

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: December 17, 2019

SUBJECT: Report on Bill 23-332, the “Abandonment of the Highway Plan for Eastern Avenue, N.E., S.O. 19-04866, Act of 2019”

The Committee of the Whole, to which Bill 23-332, the “Abandonment of the Highway Plan for Eastern Avenue, N.E., S.O. 19-04866, Act of 2019,”¹ was referred, reports favorably thereon with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On June 7, 2019, Bill 23-251, the “Abandonment of the Highway Plan for Eastern Avenue, N.E., S.O. 19-04866, Act of 2019,” was introduced by Councilmember Vincent Gray. Bill 23-332 would remove the so-called “paper” streets of Eastern Avenue, N.E., located within Lot 806 in Square 5113 in Ward 7. The applicant is a developer seeking approval to remove the portion of Eastern Avenue, N.E., from the District of Columbia Highway Plan to facilitate the development of a 155-unit age-restricted residential facility for seniors with units that are affordable for households earning up to 60% of area median family income.

¹ Formerly the “Abandonment of the Highway Plan for Anacostia Avenue, N.E., S.O. 19-04866, Act of 2019.”

Legal Background

The Plan of Permanent System of Highways (Highway Plan) was adopted in 1893 in an effort to control land platting outside of the L'Enfant City by establishing future street alignments for areas not yet subdivided. The Highway Plan has been amended on a number of occasions to fit more congruously with the outlying landscape of the District of Columbia. In some cases, the streets on the Highway Plan have never been constructed, as is the case with the street subject to this resolution.

Background Pertinent to Bill 23-332

The developer is seeking approval to remove the portion of Eastern Avenue, N.E., from the District of Columbia Highway Plan to facilitate the development of an unimproved lot. The residential development will be a 155-unit age-restricted facility for seniors with units that are affordable for households earning up to 60% of area median family income. The building will be five stories in height with a u-shaped configuration and will include outdoor amenities for residents, as shown in Figure 1.

Figure 1. Development Site Plan



The District Department of Transportation (DDOT) objected to Council action until the following conditions are met:

- For Lot 806, a non-restrictive easement should be recorded for an 80-foot section (not 90 feet), as measured from the northern edge of the Highway Plan section; and
- For Parcel 185/38, a non-restrictive easement should be recorded for the entirety of the parcel including the 10-foot by 290-foot strip of land outside of the 90-foot Highway Plan

section, which likely will be needed in the future to ‘straighten out’ the alignment of Eastern Avenue.

The project applicant has agreed to these conditions, leaving no outstanding objections to the bill.

The project applicant voluntarily applied for the Zoning Commission’s design review process on April 25, 2019. The Zoning Commission approved the application on July 29, 2019.² Advisory Neighborhood Commission unanimously voted to support the development at a meeting on March 26, 2019.

Given these facts and history, the Committee recommends Council approval of Bill 23-332.

II. LEGISLATIVE CHRONOLOGY

June 7, 2019	Bill 23-332, the “Abandonment of the Highway Plan for Eastern Avenue, N.E., S.O. 19-04866, Act of 2019,” was introduced by Councilmember Vincent Gray.
June 18, 2019	Bill 23-332 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
June 21, 2019	Notice of Intent to Act on Bill 23-332 is published in the <i>District of Columbia Register</i> .
October 18, 2019	Notice of a Public Hearing on Bill 23-332 is published in the <i>District of Columbia Register</i> .
November 7, 2019	The Committee of the Whole holds a public hearing on Bill 23-332.
December 17, 2019	The Committee of the Whole marks-up Bill 23-332.

