

**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 16, 2021

SUBJECT: Report on Bill 24-234, “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021”

The Committee of the Whole, to which Bill 24-234, the “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021” was referred, reports favorably thereon, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On May 3, 2021, Bill 24-234, the “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021” was introduced by Councilmember Kenyan McDuffie. Bill 24-234 would remove from the Highway Plan a proposed extension of Jackson Street, N.E., located in 805 in Square 3835, bounded by 8th Street, N.E., and the Washington Metropolitan Area Transit Authority rail line, in Ward 5. The abandonment of the proposed Jackson Street, N.E., extension in the Highway Plan will facilitate the development of a 377-unit multifamily development project with 46 units that will be affordable for families with incomes up to 80% median family income for the life of the project.

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 24-234, all of the reviews have been completed.

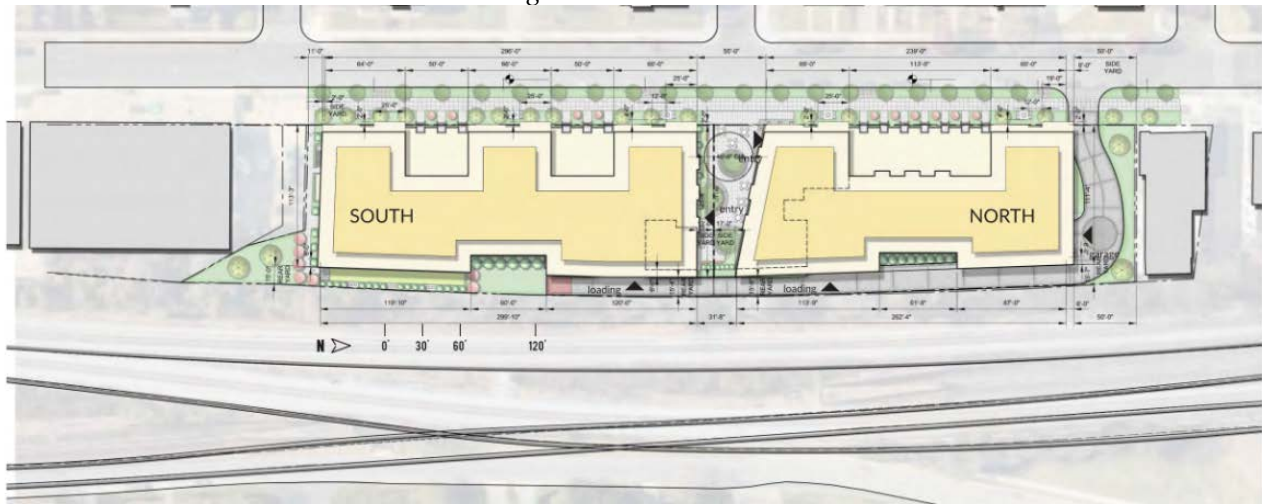
The Act establishes notice requirements for street and alley closing legislation. The Council is required to publish notice of a street or alley closing in the *District of Columbia Register*. Further, the applicant is required to give written notice to all property owners abutting a block or alley affected 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 24-234, 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.

The Development Project

The removal of the proposed extension of Jackson Street, N.E., will facilitate a 377-unit multifamily housing development. Until recently, the property—bounded by 8th Street, N.E. and Washington Metropolitan Area Transit Authority tracks—was zoned for Production, Distribution, and Repair (PDR-1). In October 2018, the applicant submitted a planned-unit development (PUD) application to the D.C. Zoning Commission that proposed rezoning the site to mixed use (MU-4) to enable the development project to move forward. The Zoning Commission approved the rezoning and development project via Zoning Order No. 18-21(1).

Figure 1. Site Plan



Of the 377 units, approximately 46 will be affordable at up to 80% median family income, as shown in Table 1 below. Pursuant to Zoning Order No. 18-21(1), two of the three-bedroom units and one of the “townhouse style” units on the ground floor must be reserved as Inclusionary Zoning (IZ) units.

Table 1. Affordability Levels

Residential Unit Type	Units	Affordability Level	Affordable Control Period
Market Rate	331	N/A	N/A
IZ	6	Up to 80% MFI	Life of the project
IZ	31	Up to 60% MFI	Life of the project
IZ	9	Up to 50% MFI	Life of the project

In addition to the affordable units, the applicant has agreed to provide \$10,000 to Beacon House to support Beacon House’s summer camp, \$24,000 to Edgewood Civic Association for the creation of an Edgewood Street Festival, \$20,000 to a non-profit that supports McKinley Tech Track Club, \$20,000 to 1way2rise for tutoring and afterschool services, \$75,000 to Dance Place and \$50,000 to Hope Community Public Charter School.¹

At the Committee’s public hearing, it was noted by the Surveyor and the District Department of Transportation that there are no objections to the abandonment of the proposed Jackson Street, N.E., extension in the Highway Plan. Accordingly, the Committee Print for Bill 24-234 does not contain any language conditioning Council approval on satisfaction of objections in S.O. file 21-02992.

¹ Zoning Commission Order No. 18-21(1), pgs. 15-18.

II. LEGISLATIVE CHRONOLOGY

- May 3, 2021 Bill 24-234, the “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021” is introduced by Councilmember Kenyan McDuffie
- May 4, 2021 Bill 24-234 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
- April 23, 2021 Notice of Intent to Act on Bill 24-234 is published in the *District of Columbia Register*.
- September 17, 2021 Notice of a Public Hearing on Bill 24-234 is published in the *District of Columbia Register*.
- October 14, 2021 The Committee of the Whole holds a public hearing on Bill 24-234.
- November 16, 2021 The Committee of the Whole marks-up Bill 24-234.

III. POSITION OF THE EXECUTIVE

Dan Emerine, Manager of Policy and Legislative Affairs at the District Department of Transportation (DDOT), testified at the Committee’s public hearing on October 14, 2021 on behalf of Anna Chamberlin. Ms. Chamberlin’s testimony notes that DDOT has no objections to the project.

