

**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 20, 2018

SUBJECT: Report on Bill 22-538, the “Watkins Alley Designation Act of 2018”

The Committee of the Whole, to which Bill 22-538, the “Watkins Alley Designation Act of 2018” was referred, reports favorably thereon, with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On October 31, 2017, Bill 22-538, the “Watkins Alley Designation Act of 2017” was introduced by Councilmember Allen to officially designate a portion the alley system in Square 1043, which is bounded by 13th Street S.E., 14th Street, S.E., E Street, S.E., and Pennsylvania Avenue, S.E., in Ward 6, as Watkins Alley. An official naming typically involves the designation of postal addresses and enables the placement of the primary entrance to residences or offices on the alley.

Official Naming

1309 E Street LLC is the owner and developer of five lots (Lots 142, 849, 850, 851, and 859) within Square 1043. In 2016, the Zoning Commission approved a planned unit developed (“PUD”) for the five lots. The project will include a 44-unit residential building as well as a separate one-bedroom single family townhouse. The townhouse will be built on Lot 859. Out of

the five lots at issue, Lot 859 is the only lot that does not front a street. Accordingly, Lot 859's primary and only access is from the unnamed alley system within Square 1043.

The purpose of the proposed alley designation is so that E Street LLC can obtain a building permit to construct the separate townhouse on Lot 859 in accordance with the Zoning Commission's approval. Currently, Department of Consumer and Regulatory Affairs will not issue a building permit to construct a residence without an address, and an address cannot be designated on an unnamed alley.¹

More important to the Committee, abutting neighbors have expressed support of the naming, as a result of E Street LLC's continued efforts to engage with the community over the past three years. The proposed naming pays homage to both Catherine Watkins, the District's Director of Kindergartens in the early 20th century, and the eponymous Watkins Elementary that is situated one block northwest from Square 1043. Notably, Catherine Watkins was an internationally-recognized leader in the kindergarten movement.

At its regularly scheduled and noticed meeting on October 10, 2017, ANC 6B voted unanimously to support the naming. In a letter to Councilmember Allen dated October 17, 2017, ANC 6B commented that it "supports fully naming the entire alley system because there are currently four alley lots that abut the alley – three on the east end and one on the west end."

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 § 9-204.01 *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. Specifically, the Act authorizes the Council to symbolically or officially designate or change the name of any public space in the District of Columbia, including streets and alleys.² In October 2016, the Act was amended to create a clear distinction between official and symbolic street and alley namings and to establish distinct processes and requirements for each type of naming.³

An "official name" refers to the legal designation of an alley or a street for mailing address and other purposes,⁴ whereas a symbolic name for a street or alley shall be in addition to and subordinate to any name that is an official name.⁵ An alley may only be designated with an official name when the alley provides the only access or the primary access to a residential or commercial property.⁶ Further, an official name of an alley shall contain the suffix "Alley" or "Court."⁷ A symbolic name of a street or alley shall contain only the suffix "Way" or "Plaza."⁸

¹ "No *street number* shall be assigned to a *premises* that has as its only access an unnamed street or alley. If an address is required for a *premises*, the street or alley shall first be named . . ." DCMR §12-A118.6.6.

² See D.C. Official Code § 9-204.01 *et seq.*

³ See D.C. Law 21-161, effective from Oct. 8, 2016, Published in DC Register Vol 63 and Page 12933.

⁴ D.C. Official Code § 9-201.01(5A).

⁵ D.C. Official Code § 9-204.03a(a).

⁶ D.C. Official Code § 9-204.03(a).

⁷ D.C. Official Code § 9-204.03(c).

⁸ D.C. Official Code § 9-204.03a(c).

“Watkins Alley” will be an official alley designation. Furthermore, the public alley system in Square 1043 provides the only access to Lot 859, a vacant lot within the Square.

