

**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: November 17, 2020

SUBJECT: Report on Bill 23-876, “Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation 248 and Square South 744S Act of 2020”

The Committee of the Whole, to which Bill 23-876, the “Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation 248/Square 744S Act of 2020” was referred, reports favorably thereon with minor amendments, and recommends approval by the Council.

CONTENTS

I.	Background And Need.....	1
II.	Legislative Chronology.....	4
III.	Position Of The Executive.....	5
IV.	Comments Of Advisory Neighborhood Commissions	5
V.	National Capital Planning Commission Review.....	5
VI.	Summary Of Testimony.....	5
VII.	Impact On Existing Law	6
VIII.	Fiscal Impact.....	6
IX.	Section-By-Section Analysis	6
X.	Committee Action.....	6
XI.	Attachments	7

I. BACKGROUND AND NEED

On July 30, 2020, Bill 23-876, the “Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation 248 and Square South 744S Act of 2020” was introduced by Councilmember Mary Cheh. Bill 23-876 would officially close a portion of Potomac Avenue, S.E., between First Street S.E., and former Canal Street S.E. The portion of Potomac Avenue S.E., to be closed has never been used for street purposes. Indeed, when the streets of Washington were first laid out (circa 1800), this portion of Potomac Avenue, then designated as Georgia Avenue, was under water: part of the Anacostia River. The eastern portion of the street is currently part of D.C. Water’s new headquarters building.

The closure of this portion of Potomac Avenue is necessary for D.C. Water to obtain a permanent certificate of occupancy for its headquarters (see Zoning Commission Order No.15-14). Only the eastern segment of the right-of-way will be used by D.C. Water. The western segment

will be disposed of by the District government to a private developer pursuant to a land disposition agreement and the PUD order in Zoning Commission Order No. 13-05.

Legal Background

The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201 *et seq.*) (“Act”) establishes procedures for closing streets and alleys, opening new streets and alleys, naming public spaces, and other procedures related to streets and alleys. The Act authorizes the Council to close all or part of a street or alley and establishes one standard for reviewing a street or alley closing application: whether the street or alley is determined by the Council to be needed for street or alley purposes. The Act also authorizes the Council to make approval of a street or alley closing contingent upon: (1) the dedication of land for street or alley purposes if the public interest would be served by such action; (2) the granting to the District of specific easements for public purposes; and (3) any other condition that the Council considers necessary.

Pursuant to the Act, street and alley closing applications are submitted to the Surveyor of the District of Columbia who assigns a Surveyor’s Order (S.O.) number and collects applicable fees. The Surveyor requests comments from executive branch agencies and public utilities. A plat is prepared, and the application is forwarded through the Mayor’s Office of Policy and Legislative Affairs, which also solicits comments from executive branch agencies. When these reviews are completed, the application is transmitted to the Council in the form of a bill from the Mayor. Councilmembers may also initiate an alley or street closing by introducing a bill. In such cases, the Act provides that the Council cannot consider such a bill until the required reviews have been completed. Regarding Bill 23-876, all of the reviews have been completed.

The Act establishes notice requirements for street and alley closing legislation. The Council is required to publish notice of a street or alley closing in the *District of Columbia Register*. Further, the applicant is required to give written notice to all property owners abutting a block or alley affected by the proposed street or alley closure. The applicant is also required to post signs at each end of a block or each entrance to an alley affected by the street or alley closing legislation. The applicant is required to give the Council certification of compliance with these requirements. Regarding Bill 23-876, these requirements have been met.

After the street or alley closing legislation becomes law and all conditions required by the Council and the Act have been satisfied, the Surveyor records a copy of the act and plat in the Office of the Surveyor. Thereafter, the street or alley is deemed closed and title to the land reverts or vests in fee simple to the abutting record owners, as shown on the plat. The land becomes subject to tax and zoning laws in the same manner as the abutting land. The right of the public to use the street or alley typically ceases, and any proprietary interest of the United States or the District of Columbia in the street or alley ceases. If a closing plat shows an easement or dedication of land for public purposes, the land encompassed by the easement or dedication becomes available for the specified public purposes.

D.C. Water Headquarters and the Yards PUD

From the 1920's through 2016, a D.C. Water and Sewer Authority pumping station with a partially improved surface lot had occupied the grounds of Square S-744. D.C. Water's former headquarters, known as the Central Operations Facility (COF), was located at the Blue Plains campus in Ward 8. Over the years, the COF became overcrowded, necessitating the use of trailers on the grounds. In 2015, D.C. Water submitted an application with the Zoning Commission to construct a new office building on Square S-744 around its existing infrastructure that would become D.C. Water's new headquarters. Pursuant to Zoning Commission Order No. 15-14, the headquarters building consists of approximately 160,634 square feet of gross floor area, with a height of 100 feet. The headquarters building was completed in 2019 and is currently in use with a temporary certificate of occupancy. Bill 23-876 will enable a permanent certificate of occupancy.

Figure 1. D.C. Water Headquarters (View from 1st and O Street)



The western portion of Potomac Avenue, S.W., will revert to the District after closing to facilitate further private sector development at “The Yards” pursuant to Zoning Commission Order No. 13-05. The development will include a new sixteen-screen movie theater, two new apartment buildings with approximately 600 residential units, an expansion of the existing Diamond Teague Park along the Anacostia River, and approximately 42,000 to 52,000 square feet of ground-floor retail, arts, and entertainment uses throughout the PUD. The site will include a movie theater that will contain approximately 2,500 seats and approximately 337 parking spaces as well as approximately 2,000 square feet of ground-floor retail or arts-related uses.

Title Issues

In a majority of street and alley closings, the D.C. Surveyor cannot determine who holds title to land under the right-of-way. However, in this case the Surveyor has determined that title belongs to the United States. The Committee was concerned about this because with this closing, title is to vest with D.C. Water or the District for disposition to a developer. However, D.C. law (dating back to to 1932 Congressional enactment of the District of Columbia Street Readjustment Act), states that in street closings the disposition (vesting of title) shall be as the Council determines is “to the best advantage of the District...” (D.C. Official Code § 9-202.08). Precedent, such as the 1980 closing of 8th Street for Techworld, holds that the Council may dispose of Potomac Avenue, S.E. as proposed by Bill 23-876.

Conclusion

The Committee finds that the portion of Potomac Avenue, S.E., to be closed has never been used for street purposes and is not necessary now. Decisions have been made, through two Zoning Commission cases, to use the land under the right-of-way for other purposes. It is in the public interest to close the right-of-way. For these reasons, the Committee recommends Council adoption of Bill 23-876.

