

AGENDA

ANC 6A Economic Development & Zoning Committee
Wednesday November 17, 2010, 7-9:00 PM
Sherwood Recreation Center (640 10th St, NE)
2nd Floor Community Room

7:00 pm **Call to order**

7:01 **Community Comments**

7:05 **Status Reports**

1. Resolution of previously heard BZA/HPRB cases (2 min)
2. H Street Connection Redevelopment (Drew Ronneberg) (2 min)
3. 1113-1117 H St NE (Drew Ronneberg) (2 min)
4. Vacant Properties (Dan Golden/Phil Toomajian) (3 min)
5. Zoning Regulations Rewrite (Drew Ronneberg) (2 min)
6. 7-Eleven Appeal (Drew Ronneberg/Phil Toomajian) (2 min)
7. Rezoning of the Eastern End of H St NE (Drew Ronneberg) (2 min)
8. H Street Business Liason Report (Charmaine Josiah/Sharee Lawler) (3 min)

7:25 **Old Business** - None

7:25 **New Business**

1. ZC Case #08-06 (Comprehensive Zoning Regulations Review: Green Area Ratio). The committee will consider the Office of Planning's proposal to include sustainability regulations for Green Area Ratio. The setdown report can be found at: <http://www.dczoningupdate.org/documentcenter.asp?area=dcr> under "Setdown Report for Green Area Ratio" (20 min)
2. Continuation of October discussion on the framework the ED&Z committee should use to consider zoning cases. This information will be given to future applications that come before the committee. (15 min)
3. Discussion of committee priorities and division of duties for 2011. (30 min)

8:30 **Additional Community Comment (time permitting)**

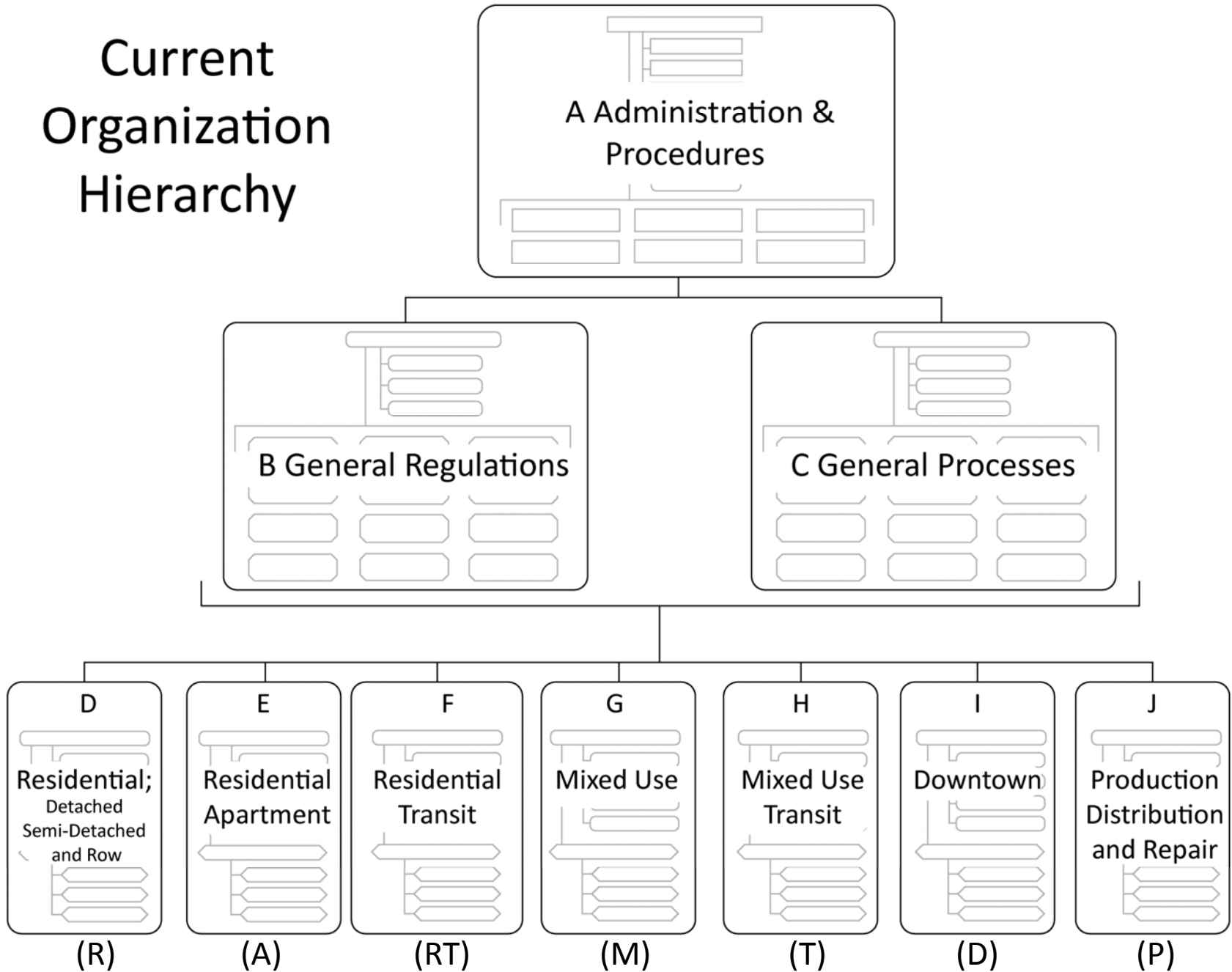
Everyone is welcome! Call Drew Ronneberg with questions at 202 431-4305.

