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1290699	Submitted to ODAI	Notices, Opinions	Board of Zoning Adjustment - Order 18108 - Advisory Neighborhood Commission - (ANC 3C)	7/15/2011 Vol 58/28	7/7/2011 09:24:43
1290311	Submitted to ODAI	Notices, Opinions	Zoning Commission Order No. 10-27: Case No. 10-27 (3050 R Street Partners, LLC)	7/15/2011 Vol 58/28	7/7/2011 08:51:10
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ZONING COMMISSION  
District of Columbia  
CASE NO. 08-06  
EXHIBIT NO. 151

ZONING COMMISSION  
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CASE NO. 08-06  
EXHIBIT NO. 151

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 08-06-E**  
**Z.C. Case No 08-06**  
**(Comprehensive Zoning Regulations Rewrite: Chapter B-13: Green Area Ratio)**  
**June 13, 2011**

The Zoning Commission for the District of Columbia (the "Commission"), pursuant to its authority under § 1 of the Zoning Act of June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01), hereby gives notice that it took final rulemaking action to adopt amendments to title 11 of the District of Columbia Municipal Regulations ("title 11").

Once effective, the amendments will provide general rules for a District-wide requirement for green site design that will vary by zone. The requirement will be known as Green Area Ratio ("GAR") This chapter provides general guidance about the regulation of GAR requirements; defines the applicability of GAR, sets forth the formula for calculating the GAR and defines its component parts, identifies those landscape elements that are included in the GAR, explains how their area is measured and sets forth eligibility requirements, establishes multipliers for each eligible landscape element, indicates what plans and certifications must accompany an application submitted to demonstrate proof of GAR compliance, and establishes maintenance requirements for the landscape elements that are counted toward a property's GAR requirement.

The chapter does not specify which Zone District will be made subject to a GAR requirement nor does it assign a GAR value to any particular zone. Those determinations will be made when the Commission considers each new land use subtitle.

More detailed information, discussion, and analysis about the text can be found in the Office of Planning ("OP") documents entitled "Setdown Report for Green Area Ratio," "Setdown Presentation - Green Area Ratio," and "Hearing Report - Green Area Ratio"; all of which may be accessed at [www.dczoningupdate.org/documentcenter.asp](http://www.dczoningupdate.org/documentcenter.asp).

This new chapter would be part of a revised title 11. The Commission has already approved a codification format that would divide the revised title 11 into ten (10) subtitles. A description of this codification can be found at [www.dczoningupdate.org/codereorganization.asp](http://www.dczoningupdate.org/codereorganization.asp). The chapter that is the subject of this Order would be included within a new subtitle B entitled "General Regulations."

As will be clarified as part of the revised title 11, the text approved in this notice will only apply to buildings constructed pursuant to building permits issued after the effective date of the revised title.

Italicized terms will be defined. The bracketed citations are to provisions contained in the current title 11. The provision will be re-codified and, in all likelihood rephrased in the revised title 11.

The Commission will not issue a notice of final rulemaking at this time, but wait until it has reviewed all portions of the ten (10) subtitles and issued final orders for all approved text. At

that point OP, the Office of the Attorney General (“OAG”), and the Office of Zoning will make any editorial changes needed to achieve consistency within the approved text and then present a final consolidated version to the Commission. The Commission will then decide whether to authorize the publication of a notice of final rulemaking that will make the revised Zoning Regulations and Map effective, subject to whatever transitional measures the Commission may adopt.

### **Zoning Review Process to Date**

The Zoning Review process began in 2007 with a pair of public roundtables before the Commission and the formation of a District-wide Taskforce. Since then, OP has organized 20 public working groups by subject area and held over 180 public meetings. Each subject area has been reviewed in consultation with a public working group that discusses issues identified in the Comprehensive Plan as well as issues arising from the existing Zoning Regulations. Recommended changes have been forwarded to the 24-member appointed Taskforce for further review and input. Finally, recommendations for most subject areas have been made available for public review including a public hearing before the Commission. After the conclusion of public review for each subject areas, OP has been working with OAG to draft regulatory language to reflect the proposed policy changes.

