

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: October 6, 2015

SUBJECT: Report on Bill 21-179, “Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015”

The Committee of the Whole, to which Bill 21-179, the Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015” was referred, reports favorably thereon, and recommends approval by the Council.

CONTENTS

I.	Background And Need.....	1
II.	Legislative Chronology.....	4
III.	Position Of The Executive.....	4
IV.	Comments Of Advisory Neighborhood Commissions	5
V.	National Capital Planning Commission Review.....	5
VI.	Summary Of Testimony.....	5
VII.	Impact On Existing Law	7
VIII.	Fiscal Impact.....	7
IX.	Section-By-Section Analysis	8
X.	Committee Action.....	8
XI.	Attachments	8

I. BACKGROUND AND NEED

On April 17, 2015, Bill 21-179, the “Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015” was introduced by Councilmember Evans. Bill 21-179 would authorize the closure of a public alley that traverses property owned by the applicant, the 1255 22nd Street Limited Partnership (“the Applicant”) that is located at the northeast corner of 22nd Street and Ward Place, N.W., in Ward 2. The Applicant’s property includes Lots 193 and 194; the alley is located along the eastern edge of Lot 193. Lot 193 contains a seven story office building that is vacant except for a Post Office, and Lot 193 contains a parking lot. The Applicant intends to convert the office space into residential units and build a connecting nine-story residential building on the site of the existing parking lot.

Importantly, as part of the development plans, the Applicant will maintain public access over the existing alley. The building construction will create a tunnel-like passage with a width

of 30 feet and a height of 16 feet. The Applicant will dedicate a perpetual easement over the closed portion of the alley to allow continued access to the new residential units, as well as to the rear of two properties fronting on N Street, N.W., that abut the alley (Lots 153 and 192). The existing alley is 30 feet wide.

Legal Procedure

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

Pursuant to the Act, street and alley closing applications are submitted to the Surveyor of the District of Columbia who assigns a Surveyor’s Order (S.O.) number and collects applicable fees. The Surveyor requests comments from executive branch agencies and public utilities. A plat is prepared and the application is forwarded through the Mayor’s Office of Policy and Legislative Affairs, which also solicits comments from executive branch agencies. When these reviews are completed, the application is transmitted to the Council in the form of a bill from the Mayor. Council members may also initiate action on an alley or street closing on their own by introducing a bill—as is the case for Bill 21-179, which was introduced by Councilmember Evans. In such cases, the Act provides that the Council cannot consider such a bill until the required reviews have been completed. Regarding Bill 21-179, all of the reviews have been completed without objection.

The Act establishes notice requirements for street and alley closing legislation. The Council is required to publish notice of a street or alley closing in the *District of Columbia Register*. Further, the applicant is required to give written notice to all property owners abutting a block or alley affected by the proposed street or alley closure. The applicant is also required to post signs at each end of a block or each entrance to an alley affected by the street or alley closing legislation. The applicant is required to give the Council certification of compliance with these requirements. Regarding Bill 21-179, these requirements have been met.

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

dedication of land for public purposes, the land encompassed by the easement or dedication becomes available for the specified public purposes.

1255 22nd Street, N.W.

The Applicant plans to construct 197 residential units. These will include 60 two-bedroom units, 16 one-bedroom plus den units, 93 one-bedroom units, and 28 studio units. Approximately 20 of these units will be affordable under the city's Inclusionary Zoning requirements.¹ The Post Office will remain in its current location on the ground floor, along with space for other retail. The proposed developed includes 118 vehicle parking spaces, four hybrid charging stations, and 66 bicycle parking spaces in the existing three-level underground garage.

The Applicant has made a number of commitments to stakeholder agencies. These include:

1. Applicant will upgrade 3 existing alley lights.
2. Applicant will remove the existing circular driveway and associated curb cuts and improve the public space to DDOT standards.
3. Applicant will not block any existing Fire Department connections/fire hydrants, nor obstruct fire access to adjacent properties.
4. Applicant will grant easements to Verizon to allow their existing equipment to remain in place, and will pay to relocate Verizon's plant and feeders.
5. Applicant will grant easements to DC Water for the existing 3" cast iron water main and 8" sewer in the alley.

Upon committing to fulfill the above obligations, all objections were lifted from the record.²

On July 7, 2015, the Committee held a public hearing on Bill 21-179. At the hearing, the Committee received testimony from multiple public witnesses who live in neighboring buildings. A number of these witnesses expressed serious concern about the Applicant's development and were uninformed of the details of the project plan. Lacking such information, these neighbors felt apprehensive about the alley closing and testified in opposition to it, while indicating a desire to gain information about the plans. Of common concern were issues including what kind of access would be permitted over the closed alley during and after construction, whether trash pickup would proceed normally, and whether a new building would obstruct sunlight, create traffic congestion, and generate noise pollution.

The final public witnesses to testify at the hearing were representatives of the Applicant, including legal counsel, a developer, an architect, and a traffic consultant. Each of these

¹ See Title 14, Chapter 22, of the District of Columbia Municipal Regulations.

² Note that DC Surveyor Roland Driest revised the plat for Square 70 to specify that the closure of the alley and vesting of title is subject to an easement to DC Water over the entirety of the alley. DC Water advised the Committee that in previous alley closings, developers had failed to fulfil their obligation to record promised easements. DC Water conditioned the removal of its objection in this case on the easement being mandated in the bill language. However, after discussion, DC Water is satisfied by the revision of the plat in lieu of a change to the legislation.

witnesses described various aspects of the development plans in a manner that provided informative responses to each of the concerns raised in earlier testimony. The alley will be closed as a matter of law, but the public use of the alleyway will permanently continue. While neighbors may oppose the development project itself, this opposition cannot be conflated with genuine opposition to the alley closing. The Applicant provided answers to neighbors' questions. The alley will remain publicly accessible and will continue to be used for trash pickup, deliveries, and emergency vehicles. Seeing no legitimate reason not to close the alley, the Committee therefore recommends approval of Bill 21-179.

II. LEGISLATIVE CHRONOLOGY

- April 17, 2015 Bill 21-179, the "Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015" is introduced by Councilmember Evans.
- April 21, 2015 Bill 21-179 is "read" at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
- April 24, 2015 Notice of Intent to Act on Bill 21-179 is published in the *District of Columbia Register*.
- June 19, 2015 Notice of a Public Hearing on Bill 21-179 is published in the *District of Columbia Register*.
- July 7, 2015 The Committee of the Whole holds a public hearing on Bill 21-179.
- Oct. 6, 2015 The Committee of the Whole marks-up Bill 21-179.

III. POSITION OF THE EXECUTIVE

Roland Dreist, D.C. Surveyor, testified at the Committee's public hearing on July 7, 2015. He briefly explained the development project and the alley to be closed. The alley was created by the Original Subdivision of Squares; the subdivision was recorded in 1796. The area of the portion of the alley to be closed is 2,400 square feet. He further related that the Office of Tax and Revenue reported the land's market value as of January 1, 2014, which represents tax year 2015 is \$301.19 per square foot average for a total estimated value of \$722,850.

Mr. Dreist testified that there were no objections on the record, including none from the Executive branch agencies nor utility companies contacted. Additionally, no retail tenants would be displaced.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received a copy of a resolution passed by the Dupont Circle Advisory Neighborhood Commission, ANC 2B, in support of the alley closing. The resolution refers to the closing as an “alley vacation;” at the public hearing some witnesses raised a question of whether the resolution actually supports Bill 21-179 due to this word choice. However, other language in the resolution, including a description of the development project and a reference to the permanent easement to be created, lead the Committee to conclude that ANC 2B’s intent in passing the resolution was to express support for Bill 21-179.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

Marcel C. Acosta, Executive Director of the National Capital Planning Commission (NCPC), in a Delegated Action of the Executive Director, provided comments to the Council finding that the proposed alley closing in Square 70, at the intersection of Ward Place and 22nd Street, NW, would not be inconsistent with the Comprehensive Plan for the National Capital nor would it adversely affect any other federal interests. The delegated action was taken on March 27, 2015.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 21-179 on Tuesday, July 7, 2015. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

Rebecca Grounds, Board President, Hasting Court Condominium Association, testified in opposition to the proposed closure. Ms. Grounds is owner of a unit in the Hastings Court condominium building adjacent to Lot 193. Ms. Grounds conveyed her disappointment that the Applicant had not directly contacted her or her neighbors about the development project. She stated that she lacked details about the planned development and had general concerns about access to light and air. Additionally, Ms. Grounds wanted clarification on what access to the alley would continue during and after construction of the Applicant’s building.

Richard Cohen, Chairman, Willco Construction Co., Inc., testified in opposition to the proposed closure. Mr. Cohen is a principal investor in multiple properties in the 2000 block of N Street, N.W., which abut the Applicant’s proposed development site. Mr. Cohen was particularly dismayed at the way notice was given by ANC 2B for their discussions and by the Applicant for the Council’s public hearing on July 7, 2015.

Michael Sussman, Public Witness, testified in opposition to the proposed closure. Mr. Sussman is owner of property abutting the alley and expressed concern that closure of the alley would negatively impact his access to his property, including for trash collection. Mr. Sussman further expressed discontent over inadequate notification and engagement by the Applicant. He also criticized ANC 2B’s handling of the alley closure for reasons such as by printing an

incorrect address for the alley on a meeting agenda and using the phrase “alley vacation” in its resolution supporting the resolution. Lastly, Mr. Sussman recommended several minor technical changes to the bill’s language.

Barbara Schubert, Public Witness, testified in opposition to the alley closing. Ms. Schubert described the confusion among many neighbors about what was going on with the development and the alley, and expressed her hope that the Committee would not act immediately to close the alley, so that she and others might better understand how the alley closing would impact them.

Richard Johnson, Public Witness, testified in opposition to the alley closing. He called for consultation between the developer and neighbors. Mr. Johnson lives directly across from the alley and expressed concern about access and use of the alley during and after construction. He further expressed concern about losing access to direct sunlight. He stated that the developer has not operated in good faith and has not communicated with neighbors.

Pauline Johnson-Brown, Public Witness, testified in support of the alley closing. Ms. Johnson-Brown lives near the project site and has experience as a real estate developer. She explained that she learned about the subject matter development project while walking by seeing a notice for the public hearing posted. She contacted the Applicant’s legal representatives at Holland & Knight and had no trouble finding out detailed information on the project. Ms. Johnson-Brown expressed support for the development project, particularly on the provision of affordable housing units. After the hearing, Ms. Johnson-Brown submitted a letter reiterating her support for the alley closing and for the Applicant’s development plan.

Christopher H. Collins, Partner, Holland & Knight, testified on behalf of the Applicant and provided an overview of the development plans. He also stated that the project will generate approximately \$400,000 per year in additional real property taxes over that which the property is currently generating, plus new income and sales taxes generated from the new households. He estimated over 300 construction jobs would be created during the period of construction, as well as 12 permanent jobs in retail and building operations.

Ron Walton, a developer representing the Applicant, testified that the property is appropriately zoned for the project and no variances will be requested. All required setbacks will be provided, as well as 153 percent of required parking via an existing underground garage with access from 22nd Street. The alley will continue to be 30 feet wide; ingress and egress to N Street properties will be maintained at all times through the north side of Lot 194 and the north-south alley that runs through the property.

Regarding engagement with the neighbors, Mr. Walton described several meetings representatives of the Applicant had with Mr. Cohen and Mr. Sussman, whom Mr. Walton said are business partners planning to develop a neighboring property on N Street. Mr. Walton further made attempts to reach out to Hastings Court Condo Board but was unsuccessful. The Applicant was, however, successful in working with the ANC, from whom unanimous support was given. He claimed that over 100 people attended each of four ANC meetings the project was presented at. Plans for the development are unchanged since that time period.

In response to earlier testimony by neighbors, Mr. Walton stated he would speak with Rebecca Grounds after the hearing. He further commented that construction will take between 18 and 22 months to complete, much of that being work on the interior, and he would be happy to work with neighbors to create an accommodating construction schedule.

Michael Foster, MTF Architecture, described the design and zoning of the project.

Jami Milanovich, Traffic Consultant, Wells & Associates, described the impact of the project on traffic. She testified that getting rid of the parking lot will reduce traffic in the alley, and that trash pickup and deliveries will continue normally.

After the hearing, Mr. Collins, Mr. Foster, Ms. Milanovich, and Mr. Walton submitted joint supplemental testimony for the record. This submission provides clarifying information regarding the proposed parking, outreach with the community, width and height of the easement, construction timeline and alley access, the reports by DC Water and the Office of Planning, and the number of Inclusionary Zoning units.

In addition, the Committee received written testimony by *Pamela J. Carlson, Public Witness*, who expressed opposition to the alley closing. Ms. Carlson was concerned that the Applicant development would increase traffic congestion, decrease available street parking, increase noise and air pollution, and negatively impact The Preston House condominium building.

VII. IMPACT ON EXISTING LAW

Bill 21-179 has no impact on existing law. The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201 *et seq.*) (“Act”) establishes procedures for closing streets and alleys, opening new streets and alleys, naming public spaces, and other procedures related to streets and alleys. Additionally, it authorizes the Council to close all or part of a street or alley. In approving Bill 21-179, the Committee finds that the requirements of the Act have been satisfied.³

VIII. FISCAL IMPACT

The attached August 18, 2015 fiscal impact statement from the District’s Chief Financial Officer states that funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill.

³ D.C. OFFICIAL CODE § 9-202.01 *et. seq.* (2015).

IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	The Council finds the portion of the public alley system in Square 70 unnecessary for alley purposes and orders it closed, contingent upon recordation of an easement over the closed alley and adherents to the covenants with DC Water, DC FEMS, DDOT, and Verizon.
<u>Section 3</u>	Requires transmittal of the act, upon adoption, to the Office of the Surveyor and the Office of the Recorder of Deeds.
<u>Section 4</u>	Fiscal impact statement.
<u>Section 5</u>	Effective date.

X. COMMITTEE ACTION

XI. ATTACHMENTS

1. Bill 21-179 as introduced.
2. Written Testimony. The statement of The Applicant and The Executive Branch Testimony include only selected attachments.
3. Surveyor's Revised Plat.
4. NCPC Comments.
5. Fiscal Impact Statement for Bill 21-179.
6. Legal Sufficiency Determination for Bill 21-179.
7. Committee Print for Bill 21-179.

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

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : April 27, 2015

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, April 17, 2015. Copies are available in Room 10, the Legislative Services Division.

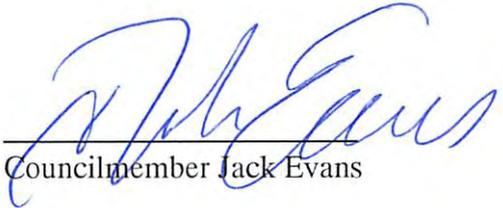
TITLE: "Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015",
B21-0179

INTRODUCED BY: Councilmember Evans

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

Attachment

cc: General Counsel
Budget Director
Legislative Services


Councilmember Jack Evans

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2
3 A BILL
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8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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12 To order the closing of a portion of a public alley system in Square 70, bounded by 22nd Street, N
13 Street, 21st Street, New Hampshire Avenue, and M Street in Northwest Washington,
14 D.C., in Ward 2.
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16 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
17 act be cited as the "Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015".

18 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved
19 December 24, 1973 (87 Stat. 813, D.C. Official Code §1-204.04), and consistent with the Street
20 and Alley Closings and Acquisitions Procedures Act of 1982, effective March 10, 2983 (D.C.
21 Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds the portion of the public
22 alley system in Square 70, as shown on the Surveyor's plat filed in S.O. 15-23283, is
23 unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the
24 Surveyor's plat.

25 (b) The approval of the Council of this alley closing is contingent upon the recordation of
26 an easement over the surface of the closed alley, to a height of 16 feet, that includes an
27 agreement by the owner of the property encumbered by the easement to maintain the closed
28 alley.

1 Sec. 3. Transmittal

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

4 Sec. 4. Fiscal Impact Statement

5 The Council adopts the fiscal impact statement in the committee report as the fiscal
6 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
7 approved December 24, 1973 (87 Stat. 813, D.C. Official Code §1-206-02(c)(3)).

8 Sec. 5. Effective Date

9 This act shall take effect upon its approval by the Mayor (or in the event of veto by the
10 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
11 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
12 24, 1973 (87 Stat. 813, D.C. Official Code §1-206.02(c)(1)), and publication in the District of
13 Columbia Register.

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

Public Hearing on Bill 21-179 - July 7, 2015
Proposed Closing of a Public Alley in Square 70
S.O. 15-23283, Act of 2015

Statement of Rebecca Grounds, owner and resident of unit 106 in Hastings Court Condominium, 2130 N Street, NW, Washington, DC – Square 70, Lot 192.

I am a resident unit owner in Hastings Court Condominium, located at 2130 N Street, NW, and I serve on the Condominium's Board of Directors. Our property is immediately adjacent to, and is served by, the alley proposed for closing, and is immediately adjacent to Lot 193, which is the building at 1255 22nd Street, proposed for re-development.

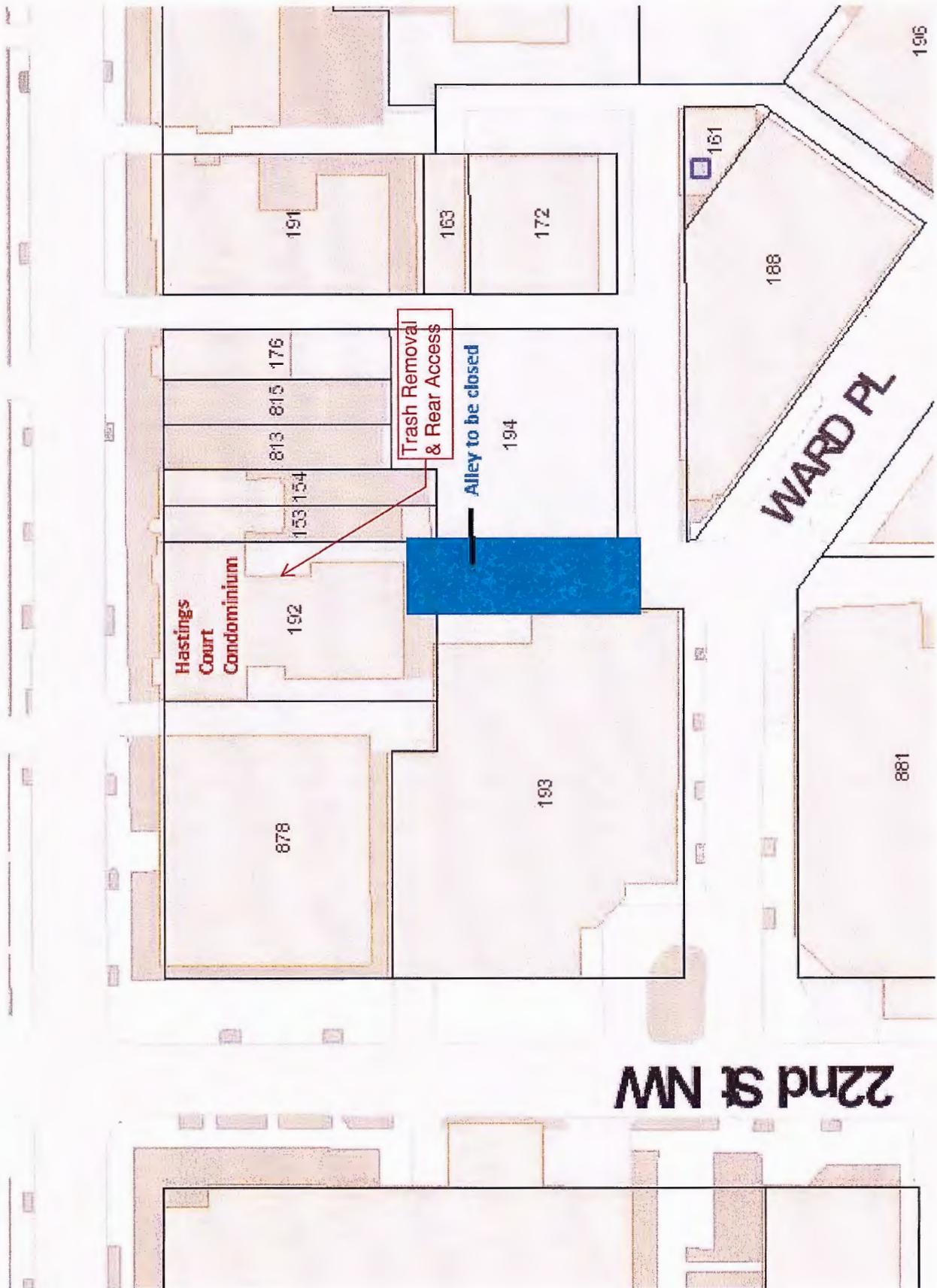
The alley proposed to be closed, and the proposed development project, are virtually in our back yard. I must say that we are disappointed that the developer who wishes to close the alley and redevelop the property behind our building has not contacted us directly to discuss the planned development or the proposed alley closure. We found out about this initially through press reports, and we have received no communications or information from the developer about this project, about the proposed alley closure, or about the impact that these plans will have on our homes.

