

OUTLINE OF TESTIMONY TO THE ZONING COMMISSION

CASE NO. 08-06-7 ZONING REGULATIONS REWRITE INDUSTRIAL

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ZONING COMMISSION
District of Columbia

CASE NO. 08-06-6

EXHIBIT NO. 6

- I. Introduction
- II. Rename existing C-M and M Districts to Production, Distribution and Repair (PDR)

Comment: format change without substantive impact

- III. Coordinate performance standards in the Zoning Regulations with current District Department of the Environment (DDOE)

Comments:

- A. **Zoning can either repeat the standards from other codes or reference those standards**

- 1. **Reference might make more sense when the other standards are updated**
- 2. **It requires someone to go to another code to find out what zoning requires**

- B. **As practical matter, Zoning Administrator has been deferring to other more restrictive regulations (per § 101.4)**

- IV. Replace existing list of uses in C-M and M with a definition and description of PDR uses as a category

Comments:

- A. **Consolidating use lists loses the ability to distinguish between types of PDR uses, as that might reflect on ability to distinguish M type uses from C-M type uses**

B. As with many of the concepts set forth in this case, the exact details of how uses are classified are critical to be able to understand and comment but are absent from what is before the Commission now

V. Preserve development potential for PDR uses by changing FAR limits

A. Increase overall FAR in C-M-1 (PDR-1) and C-M-2 (PDR-2) but limit non-PDR uses to lower levels

B. Leave C-M-3 (PDR-3) and M (PDR-4) overall FAR but reduce non-PDR uses to lower levels, substantially lower in PDR-4

Comments:

A. Decreasing FAR for non-PDR uses may be counterproductive to way existing C-M and M areas have been developed

- 1. Long term history of industrial areas reveals cycles of various uses, with office, retail and other non-PDR uses occupying space when other demand was not present**
- 2. Warehouse space (distribution) by and large has been attracted to the suburbs with better vehicle access**
- 3. Other non-PDR uses have sought out industrial properties because they were precluded from locating elsewhere or it was easier to take a matter-of-right space than go through a special exception process**

B. Need to be able to keep flexibility to allow buildings to be occupied and not remain vacant

C. "Flex" space typically swings between research and development, laboratory, warehouse, office and retail, all within same building type

D. Decrease to 1.0 FAR for non-PDR uses in M (PDR-4) is a major reduction and devaluation of property, non-PDR uses should not be cut that far

E. PDR properties near Metrorail Stations should be allowed to go to full FAR for all permitted uses

F. Need to distinguish between properties now zoned C-M or M and identified in different ways on the Future Land Use Map

- 1. Properties that are all PDR**

- 2. Properties that are all other than PDR**
 - 3. Properties that are mixed use including PDR and some other category**
 - G. On properties designated PDR on the Land Use Map, if non-PDR uses are limited as proposed by OP, then the addition of another component in a mixed use situation should result in a higher level of non-PDR uses as part of the mix, perhaps to be allowed to occupy all of the permitted density**
 - H. If the total FAR in PDR-1 is to be raised to 3.5, then the height limit should be raised from 40 feet to 50 feet (can't get four stories with appropriate floor-to-floor heights in 40 feet)**
- VI. Create uniform buffering standards where PDR zones abut residential zones**
 - A. Suggests 25 feet or 15 feet when separated by a street or alley**
 - B. Prohibits outdoor storage of materials within 200 feet of a residential zone**

Comments/questions:

- A. Why add the additional 15 feet when already have a street or alley, if 25 feet is a sufficient distance when there is no street or alley?**
- B. What is the basis for prohibiting outdoor storage within 200 feet?**

VII. Conclusions

- A. District's industrial areas have served a variety of purposes**
- B. Understand desire to preserve industrial land, but regulations need to provide for flexibility so that buildings are not left vacant**
- C. In mixed use situations under the Comprehensive Plan, non-PDR uses need to be able to occupy a greater percentage of density than now proposed**