

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *for*
Ellen McCarthy
Director

DATE: April 7, 2006

SUBJECT: Case No. ZC-06-07: **Final Report** for Emergency Map Amendment to amend the Zoning Map regarding Square 2930, Lots 73 and 74; and Square 2931, Lots 48, 49, 94, 77, 78 and 79, filed by Barry Student, Marsha Nickens, Mary Blake, Linda Dowell, Harold Brooks, Robin Wallace, Janita Cunningham and Anneliese Bruner.

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This application was set down by the Zoning Commission at the February 13, 2006 meeting. Within Square 2931 all of the subject lots were set down in the R-3 Zone District. Within Square 2930 the two lots that are a part of the application were set down in the R-3, and in the R-1-B in the alternative.

RECOMMENDATION

The Office of Planning recommends that the Zoning Commission amend the Zoning Map to change the zoning on:

- Square 2930, Lots 73 and 74 (1204 and 1206 Ingraham Street) from the C-2-A Zone District to the R-1-B Zone District;
- Square 2931, Lots 48, 49 and 94 (1203, 1205, 1207 and 1209 Ingraham Street) from the C-2-A Zone District to R-3 Zone District; and
- Square 2931, Lots 77, 78 and 79 (1202, 1204 and 1206 Jefferson Street) from the C-2-A Zone District to R-3 Zone District.

OP notes that this case should be viewed as a zoning consistency case due to an amendment to the Comprehensive Plan Land Use Chapter that called for the re-designation of these properties from mixed use to moderate density residential (§ 1139.39, 10 DCMR).

BACKGROUND

The subject properties are all located within the C-2-A Zone District. This zone district is located along both sides of Georgia Avenue, from Decatur Street to Madison Street.

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CASE NO. 06-07
ZONING COMMISSION
EXHIBIT NO. 10
District of Columbia
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C-2-A extends back from Georgia Avenue a distance of 74 feet on the south side of Ingraham Street, 97 feet on the north side of Ingraham Street, and 82 feet on the south side of Jefferson Street, incorporating lots oriented to the side streets and developed with row houses. The zone district adjacent to the subject properties to the west is the R-3 between Ingraham Street and Jefferson Street, and the R-1-B between Hamilton Street and Ingraham Street.

The subject properties are not located within a historic district, and none of the properties involved are landmarked.

Prior to the filing of the subject application the redevelopment of 1204, 1207 and 1209 Ingraham Street was proposed to replace the three existing row houses with 15 condominium units. Also included was the conversion of an existing accessory building at the rear of 1207 and 1209 Ingraham Street into residential dwellings units.

The community is concerned about the establishment of C-2-A uses and densities fronting on the side streets of their residential neighborhood, rather than Georgia Avenue. The C-2-A Zone District currently includes many smaller lots that front on Ingraham Street and Jefferson Street. As a result the above mentioned condominium proposal does not involve any lots fronting on Georgia Avenue, where the community would prefer the C-2-A densities to be focused. Therefore, the application requests that the lots facing the side streets be zoned R-3 and only lots with Georgia Avenue frontage remain within the C-2-A Zone District.

AREA DESCRIPTION

The subject properties are masonry row houses constructed in the early 1920's, fronting on either Ingraham Street or Jefferson Street. Some are improved with accessory buildings with direct access from the rear alleys. The properties are all located on the west side of Georgia Avenue, between Georgia and 13th Street.



To the west are residences, primarily row houses, but also single-family detached dwellings. To the east are commercial uses along both sides of Georgia Avenue, beyond which are row houses and apartment buildings. To the south, across the public alley south of and parallel to Ingraham Street, and to the north, across Jefferson Street, are commercial uses. The property at the northwest corner of Georgia and Ingraham, 1201 Ingraham Street (shown at right), is improved with a row house fronting on

Ingraham with two commercial store fronts on the basement level facing Georgia. This property is not included in the application.

ZONING

The petitioners propose the rezoning of the subject properties to the R-3 (row dwellings) residence district from the C-2-A (moderate density community business center) commercial district. The Commission set down the two lots on the south side of Ingraham Street, Square 2930, Lots 73 and 74) in the R-1-B in the alternative. A comparison of bulk regulations of the existing and proposed zone districts is detailed in the table below.

