2594, Lots 2085 and 2087

Relief Sough: Pursuant to 11 DCMR 3103.1, the applicant is requesting a use variance from the provisions of 350.4, to allow professional offices for a minority-owned mortgage company in unit 10 and an attorney and tax preparation service in unit 20.

From Section: 11 DCMR 3103.1

Relief Sought Under: Subsection 350.4

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject applicant be approved.

Applicant s Justification:

It is the applicant s position that both of the subject units (10 & 20) are poorly suited for residential uses and have long histories of non-residential use. The applicant is requesting Board approval to continue using the two units as they have historically been used.

BZA
Case No. 16736
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16736
EXHIBIT NO.24

SITE AND AREA DESCRIPTION

The subject premises are in the Columbia Heights neighborhood of Ward 1. Spring Road generally bounds the neighborhood to the north, 16th Street to the east, Harvard Street to the south and Adam Mills Road to the west. The subject premises consumes all of Square 2594, which is generally a triangular shaped parcel, bounded by Irving Street to the north, 16th Street to the east, Hobart Street to the south and Mount Pleasant Street to the west.



Exterior view of the Renaissance Condominium.

The subject site is developed with a seven-story apartment complex, formerly known as the Kenesaw Apartment House and is currently the Renaissance Condominium. The apartment complex was constructed in 1909 as a luxury seven-story apartment building. Little is known about what happened to the Kenesaw between 1909 and the 1960 s. What is known is that a fire was reported at the Kenesaw in both in the *Washington Star* and the *Washington Daily News* on April 18, 1962. The building remained a luxurious and well-run building until approximately 1975. It was about that time that the living conditions began to deteriorate, security began to be threatened by vandalism and sanitary conditions worsened.

Around Until 1964-1965, the Kenesaw Apartment House Company sold the building to a D.C. real estate speculator named George Basiliko, who in term sold the building two months later, to the family trust of Dr. Aaron H. Gerber. In 1975, The Trust gave the building to Antioch College. Unfortunately, Antioch learned later of an outstanding $400,000 balloon mortgage, and 750 housing code violations.

In June 1976 the city agreed in principal to designate the Kenesaw as a top priority rehabilitation Project. Antioch approached the city about a Community Development Block Grant to finance the rehabilitation. It was though that the Kenesaw was a perfect building to provide renovated units for low and moderate-income residents. Real estate turnover was causing a disturbing amount of displacement in the neighborhood and the Kenesaw was an ideal location to make a strategic stand against that trend.

In the late 1960 s, P.I. Properties (which was an outgrowth of Pride Incorporated) was hired to manage the building. In November of 1976, there was another fire in an apartment at the Kenesaw and in an effort to have the owner of the building make repairs, as a result of damage cause by the fire, Antioch was sued in February of 1977, by the Neighborhood Legal Services, who sort a court order for Antioch to make repair. Antioch persuaded the court that it was unable to afford the needed repairs to make the building livable. In March of 1977, the 78 remaining tenants were asked to leave the building. Antioch incurred substantial costs in attempting to operate the building. Code violations

began to mount and the Antioch Board of Governors ordered that the building be sold on the open market. The tenants formed the Kenesaw Cooperative and were successful in purchasing the building, but struggled to maintain and renovate the property. In 1985, the Cooperative hired CIH Ventures, INC. and the District government to develop plans to retain the homes of the remaining 29 low-income Cooperative members renovate the remainder of the building and sell the remaining units to generate cash to payoff debts and the acquisition price to the District government.



Entrance to unit number 30.

In 1986, the building was renovated and converted into condominiums to accommodate low and moderate-income property owners. In 1988 the final units were sold. The building has remained stable since its successful renovation. As compensation for its efforts on behalf of the tenants at the Kenesaw Apartments, CIH was given the rights to the two subject units and unit 30 by the Cooperative Board. The two subject units (10 & 20, as well as unit 30, not subject to this application) are located on the ground floor, on the Mount Pleasant Street side of the complex. These units were not included when the remainder of the complex was renovated, because historically they had been used for non-residential purposes. According to the applicant, the two subject units are poorly suited for residential use and have never been used residentially. There is a long history of non-residential use in the referenced units.



Entrance to unit number 20.



Entrance to unit number 10.

The subject property is within the Mount Pleasant Historic District. As such, the D.C Historic Preservation Office must approve modifications to the exterior of the building. 11 DCMR /2100.5, and /2200.5 permits waivers of various requirements related the parking, off-street loading, and bed and breakfast facilities. On October 13, 1999, the District granted a waiver from the applicable parking and loading requirements in the zoning regulations based on the building s contribution to the character of the Historic District.

