

**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: July 12, 2022

SUBJECT: Report on Bill 24-104, “Omnibus Barry Farm Redevelopment Act of 2022”

The Committee of the Whole, to which Bill 24-104, the “Omnibus Barry Farm Redevelopment Act of 2022” was referred, reports favorably thereon with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On February 24, 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”¹ was introduced by Councilmember Trayon White. Bill 24-104 would close portions of the public street and alley system adjacent to Squares 5862, 5865, 5866, and 5867, bounded by Firth Sterling, S.E., Sumner Road, S.E., Stevens Road, S.E., and Wade Road, S.E., in Ward 8 at the Barry Farm site. The closing of public streets and alleys and dedication of land for public street purposes will facilitate the development of new public and affordable housing at the Barry Farms.

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

¹ Now updated to be the “Omnibus Barry Farm Development Act of 2022.”

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 24-104, 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 24-104, 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.

History of the Barry Farm Site

During the Civil War, freed slaves from other states trickled into the District in search of opportunity and prosperity they had been so violently denied. With a housing shortage and little governmental support, these new residents faced uncertain prospects. In 1867, the Bureau of Refugees, Freedmen, and Abandoned Land, known as the Freedmen's Bureau, purchased a 375-acre tract of land nestled between Uniontown (now Historic Anacostia) and St. Elizabeth's

Hospital to serve as a model community for freed slaves.² To accomplish this, the Freedmen's Bureau sliced the property into one acre-lots, selling them for prices ranging from \$125 to \$300 per family with the lumber and materials necessary to build houses. Purchasers could set up payment plans to pay off the cost, rather than having to pay the full cost as a lump sum upfront. By all accounts, the development was a success, with only 59 of the total 359 lots remained unsold as of October 1, 1968. Officially named Hillsdale by early residents of the site, it became a cohesive, semi-rural Black community that retained an agrarian character until World War 2.³



Children at Barry Farm Dwellings in April 1944. (*Gottscho-Schleisner, Inc., photographer. Photo courtesy of the Library of Congress*)

² The site was owned by the heirs to James Barry, a well-known landowner and friend of George Washington who used the site as a farm. Barry's slaves cultivated the produce to sell at markets in the city until emancipation freed slaves in the District in 1862 (See, Hutchinson, Louise Daniel. *The Anacostia Story, 1608-1930*. Smithsonian Institution Press, 1977).

³ Cantwell, Thomas J. "Anacostia: strength in adversity." *Records of the Columbia Historical Society, Washington, DC* 49 (1973): 330-370.

From 1930 to 1940, the District's population grew by over 175,000 people, with the Black community accounting for nearly a third of this growth. This influx of migrants and an existing housing shortage led to thousands of residents, most of them Black, living in inhumane alley dwellings. To address the situation, the federal government, in partnership with the National Capital Housing Authority began planning public housing projects. One of those projects was the Barry Farm Dwellings, a 442-unit development for Black families.⁴ The housing at Barry Farm Dwellings was designed as a series of low-scale, attached duplexes with open spaces and common court incorporated throughout to maximize social contact and recreation. The units were highly sought after, with all units occupied in short order.⁵ Families at the new development included James C. Jennings, his wife Luberta, and their children, who were integral to school desegregation in the District via their involvement in the *Bolling v. Sharpe* case.

By the mid-1960's, the units at Barry Farm Dwellings fell into disrepair due to years of neglect and inaction by the National Capital Housing Authority.⁶ Organizations like the Band of Angels organized and successfully pushed for renovations of distressed units, but the funding set aside by the city was not enough to the sheer scope of maintenance needed to ensure tenants were living in safe, habitable housing. As the conditions at Barry Farm Dwellings and other public housing projects grew worse in the mid-to-late 1970's, the city pledged significant funding to renovate units but construction was delayed until the mid-to-late 1980's due to mismanagement.⁷ As crime rose throughout the District in the 1980's and 1990's, Barry Farms residents endured gang activity, drug dealing, and violence that only compounded the historic disinvestment in the development.⁸

The Development Project

In 2005, Mayor Anthony Williams launched the New Communities Initiative (NCI), aimed at revitalizing low-income communities across the District through the production of new, affordable housing. At the behest of the Council through Resolution 16-277, Mayor Williams designated Barry Farms as an NCI site.⁹ The next year, Mayor Williams released the Barry Farm/Park Chester/Wade Road Redevelopment Plan. The plan called for the creation 1,110 new units of mixed-income housing at the Barry Farm and Park Chester sites, retail developments such as grocery stores and food and beverage establishments, and an improved street grid to provide greater connectivity to areas outside of Barry Farms.¹⁰ Consistent with other NCI sites, the guiding principles for the plan include “build first” approach, building new units prior to demolishing existing housing, a one-for-one replacement of existing affordable housing units, and a right of families and tenants displaced by construction to return to the site for a new unit.¹¹ The Council

⁴ Public housing was segregated until the 1950's.

⁵ See *supra* note 6.

⁶ “Barry Farm Tenants Ask ‘Say’ About Money Spent on Homes,” *The Washington Post, Times Herald*, March 1, 1966, pg. D1.

⁷ “Mayor Fulfills City Promise at Barry Farm,” Tom Sherwood, *The Washington Post*, February 12, 1988, pg. C3.

⁸ “The Bleak View from Barry Farm,” Monte Reel, *The Washington Post*, May 25, 2003, pg. C01.

⁹ Resolution 16-277, the “Sense of the Council Barry Farms and Lincoln Heights New Communities Emergency Declaration Resolution of 2005.”

¹⁰ Barry Farm/Park Chester/Wade Road Redevelopment Plan ([Link](#)).

¹¹ *Ibid.*, pg. 2.

approved this plan via Resolution 16-922, the Barry Farm/Park Chester/Wade Road Development Plan Approval Resolution of 2006.

Pursuant to the redevelopment plan, construction, relocation, demolition was supposed to be completed by 2018, but the initial planned-unit development was not approved by the D.C. Zoning Commission until 2015 (Zoning Order 14-02). Three years later, the Barry Farms Tenants and Allies Association (BFTAA) appealed the zoning order, alleging that the Commission did not properly consider the adverse impact of losing existing amenities, made material findings unsupported by evidence, and erred in concluding that the relocation process would avoid hardship or displacement of existing residents.¹² The D.C. Court of Appeals concluded that the Zoning Commission failed to fully address these issues and remanded the case for further proceedings.¹³ BFTAA then submitted an application to the Historic Preservation Office to designate a portion of Barry Farm Dwellings Historic. On January 30, 2020, the Historic Preservation Office landmarked five of the remaining buildings in the southwest corner of the development, along Firth Sterling and Stephens Road, S.E.

In response to the D.C. Court of Appeals decision and the actions of the Historic Preservation Office, the District submitted a text amendment (Zoning Case No. 20-21) and a map amendment (Zoning Case No. 20-24) to the Zoning Commission to establish a new Barry Farm zone. The new zone will allow the District to implement the Barry Farm/Park Chester/Wade Road Redevelopment Plan. Consistent with the plan, the applicant proposes the development of mixed income housing that includes:

- 380 public housing replacement units for rent;
- 320 affordable housing units up to 80% median income (MFI) for rent;
- 40 additional affordable housing units up 80% MFI for homeownership; and
- 160 market rate units for homeownership.

Of the total units planned for the site, approximately 108 will be in a new senior housing building, of which 77 will be public housing replacement units. The development plan also includes the creation of 55,000 additional square feet of retail space, 85,714 square feet of parking space, and over 1,200 off-street parking vehicle spaces.

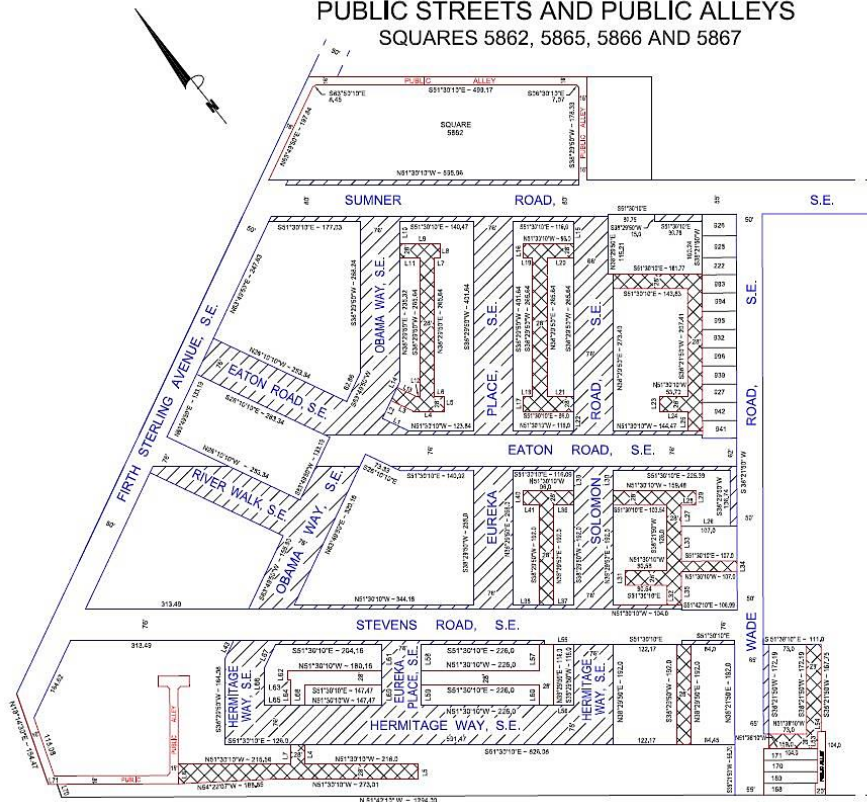
To improve connectivity, the applicant proposes the construction and dedication of several new streets, including Obama Way, S.E., Eureka Place, S.E., Hermitage Way, S.E., and Solomon Road, S.E., as shown in the picture below. In assessing the new street grid, the District's Department of Transportation stated that it would "distribute site traffic and provide excellent bicycle and pedestrian connectivity in a manner consistent with the surrounding local and regional network."¹⁴

¹² Barry Farm Tenants and Allies Association v. D.C. Zoning Commission, No. 15-AA-1000.

¹³ *Id.*

¹⁴ District Department of Transportation report, S.O. Nos. 17-26688 and 17-26689 (Barry Farm), August 8, 2019, pg. 3.

Figure 1. Revised Street Grid
DEDICATION OF LAND FOR
PUBLIC STREETS AND PUBLIC ALLEYS
SQUARES 5862, 5865, 5866 AND 5867



The streets and alleys will be closed and recorded in phases, with the first recordation taking place by January 31, 2022 (Phase 1A), the second recordation taking place by January 31, 2023 (Phase 1B), and the third recordation taking place by January 31, 2025 (Phase 2A and 2B). A phased approach mitigates the adverse impacts of street and alley closures on vehicular and pedestrian traffic flows.