III. POSITION OF THE EXECUTIVE

Everett Lott, Deputy Director of the District Department of Transportation, testified at the Committee’s public hearing on November 7, 2019. Mr. Lott testified that DDOT objects to the proposed action until two conditions are met:

- For Lot 806, a non-restrictive easement should be recorded for an 80-foot section (not 90 feet), as measured from the northern edge of the Highway Plan section; and
- For Parcel 185/38, a non-restrictive easement should be recorded for the entirety of the parcel including the 10-foot by 290-foot strip of land outside of the 90-foot Highway Plan

² Zoning Commission Order No. 19-09.

section, which likely will be needed in the future to ‘straighten out’ the alignment of Eastern Avenue.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

Advisory Neighborhood Commission 7D submitted a letter to the Zoning Commission noting that the Commission voted unanimously to support the project on March 26, 2019. ANC 7D’s letter is attached.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

On September 5, 2019 the National Capital Planning Commission (NCPC) approved the amendment to remove a portion of Anacostia Avenue, NE from the Permanent System of Highways, located within Parcel 185/38 and Lot 806. NCPC’s action is attached.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills, including Bill 23-332, on Thursday, November 7, 2019. The testimony summarized below pertains to Bill 23-332. Copies of written testimony are attached to this report.

Oussama Souadi, a partner at Gragg Cardona Partners, testified in support of the bill. Mr. Souadi noted that the development at this site would be a 155-unit age-restricted facility for seniors of the District.

Cary Kadlecek, land use counsel at Goulston & Storrs, PC, testified in support of the bill. Mr. Kadlecek noted that the applicant agreed with the conditions to provide a non-exclusive easement in Lot 806 and for the entirety of Parcel 185/38.

Everett Lott, Deputy Director of the District Department of Transportation, testified on behalf of the Executive. His testimony is summarized in Section III.

VII. IMPACT ON EXISTING LAW

Bill 23-332 has no impact on existing law. D.C. Official Code § 9-101.06 gives the Mayor the authority to establish and modify the District’s “permanent system of highways” or public streets, subject to review and approval by both the Council of the District of Columbia and the National Capital Planning Commission.

VIII. FISCAL IMPACT

The attached fiscal impact statement from the District's Chief Financial Officer states that funds are sufficient in the FY 2019 through FY 2022 budget and financial plan to implement the bill.

IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	(a) States the portions of the Highway Plan the Council has proposed for abandonment. (b) States that the approval of the Council for this action is is contingent upon the grant of a non-exclusive easement as shown on the Surveyor's plat filed in S.O. 19-04866.
<u>Section 3</u>	Fiscal impact statement.
<u>Section 4</u>	Effective date.

X. COMMITTEE ACTION

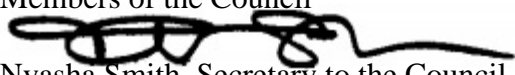
XI. ATTACHMENTS

1. Bill 23-332 as introduced.
2. Written Testimony.
3. NCPC Comments.
4. Plat on file with the Surveyor's Office
5. Fiscal Impact Statement for Bill 23-332.
6. Legal Sufficiency Determination for Bill 23-332.
7. Committee Print for Bill 23-332.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : June 18, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, June 7, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Abandonment of the Highway Plan for Anacostia Avenue, N.E., S.O. 19-04866, Act of 2019", B23-0332

INTRODUCED BY: Councilmember Gray

The Chairman is referring this legislation to the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services


Councilmember Vincent C. Gray

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To remove from the Plan of Permanent Systems of Highways a portion of Anacostia Avenue, N.E., located within Lot 806 in Square 5113, as shown on the Surveyor's Plat filed under S.O. 19-04866.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abandonment of the Highway Plan for Anacostia Avenue, N.E., S.O. 19-04866, Act of 2019".

Sec. 2. Notwithstanding 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 amends the permanent system of highways to remove a portion of Anacostia Avenue, N.E., located within Lot 806 in Square 5113, as shown on the Surveyor's Plat filed under S.O. 19-04866.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

25 This act shall take effect following approval of the Mayor (or in the event of veto by the
26 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
27 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
28 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
29 Columbia Register.

D.C. Council Hearing – Committee of the Whole

Bill No. 32-332, Abandonment of Highway Plan for Anacostia Ave. and Eastern Ave. NE
November 7, 2019 @ 10:00 am

TESTIMONY OF OUSSAMA SOUADI

Good Morning Chairman Mendelson and Members of the Council. My name is Oussama Souadi, and I'm a partner with Gragg Cardona Partners, the developer of the all-affordable assisted-living community to be constructed at the property that is the subject of this application and that has an address of 1650 Kenilworth Avenue NE in Ward 7. The subject property is located near the Maryland border and is currently unimproved. The site has long been subject to illegal dumping, forest clearcutting, and sporadic asphalt paving under prior ownership.

