

**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: March 6, 2018

SUBJECT: Bill 22-412, “Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2017”

The Committee of the Whole, to which Bill 22-412, the “Closing of a Public Alley in Square 5196, S.O. 17-05785, Act of 2017” (renamed by the Committee the “Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2017”) was referred, reports favorably thereon with amendments, 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	5
VIII.	Fiscal Impact.....	6
IX.	Section-By-Section Analysis	6
X.	Committee Action.....	9
XI.	Attachments	6

I. BACKGROUND AND NEED

On July 14, 2017, Bill 22-412, the “Closing of Public Alley in Square 5196, S.O. 17-26544, Act of 2017” was introduced by Councilmember Vincent Gray. Bill 22-412 would order the closing of a portion of a public alley system 5196, bounded by Nannie Helen Burroughs Avenue, Northeast and Division Avenue, Northeast in to the east in Northeast Washington D.C. in Ward 7. The land area affected by this legislation is approximately 2,730 square feet. The Applicant is The Warrenton Group who also owns abutting Lots 19, 37, 805 and 814 in Square 5196. The alley closing will facilitate the development of a mixed-use Planned Unit Development (“PUD”) that includes a revitalized Strand Theater, ground floor retail, community space, and 6-story residential building.

The proposed public alley closing is 2,730 square foot, dead-end public alley that bisects the property. The alley is accessible from Division Avenue and terminates to the west of the property. The Applicant will replace the proposed alley closure just 40 feet to the south, with a public access easement measuring 103 feet, 8 inches by 15 feet (approximately 1,555 square feet) extending from Division Avenue. The alley currently provides access to the commercial buildings and the Strand Theater.

Legal Background

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

Pursuant to the Act, street and alley closing applications are submitted to the Surveyor of the District of Columbia who assigns a Surveyor’s Order (S.O.) number and collects applicable fees. The Surveyor requests comments from executive branch agencies and public utilities. A plat is prepared, and the application is forwarded through the Mayor’s Office of Policy and Legislative Affairs, which also solicits comments from executive branch agencies. When these reviews are completed, the application is transmitted to the Council in the form of a bill from the Mayor. Councilmembers may also initiate action on an alley or street closing on their own by introducing a bill. In such cases, the Act provides that the Council cannot consider such a bill until the required reviews have been completed.

Regarding Bill 22-412, all of the reviews have been completed without objection, but with conditions. Verizon withdrew its original objection after the Applicant agreed to provide an easement for Verizon to access the existing telephone plant located within the alley closure area.¹ Additionally, Bill 22-412 is subject to a routine requirement mandated by the Fire Marshal of the DC Fire and Emergency Medical Services Department that no existing Fire Department connections and fire hydrants can be obstructed/blocked in a way that will prevent emergency access; and that fire access to the adjacent properties, lots, and squares is not compromised and is maintained.²

Emphasizing the importance that the alley remain open for public access, the District Department of Transportation (“DDOT”) imposed the Applicant to provide a full public access easement for the closed section of the alley as a condition of support.

¹ Letter from Verizon Washington, D.C., to Roland F. Dreist Jr., District of Columbia Surveyor (July 26, 2017) (on file with the Committee).

² Memorandum from Tony L. Falwell, Asst. Chief Fire Marshal, to Roland F. Dreist Jr., District of Columbia Surveyor (July 31, 2017) (on file with the Committee).

The Applicant has agreed to record a public easement covenant in the land records to satisfy DDOT's alley closing conditions.³ The covenant would run with the land for the life of the development project.⁴

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.⁵ The Applicant is required to give the Council certification of compliance with these requirements. Regarding Bill 22-412, these requirements have been met.

After the street or alley closing legislation becomes law and all conditions required by the Council and the Act have been satisfied, the Surveyor records a copy of the act and plat in the Office of the Surveyor. Thereafter, the street or alley is deemed closed and title to the land reverts or vests in fee simple to abutting record owners as shown on the plat. The land becomes subject to taxation and zoning 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.

Development Project within Square 5196

The Project is in Square 5196 located at 5127 Nannie Helen Burroughs Avenue. The Applicant owns all property adjacent to the alley, excluding the Strand Theater, which is owned by the District Government. The Project will include the redevelopment of the Theater in connection to the PUD, as well as, a construct 6-story residential building with 86 residential units at or below 60% of Area Median Income ("AMI"). The total number of units also consists of 28 replacement units for families currently living at DC Housing Authority properties, Lincoln Heights and/or Richardson Dwellings.

The Project comprises of approximately 17,029 square feet of land area, including the public alley closing. A portion of the property is improved which includes two vacant buildings to the east, a carry-out restaurant to the west, and is enclosed by a surface parking lot owned and used by the Sargent Memorial Presbyterian Church to the west and south and the historic Strand Theater to the east.

Need for Alley Closure

³ *Bill 22-412, Closing of Public Alley in Square 5196, S.O. 17-26544, Act of 2017, Applicant's Statement, (filed with the record for Bill 22-412) [hereinafter "Applicant's Statement"]*.

⁴ *Id.*

The proposed public alley closing is 2,730 square foot, dead-end public alley that bisects the property. The alley is accessible from Division Avenue and terminates to the west of the property. The Applicant will replace the proposed alley closure just 40 feet to the south, with a public access easement measuring 103 feet, 8 inches by 15 feet (approximately 1,555 square feet) extending from Division Avenue. The alley currently provides access to the commercial buildings and the Strand Theater.

There are no objections from agencies or utilities in the S.O. record. However, the Applicant has agreed to grant a public access easement, at the request of DDOT, to replace the proposed alley closure. Verizon has also requested that an easement be granted or that a plant and feeder be relocated. The Applicant has agreed to pay for the relocation of the plant and two feeders. The Applicant has committed to meet both these conditions. Therefore, the Committee recommends that this condition be added to the alley closing legislation: that the Applicant execute and record a 1,555 square foot public access easement to rear of the Strand Theater in a manner similar to the current conditions. The easement will include an agreement by the owner of the Property encumbered by the easement to maintain the closed alley for public use. This easement shall run with the land until the subject building ceases to exist and will be recorded in the land records of the Recorder of Deeds for the District of Columbia.

Pursuant to Bill 22-412, the closing of the portion of the alley within Square 5196 is solely to facilitate the PUD, which was approved by the Zoning Commission in a final action on January 29, 2018. Therefore, the Committee recommends approval of Bill 22-412.

II. LEGISLATIVE CHRONOLOGY

- | | |
|--------------------|--|
| July 14, 2017 | Bill 22-412, "Closing of Public Alley in Square 5196, S.O. 17-26544, Act of 2017" is Introduced by Councilmember Gray. |
| July 21, 2017 | Notice of Intent to Act on Bill 22-412 is published in the <i>District of Columbia Register</i> . |
| September 19, 2017 | The referral of Bill 22-412 to the Committee of the Whole is official. |
| January 12, 2018 | Notice of Public Hearing on Bill 22-412 is published in the <i>District of Columbia Register</i> . |
| February 1, 2018 | The Committee of the Whole holds a public hearing on Bill 22-412. |
| March 6, 2018 | The Committee of the Whole marks-up Bill 22-412. |

III. POSITION OF THE EXECUTIVE

Roland Driest, the Surveyor for the District of Columbia, presented the Executive Branch testimony in support of Bill 22-412. His testimony is summarized below.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

In a letter dated July 12, 2017, ANC 7C approved a resolution, by a unanimous vote of 6-0-1, in support of the closure of a portion of the alley in Square 5196.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

In a letter dated September 28, 2017, the Executive Director of the National Capital Planning Commission (“NCPC”) stated that the proposed alley closing in Square 5196 would not be inconsistent with the Comprehensive Plan for the National Capital. The letter is attached to this report.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on three bills, including Bill 22-412, on February 1, 2018. The testimony summarized below is from that hearing specific to Bill 22-412. Copies of written testimony are attached to this report.

Warren Williams, The Warrenton Group testified as the Applicant, in support of the bill.

Erwin Andres, Gorove/Slade Associates, Inc testified on behalf of the Applicant in support of the bill.

Leila Batties, Holland and Knight testified on behalf of the Applicant in support of the bill. Ms. Batties promised to follow up with Pepco, Washington Gas, and Verizon on any outstanding comments or follow-up.

Roland Driest, Surveyor for the District of Columbia testified that the purpose of this closing is to allow construction of a mixed-use development including ground floor retail and residential units. Mr. Driest also testified that no comments from Pepco or Washington Gas had been submitted for the record at the time of the hearing.

VII. IMPACT ON EXISTING LAW

Bill 22-412 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 22-412, the Committee finds that the requirements of the Act have been satisfied.⁶

⁶ D.C. OFFICIAL CODE § 9-202.01 *et. seq.* (2016).

VIII. FISCAL IMPACT

The attached March 1, 2018 fiscal impact statement states that funds are sufficient in the FY 2018 through FY 2021 budget and financial plan to implement Bill 22-412. The statement also notes that Bill 22-412 “will reduce District assets, but assets are not part of the District’s budget, so there is no fiscal impact.” The D.C. Surveyor’s testimony indicates the land’s assessed value is \$81,900.00.

IX. SECTION-BY-SECTION ANALYSIS

- Section 1 Short title.
- Section 2 (a) The Council finds the portion of the public alley unnecessary for alley purposes and orders it closed, with the title to the land to vest as shown on the Surveyor’s Plat.
- (b) States that the approval of the alley closing is contingent upon satisfaction of all conditions set forth in the Surveyor’s file and Bill 22-412, including a public use easement that ensures public access and use of the portion of alley to be closed that shall run with the land for the life of the mixed-use project.⁷
- Section 3 Requires transmittal of the act, upon adoption, to the Office of the Surveyor of the District of Columbia.
- Section 4 Adopts the Fiscal Impact Statement.
- Section 5 Establishes the effective date by stating the standard 30-day congressional review language.

X. COMMITTEE ACTION

XI. ATTACHMENTS

1. Bill 22-412 as introduced (without attachments)
2. Statement of the applicant
3. Written Testimony and comments

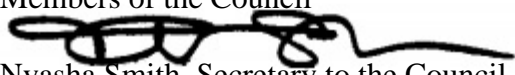
⁷ *Supra* note 18.

4. Letters from ANC 6C and NCPC
5. Surveyor's Plat and aerial view of site location and context
6. Fiscal Impact Statement for Bill 22-412
7. Legal Sufficiency Determination for Bill 22-412
8. Committee Print for Bill 22-412

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 : November 03, 2017

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, November 1, 2017. Copies are available in Room 10, the Legislative Services Division.

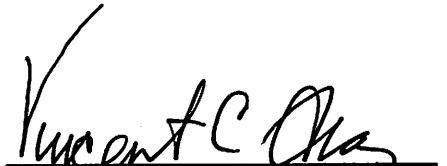
TITLE: "Closing of a Public Alley in Square 211, S.O. 17-26363, Act of 2017",
B22-0555

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 Vincent C. Gray

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

A Bill

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the closing of a public alley system in Square 5196, abutting Lots 19, 37, 805, and 814, and bounded by Nannie Helen Burroughs Avenue, N.E. and Division Avenue, N.E. in Ward 7.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the "Closing of a Public Alley in Square 5196, S.O. 17-05785, Act of 2017".

Sec. 2. 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 Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*) ("Act"), the Council finds the public alley system in Square 5196, as shown on the Surveyor's plat filed in S.O. 17-05785, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. The closing of this public alley pursuant to section 2 is contingent upon the satisfaction of all conditions in the official file for S.O. 17-05785.

Sec. 4. Transmittal.

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

1 Sec. 5. Fiscal impact statement.

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

5 Sec. 6. Effective date.

6 This act shall take effect following approval by the Mayor (or in the event of veto by the
7 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
8 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
9 24, 1983 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
10 Columbia Register.

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

Leila M. Jackson Batties
202.419.2583
leila.batties@hklaw.com

January 26, 2018

VIA HAND DELIVERY

Ms. Sydney Hawthorne
Legislative Council
Committee of the Whole
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Suite 506
Washington, D.C. 20004

Re: Alley Closing in Square 5196: Bill No. 22-0412

Dear Sydney:

Enclosed please find fifteen copies of a statement with exhibits in support of the Bill 22-0412 (Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2017) to be considered at the Committee of the Whole's February 1, 2018, public hearing. The required Affidavit of Posting and Affidavit of Notice have been filed with the Office of the Surveyor.

Thank you for your help in this matter. Should you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

HOLLAND & KNIGHT LLP



Leila. M. Jackson Batties, Esq.

Enclosures

cc: Eric J. Goulet, Councilmember Gray's Office (Via Hand Delivery, with enclosures)
Rick Dreist, DC Surveyor (Via Hand Delivery, with enclosures)

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

Application of The Warrenton Group
ANC 7C

Closing of a Public Alley in Square
5196, S.O. 17-26544
Bill 22-0412

STATEMENT OF THE APPLICANT

**I.
Introduction**

The Warrenton Group (the “Applicant”) submits this statement in support of the requested closing of a public alley in Square 5196, pursuant to D.C. Code § 9-202.01, *et seq.* Bill 22-0412, a copy of which is attached as Exhibit A, was introduced by Councilmember Gray to effectuate the proposed alley closing. A copy of the alley closing plat showing the alley to be closed is attached as Exhibit B.

As described herein, this application meets the statutory requirement for approval pursuant to D.C. Code § 9-202.01 because the alley to be closed is not used as a public alley and is not necessary for public alley purposes. The closing of the alley will not disrupt the public alley system in Square 5196 and will not interfere with access to or from any other development in the square since no other property in the square is accessed via the existing public alley. The alley closing is necessary to allow for the development of Lots 19, 37, 805 and 814 in Square 5196 (the “Property”) with a new mixed use planned unit development (“PUD”) that includes approximately 86 residential units, all of which will be reserved for households with incomes not exceeding 60% of the median family income (“MFI”), and ground floor retail and community space, as depicted on the architectural drawings attached as Exhibit C, and included in the record for Zoning Commission Case No. 17-10.