Joseph Snider, D.C. Surveyor, testified at the Committee’s public hearing on October 14, 2021. He stated that the purpose of the bill is to remove from the Highway Plan the extension of Jackson Street, N.E., located within Lot 806 in Square 3835.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

In a letter to the Surveyor dated December 15, 2020, Advisory Neighborhood Commission 5E notes that it voted to unanimously support the proposed street dedication and establishment of a building restriction line at a regular Commission meeting on December 15, 2020. The ANC letter is attached to this report.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

Diane Sullivan, Director of Urban Design and Plan Review at the National Capital Planning Commission (NCPC), provided comments to the Council finding that the proposed street closing falls under an exception in Chapter 8 (Exceptions and Project Changes) of NCPC’s submission guidelines and is exempt from Commission Review. NCPC’s letter is attached.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills, including Bill 24-234, on Thursday, October 14, 2021. The testimony summarized below pertains to Bill 24-234. Copies of all written testimony are attached to this report.

Christine Shiker, Holland & Knight LLP, testified on behalf of the applicant. Ms. Shiker stated that the project will include 46 affordable units with affordability levels ranging from 50% to 80% MFI.

Joseph Snider, Surveyor of the District of Columbia, testified on behalf of the Executive. His testimony is summarized in Section III.

Dan Emerine, Manager of Policy and Legislative Affairs at the District Department of Transportation, testified on behalf of the Executive. Her testimony is summarized in Section III.

The Committee has received no testimony or comments in opposition to the alley closing or Bill 24-234.

VII. IMPACT ON EXISTING LAW

Bill 24-234 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 24-234, the Committee finds that the requirements of the Act have been satisfied.

VIII. FISCAL IMPACT

The attached November 15, 2021 fiscal impact statement from the District's Chief Financial Officer states that funds are sufficient in the FY 2022 through FY 2025 budget and financial plan to implement the bill.

IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	Amends the District’s Highway Plan to remove a proposed extension of Jackson Street, N.E., located within lot 805 in Square 3835.
<u>Section 3</u>	Fiscal impact statement.
<u>Section 4</u>	Effective date.

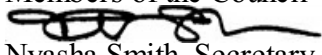
X. COMMITTEE ACTION

XI. ATTACHMENTS

1. Bill 24-234 as introduced.
2. Written Testimony.
3. NCPC Comments.
4. ANC Letter.
5. Surveyor's Plat.
6. Fiscal Impact Statement for Bill 24-234.
7. Legal Sufficiency Determination for Bill 24-234.
8. Committee Print for Bill 24-234.

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, May 3, 2021
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, May 03, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021", B24-0234

INTRODUCED BY: Councilmember McDuffie

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

Attachment
cc: General Counsel
Budget Director
Legislative Services


Councilmember Kenyan R. McDuffie

1
2
3
4 A BILL
5

6 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
7

8 To remove from the plan for the extension of a permanent systems of highways a portion of
9 Jackson Street, N.E., located within Lot 805, Square 3835, as shown on the Surveyor's
10 Plat filed under S.O. 21-00463.
11

12 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
13 act may be cited as the "Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-
14 00463, Act of 2021".

15 Sec. 2. Notwithstanding section 6 of An Act To Provide a Permanent System of
16 Highways in that part of the District of Columbia lying outside of cities, approved June 28, 1898
17 (30 Stat. 520; D.C. Official Code § 9-101.06), the Council amends the plan for the extension of a
18 permanent system of highways to remove a portion of Jackson Street, N.E., located within Lot
19 805, Square 3835, between 8th Street, N.E., and the Washington Metropolitan Area Transit
20 Authority rail line, as shown on the Surveyor's Plat filed under S.O. 21-00463.

21 Sec. 3. Fiscal impact statement.

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

25 Sec. 4. Effective date.

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

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

Application of
PO 8TH STREET LP

Abandonment of the Highway Plan for Jackson Street, NE
S.O. 21-00463
Bill 24-0234

STATEMENT OF THE APPLICANT

I.

Introduction

On October 19, 2020, PO 8TH STREET LP (the “Applicant”) submitted a request to the Surveyor for the District of Columbia for an amendment to the Map of the Permanent System of Highways (the “Highway Plan”). If approved, the amendment would remove from the Highway Plan that portion of Jackson Street, NE, located within Lot 805, Square 3835 (the “Property”) between 8th Street, NE and the Washington Metropolitan Area Transit Authority tracks (the “WMATA Tracks”), as shown on the Surveyor’s Plat attached hereto as Exhibit A. A copy of Bill 24-0234, which was introduced by Councilmember McDuffie to effectuate the proposed Highway Plan amendment, is attached hereto as Exhibit B.

As described herein, Jackson Street, NE should be removed from the Highway Plan because it is not necessary for highway purposes and its construction as a public street would not advance any District goals or policies.

II.

Background and Proposed Development at the Property

The Property is bounded by 8th Street, NE to the west and the WMATA Tracks to the east. To the north of the Property is Lot 16 in Square 3832, and to the south of the Property is Lot 803 in Square 3835 and Lot 813 in Square 3836. Jackson and Irving Streets, NE are public streets that run east-west to the west of the Property and dead-end into 8th Street, NE.

Until recently, the Property was improved with industrial uses. Pursuant to Z.C. Order No. 18-21(1), dated June 10, 2019, and effective as of November 22, 2019, the Zoning Commission approved a Planned Unit Development (“PUD”) and Zoning Map amendment from the PDR-1 zone to the MU-4 zone to develop the Property with a new residential project that would contain approximately 377 residential units, including affordable housing at a range of affordability levels. Pages from the approved PUD plans are attached as Exhibit C-1. As set forth in Z.C. Order No. 18-21(1), the Zoning Commission found that the PUD was not inconsistent with the Comprehensive Plan and was designed within the framework of the Brookland-CUA Small Area Plan within which it is located.