### **Proceedings Leading to the Adoption of this Amendment**

The concept of a GAR was first presented to the Commission as part of Z.C. Case No. 08-06-9 (Comprehensive Zoning Regulations Rewrite: Sustainability). It appeared as the 18<sup>th</sup> recommendation in a Notice of Public Hearing published in the *D.C. Register* (“DCR”) on April 3, 2009 and in OP’s Hearing Report for that case dated May 11, 2009. (Exhibit 4.) Both documents described GAR as a point system intended to implement recommendations 13 through 17 and 19 while allowing flexibility to respond to site constraints

The Commission held a public hearing on all of the recommendations described in the public notice and OP report on May 21, 2009 and offered guidance at its public meeting held on June 22<sup>nd</sup> of that year. Specifically, the Commission authorized OP to formulate text that would adopt a point threshold system to set requirements for green site design to meet goals for storm water runoff, air quality, and urban heat island mitigation in an integrated way. In response to the Commission’s comments, OP indicated that its proposed text would specify the plant species to be incentivized by the green area ratio requirements. In addition, OP indicated that it would provide more information as to where landscaping is currently required in the Zoning Regulations as well and on the pros and cons of regulating irrigation systems.

Through its Setdown Report dated October 8, 2010, OP submitted text that would generally govern GAR requirements in the manner described at this beginning of this Order. (Exhibit 36. )

At its public meeting of October 19, 2010, the Commission agreed to set down the text for a public hearing. Through its Hearing Report, dated December 10, 2010, OP reviewed the background for developing the recommendations and the research it undertook, described several changes to the GAR text including, applicability, implementation and administration, and maintenance and enforcement. The report also discussed issues that related to how GAR might be applied to specific zones and provided an outline of the proposed new chapter. (Exhibit 87.)

A public hearing on the proposal was held on December 20, 2010. As part of its colloquy with OP, the Commission explored OP's view that GAR should not apply to R-1 through R-4 Zone Districts, which OP believed constituted approximately 80% of the zoned land in the District (30% of the District's land being unzoned). At the conclusion of the hearing, the Commission requested OP to confirm the amount of District land that is zoned R-1 through R-4 and provide the data supporting its conclusion that the costs of GAR would be less than one-half of one percent of construction costs. The Commission left the record open until February 21, 2011 to receive this submission.

Through its Supplemental Hearing Report of that date, OP stated that R-1 through R-4 Zone Districts actually comprise 58.5% of zoned land and 40.6% of all land in the District and have the highest average GAR of any zone. OP then reiterated its position that GAR should not be imposed on R-1 through R-4 Zone Districts, principally because the predominant land use in those areas are one-family dwellings for which no certificates of occupancy are required. (Exhibit 123.)

One of the keys to successful enforcement of GAR is the requirement of § B 1305.7 that approved landscape elements must be installed in accordance with the approved plan prior to the issuance of a certificate of occupancy. Because there is no certificate of occupancy requirement for one-family dwellings, the Department of Consumer and Regulatory Affairs ("DCRA") would have to rely on after-the-fact compliance inspections. This would require DCRA to keep track of all building permits issued for one-family dwellings, estimate when such construction would be complete to the point where the GAR installation could be assumed, and then inspect the property. Such enforcement would be administratively burdensome and any tickets issued would be subject to a defense that the inspection had occurred too soon. As an alternative, OP proposed the use of minimum pervious surface requirements. The report also provided the cost data requested and indicated its principal source was RS Means Building Construction Cost Data, a leading industry source for construction cost information.

At its public meeting held February 28, 2011, the Commission acknowledged the OP report, and noted the decision whether to apply GAR to R-1 through R-4 Zone Districts will be made at the time it deliberates upon subtitle D. The Commission then took proposed action to authorize publication of the proposed text in the *D.C. Register* and its referral to the National Capital Planning Commission ("NCPC") for the 30-day period of review mandated by § 492 of the District Charter, D.C. Official Code § 6-641.05 (a) (2) (2008 Repl.).

A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 1, 2011, at 58 DCR 2843. No comments were received.

NCPC, through a delegated action dated April 28, 2011, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital. (Exhibit 145.)

At its public meeting held June 13, 2011, the Commission took final action to adopt chapter B-13. In doing so, the Commission voted to accept the following revision to § 1301, as recommended by OAG and OP.

**1301            RELATIONSHIP TO LAND USE SUBTITLES**

1301.1        The GAR regulations of this chapter apply to all any zones in all any land use subtitles in which a development table identifies a GAR requirement for that zone. ~~Each land use subtitle also includes development standards tables containing GAR standards specific to zones within that subtitle.~~

The revised language better reflects the Commission's confirmation, made at the time it took proposed action, that its determination whether to apply GAR to any particular zone will be made at the time it considers the new land use subtitle that contains the zone district. In all other respects the adopted text is identical to that set forth in the Notice of Proposed Rulemaking published in the *D.C. Register*.

Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) ("ANC Act") requires District agencies when taking certain actions, to give great weight to the issues and concerns raised in the written report of the affected ANC Commission. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances.

By letter dated November 10, 2010, the Chairman of ANC 6D indicated that at a regularly scheduled and called meeting on Monday, November 8, 2010, at which a quorum of ANC Commissioners were in attendance, ANC 6D voted to request that the record for this case remain open until December 20, 2010 to allow the Commission to submit its response regarding this case. The Chairman indicated that the ANC needed more time to adequately evaluate the potential impact of the proposal on its community.

As noted, December 20<sup>th</sup> was the date of the hearing, and so the record would have been opened on that date to accept the ANC's report. It may be that the ANC misconstrued the Zoning Commission's rule concerning ANC reports as requiring the ANC to submit its report seven days before the hearing. However, that requirement only applies when an ANC "wishes to participate in a contested case." (11 DCMR § 3012.5.) In fact, that same provision provides that in a

rulemaking proceeding such as this “there shall be no filing deadline as long as the record in that case is open”. Since the ANC already had the amount of time it requested to submit a report, there was no need for the Zoning Commission to act upon the request. In any event neither ANC 6D, nor any other ANC, submitted a written report.

Therefore, for the reasons stated above, and having complied with all procedural and substantive requirements mandated by District law, and having concluded that the proposed text amendment is not inconsistent with the Comprehensive Plan, the Zoning Commission for the District of Columbia takes the following actions:

The following new chapter 13, **‘GREEN AREA RATIO’**, is to be included within a proposed subtitle B, **‘GENERAL REGULATIONS’**, of a revised title 11 DCMR:

1300	<b>INTRODUCTION TO GREEN AREA RATIO</b>
1301	<b>RELATIONSHIP TO LAND USE SUBTITLES</b>
1302	<b>APPLICABILITY OF GREEN AREA RATIO STANDARDS</b>
1303	<b>CALCULATION OF GREEN AREA RATIO</b>
1304	<b>LANDSCAPE ELEMENT ELIGIBILITY CONDITIONS FOR GREEN AREA RATIO</b>
1305	<b>SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO</b>
1306	<b>SPECIAL EXCEPTIONS FOR GREEN AREA RATIO</b>
1307	<b>MAINTENANCE REQUIREMENTS FOR GREEN AREA RATIO</b>

## **CHAPTER 13 GREEN AREA RATIO**

1300	<b>INTRODUCTION TO GREEN AREA RATIO</b>
1300.1	<i>Green Area Ratio</i> (GAR) is the ratio of the weighted value of landscape elements to land area. The GAR score relates to an increase in the quantity and quality of environmental performance of the urban landscape.
1300.2	<i>Green Area Ratio</i> sets integrated environmental requirements for landscape elements and site design that contribute to the reduction of stormwater runoff, the improvement of air quality, and the mitigation of the urban heat island effect.
1300.3	The purposes of the GAR regulations are to: <ul style="list-style-type: none"><li>(a) Implement a value-based system of requirements for environmental site design that provides flexibility in meeting environmental performance standards; and</li><li>(b) Promote attractive and environmentally functional landscapes.</li></ul>

1300.4 The purpose of this chapter is to:

- (a) Provide general guidance about the regulation of GAR requirements;
- (b) Define the applicability of GAR;
- (c) Set forth the formula for calculating the GAR and define its component parts;
- (d) Identify those landscape elements that are included in the GAR, explain how their area is measured, and set forth eligibility requirements;
- (e) Establish multipliers for each eligible landscape element;
- (f) Indicate what plans and certifications must accompany an application submitted to demonstrate proof of GAR compliance; and
- (g) Establish maintenance requirements for the landscape elements that are counted toward a property's GAR requirement.

**1301 RELATIONSHIP TO LAND USE SUBTITLES**

1301.1 The GAR regulations of this chapter apply to any zones in any land use subtitles in which a development standards table identifies a GAR requirement for that zone.

