

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING
CASE NO. 04-34

+ + + + +

THURSDAY
June 16, 2005

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The Public Hearing of the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairman
GREGORY JEFFRIES	Commissioner
KEVIN HILDEBRAND	Commissioner
JOHN PARSONS	Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN	Zoning Specialist
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OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN	Office of Planning
TRAVIS PARKER	Office of Planning

D.C. ATTORNEY GENERAL'S OFFICE:

JACOB RITTING, ESQ.

This transcript constitutes the complete minutes of the Public Hearing held on Thursday, June

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(7:00 p.m.)

CHAIRPERSON MITTEN: Thank you. All right, so we're ready to take on the next case, which is 04-34. Mrs. Schellin are there any preliminary matters?

MS. SCHELLIN: Just to advise I have received in the record a memo in support from the Department of Health, which has been passed out to the Commissioners.

CHAIRPERSON MITTEN: Thank you, and that's Exhibit Number 14. So now I'll turn to Mr. Mordfin from the Office of Planning, for their presentation.

MR. MORDFIN: Good evening Chair Members of the Commission. I'm Steven Mordfin with the Office of Planning. In response to the additional recommendations offered by the Green Subcommittee of the Zoning Advisory Committee, the Office of Planning makes the following recommendations.

On discussion with the Office of the Attorney General, OP now recommends the deletion of specific paving materials, to allow for the introduction of new technologies, should they

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1 emerge, without the necessity of amending the zoning
2 regulations.

3 Should additional standards become
4 necessary, they could be imposed by either the
5 Department of Health or DCRA, as appropriate. The
6 Office of Planning does have concerns regarding the
7 use of gravel.

8 Within parking lots, it is not possible
9 to provide durable all-weather striping do to its
10 migratory nature. All the driveways for private
11 residences do not require striping, containment is
12 an issue, and paving of the first ten feet of a
13 driveway, would help contain the gravel, however
14 many driveways are not longer than ten feet.

15 However, other forms of pervious paving
16 will still be available to homeowners desiring a
17 pervious driveway surface. And therefore, the
18 Office of Planning recommends against the use of
19 gravel.

20 The Office of Planning does agree with
21 the inclusion of the term in-excessive for proposed
22 HUD benefits that would provide storm water
23 management controls to ensure that the amount
24 proposed to be controlled is in excess of that

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1 required.

2 However, the Office of Planning does not
3 agree that the amount need be significantly in
4 excess as the amount in excess relates directly to
5 the value of the benefit versus the impact of the
6 proposed project and the degree of zoning
7 flexibility requested.

8 And that includes the Office of
9 Planning's presentation.

10 CHAIRPERSON MITTEN: Thank you. Any
11 questions for Mr. Mordfin?

12 COMMISSIONER PARSONS: Mr. Mordfin, I
13 should have done a little more research, but I'll
14 put the burden on you. I'm worried about this
15 potentially impacting the tree and slope overlay.

16 Where there's a provision there as to
17 pervious and impervious, and I would ask you to
18 research that a little bit to make sure that, I
19 don't mind if we have to amend that at a later date,
20 but I don't want us to allow somebody in a tree and
21 slope overlay to, especially, well, to be able to
22 use an impervious material all over the, all over
23 the property, and therefore expand their ability to
24 develop.

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1 If you would take a look at that, I
2 would appreciate it.

3 MR. MORDFIN: Okay, we will do that.

4 CHAIRPERSON MITTEN: I just want to
5 clear, so you're asking, when we wrap up you're
6 going to ask, you want a supplemental response from,
7 okay?

8 COMMISSIONER PARSONS: Yes.

9 CHAIRPERSON MITTEN: Okay.

10 COMMISSIONER PARSONS: As to whether we
11 need to amend that particular regulation, if we're
12 going to implement this.

13 CHAIRPERSON MITTEN: Okay. Anyone else,
14 questions?

15 COMMISSIONER HILDEBRAND: Just to make
16 sure I understand that, and that is because things
17 that are normally now impervious, that could
18 transition to pervious, would allow you then to
19 modify your land to a greater extent because it
20 would no longer count against your pervious, or
21 impervious pavement?

22 COMMISSIONER PARSONS: Correct. And I
23 may be mistaken, but I'm fairly certain those two
24 categories exist.

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1 COMMISSIONER HILDEBRAND: Yes. It's
2 interesting OP's recommendation against gravel. Is
3 there a need to define, in the regulation, to what
4 would be considered pervious pavement?

5 I mean would grass be considered
6 pervious pavement?

7 MR. MORDFIN: Grass would be considered
8 pervious. It's not pavement. It doesn't provide an
9 all-weather surface. Let's see. The language that
10 OP had recommended, based on the submittal, would be
11 that, be paved and maintained with an all-weather
12 surface.

13 I don't believe grass would count as an
14 all-weather surface.

15 COMMISSIONER HILDEBRAND: So what other
16 things would count as an all-weather surface?

17 MR. MORDFIN: Well, the other forms of
18 pervious payment that we've discussed previously.
19 There's the block that allow the infiltration of, or
20 to go through them they've got corners of each
21 block. That's a pervious surface that allows to
22 then infiltrate into the soil below it.

23 So that would allow for that. Sometimes
24 with drainage underneath of there to make sure that

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1 the water actually drains away.

2 COMMISSIONER HILDEBRAND: Okay.

3 COMMISSIONER PARSONS: So to follow up on
4 that, the technology at the time is either concrete
5 or grass-crete, or whatever it's called. It's a
6 concrete material and a plastic material, isn't that
7 correct?

8 MR. MORDFIN: Well, I don't think it's
9 grass-crete, which is something different that
10 allows the grass to grow up through it.

11 The paving surface that I was speaking
12 of, it doesn't allow grass to grow up through it.
13 What it has is, you have, maybe something, a diamond
14 shape between each of your, maybe they are like
15 chip, like tiles or something.