The PUD received strong support from the surrounding community. The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 5E, which submitted a resolution in support of the PUD without any issues or concerns raised. The Property is also within the boundaries of the Edgewood Civic Association (“ECA”), which voted unanimously to support the PUD. Photographs showing the current construction status of the PUD are attached hereto as Exhibit C-2.

Despite being encumbered by the Highway Plan, the Applicant has the free right to the use and enjoyment of the Property, but a subdivision cannot be processed to create a record lot over the encumbered areas. *See* D.C. Code §§ 9-101.05 and 9-101.13. However, a building permit application can be filed for Highway Plan-encumbered property based on an assessment and taxation (“A&T”) lot. Accordingly, the Applicant filed a building permit application for the PUD based on A&T Lot 805. Building Permit No. B2002320 was issued by DCRA in accordance with the PUD, and the approved project is currently under construction, with delivery expected in the first quarter of 2022. The Applicant proposes the Highway Plan amendment to remove the

Highway Plan encumbered areas of the Property so that it can establish a record lot in the exact location and configuration of A&T Lot 805.

III.
Highway Plan Encumbrance

As stated above, the Property is encumbered by the Highway Plan in the area of Jackson Street, NE, between 8th Street and the WMATA Tracks. The proposed extension of Jackson Street bisects A&T Lot 805. Accordingly, the Applicant requests a modification to the Highway Plan to remove from the Highway Plan that portion of the proposed Jackson Street, NE, located between 8th Street, NE and the WMATA Tracks. Jackson Street, NE should be removed from the Highway Plan because it is not necessary for highway purposes and its construction as a public street would not advance any of the District's goals or policies.

The 1968 Highway Plan is the most recent published Highway Plan map. Consistent with the 1921 Highway Plan and the 1933 Highway Plan, Jackson Street is shown as a planned street between 8th Street, NE and the WMATA Tracks, through the Property¹.



¹ Both the most recent Highway Plan from 1968 and the Plat of Computation recorded on April 24, 2020, in Book 204 at Page 314, do not show that the Property is encumbered by the Highway Plan in the area of Irving Street, NE, in any location between 8th Street and the WMATA Tracks. Thus, the Applicant has not requested a modification to the Highway Plan or Irving Street.

IV.
Compliance with Highway Plan Modification Notice Requirements
(D.C. Code § 9-101.06)

Pursuant to DC Code § 9-101.06, at least 30 days prior to the submission of the application to the National Capitol Planning Commission (“NCPC”) and the DC Council, written notice with an opportunity to submit comments must be provided to (i) each owner of land within the squares in which or adjacent to which the proposed modification is located; (ii) each ANC within which the proposed modification is located (in this case ANC 5E); and (iii) the public, through publication in the *DC Register*. Written notice was provided to ANC 5E on December 9, 2020, and notice of the application was also published in the *DC Register* on May 7, 2021 (68 DC Reg 19). Once the 30-day notice period has expired and NCPC has completed its review, the Office of the Surveyor may prepare a resolution for submission to the DC Council that appends all comments received. Pursuant to DC Code § 9-101.06, full agency review is not required.

V.
Review by District Agencies and the ANC

The proposed Highway Plan amendment has been reviewed in detail by NCPC, the District Department of Transportation (“DDOT”), and ANC 5E. These entities have all stated no objection to the Highway Plan amendment, as set forth in their reports attached hereto as Exhibits D-F, respectively.

NCPC. By report dated December 29, 2020, NCPC stated that the Highway Plan amendment application falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC’s submission guidelines, and in particular, the project meets the requirements of Exception 9, which include amendments to the Highway Plan that do not have a negative impact on federal property, and cause no environmental impacts including adverse effects on historic properties. The NCPC report stated that it did not identify any Federal interests that would be

impacted by the proposed Highway Plan modification. It also stated that the application was made available for public review on the NCPC website and no comments were received. Accordingly, NCPC staff determined that the application was exempt from Commission review.

DDOT. By report dated February 3, 2020, DDOT stated that it has no objection to the Highway Plan modification application, confirming that “the segment of planned roadway will likely never connect across the WMATA Tracks and therefore does not provide any connectivity on the transportation network.” *See* DDOT Report, p. 1. DDOT also asserted that it had supported the redevelopment proposal as part of the PUD application, and “continues to support [] conversion of the planned roadway into pedestrian and green space for the new development.” *Id.*

ANC 5E: By report dated December 15, 2020, ANC 5E stated that at its duly noticed virtual public meeting held on December 15, 2020, with a quorum of commissioners present, the ANC voted 9-0-0 to support the proposed Highway Plan modification application.

Based on the above-mentioned recommendations of NCPC, DDOT, and the ANC, the Applicant submits that Jackson Street, NE, located on the Property, should be removed from the Highway Plan because it is not necessary for highway purposes and its construction of a public street would not advance any District goals or policies.

VI. **Witnesses**

1. Christine M. Shiker, Esq.
Representing the Applicant
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(202) 955-3000

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



Public Hearing on

Bill 24-104, “Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866 and 5867, S.O. 17-26688, Act of 2021”;

Bill 24-105, “Dedication of Land for Public Street and Alley Purpose Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26689, Act of 2021”;

Bill 24-167, “Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873, S.O. 20-04746, Act of 2021”;

Bill 24-211, “Closing of a Portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the Transfer of Jurisdiction of the Closed Portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021”;

Bill 24-234, “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021”; and

Bill 24-291, “Omnibus Progressive National Baptist Convention Redevelopment Act of 2021”

Background Information Provided by
Joseph Snider
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

Thursday, October 14, 2021
10:00 a.m.

