

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FINAL RULEMAKING**  
**AND**  
**Z.C. ORDER NO. 13-06**  
**Z.C. Case No. 13-06**  
**(Text Amendment – 11 DCMR)**  
**(Text Amendments Relating to Retaining Walls)**  
**March 31, 2014**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of adoption of the following text amendments to the Zoning Regulations of the District of Columbia, at Chapters 1 (The Zoning Regulations) and 4 (Residence District: Height, Area, and Density Regulations) of Title 11 (Zoning) of the District of Columbia Municipal Regulations (DCMR). A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 7, 2014 at 61 DCR 01039. The amendments add a definition of “retaining wall” to § 199.1 and add a new § 413 “Retaining Walls.” These amendments shall become effective upon the publication of this notice in the *D.C. Register*.

**Description of Amendments**

These text amendments clarify zoning regulations as they pertain to retaining walls. The amendments define the term “retaining wall,” establish an overall maximum height for retaining walls in Residence zones subject to location specific limitations, describe the process for measuring retaining walls, and permit the Board of Zoning Adjustment to grant special exception relief for retaining walls not meeting the requirements of new § 413.

**Procedures Leading to Adoption of Amendments**

On March 29, 2013, The Office of Planning (OP) submitted a memorandum that served as a petition requesting amendments to the regulations. At its April 8, 2013 public meeting, the Commission voted to set down the proposal for a hearing. In addition to providing a new definition for retaining wall and establishing height limitations, the proposed rules provided that a “retaining wall four feet or more in height that elevates the terrain and is back filled with dirt or other fill material would be considered a structure, included in lot occupancy . . . .”

A Notice of Public Hearing containing the OP text was published in the May 3, 2013 edition of the *D.C. Register* at 60 DCR 6475.

On July 12, OP submitted a report including an updated version of the advertised text that clarified how to measure the height of a retaining wall and required that retaining walls on a block with street frontage not exceed the height of adjacent retaining walls.

Holland & Knight, LLP submitted a letter dated July 22, 2013 suggesting modifications to the proposed amendment. Holland & Knight proposed revisions to § 412.3<sup>1</sup> dealing with the measurement of required yards in order to create consistency with existing definitions. Holland & Knight also proposed that, in order for a retaining wall to be a structure that contributes to lot occupancy, the retaining wall must include geogrid materials, pursuant to a previous Board of Zoning Adjustment decision.<sup>2</sup>

A public hearing was held on July 22, 2013. Testimony was given by Ms. Alma Gates, on behalf of Neighbors United Trust, and by Mr. Mark Eckenwiler. Ms. Gates testified in support of the amendments with some suggestions for clarification. Ms. Gates proposed clarifying how the six foot maximum height requirement in § 412.4 reconciles with the four foot maximum height in rear or side yards in § 412.2. Next, Ms. Gates questioned whether the prohibition against “paved or otherwise covered” landscape areas in § 412.7 intends to exclude pervious pavers, and suggested the Commission consider circumstances when pervious pavers might be effective and appropriate. Ms. Gates also suggested adding “in public space” to the provision in § 412.3 that prohibits a retaining wall in “any required yard as measured from the property line inward along the street frontage.”

Mr. Eckenwiler discussed the proposed amendments as they relate to existing regulations governing accessory buildings. Mr. Eckenwiler noted that the proposed regulation limit a retaining wall to four feet while under § 2500.4, a property owner can build an accessory structure up to fifteen feet tall in the same yard. Mr. Eckenwiler addressed similar concerns about § 412.5, which states that retaining walls shall be considered structures included in lot occupancy. Mr. Eckenwiler indicated that lot occupancy turns on building area, which has an exception for structures that do not extend above the level of the main floor of the building. He believed that this exception could complicate the process of calculating lot occupancy for the purpose of the proposed rule.

The Commission closed the record and requested that OP address these concerns in a supplemental report, which the Commission would consider during its public meeting on September 9, 2013.

OP filed a supplemental report dated August 29, 2013 that provided substantial revisions to the proposed text in response to the issues raised before and during the public hearing. In the revisions, OP eliminated the use of “yard” in response to Holland & Knight’s concern about the amendment conflicting with existing definitions. OP responded to Holland & Knight’s

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<sup>1</sup> At the time the text amendments were proposed, the final section of Chapter 4 of the Zoning Regulations was § 411. Accordingly, the proposed new section “Retaining Walls” was numbered § 412 in OP’s petition. After discovering that separate rulemaking proceedings were underway to create a new § 412, OP renumbered the proposed section “Retaining Walls” as § 413 in its November 22, 2013 report. All references to section and subsection numbers in this document reflect the number assigned to the proposed section at the time the relevant comment or testimony was made.