However, prior to the recordation of the plats, DDOT has stated that the applicant must meet the following conditions for the closure and dedication of streets and alleys to be effectuated:

- Secure public space permits for the removal of five street trees;
- Secure public space special tree permits for the removal of 17 special trees;
- Secure public space special tree permits for the removal of two heritage trees;
- Provide \$111,715.36 in compensation for the removal of DDOT streetlight assets;
- Comply with the Agreement Governing the Acceptance and Dedication of Public Infrastructure Improvements entered into by the applicant and DDOT;
- Secure public space permits to remove 33 trees and install new planting areas and street trees consistent with DDOT’s Green Infrastructure Standards; and
- All applicable costs with the project-wide dedication legislation and recordation of individual plats are paid.

At the Committee’s public hearing, both DDOT and the applicant noted that the applicant has met or agreed to meet all of these conditions and no other agencies or utilities have outstanding objections. Accordingly, the legislation conditions the closure of streets and alleys, and the dedication and designation of new streets and alleys on meeting all conditions set forth by DDOT in the official files for S.O. 17-26688 and S.O. 17-26689.

Amendments to Bill 24-104

In addition to Bill 24-104, Councilmember Trayon White introduced 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” on February 24, 2021. Given that Bill 24-105 relates to the Barry Farm project, the provisions of the bill have been incorporated into the Committee Print of 24-104 under Section 3.

At the Committee’s public hearing, the applicant also asked that the Committee update the timeline for recordation of street and alley closures by a year so the recordation’s would occur by January 31, 2023 for Phase 1A, January 31, 2024 for Phase 1B, and January 31, 2026 for phase 2A and 2B. The applicant also asked that recordation of dedications and designations by a year, so Phase 1A and 1B will be recorded by July 31, 2026, Phase 2A by July 31, 2028, and Phase 2B by December 31, 2029.¹⁵ The Committee Print incorporates these requested edits to the phasing timelines proposed in Bills 24-104 and 24-105.

Conclusion

Given the pending text amendment (Zoning Case No. 20-21) and map amendment (Zoning Case No. 20-24) before the Zoning Commission that will facilitate the redevelopment of Barry Farm, the Committee finds that the streets and alleys depicted on the attached Surveyor’s plats numbered one, two and three are unnecessary for street and alley purposes. The Committee also finds that the dedication of land for public street and alley purposes, as shown on the Surveyor’s plats numbered four, five, and six, is desirable. Accordingly, the Committee recommends Council approval of the Committee Print for Bill 24-104.

II. LEGISLATIVE CHRONOLOGY

February 24, 2021	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” is introduced by Councilmember Trayon White.
March 2, 2021	Bill 24-104 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
March 5, 2021	Notice of Intent to Act on Bill 24-104 is published in the <i>District of Columbia Register</i> .

¹⁵ Statement of Applicant—Bill 24-104 and Bill 24-105—Exhibit A-2.

September 17, 2021 Notice of a Public Hearing on Bill 24-104 is published in the *District of Columbia Register*.

October 14, 2021 The Committee of the Whole holds a public hearing on Bill 24-104.

July 12, 2022 The Committee of the Whole marks-up Bill 24-104.

III. POSITION OF THE EXECUTIVE

Dan Emerine, Manager of Policy and Legislative Affairs at the District Department of Transportation, testified at the Committee's public hearing on October 14, 2021 on behalf of Anna Chamberlin. Ms. Chamberlin's testimony notes that DDOT objects to the proposed action until the following conditions are met:

- Secure public space permits for the removal of five street trees;
- Secure public space special tree permits for the removal of 17 special trees;
- Secure public space special tree permits for the removal of two heritage trees;
- Provide \$111,715.36 in compensation for the removal of DDOT streetlight assets;
- Comply with the Agreement Governing the Acceptance and Dedication of Public Infrastructure Improvements entered into by the applicant and DDOT;
- Secure public space permits to remove 33 trees and install new planting areas and street trees consistent with DDOT's Green Infrastructure Standards; and
- All applicable costs with the project-wide dedication legislation and recordation of individual plats are paid.

Joseph Snider, D.C. Surveyor, testified at the Committee's public hearing on October 14, 2021. He stated that the purpose of Bill 24-104 is to close 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. He also stated that the purpose of Bill 24-105 is to 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.

Mr. Snider said that the most probable estimate of value for the public streets, public alleys, and building restriction lines removed is estimated at \$4,149,800 (152,396 S.F. X \$27.23) as of January 1, 2021. Mr. Snider said that DDOT objected to the application in a letter dated August 8, 2021 but stated that 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. No other Executive agencies or utilities have outstanding objections.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

In two letters to the Surveyor dated April 26, 2019, Advisory Neighborhood Commission 8C notes that it voted to unanimously support the proposed street and alley closings and the dedication of land for public street and alley purposes to enable redevelopment of Barry Farms. The letters are attached to this report.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

In two letters dated September 24, 2018, Diane Sullivan, Director of Urban Design and Plan Review at the National Capital Planning Commission (NCPC), provided comments to the Surveyor finding that the proposed street and alley closings and dedication of land for public street and alley purposes falls under an exception in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines and is exempt from Commission Review. NCPC's letters are attached.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills, including Bill 24-104, on Thursday, October 14, 2021. The testimony summarized below pertains to Bill 24-104. Copies of all written testimony are attached to this report.

Kyrus Freeman, Holland & Knight LLP, testified on behalf of the applicant. Mr. Freeman provided information on the development, including the number of affordable units that will be created, and noted that the applicant has agreed to all of the conditions specified by DDOT in its August 8, 2019 report.

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 24-104.

VII. IMPACT ON EXISTING LAW

Bill 24-104 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 24-104, 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

- Section 1 Short title.
- Section 2 (a) Orders the closure of portions of the public street and alley system adjacent to Squares 5862, 5865, 5866, and 5867, with title to the land to vest as shown in the Surveyor's plat.
- (b) Approval of the street and alley closures in subsection (a) are contingent upon satisfying all of the conditions set forth by DDOT in the official file for S.O. 17-26688. Directs the Surveyor to record the plats in phases.
- Section 3 (a) Accepts the dedication of streets and alleys adjacent to Squares 5862, 5865, 5866, and 5867 and designates new streets.
- (b) Approval of the dedications and designations in subsection (a) are contingent upon satisfying all of the conditions set forth by DDOT in the official file for S.O. 17-26689. Directs the Surveyor to record the plats in phases.
- Section 4 Fiscal impact statement.
- Section 5 Effective date.

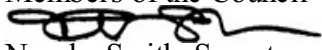
X. COMMITTEE ACTION

XI. ATTACHMENTS

1. Bill 24-104 as introduced.
2. Written Testimony.
3. NCPC Comments.
4. ANC Letters.
5. Surveyor's Plats.
6. Fiscal Impact Statement for Bill 24-104.
7. Legal Sufficiency Determination for Bill 24-104.
8. Committee Print for Bill 24-104.

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, March 1, 2021
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, February 24, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "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", B24-0104

INTRODUCED BY: Councilmember T. White

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

Attachment
cc: General Counsel
Budget Director
Legislative Services

Trayon White

Councilmember Trayon White, Sr.

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To order the closing of portions of Firth Sterling Avenue, S.E., between a public alley to the northeast and a public alley to the southwest, adjacent to Squares 5862, 5865, and 5866; portions of Eaton Road, SE, between Firth Sterling Avenue, SE to the northwest and Wade Road, SE to the southeast, adjacent to Square 5865; a portion of Stevens Road, SE, between Firth Sterling Avenue, SE to the northwest and Wade Road, SE to the southeast, adjacent to Squares 5865 and 5866; the closing of portions of the public alley system adjacent to Squares 5862, 5865, 5866, and 5867; and the removal of building restriction lines adjacent to Squares 5862, 5865, and 5866 in Southeast Washington, D.C. in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as 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”.

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01) (“Act”). The Council finds that the 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, are unnecessary for street and alley purposes, and orders them closed with title to the land to vest as shown on the Surveyor’s plat.

35 Sec. 3. The Council finds that the building restriction lines adjacent to Squares 5862, 5865,
36 and 5866, as shown on the Surveyor’s plat in S.O. 17-26688, are unnecessary and orders them
37 eliminated.

38 Sec. 4. The closure of the public streets and alleys and the elimination of the building
39 restriction lines listed in section 2 are contingent upon the satisfaction of all the conditions set forth
40 in the official file for S.O. 17-26688 before the recordation of the street and alley closing and
41 building restriction line elimination plat. Specifically, the D.C. Surveyor shall not record a street
42 and alley closing and building restriction line elimination plat until the District Department of
43 Transportation (“DDOT”) has issued a written statement confirming that the Applicant has
44 satisfied DDOT’s conditions in the official file for S.O. 17-26688 for each phase as described in
45 the following sentence. The D.C. Surveyor shall have the authority to record the street and alley
46 closing and building restriction line elimination plats in multiple phases, as indicated on the
47 phasing plat in the official file for S.O. 17-26688, so long as: (1) the Phase 1A plat is recorded by
48 January 31, 2022; (2) the Phase 1B plat is recorded by January 31, 2023; and (3) the Phase 2A and
49 Phase 2B plats are recorded by January 31, 2025. The D.C. Surveyor shall have the authority to
50 extend each of these dates by one year.

51 Sec. 5. Transmittal

52 The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the
53 Office of the Surveyor and the Office of the Recorder of Deeds.

54 Sec. 6. Fiscal Impact Statement

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

58 Sec. 7. Effective Date

59 This act shall take effect following approval by the Mayor (or in the event of veto by the
60 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
61 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
62 1973 (87 Stat. 813, D.C. Official Code §1-206.02(c)(1)), and publication in the District of
63 Columbia Register.

64

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

Application of Barry Farm Redevelopment Associates, LLC and
The District of Columbia

Bill 24-104
Bill 24-105

Closing of Public Streets and Alleys (S.O. 17-26688) and
Dedication of Land for Public Street and Alley Purposes (S.O. 17-26689)
Adjacent to Squares 5862, 5865, 5866 and 5867

ANC 8C

STATEMENT OF THE APPLICANT

I.

Introduction

Barry Farm Redevelopment Associates, LLC and the District of Columbia (together, the “Applicant”) submit this statement in support of the requested closing of public streets and alleys and the dedication of land for public street and alley purposes adjacent to Squares 5862, 5865, 5866, and 5867, pursuant to § 9-202.01, *et seq.* and D.C. Code § 9-203.01, *et seq.* Bills 24-104 and 24-105, copies of which are attached as Exhibit A, were introduced by Councilmember Trayon White to effectuate the proposed closing of public streets and alleys and dedication of land for public street and alley purposes (together, the closure and dedication applications referred to herein as the “Application” or “Applications” as appropriate).¹ A copy of the plats showing the portions of the streets and alleys to be closed and the land to be dedicated for public street and alley purposes are attached as Exhibit B.