The R-3 Zone District permits the following residential uses as a matter of right: single-family detached dwellings, semi-detached dwellings and row houses. The R-1-B Zone District permits single-family detached dwellings, but not semi-detached dwellings or row houses.

	R-1-B Zone District	R-3 Zone District	C-2-A Zone District
Maximum Building Height	40 feet	40 feet	50 feet
Maximum Number of Stories	3	3	No Limit
Minimum Rear Yard	25 feet	20 feet	15 feet
Minimum Side Yard	8 feet	8 feet for end units*	8 feet for end units*
Maximum Lot Occupancy	60 percent**	60 percent***	60 percent
Maximum FAR	N/A	N/A	2.5

* when not on a corner lot.

** Church or public school. 40 percent required for all other uses.

*** Row dwelling, church or public school. 40 percent required for all other uses.

Existing Zone District:

The C-2-A Zone District is described as a moderate density commercial zone district. The C-2-A Zone District permits the same residential uses as R-3, but also permits apartments and a variety of retail and service commercial uses that are not allowed within the R-3.

“The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core.” (§ 720.2)

“The C-2-A Districts shall be located in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers.” (§ 720.3)

Proposed Zone Districts:

“The R-3 District is designed essentially for row dwellings, but there shall be included in an R-3 District areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings, and groups of three (3) or more row dwellings. To maintain a family-life environment, permitted related uses are the same in R-3 Districts as in R-1 Districts.” (§ 320.1)

“The R-1 District is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.” (§ 200.1)

The area under consideration was the focus of a land use designation change in the 1998 Comprehensive Plan update. Section 1139.39 specifically re-designated these lots from the mixed use (low density commercial/moderate density residential) land use category to the moderate density residential category.

“The area beginning at... ..Madison Street, N.W. to the western edge of the property lines of the structures facing Georgia Avenue, N.W. (Squares 2933, 2932, 2931 and 2930), south on the western edge of the property lines of the structures facing Georgia Avenue, N.W. to the east-west alley in Square 2930, west on the east-west alley in Square 2930... ..is included in the moderate density residential land use category.” (§ 1139.39)



MAP OF MODERATE DENSITY RESIDENTIAL
PER SECTION 1139.39 OF THE COMPREHENSIVE PLAN

COMPREHENSIVE PLAN-

The following objectives from the Land Use Element of the Comprehensive Plan are relevant to the subject application:

“To protect residential neighborhoods from disruptive uses;” (§ 1102.1(e))

“To prevent concentrations of nonresidential uses in residential neighborhoods.” (§ 1102.1(f))

The following vision, objectives, policy and concerns from the Ward 4 Plan of the Comprehensive Plan are relevant to the subject application:

“Because Ward 4 is primarily a stable, residential neighborhood, city officials and ward residents envision few major changes in the overall character of the ward. The vision underscores ensuring that the ward’s many existing qualities are protected and enhanced and that Ward 4 continues to be an attractive and secure place to work and raise a family.” (§ 1500.1)

“Protect, preserve, maintain and rehabilitate the existing owned and rental housing stock;” (§ 1508.1(b))

“Create and expand retail activity focused primarily on designated nodes and on Georgia Avenue, Kennedy Street and the Georgia Avenue/Petworth, Takoma and Fort Totten Metrorail Station areas;” (§ 1505.1(a))

“Residential areas adjoining new and existing commercial development should be protected from potential negative physical impacts of development through the use of landscape buffers; restricted use and intensity between residential land nonresidential areas; and improved traffic circulation and parking management. Neighborhoods of particular concern include those areas along Georgia Avenue and Kennedy Street, and adjacent to Metro stations;” (§ 1506.1(b)(1))

“Preserving, protecting, and stabilizing the ward’s residential neighborhoods;” (§ 1528.11(a))

