



Government of the District of Columbia  
**Advisory Neighborhood  
Commission 6C**

July 17, 2018

Anthony J. Hood  
Chair  
Zoning Commission  
of the District of Columbia  
441 4th Street, NW  
Suite 210-S  
Washington, DC 20001

Re: ZC 17-18

Dear Chairman Hood:

We write to provide our views<sup>1</sup> on the zoning regulation amendments proposed in ZC 17-18. In general, we support the proposed changes; as discussed below, we believe some of the text would benefit from minor adjustments to clarify its meaning.

**Revised Definitions of “Cellar” and “Basement”**

ANC 6C reaffirms its support—stated previously in our January 17 letter—for the proposed change to use the level of the “ground floor” as the measuring point for the definitions of “cellar” and “basement,” as well as the accompanying amendment to use 5’ as the dividing line between the two. As noted by the Office of Planning, this change will preclude certain tricks (such as installing dropped ceilings) currently used to transform basements into cellars.

We likewise agree with the proposal to make clear that basement/cellar measurement should be relative to the lower of the adjacent **natural** or finished grade.

**Revised Definition of “Natural Grade”**

ANC 6C agrees with the proposal to expand the lookback period for changes in grade from two years—the current standard—to five. Increasing this window has the potential to further deter efforts to game the system by altering the grade on a property.

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<sup>1</sup> On July 11, 2018, at a duly noticed regularly scheduled monthly meeting, with a quorum of six out of six commissioners and the public present, ANC 6C voted 6-0 to adopt the positions set forth in this letter.

### **New Definition of “Exceptions to Grade”**

The rulemaking proposes to create a new, separately defined class of exceptions to “Finished Grade” and “Natural Grade.” We support this addition, but recommend rewording subparagraph (b) from

An areaway that provides direct access to an entrance and projects no more than five feet (5 ft.) from the building face; excluding associated stairs or ramps

to

An areaway that provides direct access to an entrance and, excluding associated stairs or ramps, projects no more than five feet (5 ft.) from the building face.

### **Revised Definition of “Areaway”**

The proposed text would amend this definition as follows:

A subsurface space adjacent to a building open at the top or protected at the top by a grating or guard ~~that includes window wells~~ and passageways accessing basement/cellar doors.

It is unclear to us whether the intent here is to exclude window wells from the scope of “areaway.” Moreover, the resulting language seems to us inelegant and potentially ambiguous. At a minimum, we recommend revising the proposed text so that it reads as follows:

A subsurface space adjacent to a building open at the top or protected at the top by a grating or guard, such as a passageway accessing a basement/cellar door.

### **Vesting Rule**

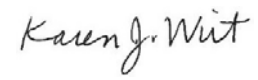
The proposed text would insert another vesting (aka grandfathering) rule into subtitle A. ANC 6C recommends two changes here.

First, at the end of proposed A § 301.15, add “and not substantially changed after filing.” As in existing A § 301.14, this additional language would ensure that vesting applies only to applications that truly precede the amendments, and not to later revisions that may bear no resemblance to the original.

Second, edit A § 301.4 so that “Except as provided in Subtitle A §§ 301.9 through **301.13**” instead reads “Except as provided in Subtitle A §§ 301.9 through **301.15**”. Doing so would expand the list of cross-referenced exceptions to include new A § 301.15 and the preceding subsection, created by the Commission in ZC 14-11D.

Thank you for giving great weight to the views of ANC 6C.

Sincerely,

A handwritten signature in cursive script that reads "Karen J. Wirt".

Karen Wirt  
Chair, ANC 6C