16 And it's got in there tightly packed
17 gravel that does not move and allows the water to
18 permeate through it.

19 COMMISSIONER PARSONS: But I understand
20 crabgrass loves this stuff. There's an opportunity
21 for -

22 MR. MORDFIN: For grass to grow -

23 COMMISSIONER PARSONS: - heartier
24 materials to grow in it.

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1 MR. MORDFIN: I suppose, yeah, I suppose
2 crabgrass could do it. You would also have to
3 maintain it to make sure that nothing is growing
4 through it.

5 With grass-crete, the intention of that
6 is that you want something to grow through it.

7 COMMISSIONER PARSONS: Uh huh.

8 MR. MORDFIN: This is different. You
9 don't want plants growing up through it.

10 COMMISSIONER PARSONS: Why wouldn't we
11 want that?

12 MR. MORDFIN: Well, then what you have is
13 you have a surface that also moves - my understand
14 is that grass-crete also, as a surface for parking
15 lots didn't work and was a failure.

16 Because what happened was that the grass
17 typically would die from the surfaces that it was
18 being, from what it was being used for, from the
19 cars being parked on it from anything that might
20 drip on it.

21 This idea is that it's stable, nothing
22 moves on it, you're also not growing anything on it,
23 and it's a different type of surface, it's a
24 different type of technology than the grass-crete.

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1 COMMISSIONER PARSONS: Well, yes, with
2 repeated use, you're right. I think grass-crete
3 works well in football stadiums, placed that are
4 used occasionally.

5 MR. MORDFIN: Right, for occasional use,
6 grass-crete probably works much better. This would
7 be, you could put this, not where you have high
8 traffic, but maybe in the parking spaces of a
9 parking lot, but not in the aisles.

10 COMMISSIONER PARSONS: Yes.

11 MR. MORDFIN: Arlington County did that
12 in a school.

13 COMMISSIONER PARSONS: Yes.

14 MR. MORDFIN: They did that just in the
15 parking spaces, but not in the aisles where you have
16 traffic going back and forth.

17 CHAIRPERSON MITTEN: Anyone else?

18 (No response.)

19 CHAIRPERSON MITTEN: Okay, and then, I
20 think, as Mrs. Schellin noted, we have a memo in the
21 file from the Department of Health, in support of
22 the application.

23 Is there anyone here from a government
24 agency who would like to testify? Anybody here from

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1 the Department of Health?

2 (No response.)

3 CHAIRPERSON MITTEN: Okay. Anyone here
4 from an affected ANC, who would like to testify?

5 (No response.)

6 CHAIRPERSON MITTEN: All right. Then
7 we'll move to our list of witnesses. Nancy Stoner,
8 Edward Herbert. Have a seat. We'll just get four
9 people at the table and then you can take turns.

10 Mr. Clark and Mr. Bardin. Two more.
11 We'll just start with Ms. Stoner and move down the
12 table, then. You need to push the button in the
13 center of the base. There you go.

14 MS. STONER: Okay. Thank you very much.
15 I appreciate the opportunity to talk with you this
16 evening about this proposal, and I commend you for
17 having a hearing on this issue of permeable
18 pavement.

19 CHAIRPERSON MITTEN: Would you state your
20 name and address for the record, please?

21 MS. STONER: I will. It's Nancy Stoner,
22 and my address is 2611 Belle Crest Lane, Silver
23 Spring, Maryland 20906. I am employed at the
24 Natural Resources Defense Council, which is a

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1 national environmental group.

2 I'm working with the Natural Resources
3 Defense Council to clean up the Anacostia River, and
4 my office is in the District of Columbia at 12th and
5 H, N.W.

6 I do have a statement that I would like
7 to put in the record, and I have copies of, for all
8 of the members of the Commission. But I would like
9 to just summarize that, and I'd like to respond to a
10 number of the comments that I heard before I started
11 my testimony, as well.

12 As I said, the first thing I would like
13 to do is to commend you for having this hearing. I
14 think that it's a great time for the District to be
15 looking at ways of updating zoning standards to
16 allow the use of a variety of type of permeable
17 pavement, porous pavement, pavers.

18 We've been discussing the various types,
19 and there's a lot of innovation going on in this
20 area. So I do think it is important to adopt
21 language that is flexible enough to allow innovation
22 to occur, while keeping the concepts in place.

23 And the two principal concepts that I
24 would commend to you this evening are, one, that you

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1 do want to have infiltration if possible.

2 D.C. has a very significant storm water
3 problem, it's the largest source of impairment of
4 the D.C. waters.

5 And a lot of that comes from road run
6 off and all the various pollutants that are picked
7 up from the surface of the road, as well as the
8 problem of the storm water itself, flowing over the
9 surface instead of infiltrating into the surface.

10 Permeable pavement is a great way of
11 reducing that amount of run-off and the amount of
12 pollution that's generated into our waterways in
13 cleaning those up.

14 So I think that's one principle that you
15 want, and the other one that you want, of course, is
16 structural stability. And some of the questions
17 that I heard were addressed to that.

18 I think that we should make the zoning
19 regulations sufficiently flexible so that any type
20 of permeable or porous pavement could be used that
21 meets the design standards needed for the
22 particular, vehicular load that's anticipated.

23 And those are the two, those are the two
24 basic principles that I would suggest to you. I

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1 think you've got good language in front of you now
2 in terms of that basic frame work, but I do suggest
3 some slight modifications to the language, which are
4 reflected in my statement, which I can read now or I
5 can just put in the statement and discuss later.

6 CHAIRPERSON MITTEN: It would be great if
7 you could hand it up so we can take a look at it.

8 MS. STONER: All right.

9 CHAIRPERSON MITTEN: Then if people have
10 questions, before the panel is done - Mrs. Schellin
11 appears to have gone, but would you just put the
12 pile down there and Mrs. Schellin will pass it out
13 to us.

14 MS. STONER: While you're waiting for
15 that, in addition, I do suggest a couple of other
16 areas that are similar to this, that it would be
17 great if the Zoning Commission could take a look at
18 in terms of size of parking spaces.

19 In terms of having parallel strips on
20 driveways and other ways of increasing the
21 permeability of the surfaces.

22 And that's really what I wanted to say
23 this evening. Again, thank you for having this
24 hearing and I urge you to move forward with

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1 amendments along these lines to increase the storm
2 water treatment that we have and I have one just
3 last thing to say. I just remembered.