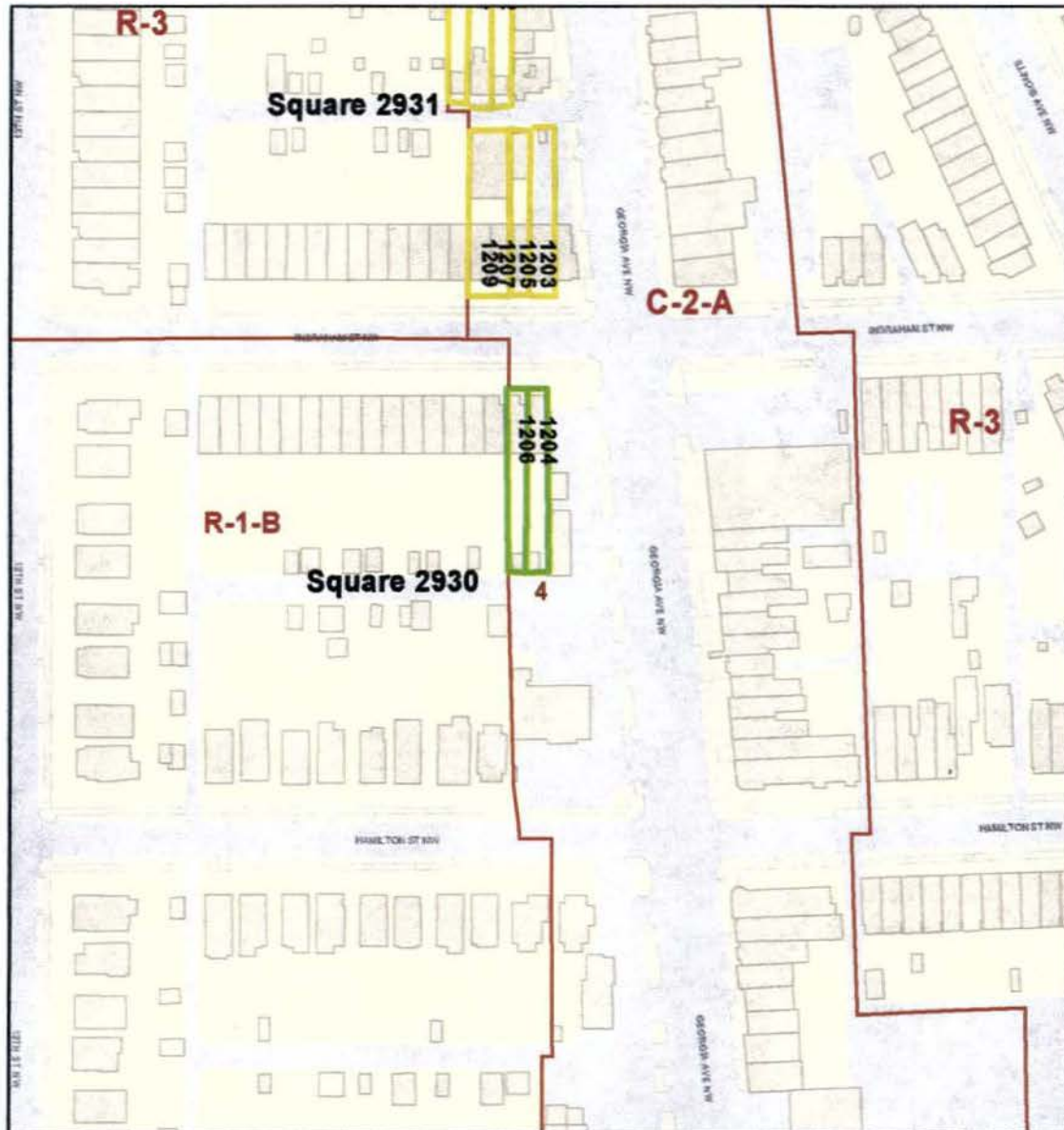
“Controlling the encroachment of commercial and other nonresidential uses into residential areas, a problem particularly disturbing in the residential areas abutting... Georgia Avenue...” (§ 1528.11(b))

“Coordinate land use decisions applicable to Ward 4 with Comprehensive Plan provisions...” (§ 1529.1(j))

GENERALIZED LAND USE MAP: moderate density residential land use category-
“Row houses and garden apartments are the predominant uses; may also include low

