

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**TO:** All Councilmembers

**FROM:** Chairman Phil Mendelson  
Committee of the Whole

**DATE:** March 7, 2023

**SUBJECT:** Report on Proposed Resolution 25-109, “Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2023”

The Committee of the Whole, to which Proposed Resolution 25-109, the “Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2023” was referred, reports favorably thereon, and recommends approval by the Council.

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**I. BACKGROUND AND NEED**

On February 6, 2023, Proposed Resolution 25-109, the “Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2023” was introduced by Chairman Phil Mendelson at the request of the Mayor. PR 25-109 would remove a 45-foot-wide portion of 26<sup>th</sup> Street, N.E., along the east line of Lot 812 of Square 4408 and Lot 805 of Square 4396 in Ward 5, from the Plan of the Permanent System of Highways. The closure of this paper street will allow the Department of General Services to finalize the renovation and permitting process for the Arboretum Recreation Center at 2412 Rand Place, N.E., by securing a permanent certificate of occupancy. Renovation of the recreation center began in 2021 and finished in November 2022. The new recreation center includes a fitness center, multipurpose space, a technology lounge, and a community room.

### ***Legal Background***

As the cities of the District of Columbia grew and population expanded into what was then known as the County of Washington during the latter half of the 19th Century, Congress, exercising its legislative authority over the District, adopted requirements for the subdivision of land and extension of streets. The Plan of Permanent System of Highways (Highway Plan) was adopted in 1893 to control land platting outside of L'Enfant City by establishing future street alignments for areas not yet subdivided. With minor modifications, this is still the law.

Codified in the DC Official Code at § 9-103.01, et seq., the law requires the Mayor to prepare the Plan with approval by the Council. However, the Plan has not been “prepared” or published since before Home Rule; the 1968 Highway Plan is the version most recently published. Throughout the District, there are street segments that have never been constructed, as is the case with the portion of 26<sup>th</sup> Street, N.E., subject to PR 25-109. As a result, the Highway Plan has been amended on numerous occasions, sometimes to fit more congruously with the outlying landscape of the District, sometimes to accommodate development where it is realized that planned-but-unbuilt streets are unnecessary, or a different street alignment is more desirable.

In conformity with the 1893 act, the National Capital Planning Commission has reviewed the Highway Plan change proposed by PR 25-109. NCPC’s review is discussed in Section V of this report, and its letter is attached. In addition, the D.C. Surveyor notified the District Department of Transportation regarding this proposed change to the Highway Plan. DDOT’s comments are discussed under Section III of this report.

The consideration of PR 25-109 meets the requirements of the 1893 act.

### ***Background Pertinent to PR 25-109***

PR 25-109 would amend the would remove a 45-foot-wide portion of 26th Street, N.E., along the east line of Lot 812 of Square 4408 and Lot 805 of Square 4396 in Ward 5, from the Plan of the Permanent System of Highways. While the Committee could not determine the precise data on which this portion of 26<sup>th</sup> Street, N.W., was added to the Highway Plan, an inspection of Highway Plan maps suggests that it was added sometime in the early 1930s.<sup>1</sup>

The closure of this paper street will allow the Department of General Services to finalize the renovation and permitting process for the Arboretum Recreation Center at 2412 Rand Place, N.E., by securing a permanent certificate of occupancy.

The Arboretum Recreation Center, originally built in the 1960s, began a \$10.8 million renovation project in 2021 that expanded the size of the facility from 1,400 square feet to 8,000 square feet. The new recreation center includes a fitness center, multipurpose space, a technology lounge, and a community room. The ribbon on the new facility was cut in November 2022.<sup>2</sup>

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<sup>1</sup> Highway Plan maps do not show this portion of 26<sup>th</sup> Street, N.W., until 1931.

<sup>2</sup> Executive Office of the Mayor, “Mayor Bowser Cuts Ribbon on New Arboretum Community Center,” November 5, 2022 (<https://mayor.dc.gov/release/mayor-bowser-cuts-ribbon-new-arboretum-community-center>).

Figure 1. 1933 Highway Plan Map



### **Conclusion**

The Committee finds that the portion of 26<sup>th</sup> Street, N.W., as depicted on the attached Surveyor's plat, is unnecessary for Highway purposes. The closure will allow the Department of General Services to obtain a permanent certificate of occupancy for the recently renovated Arboretum Recreation Center. Accordingly, the Committee recommends approval of the Committee Print for PR 25-109.

## **II. LEGISLATIVE CHRONOLOGY**

- April 27, 2022 Proposed Resolution 24-733, the "Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2022" is introduced by Chairman Mendelson at the request of the Mayor.
- May 3, 2022 PR 24-733 is "read" at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
- May 6, 2022 Notice of Intent to Act on PR 24-733 is published in the *District of Columbia Register*.
- November 11, 2022 Notice of a Public Hearing on PR 24-733 is published in the *District of Columbia Register*.

- November 18, 2022 A revised Notice of a Public Hearing on PR 24-733 is published in the *District of Columbia Register*.
- December 2, 2022 Another revised Notice of a Public Hearing on PR 24-733 is published in the *District of Columbia Register*.
- December 12, 2022 The Committee of the Whole holds a public hearing on PR 24-733.
- February 6, 2023 PR 25-109, the “Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2023” is introduced by Chairman Mendelson at the request of the Mayor.
- February 7, 2023 PR 25-109 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
- February 10, 2023 Notice of Intent to Act on PR 25-109 is published in the *District of Columbia Register*.
- March 7, 2023 The Committee of the Whole marks-up PR 25-109.

### **III. POSITION OF THE EXECUTIVE**

PR 25-109 was introduced at the request of the Mayor. Dan Emerine, Manager of Policy and Legislative Affairs at the District Department of Transportation, testified at the Committee’s public hearing on December 12, 2022 on behalf of Anna Chamberlin and the Executive. Ms. Chamberlin’s testimony notes that the Department has no objections to the proposed elimination of the portion of 26<sup>th</sup> Street, N.E., from the Highway Plan.

Joseph Snider, D.C. Surveyor, testified at the Committee’s public hearing on December 12, 2022. He stated that the purpose of PR 24-733 is to remove a 45-foot-wide portion of 26<sup>th</sup> Street, N.E., along the east line of Lot 805 in Square 4396 and Lot 812 in Square 4408 from the Plan of the Permanent System of Highways for the District of Columbia.

### **IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS**

In a letter to the Surveyor dated June 16, 2021, ANC 5C noted that the Commission voted 5-0 to support the proposed Highway Plan change. The letter is attached.

### **V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW**

By a delegated action of the Executive Director, dated April 29, 2021, the Executive Director of the National Capital Planning Commission (NCPC) approved the proposed modification of the permanent system of highways to remove a portion of 26<sup>th</sup> Street, N.E. NCPC determined that the approval of the amendment would not have adverse effects on historic properties. The document is attached to this report.

## VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills, including PR 24-733, which is identical to PR 25-109, on Monday, December 12, 2022. The testimony summarized below pertains to PR 24-733. Copies of all written testimony are attached to this report.

*Joseph Snider, Surveyor of the District of Columbia*, testified to provide background on PR 24-733. 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 Anna Chamberlin for the Executive. His testimony is summarized in Section III.

The Committee received no testimony or comments in opposition to PR 24-733.

## VII. IMPACT ON EXISTING LAW

PR 25-109 has no impact on existing law. An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities (D.C. Official Code § 9-103.01 et seq.) requires Council approval of modifications to the Highway Plan (last published in 1968). PR 25-109 fulfills that requirement.

## VIII. FISCAL IMPACT

The attached (date) fiscal impact statement from the District's Chief Financial Officer states that funds are sufficient in the FY 2023 through FY 2026 budget and financial plan to implement the bill.

## IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	(a) The Mayor proposes modifying the Plan of Permanent System of Highways of the District of Columbia by removing therefrom a portion of 26th Street, N.E.  (b) The Council approves the revision of the Highway Plan.
<u>Section 3</u>	Standard fiscal impact statement provision.
<u>Section 4</u>	The resolution takes effect immediately.

## **X. COMMITTEE ACTION**

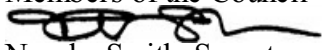
## **XI. ATTACHMENTS**

1. PR 25-109 as introduced.
2. Written Testimony.
3. NCPC Comments.
4. ANC 5C Letter.
5. Surveyor's Plat.
6. Fiscal Impact Statement for PR 25-109.
7. Legal Sufficiency Determination for PR 25-109.
8. Committee Print for PR 25-109.

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

Memorandum

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To : Members of the Council  
  
From : Nyasha Smith, Secretary to the Council  
Date : Monday, February 6, 2023  
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, February 06, 2023. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2023", PR25-0109

INTRODUCED BY: Chairman Mendelson, at the request of Mayor

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

Attachment  
cc: General Counsel  
Budget Director  
Legislative Services



**MURIEL BOWSER**  
**MAYOR**

February 6, 2023

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

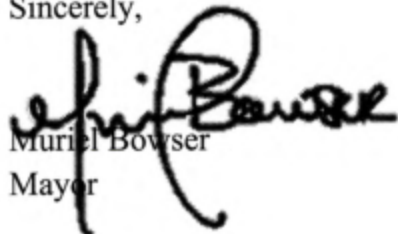
Enclosed for the consideration and approval by the the Council of the District of Columbia is a proposed resolution entitled "Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2023" The resolution will approve the removal of a 45-foot-wide portion of 26th Street, N.E., along the east lot lines of Lot 812 in Square 4408 and Lot 805 in Square 4396 from the Plan of the Permanent System of Highways of the District of Columbia.

The purpose of this removal is to allow the Department of General Services to modernize and expand the Arboretum Recreation Center. The facility is District-owned and distinct from the federally-owned National Arboretum located to the east of the recreation center.


Pursuant to D.C. Official Code § 9-101.06, the proposed removal was referred to Advisory Neighborhood Commission (ANC) 5C on March 17, 2021. The ANC voted on June 16, 2021, in support of the proposed removal. An application to approve the proposed removal was referred to the National Capital Planning Commission (NCPC) on March 17, 2021. In a letter dated May 10, 2021, NCPC approved the application.

I look forward to the Council's favorable consideration of the proposed resolution.

Sincerely,

  
Muriel Bowser  
Mayor



  
Chairman Phil Mendelson  
at the request of the Mayor

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the removal of a 45-foot-wide portion of 26th Street, N.E., along the east lot line of Lot 812 in Square 4408 and Lot 805 in Square 4396 from the Plan of the Permanent System of Highways of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2023".

Sec. 2. The Mayor has proposed to modify the Plan of the Permanent System of Highways of the District of Columbia by removing therefrom a portion of 26th Street, N.E., along the east line of Square 4408, Lot 812 and Square 4396, Lot 805, as shown on the Surveyor's plat filed under S.O. 21-02601.

Sec. 3. Pursuant to section 6 of An Act To amend an Act of Congress approved March second, eighteen hundred and ninety-three, entitled "An Act to provide a permanent system of highways in the part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), the Council approves the modification to the Plan of the Permanent System of Highways of the District of Columbia referred to in section 2.

Sec. 4. Fiscal impact statement.

29           The Council adopts the fiscal impact statement in the committee report as the fiscal impact  
30 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved  
31 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

32           Sec. 4. Effective date.

33           This resolution shall take effect immediately.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Attorney General**

**ATTORNEY GENERAL**  
**BRIAN L. SCHWALB**



**Commercial Division**

**MEMORANDUM**

**TO: Kelly Watson**  
**Office of Policy & Legislative Affairs**

**FROM: Maximilian L.S. Tondro, Chief**  
**Equitable Land Use Section**

**SUBJECT: Legal sufficiency review of a draft resolution to remove a portion of 26<sup>th</sup> Street, N.E., from the Highway Plan, as shown in the Surveyor's plat in S.O. 21-02601**

**DATE: January 30, 2023**

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This Office has reviewed the attached proposed resolution entitled “Removal of a Portion of 26<sup>th</sup> Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution, S.O. 21-02601, Resolution of 2023” cited above and found it to be legally sufficient.

