



2014 JUN -9 PM 5:12

OFFICE OF THE
SECRETARY

VINCENT C. GRAY
MAYOR

JUN - 9 2014

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

Dear Chairman Mendelson:


Enclosed for consideration and approval by the Council, pursuant to D.C. Official Code §10-801, are the "*Barnaby Road Parcel 238/40 Surplus Declaration Resolution of 2014*". The resolution authorizes the Mayor, through the Department of General Services, to sell the unimproved piece of land owned by the District and known as Parcel 238/40 (the "Property") located on Barnaby Road, SE, between Bonini Road and Chesapeake Street, SE, to Ways of the World Community Development Corporation (WOW-CDC, a subsidiary of the Temple of Praise) for the price of \$300,000.00. The District intends to sell the Property to WOW-CDC to facilitate the development of affordable and workforce housing. The purchaser will assemble the parcel with Square 6249, Lot 0837, the adjacent property that runs along the east boundary of Parcel 238/40, to provide frontage for single family townhouses that will face Barnaby Road.

I urge the Council to take prompt and favorable action on these proposed resolutions. If you have any questions, please contact Brian Hanlon, Director of DGS, at (202) 727-2800.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".
Vincent C. Gray

Enclosure


Chairman Phil Mendelson
at the request of the Mayor

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution, which was referred to the Committee on _____.

To declare as no longer required for public purposes the District-owned real property located within the 4200 block of Barnaby Road between Bonini Road and Chesapeake Streets, SE in Washington, D.C., known for tax and assessment purposes as Parcel 238/40.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Barnaby Road Parcel 238/40 Surplus Declaration Resolution of 2014”.

Sec. 2. Findings.

(a) The District is the owner of the real property located within the 4200 block of Barnaby Road, SE in Washington, D.C., known for tax and assessment purposes as Parcel 238/40 (“Property”). The Property is unimproved land, comprised of 1.08 acres.

(b) The Property is no longer required for public purposes because the Property is an odd-shaped tract of land and is zoned R-5-A. The Property is located in a residential neighborhood, thus it does not meet the size and zoning criteria for developing and establishing a government center or administrative offices at this location. The Property

36 does not meet the zoning criteria for developing office or retail buildings. Further, no
37 requests or plans are forthcoming to develop the Property into a park or recreational site.
38 Therefore, the District has determined that the highest and best use of the property is to
39 assemble the property with the adjacent parcels, which are owned by the proposed buyer,
40 for the purposes of completing a residential development for single family homes. A
41 residential development will significantly increase the amount of new housing stock built
42 within the neighborhood. Declaring that the Property is no longer required for public
43 purposes and disposing of it by selling to a third party is the most expedient and cost
44 effective solution to reactivate the property. This transaction will enable a local
45 community development corporation to complete its plans to develop new workforce
46 housing, thus providing new revenue for the District, and remove blight from the
47 community.

48 (c) The District has satisfied the public hearing requirements of section 1(a-1)(4)
49 of an Act Authorizing the sale of certain real estate in the District of Columbia no longer
50 required for public purposes (the "Act"), approved August 5, 1939 (53 Stat. 1211; D.C.
51 Official Code §10-801(a-1)(4)) by holding the required public hearings on July 9 and
52 October 7, 2013.

53 Sec. 3. Pursuant to section 1(a-1) of the Act (D.C. Official Code § 10-801(a-1)),
54 the Council finds that the Property is no longer required for public purposes.

55 Sec. 4. Transmittal.

56 The Secretary to the Council shall transmit a copy of this resolution, upon its
57 adoption, to the Mayor.

58 Sec. 5. Fiscal impact statement.

59 The Council adopts the fiscal impact statement in the committee report as the
60 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
61 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
62 206.02(c)(3)).

63 Sec. 6. Effective date.

64 This resolution shall take effect immediately.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



SURPLUS ANALYSIS

Project Name: Parcel 238/40 (unimproved land)
Property Description: Parcel 238/40 located on Barnaby Road, SE
between Bonini Road and Chesapeake Street, SE
Size of Property: 47,476 square feet (1.08 Acres)
Assessed Value: \$675,110; Unimproved Land
Zoning of Property: R-5-A
Ward: 8

- 1. History of the Property:** description of the Property (including approximate square footage, description of any structure/improvements on the Property and whether such structure/improvements are historically landmarked, and any available parking on and off the Property); how and when the District acquired the Property; the terms of the acquisition; a description of the Property's former and current use; and, if the Property includes improvements and is currently being used, whether the improvements are occupied.