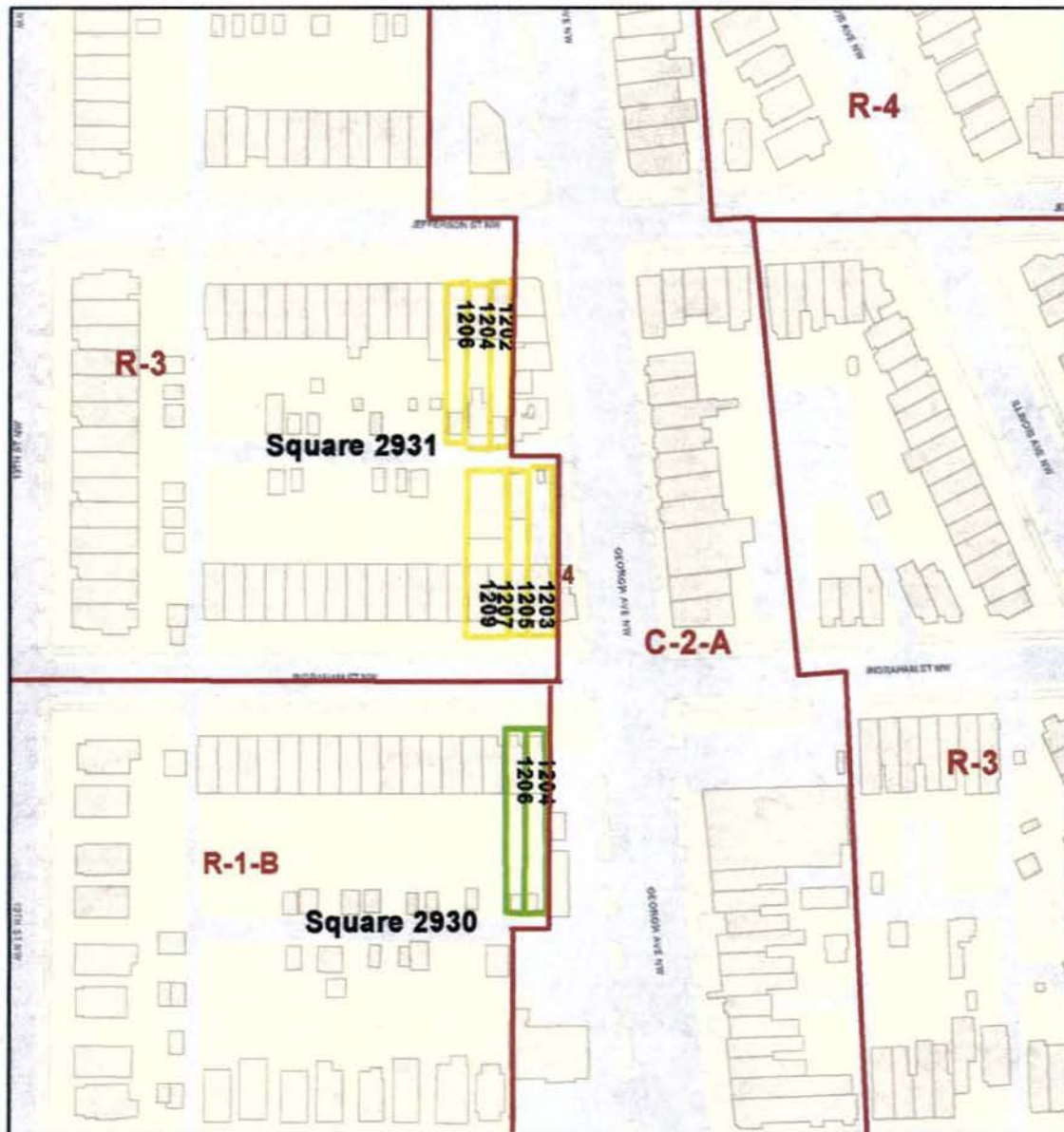
density housing.” The subject properties are identified on the Generalized Land Use Map as being in the “moderate density residential land use category.” Moderate density zone districts are the R-3, R-4, R-5-A and R-5-B.

ADVERTISED ZONING



EXISTING ZONING MAP

Yellow: Proposed for R-3 Zone District
Green: Proposed for R-3 Zone District or R-1-B in the alternative.



PROPOSED ZONING MAP

The Office of Planning has researched the history of the C-2-A Zone District along Georgia Avenue. Specific zoning boundaries are delineated in feet on a 1966 zoning map, and the Office of Planning believes that these zoning boundaries date from 1958.

