



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

PUBLIC HEARING ON CASE NO. 08-06 (Comprehensive Zoning Regulations Review: Subtitle J: Production, Distribution and Repair Zones)

February 24, 2011

Testimony of Alma Hardy Gates

Good evening Commission Members.

The Committee of 100 (C100) is pleased to furnish comments, and is generally supportive of Subtitle J: Production, Distribution and Repair, which will replace Chapter 8 of Title 11, Industrial Districts.

In reviewing the new Subtitle J text, the C100 considered if the subtitle is consistent with guidance provided by the Comprehensive Plan on the use of land set aside for production, distribution and repair; if it meets the purposes outlined by the Office of Planning (OP) for the proposed rewrite; and, how it relates to other chapters of the zoning code.

It is also notable that, “The public should assume that the text advertised in this notice will only apply to buildings constructed pursuant to building permits issued after the effective date of the revised Title 11 or to significant additions to existing buildings if the additions are constructed pursuant to such permits.” It appears there will be two sets of regulations for PDR zones for the foreseeable future, or a sort of then and now zoning approach.

Background

In 2005, the District of Columbia commissioned an analysis of industrial land supply and demand to provide a framework for new land use policies.

The recommendations of this study are incorporated in the policies and actions below. 314.4

One of the most important findings of the industrial land use analysis is that there is an immediate unmet need of approximately 70 acres for “municipal-industrial” activities. Facility needs range from an MPD Evidence Warehouse to replace bus garages for WMATA. Several agencies, including the Architect of the Capitol, indicate that their acreage needs will increase even more in the next ten years. At the same time, there is evidence that efficiencies could be achieved through better site layouts and consolidation of some municipal functions, particularly for vehicle fleet maintenance. The findings provide compelling reasons to protect the limited supply of industrial land, and to organize municipal-industrial activities more efficiently. 314.5

Comprehensive Plan Policies

The Land Use Element of the Comprehensive Plan specifically addresses industrial land uses in the following policies. Additional references are found in several of the Area Elements. Subtitle J mentions the intent of the following policies in § 100.1 (b).

Policy LU-3.1.1: Conservation of Industrial Land

Recognize the importance of industrial land to the economy of the District of Columbia, specifically its ability to support public works functions, and accommodate production, distribution, and repair (PDR) activities. Ensure that zoning regulations and land use decisions protect active and viable PDR land uses, while allowing compatible office and retail uses and development programs should work to retain and permit such uses in the future. 314.7

Policy LU-3.1.2: Redevelopment of Obsolete Industrial Uses

Encourage the redevelopment of outmoded and non-productive industrial sites, such as vacant warehouses and open storage yards, with higher value production, distribution, and repair uses and other activities which support the core sectors of the District economy (federal government, hospitality, higher education, etc.). 314.8

Policy LU-3.1.3: Location of PDR Areas

Accommodate Production, Distribution, and Repair (PDR) uses—including municipal public works facilities—in areas that are well buffered from residential uses (and other sensitive uses such as schools), easily accessed from major roads and railroads, and characterized by existing concentrations of PDR and industrial uses. Such areas are generally designated as “PDR” on the Comprehensive Plan’s Future Land Use Map. 314.9

Policy LU-3.1.4: Rezoning of Industrial Areas

Allow the rezoning of industrial land for non-industrial purposes only when the land can no longer viably support industrial or PDR activities or is located such that industry cannot co-exist adequately with adjacent existing uses. Examples include land in the immediate vicinity of Metrorail stations, sites within historic districts, and small sites in the midst of stable residential neighborhoods. In the event such rezoning results in the displacement of active uses, assist these uses in relocating to designated PDR areas. 314.10

Policy LU-3.1.5: Mitigating Industrial Land Use Impacts

Mitigate the adverse impacts created by industrial uses through a variety of measures, including buffering, site planning and design, strict environmental controls, performance standards, and the use of a range of industrial zones that reflect the varying impacts of different kinds of industrial uses. 314.11

Policy LU-3.1.6: Siting Of Industrial-Type Public Works Facilities

Use performance standards (such as noise, odor, and other environmental controls), minimum distance requirements, and other regulatory and design measures to ensure the compatibility of industrial-type public works facilities such as trash transfer stations with surrounding land uses. Improve the physical appearance and screening of such uses and strictly regulate operations to reduce the incidence of land use conflicts, especially with residential uses. 314.12

Comprehensive Plan Policy LU-3.1.3: *Location of PDR Areas* provides guidance on the establishment of PDR zones and the necessity to ensure environmental justice guidelines are followed. Additional guidance is found in the Economic Development and the Environmental Protection Elements of the Comprehensive Plan. Moreover, the Environment Protection Agency provides the following guidance on the topic of Environment Justice:

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

Reasons the Code Needs to be Revised

OP notes:

The countless amendments to the ordinance over the last half century have served to keep the regulations relevant. However, piling amendment on top of amendment over the years has problems of its own. Even the simplest of text amendments have become extremely complicated as 50 years of changes have made it very difficult to cross-reference interwoven sections and prevent unintended consequences.

All of these issues have led to the recognition that an overhaul is needed.¹

Office of Planning Goals for Subtitle J

Following the work group meetings, the Office of Planning began to develop a set of recommendations and on November 20, 2008, informed the Zoning Commission of its goals for Subtitle J:

We had three general goals in laying out these recommendations. First, the preservation of PDR land for PDR use. Second, the improved buffering standard and protection of residential zones surrounding industrial land and third, just basically updating and simplifying the PDR chapter. You know, part of our overall simplification and ease of use goals in the zoning rewrite.²

¹ Office of Planning Website

² Hearing Transcript, page 7. Travis Parker

Committee of 100 Comments

The terms, Production, Distribution and Repair, do not convey the same intensity of use as is currently implied by the term Industrial. While production, distribution and repair are germane, additional clarification might be added to the purpose of Subtitle J by exchanging §100.1 (a) with (b) where types of PDR land zoned for particular uses are more fully delineated.

The proposed chapter headings and regulations for Subtitle J follow a logical progression. The text prior to tables provides direction for the immediate section and references as well as other code sections that also relate to Subtitle J. For example, § 201.1 identifies references to all zoning regulations applicable to PDR zones, including parking, and refers to Subsection B, General Regulations, for bicycle parking and loading.

The new naming system will require a degree of “unlearning” for those who have familiarity with the current code that uses “C” and “M,” etc. The relevant information on the relationship between old and new categories is in the setdown report but not in the text of the public hearing notice.

The new tables found throughout this subsection are useful, provide direction and over time will become familiar; however, text is needed to define P-1 or P-6, so it is clear which development standards column or regulatory topic applies

Use Categories and their conditions may need additional attention to ensure the listed uses further OP’s goal to “preserve PDR land for PDR use.”

Parking minimums are not provided in the Parking Standards for PDR Zones (§ 701). However, many PDR zones are not located in areas served well by public transit. Therefore employee parking “maximums” should not be applied in any PDR areas to help ensure there are no parking impacts to nearby residential properties and employees can reach their employment destination.

Green Area Ratio is included in the § 402 series of tables. This is an important new environmental feature.

As stated earlier, the Committee of 100 is generally supportive of this Subtitle. It does not appear to be in conflict with Comprehensive Plan policies; and, when all PDR zones are covered by these regulations, the subtitle will meet the goals set out by the Office of Planning: to preserve PDR land for PDR use; improve buffering

standards and protection of residential zones surrounding industrial land; and, basically update the zoning code.

Maps of the PDR zones for all areas of the city are needed.

Please leave the record open for additional submissions.