II. LEGISLATIVE CHRONOLOGY

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|--------------------|--|
| July 30, 2020 | Bill 23-876, the “Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation 248 and Square South 744S Act of 2020” is introduced by Councilmember Mary Cheh. |
| August 14, 2020 | Notice of Intent to Act on Bill 23-876 is published in the <i>District of Columbia Register</i> . |
| September 14, 2020 | Notice of a Public Hearing on Bill 23-876 is filed with the D.C. Council Office of the Secretary. |
| September 18, 2020 | Notice of a Public Hearing on Bill 23-876 is published in the <i>District of Columbia Register</i> . |
| September 22, 2020 | Bill 23-876 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official. |
| October 14, 2020 | The Committee of the Whole holds a public hearing on Bill 23-876. |
| November 10, 2020 | The Committee of the Whole marks-up Bill 23-876. |

III. POSITION OF THE EXECUTIVE

Joseph Snider, Deputy Surveyor of the D.C. Office of the Surveyor, testified at the Committee's public hearing on October 14, 2020. Mr. Snider stated that, in a letter dated October 21, 2019, DDOT had objections to the closure, but that they removed these objection in a supplemental letter dated September 30, 2020. The remaining Executive Branch agencies have no objections. Other utility companies also have no objections.

Anna Chamberlin, Associate Director of the Planning and Sustainability Division of DDOT, testified at the Committee's public hearing on October 14, 2020. Ms. Chamberlin stated that pursuant to a supplemental report from DDOT filed on September 30, 2020, the agency and D.C. Water reached an agreement on outstanding questions related to D.C. Water's use of public space in the vicinity, and that, as a result, DDOT has no objections to the closure.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

Advisory Neighborhood Commission (ANC) 6D did not comment on this dedication. ANC 6D Chair Gail Fast stated in a letter to the Surveyor's Office dated September 30, 2020 that the ANC voted 7-0-0 in support of the closure at a meeting held on September 14, 2020. The ANC letter is attached to this report.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

At a Commission meeting on January 9, 2020, the National Capital Planning Commission approved comments to the Council that this portion of Potomac Avenue, S.E., can be closed because it is an unbuilt section of roadway that has never been developed and has been shown historically as either on the shore of or within the Anacostia River. Additionally, a portion of the D.C. Water headquarters property has been built on this section of the roadway. The Commission action letter is attached to this report.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills, including Bill 23-876, on Wednesday, October 14, 2020. The testimony summarized below pertains to Bill 23-876. Copies of all written testimony are attached to this report.

Carolyn Brown, The Brown Law Firm PLLC, testified as counsel to the applicant, D.C. Water. Ms. Brown noted that the portion of Potomac Avenue, S.E., to-be-closed is part of D.C. Water facilities and that it has never been used for street purposes. She stated that during proceeding before the Zoning Commission for Order No. 15-14 they realized that this portion of Potomac Avenue had never been closed, leading them to seek formal closure via Bill 23-876.

Biju George, Executive Vice President of Operations and Engineering at D.C. Water, testified on behalf of D.C. Water in support of Bill 23-876. Mr. George said that, upon closure, title to one-third of the eastern portion of Potomac Avenue, S.E., will revert to D.C. Water,

allowing them to create a record lot. This is necessary to record the planned unit development (PUD) covenant on the site and obtain a permanent certificate of occupancy. The other two-thirds of to be closed right-of-way will revert to the District to facilitate the development contemplated by Council as part of Resolution 20-744 and Bill 22-609.

Joseph Snider, Deputy Surveyor of the District of Columbia, testified on behalf of the Executive. His testimony is summarized in Section III. Mr. Snider noted that the most probable value for the portion of Potomac Avenue, S.E., to-be-closed as of January 1, 2020 is estimated at \$3,625,000 (36,250 square feet x \$100.00 estimated square foot).

Anna Chamberlin, Associate Director of the Planning and Sustainability Division of DDOT, testified on behalf of the Executive. Her testimony is summarized in Section III.

VII. IMPACT ON EXISTING LAW

Bill 23-876 has no impact on existing law. The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201 *et seq.*) (“Act”) establishes procedures for closing streets and alleys, opening new streets and alleys, naming public spaces, and other procedures related to streets and alleys. Additionally, it authorizes the Council to close all or part of a street or alley. In approving Bill 23-876, the Committee finds that the requirements of the Act have been satisfied.

VIII. FISCAL IMPACT

The November 10, 2020 fiscal impact statement from the District’s Chief Financial Officer states that funds are sufficient in the FY 2021 through FY 2024 budget and financial plan to implement the bill. The D.C. Surveyor estimates that the most probable value of the land is \$3,625,000.

IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	Orders the closing of a portion of Potomac Avenue, S.E., with title to vest as shown on the Surveyor’s plat.
<u>Section 3</u>	Fiscal impact statement.
<u>Section 4</u>	Effective date.

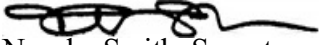
X. COMMITTEE ACTION

XI. ATTACHMENTS

1. Bill 23-876 as introduced.
2. Written Testimony.
3. NCPC and ANC 6D Comments.
4. Surveyor's Plat.
5. Fiscal Impact Statement for Bill 23-876.
6. Legal Sufficiency Determination for Bill 23-876.
7. Committee Print for Bill 23-876.

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 : Monday, August 3, 2020
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Thursday, July 30, 2020. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation 248 and Square South 744S Act of 2020", B23-0876

INTRODUCED BY: Councilmember Cheh

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

Attachment
cc: General Counsel
Budget Director
Legislative Services


Councilmember Mary. M Cheh

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6 A BILL
7

8
9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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13 To order the closing of a portion of Potomac Avenue, S.E., adjacent to Reservation 248 and
14 Square South 744S, in Ward 6.

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16 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
17 act may be cited as the “Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation
18 248 and Square South 744S Act of 2020”.

19 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved
20 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street
21 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
22 4-201; D.C. Official Code § 9-202.01 *et seq.*) (“the Act”), the Council of the District of
23 Columbia finds that the portion of Potomac Avenue, S.E., between First Street, S.E., and former
24 Canal Street, S.E., as shown by the hatch-marks on the plat prepared by the Office of the
25 Surveyor of the District of Columbia in S.O. No.19-46967, is unnecessary for street purposes and
26 orders the street closed.

27 (b) Having determined that title to the portion of the street to be closed is held by the
28 District of Columbia (“Property”), the Council further orders, pursuant to section 208 of the Act
29 that, upon closing, title to the portion of the property vest with the owner of Square South 744S
30 as shown on the Surveyor’s plat.

31 Sec. 3. The Secretary of the Council shall transmit a copy of this act, upon its effective
32 date, to the Office of the Surveyor of the District of Columbia.

33 Sec. 4. Fiscal impact statement.

34 The Council adopts the fiscal impact statement in the committee report as the fiscal
35 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
36 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

37 Sec. 5. Effective date.

38 This act shall take effect following approval by the Mayor (or in the event of veto by the
39 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
40 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
41 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
42 Columbia Register.

BEFORE THE COMMITTEE OF THE WHOLE
COUNCIL FOR THE DISTRICT OF COLUMBIA
OCTOBER 14, 2020
B23-876

Closing of a Portion of Potomac Avenue, S.E. Adjacent to Reservation 248
and Square South 744S Act of 2020

**TESTIMONY OF CAROLYN BROWN
THE BROWN LAW FIRM PLLC ON BEHALF OF
D.C. WATER AND SEWER AUTHORITY**

Good afternoon, Chairman Mendelson and members of the Committee. My name is Carolyn Brown of The Brown Law Firm PLLC. I am appearing today on behalf of the D.C. Water and Sewer Authority in support of Bill No. 23-876 to close a portion of Potomac Avenue between First Street and former Canal Street, S.W. I am joined today by Mr. Biju George, the Executive Vice President of Operations and Engineering at DC Water. Thank you for the holding a hearing on this legislation.