While we do not have details about the developer's plans, we are concerned that the new residential buildings will block our building's access to light and air, and will aggravate already-serious traffic and parking problems in the neighborhood. We also are concerned about the adverse impact of major construction activities just a few yards from our building.

Equally important, however, is the fact that the alley proposed for closure ends just a few feet from the back of our building, and provides the only access we have to our rear entrance, including the only access for trash removal from our building. While we understand that the plan intends that there will be some kind of access easement through the new buildings, along the route of the existing alley, we do not understand whether, or how, we, or our trash removal contractor's garbage trucks, will be able to access the rear of our property while the proposed project is under construction. These are very important issues for us, and they have not been addressed.

We would be happy to meet with the developer to discuss all of our concerns and to work out an equitable agreement. However, in the absence of such an understanding, our Condominium's Board of Directors opposes the proposed alley closure, and we urge the Council to defer any approval of Bill 21-179 until our concerns have been addressed.

See Attachments 1 & 2





Committee of the Whole Hearing
B21-179 – Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015
Tuesday, July 7, 2015
Written Testimony of Richard Cohen

Good Morning, Mr. Chairman, Members and Staff of the Committee.

My name is Richard Cohen and I am the Chairman of Willco Construction Co., Inc. (“Willco”).

Today, I am testifying in opposition to Bill 21-179, the “Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015”. I am the principal investor in the abutting properties located at 2122 N Street NW, 2124 N Street NW, 2126 N Street NW, and 2128 N Street NW (the “N Street Properties”). The N Street Properties will be negatively impacted by Bill 21-179, specifically with respect to trash collection, accessibility and deliveries made to the properties, and future development plans for the site. Equally important, I and other impacted property owners, including the residents of Hastings Court, a condominium located at 2130 N Street NW, were never engaged or properly notified by 1255 22nd Limited Partnership (the “Applicant”). I am deeply concerned about the process of this application and the haste at which the Applicant is moving to close the alley without discussing the closure with affected neighbors. We believe time needs to be taken so that proper discussion of this alley closing by neighbors can be done. Since that has not occurred prior to this hearing, we must oppose this alley closing and request the Council not move forward with Bill 21-179.

Advisory Neighborhood Commission 2B

On Wednesday, February 11, 2015, Advisory Neighborhood Commission 2B (“ANC 2B”), the respective ANC for Square 70, convened its monthly meeting. On the second page of the agenda, which is normally published online a week before the meeting, under a section entitled, “DDOT Public Space Committee Applications”, the second item reads “**1522** 22nd St NW: Conversion of

empty office building to residential.” Please note that the correct address of the Applicant is 1255 22nd Street NW, not 1522 22nd Street NW, which is located a third of a mile from the proposed development site. The notice also contains no mentioning of closing a portion of the alley whatsoever; however, according to ANC 2B’s “February 2015 Meeting Minutes”, ANC 2B voted on what is described as an “alley vacation” resolution, which, again, does not speak to the item listed on the agenda. The resolution stipulates that the “alley vacation will include a permanent easement for vehicles to serve adjacent buildings”. The application submitted by the Applicant, on the other hand, indicates that the “Applicant will simultaneously grant a perpetual public easement over the surface of the closed alley....to facilitate rear access to the abutting properties.” To summarize, incorrect notice was provided by ANC 2B, impacted property owners were not contacted about the meeting by the Applicant, and the resolution does not support the request outlined in the application.

ANC 2B and the Applicant’s inability to properly notify impacted property owners is underscored by ANC 2B’s action taken regarding an alley closing in Square 197, which is on the agenda for today’s hearing as well. On ANC 2B’s agenda for its monthly meeting in May (Wednesday, May 13, 2015), under a section entitled, “General Agenda Items”, the only item listed clearly states “Application for Alley Closing and Alley Dedication, (N/S Alley between 15th and 16th Streets, NW) by 1100 15th St, LLC.” The accompanying resolution by ANC 2B to the D.C. Surveyor reads “ANC2B SUPPORTS the closing [of] the alley in Square 197 as requested by Carr Properties.” Holland & Knight, which represents the Applicant for the alley closing in Square 70, also represents the Applicant for the alley closing in Square in 197. Therefore, I ask the Committee to consider the similarities between the requests in both

applications for Squares 70 and 197, yet differences in providing notification and accompanying resolutions.

Applicant's Notification

In addition to the failure to properly notify impacted property owners of the alley closing on ANC 2B's monthly meeting agenda, the Applicant did not notify all impacted property owners in a timely manner for today's hearing. Near the end of June, I received a Memorandum from the Applicant, indicating that the Committee of the Whole would hold a public hearing on July 7 (today) to consider the partial closing of a public alley in Square 70. Pursuant to the Street and Alley Closing Acquisition Procedures Act, specifically D.C. Code Section 9-202.06(a), "at least 15 days and no more than 60 days prior to the date of any public hearing to consider an application to close all or part of a street or alley, the Applicant shall:

- (1) "Give written notice of the date, time, and location of the public hearing to all of the owners of all the property on both sides of the block(s) of the street which abuts the block(s) of that street to be closed or which abuts that entire alley;
- (2) "Post a sign which indicates the date, time and location of the public hearing at each end of the block(s) of that street to be closed, or at each entrance from a street to any alley in the square."

If the Memorandum, which the Applicant dated Friday, June 19, was mailed on Saturday, June 20, and I received it on Tuesday, June 23, then the Applicant does not meet the District's notification requirements. When you take into consideration that we also had a long weekend in between the receipt of the notice and today's hearing, the timing seems indicative that the Applicant was not interested in properly notifying the impacted parties.

We also ask the Committee to consider that the D.C. Code stipulates:

(c) “A post office receipt of proof of mailing of the notice to the property owner’s last known address and a photograph of each posted sign shall be sufficient proof that the required notice was given.”

While I have requested such proof of mailing of the notice and accompanying photographs outlined in the D.C. Code, I have not received them.

Furthermore, although the application for the alley closing in Square 70 is dated January 15, 2015, the late notice for today’s hearing was the first time I was informed that the Applicant was interested in closing the alley: 159 days, or five months and eight days, after the Applicant filed its application.

Conclusion

In closing, it is critical that all impacted property owners are notified in a timely manner when the District of Columbia moves forward with the closing of an alley. Unfortunately, the process was not properly observed in this instance by the Applicant. We urge the Committee to not move forward with Bill 21-179 until all parties, including residents, property owners, and ANC 2B have the opportunity to fully review the application and come to a collaborative agreement.

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

Committee of the Whole Hearing
B21-179 – Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015
Tuesday, July 7, 2015
Written Testimony of Michael Sussman

Good Morning, Mr. Chairman, Members and Staff of the Committee.

My name is Michael Sussman and I am here to testify in opposition to Bill 21-179, the “Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015”. I am a co-owner of the abutting property located at 2126 N Street NW. I want to echo Mr. Cohen’s testimony that the alley closing will negatively impact my property, including trash collection and overall access to the property. As the owner of an abutting property, I was never engaged or properly notified by 1255 22nd Limited Partnership (the “Applicant”). I also have particular reservations about the Applicant’s outreach efforts for the Advisory Neighborhood Commission meeting held in February. It is my hope that the Committee will consider providing all of the abutting property owners more time to discuss this alley closing with the Applicant and not move forward with Bill 21-179 until every party is fully aware of the scope of the development and its impact on our shared alley.

As a former Dupont Circle Advisory Neighborhood Commissioner, I was struck by the execution of ANC 2B’s meeting in February on the alley closing in Square 70. The Commission listed not only the incorrect address of the proposed development by the Applicant, but also neglected to inform impacted property owners that the Applicant is seeking to close the alley. I am also unclear as to the validity of ANC 2B’s resolution, which voted in support of an “alley vacation”. The term “vacation” does not appear to identify if the alley in fact will be closed or open to the abutting property owners.

Mr. Chairman, as you very well know, community engagement is a vital component for any economic development project in the District of Columbia. Thus far, those impacted the most by the alley closing have had no seat at the table and significant concerns have been raised as to whether or not the Applicant has properly notified abutting property owners. I urge the Committee to not move forward with this legislation until we all have the opportunity to fully review the application and ensure we are not negatively impacted by the request to close the alley in Square 70. Please make sure that the parties have a chance to discuss this legislation over the summer to ensure proper easements are worked out between the parties.

Finally, above and beyond the need for easement agreements between the parties I have technical changes that I would ask the Committee to consider. On Friday, April 17, 2015, Councilmember Jack Evans introduced Bill 21-179, the “Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015”. The legislation, however, calls for the “closing of a portion of a public alley” as cited in the text of the bill. Before the Committee moves forward with Bill 21-179, and I must emphasize again that I oppose the legislation, please consider the following technical changes:

- (1) In the title, please add the words “Portion of the” following the third word in the title (or line 17), “a”, so the title reads “Closing of a Portion of the Public Alley in Square 70, S.O. 15-23283, Act of 2015”.
- (2) In a similar context, please add “portion of the public” in Section 2 (b), line 25, following the seventh word of the line, “this”, so the bill reads “The approval of the Council of this portion of the public alley”.

These technical changes will not only conform to the nature of the bill, but to legislative precedence as well.

This concludes my testimony. I appreciate the opportunity to appear before you, Mr. Chairman, and I would be happy to take any questions from the Committee regarding this matter.

Thank you.

Testimony of Richard C. Johnson
Owner/Resident at Hastings Court
2130 N Street NW, Unit 109, Washington, DC 20037
B21-179 – Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015
Tuesday, July 7, 2015

- Chairman and members of the committee, thank you for the opportunity to testify before the committee.
- My name is Richard Johnson, and I am an owner, resident, and registered voter at 2130 N Street NW, Unit 109, in the Hastings Court condominium.
- I am here today to express my opposition to Bill 21-179 and to request that the measure be laid on the table for now to allow for further consultation between the development company and the residents of the impacted neighborhood, including those living in the Hastings Court.
- My property directly faces and abuts the alley proposed for closure, so I would be immediately impacted by the bill before you today.
- As others have testified, I am concerned that the closure will negatively affect accessibility to surrounding buildings including my own, for emergency purposes, as a fire escape route, for trash collection, and for other deliveries.
- Moreover, the closure of the alley and construction on the site will remove an open space that provides for the only limited direct sunlight currently available for residents on the rear side of the Hastings Court, having a direct quality of life impact.
- I am not here today to oppose the proposed development of new housing in the neighborhood or to take a NIMBY position. I welcome the potential benefits that certain elements of the proposed apartment building could bring to the neighborhood.
- However, the development company to date has not operated in good faith and it has not ensured that its potential new neighbors were kept informed of the project nor has it reached out to discuss how to mitigate any possible negative impacts the new building could have on current residents.
- Indeed, other residents and I were never engaged nor properly notified by 1255 22nd Street Limited Partnership about the project or the proposed alley closure.
- We had to learn about this project from the media and from the minutes of previous ANC meetings, about which again we received no prior notice.
- It is essential that all property owners, residents, elected officials, and developers conduct good faith outreach within the community and identify potential areas of the

project requiring mitigation. This may include the need to modify the design of the proposed development.

- I do not oppose the arrival of new neighbors. Indeed, I welcome them to our small corner of the District. All that I ask is that they engage with us in a transparent manner so that we can be good neighbors in the years and decades to come.
- For these reasons, I must urge that the Committee delay its consideration on Bill 21-179 and not move forward today to allow all the parties to engage each other on the impacts of the project.
- Thank you for the opportunity to appear before the Committee today

Pamela J. Carlson
2114 N Street, NW #26
Washington, DC 20037
(202) 457-9115
carlson2114@comcast.net

July 6, 2015

Council of the District of Columbia
Committee of the Whole
1350 Pennsylvania Avenue, NW
Suite 410
Washington, DC 20004

Re: Public Hearing before the Committee of the Whole, Tuesday, July 7, 2015
Bill 21-179, the Closing of a Public Alley in Square 70, S.O. 15-23283, Act of
2015

Gentlemen:

I wish to make a statement in opposition to the above-referenced Bill 21-179. For the past 28 years, I have been an owner and resident in a condominium project called The Preston House, A Condominium, located at 2114 N Street, NW, Unit 26, Washington, DC 20004, situated on Lot 191 in Square 70, in Ward 2. Lot 191 is bounded by N Street to the north and a 15'-wide public alley to the west that connects N Street to Ward Court.

- I. **Impact on the West End Neighborhood** - The closing of the subject alley that is necessary to permit the construction of an addition to an existing building located at 1255 22nd Street, NW, will have a negative impact on the neighborhood's quality of life as a result of the following factors:
 1. Increased traffic congestion – The neighborhood has a number of one-way streets that are often at a standstill, with rush-hour traffic, hotel taxi cab stands, limo traffic, and tour bus parking contributing factors. The traffic congestion encourages more drivers to avoid backed-up traffic by taking short cuts through neighborhood alleys that were never intended for modern vehicle traffic.
 2. Decreased availability of street parking --The proposed development will add 190 residential rental units but the developers will be providing only two levels of underground parking with about 112 parking spaces at the currently permitted ratio of 1 parking space for 1.7 units. Moreover, the new building will eliminate a number of parking spaces in the current surface parking lot. The overflow cars without assigned parking spaces will be competing for fewer and fewer residential street parking spaces. Nor does the 1:1.7 ratio provide sufficient parking for guests of the 190 residents or the proposed retail customers.

3. Increased noise pollution - Increased density and traffic congestion will increase noise pollution.
4. Increased air pollution - Increased traffic congestion and more drivers circling the block looking for a parking place will contribute to air pollution.
5. Decreased availability of natural light – The proposed new building will be several stories tall and will overshadow the surrounding historic buildings, blocking the views and reducing the availability of natural light coming into living spaces.

II. **Impact on The Preston House (Lot 191)** - Even more troubling will be the increased traffic in Ward Court accessing the loading dock for 1255 22nd Street and the underground parking for the proposed new building in Lot 194. To avoid traffic back-ups and to circumvent one-way streets, traffic in Ward Court will be cutting through the 15'-wide alley to the west of The Preston House that connects N Street to Ward Court. The increased traffic in this narrow alley will pose a risk of bodily injury to the residents and service personnel of The Preston House and a risk of property damage to the condominium building, as a result of the following factors:

1. The Preston House condominium building sits on the west property line of Lot 191 that is adjacent to the 15'-wide alley that connects N Street to Ward Court.
2. This alley is so narrow that the side of the condominium building has been hit and damaged on several occasions by vehicles trying to pass each other.
3. All of the condominium's ground-level entrances open outward into the public alley. (Photos are attached.) Residents and service personnel risk being struck by vehicles as they enter and exit these entrances that provide access for the following purposes:
 - a) Handicapped entrance
 - b) Second egress for fire safety purposes
 - c) Entrance to the mandated interior bicycle parking enclosure
 - d) Entrance for large deliveries and unloading residents' groceries and luggage
 - e) Access to the water meter room with the main water shut-off valve
 - f) Access to the trash room, from which the trash dumpsters must be pushed to N Street for pick up
 - g) Access to the elevator equipment room for maintenance
 - h) Access to the emergency standby generator for maintenance and fuel delivery

The closing of the subject alley that is necessary to permit the expansion of the building located at 1255 22nd Street into Lot 194 will have negative consequences for the West End neighborhood in general and the residents of The Preston House in particular. For the reasons outlined above, I urge the members of the Committee of the Whole **not** to approve Bill 21-179, the Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015.

Sincerely,

Pamela J. Carlson

Photos attached





July 16, 2015

Committee of the Whole
Council of the District of Columbia
1350 Pennsylvania Avenue Suite 410
Washington D.C., 20004

Attn: Ms. Cynthia LaFevre

Re: Alley Closing Square 70 Bill 21-179

Dear Ms. LaFevre,

I am writing to you today in support of Bill 21-179 and to ask the Council's support for this bill. The owners of 1255 22nd Street NW, are requesting a variance for a very small portion of land directly behind their building.

I am a neighbor, I live behind the Ward Street Alley on 21st Street, NW. I attended the Whole Committee hearing on July 7, 2015, at which time, I spoke in favor of the bill. I wholeheartedly support the Council approving this variance. By doing so, the Council will allow the owners to move forward with this viable development.

Currently, 1255 22nd Street, NW is an empty outdated commercial building. Its useful life as a commercial office building serves no further use or function. The variance will allow a connection between the office building and the empty rear lot. Currently both the commercial building and the rear lot are vacant, completely underutilized. By granting the variance, the owners would be allowed to create a normal connection between their two parcels. That connection then allows them to build out, over and into the rear parcel to create new housing on the West End.

The 1255 22nd Street project makes perfect sense to me. The development will create a much needed change of use of an existing outdated empty office building. There will not be major demolition. The existing building will be upgraded to residential housing and to a standard of care that is essential for the neighborhood and our community. Not only, will new housing be added to the rear lot, included in the owner's plan is affordable housing. There is existing underground parking associated with the commercial structure.

I walked the alley at different times of the day, as far as I could see, granting the variance has no impact on the alley, neither ingress or egress to the alley will be affected.

I spoke with many of my neighbors. I found no objection from the individuals that I spoke with To the granting of the variance or to the development. Many of my neighbors preferred the development over the empty commercial building and the vacant lot.

The District, all major cities, requires change and growth. The owner of 1255 22nd Street is proposing a redesign that will contribute to the revitalization of our West End neighborhood. I welcome this development, the growth and change that it will bring to the West End.

When the benefits are so great it makes perfect sense to support Bill 21-179 granting the variance.

Warm Regards,

Pauline

Pauline Johnson-Brown
1260 21st Street, NW
Washington, D.C. 20036

**Before the
Council of the District of Columbia**

Committee of the Whole

Public Hearing

Bill No. 21-179

Closing of a Public Alley in Square 70 Act of 2015 (S.O. 15-23283)

July 7, 2015

Testimony

of

Christopher H. Collins

Good Morning. My name is Christopher Collins with the law firm of Holland & Knight. With me today are Ron Walton, representing the Applicant; Michael Foster, of MTFA Architecture; and Jami Milanovich of Wells & Associates. We are here to testify in support of Bill 21-179, to close a portion of a public alley in Square 70, in order to facilitate the development of a 197 unit apartment building.

Although the portion of the alley abutting the Applicant's two properties will be closed, vehicular access will continue to be fully open and available for use by the two (2) abutting properties to the North at all times, as explained in our written submission and as the witnesses will address.

This Application has the support or no objection from all of the DC agencies and the utilities, and those documents are in the record.

The Applicant has met with the ANC on a number of occasions, and has reached out to the neighbors abutting the alley, and Mr. Walton will discuss that in his testimony.

The project will help to achieve a number of goals of the Comprehensive Plan as noted in the Office of Planning report and on pages 7 through 13 of our Statement.

The project will generate approximately Four Hundred Thousand Dollars (\$400,000) per year in additional real property taxes over that which the property is currently generating. There will also be new income and sales taxes from the 197 new households in the building. There will be over 300 construction jobs during the period of construction, plus 12 permanent jobs after construction (10 retail; 2 buildings operations).

The project includes the conversion of the existing office building on Lot 193 to a residential use, and the construction of an addition over the portion of the alley to be closed and on Lot 194. The conversion of the office building, by itself, to 77 residential units will not generate a requirement for any Inclusionary Zoning Units. The construction of the 120 units in the addition, which can only happen with the alley closing, will result in a requirement of twenty (20) IZ units.