The Act also establishes notice requirements for official designations. First, at least 15 days, but no more than 60 days prior to the scheduled public hearing, the initiator of the proposed designation shall: 1) give written notice of the date, time, and location of the hearing to each owner of property and household occupying property that abuts the alley or street, or portion thereof, proposed to be designated with an official name; and 2) post signs that indicate the date, time, and location of the Council hearing at each intersection with any other alley or street of the portion of the alley or street proposed to be designated.⁹ The initiator shall certify to the Council that the notice required has been given.¹⁰ Second, at least 30 days prior to the scheduled public hearing, the initiator shall submit a copy of the proposed legislation for review and comment to each Advisory Neighborhood Commission (“ANC”) in which the portion of the alley or street to be designated is located.¹¹ Third, at least five days prior to the hearing, the initiator shall submit to Council letters or a petition in support of the proposal that have been signed by a majority of the owners of property and households occupying property that abuts the portion of the alley or street proposed to be designated with an official name.¹²

Lastly, prior to consideration of a designation by the Council, the Mayor shall provide to the Council a surveyor’s plat of the alley or street and adjacent properties.¹³ The District Department of Transportation (“DDOT”) provided the Council with a surveyor’s plat of Square 762 at the September 20, 2017 hearing on Bill 22-538.

Regarding Bill 22-538, the notice requirements have been met by the initiator.¹⁴ Specifically, in regard to the petition requirement, the initiator, 1309 E Street LLC, obtained 24 signatures, enough to constitute a majority.

After the official street or alley designation legislation becomes law and all conditions required by the Council and the Act have been satisfied, DDOT will install signage indicating the official name of the alley or street, or portion thereof and remove signs, if any, with a previous name.¹⁵ “At least one sign bearing the previous name of the alley or street, or portion thereof, shall be transferred to the Archives of the District of Columbia.”¹⁶ The Mayor shall update relevant records of the District of Columbia to reflect the official name of an alley or street, or portion thereof, including: Fire and Emergency Medical Service records, Homeland Security and Emergency Management records, District of Columbia maps, and any other record that the District of Columbia uses for way-finding or address purposes.¹⁷ The Mayor shall also notify the United

⁹ See D.C. Official Code § 9-204.21(b).

¹⁰ D.C. Official Code § 9-204.21(e).

¹¹ D.C. Official Code § 9-204.21 (d).

¹² D.C. Official Code § 9-204.21(f). However, if the Mayor or a Councilmember introduces the designation without an initiator, then the petition requirement does not apply. D.C. Official Code § 9-204.21(i).

¹³ See D.C. Official Code § 9-204.21(g).

¹⁴ Copies of the initiator’s submitted proof of notice requirements can be found in the hearing record for Bill 22-538.

¹⁵ See D.C. Official Code § 9-204.24(a)(3). There is no previous name that the Committee is aware of.

¹⁶ *Id.* However, there are no signs of a previous name for this alley.

¹⁷ See D.C. Official Code § 9-204.24(a)(1).

States Postal Service, other relevant government agencies as determined by the Mayor, and relevant private sector entities.¹⁸ Additionally, the Surveyor of the District of Columbia shall record a copy of the legislation and the Surveyor's plat in the Office of the Surveyor.¹⁹

Officially designating the alley in Square 1043 as "Watkins Alley" will facilitate the assignment of addresses to the unnamed alley and honor the neighborhood's history. For these reasons, the Committee of the Whole recommends the approval of Bill 22-538, the "Watkins Alley Designation Act of 2017."

II. LEGISLATIVE CHRONOLOGY

- October 31, 2017 Bill 22-538, the "Watkins Alley Designation Act of 2017" is introduced by Councilmember Allen.
- November 7, 2017 Bill 22-538 is "read" at a legislative meeting and the referral to the Committee of the Whole is official.
- November 10, 2017 Notice of Intent to Act on Bill 22-538 is published in the *DC Register*.
- January 19, 2018 Notice of Public Hearing on Bill 22-538 is published in the *DC Register*.
- February 16, 2018 Revised notice of Public Hearing on Bill 22-538 is published in the *DC Register*.
- February 26, 2018 A Public Hearing is held on Bill 22-538 by the Committee of the Whole.
- November 7, 2017 The Committee of the Whole marks up Bill 22-538.

III. POSITION OF THE EXECUTIVE

Todd McIntyre, Chief of Staff, District Department of Transportation, testified on behalf of the Executive in support of the alley naming of Bill 22-538. His testimony is summarized below.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

In a letter dated October 17, 2017, ANC 6B, in which the proposed official designation is located, voted 8-0-0, in support of renaming the alley in Square 1043 as "Watkins Alley."