As set forth in our statement submitted to the Committee, the portion of Potomac Avenue to be closed is no longer needed for street purposes and thus meets the statutory standard for closure. The area was historically part of the Anacostia River Flats and under water until dredging operations at the turn of the twentieth century created land that was then used for municipal purposes. It ultimately became part of the D.C. Water facilities. It has never been used for street purposes.

The street closure will facilitate the long-standing plans for the revitalization of the Capital Riverfront as envisioned under the Anacostia Waterfront Initiative. In 2015, the District entered into a land disposition agreement, approved by the Council, with a private developer to implement plans along this portion of the Anacostia River and assist with the relocation of DC Water's fleet services. The Zoning Commission approved a first-stage planned unit development

for this segment of the mixed-used development known as Parcels G-2 and G-3 on either side of Potomac Avenue to be closed. In a separate PUD, the Zoning Commission approved plans for the new headquarters building for DC Water, which is located on the eastern portion of Potomac Avenue to be closed.

During these proceedings, it appeared that Potomac Avenue in this location had either never been established or that it had already been closed. This was reinforced by the plat conveying Reservation 248 just north of Potomac that listed Potomac Avenue as closed. After extensive research and coordination with the Surveyor's Office, it was determined that there was no record of this section of Potomac Avenue ever being closed. Consequently, we now seek its formal closure.

Thank you for the opportunity to speak in support of this legislation. Unless there are any questions, I will now turn it over to Mr. Biju George.

BEFORE THE COMMITTEE OF THE WHOLE
COUNCIL FOR THE DISTRICT OF COLUMBIA
OCTOBER 14, 2020
B23-876

Closing of a Portion of Potomac Avenue, S.E. Adjacent to Reservation 248
and Square South 744S Act of 2020

**TESTIMONY OF BIJU GEORGE
EXECUTIVE VICE PRESIDENT, OPERATIONS AND ENGINEERING
D.C. WATER & SEWER AUTHORITY**

Good afternoon, Chairman Mendelson and members of the Committee of the Whole. My name is Biju George, and I am the Executive Vice President of Operations and Engineering at DC Water. I am here today to testify on behalf of DC Water in support of Bill 23-876: the Closing of a Portion of Potomac Avenue, S.E. Adjacent to Reservation 248 and Square South 744S Act of 2020.

This legislation will allow the formal closing of a portion of Potomac Avenue, S.W., a paper street that has long been occupied by District municipal facilities and has never operated as a street. It was formerly the D.C. property yard, which was then transferred to DC Water when the independent agency was created in 1996. Upon closure, title to the eastern one-third of the paper street will revert to DC Water and be formally incorporated in the property comprising the DC Water Headquarters Building. This will allow us to create the record lot necessary to record the PUD covenant on the site and obtain a final certificate of occupancy for our building.

The western two-thirds of Potomac Avenue will revert to the Office of the Deputy Mayor for Planning and Economic Development and will facilitate the development of Parcels G2 and G3 of the Yards, as contemplated under the Land Disposition Agreement approved by the Council in 2014 between DMPED and the selected developer. The plans for Parcels G2 and G3

were approved by the Zoning Commission in 2013 as part of a first-stage PUD in Z.C. Case No. 13-05.

The enactment of this legislation has become quite urgent for DC Water. Our temporary certificate of occupancy for the headquarters building will expire on January 16, 2021. Prior to that time, the street closing legislation must become effective, a subdivision plat recorded and a new record lot created, and the PUD covenant for our headquarters building must be recorded against the new lot in order to receive our permanent C of O. Thus, this street closing legislation is critical to ensuring that DC Water can continue to be in compliance with the PUD order and the District's zoning requirements.

Thank you for the opportunity to testify today, and I am happy to answer any questions you may have regarding the project and proposed legislation.

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on
B23-876, Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation
248 and Square South 744S Act of 2020

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

B23-883, Omnibus Kenilworth Courts Redevelopment Act of 2020

Testimony of
Anna Chamberlin

Associate Director, Planning & Sustainability Division
District Department of Transportation

Before the
Committee of the Whole

Council of the District of Columbia

Wednesday, October 14, 2020
10:00 a.m.

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good morning Chairman Mendelson, members of the Council, staff, and District residents. My name is Anna Chamberlin, and I am the Associate Director of the Planning and Sustainability Division at the District Department of Transportation, commonly referred to as DDOT. I am here today to present testimony on behalf of Mayor Muriel Bowser and DDOT Director Jeff Marootian regarding three bills, which are Bill 23-876, the “Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation 248 and Square South 744S Act of 2020,” Bill 23-788, the “Dedication of Lot 252 in Square 620 for the First Street, NW, Right-of-Way, S.O. 19-48848 Act of 2020, and Bill 23-883, the “Omnibus Kenilworth Courts Redevelopment Act of 2020.”

The stated purpose of Bill 23-876 is to close a portion of Potomac Avenue, S.E., adjacent to Reservation 248 and Square South 744S, in Ward 6. DDOT filed a supplemental report with the Office of the Surveyor on September 30, 2020, related to S.O. No. 19-46967. DDOT’s report noted that DDOT and DC Water had come to an agreement regarding outstanding questions related to DC Water’s use of public space in this vicinity. Accordingly, DDOT has no objections to the proposed closures in this bill.

The stated purpose of Bill 23-788 is to dedicate Lot 252 in Square 620 for the First Street, N.W., right-of-way. DDOT filed a report with the Office of the Surveyor on June 10, 2020, related to S.O. No. 19-46967. DDOT’s report noted that DDOT objects to the dedication until the following conditions are met:

- The Applicant must enter into a project specific Horizontal Public Use Agreement with DDOT for the design review, construction, inspection and acceptance of First Street NW and First Place NW for DDOT to verify the design and construction meet or exceed DDOT standards for streetscape, drainage, lighting, paving, and other public space elements;
- The Applicant will coordinate with Renan Snowden at DDOT on the development of the project specific Horizontal Public Use Agreement, and she will coordinate the Agency providing an estimate for the applicable fees related to DDOT design reviews and inspections, as well as provide guidance on the dedication of the proposed new ROW as well as the process for DDOT acceptance; and
- The dedication plat for First Street NW shall not be 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.

DDOT can report that we are in discussions with the Applicant to finalize the required Horizontal Public Use Agreement. DDOT notes that Bill 23-788 appropriately, in this case, specifies that recordation of the plat is contingent upon the satisfaction of all conditions set forth in the official file for S.O. No. 19-46967.