As described herein, the Application meets the statutory requirements for approval pursuant to D.C. Code §§ 9-202 and 9-203. The proposed street and alley closures will not disrupt

¹ Given the passage of time since the Bills were introduced and other project delays, the Applicant is requesting that the Council extend the time periods set-forth in Section 4 of Bill No. 24-104 and Section 3 of Bill 24-105 to provide additional time to complete the proposed work and to record the plats referenced in the respective section of the Bills. The requested revised time-periods are shown with tracked changes in Exhibit A.

the public street or alley systems and will not interfere with access to or from any of the properties in Squares 5862, 5865, 5866, or 5867, and are therefore unnecessary for street and alley purposes. The proposed dedications of land for street and alley purposes will significantly enhance the circulation in the surrounding squares.

II. **Background and Proposed Development**

The Application will improve the public street and alley grid in the site generally bounded by Suitland Parkway and the new Barry Farm Recreational Center to the north; Wade Road, SE to the east; St. Elizabeth's West Campus to the south, and Firth Sterling Avenue, SE (the "Property"). This Application serves as an important step in facilitating the redevelopment of the Property pursuant to the Barry Farm | Park Chester | Wade Road Redevelopment Plan (the "Small Area Plan") approved by the Council, pursuant to the Barry Farm | Park Chester | Wade Road Redevelopment Plan Resolution of 2006 (PR16-0922). The ways in which the proposed street grid advances the various recommendations of the Small Area Plan are discussed in greater detail in Section V below.

On January 30, 2020, the Historic Preservation Review Board ("HPRB") voted 5-0 to designate five rows of eight buildings (40 units) as an historic landmark to be listed in the D.C. Inventory of Historic Sites, and recommended that a nomination be prepared and forwarded for listing in the National Register of Historic Places. The addresses included in the boundaries of the designation include 1101-1115 Stevens Road (Lot 133), 1117-1131 Stevens Road (Lot 134), 1133-1147 Stevens Road (Lot 135), and 1149-1163 Stevens Road (Lot 136), all in Square 5866, and 1100-1114 Stevens Road (Lot 254) in Square 5865. The Plats attached hereto as Exhibit B reflect the revised street and alley grid as a result of HPRB's landmark action.

In addition, the Zoning Commission has taken proposed action to approve the text amendment petition submitted by the Office of Planning in Z.C. Case No. 20-21 (the “Text Amendment”), and the Zoning Map amendment application submitted by the Office of Planning in Z.C. Case No. 20-24 (the “Map Amendment”). Together, the Text Amendment and the Map Amendment will create and apply new zoning that would implement the Small Area Plan and enable the future redevelopment of Barry Farm in a manner consistent with the Small Area Plan.

The Applicant’s overall proposal involves the construction of a new, mixed use development consisting of approximately:

- 380 public housing replacement units, for rental;
- 320 affordable housing units up to 80% median family income (“MFI”), for rental;
- 40 additional affordable housing units up to 80% (“MFI”), for homeownership; and
- 160 market rate units for homeownership.

Approximately 108 of these units, including 77 public housing replacement units, will be distributed within a new senior housing building. The proposed project will also result in newly dedicated retail space for resident and locally owned businesses at reduced rents, cultural and community center space for supportive services, parks and green space, outdoor performance space, and public infrastructure improvements. The proposed realignment of the existing street grid at the Property is necessary to implement the development proposal as currently envisioned.

Based on the foregoing and as demonstrated herein, the proposed street and alley closures will not disrupt the public alley system or interfere with access to or from any other development in the surrounding squares, and the proposed new streets and new alleys that will complete the grid system and reconnect the Property to the larger urban context.

III. **Review by District Agencies and Utilities**

This Application has been reviewed in detail by DDOT and other affected District of Columbia agencies and public utilities. These agencies and utility companies have all stated no objection to the proposed Application, or have stated conditions to approval with which the Applicant agrees. *See Exhibits X through Y* and as summarized below.

The **Office of Planning** (“OP”) filed a single report for the closure and dedication Applications, dated April 12, 2019 (the “OP Report”) (Exhibit C). In its report OP stated that the proposed street and alley closing and dedication would “provide improved connectivity, and would allow for wider streets and alleys to accommodate the redevelopment of Barry Farm with a mixture of row houses, apartments and neighborhoods.” *See* OP Report, p. 4. The OP Report also found that the Application is in compliance with the District’s planning and urban design objectives per 24 DCMR 1401.2(c), as contained in the objectives of the Comprehensive Plan identified in the Land Use and Urban Design Citywide Elements and the Far Southeast and Southwest Area Elements. *See* OP Report, pp. 4-5.

DDOT issued a single report regarding the closure and dedication Applications, dated August 8, 2019 (the “DDOT Report”) (Exhibit D). The DDOT Report stated that DDOT consents to the closures and dedications so long as they are completed in phases or sub-phases consistent with the terms set forth in the Agreement Governing the Acceptance and Dedication of Public Infrastructure Improvements in the Barry Farm Neighborhood, entered into between DDOT and the Applicant (the “DDOT Agreement”). *See* DDOT Report, p. 2.

The DDOT Report stated the proposed closures and dedications create “a logical network of streets that will distribute site traffic and provide excellent bicycle and pedestrian connectivity in a manner consistent with the surrounding local and regional network.” DDOT Report, p. 3.

However, the DDOT report stated that negative impacts to circulation and access could result if the closures occur while the roads and alleys still serve existing residents or if not ultimately accompanied by the proposed dedications. Thus, DDOT conditioned its consent to the application on whether the Applicant complies with the conditions of the DDOT Agreement to ensure that access, circulation, and utility service are maintained. *See* DDOT Report, p. 3. A summary of those conditions is included at pp. 7-8 of the DDOT Report. The Applicant provided a response, dated October 6, 2021, agreeing to DDOT's conditions (Exhibit D).

The **National Capital Planning Commission** ("NCPC") issued separate reports on the closure and dedication Applications, both dated September 24, 2018 (the "NCPC Reports") (Exhibit E). In doing so, NCPC determined that both Applications fall under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. The Applications were made available for public review on the NCPC website and no comments were received. Accordingly, NCPC staff determined that the Applications were exempt from Commission review.

The **DC Fire and Emergency Medical Services** ("FEMS") Department issued separate reports for the closure and dedication Applications (Exhibit F). Its report on the street and alley closure Application, dated April 18, 2017, FEMS stated no objection so long as the requirements of Chapter 5, Section 503 of the Fire Code are adhered to for all new streets and impacted buildings, lots, and squares. Its report on the street and alley dedication Application, dated September 28, 2018, FEMS stated no objection so long as Fire Department access to the subject properties and adjacent properties are not compromised and is maintained and/or developed in accordance with the requirements set forth in Chapter 5, Section 503 and Appendix D of the Fire

Code. See FEMS Report. By this submission, the Applicant confirms that it will adhere to these stated requirements.

Verizon submitted a single letter dated October 3, 2018 (Exhibit G) objecting to the Application unless (i) an easement is provided, paid for by the Applicant, to permit Verizon's existing facilities to remain in their present location, subject to Verizon approval; or (ii) Verizon is fully reimbursed for relocating its plant and feeders. The Applicant responded to Verizon's objection by letters dated November 21, 2018, and April 19, 2019, proposing to enter into a temporary communication easement agreement to permit Verizon's facilities to remain in place until they are relocated to a new right-of-way. Verizon subsequently withdrew its objection via correspondence dated July 15, 2020 (Exhibit G), stating that "the developer has completed the work necessary to ensure that Verizon customers will not be impacted by the proposed alley and street closings or dedications."

Pepco filed separate letters for the closure and dedication Applications. By letters dated September 18, 2018, and November 6, 2018 (Exhibit H), Pepco initially objected to the street and alley closures and dedication Applications due to the existence of Pepco facilities within those areas. Pepco stated that it would not object if its facilities were maintained in place or relocated at no cost to Pepco.

The Applicant responded to Pepco's initial objections by letter dated November 21, 2018 (Exhibit H), proposing to enter into a temporary electric power easement agreement with Pepco to allow for the continued maintenance of Pepco facilities until they are relocated into new right-of-way. In response, Pepco submitted a second letter regarding the proposed closures dated April 3, 2019 (Exhibit H), and shortly thereafter a second letter regarding the proposed dedication dated

April 12, 2019 (Exhibit H), stating in both letters that it no longer objected to the proposed closures or dedication due to the Applicant's proposal to enter into the easement agreement.

Washington Gas initially filed separate reports on the Applications. By letters dated October 18, 2018 and April 12, 2019 (Exhibit I), Washington Gas objected to the closure and dedication Applications, respectively, due to the existence of active natural gas facilities within the limits impacted by the proposal. By letter dated October 13, 2020 (Exhibit I), Washington Gas submitted a final letter on the closures and dedications, dated October 13, 2020 (Exhibit I) clarifying that it "does not have active natural gas facilities within the limits of the proposed street closures, alley closures, and proposed public streets and alleys" and accordingly did not raise any objections to the Applications.

DC Water filed separate reports on the Applications. By letter dated August 24, 2018 (Exhibit J), DC Water objected to the closure Application due to existing DC Water facilities located within the proposed street/alley closing area unless the Applicant agreed to execute and record an easement allowing for the continued operation and maintenance of the facilities. The Applicant responded to DC Water's objection by letter dated November 16, 2018 (Exhibit J), stating that it would execute an easement agreement to allow for the continued operation and maintenance of DC Water's facilities until they are relocated to a new right-of-way.

By letter dated September 28, 2018 (Exhibit J), DC Water stated no objection to the proposed dedication Application so long as surface drainage of the streets and alleys is accommodated. By letter dated July 23, 2019 (Exhibit J), DC Water removed its objection to the

proposed street/alley closing Application, stating that the Applicant “has contacted DC Water and resolved our objections.”

In addition to the letters and reports summarized above, the **Historic Preservation Office, the Department of Housing and Community Development, and the Department of Public Works** also submitted letters indicating support for or no objection to the Application. See Exhibits K-M, respectively. Therefore, based on the foregoing, the Applicant submits that all District agencies and public utilities have fully reviewed the Application and have either stated no objection to the proposal or have provided conditions with which the Applicant has agreed.

IV. Community Engagement

The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 8C. The Applicant presented the Application at the ANC’s April 3, 2019, regularly scheduled public meeting for which notice was properly given and a quorum was present. The ANC submitted two letters on the Application (Exhibit N), both dated April 26, 2019, and both of which stated that the ANC voted unanimously at its April 3, 2019 public meeting to support the closure and dedication Applications to enable redevelopment of the Barry Farm community.

Additionally, the Applicant’s team, which includes the Preservation of Affordable Housing (“POAH”), has engaged in various outreach efforts to keep Barry Farm residents informed, engaged, and connected with the Barry Farm community. These efforts are detail in POAH’s letter dated October 8, 2021 (Exhibit O).

