

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2022-CZN-847 / 2022-CVR-847 (Amended)  
**Address:** 2619, 2625 and 2627 West Washington Street (*Approximate Address*)  
**Location:** Wayne Township, Council District #16  
**Petitioner:** Purewal Holdings, Inc., by David Kingen and Emily Duncan  
**Requests:** Rezoning of 0.39 acre from the C-4 (TOD) district to the MU-2 (TOD) district to provide for mixed-use development.

#### Variance of Development Standards to provide for:

1. A parking lot to be accessed from Holmes Avenue (access from adjacent alley required),
2. A front building line of 42.4% along Holmes Avenue (minimum 60% building frontage required),
3. A parking lot totaling 43.9% of the lot width along Holmes Avenue (maximum 40% of lot width permitted).

### **ADDENDUM FOR JUNE 7, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The Metropolitan Development Commission continued these petitions from the May 3, 2023 hearing, to the June 7, 2023 hearing, at the request of the petitioner's representative.

Subsequently, the petitioner's representative submitted an amended C-S Statement (Attachment "C") that eliminates the liquor store. The other three variance requests remain as initially submitted. Consequently, staff continues to **recommend denial** of the rezoning request and the variance of development standards requests for the previously stated reasons.

The petitioner's representative has requested **a continuance from the June 7, 2023 hearing, to the July 5, 2023 hearing.**

### **ADDENDUM FOR MAY 3, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

These petitions were heard by the Hearing Examiner on April 13, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning and the variance requests. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

### **April 13, 2023**

The Hearing Examiner continued these petitions from the December 15, 2022 hearing, to the February 9, 2023, at the request of staff and the petitioner's representative.

(Continued)

## **STAFF REPORT 2022-CZN-847 / 2022-CVR-847 (Continued)**

The Hearing Examiner continued these petitions from the from the February 9, 2023 hearing, to the April 13, 2023, at the request of the petitioner's representative.

### **RECOMMENDATIONS**

Staff **recommends denial** of the requests. If the requests would be approved, staff would recommend that such approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
2. A high intensity activated crosswalk (aka a HAWK crossing), including marked crosswalks and pedestrian countdown signals, shall be installed and operating prior the issuance of an Improvement Location Permit (ILP).

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.39-acre site, zoned C-4, is comprised for three parcels, two of which are undeveloped and the third is developed with a mixed-use building. It is surrounded by single-family dwellings to the north, across West Washington Street, zoned C-4; single-family dwellings to the south, zoned D-5; commercial uses to the east, zoned C-4; and commercial uses to the west, across Holmes Street, zoned C-4.

#### **REZONING**

- ◇ This request would rezone the site from C-4 (TOD) District to the MU-2 (TOD) classification to provide for mixed-use development. "The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.

(Continued)

## **STAFF REPORT 2022-CZN-847 / 2022-CVR-847 (Continued)**

- ◇ The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

### *Conditions for All Land Use Types*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

### *Conditions for All Housing*

- Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

*Small-Scale Multi-Family Housing (defined as Single or multiple buildings each with five or more legally-complete dwelling units in a development of less than two acres and at a height of less than 40 feet.).*

- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

(Continued)

## **STAFF REPORT 2022-CZN-847 / 2022-CVR-847 (Continued)**

*Small-Scale Offices, Retailing and Personal or Professional Services (defined as Commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)*

- Mixed-Use structures are preferred.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Should not include outdoor display of merchandise.