II.
Background and Proposed Development

The Property is located near the southwest corner of Nannie Helen Burroughs and Division Avenues, NE, in Square 5196, and consists of approximately 17,029 square feet of land area, including the public alley to be closed. A portion of the Property is currently improved with a carry out restaurant; the remainder is occupied by vacant buildings. The historic Strand Theater is immediately east of the Property. The theater, which is vacant, is listed on the DC Inventory of Historic Sites and on the National Register of Historic Places. It will be renovated by the Applicant in connection with the construction of the PUD. The Property is also surrounded by the surface parking lot of the Sargent Memorial Presbyterian Church to the west and south. The main church building is located to the west of the surface parking lot.

On May 5, 2017, the Applicant filed Zoning Commission Case No. 17-10, seeking approval to redevelop the Property with a mixed use PUD consisting of approximately 1,389 square feet of ground floor retail; approximately 1,223 square feet of community space; and a five-story apartment house above with 86 units above. Of the 86 units, up to 28 will be replacement units for the Lincoln Heights and Richardson Dwellings properties controlled by DCHA, in accordance with the *New Communities Initiative Plan*. The PUD will have a maximum density of 4.59 FAR; a maximum non-residential density of approximately 0.2 FAR; and a maximum building height of 68 feet. It also includes a ground level parking garage with 20 vehicle parking spaces and 45 bicycle parking spaces. The ground level parking garage will be accessed via a 15-foot public access easement on the southern portion of the Property.

The Zoning Commission took proposed action to approve the PUD at a public hearing on November 16, 2017. Final action to approve the PUD is scheduled for January 29, 2018.

In order for the PUD to move forward as designed, the Applicant proposes to close the existing 2,042 square foot, dead-end public alley that bisects the Property. The alley is accessed from Division Avenue and dead-ends to the west of the Applicant's Property, adjacent to the Sargent Memorial Presbyterian Church. The Applicant proposes to dedicate a public alley easement measuring 103 feet, 8 inches by 15 feet (approximately 1,555 square feet) extending from Division Avenue, which effectively relocates the alley approximately 40 feet to the south. The public alley easement will provide access to the rear of the Strand Theater in a manner similar to the existing conditions. In addition, access to the Sargent Memorial Presbyterian Church is currently provided access to its parking lot via an existing curb cut along Nannie Helen Burroughs Avenue and not the portion of the alley that is proposed to be closed since there is an existing gate in the alley blocking access to the church. Thus, the alley closing will not disrupt the public alley system and will not interfere with access to or from any other development in the square.

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. These agencies and utility companies have all stated no objection to the proposed alley closing application (*see Exhibits D through H*). In its report dated August 31, 2017, the Office of Planning ("OP") indicated that it had no objection to the application, and noted that the proposal would "further objectives of the Land Use, Housing, Urban Design, Environmental and Far Northeast and Southeast Elements of the Comprehensive Plan" (*see Exhibit D*, pp. 1-2). The OP Report found that the Project is not inconsistent with the Moderate Density Residential and Low Density Commercial designation on the Future Land Use Map, and

is not inconsistent with the Main Street Mixed-Use Corridor designation on the Generalized Policy Map (*Id* at p. 1).

By report dated November 22, 2017, DDOT also indicated no objection to the request so long as the Applicant provides a public access easement (*see Exhibit E*). Specifically, DDOT noted that there are no DDOT assets currently in the alley.

The National Capital Planning Commission (“NCPC”) found that the proposed alley closing “would not be inconsistent with the Comprehensive Plan for the National Capital” (Exhibit E).

In its response (Exhibit H), Verizon stated that it had an objection to the alley closing unless: (i) the Applicant grants an easement to permit the existing telephone plant to remain in its present location; or (ii) Verizon is fully reimbursed for relocating its plants and feeders in the alley. By this submission, the Applicant confirms that it will either grant the requested easement or fully reimburse Verizon for relocating its plants and feeders.

Based on the above recommendations of the District agencies and utility companies, the Applicant submits that the alley to be closed is not used as a public alley and is not necessary for public alley purposes.

IV. Community Engagement

The Applicant has worked extensively with community stakeholders and is pleased to have support for the PUD and the associated alley closing. The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 7C. On June 8, 2017, ANC 7C voted 6-0-1 in support of the alley closing. A copy of the ANC’s letter is attached as Exhibit K. ANC 7C specifically found that the alley is “unnecessary for alley purposes...[and] the proposed alley

closing will not disrupt the public alley system and will not interfere with access to or from any other development in the Square.” *Id.*

V.

Compliance with the Comprehensive Plan and Small Area Plan

The Comprehensive Plan Future Land Use Map designates the Property in the Mixed Use Low Density Commercial and Moderate Density Residential land use categories (*see Exhibit J*). The Comprehensive Plan Generalized Policy Map designates the Property as a Main Street Mixed Use Corridor (*see Exhibit K*). As set forth in Exhibit L, the Project is consistent with the Future Land Use Map and Generalized Policy Map designations for the Property. As further set forth in Exhibit L, the Project is also consistent with the Guiding Principles and Major Elements of the Comprehensive Plan.

In its review of the PUD, OP found that the Project “is not inconsistent with the Comprehensive Plan” and “generally meets the specific recommendations outlined in the Lincoln Heights/Richardson Dwellings Small Area Plan (2006).” (*See Exhibit 13 to Z.C. Case No. 17-10, p. 1.*) Also, the OP report states that “the proposed PUD meets this criterion and would not be inconsistent with the Comprehensive Plan’s Generalized Future Land Use Map designation of Moderate Density Residential and Low-Density Commercial, the Generalized Policy Map designation of a Main Street Mixed-Use Corridor and the Guiding Principles of the Framework Element. It also is consistent with the Land Use, Transportation, Housing, Urban Design, and Environmental Elements; as well as the policies of the Far Northeast and Southeast Area Element.” (*See Exhibit 13 to Z.C. Case No. 17-10, p. 5.*)

The PUD also furthers the *Lincoln Heights & Richardson Dwellings New Communities Initiative Revitalization Plan*, which was approved by the City Council on December 19, 2006, pursuant to Resolution No. 16-923, which encourages rezoning the Property to C-2-B zone (MU-

5-A) (*see Exhibit M*). As noted earlier, the PUD will provide up to 28 replacement housing units for Lincoln Heights and Richardson Dwellings, and generate new housing for households not exceeding 60% of the MFI.

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 public alley to be closed comprises approximately 2,042 square feet of land area in the northeast portion of Square 5196 and only abuts lots owned or controlled by the Applicant, the Strand Theater, and Sargent Memorial Presbyterian Church. However, the church does not have alley access because a gate is erected between the church property and the alley. The Applicant proposes to dedicate a public alley easement to improve circulation at the site and provide direct vehicular access between the Applicant's parking garage and Division Avenue. Based on the foregoing, the alley closing will not disrupt the public alley system and will not interfere with access to or from any other development in the square.

B. The Proposed Closing Implements District Planning Objectives

The proposed alley closure is necessary to facilitate the redevelopment of the Property as depicted in the architectural drawings. As discussed in Exhibit L, the Project will further many of the District's planning objectives, as set forth in the Comprehensive Plan. Furthermore, the alley closing application has been reviewed by the affected District of Columbia agencies and public utilities, and these agencies and utilities have all indicated no objection to the proposed alley closing. Specifically, DDOT (which is charged with examining projects to ensure they are consistent with, and do not adversely impact, DDOT's multimodal strategic objectives and the

Transportation Element of the Comprehensive Plan) stated that they had no objection to the alley closing, given that there are no DDOT assets within the alley and the Applicant proposes to dedicate a public alley easement, as requested by DDOT. Therefore, the alley closing application is fully consistent with and implements the District's planning objectives.

C. Economic Impacts of the Alley Closing and the PUD

The alley closing will have a positive economic impact on this area of the District for the reasons described below, among others.

- The alley closing will facilitate the redevelopment of the Property, which is currently blighted, into a vibrant, mixed use, mixed income development. The pedestrian traffic generated by the new residents and neighborhood retail, along with the renovation of the Strand Theater, will enliven this corner of Nannie Helen Burroughs and Division Avenues and improve safety. The PUD will be an important catalyst for the continued redevelopment of the Deanwood neighborhood.
- The Applicant has entered into a First Source Employment Agreement with the Department of Employment Services, which requires that District residents are given priority for new jobs created by municipal financing and development programs. The Applicant has also and a Certified Business Enterprise Agreement ("CBE") with the District Department of Small and Local Business Development to ensure that a preference is made to District-based firms pursuing District government issued procurement opportunities.
- The PUD will create employment opportunities for residents in the immediate neighborhood. As a condition of the PUD approval, the Applicant will host a job fair for residents of the Deanwood neighborhood and the Lincoln Heights and Richardson

Dwelling communities. The job fair will include applications for training and employment opportunities related to the construction and operation of the PUD.

- The Applicant agreed to set aside approximately 1,200 square feet of the ground floor retail/commercial space for new neighborhood serving retail or services. Preference for the lease of the space will be a business or organization owned and/or operated by a Ward 7 Small Business Enterprise (“SBE”) or CBE.

VII.
Witnesses

1. Warren Williams
The Warrenton Group
5335 Wisconsin Avenue, NW
Suite 440
Washington, DC 20015

2. Erwin Andres
Gorove/Slade Associates, Inc.
1140 Connecticut Ave NW # 600
Washington, DC 20036
(202) 296-8625

3. Leila M. Jackson Batties, Esq., *Representing the Applicant*
Holland & Knight LLP
800 17th Street, NW #1100
Washington, DC 20006
(202) 955-3000

VIII.
Exhibits

- Exhibit A: Bill 22-0412
- Exhibit B: Draft Plat Showing Public Alley to be Closed
- Exhibit C: Architectural Plans and Elevations
- Exhibit D: Report from the Office of Planning
- Exhibit E: Report from the District Department of Transportation
- Exhibit F: Report from the National Capital Planning Commission
- Exhibit G: Reports from other District Agencies (Department of Housing and Community Development, and Department of Public Works Solid Waste Management Administration, FEMS)
- Exhibit H: Reports from Utilities (PEPCO, Verizon, Washington Gas and D.C. Water and Sewer Authority)
- Exhibit I: Letter of Support from Advisory Neighborhood Commission 7C
- 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: Compliance with Comprehensive Plan
- Exhibit M: Excerpt from the *Lincoln Heights & Richardson Dwellings New Communities Initiative Revitalization Plan*
- Exhibit N: Outlines of Witness Testimony
- Exhibit O: Resume Traffic Consultant
- Exhibit P: Affidavit of Posting

IX.
Conclusion

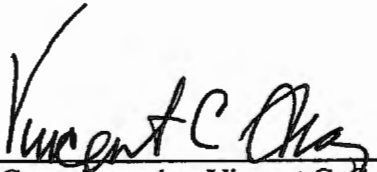
For the above-stated reasons, the Applicant respectfully requests that the Council approve
Bill 22-0412.

Respectfully submitted,

HOLLAND & KNIGHT LLP



By: _____
Leila M. Jackson Batties, Esq.
800 17th Street, N.W. #1100
Washington, DC 20006


Councilmember Vincent C. Gray

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

A Bill

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the closing of a public alley system in Square 5196, abutting Lots 19, 37, 805, and 814, and bounded by Nannie Helen Burroughs Avenue, N.E. and Division Avenue, N.E. in Ward 7.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the "Closing of a Public Alley in Square 5196, S.O. 17-05785, Act of 2017".

Sec. 2. 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 Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*) ("Act"), the Council finds the public alley system in Square 5196, as shown on the Surveyor's plat filed in S.O. 17-05785, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. The closing of this public alley pursuant to section 2 is contingent upon the satisfaction of all conditions in the official file for S.O. 17-05785.

Sec. 4. Transmittal.

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

1 Sec. 5. Fiscal impact statement.

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

5 Sec. 6. Effective date.

6 This act shall take effect following approval by the Mayor (or in the event of veto by the
7 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
8 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
9 24, 1983 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
10 Columbia Register.

PUBLIC ALLEY CLOSED SQUARE 5196

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

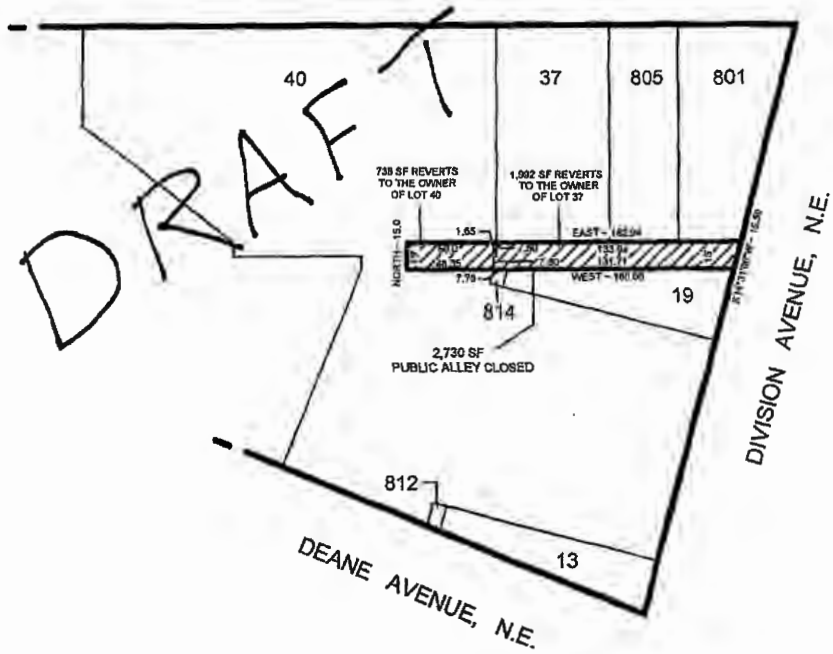
OFFICE OF THE SURVEYOR, D.C.

_____ 2017

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.

NANNIE HELEN BURROUGHS AVENUE, N.E.



SURVEYOR'S OFFICE, D.C.	
Made for:	HOLLAND & COMPANY
Drawn by:	L.E.S. Checked by:
Record and computations by:	E. J. GIBBS
Recorded in:	
Recorded in Book:	Page 311-17-05785
Scale: 1 inch = 30 feet	File No. 17-25344

Exhibit C

Architectural Drawings

Attached Separately



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: August 31, 2017

SUBJECT: S.O. 17-26544
Proposed Closing of a Public Alley in Square 5196

I. RECOMMENDATION

The Office of Planning (OP) has completed its review of the application for the requested alley closing, and its replacement with a 15-foot wide access easement and **has no objection** to this request.