V. Compliance with the Transportation Elements of the Comprehensive Plan and Barry Farm | Park Chester | Wade Road Redevelopment Plan

The proposed street and alley closure and dedications are not inconsistent with the District of Columbia Comprehensive Plan (the “Comp Plan”). Both Applications advance several policies

under the Citywide Elements of the Comp Plan, particularly the applicable objectives of the Transportation Element. For example, Policy T-1.3.3: Context-Sensitive Transportation states, in relevant part: “Design transportation infrastructure to support current land uses as well as land use goals for mixed-use, accessible neighborhoods. Make the design and scale of transportation facilities compatible with planned land uses.” 10A DCMR § 403.10. The Comp Plan also specifically recommends efforts to “[i]mprove pedestrian, protected bicycle, and road connections between the Barry Farm, Hillsdale, and Fort Stanton communities, and between these communities, and between these communities and the future developments at Poplar Point and the St. Elizabeths Campus. Residents should be able to safely walk or bicycle to the Anacostia Metro station, Anacostia Park, and Fort Stanton Park.” 10A DCMR § 1813.5 (Action FSS-2.3.A: Connections to Adjacent Areas).

Importantly, the Comp Plan also recognizes the importance of small area plans in development decisions. *See* 10A DCMR § 2504.5. In this case, the Applications advance many of the transportation recommendations in the Barry Farm | Park Chester | Wade Road Redevelopment Plan (defined above as the “Small Area Plan”).

The proposed realignment of the existing street grid is driven in large part by the recommendations in the Small Area Plan. As mentioned above, the Small Area Plan was adopted by the Council pursuant to PR16-1055. In approving the Small Area Plan, the Council found: “The Physical Plan seeks to improve the Neighborhood’s housing, public facilities, access to commercial and retail opportunities, urban design, parks and open space, and transportation system by . . . **[c]reating a new residential street grid to eliminate the Neighborhood’s current isolation from surrounding communities**” PR16-1055, Sec. 3 (5)(D). (Emphasis added.) Thus,

the D.C. Council also determined that the creation of a new street grid is an important component of redeveloping and improving the entire Barry Farm site.

The Small Area Plan includes a number of specific recommendations that each reiterate the need to revise the existing street grid, including the following statements:

- *Key elements of the Physical Plan for the neighborhood include **[c]reating a new grid of residential streets** linking Sumner Road and Martin Luther King Jr. Avenue **eliminating the isolation of the existing neighborhood and providing addresses for new residential units.** (Emphasis added.) [Small Area Plan at p. 3, under “Physical Revitalization Plan and Concepts”]*
- ***The community’s internal roadway network is inefficient in terms of its current directional flow patterns (i.e., one-way streets) and block lengths. Even though the community has an extensive alleyway system the roadway network present challenges for both vehicular and pedestrian circulation.** This situation results in undue usage demands from the community and through-traffic particularly on Sumner Road. The existing Park Chester and Wade Road communities are cut-off from the rest of Barry Farm. Park Chester in particular has no local access routes with the community only having access to Martin Luther King Jr. Avenue which is a minor arterial. Wade Road is one-way northbound connecting to Sumner Road but has no other direct access to the Neighborhood. (Emphasis added.) [Small Area Plan at p. 20, under “Transportation, Local Roadway and Access”]*
- *A number of sessions with the Advisory Committee, including a walking tour of the site as well as sessions throughout the five day charrette were conducted to provide a baseline set of findings and confirm the existing physical condition of the neighborhood. A summary of that assessment is as follows:*
 - *Connect Park Chester and Barry Farm with new roads*
 - *Mitigate the impact of commuter traffic on the Neighborhood*
 - *Create more street connections to improve safety and circulation*

[Small Area Plan at p. 22, under “The Neighborhood – Community Assessment, Transportation”]
- *Each proposed design concept shows a new street grid. [See Small Area Plan at p. 24.]*
- *Key design concepts for the Master Plan include: **[i]ntroducing a grid pattern of streets to create residentially scaled blocks and link Barry Farm,** Park Chester*

and Wade Road as well as to connect to Martin Luther King Jr. Avenue and Sumner Road[.]” (Emphasis added.) [Small Area Plan at p. 25, under “The Vision”]

- *The Redevelopment Plan proposes **a new street grid which will create more residentially scaled blocks and provide better connectivity within the site and between the Barry Farm and Park Chester communities.** Sumner and Eaton Roads are maintained in their current locations while Stevens Road is relocated and a series of additional east/west roads are added. **All of these streets, with the exception of those around the park, are conceived of as local residential streets with parking on both sides.** (Emphasis added.) [Small Area Plan at p. 31, under :Streets and Open Space”]*
- *Therefore, the following measures are recommended, as part of general quality of life considerations for the Neighborhood specifically, and for the local area in general.” Including: “**Design the layout of the Barry Farm street to consist of a hybrid (grid-and curvilinear) system that would mitigate against “pressures” for cut-through traffic from the adjacent arterial streets,** particularly for potential through traffic connections between Martin Luther King Jr. Avenue and Firth Sterling Avenue. (Emphasis added.) [Small Area Plan at pg. 34, under “Future Transportation Considerations, Barry Farm Transportation Needs – General Recommendations”]*
- *Based on the Guiding Principles, recommendations, input from the Resident Advisory Group meetings and focus groups, three urban design schemes were developed in order to arrive at a consensus plan. **The three schemes have with the following design concepts in common: 1. Creating residentially scaled blocks through a street grid pattern,** and of new, mixed income housing units in a variety of configurations. (Emphasis added.) [Small Area Plan at pg. 35, under “Urban Design Conclusions”]*

Moreover, the above-listed recommendations relating to enhancing the existing street grid at the Property were cultivated through a significant community outreach process that engaged a broad group of stakeholders. The Small Area Plan states, in relevant part:

The process for the transformation of the Neighborhood began in earnest in November of 2005. An Advisory Committee was created to work with the District to develop the Redevelopment Plan. The Advisory Committee is comprised of thirty-six members and includes residents of all the developments within the site area, community stakeholders, clergy and youth. The Advisory Committee has conducted bi-weekly meetings throughout the planning process. Over the course of the summer,

subcommittees of the larger group were established to focus on specific issues. Four subcommittees exist – Design, Human Capital, Relocation Protocol and Safety and Security – and they likewise have been meeting on a bi-weekly basis. In addition to the Advisory Committee meetings, one-on-one meetings, focus groups, walking and bus tours have also been conducted to establish a working knowledge of the neighborhood and to inform the Advisory Committee on other similar redevelopment projects. A series of five resident training sessions, led by the project’s consultants, were also held to focus on specific aspects of the planning process. The goal is to establish an informed and articulate Advisory Committee that can lead the community through this planning process and the later implementation of the Redevelopment Plan.

[Small Area Plan at p. 7, under “Planning Process”]

Thus, the Application is not inconsistent with the applicable transportation policies of the Comprehensive Plan, further tailored through the Small Area Plan that was generated by a diverse group of stakeholders within the surrounding community.

VI.

Compliance with the Street and Alley Closing and Acquisition Procedures Act (D.C. Code Section 9-201.01, *et seq.*)

A. **Authority for the Closures and Dedications Is Set Forth in the Street and Alley Closing and Acquisition Procedures Act of 1982, D.C. Code Section 9-201.01, *et seq.***

The legal standard for closing a street or alley is whether the street or alley is “unnecessary for street or alley purposes.” D.C. Code § 9-202.01. In the subject case, the portions of the public streets and alleys to be closed are unnecessary for street and alley purposes as a result of the simultaneous dedication of land for street and alley purposes, which will create a new street grid within the Property. As a result of the dedications, the proposed closures will not disrupt the public street or alley system or interfere with access to or from any existing or proposed developments within the abutting squares. Indeed, circulation within the squares will be significantly improved. Therefore, the portions of the public streets and alleys to be closed are not necessary for public street and alley purposes.

In addition, the Mayor may open, extend, widen, or straighten: (1) Any street to conform with the highway plan; or (2) Any minor street or alley, upon the petition of the owners of more than 1/2 of the property fronting on the proposed street or alley, or when the Mayor finds that the public interest would be served best by the action. D.C. Code § 9-203.01. The land used for the purpose of widening and straightening an alley pursuant to § 9-203.01 may be acquired by acceptance by the Council of a dedication of land. D.C. Code § 9-203.02(3). Thus, the Applicant requests the Council to authorize the Mayor to accept the street and alley improvements to be made by the Applicant subject to the confirmation by DDOT that such streets have been constructed in accordance with DDOT standards.

As described in detail above, the Application has also been reviewed by all affected District of Columbia agencies and public utilities, which have all indicated support for or no objection to the Application, or have provided conditions to which the Applicant has agreed.

Based on the foregoing, the street and alley reconfiguration that will result from approval of the Application will significantly benefit the residents of the surrounding neighborhood and the general public interest and will improve vehicular circulation within the existing street and alley system. Thus, the Applicant requests that the Council close the identified streets and alleys and accept the dedication of land in accordance with D.C. Code §§ 9-202.01 and 9-203.02.

B. Economic Impacts of the Applications

Reconnecting the street grid and redeveloping the Barry Farm site will increase the District's real estate tax revenue by removing and replacing underutilized property with significant new housing and affordable housing, improving public safety, and providing new infrastructure and public spaces for the public to enjoy. The Project will generate additional revenue from income taxes, sales taxes, and personal property taxes.

VII.
Witnesses

1. Kyrus L. Freeman, *on behalf of the Applicant*
Holland & Knight LLP
2. Rodger L. Brown, Jr.
Managing Direct of Real Estate Development
Preservation of Affordable Housing, Inc.
3. M. Scott Delgado
Bowman Consulting

VIII.
Exhibits

- Exhibit A-1: Bills 24-104 and 24-105
- Exhibit A-2: Proposed Changes to Sec. 4 of B24-104 and Sec. 3 of B24-105
- Exhibit B: Draft Street and Alley Closure and Dedication Plats
- Exhibit C: Report from the Office of Planning
- Exhibit D: Report from the District Department of Transportation and Applicant's Response
- Exhibit E: Reports from the National Capital Planning Commission
- Exhibit F: Reports from the DC Fire and Emergency Medical Services Department
- Exhibit G: Reports from Verizon, Applicant's Response, and Verizon Letter Withdrawing Objection
- Exhibit H: Reports from Pepco, Applicant's Response, and Pepco Letters Withdrawing Objections
- Exhibit I: Reports from Washington Gas and Letter dated October 13, 2020
- Exhibit J: Reports from DC Water, Applicant's Response, and DC Water Letters Removing Objection
- Exhibit K: Reports from the Historic Preservation Office

- Exhibit L: Report from the Department of Housing and Community Development
- Exhibit M: Reports from the Department of Public Works
- Exhibit N: Letters of Support from Advisory Neighborhood Commission 8C
- Exhibit O: Letter from Preservation of Affordable Housing in re: Engagement with Barry Farm Residents
- Exhibit P: Outlines of Witness Testimony
- Exhibit Q: Affidavit of Posting
- Exhibit R: Affidavit of Notice

IX.
Conclusion

In summary, the proposed street grid was recommended in the Small Area Plan, which was the result of a years-long effort of working with stakeholders. In addition, the benefits of the proposed new street grid have been recognized by the Council, the Commission, and a number of District agencies.

