

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 685
Case No. 90-16
(Langdon Overlay District - Text Amendment)
March 11, 1991

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on November 29, 1990. At that hearing session, the Zoning Commission considered proposed amendments to the District of Columbia Municipal Regulations, Title 11, Zoning, and the Zoning Map of the District of Columbia. The public hearing was conducted in accordance with the provisions of 11 DCMR 3021.

By letter dated June 13, 1990, various residents in the area of 24th, Channing and Douglas Streets, N.E. petitioned the Zoning Commission to rezone various properties from industrial zone to a non-commercial zone. The petitioners wrote of having learned about the anticipated sale of a property to a trash company that wanted to use the property to park trash trucks.

The petitioners expressed the following concerns:

"Needless to say, the use of this lot for the parking of trash trucks will create problems that we find totally unacceptable, i.e., an influx of rodents and roaches; an ungodly odor; an environmental eyesore; an increase in noise; an increase in the level of carbon monoxide; an increase in the amount of both vehicular as well as human traffic; a further deterioration of our streets due to the increase in vehicular traffic; and an increase in the danger to our children and grandchildren of being injured while playing. Inherent with the above conditions is a decline in our property values.

If you visit our community, you will see that we already have to contend with the railroad tracks running through our back yards; the building located at 2414 Douglas Street which is home to a number of businesses; the Thrifty Paper Box Company, located in the 2500 block of 24th Street; trash that has been dumped by individuals, private trash companies, or in a more recent incident the District trucks (evidence was collected which tied the trash to a District-serviced residence), also located in the 2500 block of 24th Street; Sauls Lithographic, located in the 2400 block of Evarts Street; a staging lot for construction equipment and other construction paraphernalia, also located in the 2400 block of Evarts Streets; a vacant lot at the corner of 24th and Evarts

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Streets which is sorely in need of cutting; a burned out house at the corner of 24th & Franklin Street; and a number of other types of businesses located in the contiguous area."

The District of Columbia Office of Planning (OP), by memorandum dated August 2, 1990 reviewed and commented on the petition. OP indicated that the petition represents the first phase of OP's response to the critical issue of residential-industrial land use conflicts in District neighborhoods where low- to moderate-density residential zones adjoin industrial zones. The second phase would be a text amendment which would replace the specific overlay and provide an appropriate solution to the confluence of industrial and residential zones throughout the city.

OP recommended that the Commission create a new overlay zone district to be called the "Langdon Overlay District" (LOD) that will apply specified additional use restrictions and requirements to those otherwise applicable to the underlying C-M-1 zone district. This action will serve to prevent the location of incompatible commercial-industrial uses such as a towing setorage/salvage yard on a site (Square 4282) that borders a stable low-density residential neighborhood.

OP indicated that the proposal was intended to help establish development policies which will allow for further implementation of the Comprehensive Plan for the National Capital, discontinue the establishment of certain industrial uses that are incompatible with the adjacent Langdon residential neighborhood, and provide buffering for the remaining permitted industrial uses.

The R-1-B District permits matter-of-right development of single-family residential for detached dwellings with a minimum lot area of 5,000 square feet, a minimum average lot width of 50 feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet.

The C-M-1 District permits development of low bulk commercial and light manufacturing uses to a maximum floor area ratio (FAR) of 3.0, and a maximum height of three stories/forty feet, with new residential uses prohibited.

The Generalized Land Use Map of the Land Use Element of the Comprehensive Plan for the National Capital identifies the subject area in the low and moderate density residential land use, and the production and technical employment land use categories.

On August 6, 1990, at its regular monthly meeting, the Zoning Commission authorized a public hearing on the OP Langdon Overlay District proposal.

The notice of public hearing, which was published in the District of Columbia Register on October 19, 1990, includes the following OP proposal:

CHAPTER XXXX: LANGDON OVERLAY DISTRICT

XX00 GENERAL PROVISIONS

XX00.1 The Langdon Overlay District (LOD) is applied to the C-M-1 zoned properties of Squares 4103, 4106, 4107(3), 4108, 4255, 4256, 4265, 4282, 4284, and 4347 (west of the B&O Railroad right-of-way) in the general vicinity of 24th and Douglas Streets, N.E.

XX00.2 The proposes of the Langdon Overlay District are to:

- (a) Implement the Comprehensive Plan by protecting residences and residents from the adverse environmental, safety, and aesthetic impacts of abutting industrially zoned properties and uses; and
- (b) Encourage retention of existing commercial and light manufacturing uses and allow new businesses under special controls designed to protect the quality of life and neighborhood character of the adjacent residential neighborhood.

XX00.3 The Langdon Overlay District and the underlying commercial/light industrial zone district shall together constitute the zoning regulations for the geographic area identified in Subsection XX00.1. Where there are conflicts between this chapter and the underlying zoning, the provisions of the overlay shall govern.