4 CHAIRPERSON MITTEN: Umm hmm.

5 MS. STONER: Which is I just happened to
6 get a newspaper article today, from the Oregonian.
7 And the headline of it is nasty run-off, new roads
8 just soak it in.

9 So I just wanted to let you know that
10 Portland is also moving in this same direction, and
11 we should follow their lead.

12 CHAIRPERSON MITTEN: Are they paving
13 roads with this stuff?

14 MS. STONER: They are. They have a
15 porous pavement proposal. It's actually being
16 funded, two million dollars from the U.S. EPA, so we
17 should get some of ours too, and get help paying for
18 porous pavement.

19 It is a pilot project reflected in the
20 newspaper article, which I'd be happy to leave for
21 the record, as well.

22 CHAIRPERSON MITTEN: Great. Do that, and
23 then we'll make sure that the Department of
24 Transportation gets wind of that, so they can do

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1 something innovative, too. Thank you.

2 MS. STONER: Great.

3 CHAIRPERSON MITTEN: Mr. Herbert. Would
4 you turn on your microphone, thanks.

5 MR. HERBERT: Good evening, my name is
6 Edward Herbert, I represent the National Ready Mixed
7 Concrete Association. We represent the guys who
8 drive the trucks that turn the drum as they're going
9 down the street and deliver an incredible product to
10 this city every day.

11 My address, you've asked for my home
12 address, it's 5127 Harper's Farm Road, Columbia,
13 Maryland 21044.

14 And I just like to share with you a few
15 comments this evening about our position and the
16 things that we're doing. We do applaud the Zoning
17 Commission for having this hearing to consider steps
18 to change the regulations that permit the use of
19 pervious pavements in the District of Columbia.

20 It shows great forward thinking and a
21 commitment to environmental protection, especially
22 the conservation of the precious waterways that do
23 flow through this city, and provide the water supply
24 that we do consume so readily.

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1 The Zoning Advisory Committee is also to
2 be commend for their efforts to get this action
3 going and making it happen and having this hearing
4 tonight.

5 A significant development and urban
6 sprawl in the Washington area has placed a strain on
7 waterways, such as our Anacostia River, Rock Creek,
8 the Potomac River and the Chesapeake Bay.

9 The increase in impervious services
10 create storm water flow that carries contaminants
11 into the waterways and further results in stream
12 bank erosion to rivers and streams.

13 Increased development requires storm
14 water management measures that are costly, require
15 maintenance and occupy real property, encouraging
16 the use of simple options like the use of pervious
17 surfaces for parking areas and road surfaces will
18 help to minimize the need for these expensive and
19 often times hard to place storm water management
20 measures while we do protect the city's waterways.

21 The current infrastructure of the
22 combined storm water and sanitary sewer lines in the
23 District of Columbia, is already overloaded with
24 constant potential for significant pollution of the

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1 rivers and streams from heavy rains.

2 This problem was documented in an
3 article written by Lisa Rein in the May 23rd, 2005
4 issue of the Washington Post, and that article is
5 included in your material that you received.

6 Pervious concrete pavements have been
7 used for many years in the United States. It's not
8 as new a technology as many of us think. Especially
9 in places like in Portland, Oregon.

10 In a well-designed system, a pervious
11 concrete parking lot functions like a storm water
12 retention pond, while functioning like a parking
13 area.

14 Three to eight gallons of water or more,
15 can pass through a square foot of pervious concrete
16 in a minute. The pervious systems provide for storm
17 water storage during heavy rain flow, and provide
18 for percolation into the ground to recharge
19 aquifers.

20 And that is important, even though we
21 don't use it for our drinking water supply.

22 Pervious pavements can also filter water and provide
23 natural purification of pollutants preventing them
24 from entering the regions waterways.

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1 Pervious concrete offers a simple
2 construction process, a low cost and is simple to
3 maintain or rehabilitate. By the way, porous
4 pavement is recognized as a best management practice
5 by the U.S. EPA.

6 Other environmental benefits gained
7 during, gained by using light-colored, pervious
8 concrete, are the reduced lighting requirements of
9 parking areas, reduced absorption of solar heat and
10 the heat island effect, and the reduced heating of
11 storm water that when it runs off and immediately
12 into a stream it can affect aquatic life.

13 Your approval of pervious concrete in
14 Washington, D.C. will be a win/win for the
15 environment and the citizens of this great city.
16 I've provided material on pervious concrete in your
17 information packages and I'm more than happy to
18 answer any questions that you might have.

19 CHAIRPERSON MITTEN: Thank you.

20 MR. HERBERT: Thank you for the
21 opportunity to speak.

22 CHAIRPERSON MITTEN: Thanks. Mr. Clark?

23 MR. CLARK: My name is George Clark, I
24 live at 4525 28th Street, N.W., and I'm pleased to be

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1 testifying here tonight on behalf of the Federation
2 of Citizen Associations of the District of Columbia
3 and it's 45 member organizations.

4 As you know, the Federation is intensely
5 interested in zoning and land-use issues in the
6 District, and we believe that open-space trees and
7 effective control of storm water run-off are
8 important issues.

9 For that reason, we support the May 12,
10 2005, proposal of the Zoning Advisory Committee to
11 eliminate all zoning restrictions on the selection
12 of paving materials for open parking spaces and
13 parking lots.

14 We agree that it's time that D.C. join
15 more vigorously in the movement towards green and
16 low-impact development that we've heard about some
17 from our previous witnesses tonight.

18 As the Nation's Capital and as the city
19 of trees, we believe that D.C. should be a leader in
20 this growing movement. We're happy to endorse the
21 change and view it as the first in what we hope is a
22 series of changes to encourage green techniques.

23 The benefits for storm water management
24 and tree preservation and planting are well

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1 documented. Mr. Parsons referred to tree and slope
2 overlap, I supposed I can't appear before this
3 Commission without that phrase coming up.

4 But I will say that certainly many
5 Architects and Landscape Architects want to use
6 these techniques and are frustrated by their
7 inability to do so under the current zoning
8 regulations.