This 157-unit age-restricted facility will provide critically needed living space and medical care for senior District residents, combining apartment-style units with personal care and supportive services in a revitalized natural setting. Services at the facility will include three meals per day, laundry, medication supervision, transportation, social activities, and 24-hour staff to meet residents' needs. The project will also include extensive landscaping, restoration of many of the site's natural features, and two patios for residents' outdoor recreation. A site plan and images of the project are included in Exhibit B to the Statement that we previously filed and that you have before you.

In addition to providing much-needed affordable senior housing and site improvements, the project will create 80-100 new entry- and professional-level jobs paying a living wage, and it will generate over \$4 million in service and employment-related expenditures that will go to local businesses and residents. The project is 100% privately-funded, utilizing Low Income Housing Tax Credits.

The project has been extensively reviewed by the Office of Planning, District Department of Transportation, District Department of Energy and Environment, and Department of Health, among other agencies. In addition, the project has already received design review approval from the Zoning Commission. For more than a year, we've actively engaged the surrounding community and Advisory Neighborhood Commission 7D regarding the project, and the ANC has voiced its full-throated support through a letter of support and testimony provided during the review process before the Zoning Commission.

We are here today because, as has been previously noted, the property is currently shown on the Highway Plan as being within the area planned for extensions of both Eastern Avenue and Anacostia Avenue, although neither of those extensions are currently designed or funded. We've coordinated with DDOT on this issue and have designed the project so as to ensure that the building will not obstruct either extension if pursued at some point in the future. However, in order to complete construction of the Project, we're required to have the property removed from the Highway Plan to clear title. Given that we cannot complete construction until this issue is resolved, we would greatly appreciate the Council's timely action on the currently pending bill.

I'm available to answer any questions the Council may have and appreciate the opportunity to testify today.

Thank you.

D.C. Council Hearing – Committee of the Whole
Bill No. 32-332, Abandonment of Highway Plan for Anacostia Ave. and Eastern Ave. NE
November 7, 2019 @ 10:00 am

TESTIMONY OF CARY KADLECEK

Good Morning Chairman Mendelson and Members of the Council. My name is Cary Kadlecek from the law firm of Goulston and Storrs. I am land use counsel to the developer of the property that is the subject of the application before you. Mr. Souadi, a partner with the development company, will give you more specific information about the project itself, the site plan of which is included in Exhibit B of the pre-hearing statement before you, so I will just provide you a brief overview of the proposed Highway Plan abandonment.

The subject property in this case consists of an A&T Lot and a Parcel Lot, near the intersection of Kenilworth and Eastern Avenues NE and just southeast of the Kenilworth Aquatic Gardens. The proposed project – an affordable assisted living facility – will be on both lots, so for zoning purposes, it is necessary to subdivide them into a single lot of record.

The Plan of the Permanent System of Highways for the District of Columbia – or Highway Plan – indicates an extension of Eastern Avenue and Anacostia Avenue on both lots of the subject property. These road extensions are unimproved paper streets that are not currently planned, designed, or funded, but nevertheless

they encumber the title to the subject property. Therefore, in order to remove the title encumbrance and proceed with a subdivision to create a single record lot, we are requesting that the Highway Plan be abandoned for the subject property.

We note that DDOT has requested, and the developer has agreed to, record an easement for part of the subject property allowing for the construction and use of a public right-of-way in the event that an extension of Eastern Avenue is planned, designed, and funded in the future. As indicated on the most recent plat from the Surveyor, we understand that this easement size and location has been agreed to by DDOT. In addition, the developer agrees that it will not seek compensation for this land if it is used for an extension of Eastern Avenue. Assuming that the Council approves this Highway Plan abandonment, the specific terms of the easement will be worked out with DDOT.

I'm available to answer any questions the Council may have and appreciate the opportunity to testify today, and I will now turn it over to Oussama Souadi.