Our complete Statement is in the record. I will now turn it over to Mr. Walton.

**Before the
Council of the District of Columbia**

Committee of the Whole

Public Hearing

Bill No. 21-179

Closing of a Public Alley in Square 70 Act of 2015 (S.O. 15-23283)

July 7, 2015

Responses to Questions Raised by Committee Provided by:

Jami Milanovich, Traffic Consultant, Wells+Associates

Concerns raised regarding traffic and access to parking and loading for the project

Access to the parking garage for the project will be from 22nd Street. Therefore vehicles using the garage will not be utilizing the alley. The existing surface parking lot on Lot 194 will be eliminated. The surface lot provides approximately 25 parking spaces, and vehicles that use this lot use the alley to gain access. Therefore, the elimination of the surface lot and location of the parking garage access along 22nd Street will reduce traffic in the alley.

The existing loading area for the current vacant office building will remain where it is located for the proposed project, along the portion of the alley proposed to be closed. Loading activity will continue to take place in this location by way of the easement that will be established. To ensure adequate access for service and emergency vehicles, the easement will have an established width of 30 feet, and a height of 16 feet.

As a result of the proposed easement, vehicular access to the properties to the north will also be maintained as it currently exists. These properties will continue to have trash pick-up and deliveries just as they do today.

In terms of traffic volume, a comparison of the expected number of peak hour trips for a residential project of this size to the trips generated by the current building and surface parking lot comes out to be virtually the same in terms of number of trips to and from the site. Specifically, the proposed project is expected to generate three fewer trips in the morning peak hour, and six additional trips during the evening peak hour. However, as previously stated, these

additional trips will not impact the alley since access to the parking garage is being provided along 22nd Street.

The expected number of peak hour trips is a typical pattern for most residential projects. The PM peak hour trip generation is typically higher than the AM peak hour trip generation. One possible cause for this pattern is people arriving home from work and then leaving soon after to take their children somewhere, run an errand, or go out for dinner.

Amount of proposed parking

The project is providing 50% more parking than the minimum that is required under the Zoning Regulations. Part of the reason for this is that the project is reusing the three-level parking garage that already exists below the existing office building. In addition, the Applicant is proposing the additional parking to address the concerns raised by the Advisory Neighborhood Commission (ANC) and the neighbors regarding spillover onto neighborhood streets. This was a big concern expressed by the ANC.

**Before the
Council of the District of Columbia**

Committee of the Whole

Public Hearing

Bill No. 21-179

Closing of a Public Alley in Square 70 Act of 2015 (S.O. 15-23283)

July 7, 2015

Testimony

of

Michael Foster, FAIA

Mr. Chairman and members of the Council. My name is Michael Foster with MTFA Architecture. I am here today to briefly describe the project associated with the proposed alley closing. The site of the proposed development consists of Lots 193 and 194 in Square 70. Lot 193, located at the corner of Ward Place and 22nd Street, is improved with an existing office building that is currently vacant, except for a U.S. Postal Service facility on the ground floor which will remain in the building. There is also a three-level below-grade parking garage in the building, which will remain. Lot 194 is currently improved with a surface parking lot that has approximately 25 spaces and is accessed from the existing alley system.

Lots 193 and 194 are separated by the existing alley that we are proposing to close, and which currently is not a through alley, but rather only provides access to a few properties to the north. While we are requesting that the portion of the existing alley between Lots 193 and 194 be vacated, we will be maintaining public access by having our proposed building bridge over the alley at a maintained width at 30 feet and a height of 16 feet. Therefore, following construction, access to the same properties that are currently accessed by the alley will remain by way of an easement on the site. The proposed height

above the easement of 16 feet meets or exceeds all fire and service vehicle requirements. Finally, during construction we will provide to the two properties abutting the public alley to the north a 25 foot access easement across the north portion of Lot 194 to make sure vehicle access and trash removal are available at all times. In that way, access to the alley system will not be encumbered and will be provided at all times throughout construction.

Our proposed building is intentionally oriented toward the south property line and offers a 25 foot to 35 foot setback from the north property line for the properties to the north along N Street. The setback of our building from the buildings along N Street to the north is even greater, as Mr. Walton has testified. It will be a nine-story building which is the same height as the three existing buildings to the south, and entails the conversion of the existing office building on Lot 193, which is more than 30 years old and has sat vacant for several years, to residential use, and a new addition on Lot 194. Ample setbacks have been incorporated into the proposed building design in order to break down the height and mass of the building when viewed from the street and to reduce impacts to light and air on the building to the north. The buildings to the north, which are in a lower density zone district, are lower than the proposed building which is another reason we incorporated the proposed setback along the north side of the site.

The existing office building no longer meets the standards for a Class A office property in the current marketplace. It will be converted to residential use containing 77 dwelling units. The newly converted building will connect to the new portion of the building on Lot 194 over the alley proposed to be vacated. There will be 120 additional units partially on Lot 194 and over the portion of the alley to be closed, and partially on top of the existing building.

Parking will be provided in the existing below-grade garage on Lot 193. No additional below-grade parking is proposed on Lot 194. The required number of parking spaces is 66 for the residential units, and 10 spaces for the Postal Service and retail space, for a total of 76 spaces. Under the new zoning regulations, that number will drop by 50 percent, due to the proximity of the building to Metrorail. The garage will include 118 parking spaces and 66 bicycle parking spaces, and there will be bicycle racks in front of the building for the retail use. The number of parking spaces provided in the garage exceeds the minimum required by zoning, which helps address one of the biggest

concerns raised by the ANC. Access to the parking garage for the residential units, the proposed retail, and the existing post office, which will remain, will be provided from 22nd Street and not from the public alley which results in fewer vehicles and vehicle trips in the alley.

I would be pleased to answer your questions. Thank you.

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**Before the
Council of the District of Columbia**

Committee of the Whole

Public Hearing

Bill No. 21-179

Closing of a Public Alley in Square 70 Act of 2015 (S.O. 15-23283)

July 7, 2015

Testimony

of

Ron Walton

Mr. Chairman and members of the Committee, my name is Ron Walton and I am a developer in the District of Columbia. I have developed several significant projects in the District over the years. I am assisting the families that own the property that is the subject of this alley closing application in carrying out their development plan. The property has been owned by these families for multiple generations, and they intend to retain ownership of this multifamily residential rental development.

The property is zoned to allow the proposed development, as designed, without the need for any zoning relief. All required setbacks will be provided, and we are providing 153% of the required parking

which was an important issue for the ANC. Thus, we will not need to go to the Board of Zoning Adjustment. Also of importance to the ANC is the fact that we will be providing 60 large units suitable for families, five of which will be townhouse style units. There will be four electric car charging stations provided in the existing garage beneath the current office building at 1255 22nd Street, as well as parking for 66 bicycles. Additional bicycle parking will be provided in front of the building for the retail uses. Access to the parking garage will continue to be provided from 22nd Street. Overall, parking will be reduced since Lot 194, in the existing alley, is currently used for parking. That parking will be eliminated as a result of this development.

The proposed development will be a sustainable LEED certified project. Our consultants include sustainable building consultants and an independent fair housing consultant. We will be providing 77 dwelling units in the existing building, and 120 additional dwelling units on the combined site after the partial alley closing. If we were to only convert the existing building to 77 units of residential, no IZ units would be required. The alley closing will allow the construction of 120 additional units, and will trigger the requirement for IZ units. As a result, 20 of the units will be IZ units. Without the alley closing, no IZ units would be required.

The alley to be closed will remain open and available for access, and will continue to be 30-feet wide as it always has been. The proposed building will bridge over the alley at a height of 16 feet. This height is the result of discussions with the DC Fire Department regarding the

ability to maintain access for ladder trucks. In addition, our traffic consultant, Wells+Associates, conducted an analysis of required turning radii based on utilizing our rear yard setback for trash trucks, fire trucks, and moving vans. The analysis shows that these vehicles will be able to easily move in and out of that space. Ingress and egress to the properties on N Street will be maintained at all times during construction. This will be through the north side of Lot 194 and through the north - south alley that runs along the east side of the property. Therefore, at all times the abutting residents have assurance that they will have access to their properties.

With regard to population density on the site, using standard metrics it is estimated that the existing building, if occupied, would have approximately 500 office employees. We estimate that our project will have approximately 350 residents. Therefore, our project will result in a decrease in population in the area. The building will also have ground-floor retail that will benefit the community.

Regarding notification of the neighbors, Peter Witham of my office met in the office of the Richard Cohen organization on September 10, 2014, at which time Mr. Witham stated our intention to develop these two properties into residential use. During that same meeting, Mr. Witham was told of the Cohen company's desire to build 26 residential units on their property on N Street, and that they would share with us the plans they had prepared. However, we never received the plans. A further discussion was held with Michael Sussman, Mr. Cohen's business partner, via telephone April 28, 2014 with a representative of the

partnership (who Mr. Cohen knows). Mr. Sussman reiterated that they had “plans ready” for 26 residential units to be built on their property and offered to join up with the project on our Lot 194. However, Mr. Sussman’s offer to join together was not and is not of any interest to our ownership group since they want to develop and own their own property, and such an arrangement would eliminate the open space and setbacks that we have designed into the north side of our project.

It is important to note that our building will be approximately 78 feet away from the Digby Condominium building at 2120 N Street, approximately 75 feet away from the existing Cohen/Sussman buildings on N Street and 38.3 feet away from the Hastings Court Condominium building at 2130 N Street.

We tried on a number of occasions to discuss the project with the Hastings Court Condominium to the north of our site, at 2130 N Street. I contacted the property manager of Hastings Court Condominium, Mr. Paul Montaldo of EJP Real Estate. I traded emails with him multiple times in December 2014, requesting a meeting with the Condo Board. I also had telephone conversations with him and received an email from him stating that the information I sent regarding our project would be shared with the Board of Directors of the Hastings Court Condominium. The meeting was never arranged and further calls were not returned. This occurred prior to the ANC meetings.

Furthermore, I visited the Hastings Court Condominium one weekend afternoon this past spring and talked to seven or eight people walking in and out of the building, asking whether they knew who the condo board members were. Unfortunately the individuals that I spoke

with were all renters and were unfamiliar with the members of the condo board. Nonetheless, we are more than happy to have a conversation with the board members.

On January 7, 2015 the project was presented to the ANC's Zoning, Planning, and Development Subcommittee. This was merely an information presentation, at which time we informed the Committee that we would be seeking their formal approval at their next meeting in February. One week later, we provided the same information in a presentation to the full ANC meeting. This was also only an information presentation and the ANC did not take a formal vote on the project. The ANC indicated that it liked the project and stated they would be glad to vote on it in at its February meeting.

In February, we made another presentation to the Zoning, Planning, and Development Subcommittee where they voted unanimously to recommend approval to the full ANC. The following week we presented to the full ANC and they voted unanimously to support the project. The ANC provided no criticism whatsoever, and in particular liked the additional parking that was being provided as well as the large number of family sized units. There were over 100 people in attendance at each of those ANC meetings, so the community was well advised.

Our plans are virtually unchanged since our engagement with the ANC. On April 28, 2015, Councilmember Evans had this bill introduced and published in the DC Register. On May 15, 2015, the project was featured in an article in the Washington Post. Each abutting property owner was sent notification of this hearing on June 19, 2015.

The DC Fire Department, DC Office of Zoning, DDOT, WASA, and every other agency and utility have given written approval of this application to close this portion of the alley. The applicants have scrupulously followed every requirement of the process.

Therefore, we request that this bill be approved, as it advances the District of Columbia's goals for providing additional housing, complies with each and every zoning requirement, and has been unanimously approved by the ANC.

With that I'd like to turn it over to Michael Foster of MTF, the architect on the project, to go over the project with you.

Thank you.

**Before the
Council of the District of Columbia**

Committee of the Whole

Public Hearing

Bill No. 21-179

Closing of a Public Alley in Square 70 Act of 2015 (S.O. 15-23283)

July 7, 2015

Responses to Follow-up Questions Raised by Committee Provided by:

Chris Collins, Legal Counsel, Holland & Knight
Michael Foster, Architect, MTF Architecture
Jami Milanovich, Traffic Consultant, Wells+Associates
Ron Walton, Representative of Property Owner

Amount of proposed parking

The parking garage is existing and in addition to being used to provide parking for the proposed project, will also be used to accommodate some of the system and storage needs for the residential building. The existing three-level parking garage provides several benefits. First, because the existing garage has more parking than is required under the Zoning Regulations, additional parking can be provided to help alleviate the concerns of the Advisory Neighborhood Commission (ANC) and the neighbors regarding parking spillover onto neighborhood streets. In addition, since the existing garage already exceeds the minimum parking requirement, there isn't a need to construct any additional parking below the proposed building addition on Lot 194. In addition to cost advantages, this also avoids the need for extensive pile driving and excavation which will reduce noise, dust, and construction time.

The existing surface parking lot on Lot 194 provides approximately 25 spaces which will be eliminated as a result of the project. The proposed project will provide a total of approximately 118 parking spaces. There will be 113 spaces retained within the existing parking garage, and an additional five surface spaces provided on the property.

Outreach and coordination with the community

The Applicant's outreach efforts and public information dissemination were discussed in the testimony. The Applicant will continue to reach out to the abutting neighbors and condo members to discuss the project and address any concerns they have regarding noise, vibration, etc. during construction.

Width of the proposed public access easement

Although there was some early discussion regarding reducing the width of the proposed public access easement that will be established over the portion of the alley proposed to be closed, that is no longer a consideration of the Applicant. The easement will have a width of 30 feet and height of 16 feet. This width is the widest alley width seen throughout the District.

Height of service and emergency vehicles

The 16-foot height of the proposed easement is derived from the DCFEMS requirements. Typically, fire trucks, trash trucks, and delivery vehicles are all under 14 feet. The 16-foot height of the easement will adequately fulfill all access and servicing needs for the building and properties to the north.

Construction process, timeline, and alley access

Construction is expected to take approximately 18 – 22 months, with a good portion of that time being interior work. The first phase of construction will entail removal of the existing office building façade and all mechanical equipment. Next will be the conversion of the existing building and construction of the addition. Disruptions to the neighbors resulting from noise, traffic, and construction dust will be reduced as a result of not having to conduct extensive pile driving, sheet and shoring, and excavation for a basement or underground garage on Lot 194. Excavation on the site is expected to be a maximum of approximately 10 feet which can be accomplished with less disruptive methods for constructing the necessary building foundation such as drilling. The Applicant also has flexibility with regard to construction hours and can work with the community to establish an agreed-upon schedule.

During construction, the setback along the rear of the property can be maintained at all times for full ingress and egress by the properties abutting the remaining alley. This area will not be built on and it is not needed during construction. During a large portion of the construction period, the existing public alley system will be available to all residents. However, there will be limited times where access to the alley will need to be restricted to allow utility work and repaving of the alley. This should only affect the Hastings Court Condos and one other property that contains a single car garage that abuts the portion of the alley to remain open. During those time, the Applicant can ensure that access to these properties will be provided at all times through other means.

DC Water Report

The Applicant notes that DC Water has removed its initial objection to the proposed alley closing and is amenable to the Council including a statement in the legislation that the alley closing is approved conditioned upon compliance with all agency and utility conditions.

DC Office of Planning Report

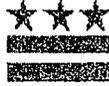
The two covenants mentioned in the DCOP report are CR Covenants. The CR Zone allows two or more properties to reallocate density among them, provided that the combined matter of right limit is not exceeded. The covenant requirements that pertain to this property will be adhered to in this project and will not be removed. They will continue to run with the land.

The project can also take advantage of the matter-of-right Inclusionary Zoning (IZ) bonus density that is available through Chapter 26 of the Zoning Regulations. However, despite the CR Covenant and the IZ density bonus, the project is still below the 7.2 maximum floor-area-ratio (FAR) that can be achieved under IZ. The project will have an FAR of approximately 6.4.

Total dwelling units and affordable dwelling units

The project will contain a total of 197 dwelling units, with 77 larger dwelling units located in the existing building and 120 units in the proposed addition. It is expected that approximately 20 dwelling units will be set aside as affordable as required by the current IZ regulations. No IZ units are required for the residential conversion of the office building. The request for IZ units only kicks in as a result of the alley closing and the residential addition on Lot 194.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D. C. 20001



MEMORANDUM

TO: Roland F. Dreist Jr.
District of Columbia Surveyor

FROM: Tony L. Falwell *TF*
Asst. Chief Fire Marshal
DCFEMS Office of the Fire Marshal

DATE: February 24, 2015

SUBJECT: Surveyor's Office File No. S.O. 15-23283

This written correspondence is being forwarded to your office to address **SO File No. 15-23283** that was submitted to the FEMS Office of the Fire Marshal (Fire Prevention Division) for review. The request involves a proposed closing of a public alley and easement in Square 70. The alley is abutted by Lots 193 and 194 bounded by 22nd Street NW to the west, N Street NW to the north, 21st Street and New Hampshire Avenue NW to the east, and M Street NW to the south.

Based on FEMS review, the following findings are being brought forth: The FEMS Office of the Fire Marshal has no objection to this request being approved if the following requirements are adhered to: 1.) No Existing FD connections and fire hydrants can be obstructed/ blocked in a way that will prevent emergency access. 2.) Fire access to the adjacent properties, lots, and squares is not compromised and is maintained in accordance with Chapter 5, Fire Service Features, and Section 503 "Fire Apparatus Access Roads" in the 2012 International Fire Code.

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Christopher H. Collins
202.457.7841
chris.collins@hklaw.com

July 9, 2015

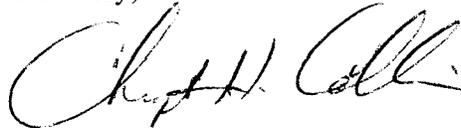
Mr. Roland Dreist
Surveyor of the District of Columbia
Office of the Surveyor
1100 4th Street, S.W., Third Floor
Washington, DC 20024

**Re: Alley Closing in Square 70 – S.O. 15-23283 – Memo of February 24, 2015
from DCFEMS Office of the Fire Marshal**

Dear Mr. Dreist:

On behalf of the Applicant in the above-referenced alley closing application, this is to confirm that the Applicant agrees to adhere to the requirements listed in the DCFEMS memo, a copy of which is attached. Thank you.

Sincerely,



Christopher H. Collins

CHC/pcf

#36143668_v1

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

Application of 1255 22nd Street Limited Partnership
Owner of Property
in Square 70

Closing of Portion of Public Alley
System in
Square 70, S.O. 15-23283
Bill 21-179

STATEMENT OF THE APPLICANT

**I.
Introduction**

1255 22nd Street Limited Partnership (the "Applicant") hereby requests the closing of a portion of a public alley which bisects their property (Lots 193 and 194) in Square 70 pursuant to D.C. Code, Section 9-202.01, *et seq.* Bill 21-179, a copy of which is attached as Exhibit A, was introduced by Councilmember Jack Evans to effectuate the proposed alley closing, which is necessary to allow the development of the Applicant's property with a residential building consisting of approximately 197 dwelling units. The Applicant is the fee owner of all of the property abutting the alley to be closed.¹

A copy of the draft alley closing plat showing the area to be closed and the property abutting the same is attached hereto as Exhibit B. As discussed herein, this application meets the statutory requirement for approval pursuant to D.C. Code Section 9-202.01 because the alley to be closed is not necessary for public alley purposes. The alley closing is necessary to construct a 197-unit residential development on the property, which will include the conversion of an obsolete office building on Lot 193 to residential use, and a residential addition to be built over

¹ The proposed alley closing and redevelopment of the site will not result in the displacement of any existing tenants. A retail tenant displacement form was submitted as part of the alley closing application filed by the Applicant on January 15, 2015.

the closed portion of the alley and on the adjacent Lot 194, as shown on Exhibit C) hereinafter, the “Project”).

The U.S. Postal Service facility and other currently – vacant retail space will be retained on the ground floor of the existing building. The closed portion of the public alley will continue to be available for access to the adjacent Lots 153 and 192 by way of a recorded easement.