XX01 USE PROVISIONS

XX01.1 The following uses are prohibited in the Langdon Overlay District on any lot that is located in whole or in part within one hundred feet (100') of a residential zone district:

- (a) any use prohibited by Section 602 of the CR District of this title;
- (b) outdoor materials storage or outdoor processing, fabricating, or repair, as a principal or as an accessory use; and
- (c) incenerator.

XX02 YARD AND SCREENING PROCEDURES

XX02.1 The following yard and screening standards shall apply to development of a lot in the C-M-1 District that coincides with the lot line of a property in a residential zone district or that is separated only by a street or alley from a property in a residential district:

- (a) A yard of twenty-five feet (25') shall be provided on the portion of the lot adjacent to the residential zone, which shall be landscaped with evergreen trees to form a thick green, and not be occupied by parking, loading, or accessory uses;
- (b) Where there is an alley between the residential and industrially-zoned properties, the mid-point of the alley may be used as the measuring point for the required yard; provided, that an opaque structural screen not less than eight feet (8') in height is erected along such lot line and that the required yard is restricted as to use and landscaped as referred to in paragraph (a); and
- (b) Where there is a street between residential and industrially-zoned properties, the minimum yard shall be fifteen feet (15') measured from the lot line; provided, that the yard is landscaped and not occupied by an parking, loading, or accessory uses and that an opaque structural screen not less than eight feet (8') in height is erected along the edge of the required yard, fifteen feet (15') in from the property line.

The OP proposes to amend the Zoning Map as follows:

Change from C-M-1 to R-1-B lots 28, 803, and 829 in Square 4255.

OP by memorandum dated November 19, 1990, and by testimony and a slide presentation presented at the public hearing, revealed that the land use conflict issues highlighted by the Langdon community's expression regarding Square 4282 were sufficiently broad to warrant a comprehensive analysis of the problem and its possible solution(s).

OP indicated that the proposal was intended to held establish development policies which will allow for further implementation of the Comprehensive Plan for the National Capital, discontinue the establishment of certain industrial uses that are incompatible with the adjacent Langdon residential neighborhood, and provide

bufferring for the remaining permitted industrial uses.

OP concluded the following:

- a) The C-M-1 zone district is a relatively narrow area along the railroad tracks extending the length of the residential bneighborhood between Montana Avenue and Franklin Street, N.E.;
- b) The boundary between the C-M-1 district and the low- to moderate-density housing adjacent to it is marked by poorly maintained streets, abandoned vehicles, and illegally dumped trash; and
- c) The Comprehensive Plan calls for low-density residential uses in the area currently occupied by the functioning C-M-1 District, thus presenting an example of inconsistency between existing uses and Comprehensive Plan policies.

ANC-5B, by letter dated August 6, 1990, supported the proposed text and map amendment and opposed the issuance of a permit to any company for towing purposes to operate at 24th and Douglas Streets, N.E., until a zoning decision had been made on the merits of the case.

The Commission heard testimony from City Councilmember Harry Thomas, Councilmember Ward 5, in support of the proposal.

The Commission received a letter dated June 27, 1990, from Councilmember at-large John Ray, which urged the Commission to grant the residents' request for a map amendment.

The Commission also heard testimony and received letters from the Douglas Street Associates, the Douglas Street Block Club, and property owners in support of the proposal.

The Commission heard testimony in opposition to the proposal from the 2414 Douglas Street Associates, which requested the Zoning Commission to have their property in Squares 4282 and 4284 excluded from the overlay, while also eliminating those provisions that prohibited outdoor uses.

Before the conclusion of the public hearing, the Zoning Commission requested counsel representing the 2414 Douglas Street Associates to provide alternative language that they would prefer the Zoning Commission to consider.

The Zoning Commission also requested OP to supplement the record with alternative language that would provide further details on

landscaping and screening standards, as well as an "Exception Section."

Counsel for the 2414 Douglas Street Associates submitted a letter dated December 7, 1990, which contained modifications to the proposed Langdon Overlay District.

Residents affected by this proposal responded, by letter dated December 21, 1990, to the above-mentioned letter and determined that it was unacceptable and did not meet the goals of preserving the community and protecting it from adverse uses.

The Office of Planning, by memorandum dated December 14, 1990, submitted a letter for the record which responded to the Commission's request by providing alternative text amendment language.

The Zoning Commission concurs with the position of the OP, as revised, in its memorandum dated December 14, 1990, as well as the objectives of ANC-5B.

The Zoning Commission believes that the proposed amendments to the Zoning Map of the District of Columbia are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan for the National Capital.

The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), pursuant to the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated March 7, 1991, indicated that the proposed action of the Zoning Commission to approve the case would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

The Commission accorded Advisory Neighborhood Commission - 5B the "great weight" consideration to which it is entitled.