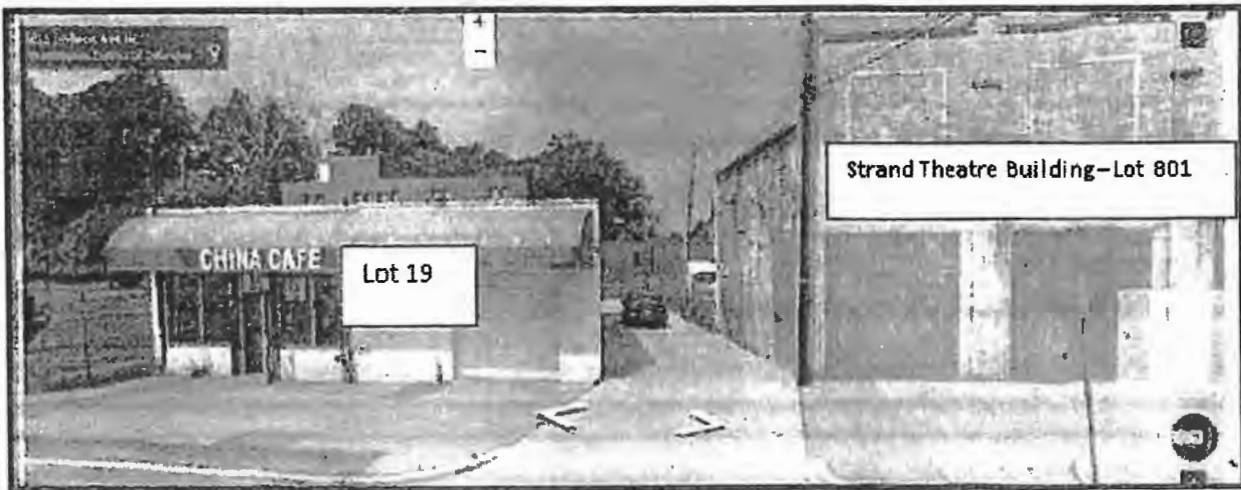
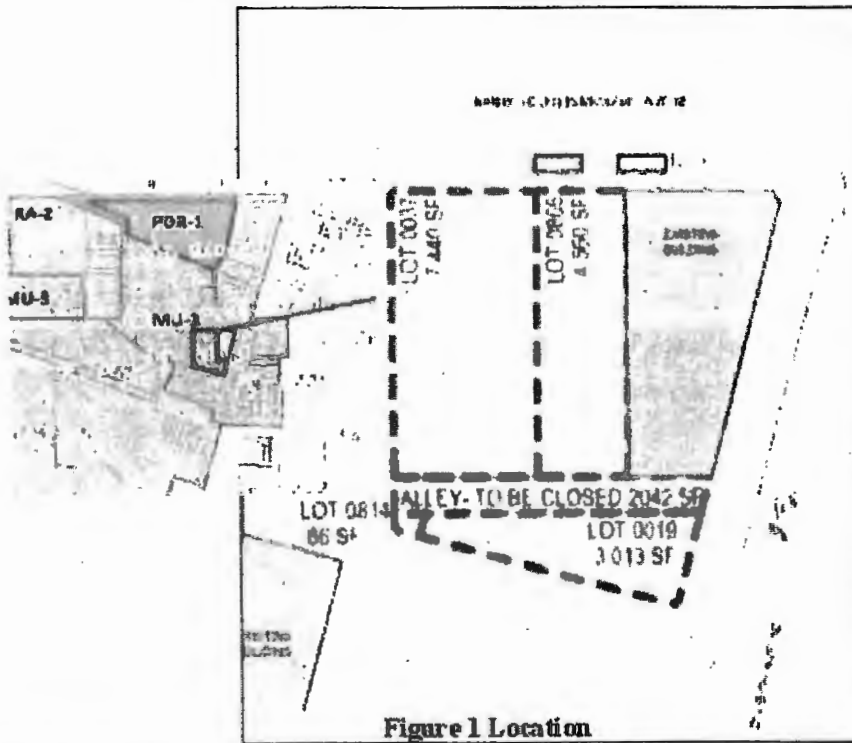
II. SITE DESCRIPTION

Address:	5127 Nannie Helen Burroughs Avenue
Applicant	The Warrenton Group
Legal Description:	Square 5196, Lots 19, 37, 805, 814 and 2,042 square feet of an alley located between Lot 19 and lots 37 and 805 to the north, which is proposed to be closed.
Ward / ANC:	Ward 7; ANC 7D
Zone:	R-3. A PUD with a related map amendment to MU-7 is in process. R-3: row dwellings, and areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three or more row dwellings. MU-7: Permits medium density mixed-use development.
ZC 17-10: Under Review – Public Hearing – November 16, 2017	The Zoning Commission is scheduled to consider the proposed redevelopment of this site with a multi-family residential building at a public hearing scheduled on November 16, 2017. The public hearing submittals by the applicant generally addresses Commission concerns including primarily the refinement of the design and material composition of the building. Concerns related to the closure of the alley have not been expressed to date.
Comprehensive Plan Generalized Future Land Use and Policy Map Designation:	Land Use Map – Moderate Density Residential and Low Density Commercial. Policy Map – Neighborhood Conservation Area. To date in the Zoning Commission case, concerns have not been expressed that the proposal is not inconsistent with this designation.



Comprehensive Plan Goals and Objectives:

The proposal would particularly further objectives of the Land Use, Housing, Urban Design, Environmental and Far Northeast and Southeast Area Elements of the Comprehensive Plan.



III. PROPOSAL

Request	To close a portion of the 15-foot wide alley as shown in the map above, and instead provide a 15-foot wide vehicle access easement at the south edge of the property.
Description	The alley is concrete paved in use and serves only the current property owners who own the lots north and south of the dead-end alley.
Size	The alley area to be closed is 2,042 square feet in area, and 15 feet wide.
Adjacent Ownership	The District owns the adjacent properties north and south of the alley shown within the dashed lines above. To the west, the property is owned by the Sargent memorial Presbyterian Church, with premise address as 5109 -5111 Nannie Helen Burroughs Avenue, N.E.
Proposed Development	The applicant proposes to construct a mixed-use development as a consolidated PUD with a related map amendment from the MU-3 zone to the MU-5-A zone with approximately 86 dwelling units, of which 28 units would be set aside as replacement units for the Lincoln Heights/Richardson Dwellings properties controlled by DC Housing Authority (DCHA).
Uses	Commercial/Residential
Height and Density	Height: 68 feet (6 stories): Density – 4.61 FAR: Lot Occupancy – 81%
Site Plan (Revised for the public hearing)	The 6-story building reads as a conventional mixed-use building with a flat roof and ground floor retail. The building proposes to front on Nannie Helen Burroughs Avenue, with vehicular access off Division Avenue .
Parking and Loading	The building would include a ground level parking garage of 17 parking spaces, accessed from a 15-foot wide easement off Division Avenue; one 20-foot service delivery space and a 100 square-foot loading platform.
Easements	There are no known existing easements across the property.

IV. 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 is the only alley noted within the square and it currently does not provide access to the Sargent Memorial Presbyterian Church west of the site. The square is primarily owned by this church, including its abutting parking area, which abuts the subject lot's property line to the south. Vehicular access for this large lot is off Nannie Helen Burroughs Avenue. The church would continue to have access to trash truck and delivery services. South of the SMP church's parking lot, a smaller property is also owned by the church, which fronts on Division Avenue but does not currently have alley access. Therefore, the proposed alley closing would not adversely impact the intended functions including access to service areas for adjacent properties.

§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 proposal would improve pedestrian connectivity and street scape character along Nannie Helen Burroughs Avenue and Division Avenue through new and improved landscaped sidewalks to complement the development, while providing stormwater benefits where none currently exist. All installations would be constructed to DDOT's standards.

§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)

There are no vistas or view sheds associated with the proposed alley closing and the site is not within the L'Enfant Plan or McMillan Plan areas.

§906.6 *Policy UDI.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...

Nannie Helen Burroughs is considered a major east-west corridor extending from the eastern District line to Minnesota Avenue to the west. The provision of the easement through the alley for parking and loading access would facilitate back-of house operations and remove the visibility of such functions from the avenue.

§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.

A street closure is not proposed.

§ 1700 FAR NORTHEAST and SOUTHEAST AREA ELEMENT (FNS)

Policy FNS-1.1.2: Development of New Housing Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area's major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast, taking steps to ensure that the housing remains affordable for current and future residents. 1708.3

The project would be a moderate density residential and low density commercial building, not inconsistent with the Future Land Use Map or the Far Northeast and Southeast Area element, which includes Lincoln Heights, the target location for affordable housing replacement, proposed by this development. The location is on a major bus corridor and equidistant to the Benning Road Metro Station south of the site and the Minnesota Avenue Metro Station to the west.

B. Housing Linkage

No linkage is required as the new development has a primarily affordable residential component with no discretionary increase in non-residential density than what is permitted under the PUD.

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:

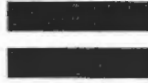
- (f) *The approximate gross floor areas intended for various uses such as retail, office, residential, industrial, and commercial;*
- (g) *The points of ingress and egress that vehicles will use for parking or loading purposes;*
- (h) *The location of off-street parking spaces and their number and size;*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

The submitted plan with this application provides this information attached as required. The proposed development plan submitted to the Zoning Commission (#17-10) included the proposed area dedicated to residential uses, parking and loading, as well as detailed materials landscaping and elevation plans. The applicant will continue to work with DDOT on any conflicts that may be identified with the loading facilities and parking area.

V. 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. The alley closure in this instance would permit a more efficient design with more affordable housing, allow for an improved streetscape with new landscaping and improved stormwater management.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



d. Planning and Sustainability Division

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

From: Jim Sebastian 
Associate Director

Date: November 22, 2017

Subject: S.O. No. 17-26544 – Closing of a Public Alley in Square 5196 (The Strand)

Overview

The Warrenton Group (the “Applicant”) seeks approval to close an approximately 2,040 SF segment of alley (15 feet x 136 feet) within the existing public alley system. The subject alley is located off of Division Avenue NE just south of Nannie Helen Burroughs Avenue NE in Square 5196 and is adjacent to the Strand Theater and the Strand Residences project.

Development Proposal

The alley closing will facilitate the redevelopment of the adjacent property to the north (The Strand Residences). The Applicant proposes a mixed-use development consisting of 86 affordable residential units, 1,400 SF of retail, 1,000 SF of community space, and 20 vehicle parking spaces. The Applicant is currently going through the Zoning Commission approval process for a Consolidated Planned Unit Development (PUD) and Related Map Amendment (ZC Case No. 17-10). The District Department of Transportation (DDOT) participated in the PUD process and did not object to the zoning action or the proposal to close the 15-foot public alley and re-open it as a 15-foot private alley with a public access easement approximately 40 feet to the south along the southern edge of Lot 19.

Vehicular, loading, and bicycle access are proposed via the relocated private alley in compliance with DDOT’s approach to site access. Since trash trucks cannot turnaround in the new private alley or within the Strand Residences site, trash pick-up is planned to occur curbside on Division Avenue NE in a signed “no parking” space just south of the proposed private alley.

Alley Operations

The public alley to be closed is a dead-end stub adjacent to Sargent Memorial Presbyterian Church, The Strand Theater, and several small commercial buildings. The alley currently provides access to the commercial buildings

and the Strand Theater. The church currently does not have access to the alley because a fence is constructed along the property line. The Applicant owns all of the property adjacent to the alley except for the Strand Theater. The newly proposed 15-foot private-alley, with a public access easement, will not preclude access from the church parking lots located to the west and south.

DDOT Assets

There are no DDOT assets currently in the alley segment.

Public Space

In line with District policy and practice, any substantial new building development or renovation is expected to rehabilitate streetscape infrastructure between the curb and the property lines. This includes curb and gutters, street trees and landscaping, street lights, sidewalks, and other appropriate features within the public rights of way bordering the site.

The Applicant has not yet applied for public space permits from DDOT. The Applicant must work closely with DDOT and the Office of Planning to ensure that the design of the public realm meets current standards and will substantially upgrade the appearance and functionality of the streetscape for public users needing to access the property or circulate around it. In conjunction with the District of Columbia Municipal Regulations (DCMR), DDOT's recently released 2017 Design and Engineering Manual (DEM) will serve as the main public realm references for the Applicant. A summary can also be found in DDOT's Public Realm Design Manual. DDOT staff will be available to provide additional guidance during the public space permitting process.

Recommendation

DDOT has no objection to the action on the condition that the Applicant provides a public access easement for the relocated private alley to the south, as shown in Figure 1 below.