II. Background and Proposed Development

Square 70 is located in the northwest quadrant of the city, and is bounded by N Street on the north, M Street on the south, 22nd Street on the west, and New Hampshire Avenue and 21st Street on the east. Other uses in Square 70 include office, retail, hotel and apartments and other residential buildings, plus a PEPCO substation. The proposed residential development site consists of approximately 30,852 square feet of land area and includes Lots 193 and 194, and the portion of the public alley to be closed the (“Property”). The Property is located within the boundaries of Dupont Circle Advisory Neighborhood Commission 2B, and is currently improved with a seven-story office/retail building on Lot 193 (which will be retained) and a parking lot across the alley on Lot 194. Except for a U.S. Postal Service facility on the ground floor, the office building has been vacant for over two years, and the Applicants have not been able to find any office tenants for the building. The U.S. Postal Service will remain during and after the conversion of the office building to residential use. The only portion of the alley to be closed bisects Lots 193 and 194. The Applicant will dedicate an easement over the closed portion of the alley to allow continued access to the Project and to the rear of two properties fronting on N Street, N.W. (Lots 153 and 192) that abut the alley.

The Property is located in the CR Zone, which is designed “to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light

industrial, and other miscellaneous uses.” 11 DCMR, Section 600.1. The CR Zone favors residential use over all other permitted uses. The maximum permitted density for residential use in the CR Zone is 7.2 FAR, with Inclusionary Zoning, per 11 DCMR Sections 631 and 2604.1. Of that total, up to 3.0 FAR may be devoted to non-residential uses. The Project will have an FAR of 6.4, of which 6.2 FAR will be devoted to residential use and 0.2 FAR will be devoted to non-residential use for the existing US Postal Service facility and retail space that will remain on the ground floor of the current office building on Lot 193.

The Project will include 197 dwelling units. Almost one third of the units (60 units) will be two-bedroom units. Five of those units will be on the ground level of the building addition, and will be two-story units with direct individual access from the outside. These units, referred to as the “Carriage House” units, will range in size between 1640 and 2230 sq. ft. The other 55 two-bedroom units will be located throughout the building, and will range in size from 969 to 1230 sq. ft. There will be 16 one-bedroom plus den units, ranging between 948 and 1195 sq. ft.; 93 one-bedroom units ranging between 534 and 1040 sq. ft.; and 28 studio units ranging between 383 and 445 sq. ft.

The conversion of the existing office building to residential use, by itself and without the alley closing, would result in 77 residential units. No inclusionary zoning units would be required because the existing building would not be increased in size by 50% or more (which is the threshold for applicability of IZ in an existing building). However, with the alley closing, the Project will include 197 units in the building and addition combined. A minimum of 15,303 sq. ft. of floor area will be devoted to inclusionary zoning units. This translates to approximately 20 dwelling units for eligible moderate-income households.

There will be 10,250 sq. feet of commercial space for the existing U.S. Postal Service facility and other retail uses. The Project will include 118 vehicle parking spaces, including four electric/hybrid vehicle charging stations. There will also be at least 66 bicycle parking spaces in the first garage level. Vehicular access to the garage will continue to be from the driveway on 22nd Street. Loading for the project will continue to be in the same location at the rear of the existing building on Lot 193 as at present, and will be accessed through the closed portion of the alley.

The portion of the alley to be closed is 30 ft. in width, which is the widest alley width in the District. See Section 31.2.2 of the DDOT Design and Engineering Manual (April 2009) (Alleys in the District range from 8 ft. to 30 ft. in width. The standard width of a residential alley in the District is 16 ft. The alley easement will have a minimum clear horizontal width of 30 ft., and a clear minimum vertical height of 16 ft. This will provide sufficient maneuverability in the alley for vehicles servicing the Applicant's building, and for access to and from the two properties to the north that abut the alley.

This matter-of-right residential/retail Project will not require any zoning variances or other relief from the Board of Zoning Adjustment or the Zoning Commission. The Applicant is poised to begin the permitting and construction of this Project upon completion of the closing of the portion of the public alley that bisects the Applicant's two properties.

III. Review by District Agencies and Utilities

The proposed alley closing has been reviewed in detail by the affected District of Columbia agencies and public utilities. The Applicant has worked extensively with all of these agencies and utilities on the proposed alley closing, and all have approved the application (See

Exhibit D through Exhibit G). The Applicant has agreed to the conditions requested by DDOT and FEMS, as well as these of Verizon and DC Water.

Specifically, DDOT requested the following:

- (a) *Upgrade three existing alley lights adjacent to the project site*—The Applicant agrees.
- (b) *Remove the existing circular driveway and associated curb cuts in the front of the existing building, and improve the public space to DDOT standards*—The Applicant agrees.

FEMS requested the following:

- (a) *No existing FD connections and fire hydrants can be obstructed/blocked in a way that will prevent emergency access*—The Applicant agrees.
- (b) *Fire access to adjacent properties, lots and squares is not compromised and is maintained in accordance with Chapter 5, Fire Service Features, and Section 503 “Fire Apparatus Access Roads” in the 2012 International Fire Code*—The Applicant agrees.

Verizon and DC Water have both requested easements to allow their existing equipment to remain in place, as further described in the letters attached as exhibits hereto. The Applicant agrees.

None of the other agencies and utilities had any objections.

The Office of Planning report states that the proposed closure would further the objectives of the Comprehensive Plan “as the additional housing units and affordable housing would help to address concerns regarding loss of housing stock and changing character of the community.”

NCPC reports that the proposed alley closing “would not be inconsistent with the Comprehensive Plan for the National Capital.” See Exhibit I.

Based on the recommendations of the District agencies and utility companies, the Applicant submits that the alley is not necessary for public alley purposes, will have no adverse impact on the present or future transportation conditions within the surrounding areas, and will

enable the development of this portion of Square 70 in furtherance of the goals for this area of the District.

IV. Community Input

The Applicant presented the Project to Advisory Neighborhood Commission 2B ("ANC 2B") on several occasions. The Applicant presented the alley closing and the proposed development in informational presentations at duly-noticed meetings of the ANC's Zoning, Preservation and Development (ZPD) Committee on January 7, 2015, and then the full ANC the following week, on January 14, 2015. There was a full opportunity for questions and comments during both meetings. The Applicant did not request a formal vote at that time, but instead returned to give formal presentations at the next duly-noticed meetings of the ANC ZPD Committee on February 4, 2015, and the full ANC on February 11, 2015. Support was expressed at those meetings for the alley closing because it will allow for the transformation of an unattractive and obsolete 30-year old office building to a residential use, with a new façade and public space improvements, and with a residential addition above the alley and on the adjacent parking lot, that will provide a substantial number of large dwelling units in the Dupont Circle area that will be suitable for families. No opposition to the alley closing was expressed by the ANC or the community at any of those meeting. ANC 2B voted unanimously to support the alley closing application, as set forth in the letter from ANC 2B dated February 23, 2015, and attached as Exhibit H.

V.
Compliance with the Comprehensive Plan

The Comprehensive Plan Future Land Use Map designates the Property for mixed-use High Density Residential² and Medium Density Commercial.³ The Comprehensive Plan Generalized Policy Map designates the subject property as located within a Neighborhood Conservation Area.⁴ Copies of the relevant portions of the Future Land Use Map and Generalized Policy Map are attached hereto as Exhibit J and Exhibit K. In its report to the D.C. Surveyor dated April 13, 2015, the Office of Planning reported that the Project complies with many of the District’s planning and urban design objectives, which are embodied in the Comprehensive Plan.

The proposed alley closing and redevelopment of the Property with the proposed residential apartment building will further the following policies and objectives in the Comprehensive Plan:

A. Guiding Principles of the Comprehensive Plan

The Project is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, connecting the city, and building green and healthy communities.

1. Managing Growth and Change

² The High Density Residential designation “defines neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas.”

³ The Medium Density Commercial designation “is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office and service businesses are the predominant uses. Areas within this designation generally draw from a citywide market area. Buildings are generally taller than those in the moderate-density commercial areas but generally do not exceed eight stories in height”.

⁴ According to the Generalized Policy Map, “densities in Neighborhood Conservation Areas are guided by the Future Land use Map.”

The guiding principles of this element are focused on ensuring that the benefits and opportunities of living in the District are equally available to everyone in the city. The Project is fully-consistent with a number of goals set forth in this element. Specifically, the Project will help to enhance the District's mix of housing types for households of different incomes, to support families as well as singles and couples. In addition, the Project will help connect the Site to the rest of the neighborhood and the overall urban fabric with a residential use that is more in keeping with the immediately surrounding uses than an office building.

2. Creating Successful Neighborhoods

The guiding principles for creating successful neighborhoods include improving the residential character of neighborhoods and producing new affordable housing. The Project furthers these guiding principles with the construction of market-rate and affordable housing, in a Project that has the unanimous support of ANC 2B.

3. Connecting The City

The Project will help to implement a number of the guiding principles of this element. The Project will include streetscape improvements to promote mobility and circulation. These improvements include closing curb cuts on both 22nd Street and Ward Place, in the front of the existing building, and removing the circular drive, for better pedestrian circulation. Additional public space improvements will be discussed with DDOT during the permitting phase, per DDOT's support letter at Exhibit D.

4. Building Green and Healthy Communities

The Project is consistent with the guiding principles of the building green and healthy communities element. The proposed development includes the adaptive reuse of an existing building, and will minimize the use of non-renewable resources, promote energy and water

conservation, and reduce harmful effects on the natural environment. In addition, the Project includes many sustainable design elements, and the Project will be USGBC LEED certified. The Project will also help to facilitate pedestrian and bicycle travel. The redevelopment of the Property will be of significant benefit from an urban design and environmental standpoint.

B. Land Use Element

The Project and alley closing application will further a number of the policies of the Land Use Element of the Comprehensive Plan:

1. Policy LU-1.3.4: Design to Encourage Transit Use

The Project is located in close proximity to a number of transit options. According to *walkscore.com*, the Property has a walk score of 96 (“walker’s paradise – daily errands do not require a car”); a transit score of 93 (“rider’s paradise – world class public transportation”), and a bike score of 88 (“very bikeable – flat as a pancake – excellent bike lanes”). The Metrorail Red, Blue, Orange and Silver lines are all located within 0.4 miles of the Property. Nine Metrobus lines, and the D.C. Circular, all pass within 0.1 mile of the Property. There are also 10 car-sharing options and an equal number of bike share stations, all located between 0.1 and 0.4 miles from the Property.

2. Policy LU-1.4.1: Infill Development

The project includes an infill development on vacant land that is currently used as a parking lot for the existing office building on Lot 193 that will be converted to residential use as part of the Project. The vacant lot presents an appropriate opportunity for the proposed residential infill development.

3. Policy LU-2.1.4: Rehabilitation Before Demolition

In furtherance of this policy, the Project incorporates the existing vacant office building, which will be re-skinned and repurposed as a residential building, rather than demolishing the existing building and constructing an entirely new building.

4. Policy LU-2.2.4: Neighborhood Beautification

Policy LU-2.2.4 encourages projects to improve the visual quality of the District's neighborhoods, including public space improvements and façade improvements. The Project includes a number of neighborhood beautification elements, such as landscaping, tree planting and ground floor retail, all of which activate the street. Moreover, redevelopment of the Property will be an improvement to the current condition with the replacement of the existing office building facade with a new updated residential façade.

5. Policy LU-2.2.7: Alley Closings

The portion of the public alley proposed to be closed is not necessary for public alley purposes. The combined access to the loading area for the Project, and to the rear of the two properties to the north, will be ensured through a recorded alley easement. Furthermore, the recorded alley easement will be built in accordance with DDOT's alley standards. DDOT has reported that it has no objection to the alley closing application. See Exhibit D.

C. Transportation Element

In light of its location, the Project will help to further several policies and actions of the Transportation Element of the Comprehensive Plan, including:

1. Policy T-1.1.2: Land Use Impact Assessment

The Project will provide 197 new housing units in close proximity to a variety of transportation options, including Metrorail, Metrobus, D.C. Circulator, car sharing and bike sharing.

2. Action T-2.3-A: Bicycle Facilities

This action item encourages new developments to include bicycle facilities. The Applicant proposes to include secure bicycle parking and outdoor bike racks as amenities within the development that accommodate and encourage bicycle use for residents, visitors and retail customers.

3. Policy T-2.4.2: Pedestrian Safety

The circular drive in the plaza at the front of the building, and the two curb cuts providing access to that driveway, will be eliminated, thus converting this area into an inviting landscaped pedestrian plaza.

D. Housing Element

The overarching goal of the Housing Element is to “[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia.” The Project will help achieve this goal by advancing the policies discussed below.

1. Policy H-1.1.: Private Sector Support

The Project helps to meet the housing needs of present and future District residents at a location consistent with District land use policies and objectives. Specifically, the Project will contain approximately 197 new housing units, which represents a substantial contribution to the District’s housing supply. The provision of new housing at this particular location, moreover, is fully consistent with the existing zoning and the District’s land use policies.

2. Policy H-1.1.4: Mixed Use Development

The Project is consistent with the goals of promoting mixed use development, including housing on commercially zoned land. The Project will contain retail and residential uses on commercially zoned land adjacent to Central Washington.

3. Policy H-1.1.5: Housing Quality

Eight percent of the gross floor area devoted to residential use will be set aside for affordable housing. Consistent with this policy goal, the affordable units will meet the same high-quality architectural standards provided for the market-rate housing in the building.

4. Policy H-1.2.3: Mixed Income Housing

The Project is mixed-income and includes both market-rate and affordable housing units. Thus, the Project will further the District's policy of dispersing affordable housing throughout the city in mixed-income communities, rather than concentrating such units in economically depressed neighborhoods.

E. Environmental Protection Element

The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element provides policies and actions on important issues such as energy conservation and air quality, and specific policies include the following:

1. Policy E-1.1.1: Street Tree Planting and Maintenance - encourages the planting and maintenance of street trees in all parts of the city;
2. Policy E-1.1.3: Landscaping - encourages the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity;
3. Policy E-2.2.1: Energy Efficiency - promotes the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses through mixed-use and shared parking strategies to reduce unnecessary construction of parking facilities;
4. Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff - calls for the promotion of tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction; and
5. Policy E-3.1.3: Green Engineering - has a stated goal of promoting green engineering practices for water and wastewater systems.

The Project includes street tree planting and maintenance, landscaping, energy efficiency, methods to reduce stormwater runoff, and green engineering practices, and is therefore fully consistent with the Environmental Protection Element.

F. Urban Design Element

The goal of the Comprehensive Plan's Urban Design Element is to:

[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.

In keeping with this objective, the Applicant has integrated the design of the Project with the character of the surrounding neighborhood. Most importantly, consistent with Policy UD-2.2.5, the Applicant will replace the existing box-like 1980's office building façade with an updated, high-quality residential façade that will enhance the urban design of the neighborhood. The architects have also incorporated greater architectural detailing at the ground floor retail level to help improve the visual image of the streetscape.

G. Near Northwest Area Element

The Property is in the Near Northwest Area of the Comprehensive Plan, just outside of Central Washington. The proposed conversion and expansion of the existing office building into 197 new residential units addresses a number of the policies in this Element, including Policy NNW-1.1.7: Loss of Housing. This policy strongly discourages the conversion of existing housing to other non-housing uses. The Project will do the direct opposite, in that a vacant obsolete 1980's office building will be converted and expanded to provide 197 new housing units just outside Central Washington. In so doing, this conversion will reverse the encroachment of a commercial use into the residential area of Near Northwest.

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

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

The legal standard for closing an alley is whether the alley is "unnecessary for street or alley purposes." D.C. Code § 9-202.01. The portion of the public alley to be closed comprises approximately 2,400 square feet of land area in the northwest portion of Square 70 and only abuts property owned by the Applicant. The Applicant intends to combine these lots and the closed public alley into a single record lot to facilitate the Project. A recorded easement will allow the alley area to continue serving as a driveway for the Project, and for access to the two properties to the north. Access to the Project and to the two properties to the north will continue to be available on 22nd Street and via the remaining alley system in Square 70.

B. The Proposed Closing Implements District Planning Objectives

The proposed closure is necessary to allow the construction of the Project. As discussed in detail above, the proposed development will further many of the District's planning objectives as set forth in the Comprehensive Plan. Furthermore, as stated previously, the alley closing application has been reviewed in detail by various District of Columbia agencies and public utilities, and these agencies and utilities have all indicated no objection to the proposed alley closing. As part of the Project, the Applicant will repave and maintain both the closed alley area and the remaining public alley to the north of the alley closing area in accordance with DDOT standards.

C. Economic Impacts of the Alley Closing and the Proposed Project

The proposed development will result in significant tax revenues for the District. The Property, in its current state, generates approximately \$625,483.28 per year in property tax.

After construction of the Project, the annual property taxes for the Property are estimated to be more than \$1,024,000, a 63% increase in property tax revenue. With 197 new residential households on the Property, there will also be new income and sales taxes generated for the District.

The Project is expected to generate approximately 300 construction jobs, and 10 construction manager positions. The total duration of construction is expected to last 20 - 24 months. Once construction has been completed, there will be a maintenance/repair person and a property manager for the building. There will also be approximately 10 additional retail jobs., The new jobs will also result in additional income tax revenue for the District.

VII.
Witnesses

1. Ron Walton
c/o 1255 22nd Street LP
Tasea Investment Company
10401 Connecticut Avenue, Suite 120
Kensington, MD 20895
(301) 657-4700
2. Michael Foster, FAIA
MTFA Architecture
3200 Lee Highway
Arlington, VA 22207
(703) 524-6616
3. Jami Milanovich
Wells & Associates, Inc.
1420 Spring Hill Road
Suite 610
Tysons Corner, VA 22102

VIII.
Exhibits

- | | |
|-------------------|---|
| <u>Exhibit A:</u> | Bill 21-179 |
| <u>Exhibit B:</u> | Draft Alley Closing Plat |
| <u>Exhibit C:</u> | Updated Architectural Plans and Elevations |
| <u>Exhibit D:</u> | Report from DDOT |
| <u>Exhibit E:</u> | Report from the Office of Planning |
| <u>Exhibit F:</u> | Reports from other District Agencies (Historic Presentation, DPW, DCFEMS, and DHCD) |
| <u>Exhibit G:</u> | Reports from Utilities (Washington Gas, PEPCO, Verizon and DC Water) |
| <u>Exhibit H:</u> | Letter of Support from ANC 2B |

- Exhibit I: Report from the National Capital Planning Commission
- Exhibit J: Relevant Portion of the Future Land Use Map of the Comprehensive Plan
- Exhibit K: Relevant Portion of the Generalized Policy Map of the Comprehensive Plan
- Exhibit L: Outline of Testimony of Ron Walton, 1255 22nd Street LP
- Exhibit M: Outline of Testimony and Resume of Michael Foster, FAIA, MTFA Architecture
- Exhibit N: Outline of Testimony and Resume of Jami Milanovich, Wells and Associates
- Exhibit O: Affidavit of Notice

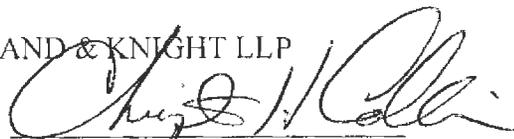
IX.
Conclusion

For the above-stated reasons, the Applicant respectfully requests that the Council approve this alley closing application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:


Christopher H. Collins

By:


Jessica Bloomfield

**EXECUTIVE BRANCH TESTIMONY
BY THE
OFFICE OF THE SURVEYOR
ON BILL NO. 21-179 "PUBLIC ALLEY CLOSED
AND EASEMENT ESTABLISHED IN SQUARE 70
S.O. 15-23283, ACT OF 2015**

INTRODUCTION:

Good morning Chairman Mendelson and Committee Members. I am Roland Dreist, Surveyor of the District of Columbia. I appear before you today to present testimony on Bill No. 21-179. This bill would close a public alley and establish an easement in Square 70, bounded by 22nd Street, N.W. to the west, N Street, N.W. to the north, 21st Street, N.W. and New Hampshire Avenue, N.W. to the east and M Street, N.W. to the south in Ward 2.

APPLICANT:

The applicant is 1255 22nd Limited Partnership who is represented by Holland and Knight.

PURPOSE:

The purpose of this application is to allow the construction of an addition to the existing building which will be converted to mixed-use residential and retail/storage space.