<sup>2</sup> In *BZA Appeal No. 17285 of Patrick J. Carome*, the Board found that three elements were required for a retaining wall to constitute a structure that contributes to lot occupancy in the Wesley Heights Overlay District: (i) a wall; (ii) fill dirt; and (iii) a geogrid fabric that holds dirt in place.

suggestion to include geogrid materials in the definition of retaining wall by noting that the proposed section is intended to apply to retaining walls more broadly, not only to those that include geogrid material. In response to Ms. Gates' testimony, OP clarified the language of §§ 412.2 and 412.4 to highlight the relationship between the two height limitations. OP created a § 412.11 to address Mr. Eckenwiler's concern regarding lot occupancy measurement and building area. The revisions also clarified how to measure a retaining wall that varies in height.

During the public meeting on September 9, 2013 and in response to a request to reopen the record by Neighbors United Trust, the Commission decided by consensus to schedule an additional public hearing to allow testimony on the most recent OP revisions. In advance of this hearing, the Commission asked OP to clarify the new provision about lot occupancy and to address the regulations for retaining walls that abut an improved alley. The Commission also noted that a variance would be required to obtain relief from the new section's requirements and suggested that OP explore whether special exception relief should be available.

A second Notice of Public Hearing was published in the *D.C. Register* on October 18, 2013 at 60 DCR 14793. As explained in the OP supplemental report dated November 22, 2013, the revised text included a general reorganization and renumbering of the proposed new section (formerly § 412, now § 413). Substantively, revised § 413.3 maintained the overall height limit of six feet, but provided for no restrictions on height for retaining walls adjacent to alleys in R-3 and R-4 zones. Subsection 413.8 clarified that any tiered or terraced retaining walls greater than four feet in height would be calculated as contributing to lot occupancy. Finally, proposed § 413.10 allowed the Board of Zoning Adjustment to grant special exception relief for retaining walls that could not meet the requirements of § 413 upon proof that conditions relating to the building, terrain, or surrounding area would make full compliance unduly restrictive, prohibitively costly, or unreasonable.

The second public hearing was held on December 2, 2013. During the hearing, the Commission voiced concerns about the proposed 1:1 grade for terraced walls, suggesting that this horizontal to vertical ratio may be too steep and therefore impractical. In response to the provision requiring retaining wall measurements to start from the finished grade, the Commission inquired about whether the finished grade could be manipulated in a way that would evade the height requirement.

Ms. Alma Gates, testifying again on behalf of Neighbors United Trust, expressed concern about the lack of a maximum height requirement for retaining walls that abut an alley in the R-3 and R-4 Districts. Ms. Gates also suggested that OP consider more clearly distinguishing the provision regarding special exception relief provision from the requirements for variance relief. Ms. Gates considered the proposed language to be conflating the two standards. In addition, Ms. Gates sought clarification as to how a new property owner would measure the backfill area behind a retaining wall for the purpose of calculating in lot occupancy.

After hearing testimony, the Commission closed the record, aside from requesting a supplemental report from OP addressing the concerns raised at the hearing.

OP filed a supplemental report on January 13, 2014. The report revised the proposed regulation so that retaining walls would be measured from “the lowest level of the ground immediately under the wall” rather than from the finished grade at the bottom of the wall. In addition, a 12 foot height restriction was proposed for retaining walls abutting an improved alley in R-3 and R-4 zones, and maximum slope for terraced retaining walls was revised to a horizontal to vertical ratio of 2:1. In response to the Commission’s concerns over the potential manipulation of height measurement, OP added a provision disallowing berms or other forms of intermittent terrain elevation from being included in the measurement of height.

The report also recommended against including retaining walls in the calculation of lot occupancy under any circumstances. OP explained that, in researching this matter, it found that there are no other surrounding jurisdictions that require backfilled retaining walls to be calculated as lot occupancy. The report further noted that retaining walls are regulated through other types of provisions, such as those governing placement and height limitations.

