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**BEFORE THE ZONING COMMISSION AND
 BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**
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FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to Subtitle Z § 406.2 and Subtitle Y § 406.2 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	20184B	Case Name:	Application for a Time Extension of BZA Order Nos. 20184 and 20184-A				
Address or Square/Lot(s) of Property:	Square 4325, Lots 802 and 44, Parcel 0174/15						
Relief Requested:	See Attachment						

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1	2	3	/	0	1	2	3	/	2	3	4	5	6	Was proper notice given?:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Description of how notice was given:	Notice was given on the ANC 5C website and the OANC website, email lists, and by SMD Commissioners through their own websites, email lists, and social media as per their own community conventions.																		

Number of members that constitutes a quorum:	4	Number of members present at the meeting:	6
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MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

See Attachment

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

See Attachment

AUTHORIZATION

ANC	5	C	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	6-0
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Name of the person authorized by the ANC to present the report:	Tequia Hicks Delgado, 5C Chair (5C03)
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Name of the Chairperson or Vice-Chairperson authorized to sign the report:	Tequia Hicks Delgado
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Signature of Chairperson/ Vice-Chairperson:	Tequia M. Hicks Delgado	<small>Digitally signed by Tequia M. Hicks Delgado, c=US, email=tequiahicks@hotmail.com DN: cn=Tequia M. Hicks Delgado, c=US, email=tequiahicks@hotmail.com Location: Washington, DC Date: 2025.03.20 16:21:42 -04'00'</small>	Date:	3/19/2025
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Board of Zoning Adjustment

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT"

11 DCMR SUBTITLE Z § 406 AND SUBTITLE Y § 406.

PURSUANT TO

CASE NO. 20184B

EXHIBIT NO. 10

INSTRUCTIONS

Pursuant to 11 DCMR Subtitle Z § 406.2 and Subtitle Y § 406.2, the Zoning Commission (ZC) and Board of Zoning Adjustment (BZA) shall give *“great weight”* to the written report of the affected Advisory Neighborhood Commission (ANC), as required by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000.

1. All ANC reports shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
2. ANC reports and any accompanying documents must be submitted to the record by using:
 - a. The Interactive Zoning Information System (IZIS) at www.dcoz.dc.gov;
 - b. By email to zcozsubmissions@dc.gov for the ZC or bzasubmissions@dc.gov for the BZA; or
 - c. In person or by U.S. mail addressed to 441 4th Street, NW, Suite 200-S, Washington, DC 20001.
3. Submission deadlines are as follows:
 - a. ANCs must file this form at least seven (7) calendar days in advance of the hearing, if they wish to participate in a public hearing under Subtitle Z § 406.3 and Subtitle Y § 406.3.
 - b. In all cases before the ZC or BZA, ANCs must file this form before the ZC or BZA makes a decision in order to receive great weight.

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If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 * (202) 727 6072 fax * www.dcoz.dc.gov * dcoz@dc.gov



Government of the District of Columbia

Advisory Neighborhood Commission 5C

Arboretum | Brentwood | Fort Lincoln | Gateway | Langdon | Woodridge

February 17, 2025

DC Board of Zoning Adjustment (BZA)
(transmittal via bzasubmissions@dc.gov)

BZA case 20184B; Fort Lincoln-Eastern Avenue, LLC

At a duly noticed meeting with quorum present on February 13, 2025, ANC 5C voted 6-0 to authorize 5C03 Commissioner and Commission Chair Tequia Hicks Delgado to represent ANC 5C on matters related to BZA 20184B, a Modification without Hearing application for a second time extension to build 51 townhomes on Square 4325, Lots 44, 802 and Parcel 174/15, in 5C02, and to specifically convey to the BZA:

- **ANC 5C disassociates itself with its previous report on this project**, submitted into the record of BZA 20184 as Exhibit 73, based on a vote taken on November 20, 2019 when the containing SMD (then 5C03) had a vacancy.
- **ANC 5C opposes the subject application as an Application for Time Extension or Modification without Hearing**, citing substantive changes have occurred in the community that are material to the submissions and findings of the case.

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 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. (Exhibit 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).

However, ANC 5C contends that the following events change the accuracy of the Applicant's traffic engineer's report (Traffic Impact Study, Exhibit 79A). DDOT relied on this report (Exhibit 79A) in its supporting Supplemental Report (Exhibit 81). The BZA ultimately asserted its reliance on this report (Exhibit 79A) and the supporting DDOT Supplemental Report (Exhibit 81). Thus, the Applicant's request to extend the BZA's approval that was based on Exhibit 79A (and is now inaccurate and essentially obsolete), constitutes a "substantial change in... material facts upon which the Board based its original approval of the application [and] would undermine the Board's justification for approving the original application" (Subtitle Y, Section 705.2 of the Zoning Regulations):

- *In 2021, the pandemic restrictions subsided and accurate traffic counts are now accessible.* In reference to the existing condition's traffic volume, the report states, "the COVID-19 pandemic prevents accurate traffic counts from being conducted." (Exhibit 79A, p. 3). Thus, the report (Exhibit 79A) based all of its findings and forecasts on manipulations from significantly outdated information (that is, traffic counts on November 9, 2012 and DDOT's ADT volumes from 2018). It is now 2025, 13 years after the traffic counts used in the report and seven years after the ADT volumes provided by DDOT. Be it further noted that the report (Exhibit 79A) does not present any version of traffic forecasts beyond the current year, 2025.
- *In 2024, DDOT implemented left turn restrictions and installed "No Turn on Red" signs at the intersection of Bladensburg Road NE and Eastern Ave NE.* (NOI#

24-76-TESD). This change significantly affects vehicle queuing on Eastern Avenue. Thus, all queuing analyses and conclusions in the report (Exhibit 79A) are further inaccurate.

- *From 2018-2024, WMATA implemented bus route changes (H6 and B2) and eliminations (B8 & B9). Each of these routes were cited in the report's (Exhibit 79A) background findings and used to develop its conclusions. These changes affect the number of vehicles on the road, as residents now seek transportation via taxi or rideshare services. This calls into question the accuracy of the report's conclusions on vehicular volume that is based on years when these routes were accessible to residents.*

We believe the BZA found particular interest in the traffic implications by requiring the Applicant to engage a traffic engineer and DDOT on the matter; and then relied on their data and analysis to support the Application. In doing so, we believe had the engineer's report (Exhibit 79A) indicated problematic and significant congestion, the BZA would not have otherwise voted in favor, as approval would *adversely affect the use of the neighboring property.*

While we cannot predict the results of a current and accurate traffic study, we can confirm the report (Exhibit 79A), as it stands - in a delayed project - is significantly outdated, inaccurate, and essentially obsolete per at least the above major changes to the relevant public space. Should the findings of current and accurate traffic studies be adverse, it would certainly *undermine the BZA's justification to approve.*

- **ANC 5C invites conversion to, or resubmission as, a Modification with Hearing**, so that the Commission and the community may more fully engage in fact-finding, outreach, and deliberation on this important matter.

Feel free to reach out to me at 5C03@anc.dc.gov on this matter.

Very respectfully,

Tequia M. Hicks Delgado

Digitally signed by Tequia M. Hicks Delgado
DN: cn=Tequia M. Hicks Delgado, o=US, email=tequahicks@hotmail.com
Location: Washington, DC
Date: 2023.03.20 15:22:20 -04'00'

Tequia Hicks Delgado
Chairperson
Advisory Neighborhood Commission 5C