DESCRIPTION:

The portion of the alley to be closed was created by the Original Subdivision of Squares. The subdivision was recorded in Record Book I, Page 70 on October 1, 1796.

AREA & ASSESSED VALUE:

The area of the portion of the alley to be closed is 2,400 square feet. The Office of Tax and Revenue has indicated that the land's market value as of January 1, 2014 which represents tax year 2015 is \$301.19 per square foot average for a total estimated value of \$722,850.00.

AGENCIES:

The Executive Branch agencies have no objections.

UTILITIES:

The utility companies have no objection to this application.

RETAIL TENANTS:

No retail tenants will be displaced as a result of this closing.

NCPC, ANC & ABUTTING PROPERTY OWNERS:

Advisory Neighborhood Commission (ANC) 2B and the National Capital Planning Commission (NCPC) were notified of this application on February 20, 2015. In a letter to the Surveyor dated February 23, 2015, ANC 2B voted to support this application. In a letter dated April 3, 2015, NCPC supports this application. The applicant is the owner of the property abutting the alley to be closed.

This concludes my testimony. I appreciate th opportunity to appear before you today and welcome any comments or discussion regarding this matter. Thank you.

PUBLIC ALLEY CLOSED AND EASEMENT ESTABLISHED SQUARE 70

THE ALLEY SHOWN THUS: IS CLOSED AND TITLE VESTS AS SHOWN UPON RECORDATION OF THIS PLAT.

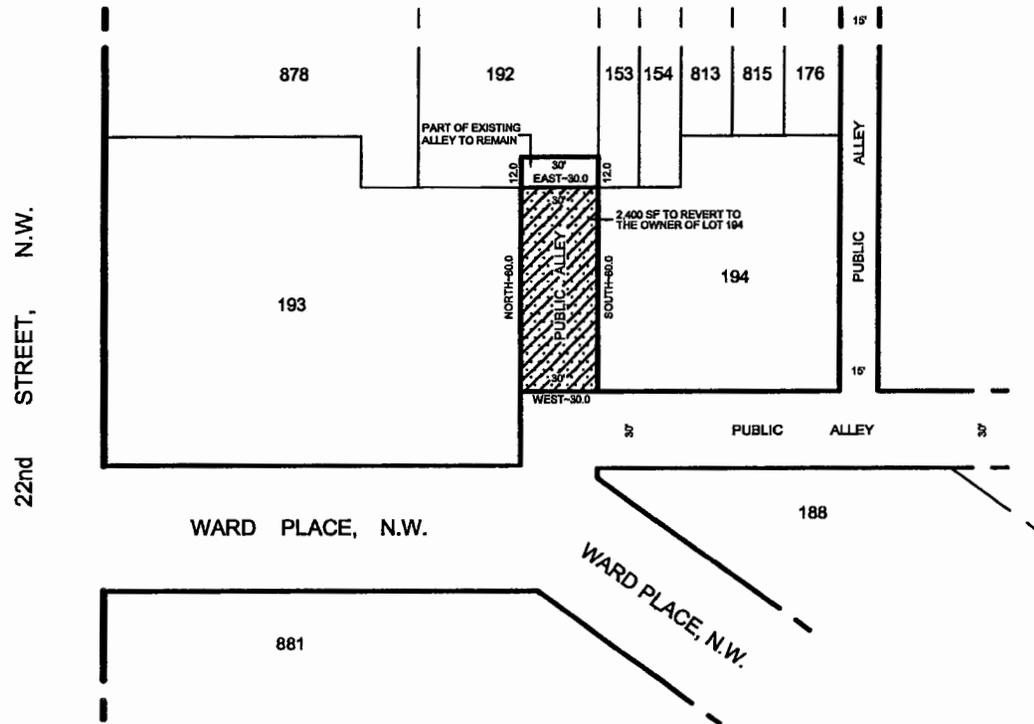
THE EASEMENT SHOWN THUS: IS ESTABLISHED.

OFFICE OF THE SURVEYOR, D.C.

_____, 2015

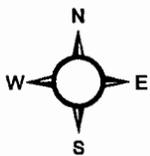
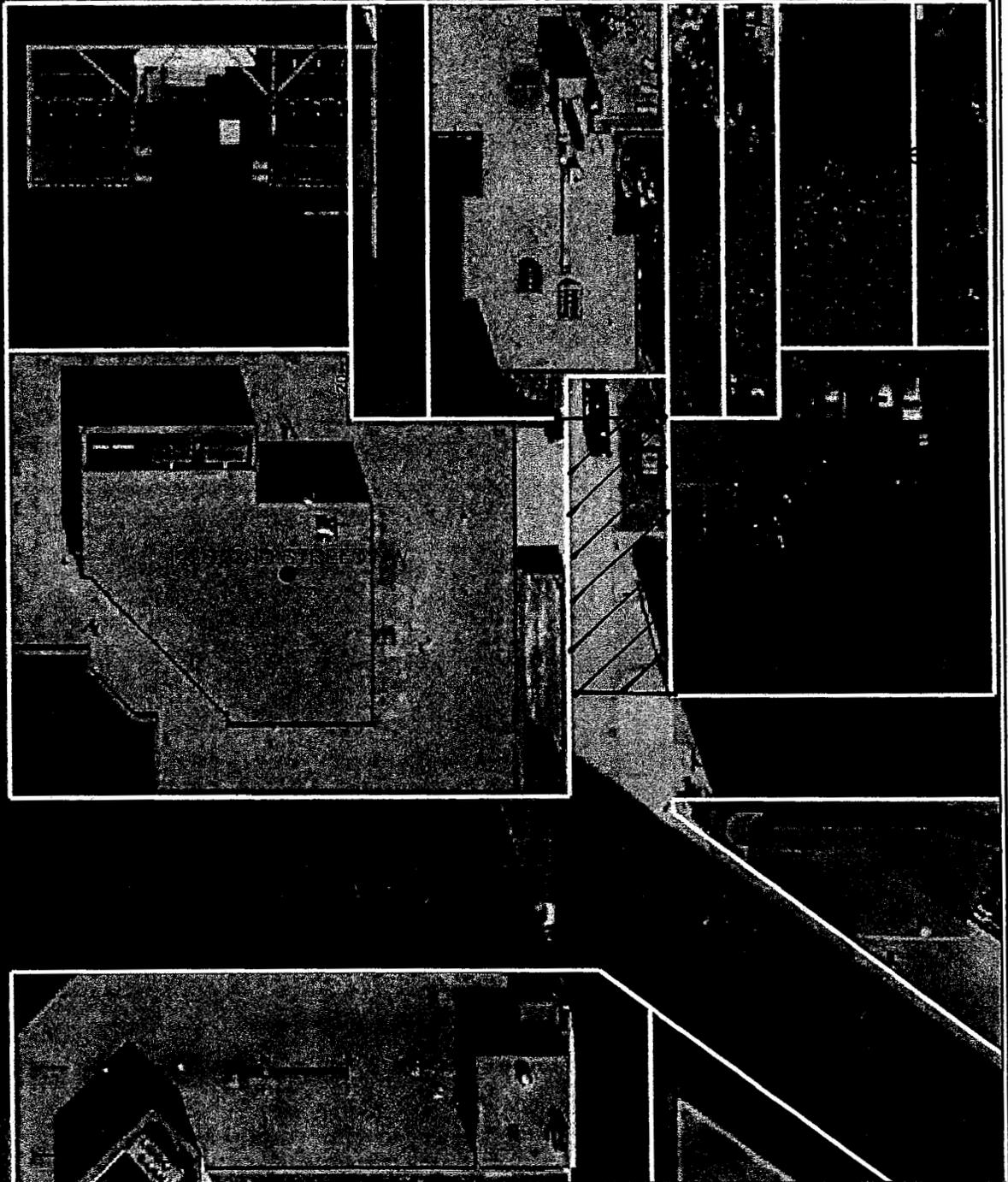
I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.



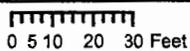
SURVEYOR'S OFFICE, D.C.	
Made for: <u>HOLLAND & KNIGHT / CHRISTOPHER COLLINS</u>	
Drawn by: <u>L.E.S.</u>	Checked by: _____
Record and computations by: <u>B. MYERS</u>	
Recorded at: _____	
Recorded in Book: _____	Page: _____
SR-15-02052	
Scale: 1 inch = 30 feet	File No. 15-23283

PUBLIC ALLEY CLOSED & EASEMENT ESTABLISHED SQUARE 70



1 inch = 46 feet

SCALE



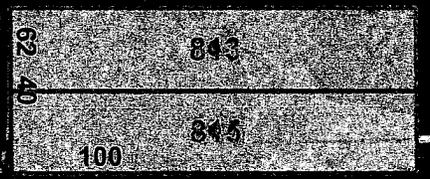
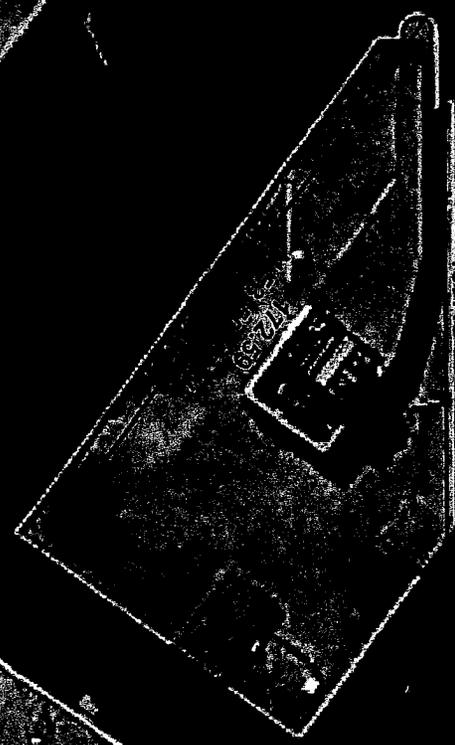
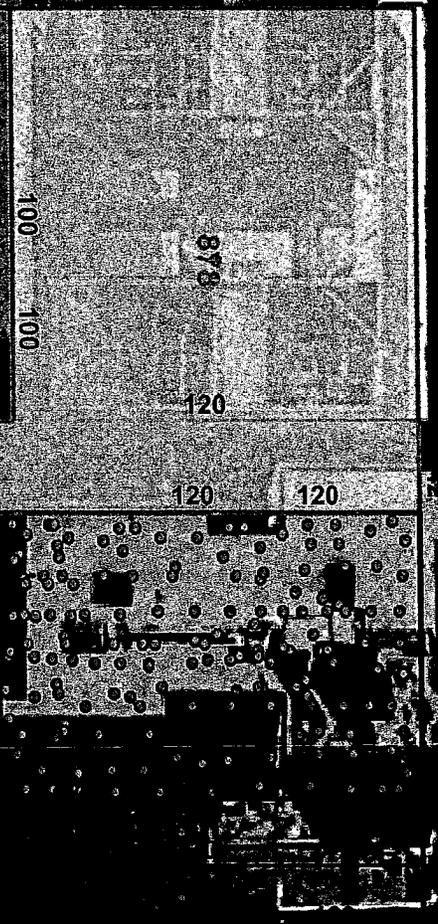
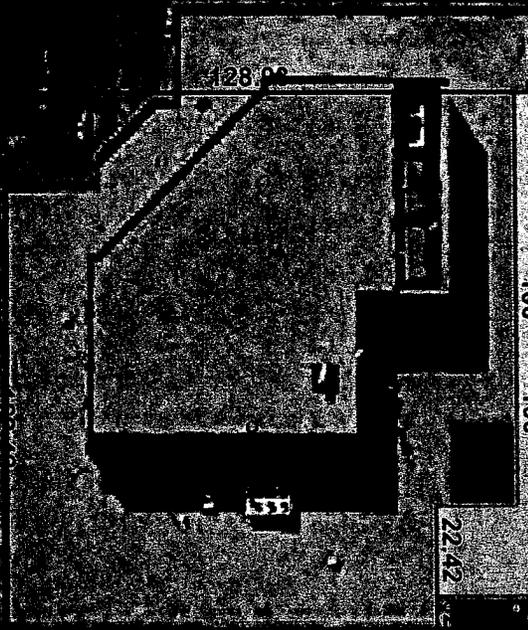
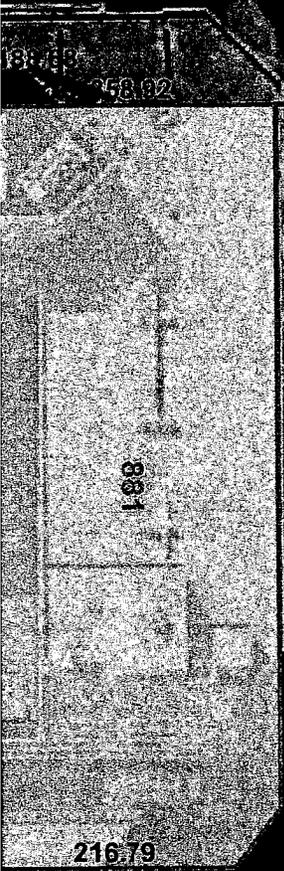
Prepared by: Office of the Surveyor

Date: June 16, 2015

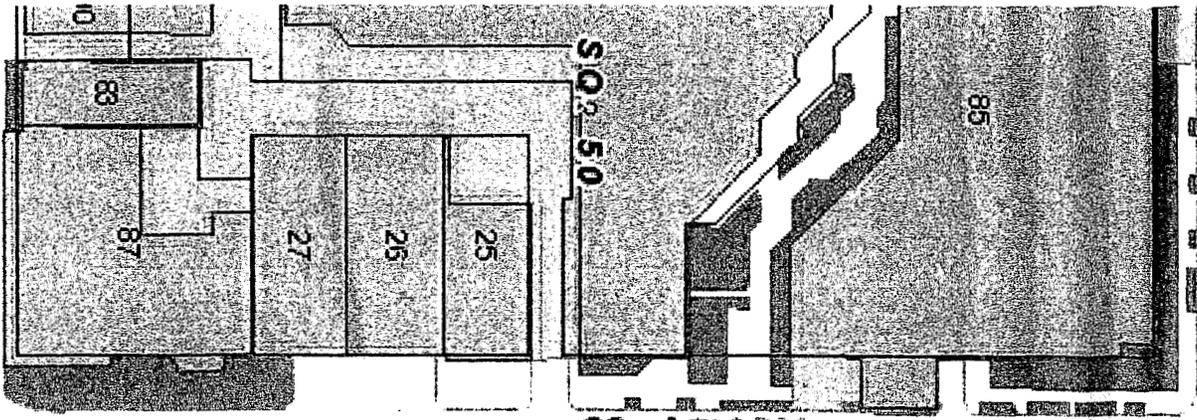
Coordinate System:

NAD 1983 StatePlane Maryland FIPS 1900

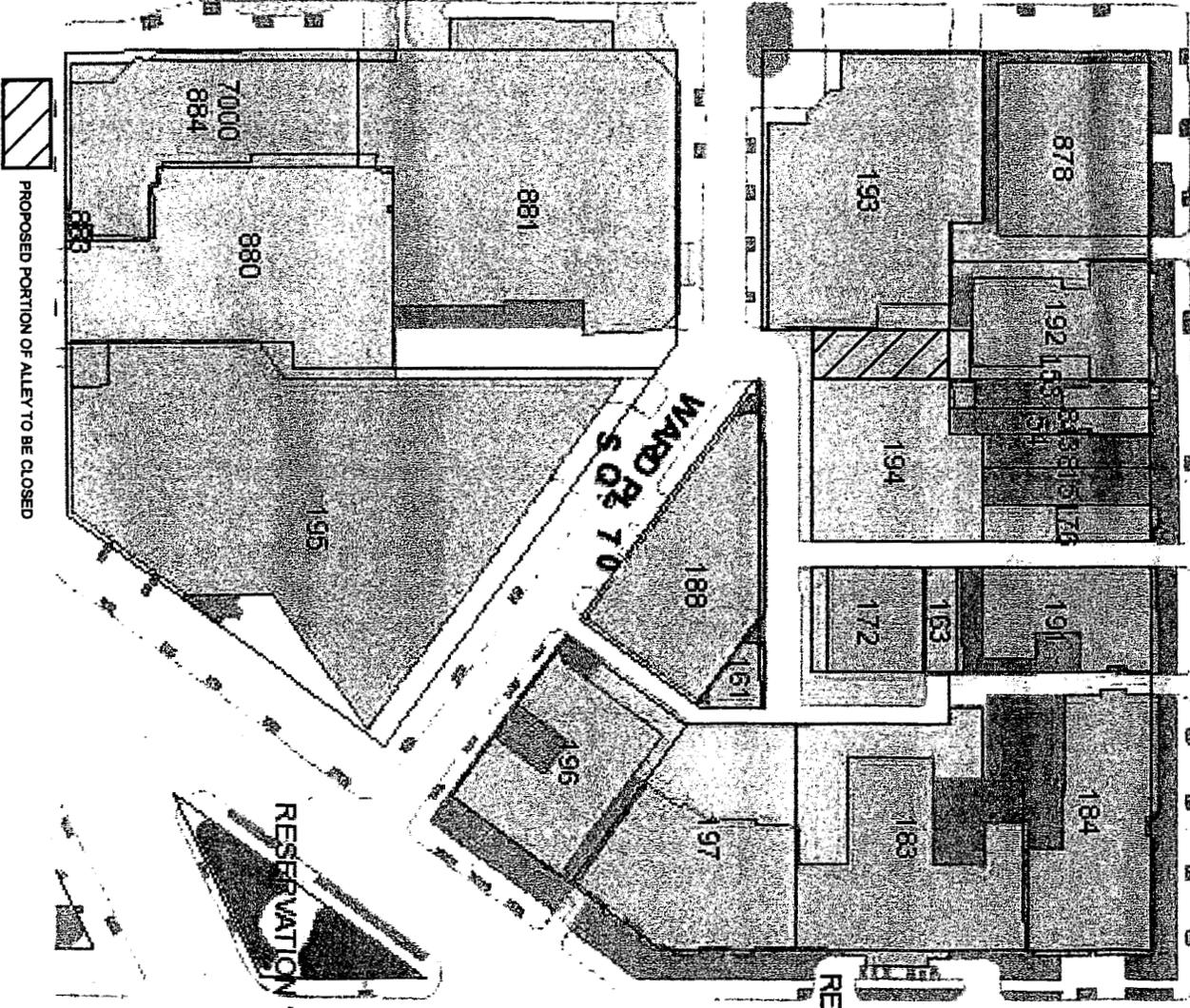
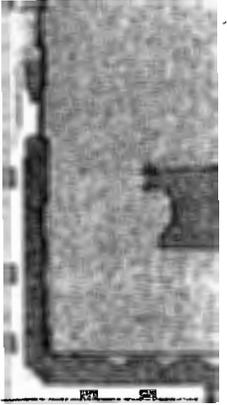
Information on this map is for illustration only. The user acknowledges and agrees that the use of this information is at the sole risk of the user. No endorsement, liability, or responsibility for information or opinions expressed are assumed or accepted by any agency of the DC Government.



