  
Chairman Phil Mendelson  
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the modification of the Highway Plan for the unimproved and unused portion of 39<sup>th</sup> Street, N.W. located on Lot 801 in Square 1823 from the Plan of Permanent System of Highways of the District of Columbia (S.O. 18-41885).

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Modification of the Highway Plan to Remove a Portion of 39<sup>th</sup> Street, N.W., S.O. 18-41885, Resolution of 2019”.

Sec. 2. The Mayor has proposed the modification of the Highway Plan to remove the unimproved and unused portion of 39<sup>th</sup> Street, N.W. located on Lot 801 in Square 1823, as shown on the Surveyor’s Plat filed under S.O. 18-41885.

Sec. 3. Pursuant to Section 6 of An Act to Provide a Permanent System of Highways in that Part of the District of Columbia Lying Outside of the Cities, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), the Council approves the modification of the Highway Plan described in Section 2.

Sec. 4. Fiscal impact statement. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by Section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

# AMENDMENT TO THE D.C. HIGHWAYS PLAN SQUARE 1823

PURSUANT TO D.C. CODES § 101.08, § 101.12, § 102.02 AND RESOLUTION NUMBER \_\_\_\_\_ APPROVED \_\_\_\_\_  
 AND THE PROPOSED STREET SHOWN THUS [ZZZZ] IS  
 HEREBY ELIMINATED FROM THE PERMANENT SYSTEM OF HIGHWAYS

NATIONAL CAPITAL PLANNING COMMISSION  
 WASHINGTON, D.C.

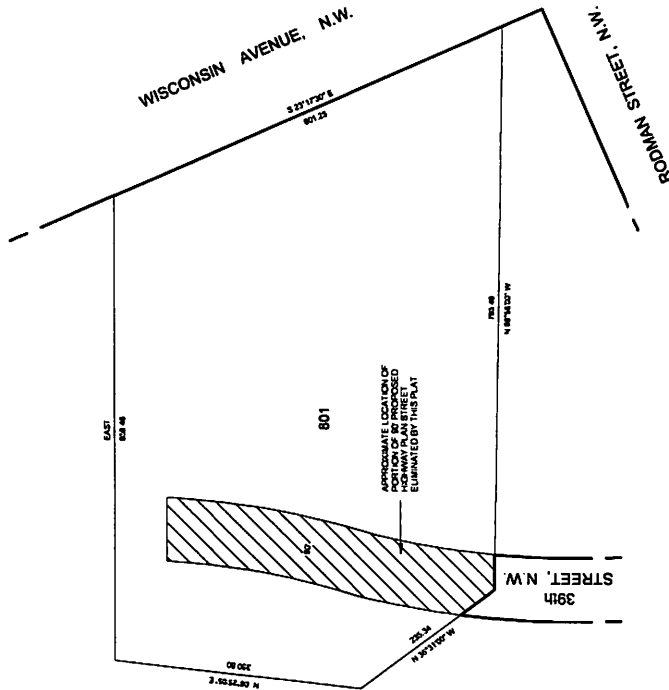
Implemented in accordance with the Commission's December 3, 2012, in accordance with Sections § 101.08, § 101.12 and § 102.02  
 of the Code of Laws for the District of Columbia

CHASMAN

Office of the Surveyor, D.C.  
 \_\_\_\_\_, 2010

I certify that the plat shown herein is correct and is recorded

\_\_\_\_\_  
 Surveyor, D.C.



## SURVEYOR'S OFFICE, D.C.

Made by \_\_\_\_\_ COLLECTOR & ETCHER  
 Drawn by L.E.S. Checked by \_\_\_\_\_  
 Record and compilation by \_\_\_\_\_ S. SVETES  
 Recorded at \_\_\_\_\_ Page \_\_\_\_\_ SH-10-00271  
 Scale 1 inch = 40 feet Per D.C. § 1745b  
 SURVEYOR PLAT (Electronic) Form SH-10-00271, 03/16/12

**Government of the District of Columbia**  
**Department of Transportation**



**d. Planning and Sustainability Division**

To: Roland F. Dreist, Jr  
DC Surveyor  
Office of the Surveyor

From: Jim Sebastian  
Associate Director 

Date: January 23, 2019

Subject: S.O. No. 18-41885 – Proposed Removal of a Portion of 39<sup>th</sup> Street NW from DC Highway Plan  
(3900 Wisconsin Avenue NW, Square 1823, Lot 801)