Thank you.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

District Department of Transportation



Public Hearing on

Bill 23-251, Abandonment of the Highway Plan for 39th Street, N.W., S.O 18-41885 Act of 2019

Public Resolution 23-444, Modification of the Highway Plan to Remove a Portion of 39th Street,
N.W., S.O. 18-41885, Resolution of 2019

Bill 23-332, Abandonment of the Highway Plan for Anacostia Avenue, N.E., S.O. 19-04866, Act
of 2019

Bill 23-474, Closing of Public Street and Elimination of Building Restriction Lines and Abutting
Squares 3765 and 3767, S.O. 18-41561, Act of 2019

Testimony of Everett Lott
Deputy Director
District Department of Transportation

Before the Committee of the Whole
Council of the District of Columbia

Thursday, November 7, 2019
10:00 a.m.
Hearing Room 500
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good morning, Chairman Mendelson, Members of the Committee, and staff. My name is Everett Lott, Deputy Director of the District Department of Transportation, commonly referred to as DDOT. I am here today to present testimony on behalf of Mayor Muriel Bowser on

- Bill 23-251, Abandonment of the Highway Plan for 39th Street, N.W., S.O. 18-41885 Act of 2019 and Public Resolution 23-444, Modification of the Highway Plan to Remove a Portion of 39th Street, N.W., S.O. 18-41885, Resolution of 2019 which would remove a portion of 39th Street, NW located within Lot 801 in Square 1823 from the Plan of Permanent Systems of Highways (the “DC Highway Plan”) to facilitate mixed use development;
- Bill 23-332, Abandonment of the Highway Plan for Anacostia Avenue, N.E., S.O. 19-04866, Act of 2019 which would remove a portion of Anacostia Avenue, NE located within Lot 806 in Square 5113 from the DC Highway Plan to facilitate development of a multi-unit senior citizen affordable assisted living facility; and
- Bill 23-474, Closing of Public Street and Elimination of Building Restriction Lines and Abutting Squares 3765 and 3767, S.O. 18-41561, Act of 2019



which orders the legal closing of 4th Street N.E., between Kennedy Street N.E., and Ingraham Street N.E., the closing of the public alley in Square 3765, and the elimination of building restrictions lines along 4th Street N.E., Kennedy Street N.E., and Ingraham, Street N.E., abutting Squares 3765 and 3767.

I will now discuss DDOT's specific recommendations for each of the proposed bills.

*Bill 23-251, Abandonment of the Highway Plan for 39th Street, N.W and
Public Resolution 23-444, Modification of the Highway Plan to Remove a Portion
of 39th Street, N.W*

The developer applicant is seeking approval to remove a portion of 39th Street, NW from the District of Columbia Highway Plan to facilitate the redevelopment of the site. The portion of the 39th Street, NW to be removed is the northernmost terminus, located adjacent to the existing 39th Street cul-de-sac north of Rodman Street. The 90-foot right-of-way called for in the Highway Plan for this segment of 39th Street has not been dedicated to DDOT.

DDOT has no objection to the removal of the subject portion of 39th Street from the Highway Plan.



Bill 23-332, Abandonment of the Highway Plan for Anacostia Avenue, N.E.

The developer applicant is seeking approval to remove portions of both Anacostia Avenue, NE and Eastern Avenue, NE from the Highway Plan to facilitate the redevelopment of the site. DDOT understands that approval is needed to create a record lot and receive a building permit. Currently, the encumbrance of the Highway Plan prevents a record lot from being legally created. Since the entirety of the lots are the basis for zoning calculations, the portion of the site where the Highway Plan is designated cannot be severed off into its own record lot.

DDOT objects to the removal of portions of Anacostia Avenue and Eastern Avenue NE, until the following conditions are met:

- For Lot 806, a non-restrictive easement should be recorded for an 80 foot section (not 90 feet), as measured from the northern edge of the Highway Plan section; and
- For Parcel 185/38, a non-restrictive easement should be recorded for the entirety of the parcel including the 10-foot by 290-foot strip of land outside of the 90-foot Highway Plan section, which likely will be needed in the future to ‘straighten out’ the alignment of Eastern Avenue.



