

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, November 20, 2008, @ 6:30 PM**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-S
 Washington, D.C. 2001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06-6 (Comprehensive Zoning Regulations Rewrite: Industrial)

THIS CASE IS OF INTEREST TO ALL ANCs

This Notice of Public Hearing announces the sixth of several proposed subject areas the Zoning Commission for the District of Columbia (the "Commission") will consider under this docket. All recommendations offered by the Office of Planning ("OP") under this docket have been reviewed by a working group and a subject matter task force as part of a process designed to ensure full public participation. Nevertheless, this process cannot replace or limit the public hearing process required in the Zoning Act or the Commission's responsibility to consider the merits of each proposal submitted.

This hearing will consider general recommendations for changes to the zoning regulations in relation to industrial districts, which OP recommends renaming "Production, Distribution, and Repair" ("PDR") districts. The proposal reflects changes to the way that industrial uses would be regulated in industrial zones. It proposes the changes in allowable density to promote PDR uses. The recommendations also propose standardizing the buffering requirements to allow removal of separate special exception and overlay requirements.

This hearing, like all others to follow under this case number, is being scheduled without adherence to the set-down requirements stated at 11 DCMR § 3011 because the Commission waived the requirement at its public meeting held April 14, 2008. The Commission also waived the requirement that a pre-hearing statement be submitted before hearing notices can be published.

It is not expected that the Commission will take proposed action with respect to these recommendations, but that it will make determinations at a public meeting that will serve as guidance for drafting revisions to the zoning regulations pertaining to industrial-type uses and other relevant subject matters.

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Recommendations

- 1. Rename existing C-M and M zones to PDR (Production, Distribution, and Repair). C-M-1 through C-M-3 would become PDR -1 through -3, and M would become PDR-4.**

Reason: Both the 2006 Industrial Land Use Study and the 2006 Comprehensive Plan shift away from use of the terms “industrial” and “manufacturing” in favor of PDR. The term better encompasses the breadth of uses allowed in these zones and removes the stigma that can be associated with the existing terms. This recommendation will not alter any of the underlying provisions of the industrial districts.

- 2. Coordinate performance standards with current District Department of the Environment (“DDOE”) standards. Where possible, ensure that measurable standards are used.**

Reason: The existing performance standards base many of the restrictions on the undefined standard of “no objectionable amounts.” Others use outdated external documents such as the 1950s-era Ringelmann Smoke Chart to limit external effects. OP has begun meeting with DDOE to better define current standards. This recommendation will replace outdated or vague zoning standards with the most current DDOE requirements. Standards for which there are no DDOE equivalent would not change.

- 3. The existing PDR use list in the C-M and M chapters should be replaced by a thorough definition and description of PDR uses that would be defined as an all encompassing use classification.**

Reason: The existing list of uses allowed in C-M and M districts includes a general statement allowing “any light manufacturing, processing, fabricating, or repair establishment.” The list then goes on to call out individual uses that already fall within this description. The result is a repetitive and confusing system that can cause difficulties for a Zoning Administrator. A list is not dynamic enough to keep up with modern technology or uses, and there is often difficulty in matching a proposed use to one of the choices on the list.

The proposed solution would be to comprehensively define PDR uses as a category and thereby avoid a use list that creates confusion, needs continual updates, and serves no additional purpose.

- 4. Establish caps on the extent to which non-PDR uses can occupy a building’s total gross floor area similar to limitation of non-residential uses in commercial zones. The following caps are recommended:**

- **PDR-1(C-M-1): Maximum 3.5 total FAR / Maximum 2.0 FAR non-PDR uses**
- **PDR-2(C-M-2): Maximum 4.5 total FAR / Maximum 3.0 FAR non-PDR uses**
- **PDR-3(C-M-3): Maximum 6.0 total FAR / Maximum 4.0 FAR non-PDR uses**
- **PDR-4(M): Maximum 6.0 total FAR / Maximum 1.0 FAR non-PDR uses**

Reason: Both the Comprehensive Plan and the Industrial Land Use Study stress the importance of protecting the limited supply of industrial land. The development pressures on these properties present a significant threat to the ability to locate much needed PDR services in the District and to foster PDR job growth in the city. The recommendation attempts to balance the District's interest in retaining PDR lands with the existing development potential for these lands under current zoning regulations. This balance could be achieved through both caps on non-PDR uses and increases in the total development envelope when PDR is constructed.

The imposition of a cap on non-PDR development would act to limit the development potential for commercial and office uses within PDR districts. Of particular concern are those areas presently zoned M. Because of the need to reserve these areas for the highest impact PDR uses and prevent the encroachment of non-compatible uses into this zone, OP recommends that non-PDR use be limited to 1.0 FAR of the maximum FAR permitted.

Additionally, OP recommends a 0.5 FAR increase in the maximum FAR permitted in C-M-1 and -2 zones if all or part of a building would be devoted to PDR uses. The FAR increase is intended to offset, in part, the proposed change to the existing development potential.

5. **Create uniform buffering standards to apply wherever PDR zones abut residential zones. These standards would replace existing rear yard, side yard, and court regulations as well as eliminate the need for existing special exception and overlay standards.**

Suggested standards are:

- **25-foot setback from any residential district boundary line;**
- **15-foot yard required when separated by street or alley;**
- **Yard must contain solid vegetative buffer, fence, or wall to visually screen use;**
- **No outdoor storage of materials/waste within 200 feet of a residential zone; and**
- **No truck queuing or idling on public streets adjacent to residential districts.**

Reason: The proposal would combine the buffering requirement of several different parts of the PDR chapter into a single set of requirements. The standard of a 25-foot yard next to residential zoning (15 feet on a street or alley) that must be screened matches existing requirements found in the Langdon Overlay. Making this requirement universal for areas where the PDR districts abut residential zoning would remove the need for the existing

side yard standard and similar special exception requirements. Similarly, a requirement of rear yards and courts is less necessary when the PDR uses are properly buffered from residential districts.

There was discussion in the working group of continuing the wider yard requirement for recycling and waste management uses as currently called for in the zoning regulations. However, these uses are already regulated for buffering elsewhere in the city code. As these standards may change over time, repeating them in the PDR chapter could lead to conflicting development standards. This recommendation would create a unified buffer for all PDR uses and allow recycling and waste management to be more strictly regulated by DC Code section 8-1058.

PROCEDURES

The public hearing on this part of Case No. 08-06 will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, CURTIS L. ETHERLY, JR., GREGORY N. JEFFRIES, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.