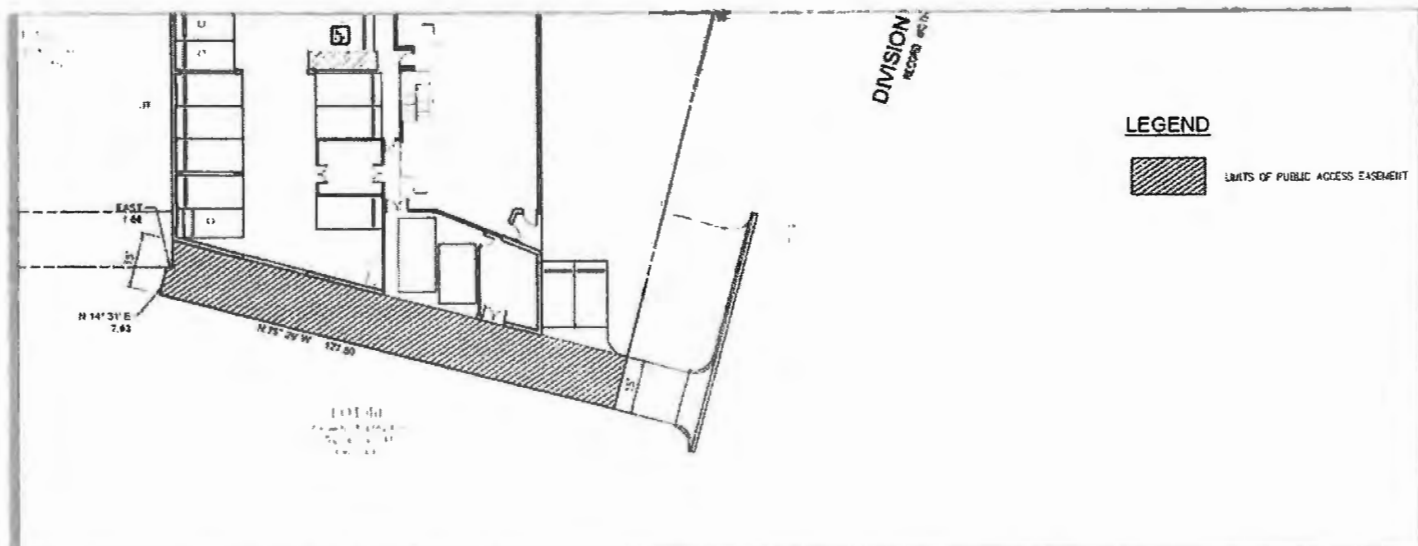


Figure 1 – Public Access Over New Private Alley (Source: Bowman Consulting, Dated September 2017, Received 10/18/17)

JS:az



Delegated Action of the Executive Director

PROJECT Closing of a Partial Public Alley in Square 5196 - S.O. 17-26544 Nannie Helen Burroughs Avenue, NE at Division Avenue, NE Washington, DC	NCPC FILE NUMBER 7897
SUBMITTED BY District of Columbia Department of Consumer and Regulatory Affairs Office of the Surveyor	NCPC MAP FILE NUMBER 81.00(44.40)44585
	ACTION TAKEN Approval of comments to the Council of the District of Columbia
	REVIEW AUTHORITY Advisory Per DC Code § 9-202.02

The District of Columbia Department of Consumer and Regulatory Affairs, Office of the Surveyor, has requested comments to the Council of the District of Columbia regarding the closure of a partial alley at Square 5196 in northeast Washington, DC. The 2,042-square-foot alley is accessed from Division Avenue, NE, and sits between Nannie Helen Burroughs and Deane Avenues, NE. It currently provides public access from Division Avenue, NE to the parking lot for Lot 40, and runs adjacent to Lots 19, 37, 801, 805, and 814. Upon closure, ownership of the alley will revert to these adjacent property owners.

The alley is proposed for closure to accommodate a future mixed use development that would be constructed at the site. The lots that currently require access through this alley would be demolished, and Lots 801 (Strand Theater) and 40 would be retained. The new six-story building would include ground floor retail and community space, and approximately 86 residential one- and two-bedroom units on the upper floors. The site development proposal includes construction of a 1,555-square-foot public alley easement to the south, which would provide needed service access for the Strand Theater and any new uses on the ground floor. The parking lot for Lot 40 would be accessed via an existing curb cut along Nannie Helen Burroughs Avenue, NE.

There are no federal properties near Square 5196 with the potential to be affected by the proposed alley closure, and the alley is not part of the L'Enfant Plan for the city of Washington. Further, NCPC staff has reviewed the materials and finds that the closure is not inconsistent with the Federal Elements of the *Comprehensive Plan for the National Capital*, and will not adversely affect any other federal interests. Since the Commission is advisory in its review of this closure, compliance with the National Environmental Policy Act and National Historic Preservation Act is not required. The Government of the District of Columbia serves as the lead agency in local environmental and historic preservation compliance.

The Coordinating Committee reviewed the proposed alley closure at its August 16, 2017 meeting. The Committee forwarded the proposal to the Commission with the statement that it has been coordinated with all participating agencies. The District Department of Transportation (DDOT) coordinated with the understanding that the new alley at the south end of the site would have a

public access easement, which is indicated by the applicant in the application materials submitted to the Office of the Surveyor. The Coordinating Committee agencies included NCPC, the US General Services Administration; the Washington Metropolitan Area Transit Authority; the National Park Service; the District of Columbia Office of Planning; DDOT; the State Historic Preservation Office; and the District Department of Energy and Environment.

* * *

Pursuant to delegations of authority adopted by the Commission on October 3, 1996 and per DC Code § 9-202.02, I find that the proposed alley closing in Square 5196 would not be inconsistent with the Federal Elements of the *Comprehensive Plan for the National Capital*, nor would it adversely affect any other identified federal interest.

<u>// Original Signed//</u>	<u>August 31, 2017</u>
Marcel Acosta Executive Director	Date

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*
Battalion Fire Chief
FEMS Office of the Fire Marshal

DATE: July 31, 2017

SUBJECT: Surveyor's Office File No. SO 17-26544 Partial Alley Closure Square 5196

This written correspondence is being forwarded to your office to address File No. SO 17-26544 that was submitted to the DCFEMS Office of the Fire Marshal for review. The request involves the closing of a portion of the alley located in Square 5196. The alley closure is being requested to facilitate the development of Lots 19, 37, 805, and 814 in Square 5196 with a new mixed-use building.

Based on my review of this closure request, the following findings are being brought forth: FEMS Office of the Fire Marshal has no objection to this request being approved if the fire code requirements listed hereafter are adhered to for all impacted buildings (existing and to be constructed), Lots and Squares.

Fire Service Features

Section 503 Fire Department Access Roads:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.

503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire chief or his designated representative. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Additional Requirements:

SECTION D104 COMMERCIAL AND INDUSTRIAL

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

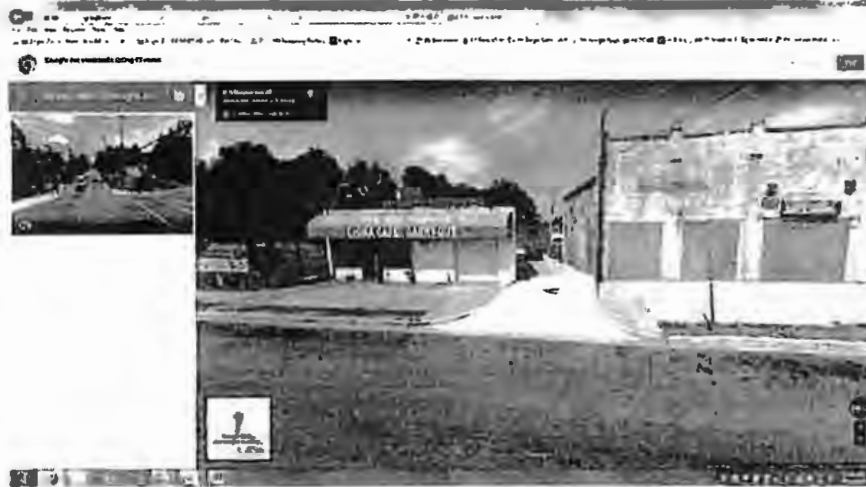
D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

If you have any further questions or concerns relating to this written response, please contact me in my office direct at (202) 727-3292.

Attachments:






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: July 27, 2017

SUBJECT: Department of Housing and Community Development Review comments on
Closing at Square 5196

S.O 17-26544

The Department of Housing and Community Development (DHCD) has review the above referenced ally closing application. DHCD supports, as described below, the requested action specified in the application. We approve of this partial public alley closing at Square 5196. This alley closing will have no effects on our DHCD operation. DHCD support is bases upon the understanding of the information contained in the application.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Public Works



Solid Waste Management Administration

MEMORANDUM

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

FROM: Anthony Duckett *A.D.*
Chief Street & Alley Cleaning Division

SUBJECT: Proposed closing of a Partial Public Alley in Square 5196- SO, 17-26544

Date: August 4th, 2017

The following Alley closing and Easement was investigated for review:

Square 5196- SO, 17-26544

The Department has reviewed the proposed closing, at this time we have no objection to the closing of alley Square- 5196- SO, 17-26544.

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



July 28, 2017

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: Street/Alley Closing Application **S.O. 17-26544**

Dear Mr. Dreist:

The District of Columbia Water and Sewer Authority (DC Water) is in receipt of the application and plat(s) you forwarded to us for comments on **July 20, 2017** regarding **S.O. 17-26544**. DC Water does not currently operate or maintain any facilities located within the subject area. Therefore, as long as surface drainage of the street(s) and alley(s) is accommodated, DC Water has no objections to the proposed street/alley closings requested in **S.O. 17-26544**.

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

Regards,

Kevin Harney
Easement and Covenant Coordinator
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@dewater.com
DC Water - Water is Life!

Network Engineering
OPPE MD/DC



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

July 26th, 2017
Mr. Roland F. Dreist, Jr.
Office of the Surveyor
1100 4th Street SW
Washington, D.C. 20024

RE: Proposed Closing of Alley in Square 5196 S.O. 17-265544

Dear Mr. Dreist:

In reference to your letter dated July 20th, 2017 about Proposed Closing of a Public Alley in Square 5196 S.O 17-26544

Location: Square 5196

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 *KENNY YOUNG*

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



10/272017

**Washington
Gas**

Dear Mr. Gaon

Washington Gas has no objections to S.O. 17-26544 and S.O. 17-21054. Please proceed.

Sincerely,

Reggie Dyer Jr, GISP, MBA
Washington Gas
Records Supervisor
Survey and Land Rights



**Washington
Gas**

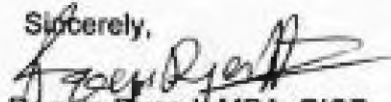
February 12th, 2018

Re: Alley closing in Square 5196 (SO# 17-26544)

Mr. Roland Driest,

Washington Gas has no objections to this alley closing.

Sincerely,



Reggie Dyer Jr MBA, GISP
Washington Gas Records
Supervisor Admin Manager
Survey and Land Rights

Distribution Engineering
District of Columbia
3400 Benning Road, NE
Washington, DC 20019
Fax: (202) 388-2721

pepco.com

February 2, 2018

Mr. Roland F. Dreist, Jr.
Government of the District of Columbia
Department of Consumer and Regulatory Affairs
1100 4th Street, SW
3rd Floor
Washington, DC 20024

Dear Mr. Dreist:

Subject: Proposed Closing of Public Alley in Square 5196 - S.O. 17-26544

In response to Holland & Knight's request January 31, 2018 concerning the subject proposed alley closing, we comment as follows:

We have reviewed the document showing the proposed alley closing and we have determined that Pepco does not have any facilities in the alley to be closed. However, there are DC alley lights in the alley. The alley is bounded to the north by Nannie Helen Burroughs Avenue, to the east by Division Avenue and to the south by Deane Avenue, NE. Therefore, Pepco has no objection to the proposed closing of the portion of the alley in Square 5624.

If you have any question about Pepco's facilities, please call me on (202) 388-2602 or contact by e-mail at rcbrown@pepco.com.

Sincerely,

Robert C. Brown

Robert C. Brown
Supervisor Designers
Liaison Engineering – DC

**Government of the District of Columbia
Advisory Neighborhood Commission 7C
4651 Nannie Helen Burroughs Avenue, NE, Suite 2
Washington, DC 20019**

July 12, 2017

Zoning Commission for the
District of Columbia
441 4th Street, NW, Suite 200S
Washington, DC 20001

Office of the Surveyor for the
District of Columbia
1100 4th Street, SW
Washington, DC 20024

**RE: The Warrenton Group
ZC Case No. 17-10 / Strand Residences PUD and Related Map Amendment
S.O. 05785 / Alley Closing in Square 5196**

To Whom It May Concern:

At its regularly scheduled and properly noticed meeting on June 8, 2017, Advisory Neighborhood Commission (“ANC”) 7C considered the above-referenced applications necessary to facilitate the redevelopment of the property located at the southwest corner of the intersection of Nannie Helen Burroughs and Division Avenues, NE, adjacent to the Strand Theater (the “Property”). ANC 7C voted 6-0-1 to support the applications.

The Warrenton Group proposes to redevelop the Property with a six-story apartment house that will contain approximately 86 units for households not exceeding 60% of the median family income (“MFI”). The density for the PUD will be approximately 4.61 FAR; the maximum building height will be 68’. The building will have 17 parking spaces.

The proposed development, which includes the restoration of the historic Strand Theater, is critical to the revitalization of the neighborhood. Also, the scale and density of the proposed building is compatible with the surrounding neighborhood. Finally, the project benefits and amenities, which include 28 replacement units for Lincoln Heights and Richardson Dwellings, are commensurate with the development flexibility achieved for the subject property through the PUD process.

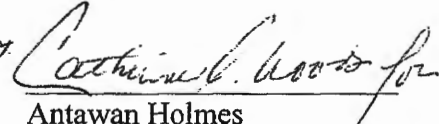
The alley to be closed has a land area of approximately 2,042 square feet and is unnecessary for alley purposes. The proposed alley closing will not disrupt the public alley system and will not interfere with access to or from any other development in the Square, particularly because the Applicant proposes to dedicate a public alley easement measuring 103 feet, 8 inches by 15 feet (approximately 1,555 square feet) extending from Division Avenue. In addition, access to the Sargent Memorial Presbyterian Church, the only other property abutting the alley to be closed, is currently provided via an existing curb cut along Nannie Helen Burroughs Avenue and not the alley to be closed.

ZC Case No. 17-10
S.O. 05785
July 12, 2017

In light of the foregoing, ANC 7C urges the approval of (1) ZC Case No. 17-10, seeking approval of a PUD and related map amendment on the Property; and (2) the alley closing under S.O. 05785, which is necessary to facilitate the proposed development.

