

Continued Hearing: BZA Application No. 21319

1332 HARVAR, LLC
1332 Harvard Street, NW
September 24, 2025

Applicant:
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District of Columbia
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CASE NO. 21319
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EXHIBIT NO. 34

Summary and Case Updates

- The property is currently improved with a purpose-built apartment building constructed circa 1903, located in the RF-1 Zone.
- It has four units, only three of which are on the C of O. A former ownership group purchased the property in 2008 (led by a relative of the current managing partner, Mr. Jordan; current managing partner was not actively involved at the time). The 2008 Owner who sold it to the former managing partner/relative was a separate individual who was in the process of converting the basement to a unit (likely without permits, unbeknownst to the former managing partner or current owner ownership group).
- The fourth unit, the basement unit, was never added to the certificate of occupancy, despite undergoing a renovation at the same time as the other three units and being inspected and receiving a C of O for 3 units. It was then rented successfully for over a decade without any enforcement. The current managing partner and group bought out the former managing partner and tried to get the paperwork in order to change the owner on the C of O. After years' worth of back and forth with various DC agencies, they were finally informed relief was required to approve the 4th unit.
- Accordingly, the Applicant seeks area variance relief from U-301.5(b).
- OP recommends approval.
- ANC 1A voted in support of the application.

The Subject Property



RA-4

RF-1

Sq. 2854

Subject Property
1332 Harvard St., NW

0078
0079
0080
0081
0082
0083
0084
0085

1

0074 0016 0018 0020 0075 0077

6105

RF-1

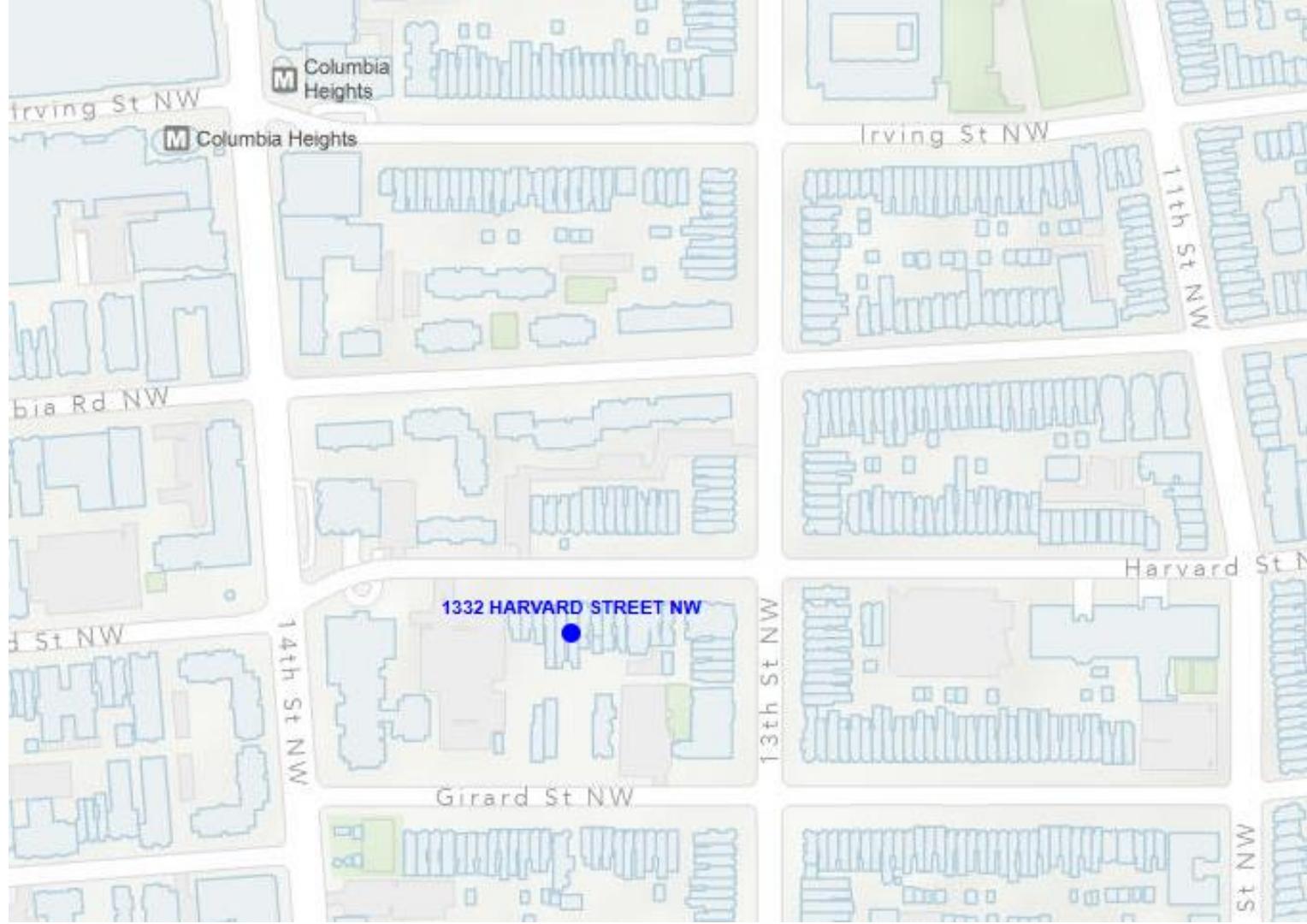
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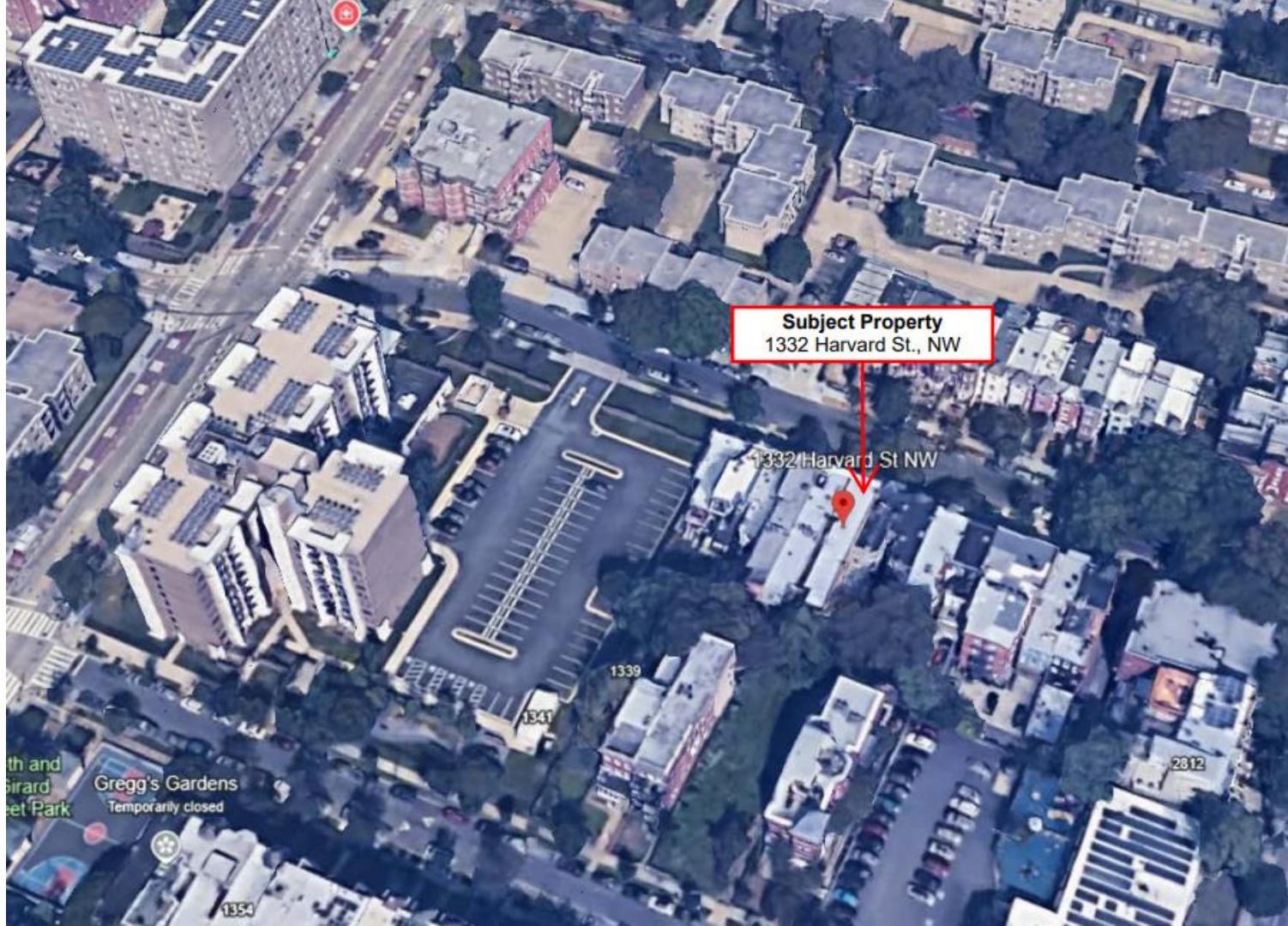
0840

7005

RA-4

Sq. 2855







Subject Property
1332 Harvard St., NW

Two Paths to Approval: Inherited Condition or De Novo Vacant Basement in Purpose-Built Apartment Building

Inherited Condition:

- Buyer inherits property with more units than allowed under 900 sq. ft. rule.
- Units operated for years without being added to C of O.
- Typically flats or single-family homes converted to multi-units. Cases involve undersized lots, established multi-unit use, and no exterior expansion.
- Relief consistently found not to impair zoning intent with the Board relying heavily on OP reports and testimony, limited board discussion generally, and limited information in orders. But it's clear that OP and the Board, based on the cases submitted, have not found these cases to be overly complicated, nor cases that would be purposefully duplicated.
- Current Case is even stronger as it is a purpose-built apartment building (not RF-1 conversion) with the same inherited condition discovered years later, so not subject to the traditional RF-1 conversions that would not be granted de novo.