9 Eliminating these restrictions will
10 enable homeowners to use pervious surfaces to save
11 trees and increase green space. We've heard about
12 the surrounding jurisdictions from the Zoning
13 Advisory Committee, such as Montgomery County, that
14 do not have paving requirements in the Zoning Code,
15 leaving it to the owners and builders to make sure
16 that the techniques used work for the site and
17 surrounding properties.

18 We expect that DCRA, through the
19 building code and the Department of Health, will
20 make sure that any necessary minimal standards are
21 met.

22 We also think that if a regulation is
23 kept on the books, as the Office of Planning has
24 said, that it should say pervious or impervious,

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1 lest readers and users think that impervious is
2 still intended even though that word is no longer
3 there.

4 We also support the Zoning Advisory
5 Committee's proposal to revise the proposed changes
6 to the planned unit development evaluation standards
7 on counting storm water run-off controls as
8 environmental amenities.

9 Under that proposal the Department of
10 Health must certify that the Applicant proposes run-
11 off controls, significantly in excess of those that
12 the regulations would require anyway.

13 And then unless DOH is able to state the
14 difference, no amenity preference may be granted.
15 While we strongly believe the PUD Applicants should
16 be steered towards environmental amenities, we see
17 no reason to grant them for merely complying with
18 the law or claiming a benefit that they cannot prove
19 will take place. The ZAC proposal would implement
20 those goals. I would be happy to answer any
21 questions.

22 CHAIRPERSON MITTEN: Thank you, Mr.
23 Clark. Mr. Bardin.

24 MR. BARDIN: Chair Mitten, members of the

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1 Commission, I'm David J. Bardin. I live at 4701
2 Connecticut Avenue, N.W., Apartment Number 501, D.C.
3 20008. Sometimes known as the Truman House,
4 because of a very distinguished former resident of
5 that building, and his wife and daughter.

6 I'm here on behalf of the Zoning
7 Advisory Committee. I think this is the first time
8 you've heard a witness. I'm not here on behalf of
9 the Subcommittee, the entire Zoning Advisory
10 Committee has taken the position that we filed with
11 you on May 12.

12 The Zoning Advisory Committee meets in
13 this room, around this table, and tries to give you
14 good advice and also tries to work on some big
15 issues. Now, we, the Zoning Advisory Committee,
16 also applaud this Commission for scheduling this
17 hearing and putting forward a proposal to get rid of
18 one part of a 50-year old regulation.

19 The part that says it's got to be
20 impervious. Please do that. Please, also, consult
21 with your able Counsel, Mr. Bergstein, as to whether
22 you really shouldn't, one way or another, inform the
23 conscientious Architects and Engineers, who are the
24 only people who really have been enforcing this

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1 regulation, the conscientious ones.

2 That that word impervious hasn't just
3 disappeared, but it's somewhere else and they can't
4 find it, then you really have changed the policy.
5 But that's not enough. I'm not going to read my
6 whole statement since you want me to confine myself
7 to three minutes, or if you'll consider me a
8 government agency, five.

9 CHAIRPERSON MITTEN: You have five
10 minutes. You have five.

11 MR. BARDIN: Five, good. But we want you
12 to get rid of the references to asphalt or
13 bituminous brick and concrete. When we saw all-
14 weather, we thought it included grass.

15 Grass is there all weather. The problem
16 is mud. Stuff, you know, if you have exposed earth,
17 which in the storm water becomes mud, that's what
18 you don't want.

19 We had provided with you, in Appendix A
20 to my statement, just from the Internet, a series
21 of examples of what's on the marketplace. I can't
22 tell you how delighted I am that you have one
23 witness speaking for a whole industry that's
24 producing things on the marketplace.

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1 It happens, the first item on our
2 Appendix is for something called grass track. And
3 the people who are selling that have a technology
4 that goes to World War II and Sea Bees, on the
5 islands in the Pacific.

6 And we're not saying it applies
7 everywhere and that you should require people to use
8 it, but you should make that available for people in
9 the development community.

10 Property Owners who want to try it out,
11 with the advice of their Engineers, their
12 Architects, their Specialists, for their property.
13 We're recommending to you de-regulation.

14 We're recommending back zoning
15 regulations out of this whole issue. You have an
16 incomplete set of regulations as to structural
17 strength. For example, there's nothing in your
18 regulations about compaction under the asphalt or
19 the concrete.

20 This is not an Engineering group. If
21 there's going to be that kind of requirement, and we
22 doubt it, because Montgomery County survives
23 perfectly well without it. Then let the building
24 codes do that.

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1 You know very well that your zoning
2 regulations don't apply to all the land in the
3 District. The federal lands aren't subject to
4 zoning.

5 So when the Navy Yard wanted to try
6 these technologies, they tried them. They didn't
7 need zoning permission. When the National Park
8 Service wants to try it out, you can try any one of
9 these technologies.

10 But when the D.C. Parks Department,
11 which endorsed the May 12, I think they meant to
12 endorse our letter, our report to you of May 12th.
13 When they want to try it out, they're not free to do
14 that.

15 That's a silly discrimination and you
16 ought to just get rid of that. They question of
17 paving. Look, we've got all kinds of products on
18 the market, some have been around a long time.

19 As you heard, some of these pervious
20 concrete products have been around for ten to 20
21 years. The sea bees product, which combines a kind
22 of a grid of metal with grass has been around for an
23 awfully long time.

24 Some of them are brand new and more

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1 important, there are going to be new ones tomorrow.

2 And the real point is the one that Mr. Mordfin
3 made. People shouldn't have to come back to you
4 each time.

5 Amend the zoning regulations to deal
6 with the technology that I'm not smart enough to
7 predict to you today, and you're probably smarter
8 than I am, but still, you might just not think of it
9 today, either.

10 CHAIRPERSON MITTEN: You need to wrap it
11 up now, those five minutes go quickly.

12 MR. BARDIN: The proposals that you put
13 forward to rely on the Department of Transportation,
14 what they allow for streets, really are inadequate
15 because the streets take a pounding every day, and
16 parking spaces don't take that kind of pounding.

