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Case 17-18: Basement/Cellar Measurement Rule
Submitted on January 18, 2018

I am writing to generally support the Office of Planning's (OP) recommendations for the basement/cellar rule changes, with some concerns. I appreciate that OP seeks to clarify the rule, and to address the fact that it has been "interpreted" in a way that results in overbuilding of rowhouse neighborhoods.

I became aware of the issue when an 8-unit development was approved behind my house (at 17th and V Streets, NW). The Zoning Administrator allowed 2 units to be considered as "cellars" – despite the fact that they are independent living spaces that will be rented out *at market rates*. Only 6 of the 8 units were included in the density calculations. The result is an apartment building that's larger than it should be, had the basement-cellar rule been correctly applied, which is now looming over my house. When the building was under review by the HPRB, 60 "Square 150" residents submitted a statement of our opposition to the building's height. So, my comments are my own, but reflect widespread concern among these neighbors.

Our block is not alone. We see this lax interpretation of the basement/cellar rule, and resulting overdevelopment (including pop ups, pop backs, etc.) all over historic rowhouse communities like Adams Morgan and Dupont Circle. Developers manipulate the basement-cellar rule's lack of clarity, designate large amounts of living space as a "cellar," exclude those spaces from density formulas, and overbuild. These units are sold or rented at market rates and do *nothing* to expand much-needed affordable housing in D.C. For example, the one-bedrooms for rent in Reed Row, a new development on Florida Avenue NW, cost between \$2,500-3,500/month.

In general, I support the measurement changes presented by the OP, with some amendments:

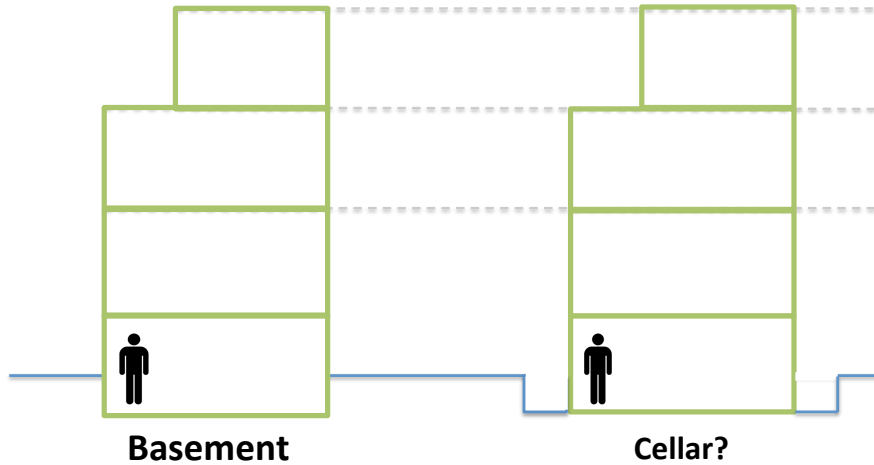
- First, I oppose *any* language that would enable a space that is designated as either a "cellar" or "attic" to be used as an independent living space. Attics and cellars should not be considered to be habitable and should not be used for habitation. Excluding "cellars" from density formulas when those same living spaces are converted into habitable rental or condo units results in significant overbuilding. This process violates the reason that density formulas and limits exist in the first place. I urge the Zoning Commission to support language specifying that: *any space that is going to be used as living space* (i.e., cooking, eating, sleeping, etc.) *must be included in the density formulas* (i.e., Gross Floor Area, FAR) *and counted as a story*.
- Second, I oppose OP's proposal to exclude areaways from being defined as the "adjacent finished grade." Creation and use of an areaway is precisely the mechanism by which these spaces become "habitable" – by converting a non-habitable "cellar" into a habitable "basement." The areaway creates a new, lower grade and allows more light and air into the living space. It both creates "basement" grade-to-floor distance and makes the space livable. The areaway is, therefore, an intrinsic part of what makes the space livable, and it should be counted as such.

This illustration shows how an areaway turns a cellar into a basement. On the left is a basement, strictly from the 5' measurement distance. On the right is a cellar, if you don't measure from the

areaway, strictly based on the measurement distance. But, there's no logical reason *not* to consider the areaway as the adjacent finished grade; it IS the adjacent finished grade.

Why Exclude Areaway as AFG?

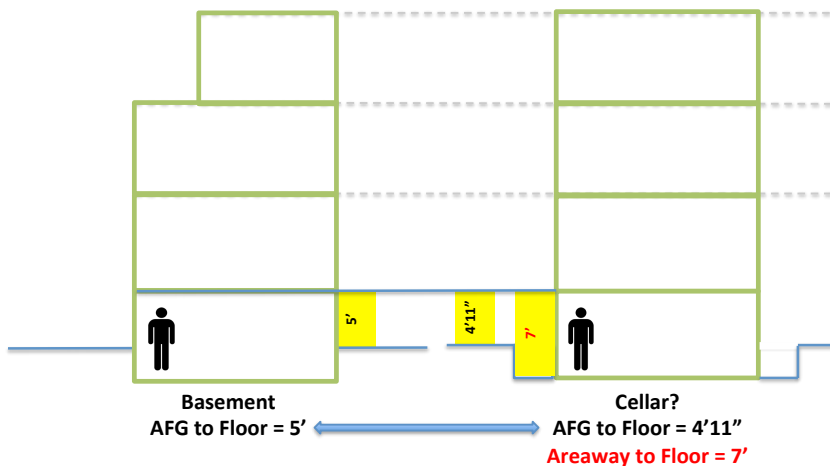
Which Makes Lower Level Even More Above Grade



The following illustration shows how a 1" difference results in an illogical "cellar" definition when the areaway is excluded. On the right is a 5' measurement grade "basement." On the left is a so-called "cellar" with a 4'11" grade measurement, when the areaway is excluded. With the areaway included, the space has a new, 7' grade measurement. It makes no sense to call the living space on the right a "cellar."

Example of an Areaway Scenario

Minor Grade Differences, Inconsistent Definitions



Areaways should be used as the “adjacent finished grade.” Excluding areaways just invites the type of manipulation of the measurement rules that currently results in overbuilding. And, the City’s building codes, in the **ICC**, designate the grade measurement point at the façade’s base *and include areaways*.

In addition, OP’s proposed measurement of an areaway as 5 feet from the building’s façade is inconsistent with the city’ building code (12G DCMR 402), which designates the areaway distance from the façade at 4 feet. The city’s various definitions and designations should align rather than conflict in this way. Inconsistency in regulations like this will only create confusion and inevitably lead to problems.

In conclusion, I thank the OP for submitting these recommendations. I hope the Zoning Commission will close the loophole that has enabled overbuilding, and ensure alignment of the City’s various definitions and designations.