The stated purpose of Bill 23-883 is to close the public alley in Square 5116, which runs from 45th Street, N.E. to Quarles Street, N.E., and to accept the dedication of land for surrounding new public streets, as well as remove certain existing building restriction lines. DDOT filed a report with the Office of the Surveyor on August 11, 2020, related to S.O. No. 16-23580. DDOT's report noted that the agency objected to the proposed closure, dedication, and removal of building restriction lines until several conditions are met. Since the conditions are lengthy I will not read them in full, but I have attached our report for the record. Notably, DDOT conditions acceptance of these actions on the Applicant entering 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 of the Kenilworth Courts PUD. The purpose of the agreement is for DDOT to verify that the design and construction meet or exceed DDOT standards and specifications for the public space infrastructure improvements including, but not limited to, streetscape, drainage, lighting, paving, and other public space elements. We also, in this instance, agree to the recordation of a **preliminary** dedication plat for Phase 1, prior to the subdivision of the existing lots, with the condition that it 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.

DDOT can report that we are in discussions with the Applicant to finalize the required Horizontal Public Use Agreement. DDOT notes that Bill 23-883 specifies that recordation of the plat is contingent upon the satisfaction of all conditions set forth in the official file. Normally, DDOT would agree with this legislative condition. However, in this instance, the complicated nature of the phased development process requires a preliminary recordation of a plat before all conditions are met. DDOT would like to work with the committee to more accurately reflect the phased nature of the dedication process, including the recordation of the preliminary plat and recordation of the final plat.

This concludes my testimony. Thank you for allowing me the opportunity to testify before you today. I am available to answer any questions that you may have.

Government of the District of Columbia


Department of Transportation



d. Planning and Sustainability Division

MEMORANDUM

TO: Roland F. Dreist, Jr
Office of the Surveyor, DCRA

FROM: Anna Chamberlin, AICP 
Associate Director

DATE: September 30, 2020

SUBJECT: S.O. No. 19-46967 – Closure of Potomac Avenue SE in Square 744-SS (Supplemental)

This memorandum is intended as a supplement to the District Department of Transportation's (DDOT) report to the Office of the Surveyor, dated December 18, 2019. In the months since our original report was submitted, DDOT and DC Water have come to an agreement on a resolution to the issues raised in our report. DDOT hereby removes our objection to the approval of the Potomac Avenue SE closure in Square 744-SS. 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 SE right-of-way.

Please do not hesitate to contact me or the case manager, Aaron Zimmerman, 202-671-2356 aaron.zimmerman@dc.gov if you have any further questions.

AC:az

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

Application of D.C. Water and Sewer Authority
Closing of a Portion of Potomac Avenue, S.E.
Between First Street and Former Canal Street,
S.E., and Adjacent to Reservation 248

Bill No. 23-0876
Hearing Date: October 14, 2020

**STATEMENT OF THE APPLICANT
IN SUPPORT OF THE STREET CLOSING**

I.

Introduction

The District of Columbia Water and Sewer Authority (“Applicant” or “DC Water”) submits this statement in support of Bill No. 23-0876 to close a portion of Potomac Avenue, S.E., between First Street and former Canal Street, S.E., adjacent to Reservation 248, pursuant to D.C. Official Code §§ 9-202.01 *et seq.* A plat depicting the portion of the street to be closed is attached as Exhibit A. As described in more detail below, this portion of Potomac Avenue has never been improved as a roadway and is no longer necessary for public street purposes. Its closure will facilitate the requirements of the planned unit development (“PUD”) for the new D.C. Water headquarters building approved by the D.C. Zoning Commission in Z.C. Case No. 15-14, and for the Yards PUD in Z.C. Case No. 13-05 (Parcels G-2 and G-3).

II.

Background

A. The Planned Unit Developments

On March 11, 2016, the D.C. Zoning Commission issued an order approving the PUD in Z.C. Case No. 15-14, which authorized the construction of a new headquarters building for DC Water. The building would be constructed on land historically used by the city for municipal

purposes, including sewage pumping and related facilities operated by DC Water. In approving the PUD, the Zoning Commission authorized the issuance of a building permit based on a plat of computation instead of a record lot in recognition of the complex title and survey issues associated with the site. *See* Condition No. A.3(d), Z.C. Order No. 15-14, at 23.

The headquarters building was completed in January 2019 and a temporary certificate of occupancy (“C of O”) was issued for the building. The current temporary C of O expires January 16, 2021. A permanent C of O will be issued once the PUD covenant is recorded, which can only happen after the street is closed and a new record lot created against which the PUD covenant can be recorded.

Only the northeast portion of the proposed street closing will be used by DC Water. The remaining segment of Potomac Avenue to be closed is located on land that is currently occupied by DC Water but will be disposed of by the District of Columbia to a private developer pursuant to an approved Land Disposition Agreement and the PUD order in Z.C. Order No. 13-05. A condition of this PUD requires the construction of a narrower one-block segment of a private street in the approximate location of Potomac Avenue, with street width dimensions and adjacent building setbacks established pursuant to discussions with the Office of Planning and Historic Preservation Office to reflect and express the historic right-of-way. Excerpts from the PUD plans depicting this area are included in Exhibit B.

B. History of the Site

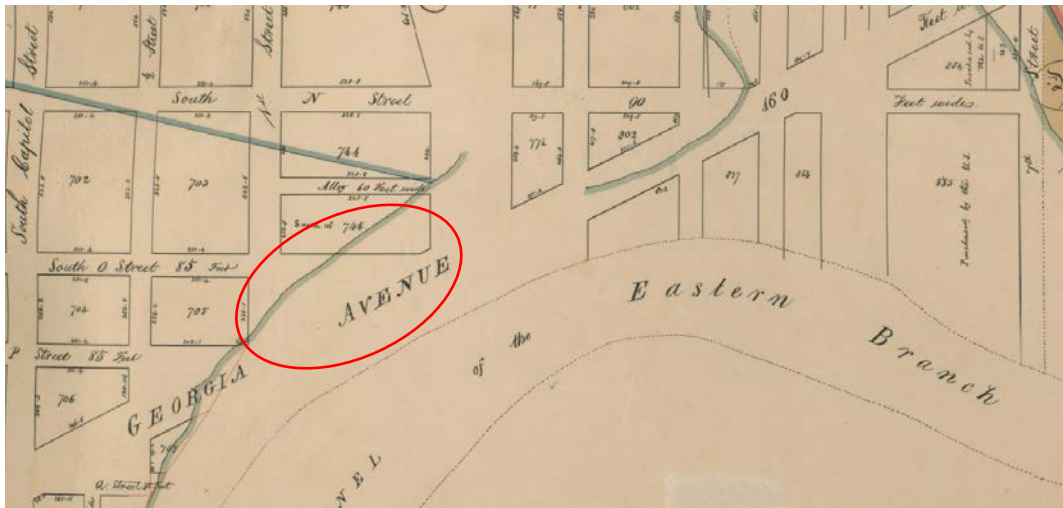
The title and survey information on the portion of Potomac Avenue, S.E., to be closed is complex and often contradictory. For example, a 2008 survey indicates that Potomac Avenue has already been closed, suggesting that DC Water could create a record lot and record the PUD covenant without Council legislation. Other surveys identify the area as Reservation 248, while

still others list it as Potomac Avenue. Because the Surveyor's Office has no records of an official closing of the roadway, this street closing was deemed necessary.