Sincerely,

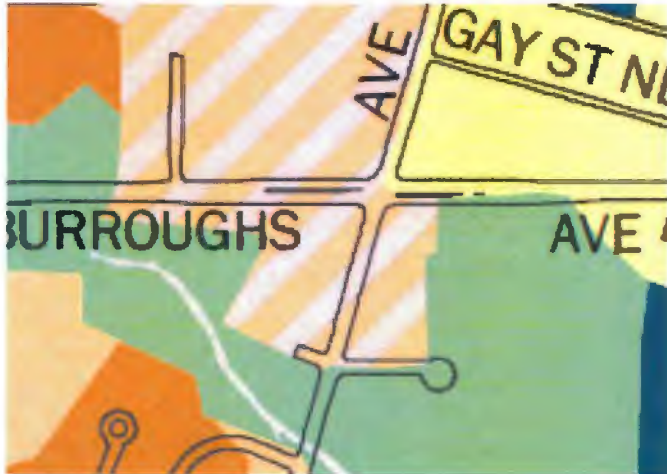
ADVISORY NEIGHBORHOOD
COMMISSION 7C

* 

Antawan Holmes
Chairperson

* 

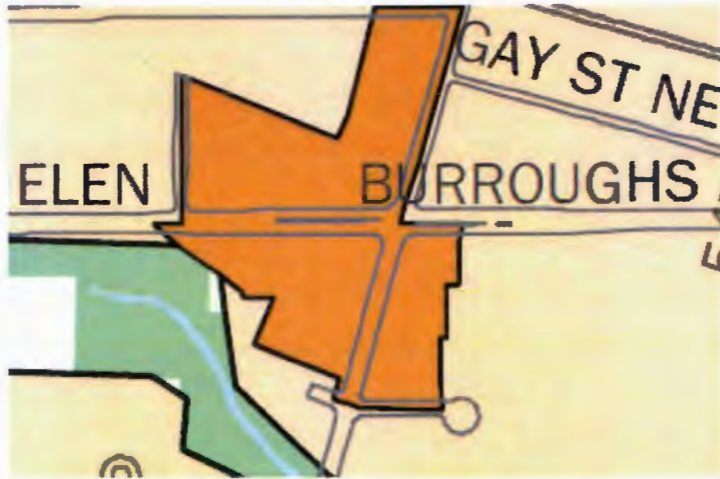
Future Land Use Map







-  Low Density Residential
-  Moderate Density Residential
-  Medium Density Residential
-  High Density Residential
-  Low Density Commercial
-  Moderate Density Commercial
-  Medium Density Commercial
-  High Density Commercial
-  Production, Distribution, and Repair
-  Federal
-  Local Public Facilities
-  Institutional
-  Parks, Recreation, and Open Space
-  Mixed Land Use
-  WATER



Generalized Policy Map





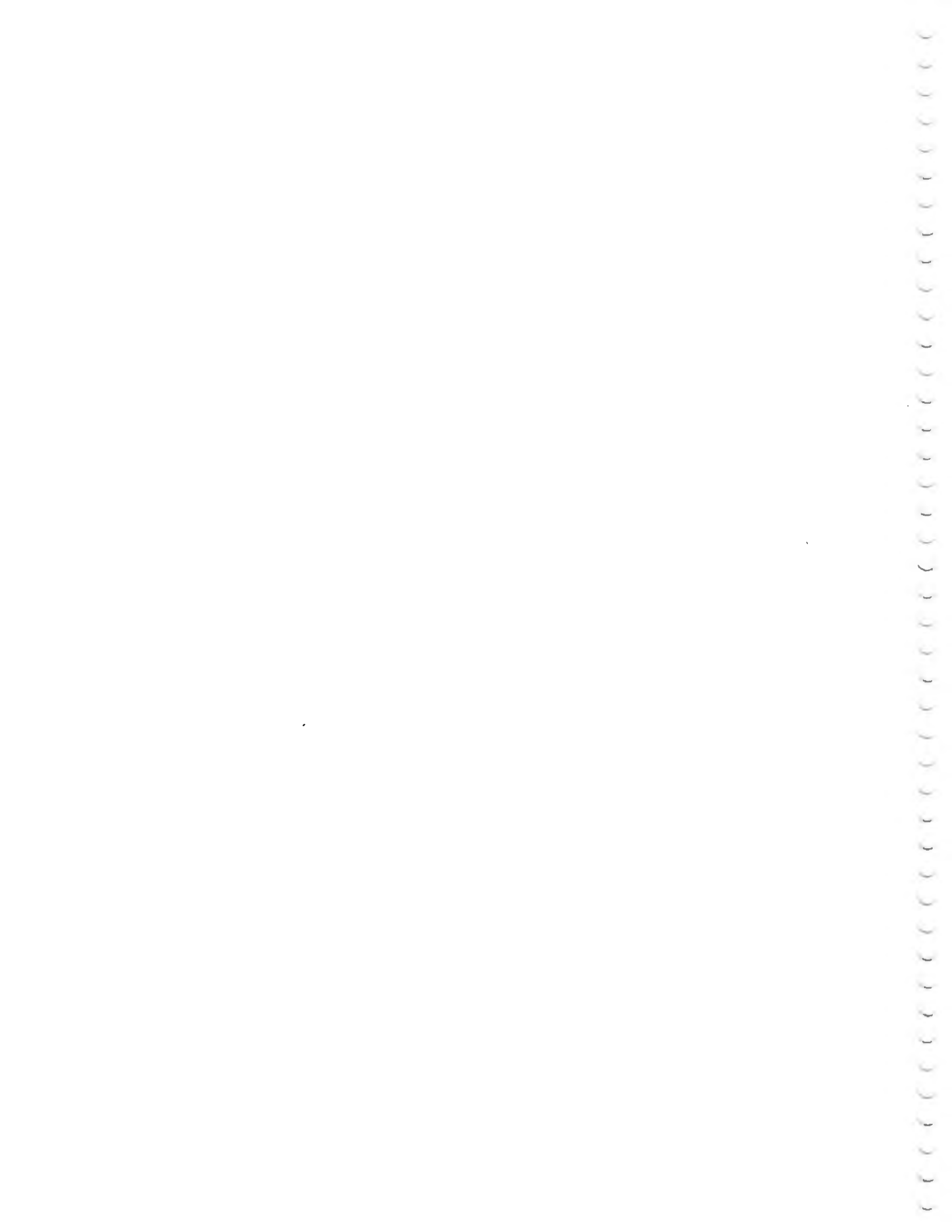
-  Neighborhood Conservation Areas
-  Neighborhood Enhancement Areas
-  Land Use Change Areas
-  Land Use Change Areas (Federal)

Commercial/ Mixed Use Areas

-  Main Street Mixed Use Corridors
-  Neighborhood Commercial Centers
-  Enhanced/New Neighborhood Centers
-  Multi-Neighborhood Centers
-  Enhanced/New Multi-Neighborhood Centers
-  Regional Centers
-  Central Employment Area

Other Map Elements

-  Federal Lands
-  Central Washington
-  Institutional Uses
-  Parks - Federal and District-owned
-  Water Bodies



COMPLIANCE WITH THE COMPREHENSIVE PLAN

The PUD advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The Project promotes the social, physical, and economic development of the District through the provision of a high-quality residential development with ground floor retail on the Property, without generating any adverse impacts. The Project will create new neighborhood serving retail opportunities to meet the demand for basic goods and services, and will promote the vitality, diversity, and economic development of the surrounding area. Moreover, the Project will create new jobs for District residents, provide public health benefits that achieve community goals, and will help to improve the surrounding neighborhood.

A. Purposes of the Comprehensive Plan

The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents and, accordingly, influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. *D.C. Code §1-245(b)*.

The Project significantly advances these purposes by promoting the social, physical and economic development of the District through the provision of a high quality, mixed use development with ground floor retail and community space, without generating any adverse impacts.

B. Future Land Use Map – Moderate Density Residential/Low Density Commercial

The Future Land Use Map of the Comprehensive Plan designates the Property for Mixed Use Moderate Density Residential and Low Density Commercial. As described in the Framework Element of the Comprehensive Plan, the Moderate Density Residential category is:

used to define the District's row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone Districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations.

10A DCMR § 225.4. The Low Density Commercial category is:

used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding Zone districts are generally C-1 and C-2-A, although other districts may apply.

The Framework Element of the Comprehensive Plan provides that the Land Use Map is not a zoning map. *See 10A DCMR § 226.1(a); see also Z.C. Order No. 11-13; Z.C. Order No. 10-28.* Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. *Id.* By definition, the Map is to be interpreted broadly. *Id.* Furthermore, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. The granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here. *Id. at § 226.1(c).*

In connection with the PUD approval, the Applicant requested a map amendment for the Property from the MU-3 to MU-5-A zone, which is consistent with the Comprehensive Plan's designation of the Property, particularly given the fact that the MU-5-A (previously, the C-2-B Zone) is specifically identified as a corresponding zone district.

C. Lincoln Heights & Richard Dwellings New Communities Initiative Revitalization Plan

The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved small area plans. *Id. at § 266.1(d).* *The New Communities Initiative Revitalization Plan (page 39)* specifically recommends that the Property be rezoned to the C-2-B District, which corresponds to the MU-5-A Zone under the Zoning Regulations of 2016. *The New Communities Initiative Revitalization Plan* also specifically recommends that the Property be redeveloped as part of the "Town Center" and depicts the redevelopment of the Property with a five-story building and ground floor retail. Thus, when taken in context with the surrounding neighborhood, the rezoning of the Property from the MU-3 Zone to the MU-5-A Zone is consistent with the objectives of the *New Communities Initiative Revitalization Plan*.

D. Generalized Policy Map – Main Street Mixed-Use Corridor

The Generalized Policy Map of the Comprehensive Plan designates the Property as a Main Street Mixed Use Corridor. Main Street Mixed Use Corridors are:

are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional

storefronts. Many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.

10A DCMR § 223.14.

The PUD will help implement the policies embodied in the Generalized Policy Map by strengthening the Nannie Helen Burroughs / Division Avenue Main Street Corridor through the redevelopment of underutilized and blighted parcels into an active and productive use. Redevelopment of the Property will benefit the existing businesses in the neighborhood and the District, generally. Furthermore, redevelopment of the Property will result in improvements to the public realm adjacent to the Property, thus improving pedestrian circulation along this portion of Division Avenue.

E. Compliance with Guiding Principles of the Comprehensive Plan

The PUD is consistent with the guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as set-forth in the Comprehensive Plan.

1. Managing Growth and Change. In order to manage growth and change in the District, the Comprehensive Plan encourages diversity and asserts that the District “cannot sustain itself by only attracting small, affluent households. To retain residents and attract a diverse population, the city should provide services that support families [and prioritize] sustaining and prompting safe neighborhoods... and housing for families.” *10A DCMR § 217.2.* Diversity also means maintaining and enhancing the District’s mix of housing types... [with] housing developed for households of different sizes, including growing families as well as singles and couples.” *10A DCMR § 217.3.* The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. *10A DCMR § 217.6.* The PUD is fully consistent with each of these goals since the PUD results in redevelopment of the Property into a vibrant, mixed use, mixed income development.

2. Creating Successful Neighborhoods. One of the guiding principles for creating successful neighborhoods is to protect, maintain, and improve residential neighborhoods. *10A DCMR § 218.1.* The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. *10A DCMR § 218.3.* Public input in decisions about land use and development is an essential part of creating successful neighborhoods, from development of the Comprehensive Plan, to implementation of the Plan's elements. *10A DCMR § 218.8.* The PUD furthers these goals because it will simultaneously protect and improve the existing residential neighborhood while producing new affordable housing on a vacant site. The Applicant has engaged neighborhood stakeholders, and will continue to do so, to ensure that redevelopment of the site creates a positive impact on the neighborhood.

3. Building Green and Healthy Communities. One of the guiding principles for building green and healthy communities is that building construction and renovation should minimize the

use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. *10A DCMR § 221.3*. The PUD will meet the requirements of the *Enterprise Green Communities* standard for residential buildings. The PUD will employ environmentally sustainable strategies as called for in the Green Communities standard such as: high efficiency mechanical systems, lighting, and windows; low flow plumbing systems; and energy star appliances; low emitting and recycled construction materials; and an extensive green roof and courtyard.

F. Land Use Element

For the reasons discussed above, the PUD supports the following policies of the Land Use Element of the Comprehensive Plan:

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods. In designing the PUD, and consistent with this policy element, the Applicant has sought to balance the housing supply in the area and expand neighborhood commerce with the parallel goals of protecting the neighborhood character and restoring the environment.

Policy LU-2.2.4: Neighborhood Beautification. Policy LU-2.2.4 encourages PUDs to improve the visual quality of the District's neighborhoods. The development of the Property along with the restoration and reuse of the Historic Strand Theater will be a major improvement to its current condition.

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods. Consistent with this policy element, the PUD will increase housing supply, protect the neighborhood character, and restore the environment. The PUD achieves this policy's goal of "creating successful neighborhoods" through the redevelopment of the Property, including the historic Strand Theater.

G. Transportation Element

The overarching goal of the Transportation Element is to create a safe, sustainable, efficient and multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents. *See 10A DCMR § 401.1*. The PUD is uniquely situated to help further several policies and actions of the Transportation Element of the Comprehensive Plan as follows:

Policy T-2.3.3: Bicycle Safety and Action T-2.3-A: Bicycle Facilities. This element encourages new developments to include bicycle facilities. The Applicant proposes to provide secure long term and short term indoor bicycle parking as an amenities that will accommodate and encourage bicycle use.

Policy T-3.1: Transportation Demand Management. The primary purpose of a TDM plan is to reduce the number of vehicles using the road system while providing a variety of mobility options to those who wish to travel. The Property is well served by several Metrobus routes,

including six routes within 0.2 miles of the Property. The Applicant's TDM Plan encourages residents and visitors to use public transportation and bicycle options in the area.

H. 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." *10A DCMR § 501.1*. The PUD will help achieve this goal by advancing the policies discussed below.

Policy H-1.1.3: Balanced Growth. In furtherance of this policy, the Applicant proposes to develop new housing on vacant and underutilized land. The housing will help the city meet its long-term housing needs, including the need for more affordable housing.

Policy H-1.1.5: Housing Quality. The PUD will generate approximately 86 residential units in a new environmentally-conscience building that respects the design of the surrounding neighborhood.

Policy H-1.2.1: Affordable Housing as a Civic Priority. The PUD is consistent with the primary goal of Policy H-1.2.1 of increasing the production of housing for low and moderate income households.

Policy H-1.3.1: Housing for Families. The PUD supports Policy H-1.3.1 by providing 14 new 2-bedroom units, which can accommodate families with children.

