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FOR: DC Zoning Commission (ZC) Case No. 08-06a [submitted electronically]
Zoning Regulations Review (ZRR)

RE: Subtitle A Authority and Applicability
Subtitle B Definitions

Dear Chairman Hood and fellow Zoning Commissioners:

I recommend the following changes in Subtitles A and B for reasons explained below:

Add “urban tree canopy” and “sustainability” to Section 101.1(c) of Subtitle A, Chapter 101 (INTERPRETATION AND APPLICATION); and add definitions of these terms and amend the definition of “permeable paving” to add “flexible porous paving (including porous rubber)” in Section 100.3 of Subtitle B so that they read:

Urban tree canopy: Urban tree canopy (UTC) is the layer of leaves, branches, and stems of trees that cover the ground when viewed from above. In urban areas, the UTC provides an important stormwater management function by intercepting rainfall that would otherwise run off paved surfaces and be transported into local waters through the storm drainage system, picking up various pollutants along the way. UTC also reduces the heat island effect, reduces heating/cooling costs, lowers air temperatures, reduces air pollution, increases property values, provides wildlife habitat, and provides aesthetic and community benefits such as enhanced quality of life.

[Center for Watershed Protection & U.S. Forest Service, *Watershed Forestry Resource Guide* (2008)]

Sustainability and Sustainable mean to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations;

[President Obama, Executive Order No. 13514 of Oct. 5, 2009, 74 FR 52117, 52126 (Oct.8, 2013)]

Permeable Paving: A surface that facilitates water infiltration through paving material while providing a stable, load-bearing surface. Examples include pervious concrete, porous asphalt, perforated brick pavers, mechanically-reinforced grass, **flexible porous paving (including porous rubber)**, but do not include grass or gravel.

Faithfully, ***David J. Bardin***

Attached: **COMMENTS** in greater detail

COMMENTS OF DAVID JONAS BARDIN: ZRR AMENDMENTS
ZC Case No. 08-06a

Washington was the City of Trees in the 1920s when Secretary of Commerce Hoover urged adoption of the DC's first Zoning Code and tree canopy could be taken for granted. That is no longer so. Tree canopy and the new term, "sustainability" should be explicit reference points for interpreting and applying DC Zoning Regulations.

Therefore amend Subtitle A, Chapter 1, Section 101 to read:

101 INTERPRETATION AND APPLICATION

101.1 In their interpretation and application, the provisions of this title shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare to:

- (a) Provide adequate light and air;
- (b) Prevent undue concentration of population and the overcrowding of land;
and
- (c) Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, urban tree canopy, sustainability, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services. [proposed additions stressed]

In Subtitle B we define the above terms and expand the existing definition of Permeable Paving. Here is the background:

- Formerly, the Zoning Regulations required that all driveways and the like be made of *impermeable* materials such as asphalt, concrete, or brick (with gravel forbidden). Apparently, unpaved or gravel driveways were deemed low quality, junky, or lower class.
- A few years ago, the ZC opened the door to permeable paving, listing several technologies then available and retaining objection to gravel.
- New porous rubber technology now on the market has been tested by DDOT's Urban Forestry Administration (UFA) and the Georgetown Business Improvement District among others. It is being used by UFA in various circumstances and is referred to in DDOT's draft low impact development and green infrastructure (LID & GI) standards / guidelines issued in March 2013 for public comment. It should be recognized by the ZRR. Today there is one commercial provider. See www.capitolflexipave.com. More may be expected in the future. "Flexible porous paving" is UFA's generic name for porous rubber.
- The ZC might also consider whether is logical to exclude gravel by definition from the "permeable paving" category.

I am not commenting on the next definition:

Pervious Surface: A surface that allows the percolation of water into the underlying soil. Pervious surfaces are required to be contained so neither sediment nor the pervious surface discharges off the site. Pervious surfaces include grass, mulched groundcover, planted areas, vegetated roofs, permeable paving as well as porches and decks erected on pier foundations that maintain the covered lot surface's water permeability. Pervious surfaces do not include any structure or building, any porch or deck that limits the covered lot surface from absorbing water, or any outdoor stairs, on-grade surface sports court, swimming pool, artificial turf, sidewalk or patio constructed of concrete, asphalt, brick, compacted gravel or other material that impedes the infiltration of water directly into the subsurface of the lot.

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