

Government of the District of Columbia Advisory Neighborhood Commission 4B



RESOLUTION #4B-24-0404

**Providing Clerical Correction and Reiterating Support for Proposal for
71 Kennedy Street, NW and Application for Zoning Special Exceptions
([BZA 21103](#))**

Adopted April 29, 2024

Advisory Neighborhood Commission 4B (Commission) takes note of the following:

- Advisory Neighborhood Commission 4B unanimously approved [Resolution 4B-23-1007](#), Supporting Application for Zoning Modification to Board of Zoning Adjustment Order No. 19897-C for 5501 1st Street, NW (also known as 71 Kennedy Street, NW) at the Commission's October 23, 2023, meeting (attached). That Resolution provided support for the application for a modification to the Board of Zoning Adjustment for 5501 1st Street, NW ([BZA 19897-C](#)). The proposal presented by a new owner of the property in [BZA 19897-C](#) would have changed a [previous proposal](#), considered by the Commission in November 2018, to eliminate commercial space, increase residential units from 46 to 47, and reduce parking spaces from 22 to 17.
- As noted in [Resolution 4B-23-1007](#), according to the Applicant, the proposed changes in [BZA 19897-C](#) related primarily to geotechnical concerns, including "significant water-related issues when excavations go beyond about 20ft underground," which would require eliminating one underground level. The Applicant stated: "With the removal of the commercial/retail space, the demand for parking will considerably decrease."
- In addition, as noted in [Resolution 4B-23-1007](#), the Applicant indicated that the proposal in [BZA 19897-C](#) included approximately 37-39 affordable units at 50% of Median Family Income and five Inclusionary Zoning units at 80% of Median Family Income (if successful in application for funding for affordable housing from the District Department of Housing and Community Development).

- The Board of Zoning Adjustment dismissed the requested modification under in [BZA 19897-C](#) based on the determination that the underlying approval had expired. The Applicant filed a new Board of Zoning Adjustment case with the same proposed project for 71 Kennedy Street, NW,¹ [BZA 21103](#), which requests special exception relief from the rear yard and court requirements in the zoning regulations for the same proposal to eliminate commercial space, increase residential units from 46 to 47, and reduce parking spaces from 22 to 17. This new application requires a clerical correction from the Commission to reflect the current case number and relief sought.
- Recently, some residents have expressed opposition to the proposal because it does not contain retail. They seek disapproval of the proposal unless and until it includes retail. Commissioner Alison Brooks (4B08) has engaged extensively with residents regarding the proposal over years, including most recently through a very well attended [community meeting](#) on March 28, 2024.
- The Commission finds that the application and relief sought here do not require retail or provide a mechanism to demand it. The current application is for special exception relief from the rear yard and court requirements in the zoning regulations and does not provide a mechanism to require a development proposal include retail. The relevant zoning use definitions for [Zone MU-4](#) do not require retail and expressly allow buildings that are solely residential: “the purpose of the MU Zones are to ... [r]eflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses, *buildings made up entirely of residential uses*, and buildings made up entirely of non-residential uses” (emphasis added).
- The Commission reiterates support for the proposal. The Commission continues to find the Applicant’s rationale for removing retail due to geotechnical concerns credible, while also noting that retail for this location may not be feasible; that retail designations permit any retail, as well as office space, and do not provide a way for residents to demand specific retail; and that some neighbors prefer that the development not include retail. Furthermore, the Commission continues to value the provision of workforce and affordable housing and recognizes that such housing furthers the Commission’s housing justice goals. *See generally* [Letter](#) re Advisory Neighborhood Commission 4B Fiscal Year 2025 Housing Justice Budget Priorities (Feb. 26, 2024) (“[H]ousing is a human

¹ While the previous case, BZA 19897, refers to the relevant address as 5501 1st Street, NW, and the current application refers to the relevant address as 71 Kennedy Street, NW, the site has been consolidated under 71 Kennedy Street, NW (Square 3389, Lot 138).

right, and all District residents are entitled to safe, stable, and secure housing.”).

RESOLVED:

- That Advisory Neighborhood Commission 4B provides the Board of Zoning Adjustment its previous [Resolution 4B-23-1007](#), Supporting Application for Zoning Modification to Board of Zoning Adjustment Order No. 19897-C for 5501 1st Street, NW (Oct. 23, 2023), re-submitted with this Resolution to reflect the current application to the Board of Zoning Adjustment for 71 Kennedy Street, NW ([BZA 21103](#)). This clerical correction addresses the expiration of the prior application and the need to re-submit with the current application’s matter number and relief sought.
- That Advisory Neighborhood Commission 4B supports the proposed Application for special exceptions to the rear yard and court requirements requested in [BZA 21103](#) for 71 Kennedy Street, NW, to allow construction of a four-story, 47-unit building. The Commission reiterates its reasoning and conclusions contained in the original [Resolution 4B-23-1007](#), Supporting Application for Zoning Modification to Board of Zoning Adjustment Order No. 19897-C for 5501 1st Street, NW (Oct. 23, 2023), for supporting the proposal.

FURTHER RESOLVED:

That the Commission designates Commissioner Alison Brooks, ANC 4B08, Commissioner Erin Palmer, ANC 4B02, Commissioner Evan Yeats, ANC 4B04, and Commissioner Zurick T. Smith, ANC 4B03, to represent the Commission in all matters relating to this Resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioners cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matter relating to this Resolution.

FURTHER RESOLVED:

That, consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or

letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of 9 members was present) on April 29, 2024, by a vote of 8 yes, 0 no, 1 abstentions.