Parcel 238/40 is located on the 4200 block of Barnaby Road between Bonini Road and Chesapeake Streets within the District's Southeast quadrant ("Property"). The Property is unimproved land owned by the District of Columbia. The Property area is 47,476 square feet (or 1.08 acres) and is trapezoidal in shape. The District's Historic Preservation Office within the Office of Planning verified that the Property is not historically landmarked. On its east side, the Property is immediately adjacent to improved and unimproved land parcels owned by the Temple of Praise, a house of worship, located at 700 Southern Avenue. Temple of Praise is the parent company of Way of the Word Community Development Corporation ("WOW-CDC"). WOW-CDC is the organization proposing to acquire the Property.

The Property's only and current uses are for gross easements, which enable respective utilities to deliver strategic services to neighboring residents, property owners, and for the District's public right-of-way. Further, these easements (located on the north end of the Property) significantly reduce the amount of land that may be developed within its bounds. Also, the Property is maintained by the District as a public right-of-way, in order to ensure that it does not become an eyesore or propagate blight.

The Property does not provide off-street parking. However, the west side of the Property (adjacent to Barnaby Road) is utilized for street parking by neighbors, their guests, and the attendees of the Temple of Praise.

2. Describe the surrounding neighborhood, including the following information: What does the neighborhood offer in terms of housing, shopping, recreation, and commercial space?

The Property is located in Ward 8 in the Oxon Run neighborhood and is adjacent to Temple of Praise, a house of worship. The Property is surrounded by a mix of moderately priced rental apartments and single family housing units. Additionally, the Congress Heights U.S. Post Office is located within 4 blocks of the development at 400 Southern Avenue. Furthermore, the Property is within two blocks of the District/Maryland border along Southern Avenue and retail shopping outlets. In recent years, the neighborhood has experienced nominal growth in the development of single family housing, condominiums, and attached houses. Neighborhood assets include schools, libraries, and Oxon Run Park.. Additionally, the Department of Parks (“DPR”), the Recreation’s Southeast Tennis and Learning Center (“SETLC”), and the Mary Virginia Merrick Center (“Merrick Center”) provide recreational facilities and meeting spaces for local residents. Also headquartered in the neighborhood is WOW-CDC, a Ward 8 not-for-profit builder of affordable homes and permanent transitional housing. WOW-CDC is subsidiary of Temple of Praise.

The Property is accessible by public transportation. It is less than ¼ mile walk to Metro bus stops that connect riders to four (4) routes; including those traveling to the National Harbor, and the Anacostia, and Congress Heights Metro subway stations. Furthermore, the Property location is within the Seventh Police District and Police Area 706.

3. No Necessary District Use. D.C. Code § 10-801(a-1)(2)(A).

a. *Please describe allowable future uses for the Property.*

The utility easements and zoning restrictions limit the development opportunities and allowable uses. The utility easements restrict building structures on a significant amount (more than 20%) of the Property’s area. Future allowable uses are limited to opportunities that require a minimum or no building structures. Moreover, the Property is zoned “R-5-A,” which limits its use to residential housing and/or a facility that would provide ancillary services that support such residential housing.. Due to the site’s constraints with respect to building structures and existing zoning restrictions, the District has determined that the highest and best use for the Property to be:

- i. Assembling the Property with the adjacent parcel (Square 6249, Lot 0837), which is controlled and wholly owned by WOW-CDC and/or its parent Temple of Praise, for the purposes of completing a residential development for single family homes and apartment rental units. WOW-CDC proposes to use the Property as lawn frontage for the residential units. The developer proposes to create a public green space i.e., triangle park, neighborhood dog park, or neighborhood playground. This option does not require structural development.

b. How were other District facility needs considered? Please explain if the Property has any viable District use or why the Property has no viable use by the District, including the process for making the determination not to implement the viable District use or that the Property has no viable use by the District.