Visit our website at <http://www.anc6a.org/>

Zoning Commission Setdown Meeting

October 18, 2010

Current Organization Hierarchy



Sustainability: GAR

- Sustainability Working Group – Nov. 2008 – Feb. 2009
- Recommendations – combined green roofs, pervious surfaces, native/low-water landscaping, tree planting and preservation
- Task Force – March 2009
- Feedback from ZC – March 25, 2009, May 2009, June 2009

Green Area Ratio

What is it?

- A flexible green site design requirement that varies by zone.

How Achieve?

- Choose from a range of environmental landscaping practices each of which have been assigned an environmental performance ranking.

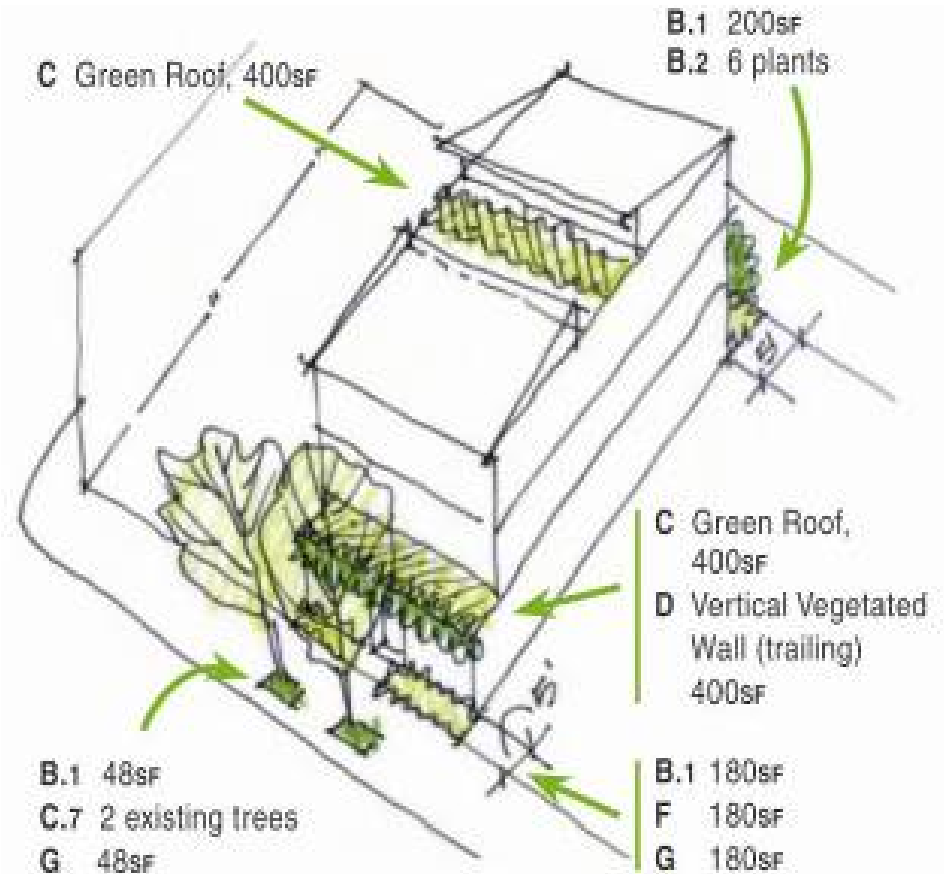
Examples may include...