Finally, the report offered no substantive change to the proposed standard for granting special exception relief. OP indicated that the proposed language is similar to other instances when a special exception is required to comply with requirements in addition to those in § 3104.1, and provided examples.

At its meeting on January 27, 2014, the Commission asked OP to consider clarifying the new measurement language because the meaning of the phrase “immediately under the wall” could be taken to mean the subsurface. The Commission then authorized the publication of a notice of proposed rulemaking in the *D.C. Register* of the text as revised in the OP report, subject to the refinement requested, and a referral of that text to the National Capital Planning Commission (NCPC) for the 30-day period of review required under § 492 of the District Charter.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 7, 2014 at 61 DCR 1039. In response to the Commission’s concerns over the potential ambiguity of the phrase “immediately under the wall,” the proposed rules provided that height measurement would be taken from “from the lowest level of the ground at the base of the wall.”

The Commission received correspondence from Alma Gates on behalf of Neighbors United Trust in a letter dated February 8, 2014, which was the date immediately after publication of the notice. The correspondence does not purport to be in response to the published notice, but rather states its substance “relates to the Office of Planning’s January 13, 2014 Supplemental Report.” As such, the comments are not responsive to the Notice of Proposed Rulemaking and could properly be struck from the record. The Commission’s actions with regard to the correspondence are discussed later in this Order.

In a letter dated February 7, 2014, the NCPC Executive Director informed the Zoning Commission that, through a delegated action dated January 30, 2014, he found that the proposed text amendments were not inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

At a properly noticed meeting held on March 31, 2014, the Commission considered whether to take final action to adopt the amendments.

With respect to the correspondence submitted by Ms. Gates, the Commission decided to permit it to remain in the record. The letter expressed concern over proposed § 413.2(c), believing that it would allow berms and other forms of intermittent terrain elevation to be included in the measurement of height. Ms. Gates also suggested that retaining wall height should be measured from “natural grade” and that the Commission adopt the definition of that term as advertised in Z.C. Case No. 08-06A for proposed Subtitle B of Title 11. Finally, Ms. Gates recommended that retaining walls should be included in the calculation of lot occupancy under two scenarios.

The Commission was not persuaded that proposed § 413.2 (c), concerning berms and other forms of intermittent terrain elevation should be revised as proposed by Ms. Gates. She suggested that berms “shall not be included,” rather than “shall be included” when measuring retaining wall height. The Commission notes that the phrase “shall not be included” also appears in a similar provision added to the definition of “building, height of” in Case No. 12-11. In that case, Ms. Gates offered the following relevant testimony:

1. Height

A. Definition.

Berms or other forms of artificial elevation shall not be included in measuring building height.

Comment: The prohibition against berms is a very important addition to the regulations!

Z.C. Case No. 12-11 (Exhibit 10.)

The Commission agrees with Ms. Gates’ original observation and declines to create inconsistent versions of what is essentially the same prohibition.

The Commission was persuaded by Ms. Gates’ suggestion that the measuring point for retaining walls should be at the “natural grade” at the base of the wall. The Commission agreed that using this more restrictive term better communicates its intent in establishing height limitations. As to Ms. Gates suggestion that the Commission use the recently proposed definition of “natural grade,” the Commission notes that a definition of the term already exists at § 199. The Commission does not believe it is either wise or necessary to have two separate definitions of the term, with one definition only applying to retaining walls. The current definition is adequate for this purpose and if the Commission ultimately decides to adopt the version proposed; the revised definition will then apply to these structures.

As to including retaining walls in the calculation of lot occupancy, the Commission remains comfortable in its determination not to do so, particularly in view of its decision to measure height from natural grade. The one existing exception is for the type of retaining walls involved

in *Appeal No. 17285 of Patrick J. Carome*. The Commission notes that the *Carome* case involved the unique lot occupancy provision of the Wesley Heights Overlay and the Board's ruling was limited in its applicability to properties located therein. The Commission sees no purpose in extending that ruling, but rather concurs with OP's view that retaining walls can be regulated through other types of provisions, including those adopted in this Order.

The Commission also sought a clarification from OP as to whether the reference to tiered and terraced retaining walls in § 413.8 described a single sloped retaining wall or a series of separate retaining walls that were sloped. OP indicated that the provision was referring to the latter and, at the request of the Commission, agreed to work with the Office of the Attorney General (OAG) to clarify the language of the requirement. At the end of the meeting, the Commission voted to adopt the text amendments, with the inclusion of "natural grade" as a measuring point and with the revisions to be provided by OP and OAG.