The D.C. Department of General Services filed an application to remove a 45-foot-wide portion of 26<sup>th</sup> Street, N.E., along the east lot lines of Lot 812 in Square 4408 and Lot 805 in Square 4396 (collectively, the “**Property**”) from the Plan of the Permanent System of Highways of the District of Columbia (the “**Highway Plan**”) with the Office of the Surveyor of the District of Columbia (the “**Surveyor**”), which created a file (S.O. 21-02601) for all of the relevant documents and which drew a plat depicting the proposed closing.

Pursuant to D.C. Code § Section 9-103.06, the Surveyor provided notice of the proposed Highway Plan removal and the 30-day public comment period to:

- The National Capital Planning Commission (“**NCPC**”) by a March 17, 2021, mailing;
- Advisory Neighborhood Commission (“**ANC**”) 5C, in which district the proposed Highway Plan removal is located, by a March 17, 2021, mailing;
- The general public by publication in the September 17, 2021, *D.C. Register* (68 DCR 009857); and
- The owners of properties abutting the proposed Highway Plan removal by a November 17, 2021, mailing.

The District Department of Transportation (DDOT) submitted an April 19, 2021, report stating that DDOT had no objections to the proposed removal of the Highway Plan from the Property's eastern lot lines. DDOT noted that the portion of the Highway Plan proposed to be closed is not currently a DDOT right-of-way and would not have a future transportation need.

ANC 5C submitted a report to the Surveyor stating that at a June 16, 2021, duly noticed public meeting the ANC voted to support the proposed removal of the Highway Plan from the Property's eastern lot lines.

Pursuant to D.C. Official Code § 9-103.02, NCPC submitted a May 10, 2011, letter stating that NCPC, pursuant to delegated action, approved the proposed removal of the Highway Plan from the Property.

Pursuant to the request of the Surveyor, I am forwarding the legislative package to you for review by the Mayor and submission to the Council. If you have any questions concerning the legal sufficiency of the legislation, please contact me at 724-6657. Questions concerning the S.O. 21-02601 file should be directed to the Surveyor, Joseph Snider, at 442-4699.

/s/ Maximilian L.S. Tondro  
Assistant Attorney General

January 30, 2023

Attachments:

- Surveyor's Plat Depicting the proposed Removal of the Highway Plan for property located at 2412 Rand Place, N.E., Square 4408, Lot 812 and Square 4396, Lot 805, S.O. 21-02601, Resolution of 2023
- Surveyor's March 17, 2021, Notice to ANC 5C
- Surveyor's March 17, 2021, Notice to DDOT and other District Agencies
- Surveyor's March 17, 2021, Notice to NCPC
- ANC 5C – June 16, 2021, Letter
- DDOT – April 19, 2021, Report
- NCPC – May 10, 2021, Letter
- Publication of Notice for Public Comments in the September 17, 2021, *D.C. Register*
- Surveyor's November 17, 2021, Notice to Abutting Owners

cc: Megan Browder, Deputy Attorney General  
Legal Counsel Division  
Office of the Attorney General

Joseph Snider, Surveyor for the District of Columbia  
Department of Consumer and Regulatory Affairs

# HIGHWAY PLAN ELIMINATION ON LOT 805, SQUARE 4396 AND LOT 812, SQUARE 4408

PURSUANT TO D.C. CODE § 1-101, § 1-102 AND § 1-103, APPROVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, THE PROPOSED HIGHWAY PLAN IS HEREBY ELIMINATED FROM THE INSTRUMENT REGISTERED AS FOLLOWS:

NATIONAL CAPITAL PLANNING COMMISSION  
WASHINGTON, D.C.

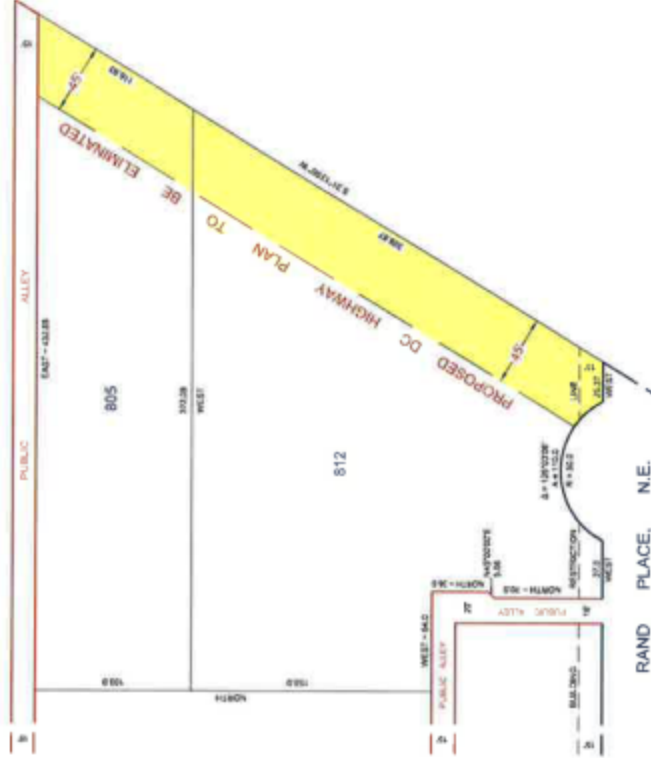
THE COMMISSION APPROVES THE MODIFICATION IN ACCORDANCE WITH SECTION 1-101 (b) AND 1-103 (c) OF THE CODE OF THE DISTRICT OF COLUMBIA:

CHAIRMAN

Office of the Surveyor, D.C.  
\_\_\_\_\_, 20\_\_

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

\_\_\_\_\_  
Surveyor, D.C.



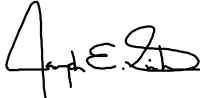
**SURVEYOR'S OFFICE, D.C.**  
 Made by: MICHAEL MULLOY / MICHAEL ETTERSON  
 Drawn by: L.E.S. Checked by: \_\_\_\_\_  
 Record and computation by: B. WELLS  
 Recorded at: \_\_\_\_\_  
 Recorded in Survey Book: \_\_\_\_\_ Page: \_\_\_\_\_ S&P # 43961  
 Scale: 1 inch = 43 feet  
 2021 SURVEY PLAN ELIMINATION 4396-2-4408-1-20-4396

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE SURVEYOR**



September 15, 2021

**TO:** Maximilian Tondro, Chief  
Land Use Section, Commercial Division  
Office of the Attorney General for the District of Columbia

**FROM:** Joseph E. Snider  
Surveyor, D.C. 

**SUBJECT:** Proposal to remove a portion of 26<sup>th</sup> Street, N.E. (45 Feet Wide), along the East line of Square 4408, Lot 812 and Square 4396, Lot 805, from the Plan of the Permanent System of Highways of the District of Columbia - S.O. 21-02601.

Please review the attached draft legislation for legal sufficiency. Also attached for your information is the file for this application.

Upon completion of the review, please forward to the Council of the District of Columbia. If the file needs to be amended by the applicant, please return the file and any comments to the Office of the Surveyor.

Attachments



Government of the District of Columbia  
Department of Consumer and Regulatory Affairs

**Permit Operations Division  
Office of the Surveyor**

**File No.** S.O. 21-02601

**Date:** March 17, 2021

**TO:** **Jacqueline Manning, Chairperson**  
**Advisory Neighborhood Commission 5C04**  
**2116 R Street, N.E.**  
**Washington, D.C. 20002**


**SUBJECT:** **Proposed Modification of the Permanent System of Highways – 2412  
Rand Place, N.E., Square 4408, Lot 812 and Square 4396, Lot 805 –  
S.O 21-02601**

This notice to Advisory Neighborhood Commission 5C is for an opportunity to submit comments on the proposed Modification to the Permanent System of Highways.

Pursuant to Section 9-101.06 of the D.C. Official Code, this proposal is to remove from the Plan of the Permanent System of Highways, 2412 Rand Place, N.E., Square 4408, Lot 812 and Square 4396, Lot 805. Attached is a copy of the application and Surveyor's plat showing the proposed modification filed under S.O. 21-02601.

The Commissions written recommendations may be submitted to Diana Dorsey Hill, Program Specialist at [diana.dorsey@dc.gov](mailto:diana.dorsey@dc.gov). The comments of the ANC will be forwarded to the Council of the District of Columbia.

Sincerely,

  
Joseph E. Snider  
Surveyor, D.C.

Attachments

Advisory Neighborhood Commission 5C  
PO Box 92352 Washington D.C. 20090

Wednesday, June 16, 2021

Jacqueline Manning  
Chair / Single Member District 5C04  
Advisory Neighborhood Commission 5C

*To: John Stokes*  
*Associate Director External Affairs*  
*Department General Services*  
*2000 14th Street NW 8th Floor N.W.*  
*Washington D.C. 20009*

Diana Dorsey Hill  
Program Specialist  
Department of Consumer and Regulatory Affairs  
Office of the Surveyor  
1100 4<sup>th</sup> Street S.W.  
Washington D.C. 20024

**Subject: Proposed modification of the Permanent System Highway-2412 Rand Place N.E., Square 4408 , Lot 812 and Square 4396, Lot 805 S.O 21-02601**

On Wednesday June 16, 2021 Advisory Neighborhood Commission 5C June 16, 2021 voted 5 to 0 in support of -Pursuant to Section 9-101.06 of the D.C. Official Code, this Proposal is to be remove from the Plan of the Permanent System of Highway 2412 Rand Place N.E. Square 4408, Lot 812 and Square 4396, Lot 805.

Sincerely

Jacqueline Manning  
Chair 5C/5C04 SMD





Government of the District of Columbia  
Department of Consumer and Regulatory Affairs

**Permit Operations Division  
Office of the Surveyor**

**March 17, 2021**

Marcel C. Acosta, AICP, Executive Director  
National Capital Planning Commission  
401 9<sup>th</sup> Street, N.W., Suite 500  
Washington, D.C. 20576

Re: S.O. 21-02601


Enclosed is the application and a copy of the plat for the Modification of the Permanent System of Highways, of 2412 Rand Place, N.E., Square 4408, Lot 812 and Square 4396, Lot 805.

This is being forwarded to the Council of the District of Columbia for legislative action. The proposed highway plan modification is being processed on the basis of Section 9-101.016 of the D.C. Official Code. In accordance with Section 9-101.06 of the D.C. Official Code, the application is hereby referred to you for the recommendation of the National Capital Planning Commission.

The applicant is the D.C. Department of General Services who is represented by Cozen O'Connor. If you have any questions regarding this matter, please contact Meridith Moldenhauer at (202) 747-0763.

When you have furnished your recommendation to the Council, I would appreciate your also sending a copy to the Office of the Surveyor.

Sincerely,



Joseph E. Snider  
DC Surveyor

Enclosures



**Commission Members**

**Presidential Appointees**

Elizabeth A. White, Vice-Chair

**Mayoral Appointees**

Arrington Dixon

Linda Argo

**Ex Officio Members**

Secretary of Defense

The Honorable Lloyd J. Austin III

Secretary of the Interior

The Honorable Deb Haaland

Acting Administrator of General Services

The Honorable Katy Kale

Chairman

Committee on Homeland Security

And Government Affairs

United States Senate

The Honorable Gary C. Peters

Chairwoman

Committee on Oversight and Reform

U.S. House of Representatives

The Honorable Carolyn B. Maloney

Mayor

District of Columbia

The Honorable Muriel Bowser

Chairman

Council of the District of Columbia

The Honorable Phil Mendelson

**Executive Director**

Marcel Acosta

IN REPLY REFER TO:  
NCPC File No. 8259

May 10, 2021

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

Dear Mr. Snider:

Pursuant to delegations of authority adopted by the Commission, I approved the highway plan amendment for the Modification of the Permanent System of Highways at Square 4408, Lot 812 and Square 4396, Lot 805 - S.O. 21-02601 located at 2412 Rand Place, NE, Washington, DC. A copy of the Delegated Action of the Executive Director is enclosed and available online at [www.ncpc.gov/review/archive/2021/5/](http://www.ncpc.gov/review/archive/2021/5/) as part of the May 2021 meeting materials.