- Impermeable pavement
- Impermeable roof
- Turf grass
- Un-vegetated permeable pavement
- Vegetated permeable pavement
- Green roofs
- Natural ground cover
- Rain gardens
- Trees & shrubs
- Green facades

GAR: How Will it Work?

How to calculate:

- Add up landscape elements by number or size
 - # trees
 - Size of green roof
 - Size of rain garden
 - # of plants
 - Soil depths
- **Divide by lot area**
- **= GAR score**



SCORE: 0.365

GAR: Recommendations to Reality

- Sample sites for proof of concept testing by zone and building type
- Costing estimates for proof of concept testing
- Discussions with DCRA, DDOE, DDOT
- Many decisions on program details
- Detailed Decisions
 - Where will it apply
 - What will the environmental multipliers be
 - What landscape elements will be included
 - By whom will the projects be certified



GAR Chapter

Green Area Ratio Chapter

1300. Introduction to GAR Regulations

1301. Relationship to land use subtitles

1302. Applicability of GAR standards

1303. Calculation of GAR

1304. Landscape element eligibility conditions for GAR

1305. Special exceptions for GAR

1306. Submittal requirements for GAR

1307. Maintenance requirements for GAR

1300. Introduction to GAR regulation

- Explains what the GAR is
 - “*Green Area Ratio* (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. “
- Explains why the GAR is being implemented
 - Achieve environmental performance
 - Meet city-wide environmental goals

1301. Relationship to Landuse Subtitles

- Explains that standards in Subtitle B are general, and that zone-specific requirements will be located in Landuse Subtitles

1302. Applicability of GAR Standards

- Applies to all new buildings requiring a C of O
 - i.e. no single family homes
- Applies to all renovations over 100% assessed value
- Lot size no longer a determining factor
- Will apply different GAR scores in different zones

1303. Calculation of GAR

- Info used to calculate GAR
- Landscape element options, and GAR values
- How to measure landscape elements
- Sf equivalencies for plants & trees
- Technical calculation of GAR

1303. Calculation of GAR

- 1303.2 Landscape element options, and GAR values
 - Developed based on combination of Seattle and Dr. Keeley's research
 - Multiplier values set by working with Dr. Keeley & DDOE
 - Bonuses developed to aid in other city-wide goals

GREEN AREA RATIO LANDSCAPE ELEMENTS	MULTIPLIER
Landscaped area (select one of the following for each area)	
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
Plantings	
Mulch, ground covers, or other plants less than 2 feet tall at maturity	0.5
Plants at least 2 feet tall at maturity	0.3
Tree canopy for all trees 2.5 inches (2.5 in.) to 8 inches (in.) in diameter	0.4
Tree canopy for new trees 8 inches (in.) in diameter or larger	0.5
Tree canopy for preservation of existing trees 8 inches (8 in.) to 24 inches (24 in.) in diameter	0.7
Tree canopy for preservation of existing trees 24 inches (24 in.) diameter or larger	0.8
Green wall, plantings on a vertical surface	0.6
Vegetated roofs	
Extensive vegetated roof over at least 2 inches but less than 4 inches of growth medium	0.3
Intensive vegetated roof over at least 4 inches of growth medium	0.4
Water features (using at least 50% recycled water)	0.2
Permeable paving	
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
Bonuses	
Native plant species	0.1
Landscaping in food cultivation	0.1
Harvested stormwater irrigation	0.1