The earliest official maps of the city of Washington laying out the squares, including the Dermott Map and King Map, show this area as part of the Anacostia River (or Eastern Branch as it was then known). Potomac Avenue, formerly known as Georgia Avenue before it was renamed in 1908, is shown on either side of the area to be closed, but it does not “bridge” across the water.

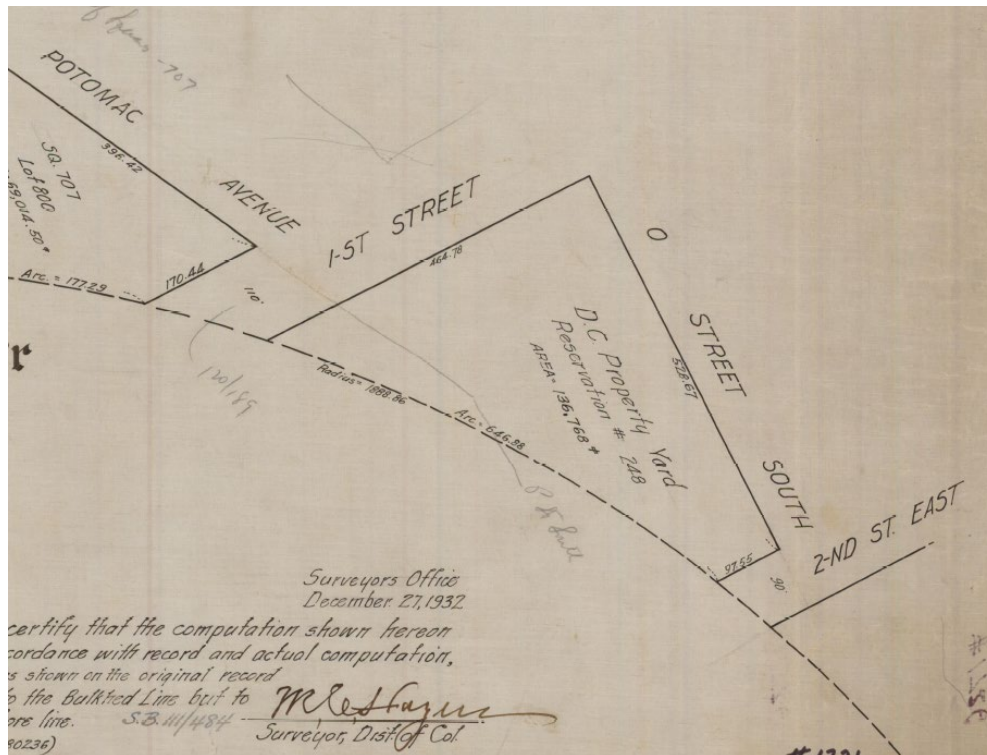


Excerpt from the Dermott or Tin Case Map of Washington, 1797-8, Library of Congress



1803 King Plat, No. XIII, D.C. Surveyor's Office (excerpt)

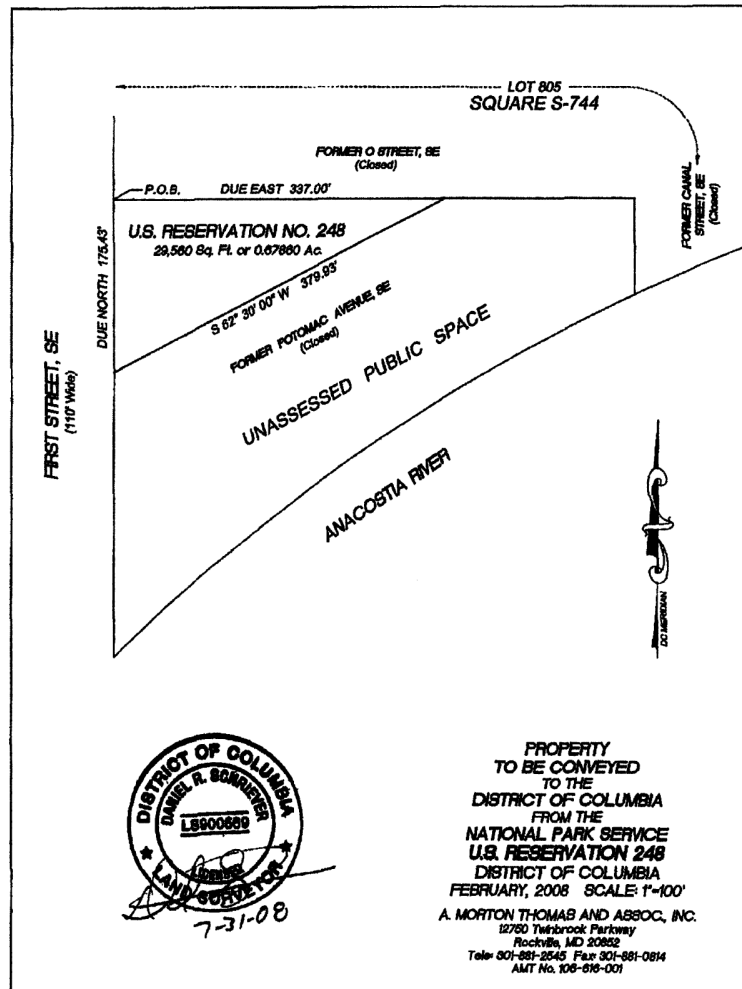
The area south of Reservation 248 was filled in with river silt, most likely as part of the Potomac Flats reclamation project, which started at the turn of the 20th century and created East and West Potomac Parks. The reclamation of the river continued with the Anacostia River Flats project, which began in 1912 to improve navigation along the Anacostia River and later to create Kenilworth Aquatic Gardens farther east on the river. In 1926, Congress transferred jurisdiction and control over Reservation 248 from the federal government to the Commissioners of the District of Columbia to erect permanent structures for municipal purposes. *See* Pub. L. No. 69-425, 44 Stat. 769 (1926). Thereafter, plats and surveys began identifying Reservation 248 as extending south to the Anacostia River bulkhead, as shown on a map from 1932, which indicates the reservation has a total land area of 136,768 square feet.



Plat of Computation Showing the Relation of Bulkhead Line to Squares 667, 707, etc. (excerpt) S.O. Map No. 1726, December 23, 1932 (note entire 136,768 square feet listed as Reservation 248)

The continuing confusion over whether Potomac Avenue actually existed in this area can be attributed in large part to the misidentification of the reclaimed land as Reservation 248, as

shown above. However, when the U.S. government transferred title to Reservation 248 to the District government, the accompanying plat showed a much smaller area of 29,500 square feet of land area and identified the remaining land to the south as “Potomac Avenue closed” as shown below.