Therefore, as set forth herein, the portions of the streets and alleys to be closed are not necessary for street or alley purposes, and the proposed dedications will serve to benefit the general public interest and improve vehicular circulation within the existing street and alley system. Together, the Applications will allow for development of the site that will implement District planning objectives, increase revenue to the District, and significantly improve current site conditions. The Applications have been reviewed in detail by the applicable District agencies and public utilities, all of which have indicated no objection to the Application or have provided conditions to which the Applicant has agreed. Therefore, the Applicant requests that the Council approve Bill No. 24-104 and Bill No. 24-105.

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.



S.O. 17-26689

IN REPLY REFER TO:
NCPC File No. 8010

September 24, 2018

Mr. Roland F. Dreist, Jr.
Surveyor, Office of the Surveyor
District of Columbia Department of Consumer and Regulatory Affairs
1100 4th Street, SW
Washington, DC 20024

Re: Dedication of Land for Public Streets and Public Alleys in Squares 5862, 5865, 5866, and 5867

Dear Mr. Dreist:

The purpose of this letter is to respond to your referral of a case before the Council of the District of Columbia for National Capital Planning Commission (NCPC) review and comment, as required under DC Code §9-202.02.

Upon review of the case 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 conditions of exception 9, regarding amendments to the Highway Plan, which encompass public street/alley dedications or closures outside of the L'Enfant City. This exemption requires that the proposed amendment does not have a negative impact on federal property, and causes no environmental impacts including adverse effects on historic properties. The project was made available for public review on the NCPC website and no comments were received. Accordingly, staff has determined that it is exempt from Commission review.

This determination applies only to the project listed above. Determinations as 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 John Gerbich at (202) 482-7235 or john.gerbich@ncpc.gov.

Sincerely,

Diane Sullivan
Director, Urban Design and Plan Review



401 9th Street, NW North Lobby, Suite 500 Washington, DC 20004 Tel 202.482.7200 Fax 202.482.7272 www.ncpc.gov

IN REPLY REFER TO:
NCPC File No. 8011

September 24, 2018

Mr. Roland F. Dreist, Jr.
Surveyor, Office of the Surveyor
District of Columbia Department of Consumer and Regulatory Affairs
1100 4th Street, SW
Washington, DC 20024

Re: Closing of Public Streets, Public Alleys Closed and Building Restriction Lines Removed in
Squares 5862, 5865, 5866, and 5867

Dear Mr. Dreist:

The purpose of this letter is to respond to your referral of a case before the Council of the District of Columbia for National Capital Planning Commission (NCPC) review and comment, as required under DC Code §9-202.02.

Upon review of the case 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 conditions of exception 9, regarding amendments to the Highway Plan, which encompass public street/alley dedications or closures outside of the L'Enfant City. This exemption requires that the proposed amendment does not have a negative impact on federal property, and causes no environmental impacts including adverse effects on historic properties. The project was made available for public review on the NCPC website and no comments were received. Accordingly, staff has determined that it is exempt from Commission review.

This determination applies only to the project listed above. Determinations as 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 John Gerbich at (202) 482-7235 or john.gerbich@ncpc.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Diane Sullivan".

Diane Sullivan
Director, Urban Design and Plan Review

Advisory Neighborhood Commission 8C

April 26, 2019

Mr. Roland Dreist, Jr.
Surveyor of the District of Columbia
1100 4th Street, SW, 3rd Floor
Washington, DC 20024

**RE: Support for Street and Alley Closing Application
Squares 5862, 5865, 5866, and 5867
S.O. 17-26688**

Dear Mr. Dreist:

On April 3, 2019, at the regularly scheduled and duly noticed meeting of Advisory Neighborhood Commission ("ANC") 8C, at which a quorum of commissioners and the public were present, the above-referenced matter came before us. At that meeting, ANC 8C voted unanimously to support the application to close portions of public streets and alleys adjacent to Squares 5862, 5865, 5866, and 5867, in order to enable redevelopment of the Barry Farm community. As referenced in the record of S.O. 17-26689, ANC 8C also supports the request to dedicate land for public street and alley purposes adjacent to Squares 5862, 5865, 5866, and 5867.

Sincerely,



Mike Austin
Chairperson



Rhonda L. Edwards-Hines
ANC 8C06

Advisory Neighborhood Commission 8C

April 26, 2019


Mr. Roland Dreist, Jr.
Surveyor of the District of Columbia
1100 4th Street, SW, 3rd Floor
Washington, DC 20024

**RE: Support for Street and Alley Dedication Application
Squares 5862, 5865, 5866, and 5867
S.O. 17-26689**


Dear Mr. Dreist:

On April 3, 2019, at the regularly scheduled and duly noticed meeting of Advisory Neighborhood Commission (“ANC”) 8C, at which a quorum of commissioners and the public were present, the above-referenced matter came before us. At that meeting, ANC 8C voted unanimously to support the application to dedicate land for public street and alley purposes adjacent to Squares 5862, 5865, 5866, and 5867, in order to enable redevelopment of the Barry Farm community. As referenced in the record of S.O. 17-26688, ANC 8C also supports the request to close portions of public streets and alleys adjacent to Squares 5862, 5865, 5866, and 5867.

Sincerely,

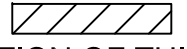


Mike Austin
Chairperson



Rhonda L. Edwards-Hines
ANC 8C06

PURSUANT TO D.C. LAW _____, THE STREET SHOWN
 THUS:  IS CLOSED, AND TITLE VESTS AS SHOWN UPON RECORDATION.

THE ALLEYS SHOWN THUS:  ARE CLOSED AND TITLE VESTS
 AS SHOWN UPON RECORDATION OF THIS PLAT.

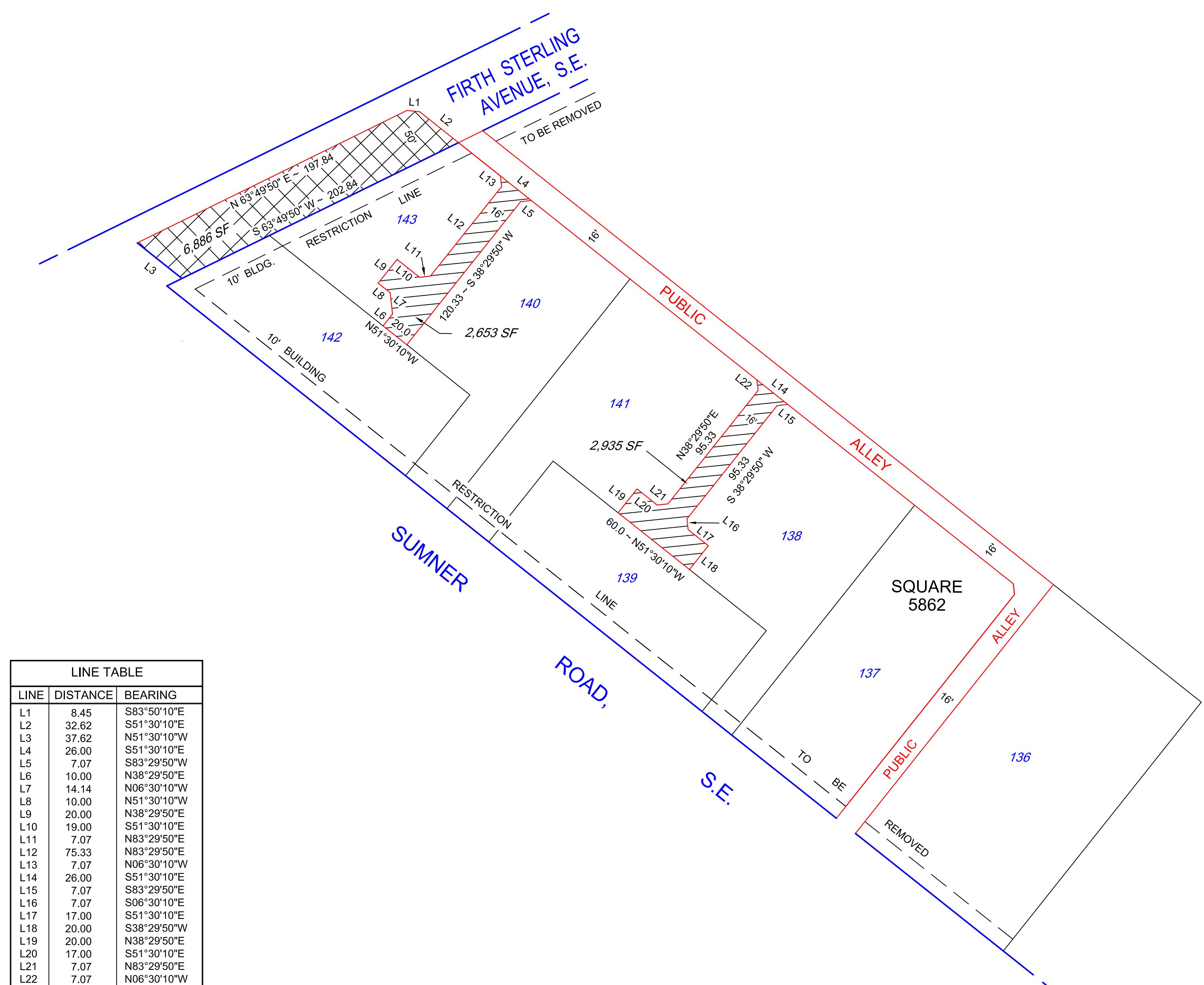
OFFICE OF THE SURVEYOR, D.C.

_____, 2019

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

 SURVEYOR, D.C.

PUBLIC STREETS, PUBLIC ALLEYS CLOSED AND BUILDING RESTRICTION LINES REMOVED SQUARE 5862 (Phase 1A)



LINE TABLE		
LINE	DISTANCE	BEARING
L1	8.45	S83°50'10"E
L2	32.62	S51°30'10"E
L3	37.62	N51°30'10"W
L4	26.00	S51°30'10"E
L5	7.07	S83°29'50"W
L6	10.00	N38°29'50"E
L7	14.14	N06°30'10"W
L8	10.00	N51°30'10"W
L9	20.00	N38°29'50"E
L10	19.00	S51°30'10"E
L11	7.07	N83°29'50"E
L12	75.33	N83°29'50"E
L13	7.07	N06°30'10"W
L14	26.00	S51°30'10"E
L15	7.07	S83°29'50"E
L16	7.07	S06°30'10"E
L17	17.00	S51°30'10"E
L18	20.00	S38°29'50"W
L19	20.00	N38°29'50"E
L20	17.00	S51°30'10"E
L21	7.07	N83°29'50"E
L22	7.07	N06°30'10"W

SURVEYOR'S OFFICE, D.C.