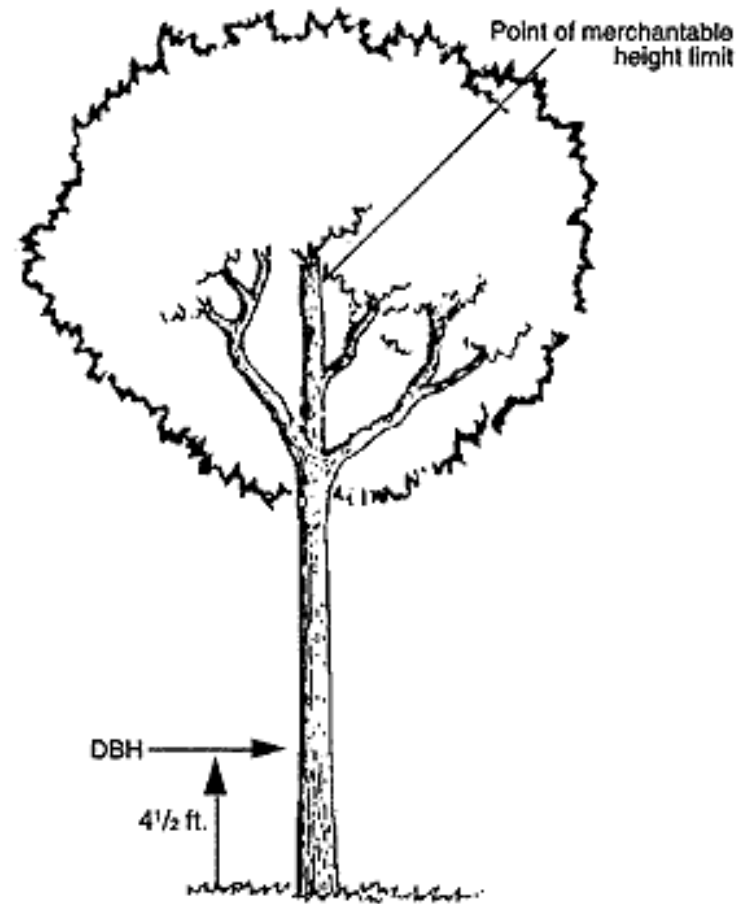
1303. Calculation of GAR

- 1303.3 How to measure landscape elements
 - Intended to clarify how eligible landscape elements can be measured for GAR
- 1303.4 Intended to prevent “fully paved” lots



1303. Calculation of GAR

- 1303.7 Sf equivalencies for plants & trees
 - Why? Because trees are not uniform and can be difficult to measure



Common reference points used to measure standing trees.

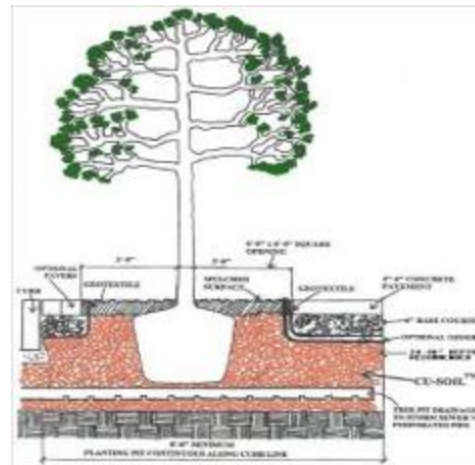
1304. Landscape element eligibility conditions for GAR

- Bioretention = rain gardens
- Trees – set to same standards as used by DDOT Trees
- Vegetated walls – further specifics on how to measure
- Vegetated roofs – watering, and when a roof is a roof



1304. Landscape element eligibility conditions for GAR

- Water features – fountains, etc.
- Enhanced tree growth – options like structural soils
- Native plant species – same standard as DDOE
- Food cultivation – encouraging city-wide goals
- Stormwater irrigation – based on DDOE input



1305. Submittal Requirements for GAR

- 1305.2 Requires certified landscape experts
 - Suggestions for additions or changes to list?
- Submit landscape plan with typical elements
- Flexibility for weather, seasons, reasonable changes

1306. Special Exception for GAR

- Allow flexibility for our historic sustainable fabric
- DC has thousands of historic homes



1307. Maintenance Requirements for GAR

- To ensure that environmental performance is achieved




Landuse Subtitles: GAR Development Standards Chart

Contains: GAR for each zone

100.1 The development regulations, standards, rules of measurement, and conditions identified in the table below shall apply to the C-1 zone:

REGULATORY TOPIC	STANDARD OR PERMISSION	REFERENCES TO RULES OF MEASUREMENT		REFERENCES TO CONDITIONS
Height				
Max. FAR				
Residential or Public School Max. FAR				
Non-residential Max. FAR				
Bonus Density				
Rear setback	20 ft.	Abutting alley §G-101.3	No alley §G-101.2	
Side setback	-			
Green Area Ratio				
Plaza Requirements				



GAR Sample Scoresheet

- Landscape elements
 - Allowed to double count plant and soil depth
 - Different values for different size plants
 - Includes permeable paving
 - Includes green roofs
 - Includes bonus for native plants
 - Bonuses for food cultivation

Enter this value (in #)	enter # of units	Score Factor	Factor	Type
Landscape Elements				
A	enter #	0	0.3	-
1	enter #	0	0.6	-
2	enter #	0	0.4	-
Vegetation (Trees and Shrubs)				
1	enter number of trees	0	0.3	-
4	enter number of shrubs	0	0.5	-
5	enter number of trees	0	0.3	-
6	enter number of trees	0	0.7	-
7	enter number of trees	0	0.6	-
8	enter number of trees	0	0.6	-
Vegetation (Groundcover)				
1	enter #	0	0.3	-
2	enter #	0	0.4	-
3	enter #	0	0.7	-
Permeable Paving				
1	enter #	0	0.4	-
2	enter #	0	0.8	-
Structural Soil Systems				
structural soil #				
enter #				
enter #				
Bonus				
enter #				
enter #				

Green Area Ratio: What's Next?

- Next Steps
 - Flesh out Administrative process & responsibilities
 - Finalize city-wide research to determine GAR for all zones
 - Develop accurate costing model for implementation
- Long Term
 - Training of Program administrators, inspectors
 - Develop educational materials and training for developers and the public
 - Step by Step instructions
 - Webinars
 - Sample implementation
 - Establish tracking system for projects
 - Obtain funding for interactive online weighting tools or 'find a BMP' databases

Contact

- Questions?
- Laine Cidlowksi, AICP, LEED AP
 - Laine.Cidlowksi@dc.gov

Case Study : 1433 T Street NW

- How Would it Work?
- R-5-B zone
- Existing conditions: GAR of 0.23
- With permeable paving: GAR of 0.325
- Or green roof: GAR of 0.438
- Both: GAR of 0.532



Appendix A: Draft GAR Chapter Text

CHAPTER 13 GREEN AREA RATIO

1300 INTRODUCTION TO GREEN AREA RATIO

- 1300.1 *Green Area Ratio* (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 *Green Area Ratio* 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 *green area ratio* regulations are to:
- (a) Implement a value-based system of requirements for environmental site design that provides flexibility in meeting environmental performance standards.
 - (b) Promote attractive and environmentally functional landscapes.
- 1300.4 The purpose of this chapter is to:
- (a) Provide general guidance about the regulation of *green area ratio* requirements;
 - (b) Define the applicability of *green area ratio*;
 - (c) Set forth the formula for calculating the Green Area Ratio and define its component parts;
 - (d) Identify those landscape elements that are included in the *green area ratio*, 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 *Green Area Ratio* compliance; and
 - (g) Establish maintenance requirements for the landscape elements that are counted toward a property's *green area ratio* requirement.

Appendix A: Draft GAR Chapter Text

1301 RELATIONSHIP TO LANDUSE SUBTITLES

1301.1 The *green area ratio* regulations of this chapter apply to all zones in all land use subtitles. Each land use subtitle also includes development standards tables containing *green area ratio* standards specific to zones within that subtitle.

1302 APPLICABILITY OF GREEN AREA RATIO STANDARDS

1302.1 The *Green Area Ratio* applies to all new buildings requiring a Certificate of Occupancy and to all existing buildings requiring a Certificate of Occupancy where any additions, alteration, or repairs within any twelve month (12) 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 *Green Area Ratio* shall be calculated using the following formula:

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

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 in Table 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 Table 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.

Appendix A: Draft GAR Chapter Text

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;
- (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 *Green Area Ratio* 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 (2.5 in.) to 8 inches (in.) in diameter	100 square feet per tree
Tree canopy for trees 8 inches (8 in.) to 24 inches (24 in.) in diameter	350 square feet per tree
Tree canopy for trees 24 inches (24 in.) diameter or larger	450 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 § 1303.5.
- (b) For vegetated walls, use the vertical square footage of the portion of the wall covered by vegetation.
- (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.

