

## Cochran, Patricia (DCOZ)

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**From:** Ronit Avni <ronit.avni@gmail.com>  
**Sent:** Tuesday, November 15, 2016 5:29 PM  
**To:** DCOZ - BZA Submissions (DCOZ)  
**Cc:** Alan Gambrell; Susan Flinn  
**Subject:** Basement-Cellar Rule

To Whom It May Concern:

I am writing to express my concern regarding the Basement/Cellar Case – BZA 19374 (1514 Q Street). I am writing to encourage the BZA to clarify the Basement-Cellar Rules so that DCRA will implement it more consistently. It is a welcome fact that DC's zoning rules establish limits on a building's size to maintain standards for quality of life (e.g., density, access to light and air). Ignoring rules results in overbuilding which is problematic for our communities. Right now zoning very clearly defines cellar as:

- (1) partially below grade and (2) non-habitable space.

However, for some reason, DCRA ignores the second part of the definition. This allows developers to exclude so-called cellars from density formulas, even though they are converted into condo units. This also lets developers add a whole extra floor on top, exceeding density rules by large amounts, and negatively impacting neighbors and neighborhoods.

- It undermines democracy and the rule of law to apply only certain rules. Lower-level spaces that are made habitable simply cannot be defined as "cellars," according to a full reading of the zoning regulations.

The misinterpretation of the Basement-Cellar Rules has a negative impact on historic row house neighborhoods like ours.

- Misinterpretation of this cellar rule is allowing for over-building in many row house neighborhoods. Examples are being collected for an interactive map, which is currently being created.
- Pop-ups, pop-backs and pop-forwards are *only* possible because an entire level / floor / mass of square footage is not counted in the GFA.
- Overdevelopment creates density that exceeds allowable limits; strains the water, sewer, and trash systems; and creates traffic problems.

Finally, this over development doesn't create additional affordable housing

- Some may suggest that allowing these units increases affordable housing in DC's historic neighborhoods. But, that's not true.
- As recently reported, there are many new units being built in DC, but the units are being sold or rented at market rates, which are out of reach for most residents.
- DC's stock of affordable rentals is declining, and the supply of mid-range units isn't growing. Meanwhile, between 2002 – 2013, "the share of high-priced units (over \$1,600) ballooned from under 15% of all rental units to 35%." See:

<http://greatergreaterwashington.org/post/26526/dcs-housing-affordability-crisis-in-7-charts/>

Board of Zoning Adjustment  
District of Columbia  
CASE NO.19374  
EXHIBIT NO.21

- The DC Fiscal Policy Institute compares the loss of low-cost and affordable housing in DC with the “rapid growth in the number of higher-priced units,” noting that lower-rent units are being replaced with ones costing \$1,400 / month or more. See Rivers, W, Going, Going, Gone: DC’s Vanishing Affordable Housing, Washington, DC: DC Fiscal Institute, 2015, available online at: <http://www.dcfpi.org/going-going-gone-dcs-vanishing-affordable-housing>

I hope you will correct this situation so that the rules can be fairly, equitably and logically applied and so developers don’t get a free pass on the backs of the communities who must live with the consequences of their structures long after these deliberations end.

Best,

Ronit Avni

Ward 1 Resident