ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

Case No.17-18

February 22, 2018

Statement of Anne Sellin

Chairman Hood and Members of the Commission:

I'm speaking as a longtime resident of Dupont circle, one of Washington's many residential rowhouse neighborhoods. As a practical matter this case is mainly about rowhouses, specifically about problems that arise in connection with the conversion of rowhouses designed as single-family to two or more units. Conversion often makes sense – financially, to the owner, but it also makes sense for the District by expanding the housing supply -- I have added a basement apartment in my own rowhouse.

Conversion can be done without materially changing the rowhouse's external appearance, and I have long been concerned about the need to insure that in our efforts to meet the district's need for more affordable housing we proceed in a way that is respectful of these iconic neighborhoods. For this reason I worked to bring about the rezoning of some Dupont Circle areas several years ago from R-5-B to R-4, and I welcomed the changes to R-4 zoning that the Commission adopted in 2015 and thereafter to curtail popups and popbacks.

So I have been distressed to see the damaging measures that commercial re-developers have employed in Dupont Circle and other

neighborhoods in order to make sure that the first level of a rowhouse qualifies as a "cellar", thus providing to get an extra floor's worth of marketable floor area or an extra story. I'm referring to measures like dropping the basement ceiling and messing up the fenestration on the front façade, piling dirt against the building to raise the adjacent grade (or in one bizarre case, convincing DCRA that the "adjacent" grade was actually inside the footprint of the building in what amounted to a niche in the rear wall some distance above the ground), etc. OP's proposals before you in this case are mainly concerned with ways to tweak the regulations to make measures like these more difficult to do, and I'm not going to discuss them further, except say two things:

First, it is unreasonable to think that such practices by developers can or will be fully eliminated so long as the underlying motivation to engage in them remains, and in fact some of OP's proposals may encourage even more damaging practices such as partial or total demolition.

Second, the problem can be readily solved by simply removing that motivation, which of course is the fact that a cellar doesn't count against FAR or the number of stories, and that cellars have lately started to be allowed to be used as habitable space.

So far as I can tell the fact that cellars are not included in "gross floor area" and don't count as stories is the *only* reason for the longstanding distinction in the Zoning Regulations between cellars and basements. If a cellar is now to be allowed to be used as an apartment

or other living space, the whole distinction, in zoning, between basements and cellars, and likewise the exclusion of cellars from FAR, make no sense. So I urge you to amend the definition of "gross floor area" to ensure that any area used as habitable space of any sort be included in GFA, and amend the definition of "story" to ensure that a cellar used as habitable space be counted as a story. As to GFA, the Commission has already taken this step in the 2016 inclusionary zoning rules by including cellars used as dwelling space in the total gross floor area used in calculating set-aside requirements.[1]

This simple step would take care of the problem and render the bulk of OP's proposals no longer relevant. It would also take care of an analogous problem with attics, where developers have been motivated to find ways to lower the ceiling to less than 6 feet 6 inches in order to gain marketable loft space without sacrificing any FAR. It would let cellars and attics and areaways be used in whatever way makes the most design sense rather than whatever way squeezes them into some arbitrary zoning category.

[1] C-1003.9. An inclusionary development's entire residential floor area including dwelling units located in cellar space or enclosed building projections that extend into public space, shall be included for purposes of calculating the minimum set-aside requirements of Subtitle C §§ 1003.1 and 1003.2