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1303.9 Eligible landscape elements are identified in the table below:

GREEN AREA RATIO LANDSCAPE ELEMENTS	MULTIPLIER
Landscaped area (select one of the following for each area)	
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
Plantings	
Ground covers, or other plants less than 2 feet tall at maturity	0.5
Plants at least 2 feet tall at maturity	0.3
Tree canopy for all trees 2.5 inches (2.5 in.) to 8 inches (in.) in diameter	0.4
Tree canopy for new trees 8 inches (in.) in diameter or larger	0.5
Tree canopy for preservation of existing trees 8 inches (8 in.) to 24 inches (24 in.) in diameter	0.7
Tree canopy for preservation of existing trees 24 inches (24 in.) diameter or larger	0.8
Green wall, plantings on a vertical surface	0.6
Vegetated roofs	
Extensive vegetated roof over at least 2 inches but less than 4 inches of growth medium	0.3
Intensive vegetated roof over at least 4 inches of growth medium	0.4
Water features (using at least 50% recycled water)	0.2
Permeable paving	
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
Bonuses	
Native plant species	0.1

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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 §1303.2.
- 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, or linear cells or swales. These do not include cement or concrete only structures.
- 1304.4 Trees shall meet the following conditions:
- (a) All trees shall be at least two and one half (2.5) inches in diameter measured at a height four feet- six inches (4'6") above grade when planted and shall be replaced if damaged or killed by any cause.
 - (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 (30) feet 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 walls shall be at least five (5) feet from a side or rear lot line; and
 - (d) 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;

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- (b) Where stormwater harvesting for irrigation is proposed, vegetated roofs shall contain a connection to the proposed irrigation system;
- (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.
- (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 be at least twenty-four (24) inches deep, under pavement, and adjacent to planting areas.

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 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 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.
- (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.
- (b) If the irrigation type is drip, no additional treatment of stormwater is required.

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1305 SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO

- 1305.1 This section lists the submittal requirements for demonstrating compliance with a *Green Area Ratio* 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; or
 - (e) Landscape Contractors Association MD-DC-VA, Certified Landscape Technician.
 - (f) Certified U.S. Green Building Council professional
- 1305.3 Applicants shall submit a *Green Area Ratio* score sheet with the GAR calculated for the given lot at the time of building permit application.
- 1305.4 Applicants shall provide the *Green Area Ratio* worksheet showing how the GAR was calculated for the given lot.
- 1305.5 Applicants shall provide a landscape plan prepared by a Certified Landscape Expert hat 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 (4'6") 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;

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- (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.

1305.6 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*.

1305.7 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 planting area or lower the *Green Area Ratio* score.

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- 1305.8 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.
- 1305.9 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.
- 1305.10 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 landscaping must be installed within four (4) months after the date the temporary certificate is issued.
- 1305.11 The temporary certificate of occupancy may be extended up to two times by four (4) month periods by the Zoning Administrator based on the same conditions of § 1305.10.

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 addition 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*.

1307 MAINTENANCE REQUIREMENTS FOR GREEN AREA RATIO

- 1307.1 All plantings and landscape elements used to calculation a property's GAR must be maintained for the life of the project. If, for any reason, the installed landscape fall below the minimum required GAR score, new eligible landscape elements shall be added to compensate and result in the required ratio.

Applicant's Guide for Understanding How ANC 6A's Economic Development and Zoning Committee Approaches Zoning Cases

ANC 6A relies on its Economic Development and Zoning (ED&Z) Committee to hear zoning cases and provide recommendations to the full Commission. Because ED&Z Committee recommendations are usually accepted by the full ANC, it is important for the Applicant to understand how the ED&Z committee considers zoning cases. Below is a guide which explains: 1) The differences between special exceptions and variances 2) The principles by which the ED&Z committee considers cases, 3) The types of cases where the ED&Z Committee usually recommends support or opposition and 4) Tips for the applicant on presenting information to the Committee.