Plat Accompanying 2008 Deed Conveying Reservation 248 to the District of Columbia¹

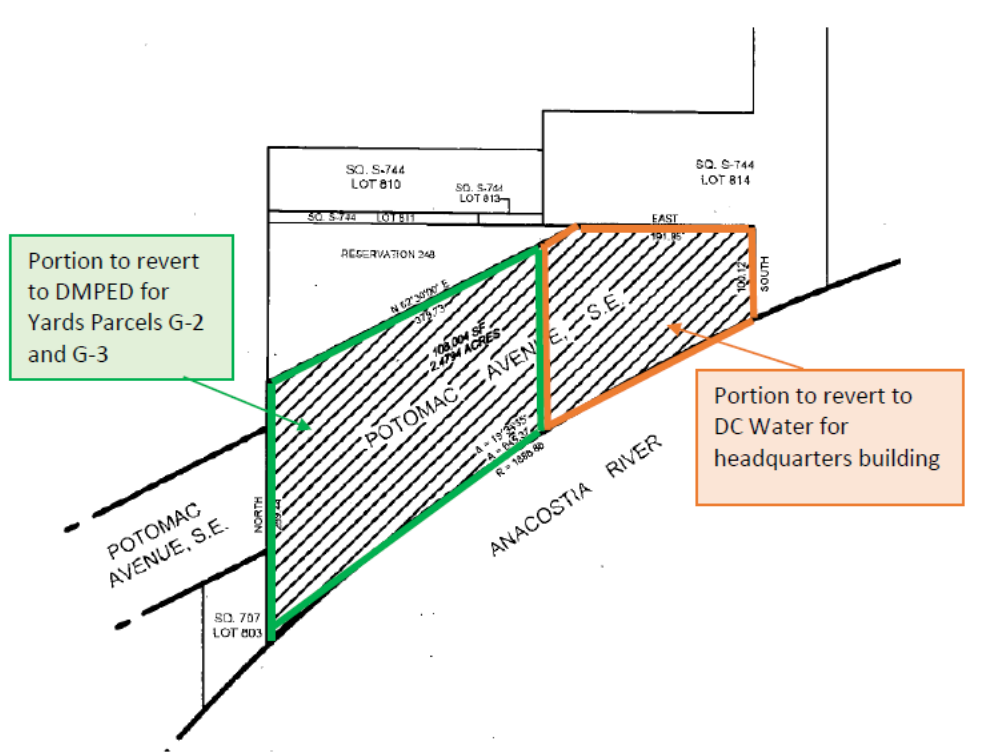
Because the purpose of the plat was to delineate the land area of Reservation 248 to be conveyed to the District, the designation of Potomac Avenue as closed was not dispositive. In fact, the

¹ Deed recorded as Document No. 2008116048 among the Land Records of the District of Columbia, November 13, 2008.

records of the Office of the Surveyor show that this area has not been closed in any formal proceedings. Therefore, this legislation before the Council is necessary to effectuate the closure.

C. Portion of Potomac Avenue to be Closed

The portion of Potomac Avenue proposed for closure is shown with hatch marks on the Surveyor’s Office plat below, with annotations by the Applicant.



III.
Standard of Review

Pursuant to D.C. Official Code § 9-202.01, the Mayor may close all or part of any street or alley that is determined by the Council to be unnecessary for street or alley purposes. Here, the portion of Potomac Avenue to be closed is a “paper street,” one that has never been improved or used and as a street, and is not needed for street purposes. Rather, its closure is necessary to allow the developments approved by the Zoning Commission in two separate PUDs and contemplated under a Land Disposition Agreement approved by the Council.

IV.
Review by District Agencies

The proposed street closing has been reviewed by the required public agencies and utilities, which have no objections to the proposed closing or predicated its lack of objection upon certain conditions. The Applicant has agreed to all requested conditions. While the District’s Department of Transportation (“DDOT”) initially raised an objection based on issues unrelated to the street closing, DDOT subsequently agreed not to object to the closing. The updated letter is included as part of Exhibit D. The following chart summarizes the comments from the various agencies and utility companies and the agreed-to conditions.

Agency/Utility	Status	Agency Comment/Condition
PEPCO	No objection	
DC Water	No objection	
Washington Gas	No objection	
Verizon	No objection	
DPW	No objection	
DDOT	No objection	Supplemental letter lifted objection raised in initial letter
DHCD	No objection	
FEMS	No objection	Maintain fire access to square and adjacent properties; maintain clearance to FD connections
Office of Planning	No objection	
Historic Preservation Office	No objection	
NCPC	No objection	
ANC 6D	No objection	

V.
Community Input

The Applicant met with Advisory Neighborhood Commission (“ANC”) 6D on September 14, 2020. By unanimous vote, ANC6D supported the proposed street closing, as shown in the letter included with Exhibit D. The adjacent property owner is the District of Columbia, by and through the Office of the Deputy Mayor for Planning and Economic Development, which supports the street closing.

VI.
Witnesses

The following witnesses will appear on behalf of the Applicant:

- Mr. Biju George, Executive Vice President, Operations and Engineering, D.C. Water
- Undersigned counsel, on behalf of DC Water

VII.
Exhibits in Support

Exhibit A	Draft Alley Closing Plat
Exhibit B	Excerpts from PUD Drawings
Exhibit C	Comprehensive Plan Compliance
Exhibit D	Agency and Utility Reports
Exhibit E	Certification of Notice

VII.
Conclusion

For the foregoing reasons, the Applicant respectfully requests the Council to adopt the alley closing legislation.

Respectfully submitted,

The Brown Law Firm PLLC

By: 
Mary Carolyn Brown

1750 K Street, N.W., 12th Floor
Washington, D.C. 20006
(202) 763-7538
cbrown@brownlaw.law

**HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION**

Landmark/District:	Plan of the City of Washington (L'Enfant Plan)	<input type="checkbox"/> Agenda
Address:	Potomac Avenue, SE	<input checked="" type="checkbox"/> Consent Calendar
Meeting Date:	December 19, 2019	<input type="checkbox"/> New Construction
H.P.A Number:	20-092	<input type="checkbox"/> Alteration
S.O. Number:	S.O. 19-46967	<input type="checkbox"/> Demolition
		<input checked="" type="checkbox"/> Street Closing

The Office of the Surveyor has forwarded to the DC Historic Preservation Office (HPO) an application by the District of Columbia Water and Sewer Authority (DC Water) to close a portion of Potomac Avenue, SE, located east of First Street, SE and south of Reservation 248 along the bulkhead of the Anacostia River. Section 7-422(4) of the DC Code requires that the Mayor refer to the Historic Preservation Review Board (Board) any application “to close any street located on the L’Enfant Street Plan.” HPO is forwarding this application to the Board for the reasons outlined in this report.

The Plan of the City of Washington (L’Enfant Plan)

According to the DC Inventory of Historic Sites, the Plan of the City of Washington (L’Enfant Plan) is “... the sole American example of a comprehensive Baroque city plan with a coordinated system of radiating avenues, parks, and vistas overlaid upon an orthogonal grid of streets.” The Inventory further describes the L’Enfant Plan as the “masterpiece” of architect/engineer Pierre Charles L’Enfant, but also acknowledges the contributions made by 19th century public works and building regulations and the McMillan Commission of 1901. This recognition helps to establish that what contributes to the significance of the L’Enfant Plan is not necessarily what was depicted on the original map(s), but also compatible and significant developments that occurred over time.