17 We had a discussion in this room
18 yesterday, after I wrote this testimony, and this
19 will conclude with that story. The Building Code
20 Advisory Committee meets in this room also.

21 And afterwards, one member of the Zoning
22 Advisory Committee, who is also on the Building
23 Code, talked with an Engineering Manager, from one
24 of our leading utilities in this region, about a

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1 project that utility has which includes a kind of a
2 dormant parking facility within a locked fence.

3 They have to have a parking place which
4 can handled a very large vehicle, that can handle
5 enormous weights in case of something going wrong
6 with their equipment.

7 Almost all year round that will be
8 empty. They went to the Department of Health for
9 storm water management regulation purposes. The
10 Department of Health said why don't you use some
11 pervious paving?

12 And you do you know what the Manager,
13 the Engineering Manager for this utility said? He
14 said I can't recommend to my company that we violate
15 the law of the District of Columbia.

16 That's the position he was in. If we
17 were in Montgomery County, I could do it. I could
18 look at any of these alternatives. So, for goodness
19 sake, let's get rid of these provisions.

20 Let's, if you want a campaign against
21 gravel, which DCRA doesn't regulate, don't sick it
22 on new regulations here, anti-gravel, don't ask the
23 Zoning Administrator in DCRA who hasn't been paying
24 any attention to gravel.

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1 The only people who enforce it, as I
2 said, are conscientious Architects and Engineers.
3 There are more important things for DCRA and its
4 Zoning Administrator to do for the goals of the
5 important zoning regulations and start a new
6 campaign against gravel.

7 If there's to be a campaign against
8 gravel, let somebody else do it. And keep in mind,
9 the regulations you now have on the books, which I'd
10 like you to get rid of, and the Zoning Advisory
11 Committee is recommending you get rid of, apply to
12 large parking lots, if it's on zoned land, not large
13 parking lots on federal land, and apply to
14 individual homes.

15 You know, you could have a pad of all
16 gravel. Maybe you should just have something, two
17 solid things for the tires of your car with ordinary
18 grass in between.

19 Let's get the zoning regulations out of
20 this and into something much more important. Thank
21 you, I'd be happy to answer any questions.

22 CHAIRPERSON MITTEN: Thanks. We're all
23 going to get buttons like you have, but they're
24 going to say gravel inside with the line through it.

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1 (Laughter.)

2 CHAIRPERSON MITTEN: I hope the Gravel
3 Manufacturers of America don't come down.

4 (Laughter.)

5 CHAIRPERSON MITTEN: Any questions for
6 the panel? Any questions, anybody?

7 VICE CHAIRPERSON HOOD: I had a question
8 for Mr. Herbert. Mr. Herbert, in your testimony you
9 talked about the storm water retention pond, and
10 said that the pervious concrete parking lot
11 functions like a storm water retention pond.

12 Explain that to me a little more,
13 because I believe that, all the testimony I've ever
14 heard down here, the storm water retention ponds
15 have to be cleaned every so many years.

16 How does, is that actually the same with
17 the parking lot?

18 MR. HERBERT: No, sir, it's a different
19 technology and I did provide some technical
20 material. Not enough for everybody, I apologize, I
21 did get your packages together.

22 But in this, and I'm more than happy to
23 give this to you, it describes the preparation that
24 you have to do. And so you have to do, you have to

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1 take a look at your soils and the procivity of the
2 soils, then that will determine how much of a gravel
3 base you would have to put down before you place the
4 pervious concrete.

5 And that area underneath of the pavement
6 can act as a holding area, as a retention structure,
7 if you will, not necessarily a pond, and gradually
8 let the water make its way into the ground that is
9 below the parking area.

10 And insofar as maintenance, the studies
11 that we have indicate that in most cases, unless
12 there are some extreme conditions, there will be
13 virtually no maintenance that will need to be done,
14 however, it can be done by pressure washer with
15 water only.

16 VICE CHAIRPERSON HOOD: Okay, I think you
17 answered my question. I don't want to take that
18 nice, good print job from you.

19 MR. HERBERT: No, it's all yours, sir.

20 VICE CHAIRPERSON HOOD: No, you've
21 answered my question, thank you.

22 MR. HERBERT: If you have insomnia, it's
23 great reading.

24 (Laughter.)

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1 CHAIRPERSON MITTEN: Well, I'm happy that
2 people are giving us information about products,
3 because I can use that in my day job to do some
4 proper paving now. Anyone else, any questions?

5 (No response.)

6 CHAIRPERSON MITTEN: All right, thank you
7 all very much.

8 COMMISSIONER PARSONS: Well, I do want to
9 follow up with Mr. Herbert, because your brochure
10 talks about sweeping, vacuuming and power washing,
11 and the word routine is used.

12 I mean, of course, it depends on the
13 circumstance, but is this an annual thing or semi-
14 annual or when it needs it or what's your
15 experience?

16 MR. HERBERT: There are recommendations
17 that you can do pressure washing to it annually.
18 That may not necessarily be necessary if there's not
19 a lot of sediment going through the porous area.

20 If I may, pervious concrete, concrete is
21 made up of cement, coarse gravel, sand and water.
22 You can add some other add mixtures in there, but
23 that's what makes concrete.

24 And to make pervious concrete you take

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1 the fine aggregate, the sand out of the mix, and
2 then consequently you can create the voids in there
3 that allow the water to pass through.

4 So it can be pressure washed with
5 appropriate vacuums, it can be vacuumed as well. But
6 indicators that I'm seeing are between one and five
7 years is how often it would require maintenance.

8 COMMISSIONER PARSONS: And are there any
9 installations of this in the District of Columbia?

10 MR. HERBERT: It's illegal, sir, and I
11 couldn't confide if I knew.

12 (Laughter.)

13 COMMISSIONER PARSONS: You don't have any
14 samples?

15 MR. HERBERT: No, sir. I, you know what,
16 I apologize, I could have brought a sample that you
17 could hold in your hand.

18 COMMISSIONER PARSONS: How about
19 Montgomery County?

20 MR. HERBERT: And I didn't do that. I'm
21 not aware of any, sir, in the area. It's very
22 popular, growing like crazy in Florida, and we've
23 also placed a few very large parking lots in the
24 Denver area, for some of the large, big-box stores

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1 there.