Good Morning, Chairman Mendelson, members, and staff of the Committee of the Whole. I am Joseph Snider, the 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 B24-104, “Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26688, Act of 2021”; B24-105, “Dedication of Land for Street and Alley Purposes Adjacent to Squares 5862, 5865, 5866 and 5867, S.O. 17-26689, Act of 2021”; B24-167, “Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873, S.O. 20-04746, Act of 2021”; B24-211, “Closing of a Portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the Transfer of Jurisdiction of the Closed Portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets S.W., S.O. 17-26507, Act of 2021”; Bill 24-234, “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021”; and B24-291, “Omnibus Progressive National Baptist Convention Redevelopment Act of 2021.”

Bill 24-104, “Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866 and 5867, S.O. 17-26688, Act of 2021”

I will begin with B24-104, “Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866, and

5867, S.O. 17-2688, Act of 2021,” which was introduced by Councilmember White.

The purpose of this bill is to close portions of Firth Sterling Avenue, S.E., Eaton Road S.E. and Stevens Road, S.E., adjacent to Squares 5862, 5865, and 5886 and removal of Building Restriction Lines, and to close portions of the public alley system in Squares 5862, 5865, 5866, and 5887 and removal of building Restriction Lines in Ward 8 to facilitate the development at the Barry Farms site.

The portions of Firth Sterling Avenue, S.E., Eaton Road S.E., Stevens Road, S.E., and alleys to be closed in Squares 5862, 5865, 5866, and 5867 were created by subdivisions as shown in Book Levy Court (LC-2) on Page 1, Book 57 on Page 15, Book 67 on Pages 40 and 40-A, and Book 117 on Page 32 respectively, recorded from years 1867 to 1942.

Title to the closed portions of Firth Sterling Avenue, S.E., Eaton Road, S.E., Stevens Road, S.E., and alleys in Squares 5862, 5865, 5866, and 5867 could not be determined to be held by the District of Columbia or the United States.

The most probable estimate of value as of January 1, 2021, which represents tax year 2022 for the public streets, public alleys and building restriction lines removed in Square 5862, 5865, 5866 and 5867 is \$4,149,800 (152,396 s.f. x \$27.23 (\$27.2304) estimated square foot). The estimate is explained as follows:

- \$2,691,370 (98,837 s.f. x \$27.23 (\$27.2304) estimated square

foot) (for public alleys closed)

- \$1,458,430 (53,550 s.f. x \$27.23 (\$27.2349) estimated square

foot) (for public street closed)

The applicant for this closing is the Barry Farms Redevelopment Associates and the District of Columbia, who are represented by Holland and Knight, LLC. The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies of the application on August 23, 2018. In a letter dated August 8, 2021, the District Department of Transportation (DDOT) objected to this application. However, DDOT would have no objection to this application if all the terms and conditions contained in the Agreement are satisfied as outlined in their letter dated August 8, 2019. In a letter dated August 24, 2018, DC Water objected to this application indicating that it currently operates or maintains facilities located within the proposed street/alley closing area. However, DC Water would not have any objection if the applicant executed and recorded an easement that allows for the continued operation and maintenance of their facilities. DC Water subsequently submitted a letter dated July 23, 2019, stating that it no longer objected to the proposed closure because their objections had been resolved. The remaining Executive Branch agencies have no objections.

The Surveyor's Office notified the utility companies of the application on August 24, 2018. In a letter dated September 18, 2018, Pepco objected to this

application. However, Pepco would not have any objection to the proposed closing of public street and alleys if Pepco's electrical facilities were maintained in place or relocated at no cost to Pepco. Pepco subsequently submitted a letter dated April 3, 2019, stating that it no longer objected to the proposed closure due to the applicant's proposal to enter into an easement agreement with Pepco. The remaining utility companies have no objection.

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 August 24, 2018. In a letter dated September 24, 2018, NCPC staff has determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Specifically, NCPC concluded the project meets the conditions of Exception 9, regarding amendment to the Highway Plan, which encompass public street/alley dedications or closures outside of the L'Enfant Plan of the Federal City.

Pursuant to D.C. Official Code § 9-202.02(5) Advisory Neighborhood Commission (ANC) 8C was notified of this application on August 24, 2018. In a letter dated April 26, 2019, ANC 8C indicated their support for the proposed street closing.

Bill 24-105, "Dedication of Land for Public Street and Alley Purposes Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26689, Act of 2021"

Next I will turn to B24-105, the "Dedication of Land for Public Street and

Alley Purposes Adjacent to Squares 5862, 5865, and 5867, S.O. 17-26689, Act of 2021,” which was introduced by Councilmember White.

This bill would order the dedication and designation of Obama Way, S.E., Eureka Place, S.E., Solomon Road, S.E., Eaton Road, S.E., River Walk, S.E., Stevens Road, S.E., and Hermitage Way, S.E., adjacent to Squares 5865 and 5866 for public street purposes, to dedicate land to widen portions of Summer Road, S.E., Eaton Road, S.E., and Stevens Road, S.E., adjacent to Squares 5862, 5865 and 5866, and to dedicate land adjacent to Squares 5865, 5866 and 5867 for public alley purposes, and authorize the improvement of the dedicated land for street and alley purposes in Ward 8.

The applicant for this application is the Barry Farms Redevelopment Associates, LLC and the District of Columbia who are represented by Holland and Knight, LLC. The Office of the Surveyor notified the relevant Executive Branch agencies and the utility companies of the application on August 24, 2018. In a letter dated August 8, 2019, DDOT objected to this application. However, DDOT would have no objection to the application if all of terms and conditions contained in the Agreement are satisfied as outlined in their letter dated August 8, 2019. The remaining agencies have no objections.

The Surveyor’s Office notified the utility companies of the application on August 24, 2018. In a letter dated April 12, 2019, Washington Gas objected to the

dedication of land for public street and public alleys due to the existence of active natural gas facilities within the limits of the proposed alley closure. However, in a letter dated October 13, 2020, Washington Gas clarified that it does not have active natural gas facilities within the limits of the proposal and that it has no objections. The remaining utility companies 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 August 24, 2018. In a letter dated September 24, 2018, NCPC staff determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Specifically, NCPC concluded that the project meets the conditions of Exception 9, regarding amendments to the Highway Plan, which encompass public street/alley dedications or closures outside of the L'Enfant Plan of the Federal City.

