

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Travis Parker, Zoning Review Project Manager 

DATE: January 5, 2009

SUBJECT: 08-06-6 Industrial – Supplemental Report

I. BACKGROUND

On November 20, 2008, the Zoning Commission (the “Commission”) held a public hearing to consider recommendations for changes to the zoning regulations concerning industrial districts. These recommendations, which are found in the Office of Planning (OP) report dated November 7, 2008, are proposed as part of the District’s comprehensive zoning review process. During the hearing, the Commission identified certain issues for OP to analyze further. The following memorandum presents OP responses to five issues raised at the hearing.

II. MAXIMUM HEIGHT IN PDR-1 ZONES

OP recommended that the maximum floor area ratio (FAR) of 3.5 in a PDR-1 zone. PDR (Production, Distribution, and Repair) is the new term that OP proposes to replace the existing C-M (commercial-manufacturing) and M (manufacturing) terms. PDR-1 would be comparable to the existing C-M-1 zone, which currently has a maximum FAR of 3.0 and a height limit of 40’ and 3 stories. While OP recommends that the FAR be increased from 3.0 to 3.5 FAR in PDR-1 zones, it was identified at the hearing that the height limit should also be raised to accommodate the proposed increase in density. OP agrees that the height limit should be increased. As such, OP proposes that in a PDR-1 zone height limitations of 50’ with removal of the limitation on stories would be appropriate. Height limitations for other PDR zones (PDR-2, -3, and -4) would remain as currently provided.

Current Zoning Code			Initial OP Recommendation (Nov 2008)			Revised OP Recommendation (Jan 2009)		
Name	FAR	Height	Name	FAR	Height	Name	FAR	Height
CM-1	3.0	40’	PDR-1	3.5	40’	PDR-1	3.5	<u>50 feet</u>
CM-2	4.0	60’	PDR-2	4.5	60’	PDR-2	4.5	60’
CM-3	6.0	90’	PDR-3	6.0	90’	PDR-3	6.0	90’
M	6.0	90’	PDR-4	6.0	90’	PDR-4	6.0	90’

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III. WHEN LICENSING REGULATIONS ARE MORE STRICT THAN ZONING REGULATIONS

During a discussion of setback requirements for PDR uses, it was observed that solid waste facility setback standards are regulated in multiple places. The existing industrial zoning regulations provide that no portion of a solid waste handling facility shall be located within 300' of "a property in a Residence District used for residential purposes" or within 50' "of any adjacent property used as a public park or for retail, office, or institutional purposes."¹ The zoning regulations also reference that such facilities must comply with standards adopted pursuant to the Solid Waste Facility Permit Act ("Solid Waste Act").² The Solid Waste Act, which was adopted by the D.C. Council, provides that "[b]efore a solid waste facility permit may be issued all portions of the facility shall be located at least 500 feet from any property line."³ It also states that "[a]ll portions of the operations area for the solid waste facility shall be set back at least 50 feet from the solid waste facility's own property line."⁴ As a result, a question was raised about the force of Council adopted licensing rule that impacts zoning standards for a certain use.

Based on discussions with the Office of the Attorney General, OP understands that the Council may adopt licensing standards for uses that are more restrictive than applicable zoning regulations. In such cases, the Council's stricter requirement would apply. As such, there is no conflict between the Solid Waste Act setback requirement and the more permissive existing and proposed facility setback standards contained in the zoning regulations.

IV. INDUSTRIAL LAND NEAR METRO STATIONS

In general, OP's recommendations are an outgrowth of guidance provided in the 2006 Comprehensive Plan ("Comp Plan") and 2006 Industrial Land Use Study ("ILU Study"). A core principal of the recommendations is the need to retain District land for PDR uses. The Comp Plan promotes retaining "an adequate supply of industrially zoned land in order to accommodate the production, warehousing, distribution, light industrial, and research and development activities which sustain the local economy, support municipal services, and provide good employment opportunities for District residents."⁵ To that end, OP has recommended instituting a cap on the development potential of non-PDR uses on lands zoned for PDR use.

At the hearing, an issue was raised about the appropriateness of retaining land for PDR use proximate to metro stations. There was concern expressed that such restrictions would block opportunities for transit-oriented development (TOD). TOD typically includes a mix of

¹ Title 11, District of Columbia Municipal Regulations §§ 802.4(a) & 822.3(a)).

² The Solid Waste Permit Act of 1995, D.C. Code §§ 8-1051 to 8-1063.

³ § 8-1058(a)(2)(A).

⁴ § 8-1058(a)(2)(B).