Bill 23-474, Closing of Public Street and Elimination of Building Restriction Lines and Abutting Squares 3765 and 3767

The developer applicant is seeking approval to close 4th Street, NE between Kennedy Street and Ingraham Street, the public alley in Square 3765, and to eliminate building restriction lines along 4th Street, NE, Kennedy Street, NE, and Ingraham Street, NE abutting Squares 3765 and 3767.

It is important to note that DDOT is the responsible agency that gives guidance to the opening and closing of District public rights of way. Beyond ensuring that our own standards are met, as outlined in DDOT's Right of Way Policies and Procedures Manual, the agency is also bound to meet federal right of way regulations. The Federal Highway Administration (FHWA) sets these guidelines which require that non-transportation use or disposal of a property interest determined to be excess to transportation needs must be for fair market value and the proceeds used for future Title 23 eligible transportation projects.¹ These regulations provide exceptions to the requirement that disposals be for fair market value only under certain circumstances, including disposals to utilities or railroads, or for use as bikeways or pedestrian walkways. Failure to comply with federal

¹ 23 CFR 710.403.(e)



regulations will put DDOT at risk of receiving federal funds for our transportation projects. As of the date of this hearing, the proposed closure does not conform to the federal requirements as implemented in the current version of the District's Right of Way Manual and it is DDOT's position that this closure should not move forward without first adhering to federal and District regulations.

We also note that this closure request is the second phase of a larger three-phased development plan. The applicant has been coordinating with DDOT regarding another potential right-of-way transfer adjacent to the proposed closure. The applicant constructed a one block extension of Ingraham Street, NE between Hamilton Street and South Dakota Avenue as part of this larger development and has expressed interest in dedicating this block as a public street. However, the street was built without DDOT review of the design plans or inspection of the construction. We are currently reviewing this block to determine if it was built to DDOT standards and, therefore, a candidate for public street acceptance.

Finally, DDOT objects at this time to the requested elimination of the building restriction lines on the south side of the 300 block of Kennedy Street NE between South Dakota Avenue NE and on the east side of the 5400 block of 3rd Street NE. These requested closures pertain to a portion of the PUD that received Stage 1



approval, but for which 2nd Stage PUD plans have not yet been submitted to the Zoning Commission. DDOT finds it would be more appropriate to consider the removal of these building restriction lines after the Zoning Commission has approved final plans for future phases of the PUD. These phases may propose re-aligning portions of Kennedy Street, which would be subject to Council review at that time.

DDOT objects to the proposed action until the following conditions are met:

- DDOT either confirms 1) the adjacent portion of Ingraham Street has been built to DDOT standards, or 2) the applicant agrees to do additional work to the roadway to bring it up to DDOT standards.
- The applicant must pay DDOT fair market value for the street and alley that would be closed or replace in kind with an equivalent dedication of new ROW.
- The applicant compensates the District in the amount of \$29,160 for the removal of existing street trees in the area proposed for closure. A list of these trees is attached to this testimony (Attachment A).



- The applicant compensates the District in the amount of \$6,475.50 for the removal of existing DDOT streetlights in the area proposed for closure. The streetlight equipment estimate is attached to this testimony (Attachment B).
- Removal of the request to eliminate the building restriction lines on the south side of the 300 block of Kennedy Street NE between South Dakota Avenue NE and on the east side of the 5400 block of 3rd Street NE.

I appreciate the opportunity to testify before you today and look forward to answering any questions you may have.





Commission Action

September 5, 2019

PROJECT Removal of a portion of Anacostia Avenue, NE from the Permanent System of Highways, Square 5113 - Parcel 185-38 and Lot 806 Anacostia Avenue, near the intersection of Eastern and Kenilworth Avenues, NE Washington, DC	NCPC FILE NUMBER 8098
	NCPC MAP FILE NUMBER 81.00(44.40)44977
SUBMITTED BY District of Columbia Department of Consumer and Regulatory Affairs	APPLICANT'S REQUEST Approval of a Highway Plan Amendment
	ACTION TAKEN Approved Highway Plan Amendment with comments
REVIEW AUTHORITY Approval per DC Code § 9-103.02	

The Commission:

Notes the Zoning Commission of the District Columbia reviewed the private development proposed for the site as ZC Case 19-09, and approved the project, with a condition that the applicant construct the project so as to not obstruct the land required for the right-of-way necessary to accommodate extensions of both Eastern Avenue and Anacostia Avenue through the property. Further, the applicant will allow public access on the property for such a roadway should any right-of-way extension be planned, designed, and funded for construction by the District in the future.

