



## Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

[www.anc1c.org](http://www.anc1c.org)

*Representing Adams Morgan*

### Commissioners:

**Amir Irani** (1C01) January 15, 2018

**Hector Huevo** (1C02) Zoning Commission

**Ted Guthrie** (1C03) 441 4<sup>th</sup> Street, NW, Suite 200S Washington, DC 20001

**A. Tianna Scozzaro** (1C04) **sent by attachment to email to [dcoz@dc.gov](mailto:dcoz@dc.gov)**

**Ryan Strom** (1C05)

**Brendan Reardon** (1C06) RE: ANC1C Resolution on "Basement/Cellar" Issues

**Wilson Reynolds** (1C07)

**Amanda Fox Perry** (1C08)

### Zoning Commission:

At a duly-noticed public meeting held on Wednesday, January 3, 2018, with a quorum present, Advisory Neighborhood Commission 1C passed a resolution on "basement/cellar" issues by a vote of 7-0-0 (see enclosed).

Hector Huevo, Esq.  
Chair, ANC 1C

**ANC1C Resolution**  
**Clarify and Revise Basement/Cellar Zoning Regulation**

Whereas, DC zoning regulations include multiple rules to manage and put limitations on the height, density, and usage of buildings and their impact on quality of life. These rules govern density of buildings in terms of, for example, their square footage and number of stories, height and lot occupancy, as well as habitable rooms.

Whereas, the zoning regulations contain various definitions and rules on what comprises a basement and a cellar and how these spaces are to be considered in density formulas and as habitable rooms. Specifically:

The determination of whether a partially below grade story is a basement v. a cellar is the measurement distance from “adjacent finished grade” to the ceiling in the lower level.

Inherent in density formulas is counting of habitable and non-habitable rooms.

Whereas, there is inconsistent application of rules used by DCRA on determining whether and how much of a building’s lower level that is partially below grade and therefore gets counted in these density rules. For instance, DCRA has authorized numerous projects to exclude entire floors from GFA/FAR and story density formulas by designating them as cellars by the following techniques: identifying the “adjacent finished grade” at the top of a planter within the building façade; berming of the grade to shorten the measurement distance; and lowering of ceilings to shorten the measurement distance.

Whereas, interpretation of the basement/cellar rule is so imprecise, and lacking in proper zoning enforcement, as to enable a party to technically change the definition of a lower level from basement to cellar status simply to exempt this space from density rules. As such, the definitions of basement and cellar are often rendered meaningless, which harms the intent and integrity of density limits.

Whereas, ZR-16 contains inconsistencies in basement/cellar measurement rules that warrant immediate corrections.

Whereas, the Zoning Commission is reviewing Office of Planning proposed revisions to the basement/cellar rule in Case 17-18, to:

- Establish consistent measurement distances across definitions and references for a basement versus a cellar to be measured as a distance of, respectively, greater than/less than 5 feet from the finished floor (directly above the partially below grade story) to the adjacent natural or finished grade (whichever is lower in elevation).
- Add/clarify specific terms associated with the measurement formula (i.e., finished grade, natural grade, areaway, exclusions on the meaning of finished grade).

Whereas, ANC1C has adopted previous resolutions calling for improvements in application of the basement/cellar rule, including the March 2, 2016 resolution, Clarify and Revise Basement/Cellar Zoning Regulation.

Therefore, ANC1C endorses the following provisions regarding the basement/cellar rule:

- Proposed revisions to definitions for basement and cellar measurements and finished grade measurement points.
- Moving of language from definitions to rules of measurement section.

Furthermore, ANC1C recommends:

- Additional clarification of the term “adjacent finished grade” so that it is clear that this refers to the grade external to the building and is a grade that should not be unduly altered simply to achieve a cellar designation for the lower level.
- Striking proposed modifications to the definition of “finished grade” that would not count window wells or areaways as finished grade. These proposed exceptions serve no practical purpose and, to the contrary, invite misinterpretation and manipulation of the measurement rules. Furthermore, the proposed measurement of an areaway as five feet from the building façade is inconsistent with the building code, 12G DCMR 402, which sets the areaway distance of 4 feet from the face of a building.
- Further specificity of the grade plane method measurement point for calculating partially below grade story GFA from the current “midpoint of a building façade” to the corners and midpoint of the building at the front façade and the rear façade (a total of 6 points).
- A prohibition of berming for purposes of measuring basement/cellar distance.

Furthermore, ANC1C strongly opposes removal of the words “attics” and “cellars” from the “habitable room” definition as habitability is an essential component of density rules and the essential purpose for assigning the term basement v. cellar to a partially below grade story. Thus, ANC1C recommends that the Office of Planning and Zoning Commission engage in additional deliberations to clarify the purpose of defining spaces as basements v. cellars (including the relevance of habitability in these definitions and density rules) as well as criteria used to measure stories in relation to calculation of density rules.

Specific considerations of this review should examine:

- Treatment of partially below grade spaces that are comprised of habitable rooms.
- Treatment of partially below grade spaces that must receive Certificates of Occupancy.
- How basement, cellar and story designations are currently handled by DCRA and neighboring jurisdictions.
- Consistency with other building-related codes—all of which relate to the zoning regulations in terms of their application from the standpoint of quality building standards and quality of housing—include multiple provisions that define grade and habitable space.

ANC1C recommends that if the Zoning Commission is unwilling to make it clear that cellars and low-ceilinged attics are not to be used as dwelling space, the requirement should be that any floor area or any cellar or attic space that is used for habitable space be included in the calculation of the permissible gross floor area of the building, and, consequently, the provisions proposed in 2016 be reinstated, after adding the words “or attics” after “cellars” in each.