

November 20, 2008

**"Comprehensive Zoning Regulations Rewrite: Industrial"
Zoning Commission Case No. 08-06-6, Zoning Commission Public
Hearing; November 20, 2008 at 6:30PM**

**By: MAUREEN DWYER,
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Winthrop Shaw Pittman LLP
On behalf of News World Communications, Inc.**

Good evening. My name is Maureen Dwyer, with PWSP. I come before you this evening on behalf of News World Communications, Inc., owner of the Washington Times, owner of properties along New York Avenue between Bladensburg Road and South Dakota Avenue. Attached to my statement is a plat showing these properties. The Washington Times participated in the working group process and is pleased to be here this evening to support most of what OP is recommending.

Let me start by saying that we appreciate OP's oral testimony that it will work with the Washington Times in looking at remapping its properties to ensure allowances for office and retail development, and we have had preliminary meetings with both OP and DDOT on this issue. The high visibility of these properties as the gateway to the District of Columbia along with their location across from the Arboretum suggest that mixed use development might be more suitable than industrial development and could further enhance the gateway with landscaping and even bike trails that connect to the Arboretum. Zoning changes to accommodate this would also be in keeping with the Industrial Land Use Study, which recognized these parcels as appropriate for mixed use development.

Turning now to what is before you, we support OP's recommendation that the industrial and manufacturing names for the C-M and M zones should be changed to Production, Distribution and Repair. Given the current real world uses of these zones, the proposed PDR classification is more fitting.

We also agree with the proposed coordination of performance standards with current DDOE standards since many of the current standards are outdated or provide no standard at all.

Given the proliferation of possible uses that could exist within these zones we also believe that broadening the definition of allowable uses would be beneficial. A comprehensive definition would allow for greater certainty as to what would be allowed in the PDR zones and the definition would not need to be constantly updated.

Finally, we agree with the proposed concept to create uniformity in buffering standards to apply when PDR zones abut residential zones. The specific standards proposed would allow for an understandable and definitive buffering scheme to be

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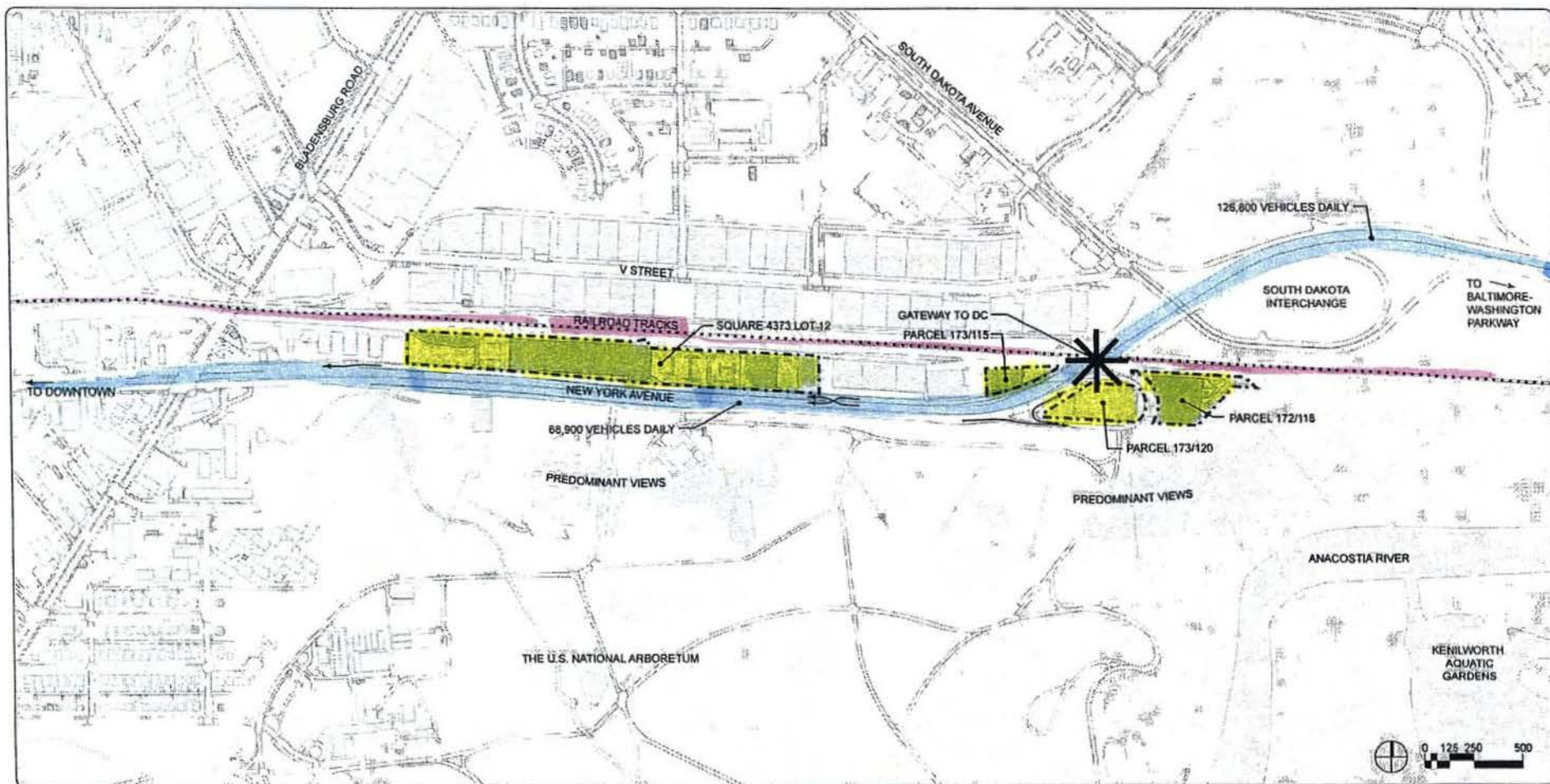
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applied to all PDR properties and would eliminate rear yard and court requirements that would no longer be necessary.

The one area where we differ with OP's recommendations has to do with the proposed capping of development potential for non-PDR uses. We suggest that the Commission consider allowing more density for non-PDR uses. Current technology has advanced to the point that many PDR uses do not require the same amount of space that they did in the past. Further, reserving too much FAR on individual properties might have a negative effect. Without the ability to include substantial additional office or retail space, the desired PDR uses might not be able to be developed at all since developers would not be able to create or finance viable mixed use projects. Accordingly, we would like to see the cap on non-PDR uses in the C-M-3 zone at 4.5 FAR and the cap in the M zone raised to 2.5 FAR. Such raising of the caps to allow for greater mixed use development (particularly along New York Avenue) is supported by the Comprehensive Plan and the District's Industrial Land Use Study.

I thank the Commission for its time, and am available for any questions.



Site Analysis Diagram