Sincerely,

Marcel Acosta  
Executive Director

Enclosures

cc: Mr. Andrew Trueblood, Director, DC Office of Planning  
Mr. Frederick Lindstrom, Assistant Secretary, U.S. Commission of Fine Arts



## Delegated Action of the Executive Director

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**PROJECT**

**Modification of the Permanent System of Highways at Square 4408, Lot 812 and Square 4396, Lot 805 - S.O. 21-02601**  
2412 Rand Place, NE  
Washington, DC

**SUBMITTED BY**

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

**NCPC FILE NUMBER**

8259

**NCPC MAP FILE NUMBER**

43.00(00.00)45290

**ACTION TAKEN**

Approve as requested

**REVIEW AUTHORITY**

Approval  
Per DC Code § 9-103.02

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The District of Columbia Department of Consumer and Regulatory Affairs (DCRA), Office of the Surveyor, on behalf of the Department of General Services (DGS), has submitted a proposed modification of the Permanent System of Highways for 2412 Rand Place, NE, Square 4408, Lot 812 and Square 4396, Lot 805. The request is made in connection with DGS plans to renovate and modernize the facilities at the property, which is the location of the Arboretum Recreation Center (the "Recreation Center"). The facility is District-owned and distinct from the federally-owned National Arboretum which is located to the east. The applicant seeks removal of the street to allow for expansion and development of the Recreation Center.

The street that is proposed to be removed from the Highway Plan does not currently exist, and therefore is considered a "paper street". The applicant has indicated the street is not necessary for the purposes of the Highway Plan or to further the District's policies and goals for the property or otherwise. The street encumbers the portion of the property where the existing Recreation Center is located, and DGS cannot renovate the property and the Recreation Center absent removal of the street from the Plan.

The street alignment parallels the USDA National Arboretum property. The applicant has coordinated with the National Arboretum, which confirmed they had no objections to the amendment. The National Arboretum does not have access from the paper street and no future access is indicated in the Arboretum master plan. As such, the Highway Plan amendment would not appear to impact any federal interests.

NCPC has an approval authority over amendments to the Highway Plan, and therefore has an independent obligation under the National Environmental Policy Act. After review, staff determined the categorical exclusion #2, as noted in 1 CFR § 601.12(a)(2), will apply. This applies to installation or restoration of minor site elements, such as portions of the paper street. Staff determined that no extraordinary conditions existed before applying the exclusion. Because of its approval authority for amendments to the Highway Plan, NCPC also has a responsibility to comply with Section 106 of the National Historic Preservation Act. To meet its obligation, NCPC determined that approval of the amendment would not cause adverse effects

on historic properties, and the DC State Historic Preservation Office concurred with this finding on April 5, 2021.

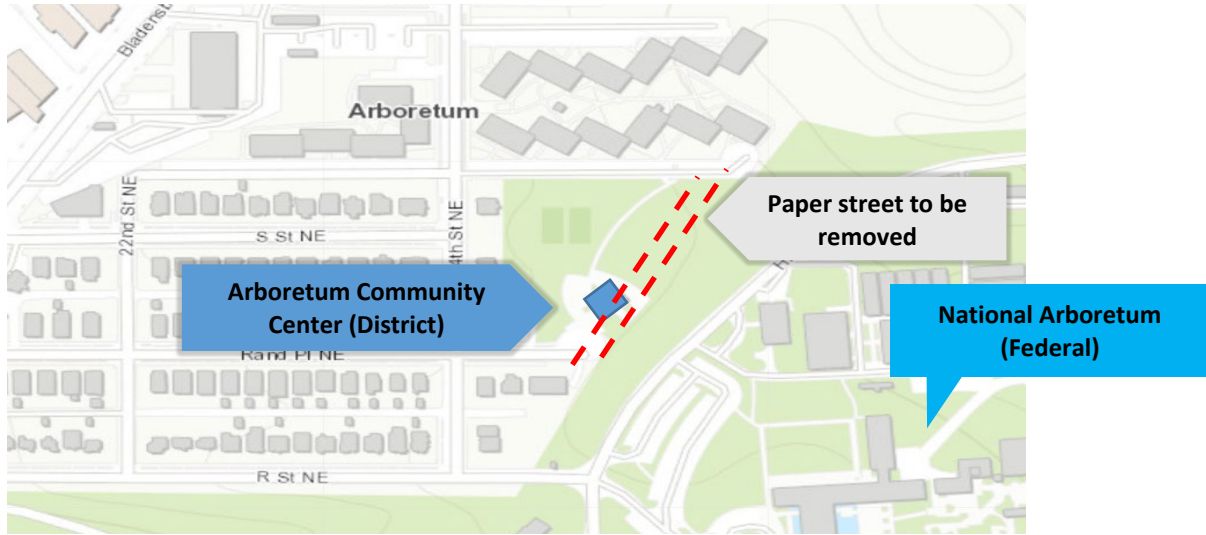


Figure 1: Site and area context

**DISTRICT OF COLUMBIA GOVERNMENT  
OFFICE OF THE SURVEYOR**

Washington, D.C., August 27, 2020

Plat for Building Permit of: SQUARE LOT 805 & SQ 4408 LOT 812

Scale: 1 inch = 50 feet

Recorded in Book A & T Page 3498 - C (SQ 4396 Lot 805)  
Book A & T Page 3530 - Q (SQ 4408 Lot 812)

Receipt No. 20-06860 Drawn by: A.S.

Furnished to: JAMIE J. ALVAREZ

I hereby certify that the dimensions and configuration of the lot(s) herein depicted are correct with the records of the Office of the Surveyor unless otherwise noted, but may not reflect actual field measurements. The dimensions and configurations of A&T lots are provided by the Office of Tax and Revenue and may not necessarily agree with the deed descriptions.

For Surveyor, D.C. \_\_\_\_\_

I hereby certify that on this plat on which the Office of the Surveyor has drawn the dimensions of this lot, I have accurately and completely depicted and labeled the following:

- 1) all existing buildings and improvements - including parking spaces, covered porches, decks and retaining walls over four feet above grade, and any existing fire-on-line or party wall labeled as such, with projections and improvements in public space - with complete and accurate dimensions
- 2) all proposed foundations or base of existing buildings only labeled as such, all proposed buildings and improvements - including parking spaces, covered porches, decks and retaining walls over four feet above grade, any existing fire-on-line or party wall labeled as such, as well as projections and improvements in public space and the improvements used to satisfy previous surface or ground area requirements - with complete and accurate dimensions, in conformity with the plans submitted with building permit application \_\_\_\_\_ and
- 3) any existing chimney or vent on an adjacent property that is located within 10 feet of this lot.

I also hereby certify that:

- 1) any depiction on this plat, as detailed above, is accurate and complete as of the date of this signature hereon;
- 2) there is no elevation change exceeding ten feet measured between lot lines, or if so, this elevation change is depicted on a site plan submitted with the plans for this permit application;
- 3) I have ~~not~~ not filed a subdivision application with the Office of the Surveyor;
- 4) I have ~~not~~ not obtained a citation of non-compliance with the Office of Tax & Revenue; and
- 5) if there are changes to the lot and its boundaries as shown on this plat, or to the proposed construction and plan as shown on this plat, that I shall obtain an updated plat from the Office of the Surveyor in which I will depict all existing and proposed construction and which I will then submit to the Office of the Zoning Administrator for review and approval prior to permit issuance.

Plans issued by the Office of the Surveyor will be valid for a period of two years from the date of issuance. I acknowledge that any inaccurate or errors in any depiction on this plat will subject any permit, or certificate of occupancy issued in reliance on this plat to enforcement, including revocations under Sections 105.6(i) and 110.5.2 of the Building Code (Title 22A of the DCMR) as well as prosecution and penalties under Section 404 of D.C. Law 4-164 (D.C. Official Code §22-2403).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Relationship to Lot Owner: \_\_\_\_\_  
If a registered design professional, provide license number \_\_\_\_\_ and include stamp below \_\_\_\_\_

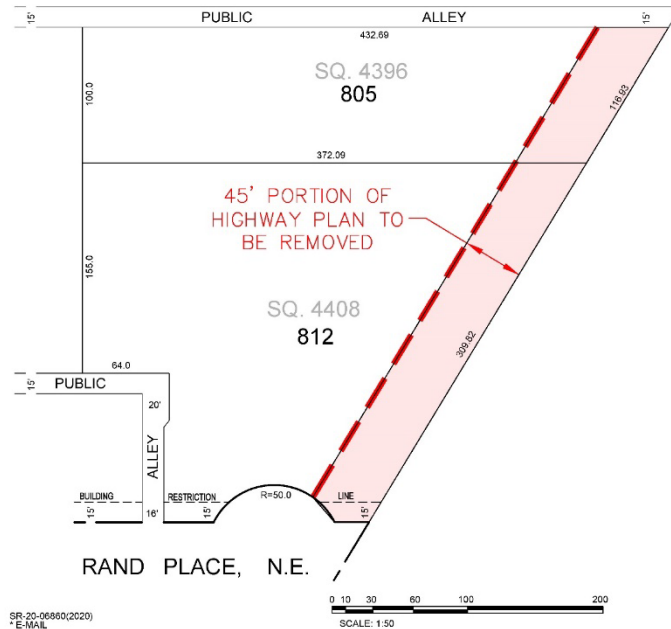


Figure 2: Survey and sketch of proposed amendment

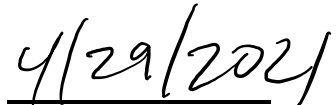
The Coordinating Committee reviewed the proposed Highway Plan amendment at their April 14, 2021 meeting, and forwarded the application to the Commission with the statement that the proposal was coordinated with all participating agencies. The participating agencies included the National Park Service, General Services Administration, Washington Metropolitan Transit Authority, District Department of Transportation (DDOT), the District of Columbia Office of Planning (DCOP), the District of Columbia State Historic Preservation Office (SHPO) and the District Department of Energy and Environment (DOEE).

\* \* \*

Pursuant to delegations of authority adopted by the Commission on April 1, 2021 and per DC Code § 9-103.02, I approve the proposed Modification of the Permanent System of Highways at Square 4408, Lot 812 and Square 4396, Lot 805 (S.O. 21-02601) to remove a portion of an unbuilt street located at 2412 Rand Place, NE in Washington, DC.



Marcel Acosta  
Executive Director



Date

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE SURVEYOR



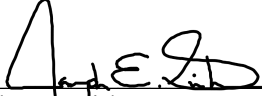
**File No:** S.O. 21-02601

**Date:** March 17, 2021

- To: Department of Transportation**  
Attention: Anna Chamberlin
- To: Water and Sewer Authority**  
Attention: Kevin Harney
- To: Office of Planning**  
Attention: Joel Lawson
- To: Historic Preservation**  
Attention: Andrew Lewis – Historic Preservation Officer
- To: Department of Housing and Community Development**  
Attention: Paul Walker, Architect
- To: Fire Department**  
Attention: Chief Tony Falwell or Chief Spencer Hann

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The attached application and plat(s) are being submitted for comments on the Modification of the Permanent System of Highways for 2412 Rand Place, N.E., Square 4408, Lot 812 and Square 4396, Lot 805. Please provide the Office of the Surveyor with any objections or concerns you may have regarding the affect this application may have on your operation within 30-days from the date of this request. If you have any questions please contact Diana Dorsey Hill, Program Specialist at (202) 718-8166 or email her at [diana.dorsey.dc.gov](mailto:diana.dorsey.dc.gov).

  
\_\_\_\_\_  
Joseph E. Snider, DC Surveyor

## MEMORANDUM

**TO:** Joseph E. Snider, RLS, D.C. Surveyor  
Office of the Surveyor

**FROM:** *JL* Joel Lawson, Associate Development Review

**DATE:** April 22, 2022

**SUBJECT:** S.O. 21-02601

Proposed Removal from Highway Plan, in Squares 4396 & 4408, 2412 Rand Place NE

### I. RECOMMENDATION

The Office of Planning (OP) has completed its review of this application and has **no objection** to this request.