The Columbia Heights neighborhood is predominantly developed with a mix of mid-rise apartment buildings, single-family row dwellings and a number of institutions, both public and private. Commercial services in the neighborhood are concentrated along both sides of Mount Pleasant Street. There is a functioning discount variety store located in the subject building.



Discount variety store located in the subject building.

The subject premise is developed with a seven-story apartment complex, formerly known as the Kenesaw Apartment House and is currently the Renaissance Condominium. The apartment complex was constructed in 1908 as a luxury seven-story apartment building. In 1986, the building was renovated and converted into condominiums to accommodate low and moderate-income property owners. The two subject units (10 & 20) are both located on the ground floor, on the Mount Pleasant Street side of the complex. These units were not included when the remainder of the complex was renovated. According to the applicant, the two subject units are poorly suited for residential use and have never been used residentially. There is a long history of non-residential use in the referenced units.

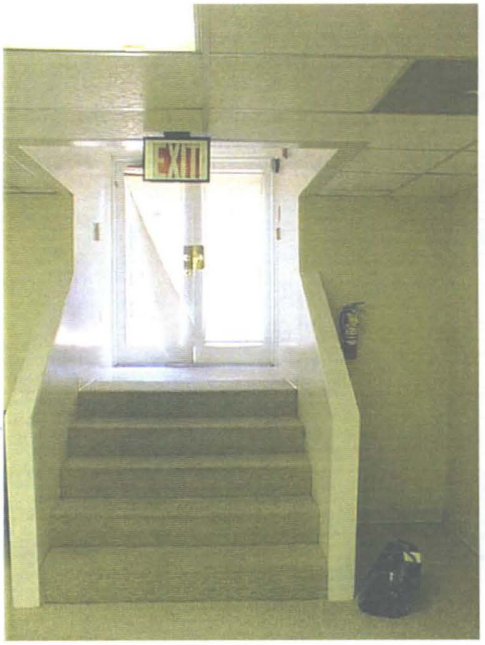


Interior of subject unit number 20.

AREA ZONING

The subject premise is in the R-5-D (relatively high height and density) Zoned District. The R-5 districts are designed to permit a flexibility of design by permitting in a single district, except as provided in //350 through 360, all types of urban residential if they conform to the height, density and area requirements for the R-5 districts.

The R-5-D zoned district consumes much of the land along 16th Street, on the east of the subject premises. Most of the areas along 16th Street, south of Spring Road and north of Corcoran Street are zoned R-5-D.



Interior of subject unit number 30.

Most of the area east of the referenced 16th Street R-5-D high height and density zone, located along both 14th & 15ht streets reflect a gradual reduction in the height and scale of buildings, which are, zoned R-5-B and are developed with buildings of moderate heights and density. The same moderate density-zoning pattern exists in the areas west of the subject area, along 17th, 18th Streets and on Columbia Road.



Mount Pleasant Street commercial district looking west.

The Columbia Heights neighborhood is adequately serviced by nearby commercial facilities. The Mount Pleasant Street commercial district is on the west side of Mount Pleasant Street is just across from the subject complex. The Columbia Road commercial area is approximately three blocks south of the subject site and much of the 14th Street corridor (in proximity to the subject site) offer a variety of commercial services.

APPLICANT S PROPOSAL

The applicant, CIH Renaissance Limited Partnership is requesting a use variance under/ 350 to allow offices of a mortgage lender and a tax preparation service in the subject apartment building, which is in an R-5-D zoned district. The two subject units (as well as unit 30) are on the ground floor of the building and were not included when the rest of the complex was renovated in 1986. Both of the subject units have long histories of non-residential uses, from the inception of the building. Neither of the subject units was ever used residentially. The applicant is seeking to continue non-residential history of the subject units. Specifically, the applicant has entered into a lease with 1st Millennium Mortgage, LLC, a minority-owned mortgage company, to lease unit 10. A sales contract is pending with an attorney for his office and a tax preparation service to lease unit 20.

RELATIONSHIP OF THH APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject site as being in the ***Medium Density Residential Land Use Category.*** Multiple-unit housing and garden apartments are the predominant uses. Low and moderate density housing are also permitted in this category. The areas to the east (14th & 15th Streets) and to the west of the subject site (17th & 18th Streets and Columbia Road) are designated as being in the ***Moderate Density Residential Land Use Category***. Row houses and garden apartments are the predominant uses in this category. Mount Pleasant Street, which is immediately to the west of the subject site, is designated as being in the ***Low Density Commercial Land Use Category***. Shopping and service areas that are generally low in scale, character and activity and that provides a limited range of retail goods and services are the predominant uses in this category. The Lincoln Multi Cultural Middle School, at the northeast intersection of 16th & Irving Streets is designated as being in the ***Public and Institutional***

Land Use Category. Land and facilities occupied by the District government, excluding parks, recreation centers, and open space, are the predominant uses in this category.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR/3103.2, the applicant is requesting a use variance under section 350 to allow offices uses in an apartment building, which is zoned R-5-D.