After the meeting, OAG provided the Commission with a revised version of § 413.8 jointly formulated with OP. However, OAG informed the Commission that the Commission must approve the final wording of each rule it adopts and, therefore, it must vote whether to adopt the proposed revision. Therefore, at a properly noticed public meeting held April 15, 2014, the Commission considered the revised text and took final action adopt the text amendments as revised.

Under § 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)), the Commission must give "great weight" to the issues and concerns of the affected ANCs. In a letter dated November 16, 2013, ANC 6B indicated that it voted 8-0-2 in support of the proposed amendments at a duly noticed meeting on November 12, 2013 with a quorum present. Although the text of the proposed rule has changed somewhat since the ANC report, the Commission concludes that its action adopting the rule is consistent with the ANC's intent and therefore found its advice persuasive.

**Title 11 DCMR, ZONING, is amended as follows:**

**Title 11, DCMR, Chapter 1, THE ZONING REGULATIONS, is amended by adding the following definition to § 199.1 in alphabetical order:**

**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.

**Title 11, DCMR, Chapter 4, RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS, is amended by adding a new § 413, RETAINING WALLS, to read as follows:**

**413 RETAINING WALLS**

413.1 In R-1, R-2, R-3, and R-4 Districts a retaining wall may be erected in accordance with the requirements of this section.

413.2 The height of a retaining wall shall be determined as follows:

- (a) The height of a retaining wall is the vertical distance measured from the natural grade at the base of the wall to the top of the wall;
- (b) When the height of a retaining wall varies, the height shall be measured at the highest point of the wall, from the natural grade at the base of the wall at that point; and
- (c) Berms or other similar forms of intermittent terrain elevation shall not be included in measuring retaining wall height.

413.3 Subject to the height limitations of § 413.4 through 413.7, the maximum height of a retaining wall shall be six feet (6 ft.).

413.4 A retaining wall shall not exceed four feet (4 ft.) in height in the following locations, unless a lower height is required by § 413.5 and 413.6:

- (a) Along a street frontage or property line;
- (b) Within any required side yard;
- (c) In the R-1 Districts, within twenty-five feet (25 ft.) of the rear property line, as measured from the rear property line inward; and
- (d) In the R-2, R-3, and R-4 Districts, within twenty feet (20 ft.) of the rear property line, as measured from the rear property line inward.

413.5 A retaining wall located along a street frontage on a block with adjacent existing retaining walls shall not be greater in height than the tallest adjacent existing retaining walls up to the maximum height of four feet (4 ft.).

413.6 A retaining wall located on any area between a property line and a building line shall not exceed a maximum height of forty-two inches (42 in.).

413.7 A retaining wall abutting an improved alley in the R-3 or R-4 Districts shall not exceed a maximum height of twelve feet (12 ft.).

413.8 Retaining walls may be tiered or terraced provided that the width of the area between each retaining wall is at least twice the height of the lower retaining wall.

The area between each wall shall be pervious and may not be paved or otherwise covered with impervious materials.

413.9 Retaining walls not meeting the requirements of this section, may be approved by the Board of Zoning Adjustment as a special exception pursuant to § 3104.1. In addition to meeting the general conditions for being granted a special exception as set forth in that subsection, the applicant must demonstrate that conditions relating to the building, terrain, or surrounding area would to make full compliance unduly restrictive, prohibitively costly, or unreasonable.

On January 27, 2014, upon the motion of Chairman Hood, as seconded by Vice Chairman Cohen, the Zoning Commission **APPROVED** the petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On March 31, 2014, upon the motion of Chairman Hood, as seconded by Vice Chairman Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

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 June 13, 2014.