With respect to the Property, the Department of General Services has not identified specific projects for public use that warrant improvements to the Property. Further, DGS verified that the Property's:

- i. Area and shape cannot sustain a government facility which will be used for the purposes of education, or direct services programs. The area of the Property is 1.08 acres and has a trapezoidal-shape Both the combination of the odd-shape and small area limit the opportunities to build a commercial space suitable for government use.
- ii. Zoning is "R-5-A." The location does not meet the zoning criteria required for developing an office or a retail building or developing/establishing a government center administrative office. Furthermore, the Property is not immediately accessible to a Metro subway station. Thus, it is not ideal for transit-oriented development ("TOD").

4. Why determination that the real property is no longer required for public purposes is in the best interest of the District. DC Code § 10-801(a-1)(2)(B).

a. Please describe most viable and reasonable future use(s) for the Property.

Based on the Property's size and configuration, the District has determined that the highest and best use of the property is to assemble the Property with the adjacent parcels. The adjacent properties, which are controlled by and wholly owned by WOW-CDC or the Temple of Praise, will be utilized to complete a residential sub-division comprised of single family homes and rental housing development.

b. Please describe what potential uses of the Property would be in the best interest of the District (economic, social, educational, provision of affordable housing potential).

A residential development will significantly increase the amount of new and affordable housing stock for ownership built within the neighborhood. The District anticipates an increase in the assessed property values and economic stability for the neighborhood.

The Buyer, WOW CDC is a nonprofit real estate developer that specializes in workforce and transitional housing. WOW CDC proposes to improve and use the Property as part of a mixed-income housing development. Additionally, WOW CDC's plan brings homeownership opportunities that will be feasible for working families. Furthermore, the Buyer's intent is to invigorate and stabilize an area of Ward 8, which over the years has experienced a dearth of economic growth and new housing stock development.

5. Public Outreach and Comment. DC Code § 10-801(a-1)(2)(C).

a. *What specific outreach was done to solicit community input on the proposed surplus and disposal of the Property, including any outreach conducted in addition to the public hearing required under DC Code § 10-801(a-1)(2)(C)?*

In consideration of the District's determination to surplus and dispose of the Property, according to DC Code 10-801, on July 9, 2013 and October 7, 2013, DGS hosted public hearings. The intentions of the hearings were to solicit community feedback with respect to a proposed affordable housing development and encourage the submission of proposals for public uses that are germane to the neighborhood's needs. In the case of both hearings, the feedback from the community did not support or oppose the surplus of the Property. To date, the ANC 8D has not, nor has the community-at-large submitted any proposals to DGS for public uses of the site. Specifically, during both hearings, community members and the ANC Commissioners expressed their concerns about the following items:

Summary of Questions and the District's responses (italicized) for public hearings on July 9, 2013 and October 7, 2013:

1. When does the District intend to notify the ANC?
 - *The District initially forwarded certified notifications informing the ANC 8D office and the Ms. Olivia Henderson, Commissioner of 8D02. The notifications informed the parties about the District's intent to host public hearings to discuss the process related to DC Code 10-801. Notices of the public hearing held on July 9, 2013 were forwarded to the ANC on May 30, 2013. DGS followed up with a subsequent public hearing to ensure community input. The notices for the second meeting were forwarded on September 3, 2013 to inform the ANC of the October 7, 2013 meeting.*
2. What are the [District's] potential uses for the area?
 - *The District has determined that it has no potential [public] uses for Parcel 238/40., Since the July 9, 2013 public hearing, DGS representatives have communicated directly with ANC 8D02 Commissioner and the ANC 8D Chairman via email, postal mail, and/or telephone to encourage ANC 8D Commissioners to submit proposals for alternative uses. To date, since the initial public hearing on July 9, 2013, no proposals expressing community uses for the land were submitted by community members or the ANC-8D. Furthermore, no proposals by any party were received by DGS for consideration of uses in lieu of surplus and disposition.*
3. The ANC 8D requested a written opinion from DGS' General Counsel, informing them of whether the agency is required to send two separate notices to the ANC. The ANC believes it is entitled to two notices: the first notice is to advise the community about the District's intent to surplus and dispose Parcel 238/40; the second notice is to advise the community about the hearing date.
 - *The agency has provided the ANC with correspondence confirming the agency's adherence to the ANC notification requirements for the surplus and disposition of property.*