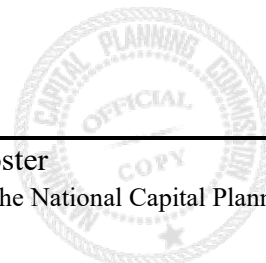
Notes this condition protects the potential right-of-way necessary to ensure a future roadway connection; and therefore

Approves the amendment to remove a portion of Anacostia Avenue, NE from the Permanent System of Highways, located within Parcel 185/38 and Lot 806, in Washington, DC.

Notes the future connection of Eastern Avenue and Anacostia Avenue, NE could help improve access to Kenilworth Park and the Aquatic Gardens; and further

Recommends the District coordinate with the National Park Service when such an extension is contemplated.

Julia A. Koster
Secretary to the National Capital Planning Commission





GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADVISORY NEIGHBORHOOD COMMISSION 7D

CENTRAL NORTH EAST, DEANWOOD, EASTLAND GARDENS, KENILWORTH, KINGMAN PARK, MARSHALL HEIGHTS,
MAYFAIR/PARKSIDE, AND RIVER TERRACE

April 11, 2019

Mr. Anthony J. Hood, Chairman
D.C. Zoning Commission
D.C. Office of Zoning
441 Fourth Street N.W., Suite 200S
Washington, D.C. 20001

Re: Letter of Support for The Residences at Kenilworth Park | Affordable Assisted Living Community Project [as presented by the Gragg Cardona Partners, The Carding Group and Brick & Story]

Dear Chairman Hood and Zoning Commissioners:

On March 26, 2019, at a duly-noticed, appropriately planned Special Meeting called by ANC 7D Commission (“Commission”), with an established quorum of commissioners and the public present, ANC 7D voted unanimously (6-0-0) in favor of providing a letter of support regarding *The Residences at Kenilworth Park | Affordable Assisted-Living Community Project* as presented by applicants Gragg Cardona Partners and The Carding Group in collaboration with Brick & Story. The Commission’s Special Meeting, was second of a two-part extensive presentation to review the affordable, assisted-living housing community project, with particular focus on the Medicaid Application Process and the criteria for occupancy. The applicants had requested a letter of support to pursue a voluntary Design Review Process with the Zoning Commission.

The development team has reviewed the design and site plan of the project with ANC 7D throughout their engagement, and we find that the project meets the Design Review zoning standards [as noted in Title 11 Subtitle X, Chapter 6], more specifically, for a voluntary design review as well as the special exception standards for new residential development in the RA-1 zone and to locate parking in the front yard. The project will enhance the neighborhood and be a community asset through the development of a site that has long been used for illegal dumping such activity. The project will provide ample outdoor recreation space for residents and the community, such as access to the parkland to the west and a large outdoor terrace for residents. In addition, the site plan, including the location of parking in the front yard, will ensure that parking and traffic will be well managed and will not adversely impact nearby streets while being sufficiently visually buffered. The architecture of the building and its landscaping are attractive and high-quality, so the project will add to the visual environment of the neighborhood. The height of the building is necessary to accommodate its programmatic requirements, and the building will be sufficiently separated from other properties and at a lower elevation so that the height will be appropriate for the neighborhood context. Overall, the development of the site

Letter of Support re: The Residences at Kenilworth Park

April 11, 2019

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into a new residential building, especially as an affordable assisted living facility, will not overburden the neighborhood's infrastructure, will be a positive addition to the community, and will serve a population that strongly needs such a facility.

Since October 2018, the Gragg Cardona Partners, The Carding Group and Brick & Story have consistently and intentionally engaged ANC 7D as well as the greater community in apprising us of the plans, details and community benefits of *The Residences at Kenilworth Park*, a 155-unit private, affordable assisted-living apartments with associated amenities to eligible senior-aged and/or age-qualifying disabled residents of the District of Columbia. In addition to providing full service rental apartments, the community will include amenity spaces and comprehensive menu of assisted living services to cater to resident needs.