ANALYSIS

1202, 1204 and 1206 Jefferson Street, N.W. (Square 2931, Lots 79, 78 and 77)

These three residential row houses were constructed in 1922. 1202 Jefferson Street (to the left in the photograph) abuts commercial lots fronting on Georgia Avenue to the east that are located within the C-2-A Zone District. To the west of 1206 Jefferson Street (yellow row house) are residential row houses within the R-3 Zone District.



These three lots are all oriented to Jefferson Street, a residential side street to Georgia Avenue, and are all used residentially. They have no frontage on Georgia Avenue. The rear yards of these lots are improved with either residential garages or residential parking pads, with green space between the row houses and the garages or parking pad. The Office of Planning was unable to find any evidence of certificates of occupancy issued for commercial or apartment uses at these addresses.

Use of these residential properties is oriented to Jefferson Street only. The Comprehensive Plan recommends the moderate density residential land use (§ 1139.39) for these properties, consistent with row houses and the R-3 Zone District, and *“controlling the encroachment of commercial and other nonresidential uses into residential areas”* (§ 1528.11(b)). Maintaining the C-2-A Zone District on these three properties leaves open the possibility that commercial uses could encroach into this otherwise residential area, consistent with the provisions of that zone. Amending the zoning map to place them instead within the R-3 Zone District, similar to the adjoining row houses to the west, will contribute to *“preserving, protecting, and stabilizing the ward’s residential neighborhoods”* (§ 1528.11(a)) and will ensure that only uses compatible with the R-3 are permitted.

1204 and 1206 Ingraham Street, N.W. (Square 2930, Lots 74 and 73)

These two row houses were constructed in 1923. The row house on the left is 1204 Ingraham Street (Lot 74) and is adjacent to a commercial lot with frontage on Georgia Avenue within the C-2-A Zone District. The row house on the right in the photograph is 1206 Ingraham Street (Lot 73). To the west of 1206 Ingraham Street is a block of 15 similar residential row houses within the R-1-B Zone District. Only the first two row houses on the south side of Ingraham Street are located within the C-2-A Zone District.

These two lots are oriented to Ingraham Street only, a side street to the Georgia Avenue commercial corridor. They have no frontage or direct access to Georgia Avenue. A small garage was recently razed in the rear yard of 1204 Ingraham Street, and the rear yard of 1206 Ingraham Street is improved with a residential garage. The area between the row houses and the existing and former garage is green.



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The Office of Planning was unable to find any evidence of certificates of occupancy issued for commercial or apartment uses at 1206 Ingraham Street. A variety of certificates of occupancy have been issued to 1204 Ingraham Street, the row house adjacent to the Georgia Avenue commercial corridor.

Certificates of occupancy were issued for 1204 Ingraham Street in:

- 1959 for retail sales of oil burner and refrigeration controls in the basement;
- 1974 for a reception room with an apartment on the first floor and an apartment on the second floor; and
- 1984 for a reception room in the basement and an office on the second floor.

Despite the various uses, the exterior residential appearance of this row house remains.

The proposed R-3 map amendment as filed, or the R-1-B in the alternative, will restrict the encroachment of commercial uses and densities along the south side of Ingraham Street. Both of these properties are oriented to Ingraham Street and were originally developed with residential row houses. However, their histories differ.

1206 Ingraham Street has remained in residential use as a row house. If the zoning on this property is changed to R-3, its use will be consistent with the provisions of the R-3 Zone District. If it is changed to R-1-B, it will not because row houses are not a use permitted within that zone district, either as a matter of right or by special exception. Although the R-1-B is a low density residential zone district and not moderate density, as recommended by the Comprehensive Plan, amending this lot to the R-1-B will be consistent with the zoning of the remainder of the row houses to the west on the south side of Ingraham Street. 1204 Ingraham Street has been used for a variety of commercial uses and divided into apartments. It ceased to be a single-family residential structure in 1959. However, it continues to be the end building of the residential row housing. OP is concerned that continued commercial zoning will encourage its possible demolition and draw commercial traffic down Ingraham Street. Chapter 20, Nonconforming Uses and Structures, would allow for the continuation of any legally existing uses. A residential zone district will also serve to *“control the encroachment of commercial and other*

nonresidential uses into residential areas" (§ 1528.11(b)). Therefore, OP recommends 1204 and 1206 Ingraham Street be mapped within the R-1-B Zone District.

