GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Zoning Commission of the District of Columbia

FROM: Ellen M. McCarthy
Interim Director

DATE. May 31, 2005

SUBJECT: **Case No. 04-34- Supplemental Report for text amendments to allow, but not mandate, use of pervious paving for certain parking and related facilities by amending 11 DCMR §§ 2301.1(a), 2117.10, 2117.4, 2117.3, 199 and 2403.9(h), initiated by the Zoning Advisory Committee**

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SUMMARY RECOMMENDATION
The Office of Planning revises its recommendation for the proposed text amendments to allow, but not mandate, use of pervious paving for certain parking and related facilities within the Zoning Regulations, as contained within this report

BACKGROUND AND ANALYSIS
This supplemental report serves as the Office of Planning response to the recent submission of the Zoning Advisory Committee (ZAC), since the setdown of the application by the Zoning Commission on March 14, 2005 The Green Subcommittee of the ZAC, in a memorandum to the Zoning Commission dated May 12, 2005, proposes consideration of the following:

A.
"The ZAC recommends that the ZC go further, to eliminate all zoning restrictions on selection of paving materials for open parking spaces and parking lots.
- *That would bring DC into line with jurisdictions such as Montgomery County, MD.*
- *That also would avoid repeated proposals for amending ZC parking regulations in order to catch up with evolving pervious paving technologies*
- *That still would allow other regulatory authorities to impose greater restrictions than does the ZC (e.g., in the DC Building Codes, administrated by DCRA, or Stormwater Management Regulations, administered by DOH) "*

ZONING COMMISSION
District of Columbia
CASE NO. 04-34
EXHIBIT NO. 13

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COMMENT:
The Office of the Attorney General, in discussions with the Office of Planning, has determined that it is not legally necessary to maintain pavement standards for private property within the Zoning Regulations as had been previously recommended in the Setdown and Final Report dated March 3, 2005. Deletion of these standards will serve to eliminate the need to revise the Zoning Regulations as new technologies evolve. Should additional standards be determined to be necessary, they could be imposed by either DOH or DCRA, as appropriate. Therefore, the Office of Planning revises its recommendations as follows

Section 2117 ACCESS, MAINTENANCE, AND OPERATION, subsection 2117.10

All open parking spaces, including access aisles, driveways, and ramp areas shall be paved and maintained with ~~bituminous, concrete, or brick materials, or a combinations of these materials or other materials approved by the D C Department of Transportation as structurally equivalent or better, that form~~ an all-weather ~~impervious~~ surface ~~and that are least four inches (4 in.) in thickness~~

Section 2303 PARKING LOTS, subsection 2303.1

(a) All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with ~~bituminous concrete or brick materials, or a combination of these materials or other material approved by the D C Department of Transportation as structurally equivalent or better, that form~~ an all-weather ~~impervious surface, and that are a minimum of four inches (4 in.) in thickness~~

B.
"If the ZC is concerned about selection of gravel as a form of pervious paving material, the ZAC recommends that zoning regulations address gravel explicitly (e g., to require that migration of gravel paving beyond lot boundaries be checked, either by physical containment or by location at a distance from the lot line) "

COMMENT:
The Office of Planning is concerned about the selection of gravel as a form of pervious paving material, even if the migration of the gravel is checked by containment Parking lots are required to be striped under § 2115 However, due to the migratory nature and properties of gravel, it is not possible to maintain durable all-weather striping Therefore, the Office of Planning does not recommend the use of gravel as a permitted pervious surface for parking lots.

Driveways for single-family dwellings do not require striping. Many of these driveways are not longer than 9 feet in length, the minimum required length of a parking space. Containment of gravel on-site is often accomplished by paving the first ten feet of a driveway, as is required by Prince George's County, Maryland. A minimum ten-foot length of pavement requirement would prevent the use of gravel for these driveways. However, use of other forms of pervious paving would still be available for use, without the issue of containment. Therefore, the Office of Planning does not recommend the use of gravel for driveways.

C.

"The ZAC recommends that the ZC revise its proposed amendment of the Planned Unit Development (PUD) Evaluation Standards to provide that stormwater runoff controls would not be countable as "environmental amenities" unless the Department of Health certifies (a) that applicant has proffered runoff controls significantly in excess of those that the Stormwater Management Regulations would require in any event and (b) indicates how significant that excess runoff control may be (quantitatively and/or qualitatively) "

COMMENT:

The Office of Planning agrees with the inclusion of "in excess of" as it relates to storm water runoff controls. Storm water runoff controls are a requirement of the Department of Health and their provision can only be considered to be a benefit if in excess of the minimum required. However, the Office of Planning does not believe that the controls need be significantly in excess in order to be considered a benefit, as the amount in excess relates directly to the value of the benefit versus the impact of the proposed project and the degree of zoning flexibility sought Therefore, the Office of Planning revises its recommendation for Section 2403, PUD Evaluation Standards, subsection 2403.9 as follows:

(h) Environmental benefits, such as:

- **(1)** ~~s~~Storm water runoff controls **in excess of what is required by Stormwater Management Regulations,**
- **(2)** **Use of natural design techniques that store, infiltrate, evaporate, treat and detain runoff in close proximity to where the runoff is generated, and**
- **(3)** ~~p~~Preservation of open space or trees;

AGENCY COMMENTS

The **Department of Parks and Recreation,** in a memorandum dated May 20, 2005, informed the Office of Planning that it "*would like to express its support for the action on pervious paving regulations that the Zoning Commission proposed at its May 12, 2005 meeting and which it will hear testimony at its June 16 hearing.*"

Comments were solicited from the **Department of Health** and **DCRA**. However, no responses were received

RECOMMENDATION

The Office of Planning recommends that the Commission adopt the proposed text amendment for pervious paving as contained in this supplemental report

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