Made for: HOLLAND & KNIGHT / KYRUS FREEMEN

Drawn by: L.E.S. Checked by: _____

Record and computations by: B. MYERS

Recorded at: _____

Recorded in Book _____ Page _____ SR-17-05953

Scale: 1 inch = 50 feet File No. 17-26688

2017/ST CLOSING/SR-17-05953-SQ.5862_PHASE_1A

SHEET 1 OF 3

PURSUANT TO D.C. LAW _____, THE STREET SHOWN
THUS: [X] IS CLOSED, AND TITLE VESTS AS SHOWN UPON RECORDATION.

THE ALLEYS SHOWN THUS: [Hatched] ARE CLOSED AND TITLE VESTS
AS SHOWN UPON RECORDATION OF THIS PLAT.

OFFICE OF THE SURVEYOR, D.C.

_____, 2019

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.

PUBLIC STREETS, PUBLIC ALLEYS CLOSED AND BUILDING RESTRICTION LINES REMOVED SQUARES 5865 (Phase 1B)



LINE	DISTANCE	BEARING
L1	7.07	N83°29'50"E
L2	16.00	S38°29'50"W
L3	7.07	S83°29'50"W
L4	7.07	S06°30'10"E
L5	17.00	S51°30'10"E
L6	20.00	S38°29'50"W
L7	20.00	N38°29'50"E
L8	17.00	S51°30'10"E
L9	7.07	N83°29'50"E
L10	7.07	N06°30'10"W
L11	7.07	S83°29'50"W
L12	7.07	S06°30'10"E
L13	17.00	S51°30'10"E
L14	20.00	S38°29'50"W
L15	20.00	N38°29'50"E
L16	17.00	S51°30'10"E
L17	7.07	N83°29'50"E
L18	7.07	N06°30'10"W
L19	7.07	S83°29'50"W
L20	7.07	S06°30'10"E
L21	17.00	S51°30'10"E
L22	20.00	S38°29'50"W
L23	20.00	N38°29'50"E
L24	17.00	S51°30'10"E
L25	7.07	N83°29'50"E
L26	7.07	N06°30'10"W
L27	17.70	N63°49'50"E
L28	7.64	N26°10'10"W
L29	2.67	S63°49'50"W
L30	26.79	N63°49'50"E
L31	56.59	S26°10'10"E

SURVEYOR'S OFFICE, D.C.

Made for: HOLLAND & KNIGHT / KYRUS FREEMEN

Drawn by: L.E.S. Checked by: _____

Record and computations by: B. MYERS

Recorded at: _____

Recorded in Book _____ Page _____ SR-17-05953

Scale: 1 inch = 60 feet File No. 17-26688

2017/ST CLOSING/SR-17-05953-SQ.585_PHASE 1B

SHEET 2 OF 3

PUBLIC ALLEYS CLOSED AND BUILDING RESTRICTION LINES REMOVED SQUARES 5865, 5866 AND 5867 (Phase 2)

THE ALLEYS SHOWN THUS: ARE CLOSED AND TITLE VESTS AS SHOWN UPON RECORDATION OF THIS PLAT.

OFFICE OF THE SURVEYOR, D.C.

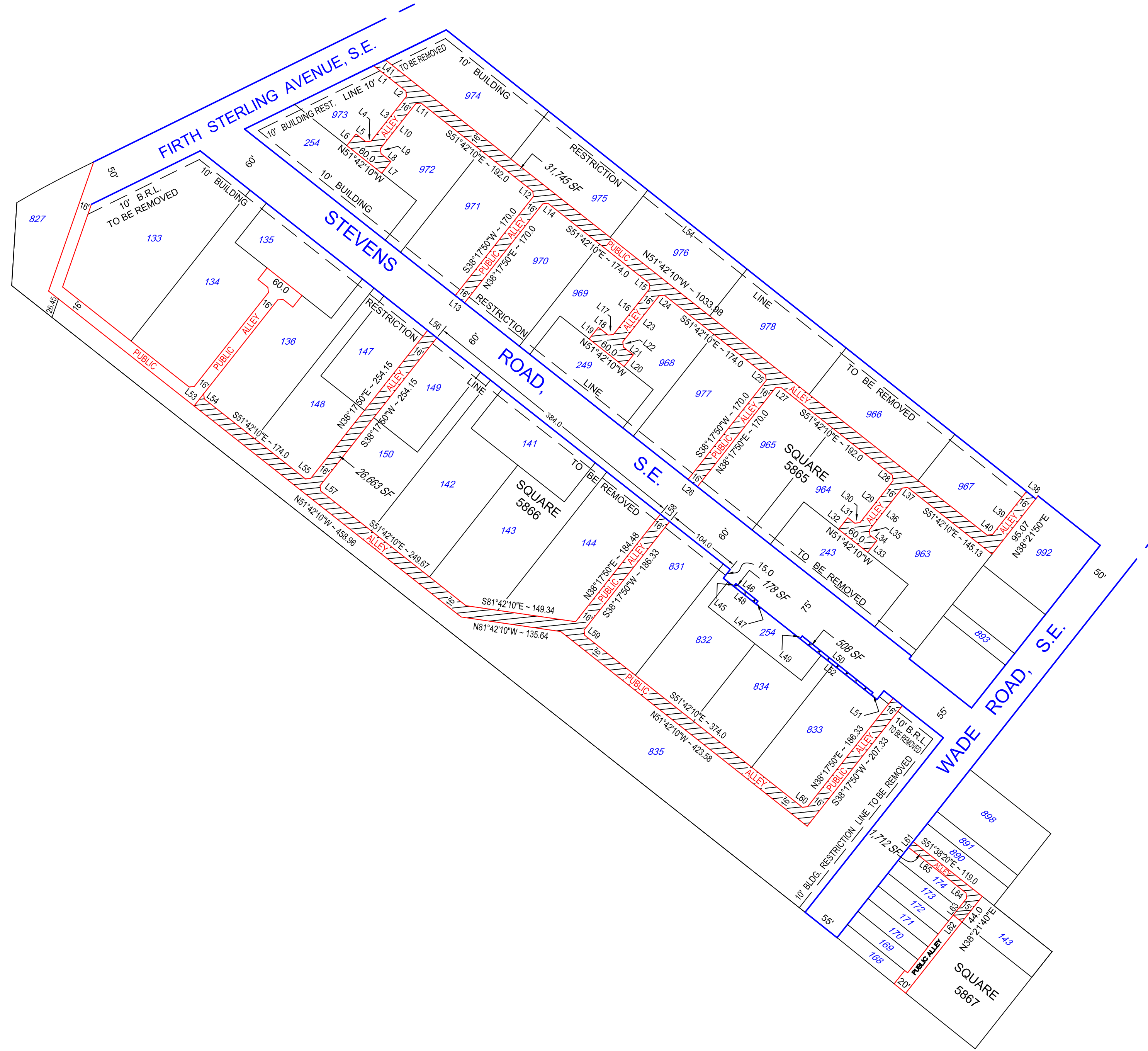
, 2020

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.

LINE	DISTANCE	BEARING
L1	55.47	S51°42'10"E
L2	7.07	S06°42'10"E
L3	77.00	S38°17'50"W
L4	7.07	S83°17'50"W
L5	17.00	N51°42'10"E
L6	20.00	S38°17'50"W
L7	20.00	N38°17'50"E
L8	17.00	N51°42'10"W
L9	7.07	N06°42'10"W
L10	77.00	N38°17'50"E
L11	7.07	N83°17'50"E
L12	7.07	S06°42'10"E
L13	16.00	S51°42'10"E
L14	7.07	N83°17'50"E
L15	7.07	S06°42'10"E
L16	79.00	S38°17'50"W
L17	7.07	S83°17'50"W
L18	17.00	N51°42'10"W
L19	20.00	S38°17'50"W
L20	20.00	N38°17'50"E
L21	17.00	N51°42'10"W
L22	7.07	N06°42'10"W
L23	79.00	N38°17'50"E
L24	7.07	N83°17'50"E
L25	7.07	S06°42'10"E
L26	16.00	S51°42'10"E
L27	7.07	N83°17'50"E
L28	7.07	S06°42'10"E
L29	72.00	S38°17'50"W
L30	7.07	S83°17'10"W
L31	17.00	N51°42'10"W
L32	20.00	S38°17'50"W
L33	20.00	N38°17'50"E
L34	17.00	N51°42'10"W
L35	7.07	N06°42'10"W
L36	72.00	N38°17'50"E
L37	7.07	N83°17'50"E
L38	16.00	N51°30'10"W
L39	74.13	S38°21'50"W
L40	7.07	S83°17'50"W
L41	17.73	S63°49'50"W
L42	---	---
L43	---	---
L44	---	---
L45	4.76	N38°29'50"E
L46	38.00	S51°30'10"E

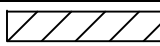
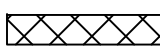
LINE	DISTANCE	BEARING
L47	4.63	S38°29'50"W
L48	38.00	N51°42'10"W
L49	4.37	N38°29'50"E
L50	122.17	S51°30'10"E
L51	3.94	S38°29'50"W
L52	122.17	N51°42'10"W
L53	21.00	N38°17'50"E
L54	7.07	S06°42'10"E
L55	7.07	N83°17'50"E
L56	16.00	S51°42'10"E
L57	7.07	S06°42'10"E
L58	16.00	S51°42'10"E
L59	7.07	S06°42'10"E
L60	7.07	N83°17'50"E
L61	10.00	N38°21'40"E
L62	15.00	S51°38'20"E
L63	28.91	S38°21'40"W
L64	7.07	N83°13'50"W
L65	99.00	N51°38'20"W



SURVEYOR'S OFFICE, D.C.

Made for: HOLLAND & KNIGHT / KYRUS FREEMAN
 Drawn by: L.E.S. Checked by: _____
 Record and computations by: B. MYERS
 Recorded at: _____
 Recorded in Book _____ Page _____ SR-17-05953
 Scale: 1 inch = 100 feet File No. 17-26688
 2017/ST CLOSING/SR-17-05953-SQ.5865, 5866, 5867_PHASE 2
 SHEET 3 OF 3

DEDICATION OF LAND FOR PUBLIC STREETS AND PUBLIC ALLEYS SQUARES 5862 AND 5865 (Phase 1A & 1B)

PURSUANT TO D.C. LAW _____ EFFECTIVE _____, 20____
 THE LAND SHOWN THUS:  IS DEDICATED IN FEE SIMPLE FOR PUBLIC STREET PURPOSES.
 THE LAND SHOWN THUS:  IS DEDICATED IN FEE SIMPLE FOR PUBLIC ALLEY PURPOSES.
 THE DEDICATION OF THE STREETS WILL OCCUR UPON OFFICIAL CERTIFICATION OF ACCEPTANCE BY DDOT.