### **Overlays**

- ◇ This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located within a ¼ mile walk (approximately 652 feet) of a proposed transit stop located at the intersection of West Washington Street and Belleview Place, with a Walkable Neighborhood typology.
- ◇ Walkable neighborhood stations are primarily residential but may have a commercial node of one to two city blocks, with a mix of uses at station with stabilized residential beyond; off-street parking is discouraged and should be limited to garages.
- ◇ Characteristics of the District Center typology are:
  - Mix of uses at station area and primarily residential beyond
  - Maximum of three stores throughout
  - No front or side setbacks at core; 0-15 feet front setbacks and 0-20 feet side setbacks at periphery
  - Mix of multi-family and single-family housing
  - Structured parking at the core and attractive surface parking at the periphery

### **Environmental Public Nuisances**

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

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## **STAFF REPORT 2022-CZN-847 / 2022-CVR-847 (Continued)**

### ◇ Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Code on private or governmental property, which facility has not been maintained as required by that chapter; or
3. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

### **Site Plan**

- ◇ The updated site plan, file-dated November 18, 2022, depicts a 5,245-square foot building with 15 off-street parking spaces and a trash enclosure at the southeast corner.
- ◇ Access to the site would be from Holmes Avenue. Landscaped areas are proposed along the eastern and western boundaries and along the east / west alley to the south.
- ◇ Elevations, file-dated November 18, 2022, indicate a two-story structure, with a primary entrance along West Washington Street. Secondary entrances are located along Holmes Avenue and adjacent to the parking to the rear.

### **Planning Analysis**

- ◇ As proposed, this request would provide for a two-story mixed-use building, with 5,245 square feet of retail space, occupied by a liquor store, on the first floor and four dwellings on the second floor.
- ◇ The proposed use would be consistent with the Comprehensive Plan of village mixed-use but it would not be supportive of the walkable neighborhood typology of the transit oriented development that recommends primarily residential with mixed uses at transit stations and residential uses beyond the station. Additionally, off-street parking is discouraged and limited to garages.

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## **STAFF REPORT 2022-CZN-847 / 2022-CVR-847 (Continued)**

- ◇ Residential uses at this site could be supportable but the liquor store, without the appropriate separation and buffer would not be acceptable and would be incompatible with adjacent sensitive uses, such as single-family dwellings.
- ◇ Furthermore, encroachment of a parking lot for commercial uses into neighborhood would further exacerbate the impact of the liquor store.
- ◇ Staff understands that liquor stores and convenience stores typically generate pedestrian activity from surrounding neighborhoods. Staff is very concerned because the high volume of traffic along West Washington Street, a primary arterial, and the location of this proposed development between traffic signals, would compromise the safety of the customers from the surrounding neighborhood. Staff, therefore, is requesting that, if approved, a high intensity activated crosswalk (also known as a HAWK crossing) be installed prior to the issuance of an Improvement Location Permit (ILP).
- ◇ A HAWK crossing is non-illuminated until it is activated by a pedestrian that triggers multiple driver cues that emphasizes the potential of the presence of a pedestrian. These upscale devices have proven to be much more effective than the typical crosswalk and should be installed with marked crosswalks and pedestrian countdown signals.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for a liquor store located 87 feet from a protected district when the Ordinance requires a minimum of 100 feet. As previously noted, this provision provides an appropriate buffer that mitigates the negative impact of an intense commercial use upon adjacent residential uses, which are much less of an intense use.
- ◇ Furthermore, the location of the parking lot pushes activities associated with a liquor store within a few feet of residential uses to the south (approximately 15 feet).
- ◇ The request would allow a parking lot to be accessed from Holmes Avenue. The Ordinance requires adjacent alley access when available. A 15-foot wide east / west alley (Alley 25 S) abuts the southern property line and could be used to access the site.
- ◇ One of the purposes of alley access is to minimize pedestrian / vehicular conflicts that could possibly occur along city streets. As a walkable neighborhood within the TOD overlay, relocating access to the site from the alley would avoid potential conflicts between vehicles and pedestrians along Holmes Avenue.
- ◇ The Ordinance requires a minimum of 60% front building line along Holmes Avenue. If granted this variance would allow for a reduced front building line of 42.4%. No documentation has been submitted substantiating a practical difficulty with meeting with the Ordinance. Staff believes this is further evidence that the site cannot accommodate the proposed development without resulting negative impacts on the surrounding land uses, particularly the residential uses.