Pursuant to D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission (ANC) 8C was notified of this application on August 24, 2018. In a letter dated April 26, 2019, ANC 8C indicated their support for this application.

B24-167, "Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873 (S.O. 20-04746) Act of 2021"

Next I will turn to B24-167, "Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873 (S.O. 20-04746) Act

of 2021,” which was introduced by Chairman Mendelson at the request of the Mayor.

The purpose of this bill is to dedicate Lots 1107 and 1113 in Square 2873 to accommodate the extension of W Street N.W., and to establish a 25-foot-wide building restriction line on the southern portion of Lots 1106 and 1112 in Square 2873, in Ward 1.

The Record Lots were recorded in the Office of the Surveyor on August 14, 2019, in Subdivision Book 216, on Page 13 for Lots 1106 and 1107; and on November 27, 2019, in Subdivision Book 216, on Page 118 for Lots 1112 and 1113.

Title to Lots 1106 and 1107 in Square 2873 has been determined to be held with “The Howard University”, “Its Mine Now, LLC” and “50 Turkeys, LLC.” Title to Lots 1112 and 1113 in Square 2873 has been determined to be held with “The Howard University” and “Howard Dormitory Holdings, LLC.”

The most probable estimate of value as of January 1, 2021, which represents tax year 2021 for the land dedication for public street and building restriction line in Square 2873, is \$3,746,710.00 (11,576 s.f. x \$323.83 estimated square foot).

The estimate is explained as follows:

- \$1,873,680 (5,786 s.f. x \$323.83 estimated square foot)

- \$1,873,030 (5,784 s.f. x \$323.83 estimated square foot)

The applicant for this dedication and building restriction line establishment is Howard University, who is represented by Saul Ewing Arnstein and Lehr, LLP.

The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies of this application on July 27, 2020. DDOT objected to this application until the conditions have been satisfied as outlined in their letter dated November 17, 2020. In a letter dated January 6, 2021, Howard University agreed to all of the conditions stated by DDOT in their letter dated November 17, 2020. The remaining Executive Branch agencies have no objection.

Pursuant to D.C. Official § 9-202-02(3), the Surveyor's Office notified the National Capital Planning Commission (NCPC) of this application on July 27, 2020. In a letter dated August 26, 2020, NCPC staff determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) for NCPC's submission guidelines. Specifically, NCPC concluded that the project meets the requirements of Exception 8, which includes street and alley closing located outside of the boundary of the L'Enfant Plan of the Federal City under the following conditions: 1) the street or alley is not adjacent to federal property and 2) the street or alley does not provide access to a federal property or affect other federal interests. The project was also made available for public review on the NCPC website, and no comments were received.

Pursuant to D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission (ANC) 1B was notified of this application on July 27, 2020. In a letter dated September 3, 2020, ANC 1B indicated that they support the proposed street dedication and establishment of a building restriction line in Square 2873. The applicant is the owner of the property of the street dedication and building restriction line to be established.

Bill 24-211, “Closing of a Portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the Transfer of Jurisdiction of the Closed Portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021”

Next I will turn to B24-211, “Closing of a Portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the Transfer of Jurisdiction of the Closed Portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021,” which was introduced the Chairman Mendelson, at the request of the Mayor.

The purpose of this bill is to close a portion of Maryland Avenue, S.W., and to transfer the jurisdiction of portions of Maryland Avenue, Independence Avenue, S.W., 4th Street S.W., and 6th Street, S.W. adjacent to Square 492 in Ward 6 to the National Park Service. This relates to the new Dwight D. Eisenhower Memorial.

The portion of Maryland Avenue, S.W. to be closed was created by the establishment of the Federal City of Washington. The street is shown on the King

Plats, Plate 9 in the year 1803.

Title to the portion of Maryland Avenue, S.W. to be closed 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 public street closed in Square 492 and N 492 is \$67,073,900 (74,407 s.f.). The estimate is explained as follows:

- The public street closed title to revert to USA GSA is \$2,352,330 (2,248 s.f. x \$1,046.41 estimated square foot). This estimate is rounded and based on Lot 110 of Square 492.
- The public street closed to revert to USA N.P.S. is \$64,721,570 (72,159 s.f. x \$896.93 estimated square foot). The estimate is rounded and based on lot 800 of Square N-492.

The applicant for this application is the U.S. Department of the Interior, National Park Service. The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies on January 29, 2018. 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 this application on January 29, 2018. In a letter dated April 11, 2018, NCPC stated pursuant to delegation of

authority adopted by the Commission on December 14, 1977, the Chairman approved the revised transfer of jurisdiction of a portion of Maryland Avenue between 4th and 6th Streets, S.W. and portions of sidewalk space along 4th and 6th and Independence Avenue, S.W. from the District Department of Transportation to the United States Government, under the jurisdiction of the National Park Service and the General Services Administration in order to create a unified site for the Dwight D. Eisenhower Memorial.

Pursuant to D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission (ANC) 6D was notified of this application on January 29, 2018. In a letter dated April 10, 2018, ANC 6D indicated their support for this application.

B24-234, “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021”

Next I will turn to B24-234, “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021,” which was introduced by Councilmember McDuffie.

The purpose of this bill is to remove from the Highway Plan the extension of Jackson Street, N.E. located within Lot 806 in Square 3835 in Ward 5.

The applicant for this application is PO 8th Street, LP who is represented by Holland and Knight, LLC. The Office of the Surveyor notified DDOT on December 9, 2020. In a letter dated February 3, 2021, DDOT indicated they had

no objections to the elimination of the segment of Jackson Street, N.E. from the D.C. Highway Plan.