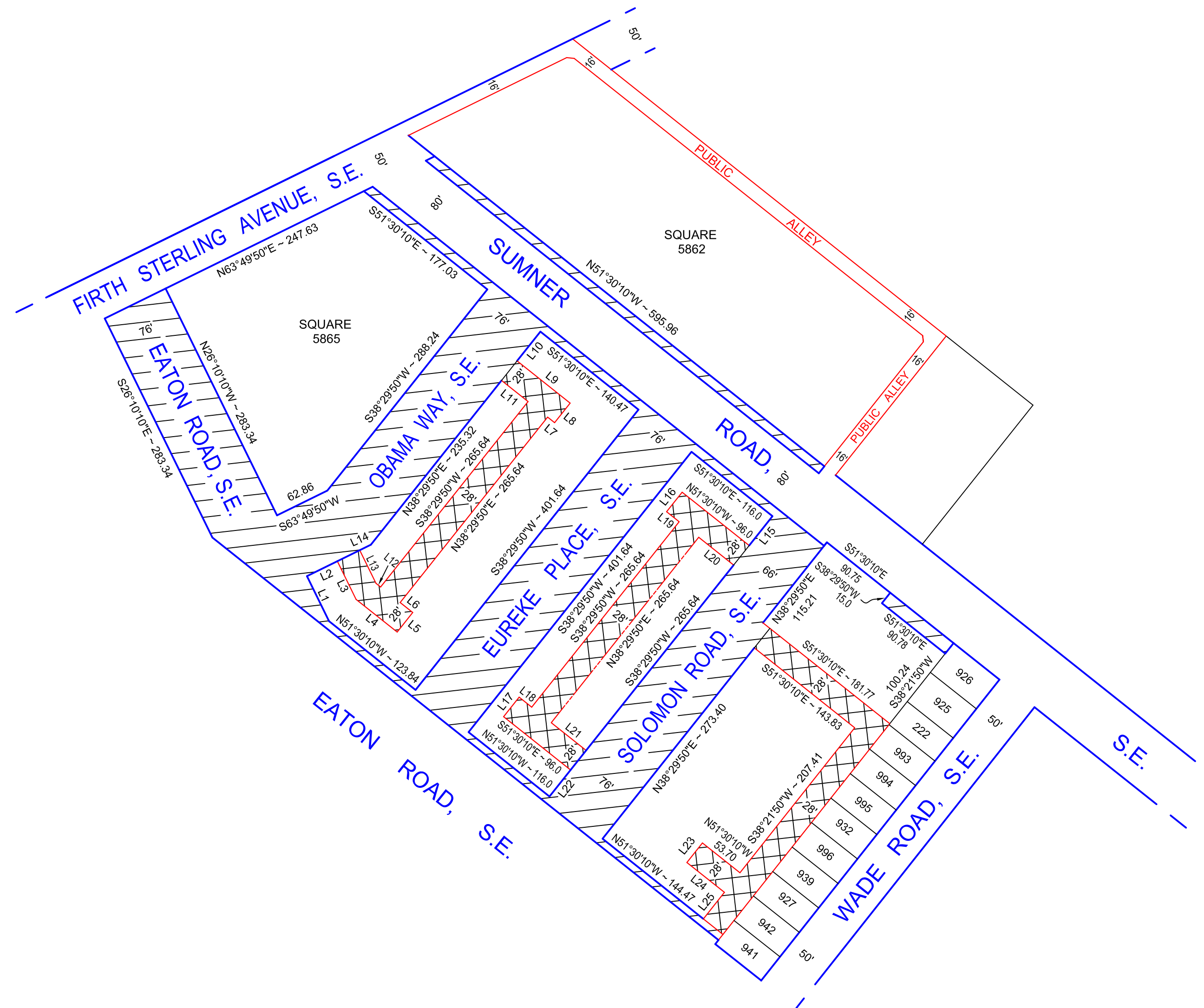
OFFICE OF THE SURVEYOR, D.C.

_____, 2019

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

 SURVEYOR, D.C.

LINE TABLE		
LINE	DISTANCE	BEARING
L1	56.25	N26°10'10"W
L2	38.00	N63°49'50"E
L3	47.71	S26°10'10"E
L4	58.83	S51°30'10"E
L5	28.00	N83°29'50"E
L6	18.00	N51°30'10"W
L7	10.00	S51°30'10"E
L8	28.00	N38°29'50"E
L9	76.00	N51°30'10"E
L10	42.00	N38°29'50"E
L11	38.00	S51°30'10"E
L12	6.54	N51°30'10"W
L13	41.41	N26°10'10"W
L14	13.94	N63°49'50"E
L15	42.00	S38°29'50"W
L16	28.00	S39°29'50"W
L17	28.00	S39°29'50"W
L18	18.00	N51°30'10"W
L19	18.00	S51°30'10"E
L20	50.00	S51°30'10"E
L21	50.00	N51°30'10"W
L22	38.00	S38°29'50"W
L23	28.00	S38°29'50"W
L24	53.76	S51°30'10"E
L25	38.00	S38°21'50"W



SURVEYOR'S OFFICE, D.C.

Made for: HOLLAND & KNIGHT / KYRUS L. FREEMAN

Drawn by: L.E.S. Checked by: _____

Record and computations by: B. MYERS


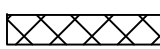
Recorded at: _____

Recorded in Book _____ Page _____ SR-17-05954

Scale: 1 inch = 100 feet File No. 17-26689

2017/STREET_DEDICATION/SR-17-05954-SQ.5862_5865_PHASE 1A&1B
 SHEET 1 OF 3

DEDICATION OF LAND FOR PUBLIC STREETS AND PUBLIC ALLEYS SQUARE 5865 (Phase 2A)

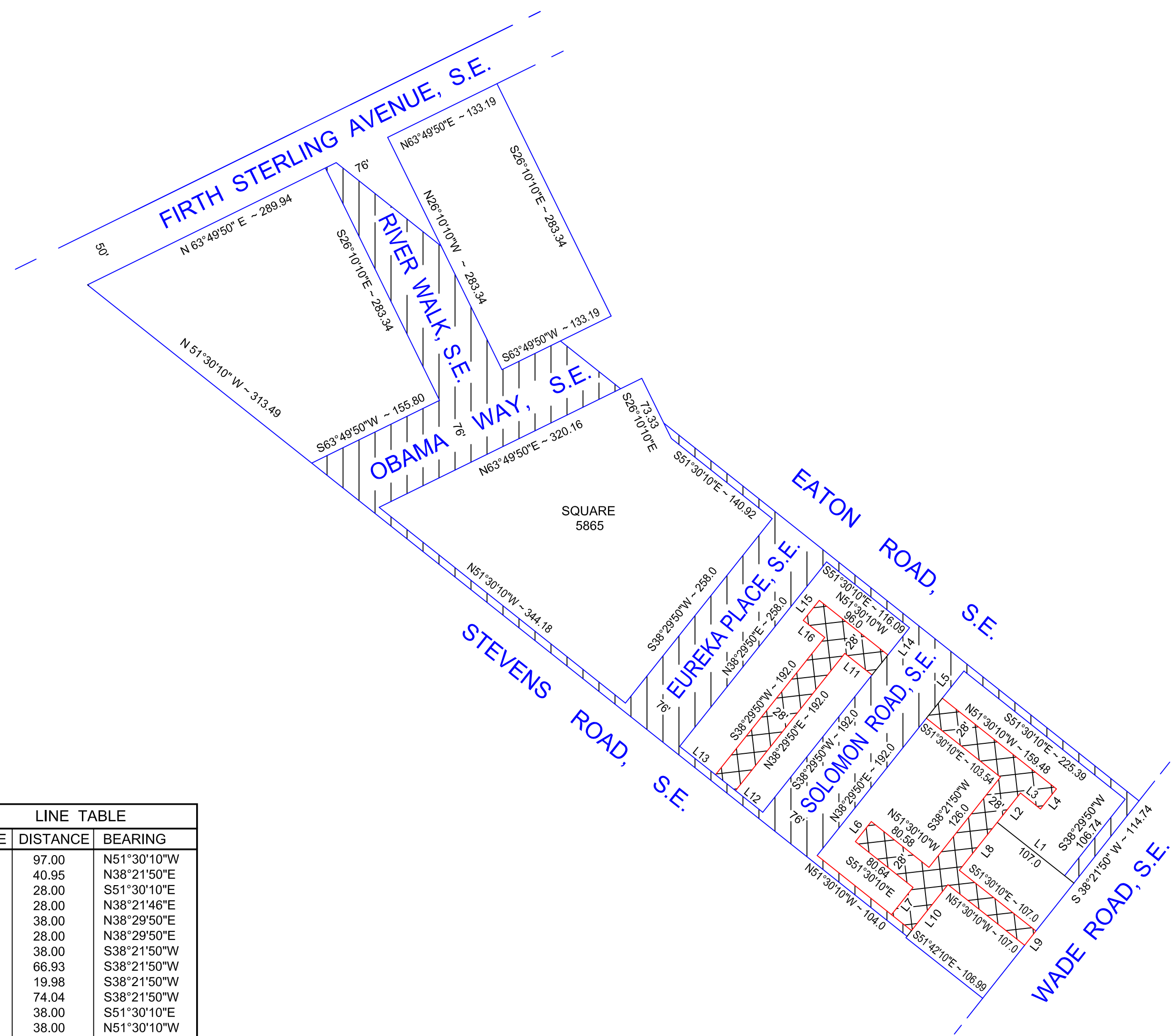
PURSUANT TO D.C. LAW _____ EFFECTIVE _____, 20____
 THE LAND SHOWN THUS:  IS DEDICATED IN FEE SIMPLE FOR PUBLIC STREET PURPOSES.
 THE LAND SHOWN THUS:  IS DEDICATED IN FEE SIMPLE FOR PUBLIC ALLEY PURPOSES.
 THE DEDICATION OF THE STREETS WILL OCCUR UPON OFFICIAL CERTIFICATION OF ACCEPTANCE BY DDOT.

OFFICE OF THE SURVEYOR, D.C.

_____, 2020

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

 SURVEYOR, D.C.



LINE TABLE		
LINE	DISTANCE	BEARING
L1	97.00	N51°30'10"W
L2	40.95	N38°21'50"E
L3	28.00	S51°30'10"E
L4	28.00	N38°21'46"E
L5	38.00	N38°29'50"E
L6	28.00	N38°29'50"E
L7	38.00	S38°21'50"W
L8	66.93	S38°21'50"W
L9	19.98	S38°21'50"W
L10	74.04	S38°21'50"W
L11	38.00	S51°30'10"E
L12	38.00	N51°30'10"W
L13	50.00	N51°30'10"W
L14	38.00	S38°29'50"W
L15	28.00	S38°29'50"W
L16	30.00	S51°30'10"E

SURVEYOR'S OFFICE, D.C.