4. How much weight is given to the community comment?
 - *The community comment will be given consideration with respect to the District's determination for surplus and disposal of Parcel 238/40.*

5. Temple of Praise church [WOW CDC's parent company] never addressed the erosion concerns raised by the community
 - *The District recommends engaging the District Department of the Environment (DDOE) to determine whether the purported erosion problem on the church property is having a negative impact on stability of Parcel 238/40, thus causing flooding in the neighboring homes.*

6. Has the District completed an assessment to study the flooding (erosion)?
 - *DDOE is abreast of the assessments, if any, completed to study the flooding at Parcel 238/40 and adjacent properties. DDOE confirmed that a retention pond was installed under the property owned by Temple of Praise. As of 2007, the retention pond was deemed to be in satisfactory condition.*

7. Neighborhood parking is constrained by the congregants and guests, of Temple of Praise, whose membership has grown by 40% in the past 3 years.
 - *DGS representatives recommend Ward 8 CM Barry's office mediate meetings between the ANC 8D and representatives from Temple of Praise to agree upon options for improving parking for residents while church is in service or hosting events.*

**DEPARTMENT OF GENERAL SERVICES
NOTICE OF PUBLIC MEETINGS REGARDING
Surplus Resolutions Pursuant to D.C. Official Code 10-801**

The District will conduct public hearing to receive public comments on the proposed surplus of the following District property. The date, time and location shall be as follows:

Property: Parcel 238/40, in the 800 block of Barnaby Road, S.E. (between Bonini Road and Chesapeake Street, SE)

Date: Tuesday, July 9, 2013

Time: 6:30PM

Location: William Lockridge/Bellevue Library
115 Atlantic Street, SW
Washington, DC 20032

Contact: S. E. Ponds, Realty Program Specialist
Department of General Services – Portfolio Division
202.741.0942 sheryl.ponds@dc.gov

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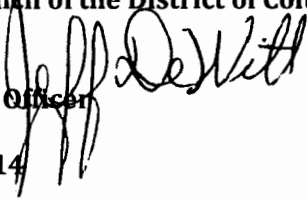
Government of the District of Columbia
Office of the Chief Financial Officer



Jeff DeWitt
Chief Financial Officer

MEMORANDUM

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

FROM: Jeff DeWitt
Chief Financial Officer 

DATE: January 13, 2014

SUBJECT: Fiscal Impact Statement - "Barnaby Road Parcel 238/40 Surplus Declaration Resolution of 2014"

REFERENCE: Draft resolution provided to the Office of Revenue Analysis on January 9, 2014

Conclusion

Funds are sufficient in the FY 2014 through FY 2017 budget and financial plan to implement the resolution.

Background

The resolution declares as surplus the District-owned property located in the 4200 block of Barnaby Road, S.E., known for tax and assessment purposes as Parcel 238, Lot 40. The property consists of unimproved land totaling 1.08 acres. The resolution declares that the property is no longer required for public purposes because it is not zoned for office or retail buildings, and the shape of the property would make it difficult to develop on its own. Additionally, there are no plans to turn the property into a park.

The Mayor intends to sell the property to an adjacent property owner, who will combine the properties to construct a residential development of single family homes. The disposition is addressed by a separate resolution.

Financial Plan Impact

Funds are sufficient in the approved FY 2014 through FY 2017 budget and financial plan to implement the resolution. Declaring the property as surplus would have no impact on the District's budget and financial plan.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

Legal Counsel Division



MEMORANDUM

TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: January 13, 2014

SUBJECT: Legal Sufficiency Review of Executive Draft Resolutions, the “Barnaby Road Parcel 238/40 Surplus Declaration Resolution of 2014” and the “Barnaby Road Parcel 238/40 Disposition Approval Resolution of 2014”
(AE-14-012)

This is to Certify that this Office has reviewed the above-referenced executive draft resolutions and found them to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

A handwritten signature in cursive script, reading "Janet M. Robins", is written over a horizontal line.

Janet M. Robins