2 COMMISSIONER PARSONS: Okay, thank you.

3 MR. HERBERT: Yes, sir.

4 CHAIRPERSON MITTEN: Thank you all, very
5 much.

6 MR. BARDIN: Can I indulge you just to
7 ask one, to keep -

8 CHAIRPERSON MITTEN: You mean even more
9 than going over your five minutes?

10 (Laughter.)

11 MR. BARDIN: Absolutely. Mr. Herbert
12 mentioned the heat island effect. And that's a very
13 important thing for you to, you're going to hear
14 mainly about storm water because we have an awful
15 lot of interest groups, including ourselves, who are
16 concerned about storm water management.

17 But heat island is another big issue
18 here. And if there are places where we can use
19 grass, despite our clay soil, which we don't have
20 the outer banks of North Carolina sand here, and
21 people can do it, they will try it.

22 There have been builders here who wanted
23 to do that, downtown. I mean there are places where
24 you don't have a car there all day lawn. You know,

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1 the fleet goes out in the day and they're out on the
2 road and they only come back at night.

3 Again, all we're asking you, you know,
4 our original proposal, which the Office of Planning
5 objected to, was that you say this Zoning Commission
6 encourages pervious surface.

7 We were told that's an improper thing
8 for you to do, so we're dropping that request. But,
9 for goodness sakes, do take away the prohibition and
10 the discouragement and that's all what you've had
11 here for 50 years.

12 And if you're going to tell people they
13 can't try out grass where their Engineers think it
14 will work, I think you're just off on the wrong
15 track of getting this National Capital City, to be
16 what it ought to be, the kind of green city it ought
17 to be.

18 So I beg you to figure out a way, with
19 the able help of your Attorney General, to do this
20 job and leave the protection of the helpless
21 citizenry to the Building Code people or somebody
22 else. Thank you.

23 CHAIRPERSON MITTEN: Thanks, Mr. Bardin.
24 Mr. Connolly. Anyone else who would like to

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1 testify can come to the table now, we have room.
2 You can go ahead, Mr. Connolly.

3 MR. CONNOLLY: All right, my name is Jim
4 Connolly, I am the Executive Director of the
5 Anacostia Watershed Society. We're located at 4302
6 Baltimore Avenue in Bladensburg, Maryland, right
7 over the line in Maryland.

8 Our organization is a local non-profit
9 that's dedicated to restoring the Anacostia River to
10 a swim-able and fish-able condition. So some day
11 I'd invite you all to come out for a swim with us.

12 It's not yet there. But one of the, the
13 key problem right now facing the Anacostia River, as
14 far as the pollution that comes into it, is storm
15 water impacts running off of our impervious
16 surfaces.

17 We've heard from our previous panel
18 members that the impacts of impervious services are
19 great. It brings with it trash. It brings with it
20 sediment as the velocity causes erosion in the
21 streams.

22 It brings with it oils and greases from
23 our cars. It brings heat into the streams. Hot
24 water has less oxygen capacity. They say if you

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1 have a watershed that's more than ten percent
2 impervious, you're going to have impaired water
3 quality.

4 Well, we have more than 50 percent
5 impervious in large sections of the Anacostia
6 Watershed. So there's really, it's imperative that
7 if we are serious about cleaning the Anacostia,
8 cleaning the Potomac, cleaning Rock Creek and really
9 cleaning the Chesapeake Bay, we've got to address
10 the storm water.

11 So I'm very, very supportive of this
12 proposal to allow pervious pavement and pavers and
13 ways that we can remove the requirement for
14 impervious surfaces in the city.

15 Because this is going to set a real
16 great precedent for the future, for looking at, as
17 the technologies develop, allowing for greater and
18 greater capture of storm water.

19 If you look at the way a forest works.
20 You've got rainwater falling on the soil, it sinks
21 down into the soil and down into the ground water,
22 and then it evaporates up from our water bodies.

23 When we create a built environment, like
24 a city, where we are, we eliminate that filtering

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1 process that the soil provides. So what our goal
2 is, if we're serious about water quality and
3 cleaning up our waterways is to allow the rain water
4 to re-enter the soil.

5 And if we can do that on small scales
6 and on large scales, throughout the built
7 environment, we're going to be, nature will clean
8 itself. The river will know how to clean itself if
9 we stop insulting it with this constant load of
10 pollutants from the storm water.

11 So by allowing this, pervious pavers, I
12 think it's a fabulous step forward. I envision the
13 day, that one day that it's a requirement that
14 anything built in the city has to have impervious.

15 I know we're not there yet, but this is
16 one step toward that goal. I think the momentum is
17 building. We have a very strong interest from the
18 Mayor and the Council right now on this Anacostia
19 Waterfront Initiative.

20 I think that the District of Columbia is
21 right now considering creating a Department of the
22 Environment, which will help further strengthen
23 protections for our waterways.

24 So all of these are steps forward

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1 towards what are, I believe, are shared goals of all
2 of us. Our cleaning up of the Anacostia River and
3 then ultimately, as a region, cleaning up the
4 Chesapeake Bay. So the District is setting a
5 fabulous, a very good standard here, by removing
6 this impervious surface requirement.

7 And, again, as I said, I really look
8 forward to the day that this becomes a mandatory
9 requirement when we can see all kinds of innovative
10 storm water measures, storm water control measures,
11 which ultimately will allow 100 percent capture of
12 storm water into the ground, allowing the hydrologic
13 cycle to function as it naturally should. Thank
14 you.

15 CHAIRPERSON MITTEN: Thank you, Mr.
16 Connolly. Sir, go ahead.

17 MR. MAEDA: Hello, my name is Masaya
18 Maeda, I'm working for the Anacostia Watershed
19 Society, the same organization as Jim Connolly.
20 First of all I'd like to express my thankfulness
21 about this change in code to allow the use of
22 pervious paving.

23 Storm water is a major source of the
24 pollutants, so this code change will bring great

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1 change in water quality. As a member of a
2 community, I'd like to see better and faster change
3 in the water quality, in our water rates.

4 So I would like to see the requirements
5 rather than, not choice, as Jim Connolly said. This
6 time it may be difficult to have requirements in
7 codes, but in the future, as soon as possible, I'd
8 like to see requirements wherever possible pervious
9 paving should be employed in this region.

10 And because some don't want to invest
11 their time and money to learn new approach, such as
12 pervious paving, because they are profit
13 organizations, they try to make, they try to
14 maximize their profit as much as possible.

15 So that is one reason. And other
16 reasons are once impervious paving is installed, it
17 stays there probably at least ten years, at the
18 shortest time period.

19 So once installed, it stays very long,
20 so we need to realize the significant impact of
21 impervious paving onto our environment. And lastly,
22 I'm able to show some impacts that Washington, D.C.
23 imposes onto the upstream portions of the Anacostia
24 River.

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1 This testimony has a map indicating the
2 location of the storm water pipe. And this map
3 connects to pictures of the evidence of the impact
4 onto the stream.

5 Even small amount of rainfall now goes
6 into the stream and it carries pollutants as well as
7 sediment. And usually in the area where ecosystem
8 works, it's too small amount of water is absorbed
9 into ground or decaying leaves or those materials,
10 so it doesn't come to the stream so soon.

11 And this statement has a before and
12 after the small amount of rainfall, so I'd like you
13 to take a look at these pictures. And it also has
14 erosion side and because flushing storm water is so
15 severe, there is an erosion occurring, just in front
16 of the pipe.

17 And sewer pipe is exposed and this is
18 very vulnerable, and once this is broken this will
19 cause a significant, severe impact on the
20 environment. And trash also, because of the rushing
21 storm water, many trees are falling down.

22 And these trees pick up flushes from
23 Washington, D.C. from impervious surfaces. So it's
24 branches and twigs picks up flushes, you see the

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1 Page 6.

2 And one example of the severe erosion
3 site, this erosion is higher than human height. So
4 this erosion site is a very significant site. This
5 is actually occurring from storm water, from
6 flushing condition.

7 And this picture shows channelized
8 stream, whole stretch was channelized with concrete
9 because of flushing storm water to, this is a large
10 amount of storm water. The stream bank was
11 channelized with concrete.

12 And this concrete destroyed aquatic
13 habitat almost completely. The last graph shows
14 peak discharge at Northwest bank, over years. And
15 this graph clearly shows the increase in peak
16 discharge, almost doubled or roughly tripled.

17 So we need to reduce this storm water
18 flushing into the stream. And change in course can
19 be a solution to reduce storm water. Thank you,
20 very much.

21 CHAIRPERSON MITTEN: Thank you, Mr.
22 Maeda. I think this is Maryland trash, though,
23 isn't it?

24 (Laughter.)

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1 MR. MAEDA: This is actually Washington,
2 D.C.

3 (Laughter.)

4 CHAIRPERSON MITTEN: I think their trash
5 comes over to us, though, somehow.

6 (Laughter.)

7 MR. CONNOLLY: It does, it definitely
8 does. Can I make one quick point that I didn't
9 make, is an economic point that currently, right
10 now, the D.C. Water and Sewer Authority is planning
11 a very, multi-billion dollar project to deal with
12 combined sewer overflows into the Anacostia and
13 Potomac and Rock Creek.

14 This, by allowing pervious pavement, and
15 other measures to control storm water, we could
16 potentially look at hundreds of millions, millions
17 of dollars in savings that the District Ratepayers
18 will have to pay because we will be reducing the
19 burden on the system and they won't have to be, the
20 Water and Sewer Authority won't have to build as
21 large tunnels as are currently planned.

22 So this is another thing to consider, is
23 that this, by reducing the storm water impacts, we
24 could be reducing the amount of combined sewer

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1 overflow and therefore reducing the price tag for
2 fixing that.

3 CHAIRPERSON MITTEN: Good point.

4 COMMISSIONER HILDEBRAND: What is the
5 percentage of the existing impervious surface covers
6 that could be corrected if we were to allow private
7 parking lots and paved areas to be pervious instead
8 of impervious?

9 Do you have a statistic on what is the
10 breakdown for roads versus private property?

11 MR. CONNOLLY: I don't know the
12 specifics, I just know in general we have, as I
13 said, areas in the District that re 50 percent or
14 greater impervious total in the watershed.

15 But, you know, it's the, you think of
16 the amount of roadways and parking lots that you can
17 just see. And if we can, you know, start slowly
18 through as they become redone or rehabilitated with
19 pervious materials, it's going to start to add up
20 and make quite an impact.

21 You know, it's not going to happen
22 overnight, but I think once the zoning requirements
23 are in place, then the process will begin as they
24 are redone. It will, you know, allow for

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1 infiltration.

2 COMMISSIONER HILDEBRAND: Thank you.

3 CHAIRPERSON MITTEN: Mr. Jeffries, did
4 you have something?

5 COMMISSIONER JEFFRIES: Yeah, thank you,
6 actually for commenting on just the economics. I
7 mean that's really understanding that, you know,
8 typically Developers would spend a lot of time
9 figuring out the cost.

10 I mean, I'm looking at the Appendix that
11 Mr. Bardin put together of these pervious paving
12 materials and it would be interesting to get a sense
13 of sort of, you know, a comparison between just the
14 regular impervious versus the pervious. And of
15 course, looking at the larger context, as it relates
16 to the savings over time, which sometimes, some
17 developers don't what to talk about, are not
18 interested in, but it would be very interesting,
19 going forward, to just make certain that when you're
20 talking about these types of issues that you're
21 putting a lot of it in the context of cost savings,
22 and in various ways in which some of this could be
23 underwritten so that you don't get so much push-back
24 from some of the development community. It's just a

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1 statement.

2 COMMISSIONER PARSONS: Let me follow up
3 on that. Mr. Connolly, I presume you attended a
4 recent forum on green roofs. And as I understand
5 there was a very good comparison, not, economic
6 analysis, if you will, of one acre of green roof
7 equals so much reduction in the amount of storm
8 water run-off, there fore it makes so much of an
9 impact on WASA.

10 Are you familiar with that? Is that
11 something we could apply here as rationale for what
12 we're doing?

13 MR. CONNOLLY: I think you could. I
14 don't know the specific figures, but I know what
15 you're referring to, because I have seen those
16 figures. I think, yes, if you look at the amount of
17 impervious service in our city and if we start to
18 calculate out, you know, over time, how much of that
19 will become more and more pervious, you're going to
20 have a definite, reduced impact of storm water going
21 into our waterways.

22 I mean it's a simple idea of just
23 allowing, through many means, pervious pavers and
24 pavement being one, rain gardens, green roofs, being

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1 others, allowing storm water to be captured and then
2 infiltrated into the soil, instead of sent through a
3 pipe into the river. That's what we need to get
4 toward.

5 COMMISSIONER PARSONS: Is that something
6 you could, I know the figures are there.

7 MR. CONNOLLY: Yeah, we could probably
8 provide you with that.

9 COMMISSIONER PARSONS: I think that would
10 be very helpful.

11 MR. CONNOLLY: I know folks that have
12 those figures.

13 COMMISSIONER PARSONS: Maybe further
14 deliberations on green roofs, we could take up. But
15 that's not tonight's -

16 MR. CONNOLLY: Yeah, we support those,
17 too.

18 CHAIRPERSON MITTEN: Anyone else?

19 (No response.)

20 CHAIRPERSON MITTEN: Okay. Mr. Parsons,
21 you had asked for some follow-up from OP about the
22 tree and slope overlay. Was that sort of separate
23 and apart from this? Or do you want to leave the
24 record in this case open for it?

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1 COMMISSIONER PARSONS: I would because
2 I'm nervous about it.

3 CHAIRPERSON MITTEN: Okay.

4 COMMISSIONER PARSONS: I think that we
5 may be unleashing something we don't want to do in
6 this tree and slope overlay.

7 CHAIRPERSON MITTEN: Okay. There, just,
8 um, hearing the last bit of testimony put something
9 in my mind, which if we're going to ask OP for
10 something, we'll ask OP for this as well.

11 Which is sort of taking a step, at least
12 to consider taking a step in the direction of
13 requiring previous paving. I was wondering if you
14 would take a look at our W-0 Regulations and I think
15 we didn't, I think we prohibited surface parking in,
16 did we prohibit surface parking?

17 But perhaps to include something to the
18 extent that there, basically to eliminate any
19 potential paving of any kind that would be
20 impervious. So at least in the multi-vulnerable
21 area, we could, you know, we could start to make
22 that gesture and see. So, do you follow what I'm
23 asking for?

24 MR. MORDFIN: You're requesting something

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1 that might prohibit pervious paving -

2 CHAIRPERSON MITTEN: In W0.

3 MR. MORDFIN: I'm sorry, impervious
4 paving in -

5 CHAIRPERSON MITTEN: Prohibit impervious
6 paving -

7 MR. MORDFIN: In the W0.

8 CHAIRPERSON MITTEN: Right. And keeping
9 in mind that we already know that we don't have, we
10 don't allow surface parking, but there's lots of
11 other opportunities for paving.

12 MR. MORDFIN: Sidewalks.

13 CHAIRPERSON MITTEN: Yeah, sidewalks and
14 stuff. All right, anyone else?

15 (No response.)

16 CHAIRPERSON MITTEN: So we can leave the
17 record open for, what, 30 days or something like
18 that?

19 COMMISSIONER JEFFRIES: Excuse me, I
20 would like to request that the Office of Planning,
21 if you could, to speak a little bit about some of
22 the economics tied using pervious materials? If we
23 can, just walk us through that, just somewhat.

24 And then, of course, put it in the

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1 context of the larger savings over time. I'd just
2 like to get a better understanding of that.

3 CHAIRPERSON MITTEN: You definitely want
4 to do that so that Mr. Jeffries can make that good
5 decision to use impervious paving when he's building
6 his big buildings and stuff.

7 (Laughter.)

8 COMMISSIONER JEFFRIES: Storm water
9 management is obviously very important.

10 CHAIRPERSON MITTEN: Mrs. Schellin, what
11 is 30 days, what is that?

12 MS. SCHELLIN: So we'll take this up at
13 our September meeting, then, is that correct? If we
14 give them 30 days.

15 CHAIRPERSON MITTEN: What would it take,
16 how many days would it take to get it on our July
17 agenda?

18 MS. SCHELLIN: If they could provide it
19 by July 5th?

20 CHAIRPERSON MITTEN: What do you think
21 about that, Mr. Mordfin is now, frightened.

22 MS. SCHELLIN: It gives about two and a
23 half weeks, or a little over two weeks.

24 MR. MORDFIN: On July 5th respond to the

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1 different items that -

2 CHAIRPERSON MITTEN: Let me, just take
3 one, let me just try this again. If it's 30 days,
4 what does the put us at?

5 MS. SCHELLIN: That will put us to the
6 18th of July.

7 CHAIRPERSON MITTEN: Do we have hearings
8 scheduled after the 18th of July?

9 MS. SCHELLIN: WE have the inclusionary
10 zoning hearing.

11 CHAIRPERSON MITTEN: Okay, well, let's
12 schedule a special public meeting for that night,
13 then we can put that on for decision at a special
14 public meeting.

15 We can give the OP time to get back to
16 us, so you'll have 30 days, but we won't have to
17 wait through the month of August to take it up.
18 How's that?

19 COMMISSIONER PARSONS: Good, because
20 there's a lot of rain falling.

21 CHAIRPERSON MITTEN: I know, I know.

22 MS. SCHELLIN: So we'll have the special
23 public meeting on the 25th of July at 6:00?

24 CHAIRPERSON MITTEN: Yes. That sounds

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1 good. So if anyone has any other pearls that they
2 would like to share with us, the record will be open
3 for 30 days and, as Mrs. Schellin said, we'll have a
4 special public meeting on July 25th, to deliberate on
5 this matter and take action.

6 And I thank you all again for coming out
7 tonight, we're adjourned.

8 (Off the record at 7:30 p.m.)

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