Made for: HOLLAND & KNIGHT / KYRUS L. FREEMAN

Drawn by: L.E.S. Checked by: _____

Record and computations by: B. MYERS

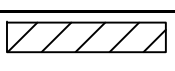
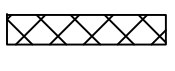
Recorded at: _____

Recorded in Book _____ Page _____ SR-17-05954

Scale: 1 inch = 100 feet File No. 17-26689

2017/STREET_DEDICATION/SR-17-05865_PHASE 2A
 SHEET 2 OF 3

DEDICATION OF LAND FOR PUBLIC STREETS AND PUBLIC ALLEYS SQUARES 5866 AND 5867 (Phase 2B)

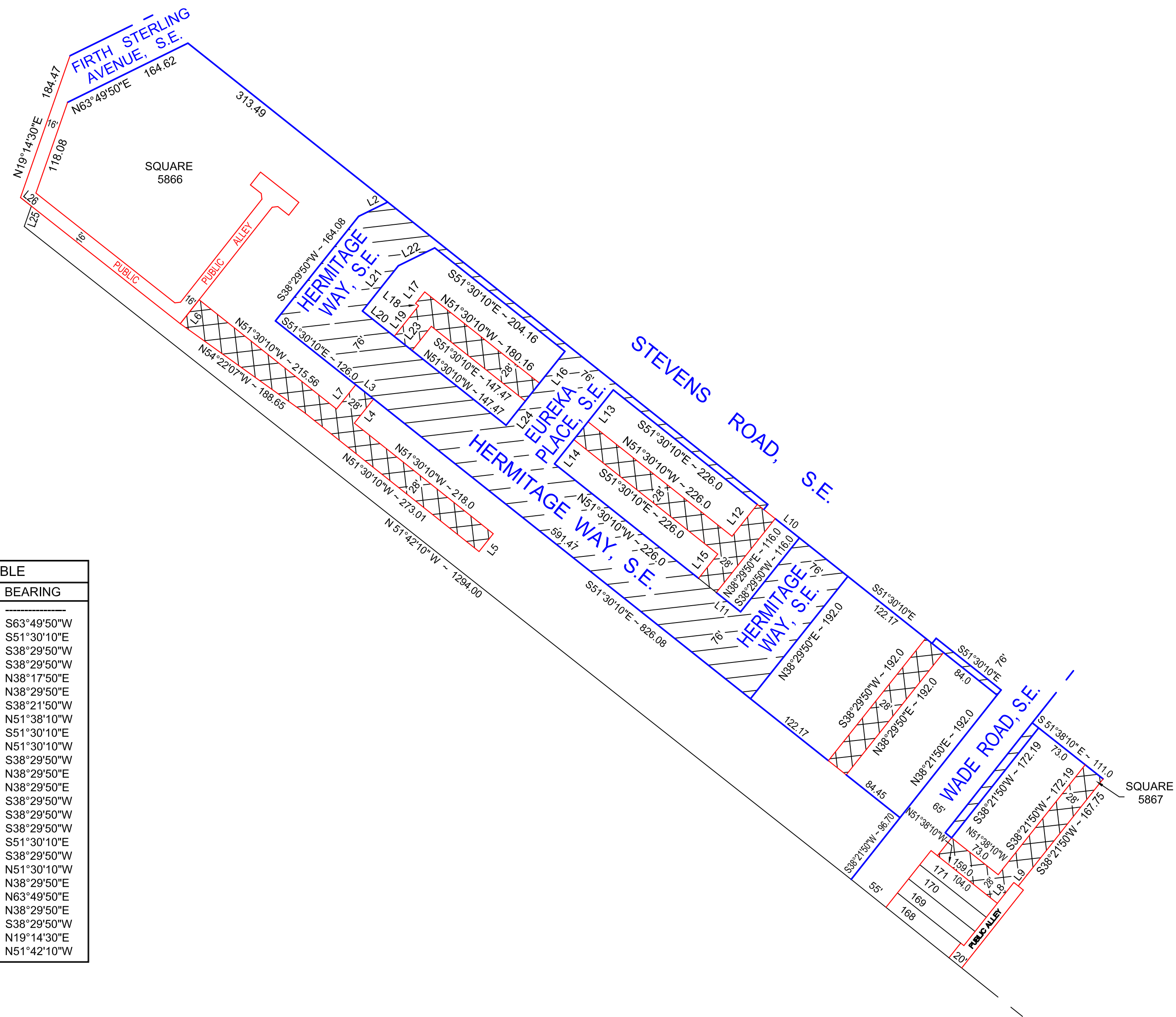
PURSUANT TO D.C. LAW _____ EFFECTIVE _____, 20____
 THE LAND SHOWN THUS:  IS DEDICATED IN FEE SIMPLE FOR PUBLIC STREET PURPOSES.
 THE LAND SHOWN THUS:  IS DEDICATED IN FEE SIMPLE FOR PUBLIC ALLEY PURPOSES.
 THE DEDICATION OF THE STREETS WILL OCCUR UPON OFFICIAL CERTIFICATION OF ACCEPTANCE BY DDOT.

OFFICE OF THE SURVEYOR, D.C.

_____, 20____

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

 SURVEYOR, D.C.



LINE TABLE		
LINE	DISTANCE	BEARING
L1		
L2	52.74	S63°49'50"W
L3	28.00	S51°30'10"E
L4	38.00	S38°29'50"W
L5	28.00	S38°29'50"W
L6	37.43	N38°17'50"E
L7	38.00	N38°29'50"E
L8	32.43	S38°21'50"W
L9	7.00	N51°38'10"W
L10	38.00	S51°30'10"E
L11	38.00	N51°30'10"W
L12	50.00	S38°29'50"W
L13	50.00	N38°29'50"E
L14	38.00	N38°29'50"E
L15	38.00	S38°29'50"W
L16	50.00	S38°29'50"W
L17	18.00	S38°29'50"W
L18	4.70	S51°30'10"E
L19	48.00	S38°29'50"W
L20	50.00	N51°30'10"W
L21	71.00	N38°29'50"E
L22	49.79	N63°49'50"E
L23	38.00	N38°29'50"E
L24	38.00	S38°29'50"W
L25	26.45	N19°14'30"E
L26	16.93	N51°42'10"W

SURVEYOR'S OFFICE, D.C.

Made for: HOLLAND & KNIGHT / KYRUS L. FREEMAN

Drawn by: L.E.S. Checked by: _____

Record and computations by: B. MYERS

Recorded at: _____

Recorded in Book _____ Page _____ SR-17-05954

Scale: 1 inch = 100 feet File No. 17-26689

2017/STREET_DEDICATION/SR-17-05954-SQ.5866_5867_PHASE 2B

SHEET 3 OF 3

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **July 12, 2022**
4

5
6 A BILL

7
8 24-104
9

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

15 To order the closing of portions of Firth Sterling Avenue, S.E., between a public alley to the
16 northeast and a public alley to the southwest, adjacent to Squares 5862, 5865, and 5866;
17 portions of Eaton Road, S.E., between Firth Sterling Avenue, S.E. to the northwest and
18 Wade Road, S.E. to the southeast, adjacent to Square 5865; a portion of Stevens Road,
19 S.E., between Firth Sterling Avenue, S.E., to the northwest and Wade Road, S.E., to the
20 southeast, adjacent to Squares 5865 and 5866; and the closing of portions of the public
21 alley system adjacent to Squares 5862, 5865, 5866, and 5867; to order the dedication and
22 designation of Obama Way, S.E.; Eureka Place, S.E.; Solomon Road, S.E.; Eaton Road,
23 S.E.; River Walk, SE; Stevens Road, S.E.; and Hermitage Way, S.E.; adjacent to Squares
24 5865 and 5866 for public street purposes; the dedication of land to widen portions of
25 Sumner Road, S.E.; Eaton Road, S.E.; and Stevens Road, S.E.; adjacent to Squares 5862,
26 5865, and 5866 for public street purposes; the dedication of land adjacent to Squares
27 5865, 5866, and 5867 for public alley purposes; and to authorize the improvement of the
28 dedicated land, for street and alley purposes in Ward 8.
29

30 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
31 act may be cited as the “Omnibus Barry Farm Redevelopment Act of 2022.”

32 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved
33 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street
34 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
35 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that portions of the public street
36 and alley system adjacent to Squares 5862, 5865, 5866, and 5867, as shown by the hatch marks
37 on the Surveyor’s plat in S.O. 17-26688, are unnecessary for street or alley purposes and orders

38 them closed, with title to the land to vest as shown on the Surveyor’s plat for S.O. 17-26688.
39 Further, the Council finds that the building restriction lines adjacent to Squares 5862, 5865, and
40 5866, as shown Surveyor’s plat in S.O. 17-26688, are unnecessary and orders them eliminated.

41 (b) The ordering of the street and alley closures and removal of building restriction lines
42 set forth in subsection (a) of this section is contingent upon satisfaction of all the conditions set
43 forth by the District Department of Transportation in the official file for S.O. 17-26688 prior to
44 the recordation of a plat by the Surveyor. The Surveyor shall record the street and alley closing
45 plats in multiple phases, as indicated in S.O. 17-26688, with the plat for Phase 1A recorded no
46 later than January 31, 2023, the plat for Phase 1B recorded no later than January 31, 2024, and
47 the plats for Phases 2A and 2B recorded no later than January 31, 2026.

48 Sec. 3. (a) Pursuant to sections 302 and 401 of the Street and Alley Closing and
49 Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official
50 Code §§ 9-203.02 and 9-204.01) (“Act”), and notwithstanding the requirements set forth in
51 sections 303, 304, and 402 of the Act , the Council accepts the dedications of the streets and
52 alleys adjacent to Squares 5862, 5865, 5866, and 5867 as shown by the hatch marks on the
53 Surveyor’s plat in S.O. 17-26689, and designates the new streets as Obama Way, S.E.; Eureka
54 Place, S.E.; Solomon Road, S.E.; Eaton Road, S.E.; River Walk, S.E.; Stevens Road, S.E.; and
55 Hermitage Way, S.E. as shown in S.O. 17-26689.

56 (b) The ordering of the dedications and designations set forth in subsection (a) of this
57 section is contingent upon satisfaction of all conditions set forth by the District Department of
58 Transportation in the official file for S.O. 17-26689 prior to the recordation of a plat by the
59 Surveyor. The Surveyor shall record the street and alley dedication and designation plats in
60 multiple phases, as indicated in S.O. 17-26689, with the plats for Phase 1A and 1B recorded no

61 later than July 31, 2026, the plat for Phase 2A recorded no later than July 31, 2028, and the plat
62 for Phase 2B recorded no later than December 31, 2029.

63 Sec. 4. Fiscal impact.

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

67 Sec. 5. Effective date.

68 This act shall take effect following approval by the Mayor (or in the event of veto by the
69 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
70 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
71 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
72 Columbia Register.