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 December 9, 2020. In a letter dated December 29, 2020, NCPC indicated that staff determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Particularly, NCPC determined that the project meets the requirements of Exception 9, which includes the amendments to the Highway Plat that do not have a negative impact on federal property and cause no environmental impacts including adverse effects on historic properties. Staff review did not identify any federal interests that would be impacted by the proposed modification.

Pursuant to D.C. Official Code §9-202.02(5), Advisory Neighborhood Commission (ANC) 5E was notified of this application on December 9, 2020. In a letter dated December 15, 2020, ANC 5E indicated that they have no objection to the proposed modification.

B24-291, “Omnibus Progressive National Baptist Convention Redevelopment Act of 2021”

Finally, I will turn to Bill 24-291 “Omnibus Progressive National Baptist Convention Redevelopment Act of 2021,” which was introduced by

Councilmember Gray.

The portion of 50th Street, N.E. to be closed was created by a subdivision of the Town of Lincoln as shown in Book G.S. on Page 25, recorded in the year 1874. Title to the closed portion of 50th Street, N.E. could not be determined to be held by the District of Columbia or the United States.

The purpose of this bill is to remove from the Highway Plan extension of a portion of 50th Street, N.E. located within Lots 827, 828, 829, and 830 in Square 5194, to order the closing of a portion of 50th Street, N.E. adjacent to Square 5194, and to accept the dedication of Lots 828 and 830 in Square 5194 in Ward 7 for public street purposes.

The most probable estimate of value as of January 1, 2021, which represents tax year 2022 for the portion of public street to be closed in Square 5194 is \$17,910 (370 s.f. x \$48.40 estimated square foot). The estimate is explained as follows:

- \$17,910 (370 s.f. x \$48.40 estimated square foot) for portion of 50th Street to Owner of Lot 827.

The applicant for this application is the Progressive National Baptist Convention, LLC who is represented by Holland and Knight, LLC. The Office of the Surveyor notified the relevant Executive Branch agencies on June 1, 2021.

DDOT objected to this application until the conditions have been satisfied as outlined in their letter dated June 29, 2021. It now appears that their concerns have been resolved.

In a letter dated June 8, 2021, Verizon objects to this proposal unless conditions outlined in their letter are met. The remaining utility companies 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 June 1, 2021. In a letter dated June 21, 2021, NCPC staff determined that the proposed project falls under two exceptions listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Particularly, NCPC concluded that the project meets the requirements of Exception 8, which pertains to District of Columbia Zoning Commission referrals related to street closures outside of the L'Enfant City boundary under the following conditions: 1) the street or alley is not adjacent to federal property and 2) the street or alley does not provide access to a federal property or affect other federal interest. Additionally, the project also meets the requirements of Exception 9, which relates to Highway Plan amendments that do not have a negative impact on federal property and causes no environmental impacts, including adverse effect on historic properties. Staff has determined that each of these conditions apply to the proposed District referral and

therefore, that this project is exempt from Commission review.

Pursuant to D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission 7C was notified of this application on June 1, 2021. To date, we have not received comments from ANC 7C.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on

- Bill 24-104, Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26688 Act of 2021
- Bill 24-105, Dedication of Land for Public Street and Alley Purposes Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26689 Act of 2021
- Bill 24-167, Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873 (S.O. 20-04746) Act of 2021
- Bill 24-211, Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021
- Bill 24-234, Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021
- Bill 24-291, Omnibus Progressive National Baptist Convention Redevelopment Act of 2021

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

Thursday, October 14, 2021
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 Acting DDOT Director Everett Lott regarding six bills, which are Bill 24-104, the “Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26688 Act of 2021,” Bill 24-105, the “Dedication of Land for Public Street and Alley Purposes Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26689 Act of 2021,” Bill 24-167, the “Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873 (S.O. 20-04746) Act of 2021,” Bill 24-211, the “Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021,” Bill 24-234, the “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021,” and Bill 24-291, the “Omnibus Progressive National Baptist Convention Redevelopment Act of 2021.”

The stated purpose of Bill 24-104 is to close portions of the public street and alley system adjacent to Squares 5862, 5865, 5866, and 5867, as shown by the hatch marks on the Surveyor’s plat in S.O. 17-26688. DDOT filed a report with the Office of the Surveyor on August 8, 2019, related to S.O. 17-26688. DDOT’s report noted that the agency objected to the proposed closure 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. Once these conditions have been met, DDOT would have no objection to the recordation of the plat.

The stated purpose of Bill 24-105 is to dedicate the streets and alleys adjacent to Squares 5862, 5865, 5866, and 5867 as Obama Way, S.E., Eureka Place, S.E., Soloman Road, S.E., Eaton Road, S.E., River Walk, S.E., Stevens Road, S.E., and Hermitage Way, S.E. as shown on the Surveyor's plats filed under S.O. 17-26689. DDOT filed a report with the Office of the Surveyor on August 8, 2019, related to S.O. 17-26689. DDOT's report noted that the agency objected to the proposed closure 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. Once these conditions have been met, DDOT would have no objection to the recordation of the plat.

The stated purpose of Bill 24-167 is to dedicate Lots 1107 and 1113, in Square 2873 for street purposes to accommodate the extension of W Street, N.W. right-of-way, and establish a 25 foot wide building restriction line on Lots 1106 and 1112 in Square 2873, in Northwest Washington, D.C. in Ward 1. DDOT filed a report with the Office of the Surveyor on November 17, 2020, related to S.O. 20-04746. DDOT's report noted that the agency objected to the proposed dedication until several conditions are met. The first condition is that the applicant has constructed the public space improvements pursuant to the terms and conditions of the Horizontal Public Use Agreement signed by the parties. The applicant just recently began construction so no conditions have been satisfied at this time. The next condition will be that the public space improvements have been inspected by DDOT and meet or exceed DDOT standards and specifications consistent with the Horizontal Public Use Agreement, and that the dedication plat for W Street NW shall not be recorded until DDOT has agreed to accept the public space improvements, all statutory warranties have been provided and the applicant has complied with all of the terms and conditions of the Horizontal Public Use Agreement. The applicant has been

working with DDOT through the terms of the Horizontal Public Use Agreement. Once these conditions have been met, DDOT would have no objection to the recordation of the plat.

