



1A ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Valerie Baron
SMD 1A04 – Sadaf Mortezaei
SMD 1A07 – Sharon Farmer
SMD 1A10 – Rashida Brown

SMD 1A02 – Vickey Wright-Smith
SMD 1A05 – Christine Miller
SMD 1A08 – Kent C. Boese
SMD 1A11 – Dotti Love Wade

SMD 1A03 – Zach Rybarczyk
SMD 1A06 – Angelica C. Castañon
SMD 1A09 – Bobby Holmes
SMD 1A12 – Margaret Hundley

Commissioner Rashida Brown

Commissioner Kent C. Boese

RESOLUTION SUPPORTING NEED TO CLARIFY AND REVISE BASEMENT/CELLAR ZONING REGULATION (ZC #17-18)

WHEREAS; The DC zoning regulations contain various definitions and rules on what comprises a basement and a cellar and how these spaces are to be considered in density formulas and as habitable rooms. Specifically:

The determination of whether a partially below grade story is a basement v. a cellar is the measurement distance from “adjacent finished grade” to the ceiling of the lower level.

Inherent in density formulas is counting of habitable and non-habitable rooms.

WHEREAS; There is inconsistent application of rules used by DCRA on determining whether and how much of the building’s lower level that is partially below grade and therefore gets counted in these density rules. There are known instances where DCRA has authorized numerous projects to exclude entire floors from GFA/FAR and story density formulas by designating them as cellars by the following techniques:

- Variable location of the “adjacent finished grade” including exclusion of areaways as the measurement point even though the regulations define “grade, finished” as the “elevation of the ground directly abutting the perimeter of a building or structure”;
- Berming of the grade to shorten the measurement distance; and,
- Lowering of ceilings to shorten the measurement distance.

WHEREAS; There are numerous examples of development in the RF-1 Zone within ANC1A in which rowhouses have been converted to flats where the resulting modifications have had a lasting and negative impact on the architectural character of the neighborhood due to attempts by developers to circumvent the cellar/basement rule. Examples include:

- Permits issued for construction to allowable height, with subsequent interior construction raising floors and exterior windows to convert cellar to basement, resulting in non-compliant four-story structure in RF-1 Zone. Structures still non-compliant with no practical recourse.

WHEREAS; ZR-16 contains inconsistencies in basement/cellar measurement rules that warrant immediate corrections;

WHEREAS; The Zoning Commission is reviewing Office of Planning proposed revisions to the basement/cellar rule in Case 17-18, to:

- Establish consistent measurement distances across definitions and references for a basement versus a cellar to be measured as a distance of, respectively, greater than/less than 5 feet from the finished floor (directly above the partially below grade story) to the adjacent natural or finished grade (whichever is lower in elevation).
- Add/clarify specific terms association with the measurement formula (i.e., finished grade, natural grade, areaway, exclusions on the meaning of finished grade).

BE IT RESOLVED THAT: Advisory Neighborhood Commission 1A supports the following provisions regarding the basement/cellar rule:

- Proposed revisions to definitions for basement and cellar measurements and finished grade measurement points.
- Moving of language from definitions to rule of measurement section

BE IT FURTHER RESOLVED THAT: ANC1A opposes excluding areaways as the measurement point for finished grade as this is contrary to the very definition of finished grade (i.e., “elevation of the ground directly abutting the perimeter of a building or structure”) and, furthermore, areaways effectively convert uninhabitable cellar space into basements on the basis of both additional measurement distance from grade and creation of habitable conditions in terms of providing additional light and air to the lower level space.

BE IT FURTHER RESOLVED THAT: ANC1A opposes the removal of the word “attics” and cellars” from the “habitable room” definition as habitability is an essential component of density rules. The Commission considers attics and cellars uninhabitable spaces. A habitable space partially below grade is a basement.

BE IT ADDITIONALLY RESOLVED THAT: ANC1A does not oppose the development of rules and regulations that would create a process whereby a cellar could be legally converted to habitable space, provided that the following set of conditions are met:

- The floor of the existing cellar is lowered to accommodate height, and the requisite underpinning performed;

- Egress windows and/or entrances be installed as necessary for safety;
- Including cellar conversions in FAR; and,
- Retain original window openings and floor locations to maintain the overall architectural character and rhythm of the streetscape.

AND BE IT FINALLY RESOLVED THAT: The Chair of Advisory Neighborhood Commission 1A, or any member of the Executive Committee in their absence, shall be authorized to communicate this resolution to the members of the Council of the District of Columbia and all governmental agencies.

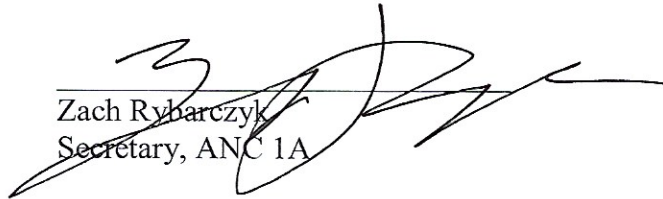
#####

Certification:

After providing sufficient notice for and with a quorum of 9 present at its February 14, 2018, meeting, Advisory Neighborhood Commission 1A voted, with 8 Yeas, 0 Nos and 1 Abstentions, to adopt the above resolution.



Kent C. Boese
Chairperson, ANC 1A



Zach Rybarczyk
Secretary, ANC 1A