1203, 1205, 1207 and 1209 Ingraham Street, N.W. (Square 2931, Lots 48, 49 and 94)

These four row houses were constructed in 1923. Located on the north side of Ingraham Street, 1203, 1205, 1207 and 1209 were developed as row houses. These four row houses, which appear in the photograph at the right, are all residential in appearance, and are all located within the C-2-A Zone District. 1201 Ingraham Street, the last row house on the right in the photograph, has frontage on Georgia Avenue and is therefore not included in the map amendment application. To the west and adjacent to 1209 Ingraham Street are residential row houses within the R-3 Zone District.



The history of the use of these row houses differs from those on Jefferson Street and the south side of Ingraham Street. 1207 and 1209 Ingraham Street (Lot 94) were issued certificates of occupancy for apartments on the first floor and second floors in 1979 and 1974, respectively. Several certificates of occupancy were issued for the use of the basement of 1207 Ingraham Street as an office beginning in 1959, including the use of a part of the basement for the storage of battery

additive in 1965. At some point the lots for these two row houses were consolidated into Lot 94.

The rear of 1207 and 1209 Ingraham Street has been improved with a two-story commercial structure, as shown in the photograph above. This garage was constructed in 1967 and has been used as a garage and for storage. It has four garage doors facing the alley and four addition doors facing the rear of the two row houses. It is not residential in appearance, occupies most of the rear yard and detracts from the residential use of the property.

1205 Ingraham Street (Lot 49) is improved as a row house facing Ingraham Street. Two certificates of occupancy have been issued for a one story commercial garage facing the alley, beginning in 1960. The first was for sales and repair of lawnmowers and the second, in 1985, was for auto storage, hobbies and personal antique cars. This garage building also occupies most of the rear yard. No commercial occupancy permits were found by the Office of Planning for the row house, with the exception of a permit for a home office for an electrical contractor's calls from 1949.



1203 Ingraham Street (Lot 48) is improved as a row house facing Ingraham Street. It has no frontage on Georgia Avenue. However, the rear yard has been asphalt paved, with a trailer at the rear for use as a used car lot in combination with the rear yard of 1201 Ingraham Street. The trailer operates as the office for the business. This combined rear yard also uses a Georgia Avenue address, not either of the addresses assigned to the row houses on Ingraham Street. The rear yards of these two lots have been used this way since 1954 and are currently in common ownership.



These three lots are all oriented to Ingraham Street. All are improved with structures that were built as row houses. Some have been used for commercial purposes or divided into apartments, similar to the row house at 1204 Ingraham Street across the street, and have had their rear yards compromised through either the addition of commercial structures up to two-stories in height, or paved for use as a business.

It was the intent of Section 1139.39 to restrict encroachment and further development of commercial uses on these lots and into the residential neighborhood. OP has met with some of the property owners who have expressed great resistance to being rezoned from commercial. OP, however, points out that any lawfully existing commercial uses could be maintained as nonconforming uses and could be changed to other commercial uses subject to special exception review by the BZA pursuant to Chapter 20 of the Zoning Regulations.

COMMUNITY COMMENTS

ANC 4C informed the Office of Planning that they intend to vote on this application at their regularly scheduled meeting on April 11, 2006.

Chairman Linda W. Cropp submitted a letter dated February 6, 2006 in support of the application.

Councilmember Adrian Fenty submitted a letter dated February 6, 2006 in support of the application.

RECOMMENDATION

Based on the above discussions regarding the historical use patterns of the subject properties, the Office of Planning recommends that the Zoning Commission amend the Zoning Map to change the zoning on:

- Square 2930, Lots 73 and 74 (1204 and 1206 Ingraham Street) from the C-2-A Zone District to the R-1-B Zone District;
- Square 2931, Lots 48, 49 and 94 (1203, 1205, 1207 and 1209 Ingraham Street) from the C-2-A Zone District to R-3 Zone District; and
- Square 2931, Lots 77, 78 and 79 (1202, 1204 and 1206 Jefferson Street) from the C-2-A Zone District to R-3 Zone District.

The proposed amendments are supported by the Comprehensive Plan.