⁵ Policy ED-2.5.1: Industrial Land Retention.

commercial, retail, and residential uses. OP recognizes that there are locations near Metro stations where PDR retention may not be the most appropriate land use strategy. However, rather than modify OP recommendations that aim to retain lands for PDR uses, the more suitable path is to rezone land where appropriate. Both the Comp Plan and ILU Study already encourage strategic land use changes near Metro stations. According to the ILU Study, areas generally appropriate for rezoning are those that are “under substantial rezoning pressure already, are positioned near Metro stations and thus are suitable for transit oriented development, do not host many PDR users, and are not suitable for industrial uses.”⁶ Comp Plan Area Elements chapters and the Future Land Use Map likewise acknowledge that certain industrially zoned lands may be more suitable for non-PDR uses.

V. ALLOWING THE MARKET TO DICTATE USE OF PDR ZONED LAND

The Commission asked OP to address further the issue of whether OP’s recommendation to limit non-PDR use on PDR zoned lands is too inflexible and does not properly account for market demand. OP believes that the recommendation is appropriate for two reasons. First, the current absence of any such restriction has allowed the depletion of land available for future PDR use.⁷ According to the ILU Study, actual buildable land that is industrially zoned is less than 5% of total D.C. land. Of that amount, only about 27 acres, or 1.2%, of the land in industrial areas was vacant at the time of the study.⁸ Redevelopment pressures on industrial land for office, commercial, and mixed-use developments, along with rezoning pressures for residential use, are likely to continue to exhaust the industrial land base if left to market demand. And “once industrial land is lost, it is typically lost for good.”⁹ Due to the importance of retaining land for industrial uses in the city, allowing further unrestrained non-PDR growth in industrial areas may threaten the future ability to locate needed PDR services in the District and to foster PDR job growth in the city.

Second, OP’s recommendation does provide property owners with flexibility to respond to market demand. Non-PDR use, such as retail and commercial, would continue to be permitted in PDR zones at varying levels, although residential development would still be prohibited as in the current code. OP also proposes to increase the total development envelope in the PDR-1 and PDR-2 zones. In general, the increased PDR-1 and 2 envelopes are proposed to provide flexibility to use existing buildings for all commercial and industrial uses, but require that in order to realize the maximum development potential of a property, new developments would be required to contain a PDR component. Moreover, property owners would still have the ability to construct non-PDR uses should the market demand it. See the chart below:

⁶ Industrial Land in a Post-Industrial City: District of Columbia Industrial Land Use Study, p. 101 (Aug. 2006).

⁷ *Id.* at 3.

⁸ *Id.* at 4.

⁹ *Id.* at 41.

Zone	Current Maximum FAR	Proposed Maximum FAR	Proposed Non-PDR FAR Limit
PDR -1(C-M-1)	3.0 FAR	3.5 FAR	2.0 FAR
PDR -2(C-M-2)	4.0 FAR	4.5 FAR	3.0 FAR
PDR -3(C-M-3)	6.0 FAR	6.0 FAR	4.0 FAR
PDR -4(M)	6.0 FAR	6.0 FAR	1.0 FAR

An alternative path to achieving market flexibility would require developers to build flexible space, meaning buildings specifically designed to accommodate both PDR and non-PDR uses alike. Feedback from the development community has discouraged such a proposal.

VI. THE DIFFERENCE BETWEEN INDUSTRIAL DESIGNATIONS IN THE COMP PLAN FUTURE LAND USE MAP

The Commission asked OP to clarify the various Comp Plan Future Land Use Map ("Future Land Use Map") designations and to discuss their relation to the proposed PDR districts. The Future Land Use Map contains several different designations for areas appropriate for industrial uses. For example, certain areas are identified as most suitable for industrial use. Other areas are designated as appropriate for a mix of uses, including industrial and commercial, industrial and residential, or a combination of industrial, commercial, and residential.

The proposed PDR zoning categories (PDR -1, -2, -3, and -4) allow industrial and, in limited amounts, non-PDR uses (although new residential uses are generally prohibited). As such, for the majority of designations found in the Future Land Use Map, the proposed PDR zoning would not be inconsistent with the Comp Plan. Specifically, PDR -1, -2, and -3 are designed for a mix of industrial and commercial uses. PDR-4 is the only zone with the majority of available density limited to PDR uses.

For areas identified as suitable for a mix of industrial and residential uses, there is neither an existing nor proposed zone that would allow such a combination. Either a PDR zone or a mixed use residential zone would be consistent with this Comprehensive Plan designation. The stated goal of the Comprehensive Plan for these areas is that they would "retain viable industrial activities until market conditions support their conversion to live-work space, housing, studios, and similar uses."¹⁰

¹⁰ Policy CW-2.8.2: Central Washington