(Continued)

## **STAFF REPORT 2022-CZN-847 / 2022-CVR-847 (Continued)**

- ◇ This request would allow for a parking lot totaling 43.9% of the lot width along Holmes Avenue that exceeds the required 40% of the lot width. Admittedly, the 3.9% difference would have minimal impact on surrounding land uses, but the combination of the need for four variances for this development project is a clear indication that this site is not appropriate for the proposed development and would have a negative and detrimental impact on existing land uses and minimal support of transit-oriented development in this area of Washington Street.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

C-4

Undeveloped / mixed-use

#### **SURROUNDING ZONING AND LAND USE**

North - C-4

Single-family dwellings

South - D-5

Single-family dwellings

East - I-4

Undeveloped land

West - C-1

Single-family dwelling

#### **COMPREHENSIVE LAND USE PLAN**

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology.

The Blue Line Transit Oriented Development Strategic Plan, (2018)

#### **THOROUGHFARE PLAN**

This portion of West Washington Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 80-foot right-of-way and a proposed 88-foot right-of-way.

This portion of Holmes Avenue is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

#### **CONTEXT AREA**

This site is located within the compact context area.

#### **OVERLAY**

This site is located within a Transit Oriented Development overlay (Blue Line).

#### **SITE PLAN (AMENDED)**

File-dated November 18, 2022

#### **C-S STATEMENT**

File-dated November 18, 2022

#### **C-S STATEMENT (AMENDED)**

File-dated May 2, 2023

(Continued)

## **STAFF REPORT 2022-CZN-847 / 2022-CVR-847 (Continued)**

ELEVATIONS File-dated November 18, 2022.

FINDINGS OF FACT File-dated July 27, 2023

FINDINGS OF FACT (AMENDED) File-dated May 2, 2023

### **ZONING HISTORY**

**2021-ZON-084; 2619 West Washington Street (north of site)**, requested rezoning of 0.16 acre from the C-4 district to the D-5 district, **approved**.

**2009-UV2-005; 2705 West Washington Street, (west of site)**, requested a variance of developments standards of the Commercial Zoning Ordinance to provide for a nightclub with alcohol sales within 13.4 feet of a protected district, with a minimum of 30 off-street parking space; and a variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot for a commercial use, **granted**.