Background on Zoning, Special Exceptions and Variances

The purpose of DC's zoning regulations is to:

1. Provide adequate light and air;
2. Prevent undue concentration of population and the overcrowding of land; and
3. Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services. (11 DCMR Section 101.1)

In order to achieve these objectives, zoning regulations impose restrictions on the height, mass, lot occupancy, and use of structures and also set parking and loading requirements.

Sometimes the strict application of these rules is not necessary to achieve the stated objectives and the zoning regulations offer two basic types of zoning relief: Special exceptions and Variances. Special exceptions (Section 3104) are meant for circumstances that are anticipated by the zoning regulations and for which the applicant will be granted relief if they meet the conditions spelled out in the zoning regulations. Variances (Section 3103) require a much higher burden of proof and are meant to apply to circumstances that were not anticipated by the zoning regulations. A variance requires that the applicant prove three things: 1) The lot has an unusual configuration or topological conditions, 2) The strict application of the zoning regulations would result in exceptional practical difficulties or undue hardship, and 3) Granting the requested relief won't significantly compromise the intent of the zoning regulations.

ED&Z Principles for Considering Zoning Cases:

The following items are meant to provide the applicant with a guide to how the ED&Z committee approaches certain issues common in zoning cases.

1. The ED&Z committee's primary consideration for recommending ANC support will be whether the application meets the special exception or variance standards as laid out in the Zoning Regulations. The Committee will also report to the ANC whether the applicant presented letters of support from immediate neighbors, whether there was any public support or opposition to the

project and whether the Committee believes that there were unique circumstances that would justify ANC support or opposition to the BZA application.

2. The ED&Z committee will consider the precedent for future cases when making recommendations to the ANC.
3. The ED&Z committee will not consider examples of illegal construction as precedent for supporting a special exception or variance.
4. The ED&Z committee will not consider illegal construction by the applicant as a basis for hardship.
5. When a zoning case involves public space issues, the ED&Z committee shall consider whether the Applicant's use of public space could be accommodated on private land.
6. The ED&Z committee encourages adjacent neighbors to provide statements (e.g. letters and testimony) in support of or in opposition to a project. While it is desirable for an applicant to have letters of support, it is only one of the factors that the Committee considers when evaluating cases.

Examples of cases where the ED&Z committee usually recommends support:

1. The applicant proposes increasing a building's lot occupancy to less than 70%. (Special Exceptions) [Link to relevant case](#)
2. The applicant proposes increasing a building's lot occupancy to greater than 70% and can satisfy the three conditions required for a variance. In these cases, the applicant often has an extremely small lot and is asking for a small increase in the building envelope. [Link to relevant case](#)
3. The applicant is only expanding the building's envelope below ground. (Special Exceptions and Variances) [Link to relevant case](#)
4. The applicant is seeking relief from parking requirements and can show that there is no vehicular access to the property without constructing a curbcut. (Variances) [Link to relevant case](#)

Examples of cases where the ED&Z committee usually recommends opposition:

1. The applicant proposes increasing a building's lot occupancy to 70% or greater and cannot show unique conditions or undue hardship. (Variances)
2. The applicant is seeking to increase the total Floor Area Ratio (FAR) beyond what is permitted in the zone. (Variances) [Link to relevant case](#)
3. The applicant proposes a project that does not conform to the design standards and guidelines of the H Street Zoning Overlay. (Special Exceptions and Variances) [Link to relevant case](#)

Tips for presenting an application to the ED&Z Committee:

1. The dimensions on all plans and plats should be consistent.
2. Correctly calculating lot occupancy is very important. It is best that someone who is familiar with DC Zoning regulations be consulted on these calculations. For example, most people's front yards are public space and should not be included in lot occupancy calculations. In addition, doglegs less than 5 feet wide are counted against lot occupancy.
3. When requesting a special exception, the applicant should show how the project meets each of the

required conditions.

4. When requesting a variance, the applicant should show how the project meets each of the 3 conditions required for a variance.
5. Letters of support from adjacent neighbors help establish that a proposed project won't adversely impact the light, air or privacy of neighboring properties.
6. Send all supplemental drawings, photographs and statements to the ED&Z Committee Chair 10 days before the ED&Z meeting. The current Chair is Drew Ronneberg. He can be reached at 202 431-4305 or ronneberg6a02@gmail.com.
7. If you have any questions about the process, please contact the ED&Z Committee Chair.