### II. REQUEST



Highway Plan Elimination, as shown in the map above.

**III. SITE DESCRIPTION**

Applicant:	District of Columbia
Legal Description:	Square 4396 Lot 805 and Square 4408 Lot 812
Ward / ANC:	Ward 5 / ANC 5C
Zone:	R-1-B - Low to moderate residential; park and recreation facilities are permitted by-right.
Description:	Eliminate land from the Highway Plan
Adjacent Ownership:	District of Columbia, United States of America
Adjacent Development:	To the east are greenhouses and maintenance facilities, surface parking, and parkland within the National Arboretum.
Existing Development:	The area is within the site of the Arboretum Recreation Center (2412 Rand Place NE). The area of the site to be eliminated from the Highway Plan appears to be developed with portions of the public recreation buildings, as well as courts and passive open space.

**IV. OP ANALYSIS**

**a. Planning and Urban Design**

The Director of the Office of Planning is required to “*determine whether the proposed closing is in compliance with the District’s planning and urban design objectives*”, as per 24 DCMR 1401.2(c).

Comprehensive Plan Generalized Future Land Use and Policy Map Designation:	Land Use Map – Parks, Recreation and Open Space Policy Map – Parks The proposal is not inconsistent with this designation.
Comprehensive Plan:	The proposal would be not inconsistent with Land Use and Parks Recreation and Open Space Elements, as well as the Upper Northeast Area Element of the Comprehensive Plan. The proposal would appear to support the existing recreation center on the site and to further park diversity (PROS-1.1.3) and the provision of recreation facilities (PROS-2.1).



# Government of the District of Columbia

## Department of Transportation



### d. Planning and Sustainability Division

To: Joseph Snider  
DC Surveyor  
Office of the Surveyor

From: Anna Chamberlin, AICP  
Associate Director

Date: April 19, 2021

Subject: S.O. No. 21-02601 – Proposed Elimination of a Portion of Rand Place NE from DC Highway Plan

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### Overview

District of Columbia Department of General Services (the “Applicant”) seeks approval to eliminate an approximately 430-foot segment of Rand Place NE from the Plan of a Permanent System of Highways of the District of Columbia (the “DC Highway Plan”) to facilitate the renovation of the Arboretum Recreation Center. The portion of Rand Place NE to be eliminated from the DC Highway Plan is a 45-foot-wide portion on the easternmost side of 2414 Rand Place NE (Lot 812, Square 4408 and Lot 805, Square 4396) as shown in Figure 1 below. It is noted that the 430-foot section called for in the DC Highway Plan for this segment is not currently DDOT right-of-way. Additionally, there are no plans to extend Rand Place NE northward and it would be immediately adjacent to and redundant to Hickey Lane NE.

As part of the renovation and modernization of the Arboretum Recreation Center, the Applicant will be expanding the current facilities to include a gym, community room, technology lounge, and fitness area. The Applicant will be adding a new playground, community garden, fitness equipment, and bioretention to the facilities. The portion of Rand Place NE to be closed will remain park-like in nature. Figure 2 below shows the proposed layout of the redevelopment project. DDOT supported the redevelopment proposal in our March 5, 2021 review of the Environmental Impact Screening Form (EISF) for DCRA and continues to support to conversion of the planned roadway into green space for the new development.

### Recommendation

DDOT has no objection to the elimination of the segment of Rand Place NE from the DC Highway Plan as identified in Figure 1 below. This segment does not have a future transportation need.

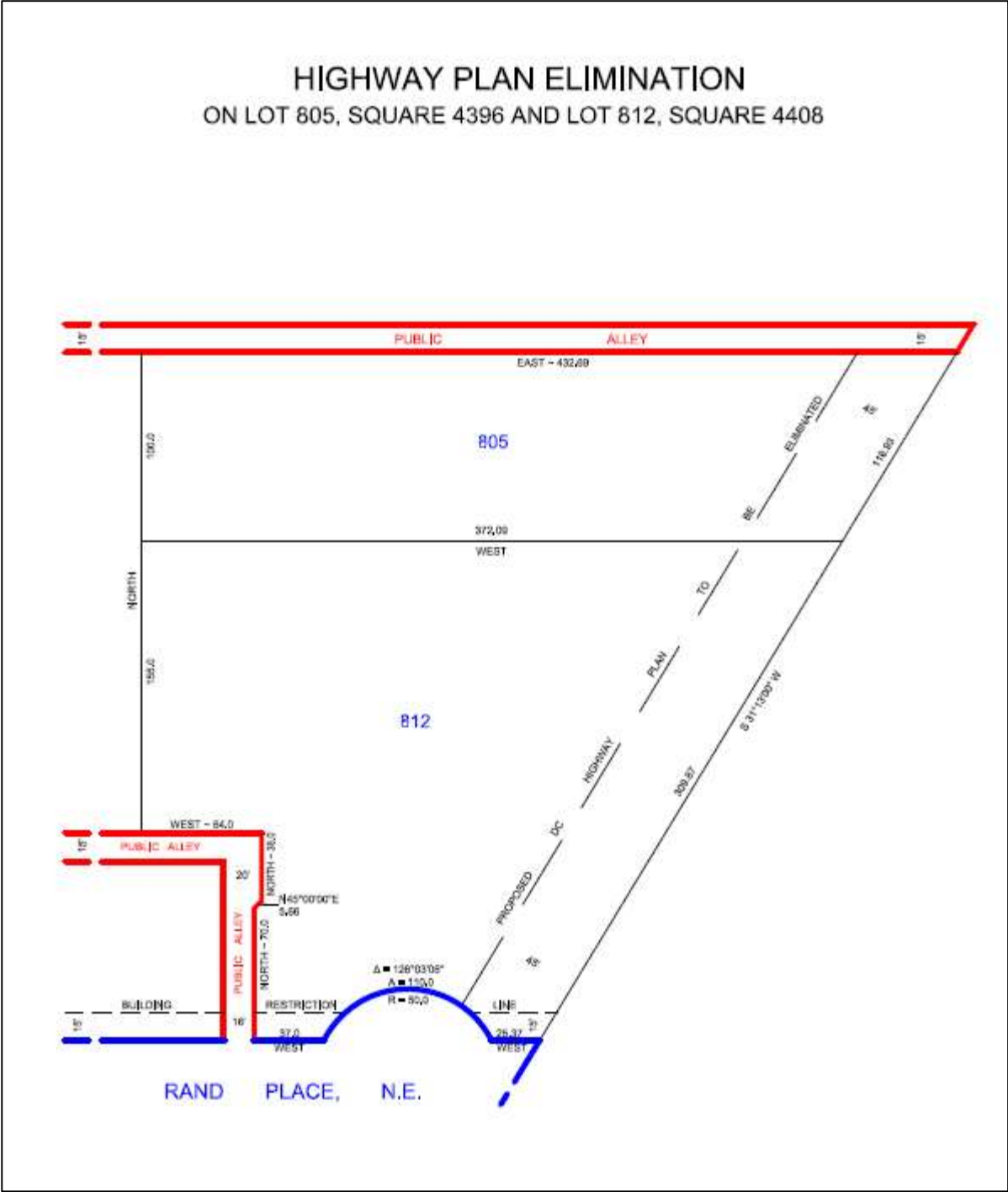


Figure 1 - Proposed Removal of Rand Place NE from the DC Highway Plan

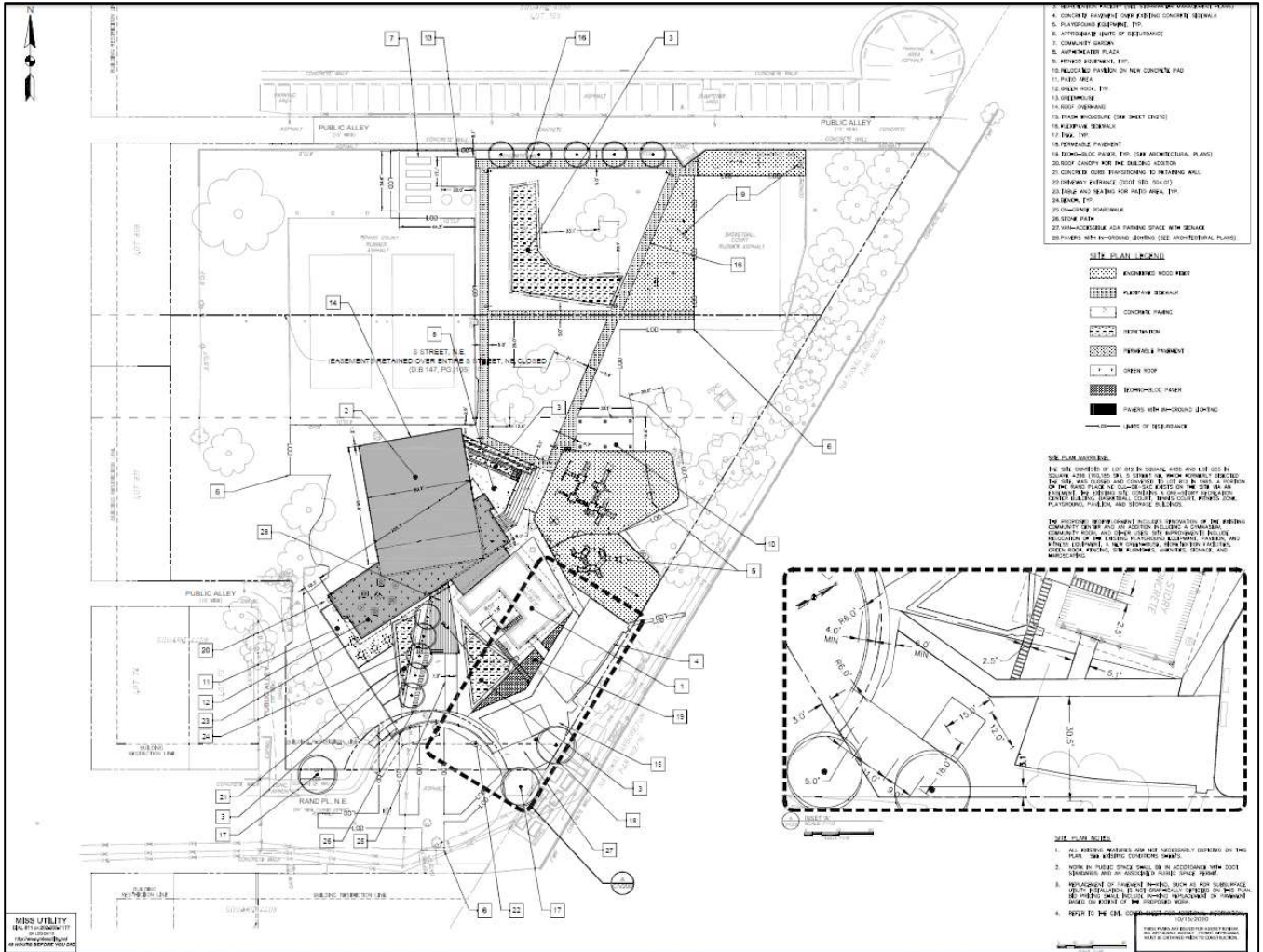


Figure 2 – Redevelopment of 2414 Rand Place NE (BLRA 21-00438)

AC:eb

Good afternoon Chairman Mendelson and members of the Committee, my name is Meredith Moldenhauer from Cozen O'Connor, as land use counsel for the D.C. Department of General Services. I am here today to testify in support of PR24-0733 for the removal of a portion of 26<sup>th</sup> Street NE from the permanent system of highways, which intersects the site of the Arboretum Community Center in Northeast, DC.

This legislation will support Mayor Bowser and DGS' renovation and expansion of the Arboretum Community Center at 2412 Rand Place NE. This renovation is beneficial for the community because the old building at the site was aging and lacked the type of amenities seen at many recreation centers across the city.

