

March 14, 2025

Via IZIS

Frederick L. Hill, Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: BZA Application No. 20184B – Applicant’s Response to Filing from the Fort Lincoln Civic Association, Inc.

Dear Chairperson Hill and Members of the Board:

Fort Lincoln-Eastern Avenue, LLC (the “**Applicant**”) hereby responds to the issues that were raised in the February 21, 2025, filing from the Fort Lincoln Civic Association, Inc. (“**FLCA**”). FLCA claims that there have been substantial changes of material fact that undermine the basis of the Board’s approval of the original application in BZA Order No. 20184. FLCA argues that a new BZA application seeking approval for the 51 townhouses approved in BZA Order No. 20184 is necessary because of the traffic impacts related to the future re-development of the Fort Lincoln Recreation Center and the increased occupancy of the retail storefronts at the Shops at Dakota Crossing. As discussed below, the Applicant finds FLCA’s claims to be without merit.

FLCA argues that the future re-development of the Fort Lincoln Recreation Center¹ and the additional retail storefronts that are now occupied at the Shops at Dakota Crossing will create traffic impacts that were not contemplated by the Board in its approval of BZA Application No. 20184. In fact, the capacity of the surrounding network, with the de minimus traffic generated by the 51 townhouses, was addressed in BZA Application No. 20184. In BZA Application No. 20184, DDOT submitted a Supplemental Report which noted the following:

DDOT has reviewed the Applicant’s July 27, 2020 Traffic Assessment and concurs with its findings that the site generated trips would have a minimal impact on the adjacent

¹ A representative of the Applicant and the DC DGS project manager for the Fort Lincoln Recreation Center re-development met on-site on March 7, 2025, to discuss the coordination of construction activity on the two sites. The DC DGS project manager noted that they are awaiting DC Council approval for their project management contract before construction activity will start. The DC DGS project manager noted that when construction activity does occur, all construction related access to their site will be via Commodore Joshua Barney Drive and that no construction access will occur from Fort Lincoln Drive. All construction access for development of the project approved by BZA Application No. 20184 will be from Eastern Avenue, NE.

roadway network during the commuter peak hours and the distributed volumes through the study intersections would not trigger DDOT's mitigation policy. ***There is additional capacity for vehicles on Eastern Avenue and Fort Lincoln Drive since they both carry approximately 11,000 – 12,000 vehicles per day, which is low for four-lane roads. Any slight increases in driving delay at nearby signalized intersections can be addressed through a signal timing adjustment, in which DDOT evaluates and updates for all signalized corridors on a 4-5 year basis. (Emphasis added. Ex. 81).***

In BZA Order No. 20184, the BZA made the following conclusion in addressing the traffic impacts of the proposed 51 townhouses:

With regard to the traffic, parking, and loading impacts of the 51 townhouses, the Board credits the testimony of OP, DDOT and the Applicant's traffic engineer in concluding that approval of the application will not cause adverse impacts on the use of neighboring properties. The Applicant's traffic engineer submitted a report (Exhibit 79A) analyzing the generation of vehicle trips anticipated at the proposed development. Based on an analysis of capacity (level of service) and queuing, the report indicated that the development will not have an adverse impact on the surrounding roadway network, given the relatively low number of trips the project could be expected to generate. The Applicant coordinated with DDOT on the scope of the study, and DDOT concurred with its findings that site-generated vehicle trips will have minimal impact on the adjacent roadway network during commuter peak hours. DDOT concluded that the development might lead to minor increases in vehicle, transit, pedestrian, and bicycle trips on the localized transportation network as well as slightly reduced availability of street parking within the immediate area, but described the potential impacts as minor. (BZA Order No. 20184, p. 9-10).

The Board credits the study done by the Applicant's transportation engineer and the testimony of DDOT in concluding that the development will not create adverse impacts with respect to traffic, parking or related safety concerns, especially considering the relatively small size of the new development, its internal system of streets, and the existing capacity of nearby public streets. (BZA Order No. 20184, p.11).

Based on the DDOT Supplemental Report and the BZA's conclusions noted above, it was clear that the Board recognized that the surrounding roadway network had capacity that could accommodate additional vehicles. Therefore, the proposed re-development of the Fort Lincoln Recreation Center and the additional occupied retail storefronts at the Shops of Dakota Crossing do not constitute a substantial change of material facts that undermine the Board's justification for approving the original application.

The Applicant notes that this time extension application is supported by the Deputy Mayor for Planning and Economic Development (Exhibit 7) and the Office of Planning (Exhibit 8).

The Applicant has satisfied all of the relevant standards of Subtitle Y, Section 705.2 and this time extension request should be approved. The Applicant looks forward to the Board's decision on March 26, 2025.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Paul A. Tummonds", with a stylized flourish extending to the right.

Paul A. Tummonds

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to the following by email on March 14, 2025.

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Paul Tummonds