The Commission intends to continue its engagement with the applicants on the following:

- The progression of the future phases of *The Residences at Kenilworth Park*
- Communicating those project phases (progression) to the constituency and the Ward 7 Councilmember
- Continuance of our mutually endeavored ANC 7D Community Benefits Agreement, of which we will capture the accomplishments and previously initiated action items by the applicants in the preliminary project work

The Commission has been thoroughly impressed with the applicants' forethought, consideration of the community needs, and implementation of "good neighbor" practices in their approach to this project. To date, it has been refreshing to observe the laser-focused attention given to the handling of questions and concerns from the Commission as well as the community members. We look forward to working with the applicants and are delighted to provide this letter of support for *The Residences of Kenilworth Park*. Chairman Hood, we hope that you will render great weight to this recommendation and thereby promptly approve the Cardona Gragg Partners and The Carding Group application.

Should you have any questions of the Commission, please do not hesitate to contact us at (202) 318-5336 (direct) or via email at 7D06@anc.dc.gov.

Respectfully,



Sherice A. Muhammad
Chair

cc: Councilmember Vince Gray, Ward 7 (Email)
Eastland Gardens Civic Association (Email)

**HIGHWAY PLAN ELIMINATION
AND NON-RESTRICTIVE EASEMENT ESTABLISHED
ON LOT 806, SQUARE 5113 AND PARCEL 185/38**

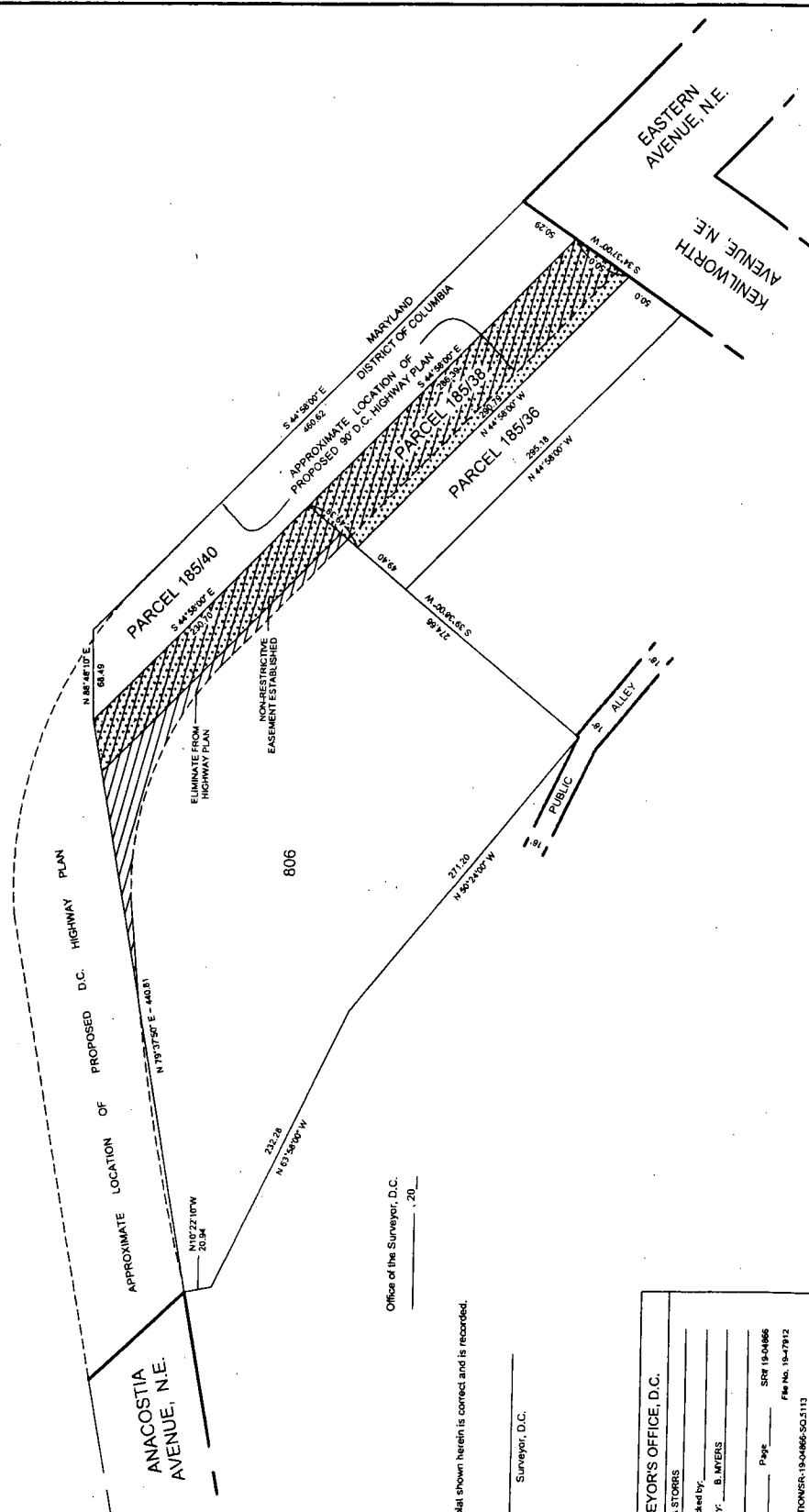
PURSUANT TO D.C. CODE § 101.06, § 101.12 AND RESOLUTION NUMBER _____ APPROVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, THE PROPOSED HIGHWAY PLAN SHOWN THIS EASEMENT ELIMINATED FROM THE PERMANENT SYSTEM OF HIGHWAYS. THE NON-RESTRICTIVE EASEMENT SHOWN THIS EASEMENT IS HEREBY ESTABLISHED PURSUANT TO EASEMENT RECORDED AT INSTRUMENT # _____ IN THE D.C. RECORDED DEEDS ON _____ 20_____.