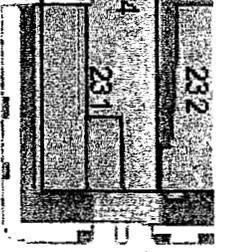
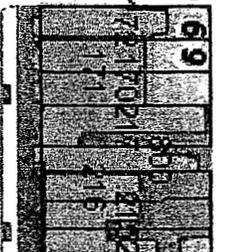
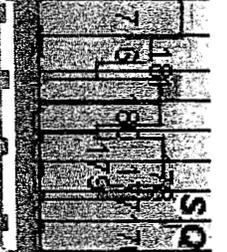
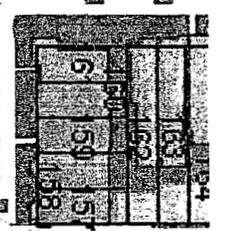
Office of the Chief Technology Officer (OCTO)



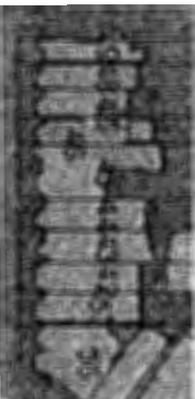
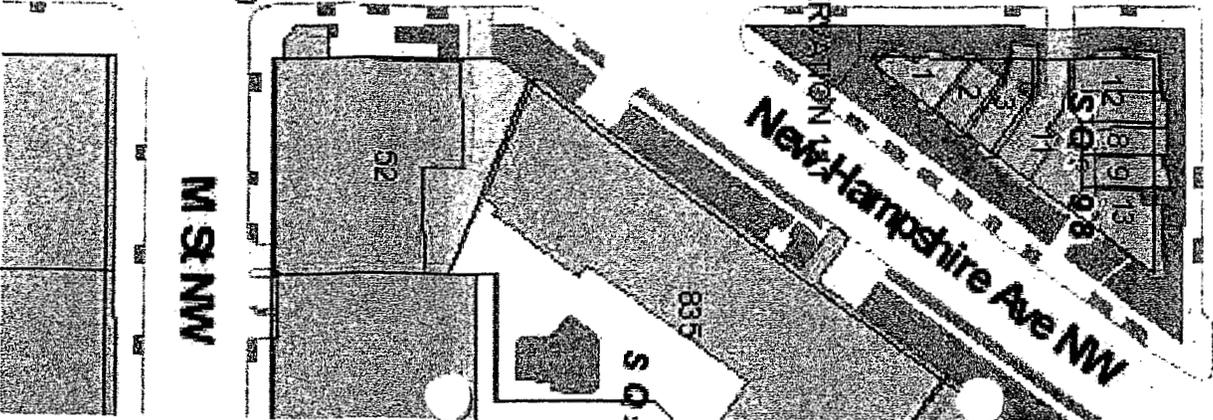
22nd St NW



PROPOSED PORTION OF ALLEY TO BE CLOSED



21ST ST



Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Christopher H. Collins
202.457.7841
chris.collins@hklaw.com

January 15, 2015

Mr. Roland Dreist
D.C. Surveyor
Office of the Surveyor
1100 4th Street, S.W., Third Floor
Washington, DC 20024

Re: Alley Closing and Grant of Public Easement in Square 70

Dear Mr. Dreist:

On behalf of 1255 22nd Limited Partnership (the "Applicant"), enclosed please find six copies of an application for the closing of a portion of an alley in Sq. 70 and the dedication of a perpetual public easement for use of that closed alley. Also enclosed are the required filing fee of \$2,750.00 and a completed retail tenant displacement form.

The Applicant is the owner of Lots 193 and 194, which are the only lots abutting the alley closing area. The subject square is bounded by 22nd Street to the west, N Street the north, 21st Street and New Hampshire Avenue to the east and M Street to the south, and is bisected by Ward Place, N.W.

This alley closing will permit the construction of an addition to the existing building on Lot 193 at 1255 22nd Street, NW. That building was originally constructed as an office building with ground floor retail. The 106,000 sq. ft. building will be converted to mixed-use, with approximately 77 residential units, and the alley closing will facilitate an addition to that building, to be built on Lot 194 and over the closed alley, also to be used for residential purposes. The ground floor of the existing building at 1255 22nd Street, N.W. will remain as retail/service space. The current tenant is the U.S. Postal Service.

The Applicant will simultaneously grant a perpetual public easement over the surface of the closed alley, to a height of 16 feet, to facilitate rear access to the abutting properties to the north of the alley.

The area of the alley to be closed is 2,391 square feet. The residential addition will contain approximately 97,000 sq. ft., with 113 units, including approximately 20 inclusionary zoning units. The existing parking and loading facilities in the building on Lot 194 will

serve the combined development. The existing access to the parking garage is from 22nd Street. The existing access to the parking and loading will be from the closed alley area.

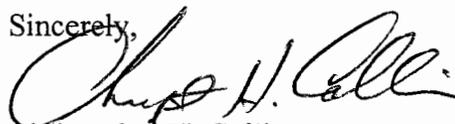
This Application is filed pursuant to the procedures set forth in 24 DCMR, Chapter 14. Included with the Alley Closing Application form are the following:

1. A sketch of the proposed closing;
2. A filing fee of \$2,750.00;
3. A completed retail tenant displacement form;
4. Six copies of a vehicular tracking diagram drawn to scale of 1" equals 20' pursuant to Sec. 1400.8(j); and
5. Six sets of the site development plan for the project which includes:
 - (a) A key location sketch showing the development and its relationship to the square and surrounding streets (with the streets identified), pursuant to Sec. 1400.8(b) and (d).
 - (b) A footprint or outline of the proposed building, pursuant to Sec. 1400.8(c);
 - (c) The depiction of the alley proposed to be closed and the dimensions of the easement proposed, along with a clear statement of the purposes of the easement, pursuant to Sec. 1400.8(e);
 - (d) The approximate gross floor area intended for the residential project pursuant to the Sec. 1400.8(f);
 - (e) Points of ingress and egress that vehicles will use for parking and loading purposes, pursuant to Sec. 1400.8(g);
 - (f) The location of off-street parking spaces, the amount and size of the parking spaces, and the location and size of the loading facilities, pursuant to Sec. 1400.8(h) and (i);
 - (g) Elevation views for each side of the building proposed for the site, pursuant to Sec. 1400.8(k); and (h); and
 - (h) A profile drawing of the easement to clearly show the proposed surface grade of the easement and the ceiling level of any building to be constructed over the easement.

Mr. Roland Dreist
January 15, 2015
Page 3

Please begin the processing of the above-referenced Application. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris H. Collins". The signature is fluid and cursive, with the first name "Chris" being the most prominent.

Christopher H. Collins

CHC/l
Enclosures
#34143201_v1

Revised: 6/28/13

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATIONS DIVISION
OFFICE OF THE SURVEYOR
1104 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024

Surveyor's Office File No. 15-23283

_____ Date

APPLICATION TO CLOSE/DEDICATE A STREET OR ALLEY OR ELIMINATION OF
BUILDING RESTRICTION LINE

Location

Street(s)

Name: _____

Abutting Squares: _____

Portion to be closed/dedicated: _____

AS PER SKETCH ATTACHED

Alley(s)

Name: Portion of Ward Court

Abutting Squares: 70

Portion to be closed/dedicated.: see attached plat

AS PER SKETCH ATTACHED

This application is made by:

1255 22ND STREET
LIMITED PARTNERSHIP

301-657-4700

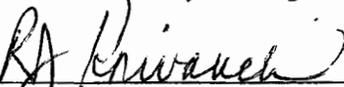
Applicant's Name (print)

Telephone Number

c/o TASEA INVESTMENT CO., 5530 Wisconsin Ave., Suite 670, Chevy Chase, MD 20815

Address

I certify that the above information is true to the best of my knowledge.


Signature of Applicant or Agent

TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL,
CALL THE INSPECTOR GENERAL AT 1-800-521-1639

Revised: 6/28/13

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATION DIVISION
OFFICE OF THE SURVEYOR
1100 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024**

Retail Tenant Displacement Form

Note: The following information is required relative to provisions of DC Law 6-133 (DC Act 6-171).

Surveyor's Office File No. 15-23283

Regarding an application for the proposed closing/dedication of the following street(s) or alley(s), the undersigned, being the applicant or the agent for the applicant, hereby makes the following representations as complete and true:

1. All properties associated with the proposed closing/dedication are listed as follows:

Square	Lot Number
70	193 & 194

2. The proposed closing/dedication will or will not result in displacement of existing retail tenants because of the demolition, substantial rehabilitation, or discontinuance of an existing building.

Name	Address	Square/Lot
1255 22nd Street Limited Partnership	c/o Tasea Investment Co. 5530 Wisconsin Ave., Suite 670 Chevy Chase, MD 20815	Sq. 70, Lots 193 and 194

Date

ROSALIND J. KRIVANEK
Print or Type Name

RJ Krivanek
Signature

Note: This form must be completed, signed and submitted with the application.

**TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL,
CALL THE INSPECTOR GENERAL AT 1-800-521-1639**

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

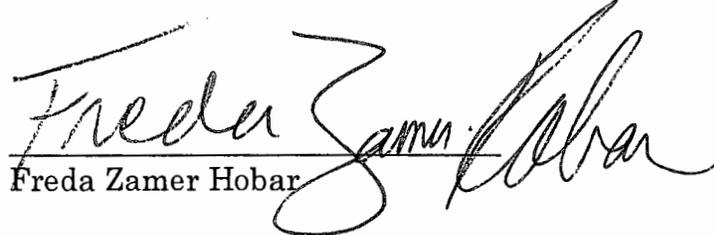
In re: S.O. 15-23283 (Closing of a Public Alley in Square 70)
Bill 21-0179

AFFIDAVIT OF POSTING FOR PROPOSED ALLEY CLOSING

I, Jessica Bloomfield and Freda Zamer-Hobar, on June 22, 2015 at 8:45 am personally posted three (3) public notice signs. All public signs were furnished by the Office of the Surveyor indicated the date, time and location of the public hearing, and were posted at each entrance from a street to any public alley in Square 70. Photographs of the signs have been taken for the record and is attached as Exhibit A.



Jessica Bloomfield



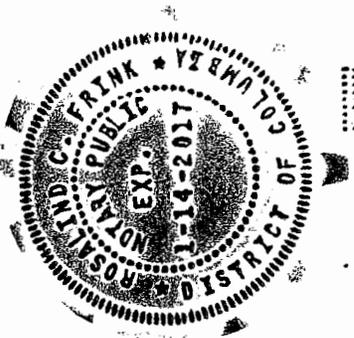
Freda Zamer Hobar

Subscribed and sworn to before me this 22nd day of June, 2015.



Notary Public, D.C.

My commission expires:



ROSALIND C. FRINK
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 14, 2017

Office of the Surveyor

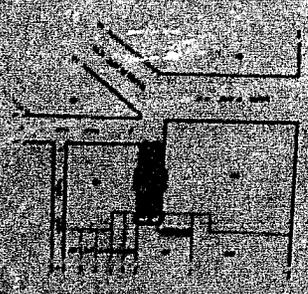
JUN 22 2015

RECEIVED

Exhibit A

Photograph of the Sign

#35897321_v1



PUBLIC HEARING AND ENVIRONMENTAL STATEMENT

THIS SIGN IS POSTED PURSUANT TO SEC. 4.211, D.C. OFFICIAL CODE
 2001 ED.
 THIS SIGN SHALL NOT BE REMOVED,
 DEFACED OR DESTROYED UNDER PENALTY
 OF THE LAW.

FOR FURTHER INFORMATION CALL 793-3434

A PUBLIC HEARING WILL BE HELD BY THE COMMISSION ON THE PROPOSED
 OF COLUMBIA IN BOX 111, JOHN A. WILSON BUILDING, 1300
 PENNSYLVANIA AVENUE, N.W. ON THURSDAY, APRIL 11, 1991, 10
 CONSIDER A PROPOSAL TO CLOSE, CHANGE AND REDEVELOP
 22nd STREET, N.W. FROM THE INTERSECTION WITH 13th STREET TO
 WASHINGTON, D.C. (AREA 1, BOX 111).

PUBLIC HEARING
NOTICE
 SURVEYOR'S OFFICE APPLICATION
 NO. S.O. R-143

Public Alley - Posted 6-22-15
8:45 a.m.

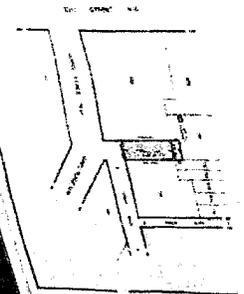
PUBLIC HEARING NOTICE

SURVEYOR'S OFFICE APPLICATION
NO. S.O. 15-23283

A PUBLIC HEARING WILL BE HELD BY THE COMMISSION OF THE DISTRICT OF COLUMBIA, IN ROOM 412, JOHN A. WILSON BUILDING, 398 PENNSYLVANIA AVENUE, N.W., ON Tuesday, July 7, 2015, at 10:00 A.M. TO CONSIDER A PROPOSAL TO CHANG E PUBLIC ALLEY TO SURVEYED, bounded by 22nd Street, N Street, 21st Street, New Hampshire Avenue and M Street in Northwest Washington, D.C. in Ward 2, Hill No. 21-179.

FOR FURTHER INFORMATION, CALL 202-898-6000
THIS SIGN SHALL NOT BE REMOVED,
DELETED OR DESTROYED IN VIOLATION
OF THE LAW.
THIS SIGN IS POSTED PURSUANT TO D.C. § 202.06, D.C. OFFICIAL CODE,
2001 EDITION.

PUBLIC ALLEY CLOSED AND PARCELS ESTABLISHED
PENDING THE
SURVEY



APPLICANT: [Illegible]
SURVEYOR: [Illegible]
DATE: [Illegible]

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Christopher H. Collins
202.457.7841
chris.collins@hklaw.com

July 1, 2015

Mr. Roland Dreist
Surveyor of the District of Columbia
Office of the Surveyor
1100 4th Street, S.W., Third Floor
Washington, DC 20024

Office of the Surveyor

JUL 01 2015

RECEIVED

Re: Alley Closing in Square 70 – S.O. 15-23283

Dear Mr. Dreist:

The Applicant for this alley closing owns lots 193 and 194 in Square 70. These lots abut both sides of the portion of the public alley to be closed. No other property abuts any portion of the alley to be closed. On behalf of the Applicant, this is to request that, if the alley is closed, all of the closed alley will revert to Lot 194.

Thank you.

Sincerely,



Christopher H. Collins

CHC/rcf

#36016173_v1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer
Office of Tax and Revenue



MEMORANDUM

To: Roland F. Dreist, JR., Surveyor, DC

From: Eugene Clindinin, Supervisory Appraiser, OTR/RPTA/RPAD

Date: July 1, 2015

Subject: Assessed Land value for S.O. 15-23283 Public Alley Closing and Easement Square 70

Reference: S.O. 15-23283 Square 70

Pursuant to your request the new land area has been revised and we have derived the most probable estimate of value for the above referenced tract of land. The most probable estimate of value as of January 1, 2014 for the alley closing and easement in Square 70 is **\$722,850** (2,400 S.F x \$ 301.19 estimated square foot value). This estimate is for Tax Year 2015.

If you have any questions, please contact me at 202.442.6743.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eugene Clindinin", followed by a horizontal line.

Eugene Clindinin
Supervisory Appraiser
OTR/RPTA/RPAD

Government of the District of Columbia

Department of Transportation



d. Policy, Planning and Sustainability Administration

MEMORANDUM

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

FROM: Sam Zimbabwe 
Associate Director, PPSA
District Department of Transportation

DATE: April 3, 2015

SUBJECT: S.O. No. 15-23283 – Closing of a Public Alley in Square 70

OVERVIEW

1255 22nd Street LP (the “Applicant”) seeks approval to close a portion of an existing public alley in Square 70 and the dedication of a perpetual public easement for use of the closed section of alley. The Applicant is the owner of Lots 193 and 194; the only Lots in the Square that abut the proposed alley closing locations.

DEVELOPMENT PROPOSAL

Lot 193 is occupied by an existing building at 1255 22nd Street, N.W. originally constructed as an office building with ground floor retail. The 106,000 SF building will be converted to residential use with approximately 77 DU; the ground floor retail and service spaces will remain. Lot 194 is a surface parking lot servicing the principal building. The alley closing will facilitate the construction of a 96,000 SF building addition on Lot 194 and over the closed portion of alley with 113 DU. The area of the alley to be closed is 2,391 SF.

ALLEY OPERATIONS

The Applicant will grant a perpetual access easement, with a vertical clearance of 16 ft., over the surface of the closed alley to provide access to properties north of the site on Lot 192 and Lot 153. The existing parking and loading facilities in the principal building at 1255 22nd Street, NW will serve the combined development. An existing driveway on 22nd Street serves the underground parking garage with loading and service delivery accessed by the alley network.

DDOT ASSETS

DDOT maintains the public light system that consists of streetlights, alley lights and related infrastructure. The subject alley contains no existing alley lights however there are three existing alley lights adjacent to the project site. DDOT will require the Applicant to upgrade the alley lights as part of the development proposal to include replacing the two existing 3A alley light poles with 5A alley poles and replacing the alley light on the utility pole with a new LED fixture.

PUBLIC SPACE

The existing circular driveway serving the principal building at 1522 22nd Street, NW does not comply with DDOT design standards and should be removed. The circular driveway entrances are located close to the intersection of 22nd Street and Ward Place and does not comply with DDOT standards requiring driveway curb-cuts provide a minimum 60 ft. clearance from an intersection.

Developers are expected to improve public space to DDOT standards. The existing streetscape on 22nd Street has non-standard elements including decorative brick pavers, circular tree boxes and highway style streetlights that must be replaced. The two existing curb-cuts should be closed and replaced with standard streetscape elements for the area including curbs, gutters, tree boxes and sidewalks. Installation of the new alley light poles and fixtures will be reviewed during the permitting process.

DDOT will work with the Applicant during the permitting phase to determine the appropriate streetscape elements for the site. The Applicant may refer to the District of Columbia Municipal Regulations and DDOT's Design and Engineering Manual for specific controls of public space. A summary can be found in DDOT's Public Realm Design Manual.

RECOMMENDATION

DDOT has no objections to the action.



Permit Operations

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY | 1100 4th STREET, SW | SUITE 310 | WASHINGTON, DC 20024

April 14, 2015

Mr. Roland Dreist, D.C. Surveyor
Department of Consumer and Regulatory Affairs
Office of the Surveyor
1100 4th St, S.W., 3rd Floor
Washington, DC 20024

Subject: **S.O. 15-23283**– Street and/or Alley Closing Application – Square 70

Dear Mr. Dreist:

The District of Columbia Water and Sewer Authority objected to the proposed street/alley closures under requested **S.O. 15-23283**, dated **February 20, 2015**. The applicant has been in contact with the District of Columbia Water and Sewer Authority and has agreed to the following remedies per the attached letter:

1. Provide an easement for the existing 3" cast iron water main in the alley;
2. Provide an easement for the existing 8" sewer in the alley.

Therefore, the District of Columbia Water and Sewer Authority conditionally removes its objection to **S.O. 15-23283** with the stipulation that all of the above remedies are expressly contained in the legislation for the closing and that the Office of the Surveyor does NOT record the final plat without express written consent from the District of Columbia Water and Sewer Authority that all of the conditions listed above have been completed to their satisfaction.

If you have any questions, I can be reached at the contact information listed below.

Regards,

A handwritten signature in black ink, appearing to read 'Kevin Harney', is written over a light blue horizontal line.

Kevin Harney, Easement and Covenant Coordinator
Permit Operations Department
District of Columbia Water and Sewer Authority
1100 4th Street, SW Suite #310
Washington, DC 20024
202-646-8627 Office
202-646-8628 Fax
kevin.harney@dcwater.com
DC Water - Water is Life

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Christopher H. Collins
202.457.7841
chris.collins@hklaw.com

March 31, 2015

VIA EMAIL & HAND DELIVERY

Kevin Harney
Permit Operations Department
DC Water and Sewer Authority
1100 4th Street, S.W. Suite 310
Washington, DC 20024

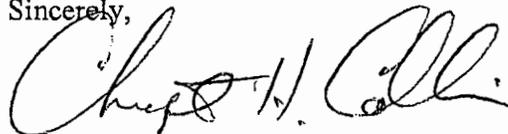
**Re: S.O. 15-23283
Alley Closing in Square 70**

Dear Mr. Harney:

This letter serves to notify you that the Applicant for the above-referenced alley closing agrees to provide DC WASA with an easement for the maintenance and operation of (i) the existing 3" cast iron water main in the alley, and (ii) the existing 8" sewer in the alley, as referenced in the attached objection letter. If this agreement is satisfactory, I would appreciate your removing the objection filed with the Office of the Surveyor for this alley closing application.

Thank you for your help in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Christopher H. Collins
Jessica R. Bloomfield

Attachment

cc:	Roland Dreist, D.C. Surveyor	(Via Hand Delivery; w/attachment)
	Ronald Walton, 1255 22 nd Street LP	(Via E-Mail; w/attachment)
	William Lattanzio, Wiles Mensch Corporation	(Via E-Mail; w/attachment)



March 2, 2015

Mr. Roland Dreist
D.C. Surveyor
Department of Consumer and Regulatory Affairs
Office of the Surveyor
1100 4th St, S.W., 3rd Floor
Washington, DC 20024

Subject: S.O. 15-23283 – Street Closing Application – Square 70

Dear Mr. Dreist:

The District of Columbia Water and Sewer Authority objects to the proposed alley closure under requested S.O. 15-23283, dated February 20, 2015. District of Columbia Water and Sewer Authority currently operates and maintains the following facilities within portions of the street in the proposed S.O. 15-23283:

1. Existing 3" cast iron water main in the alley;
2. Existing 8" sewer in the alley.

The applicant must (i) abandon the facilities, (ii) relocate the facilities, or (iii) provide an easement for District of Columbia Water and Sewer Authority to maintain and operate the facilities.