Policy H-1.4.4: Public Housing Renovation. Redevelopment of the Property will establish a community that incorporates 28 new replacement units for Lincoln Heights and Richardson Dwellings.

H. 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 that include the following:

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.

Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff: Promotes an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction.

I. Economic Development Element

The Economic Development element addresses the future of the District's economy and the creation of economic opportunity for current and future District Residents. *10A DCMR § 700.1*. The PUD will help achieve this goal by advancing the policies discussed below.

Policy ED-3.2.1: Small Business Retention and Growth: Encourages the retention, development, and growth of small and minority businesses through a range of District-sponsored technical and financial assistance programs.

Policy ED-4.2.12: Local Hiring Incentives: Has a stated goal of maintain requirements for resident job training and placement for PUDs built and/or operated with any form of public subsidy/loan, grant or other incentives.

The Applicant has entered into First Source Employment Agreement and CBE Agreement. The First Source Employment Agreement Act of 1984, requires that District residents are given priority for new jobs created by municipal financing and development programs. The CBE Agreement ensures that a preference is made to District-based firms pursuing District government issued procurement opportunities.

J. 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.

10A DCMR § 901.1. In keeping with this objective, the Applicant designed the PUD to integrate with the character of the surrounding and the adjacent Strand Theater. Additionally, the development will bring new residents to this section of the Nannie Helen Burroughs corridor, creating more eyes on the street and enhancing safety. These aspects of the development promote Policy UD-2.2.1: Neighborhood Character and Identity; Policy UD-2.2.7: Infill Development; Policy UD-3.2.5: Reducing Crime Through Design.

K. Infrastructure Element

The Infrastructure Element provides policies and actions on the District's water, sanitary sewer, stormwater, solid waste management, energy, and telecommunication systems. 10A DCMR § 1300.1. The overarching goal for infrastructure is to provide high-quality, efficiently managed and maintained, and properly funded infrastructure to serve existing development, as well as future change and growth. *10A DCMR § 1301.1*. The PUD will help achieve this goal by advancing the policies discussed below.

Policy IN-1.2: Modernizing Water Infrastructure: In conjunction with WASA, the District must consider the impacts of new development and ensure that water infrastructure will be able to meet future demand. Planned improvements to the water system involve normal maintenance to replace aging water distribution mains and small diameter pipes, and upgrades to keep pace with population growth and new development. This may also include the addition of new water storage facilities, increasing the capacity of certain water mains, and upgrading pump stations.

Policy IN-2.1.1: Improving Wastewater Collection: Provides for the safe and efficient collection of wastewater generated by the households and businesses of the District. Ensure that new development does not exacerbate wastewater system deficiencies, and instead supports improved system efficiency and reliability.

Policy IN-6.1.3: Developer Contributions: Requires that private developers fund the necessary relocation or upgrading of existing utilities to address limitations with existing infrastructure on or adjacent to proposed development sites. For necessary upgrades to water and wastewater infrastructure, developers should contribute to the cost of extending utilities to the PUD site or upgrading existing utilities to the specifications necessary for their proposed PUD.

The Applicant will be required to coordinate with all applicable public utilities and District agencies during the permitting process, including DC Water, to ensure that adequate services will be available for the existing and new uses. The Applicant will also pay any required costs/fees associated with securing required utility permits for the PUD. As a result, the PUD is not inconsistent with the Infrastructure Element.

L. Far Northeast and Southeast Area Element

The Property is located within the Far Northeast & Southeast Area Element of the Comprehensive Plan. Far Northeast and Southeast is known for its stable, attractive neighborhoods and its diverse mix of housing. *10A DCMR § 1700.2*. Planning and development priorities in the Far Northeast and Southeast Area include providing a variety of new housing choices. *10A DCMR § 1707.2*. The PUD is consistent with a number of specific policies as well, including Policy FNS-1.1.2: Development of New Housing and Policy FNS-1.1.3: Directing Growth.

Warren Williams
The Warrenton Group

Outline of Testimony

- I. Introduction
- II. Summary and History of the Project
- III. Work with the Community and the District
- IV. Conclusion

Erwin Andres
Gorove/Slade Associates

Outline of Testimony

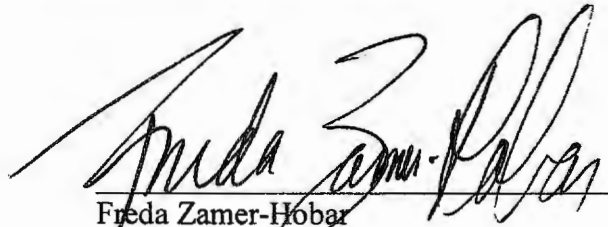
- I. Introduction
- II. Review of Circulation and Access
- III. Parking and Loading
- IV. Conclusion

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

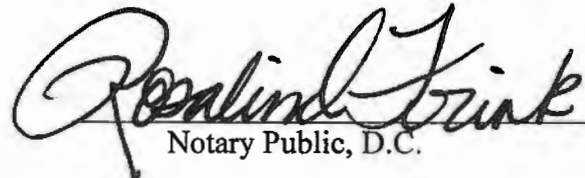
In re: S.O. 17-26544 (Alley Closing in Square 5196)
Bill #22-412

AFFIDAVIT OF POSTING FOR PROPOSED ALLEY CLOSING

I, Freda Zamer-Hobar, on January 9, 2018 personally posted 2 public hearing notice signs furnished by the Office of the Surveyor indicating the date, time and location of the public hearing at each street frontage in Square 5196. Photographs of the signs have been taken for the record and are attached as Exhibit A.


Freda Zamer-Hobar
Holland & Knight, LLP

Subscribed and sworn to before me this 9th day of January, 2018.


Rosalind Frink
Notary Public, D.C.

My commission expires

Feb. 14, 2022

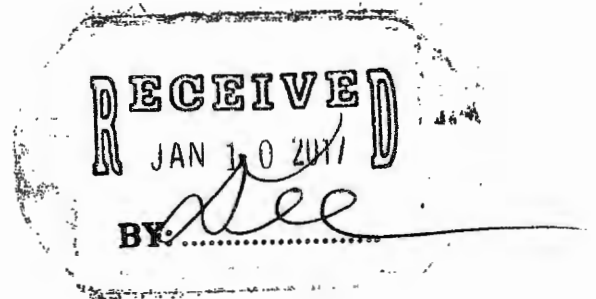


EXHIBIT A

TIME: 10:45 AM

LOCATION: DIVISION AVENUE, N.E.

PUBLIC HEARING NOTICE

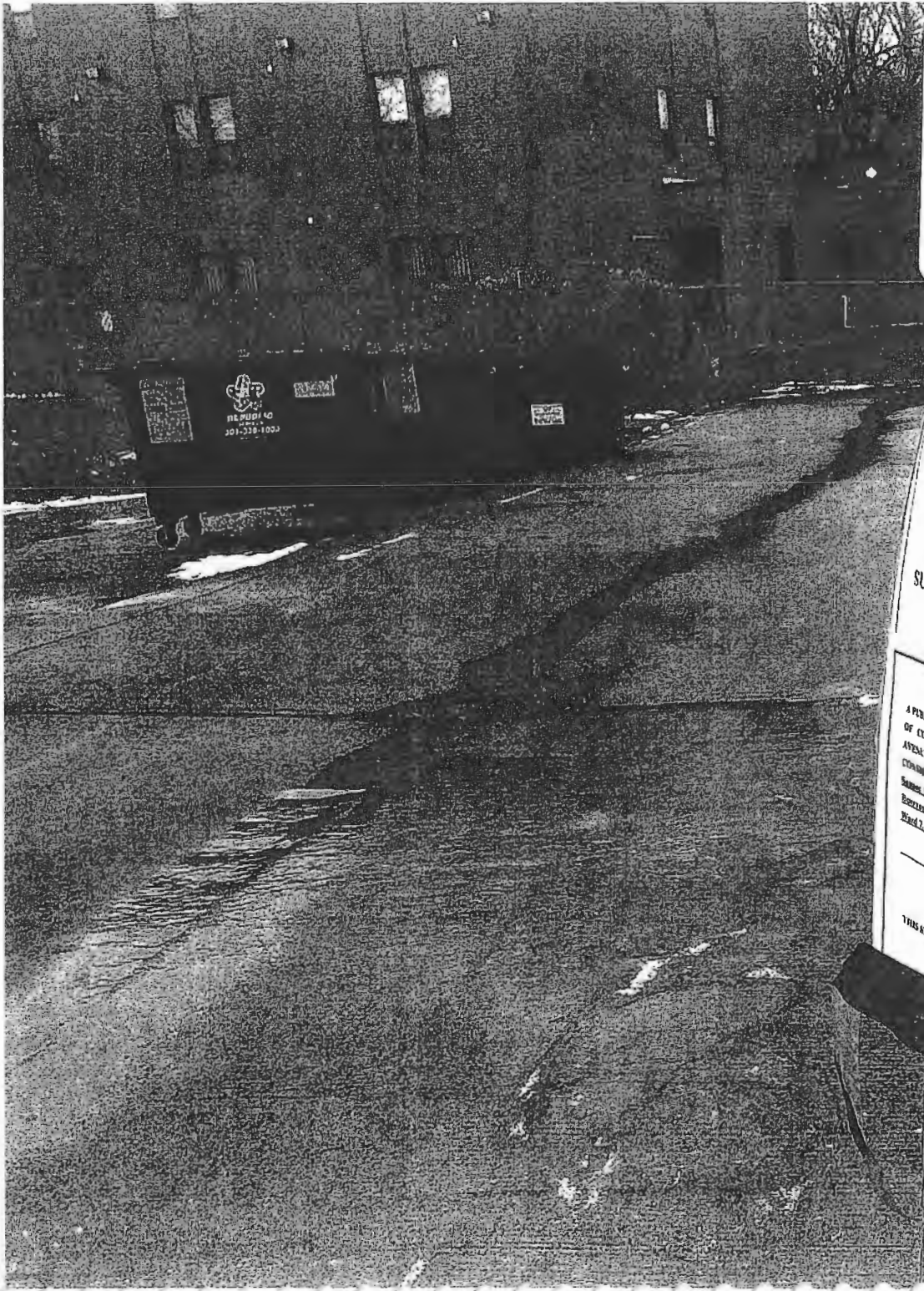
SURVEYOR'S OFFICE APPLICATION
NO. S.O. 17-26544

A PUBLIC HEARING WILL BE HELD BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, JOHN A. WILSON BUILDING, 1350 PENNSYLVANIA AVENUE, N.W., ROOM 120 ON Thursday, February 1, 2018 AT 9:30 a.m., TO CONSIDER A PROPOSAL for the proposed closing of a public alley system in Square 506, abutting Lots 19, 37, 805 and 814 and bounded by Nannie Helen Burroughs Avenue, Northeast and Division Avenue, Northeast Washington, D.C. in Ward 5. OH No. 22-412.

FOR FURTHER INFORMATION CALL 724-8050

THIS SIGN SHALL NOT BE REMOVED,
DEFACED OR DESTROYED UNDER PENALTY
OF THE LAW.

THIS SIGN IS POSTED PURSUANT TO SEC. 9-202.06, D.C. OFFICIAL CODE,
2001 ED.



TIME: 11:15 AM
LOCATION: NANNIE HELEN BURROUGHS
AVENUE, N.E.

PUBLIC HEARING NOTICE

SURVEYOR'S OFFICE APPLICATION
NO. S.O. 17-26544

A PUBLIC HEARING WILL BE HELD BY THE COUNCIL OF THE DISTRICT
OF COLUMBIA, JOHN A. WILSON BUILDING, 1350 PENNSYLVANIA
AVENUE, N.W., ROOM 130 ON Thursday, February 1, 2018 AT 9:30 a.m., TO
CONSIDER A PROPOSAL for the proposed closing of a public alley system in
Block 4186, Lots 19, 37, 805 and 814 and bounded by Nannie Helen
Burroughs Avenue, Northeast and Division Avenue, Northeast Washington, D.C. in
Word 7, 811 Co. 32-422.

FOR FURTHER INFORMATION CALL 724-8090

THIS SIGN SHALL NOT BE REMOVED,
DEFACED OR DESTROYED UNDER PENALTY
OF THE LAW.

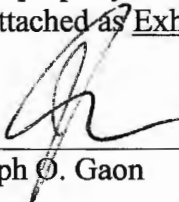
THIS SIGN IS POSTED PURSUANT TO SEC. 9-202.06, D.C. OFFICIAL CODE,
2001 ED.

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

In re: S.O. 17-26544 (Closing of a Public Alley in Square 5196)
Bill 22-0412

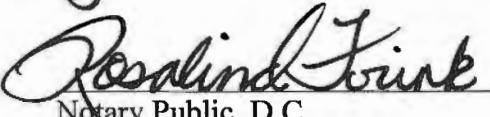
AFFIDAVIT OF NOTICE FOR PROPOSED ALLEY CLOSING

I, Joseph O. Gaon, have caused written notice of the Council's intent to consider the proposed legislation for the closing of a portion of the public alley system in Square 5196 to be mailed on January 22, 2018, by U.S. Mail to all the owners of the property abutting the alleys to be closed in Square 5196. A proof of mailing to each owner is attached as Exhibit A. A copy of the written notice is attached as Exhibit B.



Joseph O. Gaon

Subscribed and sworn to me this 23rd day of January, 2018.



Rosalind C. Frink
Notary Public, D.C.

My commission expires:

Feb. 14, 2022

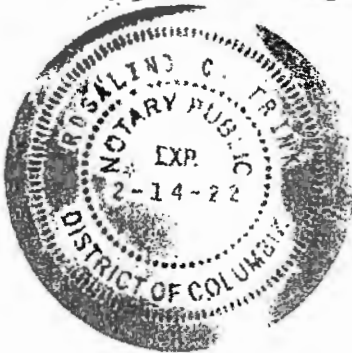


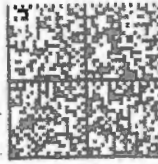
EXHIBIT A
PROOF OF MAILING



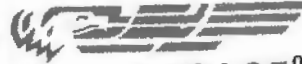
This Certificate of Mailing provides evidence that mail has been sent. This form may be used for domestic and international mail.