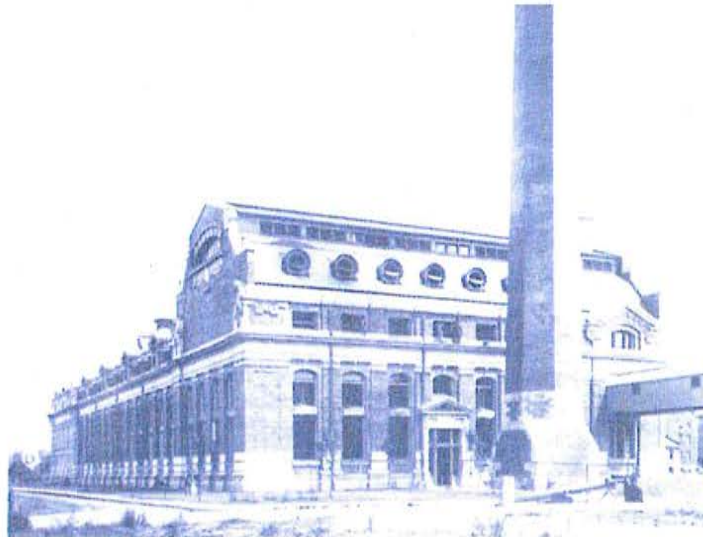
Proposal

The portion of the avenue to be closed is a “paper street” that has never been improved and is not required for transportation purposes. For much of its history, the area has been used for municipal functions related to sewerage pumping and sanitation. Most recently, DC Water constructed its new headquarters on top of an existing, c. 1970 sewerage pumping station within the eastern third of the site and now proposes to transfer the remainder to a private entity that will develop the land in accordance with an approved Planned Unit Development (PUD). A condition of the PUD requires the construction of a one-block segment of a private street that extends the historic Potomac Avenue, SE, right-of-way eastward towards DC Water’s new headquarters and establishes historically appropriate building setbacks. The details of the street extension were developed in consultation with HPO and they correct for the southerly shift in the Potomac Avenue, SE cartway that occurred when the baseball stadium was constructed (refer to attached site plan).

Evaluation

The section of Potomac Avenue, SE (originally Georgia Avenue) proposed for closure is not technically “located on the L’Enfant Street Plan” and was not formally designated as a contributing element in the original L’Enfant Plan National Register Nomination, most likely because much of the would-be-avenue in this area was underwater when the city was laid out. However, L’Enfant view corridors are equally as important as physical streets, and historic [and contemporary] maps suggest that the associated rights-of-

way and view corridors were meant to extend through the site and beyond in each direction. By the time the land had been reclaimed in the early 20th Century, expansion of the Navy Yard and construction of the Main Sewerage Pumping Station to the east, along with the need for a DC Sanitary Engineering Department property yard resulted in two discontinuous segments of the avenue, one west of 1st Street, SE and the other east of 8th Street, SE. Nevertheless, the view corridor of the western segment remained important to visually tie the SW and SE quadrants together. At one time this view would have been framed or partially demarcated by the elaborate southern block of the Main Sewerage Pumping Station and the massive smokestack which one stood immediately to the south (refer to image below). For reasons such as these, HPO considers the “uncompleted” portion of the Potomac Avenue, SE right-of-way and its associated view corridor eligible for listing in the National Register of Historic Places and the DC Inventory of Historic Sites. Furthermore, HPO plans to incorporate these features into the draft National Historic Landmark designation that is currently being updated. Since the PUD requires construction of a private street along the historic right-of-way and establishes historically appropriate building setbacks, the proposed closure will result in a recognition of this hitherto unappreciated segment of the L’Enfant Plan and facilitate its extension to the present visual terminus at the new DC Water headquarters.



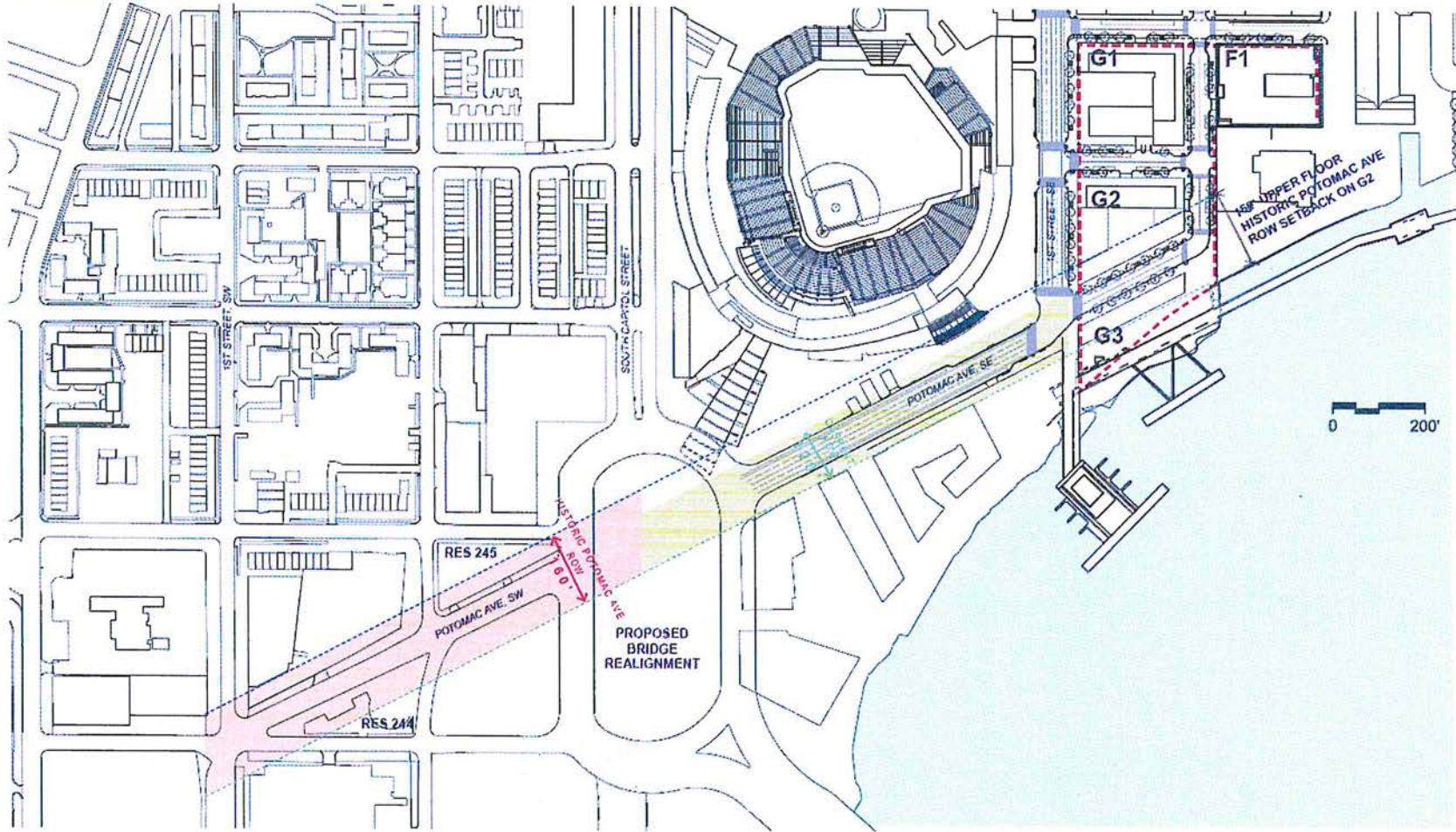
Recommendation

HPO recommends that the Board's report to the Surveyor state that:

The Board supports the proposed closure of the relevant portion of Potomac Avenue, SE since its closure and subsequent development in accordance with conditions of the approved PUD will facilitate recognition and partial extension in accordance with the principles of the L'Enfant Plan.