NATIONAL CAPITAL PLANNING COMMISSION
WASHINGTON, D.C.

THE COMMISSION APPROVES THE MODIFICATION IN ACCORDANCE WITH SECTION § 101.06 AND § 101.12, OF THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

CHAIRMAN

PARCEL 185/47



Office of the Surveyor, D.C.

_____, 20_____

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

Surveyor, D.C.

SURVEYOR'S OFFICE, D.C.

Made for: COLLSTON & STORRS
 Drawn by: L.E.S. Checked by: _____
 Record and computations by: B. MYERS
 Recorded at: _____
 Recorded in Survey Book _____ Page _____ SR# 19-04866
 Scale: 1 inch = 50 feet File No. 19-07912
 2019HWY PLAN ELIMINATION/SR-19-04866-SQ5113

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **December 17, 2019**
4
5
6

7 A BILL

8
9 23-332
10

11
12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
13
14 _____
15

16 To remove from the Plan of Permanent Systems of Highways a portion of Eastern Avenue, N.E.,
17 located within Lot 806 and Parcel 185/38 in Square 5113, as shown on the Surveyor’s
18 Plat filed under S.O. 19-04866.
19

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the “Abandonment of the Highway Plan for Eastern Avenue, N.E., S.O. 19-
22 04866, Act of 2019.”

23 Sec. 2. (a) Notwithstanding section 6 of An Act to provide a permanent system of
24 highways in that part of the District of Columbia lying outside of the cities, approved June 28,
25 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), the Council amends the permanent system of
26 highways to remove a portion of Eastern Avenue, N.E., located within Lot 806 and Parcel
27 185/38 in Square 5113, as shown on the Surveyor’s Play filed under S.O. 19-04866.

28 (b) The approval of the Council of the removal of this portion of Eastern Avenue, N.E.,
29 from the permanent system of highways is contingent upon the grant of a non-exclusive
30 easement as shown on the Surveyor’s plat filed in S.O. 19-04866.

31 Sec. 3. Fiscal impact statement.

32 The Council adopts the fiscal impact statement in the committee report as the fiscal
33 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
34 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

35 Sec. 4. Effective date.

36 This act shall take effect following approval of the Mayor (or in the event of veto by the
37 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
38 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
39 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
40 Columbia Register.