**1302 APPLICABILITY OF GREEN AREA RATIO STANDARDS**

1302.1 The GAR applies to all new buildings requiring a certificate of occupancy and to all existing buildings requiring a certificate of occupancy where any additions, alterations, or repairs within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application; provided:

- (a) The cost basis for alterations or additions to an existing building shall be the amount indicated by the applicant on the application for a building permit; and
- (b) The assessed value of the building shall be the value set forth in records of the Office of Tax and Revenue as of the date of the building permit application.

**1303 CALCULATION OF GREEN AREA RATIO**

1303.1 The GAR shall be calculated using the following formula:

$$\text{GAR} = \frac{(\text{area of landscape element 1} \times \text{multiplier}) + (\text{area of landscape element 2} \times \text{multiplier}) + \dots}{\text{Lot Area}}$$

1303.2 For the purposes of this formula and the remainder of this section:

- (a) The term “landscape element” refers to one of the elements listed in the left hand column of the Table in B § 1303.9, and will be hereafter referred to as “landscape element” or “element;”
- (b) The term “multiplier” refers the number listed in the right hand column of the Table in B § 1303.9 that corresponds to a “landscape element”; and
- (c) The term “area of landscape element” means the square feet of a landscape element, unless the element is a tree or large shrub, in which case “area of landscape area” refers to the element’s equivalent square footage as indicated in B § 1303.7.

1303.3 The process for calculating a property’s GAR under the formula is as follows:

- (a) The area of each landscape element is multiplied by its corresponding multiplier;
- (b) The resulting numbers for all landscape elements are added together;
- (c) The resulting point total is then divided by the total land area of the lot; and
- (d) The product of the equation equals the property’s GAR.

1303.4 The total points for all *permeable paving* and *enhanced tree growth* credits may not count for more than one-third (1/3) of the GAR score for a lot.

1303.5 If multiple landscape elements occupy the same area, for example groundcover under a tree, the full square footage or equivalent square footage of each element may be counted.

1303.6 A landscape element must meet the eligibility requirements of B § 1304.



1303.7      Equivalent square feet of tree and large shrubs are identified in the table below.

GREEN AREA RATIO LANDSCAPE ELEMENTS	EQUIVALENT SQUARE FOOTAGE
Plants at least 2 feet tall at maturity	9 square feet per plant
Tree canopy for trees 2.5 inches to 6 inches in diameter	50 square feet per tree
Tree canopy for trees 6 inches to 12 inches in diameter	250 square feet per tree
Tree canopy for trees 12 inches to 18 inches in diameter	600 square feet per tree
Tree canopy for trees 18 inches to 24 inches in diameter	1300 square feet per tree
Tree canopy for trees larger than 24 inches in diameter	2000 square feet per tree

1303.8      Landscape elements of the GAR shall be measured in the following ways:

- (a) All trees shall be measured for diameter at a height four feet, six inches (4 ft. 6 in.) above grade when planted. Use the square footage equivalent based on diameter in the table in B § 1303.5;
- (b) For *vegetated walls*, use the vertical square footage of the portion of the wall covered by vegetation; and
- (c) For all other elements other than trees, large shrubs, perennials, and vegetated walls, square footage is determined by the area of a horizontal plane that is over the element.

1303.9      Eligible landscape elements are identified in the table below:

GREEN AREA RATIO LANDSCAPE ELEMENTS	MULTIPLIER
<b>Landscaped area (select one of the following for each area)</b>	
Landscaped areas with a soil depth of less than 24 inches	0.3
Landscaped areas with a soil depth of 24 inches or more	0.6
Bioretention facilities	0.4
<b>Plantings</b>	
Ground covers, or other plants less than 2 feet tall at maturity	0.2
Plants at least 2 feet tall at maturity	0.3
Tree canopy for all trees 2.5 inches to 6 inches in diameter	0.5
Tree canopy for new trees 6 inches in diameter or larger	0.6
Tree canopy for preservation of existing trees 6 inches to 24 inches in	0.7

GREEN AREA RATIO LANDSCAPE ELEMENTS	MULTIPLIER
diameter	
Tree canopy for preservation of existing trees 24 inches diameter or larger	0.8
Vegetated wall, plantings on a vertical surface	0.6
<b>Vegetated roofs</b>	
Extensive vegetated roof over at least 2 inches but less than 8 inches of growth medium	0.6
Intensive vegetated roof over at least 8 inches of growth medium	0.8
Water features (using at least 50% recycled water)	0.2
<b>Permeable paving</b>	
Permeable paving over at least 6 inches and less than 2 feet of soil or gravel	0.4
Permeable paving over at least 2 feet of soil or gravel	0.5
Enhanced tree growth systems	0.4
Renewable energy generation (area of)	0.5
<b>Bonuses</b>	
Native plant species	0.1
Landscaping in food cultivation	0.1
Harvested stormwater irrigation	0.1