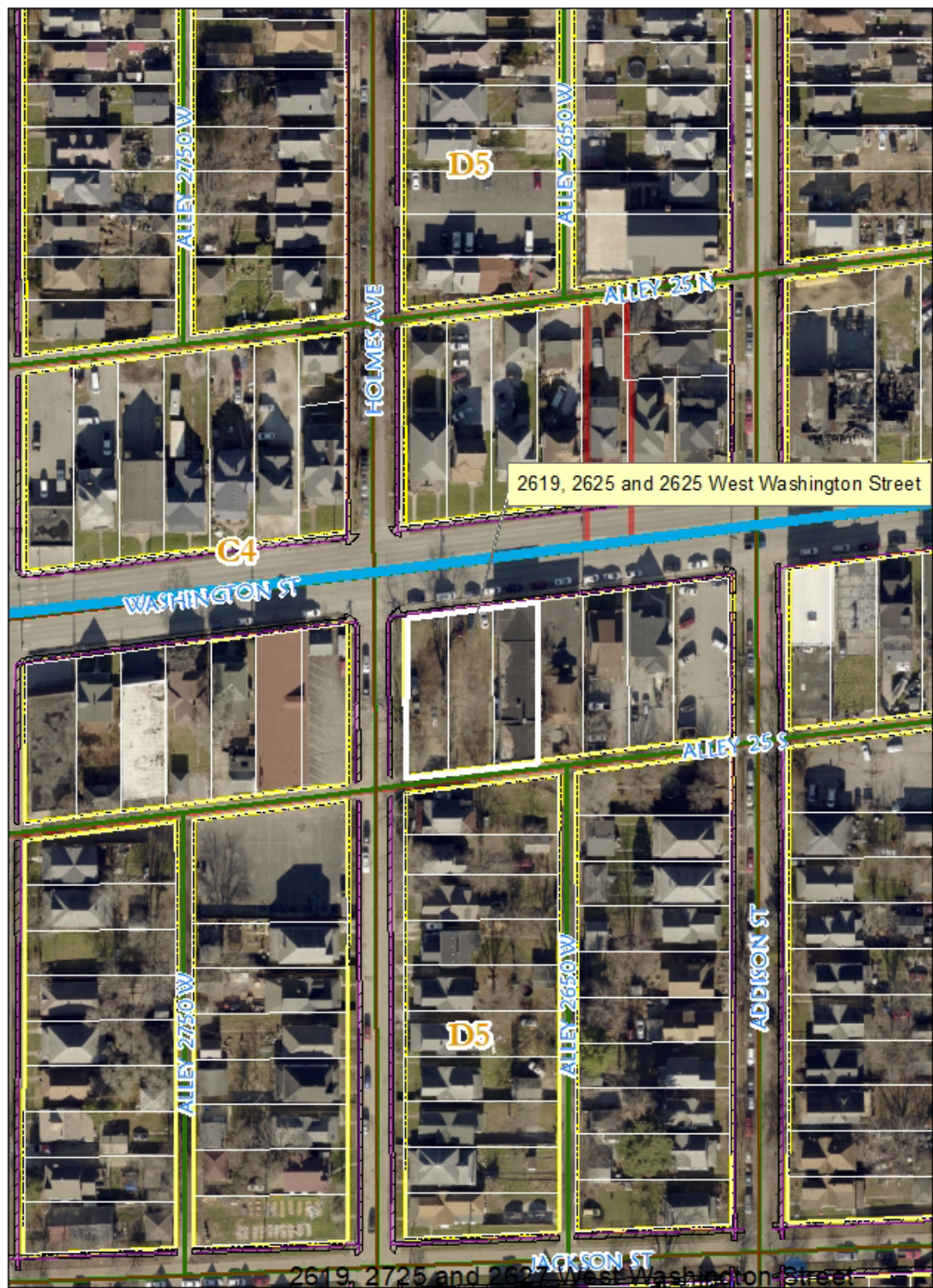
**95-UV3-8; 2610 West Washington Street (north of site)**, requested a variance of use of the Commercial Zoning Ordinance to provide for a two-story addition to a single-family dwelling, **granted**.

**95-UV3-38; 2614 West Washington Street (north of site)**, requested a variance of use of the Commercial Zoning Ordinance to legally establish an above-ground pool associated with a single-family dwelling, **granted**.

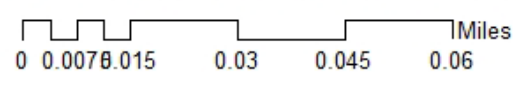
**89-UV3-7; 2602 West Washington Street (east of site)**, requested a variance of use of the Commercial Zoning Ordinance to provide for remodeling of an existing structure to an apartment hotel with two on-site parking spaces and 13 off-site parking spaces, **granted**.

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2619 2625 and 2627 West Washington Street



# MEMORANDUM OF EXAMINER'S DECISION

**2022-CZN/CVR-847**

**2619-2627 W. Washington Street**

The petitions request the rezoning of 0.39 acre from the C-4 (TOD) district to the MU-2 (TOD) district to provide for mixed-use development, with a liquor store with deficient distance from a protected district, a parking lot that does not gain access from an alley and that exceeds the total width permitted, and with deficient building frontage.

Your Hearing Examiner visited the site prior to the hearing and noted the vacant multi-family building on it. While some commercial development is in the area, the predominant land use is residential.

The petitioner's representative described the plan to build a two story building with a liquor store on the main floor and residential units on the second floor. A petition of support with about 27 signatures was submitted, although the petition lacked details about the companion petitions. The architect talked about design, building materials, and landscaping, and the petitioner said that jobs would be created and tax revenue would be generated.