In Spring 2021, DGS began the permitting process for the renovation. In furtherance of this process, DGS submitted an application to the Office of the Surveyor requesting the removal of a 45-foot-wide portion of the highway plan along the property's eastern lot line. This section of the highway plan is unimproved, not paved, and runs through the existing building that will be incorporated within the new community center.

The Highway Plan requires the Mayor of the District of Columbia to "prepare a plan for the extension of a permanent system of highways over all that portion of said District not included within the limits of the Cities of Washington and Georgetown." D.C. Code § 9-103.01. When property is identified as within the Highway Plan, "no further subdivision of any land included therein shall be admitted to record in the Office of the Surveyor." D.C. Code § 9-103.02.

The subject property is currently comprised of two assessment and taxation lots – Lots 805 and 812. However, under § 9-103.02, the property cannot be subdivided to a record lot, which is required for DGS to obtain a permanent Certificate of Occupancy from the Department of Buildings. To that end, DGS recently completed construction of the Arboretum Community Center renovations, and the new center has been opened under a temporary Certificate of Occupancy issued by the Department of Buildings. As such, this legislation will allow DGS to finalize the renovation and permitting process with a permanent Certificate of Occupancy.

As required by DC law, the application was circulated by the Surveyor's Office to other D.C. agencies and the National Capitol Planning Commission for review and comment. Of note, the Department of Transportation stated no objection to the application, finding that this segment of the highway plan "does not have a future transportation need" because it is not within the existing DDOT right-of-way and there are no plans to extend Rand Place northward. DGS and the Department of Parks and Recreation also coordinated with Advisory Neighborhood Commission 5A in May and June 2021, and ANC 5A submitted a report stating that it supports the highway plan removal application. Additionally, NCPC voted to approve the removal of the highway plan from the site.

In closing, we appreciate the Council's time and consideration of this legislation. We believe removal of the highway plan from the Arboretum Community Center site is warranted as this portion of the plan is an unimproved street and the city has no plans to utilize it in the future. Whereas, the removal will assist DGS in finalizing the expansion and renovation of the Arboretum Community Center for the use and enjoyment of District residents.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF BUILDINGS**



Public Hearing

**Bill 24-578, “Dedication of a Portion of W Street, S.E., S.O. 16-24322, Act of 2021”**

**PR 24-733, “Removal of a Portion of 26<sup>th</sup> Street, N.W., from the Plan of the Permanent System of Highways of the District of Columbia, S.O. 21-02601, Approval Resolution of 2022”**

**PR 24-994, “Closing of a Portion of Moreland Street, N.W., and Removal of the Associated Building Restriction Line, S.O. 21-05063, Approval Resolution of 2022”**

**PR 24-995, “Closing of a Portion of a Public Alley in Square 4053, S.O. 22-00410, Approval Resolution of 2022”**

**Bill 24-1022, “Reed Street Realignment, S.O. 22-01115, Act of 2022”**

**Bill 24-1026, “Closing of a Portion of Half Street, S.W., Adjacent to Square 660, S.O. 19-4660, Act of 2022”**

Testimony of  
Joseph Snider

Surveyor of the District of Columbia  
Department of Buildings

Before the Committee of the Whole  
Council of the District of Columbia  
The Honorable Phil Mendelson, Chairman

December 12, 2022  
12:30 p.m.

**Via Virtual Platform**

## **Introduction**

Good afternoon, Chairman Mendelson, councilmembers, and staff. I am Joseph Snider, Surveyor of the District of Columbia Department of Buildings (DOB). I appear before you today to testify regarding Bill 24-578, “Dedication of a Portion of W Street, S.E., S.O. 16-24322, Act of 2021”; PR 24-733, “Removal of a Portion of 26<sup>th</sup> Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia, S.O. 21-02601, Approval Resolution of 2022”; PR 24-994, “Closing of a Portion of Moreland Street, N.W., and the Removal of the Associated Building Restriction Line, S.O. 21-05063, Approval Resolution of 2022”; PR 24-995, “Closing of a Portion of a Public Alley in Square in 4053, S.O. 22-00410, Approval Resolution of 2022”; Bill 24-1022, “Reed Street Realignment, S.O. 22-01115, Act of 2022”; and Bill 24-1026, “Closing of a Portion of Half Street, S.W., Adjacent to Square 660, S.O. 19-4660, Act of 2022”.

### **Bill 24-578, “Dedication of a Portion of W Street, S.E., S.O. 16-24322, Act of 2021”**

Bill 24-578, “Dedication of a Portion of W Street, S.E., S.O. 16-24322, Act of 2021”, was introduced by Councilmember Trayon White. The purpose of this bill is to widen a portion of W Street, S.E., between Railroad Avenue, S.E. and Shannon Place, S.E., by establishing a non-restrictive easement to the District of Columbia for the rights to that portion of the private property located adjacent to W Street, S.E. in Square 5784.

The applicant for this application is Four Points, LLC, who is represented by Holland and Knight. Pursuant to D.C. Official Code § 9-202.02(2), the Office of the Surveyor notified the relevant Executive Branch agencies of this application on September 25, 2018, and received 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 September 25, 2018. In a letter dated

October 22, 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. In particular, the project meets the requirements of Exception 8, which includes street and alley closings located outside of the boundary of the L’Enfant City. NCPC determined the proposal met the following conditions: 1) the street or alley is not adjacent to federal property; 2) the street or alley does not provide access to a federal property or affect other federal interests. The project was made available for public review on the NCPC website, and no comments were received.

Lastly, and in accordance with D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission (ANC) 8A was notified of this application on September 25, 2018. The Office of the Surveyor did not receive any comments from ANC 8A.

**PR 24-733, “Removal of a Portion of 26<sup>th</sup> Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia, S.O. 21-02601, Approval Resolution of 2022”**

PR 24-733, “Removal of a Portion of 26<sup>th</sup> Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia, S.O. 21-02601, Approval Resolution of 2022,” was introduced by Chairman Mendelson at the request of the Mayor. The purpose of this bill is to approve the removal of a 45-foot-wide portion of 26<sup>th</sup> Street, N.E., along the east line of Lot 805 in Square 4396 and Lot 812 in Square 4408 from the Plan of the Permanent System of Highways for the District of Columbia.

The applicant for this application is the D.C. Department of General Services who is represented by Cozen O’Connor. The Office of the Surveyor notified the relevant Executive Branch agencies on March 17, 2021. They did not object to the application. Notification of the utility companies is not required.

Pursuant to D.C. Official Code § 9-202.02(3), the Surveyor's Office notified NCPC of this application on March 17, 2021. In a letter dated May 10, 2021, NCPC approved the highway plan amendment for this application.

Finally, and pursuant to D.C. Official Code § 9-202.02(5), the Office of the Surveyor notified ANC 5C of the application on March 17, 2021. In a letter dated June 16, 2021, ANC 5C expressed support for this application.

**PR 24-994, "Closing of a Portion of Moreland Street, N.W., and the Removal of the Associated Building Restriction Line, S.O. 21-05063, Approval Resolution of 2022".**

PR 24-994, "Closing of a Portion of Moreland Street, N.W., and the Removal of the Associated Building Restriction Line, S.O. 21-05063, Approval Resolution of 2022" was introduced by Chairman Mendelson at the request of the Mayor. The purpose of this bill is to approve the closing of Moreland Street, N.W., and the removal of the associated building restriction line. The bill will also vest title in the closed portion of Moreland Street, N.W., in the adjacent landowners as shown on the Surveyor's Office's plat.

The portion of Moreland Street, N.W., abutting Squares 2307, 2308 and 2314, was created by subdivisions shown in the records of the Office of the Surveyor in Subdivision Book 107 on page 187, recorded December 13, 1937; Book 114 on page 30, recorded April 3, 1940; and Book 141 on page 40, recorded May 18, 1961. Title to the closed street could not be determined to be held by the District of Columbia or the United States. The most probable estimate of value as January 1, 2021, which represents tax year 2022, for the portion of Moreland Street, N.W. to be closed, in Squares 2307, 2308 and 2314 is \$1,610,810.00 (28.821 S.F. x \$55.89 estimated square foot).



The applicant for this application is John Hurvitz of the Moreland Street Closure Project. The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies of this application on July 27, 2021. Neither the Executive Branch agencies nor the utility companies objected to this application.

Pursuant to D.C. Official Code § 9-202-02(3), the Office of the Surveyor notified the NCPC of the application on July 27, 2021. In a letter dated August 12, 2021, 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, the project meets the requirements of Exception 8, which includes street and alley closings located outside of the boundary of the L'Enfant City under the following conditions: 1) the street or alley is not adjacent to federal property; 2) the street or alley does not provide access to a federal property or affect other federal interests. The project was made available for public review on the NCPC website, and no comments were received.

Finally, and in accordance with D.C. Official Code § 9-202-02(5), the Office of the Surveyor notified ANC 3/4G of the application on July 27, 2021. In a letter dated November 1, 2021, ANC 3/4G expressed support for this application.

**PR 24-995, "Closing of a Portion of a Public Alley in Square 4053, S.O. 22-00410, Approval Resolution of 2022"**

PR 24-995, "Closing of a Portion of a Public Alley in Square 4053, S.O. 22-00410, Approval Resolution of 2022" was introduced by Chairman Mendelson at the request of the Mayor. The purpose of this resolution is to approve the closure of a portion of a public alley in Square 4053 in Northeast Washington, D.C. in Ward 5.

The portion of the public alley was created by a subdivision shown in the records of the Office of the Surveyor in Subdivision Book County 11, on page 96, recorded August 13, 1897. Title to the closed alley 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 alley closed in Squares 4053 is \$72,510 (322 S.F. x \$255.18634 estimated square foot).

The applicant for this closing is Catherine Stewart Wills. The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies of this application on December 1, 2021. They had no objections to the application.

Pursuant to D.C. Official Code § 9-202.02(3), the Office of the Surveyor notified NCPC of the application on December 1, 2021. In a letter dated December 12, 2021, NCPC staff determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) for NCPC's submission guidelines. In particular, the project meets the requirements of Exception 8, which includes street and alley closing located outside of the boundary of the L'Enfant City under the following conditions: 1) the street or alley is not adjacent to federal property; 2) the street or alley does not provide access to a federal property or affect other federal interests. The project was made available for public review on the NCPC website, and no comments were received.

Pursuant to D.C. Official Code § 9-202.02(5), the Office of Surveyor also notified ANC 5D of the application on December 1, 2021. In a letter dated January 13, 2022, ANC 5D expressed support for this application.

**Bill 24-1022, "Reed Street Realignment, S.O. 22-01115, Act of 2022"**

Bill 24-1022, “Reed Street Realignment, S.O. 22-01115, Act of 2022” was introduced by Councilmember McDuffie. The purpose of the bill is to close a portion of an existing public alley system in Squares 3841 and 3846, to order the closing of a 10-foot wide portion along the south side of Franklin Street, N.E., between Reed Street, N.E., and 10<sup>th</sup> Street, N.E., and to accept the dedication of property in Squares 3841 and 3846 along the west and east sides of Reed Street, N.E., between Channing Place, N.E., and Franklin Street, N.E., for public street purposes.

The portions of public alley in Square 3841 were created by subdivisions shown in the records of the Office of the Surveyor in Subdivision Book 76, on page 25, recorded November 14, 1924; Book 123, on page 62, recorded February 21, 1947; Book 126 on page 100 (abuts Square 3846), recorded June 15, 1948; and Book 130 on page 190, recorded June 5, 1950. Title to the closed street and alleys 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, 2022, which represents tax year 2023 for the land dedication of Squares 3846 and 3841 and the closings of portions of Franklin Street, N.E. and Reed Street, N.E. and Square 3841 Alley is \$1,990,870. The estimate is explained as follows.

- \$1,024,070 (17,632 S.F. X \$58.08 estimated square foot) for the portion to be closed.