**1304 LANDSCAPE ELEMENT ELIGIBILITY CONDITIONS FOR GREEN AREA RATIO**

- 1304.1 No landscape element may be counted towards a property's GAR unless it meets the applicable eligibility condition stated in this section.
- 1304.2 Plantings over the specified soil depths shall meet the required conditions listed in the Table of Landscape Elements and Multipliers in B § 1303.9.
- 1304.3 *Bioretention facilities* shall be landscaped areas that receive rainwater from surrounding areas and use plants and soils to slow, filter, and infiltrate stormwater runoff. *Bioretention facilities* include but are not limited to rain or rainwater gardens, bioretention planters, Baysavers, or linear cells or swales. These do not include structures made of cement or concrete alone.

1304.4 Trees shall meet the following conditions:

- (a) All trees shall be at least two and one-half inches (2.5 in.) in diameter measured at a height four feet, six inches (4 ft. 6 in.) above grade when planted and shall be replaced if damaged or killed by any cause; and
- (b) All trees shall meet the American Standard for Nursery stock, as set forth by the American Nursery and Landscape Association.

1304.5 *Vegetated walls* shall meet the following conditions:

- (a) The maximum calculated vertical dimension shall not exceed thirty feet (30 ft.) unless the vegetated wall features a built-in growth medium;
- (b) The area calculated for the vegetated wall features shall be fully covered within a period of two (2) to five (5) years from planning;
- (c) The area calculated is the ground coverage area, not the total plant growth area;
- (d) The walls shall be at least five feet (5 ft.) from a side or rear lot line; and
- (e) Where stormwater harvesting for irrigation is proposed, vegetated walls shall contain a connection to the proposed irrigation system.

1304.6 *Vegetated roofs* shall meet the following conditions:

- (a) Designs for vegetated roofs must include plans to provide supplemental water for a minimum of two (2) growing seasons;
- (b) Where stormwater harvesting for irrigation is proposed, vegetated roofs shall contain a connection to the proposed irrigation system; and
- (c) The vegetation on a vegetated roof is not additionally eligible for groundcover value towards GAR requirements.

1304.7 Water features shall meet the following conditions:

- (a) Water features must use harvested rainwater for at least fifty percent (50%) of the annual flow; and
- (b) The water features must be under water for at least six (6) months out of twelve (12).

- 1304.8        Enhanced tree growth systems shall meet the following conditions:
- (a)        Be at least twenty-four inches (24 in.) deep, under pavement, and adjacent to planting areas; and
  - (b)        Made up of soils that are not considered contaminated or compacted according to federal SUPERFUND legislation.
- 1304.9        Native plant species shall meet the following conditions:
- (a)        The plants are listed in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Conservation Landscaping: Chesapeake Bay Watershed guide; or
  - (b)        The applicant provides two (2) references in current publications showing that the plant is native to the region; and
  - (c)        The plant is not listed on the U.S. Fish and Wildlife Service's list of Plant Invaders of Mid-Atlantic Natural Areas.
- 1304.10       Food cultivation shall meet the following conditions:
- (a)        All food cultivation areas must be easily accessible to at least one (1) occupant of the building;
  - (b)        All food cultivation areas must have a source of water that can reach all portions of the food cultivation area; and
  - (c)        The cultivation of animals for food is not eligible for GAR credits.
- 1304.11       Harvesting stormwater for irrigation shall meet the following conditions:
- (a)        If the irrigation type is spray, applicants shall follow treatment standards set forth in the current District Department of Environment's Stormwater Management Guidebook; and
  - (b)        If the irrigation type is drip, no additional treatment of stormwater is required.
- 1305        SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO**
- 1305.1       This section lists the submittal requirements for demonstrating compliance with a GAR requirement.