Two remonstrators appeared at the hearing, representing local neighborhood organizations, and seven letters of remonstrance were presented. The primary concern was that the proposed development would not contribute to the Quality of Life and Great Places Plan.

Staff opined that the requested MU-2 district is consistent with the Comp Plan recommendation of Village Mixed Use, but it is inconsistent with the TOD overlay. Uses within the TOD overlay should be walkable and, primarily, residential. The requested variances would endanger pedestrians, particularly by not having alley access.

In your Hearing Examiner's opinion, the proposed development neither promotes walkability nor contributes to quality of life in this neighborhood. Denial of these petitions was recommended.

For Metropolitan Development Commission Hearing on May 3, 2023



Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The separation of the facility from the protected district to the south will be buffered and screened so as not have any effect on the residential dwellings to the south. The second story residential will bring more mixed uses properties to this segment of the "blue line" of the rapid fast transit. The new construction in the clear sight triangle and the zero-foot setback from the two intersecting street is typical of commercial building and the historic fabric of this portion of the Old National Road/ West Washington Street Corridor at least from Belmont Avenue west to Warman Avenue shall not be injurious to the public health, safety and general welfare of the community as the existing facility will be removed and the property will be significantly upgraded. The reduction in parking shall be offset by the installation of bike racks and the presence of the blue line of the rapid bus transit which shall serve this area and will contribute to the commercial vitality of this corridor.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

With the new two-story mixed-use building and grounds with landscaping and buffering, both the commercial and abutting residential area to the south will be affected in a positive manner. The reduction in parking, and the new mixed-use development with a zero-foot setback and with the extension of the building into the clear sight triangle, will contribute to the commercial vitality of this area and will increase the value of the commercial corridor.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The vacant land could not bring infill commercial redevelopment to this site without the variances requested related to setback, parking, and construction in the clear sight triangle.

**DECISION**

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Metropolitan Development  
Jul 27 2022  
Division of Planning

# Amended Findings of Fact

Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA  
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS  
FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The second story residential will bring more mixed uses properties to this segment of the "blue line" of the rapid fast transit. The access to the parking lot from Holmes is typical for corner lots in this portion of West Washington Street and further it will provide more safety and security to the neighbor to the south who will not have customers using the east west alley close to her home. The variances for the front building line along Holmes and the width of the parking lot along Holmes is typical of commercial building and the historic fabric of this portion of the Old National Road/ West Washington Street Corridor at least from Belmont Avenue west to Warman Avenue and shall not be injurious to the public health, safety and general welfare of the community as the existing facility will be removed and the property will be significantly upgraded. The request on the reduction of the percentage of the front building line along Homes Street and the slightly excessive length of the parking lot along Holmes Street in contrast to the north south width of the building are dictated by the small lot size, the need to make the structure have a functioning interior and the desire to preserve as much parking as needed.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

With the new two-story mixed-use building and grounds with landscaping and buffering, both the commercial and abutting residential area to the south will be affected in a positive manner. The need to have the parking lot accessed from the street rather than the alley is dictated with the desire to provide the greatest separation and preservation of the protected district to the south. The reductions in front building line along Holmes Street and the slight increase in the width of the parking lot as compared to the front building line along Holmes Street was dictated by the functionality of the interior of the building, the small land area to utilize and the desire to provide sufficient off-street parking spaces.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The vacant land could not bring infill commercial redevelopment to this site without the variances requested related to the access to the site, and the width of the parking lot north to south in relationship to the front building line, and the length of the building line along Holmes.

## DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Amended Request

[ATTACHMENT "C"]:

Petitioner seeks Variance of Development Standards to allow for: the following Variances:

1. Allow for a surface parking lot to be accessed from a public street, Holmes Avenue (Accessed is required from an improved alley when an improved alley is abutting a site on a corner lot.)
2. Allow for a reduction on the front building line along Holmes Street to be 42.3% (60% required along a connector street.)
3. A parking lot totaling 43.9% of the lot width along Holmes Avenue (Maximum 40% of lot width permitted).

