

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
*Department of Consumer and Regulatory Affairs*



**Public Hearing on**

**B23-788, “Dedication of Lot 252 in Square 620 for the First Street Right-of-Way, S.O. 19-48848 Act of 2020;”**

**B23-876, “Closing of a Portion of Potomac Avenue, S.E., adjacent to Reservation 248 and Square 744-SS, S.O. 19-46967 Act of 2020;”**

**and**

**B23-883, “Omnibus Kenilworth Courts Redevelopment S.O. 16-23580 Act of 2020”**

**Background Information Provided by**

**Joseph Snider**

**Deputy Surveyor of the District of Columbia**

**Department of Consumer and Regulatory Affairs**

**Before the**

**Committee of the Whole**

**Chairman Phil Mendelson**

**Council of the District of Columbia**

**October 14, 2020**

**12:00 p.m.**

Good Afternoon, Chairman Mendelson, members and staff of the Committee of the Whole. I am Joseph Snider, the Deputy Surveyor of the District of Columbia at the Department of Consumer and Regulatory Affairs (DCRA). I appear before you today to provide background information on B23-788, “Dedication of Lot 252 in Square 620 for the First Street, N.W., Right-of-Way in Square 620, Act of 2020,” B23-876, “Closing of a Portion of Potomac Avenue, S.E., adjacent to Reservation 248 and Square 744-SS, S.O. 19-46967 Act of 2020;” and B23-883, “Omnibus Kenilworth Courts Redevelopment S.O. 16-23580 Act of 2020”.

**B23-788, “Dedication of Lot 252 in Square 620 for the First Street, N.W., Right-of-Way in Square 620, Act of 2020”**

Starting with B23-788, this bill would order the dedication of lot 252 in Square 620 for the widening of First Street, N.W., increasing the right-of-way from 60 to 90 feet between Pierce Street, N.W., and L Street N.W. in Ward 6. This will facilitate pedestrian improvements as part of a private development of Sursum Corda. The Bill was introduced by Chairman Mendelson and Councilmember Allen.

Lot 252 in Square 620 was created by a subdivision which was recorded in Subdivision Book 216 Page 72 and recorded on September 27, 2019 in the Office

of the Surveyor. Title to Lot 252, as shown in the Office of Tax and Revenue records as being owned by TBSC Owner I, LLC.

The most probable estimate of value as of January 1, 2020, which represents tax year 2021, for the public street dedication in Square 620 is \$1,249,670.00 (6,494 S.F. x \$192.43 estimated square foot). The estimate is rounded and based on neighboring lot 255 in Square 620.

The applicant for this closing is TBSC Owner I, LLC, who is represented by Holland & Knight.

The Office of the Surveyor notified the relevant Executive Branch agencies and the Utility companies of this application on January 21, 2020. They have no objections.

Pursuant to D.C. Official Code §9-202.02(3), the Surveyor's Office notified the National Capital Planning Commission (NCPC) of these applications on January 21, 2020. In a letter dated February 26, 2020, NCPC found that pursuant to delegation of authority adopted by the Commission on October 3, 1996 and per DC Code §9-202.02, the proposed dedication of right-of-way in Lot 252 in northwest Washington, DC, would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital, nor would it adversely affect other federal interests.

Pursuant to D.C. Official Code §9-202.02(5), Advisory Neighborhood Commission (ANC) 6E was notified of this application on January 21, 2020. In a letter dated May 26, 2020, ANC 6E indicated that they support the dedication. The applicant is the owner of the property abutting the Lot 252 to be dedicated.

**B23-876, “Closing of a Portion of Potomac Avenue, S.E., adjacent to Reservation 248 and Square 744-SS, S.O. 19-46967 Act of 2020**

Turning now to B23-876, “Closing of a Portion of Potomac Avenue, S.E., adjacent to Reservation 248 and Square 744-SS, S.O. 19-46967,” Act of 2020, which was introduced by Councilmember Cheh.

The purpose of this bill is to close a portion of Potomac Avenue, S.E., between First Street, S.E., and the former Canal Street, S.E., in Ward 6.

The portion of Potomac Avenue, S.E. to be closed was created by the establishment of the Federal City of Washington. The street is shown on the King Plats on Plate 13 (shown as Georgia Avenue) in the year 1803. Title to the closed portion of Potomac Avenue is determined to be held by the United States.

The most probable estimate of value as of January 1, 2020 which represents tax year 2021 for the part of Potomac Avenue S.E. closed adjacent to Reservation 248 and Square 744-SS is \$3,625,000.00 (36,250 square feet x \$100.00 estimated square foot). The estimate is rounded based on lot 801 in Square South 744-SS.

The applicant for this closing is District of Columbia Water and Sewer Authority (DC Water), who is represented by Carolyn Brown of The Brown Law Firm, PLLC. The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies on October 21, 2019. In a letter dated December 14, 2019, the District Department of Transportation (DDOT) objected to this closure indicating that the partial closure of Potomac Avenue S.E., as requested by the applicant until they apply for and receive public space occupancy permits for use of the adjacent Canal Street and 2nd Street, S.E. right-of-way. In a Supplemental letter dated September 30, 2020, DDOT indicated that DDOT and DC Water have come to an agreement on a resolution to the issues raised in the December 14, 2019 letter. DDOT removed their objection to the approval of the closing. DDOT expects DC Water will continue to work with DDOT to obtain the appropriate public space occupancy permits for their use of DDOT's Canal Street, S.E. right-of-way. I will defer to my colleague at DDOT for further clarification on the agreement if needed. The remaining Executive Branch agencies have no objections.

