

## Cochran, Patricia (DCOZ)

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**From:** Timothy Harkin <timothyharkin@gmail.com>  
**Sent:** Wednesday, April 10, 2024 12:19 PM  
**To:** DCOZ - BZA Submissions (DCOZ)  
**Subject:** BZA Case 21103 - 71 Kennedy St NW (Square 3389, Lot 138) - Opposition

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To the Board of Zoning Adjustment,

This email is in opposition to the modification in case 21103. My name is Tim Harkin, I live in this neighborhood at 122 Longfellow St NW, and am a licensed architect in DC.

This property went before the BZA for case 19897, in which it applied for special exceptions to the rear yard and closed court requirements. At the time, the project had ground floor retail and 4 stories of residential units, and received ANC support. In that BZA hearing (the transcript is available in the BZA case files), the BZA approved the case and allowed for flexibility of the drawings, and after much discussion of what that flexibility should include, it was determined that it would include **"removing the loading door, adding light wells for the windows, changing or removing the windows on the ground floor and adjusting the parking garage entrance location and size as approved by the Public Space committee"** (from the transcript of BZA Public Hearing 2/27/2019, page 65). The owner of the property also stated during the hearing that **"we're not changing the plans"**, which was then repeated and noted by the board. (pages 72, 73).

Since that case, the ownership has changed hands to a different LLC, but re-using the previous architect and previous plans as a starting point. Due to the length of time since the previous BZA, a new BZA was required and the new owner went back to the 4B ANC to confirm the letter of support from 2019 still applied. In that ANC meeting (October 2023), the case was presented as a minor modification to the previously approved case, and ANC noted that the previous support would still apply. Discussing differences between the 2019 plans and the new 2023 plans, it was noted retail was removed because below-ground water made underground parking difficult, and removing retail would relieve the amount of parking needed.

I take exception with how this was presented to ANC 4B for their approval. Firstly, it was noted in the ANC presentation that the modifications were minor and inline with what was allowed by BZA, this is in contrast with the board's definition of flexibility noted in that 2019 BZA hearing (see above).

The reasoning behind removing the retail space has also been misleading by the current owner, noting in the October 2023 ANC 4B meeting that the removal of the retail was due to the need to reduce the parking garage. **Per zoning requirements, retail only requires parking above 3,000 sf.** In the current plan, 47 residential units with no retail would require 15 spaces. **If there were to be <3,000sf of ground floor retail and 44 residential units, the parking requirement would be 14 spaces.** Even aside from zoning requirements, below grade parking is also not the standard for retail spaces in this area. For the entirety of Kennedy Street's one-mile long MU-4 zone, there is only one retail space that has off-street parking.

I have been witness to a lot of support among the neighborhood for this project to move forward so long as the ground floor retail remains part of the plan, and I am in agreement with that. In the type of mixed-use zone imagined by the Office of Planning's comprehensive plan, the presence of retail will make the neighborhood more walkable with amenities for the

larger neighborhood. Residents moving into the new housing provided would be better served living in a neighborhood that can support their needs without the need for a car or bussing to other parts of the city. A corner property on a commercially zoned street is the ideal property for retail space, and for this project to remove the existing retail for residential only is adding to a trend of development that makes the neighborhood more car dependent and further away from the goals of the comprehensive plan.

-Tim Harkin and Stephanie Newman  
122 Longfellow St. NW