ZONING COMMISSION
District of Columbia
CASE NO. 04-34
EXHIBIT NO. 28

FOREST HILLS CITIZENS ASSOCIATION

DEDICATED TO THE ENHANCEMENT, MAINTENANCE, PROTECTION AND PROMOTION OF A POSITIVE COMMUNITY SPIRIT IN THE FOREST HILLS NEIGHBORHOOD

GEORGE R CLARK
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July 15, 2005

Secretary
Zoning Commission
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Re: No. 04-34, Pervious Surfaces

To the Members of the Commission·

During the June 16, 2005 hearing in this matter, Commissioner Parsons raised a question as to the impact of the proposed rule change on Tree and Slope Overlays ("TSO") in the zoning regulations Because the Forest Hills Citizens Association has been the proponent of the Forest Hills TSO that has been adopted by this Commission, we offer these comments on the impact of allowing pervious surfaces to be used for some paving purposes.

We agree that the 50% limitation on impervious surface coverage contained in the original TSO (§1513.2), the Chain Bridge TSO (§1567.2), and Forest Hills (what will be §1518 2) are critical to the overlays because they allow water and air to penetrate the ground and enable trees to grow and prosper. A tree planted in a concrete yard will die.

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Pervious surfaces give the homeowner and the architect valuable tools in protecting and preserving trees, as our expert, James Urban, testified at the Forest Hills hearing on July 22, 2004. On the other hand, a lot 100% paved over with pervious concrete or asphalt will kill trees as certainly as impervious surfaces.

Therefore we propose that the impervious definition be modified to take these concerns into account. The current definitions in §199 read as follows:

> Impervious surface - an area that impedes the percolation of water into the subsoil and impedes plant growth. Impervious surfaces include the footprints of principal and accessory buildings, footprints of patios, driveways, other paved areas, tennis courts, and swimming pools, and any path or walkway that is covered by impervious material.
>
> Impervious surface coverage - the percentage of the land area of a lot that is covered by impervious surfaces, which percentage shall be determined 'by dividing the gross impervious surface area of a lot by the total area of the lot.

We propose to add the following to the end of the impervious definition:

> "For purposes of tree and slope overlay districts, impervious includes manmade surfaces of the types listed in the previous sentence, even if they do not impede the percolation of water into the subsoil, if they impede plant growth."

This will prevent evasion of the purposes behind the impervious surface limitations without impeding the use of pervious surfaces. This allows only the supporting structure portion of pervious pavers like grasscrete to be counted as impervious, rather than the grassy area. And although a proper filtration system for such a parking surface may require some digging, destruction of tree roots can be found to violate the overlay if the tree is fatally damaged.

In short, we believe that both the TSOs and the change from only impervious surfaces can be done so as to preserve the laudable provisions of each.

Respectfully submitted,

George R. Clark
President