Government of the District of Columbia
OFFICE OF ZONING

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Sharon S Schellin
Acting Secretary to the Zoning Commission

DATE: September 14, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on September 23, 2005·

1 Z C Notice of Filing (Case No. 05-28), and
2. Z.C Notice of Proposed Rulemaking (Case No 04-34)

Attachments

[redacted]
District of Columbia
[redacted] 04-34
[redacted] 32

441 4th St , N W , Suite 210-S, Washington, D C 20001
Telephone (202) 727-6311 E-Mail Address zoning_info@dcoz.dc.gov Web Site www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.04-34
EXHIBIT NO.32

RULEMAKING TRANSMITTAL FORM

DATE AND TIME RECEIVED
Office of Documents use only

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES ☐ FINAL RULES ☑ PROPOSED RULES ☐ COMBINED

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: MS SHARON SCHELLIN

ADDRESS: 441 4th Street, N.W , Suite 210 South TELEPHONE. (202) 727-0340

TITLE AND DESCRIPTION OF RULES.

Case No 04-34 (Text Amendments – Use of Pervious Parking and Driveway Surfaces)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed. Title 11 (Zoning) **§§ 2117, 2303, and 2403**

FINAL RULES ONLY Give the D C REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules DCR _____ DATE _____

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D C Official Code § 6-641 01)

LEGAL CERTIFICATION· I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient

DATE SEPTEMBER 9, 2005 SIGNED· Alan Bergstein Rev PHONE (202) 442-9777

☑	FINAL	☐	CONDITIONAL	NAME: ROBERT J. SPAGNOLETTI TITLE· ATTORNEY GENERAL

PROMULGATOR Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)

Zoning Commission For The District Of Columbia Title·

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE: 7-28-05

APPROVAL OF ATTEST: Sharon S. Schellin

TITLEA Acting Secretary to the Zoning Commission PHONE (202) 727-0340

Office of Documents use only: THIS NOTICE PUBLISHED AT: VOL· DCR DATE.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING

Case No. 04-34 (Text Amendments – Use of Pervious Parking and Driveway Surfaces)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended, D C Official Code § 6-641.01) hereby gives notice of its intent to amend §§ 2117, 2303, and 2403 Of the Zoning Regulation (11 DCMR). The proposed rules would eliminate the prohibition against the use of pervious surfaces for all parking spaces and for driveways that access required parking spaces. In addition, the proposed rules would permit pervious striping materials to denote required parking spaces Final Rulemaking action to adopt these amendments shall be taken not less than thirty (30) days from the date of publication of this notice in the *D C Register*

Title 11 DCMR (Zoning) is proposed to be amended as follows (new text is shown in **bold** and underline and deleted text is shown with ~~strikethrough~~):

A. Subsections 2117 3, 2217.4 and 2117.10 of § 2117 ACCESS, MAINTENANCE, AND OPERATION are amended to read as follows:

2117 3 All required parking spaces shall be clearly striped and lined according to the dimensions specified in § 2115 Durable materials that are all-weather ~~impervious~~ shall be used. Striping shall be maintained for as long as the parking spaces requiring the striping are in existence

2117 4 Except as provided in §§ 2117.5 and 2117.6, each required parking space shall be accessible at all times directly from improved alleys **with a minimum width of ten feet (10 ft.) or improved public streets** via graded and unobstructed private driveways that form an all-weather ~~impervious~~ surface. ~~Improved streets and alleys providing access to required parking spaces shall have a minimum width of ten feet (10 ft.) and be paved in compliance with the standards of the D C. Department of Transportation.~~ **In addition to traditional impervious surfaces, allowable all weather surfaces include porous or pervious concrete, porous asphalt, Grasscrete[1], or a combination of such materials, but may not consist entirely of grass, gravel or both.**

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[1] "Grasscrete" is a product licensed by Grass Concrete Limited The Commission is using that name to describe a type of surfacing technique that would be considered "all weather" If the Commission takes final action on the proposed rule, it will substitute a generic description for the product A description and examples of Grasscrete surfacing may be found at www grasscrete com

2117 10 All open parking spaces, including access aisles, driveways, and ramp areas shall be ~~paved~~ surfaced and maintained with an all-weather surface, ~~of bituminous, concrete, or brick materials, or a combination 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 at least four inches (4 in.) in thickness~~ **In addition to traditional impervious surfaces, allowable all weather surfaces may include porous or pervious concrete, porous asphalt, Grasscrete[2], or a combination of such materials, but may not consist entirely of grass, gravel or both.**

B. Subsection 2303.1 (a) of § 2303 PARKING LOTS is amended to read as follows.

All areas devoted to driveways, access lanes, and parking areas shall be ~~paved~~ **surfaced** 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 inc.) in thickness~~ **an all-weather surface**.

C. Subsection 2403.9 (h) of § 2403, PUD EVALUATION STANDARDS, is amended to read 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~~**P**reservation of open space or trees;

All persons wishing to comment on the above matter of this proposed rulemaking should file their comments, in writing, to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C 20001. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. A copy of this proposal may be obtained, at cost, by writing to the above address.

[2] See footnote 1