- 1305.2 For the purposes of this section, the term Certified Landscape Expert means a person who is a:
- (a) State of Virginia certified landscape architect;
  - (b) State of Maryland certified landscape architect;
  - (c) International Society of Arboriculture Certified Arborist;
  - (d) Maryland's certified Professional Horticulturist;
  - (e) Landscape Contractors Association MD-DC-VA Certified Landscape Technician; or
  - (f) Certified U.S. Green Building Council professional.
- 1305.3 Applicants shall submit a GAR score sheet with the GAR calculated for the given lot at the time of building permit application.
- 1305.4 Applicants shall provide a landscape plan prepared by a Certified Landscape Expert that includes the following information:
- (a) *Green Area Ratio* elements called out by category and area, which may be provided as a part of the landscape plan or as a separate document;
  - (b) Lot dimension and size;
  - (c) Location and areas of all landscape elements with dimensions;
  - (d) Location, size, and species of all plants used to meet requirements;
  - (e) Both common and botanical names of all plant material;
  - (f) Identification of all existing trees that are to be preserved, with their location, trunk diameter at four feet, six inches (4 ft. 6 in.) above grade, canopy radius, and species;
  - (g) Plans indicating how preserved trees and other plants will be protected during demolition and construction;
  - (h) Location and dimensions of wheel stops, curbs, or other devices to protect landscaping for landscaped areas adjacent to driveways;

- (i) A schematic irrigation and drainage plan and the size and depth of all plant containers for rooftop or container landscaping or areas to be irrigated with rainwater;
- (j) Location and size of any trees to be removed;
- (k) Specifications for soil improvement; and
- (l) Signature of the Certified Landscape Expert who prepared the plans together as verification that plantings and other landscape elements meet the requirements of the this chapter.

1305.5 Applicants shall provide a landscape maintenance plan prepared and signed by a Certified Landscape Expert that describes how the plantings will be cared for and maintained including:

- (a) Soil preparation;
- (b) Use of compost;
- (c) Plant replacement;
- (d) Irrigation;
- (e) Weed and pest control;
- (f) Control of noxious or invasive species, and;
- (g) Care and maintenance of water and *hardscape features*.

1305.6 The following modifications or substitutions to the landscape elements of an approved landscape plan require a plan revision and approval:

- (a) Number of trees, shrubs, or groundcovers;
- (b) Location of required plantings or landscape features;
- (c) Substitution of species; or
- (d) Revisions of any feature that could decrease the planting area or lower the GAR score.

- 1305.7 Except as provided below, approved landscape elements shall be installed in accordance with the approved plan prior to the issuance of the certificate of occupancy.
- 1305.8 Prior to the issuance of the certificate of occupancy, a landscape checklist must be signed by a Certified Landscape Expert, verifying that that landscaping was installed according to the building permit approved by DCRA.
- 1305.9 The Zoning Administrator may grant a temporary certificate of occupancy when installation of the required landscaping is not currently possible due to weather, season or site construction subject to the condition that the required landscaping must be installed within four (4) months after the date the temporary certificate is issued.
- 1305.10 The temporary certificate of occupancy may be extended up to two (2) times by four (4) month periods by the Zoning Administrator based on the same conditions of B § 1305.9.

**1306 SPECIAL EXCEPTIONS FOR GREEN AREA RATIO**

- 1306.1 The Board of Zoning Adjustment may grant, by special exception, a full or partial reduction in the GAR required for an renovation to a *historic resource* if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that providing the required GAR is impractical as a result of the nature or location of the *historic resource*.
- 1306.2 The Board of Zoning Adjustment may grant, by special exception, a full or partial reduction in the GAR required for new construction or renovation if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that providing the GAR is impractical as a result of equivalent sustainability measures already being implemented on the property. The criteria for equivalency should be based on sustainability measures that achieve the intent of the GAR through methods not available through the GAR requirement.

**1307 MAINTENANCE REQUIREMENTS FOR GREEN AREA RATIO**

- 1307.1 All plantings and landscape elements used to calculate a property's GAR must be maintained for the life of the project. If, for any reason, the installed landscape elements fall below the minimum required GAR score, new eligible landscape elements shall be added to compensate and result in the required ratio. These elements are not required to be the same as the submitted plans, so long as the GAR achieved is equivalent.

On February 28, 2011, upon a motion made by Commissioner Selfridge, as seconded by Chairman Hood, the Zoning Commission **APPROVED** this Petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to approve).

On June 13, 2011, upon motion of Commissioner May, as seconded by Commissioner Selfridge, the Zoning Commission **ADOPTED** this Order by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to approve).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the D.C. Register; that is on July 15, 2011.