Staff Contact: Andrew Lewis

POTOMAC AVE ROW DIAGRAM



B-06

architects shalom baranes associates

FORESTCITY

DC WATER OCCUPIED SITES

©2013 Shalom Baranes Associates, PC

AUGUST 29, 2013

WASHINGTON, DC



Commission Action

January 9, 2020

PROJECT**Partial Closing of Potomac Avenue in Square 744-SS, Lot 801 - S.O. 19-46967**

Bordered by 1st Street, Canal Street, and N Place, SE
Washington, DC

SUBMITTED BY

District of Columbia Department of Consumer and Regulatory Affairs
Office of the Surveyor

REVIEW AUTHORITY

Approval of Comments on Street and Alley Closings
per DC Code § 9-202.02

NCPC FILE NUMBER

8124

NCPC MAP FILE NUMBER

41.11(44.40)45024

APPLICANT'S REQUEST

Approval of comments to the Council of the District of Columbia

ACTION TAKEN

Approved comments to the Council of the District of Columbia

The Commission:

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.

Approves comments to the Council for the District of Columbia that this portion of Potomac Avenue can be closed for reasons stated above.

Notes future development will maintain the viewshed along this portion of roadway through building setbacks and massing.

JULIA KOSTER Digitally signed by JULIA KOSTER
Date: 2020.01.10 16:26:32 -05'00'

Julia A. Koster

Secretary to the National Capital Planning Commission





Southwest / Navy Yard / Buzzard Point
Advisory Neighborhood Commission 6D

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: 6d@anc.dc.gov
Website: www.anc6d.org

September 30, 2020

Mr. Roland Dreist, Surveyor for the District of Columbia
D.C. Surveyor's Office
1100 4th Street, S.W., 3rd Floor
Washington, D.C. 20024

OFFICERS

Chairperson
Gail Fast

Vice Chairperson
Andy Litsky

Secretary
Edward Daniels

Treasurer
Ron Collins

Via email: Roland.dreist@dc.gov
ATTN: Ms. Diana Dorsey-Hill
Via email: Diana.dorsey@dc.gov

With copies to: vincent.morris@dcwater.com
barbaramitchell@dcwater.com

**RE: S.O. No. 19-46967 Closing of Potomac Avenue, S.E. Adjacent to
Square South 744-S and Reservation 248**

COMMISSIONERS

SMD 1 *Gail Fast*
SMD 2 *Anna Forgie*
SMD 3 *Ronald Collins*
SMD 4 *Andy Litsky*
SMD 5 *Fredrica Kramer*
SMD 6 *Rhonda Hamilton*
SMD 7 *Edward Daniels*

Dear Mr. Dreist:

Advisory Neighborhood Commission ("ANC") 6D is in receipt of your notice regarding the proposed closing of Potomac Avenue, S.E., adjacent to Square South 744-S and Reservation 248, which is located within the boundaries of ANC 6D.

At a duly noticed meeting held on September 14, 2020, with a quorum present, ANC 6D voted 7-0-0, to support the proposed street closing. The portion of Potomac Avenue to be closed is a "paper street" that has never been improved or used for transportation purposes. The closure will allow D.C. Water to complete the legal requirements under the planned unit development ("PUD") for its adjacent headquarters building approved by the Zoning Commission in Z.C. 15-14. It will also facilitate the development of the Stage 1 PUD for Parcel F-1 of the Yards, as approved by the Zoning Commission in Z.C. 13-05. Therefore, ANC 6D has no objection to the proposed street closing and supports the application.

Should you have any questions, please contact me at 6D01@anc.dc.gov or 202-554-1795.

Sincerely,

Chair, ANC 6D
Southwest, Navy Yard, & Buzzard Point

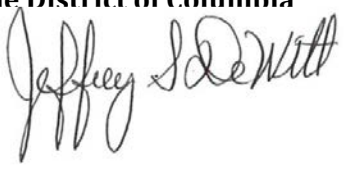
Government of the District of Columbia
Office of the Chief Financial Officer



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: November 10, 2020

SUBJECT: Fiscal Impact Statement – Closing of a Portion of Potomac Avenue, S.E.,
Adjacent to Reservation 248 and Square South 744S Act of 2020

REFERENCE: Bill 23-876 Committee Print provided to the Office of Revenue Analysis
on November 5, 2020

Conclusion

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

Background

The bill approves the closing of a portion of Potomac Avenue, S.E., between First Street, S.E., and former Canal Street, S.E.¹ The land is the current site of the headquarters building² for DC Water, but the portion of road has never been formally closed. The bill formally closes that portion of road and vests it with the owner of Square 744S.³

Financial Plan Impact

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill formally closes the portion of road, but since DC Water headquarters already exists on the property, this amounts to a technical change. There is no practical change to the District property tax rolls. There are no remaining objections from executive agencies to the closure.

¹ As shown by the hatch-marks on Office of Surveyor plat No. 19-46967.

² See Zoning Case 15-14 (https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=15-14).

³ This is the property occupied by the DC Water Headquarters.

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **November 17, 2020**
4

5
6 A BILL

7
8 23-876
9

10 IN THE DISTRICT OF COLUMBIA
11
12 _____
13

14 To order the closing of a portion of Potomac Avenue, S.E., adjacent to Reservation 248 and
15 Square S-744, in Ward 6.
16

17 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
18 act may be cited as the “Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation
19 248/Square S-744 Act of 2020”.

20 Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved
21 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street
22 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
23 4-201; D.C. Official Code § 9-202.01 et seq.) (“the Act”), the Council of the District of
24 Columbia finds that the portion of Potomac Avenue, S.E., between First Street, S.E., and former
25 Canal Street, S.E., as shown on the plat prepared by the Office of the Surveyor of the District of
26 Columbia in S.O. No.19-46967, is unnecessary for street purposes and orders the street closed
27 with title to vest as shown on the Surveyor’s plat.

28 Sec. 3. Fiscal impact statement.

29 The Council adopts the fiscal impact statement in the committee report as the fiscal
30 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
31 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

32 Sec. 4. Effective date.

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