Pursuant to D.C. Official Code §9-202.02(3), the Surveyor's Office notified the National Capital Planning Commission (NCPC) of this application on October 21, 2019. In a Commission Action dated January 9, 2020, NCPC notes that this portion of Potomac Avenue is an unbuilt section of the roadway that has never

been developed and has been shown historically as either on the shore of or within the Anacostia River. A portion of the DC Water headquarters property has been built on this section of the roadway. NCPC approves comments to the Council of the District of Columbia that this portion of Potomac Avenue can be closed for the reasons stated above. NCPC notes future development will remain in viewshed along this portion of roadway through building setbacks and massing.

Pursuant to D.C. Official Code §9-202.02(5) Advisory Neighborhood Commission (ANC) 6D was notified of this application on October 21, 2019. In a letter dated September 30, ANC 6D indicated their support for the proposed street closing.

**“Omnibus Kenilworth Courts Redevelopment S.O. 16-23580 Act of 2020”**

Finally, B23-883, the “Omnibus Kenilworth Courts Redevelopment Act of 2020,” was introduced by Councilmember Gray. This bill would order the closing of the existing alley in Square 5116, between Quarles Street, N.E. and 45th Street, N.E., and order the dedication of a portion of land for street purposes between Kenilworth Avenue, N.E., 45th Street, N.E. and Quarles Street, N.E., also along the East line of 45th Street, N.E., and the South line of Quarles Street, N.E. The bill would also remove an existing 15-foot Building Restriction Line along the East line of 45th Street, N.E., and the South line of Quarles Street, N.E., in Ward 7.

The 16-foot to 18-foot wide improved alley to be closed was created by a plat of Dedication of Land for Public Highways and Public Alleys. It was recorded in Subdivision Book 137 on Page 141 on October 24, 1956 in the Office of the Surveyor.

Title to the alley and portions of streets to be closed could not be determined to be held by the District or the United States.

The most probable estimate of value as of January 1, 2020, which represents tax year 2021, for the public alley closed, street dedication and building restriction lines eliminated in Square 5116 is \$2,491,450.00 (62,893 square feet x \$39.57).

The estimation is explained as follows:

- The public alley closed estimate is \$407,060 (10,287 square feet x \$39.57).
- The street dedication and building restriction line estimate is \$2,084,390 (52,676 square feet x \$39.57). Estimates are rounded and based on lots 172 to 180 in Square 5116.

The applicant for this closing is the D.C. Housing Authority, who is represented by Holland and Knight. The Office of the Surveyor notified the relevant Executive Branch agencies and the utility companies on May 7, 2020. Within a letter dated August 11, 2020, the District Department of Transportation (DDOT) objected to the proposed alley closure, street dedication and removal of BRLs until the following conditions are satisfied:

- The applicant enters into a project specific agreement known as a “Horizontal Public Use Agreement” with DDOT for the design review, construction, inspection and acceptance of Phase 1 so that DDOT can verify that the design and construction meets or exceeds DDOT standards and specifications for the public space infrastructure improvements including but not limited to, streetscape, drainage, lighting, paving, and other public space elements;
- The applicant coordinates with DDOT on the development of the project specific Horizontal Public Use Agreement, and DDOT will coordinate with the Agency providing an estimate for the application fees, bonds, and other costs and requirements related to DDOT design reviews and inspections, as well as provide guidance on the dedication and process for DDOT acceptance;
- The preliminary dedication plat for Phase 1, prior to the subdivision of the existing lots, shall be recorded with a note that “The dedication shall not be effective until DDOT has accepted the public space improvements and the Certificate of Occupancy shall not be issued until DDOT has re-recorded the plat of dedication with an acknowledgement of acceptance;
- The final dedication plat for Phase 1 shall not be re-recorded until DDOT has confirmed that the Public Space improvements have been constructed to



DDOT standards and specifications, all statutory warranties have been provided, and DDOT has agreed to accept the improvements; and

- A bond is posted in an amount to be determined by DDOT for the public space improvements; and
- The applicant compensates DDOT in the amount of \$89,173.38 for the street lighting facilities in the existing alley network.

The remaining agencies have no objections to the proposed alley closure, street dedication and removal of BRLs.

The utility companies were notified on May 7, 2020. Within a letter dated June 24, 2020, Washington Gas objected to the alley closure, street dedication and removal of building restriction line. It has been determined that Washington Gas has active natural gas facilities within the limits of the proposed alley closure, street dedication and removal of a building restriction line that would be impacted by this proposal.

Pursuant to D.C. Official Code §9-202.02(3), the Surveyor's Office notified the National Capital Planning Commission (NCPC) of this application on May 7, 2020. In a letter dated July 1, 2020, NCPC determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Accordingly, staff has determined that this project is exempt from Commission review.

Pursuant to D.C. Official Code §9-202.02(5) Advisory Neighborhood Commission (ANC) 7D was notified of this application on May 7, 2020. In a letter dated September 12, 2020, ANC 7D indicated their support for the alley closure, street dedication and removal of building restriction line.

This concludes my testimony. I appreciate the opportunity to appear before you today and welcome any questions you may have regarding this matter. Thank you.