

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

May 21, 2015

Via Emailed PDF and US Mail



Martin P. Sullivan
Sullivan & Barros, LLP
1990 M Street, NW- Suite 200
Washington, DC 20036

Re: 1012 Harvard Street, NW; Square 2857, Lot 814; Determination Letter for Proposed Partial Demolition; Minor Flexibility for Lot Occupancy; Inclusionary Zoning.

Dear Mr. Sullivan:

You have asked for my determination regarding the proposed partial demolition of, and addition to, the existing building (the “Building”) located at 1012 Harvard Street, NW (the “Property”), as well as minor flexibility for lot occupancy, and the applicability of Inclusionary Zoning for your client’s proposed project. The Property is located in the C-2-A zone district. The owner of the Property is proposing to convert the existing building from a four-unit apartment house to a ten (10)-unit apartment house.

Partial Demolition

In order to consider the proposed project as an addition to an existing building, I must first determine that the proposed work would not be considered a raze or complete removal of a building. I have made such determinations in the past based on the totality of information available; in particular regarding the location and configuration of the existing enclosing walls of the existing structure and the nature and rationale for removal of these walls.

You have represented that you would be retaining a significant portion of the exterior walls of the Building, including nearly all of the existing east and west side walls. The front and rear walls will be extended pursuant to preliminary drawings SK-1 and SK-2 attached hereto as Exhibit A. These drawings show that approximately 42% of the original exterior building walls will be retained. The front and rear walls are difficult to retain, as the current wall locations do not maximize the allowable lot coverage. The larger and more prominent side walls are retained, and the existing brick finish will remain exposed due to your desire to blend the new elements of the building with the character of the existing building and neighborhood context. In addition, the front wall is set back from the front property line and the new addition must be built on the front property line to allow as much room as possible for provision of parking spaces and GAR elements.

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Based on the totality of circumstances as you have presented them to me, I confirm that if you present building permit plans which are in agreement with the attached sketches as to the amount of perimeter wall retained, my office would view such an application as a partial demolition and an addition, and not a full raze. Please note that if the actual demolition departs from the representations in this letter and the attached sketch, as represented in the building permit application, then the owner runs the risk of having the project being reconsidered as a full demolition, with the consequences attendant thereto.

Minor Flexibility

I also hereby confirm a grant of minor flexibility from the 60% lot occupancy limit for residential buildings in the C-2-A zone, to allow a maximum lot occupancy of sixty-two percent (62%) for the proposed project at 1012 Harvard Street, NW. As discussed in our meeting, the existing building, the east and west walls of which are being 100% retained, are each twelve (12) inches in width, which impacts the ability to provide industry standard rooms in certain areas of the building. Furthermore, the additional lot coverage will not change the number of units being provided, will not affect the amount of parking spaces provided, and will not materially impact any other aspect of the project. For all of these reasons, I have determined that granting this minor flexibility will not impair the purpose of the otherwise applicable regulations, and my office will approve lot occupancy of sixty-two percent (62%) for this project, substantially as proposed in the attached architectural drawings.

Applicability of Inclusionary Zoning

The Building on the Property is currently used as a 4-unit apartment house, pursuant to Certificate of Occupancy No. B146667 (this and previous C of Os are attached as Exhibit B). Your proposal would add six (6) apartment units for a total of ten (10) units. In order to be subject to the inclusionary zoning provisions under Chapter 26, a project must be a development of (ten) 10 or more units, along with other requirements pursuant to section 2602.1 of the Zoning Regulations. Therefore, this project would not be subject to the Inclusionary Zoning regulations since only six (6) units are being added. If a building permit were applied for to add another four (4) units to this Building within two (2) years after the C of O for the six (6) new units is issued, then the Building would be subject to the IZ requirements of Chapter 26.

Please feel free to contact me if you have any questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: A- Elevation and Lot Sketch
B- C of O History