

ANC 6C Planning, Zoning, and Economic Development Committee Report

ANC 6C Commission Meeting: January 10, 2018

PZE Meeting Date: January 3, 2018 6:30 pm

Meeting Location: Northeast Library
7th & D Streets NE

Committee Attendees: Mark Eckenwiler (Chair)
Ryan McGinness (Vice Chair)
Joel Kelty
Bobbi Krengel
Chris Mitchell
Lauren Oswald
Bill Sisolak
Dru Tallant

Other Commissioners Present: n/a

Agenda Items

1. **1108 5th St. NE (BZA 19667)** – Application of Laura Peyton and Sarah Hopkins, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the rear addition requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 1108 5th Street N.E. (Square 805, Lot 88). Representative: James Noel. Hearing on January 24, 2018. [6C06] ([Application file](#); [hearing notice](#))
2. **Proposed changes to zoning rules of measurement for basements/cellars and building height (ZC 17-18)** – Hearing on January 18, 2018. ([Case file](#))
3. **Discussion of potential amendments to zoning regulations for rooftop/upper-floor additions in RF zones**

Agenda Item #1: Discussion and Recommendations

1108 5th St. NE (BZA 19667) – Application of Laura Peyton and Sarah Hopkins, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the rear addition requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 1108 5th Street N.E. (Square 805, Lot 88). Representative: James Noel. Hearing on January 24, 2018. [6C06]

Motion **To recommend support with conditions (see below)**
(carried 6-0-1)

Key Discussion Points:

1. Applicant seeks permission to construct a two-story rear addition and a new third-story on an existing two-story row house. Special-exception relief is necessary because the rear addition will extend more than 10' past the adjacent houses.
2. Applicant provided letters of support from the owners of the two adjacent houses.
3. Although the setback of the new third story behind a mansard roof appeared to make the new upper story invisible from the street, PZE members noted the need for a sightline study to confirm this assumption. Accordingly, the vote in support was conditioned on the applicant providing a suitable drawing.
4. After the PZE met, the applicant provided the PZE chair with a drawing showing that the third-story addition will not be visible from the opposite sidewalk. The PZE chair has confirmed that the drawing has also been filed with BZA as an exhibit in the case.

Agenda Item #2: Discussion and Recommendations

Proposed changes to zoning rules of measurement for basements/cellars and building height (ZC 17-18) – Hearing on January 18, 2018.

Motion ***To recommend support with conditions***
(carried 8-0)

Key Discussion Points:

1. In ZC 17-18, the Office of Planning has proposed changes to the zoning regulations affecting the measurement point for basements/cellars and overall building height.
2. The proposal would change the definition of cellar
 - a. from (paraphrasing) a story for which the ceiling is less than 4' above the adjacent "finished grade" (ground level)
 - b. to a story below a "ground floor" (at or above grade) less than 5' above the adjacent grade.
3. The justification for this change is to prevent unscrupulous applicant from installing dropped ceilings in "basements" (which count toward the maximum number of stories) in order to recharacterize them as "cellars" (not counted against maximum number of stories).
4. PZE members support the change, including the addition of the proviso to use the lower of the adjacent natural or finished grade. **However, PZE members noted concern over how the proposed rule would apply to a "ground floor" having multiple levels.**
5. The proposal would exclude from the definition of "finished grade" certain small window wells and "areaways," which are defined as "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."
6. PZE members noted two concerns about the application of this exception. **First**, many row houses in ANC 6C have lower-level entrances partially covered by the stairs & stoop leading to the main floor. It is unclear whether/to what extent these points of access—often larger than the 5' maximum dimension in OP's proposal—would qualify as areaways. (PZE members felt unanimously that these access points, with their floors well below grade in most cases, should not be used as a basement/cellar measuring point.)
7. **Second**, PZE members noted uncertainty as to whether the stairs leading down into an "areaway" would count toward the 5' maximum dimension. (If they do, the proposed rule would have the perverse effect of making an open stairwell to a level well below adjacent grade—which would require a longer run of stairs, often exceeding 5' when combined with the bottom landing—into the new "finished grade," in turn making many if not all cellars into "basements" that count as stories.)

Agenda Item #3: Discussion and Recommendations

Discussion of potential amendments to zoning regulations for rooftop/upper-floor additions in RF zones

Motion ***n/a***
 (n/a)

Key Discussion Points:

1. In the past, PZE members have found the provisions of Subtitle E, sections 206 and 5203 (dealing with rooftop additions and special exception criteria) confusing and contradictory.
2. The PZE chair drafted a proposed set of revisions based on his review of the regulations and on an earlier conversation with Jennifer Steingasser in OP. After a detailed and constructive discussion, PZE members concluded that the initial proposal overlooked a number of issues and required further refinement. The PZE chair also noted that OP and DCRA expect to discuss the same issues in the near future, and he committed to exploring these issues with OP as those agency discussions progress.
3. As a result, the PZE agreed that no vote was needed at this time. The PZE will revisit the issues when appropriate at a future PZE meeting.