The stated purpose of Bill 24-211 is to order the closing of a portion of Maryland Avenue, S.W. and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets S.W., to the National Park Service. DDOT initially objected to this closure until an agreement could be provided evidencing that DC Water will continue to maintain the stormwater facilities on, under and through the sidewalks around the site along 4th Street, 6th Street and Independence Avenue SW. The National Park Service has since provided a letter committing to issue the necessary access permits once the transfer is complete. Accordingly, DDOT has no objections to the proposed closures in this bill.

The stated purpose of Bill 24-234 is to remove from the plan for the extension of a permanent system of highways a portion of Jackson Street, N.E., located within Lot 805, Square 3835. DDOT has no objections to the proposed closures in this bill.

The stated purpose of Bill 24-291 is to remove from the plan for extension of a permanent system of highways a portion of 50th Street, N.E., located within Lot 825 in Square 5194. It calls for the closing of 50th Street, N.E. and Nannie Helen Burroughs Avenue, N.E., adjacent to Square 5194 and accepts the dedication of Lots 828 and 830 in Square 5194 for public street purposes. DDOT filed a report with the Office of the Surveyor on June 29, 2021, related to S.O. 21-02992. The first condition is that the applicant records at the Recorder of Deeds a DDOT-approved public access easement for the portion of the Property to be improved by 6-ft sidewalk and retaining wall, which will be maintained by the property owner. The applicant has not returned the signed easement at this time, so no conditions have been satisfied. The applicant has been working with DDOT on the easement and we are waiting for final

signature. Once these conditions have been met, DDOT would have no objection to the recordation of the 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.

IN REPLY REFER TO:
NCPC File No. 8240

December 29, 2020

Joseph Snider
District of Columbia Department of Consumer and Regulatory Affairs, Office of the Surveyor
1100 4th Street, SW
Washington, DC 20024

Re: 8240 (Modify the Permanent System of Highways Map for Part of Jackson Street, NE,
Located in Lot 805, Square 3835 - S.O. 21-00463)

Dear Joseph Snider:

The purpose of this letter is to respond to the above-mentioned project submitted to the National Capital Planning Commission (NCPC) for review, in accordance with DC Code § 9-103.02.

Upon review of the project documents, NCPC staff has determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. In particular, the project meets the requirements of exception 9, which include the amendments to the Highway Plan that do not have a negative impact on federal property, and cause no environmental impacts including adverse effects on historic properties. Staff review did not identify any federal interests that would be impacted by the proposed modification. This is consistent with the review exception issued by NCPC for the related planned-unit development (ZC 18-21), dated May 28, 2019. The project was also made available for public review on the NCPC website and no comments were received. Accordingly, staff has determined that this project is exempt from Commission review.

This determination applies only to the project listed above. Determinations to whether a particular project falls within one of the Commission's exceptions are done on a case-by-case basis, either during early consultation or upon request for review. Please note that the applicant cannot make this determination independently and must submit projects to NCPC to confirm that an exception is warranted.

If you have any questions or need additional information, please contact Matthew Flis at (202) 482-7236 or matthew.flis@ncpc.gov.

Sincerely,



FOR Diane Sullivan
Director, Urban Design and Plan Review



Advisory Neighborhood Commission 5E

www.anc5edc.org

December 15, 2020

Joseph E. Snider
Deputy Surveyor, Office of the Surveyor
Department of Consumer and Regulatory Affairs
1100 4th St SW
Washington, DC 20024

Re: S.O. 21-00436 - Proposed Modification of the Permanent System of Highways for a Portion of Jackson Street, N.E., Lot 805, Square 3835

Dear Mr. Snider

ANC 5E has reviewed the above-referenced application and related notice, dated December 9, 2020. The Commissioner for the affected SSL, Commissioner Nick Cheolas (ANC 5E01), has spoken with the Applicant. We have no objections to the proposed modifications.

This matter came before ANC5E at a duly noticed and called virtual meeting of the Commission held on December 15, 2020. ANC5E consists of ten (10) Commissioners, the presence of six (6) of which constitutes a quorum. With 9 members present, by a vote of 9 in favor, 0 opposed, and with 0 abstentions, ANC 5E voted to issue this letter.

Respectfully Submitted,


Bradley A. Thomas, Chair, ANC5E



Nick Cheolas, Corresponding Secretary, ANC5E

CC: Diana Dorsey, DCRA

5E01 Nick Cheolas, Corresponding Sec
5E01@anc.dc.gov
202-656-1324

5E03 Cortney Segmen, Recording Sec
5E03@anc.dc.gov
410-705-4203

5E05 Bradley Thomas, Chair
5E05@anc.dc.gov
202-670-0151



5E07 Bertha Holliday
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202-491-3996

5E09 Dianne Barnes, Vice Chair
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5E02 Patricia Williams
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5E04 Sylvia M. Pinkney
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5E06 Karla M. Lewis, Treasurer
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410-705-4070

5E08 Robert Brannum
5E08@anc.dc.gov
202-256-8452

5E10 Nancy Jones
5E10@anc.dc.gov
202-594-7850

HIGHWAY PLAN ELIMINATION ON LOT 805, SQUARE 3835

PURSUANT TO D.C. CODE 9-101.06, 9-101.12 AND LAW _____, APPROVED _____
BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, THE PROPOSED HIGHWAY PLAN SHOWN THUS:
IS HEREBY ELIMINATED FROM THE PERMANENT SYSTEM OF HIGHWAYS.