De Novo- Vacant Basement in Purpose-Built Apartment Building

- Existing, pre-58, purpose-Built apartment building in need of modernization; updates almost always include moving laundry in-unit and upgrading systems, so basement equipment is no longer needed, creating existing vacant space.
- Typically, in busier neighborhoods with access to transit, which is a benefit, but also increases security concerns due to the neighborhood being well-traversed. Often times properties in the area of a similar age will have added basement units (legally or not) and are maximizing the space; these do not typically involve any exterior construction and the basement is ready for use without construction.
- Typically, it's impractical to combine units vertically, often resulting in overly large units, expensive construction, housing that does not meet needs and would increase rental costs or displace tenants.
- These factors all exist in this case, too— in addition to having the inherited condition.

Subject Property

Inherited Condition

Inherited Condition

Three different owners involved:

The pre-2008 Owner (owner 1) began the illegal basement conversion— he was an individual completely unrelated to the current manager nor former managing partner. Then a former managing partner (owner 2), a relative of the current managing partner (owner 3), took over and purchased the property under a separate entity. The current owner was not at all involved in the management at that time and only became involved in the management in 2021 after they bought the property from Owner 2. They inherited this condition at that time and believed the units were fully compliant and legal. There was ample evidence to that fact: When the 3 units were granted a C of O, an inspector came out, reviewed the property, saw the work, including four units and four meters, and still issued Certificate of Occupancy (C of O) and business license. Then the basement rented as a unit for over a decade. Current owners only had knowledge of the successful rental of all four units for over a decade without any enforcement action. Several layers of inherited conditions, including the inherited condition from Owner 1, and then compounded by Owner 2's inability to rectify the situation, none of these conditions were self-created by the current owner.

Practical Difficulty Without Relief

- Strict application would require:
 - **Merging basement + first floor** → impractical (\$300k+ cost, oversized/unrentable unit).
 - **Leaving unit vacant/gutted** → loss of income, cost of demo, cost of maintaining conditioned space, security risks (attractive nuisance at ground level).
 - DOB will not allow an existing full apartment to remain unpermitted; forcing demolition/removal.

Subject Property: De Novo- Vacant Space in Existing Apartment Building

De Novo Analysis

- If viewed as a fresh application, even before it was renovated in 2008 by a former owner, it aligns with purpose-built apartment building fact-patterns:
 - Pre-1958 purpose-built apartment, became nonconforming with 1958 zoning.
 - Unique on the block: adjacent buildings' basements are already occupied.
 - Location: dense neighborhood, 800 ft. from Metro, but with rear alley security concerns.
 - Modernization: in-unit laundry, 2 BR / 2.5 BA, ~1,500 sq. ft. per unit, ample storage.

Consistency with Prior Approvals

- Fact pattern aligns with approved cases (19959, 19718, 19625).
- Relief supports policy of allowing interior, envelope-contained basement conversions in existing multi-unit buildings.

Consequences Without Relief

- Vacant conditioned space, there is a financial loss + safety/security risk.
- Combining space with existing units also creates excessive cost + unmarketable oversized unit.

Purpose of the 900 Ft. Rule

In Zoning Case 14-11, the 900 sq. ft. rule was not newly adopted but rather discussed at length; in fact, it is likely the most robust record of the rule's purpose in relation to the purpose of the RF zones, since there is no available legislative history from its original adoption. The discussion in 14-11 focused on reinforcing the intent of the RF zones—specifically, preventing mid-block conversions and large additions that would undermine the character of the rowhouse neighborhoods. Purpose-built apartment buildings were not the subject of that dialogue; instead, the concern was that combining multiple rowhouse lots could create oversized multi-unit buildings, effectively turning RF-1 areas into de facto apartment zones. Other concerns related to speculative overbuilding. This was over a decade ago, in 2014 and 2015.

By contrast, the subject property is a purpose-built apartment building, consistent with its adjacent structures and denser, mixed-use neighborhood near transit. The request involves only four units, which is well within the scale contemplated by the RF-1 changes, and while IZ is not required here, the pricing of the two-bedroom unit is consistent with pricing for 4th units in converted buildings. As such, the proposal both preserves the building's original form while providing quality affordable housing near transit, meeting the intent of the regulations.