Street closing \$669,140 (11,521 S.F. X \$58.08) Alley closings \$354,930 (6,111 S.F. X \$58.08)

- \$ 966,800 (16,646 S.F. X \$58.08 estimated square foot) for the portion to be dedicated.

The estimate is rounded and based on the prevailing adjusted rate of adjacent Lots 38, 825, 829, 832 and 833 of Squares 3841 and Lots 82, 846, 856 and 859 of Square 3846.

The applicant is Hanover R.S. Limited Partnership who is represented by Holland and Knight. The Office of the Surveyor notified the relevant Executive Branch agencies and the utility companies of this application on March 15, 2022. In a letter dated March 28, 2022, DC Water objected to this application indicating that they have facilities located within the proposed street/alley closing area. In a letter dated March 28, 2022, the District of Columbia Fire and Emergency Medical Services Department (FEMS) indicated that they have no objection to the realignment of Reed Street, however, the clearance of 20 feet must be maintained. FEMS does not, however, support the closing of the public alley as the closing of the alley would prohibit vital access of their emergency apparatuses. To date, we have not received comments from the District Department of Transportation (DDOT). Any comments will be forwarded upon receipt. The remaining Executive Branch agencies and utility companies have no objection.

Pursuant to D.C. Official Code § 9-202-02(3), the Office of the Surveyor notified the NCPC of the application on March 25, 2022. In a letter dated April 27, 2022, NCPC staff determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) for NCPC's submission guidelines. In particular, the project meets the requirements of Exception 8, which includes street and alley closings located outside of the boundary of the L'Enfant City under the following conditions: 1) the street or alley is not adjacent to federal property; 2) the street or alley does not provide access to a federal property or affect other federal interests. The project was made available for public review on the NCPC website, and no comments were received.

Lastly, pursuant to D.C. Official Code § 9-202-02(5), the Office of the Surveyor notified ANC 5B of the application on March 25, 2022. In a letter dated May 26, 2022, ANC 5B expressed support for this application.

**Bill 24-1026, “Closing of a Portion of Half Street, S.W., Adjacent to Square 660, S.O. 19-4660, Act of 2022”**

Bill 24-1026, “Closing of a Portion of Half Street, S.W., Adjacent to Square 660, S.O. 19-4660, Act of 2022” was introduced by Councilmember Allen. The purpose of this bill is to order the closing of a portion of Half Street, S.W., adjacent to Lot 12 in Square 660 in Ward 6.

The portion of Half Street, S.W. was dedicated by a subdivision shown in the records of the D.C. Surveyor in Subdivision Book 100 on page 78, recorded February 4, 1935. Title to the portion of Half Street, S.W. 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 street closed in Square 660 is \$263,540 (889 S.F. x \$296.45 estimated square feet rate). The estimate is round and based on neighboring lot 12 in Square 660.

The applicant for this application is Stewart Investment Company who is represented by Goulston & Storrs. The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies for this application were sent on April 3, 2019 and again on December 1, 2021, to request updated comments. In a letter dated February 8, 2022, DDOT had no objections to the right-of-way closure and elimination from the DC Highway Plan with the following conditions:

- The closure plat will not be recorded until the Office of the Surveyor has been notified in writing by the DDOT Director that construction vehicles have permanently vacated the staging area;

- The applicant will be responsible for all costs to remove or relocate the Pepco utility vault from the portion of right-of-way to be closed; and
- The elimination from the DC Highway Plan will apply to the 889 square foot segment to be closed and not the entirety of Half Street, S.W. or any other adjacent street.

The remaining Executive Branch agencies and utility companies did not object to the application.

Pursuant to D.C. Official Code § 9-202.02(3), the Office of the Surveyor notified NCPC of the application on December 1, 2021. In a letter dated December 13, 2021, NCPC found that the proposed closing of a portion of a right-of-way in Square 660, located in Southwest Washington, D.C., would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital nor would it adversely affect any other federal interests.

Lastly, and in accordance with D.C. Official Code § 9-202-02(5), the Office of the Surveyor notified ANC 6D of the application on December 1, 2021. In a letter dated July 18, 2022, ANC 6D expressed support for this application.

### **Conclusion**

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
*District Department of Transportation*



Public Hearing on

Bill 24-578, the “Dedication of a Portion of W Street, SE, S.O. 16-24322 Act of 2021”

PR 24-733, the “Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2022”

PR 24-994, the “Closing of a Portion of Moreland Street, N.W., and the Removal of the Associated Building Restriction Line, S.O. 21-05063, Approval Resolution of 2022”

PR 24-995, the “Closing of a Portion of a Public Alley in Square 4053, S.O. 22-00410, Approval Resolution of 2022”

Bill 24-1022, the “Reed Street Realignment Act of 2022”

Bill 24-1026, the “Closing of a Portion of Half Street, S.W., Adjacent to Square 660 Act of 2022”

Bill 24-1102, the “Howard East Towers Alley Closing and Street Dedication Act of 2022”

Bill 24-1103, the “Union Court Alley Closing and Public Safety Improvement Act of 2022”

Bill 24-892, the “Bishop Groover Way Designation Act of 2022”

Bill 24-1025, the “Allen Y. Lew Place Designation Act of 2022”

Bill 24-1032, the “Benjamin Secundy, Sr. Way Designation Act of 2022”

Bill 24-1057, the “Woodson Way Designation Act of 2022”

Bill 24-1058, the “Davon T. McNeal, III Way Designation Act of 2022”

Bill 24-1061, the “Wooten Court Designation Act of 2022”

Bill 24-1062, the “Cassandra S. Pinkney Way Designation Act of 2022”

Bill 24-1087, the “Makiyah Wilson Way Designation Act of 2022”

Bill 24-1090, the “William Dorsey Swann Way Designation Act of 2022”



Bill 24-1093, the “Sam ‘The Man’ Burns Way Designation Act of 2022”  
B24-1101, the “Xi Omega Way Designation Act of 2022”

Testimony of  
Anna Chamberlin  
Associate Director  
Planning and Sustainability Division  
District Department of Transportation

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

Monday, December 12, 2022  
11:00 a.m.

Live via Zoom Video Conference Broadcast  
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, Associate Director of the Planning and Sustainability Division at the District Department of Transportation, commonly referred to as DDOT. I am here today to present testimony on behalf of Mayor Muriel Bowser and DDOT Director Everett Lott regarding the following sixteen bills and three proposed resolutions:

- Bill 24-578, the “Dedication of a Portion of W Street, SE, S.O. 16-24322 Act of 2021”;
- Proposed Resolution 24-733, the “Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2022”;
- Proposed Resolution 24-994, the “Closing of a Portion of Moreland Street, N.W., and the Removal of the Associated Building Restriction Line, S.O. 21-05063, Approval Resolution of 2022”;
- Proposed Resolution 24-995, the “Closing of a Portion of a Public Alley in Square 4053, S.O. 22-00410, Approval Resolution of 2022”;
- Bill 24-1022, the “Reed Street Realignment Act of 2022”;
- Bill 24-1026, the “Closing of a Portion of Half Street, S.W., Adjacent to Square 660 Act of 2022”;

- Bill 24-1102, the “Howard East Towers Alley Closing and Street Dedication Act of 2022”;
- Bill 24-1103, the “Union Court Alley Closing and Public Safety Improvement Act of 2022”;
- Bill 24-892, the “Bishop Groover Way Designation Act of 2022”;
- Bill 24-1025, the “Allen Y. Lew Place Designation Act of 2022”;
- Bill 24-1032, the “Benjamin Secundy, Sr. Way Designation Act of 2022”;
- Bill 24-1057, the “Woodson Way Designation Act of 2022”;
- Bill 24-1058, the “Davon T. McNeal, III Way Designation Act of 2022”;
- Bill 24-1061, the “Wooten Court Designation Act of 2022”;
- Bill 24-1062, the “Cassandra S. Pinkney Way Designation Act of 2022”;
- Bill 24-1087, the “Makiyah Wilson Way Designation Act of 2022”;
- Bill 24-1090, the “William Dorsey Swann Way Designation Act of 2022”;
- Bill 24-1093, the “Sam ‘The Man’ Burns Way Designation Act of 2022; and
- Bill 24-1101, the “Xi Omega Way Designation Act of 2022”.

The stated purpose of **Bill 24-578**, the “Dedication of a Portion of W Street, S.E., S.O. 16-24322 Act of 2021,” is to order the widening of a portion of W Street, S.E., between Railroad Avenue, S.E. to the northwest and Shannon Place, S.E. to the southeast, and to provide for the establishment of a non-exclusive easement to the District of Columbia for the surface rights to that portion of private

property located adjacent to W Street, S.E. in Square 5784. DDOT filed a report with the Office of the Surveyor on December 27, 2018, related to S.O. No. 16-24322. DDOT has no objection to the public access easement identified in the proposed easement area under the condition that the Office of Surveyor update the official plat to remove the term “surface” from both the title and block of text in the upper left corner. The easement should be non-restrictive rather than a surface easement.

The stated purpose of **Proposed Resolution 24-733**, the “Removal of a Portion of 26th Street, N.E., from the Plan of the Permanent System of Highways of the District of Columbia Approval Resolution of 2022,” is to approve the removal of a 45-foot wide portion of 26th Street, N.E., along the east lot line of Lot 812 in Square 4408 and Lot 805 in Square 4396 from the Plan of the Permanent System of Highways of the District of Columbia. DDOT filed a report with the Office of the Surveyor on April 19, 2021, related to S.O. No. 21-02601. DDOT has no objection to the elimination of the segment of Rand Place, N.E. from the DC Highway Plan as identified. This segment does not have a future transportation need.

The stated purpose of **Proposed Resolution 24-994**, the “Closing of a Portion of Moreland Street, N.W., and the Removal of the Associated Building Restriction Line, S.O. 21-05063, Approval Resolution of 2022,” is to approve the

closing of a portion of Moreland Street, N.W., and the removal of the associated building restriction line, as shown on the Surveyor's plat in S.O, 21-05063, and to vest title in the closed portion of Moreland Street, N.W., in the adjacent landowners. DDOT filed a report with the Office of the Surveyor on October 7, 2021, related to S.O. No. 21-05063. DDOT has no objection to the proposed closure of unbuilt Moreland Street, N.W. and removal of the Building Restriction Line (BRL) on Square 2307, Lot 31. DDOT requests that the BRL removal only occurs in conjunction with right-of-way closure. If the closure is not approved by Council, the BRL should remain in effect to allow for future sidewalks.

The stated purpose of **Proposed Resolution 24-995**, the "Closing of a Portion of a Public Alley in Square 4053, S.O. 22-00410, Approval Resolution of 2022," is to approve the closure of a portion of a public alley in Square 4053 in Northeast Washington, D.C., in Ward 5, as shown on the Surveyor's plat filed under S.O. 22-00410. DDOT filed a report with the Office of the Surveyor on January 7, 2022, related to S.O. No. 22-00410. DDOT has no objection to the proposed closure of the 10-foot strip of alleyway behind Lots 16 and 17 in Square 4053, as proposed. The proposed closure will have no impact on the overall transportation network or remaining alley network.

The stated purpose of **Bill 24-1022**, the "Reed Street Realignment Act of 2022" is to order the closing of portions of an existing public alley system in

Squares 3841 and 3846; to order the closing of a 10-foot wide portion along the south side of Franklin Street, N.E., between Reed Street, N.E. and 10th Street, N.E., and to accept the dedication of property in Squares 3841 and 3846 along the west and east sides of Reed Street, N.E., between Channing Place, N.E. and Franklin Street, N.E., for public street purposes. DDOT filed a report with the Office of the Surveyor on December 1, 2022, related to S.O. No. 22-01115. The agency has no objection as long as the following conditions are satisfied:

- The Applicant must enter into a Horizontal Public Use Agreement (HPUA) with DDOT and record it with the Recorder of Deeds to provide:
  - the forgoing conditions have been satisfied; and
  - that the public space improvements in the public right-of-way and subject to a Transportation Online Permitting System (TOPS) permit have been constructed to DDOT standards and specifications; and
  - that all statutory warranties have been provided; and
  - DDOT has agreed to accept the public space improvements.
- The Applicant must reach an agreement with the Urban Forestry Division's (UFD) Ward Arborist regarding the disposition of the large tree at the western fence line of 900 Evarts Street, N.E. and, specifically, whether the tree should be removed;

- Prior to issuance of the building permit for the first building within the Planned Unit Development (PUD), the Applicant shall prepare and submit a traffic signal warrant analysis for the intersection of Franklin Street and Reed Street, N.E. to DDOT’s Transportation Engineering and Safety Division (TESD) for review and approval;
  - If approved by TESSD, the Applicant shall complete an Memorandum of Agreement with DDOT and then design, fund, and install the traffic signal prior to issuance of the first Certificate of Occupancy for the first building within the PUD; and
- The Applicant must compensate DDOT in the amount of \$3,387.20 for the streetlights in the existing alley network.