5/2/22

#### ATTACHMENT "C"

Petitioner envisions mixed use project with limited neighborhood commercial use on the ground floor with 2<sup>nd</sup> story dwelling units to recreate some of the historic character of this segment of the old National Road. The development will fill a void of taking vacant and providing infill commercial development consistent with the historic character of the area. The proposed infill neighborhood serving commercial development will provide neighborhood employment opportunities for the residents of the nearby Stringtown, Hawthorne, We Care neighborhoods while allow transportation opportunities for persons seeking to travel east to the regional Center and to the west to places in Wayne Township to the Airport via the purple line.

7/21/22

Metropolitan Development
Jul 27 2022
Division of Planning

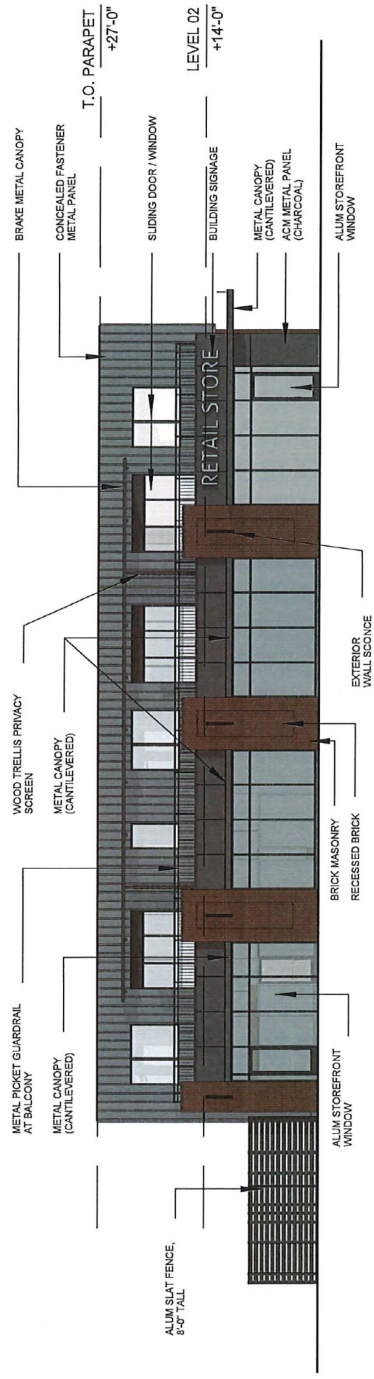
ATTACHMENT "C":

Petitioner seeks Variance of Development Standards to allow for: the following  
Variances:

1. To allow for the separation of a liquor store to be 87' from the protected district to the south (One-hundred-foot separation of a liquor store from a protected district required to be one hundred feet)
2. To allow for a surface parking lot to be accessed from a public street,, when an improved alley is abutting a site on a corner lot.
3. To allow for the surface parking lot along Holmes Avenue to have a non-building width of 43.9 % (maximum 40% permitted)
4. To allow a surface parking lot off Holmes Street frontage that is 63 linear feet from the alley north to the southwest corner of the building (56 linear feet of surface parking lot permitted measured from the alley to the southwest corner of the building)

10/26/22





**1** NORTH EXTERIOR ELEVATION (WASHINGTON ST)

1" = 20'-0"



**2** WEST EXTERIOR ELEVATION (HOLMES AVE)

1" = 20'-0"

WEST WASHINGTON STREET DEVELOPMENT  
EXTERIOR ELEVATIONS

A1.2



View looking east along West Washington Street



View looking west along West Washington Street





View looking south along Holmes Avenue



View of site looking south





View of site looking east across Holmes Avenue



View of site looking east along east / west alley that abuts the southern boundary of site





View of site looking north



View of site looking north





View from site looking west at intersection of West Washington Street and Holmes Avenue



View from site looking north across West Washington Street





View from site looking southwest across Holmes Avenue



View from site looking northwest across West Washington Street