

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Development Review Specialist
for Joel Lawson, Associate Director Development Review

DATE: March 14, 2025

SUBJECT: BZA Case 20184B - Fort Lincoln-Eastern Avenue, NE, 2nd One-year Time Extension

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested one-year time extension.

Property Owner/Applicant	Fort Lincoln-Eastern Avenue, LLC represented by Goulston Storrs
Address:	Area bounded by Eastern Avenue, NE, Bladensburg Road, NE and Fort Lincoln Drive, NE.
Legal Description:	Square 4325, Lots 44, 802, and Parcel 174/15
Ward / ANC:	Ward 5 / ANC 5C
Zone:	<p>The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments. New rowhouse and multi-family residential development is permitted with the approval of a special exception.</p> <p>The RA-4 zone provides for areas developed with predominantly medium-to high-density multi-family residential.</p>
Project Summary:	Two theoretical lot subdivisions to accommodate 51 row dwellings, including five affordable units.
Original Order Expiration Date:	April 20, 2024
Order Expiration Date per 1 st Extension (20184A)	April 20, 2025
Current Extension Request Expiration Date:	April 20, 2026

II. EVALUATION OF THE EXTENSION REQUEST

Subtitle Y § 705 of the Zoning Regulations allows for the extension of a BZA approval for “good cause” shown upon the filing of a written request by the applicant prior the expiration of the approval; provided that the BZA determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.*

The application submitted to the BZA is dated January 24, 2025 and has been in the public record since filing. Applicant filings indicate that it was served on ANC 5C, the Pinewood Association, and the Fort Lincoln Civic Association.

- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application.*

Zoning Regulations:

There have been no changes of significance to the Zoning Regulations that would impact the original approval, since the original approval in Case 20814, or the previous one-year extension permitted in 20184A. The area remains within the RA-1 zone, which continues to permit this use by special exception and the RA-4 zone which permits this use as a matter-of-right.

Surrounding Development:

OP is aware of no new, substantial development projects in the vicinity of the subject site that would impact the original OP analysis or BZA's decision.

Proposed Development:

The application indicates that no changes to the approved development plans are proposed as part of this extension request. The Applicant affirms that the material facts upon which the Board based its approval have not changed and there are no changes to the architectural plans that were approved in BZA Order 20184.

- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.*
- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;*
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control;
or*
 - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.*

The Applicant (Fort Lincoln-Eastern Avenue, LLC) states that a Land Disposition Agreement (LDA) was executed with DMPED in December, 2024, and the Applicant then acquired title to the property. Since then, the applicant has been pursuing permits and preparation of engineering drawings needed for building permit applications to commence site work. The applicant states that they have also been working with the contract purchaser of the townhouse sites in the preparation of building permit applications for construction of the townhouses. The requested time extension is necessary to ensure that permits can be filed in a timely manner. As such, the applicant has demonstrated progress in moving

forward with the development approved under this BZA Order, and that they have demonstrated good cause for approval of the extension.

III. COMMENTS OF OTHER DISTRICT AGENCIES

At Exhibit 7 is s memo from the Office of the Deputy Mayor for Planning and Economic Development, in support of the requested extension.

IV. ANC COMMENTS

ANC-5C has not filed a recommendation to the record as of the time of this report.

V. COMMUNITY COMMENTS

At Exhibit 6 is a letter in opposition from the Fort Lincoln Civic Association.