The applicant is asked to respond with a course of action describing how the utility will be addressed.

If you have any questions, I can be reached at the contact information listed below.

Regards,

Kevin Harney, Easement and Covenant Coordinator
Permit Operations Department
District of Columbia Water and Sewer Authority
1100 4th Street, SW Suite #310
Washington, DC 20024
202-646-8627 Office
202-646-8628 Fax
kevin.harney@dcwater.com
DC Water - Water is Life!

MEMORANDUM

TO: Roland F. Dreist, Jr., L.S., D.C. Surveyor
Office of the Surveyor

FROM: *JL for* Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: March 20, 2015

SUBJECT: S.O.15-23283
Proposed Closing of a Public Alley and Dedication of Public Easement in Square 70

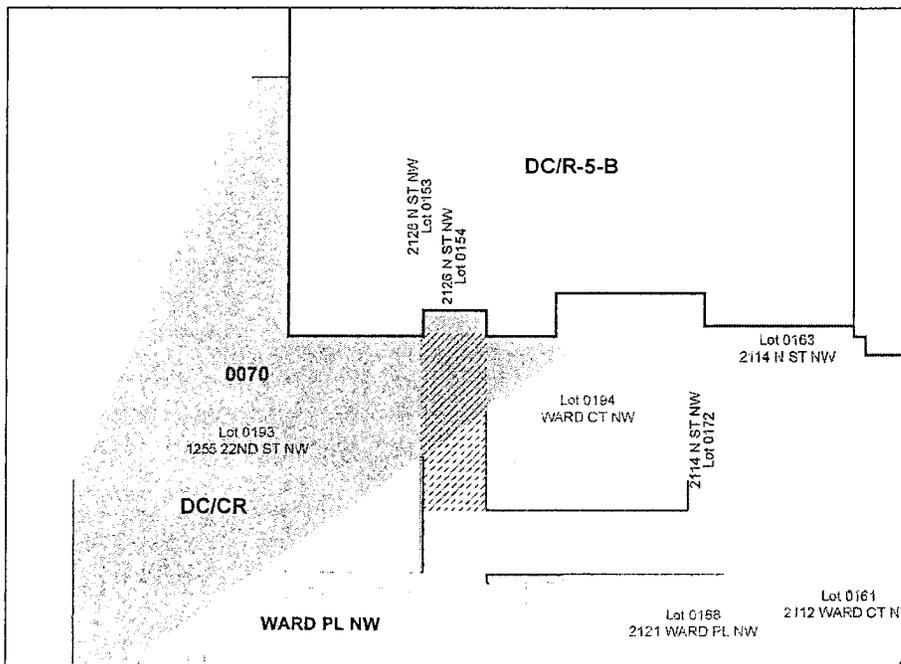
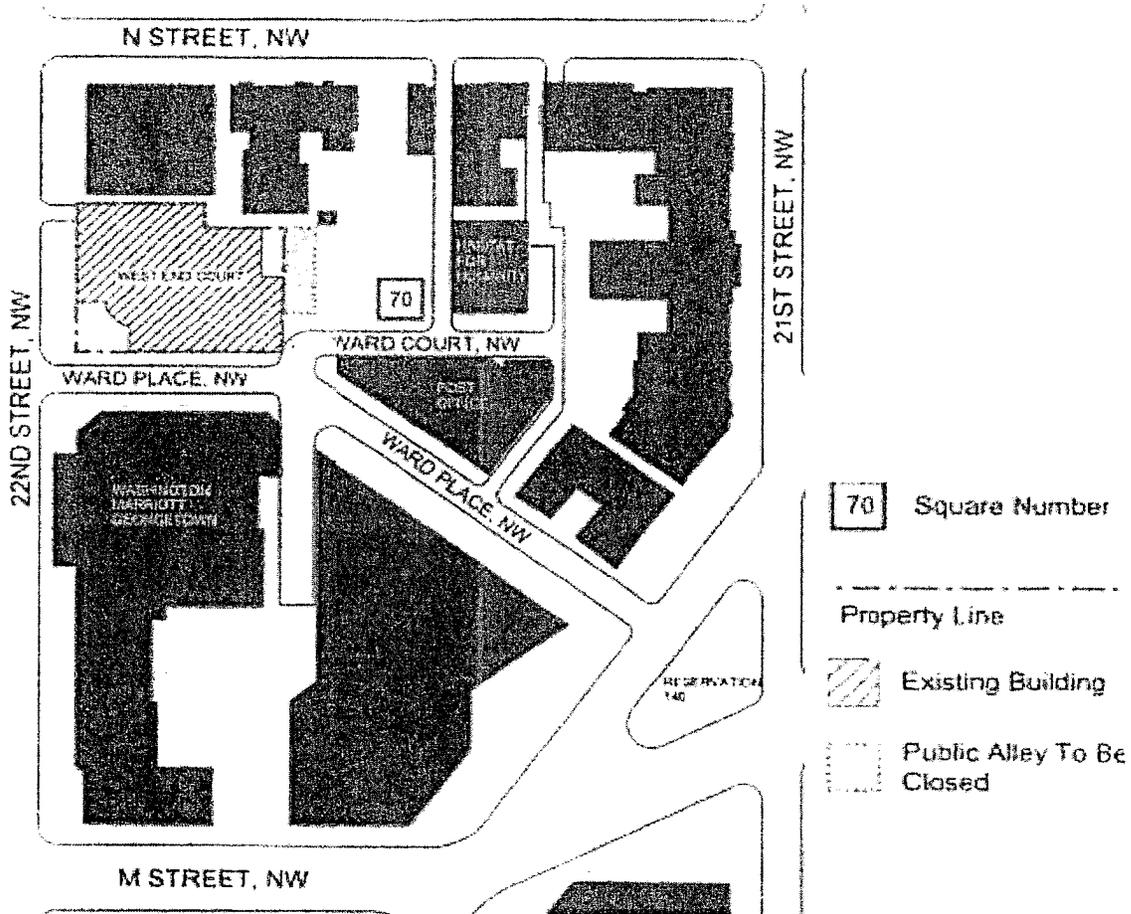
I. RECOMMENDATION

The Office of Planning (OP) has completed its review of the application for the requested alley closing and dedication of a perpetual public easement to a height of 16 feet for use of that closed alley and **has no objection** to this request, provided that the District Department of Transportation also has no objection to this request.

II. SITE DESCRIPTION

Applicant	1255 22 nd Limited Partnership
Address:	1255 22 nd Street NW
Legal Description:	Square 70
Ward:	2/ANC 2B
Zoning:	DC/CR –The Dupont Circle Overlay is intended to encourage retail uses. CR –medium to high density mixed residential/commercial. Permits matter-of-right residential, commercial, recreational and light industrial development. The proposed development appears to be consistent with the zoning.
Historic District	The property is not within a historic district.
Comprehensive Plan Generalized Future Land Use and Policy Map Designation:	Land Use Map – Medium Density Commercial/HD Residential Policy Map – Neighborhood Conservation The proposal is not inconsistent with this designation.
2010 Comprehensive Plan:	The proposal would particularly further objectives of the Land Use Element and Near Northwest Area Element of the Comprehensive Plan.

III. PROPOSAL



Request:	To close a portion of the alley in Square 70, as shown in the maps above, with a corresponding dedication of a perpetual easement over the surface of the closed alley (up to a height of 16 feet) for use of that portion of the alley.
Description:	The alley is a well-paved concrete surface, which provides access to Ward Court and Ward Place for the residential building to the north at 2130 N Street NW, and for access to an existing parking lot on Lot 194, also owned by the applicant.
Size:	The area of the alley to be closed is 2,391 square feet.
Adjacent Ownership:	An abutting parking lot to the east is located on Lot 194 is owned by the applicant.
Proposed Development:	<p>The proposed development would include two development phases, including:</p> <p>Phase I – The matter-of-right conversion of the existing 7-story office building (with ground floor commercial use) on Lot 193 to a mixed use building with 78 residential units in 8 stories above grade. Two floors would be added onto this building. Three levels of garage parking below grade with 112 spaces would be available in the existing building.</p> <p>Phase II – This phase would include a 9-story residential addition of 190 units proposed on Lot 194, which would be connected to the Phase I renovation at the third level, above the closed portion of the alley. Twenty inclusionary zoning units would be included in this addition. Five surface spaces are proposed.</p>
<u>Uses</u>	The existing US Postal Service facility will remain on the ground level of the building, which fronts on 22 nd Street. The only other use proposed is residential.
<u>Height and Density</u>	<p>Phase I (conversion of existing office building to multifamily): 9 stories, 95,300 sf of residential (78 units), 10,700 sf retail.</p> <p>Phase II: (9 story addition to existing building) Subsequent to alley closure and easement dedication: - 192,164 sf with 190 units.</p> <p>FAR: 9.67 (based on submission presented to OP). It is noted that the site is within a TDR receiving zone. Buildings are allowed an FAR between 9 and 10, depending on the street width of the building’s frontage. 22nd Street is 90 feet wide.</p>
<u>Site Plan</u>	The existing building located on Lot 193 fronts on 22 nd Street and wraps around to Ward Place. The proposed 9-story addition on Lot 194 at the rear would join the existing structure on Lot 193 from the third level, 16 feet above the proposed easement surface.
<u>Parking and Loading</u>	Vehicles would continue to access the garage from 22 nd Street, and loading would take place from loading docks at the rear off Ward Court. 112 spaces would be provided for the overall development.
<u>Easements</u>	The perpetual easement access is to be provided for the portion of the alley to be closed and up to 16 feet above its surface.

III. 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). These objectives, as contained within the Comprehensive Plan (10DCMR, Chapter 9), include:

§300 Land Use Element

§310.8 Policy LU-2.2.7: Alley Closings

Discourage the conversion of alleys to private yards or developable land when the alleys are part of the historic fabric of the neighborhood and would otherwise continue to perform their intended functions, such as access to rear garages and service areas for trash collection.

This portion of the alley would be granted a perpetual easement of up to 16 feet above the closed portion, in order to maintain access by current users. The established pattern of use among the residential and commercial occupants around Ward Place and Ward Court would be maintained, including parking and loading access and trash collection.

§900 Urban Design Element

The critical urban design issues facing the District of Columbia... include:

- *Strengthening civic identity through a renewed focus on assets such as public spaces, boulevards, and waterfront areas...*
- *Improving the public realm, particularly street and sidewalk space...*

The public realm, including street and side walk space is not anticipated to be adversely impacted by the proposed closure and future related redevelopment of the surface lot. The applicant has proposed a perpetual easement over the portion alley to be closed, to ensure continued access by current users.

§ 903.7 Policy UD 1.1.2: Reinforcing the L’Enfant and McMillan Plans.

...Restore as appropriate and where possible, previously closed streets and alleys, and obstructed vistas or viewsheds. (See Figure 9.3: Discouraging Alley and Street Closings within the L’Enfant Plan Area 903.10)

This portion of alley does not appear to have any bearing on any vistas or viewsheds or on the integrity of the L’Enfant or McMillan Plans.

§ 906.6 Policy UD1.4.1: Avenues/Boulevards and Urban Form

Use Washington’s major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character...

The closure should have no impact on this policy objective.

§909.8: Policy UD 2.1.2: Downtown Street and Block Patterns

Maintain a fine grained pattern of Downtown blocks, street and alleys, with intersections and frontages that encourage pedestrian movement and reduce the potential for immense variations in scale and “fortress-like” office buildings.

The proposal should have no impact on Downtown street or block patterns. The alley closing and easement dedication is not anticipated to result in negative impact on land use patterns or neighborhood character.

§ 913.6 Policy UD-3.1.9: Street Closures

Strongly discourage the closure of streets for private ownership or use. Any request for street closure should be reviewed in terms of the resulting impacts on vehicular and pedestrian circulation, access to private property, emergency access and fire protection, view obstruction, loss of open space, building scale, and other factors.

The proposed closing and easement dedication should have no resulting adverse impacts on vehicular and pedestrian circulation, or access to private property as the easement would continue to function as it does currently.

The major impacts from a land use and physical character aspect would be as follows:

- The alley closing would permit the construction of one building, where there could be two buildings with separate loading and parking, with ingress and egress requirements.
- By closing the alley, the development could “pull” its permitted height from 22nd Street NW, which is 90’ wide, permitting a building of 90’ in height as permitted by zoning, whereas Ward Court, which is a former 30-foot wide alley within the square, would not permit the building height anticipated by the zone.
- The applicant would dedicate a 30’ wide public alley easement, which would remain useable for loading and service vehicle access to the alley. In doing so, the applicant is ensuring that the loading dock would not have to face the street and it would maintain pedestrian safety and minimize the conflicts associated with large truck maneuvers.

§ 1700 Near Northwest Area Element

Policy NNW-1.1.7: Strongly discourage the demolition of viable housing or the conversion of occupied housing units to non-residential uses such as medical offices, hotels, and institutions. Maintain zoning regulations that limit the encroachment of non-residential uses into Near Northwest neighborhoods, particularly around the new Convention Center, along the west side of Connecticut Avenue, and in Foggy Bottom.

NNW-2.5 Foggy Bottom/West End 2115: ...The expansion of George Washington University has been an ongoing issue of significant concern in Foggy Bottom and the West End, with neighbors expressing great concerns about the loss of housing stock and the changing character of the community... The objectives for land use decisions in the Foggy Bottom/West End area are to conserve and enhance the existing residential neighborhood, maintain and improve existing parkland, and balance the needs of local residents with the needs of the university to carry out its academic mission. Efforts should continue to retain the residential balance of the area, ensure adherence to the Campus Plan, and proactively address neighborhood and university concerns.

The alley closure and easement dedication would not result in the loss of any housing units, and would rather facilitate the addition of new housing to the existing structure. The overall proposal would further the objectives of the above-mentioned policies as the additional housing units and affordable housing would help to address concerns regarding loss of housing stock and changing character of the community.

B. Housing Linkage

No linkage is required as the majority development on the site would be residential, with 20 inclusionary zoning units to be provided.

C. 24 DCMR Chapter 14 Requirements

The alley closing regulations require submission of a plan so that reviewing agencies can determine the potential impact of the requested closing. 24 DCMR §1400.8 requires the plan to cover items including:

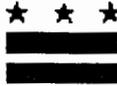
- (f) The approximate gross floor areas intended for various uses such as retail, office, residential, industrial, and commercial;*
- (g) The points of ingress and egress that vehicles will use for parking or loading purposes;*
- (h) The location of off-street parking spaces and their number and size;*
- (i) The location and size of loading and unloading facilities such as berths, docks, and platforms;*
- (j) A Tracking diagram for the maximum size trucks intended to use the loading and unloading facilities;*
- (k) Elevation views for each side of any building proposed for the site.*

The above information was provided in the submission.

IV. CONCLUSIONS

The information provided by the applicant is adequate to meet the requirements of Section 1400.8, for a project at this stage of its design development. It is noted that Phase I of the project (office to residential conversion of the existing building to the west of the alley to be closed) is a matter-of-right project that does not rely on the alley closing. The alley closing is intended to facilitate Phase II, which is the building addition to be constructed on the vacant land to the east of the alley to be closed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
HISTORIC PRESERVATION OFFICE
OFFICE OF PLANNING



MEMORANDUM

TO: Roland Dreist, Office of the Surveyor

SUBJECT: Proposed Alley Closure and Dedication of Perpetual Public Easement for use of Closed Alley; Square 70 (S.O. 15-23283)

DATE: March 3, 2015

Thank you for contacting the DC Historic Preservation Office regarding the revised plans for the above-referenced closures. We appreciate the opportunity to review this action. However, § 9-202.02(4) of the D.C. Code only requires the Mayor to refer applications “to close any street located on the L’Enfant Street Plan” to the Historic Preservation Review Board. We have no comment on this proposed action since this closure involves an alley rather than a street.

BY: 

C. Andrew Lewis
Senior Historic Preservation Specialist
DC State Historic Preservation Office

15-0116



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**



MEMORANDUM

TO: Roland F. Dreist, Jr.
Surveyor of the District of Columbia

FROM: Paul Walker
Architect (Construction Inspector)

DATE: February 26, 2015

SUBJECT: Department of Housing and Community Development Review comments on Alley Closing and Grant Public Easement in Square 70-

The Department of Housing and Community Development (DHCD) has review the above referenced ally closing and Easement in Square 70 application. DHCD supports, as described below, the requested action specified in the application. This referenced ally closing and Public Easement in Square 70 will have no effects on our DHCD operation. Bases upon the following understanding of the information contained in the application DHCD has no objection to the proposed ally closing and Public Easement in Square 70.

If you have any further question please feel free to contact me at (202)442-7218.

Sincerely,


Paul Walker
Architect
DFD, Department of Housing and Community Development

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D. C. 20001



MEMORANDUM

TO: Roland F. Dreist Jr.
District of Columbia Surveyor

FROM: Tony L. Falwell *TF*
Asst. Chief Fire Marshal
DCFEMS Office of the Fire Marshal

DATE: February 24, 2015

SUBJECT: Surveyor's Office File No. S.O. 15-23283

This written correspondence is being forwarded to your office to address **SO File No. 15-23283** that was submitted to the FEMS Office of the Fire Marshal (Fire Prevention Division) for review. The request involves a proposed closing of a public alley and easement in **Square 70**. The alley is abutted by Lots 193 and 194 bounded by 22nd Street NW to the west, N Street NW to the north, 21st Street and New Hampshire Avenue NW to the east, and M Street NW to the south.

Based on FEMS review, the following findings are being brought forth: The FEMS Office of the Fire Marshal has no objection to this request being approved if the following requirements are adhered to: 1.) No Existing FD connections and fire hydrants can be obstructed/ blocked in a way that will prevent emergency access. 2.) Fire access to the adjacent properties, lots, and squares is not compromised and is maintained in accordance with Chapter 5, Fire Service Features, and Section 503 "Fire Apparatus Access Roads" in the 2012 International Fire Code.



A PHI Company

April 9, 2015

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

Dear Mr. Dreist,

Subject: Proposed Closing of a Public Alley in Square 70 – SO # 15-23283

In response to your memorandum dated January 15, 2015 concerning the subject proposed alley closing, we comment as follows:

We have reviewed the documents showing the proposed alley closing and we have determined that PEPCO does not have any facilities within the proposed alley to be closed. PEPCO does not object to the proposed closing of the alley.

If you have any questions regarding this matter, please call me at (202) 388-2261 or email me at kwildermuth@pepco.com.

Thank you,

Karl Wildermuth

Karl Wildermuth
Engineer



6801 Industrial Road
Springfield, Virginia 22151

March 11th, 2015

Mr. Roland Driest
Atten. Diana Dorsey Hill
Department Of Consumer and Regulatory Affairs
Building and Land Regulations Administration
Office of The Surveyor
Washington , D.C. 20002

Dear Mr. Roland Driest

RE: Proposed Closing of a Public Alley and Easement Established in Square 70 –
S.O. 15 – 23283.

We have no facilities in conflict with the area as shown and have no objection to the closing of Public Alley and the Easement Established in Square 70.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. W. Banks".

Robert Banks

Digitizer / Draftsman

Network Engineering
OPPE MD/DC



13101 Columbia Pike, FDC 1
Floor 1
Silver Spring, MD 20904

April 8th, 2015
Mr. Roland F. Dreist, Jr.
Office of the Surveyor
1100 4th Street SW.
Washington, D.C. 20024

RE: Proposed Closing of a Public Alley in Square 70 S.O 15-23283

Dear Mr. Dreist:

In reference to your letter dated in March 31st, 2015 which relates to Closing of Public Alley in Sq70

Location: Closing of a Public Alley in Square 70

The telephone plant in this area consists of Telephone cable and Telephone conduit and poles.