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**Overview**

Nash-Roadside 3900 Wisconsin LLC (the "Applicant") seeks approval to remove a portion of 39<sup>th</sup> Street NW from the Plan of a Permanent System of Highways of the District of Columbia (the "DC Highway Plan") to facilitate the redevelopment of the site (LTR 2017-07). The subject site is located at 3900 Wisconsin Avenue NW (Square 1823, Lot 801). The portion of 39<sup>th</sup> Street NW to be removed from the DC Highway Plan is the northernmost terminus, located adjacent to the existing 39<sup>th</sup> Street cul-de-sac north of Rodman Street, as shown in Figure 1 below. It is noted that the 90-foot right-of-way called for in the DC Highway Plan for this segment of 39<sup>th</sup> Street has not been dedicated to DDOT.

As part of the redevelopment proposal for the site, the Applicant will construct an internal network of private streets that provide connectivity to the south in the location where 39<sup>th</sup> Street NW would have been connected, effectively accomplishing the same purpose. Figure 2 below shows the proposed layout of streets that will be constructed in place of the 39<sup>th</sup> Street NW extension.

**Recommendation**

DDOT has no objection to the removal of 39<sup>th</sup> Street from the DC Highway Plan as identified in Figure 1 below.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Attorney General**

Commercial Division  
Land Use Section



**MEMORANDUM**

**TO: Gianelle Rivera, Deputy Director**  
**Office of Policy & Legislative Affairs**

**FROM: Maximilian L.S. Tondro, Section Chief**  
**Land Use Section**

**SUBJECT: Transmittal of Resolution 23-\_\_\_: Modification of the Highway Plan to Remove a**  
**Portion of 39<sup>th</sup> Street N.W., S.O. 18-41885, Resolution of 2019**

**DATE: June 13, 2019**

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This Office has reviewed the attached proposed resolution entitled “Modification of the Highway Plan to Remove a Portion of 39<sup>th</sup> Street N.W., S.O. 18-41885, Resolution of 2019” and found it to be legally sufficient.

The Applicant submitted an application to modify the Highway Plan with the Office of the Surveyor of the District of Columbia (“S.O.”), which created a S.O. file (18-41885) for all of the relevant documents and which drew a plat depicting the proposed removal of an unimproved and unused portion of 39<sup>th</sup> Street, N.W. from the Highway Plan.

Pursuant to Section 9-101.06 of the D.C. Official Code, the Surveyor sent notice by certified mail on December 18, 2018 to the Advisory Neighborhood Commission (“ANC”) 3C in which district the proposed modification is located and to the owners of properties in Square 1823 in which the proposed modification is located and in the adjacent squares, and also published notice of the proposed modification of the Highway Plan in the D.C. Register on December 28, 2018 (65 DCR 14165). The Surveyor also provided notice of the proposed modification of the Highway Plan to the District Department of Transportation (“DDOT”) and the National Capital Planning Commission (“NCPC”).

The notice requested that any public comments be submitted to the Surveyor, who has not received any at this time other than the reports from ANC 3C, DDOT, and NCPC (discussed below), but who will provide any subsequently received public comments on this proposed modification directly to the Council.

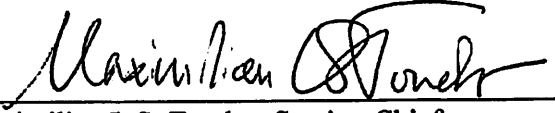
ANC 3C submitted a February 14, 2019 report to the Surveyor stating that the ANC unanimously supported the proposed modification of the Highway Plan.

DDOT submitted a January 23, 2019 report stating that DDOT had no objections to the proposed modification of the Highway Plan.

NCPC submitted a March 7, 2019 report stating that NCPC approved the proposed modification of the Highway Plan.

OCFO has provided a FIS stating that there are sufficient funds in the FY19 and proposed FY20-FY23 budgets to implement the resolution.

Pursuant to the request of the Surveyor, I am forwarding the legislative package to you for review by the Mayor and submission to the Council. If you have any questions concerning the legal sufficiency of the legislation, please contact me at 724-6657. Questions concerning the S.O. file should be directed to the Surveyor, Roland Dreist, at 442-4699.