¹⁸ See D.C. Official Code § 9-204.24(a)(2).

¹⁹ D.C. Official Code § 9-204.24(c).

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 22-538 on Monday, February 26, 2018. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

Cary Kadlecek, Associate, Goulston & Storrs, testified in support of the “Watkins Alley” designation. As the representative of 1309 E Street LLC, the initiator for this designation, Mr. Kadlecek explained that the designation will allow the initiator to obtain an address for his vacant lot within the alley, which is necessary for him to obtain building permits to proceed with plans for development within the square. Mr. Kadlecek testified that the initiator had obtained a significant amount of community support for the designation and development over the past three years. He also expressed that this designation is urgent, as the initiator’s plans have been delayed for five months.

Todd McInyre, Chief of Staff, District Department of Transportation, testified that the Executive supports the “Watkins Alley” designation. He noted that DDOT stands ready to assist the Council and all other stakeholders with any ceremonial unveiling activities.

The Committee received letters in support of the “Watkins Alley” designation from Michael Blum, Executive Director, E Street Owner LLC. A copy of the letter is attached to this report.

VI. IMPACT ON EXISTING LAW

Bill 22-538 has no impact on existing law. D.C. Official Code § 9-204.01²⁰ authorizes the Council to designate any public space. D.C. Official Code § 9-204.03 authorizes the Council to designate an official name for an alley “where an alley provides the only access to a residential or commercial property.”²¹ Watkins Alley provides the only access to a vacant lot proposed for development within Square 1043. Additionally, “an official name of an alley shall contain the suffix Alley or Court,” such as the name proposed by Bill 22-538.²² Further, the Act provides that, with limited exception, no public space shall be named in honor of any living person or in honor of any person who has been deceased less than two years.²³ The Watkins Alley Designation is in honor of both Catherine Watkins and Watkins Elementary School; Ms. Watkins passed away over two years ago.

VII. FISCAL IMPACT

Funds are sufficient in the fiscal year 2018 through fiscal year 2019 budget and financial plan to implement the provisions of the proposed legislation. Because the cost to the District

²⁰ Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201).

²¹ D.C. Code § 9-204.03(a).

²² D.C. Code § 9-204.03(c).

²³ See D.C. Code § 9-204.05.

Department of Transportation (DDOT) is an estimated \$60 per official sign for fabrication and \$110 for installation, the cost of Bill 22-538 can be absorbed, as noted in the Fiscal Impact Statement (attached).

VIII. SECTION-BY-SECTION ANALYSIS

- Section 1 States the short title of Bill 22-538.
- Section 2 Officially designates the public alley system within Square 762, which is bounded by 2nd Street, S.E., 3rd Street, S.E., C Street, S.E., and Pennsylvania Avenue, S.E., in Ward 6, as “Lincoln Court.”
- Section 3 Directs the Council to transmit a copy of this act to the Mayor, the District Department of Transportation, and the Office of the Surveyor.
- Section 4 Adopts the Fiscal Impact Statement.
- Section 5 Establishes the effective date by stating the standard 30-day Congressional review language.

IX. COMMITTEE ACTION

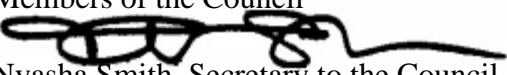
X. ATTACHMENTS

1. Bill 22-538 as introduced
2. Written Testimony and Letters
3. Letter from ANC 6B
4. Fiscal Impact Statement for Bill 22-538
5. Legal Sufficiency Determination for Bill 22-538
6. Committee Print for Bill 22-538

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 : October 31, 2017

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, October 31, 2017. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Watkins Alley Designation Act of 2017", B22-0538

INTRODUCED BY: Councilmember Allen

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

Attachment

cc: General Counsel
Budget Director
Legislative Services


Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To officially designate the alley in Square 1043 that runs east and west between the 500 blocks of 13th Street, S.E., and 14th Street, S.E., and the 1300 blocks of E Street, S.E., and Pennsylvania Avenue, S.E., in Ward 6, as Watkins Alley in recognition of both Catherine Watkins, the District's Director of Kindergartens in the early 20th century, and Watkins Elementary, which sits one block to the northwest of Square 1043.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Watkins Alley Designation Act of 2017".

Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21) ("Act"), the Council officially designates the alley in Square 1043 that runs east and west between the 500 blocks of 13th Street, S.E., and 14th Street, S.E., and the 1300 blocks of E Street, S.E., and Pennsylvania Avenue, S.E., in Ward 6, as "Watkins Alley".

Sec. 3. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Mayor, the District Department of Transportation, and the Office of the Surveyor.

Sec. 4. Fiscal impact statement.

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

38 Sec. 5. Effective date.

39 This act shall take effect following approval by the Mayor (or in the event of veto by the
40 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
41 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
42 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
43 Columbia Register.

Bill No. 22-538
Applicant's Testimony

Good afternoon, members of the committee. I am Cary Kadlecek from the law firm of Goulston & Storrs representing 1309 E Street LLC, the owner and developer of Lots 142, 849, 850, 851, and 859 in Square 1043 and the applicant for the proposed public alley designation in bill number 22-538.

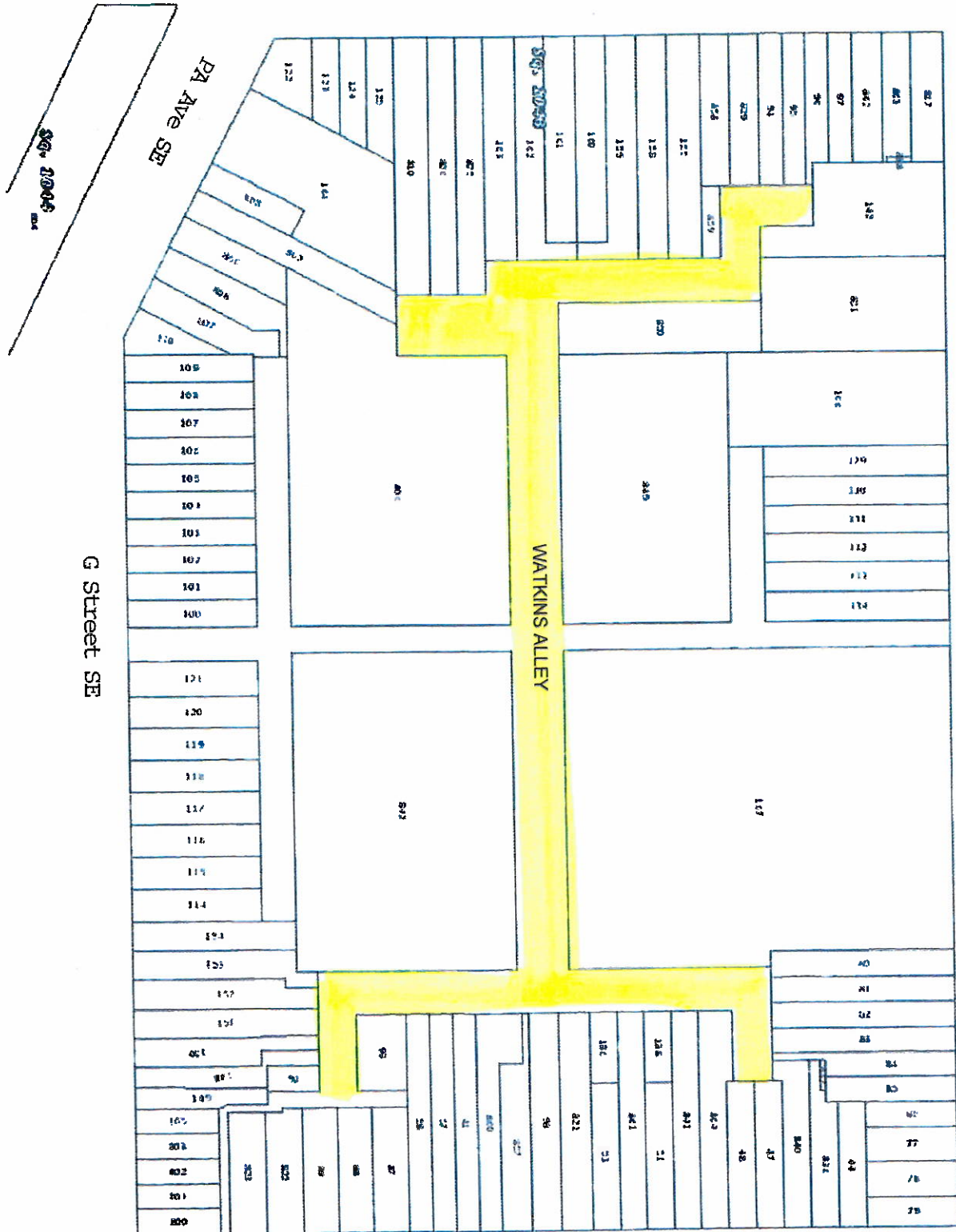
In 2016, the Zoning Commission approved a planned unit development for the previously-mentioned lots. The project will include a 44-unit residential building as well as a separate one-bedroom single family townhouse across the alley from the rest of the project on Lot 859, which is an alley lot on an unnamed alley. This two story townhouse is shown on the site plan and denoted as a two story carriage house.

