



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

January 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.

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

ANC 6C supports 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 in the Office of Planning setdown report, this change will preclude certain tricks (such as installing dropped ceilings) currently used to transform basements into cellars.

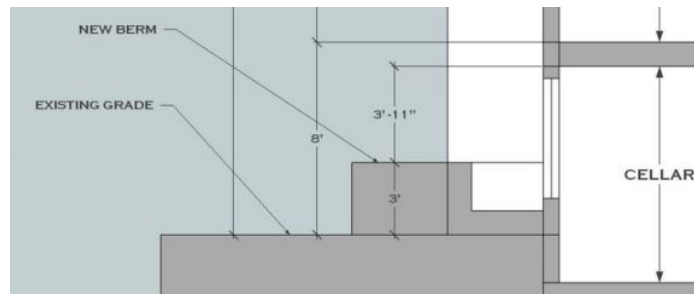
We likewise agree with the proposal to make clear that basement/cellar measurement should be relative to the lower of the adjacent **natural** or finished grade. Because the current definition of “natural grade” expressly excludes “manually constructed berms,” this change would close a commonly exploited loophole: the creation of berms to increase the height of the adjacent “finished grade.”

For example, in a recent determination letter, the Zoning Administrator concluded that a project “consists of three (3) stories above a cellar whose ceiling is 3’-11” above grade” where

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<sup>1</sup> On January 10, 2018, at a duly noticed regularly scheduled monthly meeting, with a quorum of five out of six commissioners and the public present, ANC 6C voted 5-0 to adopt the positions set forth in this letter.

the submitted plans clearly show a new berm to be added atop the existing grade:



Determination Letter for 150 S St. NW (Sept. 5, 2017) (available at <https://dcra.dc.gov/release/150-s-street-nw-letter-determination>).

We note for the Commission’s consideration a question about the application of the proposed rule to a structure for which the ground floor has multiple levels. As proposed, the amendment leaves intact the introductory language for the definitions of “basement” and “cellar” (“[t]hat portion of a story”), which would allow a below-grade story to include both “basement” and “cellar” components depending on the height of the ground floor above. It is unclear to us whether this result is a desirable one.

### **Definition of “Finished Grade”**

ANC 6C agrees in principle with the changes proposed for the definition of “finished grade”—in effect, excluding certain areaways—although we have concerns about the intent behind (and clarity of) the proposed language. Both go to the second proposed exception for areaways no larger than 5’ deep.

First, we are concerned that the new language might be misread to apply to below-grade entrances underneath the stoops and porches typical of Capitol Hill rowhouses, such as the one shown below:



One concern is that many such below-grade entranceways are not entirely covered by the stoop/porch above (meaning that they are partially “open at the top” within the meaning of the definition of “areaway”). And while we do not believe that a stoop/porch should qualify as a “guard” sufficient to make the entrance below an “areaway,” there does appear to be some ambiguity. We therefore urge the Commission to make clear in any final order that entrances of this sort below a stoop or porch would not qualify as an “areaway” (and thus would not be a potential measuring point for “finished grade”).

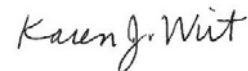
Second, it is unclear whether the 5’ limit on the depth of excluded areaways includes or excludes the stairway leading to the entrance. Including the stairs (and thus narrowing the circumstances in which an areaway could avoid being treated as the “finished grade”) would have the perverse effect of making deeper below-grade levels, which require a longer run of stairs, more likely to be treated as “basements” than shallower levels with fewer stairs and shorter areaways.

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Finally, our vote authorized Commissioner Mark Eckenwiler (6C04) to provide testimony before the Commission in this proceeding.

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

Sincerely,



Karen Wirt  
Chair, ANC 6C