AUTHORITY TO GRANT VARIANCE

11 DCMR/3103.2 is the D.C. Code provision that authorizes the Board of Zoning Adjustment the power to grant the requested variance.

DOES THE APPLICATION MEET THE VARIANCE TEST?

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition?

Yes. The configuration and location of the subject units, in this historically designated structure create an exceptional situation**.** The subject property contains a seven-story building, constructed in 1908, a time period, which pre-dates the adoption of the Zoning Act of 1958 by fifty years. The building does not appear to have been designed to use those units as residential units. It was extremely common at that time, particularly for luxury apartments, that space was provided, at the ground level or below ground, for ancillary services, which provided a convenience to the building tenants. There is documented history that the subject units (from the inception of the building were never used for residential purposes. There are documented Certificates of Occupancy for the subject spaces at the Kenesaw Apartments, issued by the District of Columbia, which date as far back 1923, for various non-residential uses in the building. These uses include Millinery, Dress Shop, Drug Store, Soda Fountain, Beauty Shop, and the very popular Kenesaw Cafe, which operated until the mid-1960s. The dining room for the Cafe was on the first floor, (entrance on 16th Street) but the kitchen was on the basement level in what is now unit 10, one of the subject units, which fronts on Mount Pleasant Street.

There are other aspects of these units, which make them unique. They are partially below ground, with their available light and air additionally limited by the placement of the trash and air conditioning equipment. The units cannot be accessed or access the rest of the building. They must be accessed from the outside.



Equipment location for air conditioning.

Additionally, the entire heat and air-condition systems for the building are located on the Mount Pleasant Street rear of the building, between the two subject buildings, behind a wooden barricade. Noise generated by the air conditioner makes that area of the building very undesirable for living purposes.

Clearly, these are exceptional circumstances that make it difficult to comply with the residential zoning.

By reason of the aforementioned unique or exceptional condition of the property, will the strict application of the Zoning Regulations result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property?

Yes. The strict application of the Zoning Regulations would result in an undue hardship upon the owner of the property, if the Board does not grant the requested variance. The strict application of the zoning regulations would require residential uses in the subject units. However, the original design of the units and the historic function as non-residential uses would cause an undue hardship on the owner. Each of the subject units have separate entrances that front on Mount Pleasant Street and there are walls to the rear of the subject units, which separate them from the residential units in the building. The subject units do not have clearly identified kitchens or full bath that are normally required in residential units. Additionally, the subject units were not renovated to residential standards when the remainder complex was rehabilitated in 1986. Further, the air condition/heat units are located in the area between units 10 and 20. The noise and emissions generated by these facilities render the adjacent subject units as not desirable for residential use.

It was observed by OP staff, during a site visit on June 27, 2001, that the mortgage company is already operating out of unit 10. This was reported to the DCRA inspection branch for follow-up. Most recently, an attorney signed a contract to purchase unit 20 for the purpose of opening a law office and a tax preparation service. That deal could not be closed until a Certificate of Occupancy was issued. Because the lawyer had an immediate need for the space and the variance request had not been before the Board, the law office had to select another site for its office.

Will the variance cause substantial detriment to the public good and if granted, will it impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

No. If the requested variance is granted, it will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. The subject units have long histories of non-residential uses in the Kenesaw Apartment building. The applicant is requesting continuation of that privilege, in accordance with the

historical use of the two spaces, which is well documented through a long history of C of O s being issued by the city. In addition, the building is immediately adjacent to a neighborhood commercial district, and the proposed uses would not generate substantial amounts of traffic, noise or any other adverse impacts.

COMMUNITY COMMENTS

Advisory Neighborhood Commission 1E, at its regular scheduled monthly meeting, held on July 10, 2001, voted unanimously to support the variance request.

OP SUMMARY RECOMMENDATIONS

After having reviewed the application submitted by CIH Renaissance Limited Partnership, seeking a use variance to allow professional offices in a building zoned R-5-D, the Office of Planning recommends that the Board approve the application. The Office of Planning finds that the subject application meets all the tests specified in Section 3103.2 and will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.