NATIONAL CAPITAL PLANNING COMMISSION
WASHINGTON, D.C. _____

THE COMMISSION APPROVES THE MODIFICATION IN ACCORDANCE WITH SECTION 9-101.06 and 9-101.12,
OF THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

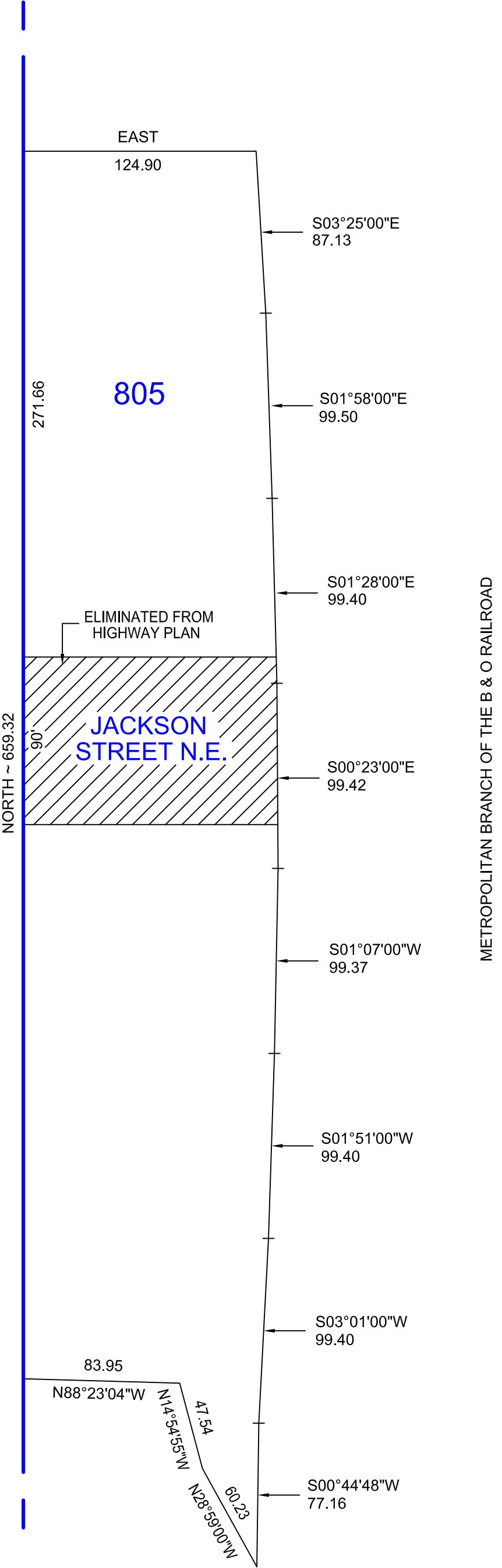
CHAIRMAN

Office of the Surveyor, D.C.
_____, 20__

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

Surveyor, D.C.

8th STREET, N.E.



SURVEYOR'S OFFICE, D.C.

Made for: J. BLOOMFIELD/ C. SHIKER, HOLLAND & KNIGHT
 Drawn by: L.E.S. Checked by:
 Record and computations by: B. MYERS
 Recorded at: _____
 Recorded in Survey Book _____ Page _____ SR# 21-00463
 Scale: 1 inch = 60 feet
 2020/HWY PLAN ELIMINATION/SR-21-00463-SQ.3835


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



Fitzroy Lee
Acting Chief Financial Officer

MEMORANDUM

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

FROM: Fitzroy Lee
Acting Chief Financial Officer 

DATE: November 15, 2021

SUBJECT: Fiscal Impact Statement – Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021

REFERENCE: Bill 24-234, Committee Print as provided to the Office of Revenue Analysis on November 8, 2021

Conclusion

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill.

Background

The bill removes a planned extension of Jackson Street, N.E.¹ from the District's Highway Plan to facilitate the development of a 377 -unit multifamily development project.² The segment of planned roadway would need to cross Washington Area Metropolitan Transit Agency train tracks if it were to be extended. The segment of roadway is intended to become a pedestrian plaza in-between two buildings of the development project.

Financial Plan Impact

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. A portion of the property dedicated to the development may become taxable to

¹ Located within Lot 805, Square 3835, between 8th Street, N.E., and the Washington Metropolitan Area Transit Authority rail line, as shown on the Surveyor's Plat filed under S.O. 21-00463.

² The Zoning Commission approved the rezoning and development project via Zoning Order No. 18-21(1)

The Honorable Phil Mendelson

FIS: Bill 23-234, "Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021,"

Draft Committee Print as provided to the Office of Revenue Analysis on November 8, 2021

the District, but any tax revenues generated will depend on the final assessed value of the properties once the title is transferred.

1 **COMMITTEE PRINT**
2 **Committee of the Whole**
3 **November 16, 2021**
4

5
6 **A BILL**

7
8 **24-234**
9

10
11 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**
12
13

14 To remove from the plan for the extension of a permanent systems of highways a portion of
15 Jackson Street, N.E., located within Lot 805, Square 3835, as shown on the Surveyor’s
16 Plat filed under S.O. 21-00463.
17

18 **BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**
19 **act may be cited as the “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-**
20 **00463, Act of 2021”.**

21 **Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved**
22 **December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with An Act**
23 **To Provide a Permanent System of Highways in that part of the District of Columbia lying**
24 **outside of cities, approved March 2, 1893 (27 Stat. 532; D.C. Official Code § 9-103.01 *et seq.*),**
25 **the Council amends the plan for the extension of a permanent system of highways to remove a**
26 **portion of Jackson Street, N.E., located within Lot 805, Square 3835, between 8th Street, N.E.,**
27 **and the Washington Metropolitan Area Transit Authority rail line, as shown on the Surveyor’s**
28 **Plat filed under S.O. 21-00463.**

29 **Sec. 3. Fiscal impact statement.**

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

33 Sec. 4. Effective date.

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