Verizon Washington D.C. Inc. withdraws its objections to this Proposed Closing of a Public Alley.

Very truly yours,

Kenneth Young
Engineer, Outside Plant Engineering, WSAM

GIV/Kdy

c.c. D.C.D.O.T. Underground Location Section
Area Engineer
File

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Christopher H. Collins
202.457.7841
chris.collins@hklaw.com

March 31, 2015

VIA UPS OVERNIGHT

Kenneth D. Young, Engineer
Outside Plant Engineering - WSAM
Verizon
13101 Columbia Pike, FDC 1
Floor 1
Silver Spring, MD 20904

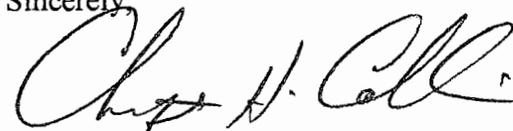
Re: S.O. 15-23283
Alley Closing in Square 70

Dear Mr. Young:

This letter serves to notify you that the Applicant for the above-referenced alley closing agrees to do the following upon completion of the alley closing process, in return for Verizon removing its objection dated March 2, 2015, filed with the Office of the Surveyor for this alley closing application: (1) provide Verizon with an easement with metes and bounds description and with a plat and all documentation necessary to record the easement, and (2) effectuate the relocation of Verizon's plant and feeders and fully reimburse Verizon for such relocation, as referenced in the attached objection letter. If this agreement is satisfactory, I would appreciate your removing the objection filed with the Office of the Surveyor for this alley closing application.

Thank you for your help in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Christopher H. Collins

Attachment

Kenneth D. Young, Engineer

March 31, 2015

Page 2

cc:	Roland Dreist, D.C. Surveyor	(Via Hand Delivery; w/attachment)
	Natalie Anderson, Verizon	(Via Email; w/attachment)
	David Nelson, Utility Professional Services, Inc	(Via Email; w/attachment)
	Ronald Walton, The Walton Companies	(Via Email; w/attachment)
	Roddi Krivanek, Tasea Investment Company	(Via Email; w/attachment)

Network Engineering
OPPE MD/DC



13101 Columbia Pike, FDC 1
Floor 1
Silver Spring, MD 20904

March 2nd, 2015
Mr. Roland F. Dreist, Jr.
Office of the Surveyor
1100 4th Street SW
Washington, D.C. 20024

RE: Proposed Closing of Alley in Square 70 S.O 15-23283

Dear Mr. Dreist:

In reference to your letter dated February 20th, 2015 about Proposed Closing of a Public Alley in Square 70 S.O 15-23283

Location: Square 70

Verizon Washington D.C. Inc. objects to the proposal unless one of the two following are done:

- Service is no longer required in the Square.
- An easement will be provided, and paid for by the owners with metes and bounds description with a plat and all documentation necessary to record the easement to permit existing telephone plant to remain in its present location subject to Verizon approval.
- Verizon is fully reimbursed for relocating its plant and feeders. Alley/Street closing will not take place until these facilities are completely relocated and permanent services restored fully to all customers affected by the move.
- Telephone cables and terminals are cut off and abandoned.

Very truly yours,

Kenneth D. Young
Engineer, Outside Plant Engineering, WSAM

KDY

c.c. D.C.D.O.T. Underground Location Section
Area Engineer
File



Commission Members

Presidential Appointees

L. Preston Bryant, Jr., Chairman
Elizabeth A. White

Mayoral Appointees

Arrington Dixon
Geoffrey Griffis

Ex Officio Members

Secretary of Defense
The Honorable Ashton Carter

Secretary of the Interior
The Honorable Sarah Jewell

Acting Administrator
General Services Administration
The Honorable Denise Roth

Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
The Honorable Ron Johnson

Chairman
Committee on Oversight
and Government Reform
U.S. House of Representatives
The Honorable Jason Chaffetz

Mayor
District of Columbia
The Honorable Muriel Bowser

Chairman
Council of the District of Columbia
The Honorable Phil Mendelson

Executive Director
Marcel C. Acosta

**IN REPLY REFER TO:
NCPC FILE No. 7654**

APR 03 2015

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

Dear Chairman Mendelson:

Pursuant to delegations of authority adopted by the Commission on October 3, 1996, I find that the proposed alley closing in Square 70, at the intersection of Ward Place and 22nd Street, NW, would not be inconsistent with the Comprehensive Plan for the National Capital. A copy of the Delegation Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Executive Director

Enclosure

cc: Mary Cheh, Chairman, Committee on Transportation and Environment
Vincent Orange, Chairman, Committee on Business, Consumer and
Regulatory Affairs
Eric Shaw, Acting Director, DC Office of Planning
Frederick Lindstrom, Commission of Fine Arts
Roland F. Dreist, Jr., Surveyor, DC



Delegated Action of the Executive Director

PROJECT Alley Closing and Easement Establishment in Square 70 (S.O. 15-23283) 22nd and N Streets, NW Washington, DC	NCPC FILE NUMBER 7654
SUBMITTED BY District of Columbia Department of Consumer and Regulatory Affairs, Office of the Surveyor	NCPC MAP FILE NUMBER 22.10(44.40)44119
	ACTION TAKEN Approval of comments to the Council of the District of Columbia
	REVIEW AUTHORITY Approval of Comments to the Council of District of Columbia on Street and Alley Closings DC Code § 9-202.02

The District of Columbia Department of Consumer and Regulatory Affairs, Office of the Surveyor, has requested comments on a partial alley closure located in Square 70. The Square is bound by 22nd Street, NW on the west, N Street, NW on the north, 21st Street and New Hampshire Avenue, NW on the east, M Street, NW on the south, and is bisected by Ward Place, NW.

The Office of the Surveyor's applicant for the alley closure is the owner of Lots 193 and 194, which are the only lots abutting the alley closing area. Closure of alley will facilitate the construction of an addition to an existing building on Lot 193 at 1255 22nd Street, NW. That building is 106,000 square feet and was originally built as an office building with ground floor retail. The building will retain the ground floor retail, but the office use will be converted to residential with 77 units. A residential addition will be constructed on Lot 194 and over the closed alley. The new building will contain approximately 97,000 square feet with 113 units, including 20 inclusionary zoning units.

The area of the alley to be closed is 2,391 square feet. The existing parking and loading facilities in the building on Lot 193 will continue to serve the combined development. Access to the parking is from 22nd Street and the loading dock will be accessed from the closed alley. The owner of Lots 193 and 194 will grant a perpetual public easement over the surface of the closed alley, to a height of 16 feet, to facilitate rear access to the abutting properties to the north of the alley.

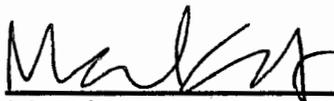
There are no federal properties near Square 70 with the potential to be affected by the alley closing, and the proposed alley closing is not inconsistent with the federal interests identified within the Comprehensive Plan for the National Capital.

The Coordinating Committee reviewed the proposal at its March 11, 2015, meeting. The Committee forwarded the proposed alley closing to the Commission with the statement that the proposal has been coordinated with all participating agencies. The participating agencies were: NCPC; the General Services Administration; the National Park Service; the District of Columbia

Office of Planning; the DC HPO; the District Department of Transportation; the District State Historic Preservation Office; and the Washington Metropolitan Area Transit Authority.

* * *

Pursuant to delegations of authority adopted by the Commission on October 3, 1996 and DC Code § 9-202.02, I find that the proposed alley closing in Square 70, at the intersection of Ward Place and 22nd Street, NW, would not be inconsistent with the Comprehensive Plan for the National Capital.



Marcel Acosta
Executive Director

3/27/15

[Date]



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

S.O. 15-2328

February 23, 2015

DC Surveyor
RE S.O. 15-23283, square number 70
1100 4th Street, SW, Washington, DC 20024
dcra@dc.gov

RE: 1255 22nd St NW

Dear Director Bolling,

At its regular meeting on February 11, 2015, the Dupont Circle Advisory Neighborhood Commission (“ANC 2B” or “Commission”) considered the above-referenced matter. With 9 of 9 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of 9-0.

Whereas the applicant at 1255 22nd St NW is requesting an alley vacation to build a continuous residential building on two lots.

Whereas the alley vacation will include a permanent easement for vehicles to serve adjacent buildings.

Whereas the conversion of abandoned office space to residential is a positive result of the project.

Therefore, ANC 2B supports the alley vacation as proposed.

Commissioners Daniel Warwick (daniel.warwick@anc.dc.gov) and Noah Smith (noah.smith@anc.dc.gov) are the Commission’s representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

A handwritten signature in black ink that reads "Noah Smith". The signature is written in a cursive style with a large initial 'N' and a long, sweeping tail.

Noah Smith
Chairman

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Public Works



Solid Waste Management Administration
Street and Alley Cleaning Division

MEMORANDUM

TO: Roland F. Dreist, Jr.
Surveyor, D.C.

FROM: Anthony Duckett 
Chief Street & Alley Cleaning Division

SUBJECT: Proposed closings of public Alley and Easement

Date: March 19, 2015

The following Alley closing was investigated for review:

Square -70- S.O. 15-23283

The Department has reviewed the proposed closing, at this time we have no objection to the closing of an alley and easement, Square -70- S.O.15- 23283.

If you have any questions please call me at 202-727-2539.

Pamela J. Carlson
2114 N Street, NW #26
Washington, DC 20037
(202) 457-9115
carlson2114@comcast.net

July 6, 2015

Council of the District of Columbia
Committee of the Whole
1350 Pennsylvania Avenue, NW
Suite 410
Washington, DC 20004

Re: Public Hearing before the Committee of the Whole, Tuesday, July 7, 2015
Bill 21-179, the Closing of a Public Alley in Square 70, S.O. 15-23283, Act of
2015

Gentlemen:

I wish to make a statement in opposition to the above-referenced Bill 21-179. For the past 28 years, I have been an owner and resident in a condominium project called The Preston House, A Condominium, located at 2114 N Street, NW, Unit 26, Washington, DC 20004, situated on Lot 191 in Square 70, in Ward 2. Lot 191 is bounded by N Street to the north and a 15'-wide public alley to the west that connects N Street to Ward Court.

- I. **Impact on the West End Neighborhood** - The closing of the subject alley that is necessary to permit the construction of an addition to an existing building located at 1255 22nd Street, NW, will have a negative impact on the neighborhood's quality of life as a result of the following factors:
 1. Increased traffic congestion – The neighborhood has a number of one-way streets that are often at a standstill, with rush-hour traffic, hotel taxi cab stands, limo traffic, and tour bus parking contributing factors. The traffic congestion encourages more drivers to avoid backed-up traffic by taking short cuts through neighborhood alleys that were never intended for modern vehicle traffic.
 2. Decreased availability of street parking --The proposed development will add 190 residential rental units but the developers will be providing only two levels of underground parking with about 112 parking spaces at the currently permitted ratio of 1 parking space for 1.7 units. Moreover, the new building will eliminate a number of parking spaces in the current surface parking lot. The overflow cars without assigned parking spaces will be competing for fewer and fewer residential street parking spaces. Nor does the 1:1.7 ratio provide sufficient parking for guests of the 190 residents or the proposed retail customers.

3. Increased noise pollution - Increased density and traffic congestion will increase noise pollution.
4. Increased air pollution - Increased traffic congestion and more drivers circling the block looking for a parking place will contribute to air pollution.
5. Decreased availability of natural light – The proposed new building will be several stories tall and will overshadow the surrounding historic buildings, blocking the views and reducing the availability of natural light coming into living spaces.

II. **Impact on The Preston House (Lot 191)** - Even more troubling will be the increased traffic in Ward Court accessing the loading dock for 1255 22nd Street and the underground parking for the proposed new building in Lot 194. To avoid traffic back-ups and to circumvent one-way streets, traffic in Ward Court will be cutting through the 15'-wide alley to the west of The Preston House that connects N Street to Ward Court. The increased traffic in this narrow alley will pose a risk of bodily injury to the residents and service personnel of The Preston House and a risk of property damage to the condominium building, as a result of the following factors:

1. The Preston House condominium building sits on the west property line of Lot 191 that is adjacent to the 15'-wide alley that connects N Street to Ward Court.
2. This alley is so narrow that the side of the condominium building has been hit and damaged on several occasions by vehicles trying to pass each other.
3. All of the condominium's ground-level entrances open outward into the public alley. (Photos are attached.) Residents and service personnel risk being struck by vehicles as they enter and exit these entrances that provide access for the following purposes:
 - a) Handicapped entrance
 - b) Second egress for fire safety purposes
 - c) Entrance to the mandated interior bicycle parking enclosure
 - d) Entrance for large deliveries and unloading residents' groceries and luggage
 - e) Access to the water meter room with the main water shut-off valve
 - f) Access to the trash room, from which the trash dumpsters must be pushed to N Street for pick up
 - g) Access to the elevator equipment room for maintenance
 - h) Access to the emergency standby generator for maintenance and fuel delivery

The closing of the subject alley that is necessary to permit the expansion of the building located at 1255 22nd Street into Lot 194 will have negative consequences for the West End neighborhood in general and the residents of The Preston House in particular. For the reasons outlined above, I urge the members of the Committee of the Whole **not** to approve Bill 21-179, the Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015.

Sincerely,

Pamela J. Carlson

Photos attached

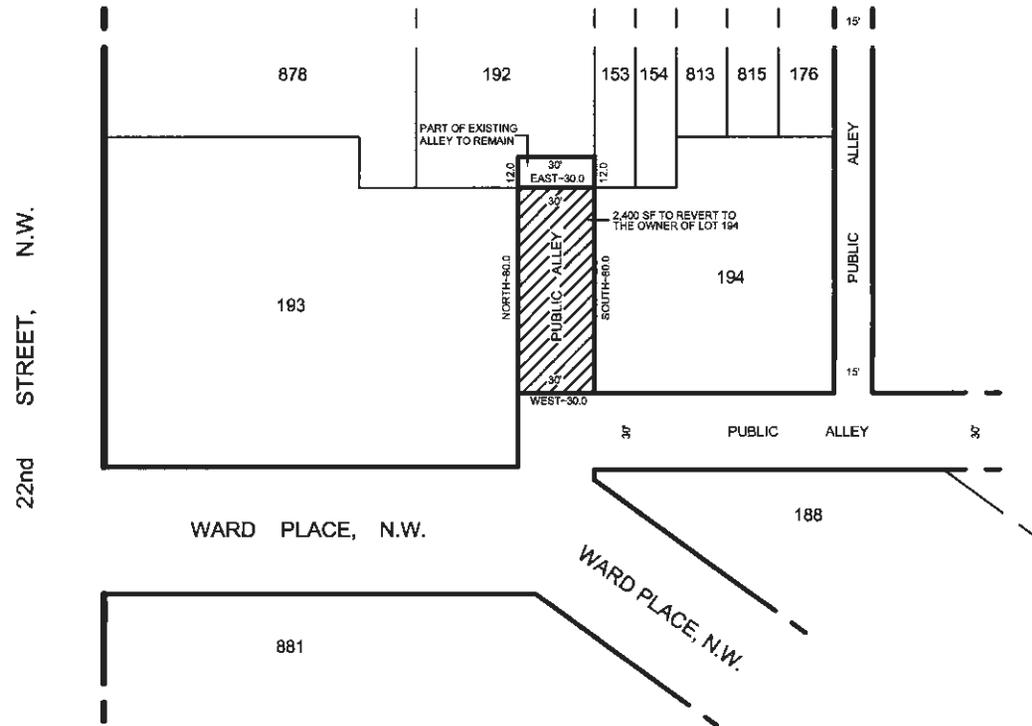
PUBLIC ALLEY CLOSED AND EASEMENT ESTABLISHED SQUARE 70

THE ALLEY SHOWN THUS: IS CLOSED AND TITLE VESTS AS SHOWN UPON RECORDATION OF THIS PLAT, SUBJECT TO THE FOLLOWING:
 1) A PUBLIC USE EASEMENT OVER THE ENTIRETY.
 2) AN EASEMENT FOR THE BENEFIT OF D.C. WATER OVER THE ENTIRETY.

OFFICE OF THE SURVEYOR, D.C.
 _____, 2015

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

 SURVEYOR, D.C.



SURVEYOR'S OFFICE, D.C.	
Made for: <u>HOLLAND & KNIGHT / CHRISTOPHER COLLINS</u>	
Drawn by: <u>L.E.S.</u> Checked by: _____	
Record and computations by: <u>B. MYERS</u>	
Recorded at: _____	
Recorded in Book _____ Page _____ SR-15-02052	
Scale: 1 inch = 30 feet	File No. 15-23263

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



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

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

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: August 18, 2015

SUBJECT: Fiscal Impact Statement – “Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015”

REFERENCE: Bill 21-179, Draft Committee Print given to the Office of Revenue Analysis on July 28, 2015

Conclusion

Funds are sufficient in the FY 2016 through FY 2019 budget and financial plan to implement the bill.

Background

The bill authorizes the closing of a portion of the public alley system in Square 70, space bounded by 22nd Street, N.W., N Street, N.W., 21st Street, N.W., New Hampshire Avenue N.W., and M Street N.W., in Ward 2. The developer, 1255 22nd Street Limited Partnership, will build a residential building on top of the closed alley, but the alley access will be continued with a 16 foot high, 30 foot wide, privately owned new alley. The developer must agree to keep the new alley open for public use, and to maintain the alley, before the closing will be deemed approved.¹

Financial Plan Impact

Funds are sufficient in the FY 2016 through FY 2019 budget and financial plan to implement the bill. District executive agencies and utilities do not object to the closing of this alley space. The developer will be required to maintain the new alley space, which will eliminate District maintenance responsibilities for the ally. In addition, by authorizing the closure of a public alley, the bill will increase taxable land in the District.

¹ This is done by recording an easement covenant for the new alley.



OFFICE OF THE GENERAL COUNSEL

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MEMORANDUM

TO: Chairman Phil Mendelson

FROM: Ellen Efros, General Counsel *EE*

DATE: September 21, 2015

RE: Legal sufficiency determination for Bill 21-179, the Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015

The measure is legally and technically sufficient for Council consideration.

The proposed bill closes the portion of the public-alley system in Square 70, as shown on the surveyor's plat in the official file for S.O. 15-23283, pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04) and consistent with the Street and Alley Closings and Acquisitions Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*). The approval of the alley closing is contingent upon the recordation of an easement over the alley and an agreement by the property owner to maintain the closed alley.

I am available if you have any questions.

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **October 6, 2015**
4
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6

7 **A BILL**
8

9
10 Bill 21-179
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13 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**
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17

18 To order the closing of a portion of a public alley system in Square 70, bounded by 22nd Street, N
19 Street, 21st Street, New Hampshire Avenue, and M Street in Northwest Washington,
20 D.C., Ward 2.
21

22 **BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,** That this
23 act may be cited as the “Closing of a Public Alley in Square 70, S.O. 15-23283, Act of 2015”.

24 **Sec. 2. (a)** Pursuant to section 404 of the District of Columbia Home Rule Act, approved
25 December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-204.04), and consistent with the Street
26 and Alley Closings and Acquisitions Procedures Act of 1982, effective March 10, 1983 (D.C.
27 Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds the portion of the public
28 alley system in Square 70, as shown on the Surveyor’s plat filed in S.O. 15-23283, is
29 unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the
30 Surveyor’s plat.

31 (b) The approval of the Council of this alley closing is contingent upon:

32 (1) The recordation of an easement over the surface of the closed alley, to a height
33 of 16 feet and width of 30 feet, as shown on the Surveyor’s plat in S.O. 15-23282 that includes

34 an agreement by the owner of the property encumbered by the easement to maintain the closed
35 alley; and

36 (2) The satisfaction of all conditions in the official file for S.O. 15-23282 prior to
37 the recordation of the alley closing plat.

38 Sec. 3. Transmittal

39 Copies of this act shall be transmitted, upon its adoption, to the Office of the Surveyor
40 and the Office of the Recorder of Deeds.

41 Sec. 4. Fiscal impact statement.

42 The Council adopts the fiscal impact statement in the committee report as the fiscal
43 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
44 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-106.02(c)(3)).

45 Sec. 5. Effective date.

46 This act shall take effect following approval by the Mayor (or in the event of veto by the
47 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
48 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
49 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
50 Columbia Register.