

TO: Members of the DC Zoning Commission
FR: Susan Flinn, 2036 17th Street, NW, Washington, DC 20009
RE: Comments on 17-18
DT: July 20, 2018

I am writing to thank the DC Office of Planning (OP) and the Zoning Commission (ZC) for its work to address the long-standing problems and lack of clarity with the regulations around the “Basement/Cellar Rule.” I attended the hearing earlier this summer and was pleased that the ZC appeared to hear the public concern over the regulations, particularly the lack of clarity around “habitability” with respect to basement vs. cellar spaces.

My neighborhood is being significantly overbuilt by developers who rely upon the lack of clarity and compliance of the city regulators, which enables them to manipulate both the building design and regulatory interpretation for their own financial benefit.

At the earlier hearing, it sounded like the ZC was going to move ahead with the new 17-18 rules, but address the basement/cellar issue and habitability in a separate process. So, I was surprised to see that the new 17-18 text contains a new definition of “habitable room” and “story” (100.2). I urge the ZC to remove these changes. I also urge the ZC to address how habitability is defined – and specifically defined with respect to basements vs. cellars – in a separate and dedicated process.

The city, developers, and residents will all benefit from greater clarity about what counts as habitable space and should be counted in calculating a building’s density. I fear that the proposed changes are not likely to provide such clarity and may risk increasing the confusion that has existed around this issue for too long.