From:

- Leila Batties
- Holland & Knight
- 800 17th Street, NW, Suite 1100
- Washington, DC 20006



U.S. POSTAGE >>> PITNEY BOWES



ZIP 20006 \$ 001.35⁰
02 4W
0000341770 JAN 22 2018

To:

- Sargent Memorial Presbyterian Church
- 5109 Nannie Helen Burroughs
- Washington, DC 20019

Postmark Here 002

EXHIBIT B
MEMORANDUM TO PROPERTY OWNERS

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

MEMORANDUM

VIA US MAIL

Date: January 22, 2018

To: Property Owners in Square 5196

From: Holland & Knight, LLP

Re: Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2017

Pursuant to the Street and Alley Closing Acquisition Procedures Act, D.C. Code Section 9-201, *et seq.*, an application to close a portion of the public alley system in Square 5196 has been filed with the Office of the Surveyor. Square 5196 is bounded by Nannie Helen Burroughs Avenue to the north, Division Avenue to the east, and Marvin Gaye Park to west, in Ward 7. A plat showing the portions of the alley system to be closed is attached.

This notice is sent to you pursuant to D.C. Code Section 9-202.06. The Committee of the Whole of the District of Columbia City Council will hold a public hearing on February 1, 2018, at 10:30 a.m., John A. Wilson Building, Hearing Room 412, 1350 Pennsylvania Avenue, N.W., to consider Bill 22-0412, which would order the closing of the above-referenced alleys. A copy of the Notice of Hearing is also attached.

If you have any questions concerning this matter, please do not hesitate to call Holland & Knight at (202) 955-3000 or the Committee of the Whole, Council of the District of Columbia at (202) 724-8196.

PUBLIC ALLEY CLOSED SQUARE 5196

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

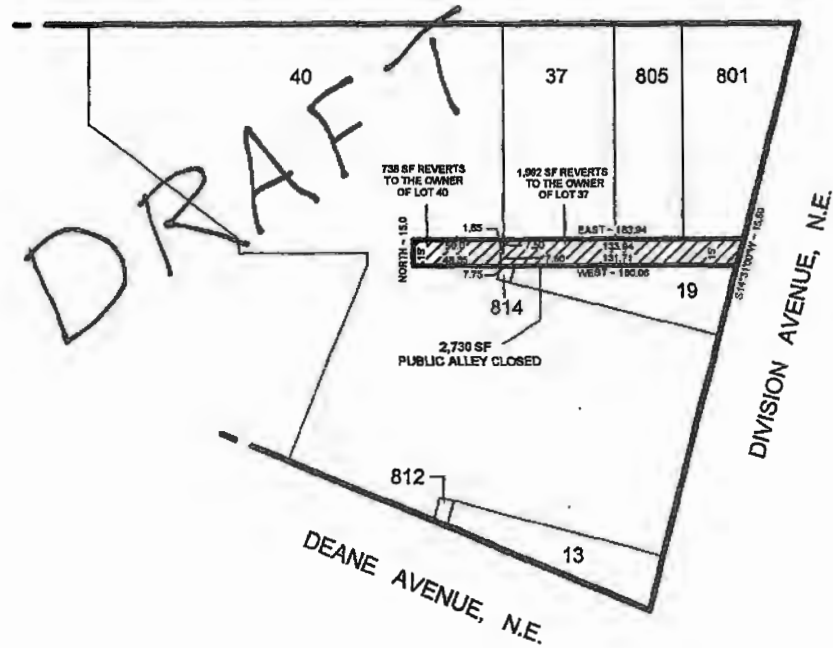
OFFICE OF THE SURVEYOR, D.C.

_____, 2017

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.

NANNIE HELEN BURROUGHS AVENUE, N.E.



SURVEYOR'S OFFICE, D.C.

Made for: ~~HOLLAND & KNIGHT~~

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

Record and computations by: ~~B. MYERS~~

Recorded at: _____

Recorded in Book _____ Page _____ 2R-17-05768

Scale: 1 inch = 50 feet

File No. 17-00544

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

**Bill 22-328, Closing of a Public Alley in Square 748, S.O. 16-21105, Act of 2017
Bill 22-412, Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2017**

And

Bill 22-555, Closing of a Public Alley in Square 211, S.O. 17-26363, Act of 2017

on

**Thursday, February 1, 2018
9:30 a.m., Hearing Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 22-328**, the "Closing of a Public Alley in Square 748, S.O. 16-21105, Act of 2017", **Bill 22-412**, the "Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2017" and **Bill 22-555**, the "Closing of a Public Alley in Square 211, S.O. 17-26363, Act of 2017." The hearing will be held at 9:30 a.m. on **Thursday, February 1, 2018** in Hearing Room 120 of the John A. Wilson Building.

The stated purpose of **Bill 22-328** is to order the closing of a portion of the public alley system in Square 748, bounded by 3rd Street, Northeast, L Street, Northeast, M Street Northeast, 2nd street, Northeast and Delaware Avenue, Northeast Washington, D.C. in Ward 6. The stated purpose of **Bill 22-412** is to order the closing of a public alley system in Square 5196, abutting Lots 19, 37, 805, and 814, and bounded by Nannie Helen Burroughs Avenue, Northeast and Division Avenue, Northeast Washington, D.C. in Ward 7. The stated purpose of **Bill 22-555** is to order the closing of a portion of the public alley in Square 221, abutting lots 810 and 800 bounded by Pennsylvania Avenue, 15th Street, H Street, and Madison Place Northwest. The alley is located in Ward 2.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Randi Powell, Legislative Policy Advisor at (202) 724-8092, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Tuesday, January 30, 2018**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Wednesday January 31, 2018 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, February 15, 2018.



STRAND RESIDENCES

5119-5127 NANNIE HELEN BURROUGHS AVE., NE & 612 DIVISION AVE., NE, WASHINGTON DC

DRAWING INDEX- ARCHITECTURAL

Sheet Number	Sheet Name
A-00	COVER
A-01	GENERAL CHART
A-02	PURPOSE LAND USE MAP
A-03	SCENIC AREA MAP
A-04	COMMUNITY INFRASTRUCTURE USE PLAN
A-05	TRANSPORTATION ACCESS
A-06	COURTYARD SPECIFIC
A-07	GRID LOT AREA PLAN
A-08	SITE CALCULATION DIAGRAMS
A-09	SITE PLAN / UNIMPOSED FLOOR PLAN
A-10	SECOND FLOOR PLAN
A-11	THIRD TO SIXTH FLOOR PLAN
A-12	MESH PLAN
A-13	UPPER FLOOR ELEVATIONS
A-14	NORTH ELEVATION
A-15	SOUTH ELEVATION
A-16	EAST ELEVATION
A-17	WEST ELEVATION
A-18	NORTH ELEVATION
A-19	SOUTH ELEVATION
A-20	EAST ELEVATION
A-21	WEST ELEVATION
A-22	FLOOR SECTIONS
A-23	BUILDING SECTIONS
A-24	SECTIONAL CUTTING NORTH ELEVATION
A-25	SECTIONAL CUTTING SOUTH ELEVATION
A-26	SECTIONAL CUTTING EAST ELEVATION
A-27	SECTIONAL CUTTING WEST ELEVATION
A-28	SECTIONAL CUTTING NORTH ELEVATION
A-29	SECTIONAL CUTTING SOUTH ELEVATION
A-30	SECTIONAL CUTTING EAST ELEVATION
A-31	SECTIONAL CUTTING WEST ELEVATION
A-32	FINISH SCHEDULE
A-33	FINISH SCHEDULE DETAILS
A-34	FINISH SCHEDULE DETAILS
A-35	QUALITY CONTROL CHECKLIST

DRAWING INDEX - CIVIL

Sheet Number	Sheet Name
C-00	COVER SHEET
C-01	GENERAL NOTES
C-02	PROPOSED CONSTRUCTION PLAN
C-03	PROPOSED AND EXISTING CONTROL PLAN
C-04	Utilities
C-05	UTIL PLAN
C-06	UTIL PLAN
C-07	UTIL PLAN
C-08	UTIL PLAN
C-09	UTIL PLAN
C-10	UTIL PLAN
C-11	UTIL PLAN
C-12	UTIL PLAN
C-13	UTIL PLAN
C-14	UTIL PLAN
C-15	UTIL PLAN
C-16	UTIL PLAN
C-17	UTIL PLAN
C-18	UTIL PLAN
C-19	UTIL PLAN
C-20	UTIL PLAN
C-21	UTIL PLAN
C-22	UTIL PLAN
C-23	UTIL PLAN
C-24	UTIL PLAN
C-25	UTIL PLAN
C-26	UTIL PLAN
C-27	UTIL PLAN
C-28	UTIL PLAN
C-29	UTIL PLAN
C-30	UTIL PLAN
C-31	UTIL PLAN
C-32	UTIL PLAN
C-33	UTIL PLAN
C-34	UTIL PLAN
C-35	UTIL PLAN
C-36	UTIL PLAN
C-37	UTIL PLAN
C-38	UTIL PLAN
C-39	UTIL PLAN
C-40	UTIL PLAN
C-41	UTIL PLAN
C-42	UTIL PLAN
C-43	UTIL PLAN
C-44	UTIL PLAN
C-45	UTIL PLAN
C-46	UTIL PLAN
C-47	UTIL PLAN
C-48	UTIL PLAN
C-49	UTIL PLAN
C-50	UTIL PLAN
C-51	UTIL PLAN
C-52	UTIL PLAN
C-53	UTIL PLAN
C-54	UTIL PLAN
C-55	UTIL PLAN
C-56	UTIL PLAN
C-57	UTIL PLAN
C-58	UTIL PLAN
C-59	UTIL PLAN
C-60	UTIL PLAN
C-61	UTIL PLAN
C-62	UTIL PLAN
C-63	UTIL PLAN
C-64	UTIL PLAN
C-65	UTIL PLAN
C-66	UTIL PLAN
C-67	UTIL PLAN
C-68	UTIL PLAN
C-69	UTIL PLAN
C-70	UTIL PLAN
C-71	UTIL PLAN
C-72	UTIL PLAN
C-73	UTIL PLAN
C-74	UTIL PLAN
C-75	UTIL PLAN
C-76	UTIL PLAN
C-77	UTIL PLAN
C-78	UTIL PLAN
C-79	UTIL PLAN
C-80	UTIL PLAN
C-81	UTIL PLAN
C-82	UTIL PLAN
C-83	UTIL PLAN
C-84	UTIL PLAN
C-85	UTIL PLAN
C-86	UTIL PLAN
C-87	UTIL PLAN
C-88	UTIL PLAN
C-89	UTIL PLAN
C-90	UTIL PLAN
C-91	UTIL PLAN
C-92	UTIL PLAN
C-93	UTIL PLAN
C-94	UTIL PLAN
C-95	UTIL PLAN
C-96	UTIL PLAN
C-97	UTIL PLAN
C-98	UTIL PLAN
C-99	UTIL PLAN
C-100	UTIL PLAN

DRAWING INDEX - LANDSCAPE

Sheet Number	Sheet Name
L-00	PRELIMINARY GREEN ARCHITECTURE PLAN

THE STRAND RESIDENCES

5119-5127 NANNIE HELEN BURROUGHS AVE NE & 612 DIVISION AVE NE WASHINGTON DC



PGN ARCHITECTS PLLC
210 7th Street SE - Suite 201
Washington, DC 20003
202 822 3885 (P) 202 822 0008 (F)

Block 5185 Lot No 0019, 0031, 0805, 0814 Zone Proposed MU-SA/PUD

COVER A-00

10/28/2017

PUBLIC ALLEY CLOSED SQUARE 5196

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

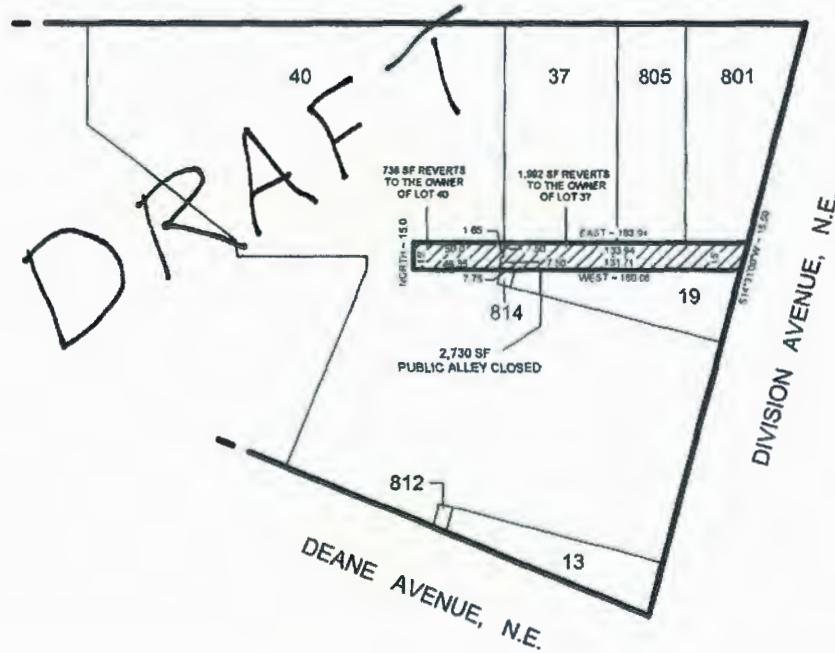
OFFICE OF THE SURVEYOR, D.C.

_____, 2017

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED

SURVEYOR, D.C.

NANNIE HELEN BURROUGHS AVENUE, N.E.



DIVISION AVENUE, N.E.

DEANE AVENUE, N.E.