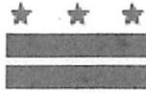
  
\_\_\_\_\_  
Maximilian L.S. Tondro, Section Chief

6/13/19  
Date

Attachments: Surveyor's Plat Depicting Proposed Highway Plan Modification  
Public Notice Mailed to ANC 3C and Abutting Owners  
Public Notice Published in D.C. Register  
ANC 3C February 14, 2019 Report  
DDOT January 23, 2019 Report  
NCPC March 7, 2019 Report  
OCFO June 3, 2019 Report  
Draft Resolution

cc: Brian Flowers, Deputy  
Legal Counsel Division

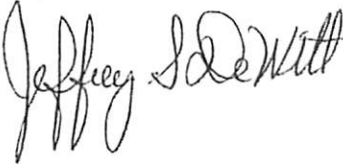
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** June 3, 2019

**SUBJECT:** Fiscal Impact Statement – Removal of a Portion of 39<sup>th</sup> Street, N.W., abutting Rodman Street and Wisconsin Avenue N.W., adjacent to Square 1823, from the Plan of the Permanent System of Highways of the District of Columbia S.O. 18-41885, Resolution of 2019

**REFERENCE:** Draft resolution provided to the Office of Revenue Analysis on May 29, 2019

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**Conclusion**

Funds are sufficient in the fiscal year 2019 budget and proposed fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the resolution.

**Background**

The resolution removes a portion<sup>1</sup> of 39<sup>th</sup> Street, N.W. abutting Rodman Street and Wisconsin Avenue, N.W. from the Plan of the Permanent System of Highways in the District. The land contains a parking garage on private property and is not currently a road. The land is not dedicated to the inventory of the District Department of Transportation (DDOT). The owners seek to remove the “on-paper” highway designation so that it does not impede a mixed-use development<sup>2</sup> planned on the site.

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2019 budget and proposed fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the resolution. No agency has objected to the removal of the land from the “on-paper” highway system and DDOT has no current jurisdiction over the land.

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<sup>1</sup> Adjacent to Square 1823 S.O. 18-41885.

<sup>2</sup> The portion is part of a bigger site including the Fannie Mae building, all of which is to be redeveloped.  
<https://www.3900wisconsin.com/>



Feb. 14, 2019

Roland Dreist  
Surveyor, Office of the Surveyor  
Department of Consumer and Regulatory Affairs  
1100 Fourth St. SW  
Washington DC 20024

Mr. Dreist,

This letter is to confirm that ANC3C voted unanimously on Jan. 23, 2019, to support a request by Nash-Roadside 3900 Wisconsin LLC to modify the Plan of Permanent System of Highways as detailed in File Number S.O. 18-41885.

Specifically, the request is for a proposed segment of 39<sup>th</sup> Street NW that is on Nash-Roadside property to be removed from the Plan. The segment is drawn on the map from just north of Rodman Street NW to the northern edge of Nash-Roadside's property.

This item was placed on the ANC's consent calendar for an up or down vote, so there was no resolution. The meeting was properly noticed and a quorum was present.

Please let me know if you have any questions.

A handwritten signature in black ink, appearing to read "Nancy J. MacWood".

Nancy MacWood  
Chair, ANC3C



## Commission Action

March 7, 2019

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**PROJECT**

**Removal of a Portion of 39th Street, NW,  
from the Permanent System of Highways,  
Lot 801, Square 1823**  
Between Upton and Rodman Streets, NW,  
west of Wisconsin Avenue, NW  
Washington, DC

**SUBMITTED BY**

District of Columbia Department of Consumer  
and Regulatory Affairs

**REVIEW AUTHORITY**

Approval  
per DC Code § 9-103.02

**NCPC FILE NUMBER**

8036

**NCPC MAP FILE NUMBER**

72.00(44.40)44864

**APPLICANT'S REQUEST**

Approval of Highway Plan  
Amendment

**ACTION TAKEN**

Approved Highway Plan  
Amendment

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The Commission:

**Approves** the amendment to remove a portion of 39th Street, NW from the Permanent System of Highways, located within Lot 801, Square 1823, between Upton and Rodman Streets, NW, west of Wisconsin Avenue, NW in Washington DC.