The purpose of the proposed alley naming is so that the applicant can obtain a building permit to construct the separate townhouse in accordance with the Zoning Commission's approval. Pursuant section 118 of the D.C. Construction Codes, Title 12A of the D.C. Municipal Regulations, an alley lot cannot be assigned an address unless it on a named alley. Without an address, a building permit cannot be issued for a project. Accordingly, the applicant began the process of naming a portion of the alley system in the square in August 2017.

The proposed alley naming application satisfies the criteria set forth in D.C. Code § 9-204.2, and all required documentation has been filed in the record. Therefore, we request that the Committee recommend that the Council approve the naming of a portion of the alley system in Square 1043 to "Watkins Alley."

Without a named alley, the applicant has been prevented from even filing an application for a building permit, so this portion of the project has been delayed for more than five months; this matter is urgent. Accordingly, we request that the Committee recommend and the Council approve the proposed alley naming as an emergency so that the applicant may immediately proceed with filing for a building permit.

13th Street SE



E Street SE

G Street SE

14th Street SE

13TH STREET



GIS Designs
ARCHITECTURE

Site Plan

1311 E Street, SE Washington DC 20003

20 June 2016

A . 18

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on
Bill 22-538, the “Watkins Alley Designation Act of 2017”

Testimony of
Todd McIntyre

Chief of Staff
Office of the Director
District Department of Transportation

Before the

Committee of the Whole

Council of the District of Columbia

Monday, February 26, 2017
11:30 a.m.
Hearing Room 123
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good morning Chairman Mendelson, members of the Council, staff, and District residents. My name is Todd McIntyre, and I am Chief of Staff at the District Department of Transportation, commonly referred to as DDOT. I am here today to present testimony on behalf of Mayor Muriel Bowser and DDOT Director Jeff Marootian regarding Bill 22-538, the “Watkins Alley Designation Act of 2017.”

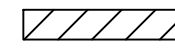
The stated purpose of Bill 22-538 is to officially designate the alley located between the 500 blocks of 13th Street SE and 14th Street SE, and the 1300 blocks of E Street SE and Pennsylvania Avenue SE in Ward 6 as *Watkins Alley*. As per the requirements of DC Act 21-489, Section 421(g), I have attached to this testimony a copy of the surveyor’s plat showing the public alley in square 1043.

In fiscal terms, the cost of each installed sign for this designation is approximately \$170 (\$60 for sign fabrication and \$110 for sign installation). This installation will require two signs. DDOT is able to absorb the costs of these signs within its current budget and does not foresee any operational impact this designation would have on the District’s transportation network.

Therefore, the Administration has no objection to this designation, and DDOT stands ready to assist the Council and all other stakeholders with any ceremonial unveiling activities that may materialize as a result of this Bill being passed.

This concludes my testimony. Thank you for allowing me the opportunity to testify before you today. I am available to answer any questions that you may have.

