

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment

MEMORANDUM

TO: Zoning Commission for the District of Columbia

FROM: Tommy Wells, Director for The Department of Energy & Environment

DATE: August 26, 2019

SUBJECT: **Zoning Commission Case 19-08** (Application of Georgetown 29K Acquisition – Proposed zoning map amendment to establish the MU-13 zone for the unzoned property)

The District's Department of Energy & Environment (DOEE) received notice of this map amendment application requesting to establish the MU-13 zone for the currently unzoned property. The application is set for public hearing on September 12, 2019, and DOEE has reviewed the application and supporting exhibits.

DOEE reviews these types of applications for environmental issues and regulations that the applicant should be aware of during early stages of planning, as well as to identify opportunities for increasing environmental and urban sustainability benefits during development. The comments contained herein are by no means comprehensive, but are a summary of specific items related to the site in question. DOEE recommends the project team meet with DOEE to identify opportunities and to help avoid future regulatory problems. Some areas of interest for DOEE regarding the floodplain, stormwater, erosion and sediment control are as follows:

Floodplain regulations:

DOEE is in the process of drafting new Flood Hazard Rules under 20 DCMR, Chapter 31, and is providing these comments in anticipation of the new floodplain regulations potentially being in effect by the time the proposed development seeks its permit. DOEE notes that almost the entire parcel is located within the FEMA-designated 100-year floodplain, and the remaining portion is in the 500-year floodplain. As a result, following the zoning map amendment process, the applicant will need a permit from DOEE to construct in the floodplain to ensure proposed development is consistent with the District's Flood Hazard Rules.

DOEE notes that the proposed MU-13 zoning would allow any use including "Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families," "Medical care facilities, including hospice care," and "Daytime Care." The Flood Hazard rules being drafted would prohibit these uses in the floodplain because they house individuals that would not be able to evacuate without considerable assistance. The applicant

should be made aware of this potential use restriction. DOEE notes that the restriction is consistent with the Comprehensive Plan:

Policy E-4.7.4: Flood Plains - Restrict development within FEMA-designated flood plain areas. Consistent with the Federal Elements of the Comprehensive Plan, prohibit activities within these areas that could pose public health or safety hazards in the event of a flood. Regulation of land uses in flood plains, waterfronts, and other low-lying areas should consider the long-term effects of global warming and sea-level rise on flood hazards. 624.7

DOEE notes that in addition to restricting the critical facilities in floodplains, the draft Flood Hazard Rules also require facilities in the floodplain to use a higher design flood elevation. The draft regulations propose that the design flood elevation shall be the base flood elevation plus two (2) feet or the 500 year elevation, whichever is higher. The applicant can work with DOEE to determine the base flood elevation.

DOEE notes that the southern portion of this parcel is designated as open space on the Future Land Use Map and would recommend that this area remain as open space. The open space presents an excellent opportunity to design the park in a way that incorporates flood protection for the property or neighborhood, or to be safely flooded when a flood does occur.

Stormwater, Erosion & Sediment Control, and Green Area Ratio:

Due to the location and its proximity to Rock Creek and the Potomac River, DOEE proposes that the owner/developer meet the highest standards of our environmental regulations.

- First, the standard stormwater retention requirement for development projects is to retain 1.2" of rainfall from storm event, i.e. the 90th percentile rain event. With the site being located near two large bodies of water, DOEE would like to see any proposed development on site retain rainfall from a 1.7" storm event, i.e. the 95th percentile rain event. For example, projects that are located in the Anacostia Waterfront Development Zone must meet the 1.7" storm event.
- Under the Erosion and Sediment Control requirements, since this project is located in the area along Rock Creek, a buffer must be established, or an exception or modification of the buffer requirement can be approved by DOEE. See 5 DCMR § 545.5 (2013). We encourage the applicant to meet with DOEE to discuss the design options for this buffer area and any implications to the water bodies.
- DOEE will require erosion and sediment control plans. During permitting, we advise the applicant to be thorough and precise in their description of construction activities, sediment control practices and the stages of construction.
- For MU-13 zoning, a minimum Green Area Ratio (GAR) score of 0.3 is required. For future development at this site, we recommend a minimum score of 0.4 to maximize the greening and solar possibilities for the future development.
- The District is practically unique among large cities across the country in being set among wild, undammed streams and rivers. DOEE recommends highlighting this unique characteristic of our city by preserving and enhancing streams, rivers, riparian buffers and natural shorelines. The site is located immediately adjacent to Rock Creek and the

C&O Canal, both of which are Waters of the United States and waters of the District. Impacts to these water resources and their shorelines must be avoided to the greatest extent practicable. Any proposed impacts to water resources will require a Clean Water Act (CWA) Section 404 permit, CWA Section 401 Water Quality Certification, and National Park Service Special Use Permit, and any other applicable permits. In addition, compensatory mitigation is required for permanent impacts to water resources in the District.

DOEE looks forward to working with the applicant as it moves forward with the redevelopment of the property. DOEE can provide technical assistance as the project aims to align with the Comprehensive Plan, and the overall goals and policies of the District of Columbia.