**Notes** the portion of 39th Street, NW currently sits on private property, and the amendment to the Highway Plan will allow for private redevelopment of the site, which is subject to review by the government of the District of Columbia.

**JULIA KOSTER** Digitally signed by JULIA KOSTER  
Date: 2019.03.12 15:04:05 -04'00'

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Julia A. Koster

Secretary to the National Capital Planning Commission



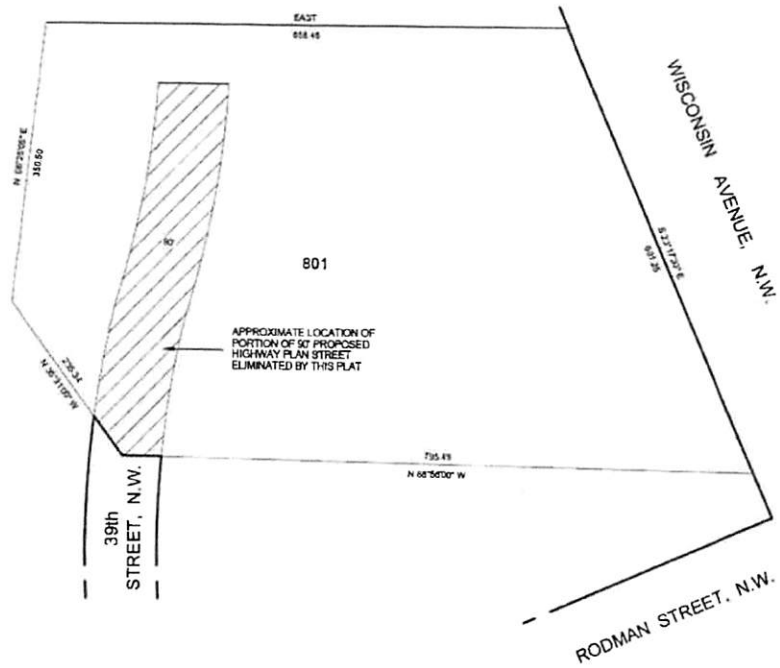


Figure 1 - Proposed Removal of 39<sup>th</sup> Street NW from DC Highway Plan

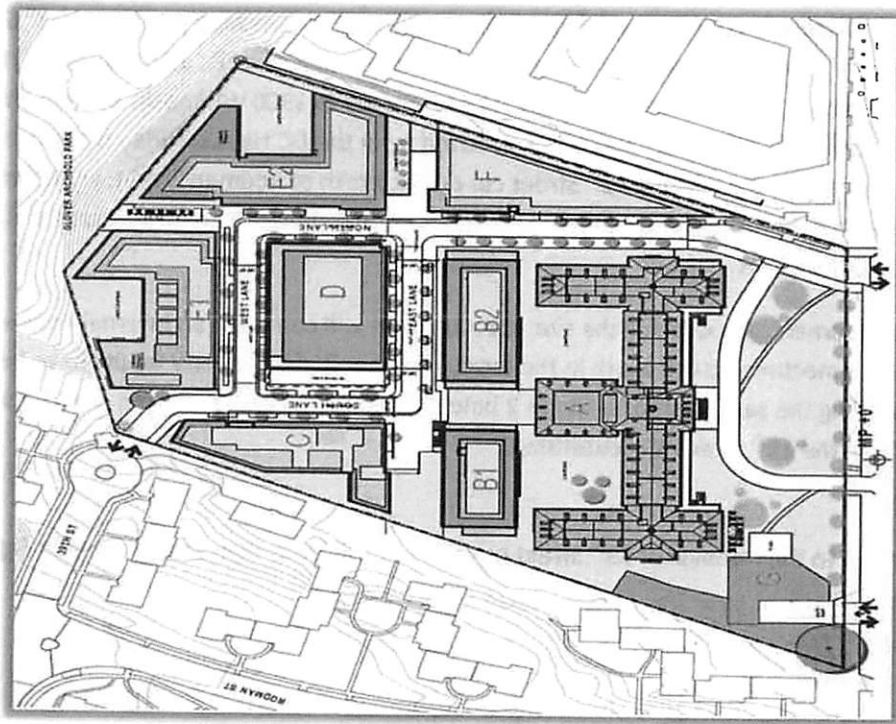


Figure 2 - Redevelopment of 3900 Wisconsin Avenue NW (LTR 2017-07)