

17-18 Recommendations

SUPPORT: OP measurement changes.

RECOMMEND: Revise the OP definition of Grade, Finished as: Grade, Adjacent Finished: The elevation of the ground directly abutting the perimeter of a building or structure.

OPPOSE: Delete the OP proposal to exempt an areaway from the definition of finished grade.

OPPOSE: In the habitable room definition, do not adopt the OP proposal and, instead, retain the words “attics, cellars” from “‘habitable room’ shall not include”

RECOMMEND: Any level used as dwelling space is to be included in GFA/FAR and counted as a story.

Chain of Reason in Density Rules

Count Habitability

1. Density formulas – count impact of livable space.
2. Basement/cellar – defined by (1) measurement AND (2) use (habitability).
3. Habitable Room in stated 8 zoning definitions and referenced in basement/cellar definitions.
4. An areaway makes lower level more livable. Why exclude it as the grade measurement point?
5. Current interpretation is inconsistent with building codes.
6. Prior Zoning Administrator applied 2-part rule.

1. Density Formulas Count All Livable Space

- Attics/cellars **not counted** in density formulas **for a reason: they are not suitable for human habitation.**
- FAR (Gross Floor Area) counts all livable areas and spaces essential to living (e.g., stairs).
- Recently adopted Inclusionary Zoning (IZ) regulations identify a “cellar dwelling unit” in ZC 04-33G and **count that space** in IZ set-aside requirements.

2. Cellar and Basement Included in Two ZR-16 Definitions

1. Rule of measurement
 - Grade to ceiling/floor
2. Rule of use
 - Habitable Room

*Basement/cellar difference:
It's more than a measurement*

3. “Habitable” Stated in 8 Definitions

1. Apartment
2. Bedroom
3. Dwelling Unit
4. Habitable Room
5. Hotel
6. Inn
7. Penthouse Habitable Space
8. Rooming Unit

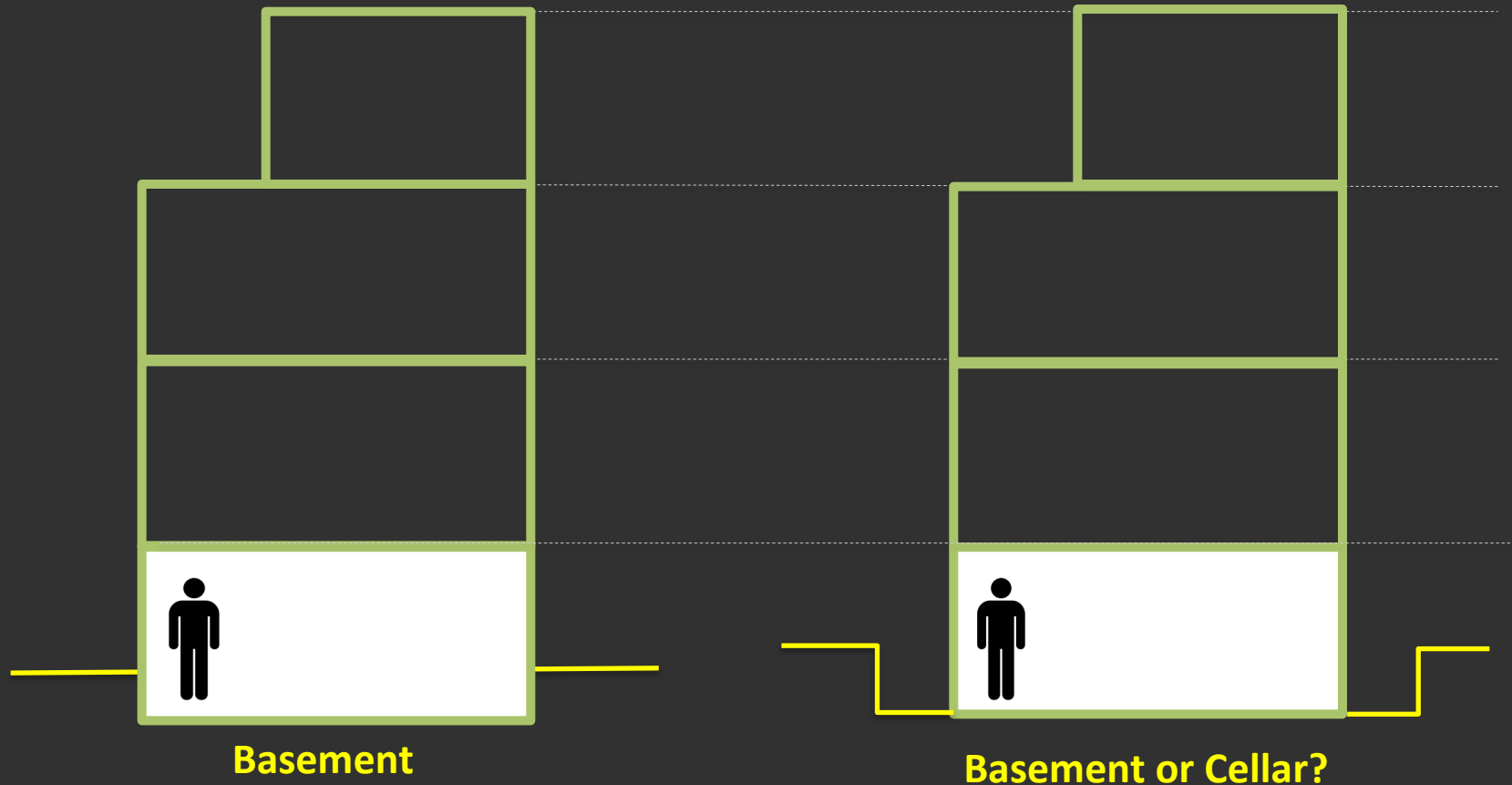
Habitable Room definition:

- Includes basements
- Excludes cellars

Each of 8 terms is included in density formulas by inference.