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING

AND

Z.C. ORDER NO. 13-07

Z.C. Case No. 13-07

(Map Amendment – 11 DCMR)

(Zoning Map Amendment for Lots 11-13 (Tax Lot 805), 14, 15, 16-17 (Tax Lot 806), 18-21 (Tax Lot 804), 22, and 52, in Square 5081 from the C-3-A Zone District to the R-5-C Zone District)

June 9, 2014

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797 D.C. Official Code § 6-641 01) (2012 Repl.) hereby gives notice of the adoption of the following amendments to the Zoning Map incorporated into the Zoning Regulations of the District of Columbia (Title 11, DCMR) A Notice of Proposed Rulemaking was published in the *D C Register* on May 2, 2014, at 61 DCR 4452 The amendments shall become effective upon the publication of this notice in the *D C Register*

The amendment accomplishes the following rezoning

SQUARE	LOTS	Map Amendment
5081	11-13 (Tax Lot 805)	C-3-A to R-5-C
5081	14	C-3-A to R-5-C
5081	15	C-3-A to R-5-C
5081	16-17 (Tax Lot 806)	C-3-A to R-5-C
5081	18-21 (Tax Lot 804)	C-3-A to R-5-C
5081	22	C-3-A to R-5-C
5081	52	C-3-A to R-5-C

The properties identified in the above table will collectively be referred to as “the Subject Property”

**Procedures Leading to Adoption of Amendments**

On April 19, 2013, David P. Belt filed a petition requesting that the Commission rezone the Subject Property<sup>1</sup> from the C-3-A to the R-1-B Zone District The petition asserted that the

<sup>1</sup> Mr Belt’s petition described the Subject Property as Lots 11-22, 52, 804, 805, and 806 However, Tax Lot 804 is comprised of Record Lots 18-21, Tax Lot 805 is comprised of Record Lots 11-13, and Tax Lot 806 is comprised of

C-3-A Zone District is not consistent with the “moderate density residential” designation for the Subject Property shown on the Comprehensive Plan’s Future Land Use Map

On June 28, 2013, the Office of Planning (“OP”) submitted a report suggesting that the Commission should set down only an R-5-A rezoning for a public hearing, rather than the R-1-B zoning proposed because the R-5-A Zone District is more consistent with the moderate density residential designation. The OP report stated that OP had consulted with Mr Belt, and that he was not opposed to OP’s suggestion

The Commission considered the petition and the OP report at its July 8, 2013 public meeting and voted to only hold a hearing to rezone the Subject Property to the R-5-A Zone District.

A properly noticed public hearing was held on September 26, 2013. At the hearing, the contract purchaser of one of the parcels, Lot 52, Square 5081, and the owner of a second parcel, record Lots 18 through 21, testified in opposition to the amendment. The contract purchaser of Lot 52, Square 5081 stated that the proposed amendment would not permit it to construct a proposed 71-unit affordable residential project on the property.

In light of that and other testimony, the Commission requested that OP prepare a supplemental report that took into account all the circumstances surrounding this case, for the Commission’s consideration at its October 21, 2013 regularly scheduled public meeting.

OP submitted a supplemental report on October 7, 2013 and recommended dismissal of the petition principally because 60% of the Subject Property was owned by persons who opposed the rezoning proposed. The Petitioner objected to that recommendation in a response submitted on October 15, 2013.

The Commission considered these filings at its October 21, 2013 public meeting. The Commission stated its discomfort at dismissing a petition intended to reconcile existing zoning with the Comprehensive Plan, but also did not favor keeping its set down in effect, since this would require that all future building permit applications be processed as if the R-5-A zoning were in place for so long as the case was pending pursuant to § 3202.5 (b). The Commission therefore voted to rescind its set down and asked OP to submit a second preliminary report with an alternative recommendation for rezoning the Subject Property.

The Petitioner submitted his recommendation on November 5, 2013, and OP submitted its second preliminary report on November 8, 2013. The Petitioner recommended an amendment to the R-5-B Zone District for the entire Subject Property while OP recommended R-5-C zoning for Lot 52 and R-5-A zoning for the remaining properties. OP also indicated that it had no objection

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Record Lots 16 and 17. Thus, the petition lists several of the Record Lots twice. The Commission revised the property description in this order for clarity, but the property in question has not changed.

to all but Lot 52 being rezoned to R-5-B. In its testimony to the Commission at the public meeting, OP indicated that it was withdrawing its R-5-A recommendation and was now only recommending R-5-B for all but Lot 52.

At a public meeting on November 18, 2013, the Commission set down the revised OP recommendation for a public hearing and a second notice of public hearing was published.

OP submitted a hearing report dated February 10, 2014. The report concluded that the proposed zoning was not inconsistent with the Comprehensive Plan.

The Commission held a hearing on February 20, 2014. At the conclusion of the hearing, the Commission, among other things, requested that OP convene a meeting between the property owners, the developers of the affordable housing project, and Advisory Neighborhood Commission (ANC) 7F to discuss zoning alternatives for the seven properties that comprised the Subject Property.

OP submitted its final report dated March 24, 2014. The report stated that the requested meeting was held on Thursday, March 20<sup>th</sup>, and was attended by the owners or representatives of all the parcels (except one) comprising the Subject Property, the co-developers of the affordable housing project, the Single Member Representative of ANC 7F, and three OP staff. At that meeting, a consensus emerged that all of the properties should be treated the same and that, under these circumstances, an amendment to rezone the Subject Property to the R-5-C Zone District would be acceptable. OP indicated that while it continued to support the R-5-B/R-5-C split, it would not oppose all properties being rezoned to R-5-C. The report also listed the factors that supported R-5-C zoning for the Subject Property, and stated that OP found that R-5-C zoning for the Subject Property was not inconsistent with the Comprehensive Plan.

In a letter dated March 27, 2014, the Petitioner stated his support for the compromise approach, indicating that "after careful consideration we will accept whatever zoning the [C]ommission sees fit, whether it is R-5-B or R-5-C we request that the [C]ommission zone all properties the same." The letter also referred to a conversation that the Petitioner had during the meeting with Mr. Stan Voudrie who represented one of the co-developers. According to the Petitioner, Mr. Voudrie indicated that the developers had "not spent considerable resources as represented to the Zoning Commission" and "only had a concept drawing, not working plans." In addition, the letter stated that Mr. Voudrie indicated that the project had not yet received funding.

At its regularly scheduled public meeting held on April 15, 2014, the Commission considered OP's final report and the Petitioner's letter, and took proposed action to rezone the Subject Property to the R-5-C Zone District, authorizing publication of a proposed rulemaking notice and referral of the proposed change to the National Capital Planning Commission (NCPC) for the thirty (30) day period of review required under § 492 of the District Charter. The Commission

also offered Mr. Voudrie an opportunity to respond to the statements attributed to him by the Petitioner.

Mr Voudrie submitted a letter in response to Petitioner on April 22, 2014. His letter stated that Mr Belt's characterization of their conversation on March 20, 2014 was inaccurate, because the developers had expended in excess of \$500,000 in furtherance of their development plans for the site and that they had developed schematic plans at that point that were appropriate for the proposal given that it was still early in the development process Mr Voudrie also stated in his letter that he had made accurate representations to the Commission about their efforts to finance the project

NCPC's Executive Director, through a delegated action dated April 24, 2014, found that the proposed map amendment would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital

The Notice of Proposed Rulemaking was published in the *DC Register* on May 2, 2014, at 61 DCR 4452, for a 30-day notice and comment period No comments were received

At a properly noticed June 9, 2014 public meeting, the Commission, after reviewing Mr Voudrie's letter and concluding that it adequately responded to the Petitioner's assertions, took final action to adopt the following map amendment

**The Zoning Map of the District of Columbia is amended as follows:**

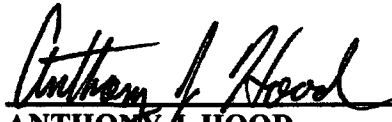
<b>SQUARE</b>	<b>LOTS</b>	<b>Map Amendment</b>
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5081	22	C-3-A to R-5-C
5081	52	C-3-A to R-5-C

On April 15, 2014, upon the motion of Commissioner Miller, as seconded by Vice Chairman Cohen, the Zoning Commission **APPROVED** the petition at its public meeting by a vote of **5-0-0** (Anthony J Hood, Marcie I Cohen, Robert E Miller, Peter G May, and Michael G. Turnbull to approve)

On June 9, 2014, upon the motion of Chairman Hood, as seconded by Vice Chairman Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J Hood, Marcie I. Cohen, Robert E Miller, Peter G May, and Michael G. Turnbull to adopt)

**Z.C. NOTICE OF FINAL RULEMAKING AND ORDER NO. 13-07**  
**Z.C. CASE NO. 13-07**  
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In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D C Register*, that is on June 20, 2014

  
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**ANTHONY G. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

  
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**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
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(Tax Lot 804), 22, and 52, in Square 5081 from the C-3-A Zone District to the**

**R-5-C Zone District)**

**June 9, 2014**

The full text of this Zoning Commission Order is published in the Final Rulemaking section of this edition of the *D C Register*