The stated purpose of **Bill 24-1026**, the “Closing of a Portion of Half Street, S.W., Adjacent to Square 660 Act of 2022,” is to order the closing of a portion of Half Street, S.W., adjacent to Lot 12 in Square 660, in 19 Ward 6. DDOT filed a report with the Office of the Surveyor on February 8, 2022, related to S.O. No. 19-46610. DDOT has determined that there will no longer be a transportation need for the 889 SF of Half Street, S.W. right-of-way once DDOT construction vehicles have vacated the staging area. As such, DDOT has no objection to the right-of-way closure and elimination from the DC Highway Plan with the following conditions:

- The closure plat will not be recorded until the Office of Surveyor has been notified in writing by the DDOT Director that construction vehicles have permanently vacated the staging area;
- The Applicant will be responsible for all costs to remove or relocate the Pepco utility vault from the portion of right-of-way to be closed; and
- The elimination from the DC Highway Plan will apply only to the 889 square foot segment to be closed, not the entirety of Half Street, S.W. or any other adjacent street.

The stated purpose of **Bill 24-1102**, the “Howard East Towers Alley Closing and Street Dedication Act of 2022,” is to order the closing of a portion of an alley in Square 2873 abutting Lots 1106 and 1112 in Ward 1, to establish a 25-foot wide building restriction line on the closed alley area, and to dedicate a portion of Lot 1112 for public street purposes. DDOT filed an initial report with the Office of the Surveyor on September 22, 2022, related to S.O. No. 22-03181. While DDOT objected to the dedication and alley closure as then-proposed, DDOT filed a supplemental report on December 1, 2022, indicating that it was supportive of the now-proposed closures and dedication under the condition that:

- The Applicant coordinates with the Urban Forestry Division’s (UFD) Ward Arborist and submit a Special Tree Permit (STP) for the removal of the Bradford Pear tree;

- The Applicant establishes a Building Restriction Line (BRL) on the portion of the alley fronting W Street, N.W.;
- Prior to the closure of the alley, the Applicant records in the Recorder of Deeds a public access easement approved by DDOT for the portion of the Property to be used as Bryant Street, N.W. and constructs the transportation improvements within the public access easement, including a 7-foot sidewalk, a 4-foot tree box, and two-way travel lanes consistent with DDOT standards and specifications; and
- Prior to the closure of the alley, the Applicant must record in the Recorder of Deeds an easement for the 8th and 9th Street, N.W. sidewalks in a form approved by DDOT. The easement shall encumber the portion of the Property to be improved by an 8-foot sidewalk and a 5-foot treebox subject to public space permitting. The Applicant shall be responsible for maintenance of the sidewalk and tree boxes until DDOT has accepted them.

The stated purpose of **Bill 24-1103**, the “Union Court Alley Closing and Public Safety Improvement Act of 2022,” is to order the closing of a portion of an alley in Square 358 abutting Lots 53, 54, 55, 56, 60, 61, and 803 in Ward 1.

DDOT has not yet been asked to evaluate the impacts and identify DDOT assets, as there is not an associated Surveyor's Order that has been referred to DDOT. As such, DDOT objects to the closure until this evaluation can take place and the



Surveyor's Order can be filed and referred to DDOT. The agency would also like to note that since no Surveyor's Order has been filed, utility companies have also not had the opportunity to review the proposed closure.

I will now discuss the bills related to official and symbolic street and alley namings. The stated purpose of **Bill 24-892** is to *symbolically* designate the 700 Block of Quebec Place, N.W., in Ward 1, as *Bishop Clarence Groover, Sr. Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the 700 Block of Quebec Place, N.W. In fiscal terms, the cost of each installed sign for this designation is approximately \$190 (\$65 for sign fabrication and \$125 for sign installation). Sufficient signage requires two total signs, totaling \$380.

The stated purpose of **Bill 24-1025** is to *officially* designate the 700 and 800 blocks of Mount Vernon Place, N.W., as *Allen Y. Lew Place*. For visualization purposes, I have attached to this testimony a copy of the plat of the designated blocks. Sufficient signage requires four total signs, totaling \$760.

The stated purpose of **Bill 24-1032** is to *symbolically* designate the 1500 block of Channing Street, N.E., in Ward 5, as *Benjamin Secundy, Sr. Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the 1500 block of Channing Street, N.E. Sufficient signage requires two total signs, totaling \$380.

The stated purpose of **Bill 24-1057** is to *symbolically* designate the 500 block of 55<sup>th</sup> Street, N.E., as *Woodson Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the 500 block of 55<sup>th</sup> Street, N.E. Sufficient signage requires two total signs, totaling \$380.

The stated purpose of **Bill 24-1058** is to *symbolically* designate the street known as 1400 Cedar Street, S.E., in Ward 8, as *Davon T. McNeal, III Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting 1400 Cedar Street, S.E. Sufficient signage requires one sign as there is only one entrance to the street, totaling \$190.

The stated purpose of **Bill 24-1061** is to *officially* designate the public alley system within Square 3562, bounded by 3<sup>rd</sup> Street, N.E., W Street, N.E., 4<sup>th</sup> Street N.E., and V Street, N.E., in Ward 5, as *Wooten Court*. For visualization purposes, I have attached to this testimony a copy of the plat of the designated alley system. Sufficient signage requires five total signs, totaling \$950.

The stated purpose of **Bill 24-1062** is to *symbolically* designate the portion of 10<sup>th</sup> Place, S.E. in Squares 5933, 5934, 5938, and 5939 between Mississippi Avenue, S.E. and Savannah Street, S.E., as *Cassandra S. Pinkney Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the portion of 10<sup>th</sup> Place, S.E. described in the bill. Sufficient signage requires four total signs, totaling \$760.

The stated purpose of **Bill 24-1087** is to *symbolically* designate the 300 block of 53<sup>rd</sup> Street, N.E., as *Makiyah Wilson Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the 300 block of 53<sup>rd</sup> Street, N.E. Sufficient signage requires four total signs, totaling \$760.

The stated purpose of **Bill 24-1090** is to *symbolically* designate Swann Street, N.W., between 14th Street, N.W., and 19th Street, N.W., in Ward 2, as *William Dorsey Swann Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the street described in the bill. Sufficient signage requires eleven total signs, totaling \$2,090.

The stated purpose of **Bill 24-1093** is to *symbolically* designate 18th Street, N.W., between M Street, N.W., and N Street, N.W., in Ward 2, as *Sam “The Man” Burns Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the street described in the bill. Sufficient signage requires six total signs, totaling \$1,140.

The stated purpose of **Bill 24-1101** is to *symbolically* designate 14<sup>th</sup> Street, N.W., between Allison Street, N.W. and Arkansas Avenue, N.W., in Ward 4, as *Xi Omega Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the street described in the bill. Sufficient signage requires four total signs, totaling \$760.

DDOT can absorb the costs of these signs within its current budget and does not foresee any operational impact these official and symbolic namings would have on the District's transportation network. Therefore, the Administration has no objection to these street and alley namings, and DDOT stands ready to assist the Council and all other stakeholders with any ceremonial unveiling activities that may materialize as a result of these bills being passed.

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.



**Commission Members**

**Presidential Appointees**

Elizabeth A. White, Vice-Chair

**Mayoral Appointees**

Arrington Dixon  
Linda Argo

**Ex Officio Members**

Secretary of Defense  
The Honorable Lloyd J. Austin III

Secretary of the Interior  
The Honorable Deb Haaland

Acting Administrator of General Services  
The Honorable Katy Kale

Chairman  
Committee on Homeland Security  
And Government Affairs  
United States Senate  
The Honorable Gary C. Peters

Chairwoman  
Committee on Oversight and Reform  
U.S. House of Representatives  
The Honorable Carolyn B. Maloney

Mayor  
District of Columbia  
The Honorable Muriel Bowser

Chairman  
Council of the District of Columbia  
The Honorable Phil Mendelson

**Executive Director**  
Marcel Acosta

IN REPLY REFER TO:  
NCPC File No. 8259

May 10, 2021

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

Dear Mr. Snider:

Pursuant to delegations of authority adopted by the Commission, I approved the highway plan amendment for the Modification of the Permanent System of Highways at Square 4408, Lot 812 and Square 4396, Lot 805 - S.O. 21-02601 located at 2412 Rand Place, NE, Washington, DC. A copy of the Delegated Action of the Executive Director is enclosed and available online at [www.ncpc.gov/review/archive/2021/5/](http://www.ncpc.gov/review/archive/2021/5/) as part of the May 2021 meeting materials.

Sincerely,

Marcel Acosta  
Executive Director

Enclosures

cc: Mr. Andrew Trueblood, Director, DC Office of Planning  
Mr. Frederick Lindstrom, Assistant Secretary, U.S. Commission of Fine Arts



## Delegated Action of the Executive Director

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**PROJECT**

**Modification of the Permanent System of Highways at Square 4408, Lot 812 and Square 4396, Lot 805 - S.O. 21-02601**  
2412 Rand Place, NE  
Washington, DC

**SUBMITTED BY**

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

**NCPC FILE NUMBER**

8259

**NCPC MAP FILE NUMBER**

43.00(00.00)45290

**ACTION TAKEN**

Approve as requested

**REVIEW AUTHORITY**

Approval  
Per DC Code § 9-103.02

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The District of Columbia Department of Consumer and Regulatory Affairs (DCRA), Office of the Surveyor, on behalf of the Department of General Services (DGS), has submitted a proposed modification of the Permanent System of Highways for 2412 Rand Place, NE, Square 4408, Lot 812 and Square 4396, Lot 805. The request is made in connection with DGS plans to renovate and modernize the facilities at the property, which is the location of the Arboretum Recreation Center (the "Recreation Center"). The facility is District-owned and distinct from the federally-owned National Arboretum which is located to the east. The applicant seeks removal of the street to allow for expansion and development of the Recreation Center.

The street that is proposed to be removed from the Highway Plan does not currently exist, and therefore is considered a "paper street". The applicant has indicated the street is not necessary for the purposes of the Highway Plan or to further the District's policies and goals for the property or otherwise. The street encumbers the portion of the property where the existing Recreation Center is located, and DGS cannot renovate the property and the Recreation Center absent removal of the street from the Plan.

The street alignment parallels the USDA National Arboretum property. The applicant has coordinated with the National Arboretum, which confirmed they had no objections to the amendment. The National Arboretum does not have access from the paper street and no future access is indicated in the Arboretum master plan. As such, the Highway Plan amendment would not appear to impact any federal interests.

NCPC has an approval authority over amendments to the Highway Plan, and therefore has an independent obligation under the National Environmental Policy Act. After review, staff determined the categorical exclusion #2, as noted in 1 CFR § 601.12(a)(2), will apply. This applies to installation or restoration of minor site elements, such as portions of the paper street. Staff determined that no extraordinary conditions existed before applying the exclusion. Because of its approval authority for amendments to the Highway Plan, NCPC also has a responsibility to comply with Section 106 of the National Historic Preservation Act. To meet its obligation, NCPC determined that approval of the amendment would not cause adverse effects

on historic properties, and the DC State Historic Preservation Office concurred with this finding on April 5, 2021.