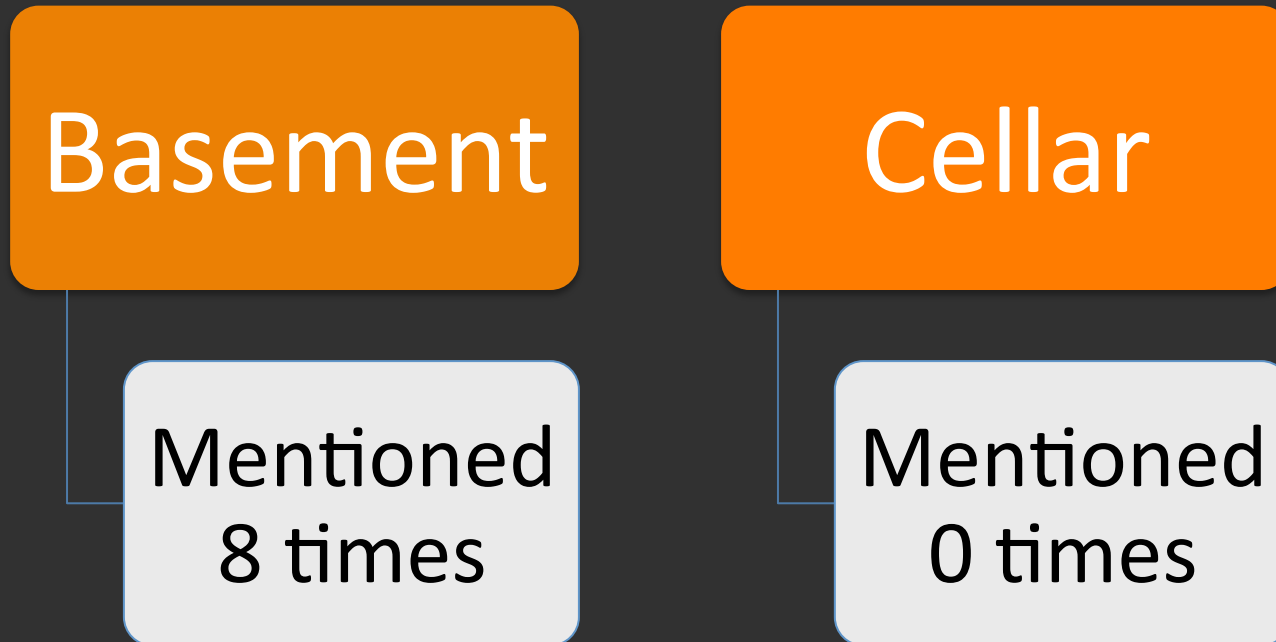
4. Areaway Makes Lower Level Even More Livable

Why exclude areaways as the grade measurement point?



5. Interpretations Conflict with Building Codes

Title 12 DC Building Code references built conditions for:



Alignment with other regulations justified: DCMR 11-101.4(d)

6. Prior Zoning Administrator Interpretation

- In 2007, Zoning Administrator allowed 1736 Corcoran Street NW to redefine lower level basement to a cellar only when the project:
 - lowered ceiling to <4' grade measurement and
 - removed apartment and converted into non-habitable use.

January 10, 2017

TO: Board of Zoning Adjustment

FR: Bob Meehan

RE: 2007 Zoning Determination

Cellar Defined on Measurement and Habitability

Following is my recollection of a 2007 determination on treatment of cellar space under FAR rules. My involvement was as an ANC2B Commissioner.

Zoning Determination

In 2007, the Studio Theatre was seeking to renovate its property at 1736 Corcoran Street, NW into apartments for visiting artists. The scope of work involved expanding the building's square footage with a rear addition. Doing so, however, would result in the building exceeding FAR.

In order to avoid the need for a BZA request for the excess FAR, an agreement was reached to modify the basement apartment space into a "cellar" so as to exclude this square footage from FAR. The cellar designation was based upon two factors:

1. Lowering of the basement ceiling by about 1 foot to achieve less than a 4' measurement from adjacent finished grade to ceiling; and
2. Conversion of the basement apartment space into a common room that would no longer be defined as habitable space, according to the zoning regulations.

The ANC was not happy about Studio wanting to avoid the uncertainty of the zoning variance process, particularly since for this particular property Studio had a good case for a variance. The back of the property already had a one story structure across part of the back of the building where the new construction would be. The building to the East extended about 15 feet beyond the end wall of the new construction and was also as tall as the new construction. The building to the West had a partial one story extension like the one being replaced by Studio and extended one foot beyond Studio's construction.

In other words, in the opinion of the ANC, the additional FAR would not be detrimental to the neighborhood in the context of the adjoining buildings. Variances are designed to give exceptions when the affected neighbors and the developers find common beneficial solutions. The solution proposed by Studio worked because all the inhabitants were part of the same community and thus would benefit from a "common area." However, in general the ANC opposed this type of solution because at some future date the modification to convert a "basement" into a "cellar" could be reversed without DCRA or the community having any input in approving the change."