A notice of proposed rulemaking was published in the District of Columbia Register on February 1, 1991 (38 DCR 913). No comments were received as a result of the publication of the notice of proposed rulemaking.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the following amendments to the Zoning Regulations and the Zoning Map of the District of Columbia to prohibit uses in the C-M-1 zone within 100 feet of residential zone boundaries and to require buffering standards for future uses in the C-M zone adjacent to residential zoning:

1. Amend the text of 11 DCMR as follows:

806 LANGDON OVERLAY DISTRICT

806.1 The Langdon Overlay (LO) District is applied to the C-M-1 zoned properties of Squares 4103, 4106, 4107(3), 4108, 4255, 4256, 4265, 4282, 4284, and 4347 (west of the B&O Railroad right-of-way) in the general vicinity of 24th and Douglas Streets, N.E.

806.2 The purposes of the LO District are to:

(a) Implement the Comprehensive Plan by protecting residences and residents from the adverse environmental, safety and aesthetic impacts of abutting industrially zoned properties and uses; and,

(b) Encourage retention of existing commercial and light manufacturing uses and allow new businesses under special controls designed to protect the quality of life and neighborhood character of the adjacent residential neighborhood.

806.3 The LO District and the underlying commercial/light industrial zone district shall together constitute the zoning regulations for the geographic area identified in sub-section 806.1. Where there is a conflict between this section and the underlying zoning, the provisions of this section shall govern.

806.4 The following uses are prohibited in the LO District on any lot that is located in whole or in part within one hundred feet (100') of a residential zone district:

(a) any use prohibited by Section 602 of the CR District of this title;

(b) outdoor materials storage or outdoor processing, fabricating, or repair, whether as a principal as an accessory use; and

(c) incinerator.

806.5 The following yard and screening standards shall apply to development of a lot in the LO District that coincides with the lot line of a property in a residential zone district or that is separated only by a street or alley from a property in a residential district:

(a) A yard of twenty-five feet (25') shall be provided on the portion of the lot adjacent to the residential zone, provided that:

- (1) Where there is a street or an alley between the residential and industrially zoned lots, the required yard shall be fifteen feet (15') measured from the lot line; and
- (2) The yard shall not be used for parking, loading, or accessory uses.

(b) A fence or wall shall be erected as a buffer between residential and industrially zoned lots, as follows:

- (1) Where the residential and industrial lots abut each other, or where there is a street separating the residential and industrially zoned lots, the fence or wall shall be erected along the required 15-foot setback line, or a building wall may be located at the setback line in lieu of the fence or wall;
- (2) Where an alley serves as the residential-industrial zone boundary, the fence or wall shall be erected along the lot line adjacent to the alley; and
- (3) The fence or wall shall be no less than eight feet (8') and no more than ten feet (10') in height, and shall be either a solid, wood, board-on-board fence or a brick or stone wall.

(c) Where a yard is required by Paragraph (a) of this section, it shall be landscaped with evergreen trees, provided that:

- (1) The landscaping shall be maintained in a healthy, growing condition;
- (2) The trees shall be a minimum of six (6') to eight feet (8') in height when planted; and
- (3) Planting locations and soil preparation techniques shall be shown on a landscape

plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Resources Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.

806.6 The Board of Zoning Adjustment, after public hearing, may waive or vary the requirements of this chapter relating to building setback, landscaping, fencing, and parking, as a special exception, provided that the proposed variations in standards are generally consistent with the chapter.

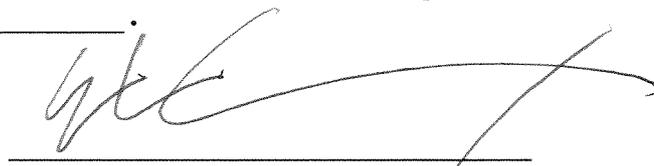
2. Amend the D.C. Zoning Map as follows:

- a. Change from C-M-1 to LO/C-M-1:
The C-M-1 zoned properties of Squares 4103, 4106, 4107(3), 4108, 4255, 4256, 4282, 4284, and 4347 (west of the B&O Railroad right-of-way) in the general vicinity of 24th and Douglas Streets, N.E.
- b. Change from C-M-1 to R-1-B lots 28, 803, and 829 in Square 4255.

Vote of the Zoning Commission taken at the public meeting on January 14, 1991: 3-0 (William L. Ensign, John G. Parsons, and Tersh Boasberg, to approve - Lloyd D. Smith and Maybelle Taylor Bennett, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at its regular public meeting on March 11, 1991 by a vote of 3-0 (John G. Parsons, William L. Ensign and Tersh Boasberg, to adopt - Lloyd D. Smith and Maybelle Taylor Bennett not voting, not having participated in the case). In accordance with provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on APR - 5 1991.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat