

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, ^{JLS} Deputy Director Development Review & Historic Preservation
DATE: March 29, 2013
SUBJECT: ZC 13-XY: Preliminary and Pre-hearing Report - Request for a Text Amendment to the Zoning Regulations: Chapter 1, Section 199, Definition of Retaining Wall; and Chapter 4, Section 412, Retaining Walls

I. RECOMMENDATION

The Office of Planning (OP) recommends that the following text amendments be set down for a public hearing.

II. BACKGROUND

There have been two recent cases regarding retaining walls that have highlighted the need for additional zoning detail by providing definition and development standards. The Office of Planning has coordinated with the Office of Zoning Administrator and recommends the following definitions be added to section 199 and development regulations be added to chapter 4 of the Zoning Regulations.

III. PROPOSAL

The following amendments to chapters 1 and 4 of title 11 DCMR are proposed accordingly:

Chapter 1, Zoning Regulations

1. *Amend § 199 by adding a new definition:*

Retaining Wall - a vertical, self-supporting structure constructed of concrete, durable wood, masonry or other material, designed to resist the lateral displacement of soil or other materials. The term shall include concrete walls, crib and bin walls, reinforced or mechanically stabilized earth systems, anchored walls, soil nail walls, multi-tiered systems, boulder walls or other retaining structures.

Chapter 4, Residence District: Height, Area, and Density Regulations

2. *Amend Chapter 4 by adding a new section 412, Retaining Walls:*

412.1 In R-1, R-2, R-3, and R-4 a retaining wall or similar structure may be erected as follows:

- (a) A retaining wall may be erected within any required side or rear yard provided the retaining wall or structure does not exceed four feet (4 ft.) in height;
- (b) A retaining wall taller than four feet (4 ft.) shall not be located in any required yard as measured from the property line inward, or along a street frontage.

- (c) The maximum height of a retaining wall regardless of location shall be six feet (6 ft.).
- (d) A retaining wall four feet (4 ft.) or more in height, that elevates the terrain and is back filled with dirt or other fill material shall be considered a structure, included in lot occupancy, and its area shall be as follows:
 - a. The length of the retaining wall multiplied by the length of the area containing fill that is being held by the retaining wall.

412.2 Retaining walls may be tiered or terraced provided there shall be a four foot (4 ft.) landscape area between walls. The landscape area shall be pervious and may not be paved or otherwise covered.

IV. RELATIONSHIP TO THE COMPREHENSIVE PLAN

The proposed amendments are not inconsistent with the 2006 Comprehensive Plan, including many policies of the Environmental Protection and Urban Design Elements.

Environmental Design Element

Policy E-1.3.1: Preventing Erosion *Ensure that public and private construction activities do not result in soil erosion or the creation of unstable soil conditions. Support the use of retaining walls and other “best management practices” that reduce erosion hazards. Erosion requirements should be implemented through building permit and plan reviews, and enforced through the permitted and regulatory processes. 605.2*

Policy E-1.3.2: Grading and Vegetation Removal *Encourage the retention of natural vegetation and topography on new development sites. Grading of hillside sites should be minimized and graded slopes should be quickly revegetated for stabilization. 605.3*

Policy E-1.3.3: Reducing Sedimentation *Prevent sedimentation of rivers and streams by implementing comprehensive stormwater management measures, including regular maintenance of storm drains and catch basins and the use of sedimentation ponds where appropriate. 605.4*

Policy E-1.4.1: Conservation of Steep Slopes *Strongly discourage development on steep slopes (i.e., greater than 25 percent), such as those found along stream valleys in Upper Northwest and Southeast DC. Planning and building regulations should ensure that any construction on such slopes is sensitively designed and includes slope stabilization measures. 606.3*

Policy E-3.4.1: Mitigating Development Impacts *Take measures to ensure that future development mitigates impacts on the natural environment and results in environmental improvements wherever feasible. Construction practices which result in unstable soil and hillside conditions or which degrade natural resources without mitigation shall be prohibited. 616.3*

The proposed text amendment is not inconsistent with the Environmental Design Element of the Comprehensive Plan. The proposed design criteria for retaining walls would improve the environment by preventing erosion, requiring additional landscape areas that would stabilize hillside sites and would function as a stormwater measure that would reduce sedimentation. Further, terraced retaining walls would conserve steep slopes and improve natural environments that have been degraded by construction practices.

Urban Design Element

UD-1.2 Respecting Natural Topography and Landform (904)

The escarpments, ridges, hills, plateaus, rivers, and streams of the District of Columbia are major components of the city's identity. This is particularly true in the neighborhoods located on the hills and ridges beyond the L'Enfant city. The terrain creates a variety of views to, from, and in some instances, between significant resources. Views range from panoramic Fort Reno to the more intimate views of forested parks and stream valleys found in many neighborhoods east of the Anacostia River and in Northwest DC. 904.1

In many American cities, natural form has been destroyed through grading, rerouting of rivers, and clear cutting of forests. Not so in Washington. As Map 9.1 indicates, many of the city's most prominent natural features remain intact today and are an important element of the District's skyline. 904.2

Policy UD-1.2.1: Respecting Natural Features in Development *Respect and perpetuate the natural features of Washington's landscape. In low-density, wooded or hilly areas, new construction should preserve natural features rather than altering them to accommodate development. Density in such areas should be limited and setbacks should be provided as needed to protect natural features such as streams and wetlands. Where appropriate, clustering of development should be considered as a way to protect natural resources. 904.3*

Action UD-1.2.A: Review of Zoning Designations *Conduct a review of zoning designations in environmentally sensitive areas, including wetlands, riparian areas and upland areas along stream valleys, steep slopes, and areas of soil instability to identify areas where current zoning may permit excessive density, given site constraints. Recommend zoning changes and/or overlay designations as necessary to protect these areas. 904.9*

The proposed text amendment is not inconsistent with the Urban Design Element of the Comprehensive Plan. The proposed regulations for retaining walls would encourage the preservation of natural features in development, including slopes, and provide additional landscaping so that retaining walls would be less visible as landscape matures.

V. CONCLUSION

OP recommends that the Zoning Commission set the proposed text amendment down for public hearing.

Brandice Elliott, Case Manager:
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