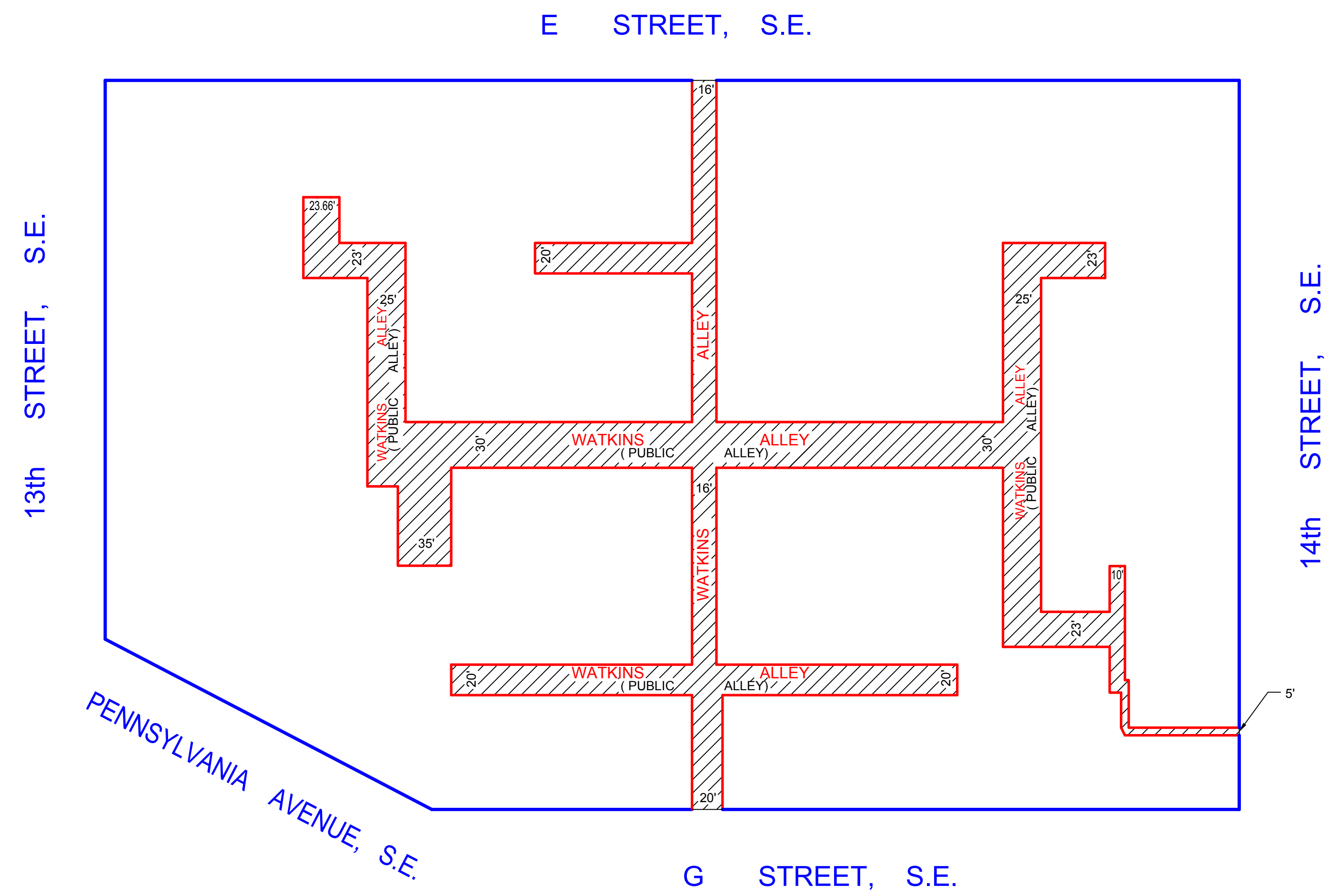
NAMING OF A PUBLIC ALLEY SQUARE 1043

PURSUANT TO D.C. LAW _____ EFFECTIVE _____,
THE ALLEY SHOWN THUS:  IS HEREBY DESIGNATED AS
"WATKINS ALLEY".

OFFICE OF THE SURVEYOR, D.C.
_____, 2017

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.