Figure 1: Site and area context

DISTRICT OF COLUMBIA GOVERNMENT  
 OFFICE OF THE SURVEYOR

Washington, D.C., August 27, 2020

Plat for Building Permit of: SQUARE LOT 805 & SQ 4408 LOT 812

Scale: 1 inch = 50 feet

Recorded in Book A & T Page 3498 - C (SQ 4396 Lot 805)  
 Book A & T Page 3530 - Q (SQ 4408 Lot 812)

Receipt No. 20-06880 Drawn by: A.S.

Furnished to: JAMIE J. ALVAREZ

I hereby certify that the dimensions and configuration of the lot(s) herein depicted are correct with the records of the Office of the Surveyor unless otherwise noted, but may not reflect actual field measurements. The dimensions and configuration of A&T lots are provided by the Office of Tax and Revenue and may not necessarily agree with the deed description(s).

For Surveyor, D.C.

I hereby certify that on this plat on which the Office of the Surveyor has drawn the dimensions of this lot, I have accurately and completely depicted and labeled the following:

- 1) all existing buildings and improvements - including parking spaces, covered porches, decks and retaining walls over four feet above grade, and any existing fire-on-line or party wall labeled as such, with projections and improvements in public space - with complete and accurate dimensions
- 2) all proposed foundations or base of existing buildings only labeled as such, all proposed buildings and improvements - including parking spaces, covered porches, decks and retaining walls over four feet above grade, any existing fire-on-line or party wall labeled as such, as well as projections and improvements in public space and the improvements used to satisfy previous surface or ground area requirements - with complete and accurate dimensions, in conformity with the plans submitted with building permit application, and
- 3) any existing chimney or vent on an adjacent property that is located within 10 feet of this lot.

I also hereby certify that:

- 1) any depiction on this plat, as detailed above, is accurate and complete as of the date of this signature hereon;
- 2) there is no elevation change exceeding ten feet measured between lot lines, or if so, this elevation change is depicted on a site plan submitted with the plans for this permit application;
- 3) I have filed a subdivision application with the Office of the Surveyor;
- 4) I have obtained (circled one) that a citation of his opinion with the Office of Tax & Revenue; and
- 5) if there are changes to the lot and its boundaries as shown on this plat, or to the proposed construction and plan as shown on this plat, that I shall obtain an updated plat from the Office of the Surveyor in which I will depict all existing and proposed construction and which I will then submit to the Office of the Zoning Administrator for review and approval prior to permit issuance.

Plans issued by the Office of the Surveyor will be valid for a period of two years from the date of issuance. I acknowledge that any inaccurate or errors in any depiction on this plat will subject any permit, or certificate of occupancy issued in reliance on this plat to enforcement, including revocations under Sections 105.6(i) and 110.5.2 of the Building Code (Title 22A of the DCMR) as well as prosecution and penalties under Section 404 of D.C. Law 4-164 (D.C. Official Code §22-2403).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_ Relationship to Lot Owner: \_\_\_\_\_  
 If a registered design professional, provide license number \_\_\_\_\_ and include stamp below \_\_\_\_\_

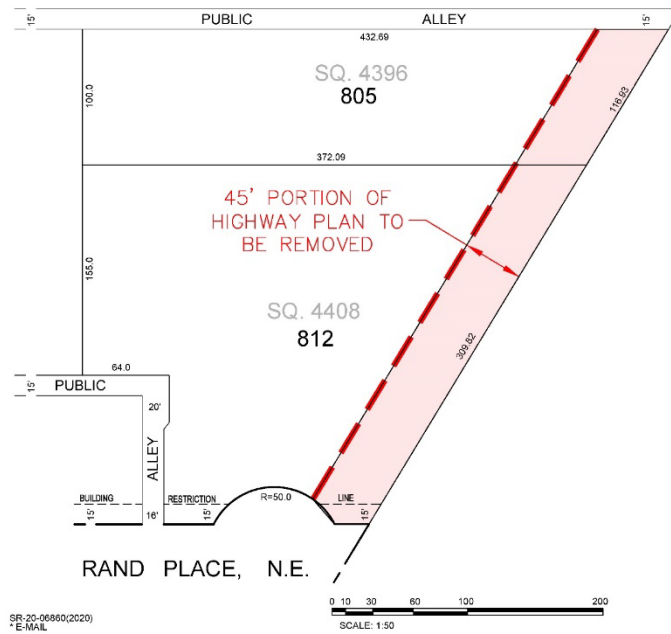


Figure 2: Survey and sketch of proposed amendment

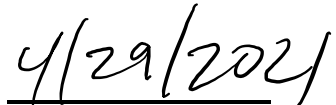
The Coordinating Committee reviewed the proposed Highway Plan amendment at their April 14, 2021 meeting, and forwarded the application to the Commission with the statement that the proposal was coordinated with all participating agencies. The participating agencies included the National Park Service, General Services Administration, Washington Metropolitan Transit Authority, District Department of Transportation (DDOT), the District of Columbia Office of Planning (DCOP), the District of Columbia State Historic Preservation Office (SHPO) and the District Department of Energy and Environment (DOEE).

\* \* \*

Pursuant to delegations of authority adopted by the Commission on April 1, 2021 and per DC Code § 9-103.02, I approve the proposed Modification of the Permanent System of Highways at Square 4408, Lot 812 and Square 4396, Lot 805 (S.O. 21-02601) to remove a portion of an unbuilt street located at 2412 Rand Place, NE in Washington, DC.



Marcel Acosta  
Executive Director



Date



Advisory Neighborhood Commission 5C  
PO Box 92352 Washington D.C. 20090

Wednesday, June 16, 2021

Jacqueline Manning  
Chair / Single Member District 5C04  
Advisory Neighborhood Commission 5C

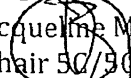
*To: John Stokes  
Associate Director External Affairs  
Department General Services  
2000 14th Street NW 8th Floor N.W.  
Washington D.C. 20009*

Diana Dorsey Hill  
Program Specialist  
Department of Consumer and Regulatory Affairs  
Office of the Surveyor  
1100 4<sup>th</sup> Street S.W.  
Washington D.C. 20024

**Subject: Proposed modification of the Permanent System Highway-2412 Rand Place N.E., Square 4408 , Lot 812 and Square 4396, Lot 805 S.O 21-02601**

On Wednesday June 16, 2021 Advisory Neighborhood Commission 5C June 16, 2021 voted 5 to 0 in support of -Pursuant to Section 9-101.06 of the D.C. Official Code, this Proposal is to be remove from the Plan of the Permanent System of Highway 2412 Rand Place N.E. Square 4408, Lot 812 and Square 4396, Lot 805.

Sincerely

  
Jacqueline Manning  
Chair 5C/5C04 SMD

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

## HIGHWAY PLAN ELIMINATION ON LOT 805, SQUARE 4396 AND LOT 812, SQUARE 4408

NATIONAL CAPITAL PLANNING COMMISSION  
 WASHINGTON, D.C. \_\_\_\_\_

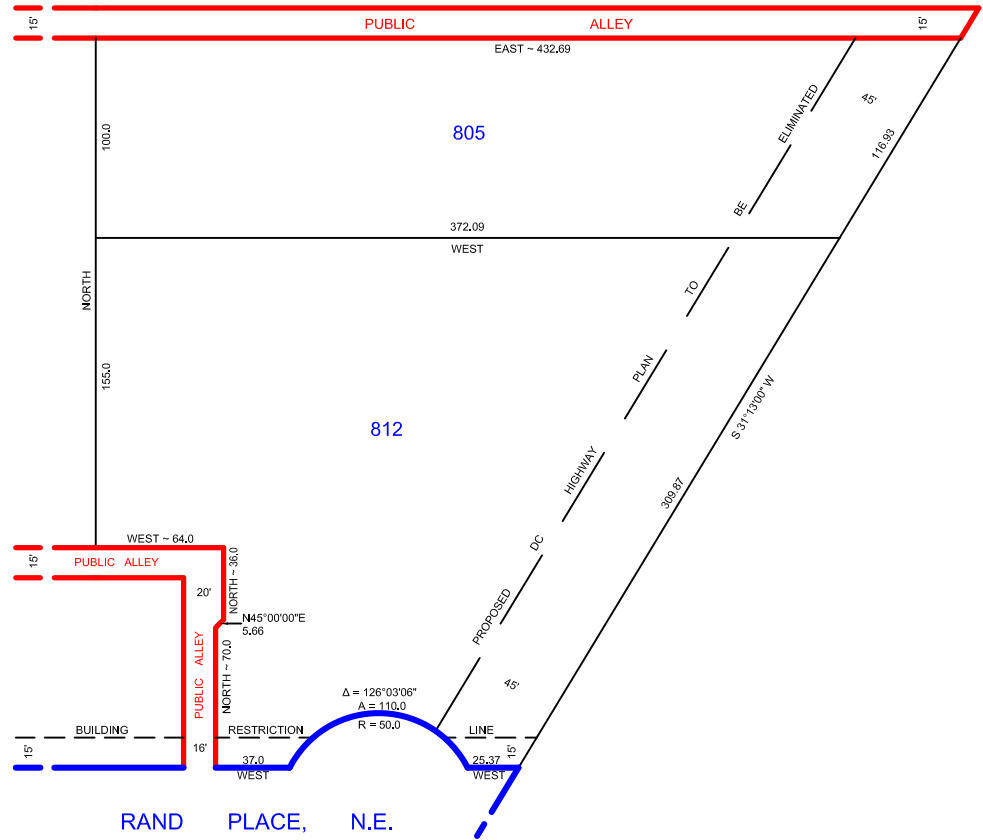
THE COMMISSION APPROVES THE MODIFICATION IN ACCORDANCE WITH SECTION 9-101.06 and 9-101.12,  
 OF THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

\_\_\_\_\_  
 CHAIRMAN

Office of the Surveyor, D.C.  
 \_\_\_\_\_, 20\_\_

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

\_\_\_\_\_  
 Surveyor, D.C.



RAND PLACE, N.E.

### SURVEYOR'S OFFICE, D.C.

Made for: MERIDITH MOLDEN / MICHAEL ETHERTON

Drawn by: L.E.S. Checked by: \_\_\_\_\_

Record and computations by: B. MYERS

Recorded at: \_\_\_\_\_

Recorded In Survey Book \_\_\_\_\_ Page \_\_\_\_\_ SR# 21-02601

Scale: 1 inch = 40 feet

2021/HWY PLAN ELIMINATION/SR-21-02601-SQ,4396

1 **DRAFT RESOLUTION**  
2 **Committee of the Whole**  
3 **PR 25-109**  
4 **March 7, 2023**  
5  
6  
7

8 A PROPOSED RESOLUTION  
9

10 \_\_\_\_\_  
11  
12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
13  
14 \_\_\_\_\_  
15

16 To approve the removal of a 45-foot-wide portion of 26th Street, N.E., along the east lot line of  
17 Lot 812 in Square 4408 and Lot 805 in Square 4396 from the Plan of the Permanent  
18 System of Highways of the District of Columbia.  
19

20 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
21 resolution may be cited as the “Removal of a Portion of 26th Street, N.E., from the Plan of the  
22 Permanent System of Highways of the District of Columbia Approval Resolution of 2023”.

23 Sec. 2. (a) The Mayor has proposed to modify the Plan of Permanent System of  
24 Highways of the District of Columbia by removing therefrom a portion of 26<sup>th</sup> Street, N.E., along  
25 the east lot line of Lot 812 in Square 4408 and Lot 805 in Square 4396, as shown on the  
26 Surveyor’s plat filed under S.O. 21-02601.

27 (b) Pursuant to section 6 of An Act to provide a permanent system of highways in that  
28 part of the District of Columbia lying outside of the cities, approved June 28, 1898 (30 Stat. 520;  
29 D.C. Official Code § 9-101.06), the Council approves the revision to the highway plan referred  
30 to in subsection (a) of this section.

31 Sec. 3. Fiscal impact statement.

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

35           Sec. 4. Effective date.

36           This resolution shall take effect immediately.