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

~~Made for: HOLLAND & MIGHT~~

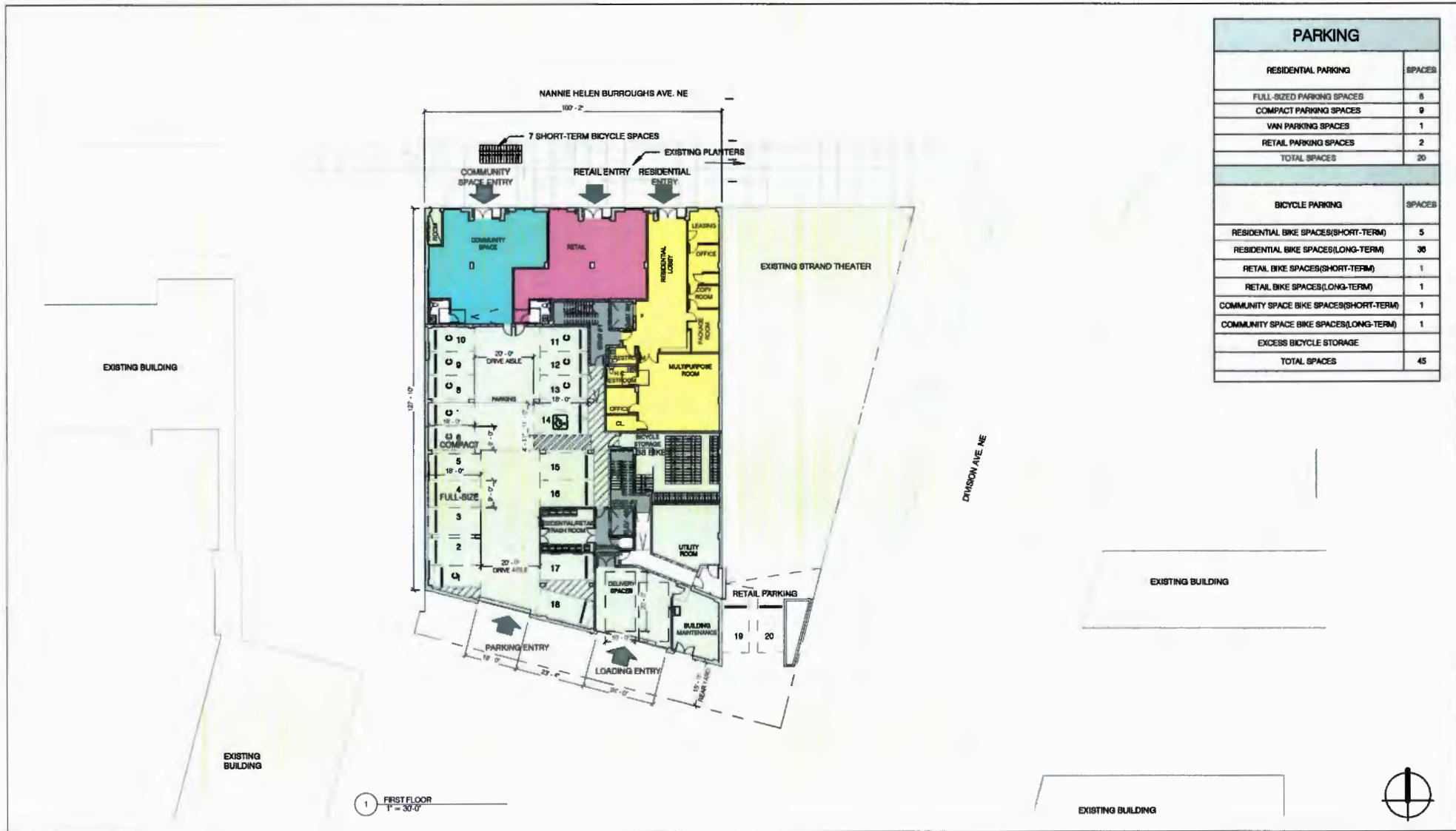
~~Drawn by: L.E.B. Checked by: _____~~

~~Record and computational by: S. W. KING~~

~~Recorded at: _____~~

~~Recorded in Book: _____ Page: SR-17-05785~~

~~Scale: 1 inch = 50 feet File No: 17-26544~~



PARKING	
RESIDENTIAL PARKING	SPACES
FULL-SIZED PARKING SPACES	8
COMPACT PARKING SPACES	9
VAN PARKING SPACES	1
RETAIL PARKING SPACES	2
TOTAL SPACES	20
BICYCLE PARKING	
RESIDENTIAL BIKE SPACES(SHORT-TERM)	5
RESIDENTIAL BIKE SPACES(LONG-TERM)	38
RETAIL BIKE SPACES(SHORT-TERM)	1
RETAIL BIKE SPACES(LONG-TERM)	1
COMMUNITY SPACE BIKE SPACES(SHORT-TERM)	1
COMMUNITY SPACE BIKE SPACES(LONG-TERM)	1
EXCESS BICYCLE STORAGE	
TOTAL SPACES	45

1 FIRST FLOOR
1" = 30'-0"

THE STRAND RESIDENCES

SITE PLAN / GROUND FLOOR PLAN | A-09

5119-5127 NANNIE HELEN BURROUGHS AVE., NE & 612 DIVISION AVE., NE, WASHINGTON DC



PGN ARCHITECTS, PLLC
210 7th Street SE - Suite 201
Washington, DC 20003
202.822.5995 (P); 202.822.0908 (F)

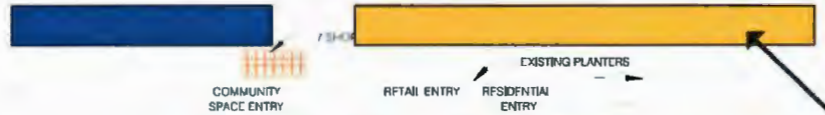
Square: 5168 Lot No: 0019, 0031, 0905, 0614 Zone: Proposed MU-SA/RUD

10/26/2017

NHB Avenue, NE

Loading Management Plan

- On-Street Parking
- No Parking



Bus Stop



EXISTING STRAND THEATER

Loading Zone
(1) 20' service/delivery space

(2) Short Term Parking Spaces

15' Relocated Alley

Trash Operations
Occurs adjacent to alley on Division Ave, NE

Adjacent Driveway



Division Avenue, NE

Entrance to Alley Parking/Loading

25' Clearance between Alley and adjacent driveway

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

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



Public Hearing
Bill No. 22-412 “Closing of
a Public Alley in Square 5196 – S.O. 17-26544”

Testimony of
Roland Dreist
Surveyor of the District of Columbia
Department of Consumer and Regulatory Affairs

Before the

Committee of the Whole

Chairman Phil Mendelson

Council of the District of Columbia

February 1, 2018
9:30 am
Room 120
John A Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

INTRODUCTION:

Good Morning Chairman Mendelson, Committee Members and staff. I am Roland Dreist, Surveyor of the District of Columbia. I appear before you today to present the Executive's testimony on Bill No. 22-412, "Closing of a Public Alley in Square 5196, S.O. 17-26544. This bill would order the closing of a public alley system in Square 5196, abutting Lots 19, 37, 805 and 814 and enters off of Division Avenue, Northeast, Washington, D.C., in Ward 7. This bill was introduced by Councilmember Vincent C. Gray.

I want to note for the record that the bill, as introduced, references S.O. 17-05785, however, the application in question has been recorded as S.O. 17-26544. The Committee corrected this in its official hearing notice and that change should also be reflected in the Committee print of the bill.

APPLICANT:

The applicant is The Warrenton Group, who is represented by Holland & Knight.

PURPOSE:

The purpose of the application is to facilitate the development of Lots 19, 37, 805 and 814 with a new mixed-used building.

DESCRIPTION:

The alley to be closed was created by the original subdivision of the square. It was recorded in County Book 21, Page 20 on May 24, 1906.

TITLE:

Title to the alley could not be determined to be held by the District of Columbia or the United States.

AREA AND ASSESSED VALUE:

The area of the portion of the alley to be closed is 2,730 square feet. The Office of Tax and Revenue has indicated that the land's market value as of January 1, 2017 which represents tax year 2018 is \$30.00 per square foot average for a total estimated value of \$81,900.00.

AGENCIES:

The Executive Branch agencies were notified of this application on July 20, 2017. The Department of Transportation has no objection to the closing, conditional on a public area access easement being created for the private alley to the south. To-date, the applicant has not responded to this condition, which may require a recorded easement. The requirement for the easement and covenant should be added to the bill. The office will depict the easement on the closing plat when we are provided the location by the applicant. The remaining Executive Branch agencies have no objections to this application.

UTILITIES:

The utility companies were notified of this application on July 20, 2017. In a letter dated July 26, 2017, Verizon objected to this application because without an easement, it would restrict access to an existing telephone plat and feeders. The applicant has not yet responded to this objection. To-date, we have not received any comments from PEPCO, or Washington Gas. Any comments will be forwarded when received.

NCPC, ANC, AND ABUTTING PROPERTY OWNERS:

Pursuant to D.C. Official Code §9-202.02(3), the National Capital Planning Commission (NCPC) was notified of this application on July 20, 2017. In a letter dated September 8, 2017, NCPC found that the proposed alley closing in Square 5196 would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interest. Pursuant to D.C. Official Code §9-202.02(5), Advisory Neighborhood Commission (ANC) 7C was notified of this application on July 20, 2017. As part of Zoning Commission Case No. 17-10 Strand Residences PUD, dated July 12, 2017, ANC 7C voted 6-0-1 in support of this project. Pursuant to D.C. Official Code §9-202.02(6), the abutting property owners were notified of this application on July 20, 2017. To-date, we have not received any comments from the property owner on Lot 40, Sargent Memorial Presbyterian Church. Any additional comments will be forwarded when received. The applicant is the owner of the other lots abutting the portion of the alley to be closed.

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

PUBLIC ALLEY CLOSED SQUARE 5196

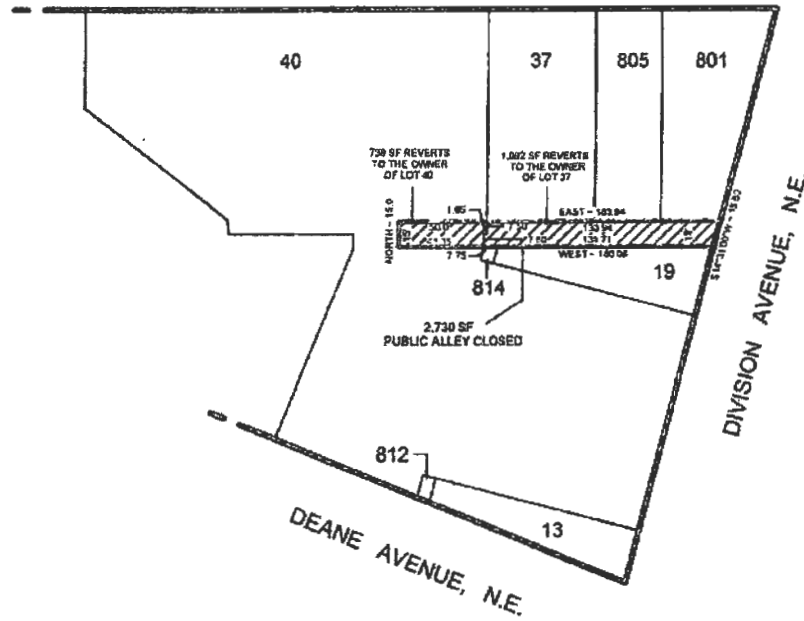
THE ALLEY SHOWN THUS  IS CLOSED AND TITLE VESTS AS SHOWN UPON RECORDATION OF THIS PLAT.

OFFICE OF THE SURVEYOR, D.C.
_____ 2017

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.

NANNIE HELEN BURROUGHS AVENUE, N.E.



SURVEYOR'S OFFICE, D.C.

Made for HOLLAND & KNIGHT
 Drawn by L.E.S. Checked by _____
 Record and computations by B. MYERS
 Recorded at _____
 Recorded in Book _____ Page _____ RR-17-02795
 Scale 1 inch = 30 feet File No. 17-28544

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: March 1, 2018

SUBJECT: Fiscal Impact Statement – Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2018

REFERENCE: Bill 22-412, Committee Print provided to the Office of Revenue Analysis on February 27, 2018

Conclusion

Funds are sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the bill.

Background

The bill authorizes the closure of a 2,730 square foot dead-end public alley¹ in Square 5196², to allow for construction of a new mixed-used development consisting of approximately 86 residential units - all of which will be reserved for households with incomes not exceeding 60 percent of the median family income. The authorization is subject to an unrestricted public alley easement for the benefit of the District, to be maintained by the property owner.

Financial Plan Impact

Funds are sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the bill. The alley closure has no impact on the District's budget or financial plan. District agencies have no objections to the closure, provided a public access easement is established. The property owner will be responsible for maintenance costs of a new public easement alley.

¹ The 2018 assessed value of the land being closed is \$81,900, but assets are not included in the District's budget and financial plan.

² Square 5196 abuts Lots 19, 37, 805, and 814, and is bounded by Nannie Helen Burroughs Avenue, N.E., and Division Avenue, N.E., in Ward 7.

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **March 6, 2018**

4
5 A BILL

6
7
8 Bill 22-412

9
10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12

13
14
15 To approve the closing of a portion of the public alley system in Square 5196, bounded by
16 Nannie Helen Burroughs Avenue, N.E., Division Avenue, N.E., Square 5195, and Square
17 5234, in Ward 7.

18
19 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this
20 act may be cited as the “Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2018”.

21 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved
22 December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-204.04), and consistent with the Street
23 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
24 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds a portion of the public alley
25 system in Square 5196, as shown on the Surveyor’s plat filed in S.O. 17-26544, is unnecessary
26 for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s
27 plat.

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

29 (1) That title to the closed portion of the public alley system be conveyed subject
30 to a non-restrictive public use easement for the benefit of the District of Columbia over the
31 surface of a portion of the closed alley, including the space above and below the alley closure
32 area, as shown on the Surveyor’s plat filed in S.O. 17-26544, which shall run with the land and

1 be recorded in the land records of the Recorder of Deeds for the District of Columbia and shall
2 include an agreement by the owner of the property encumbered by the easement to maintain the
3 easement area for public use; and

4 (2) The satisfaction of all the conditions set forth in the official file for S.O. 17-
5 26544 before the recordation of the alley-closing plat.

6 Sec. 3. Transmittal.

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

9 Sec. 4. Fiscal impact statement.

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

13 Sec. 5. Effective date.

14 This act shall take effect following approval by the Mayor (or in the event of veto by the
15 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
16 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
17 24, 1983 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
18 Columbia Register.