SURVEYOR'S OFFICE, D.C.	
Made for:	DDOT
Drawn by:	A.S. Checked by: _____
Record and computations by:	B. MYERS
Recorded at:	_____
Recorded in Book _____ Page _____	SR-17-0000
Scale: 1 inch = 60 feet	File No. 17-11111

E STREET OWNER LLC
4601 N. Fairfax Drive, Suite 1150
Arlington, VA 22203
703-442-4926

February 13, 2018

Sydney Hawthorne
Legislative Counsel
Committee of the Whole, Chairman Phil Mendelson
Council of District of Columbia
1350 Pennsylvania Avenue, NW
Suite 410
Washington DC 20004

Re: Bill No. 22-538
Watkins Alley Designation

Dear Ms. Hawthorne:

We write in support of Bill No. 22-538. As the owners of the parcel at Square 1043, Lot 187 adjacent to this alley, we believe it is appropriate to name the alley in recognition of Catherine Watkins and the nearby Watkins Elementary school, and to celebrate the important role that alleys play architecturally and in the community fabric of Capitol Hill.

Please let us know should we be able to be of any assistance to you.

Regards,



Michael Blum
Executive Director

ANC 6B

Capitol Hill / Southeast

October 17, 2017

921 Pennsylvania Avenue
SE
Washington, DC 20003-2141
6B@anc.dc.gov

The Honorable Charles Allen
Ward 6 Councilmember
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 110
Washington DC 20004

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SMD 08 Chander Jayaraman

SMD 09 Daniel Ridge

SMD 10 Denise Krepp

VIA EMAIL: callen@dccouncil.us

RE: Naming of Alley in Square 1043

Dear Councilmember Allen:

At its regularly scheduled, properly noticed meeting on October 10, 2017, with a quorum present, Advisory Neighborhood Commission 6B voted 8-0-0 to send this letter of support for the naming of the east/west alley in Square 1043 as “Watkins Alley.”

The alley is bounded by 13th Street SE (west) & 14th Street SE (east) and E Street SE (north) & G Street SE (south). The proposed naming includes all sections of the east-west alley interior to this block, including the north/south spurs on either end of the alley.

The proposed naming pays homage to both Catherine Watkins, the District’s Director of Kindergartens in the early 20th century, and the eponymous Watkins Elementary, which sits one block to the northwest of the square in question. Catherine Watkins became an internationally-recognized leader in the kindergarten movement, and she and the school are a fitting basis on which to name this alley system. One of the proposed redevelopment projects on this square shares the name “Watkins Alley,” based on the same historical precedent. The ANC supports fully naming the entire alley system because there are currently four alley lots that abut the alley—three on the east end and one on the west end.

If you need more information on this request, please contact Commissioner Kirsten Oldenburg, Kirsten6b04@anc6b.org or 202-546-8542.

Respectfully,



Chander Jayaraman
Chairman ANC 6B

cc: DCRA Director Melinda Bolling
Sean Ruppert

7 A BILL
8

9
10 22-538
11

12
13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
14
15 _____
16

17 To officially designate the entire portion of the public alley system within Square 1043, bounded
18 by 13th Street, S.E., Pennsylvania Avenue, S.E., G Street, S.E., 14th Street, S.E., and E
19 Street, S.E., in Ward 6, as Watkins Alley.

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the “Watkins Alley Designation Act of 2018”.

22 Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and
23 Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official
24 Code §§ 9-204.01, 9-204.03, and 9-204.21), the Council officially designates the entire portion
25 of the public alley system within Square 1043, which is bounded by 13th Street, S.E,
26 Pennsylvania Avenue, S.E., G Street, S.E., 14th Street, S.E., and E Street, S.E., in Ward 6, as
27 “Watkins Alley”.

28 Sec. 3. Transmittal.

29 The Council shall transmit a copy of this act, upon its effective date, to the Mayor, the
30 District Department of Transportation, and the Office of the Surveyor.

31 Sec. 4. Fiscal impact statement.

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

35 Sec. 5. Effective date.

36 This act shall take effect following approval by the Mayor (or in the event of veto by the
37 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
38 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
39 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
40 Columbia Register.

41